

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 1, 1990 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Eleanor Kinnaird
Aldermen	Randy Marshall
	Tom Gurganus
	Hilliard Caldwell
	Frances Shetley
	Jay Bryan
Asst. Town Manager	Larry Gibson
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Jacquelyn Gist
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CHARGE ISSUED TO NEW BOARD APPOINTEE

The Town Clerk issued a "charge" to Mary Cameron, a recent appointee to the Appearance Commission/Neighborhood Preservation District Commission.

REQUEST TO SET PUBLIC HEARING/VOLUNTARY ANNEXATION/BOLIN FOREST, PHASE III

Capkov Ventures, Inc. has submitted a petition requesting the annexation of Bolin Forest, Phase III into the corporate limits of Carrboro. This property is contiguous to the Town of Carrboro and is located adjacent to Bolin Forest, Phase II and Quarterpath Trace. This property contains 11.172 acres and 23 dwelling units.

The administration recommended that the Board adopt a resolution setting a public hearing for May 15, 1990.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Randy Marshall.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
ANNEXATION OF BOLIN FOREST, PHASE III
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 49/89-90

WHEREAS, the Town of Carrboro has received a petition from the owners of Bolin Forest, Phase III requesting that 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 May 15, 1990 to consider the voluntary annexation of Bolin Forest, Phases III.

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 1st day of May, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Eleanor Kinnaird, Frances Shetley, Jay Bryan

Noes: None

Absent or Excused: Jacquelyn Gist

PLANTATION PLAZA CONDITIONAL USE PERMIT - MINOR MODIFICATION

Helen Waldrop, Zoning Administrator, stated that Greg Shepard had requested a minor modification to the conditional use permit for Plantation Plaza which would allow the following uses: 2.000, 3.000, 5.000, 6.000, 8.000, 9.000, 10.000, 12.000, 13.000, 15.000, 16.000, 17.000, 19.000, 22.000, 23.000, and 27.000. The parcel is identified as Tax Map 114, Lot 31 and is zoned B-4.

Ms. Waldrop stated that the administration recommended approval of the proposed uses.

MOTION WAS MADE BY HILLIARD CALDWELL AND SECONDED BY RANDY MARSHALL THAT THE MINOR MODIFICATION BE APPROVED AS REQUESTED. VOTE: AFFIRMATIVE ALL

REVIEW OF WATERSHED PROTECTION STRATEGY AMENDMENTS-FINAL DRAFT

On April 10, 1990, the Board of Aldermen reviewed the amendments proposed for the implementation of the watershed protection strategy and set a public hearing for May 15, 1990. As a result of that review, the Board suggested several revisions to those amendments and requested that a final review of the revised amendments be held at tonight's meeting. In addition, the Board requested that the Planning Board's comments regarding the proposed amendments be heard at tonight's meeting.

Roy Williford, Planning Director, reviewed the proposed amendments and requested to Board to consider whether to exclude minor subdivisions from the proposed amendments.

Diana Woolley, Chair of the Planning Board, presented the Planning Board's recommendations. Those recommendations were as follows:

(1) That Section 15-184(g) be amended by deleting the reference to R-40 and R-80 and inserting in lieu thereof the following reference: 'WR'; and by amending subsection 15-184(g)(3)(a) to read as follows:

(a) It is practicably unavoidable if the subject property is to be served under the provisions of Section 15-238(c) and an alternate design would result in greater damage to the watershed environment; and

(2) That subsection 15-185(a)(1) should be amended by adding the 'WR' zone designation with a height of 40 feet.

(3) That subsection 15-186(e) be amended by deleting all reference to tracts of land inside the watershed. The subsection would read as follows:

(e) The amount of usable open space required to be set aside under subsection (d) above shall not exceed twenty-five (25%) of the tract outside the university lake watershed.

(4) That Section 15-200(c) be amended to read as follows:

(c) When land within the WR zoning districts is divided to create a cluster subdivision, then the developer shall, immediately upon the recordation of a final plat, and prior to the conveyance of any lot, subject the usable open space set aside in accordance with the provisions

of this chapter to a conservation agreement pursuant to the provisions of Article 4 of General Statutes Chapter 121.

(5) That Section 15-238(b) be amended by deleting the existing language and inserting in lieu thereof:

(b) Notwithstanding any other provisions of this article, no sewage treatment system other than individual on-site septic systems or individual on-site alternative disposal system approved by the Orange County Health Department and serving a single unit shall be allowed within the WR, C, B-5, and WM-3 zoning districts.

(6) That Section 15-238(c) be amended by deleting the existing language and inserting in lieu thereof:

(c) Notwithstanding any other provisions of this article, no sewage collection system shall be allowed within the WR, C, B-5, and WM-3 zoning district except to remedy a public health emergency not otherwise correctable such as (but not limited to) a failing septic system or failing package treatment plant as determined by the Orange County Health Department or appropriate state or federal agency.

(7) That Section 15-240 be amended by making the existing text subsection (a) and adding a new subsection (b) to read as follows:

(b) Notwithstanding any other provisions of this article, the water supply system operated by the Orange Water and Sewer Authority may not be extended to serve properties located within the C, B-5, WM-3, and WR zoning districts except to address a public health hazard, not otherwise correctable, as determined by the Orange County Health Department or other appropriate state or federal agency.

(8) That the word "developer" be changed to "owner" in the last sentence of subsection 15- 266(a), so that the sentence reads as follows:

"..., and it shall be a continuing condition of the permit that the owner provide necessary maintenance so that the stormwater retention techniques continue to function effectively."

(9) That subsection 15-266(c)(4) be re- written to read as follows:

(4) The impervious surface area within streets and other areas, (such as common areas) outside of individual lot boundaries shall be subtracted from the total area calculated pursuant to subsection (3).

(10) That the last sentence in subsection 15- 266(c)(5) be re-written to read as follows:

(5) ... The allocation assigned to each lot shall be indicated on the face of the subdivision final plat, and purchasers of each lot shall be bound by such allocation."

(11) That subsection 15-266(d) be amended by adding a sentence at the end of this section to read as follows:

(d) ... practical the deviation that is required. As a condition of approval under this subsection, the permit issuing authority may require stormwater management techniques to reduce the effects of the increased impervious surface allowed under this subsection, and it shall be a continuing condition of the permit that the owner provide necessary maintenance so that the stormwater retention techniques continue to function

effectively."

(12) That subsection 15-267(b) be re-written to read as follows:

- (b) To avoid the creation of lots that will be difficult to build upon in a manner that complies with the standard set forth in subsection (a) and the impervious surface limitations set forth in Section 15-266, preliminary and final plats for the subdivision of land within the C and WR zoning districts shall show buildable area and approximate driveway locations for all lots within such subdivision. Thereafter, no zoning permit may be issued for construction of buildings or driveways outside the buildable areas so designated on the final plat unless the zoning administrator makes a written finding that the proposed location complies with the provisions of subsection (a) of this section as well as section 15-266.

(13) That in addition to the language contained in the section, the table of permissible uses should be amended to delete use categories 5.100 And 6.140 From the wr zoning district and to change the permit required for use categories 13.000, 21.000, 27.000, And 6.240 From a zoning permit to a conditional use permit in the WR zoning district.

(14) To allow clustering on 2-acre lots to allow the construction of a duplexed structure.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL TO INCLUDE IN THE ORDINANCE THAT WILL BE CONSIDERED FOR PUBLIC HEARING ON MAY 15, 1990 FOR IMPLEMENTATION OF THE WATERSHED PROTECTION STRATEGY THE FOLLOWING ITEMS IN ADDITION TO THOSE ALREADY APPROVED THE PLANNING BOARD'S REVISIONS RECOMMENDED BY THE PLANNING BOARD EXCEPT FOR THE PROVISIONS DEALING WITH CONVEYANCE OF OPEN SPACE, SECTION 19 (EXTENSION OF OWASA WATER INTO THE WATERSHED), DUPLEXES PERMITTED AS A USE IN THE WATERSHED, THE 40-FOOT HEIGHT RECOMMENDATION, THE USE CATEGORY OF SCHOOLS, AND TO INCLUDE THE AMENDMENT TO SECTION 15-265(B) TO CHANGE THE R-40 AND R-80 DESIGNATION TO WR. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE ORDINANCE INCLUDE A NEW SECTION 15 WHICH AMEND SECTION 15-200 OF THE LAND USE ORDINANCE TO REQUIRE THE CONVEYANCE OF OPEN SPACE ACCORDING TO ARTICLE 4 OF G.S. CHAPTER 121. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MARSHALL, GURGANUS, CALDWELL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT THE PLANNING BOARD'S RECOMMENDATION TO PROHIBITING THE EXTENDING OF OWASA'S WATER SYSTEM INTO THE WATERSHED BE INCLUDED IN THE PROPOSED ORDINANCE. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (CALDWELL, GURGANUS, MARSHALL)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY TOM GURGANUS THAT THE PLANNING BOARD'S RECOMMENDATION TO AMEND SECTION 15-185(A) (A) TO ADD THE WR ZONE DESIGNATION WITH A HEIGHT OF 40 FEET BE INCLUDED IN THE PROPOSED ORDINANCE. VOTE: AFFIRMATIVE THREE, NEGATIVE THREE (MARSHALL, KINNAIRD, SHETLEY)

