

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 4, 2003 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Alex Zaffron
Aldermen	Joal Hall Broun
	Mark Dorosin
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
Interim Town Manager/	Michael B. Brough
Town Attorney	
Town Clerk	Sarah C. Williamson

Absent:

Mayor	Michael Nelson
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2003 CARRBORO DAY

Susie Holloway, Ellen Perry, Bob Wright, and Paul McGinley appeared before the Board. Ms. Holloway announced that this year's Carrboro Day will be held on Sunday, May 4th. She said that they are working with the Friends of the Carrboro Library to provide more variety in food. She asked for volunteers to help with this year's event.

CARRBORO PARKS PROJECT

Susan Stone, with the Carrboro Parks Project, stated that they have raised one-third of their goal to provide a fenced in dog park. They will have grilling nights at Weaver Street on June 12th and September 18th. On-line donations may be made at www.carrboroparks.org.

Alderman Broun requested that the town staff post this information on the town's website.

ORANGE COUNTY AFFORDABLE HOUSING ADVISORY BOARD

Tammy Jacobs, a member of the Orange County Affordable Housing Advisory Board, stated that on March 11th from 7-8 p.m. at the Chapel Hill Public Library there will be the first in a series of community outreach meetings to receive public input on the type of housing desired for Orange County. Questions may be addressed to the Orange County Department of Housing and Community Development.

Alderman Gist requested that this information be posted on the town's website.

CLUB NOVA MINOR MODIFICATION AND CONSTRUCTION PLAN SUBMITTALS

Karen Dunn with Club Nova, requested approval of the construction plans for Club Nova's apartments project.

Giles Blunden reviewed the proposed changes to the conditional use permit for Club Nova's 24 apartments project. He also requested that Mayor Pro Tem Zaffron forward letters to all applicable reviewing agencies requesting expedited review of the construction plans in order to meet the April 1st deadline for approval. Mayor Pro Tem Zaffron asked that the town staff prepare the letters to applicable reviewing agencies for his signature asking for expedited review of the construction plans.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JOAL HALL BROUN TO APPROVE THE FEBRUARY 25, 2003 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

REQUEST TO SET A PUBLIC HEARING: LAND USE ORDINANCE AMENDMENT TO PROVIDE FOR THE CREATION OF PUBLIC PARKING AREAS FROM PRIVATE PARKING LOTS

Staff has determined that revisions to the text of the Land Use Ordinance are in order to provide for the creation of public parking lots from private parking areas. A draft ordinance that facilitates this action has been prepared. A resolution that sets a public hearing for the receipt of public comment on a draft ordinance and refers the draft ordinance to the Planning Board and Orange County was recommended for the Board's adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE
ORDINANCE TEXT AMENDMENT PROVIDING FOR THE CREATION OF
PUBLIC PARKING LOTS FROM PRIVATE PARKING AREAS
Resolution No. 115/2002-03

WHEREAS, the Carrboro Board of Aldermen has determined that it is necessary to consider changes to its Land Use Ordinance from time to time; and

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed changes to its Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on April 15, 2003 to receive public comment on these proposed changes;

BE IT FURTHER RESOLVED that the draft ordinance be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for recommendations.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of March, 2003:

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

Noes: None

Absent or Excused: Michael Nelson

PUBLIC HEARING/FINANCING OF THE PARKING LOT ON ROSEMARY STREET AND VEHICLES

The purpose of this item was to hold a public hearing to receive public comment on the proposed installment financing of the parking lot parcel located at the intersection of Sunset and Rosemary Streets. The Board was requested to approve the town staff's recommendation that SunTrust Leasing Corporation finance the parking lot and vehicles and to approve a resolution to enable execution of the financing with SunTrust Leasing Corporation. A budget amendment was required to allocate funding within the appropriate cost centers.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DIANA MCDUFFEE TO CLOSE THE PUBLIC HEARING AS NO ONE WISHED TO SPEAK. VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

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

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT AND LAND, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH
Resolution No. 116/2002-03

WHEREAS, the governing body of TOWN OF CARRBORO, NORTH CAROLINA ("Lessee") desires to obtain certain equipment (the "Equipment") and Land to the Master Lease Agreement (collectively, the "Lease") with SUNTRUST LEASING CORPORATION, the form of which has been available for review by the governing body of Lessee prior to this meeting; 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 NORTH CAROLINA CAPITAL MANAGEMENT TRUST with SUNTRUST LEASING CORPORATION as 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 and Land in accordance with said Escrow Agreement; and

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

WHEREAS, Lessee proposes to enter into the Lease with SUNTRUST LEASING CORPORATION and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE 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 and Land.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The Director of Finance of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes,

insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidences by such execution and delivery of the Financing Documents. The Town Clerk of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

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 designated the Lease as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 4th day of March, 2003:

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

Noes: Jacquelyn Gist

Absent: Michael Nelson

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING THE FY’2002-03 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST), ABSENT ONE (NELSON)

FINAL REVIEW OF THE TOWN’S DRAFT STORMWATER MANAGEMENT PLAN AND PERMIT APPLICATION

The Board of Aldermen held a public hearing on February 11, 2003 to receive public comment on the Draft Stormwater Management Plan that is required as part of the Town’s application for coverage under the State Stormwater Management Permit. The final draft of the plan has been prepared in consideration of public comment, and was presented to the Board for review. The Administration recommended that the Aldermen authorize the Interim Manager to submit the application and plan to the State.

Phil Prete, the town’s Environmental Planner, reviewed the changes to the plan.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman John Herrera.

A RESOLUTION TO AUTHORIZE THE INTERIM TOWN MANAGER TO SUBMIT ON BEHALF OF THE TOWN THE REQUIRED STORMWATER MANAGEMENT PERMIT APPLICATION AND COMPREHENSIVE STORMWATER MANAGEMENT PLAN
Resolution No. 114/2002-03

WHEREAS, the Carrboro Board of Aldermen is committed to protecting the quality of water in area streams and reservoirs, and

WHEREAS, Town Planning staff have prepared a Comprehensive Stormwater Management Plan in accordance with the rules and permitting requirements of the Department of Environment and Natural Resources, and

WHEREAS, the Carrboro Board of Aldermen have received public input on the program elements of the Draft Stormwater Management Plan through a public hearing on February 11, 2003, and a public comment period extended through February 24, 2003.

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

Section 1. The Board hereby authorizes the Interim Manager to submit the Stormwater Management Permit Application and Comprehensive Stormwater Management Plan on behalf of the Town.

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 4th day of March, 2003:

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

Noes: None

Absent: Michael Nelson

ROBERSON PLACE TRAFFIC CALMING AND PARKING

The Town of Carrboro's Residential Traffic Management Plan provides an opportunity for residents to petition for traffic calming and parking regulations on neighborhood streets. The Roberson Place Homeowner's Association has petitioned the Town for several changes within the neighborhood. In review of this matter, Town staff has noted an inconsistency with statutory parking provisions. The Administration recommended that the Board of Aldermen approve two ordinances amending the Town Code to establish new parking regulations.

Dale McKeel, the town's Transportation Planner, made the presentation. Mr. McKeel stated that the town staff is currently reviewing an additional request to allow parking on the upper end of Sweet Bay Place close to Roberson Street. This request will be brought back to the Board for consideration at a later date.

Nick Lurie, a resident of 275 Sweet Bay Place, requested that the speed limit be lowered to 20 mph, and that this neighborhood be put on the list to have a speed bump installed.

Norm Miller, a resident of Roberson Place, spoke in favor of lowering the speed limit and additional parking and traffic calming.

Mayor Pro Tem Zaffron noted that the Board had received a letter from Roberta and Donald Murray speaking in favor of lowering the speed limit and additional parking.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO SET A 20 MPH SPEED LIMIT ON STREETS IN ROBERSON PLACE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO CHANGE THE PARKING RESTRICTIONS ON A PORTION OF SWEET BAY PLACE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

MOTION WAS MADE BY MARK DOROSIN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO PROHIBIT PARKING WITHIN 25 FEET OF THE INTERSECTION OF CURB LINES." VOTE: AFFIRMATIVE SIX, ABSENT ONE (NELSON)

It was the consensus of the Board to request that the signs located in Roberson Place be consolidated to the extent possible.

PROGRESS REPORT FROM THE TOWN MANAGER SEARCH FIRM

Mr. Brough presented a progress report from The Mercer Group on the search for a new Town Manager. The cutoff for applications is March 17th. The Mercer Group will then review all applications and narrow the list of applications to 12 to 15 for the Board of Aldermen's review in closed session on April 1st. The Board will also receive a confidential list of all applicants on April 1st.

Alderman Gist requested that The Mercer Group post the applications for the semi-finalists on a secure website for the Board's review prior to the April 1st closed session.

SPECIAL LEGISLATION

Mr. Brough stated that the deadline for special legislation for introduction in the Senate is March 12th and asked whether the Board would like for him to contact the town's legislative delegation requesting that they introduce a place holder bill for affordable housing and sprinkler requirements for night clubs.

It was the consensus of the Board to authorize Mr. Brough to contact the legislative delegation.

KNIT OUT

Alderman Broun stated that the February 28th Knit Out was very successful and that 90 hats had been knitted and taken to UNC Hospitals.

RESOLUTION OPPOSING PATRIOT ACT II

Alderman Gist stated that she and Alderman Dorosin would like to bring a resolution to the Board on March 11th opposing Patriot Act II.

WAR DEMONSTRATIONS

Alderman Herrera stated that busses would leave Chapel Hill going to Washington, D.C. on March 15th for citizens wishing to protest the war. Tickets may be purchased at Internationalist Book Store.

LETTER REQUESTING FUNDING FOR THE 2004 COMMUNITY DINNER

Mayor Pro Tem Zaffron stated that the town had received a letter from Nerys Levy requesting that the town include funding in the 2003-04 budget for the Community Dinner.

REQUEST FOR REPORT ON NIGHTCLUBS FIRE SAFETY

Mayor Pro Tem Zaffron requested a report from the town staff on the town's effort to assure nightclub safety and any recommendations for safety improvements.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 8:35 P.M. VOTE: AFFIRMATIVE SIX, ABSE2NT ONE (NELSON)

Mayor Pro Tem

Town Clerk