

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 27, 2001 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Dorosin
	Jacquelyn Gist
	Diana McDuffee
	Allen Spalt
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	Richard J. White III
Town Attorney	Michael B. Brough, William Morgan

REQUEST FOR LOAN

Mark Chilton, with Empowerment, requested that the Town provide a low-interest loan in the amount of \$350,000 to Empowerment, Habitat for Humanity, and Orange Community Housing and Land Trust to purchase property at the end of Broad Street and to renovate two existing houses on the property. The rent proceeds would be used to pay the loan back. The Mayor referred this matter to staff for further discussion. Aldermen Dorosin, Gist, and Zaffron will work along with staff.

MI ESCUELITA

Sonya Wiggins, Director of Mi Escuelita, a Spanish immersion program, provided an update on the program and thanked the Board for its support.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

This item was delayed until December 4th.

MID-OCTOBER TO MID-NOVEMBER ACTIVE PROJECTS REPORT

The Zoning Division of the Town of Carrboro is responsible for preparing a monthly report outlining the construction activities of various projects of interest within the Town of Carrboro's jurisdiction. The report for the period October 16, 2001 through November 15, 2001 was presented.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JACQUELYN GIST TO APPROVE THE ACTIVE PROJECTS REPORT. VOTE: AFFIRMATIVE ALL

MORGAN CREEK VALLEY ALLIANCE RESOLUTION

The following resolution was introduced by Alderman Allen Spalt and seconded by Alderman Joal Broun.

A RESOLUTION IN SUPPORT OF THE MORGAN CREEK VALLEY ALLIANCE
AND ITS EFFORTS TO PROTECT MORGAN CREEK
Resolution No. 68/2001-02

WHEREAS, the Carrboro Board of Aldermen has established protecting our environment, especially our major watercourses and watersheds, as a high priority; and

WHEREAS, the Morgan Creek Valley is important to Carrboro from its upper reaches in the watershed of University Lake, its course through town, its links to neighboring Chapel Hill, and its flowing into Jordan Lake; and,

WHEREAS, the Morgan Creek Valley includes scenic, cultural, recreational, water supply and wildlife resources including rare and valuable micro-ecosystems; and

WHEREAS, the Town of Carrboro owns land along Morgan Creek and has planning and zoning authority over a significant portion of its Valley; and

WHEREAS, the Town of Carrboro has already taken significant steps over the years to protect the important and sensitive ecology of Morgan Creek through planning, watershed protection and management of its own property; and

WHEREAS, the newly formed Morgan Creek Valley Alliance seeks to conserve the natural and cultural heritage and ecological integrity of the region and to protect the water quality of the Morgan Creek Valley through increasing public awareness, cooperation and broad participation; and

WHEREAS, the Alliance is a voluntary cooperative effort which even in its initial stages has included broad participation from property owners along the creek, NC Botanical Garden through which it flows, Chapel Hill Museum, Towns of Carrboro and Chapel Hill, Orange County, OWASA, UNC-Chapel Hill, U.S. Army Corps of Engineers, Triangle Land Conservancy and others;

NOW, THEREFORE BE IT RESOLVED THAT the Carrboro Board of Aldermen hereby welcomes the establishment and supports the mission of the Morgan Creek Valley Alliance to conserve Morgan Creek through public education, cooperation and coordination of public and private parties, and voluntary conservation efforts to protect the natural and cultural heritage and to protect the water quality.

BE IT FURTHER RESOLVED THAT the Carrboro Board of Aldermen encourages the Morgan Creek Valley Alliance to pursue its broad-based strategy with maximum involvement of the public in the interest of protecting one of our most valuable resources.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

PUBLIC HEARING/CONDITIONAL USE PERMIT REQUEST FOR THE MORGAN RIDGE TOWNHOME PROJECT

Mr. Glenn Phillips, with Ballentine Associates, PA, representing the Berryhill Group, LLC, has submitted an application for a Conditional Use Permit (CUP) to allow a major subdivision (Use 26.100) of multi-family townhomes (Use 1.321) at 501 Berryhill Drive. The request consists of an Architecturally Integrated Subdivision of sixty-four (64) multi-family townhome lots to be located 501 Berryhill Drive. The name for the project is Morgan Ridge. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit application. The Administration recommended that the Board review, deliberate, and make a decision regarding the conditional use permit application.

