

A regular meeting of the Carrboro Board of Aldermen was held on July 22, 1986 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	John Boone
	Judith Wegner
	Zona Norwood
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 HILLIARD CALDWELL AND SECONDED BY JOHN BOONE THAT THE MINUTES OF JULY 15, 1986 BE APPROVED. VOTE: AFFIRMATIVE ALL

REQUEST TO SET PUBLIC HEARING/LAND USE ORDINANCE AMENDMENT/EXEMPTION FROM SHADING REQUIREMENTS

The administration requested that the Board of Aldermen set a public hearing for September 2, 1986 to solicit public comments on whether to amend the Land Use Ordinance to exempt open air markets, operating not more than two days per week, from the shading requirements.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT A PUBLIC HEARING BE SET FOR SEPTEMBER 2, 1986. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NORWOOD, GURGANUS, CALDWELL)

POSTPONEMENT OF PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST/FENWAY PARK, SECTION 2

On July 8, 1986 the Board of Aldermen set a public hearing for tonight's meeting to consider a conditional use permit request for Fenway Park, Section 2. This public hearing was not advertised and the neighboring property owners were not notified when the administration became aware that the application would not be completed in time for tonight's meeting.

The administration requested that this public hearing be postponed at this time. The administration will request that the public hearing be rescheduled sometime in September, 1986.

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

PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION/BOLIN FOREST SUBDIVISION

Greg Shepard, Zoning Administrator, was sworn in. Mr. Shepard stated that Bolin Forest Associates had applied for a conditional use permit modification which would allow the subdivision of 38.6 acres of land north of Greensboro Street to be subdivided into 78 lots for single-family residences, to be known as Phases II, III, and IV of Bolin Forest. The land is identified as Tax Map 30, Lot 3B and is zoned Residential-SIR.

Mr. Shepard stated that the administration recommended approval with the following conditions:

1. That the Pathway Drive road width be specified as 34-foot face-to-face.
2. That Creekview Court be renamed since it is a duplication of an existing street in Carrboro.
3. That all water lines which provide supply for fire hydrants be a minimum of eight inches.
4. That storm drainage easement locations be subject to the approval of the town's consulting engineer.
5. That the design for public street construction be subject to the approval of the town's consulting engineer and include the following:
 - a. On Pathway Drive, the horizontal curve designated C-2 on Sheet 3 of the submitted plans dated 5/9/86 revised 7/8/86 be designed with a minimum super elevation of .04 to meet speed standards.
 - b. The vertical curve on Pathway Drive designated as being 210 feet in length on the above-referenced sheet be designed with a K value of 30.
 - c. On Creekview Court (Sheet 4) a super-elevation of .04 be required and the vertical alignment of the northern section of Bolin Creek Drive (Sheet 5) be revised to match the changed alignment on Creekview and meet design speed standards.
 - d. On Bolin Creek Drive, southern section, a reverse crown crossing be used and the vertical alignment of Overlook Court and Barkwood Court (Sheet 6) be revised to meet the changed alignment on Bolin Creek Drive. In addition, the vertical curve at PVI at station 0 + 50 be designed with a length of 115 feet.
6. That traffic control signage be installed where recommended by the town's consulting engineer;
7. That a sign stating that the road may be extended in the future be placed at the temporary cul-de-sac on Pathway Drive.

Mr. Shepard stated that in addition to the above conditions, that the administration also recommended that the following conditions from the 4/8/80 conditional use permit be carried forward to the new conditional use permit:

1. That all landscaping, common areas, and facilities, including but not limited to roadways, parking areas, and active and passive recreation facilities and areas, be maintained so that they may continue to be able to serve the purposes intended.
2. That the Orange County Soil Erosion and Sedimentation Control Officer approve provisions to deal with stormwater run-off. Specifically, to consider the creek between Hanna Street and this property so that no additional stormwater run-off will affect the adjoining properties.
3. That a lighting plan for the townhouses be submitted to meet the approval of the Police Chief.
4. That a copy of the documentation required to ensure maintenance of the common land and facilities be approved by the Town Attorney prior to recording of the final plat.
5. That the fire hydrant system meet the standards and

specifications of the Fire Chief and the Orange Water & Sewer Authority.

