

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 13, 1996 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Hank Anderson
	Jay Bryan
	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Alex Zaffron
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO APPROVE THE MINUTES OF JUNE 25 and 27, 1996. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION OF RIDGE HAVEN TOWNHOMES

Gary Buck, representing the Ridge Haven Townhomes development, submitted a petition for annexation on July 25, 1996. The petition for annexation requests that 10.37 acres located at 101 Rock Haven Road be annexed in the town. The 10.37 acres to be annexed is contiguous to the Town of Carrboro and will have 45 dwelling units. The administration recommended that the Board of Aldermen adopt a resolution which sets a public hearing date for August 27, 1996.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hank Anderson .

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
RIDGE HAVEN TOWNHOMES
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 01/96-97

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Ridge Haven Townhomes requesting that their property be annexed to 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 hereby accepts this petition and shall hold a public hearing on August 27, 1996 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) 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 13th day of August, 1996:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

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REQUEST TO SET PUBLIC HEARINGS/COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

The purpose of this item was to request that the Board of Aldermen set two public hearings for the 1996-97 Community Development Block Grant process. The administration requested that public hearings be set for August 27 and September 10, 1996.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO SET PUBLIC HEARINGS FOR AUGUST 27 AND SEPTEMBER 10, 1996. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/CARRBORO THOROUGHFARE PLAN

The Town of Carrboro annually adopts a list of transportation projects that are to be included within the N.C. Department of Transportation's Transportation Improvement Program (TIP). These projects were initially a part of the Chapel Hill-Carrboro Thoroughfare Plan of 1985 and the Durham-Chapel Hill-Carrboro Thoroughfare Plan of 1991. The purpose of this agenda item was for the Board of Aldermen to set a public hearing for August 27, 1996 to amend the Durham-Chapel Hill-Carrboro Thoroughfare Plan for the inclusion of the Old NC 86/Homestead Road Connector.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY ALEX ZAFFRON TO SET A PUBLIC HEARING FOR AUGUST 27, 1996. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO OWASA BOARD OF DIRECTORS

Frank Hamill's term on the OWASA Board of Directors expired on June 30, 1996. Mr. Hamill has expressed his desire to be re-appointed. The Board of Aldermen was requested to consider re-appointing Mr. Hamill for a three-year term on the OWASA Board of Directors.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO RE-APPOINT FRANK HAMILL TO THE OWASA BOARD OF DIRECTORS. VOTE: AFFIRMATIVE ALL

A RESOLUTION EXPRESSING THE TOWN OF CARRBORO'S APPRECIATION TO THE INTERNS AND JOB COACH OF THE ARC OF ORANGE COUNTY'S SUMMER INTERNSHIP PROGRAM

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Hilliard Caldwell .

A RESOLUTION EXPRESSING THE TOWN OF CARRBORO'S APPRECIATION
TO THE INTERNS AND JOB COACH OF THE ARC OF ORANGE COUNTY'S
SUMMER INTERNSHIP PROGRAM

Resolution No. 4/96-97

WHEREAS, Tim Penland, Lisa Marion, Emily Russell, Brandon Topps and Gina Miller, summer interns, and Brian Rushing, job coach, diligently provided quality assistance to the Public Works Department during the summer of 1996; and

WHEREAS, these individuals provided essential landscaping job functions which were beneficial to maintaining the beauty of the town's parks and bikeways.

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 individuals previously listed for their exemplary service to the Public Works Department.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to those individuals previously listed.

Section 3. This resolution shall become effective upon adoption.

with representatives from the Orange County Board of Commissioners to discuss potential alternatives to reimbursement of the school impact fees for this project. The Board requested a report from this subcommittee within 45 days with an interim report before that time.

REQUEST FOR BONDING/MCDOUGLE ELEMENTARY SCHOOL

Roy Williford, Planning Director, stated that the Chapel Hill-Carrboro City Board of Education requested that it be allowed to bond for incomplete site work which the general contractor is not certain will be completed before the first day of classes on Tuesday, August 20, 1996. The Land Use Ordinance states that only the Board of Aldermen may allow a non-residential project to bond for incomplete site work and to occupy a structure or begin the intended use, prior to completion of the site work. The administration recommended that the Board allow the Board of Education to bond for the following incomplete site work:

Concrete curb and gutter at Old Fayetteville Road and the bus loop, asphalt paving and striping of the road widening of Old Fayetteville Road, the bus loop and the teachers parking lot (\$60,000).

Fine grading, seeding and strawing of the large detention basin, the adjacent shallow detention basin, and the surrounding area including the berm along the northern property line, as well as all landscaping shown on the approved construction plans (\$16,800).

Drainage improvements across the Brockwell property, including grading, fabric lining and rip rap for the ditch and stabilization of the disturbed areas and easement (\$4,500).

Miscellaneous concrete sidewalks, including the sidewalk from the student commons to the bus loop (\$2,400).

Completion of the installation of the metal roofing at the bus loop canopy (\$1,728).

Extension of the storm drainage system from the western detention basis to tie into the existing storm water system along Old Fayetteville Road, as well as removal of the silt fencing after the disturbed areas are stabilized (\$4,800).