Michael Brough, Town Attorney, excused himself to attend another meeting. William Morgan of Brough & Associates Law Firm served in his place.

Chris Murphy, the Town's former Development Review Administrator, was sworn in. Mr. Murphy made the presentation on behalf of town staff.

Mayor Nelson stated that he would like to hear Michael Brough's rationale for accepting revised condition # 4. He requested that any additional information (on any matter) be included in the Board's packet on Friday prior to the meeting.

Alderman McDuffee requested that homeowner association documents address the drainage ponds maintenance. She is interested in identifying a way for the Town to monitor policies in these documents that may be in conflict with Board wishes, i.e., supporting home businesses.

Henry Wells, Town Engineer (Sungate Designs) was sworn in. Mr. Wells addressed concerns about drainage, erosion, and flooding.

Jim Brandewie, owner of Homescape Development Company and a Carrboro resident, was sworn in. Mr. Brandewie addressed the Board.

Glenn Phillips, Project Engineer, was sworn in. Mr. Phillips explained the reasoning behind the connector road alignment; placement of townhomes; and FEMA application process.

Adam Searing, Planning Board Chair, was sworn in. Mr. Searing gave an overview of the Planning Board recommendation.

Chris van Hasselt, Transportation Advisory Board Chair, was sworn in. Mr. van Hasselt gave an overview of the TAB recommendation.

Glynis Gore, Environmental Advisory Board Chair, was sworn in. Ms. Gore gave an overview of the EAB recommendation.

Greg Welch, a UNC professor representing Tennis Club Estates residents, was sworn in. Mr. Welch asked the Board to consider placing speed bumps on Westbrook Drive and minimizing risks at the top of Westbrook Drive at Hwy. 54. The Mayor recommended that he speak with the town's Transportation Planner.

Leigh Fink, a Carrboro resident, was sworn in. Ms. Fink believes there will be increases in traffic, noise, toxic fumes, and difficulty getting to and from her home.

The president of Weatherhill Pointe residents association was sworn in. He requested that the Board be fully aware of the proposed culvert's impact on increasing flood levels and traffic.

Tom High was sworn in. Mr. High requested that the Board ask the developer to split the ballfield into two sections and wrap the walkway around it. He would prefer that the trees not be located closer to Morgan Creek and that grass and soil are used in parking areas to reduce impervious surface.

Andrew Topp, a traffic engineer with Parsons/Brinkerhoff, was sworn in. He provided an overview of the traffic study.

Mayor Nelson requested that staff provide John Herrera with a copy of the tape of tonight's meeting and all other information.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO CONTINUE THIS PUBLIC HEARING TO DECEMBER 11, 2001. VOTE: AFFIRMATIVE ALL

CARRBORO'S 2004-2010 LOCAL TRANSPORTATION IMPROVEMENTS PRIORITY LIST

The North Carolina Department of Transportation (NCDOT) has begun the 2004 - 2010 State Transportation Improvement Program (TIP) process. Since the initiation of the biennial process, NCDOT requests that the local governments and their respective metropolitan planning organizations begin the biennial process by updating their project lists. The public hearing on this matter provides an opportunity for the Board of Aldermen to receive citizen comments on the Town's draft Local Priority List. A resolution that adopts the Local Priority List was recommended for the Board's adoption.

Dale McKeel, the town's Transportation Planner, made the presentation.

Alderman McDuffee requested that the Town add sidewalks for all the projects.

For future reference, Alderman Broun would like to have a chronology for all projects.

Alderman Gist would like to know projects' impact on residents and affordable housing.