6. That the developer dedicate to the town one 30+ foot easement along Bolin Creek and one 10+ foot easement along the rear boundaries of Lots 21 and 22 of Phase II, as depicted on the preliminary plat, to authorize members of the public to have pedestrian access across the Bolin Forest development at the indicated locations and to authorize the Town of Carrboro to construct and maintain in perpetuity a non-motorized recreational and scenic pathway for public use at these locations. This dedication shall take place in phases as the land adjacent to the easements is developed.
7. That the developer dedicate to the State a 10-foot strip along Greensboro Street as highway right-of-way. This dedication shall occur prior to development of the land contiguous to the right-of-way.
8. The entrance from North Greensboro Street to Bolin Forest Drive shall include a 200-foot right turn taper lane as shown on the plan dated 1/24/89 by Mr. Fred Rosendahl, Assistant Design Review Engineer with the N.C. Department of Transportation.
9. That sewage treatment be available from the Orange Water and Sewer Authority.
10. That the applicant, prior to occupancy of each phase of the proposed development, comply and complete all conditions of this permit that relate to that phase of development.
11. That the parking areas in the proposed cluster development "C" be outlined with railroad ties which are securely attached to the ground with spikes.
12. That six oak trees, rather than four as shown on the proposed site plan, be planted along the entrance drive to Cluster "C".
13. That a permanent dedicated public accessway off Forrest Court to the central greenway system behind the clusters be dedicated for the purpose of pedestrian and recreational access.
14. That the dumpsters located in Clusters "A", "B", and "C" be screened appropriately and located interior to the development.

Robin Lackey, Chair of the Planning Board, was sworn in. Ms. Lackey stated that due to the lack of a quorum, the Planning Board met as a committee-as-a-whole on July 17, 1986 and recommended approval of the conditional use permit modification with staff recommendations.

Frances Shetley, Chair of the Transportation Advisory Board, stated that the Transportation Advisory Board at its meeting of July 17, 1986 recommended approval of the conditional use permit modification request with staff recommendations.

Kathy Buck, Chair of the Appearance Commission, was sworn in. Ms. Buck stated that the Appearance Commission recommended approval with the staff recommendations.

Robert Anderson, the developer, was sworn in. Mr. Anderson stated that he would like to maintain the character of the existing streets in Bolin Forest. Mr. Anderson stated that he had concerns over the design of collector streets and stated he felt that as proposed, they would be out of character with existing streets. Mr. Anderson stated that he would like to adhere as much as possible to the existing contours and save as many trees as possible.

Ron Wells was sworn in. Mr Wells stated that his company

will be purchasing this property and that he feels road speeds are a political issue and that is why the matter was not raised with the town's advisory boards.

Richard Ellington, residing at 109 Bruton Drive, was sworn in. Mr. Ellington expressed concern over the possible use of swales instead of curb and gutter and urged that this developer be required to install curb and gutter. Mr. Ellington also discouraged a variance in the design speeds on Pathway Drive.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE PUBLIC HEARING BE CLOSED AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT, YES, THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY TOM GURGANUS THAT, YES, THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY HILLIARD CALDWELL THAT THE APPLICATION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the Pathway Drive road width be specified as 34-foot face-to-face.
4. That Creekview Court be renamed since it is a duplication of an existing street in Carrboro.
5. That all water lines which provide supply fire hydrants be a minimum of eight inches.
6. That storm drainage easement locations be subject to the approval of the town's consulting engineer.
7. That the design for public street construction be subject to the approval of the town's consulting engineer and include the following:
 - a. On Pathway Drive, the horizontal curve designated C-2 on Sheet 3 of the submitted plans dated 5/9/86 revised 7/8/86 be designed with a minimum super-elevation of .04 to meet speed standards.
 - b. The vertical curve on Pathway Drive designated as being 210 feet in length on the above-referenced sheet be designed with a K value of 30.
 - c. On Creekview Court (Sheet 4) a super-elevation of .04 be required and the vertical alignment of the northern section of Bolin Creek Drive (Sheet 5) be revised to match the changed alignment on Creekview and meet design speed standards.
 - d. On Bolin Creek Drive, southern section, a reverse crown crossing be used and the vertical alignment of Overlook Court and Barkwood Court (Sheet 6) be revised to meet the changed alignment on Bolin Creek Drive. In addition, the vertical curve at PVI at