The total for these items is \$90,228, plus a 20% contingency of \$18,045 for a total amount to be bonded of \$108,273.60, plus cost of Brockwell easement.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY JAY BRYAN TO ALLOW THE BOARD OF EDUCATION TO BOND FOR THE INCOMPLETE ITEMS LISTED ABOVE IN THE AMOUNT OF \$108,273.60, IN ADDITION TO THE COST OF BROCKWELL EASEMENT IF THAT EASEMENT HAS NOT BEEN OBTAINED PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. VOTE: AFFIRMATIVE ALL

LEASE AGREEMENT WITH GEARON & COMPANY/TOWN HALL TOWER

Gearon & Company has approached the Town on behalf of Bell South to replace and relocate the Town's communication tower in order to allow them to lease space for their PCS system. The Board will consider adoption of a resolution authorizing the Town Manager to enter into a "Co-Location Option and License Agreement" with Gearon & Company.

King Branard stated that Gearon and Company would not have the right to terminate the lease.

The Board requested that Page 2 under section 4 of the agreement be amended to delete the last sentence which reads: "Any sale, subdivision, or change in the status of the zoning of the Licensed Premises or the Tower shall be subject to LICENSEE's rights under this Agreement."

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Alex Zaffron.

A RESOLUTION AUTHORIZING THE TOWN OF CARRBORO
TO ENTER INTO A TOWER LEASE LICENSING AGREEMENT
WITH GEARON & COMPANY
Resolution No. 2/96-97

WHEREAS, Gearon & Company has expressed a desire to remove the Town's existing telecommunications tower, construct a new tower, and donate that tower to the Town's and

WHEREAS, the Town wishes to lease space on the new tower to Gearon & Company and other parties.

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

Section 1. That the Board of Aldermen hereby authorizes the Town Manager to enter into a "Co-Location Option and License Agreement" with Gearon & Company, a copy of which is attached to this resolution.

Section 2. 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 13th day of August, 1996:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee,

Noes: Jacquelyn Gist, Jay Bryan

Absent or Excused: None

FUNDING REQUEST/EMPOWERMENT, INC.

The Board of Aldermen considered a request from Empowerment, Inc. for \$10,000 to assist in the acquisition of Merritt Mill Square.

Miles Preslar presented a five-year pro forma for Merritt Mill Square. Mr. Preslar requested that the Town of Carrboro contribute \$10,000 toward this project to preserve 10 low-income housing units.

Alderman Gist suggested that Empowerment use construction wastes and that the contractor employ the occupants of Merritt Mill Square to make the improvements to the building.

Alderman Anderson suggested that Empowerment contact residents surrounding this area let them know what they are planning to do.

Mr. Preslar stated that they are in the process of establishing a Board of Directors consisting of 12 members.

Alderman Bryan requested that a deed of trust be made indicating that if the corporation were to dissolve, the Town of Carrboro would receive its \$10,000 back.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO TENTATIVE APPROVE THE REQUEST PENDING REVIEW BY THE DOWNTOWN DEVELOPMENT COMMISSION AND TOWN STAFF. VOTE: AFFIRMATIVE ALL

REVIEW OF FCC-1240 FILING/ANNUAL UPDATING MAXIMUM PERMITTED RATES FILING BY TIME WARNER CABLE (CVI)

Time Warner Cable (CVI) submitted form FCC-1240 to the Town of Carrboro. The Town has to review basic service tier rates and cable programming tier rates. The purpose of this item is to review Form FCC-1240 and the Town Consultant's report, accept public comment, and adopt the order which states the town's findings.

Mitchell Virchick asked whether the improvements to the infrastructure would allow Time Warner to offer local telephone service through the cable.

Willis Smith stated that the technology is out there.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE MAYOR TO SIGN THE RATE ORDER. VOTE: AFFIRMATIVE TWO, NEGATIVE FOUR (GIST, ZAFFRON, MCDUFFEE, BRYAN)

REVIEW OF FCC-1240 FILING/ANNUAL UPDATING MAXIMUM PERMITTED RATES FILING BY TIME WARNER CABLE (CABLEVISION OF CHAPEL HILL)

Time Warner Cable (Cablevision of Chapel Hill) submitted form FCC-1240 to the Town of Carrboro. The town has to review basic service and cable programming tier rates. The purpose of this item is to review form FCC-1240 and the Town Consultant's report, accept public comment, and adopt the order which states the town's findings.

MOTION WAS MADE BY HILLIARD CALDWELL TO AUTHORIZE THE MAYOR TO SIGN THE RATE ORDER. (MOTION DIED FOR THE LACK OF A SECOND.)

RECOMMENDATION FROM CABLE T.V. COMMITTEE/VIEWING GUIDE

The purpose of this item was to recommend that an electronic program guide be added to Time Warner Cable's channel line-up. The electronic program guide is a scrolling directory that lists the title and time of up-coming cable programming.

Mitchell Virchick stated that the Cable T.V. Committee recommended that Time Warner add an electronic program guide to Channel 18.

Richard Taylor asked what will happen to the community bulletin board on Channel 18.

It was the consensus of the Board to refer this matter back to the Cable T.V. Committee to give further consideration to what will happen to the community bulletin board if the viewing guide is placed on Channel 18.

MIDWAY PARKING LOT

The Board requested that the Town Manager provide a status report next week on the Midway Parking Lot, including a time line for this project.

MOTION WAS MADE BY ALEX ZAFFRON SECONDED BY DIANA MCDUFFEE TO ADJOURN AT 10:25 P.M. VOTE: AFFIRMATIVE ALL



 Mayor

 Town Clerk