Alderman Spalt would like to see the railroad crossing at Seawell School Road eliminated.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Dorosin.

A RESOLUTION ADOPTING THE FY 2004-2010 LOCAL PRIORITY LIST Resolution No. 67/2001-02

WHEREAS, the Town of Carrboro participates in the development of the State Transportation Improvement Program (STIP) as a member of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the DCHC MPO has initiated the process of updating its MTIP for consideration in the FY 2004-2010 STIP; and

WHEREAS, the Town's Transportation Advisory Board has reviewed transportation needs that are possible for inclusion in the MTIP and recommended a Local Priority List for adopting by the Board of Aldermen.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopts the Local Priority List for FY 2004-2010, inclusive of the elimination of Project #9 and the addition of sidewalks to Projects 1, 3, 4 and 5.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen refer these comments to the Technical Coordinating Committee of the DCHC MPO for consideration in preparing its recommendations for the Regional Priority List.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: Jacquelyn Gist

Absent or Excused: None

PRESENTATION OF THE AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 2001

In accordance with principles of accountability and state statutes, the town undergoes an annual financial audit by independent auditors. The town contracted with Dixon Odom PLLC to perform the audit for the fiscal year ending June 30, 2001. The purpose of this agenda item was for the Board to receive the audit report. LaVonne Montague, CPA, of Dixon Odom PLLC, who oversees the town's audit, presented the report.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Alex Zaffron.

A RESOLUTION ACCEPTING THE 2000-01 AUDIT REPORT
Resolution No. 53/2001-02

WHEREAS, the Carrboro Board of Aldermen have received the annual 2000-01 Audit Report; and

WHEREAS, the Aldermen were informed by the Town's auditors, Dixon Odom PLLC that the Town's financial statements are free of material misstatement and that the audit tests conducted by the firm did not uncover any material weaknesses that are required to be reported under Government Auditing Standards;

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

Section 1: Accept the annual 2000-01 Audit Report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

REQUEST TO ADOPT RESOLUTIONS TO UPDATE AND AUTOMATE CHECK PROCESSING PROCEDURES

The Management Services Department, updating current practices, is requesting the Board to approve several resolutions in an effort to effectively administer payables and payroll check-writing processes. The first resolution designates the Accounting Officer as a “deputy finance officer” providing the Town with the necessary backup to sign payables and payroll checks and contracts in the absence of the Finance Officer. The second resolution is one required by the Bank of America changing the bank signature authorization to add the Accounting Officer. The third resolution requests Board approval to authorize the Town Manager to use automated signatures for processing checks.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION APPOINTING A DEPUTY FINANCE OFFICER PER GS 159-25(B)
Resolution No. 46/2001-02**

BE IT RESOLVED BY THE BOARD OF ALDERMEN:

Section 1. The Accounting Officer position, currently occupied by Ms. Judy Weller, serves as the Town’s Deputy Finance Officer; and,

Section 2. The Accounting Officer is hereby authorized to sign payables and payroll checks and contracts on behalf of the Town in the absence of the Finance Officer.

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 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

**A RESOLUTION OPENING AND MAINTAINING A DEPOSIT ACCOUNT
AND/OR CERTIFICATES OF DEPOSIT
Resolution No. 47/2001-02**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

1 . That the Bank of America (“Bank”) is hereby designated as a depository of the Town of Carrboro and that deposit accounts and/or time deposits (CDs) be opened and maintained in the name of Town of Carrboro with Bank in accordance with the terms of the Bank's Deposit Agreement and Disclosures and the applicable rules and regulations for such accounts; that any one of the following officers or employees of the Town of Carrboro (insert titles, not names):

Title: <u>Town Manager</u>	Title
Title: <u>Assistant Town Manager/Finance Officer</u>	Title
Title: <u>Accounting Officer</u>	Title
Title	Title

is hereby authorized, on behalf of Town of Carrboro and in its name, to execute and to sign any application, deposit agreement, signature card and any other documentation required by Bank to open said accounts; to sign checks, drafts, notes, bills of exchange, acceptances, time deposits (CDs) or other orders for payment of money; to endorse checks, drafts, notes, hills, time deposits (CDs) or other instruments owned or held by Town of Carrboro for deposit with Bank or for collection or discount by Bank; to accept drafts, acceptances, and other instruments payable at Bank; to place orders with Bank for the purchase and sale of foreign currencies on behalf of Town of Carrboro; to execute and deliver an electronic fund transfers agreement and to make transfers or withdrawals by electronic transfer on behalf of the Corporation; to obtain an access device (including but not limited to a card, code, or other means of access to the Corporation's accounts) that may be used for the purpose of initiating electronic fund transfers [Corporation agrees and acknowledges that neither the Electronic Funds Transfer Act (15 U.S.C. 1693 et seq.) nor Regulation E (12 C.F.R. Part 205) are applicable to any such access device]; to establish and maintain a night deposit relationship; to execute and deliver a wire transfer agreement and to request, or to appoint or delegate from time to time such persons who may request, wires of funds; to enter into any agreements with the Bank for the provision by Bank of various Treasury Management services to Town of Carrboro as such officer or employee may determine, in his or her sole discretion, and to sign any and all documents and take all actions required by Bank relative to such Treasury Management services or the performance of the Town of Carrboro's obligations thereunder, and that any such Treasury Management agreements) shall remain in full force and effect until written notice to terminate given in accordance with the terms of any such agreement shall have been received by Bank and that such termination shall not affect any action taken by the Bank prior to such termination; to rent or lease a safe deposit box from Bank, to execute the rental agreement or lease, to enter the safe deposit box and to terminate the rental agreement or lease; to take whatever other actions or enter into whatever other agreements relating to the accounts or investment of funds in such accounts with Bank and to execute, amend, supplement and deliver to Bank such agreements on behalf of the Corporation upon such terms and conditions as such officer or employee may deem appropriate and to appoint and delegate, from time to time, such person(s) who may be authorized to enter into such agreements and take any other actions pursuant to such agreements in connection with said accounts that the officer or employee deems necessary; and to waive presentment, demand, protest, and notice of protest or dishonor of any check, note, bill, draft, or other instrument made, drawn or endorsed by Town of Carrboro; and

2. Further Resolved, that the Bank be and is hereby authorized to honor, receive, certify, pay or exchange for money orders or other instruments all instruments signed in accordance with the foregoing resolutions even though such payment may create an overdraft or even though such instruments may be drawn or endorsed to the order of any officer or employee signing the same or tendered by such officer or employee or a third party for exchange or cashing, or in payment of the individual obligation of such officer or employee, or for deposit to such officer's or employee's personal account and Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolutions or the application or disposition of such instrument or the proceeds thereof; and, further, that the Bank is authorized to honor any instructions regarding withdrawals, orders for payment or transfer of funds whether oral, by telephone or electronic means if such withdrawal, orders or transfer are initiated by an above authorized officer or employee; and

3. Further Resolved, that the Bank be and is hereby requested, authorized and directed to honor and to treat as authorized, checks, drafts or other orders for the payment of money drawn or purportedly drawn in Town of Carrboro's name, including those payable to the individual order of any person whose name appears thereon as signer thereof, when bearing or purporting to bear the facsimile signature of an officer or employee authorized in the foregoing resolutions and Bank shall be entitled to honor, to treat as authorized, and to charge Town of

Carrboro for such checks, drafts, or other orders regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto, if such signature resembles the facsimile specimen duly certified to or filed with the Bank by the Secretary or Assistant Secretary or other officer of Town of Carrboro or if such facsimile signature resembles any facsimile signature previously affixed to any check, draft, or other order drawn in the Corporation's name, which check, draft, or other order was accepted and paid without timely objection by the Corporation, thereby ratifying the use of such facsimile signature; and the Corporation hereby indemnifies and holds the Bank harmless against any and all loss, cost, damage or expense suffered or incurred by the Bank arising out of or in any way related to the misuse or unlawful or unauthorized use by a person of such facsimile signature; and