station 0 + 50 be designed with a length of 115 feet.

8. That traffic control signage be installed where recommended by the town's consulting engineer.
9. That a sign stating that the road may be extended in the future be placed at the temporary cul-de-sac on Pathway Drive.
10. That all landscaping, common areas, and facilities, including but not limited to roadways, parking areas, and active and passive recreation facilities and areas, be maintained so that they may continue to be able to serve the purposes intended.
11. That the Orange County Soil Erosion and Sedimentation Control Officer approve provisions to deal with stormwater run-off. Specifically, to consider the creek between Hanna Street and this property so that no additional stormwater run-off will affect the adjoining properties.
12. That a lighting plan for the townhouses be submitted to meet the approval of the Police Chief.
13. That a copy of the documentation required to ensure maintenance of the common land and facilities be approved by the Town Attorney prior to recording of the final plat.
14. That the fire hydrant system meet the standards and specifications of the Fire Chief and the Orange Water & Sewer Authority.
15. That the developer dedicate to the town one 30+ foot easement along Bolin Creek and one 10+ foot easement along the rear boundaries of Lots 21 and 22 of Phase II, as depicted on the preliminary plat, to authorize members of the public to have pedestrian access across the Bolin Forest development at the indicated locations and to authorize the Town of Carrboro to construct and maintain in perpetuity a non-motorized recreational and scenic pathway for public use at these locations. This dedication shall take place in phases as the land adjacent to the easements is developed.
16. That the developer dedicate to the State a 10-foot strip along Greensboro Street as highway right-of-way. This dedication shall occur prior to development of the land contiguous to the right-of-way.
17. The entrance from North Greensboro Street to Bolin Forest Drive shall include a 200-foot right turn taper lane as shown on the plan dated 1/24/78 by Mr. Fred Rosendahl, Assistant Design Review Engineer with the N.C. Department of Transportation.
18. That sewage treatment be available from the Orange Water and Sewer Authority.
19. That the applicant, prior to occupancy of each phase of the proposed development, comply and complete all conditions of this permit that relate to that phase of development.
20. That the parking areas in the proposed cluster development "C" be outlined with railroad ties which are securely attached to the ground with spikes.
21. That six oak trees, rather than four as shown on the proposed site plan, be planted along the entrance drive to Cluster "C".
22. That a permanent dedicated public access-way off Forrest Court to the central greenway system behind the clusters

be dedicated for the purpose of pedestrian and recreational access.

23. That the dumpsters located in Clusters "A", "B", and "C" be screened appropriately and located interior to the development.

24. That trash receptacles be placed on each building site during construction.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (WEGNER)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY HILLIRD CALWELL THAT THE STAFF MAKE A INTERPRETATION ON THE CONDITION DEALING WITH DESIGN SPEEDS TO REQUIRE THE LOWEST POSSIBLE DESIGN SPEEDS. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (PORTO, BOONE, WEGNER, NORWOOD)

PUBLIC HEARING/CONDITIONAL USE PERMIT MODIFICATION REQUEST/
Market at WEST END

Main Street Partners have applied for a conditional use permit modification that would allow the construction of a temporary outdoor market in the West End parking area on Main Street (the future location of the ArtSchool). The series of "tent-like" stalls would operate on weekends from April to December. The property is identified as Tax Map 94, Block A, Lot 5 and is zoned Business-1(c).