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY FRANCES SHETLEY THAT SECTION 15-186(E) BE AMENDED TO ADD THE FOLLOWING LANGUAGE AT THE END THEREOF: "HOWEVER, NOTHING IN THIS SUBSECTION IS INTENDED TO LIMIT THE TOTAL PERCENTAGE OR AMOUNT OF USABLE OPEN SPACE THAT MUST BE SET ASIDE WHEN A CLUSTER SUBDIVISION IS CREATED UNDER THIS SECTION." VOTE: AFFIRMATIVE FOUR, NEGATIVE ONE (CALDWELL)

MOTION WAS MADE BY TOM GURGANUS AND SECONDED BY FRANCES SHETLEY THAT THE MAYOR BE EXCUSED FROM THE REMAINDER OF THE MEETING. VOTE: AFFIRMATIVE ALL

BUDGET RECOMMENDATIONS FROM HUMAN SERVICES COMMISSION

Maribel Carrion, Chair of the Human Services Commission, presented the 1990-91 budget recommendations for human service agencies.

RESPONSE TO ROY BROWN'S REQUEST FOR ZONING INFORMATION

At the Board's meeting on March 6, 1990, Mr. Roy Brown requested that the Board provide guidance as to whether he might use his property located at the corner of Old Fayetteville Road and Highway 54 for dry storage. The Board referred Mr. Brown's request to the town staff. The Town Attorney provided the a memorandum in response which concluded that the only conceivable alternative that would allow Mr. Brown to use his property as requested would be to amend the text of the Land Use ordinance to allow 10.200 uses in the B-5 zoning district and then rezone his property to this classification.

(No action was taken by the Board on this matter.)

REQUEST FROM N.C. DOT TO PURCHASE TOWN RIGHT-OF-WAY

Chris Peterson, Public Works Director, stated that the N.C. Department of Transportation had submitted to the town an offer to purchase 300 feet of right-of-way owned by the town located adjacent to Highway 54 Bypass and Jones Ferry Road. To show support of the Highway 54 widening project, the administration recommended that the Board of Aldermen adopt the attached resolution conveying this right-of-way to N.C. DOT without any remuneration.

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Tom Gurganus.

A RESOLUTION AUTHORIZING THE TRANSFER TO THE
N. C. DEPARTMENT OF TRANSPORTATION OF TOWN-OWNED
RIGHT-OF-WAY AT THE HIGHWAY 54 BYPASS
AND JONES FERRY ROAD INTERCHANGE
Resolution No. 50/89-90

WHEREAS, the town has entered into an agreement with the N.C. Department of Transportation for the improvements to portions of Highway 54 Bypass; and

WHEREAS, in order to complete this project, the N.C. Department of Transportation needs to acquire from the town 300 feet of right-of-way from the lot owned by the town at the Highway 54 Bypass and Jones Ferry Road interchange; and

WHEREAS, the lot in question was conveyed to the town by Eugene P. and March H. Odum in a deed recorded December 16, 1985 in Book 549, Page 315 of the Orange County Registry; and

WHEREAS, the N.C. Department of Transportation has agreed to pay to the town \$575.00 for this right-of-way.

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

Section 1. The town hereby conveys the right-of-way described in the N.C. Department of Transportation's offer to purchase real property dated 4-3-90, attached to this resolution (Attachment A) at a cost of \$575.00 and authorizes the Town Manager and Town Clerk to execute the deed attached to this resolution (Attachment B), which conveys to the N.C. Department of Transportation 300 feet of right-of-way from the town-owned lot at the Highway 54 Bypass and Jones Ferry Road interchange.

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 1st day of May, 1990:

Ayes: Randy Marshall, Tom Gurganus, Hilliard, Caldwell, Frances Shetley

Noes: Jay Bryan

Absent or Excused: Eleanor Kinnaird, Jacquelyn Gist

ADOPTION OF BOND ORDER

Larry Gibson, Assistant Town Manager, stated that the 1984 Street Bond Issue contained \$500,000 for the town's share of State Street Project U-2002 (Hillsborough Road, Main Street and Greensboro Street). One-half of the funds are due after N.C. DOT lets the contract and the remainder of the funds are due once the project is completed. The contract has already been let and the first payment will be needed when the town receives an invoice from N.C. DOT. Mr. Gibson stated that the bond sale is scheduled for May 15, 1990, therefore the Board needed to proceed with the authorization.

The following resolution was discussed and its title was read:

The following resolution was discussed and its title was read:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$500,000 PUBLIC IMPROVEMENT BONDS, SERIES 1990,
OF THE TOWN OF CARRBORO, PURSUANT TO A BOND ORDER
HERETOFORE APPROVED AND PROVIDING FOR THE FORM,
DETAILS AND PAYMENT THEREOF
Resolution No. 51/89-90

WHEREAS, the Bond Order hereinafter described was authorized and adopted by the Board of Aldermen of the Town of Carrboro, North Carolina (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 6, 1984; and

WHEREAS, such order authorizes, in the aggregate, \$1,500,000 in principal amount of bonds, the Town has previously issued \$1,000,000 in principal amount of bonds and the Board desires to provide for the issuance of the remaining \$500,000 in principal amount of bonds, as authorized by said Bond Order;

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro meeting in regular session at Carrboro, North Carolina, on May 1, 1990, do the following:

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

1. The Town shall issue its general obligation bonds in an aggregate principal amount of \$500,000 (the Bonds) 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 Bonds will be in the aggregate principal amount of \$500,000 dated June 1, 1990, bear interest from such date payable semiannually on each June 1 and December 1, beginning December 1, 1990, and mature (subject to the right of prior redemption as hereinafter described) on June 1 in years and principal amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1991	\$25,000	2001	\$25,000
1992	25,000	2002	25,000
1993	25,000	2003	25,000
1994	25,000	2004	25,000
1995	25,000	2005	25,000
1996	25,000	2006	25,000
1997	25,000	2007	25,000
1998	25,000	2008	25,000
1999	25,000	2009	25,000
2000	25,000	2010	25,000

Each bond shall bear interest at such rate as shall be determined by the Mayor and the LGC, as hereinafter defined, at the time of sale, provided no interest rate on any Bond shall exceed nine percent (9%).

The Bonds are issuable in fully registered form in the denomination of \$5,000 or any multiple thereof. The principal of and any redemption premium on each Bond will be payable to the registered owner thereof or his registered assigns or legal representatives, upon presentation and surrender thereof, at the corporate trust office of First Union National Bank of North Carolina, in the City of Charlotte, North Carolina, as registrar, transfer agent and paying agent for the Bonds. Interest will be payable to the person appearing on the registration books of the Town as the registered owner at the close of business on the record date for such interest payment date, by check mailed to such person at his address as it appears on such registration books.

3. The Bonds maturing prior to June 1, 2001, will not be subject to redemption prior to maturity. The Bonds maturing on or after June 1, 2001, will be subject to redemption prior to maturity, at the option of the Town, from any moneys that may be made available for such purpose, either in whole on any date not earlier than June 1, 2002 or in part (in multiples of \$5,000 of principal amount) in inverse order of their maturities on any interest payment date not earlier than June 1, 2000, at the principal amount of the Bonds to be redeemed together with interest accrued thereon on the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of such Bond to be redeemed, such premium not to exceed 2% of such principal amount. If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot by the Town in such manner as the Town may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail, postage prepaid, to the registered owners of the Bonds not more than 60 days nor less than 30 days prior to the date fixed for redemption.

4. The Bonds shall be signed by the manual or facsimile signature of the Mayor of the Town, shall be countersigned by the manual or facsimile signature of the Clerk of the Town and a manual or facsimile of the Town's seal shall be printed or affixed thereon. No Bond shall be valid until it has been endorsed by the

manual or facsimile signature of the authorized representative of the North Carolina Local Government Commission (the LGC).

5. The Bonds shall be in substantially the following forms, the terms and requirements of which are incorporated herein by reference:

REGISTERED	REGISTERED
No. R-_____	\$_____
UNITED STATES OF AMERICA STATE OF NORTH CAROLINA TOWN OF CARRBORO <u>Street and Sidewalk Bond</u>	

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP NO.</u>
_____%	June 1, ____	June 1, 1990	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS (\$_____)

The Town of Carrboro, North Carolina (the Town), for value received, hereby promises to pay, upon surrender hereof to First Union National Bank of North Carolina, Charlotte, North Carolina, as registrar and paying agent, to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above and to pay interest hereon semiannually on each June 1 and December 1 at the annual rate stated above. Interest is payable from June 1, 1990, beginning December 1, 1990. Interest is payable by check mailed to the person shown as owner hereof at his address as it appears on the registration books kept by the Town on the fifteenth day of the month preceding each interest payment date. Principal and interest are payable in lawful money of the United States of America.

THE PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE HEREOF, AND SUCH CONTINUED PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH ON THE FACE HEREOF.

All acts, conditions and things required by the Constitution and statutes of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and the issue of Bonds of which this Bond is one, together with all other indebtedness of the Town, is within every debt and other limit prescribed by the Constitution and statutes of the State of North Carolina. This Bond shall be governed by the laws of the State of North Carolina.

This Bond shall not be valid until the registrar shall have executed the Certificate of Authentication appearing hereon.

IN WITNESS WHEREOF, the Town of Carrboro, North Carolina, has caused this Bond to be signed by the manual or facsimile signature of its Mayor to be countersigned by the manual or facsimile signature of the Clerk of the Town of Carrboro, a manual or facsimile of its seal to be printed or affixed hereon, and this Bond to be dated June 1, 1990.

COUNTERSIGNED:

 Town Clerk of the Town of
 Carrboro

(SEAL)

Robert J. Kinard
 Mayor of the Town of
 Carrboro

Date Authenticated: _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned Bond Order.

FIRST UNION NATIONAL BANK OF
NORTH CAROLINA

By _____
Registrar

The issue hereof has been approved under the provisions of The Local Government Bond Act of North Carolina.

By _____
Robert M. High
Secretary, Local Government
Commission

(Reverse of Bond)

ADDITIONAL BOND PROVISIONS

This Bond is one of an issue of \$500,000 of the Town of Carrboro Street and Sidewalk Bonds, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution, the statutes of the State of North Carolina, including The Local Government Bond Act and regulations of the North Carolina Local Government Commission (LGC), resolutions of the Board of Aldermen of The Town of Carrboro and a 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."

which was approved at an election held in the Town on November 6, 1984, to finance various improvements.

The Bonds maturing prior to June 1, 2001, will not be subject to redemption prior to maturity. The Bonds maturing on or after June 1, 2001, will be subject to redemption prior to maturity, at the option of the Town, from any moneys that may be made available for such purpose either in whole on any date not earlier than June 1, 2000, or in part (in multiples of \$5,000 of principal amount) in inverse order of their maturities on any interest payment date not earlier than June 1, 2000, at the principal amount of the Bonds to be redeemed, together with interest accrued thereon to the date fixed for redemption, plus a redemption premium of 1/2 of 1% of the principal amount of each Bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of such Bond to be redeemed, such premium not to exceed 2% of such principal amount. If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot in such manner as the Town may determine.

Notice of redemption shall be given by first class mail, postage prepaid, not more than 60 nor less than 30 days prior to the date fixed for redemption.

The full faith and credit and taxing power of the Town are hereby irrevocably pledged for the payment of principal of and interest on this Bond. Registration of transfer of this Bond may be effected at the office of the registrar.

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 Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect taxes and raise other revenues for payment of the principal of and interest on the Bonds, as the same become due and payable.

7. First Union National Bank of North Carolina is hereby designated as registrar and paying agent for these Bonds and shall maintain registration books for the registration of Bonds. Upon surrender of any Bonds at the office of the registrar in Charlotte, North Carolina, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the registrar, the Town shall execute and the registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the Town, except that the Town may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Town shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments for Bonds shall be made to the person shown as owner on the registration books on the fifteenth day of the month preceding each interest payment date.

8. The LGC is requested to sell said \$500,000 Street and Sidewalk Bonds.

9. The Board covenants on behalf of the Town that so long as any of the installments of principal or interest on the Bonds are outstanding and unpaid, the Town shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the Code), or otherwise cause interest on the Bonds to be includable in the gross income of the registered owners thereof under Section 103 of the Code.

10. The Mayor and Town Clerk are hereby authorized and directed to take all proper steps to have the Bonds prepared and, when they shall have been duly sold by the LGC, to execute the Bonds and to deliver the Bonds 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 Bonds 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 bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code and regulations issued pursuant thereto applicable to "arbitrage bonds." Such papers and certificates shall be in such form as maybe requested by bond counsel for the Town.

13. This resolution, in particular Sections 2, 3, 5 and 7 hereof, constitutes a system of registration for the Bonds pursuant to NCGS Section 159E-4.

14. The Board hereby covenants that it will not permit the gross proceeds of the bonds to be used in any manner that would result in either (a) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any person other than a governmental unit as provided in Section 141(c) of the Code; provided, however, that if the Board receives an opinion of nationally recognized bond counsel that compliance with any such restriction is not required to prevent the interest on the bonds from being includable in the gross income of the registered owners thereof under existing law, the Board need not comply with such restriction.

15. The bonds are hereby designed as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

(a) The Board will in no event designate more than \$10,000,000 of obligations as qualified tax-exempt obligations in 1990, including the bonds, for the purpose of such Section 265(b)(3);

(b) The Town and all its "subordinate entities" (within the meaning of Section 265(b)(3) of the Code) have not issued more than \$10,000,000 of tax-exempt obligations in 1990 (not including "private activity bonds," as defined in Section 141 of the Code, other than "qualified 501(c)(3) bonds," as defined in Section 145 of the Code), including the bonds;

(c) Barring circumstances unforeseen as of the date of delivery of the bonds, the Board will not approve the issuance of tax-exempt obligations of the Town or such subordinate entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued in 1990 by the Town and such subordinate entities, result in the Town and such subordinate entities having issued a combined total of more than \$10,000,000 of tax-exempt obligations in 1990 (not including private activity bonds other than qualified 501(c)(3) bonds), including the bonds; and

(d) The Board has no reason to believe that the Town and such subordinate entities will issue tax-exempt obligations in 1990 in an aggregate amount that will exceed such \$10,000,000 limit provided, however, that if the Board receives an opinion of nationally recognized bond counsel that compliance with any restriction set forth in (b) or (c) above is not required for the bonds to be qualified tax-exempt obligations, the Board need not comply with such restriction.

16. The Board hereby represents and covenants as follows:

(a) The Town and all its "subordinate entities" (within the meaning of Section 148(f)(4)(iii) of the Code) have not issued more than \$5,000,000 of tax-exempt obligations in 1990 (not including private activity bonds), including the bonds;

(b) Barring circumstances unforeseen as of the date of delivery of the bonds, the Board will not approve the issuance of tax-exempt obligations of the Town or such subordinate entities if the issuance of such tax-exempt obligations would, when aggregated with all other tax-exempt obligations theretofore issued in 1990 by the Town and such subordinate entities, result in the Town and such subordinate entities having issued a combined total of more than \$5,000,000 of tax-exempt obligations in 1990 (not including private activity bonds), including the bonds;

(c) The Board has no reason to believe that the Town and such subordinate entities will issue tax-exempt obligations in 1990 in an aggregate amount that will exceed such \$5,000,000 limit; and

(d) At least 95% of the proceeds of the bonds shall be used for "local government activities" of the Town (within the meaning of Section 148(f)(4)(iii) of the Code); provided, however, that if the Board receives an opinion of nationally recognized bond counsel that compliance with any restriction set forth in (b) or

(d) above will not present the Town from having to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the bonds, the Board need not comply with such restriction.

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

18. This resolution shall take effect immediately.

Alderman Bryan moved the passage of the foregoing resolution and Alderman Marshall seconded the motion, and the resolution was passed by the following vote:

Ayes: Randy Marshall, Tom Gurganus, Hilliard Caldwell, Frances Shetley, Jay Bryan

Nays: None

Not Voting: Eleanor Kinnaird, Jacquelyn Gist

BUDGET REVIEW SCHEDULE

The administration recommended that the Board adopt the following budget review schedule:

Thursday, May 10th

1. Pay and Classification Study (60 min.)
2. Police Department (30 min.)
3. Fire Department (30 min.)
4. Planning Department (30 min.)
Transportation Budget

Thursday, May 17th

1. Public Works Department (30 min.)
2. Recreation Department (30 min.)
3. Administrative Services (30 min.)
Town Manager
Town Clerk
Governance
4. Debt Service Budget (30 min.)
Miscellaneous Fees
5-Year Plan

Tuesday, June 5th

Public Hearing/1990-91 Budget

Tuesday, June 19th

Adoption of 1990-91 Budget

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE PROPOSED BUDGET REVIEW SCHEDULE BE ADOPTED. VOTE: AFFIRMATIVE ALL

TOWN COMMONS BANDSTAND DESIGN

The Mayor and Board of Aldermen established a committee of three Board members to come up with an alternative design for the Town Commons bandstand. The committee recommended the attached design of the bandstand. (See Town Clerk's file of this meeting for a copy of the recommended design.)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY JAY BRYAN THAT THE RECOMMENDED DESIGN BE APPROVED. VOTE: AFFIRMATIVE ALL

JOINT PLANNING PUBLIC HEARING DATE

Mr. Gibson informed the Board that Orange County was requesting the Board to consider an alternative date for the Joint Planning Public Hearing to consider amendments to the Joint Planning Area Land Use Plan and Agreement relating to the Rural Buffer. Mr. Gibson stated that the original date proposed (June 21, 1990) had proven not to be an acceptable date to all jurisdictions. Mr. Gibson stated that Orange County was proposing that the joint public hearing be scheduled for June 27, 1990.

It was the consensus of the Board that June 27, 1990 was the preferred date for the joint public hearing.

REQUEST TO USE LANNING PROPERTY ON HILLSBOROUGH ROAD FOR STORAGE OF N.C. DOT CONSTRUCTION MATERIALS

Roy Williford, Planning Director, informed the Board that the executor of the Lanning Estate had requested permission to allow a portion of the Lanning property, located off of Hillsborough Road, to be used as a temporary storage site in connection with the widening of Main Street, Hillsborough Road, and Greensboro Street. Mr. Williford stated that the property would be used by Thompson-Author Paving Co. for approximately 18 months for storing pipe, rock, and similar materials, as well as the office trailer and several storage trailers.

Mike Brough stated that the temporary storage of construction materials used in connection with State street construction would be an accessory use under the Land Use Ordinance. Mr. Brough stated that he was unaware of the storage of trailers on the property and would like to check further into that matter.

It was the consensus of the Board that if Board action is needed on this matter following further review by the Town Attorney, that it be brought back before the Board.

INSTALLATION OF WATERLINE ON MAIN STREET

Alderman Gurganus requested whether OWASA had obtained the proper permits to install the new waterline on Main Street.

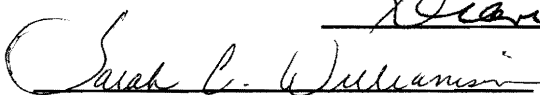
Chris Peterson, Public Works Director, stated that the Public Works Department and the State had issued right-of-way encroachment permits to OWASA prior to installation of the waterline.

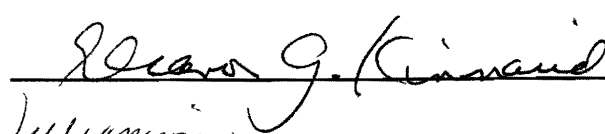
BIKEPATH ON PATHWAY DRIVE

Alderman Shetley requested a status report on when the proposed bikeway on Pathway Drive would come back before the Board.

Chris Peterson informed the Board that this matter was proposed to come back before the Board on June 26, 1990.

MOTION WAS MADE BY JAY BRYAN AND SECONDED BY RANDY MARSHALL THAT THE MEETING BE ADJOURNED. VOTE: AFFIRMATIVE ALL


Town Clerk


Mayor