4. Further Resolved, that endorsements for deposit may be evidenced by the name of the Corporation being written or stamped on the check or other instrument deposited, without designation of the party making the endorsement, and Bank is authorized to supply any endorsement on any instrument tendered for deposit or collection; and

5. Further Resolved, that the Town Clerk of the Town of Carrboro shall certify to Bank names and signatures of persons authorized to act on behalf of Town of Carrboro under the foregoing resolutions and shall from time to time hereafter, as changes in the identity of said officers and employees are made, immediately report, furnish and certify such changes to Bank and shall submit to Bank a new account signature card reflecting such change(s) in order to make such changes effective and Bank shall be fully protected in relying on such certifications and shall be indemnified and saved harmless from any claims, demands, expenses, losses, or damages resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and

6. Further Resolved, the foregoing resolutions shall remain in full force and effect and the authority herein given to all of said persons shall remain irrevocable as far as Bank is concerned until three (3) business days after Bank is notified in writing of the revocation of such authority and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and

7. Further Resolved, that all transactions by any officer or employee of Town of Carrboro on its behalf and in its name with Bank prior to the delivery to Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and

8. Further Resolved, that the Town Clerk be and hereby is, authorized and directed to certify these resolutions to said Bank and that the provisions hereof are in conformity with the Charter or Articles of Incorporation and Bylaws of Town of Carrboro and that the Secretary or Assistant Secretary be, and hereby is, authorized and directed to certify, from time to time hereafter, the names of the holders of the above authorized titles and their signatures on any signature card or other documentation required by said Bank.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING USE OF AN
AUTOMATED SIGNATURE CHIP PER GS 159-28.1
Resolution No. 48/2001-02

BE IT RESOLVED BY THE BOARD OF ALDERMEN:

Section 1. The Board supports cost-effective financial management practices and authorizes the use of an automated signature chip;

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 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

PRESENTATION OF THE COMMUNITY ASSESSMENT

Each year, the Board of Aldermen conducts a retreat to develop goals and to set the direction in which it would like to lead the Town. To assist the Board in its planning efforts, the Town administration attempts in a very limited way to assess emerging community trends that will have an impact on the Town's ability to deliver effective services. The purpose of this item was to present the assessment to the Board.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION ACCEPTING THE
2001 COMMUNITY ASSESSMENT REPORT
Resolution No. 66/2001-02

BE IT RESOLVED that the Board of Aldermen accepts the 2001 Community Assessment report.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 27th day of November, 2001:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, Michael Nelson, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

Alderman Gist requested a copy of the Cost of Town Services agenda item from the November 20th Board meeting.

Alderman Dorosin requested a summary of all staffing requests.

APPOINTMENTS TO THE ADAMS PROPERTY PRESERVATION COMMITTEE

The Mayor and Board of Aldermen considered making appointments to the Adams Property Preservation Committee.

Mayor Nelson established a subcommittee to review the applications and to bring a recommendation back to the Board. Mayor Nelson and Aldermen Broun and Gist will serve on the subcommittee.

The Board requested a closed session after the December 11th Board meeting to discuss the Adams property.

The Town Manager informed the Board about a meeting with State Senator Ellie Kinaird regarding the widening of Smith Level. The meeting will be held either next Tuesday or Thursday. Alderman Spalt requested that the Manager check with Senator Kinaird to see if others should be invited. Aldermen Zaffron and Dorosin plan to attend.

William Morgan announced that he is moving to Hendersonville to open the western North Carolina office of Brough Law Firm.

Alderman Broun requested a report on projected revenues and crime on Broad/Lloyd Streets.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALLEN SPALT TO ADJOURN THE MEETING AT 11:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk