

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 10, 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 MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE MINUTES OF AUGUST 27, 1996. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING SET/VOLUNTARY ANNEXATION OF AUTUMN WOODS APARTMENTS

Deborah Anderson, development partner of the Autumn Woods Apartments, has submitted a petition requesting the annexation of the Autumn Woods Apartments (aka Alta Seasons Apartments). The property, located at 222 Old Fayetteville Road, contains 16.37 acres and will have 236 dwelling units. The administration requested adoption of a resolution setting a public hearing date for September 24, 1996.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hilliard Caldwell .

A RESOLUTION SETTING A PUBLIC HEARING TO
 CONSIDER THE ANNEXATION OF
 AUTUMN WOODS APARTMENTS
 UPON THE REQUEST OF THE PROPERTY OWNERS
 Resolution No. 06/96-97

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Autumn Woods Apartments 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 September 24, 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 10th day of September, 1996:

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

Noes: None

Absent or Excused: None

RESOLUTION DESIGNATING THE INSTALLMENT PURCHASE CONTRACTS FOR THE PURCHASE OF VEHICLES AND EQUIPMENT AS TAX-EXEMPT OBLIGATIONS OF THE TOWN

The administration requested that the Board of Aldermen adopt a resolution designating the installment purchase contracts for vehicles and equipment approved in the 1996-97 Budget as tax-exempt obligations of the town.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hilliard Caldwell.

A RESOLUTION DESIGNATING INSTALLMENT PURCHASE CONTRACTS AS TAX-EXEMPT OBLIGATIONS OF THE TOWN

Resolution No. 3/96-97

WHEREAS, the Town of Carrboro, through its duly elected Mayor, with the consent and approval of the Board of Aldermen, will be entering into contracts with BB& T Leasing Corporation for the purchase of:

Removal and Replacement of Underground Fuel Storage Tanks

One (1) Car (Fire)

Four (4) Police Patrol Cars

One (1) Pickup Truck (Animal Control)

One (1) Leaf Vacuum Machine (Landscaping)

One (1) 3/4 Ton Truck (Landscaping)

One (1) 1/2 Ton Truck (Landscaping)

One (1) Rider Mower (Landscaping)

One (1) Pickup (Inspections)

WHEREAS, the said contracts qualify as tax-exempt obligations of the town, pursuant to the Internal Revenue Code of 1986.

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

Section 1. The aforesaid contracts by and between the Town of Carrboro and Southern National Leasing Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as a qualified tax-exempt obligations of the town for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

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 10th day of September, 1996:

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

Noes: None

Absent or Excused: None

COMMENTS ON HURRICANE FRAN

The Mayor thanked the Public Works, Fire and Police Departments for their work. In addition, Duke Power Company, NOVA for preparation of food for the Red Cross, members of the Carrboro Baptist Church for tree cutting, and Harris Teeter for the donation of food for town staff.

Alderman Zaffron echoed the Mayor's comments and said the sense of community was exemplified over the past weekend. Alderman Zaffron stated that he had heard nothing but praise for the town staff.

Alderman Caldwell thanked the town staff and the utility companies for their hard work in the hurricane cleanup. Alderman Caldwell suggested that those wishing to cut trees register at the Town Hall prior to doing work in Carrboro.

Alderman Anderson stated that he was proud of Bell South for putting high school students to work distributing ice.

Alderman McDuffee stated that the storm reminded us of the sense of community. Alderman McDuffee thanked WCHL for their distribution of information to the citizens during the storm and its aftermath. Alderman McDuffee suggested the use of the wood for firewood this winter.

Alderman Gist thanked Mayor Nelson for this leadership during the storm.

Alderman Bryan thanked the town staff for their hard work and other agencies.

Mr. Morgan stated that he was tremendously proud of the town staff during the hurricane and the community for its patience during the cleanup. Mr. Morgan also thanked Mayor Nelson for his leadership.

Chris Peterson stated that he appreciated the support of the Board and department heads during the hurricane and its cleanup. Mr. Peterson stated that the solid waste collection is back on schedule and that the Public Works Department is picking up extra trash daily.

Chief Murray thanked the Mayor and Town Manager for their assistance during the hurricane. Chief Murray stated that he had received very favorable comments from about the Carrboro town staff during the hurricane.

Chief Callahan thanked the Carrboro police officers for their hard work and the community for its cooperation. Chief Callahan stated that they had not received any reports of theft or vandalism during or after the storm, and that the team work with other department heads was outstanding.

Richard Taylor commended WCHL during Hurricane FRAN.

CHARGE ISSUED TO NEW BOARD APPOINTEE

The Town Clerk issued a charge to Mark Dorosin, a new appointee to the Downtown Development Commission.

PUBLIC HEARINGS CONTINUED

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO CONTINUE THE FOLLOWING PUBLIC HEARINGS TO SEPTEMBER 24, 1996:

- (1) **Street Closing Request/Iams Company/1996 APS Pooch Parade**
- (2) **Carrboro Thoroughfare Plan Amendment**
- (3) **1996 Community Development Block Grant Application**

VOTE: AFFIRMATIVE ALL

PROPOSAL TO USE MOODY PROPERTY FOR ADDITIONAL FARMERS' MARKET PARKING

The Board of Aldermen at its meeting on August 27, 1996 requested that the proposal to use the Grey Moody property on Laurel Avenue for additional parking for the Farmers' Market be brought back to the Board for further consideration.

James Harris, the town's Assistant to the Town Manager, stated that during the 1996-97 budget review process, the Board removed \$11,500 for the construction of a parking lot on the Grey Moody property located on Laurel Avenue. The lot would accommodate 36 vehicles. The annual lease payment would be \$2,000, which amounts to the property taxes on the property. The term of the lease would be three years, with the town or the property owner having an option to terminate the lease with a 90-day notice. Mr. Harris stated a term longer than three years could be negotiated with Mr. Moody.

Chris Peterson, Public Works Director, stated that it will be necessary to put 6 to 8 inches of stone, wheel stops, handicapped parking, and improve the drainage in this lot. The approximate cost of these improvements is \$11,500.

Mr. Morgan stated that the town currently meets the minimum number of parking spaces for the farmers' market, but that in order for the farmers' market to have a Wednesday market, it would be necessary to provide additional parking. Mr. Morgan suggested that the Board might wish to enter into the lease agreement with Mr. Moody at this time and place the cost of necessary improvements in the 1997-98 budget. Mr. Morgan stated that the town could not advertise the property for parking unless the improvements are made to the lot.

It was the consensus of the Board to request that the Town Manager propose an option to Mr. Moody to lease his property for parking in 1997. In addition, the Board directed the Town Manager to request that the Farmers' Market contribute \$1,000 toward the annual lease of the parking lot.

REQUEST FOR REIMBURSEMENT OF SCHOOL IMPACT FEES/CAROLINA SPRING SENIOR APARTMENT COMPLEX

The developer of Carolina Spring Seniors Apartment complex has notified the Town of Carrboro that in order to meet the requirements for 1996 low-income housing tax credits, he needs a final decision on the school impact fee reimbursement issue. The Board was requested to consider whether it will reimburse this complex \$159,352 in school impact fees.

Jerry Lohla, with First Centrum Corporation, stated that they had received a letter from the N.C. Housing Finance Agency stating they have to know by September 15, 1996 whether the project is a go or no go. Mr. Lohla asked that the Board authorize the town staff to give their project a priority review. In addition, Mr. Lohla asked for reimbursement of school impact fee from Carrboro. Mr. Lohla stated that they have to purchase the land and acquire their land use permit by November 15, 1996.

Mr. Morgan stated that the Board should look at this matter as a policy. Plan A should be to ask the County to seek special legislation to waive this project. Plan B would be to have the developer pay \$50,000 in construction and building permit fees to the town which would be placed in a reserve fund. \$20,000 would need to be budgeted in 1997-98, and the remaining \$90,000 would be borrowed from the Revolving Loan Fund with a pay back over a five-year period at 0% interest.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL THAT:

- (1) The developer be asked to continue to pursue any alternative financing to loan the town \$159,352 to provide for the reimbursement of the school impact fees to Orange County.
- (2) If the developer is unable to obtain alternative financing to loan to the Town of Carrboro for the reimbursement or the County does not seek the waiver or exemption for low-income elderly housing, the Town of Carrboro will guarantee reimbursement of the \$159,352 in school impact fees to Orange County upon issuance of the certificate of occupancy for the Carolina Spring Senior apartment complex as follows:
 - a. \$50,000 in estimated construction and building permit fees paid by the developer for this project will be placed in a reserve fund by the Town.
 - b. \$20,000 will be budgeted in the 1997-98 budget.
 - c. In 1998, \$90,000 will be borrowed from the Town's Revolving Loan Fund and will be paid back over a five-year period at 0% interest.
- (3) This action is designed to address this specific project due to the circumstances brought about by the increase in the school impact fees and the requirements of the tax credit program, and does not constitute a policy of the town. All future applications will be reviewed on a case-by-case basis.
- (4) If Orange County changes its policy to exempt low-income, senior housing projects, then the reimbursement will revert to the Town of Carrboro.
- (5) That the Orange County Board of Commissioners be requested to pursue a waiver or exemption from its Educational Facilities Impact Fee Ordinance for low-income senior housing projects.

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

WAIVER OF FEES/HURRICANE RECOVERY

Mr. Morgan recommended the following fees be waived as a result of Hurricane FRAN:

- 1) Building permit fees for repair work associated with the hurricane.
- 2) Fees for yard waste (storm debris) picked up at the curb.
- 3) Fees and permit requirements for individuals (citizens) taking yard wastes (storm debris) to the landfill in pick-up trucks or trailers.
- 4) Fees for citizens or other agents using dump trucks to haul yard wastes (storm debris) to the landfill after obtaining a permit from the Public Works Department or Town Hall.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO APPROVE THE FEE WAIVERS AS RECOMMENDED BY THE TOWN MANAGER. VOTE: AFFIRMATIVE ALL

APPOINTMENT TO OWASA RATE STUDY STEERING COMMITTEE

It was the consensus of the Board to select Randy Marshall as its representative to serve on OWASA'S Stakeholder Steering Committee, which will review the rates, fees and charges for OWASA.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO ADJOURN AT 10:05 P.M. VOTE: AFFIRMATIVE ALL

Michael R. Neh
Mayor

Town Clerk