

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 25, 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
Town Clerk	Sarah C. Williamson
Town Attorney	Nick Herman for Michael B. Brough

### **CARRBORO PARKS PROJECT**

Rob Morris, with the Carrboro Parks Project, announced that there will be a fundraising dinner at Weaver Street Market on July 11<sup>th</sup> to raise funds for the enhancement of Carrboro's parks.

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### **REQUEST TO USE RECLAIMED WATER**

Jeanette Quinn stated that she is moving her business into a portion of the Andrews Riggsbee Hardware building and expressed an interest in using reclaimed water at her business.

Mayor Nelson requested that the Town staff arrange a meeting with the OWASA staff, the Town's OWASA representatives, and the Environmental Advisory Board to discuss the possibility of using reclaimed water.

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### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE JUNE 18, 2002 MINUTES. VOTE: AFFIRMATIVE ALL

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### **REQUEST TO APPROVE A BUDGET AMENDMENT**

The purpose of this agenda item was to amend the 2001-02 fiscal year budget to appropriate \$6,249 in fines and forfeiture revenue reserved for the Police Department as required by law.

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

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**MID-APRIL THROUGH MID-MAY 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 of May 16 through June 15, 2002 was presented.

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**A REQUEST TO APPROVE DESIGNATION OF FUND BALANCE FOR FY2001-02 BUDGET ITEMS NOT YET SPENT OR ENCUMBERED**

The Town has identified two projects, totaling \$12,820 within the FY2001-02 general fund budget whereby funds approved by the Board have not been spent but will be needed when the projects are brought to fruition and a vendor is identified to purchase the service or item. The funds, if not spent or reserved for next year, will lapse to undesignated fund balance within the General Fund at June 30, 2002. The Board was requested to set aside these funds for the upcoming year.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION DESIGNATING FUND BALANCE FOR FY2001-02  
BUDGET ITEMS NOT YET SPENT OR ENCUMBERED  
Resolution No. 179/2001-02

WHEREAS, the Town Manager, Robert W. Morgan, has described to the Board the desirability of adopting a resolution to reserve fund balance for the following projects:

BE IT RESOLVED by the Board of Aldermen that fund balance be reserved to fund the following items:

RESERVED FUND BALANCE FOR INCOMPLETE PROJECTS OR EXPENDITURES

PROJECTS	DEPARTMENT	COST
RENOVATIONS – FIRE DEPARTMENT	FIRE DEPARTMENT	\$5,170
PLAYGROUND EQUIPMENT – PLANNING/DESIGN (FUNDED WITH LEASE PROCEEDS)	RECREATION	\$7,650
<b><u>TOTAL GENERAL FUND</u></b>		<b>\$12,820.00</b>

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

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**REQUEST FOR PERMISSION TO SELL REVOLVING LOAN FUND COLLATERAL**

The purpose of this matter was to request permission to dispose of a parcel of land that was acquired as collateral for the Ashley Day Care Revolving Loan upon foreclosure of the loan for failure to repay a debt to the Carrboro Revolving Loan Fund.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

**A RESOLUTION DECLARING PROPERTY AS SURPLUS AND  
AUTHORIZING THE TOWN MANAGER TO DISPOSE OF THE PROPERTY  
Resolution No. 185/2001-02**

Whereas, Chapter 160A of the General Statutes authorizes the Town to dispose of real property; and

Whereas, the Town desires to dispose of a certain parcel of land that the Town has acquired by foreclosure.

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

1. That the parcel of real property, South Side of Eastwood Road 110' east of Piney Mountain Road/Eastwood Road Intersection, Chapel Hill, N.C. 27514, identified as PIN# 9789-69-0049- Tax Map 7.28.. 5A, is hereby declared surplus;
2. That the Town Manager is hereby authorized to dispose of the surplus real property by sale to the Town of Chapel Hill as authorized by NCGS Section 160A-274, or to initiate the upset bid process described in NCGS Section 269, whichever is in the best interest of the Town of Carrboro.
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 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION CALLING FOR THE ACCEPTANCE OF THE IDENTIFICATION CARD ISSUED BY THE MEXICAN CONSULATE "MATRICULA CONSULAR"**

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman John Herrera.

