

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 11, 2002 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
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Robert W. Morgan
Deputy Town Clerk	Richard White
Town Attorney	Michael B. Brough

BOLIN CREEK CO-HOUSING GROUP

Ronni Zuckerman, Bolin Creek Co-Housing Group representative, asked the Board to expedite the review process for the co-housing community.

Giles Blunden stated that the project would use the affordable housing density bonus. He said that the project would not require public subsidy.

Mayor Nelson asked staff to prepare a report to update the Board for June 18.

WINMORE DEVELOPMENT

Nancy Salmon, Northern Transition Area resident, asked the Board to protect the Bolin Creek buffers and to consider the Winmore development application before annexation.

SELF-DETERMINATION RESOLUTION

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Joal Hall Broun.

Self-Determination Resolution: For the Full Citizenship of People with Developmental Disabilities

Whereas, self-determination means “people and families are entitled to the freedom, authority, and support to control, direct, and manage their own services, supports, and funding;” and “individuals and families have the right to select their own services and supports as well as decide how and by whom supports are provided;”¹ and,

Whereas, self-determination means “people and families must have meaningful leadership roles at all levels;” and “it is crucial that government, providers, and community organizations welcome, listen to and collaborate with people and families in solving problems, making decisions, and pursuing excellence;”¹ and,

Whereas, self-determination means “people with developmental disabilities want to and can make valuable contributions to their communities;” and “there must be supports that assist people to make a difference...to have real jobs, earn money, or run their own businesses;” and,

Whereas, it is estimated that there are more than 104,732 North Carolinians with developmental disabilities who are eligible to vote in upcoming elections; and,

Whereas, people with developmental disabilities in North Carolina are still living in restrictive environments such as state Mental Retardation Centers, group homes, and nursing homes without full access to their communities; and,

Whereas, 1,962 people with developmental disabilities are living in North Carolina’s Mental Retardation Centers, which is 43% above the national average and the 2001 comprehensive study of North Carolina’s developmental disabilities services recommended that North Carolina should reduce the number of people living in its Mental Retardation Centers by 50% by 2007; and,

Whereas, ADA regulations state “a public entity shall administer services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities” and “a public entity shall make reasonable modifications in its policies, practices, or procedures when modifications are necessary to avoid discrimination, unless modifications would fundamentally alter the nature of the service program or activity;” and,

Whereas, the Olmstead Decision provided by the Supreme Court said the standards would be met if the state has a comprehensive, effectively working plan for people with developmental disabilities to be in the community and a waiting list that moves at a reasonable pace, not controlled by the state; and,

Whereas the North Carolina State Plan 2001 directs in its guiding principles that “services should be provided in the most integrated community setting suitable to the needs and preferences of the individual and planned in partnership with the consumer;” and,

Whereas, people with developmental disabilities still need sufficient transportation, housing, medical services, and person-centered supports; and,

Whereas, people with developmental disabilities still need access and full participation in their communities including grocery stores, communities of faith, hospitals, libraries, restaurants, places of employment, and government offices;

Now, therefore be it resolved that the Carrboro Board of Aldermen request that the state of North Carolina by an act of the General Assembly embrace self-determination by supporting people with developmental disabilities to choose where they live, work, and play as full citizens in their communities.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of June, 2002:

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

Noes: None

Absent or Excused: None

Ellen Perry, Carrboro resident, asked that resolution be forwarded to the Orange County Board of Commissioners and the local legislative delegation.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO APPROVE THE JUNE 4, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

BUDGET TRANSFER TO COVER MUSIC FESTIVAL EXPENSES

The purpose of this item was to increase the 2001-02 budget by \$1,825 to cover expenses associated with planning the 2002 Fall Music Festival.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2001-02 BUDGET ORDINANCE. VOTE: AFFIRMATIVE ALL

FINANCING AGREEMENT FOR THE PURCHASE OF VEHICLES AND EQUIPMENT

Annually, the Board of Aldermen, through its capital improvement plan, approves a schedule that provides for the purchase and replacement of vehicles and equipment through lease purchase financing. The Board of Aldermen was requested to adopt a resolution designating the installment purchase contracts for items listed below as tax-exempt obligations of the Town. This resolution represents the installment financing planned and budgeted for FY01-02. Due to much lower interest rates than anticipated, the lease payments fall below budgeted amounts, representing a savings of approximately \$16,800.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A
MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01,
AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS,
AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH
Resolution No. 168/2001-2002

WHEREAS, the governing body of Town of Carrboro ("Lessee") desires to obtain certain equipment as described in the attached agenda item (Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease") with SunTrust Leasing Corporation, in accordance with the proposal dated May 30, 2002. The amount financed shall not exceed \$349,550, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.91%, and the financing term shall not exceed three (3) years from closing, and,

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with the North Carolina Cash Management Trust (the "Escrow Agent") pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF CARRBORO AS FOLLOWS:

Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the “Financing Documents”) in the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as SunTrust Leasing Corporation may request.

Section 3. The proper officers of Lessee be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

Section 4. Pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the “Code”), Lessee hereby specifically designates the Lease as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.]

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of June, 2002:

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

Noes: None

Absent or Excused: None

A REQUEST TO SET A PUBLIC HEARING FOR THE TWIN MAGNOLIAS CONDOMINIUMS CONDITIONAL USE PERMIT

Williams Construction Company, Inc. has submitted an application for a Conditional Use Permit (CUP) to allow a combination use (Use 27.000), consisting of a single-family dwelling (Use 1.111) and two-family dwelling apartment buildings (Use 1.241) at 107 Jones Ferry Road. The request consists of a condominium project including twelve (12) two-family apartment buildings [twenty-two (22) total dwelling units] and an existing single-family residence, which will remain. The project would be located at 107 Jones Ferry Road and

would be named 'Twin Magnolias Condominiums.' 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 set a public hearing for June 25, 2002 for consideration of the conditional use permit request.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION CALLING A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST
FOR THE TWIN MAGNOLIAS CONDOMINIUMS PROJECT LOCATED AT 107 JONES FERRY ROAD
Resolution No. 169/2001-02

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed conditional use permit projects; and

WHEREAS, an application has been received for a conditional use permit for the Twin Magnolias Condominiums project located at 107 Jones Ferry Road.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on August 20, 2002 to consider the conditional use permit request for the Twin Magnolias Condominiums project.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of June, 2002:

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

Noes: None

Absent or Excused: None

**A REQUEST TO SET A FIXED ASSET THRESHOLD FOR BUILDINGS AT \$20,000 AND
INCREASE THE TOWN'S FIXED ASSET THRESHOLD OF TANGIBLE CAPITAL ITEMS TO
\$5,000**

The Board of Aldermen was requested to set a fixed asset limit for the Town's infrastructure assets (roads, bridges, sidewalks, etc.) at \$100,000 and Buildings at \$20,000 and to increase the minimum value on tangible capital item assets (equipment, vehicles, etc.) tracked by the Town from \$2,500 to \$5,000

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

A RESOLUTION INCREASING THE THRESHOLD OF INVENTORIED
FIXED ASSETS AND BUILDINGS
Resolution No. 161/2001-02

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

That the threshold of the inventoried fixed assets be established or increased for the following assets:

- Tangible capital items (equipment, vehicles, etc); increase from \$2,500 to \$5,000;
- And, buildings; establish at \$20,000.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of June, 2002:

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

Noes:

Absent or Excused: None

RENEWAL OF THE ORANGE COUNTY HOME CONSORTIUM AGREEMENT

The purpose of this item was to adopt a resolution authorizing the execution of a HOME Consortium Agreement for the period July 1, 2002 through June 30, 2005.

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

A RESOLUTION AUTHORIZING THE EXECUTION OF A HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM CONSORTIUM AGREEMENT Resolution No. 147/2001-02

WHEREAS, in 1992, the Carrboro Board of Aldermen approved participation of Carrboro in the Orange County HOME Consortium; and

WHEREAS, the Towns of Carrboro, Chapel Hill, and Hillsborough and Orange County are currently members of the Orange County HOME Consortium established on or about August 3, 1992; and

WHEREAS, the current Orange County HOME Consortium Agreement expires on June 30, 2002; and

WHEREAS, the Orange County HOME Consortium desires to continue to be considered for eligibility under the federal HOME Program operated by the U.S. Department of Housing and Urban Development as authorized under the National Affordable Housing Act, as amended;

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen authorizes the Town Manager execute the approved HOME Consortium Agreement for the period July 1, 2002 to June 30, 2005, and future agreements for future periods not materially different from the July 1, 2002 to June 30, 2005 agreement, subject to approval as to form by the Town Attorney.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of June 2002:

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

Noes: None

Absent or Excused: None

FINAL DECISION: JOINT PLANNING LAND USE PLAN AMENDMENT TO INCORPORATE THE REVISIONS TO THE CHAPEL HILL COMPREHENSIVE PLAN AND LAND USE PLAN

On April 17, 2002, the three parties to a Joint Orange County Planning Agreement held a public hearing on an amendment to provide a linkage with the Water and Sewer Management, Planning, and Boundary Agreement. The Administration recommended that the Board of Aldermen adopt a resolution that establishes such a linkage in the Joint Planning Agreement.

The following resolution was introduced by Alderman Joal Broun and duly seconded by Alderman Mark Dorosin.

A RESOLUTION ADOPTING A
JOINT PLANNING AGREEMENT AMENDMENT
TO PROVIDE A LINKAGE TO THE WATER AND SEWER BOUNDARY AGREEMENT
Resolution No. 165/2001-02

Whereas, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987 and as amended; and

WHEREAS, Carrboro, Chapel Hill, Hillsborough, Orange County and OWASA worked for a number of years toward developing a Water and Sewer Management, Planning and Boundary Agreement, and the Orange County Board of Commissioners adopted the Agreement in its final form on December 3, 2001;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the Board approves the following amendments to the Joint Planning Agreement:

- 1) Amend Article 1 to read:

ARTICLE 1. PURPOSE, DEFINITIONS, EFFECTIVE DATE, LINKAGE

- 2) Add Section 1.4 to read:

Section 1.4 Linkage with the Water and Sewer Management, Planning and Boundary Agreement

The Water and Sewer Management, Planning and Boundary Agreement (hereinafter WSMPBA) is incorporated into this agreement by reference. A copy of the WSMPBA is exhibit B to this agreement. Termination of the WSMPBA does not terminate this agreement. The withdrawal by a party from the WSMPBA does not constitute withdrawal from this agreement. Termination of this agreement or withdrawal from this agreement can only be accomplished as provided in this agreement.

BE IT FURTHER RESOLVED that the Board of Aldermen authorizes the Manager to transmit this resolution to Orange County for consideration by the Orange County Planning Board and Orange County Board of Commissioners.

BE IT FURTHER RESOLVED that the Board of Aldermen authorizes the Mayor to execute, on behalf of the Town, these amendments to the Joint Planning Agreement.

This resolution shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill and Carrboro.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 11th day of June 2002:

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

Noes:

Absent or Excused: None

STAFF RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION ON USER FEES FOR SOLID WASTE SERVICES

At their regularly scheduled meeting of June 4, 2002, subsequent to a public hearing to receive comments on implementation of a solid waste user fee for dumpster collection service the Board of Aldermen had further discussion on the matter and instructed Staff to provide additional analysis for consideration by the Board in further deliberation at the next Board meeting. A resolution to receive the Staff Report was provided.

Bing Roenigk, Assistant Town Manager, reviewed the billing options.

Alderman Gist would like to know if fee waivers are possible for seniors and low-income residents.

Alderman Dorosin is interested in a billing structure that is based on square footage or assessed tax value. He suggested exploring having residents call for yard waste pick up.

Chris Peterson, Public Works Director, explained yard waste pick up and billing procedures.

Bob Kirschner, Canterbury Townhome Association, asked if residents who own their units in multi-family buildings would be charged the same as single-family owners. Mr. Peterson will follow-up with Mr. Kirschner concerning the town's yard waste and bulk pick up procedures.

The Board decided to hold a public comment session on the single-family fee June 18th and to study the yard waste fee structure.

Aaron Nelson, Chapel Hill/Carrboro Chamber of Commerce Executive Director, addressed the Board about implementing the fees in an equitable manner.

BUDGET WORK SESSION ON THE FY2002-03 BUDGET

The purpose of this agenda item was to continue budget discussions and instruct the Town Manager to prepare additional information for June 18, 2002 that will assist the Board in developing a final draft of the budget for adoption by the Board on June 25.

Mayor Nelson and Mr. Morgan commended staff for finding further cuts.

The Board provided the following direction to the Town Manager to prepare the FY2002-03 Budget:

Introduced Item	Item	Amount	Vote For/Against	Outcome
Alderman Dorosin	Cut Century Center Cybrary funding	\$28,415	Consensus	Passed
Alderman Dorosin	Cut Economic Development Commission funding	\$0	3 - 4	Failed
Alderman Dorosin	Reduce Arts Center funding to \$10,000	\$0	Alderman Broun moved/Alderman Gist seconded – Vote Affirmative All to excuse Aldermen Zaffron 2- 4	Failed
Alderman Dorosin	Reduce Library funding to \$2,000	\$0	Failed – no second	Failed
Alderman Dorosin	Cable TV Consultant	\$0	No action	No action
Alderman Dorosin	Cut League of Women Voters	\$0	2-5	Failed
Alderman Dorosin	Cut Mediation	\$750	5-2	Passed
Alderman Dorosin	Provide Match Funding for Music Festival	(\$1,175)	7-0	Passed
Mayor Nelson	Cut Community Dinner	\$500	6-1	Passed
Alderman Dorosin	Fund Human Services at \$100,000/Cut CIS funding	\$5,000	7-0	Passed
Alderman Dorosin	Reduce Aldermen travel to \$1,300	\$1,000	7-0	Passed

Staff will write a contingency fund policy for final budget (use for government operations only)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY MARK DOROSIN TO INCREASE THE UNALTERED FEE FOR DOGS TO \$20. VOTE: AFFIRMATIVE ALL

Alderman Dorosin requested that the Board review the role and purpose of all Advisory Boards at a later date. Mayor Nelson requested that this topic be placed on the Quarterly Calendar.

Alderman Dorosin would like to know what the dues and subscriptions line item in Mayor and Board of Aldermen's budget covers.

Mayor Nelson would like to know if there is any savings if yard waste collection is reduced to once a week pick up.

Alderman Dorosin would like to explore establishing a cost for a second pick up if the service is reduced.

Alderman Gist would like to know if there are savings from cutting back on residential street sweeping.

Alderman Herrera expressed his dissatisfaction with the lack of choices to balance the budget.

The Board unanimously approved all of the adjustments offered by the Town Manager and Staff and the items on the Final Budget Worksheet.

The Board will apply the Telecommunication Franchise Tax, if received, to the Public Works market study implementation if the payment is at least \$23,000.

The Board added the proposed cost of living adjustment to the Additions on the Budget worksheet and will decide on July 23 how to allocate state-shared revenues if they become available.

The Manager will prepare an interim budget for the June 25 Board meeting. The Board will meet on July 23 to adopt a final budget.

CONFLICT OF INTEREST POLICY

Alderman Broun will consult with the Institute of Government and develop a conflict of interest policy for advisory board members.

AUDIO FOR BOARD MEETINGS

Alderman McDuffee requested that the microphones in the Board Room be turned on during Joint Planning meetings. She also stated that it is difficult to hear speakers when reviewing tapes of Board of Aldermen meetings.

THE CEDARS AT BOLIN FOREST PATHWAY

Alderman McDuffee requested that the Board discuss recreation points as result of the pathway.

The Board requested that staff negotiate with the developer to have the pathway constructed. If negotiations are not successful, the Board will consider building the sidewalk.

FEE RECOVERY

Alderman Herrera would like to recover more money in fees, especially for recreation programs.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN TO CLOSED SESSION TO DISCUSS A MATTER INVOLVING ATTORNEY/CLIENT PRIVILEGE AT 10:54 P.M. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 11:03 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk