

A regular meeting of the Carrboro Board of Aldermen was held on July 21, 1987 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Tom Gurganus
	Hilliard Caldwell
	John Boone
	Zona Norwood
	Judith Wegner (arrived at 7:35 p.m.)
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:
Alderman Randy Marshall

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE MINUTES OF JULY 7, 1987 BE APPROVED. VOTE: AFFIRMATIVE ALL

RESOLUTION OF APPRECIATION/COMMUNITY GARDEN CLUB

The following resolution was introduced by Alderman Tom Gurganus and duly seconded by Alderman John Boone.

A RESOLUTION EXPRESSING THE TOWN OF CARRBORO'S
APPRECIATION TO THE COMMUNITY GARDEN CLUB
FOR ITS DONATION OF TIME, SKILL AND MATERIALS IN
THE DESIGN AND INSTALLATION OF PLANTERS
AT THE CORNER OF ROBERSON AND MAIN STREETS
Resolution No. 3/87-88

WHEREAS, the Community Garden Club has generously donated to the Town of Carrboro its time, skill and materials in the design and installation of planters at the corner of Roberson and Main Streets; and

WHEREAS, this donation has aided in the beautification of the Town.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the Community Garden Club for their generous donation to the Town.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy thereof shall be delivered to the Community Garden Club.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of July, 1987:

Ayes: Tom Gurganus, Hilliard Caldwell, James V. Porto, Jr.,

John Boone, Zona Norwood

Noes: None

Absent or Excused: Randy Marshall, Judith Wegner

(Alderman Wegner arrived at the meeting)

RESOLUTION OF APPRECIATION/GARDEN CLUB COUNCIL OF CHAPEL HILL-CARRBORO

The following resolution was introduced by Alderman Zona Norwood and duly seconded by Alderman Tom Gurganus.

A RESOLUTION EXPRESSING THE TOWN OF CARRBORO'S APPRECIATION TO THE GARDEN CLUB COUNCIL OF CHAPEL HILL-CARRBORO FOR DONATING TO THE TOWN \$100.00
Resolution No. 4/87-88

WHEREAS, the Garden Club Council of Chapel Hill - Carrboro has generously donated to the Town of Carrboro \$100.00 to aid in the beautification of Carrboro; and

WHEREAS, these funds have been specifically earmarked for permanent plantings at the entryway sign location on Highway 54 West.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to the Garden Club Council of Chapel Hill - Carrboro for their generous donation to the Town.

Section 2. This resolution shall be spread upon the official minutes of the Board of Aldermen and a copy thereof shall be delivered to the Garden Club Council of Chapel Hill - Carrboro.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of July, 1987:

Ayes: Tom Gurganus, Hilliard Caldwell, James V. Porto, Jr., John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: Randy Marshall

REQUESTS TO SET PUBLIC HEARINGS

(1) Land Use Ordinance Text Amendment/Nonsubstantive Changes

The Board of Aldermen at its meeting of July 7, 1987, set a public hearing for July 21st on proposed amendments to the Land Use Ordinance stipulating that any Ordinance correction which could be made administratively must not change the meaning of the Land Use Ordinance, and that all such corrections as are made be documented to the Board of Aldermen. Because The Chapel Hill Newspaper failed to run the necessary advertisement for this hearing, the administration requested that the public hearing be reset for September 1, 1987.

(2) Assessment Roll for Crest Street Paving Project

The paving of Crest Street has been completed and the final cost of the improvement has been determined. The administration recommended adoption of a resolution declaring the costs of this project, ordering the preparation of a preliminary assessment roll, and setting a public hearing on the assessment roll for September 1, 1987.

(3) Voluntary Annexation Request/Ramsgate

Chapel Hill Income Partnership has submitted a petition requesting the annexation of the Ramsgate Apartment complex. This property, which contains 12.96 acres and 188 apartment units, is contiguous to the Town of Carrboro and is located at the corner of Highway 54 Bypass and West Poplar Avenue.

The administration recommended that the Board of Aldermen accept the petition for annexation and adopt a resolution setting a public hearing for September 1, 1987.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE REQUESTED PUBLIC HEARINGS BE SET. VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman John Boone.

A RESOLUTION DECLARING THE COSTS OF THE CREST STREET IMPROVEMENT PROJECT, ORDERING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL AND SETTING A PUBLIC HEARING ON SUCH ASSESSMENT ROLL
Resolution No. 5/87-88

WHEREAS, the town received a petition requesting that Crest Street, between Pleasant Drive and an alley off of Hillview Street be improved in the following manner: paved; and

WHEREAS, the Town Clerk certified to this Board that said petition was sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved, who own at least a majority of lineal feet of frontage on the street to be improved; and

WHEREAS, this Board adopted a resolution on the 24th day of June, 1986, directing that this project be undertaken, and the project has been completed in accordance with that resolution.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The cost of the above-described improvement, exclusive of so much of the total cost as was incurred at street intersections, has been computed and is hereby declared to be \$11,192.16.

Section 2. The town clerk is hereby directed to prepare a preliminary assessment roll in accordance with G.S. 160A-227, showing the individual assessments upon properties benefited by the improvement. The assessment roll shall be made available for public inspection in the town clerk's office at least ten days before the date of the public hearing set forth below and shall remain so available until after the public hearing.

Section 3. The Board of Aldermen will hold a public hearing on the assessment roll on the 1st day of September, 1987 at 7:30 p.m. in the Town Hall, Carrboro, North Carolina for the purpose of hearing all interested persons who appear.

Section 4. A notice of the completion of the preliminary

assessment roll, setting forth in general terms a description of the project, noting the availability of the assessment roll in the clerk's office and stating the time and place for a hearing on such assessment roll shall be published by the town clerk in the Chapel Hill Newspaper at least ten days before the date set for the public hearing.

Section 5. Not later than ten days before the date set for the public hearing, the town clerk shall also send by certified mail a notice of the public hearing on the preliminary assessment resolution shall state the date, time and place of the hearing, note the availability of the preliminary assessment resolution for inspection in the clerk's office, and state the amount of the assessment against the property owner as shown on such assessment roll. The clerk shall file with the Board a certificate stating that the notices were mailed in accordance with this section.

The foregoing resolution having been submitted to a vote, received the following vote, was duly adopted this 21st day of July, 1987:

Ayes: Tom Gurganus, Hilliard Caldwell, John Boone, James V. Porto, Jr., Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: Randy Marshall

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman John Boone.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
RAMSGATE APARTMENTS
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 6/87-88

WHEREAS, the Town of Carrboro has received petitions their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31;

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen shall hold a public hearing on September 1, 1987 to consider the voluntary annexation of Ramsgate Apartments.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in The Chapel Hill Newspaper at least ten days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 21st day of July, 1987:

Ayes: Tom Gurganus, Hilliard Caldwell, James V. Porto, Jr., John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: Randy Marshall

PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/SUBDIVISION APPROVAL

This was a public hearing to receive citizen comments on proposed amendments to the Land Use Ordinance dealing with approval of minor subdivisions.

Mike Brough explained a proposed amendment to the Land Use Ordinance which would authorize the Board of Adjustment to approve major subdivisions containing between five and twelve lots. In addition, the ordinance raises the number of lots that may be approved through the minor subdivision process from three units to four units.

App Weeks, the town's senior planner, stated that the Planning Board recommended approval of the proposed amendments.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT THE PUBLIC HEARING BE CLOSED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY ZONA NORWOOD THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO INCREASE THE NUMBER OF LOTS THAT MAY BE APPROVED THROUGH THE MINOR SUBDIVISION PROCESS FROM THREE TO FOUR AND TO PROVIDE THAT THE BOARD OF ADJUSTMENT MAY APPROVE SUBDIVISIONS CONTAINING FIVE TO TWELVE LOTS," BE ADOPTED. VOTE: AFFIRMATIVE ALL

QUARTERLY REPORT/RECREATION & PARKS COMMISSION

Doris Murrell, Chair of the Recreation & Parks Commission, presented a report on the activities of that Commission during the past quarter. Ms. Murrell stated that the Commission had reviewed actions regarding Orange County Municipal Support funding, had developed a list of facilities for a future community center, and had been discussing the use of the Town Hall Ballfield. Ms. Murrell stated that the Commission requested the Board of Aldermen form an Architectural Design Task Force to consist of 3 members of the Parks & Recreation Commission, 2 members of the Farmer's Market Board of Directors and 1 member of the Downtown Development Commission to develop a site plan for the Town Hall Ballfield to include a farmer's market and bandstand/gazebo. Ms. Murrell stated that the July 4th Celebration was very successful.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY HILLIARD CALDWELL THAT AN ARCHITECTURAL DESIGN TASK FORCE BE FORMED TO DEVELOP A SITE PLAN FOR THE TOWN HALL BALLFIELD TO INCLUDE A FARMER'S MARKET AND BANDSTAND/GAZEBO. VOTE: AFFIRMATIVE ALL

QUARTERLY REPORT/APPEARANCE COMMISSION

Dan Leonard, Chair of the Appearance Commission, presented a report on the activities of that Commission during the past quarter. Mr. Leonard stated that the Commission had reviewed several projects during the past quarter including, Amberly, Fair Oaks, Phase 2, Village Craftsmen's expansion, and Village Self-Storage's expansion. Mr. Leonard stated that the Commission had also worked on commendation certificates for outstanding work in appearance, and are continuing to work on additional planting areas in the downtown. Mr. Leonard thanked the Olympic Festival Task Force and the Public Works Department for their assistance in installing the Olympic Festival flags and plantings in the downtown.

REQUEST FOR CONDITIONAL USE PERMIT MODIFICATION/CHESWICK (FORMERLY OAKBRIDGE)

Helen Waldrop, the town's zoning administrator, stated that

Dennis Howell had applied for a conditional use permit modification for Cheswick (formerly Oakbridge) located on High Street. The Board of Aldermen issued the conditional use permit on September 11, 1984 and an extension on September 2, 1986. This permit will expire on September 11, 1987. The permit allows the construction of 14 single-family dwelling units in an architecturally integrated subdivision. Ms. Waldrop stated that the applicant had requested that Conditions #3,4,8 and 10 be removed from the conditional use permit which was issued for this development on 9/24/84, and that a landscape buffer had been proposed in place of the fencing which was required as a condition of the original permit. Ms. Waldrop stated that the applicant was also requesting an extension of the conditional use permit.

Ms. Waldrop stated that the administration recommended approval of the conditional use permit modification with the following conditions:

1. That landscaping in the right-of-way that is to be dedicated to the town consist of easy to maintain trees that will provide ample screening to adjoining property owners and that the town's horticulturist approve those trees.
2. That landscape easement documents be submitted to the town attorney for approval prior to issuance of the conditional use permit.
3. That Condition #10 of the conditional use permit dated 9/24/84 be reworded as follows: "The fence along the Neville property line shall be six feet in height and constructed of chain link. If a different fencing/screening material is requested by adjoining property owners, the developer may request minor modification approval from the Zoning Administrator."
4. That with the permission of the property owner (Tax Map 103, Block A, Lot 14), the drainage swale on the east side of the property be regraded to accommodate flow and that the existing pipe be replaced with a 24" RCP which would be consistent with the existing twin 24" RCP pipe under Hillsborough Road (State Road 1009).
5. That the existing pedestrian 20 foot easement must be maintained by the applicant.

Ann Weeks, the town's senior planner, stated that the Planning Board recommended approval of the modification request with the staff recommendations, subject to a change in wording of staff recommendation #2 to read as follows: "That landscape easement documents be submitted to the town attorney for approval prior to issuance of the building or grading permit; whichever is required first."

Mayor Porto stated that the Transportation Advisory Board recommended approval of the modification request with the following conditions:

1. That in accordance with the Carrboro Fire Chief, a hydrant be added at the end of the proposed cul-de-sac.
2. That landscaping be deleted from any street right-of-way to be dedicated to the town.
3. That landscape easement documents be submitted to the town attorney for approval prior to issuance of the conditional use permit.

Mayor Porto stated that the Appearance Commission recommended approval of the modification request with the following conditions:

1. That fencing indicated in Condition #10 of the conditional use permit be replaced by landscape materials as indicated on the proposed site plan.
2. That the selection of landscape materials in the road right-of-way be coordinated with the town Landscaping and Grounds Supervisor.
3. That determination of the type screening materials be made prior to issuance of building permits.
4. That signage for the subdivision be constructed of wood with routed letters.

Greg Shepard, representing the developer, requested that if the Board wished to delay action on this matter, that it be placed on the Board's July 28th meeting agenda.

William Smith requested that drainage be looked at and that as many existing trees as possible be retained. Mr. Smith suggested that the pedestrian easement be located in the direction of Carrboro Elementary School.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT ACTION ON THIS REQUEST BE DEFERRED UNTIL JULY 28, 1987. VOTE: AFFIRMATIVE ALL

The Board requested that the following information be prepared for the July 28th meeting: a) additional information on the Hillsborough Road drainage situation; b) information on the drainage situation on adjacent properties, i.e., installation of pipe versus swale on the Eliadis property; c) investigate the low area in the vicinity of Lot 108 (the Neville property); d) investigate the suggestion about allowing clearing of trees for proposed building sites and 10-foot perimeter; and e) review possible means of maintenance of the pedestrian path.

REQUEST FROM ALERT CABLE TO APPROVE TRANSACTIONS INVOLVING CONTROL OF BT CABLE

Doug Keel, Manager of Alert Cable T.V., requested that the Board of Aldermen adopt a resolution granting municipal approval to the acquisition of 50% of the stock of BT Cable by TFBA SUB, Ltd. and to the consolidation of intermediate subsidiaries of BT Cable.

It was noted that the Cable T.V. Committee had reviewed the request and recommended Alert Cable's request.

The following resolution was introduced by Alderman Judith Wegner and duly seconded by Alderman John Boone.

A RESOLUTION GRANTING MUNICIPAL APPROVAL
TO THE ACQUISITION OF 50% OF THE STOCK
OF BT CABLE, INC. BY TFBA SUB, LTD.
AND TO THE CONSOLIDATION OF
INTERMEDIATE SUBSIDIARIES OF BT CABLE, INC.
Resolution No. 7/87-88

WHEREAS, Alert Cable T.V. of North Carolina, Inc., an indirect wholly owned subsidiary of BT Cable, Inc., is a cable television franchisee in the Town of Carrboro; and

WHEREAS, BT Cable, Inc. is presently controlled 50% by Taft Broadcasting Company and 50% by the Robert M. Bass Group; and

WHEREAS, after TFBA Limited Partnership acquires by merger Taft Broadcasting Company, TFBA will sell Taft's BT Cable, Inc. stock to a newly formed partnership controlled by Bass, all as set forth in the letter application dated June 19, 1987 (Attachment A); and

WHEREAS, subsequent to the foregoing transaction, BT Cable, Inc. may desire to restructure its corporate organization by consolidating its intermediate subsidiaries; and

WHEREAS, approval has been requested as to the foregoing transactions.

NOW, THEREFORE, BE IT RESOLVED that the Town of Carrboro hereby grants its approval, as requested and conditioned upon FCC approval, of the acquisition of 50% of the voting stock of BT Cable, Inc. by TFBA Sub, Ltd. and to the consolidation of BT Cable, Inc.'s intermediate subsidiaries, all as set forth in the attached letter application dated June 19, 1987 (Attachment A)

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 21st day of July, 1987:

Ayes: Tom Gurganus, Hilliard Caldwell, James V. Porto, Jr., John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: Randy Marshall

CERTIFICATION OF FIRE DEPARTMENT ROSTER

Chief Swiger stated that each year by July 31st, the governing board is required to certify a roster of the fire department members who have completed at least 36 hours of meetings and drills during the last fiscal years.

Chief Swiger stated that the administration recommended that the Board certify the attached roster and authorize the Mayor to sign the certification.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE ROSTER BE CERTIFIED AND THAT THE MAYOR BE AUTHORIZED TO SIGN THE CERTIFICATION. VOTE: AFFIRMATIVE ALL

ORDINANCE AMENDING CHAPTER 12 OF TOWN CODE/NFPA NATIONAL FIRE CODES

Chief Swiger stated that the National Fire Protection Association has issued a new edition of its National Fire Codes. Section 12-11 of the Town Code currently adopts by reference the previous 1981 edition, and the code therefore needs to be amended to adopt by reference the 1987 edition. Chief Swiger stated that the administration recommended adoption of an ordinance adopting by reference the 1987 edition of the National Fire Codes.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY TOM GURGANUS THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 12 OF THE TOWN CODE TO ADOPT BY REFERENCE THE 1987 EDITION OF THE NFPA NATIONAL FIRE CODES," BE ADOPTED. VOTE: AFFIRMATIVE ALL

CONTRACT WITH ORANGE COUNTY FOR INSPECTION SERVICES

To date the Town has been unsuccessful in its efforts to employ a chief building inspector. In order to provide an acceptable level of building inspection and code enforcement service, it would be beneficial to secure temporary electrical and supervisory inspection services. The Town has been offered this service by Orange County.

In order to secure these services, a contract has been

drafted for consideration.

(Action on this matter was deferred to July 28, 1987.)

There being no further business, the meeting was adjourned.

Stuart C. Williamson
Town Clerk

J. P. [Signature]
Mayor