**A RESOLUTION CALLING FOR THE ACCEPTANCE OF THE IDENTIFICATION CARD**

ISSUED BY THE MEXICAN CONSULATE "MATRICULA CONSULAR"  
Resolution No. 187/2001-02

WHEREAS, since the September 11<sup>th</sup> tragedy, heightened security measures have created a particular need for undocumented immigrants to possess a valid form of identification; and

WHEREAS, recognition of the identification card will decrease processing times for the police departments; and

WHEREAS, North Carolina has one of the fastest growing immigrant Latino populations in the United States; and

WHEREAS, Carrboro has one of the largest Mexican immigrant populations in Orange County; and

WHEREAS, the immigrant population provides employees and contributes tax dollars and income to the Town of Carrboro; and

WHEREAS, the identification card encourages residents who would otherwise be undocumented to communicate with the police and other law enforcement authorities; and

WHEREAS, the right of the Mexican Consulate to issue identification cards to its citizens abroad is guaranteed by the Vienna Convention of Consular Affairs; and

WHEREAS, the identification card issued by the Mexican Consulate contains a reasonable number of anti-fraud features including a numbering system, lamination, embossed lettering and a database of all issued cards; and

WHEREAS, the identification card has the potential to promote increased communication with the police department by reducing fears and facilitating crime reporting; and

WHEREAS, individuals using the identification cards will be able to access some city services through the library and life enrichment programs; and

WHEREAS, the cities of Los Angeles, San Francisco, Oakland, Austin, as well as the police departments in Iowa, Nebraska, South Dakota, North Dakota and Eagle Pass have adopted similar resolutions. The Wells Fargo Bank, Citibank, Washington Mutual, Union Bank of California, Banco Popular, First Bank of America, First National Bank, Suntrust Bank, Inc., United Americas Bank, The Latino Community Credit Union, Bank of America, and The Southern Community Bank in North Carolina have accepted the Mexican identification card.

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

Section 1. The Town of Carrboro calls upon the State of North Carolina, other local governments, our congressional delegation, and other interested parties to endorse similar proclamations in order to encourage the acceptance of the identification card issued by the Mexican Consulate called: Matricula Consular.

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 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION REGARDING THE USA PATRIOT ACT AND THE PROTECTION OF CIVIL RIGHTS AND LIBERTIES**

The following resolution was introduced by Alderman Mark Dorosin and seconded by Alderman Diana McDuffee.

A RESOLUTION REGARDING THE USA PATRIOT ACT  
AND THE PROTECTION OF CIVIL RIGHTS AND LIBERTIES  
Resolution No. 186/2001-02

WHEREAS, the Town of Carrboro has a long and distinguished history of protecting and expanding the civil rights and civil liberties of its residents; and

WHEREAS, the Town of Carrboro houses a diverse population, including students, working people, and non-citizens, whose contributions to the community are vital to its character and function; and

WHEREAS, the Board of Aldermen of the Town of Carrboro is committed to upholding the human rights of all persons in Carrboro and their free exercise and enjoyment of any and all rights and privileges secured by our constitutions and the laws of the United States, the State of North Carolina, and the Town of Carrboro; and

WHEREAS, several actions recently taken by the federal government, including the adoption of sections of the USA Patriot Act and several Executive Orders now threaten these fundamental rights and liberties, including: freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, all of which are guaranteed by the Constitutions of North Carolina and the United States.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. That the Town of Carrboro, acting in the spirit and history of our community, hereby requests that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA Patriot Act of Orders of the Executive Branch.
2. Any federal or state law enforcement officials acting within the Town of Carrboro work in accordance with the policies and procedures of the Carrboro Police Department, and in cooperation with the Department, and not engage in or permit detentions without charges or racial profiling, and to regularly and publicly report to the Town the extent and manner in which they have acted under the Act or the new Executive Orders, including the names of any detainees held in the region or any Carrboro residents detained elsewhere.

3. Our congressional delegation monitor the implementation of the Act and Orders cited herein and actively work for the repeal of those portions of the Act and those Orders that violate fundamental rights and liberties guaranteed by the United States and North Carolina Constitutions.

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 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

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### **PUBLIC HEARING/USE OF LEASE PURCHASE FINANCING TO PURCHASE PROPERTY FOR A FUTURE PUBLIC WORKS FACILITY**

The purpose of this agenda item was to hold a public hearing to receive public comment on the proposed installment financing for property that has been identified for a future public works facility. This public hearing was set on June 2, 2002 and advertised on June 11 and June 15, meeting the legally required minimum of ten days notice prior to this hearing. Upon closing the public hearing, the Board was requested to adopt several resolutions that allow the Town to proceed with steps needed to implement financing for the property.

Bing Roenigk, the Town's Assistant Town Manager, made the presentation.

Mark Nielsen, 400 Britton Drive, pointed out that this site is eight times larger than the amount of land the Town needs to construct a public works facility, suggested that Carrboro continue to work with the Town of Chapel Hill to build a joint facility, said that improvements will need to be made to Old 86 if this facility is built, is concerned about the underground storage facility, and asked if neighbors would be able to connect to the water and sewer system when it is run out to the public works facility.

Ad Ellis-Nielsen, 400 Britton Drive, asked if the Town has any plans to build anything other than the public works building on this land, are there plans to sell any of this property, asked what assurance the Town could give to make this facility a state of the art, environmentally sound and aesthetically compatible facility, asked for the Town to put funds in its budget to monitor the wells for possible contamination.

Dawn Minton, a resident of Old N.C. 86, stated that this is an environmentally sensitive area, expressed concern that the Town is spending so much money on land that does not perk, expressed concern that Old N.C. 86 is already a dangerous road, suggested a joint facility with Chapel Hill.

Doris Kaneklides, a resident of Britton Drive, works with Employment Security Commission and knows how many people are out of work, suggested that the Town review report prepared by Randal Arendt, suggested that the Town spend its money wisely.

Peggy Baker, 420 Britton Drive, asked for monitoring of wells, expressed concern about the sight distance problem at Britton Drive and Dear Ridge Road, suggested that the Town combine efforts with Chapel Hill to build a joint facility, asked for assurance that this project will not negatively impact on adjoining neighbors.

Mary Ayers, a resident of Old N.C. 86, asked what the zoning of this property is, asked whether this development would require a conditional use permit, urged the Town to make sure this is a good use of the property prior to purchasing it.

Tom Whisnant, a Carrboro resident, expressed concern that the Town may be spending six to eight million dollars on this project, concerned about the affect this purchase will have on taxes, asked that the Board carefully consider this proposal.

Mr. Morgan stated that the Town would follow the conditional use permit process for the public works facility.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

Alderman Gist requested the following information prior to the Board taking final action on whether to purchase this property: an environmental and cultural impact study of the land, appraisal of property, liability issues with neighbors with underground storage tanks, a closer estimate on the cost of building the public works facility, including water and sewer, and improvements to Old N.C. 86.

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Diana McDuffee.

**CORPORATE AUTHORIZATION RESOLUTION**  
Resolution No. 181/2001-02

MECHANICS AND FARMERS BANK  
116 WEST PARRISH STREET  
DURHAM, N.C. 27701

BY: TOWN OF CARRBORO, N.C.

(Referred to in this document as "Financial Institution")

(Referred to in this document as "Corporation")

I, Sarah C. Williamson, certify that I am the Town Clerk of the above named corporation organized under the laws of North Carolina, Federal Employer I.D. Number 566001194, engaged in business under the trade name of Town of Carrboro, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Aldermen of the Corporation duly and properly called and held on June 25, 2002. Those resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS. Any agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title	Signature	Facsimile Signature (if used)
a. Robert W. Morgan	_____	_____
b. L. Bingham Roenigk	_____	_____

POWERS GRANTED. (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
A, B	(1) Exercise all of the powers listed in this resolution.	1
A, B	(2) Open any deposit or share account(s) in the name of the Corporation	1
A,B.	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	1

A, B	(4)	Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidence of indebtedness.	1
A, B	(5)	Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	1
A, B	(6)	Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit box in this Financial Institution.	1
A, B.	(7)	Other: Execute financing documents associated with financing property	1

**LIMITATIONS OF POWERS.** The following are the Corporations express limitations on the powers granted under this resolution:

**EFFECT OF PREVIOUS RESOLUTIONS.** This resolution supersedes resolution dated (N/A). If not completed, all resolutions remain in effect.

**CERTIFICATION OF AUTHORITY.**

I further certify that the Board of Aldermen of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the powers granted to the persons named who have full power and authority to exercise the same.

In witness whereof, I have subscribed my name to this document and affixed the seal of the Corporation on the \_\_\_\_ day of June 2002.

\_\_\_\_\_  
Town Clerk

Attest:

\_\_\_\_\_  
Attest by One Other Officer

**RESOLUTIONS**

The Corporation named on this resolution resolves that:

1. The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
3. The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as agents of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
4. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.



5. The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
6. The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
7. The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes such Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Diana McDuffee.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A  
FINANCING AGREEMENT AUTHORIZED BY  
NORTH CAROLINA GENERAL STATUTE 160A-20  
Resolution No. 159/2001-02

WHEREAS, the Town of Carrboro, North Carolina desires to purchase twenty three acres of land for a future public works site to better serve the residents of Carrboro; and

WHEREAS, The Town of Carrboro desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro, North Carolina, meeting in a regular session on the 25<sup>th</sup> day of June, 2002, make the following findings of fact:

1. The proposed contract is necessary or expedient because of the need for a new public works facility as identified and justified in the Town's capital improvement program. A larger facility is required due to the growth in the Town's population requiring additional facility and storage space needs. The land purchase is precipitated by the severely limited opportunities to purchase available land within the Town's jurisdiction that meets the Town's needs.

2. The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater. The Town does maintain a fund balance available for appropriation that meets LGC recommendations and is sufficient for protecting the Town in periods of fiscal stress. However, the Town does not have sufficient fund balance available for appropriation to purchase the land outright.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because the price per acre is reasonable given the other sites previously reviewed, the limited suitable land available for purchase, and the price paid for comparable market purchases in the surrounding area.
5. The Town of Carrboro's debt management procedures and policies are good because we follow policies in strict compliance with the law and will continue to provide adequate debt management as directed by the Local Government Commission.
6. The Town, having set aside \$146,991 for future debt, has sufficient funds to afford the first year of debt payment for the property. In future years, the annual debt payment, peaking at an estimated \$68,305, will require a maximum of less than the equivalent of one cent on the property tax rate (.65 cent). This tax equivalent may in future years be afforded through normal growth in revenues, reductions in expenditures, or by appropriating a tax increase.
7. The Town of Carrboro is not in default in any of its debt service obligations.
8. The attorney for the Town of Carrboro will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town of Carrboro in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

The following resolution was introduced by Alderman Mark Dorosin and duly seconded by Alderman Diana McDuffee.

**REIMBURSEMENT RESOLUTION**  
**Resolution No. 177/2001-02**

WHEREAS, the Town Manager, Robert W. Morgan, has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

BE IT RESOLVED by the Board of Aldermen as follows:

Section 1. The land purchase and associated surveys and closing costs are funded up to \$767,000.

Section 2. The expected type of financing (which may be subject to change) for the items above is installment purchase financing as allowed in North Carolina General Statutes Section 160A-20. The currently expected maximum amount of obligations to be issued or contracted for the items is \$767,000.

Section 3. Funds that have been advanced, or may be advanced, from the Capital Projects Fund for the aforementioned items are intended to be reimbursed from the financing proceeds up to an amount of \$767,000.

Section 4. The adoption of this resolution is intended as a declaration of the Town's official intent to reimburse project expenditures from financing proceeds.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2001-02 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE` (GIST)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ENCOURAGE STAFF AND FUTURE BOARDS TO USE A PUBLIC INVOLVEMENT PROCESS INVOLVING CITIZENS OF CARRBORO AND THE NORTHERN TRANSITION AREA IN THE DEVELOPMENT OF A PUBLIC WORKS FACILITY OR OTHER USES PROPOSED OR PLANNED FOR THIS SITE. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT RELATING TO PRIVATE ROADS AND THE CONNECTION OF STREETS**

A draft ordinance that would limit the creation of private roads and vehicle accommodation areas in subdivided and unsubdivided developments if the creation of such roads or vehicle accommodation areas would avoid street interconnection requirements has been prepared. The Board of Aldermen must hold a public hearing to receive public comment before taking action on proposed changes to the text of the Land Use Ordinance. The Administration recommended that the Board of Aldermen adopt the draft ordinance.

Trish McGuire, the Town's Planning Administrator, answered the Board's questions.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS RELATING TO PRIVATE ROADS AND THE CONNECTION OF STREETS." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

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**CONTINUATION OF THE PUBLIC HEARING/LAND USE ORDINANCE TEXT AMENDMENT:  
AUTO SALES IN B-1(G)**

Public comments on a draft ordinance that would amend the text of the Land Use Ordinance to allow auto sales in the B-1(g) zoning district were received on June 18, 2002. The Board of Aldermen continued the public hearing to provide additional time to consider the amendment. The Administration recommended that the Board of Aldermen adopt the draft ordinance.

James Carnahan stated that this amendment is inconsistent with the DownTown Visioning process. He recommended that the Board not approve this amendment.

Ellie Kinnaird stated that the proposed amendment is inconsistent with the downTown.

John Sale stated that a conditional use permit will be required for his development. Mr. Sale stated that he is providing a service to the local citizens and will provide a nice addition to Carrboro.

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW AUTO SALES IN THE B-1(G) ZONING DISTRICT, WITH THE FOLLOWING AMENDMENTS:

1. A vehicle sales operation must be an annex of existing established vehicle sales businesses located within 800 feet.
2. A vehicle sales operation is allowed in those portions of the B-1(g) district that are not adjacent to residentially zoned property (primary zoning classification only).
3. That the M-1 zoning district be included in the performance standard associated with the 2,000-foot separation requirement.

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (DOROSIN, NELSON, BROUN)

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**BOARD DISCUSSION: SOLID WASTE SERVICE USER FEES**

At their regularly scheduled meeting on June 18, 2002, the Board of Aldermen conducted a public hearing to receive comments from the public on a proposal to implement volume-based user fees for roll-out container and yard waste collection service. The Board held a previous public hearing on implementing user fees for dumpster service on June 4, 2002. The Board scheduled further deliberation on implementing user fees for solid waste services for the Board meeting this evening.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman John Herrera.

A RESOLUTION DIRECTING FURTHER ACTION TOWARD IMPLEMENTATION  
OF A SOLID WASTE SERVICES USER FEE  
Resolution No. 175/2001-02

WHEREAS, the Carrboro Board of Aldermen has reviewed information prepared by staff, and has received public input on dumpster collection fees and roll-out collection fees, and

WHEREAS, the Board of Aldermen in reviewing the current fiscal situation, and its potential to have a significant impact on property taxes within Carrboro, desires to take progressive steps to keep Carrboro's property tax rate as low as feasible, and

WHEREAS, the Board of Aldermen has found that charging service users for disposing of waste based on the amount of waste that is discarded, while providing opportunities for recycling, has been demonstrated in other communities to have the desired effect of providing an incentive for waste reduction and recycling.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Mayor and the Board of Aldermen that the Aldermen have considered the information provided and the issues raised concerning solid waste service user fees, and has decided as follows:

Section 1. The Board hereby establishes a full cost-based, variable rate user fee to be charged for non-residential dumpster collection services effective October 1, 2002.

Section 2. The fees to be charged for non-residential dumpster service are as follows:

<b>Non-Residential Dumpster Fee Schedule</b>			
<b>Dumpster Size - Cubic Yards</b>	<b>cost per quarter (13 weeks service)</b>		<b>extra pickup (each time)</b>
	<b>once per week</b>	<b>twice per week</b>	
<b>2</b>	<b>\$178</b>	<b>\$356</b>	<b>\$13.71</b>
<b>4</b>	<b>\$214</b>	<b>\$428</b>	<b>\$16.46</b>
<b>6</b>	<b>\$250</b>	<b>\$500</b>	<b>\$19.20</b>
<b>8</b>	<b>\$285</b>	<b>\$570</b>	<b>\$21.95</b>

Section 3. The Board hereby instructs staff to develop a recommended user fee structure and billing system for residential dumpster service and roll-out container service, along the proposed timeline, to become effective July 1, 2003.

Section 4. 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 25th day of June, 2002:

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

Noes: Jacquelyn Gist

Absent or Excused: None

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**ADOPTION OF THE 2002-03 BUDGET**

By state law, the Board must approve a balanced budget for the Carrboro community by July 1 of every year. The purpose of this agenda item was to present the FY2002-03 budget ordinance that incorporates the changes directed by the Board of Aldermen on June 11 and sets the budget for the upcoming fiscal year. The Adopted Budget also incorporates approval of several resolutions including adjustments to the Town's pay plan and to various fees within the fee schedule; funding for Human Services agencies; adoption of a reimbursement resolution for financed equipment; and compensation for the Town Attorney.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO ADOPT A 2002-03 INTERIM BUDGET. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN  
FOR FISCAL YEAR 2002-2003  
Resolution No. 182/2001-02

WHEREAS, the Board of Aldermen adopts a comprehensive Position Classification and Pay Plan each year in conjunction with adopting an annual budget ordinance; and

WHEREAS, the Town staff has prepared the 2002-2003 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 2002 – June 30, 2003, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 2002-2003 fiscal year.

Section 2. All previously adopted versions of the Classification and Pay Plans, which conflict with this resolution, are hereby repealed.

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 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION APPROVING COMPENSATION FOR  
THE TOWN ATTORNEY  
Resolution No. 184/2001-02

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

Section 1. The Board hereby approves a contract for legal services with the Brough Law Firm for fiscal year 2002-03 in the amount of \$82,085.

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 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO ADOPT THE 2002-03 MISCELLANEOUS FEES AND CHARGES SCHEDULE, AMENDED TO INCREASE THE FEE FOR UNSTERILIZED FROM \$5.00 TO \$10.00. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO ADOPT THE 2002-03 HUMAN SERVICES ADVISORY COMMISSION'S RECOMMENDATIONS. VOTE: AFFIRMATIVE ALL

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

REIMBURSEMENT RESOLUTION FOR FY2002-03 CAPITAL PURCHASES  
Resolution No. 183/2001-02

WHEREAS, the Town Manager, Robert W. Morgan, has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

BE IT RESOLVED by the Board of Aldermen as follows:

Section 1. The equipment and vehicles to be purchased in FY2002-03 include the following:

<b>Department</b>	<b>Item</b>	<b>Estimated Cost (Three Years)</b>
Police Patrol	4 Patrol Vehicles	\$123,312
Police – Investigations	1 Vehicle	\$ 29,875
Public Works – Streets	Street Sweeper	\$ 145,000
<b>Total Lease Purchase</b>		<b>\$298,187</b>

Section 2. The expected type of financing (which may be subject to change) for the items above is installment purchase financing as allowed in North Carolina General Statutes Section 160A-20. The currently expected maximum amount of obligations to be issued or contracted for the items is \$298,187.

Section 3. Funds that have been advanced, or may be advanced, from the General Fund for the aforementioned items are intended to be reimbursed from the financing proceeds up to an amount of \$298,187.

Section 4. The adoption of this resolution is intended as a declaration of the Town's official intent to reimburse project expenditures from financing proceeds.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

Alderman Herrera proposed to delay street paving for one year and borrow funds from the revolving loan fund.

The Board delayed discussion of Alderman Herrera's proposal until July 23, 2002 when the Board will consider adopting the final budget for FY2002-03.

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**REVIEW OF CHAPEL HILL TRANSIT'S PROPOSED REVISION TO THE "C" BUS ROUTE**

Chapel Hill Transit has prepared a proposal for revising the "C" bus route. The Administration recommended that the Board of Aldermen adopt a resolution specifying any recommendations for additional revisions to the "C" route.

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

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO COMMUNICATE THE BOARD'S SUPPORT FOR CHANGES TO THE 'C' ROUTE IN FY 2002-2003**  
Resolution No. 180/2001-02

WHEREAS, Chapel Hill Transit continues to seek to improve efficiency and cost-effectiveness of the public transit services provided to the citizens of Carrboro; and

WHEREAS, Chapel Hill Transit is proposing splitting the 'C' route to reduce trip distances, as requested by citizens of Carrboro during the Public Transit Forum held by the TAB in February 2002; and

WHEREAS, such improvements to the 'C' route may be achieved without any particular, additional cost to the Town.

NOW THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Carrboro that the Town Manager be authorized to communicate the Board's support for the proposed changes to the 'C' route.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 25th day of June, 2002:

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

Noes: None

Absent or Excused: None



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**REQUEST TO MAKE APPOINTMENTS TO THE CHAPEL HILL TOWNSHIP PARK AND EDUCATIONAL CAMPUS MASTER PLAN WORK GROUP**

The Orange County Board of Commissioners is recruiting for volunteers to serve on the Chapel Hill Township Park and Educational Campus Master Plan Work Group. The Commissioners requested representation from the Carrboro Board of Aldermen, Recreation and Parks Commission, and Northern Transition Area Advisory Committee. The purpose of this item was to designate those representatives.

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

A RESOLUTION RECOMMENDING APPOINTEES TO THE  
CHAPEL HILL TOWNSHIP PARK AND EDUCATIONAL CAMPUS  
MASTER PLAN WORK GROUP  
Resolution No. 178/2001-02

WHEREAS, the Orange County Board of Commissioners is recruiting for volunteers to serve on the Chapel Hill Township Park and Educational Campus Master Plan Work Group (CHTPEC MPWG); and

WHEREAS, this work group will develop a master plan for the park and campus that will be located near the intersection of Eubanks Road and Old N.C. 86. and

WHEREAS, the Town of Carrboro has been asked to provide representation from the Board of Aldermen, Recreation and Parks Commission and Northern Transition Area Committee on this work group.

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

Section 1. The Board of Aldermen hereby designates Alderman John Herrera to serve as its representative on the CHTPEC MPWG. Ms. Doris Murrell will serve as the Recreation and Parks Commission representative, and Ms. Kathy Kaufman will serve as the Northern Transition Area Advisory Committee representative.

Section 2. This resolution shall be forwarded to the Orange County Board of Commissioners.

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 25th day of June, 2002:

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

Noes: None

Absent or Excused: None

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**REQUEST TO RESET PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT RELATING TO BUILDING HEIGHTS, ACTIVE RECREATIONAL FACILITIES AND SIDEWALK WIDTHS IN THE DOWNTOWN ZONING DISTRICTS**

Mr. Morgan stated that the Downtown Development Commission had requested additional time to review the text amendment relating to building heights, active recreational facilities and sidewalk widths in the downtown zoning districts. Mr. Morgan requested that the Board reschedule the public hearing on these amendments from August 20 to September 10, 2002.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY MARK DOROSIN TO RESCHEDULE THE PUBLIC HEARING FROM AUGUST 20 TO SEPTEMBER 10, 2002. VOTE: AFFIRMATIVE ALL

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**REQUEST FOR AUTHORIZATION TO HOLD A JOINT MEETING OF THE PLANNING BOARD AND RECREATION AND PARKS COMMISSION**

Alderman Broun requested authorization for a joint meeting of the Planning Board and Recreation and Parks Commission to discuss recreation points.

The Board agreed by consensus to authorize this joint meeting.

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**REQUEST FOR A REPORT FROM OWASA**

Alderman Gist requested a report from OWASA on its contingency plan for possibly requesting that UNC delay the beginning of fall classes in the case of an exceptional drought.

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MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 11:10 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk