

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 17, 1998 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Hank Anderson
	Hilliard Caldwell
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	James E. Spivey
Town Attorney	Michael B. Brough

CHARTER SCHOOL REQUEST

Peter Morcombe addressed the Board of Aldermen to ascertain the timetable for securing a zoning change for property that would be used for a charter school. Mr. Morcombe informed the Board that efforts would be made to make a presentation/request to the Board of Aldermen in March 1998.

The Board informed Mr. Morcombe that a timetable for his specific request could not be determined at this time due to lack of information regarding Mr. Morcombe's proposed project.

APPROVAL OF MINUTES

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE THE FEBRUARY 3, 1998 MINUTES. VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING/VOLUNTARY ANNEXATION/LAKE HOGAN FARMS SUBDIVISION, PHASE II

Dale Redfoot, representing the Lake Hogan Farms Development Company, LLC, has submitted a petition for annexation requesting that 17.44 acres located at Lake Hogan Farms Subdivision be annexed into the town. The administration recommended that the Board approve the annexation, effective February 28, 1998.

MOTION WAS MADE BY DIANA MCDUFFEE AND SECONDED BY JACQUELYN GIST THAT THE PUBLIC HEARING BE CLOSED DUE TO NO ONE FROM THE PUBLIC WISHING TO SPEAK. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ANNEXING PHASE II, LAKE HOGAM FARMS SUBDIVISION". VOTE: AFFIRMATIVE ALL.

TIME WARNER CABLE'S TRANSFER OF OWNERSHIP - SECOND READING

On August 8, 1995 the Mayor and Board of Aldermen approved the purchase of Alert Cable to Time Warner. Although the transfer of ownership was approved, Time Warner did not request transfer of the cable t.v. franchise from Alert. The Board of Aldermen was requested to adopt a resolution approving the transfer of the Alert Cable T.V. franchise to Time Warner Cable.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Diana McDuffee.

A RESOLUTION TRANSFERRING THE CABLE T.V. FRANCHISE TO TIME WARNER Resolution No. 22/97-98

WHEREAS, Alert Cable T.V. of North Carolina, Inc. ("Alert") is the holder of a franchise to provide cable television service for the Town of Carrboro (the "Franchise"); and

WHEREAS, Alert has proposed to transfer the Franchise to Time Warner Entertainment-Advance/Newhouse Partnership ("TWEAN"); and

WHEREAS, TWEAN will be bound by the terms and conditions of the Franchise subject to applicable law.

NOW, THEREFORE, be it resolved that, insofar as may be necessary or advisable under the Franchise, transfer of the Franchise and the cable television system operating pursuant to the Franchise from Alert to TWEAN (including any necessary transfers through one or more Time Warner entities) is hereby authorized and consented to in all respects. This transfer shall not affect any ongoing franchise renewal proceedings which shall continue subject to the provisions of 47U.S.C.546, except that, upon transfer of the Franchise TWEAN shall succeed to the rights and obligations of Alert in the renewal process. Since the transfer of the Franchise to TWEAN involves no change in control, the Town of Carrboro may, after the transfer of the Franchise to TWEAN, consider in any ongoing renewal proceeds the past performance of Alert while under common control with TWEAN to the extent permitted under 47U.S.C.546, as if it were the past performance of TWEAN.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of February, 1998:

Ayes: Alex Zaffron, Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes: Noes

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON THAT THE TOWN FORWARD A LETTER TO THE FEDERAL COMMUNICATIONS COMMISSION REGARDING THE REQUEST TO PRE-EMPT LOCAL FRANCHISING OF SOME CABLE COMPANIES. VOTE: AFFIRMATIVE ALL.

REQUEST FOR WAIVER OF SPRINKLER ORDINANCE REQUIREMENT

On February 3, 1998, Jack Haggerty, representing David and Sherry Ontjes, appeared before the Board of Aldermen to request that any projects that were in the review process prior to the adoption of the sprinkler ordinance is grandfathered in so that the sprinkler requirements are waived. The sprinkler ordinance amendment was adopted on November 25, 1998.

Rodney Murray, Fire Chief, made the staff presentation. Chief Murray stated that sprinkler systems are a means of life and property conservation from the destructive effects of fire. He stated that the issuance of a building permit is the most logical place to begin to cause projects to adhere to the requirements of the sprinkler ordinance adopted on November 25, 1997.

Jack Haggerty informed the Board of Aldermen that had the developers had prior knowledge of the sprinkler ordinance requirements, the project would not have been proposed as it presently is. Mr. Haggerty voiced concerns regarding the financial investment into this project.

David Ontjes addressed the Board. Mr. Ontjes stated that with input from the neighborhood, the building design was developed and monetary investment has been made.

After deliberation of this matter, the Board, by consensus, decided that all projects seeking building permits after November 25, 1997 would be required to meet the sprinkler ordinance requirements.

REQUEST TO CANCEL FEBRUARY 24TH BOARD MEETING

The Mayor and Board of Aldermen were requested to consider canceling the February 24, 1998 meeting of the Board of Aldermen due to the lack of scheduled agenda items.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO CANCEL THE FEBRUARY 24, 1998 BOARD OF ALDERMEN MEETING. VOTE: AFFIRMATIVE ALL.

TRANSFER OF FUNDS REQUEST

Robert Morgan requested authorization to spend \$400 for property appraisal. The \$400 is to be taken from the Bikepath Reserve Fund and the property to be appraised would be the site on which bikepaths would be constructed below Robinson Place.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL TO AUTHORIZE THE APPROPRIATION OF \$400 FROM THE BIKEPATH RESERVE FUND TO COVER PROPERTY APPRAISAL COST. VOTE: AFFIRMATIVE ALL.

REQUEST TO OPEN LAKES

Jacquelyn Gist requested that staff draft a letter to OWASA requesting that at least one of the recreational water facilities (Cane Creek or University Lake) be kept open year-round.

It was consensus of the Board that staff draft a letter, for the Mayor's signature, to OWASA requesting that at least one of the recreational water facilities remain open year-round.

WORKSESSION WITH CHAIRMEN OF THE ADVISORY BOARDS/COMMISSIONS/COMMITTEES

Diana McDuffee requested that the worksession with the chairmen of the advisory boards/commissions/committees be scheduled as soon as possible to discuss diversity issues, guidelines for appointments, etc.

CHAPEL HILL'S NORTHWEST SMALL AREA PLAN AND CARRBORO'S SMALL AREA PLAN

Mayor Nelson informed the Board that the Town of Chapel Hill made a request to make a joint presentation of Chapel Hill's Northwest Small Area Plan and Carrboro's Small Area Plan during a joint public hearing per the Joint Land Use Planning Agreement. However, if this request were granted, it would delay Carrboro's Small Area Plan being presented on April 8, 1998. Mayor Nelson drafted a letter voicing opposition to Chapel Hill's request and asked for feedback from the Board.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE THAT THE DRAFT LETTER BE FORMATTED INTO FINAL FORM AND FORWARDED TO CHAPEL HILL. VOTE: AFFIRMATIVE ALL.

REMOVAL OF MT. BETHEL HICKROY CHURCH ROAD FROM THOROUGHFARE PLAN

Alex Zaffron informed the Board that Mt. Bethel Hickory Church Road remains on the Thoroughfare Plan. Alderman Zaffron explained that the Town of Chapel Hill needs to make the recommendation that Mt. Bethel Hickory Church Road be removed from the Thoroughfare Plan just as the Town of Carrboro did through adopted resolution. This requirement arises due to the Joint Land Use Planning Agreement.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HILLIARD CALDWELL THAT A COPY OF THE TOWN OF CARRBORO-ADOPTED RESOLUTION WHICH REQUESTS HE REMOVAL OF MT. BETHEL HICKORY CHRUCH ROAD FROM THE THOROUGHFARE PLAN BE FORWARDED TO THE TOWN OF CHAPEL HILL AND ASK THAT THEY MAKE A SIMILAR REQUEST OF REMOVAL. VOTE: AFFIRMATIVE ALL.

SCHOOL AND LAND USE COUNCIL REPORT

Allen Spalt made a brief report about the School and Land Use Council meeting. Alderman Spalt informed the Board that a resolution from the School and Land Use Council should be forthcoming within a month or so.

JOINT MEETING WITH THE ORANGE COUNTY COMMISSIONERS

The County Commission has proposed March 31, 1998 as the date to hold a joint meeting with the Mayor and Board of Aldermen. By consensus, the March 31, 1998 date is not convenient for the Board. The Board requested that staff submit dates for consideration and that the Board think about items to be included on the agenda of the joint meeting.

APPOINTMENT TO CHAPEL HILL BICYCLE PLANNING TASK FORCE

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY HANK ANDERSON TO APPOINT WILLIAM ROBINSON AS THE CARRBORO REPRESENTATIVE FOR THE CHAPEL HILL BICYCLE PLANNING TASK FORCE. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC MEETING AND GO INTO CLOSED SESSION. VOTE: AFFIRMATIVE ALL.

MOTION WAS MADE BY HANK ANDERSON AND SECONDED BY ALEX ZAFFRON THAT THE BOARD OF ALDERMEN MEETING BE ADJOURNED AT 9:10 P.M.

Sarah C. Williamson
Town Clerk

Michael R. Noh
Mayor