The administration recommended that this public hearing be opened and then continued until September 16, 1986.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL THAT THIS PUBLIC HEARING BE CONTINUED UNTIL SEPTEMBER 16, 1986. VOTE: AFFIRMATIVE ALL

CONTINUATION OF PUBLIC HEARING/MISCELLANEOUS LAND USE
ORDINANCE AMENDMENTS

Roy Williford, Planning Director, stated that this matter was a continuation of a public hearing held on July 10, 1986 to decide whether to amend the Carrboro Land Use Ordinance to make miscellaneous amendments to the ordinance dealing with open space, recreational facilities, cluster subdivisions in the watershed, and crossing of buffers.

Mr. Williford stated that the proposed Amberly Subdivision had brought to the administration's attention several points which needed to be clarified in terms of the Water Quality Task Force Report adopted by the Board of Aldermen in 1983. Mr. Williford stated that the Water Quality Task Force in its initial report stated that "Allowing cluster development is another element of the Water Quality Task Force's proposed comprehensive watershed protection strategy. The Water Quality Task Force believe that developers will take advantage of this feature to avoid the high cost of road construction, service extension and other related expenses that increase the developed areas as the developed area increases. Clustering results in environmentally sensitive, yet economical development. The benefits of clustering can be summarized as follows: (1) Provides for more open spaces (primarily these open spaces will be encouraged in environmentally sensitive areas; (2) Protects environmentally sensitive areas; (3) Requires less land disturbance; (4) Has fewer stream crossings; (5) Less impervious cover; (6) Fewer linear feet of roads and utilities; (7) Lower housing costs; (8) Less expensive to provide municipal services in the future; and (9) Less expensive to convert the property to municipal sewer." Mr. Williford stated that in the addendum presented by the Water Quality Task Force, the Task Force basically said it retained its recommendations on allowing extension of water and sewer facilities in the watershed and reiterated

that it encouraged cluster developments in the watershed. Mr. Williford stated that the Task Force's original recommendations implied that there would be stream crossings.

Jerry Davenport, the town's planner, presented an overview of the proposed amendments.

Robin Lackey, Chair of the Planning Board, stated that the Planning Board had reviewed the proposed amendments at its meeting held on July 10, 1986 and made the following recommendations: Approval of Sections 1,2,3,4,5, approval of Subsection 6(3) with the following addition/changes: the inclusion of Subsection 6(2)(c) and the exclusion of Subsections 6(3)(a), 6(3)(b), and 6(3)(d); approval of Section 6(4); approval of Subsection 6(5); approval of Subsection 6(6); approval of Subsections 7(g)(1), and 7(g)(2); and approval of Sections 8,9,10,11, and 12.

Steve Rose, former chair of the Water Quality Task Force, reviewed the objectives of the Water Quality Task Force Report. Mr. Rose suggested that sewer lines be placed above ground with no joints permitted within streams. Mr. Rose also suggested that stream crossings be limited to minor, local streets. Mr. Rose expressed concern that the proposed ordinance does not restrict placement of structures on building sites.

Miles Crenshaw, a former member of the Water Quality Task Force, explained the process for determining the zoning in the watershed. Mr. Crenshaw discouraged allowing stream crossing because of their negative impact on the quality of water.

Everett Billingsley, Executive Director of OWASA, stated that the water from University Lake is tested for lead and cadmium, but the best solution to clean water is prevention. Mr. Billingsley stated that OWASA would prefer that cluster subdivisions not be allowed in environmentally sensitive areas.

Randy Danziger, a resident of Calvander, questioned what the Water Quality Task Force's objective was concerning its recommendations on sewer systems.

Steve Rose stated that the Task Force felt sewer systems would be safer than septic tanks and that septic tanks would not be feasible for cluster developments.

Olivia Ludington, a member of the Planning Board, urged the Board to delay action on the proposed ordinance until the Planning Board could review it in more depth. Ms. Ludington suggested that the Towns of Carrboro, Chapel Hill and Orange County purchase all land in the watershed to prevent building within this area.

Betsy Holland, a member of the Planning Board, requested the Board delay action on the proposed ordinance.

Stanley Bennett, a resident of Orange County, stated that pollutants in University Lake will be concentrated in the fish and that the risks of contamination will be increased with more density. Mr. Bennett requested that the Board consider the proposed amendments very carefully.

Eleanor Kinnaird, a resident of Poplar Street, requested that the Board think seriously about the effect the proposed amendments would have on the water supply.

Everett Billingsley stated that OWASA is concerned about development in the watershed and pollution of the watershed. Mr. Billingsley asked for an opportunity to work with the town on the proposed amendments.

MOTION WAS MADE BY TOM GURGANUS THAT THE PROPOSED ORDINANCE BE TABLED. (MOTION DIED FOR THE LACK OF A SECOND.)

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY RANDY MARSHALL THAT THIS PUBLIC HEARING BE CONTINUED UNTIL SEPTEMBER 9, 1986, AND THAT THE STAFF AMEND THE PROPOSED ORDINANCE ALONG THE LINES SUGGESTED BY THE PLANNING BOARD AND HAVE THE PLANNING BOARD, TRANSPORTATION ADVISORY BOARD, OWASA, AND ORANGE COUNTY PLANNING BOARD REVIEW THE AMENDED ORDINANCE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GURGANUS)

REQUEST FOR FINAL PLAT APPROVAL/WILSON PARK CONDOMINIUMS

Greg Shepard, Zoning Administrator, stated that A.J. Land has applied for final plat approval of Phases III, IV, and V of Wilson Park Condominiums. This project is located at the intersection of Thomas Lane and North Greensboro Street and is identified as Tax Map 96, Block C, Lots 4, 14, 16 and 17. The property is zoned Residential-10. Approval would allow the sale and occupancy of 10 units located on 2.11 acres of land.

Mr. Shepard stated that the developer had not submitted the performance security to cover the incomplete site improvements.

Robert Page, representing the developer, asked for final plat approval, subject to approval of the performance bond by the Zoning Administrator and Town Attorney.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY JUDITH WEGNER THAT FINAL PLAT APPROVAL BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. THAT THE APPLICANT INFORM EACH BUYER PRIOR TO CLOSING OF THE PROPOSED SCHEDULE FOR COMPLETING ALL INCOMPLETE SITE IMPROVEMENTS;

2. THAT A SEPARATE PERFORMANCE BOND FOR A CONCRETE SIDEWALK ALONG THE PROPERTY'S FRONTAGE ON NORTH GREENSBORO STREET BE OFFERED TO THE TOWN PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE LAST PHASE OF DEVELOPMENT;

3. THAT THE DEED OF EASEMENT FOR PUBLIC PEDESTRIAN ACCESS TO WILSON PARK BE EXECUTED AND SUBMITTED TO THE TOWN FOR RECORDING IN THE ORANGE COUNTY REGISTER OF DEED'S OFFICE;

4. THAT PERFORMANCE SECURITY BE SUBMITTED FOR SHADE TREES, REPLACEMENT TREES, COMMON AREA SEEDING AND COMMON AREA PLANTINGS TO INSURE THEIR COMPLETION AFTER ISSUANCE OF CERTIFICATES OF OCCUPANCY. ALL OTHER REQUIREMENTS COVERED BY THE PERFORMANCE SECURITY MUST BE COMPLETED PRIOR TO ISSUANCE OF CERTIFICATES OF OCCUPANCY; AND

5. THAT THE TOWN ATTORNEY REVIEW THE PERFORMANCE BONDS PRIOR TO EXECUTION OF THE FINAL PLAT.

VOTE: AFFIRMATIVE ALL

EXTENSION OF BOND PROJECT/HILLSBOROUGH ROAD

Jim Dunlop, the town's transportation planner, stated that the Hillsborough Road project to be undertaken by the State in 1987 terminates at Lorraine Street. Since approval of this project, several new developments have been approved off Hillsborough Road north of Lorraine Street. Mr. Dunlop presented a proposed resolution which would request N.C.D.O.T. to extend the project to the intersection of Hillsborough Road and Parkview Avenue.

The following resolution was introduced by Alderman John Boone and duly seconded by Alderman Randy Marshall.

A RESOLUTION REQUESTING THAT N.C.D.O.T. EXTEND PROJECT #U2002 ON HILLSBOROUGH TO PARKVIEW AVENUE

Resolution No. 4/86-87

WHEREAS, the North Carolina Board of Transportation has approved a road improvements project for the widening of Main Street, Greensboro Street, and Hillsborough Road (Project #U2002) in the Town of Carrboro; and

WHEREAS, the project on Hillsborough Road terminates at Lorraine Street; and

WHEREAS, since the time that the project was approved, several new developments have been approved north of Lorraine Street; and

WHEREAS, in the interest of public safety, the road widening should be extended to the entrance of these new developments.

NOW, THEREFORE, THE BOARD OF ALDERMEN RESOLVES:

Section 1. The Board of Aldermen of the Town of Carrboro requests of the Board of Transportation that the northern end of project #U2002 on Hillsborough Road be extended from Lorraine Street to Parkview Avenue.

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 22nd day of July, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, Judith Wegner, John Boone, Zona Norwood

Noes: None

Absent or Excused: None

AWARD OF BID/REFUSE COLLECTION VEHICLE

Funds were appropriated in the 1986-87 Budget for the purchase of a refuse collection vehicle. After advertising for bids, Carolina Waste Systems and Hein Equipment Company submitted bids of \$92,483.00 and \$97,000.00, respectively. The administration recommended that the bid be awarded to the low bidder, Carolina Waste Systems for a total cost of \$92,483.00.

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY RANDY MARSHALL THAT THE BID BE AWARDED TO CAROLINA WASTE SYSTEMS FOR A TOTAL COST OF \$92,483 AND THAT THE MANAGER BE AUTHORIZED TO EXECUTE LEASE/PURCHASE CONTRACTS. VOTE: AFFIRMATIVE ALL

SALE OF BOND ANTICIPATION NOTES

Don Casper, Finance Director, stated that the administration was seeking permission to sell bond anticipation notes. The proceeds of these notes will be used to pay the contractor on a monthly basis as work is completed on projects authorized by the 1984 Street Improvements Referendum.

The following resolution was introduced by Alderman John Boone and seconded by Randy Marshall.

A RESOLUTION AUTHORIZING THE SALE OF
\$1,000,000 GENERAL OBLIGATION BOND ANTICIPATION
NOTES OF THE TOWN OF CARRBORO, PURSUANT TO A BOND
ORDER HERETOFORE APPROVED AND PROVIDING FOR
THE FORM, DETAILS AND PAYMENT THEREOF
Resolution No. 5/86-87

WHEREAS, the Bond Order hereinafter described was authorized

and adopted by the Board of Aldermen of the Town of Carrboro (the Board) on September 5, 1984, and approved by a majority of the qualified voters of the Town of Carrboro (the Town) at an election held on November 27, 1984; and

WHEREAS, the Board desires to provide for the issuance of \$1,000,000 in bond anticipation notes, none of which have been previously issued or sold, authorized pursuant to said Bond Order;

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro, meeting in regular session at Carrboro, North Carolina, on July 22, 1986 do the following:

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1. The Town shall issue its general obligation bond anticipation notes in an aggregate principal amount of up to \$1,000,000 pursuant to and in accordance with the Bond Order entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS
(1984 STREET AND BIKEWAYS PROJECTS) OF THE
TOWN OF CARRBORO FOR THE PURPOSE OF FINANCING
IN PART, THE ACQUISITION OF RIGHTS-OF-WAY AND DOING
WIDENING, PAVING, LANDSCAPING AND CURB AND GUTTER WORK
IN CONNECTION WITH PAVING AND REPAVING CERTAIN STREETS
AND CREATING CERTAIN BIKEWAYS AND SIDEWALKS,
CUL-DE-SACS AND DRAINAGE IMPROVEMENTS ADJACENT
TO STREETS IN THE TOWN OF CARRBORO"

2. The notes shall be dated August 1, 1986, shall be in denominations as specified by the purchaser thereof, and shall be numbered appropriately. The notes shall mature and bear interest payable on June 1, 1987, or such other date as may be approved by the Mayor but not later than August 1, 1987. The notes shall be in such amount and shall bear interest at such rate as shall be determined by the Mayor and LGC, as hereinafter defined, at the time of sale, provided such interest rate does not exceed seven percent (7%). Principal and interest shall be payable to the holder upon surrender of notes as they become due at the principal corporate trust office of such institution as may be designated as paying agent for the notes by the purchaser. Principal and interest shall be payable in lawful money of the United States of America.

3. The notes will not be subject to redemption prior to maturity.

4. The notes shall be signed by manual signature of the Mayor, shall be countersigned by the manual signature of the Town Clerk, and the Town seal shall be affixed thereon. No note shall be valid until it has been endorsed by the signature of the authorized representative of the North Carolina Local Government Commission (the LGC).

5. The notes shall be in such form as is approved by the Mayor.

6. The full faith and credit and taxing power of the Town are hereby irrevocably pledged for the payment of principal of and interest on the notes. Unless other funds are lawfully available and appropriated for timely payment of the notes, the Board shall levy and collect taxes and raise other revenues for payment of the principal of and interest on the notes, as the same become due and payable.

7. The LGC is hereby requested to sell said \$1,000,000 notes.

8. The Board covenants on behalf of the Town that so long as any of the installments of principal or interest on the notes are outstanding and unpaid, the Town shall not take or

omit to take any action the taking or omission of which will cause the notes to be "arbitrage bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, or otherwise cause interest on the notes to be includable in the gross income of the holders thereof. It is further covenanted and agreed that the Town shall (a) spend at least 5% of the net proceeds of the notes for the purposes for which the note are issued within 30 days after the date of issuance of the notes, (b) spend all net proceeds of the notes for the purpose for which the notes are issued within one year of the date of delivery of the notes, and (c) submit to the Secretary of the United States Department of Treasury a statement of information concerning the issuance of notes, unless the Town receives an opinion of bond council that any such action is not required to prevent the interest on the notes from being includable in the gross income of the registered owners thereof under the law then in effect or any pending legislation which, if adopted in its then current form, would apply to the notes. It is further covenanted that the Town shall comply with the provisions of any legislation, including without limitation any provisions which may require the Town at any time to rebate investment profits to the United States, to the extent that any such legislation, as enacted into law, is applicable to the notes, unless the Town receives an opinion of bond counsel that any such compliance is not required. All such investment profits, and any investment profits thereon, shall be deposited in a separate fund or account for rebate to the United States unless (i) the gross proceeds of the notes are used within six months of the date of issuance of the notes or (ii) the Town receives an opinion of bond counsel that such rebate is not required. In connection therewith, the Town shall maintain records of all investment of note proceeds and segregate all funds therefor.

9. The Board agrees on behalf of the Town that the Town will not permit the gross proceeds of the notes to be used in any manner which would result in either (a) 5% or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to persons other than a governmental unit as provided in Section 701 of the Tax Reform Act of 1986, as currently pending before Congress (the Tax Reform Act), (b) 10% or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any person other than a governmental unit as provided in such Section 701, unless the Town receives an opinion of bond counsel that such restrictions are not required to prevent the interest on the notes from being includable in the gross income of the holders thereof under the law then in effect or any pending legislation.

10. The Mayor and the Town Clerk are hereby authorized and directed to take all proper steps to have the notes prepared and, when they shall have been duly sold by the LGC, to execute the notes and to deliver the notes to the State Treasurer of North Carolina for delivery to the purchaser or purchasers to whom they may be sold by the LGC.

11. All other actions of officers of the Town in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the notes are hereby approved and confirmed.

12. Such officers of the Town as may be requested are hereby authorized and directed to execute appropriate closing papers including a certificate setting forth the expected use and investment of the proceeds of the notes in order to show that such expected use and investment will not violate the provisions of Section 103(c) of the Internal Revenue Code of 1954, as amended, and regulations issued pursuant thereto, applicable to "Arbitrage bonds." Such papers and certificates shall be in such form as may be requested by bond counsel for the Town.

13. This resolution, in particular Section 2 hereof, consti-

tutes a system of registration for the notes pursuant to NCGS 159E-4.

14. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

15. This resolution shall take effect immediately.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of July, 1986:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, John Boone, Judith Wegner, Zona Norwood

Noes: None

Absent or Excused: None

PURCHASE OF WINDOWS FOR TOWN HALL

In accordance with town policy, the Board of Aldermen was requested to permit the Town Manager to enter into an agreement with Rice's Glass Company to replace 57 windows in Town Hall and an air-lock door for the front entrance. Rice's Glass Company submitted the low bid of \$22,057.20.

MOTION WAS MADE BY JUDITH WEGNER AND SECONDED BY JOHN BOONE THAT THE BID BE AWARDED TO RICE'S GLASS COMPANY FOR A TOTAL COST OF \$22,057.20. VOTE: AFFIRMATIVE ALL

RESOLUTION REQUESTING OWASA TO RECONSIDER SERIOUSLY JORDAN LAKE AS A POTENTIAL SOURCE OF RAW WATER

At the request of the Alderman Tom Gurganus, the Board of Aldermen directed the Town Attorney to prepare a resolution requesting that OWASA reconsider Jordan Lake as a potential source or raw water.

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

A RESOLUTION REQUESTING THE ORANGE WATER AND
SEWER AUTHORITY TO RECONSIDER SERIOUSLY
JORDAN LAKE AS A POTENTIAL SOURCE OF RAW WATER
Resolution No. 6/86-87

WHEREAS, the present drought conditions have highlighted the fact that, even with the additions to OWASA's raw water supply resulting from the acquisition of the quarry and the temporary dam on Cane Creek, southern Orange County still does not have an assured, adequate supply of raw water; and

WHEREAS, the rapid growth in southern Orange County, together with the growth in other parts of Orange County that may seek to draw upon the Cane Creek Reservoir when it is completed, suggests that even the completion of this reservoir will bring at best a temporary reprieve to southern Orange County's long-standing water shortage problems;

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

Section 1. The Board respectfully requests OWASA to seriously reconsider drawing upon Jordan Lake as a source of raw water and to undertake the necessary planning and engineering studies to be prepared to draw upon this source as a last resort if and when that becomes necessary.

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 22nd day of July, 1986:

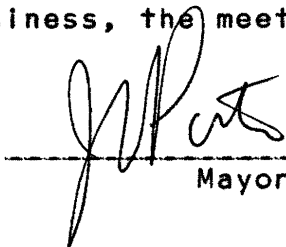
Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Jim Porto, John Boone, Zona Norwood

Noes: Judith Wegner

Absent or Excused: None

There being no further business, the meeting was adjourned.


Town Clerk


Mayor