

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 17, 2003 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Assistant Town Manager	Bing Roenigk
Town Attorney	Bob Hornik
Town Clerk	Sarah C. Williamson

Absent:

Aldermen	Diana McDuffee
	Mark Dorosin

COMMENT FROM CARRBORO PARKS GROUP

A member of the Carrboro Parks Group thanked the Board for the town's contribution towards the dog fence at Anderson Park.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE THE JUNE 10, 2003 MINUTES. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, DOROSIN)

A REQUEST TO ADOPT AN ORDINANCE AMENDING THE TOWN CODE TO UPDATE PROVISIONS RELATING TO THE TOWN MANAGER'S AUTHORITY TO ENTER INTO CONTRACTUAL AGREEMENTS

The Management Services Department, in updating internal administrative practices for contracts, requested the Board to amend the Town Code relating to the Authority of the Town Manager to enter into contractual agreements. The proposed ordinance amends the current Town Code, clarifying the Town Manager's authority to execute contracts, allows the Town Manager to delegate authority to sign contracts on behalf of the Town of Carrboro, and adds authority for the Town Manager to sign emergency contracts under specified conditions outlined in the Town Code.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE PROVISIONS RELATING TO THE AUTHORITY OF THE TOWN MANAGER TO ENTER INTO CONTRACTUAL AGREEMENTS AND RELATING TO THE AUTHORITY OF THE TOWN CLERK TO AUTHENTICATE AGREEMENTS." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, DOROSIN)

REQUEST TO APPROVE A BUDGET ORDINANCE

The purpose of this item was to increase the current year budget to acknowledge a \$5,000 donation from the Carrboro Parks Group. On June 3, 2003 the Board of Aldermen approved an appropriation transfer of \$3,500 from the Contingency Fund to the Recreation and Parks Department Fund to assist with the project. The donation will complement the town’s match to purchase and install a dog fence and other amenities for the area at Anderson Park.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2002-03 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE, DOROSIN)

REQUEST TO SET A PUBLIC HEARING TO PERMIT STREET CLOSING FOR THE FOUR ON THE FOURTH ROAD RACE

Cardinal Track Club has submitted a Street Closing Permit Application for the temporary closing of several town streets from 8:00 a.m. to 9:00 a.m. on Friday, July 4, 2003 to accommodate the *Four on the Fourth Road Race*. In accordance with Section 7-19 of the *Town Code*, a Public Hearing must be held to receive public input prior to issuing a Street Closing Permit. A resolution setting a public hearing for June 24, 2003 was provided for the Board’s consideration.

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

A RESOLUTION SETTING A PUBLIC HEARING
ON THE REQUEST TO CLOSE STREETS FOR THE
FOUR ON THE FOURTH ROAD RACE
Resolution No. 193/2002-03

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that June 24, 2003 at 7:30 p.m. is hereby set as the date for a public hearing on the request that the streets listed be closed from 8:00 a.m. to 9:00 a.m. to accommodate the Four on the Fourth Road Race.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of June, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Diana McDuffee, Mark Dorosin

FEE WAIVER REQUEST FOR CLUB NOVA APARTMENTS PROJECT

Mr. Giles Blunden, representing OPC Foundation, has submitted a letter requesting a refund of paid permit fees and a waiver of future building permit fees for the Club Nova Apartments project. The Administration recommended that the Board review, deliberate, and make a decision regarding the request.

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

A RESOLUTION GRANTING A REQUEST FOR THE WAIVING OF FEES FOR THE
CLUB NOVA APARTMENT PROJECT LOCATED AT
103 WEST MAIN STREET
Resolution No. 180/2002-03

WHEREAS, the Carrboro Board of Aldermen seeks to further affordable housing opportunities; and

WHEREAS, a letter has been received requesting a waiver of fees for the Club Nova Apartment Building Project and the granting of the request will directly benefit the residents of the Club Nova Apartments.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen grant the request for a waiver and refund of fees for the Club Nova Apartments project in accordance with Administrative Policy 540-1.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of June, 2003:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Michael Nelson, Alex Zaffron

Noes: None

Absent or Excused: Diana McDuffee, Mark Dorosin

Jeff Kleaveland pointed out that the Town had received a letter of request asking that the Town forward letters to Orange County urging the County Commissioners to waive the impact fees since the SRO units will have no impact on the schools and to OWASA asking that tap fees be reduced.

Mayor Nelson requested that the town staff draft such letters for his signature.

RESIDENTIAL TRAFFIC MANAGEMENT PLAN REVISIONS

The Town of Carrboro's Residential Traffic Management Plan provides an opportunity for residents to petition for traffic calming measures on neighborhood streets. At its May 20, 2003 meeting, the Board of Aldermen requested that an amendment to the RTMP be prepared to require that residents provide 50 percent of the construction cost of traffic calming devices. A resolution was presented for the Board's adoption.

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

The Board requested that the town staff redraft the Residential Traffic Management Plan as follows:

- Broaden the discretion for eligibility to include people on fixed incomes
- Allow citizens to pay for improvements in installments
- Provide for notification to citizens when traffic calming is needed
- Provide a linkage between development permits and the necessity for traffic calming devices

The Board requested that the town staff bring back a report to the Board in August to include a revised policy and information on Lake Hogan Farms' request.

DISCUSSION OF USE OF GENERAL OBLIGATION BONDS FOR TOWN SIDEWALKS AND GREENWAY TRAILS

The Board of Aldermen, at its regular meeting of May 6, 2003, asked town staff to prepare information on the steps involved in placing a sidewalk bond on the November election ballot. The purpose of this item was to present that information to the Board and provide a "Resolution of Intent" that the Board must adopt as the first step in the process should the Board decide to proceed with further consideration of such a bond issue.

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

Mayor Nelson asked that a Board discussion of the capital improvement plan be scheduled on the Quarterly Calendar.

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

A Resolution Stating Intent to Proceed with a Referendum
For Town of Carrboro General Obligation Bonds
Resolution No. 187/2002-03

WHEREAS, the Board of Aldermen of the Town of Carrboro, North Carolina, has considered the need for capital improvements for sidewalks, greenway trails, and park improvements in the Town, and has determined that general obligation bond financing may be a desirable way for the Town to address these needs.

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:

1. The Board makes an initial determination to proceed with a referendum for Town general obligation bonds for (a) sidewalks and greenway trails in the amount of \$4,600,000, and (b) for parks and recreation facilities in the maximum amount of \$700,000. The Board directs the Finance Officer to proceed with the proper steps toward the authorization of the referendum, including proceeding with an application to the North Carolina Local Government Commission for its approval of such bonds.

2. The Board makes the following findings of fact in support of its actions:

- (a) The Board has requested and reviewed information from Town staff and an advisory board concerning the need for capital improvements for sidewalks and greenway trails. This information identifies costs of identified capital improvements of at least \$4,600,000.

Further, the Board has previously received information from staff identifying needs for park and recreation facilities in an amount exceeding \$700,000.

Based on this review and the Board's own analysis, the Board determines that (i) the proposed improvements are necessary and expedient for the Town, and (ii) the amount of bonds proposed is adequate and not excessive for the proposed purpose.

- (b) The Town's debt management and budgetary and fiscal management policies have been carried out consistently in accordance with the law.
- (c) The Board expects that such increase in the Town's property tax rate as may be necessary to provide for principal and interest payments on the bonds will be reasonable and appropriate under all the circumstances.

3. The Board authorizes and directs the Town Clerk, in consultation with the Finance Officer, to publish a notice of the Board's intent to apply to the North Carolina Local Government Commission for approval of Town bonds. The Board appoints the Finance Officer as the Town's authorized representative with respect to the LGC application process. The Board appoints The Sanford Holshouser Law Firm PLLC as the Town's bond counsel with respect to the proposed school bond referendum, and directs the Finance Officer to negotiate the terms of bond counsel's engagement.

4. All Town officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in furtherance of the purposes of this resolution. All such prior actions of Town officers and employees are ratified, approved and confirmed. All other Board proceedings (or parts thereof) in conflict with this resolution are repealed, to the extent of the conflict.

5. This resolution takes effect immediately.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of June, 2003:

Ayes: Joal Hall Broun, John Herrera, Michael Nelson, Alex Zaffron

Noes: Jacquelyn Gist

Absent or Excused: Diana McDuffee, Mark Dorosin

ADOPTION OF A REVISED WATER CONSERVATION ORDINANCE

At the May 6, 2003 Board meeting, Bernadette Pelissier, Chair of the OWASA Board of Directors, presented and discussed new water conservation standards. The Board of Aldermen received the report and adopted a resolution referring the new standards to the Town Attorney to draft the appropriate ordinance amendment to incorporate the standards into the town's water conservation ordinance. The purpose of this item was to request that the Board adopt the ordinance amendment.

Alderman Herrera asked that proclamations be issued in Spanish.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE PROVISIONS DEALING WITH WATER CONSERVATION RESTRICTIONS." VOTE: AFFIRMATIVE FIVE, ABSENT ONE (MCDUFFEE, DOROSIN)

REPORT: NEGOTIATIONS REGARDING THE CEDARS AT BOLIN FOREST PATHWAY

Subsequent to the granting of an Insignificant Deviation by staff (in March 2002) related to recreational facilities for The Cedars subdivision, members of the neighboring Bolin Forest subdivision appeared before the Board of Aldermen to ask questions regarding the situation. The Board directed staff to negotiate with all involved parties to try to reach an acceptable resolution. Since that time, staff has met with all involved parties and attempted to reach such a resolution. This report served to update the Board on the status of the situation and to seek guidance from the Board regarding a possible resolution.

Jeff Kleaveland, one of the town's Planning/Zoning Development Specialists, made the presentation.

Chris Peterson, the town's Public Works Director, stated that the proposed sidewalk would be five-feet in width.

Bob Ross stated the developer has planted cedar trees in the location where the sidewalk was to be constructed. He questioned why the developer would only pay \$2,100 toward the installation of the sidewalk.

Cliff Haac asked why the conditions of the permit were not followed through on, suggested that staff reports be made on development permits, and suggested that insignificant deviations be more defined. He suggested a separation between the roadway and sidewalk.

Linda Haac questioned how an insignificant deviation could have been granted by the town staff if Minutes of this public hearing had been reviewed. She suggested that the developer be required to install the sidewalk and requested that the letter from Capkov Ventures be withdrawn from the record because it is factually incorrect.

Bob Hornik, representing the Town Attorney, stated that once a document has been entered into the public record, it could not be removed.

A resident of the Cedars stated that the residents of The Cedars do not want the sidewalk.

Mark Botts, President of the Cedars at Bolin Forest Homeowner's Association, stated that the Homeowners Association had requested that this trail and other recreational amenities be revised and that is when the insignificant deviation was granted.

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

A RESOLUTION COMMITTING THE TOWN TO THE PAYMENT OF FUNDS ASSOCIATED
WITH THE COSTS OF INSTALLING A SIDEWALK AT THE EDGE OF PAVEMENT
ALONG BOLIN FOREST DRIVE BETWEEN NORTH GREENSBORO STREET AND STABLE DRIVE
Resolution No. 192/2002-03

WHEREAS, the Carrboro Board of Aldermen directed the Administration to negotiate with the applicable parties regarding the installation of a trail within The Cedars subdivision subsequent to the granting of an Insignificant Deviation for the project; and

WHEREAS, the Administration has negotiated with all applicable parties regarding the installation of a sidewalk along the western side of Bolin Forest Drive between North Greensboro Street and Stable Drive; and

WHEREAS, the Board of Aldermen has determined it is appropriate to fund a portion of the installation of such sidewalk (an amount not expected to exceed \$19,500.00).

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen approve the allocation of funds necessary (less a \$2,100.00 contribution offered by Kovens Construction Company) for the purpose of installing curb and gutter and associated storm drainage and a five-foot width sidewalk with a 3-foot wide planting strip at the western edge of pavement along Bolin Forest Drive between North Greensboro Street and Stable Drive.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of June, 2003:

Ayes: Joal Hall Broun, John Herrera, Michael Nelson, Alex Zaffron, Jacquelyn Gist

Noes: None

Absent or Excused: Diana McDuffee, Mark Dorosin

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

A RESOLUTION REQUESTING SIDEWALK FUNDING FROM THE
DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION
Resolution No. 189/2002-03

WHEREAS, the [Transportation Equity Act for the 21st Century](#) (TEA-21) provides federal Surface Transportation Program-Direct Allocation (STP-DA) funds that are administered by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and are available on a matching basis (at 80 percent federal / 20 percent local government match); and

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has set aside \$200,000 of STP-DA funds in 2003-2004 for bicycle and pedestrian projects that are requested by local governments in the region.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen that the Town of Carrboro request that the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization allocate \$17,400 in STP-DA funds for sidewalks along Bolin Forest Drive and, if approved, that these funds be matched by \$3,480 (20% of cost) from the Town of Carrboro.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17th day of June, 2003:

Ayes: Joal Hall Broun, John Herrera, Michael Nelson, Alex Zaffron, Jacquelyn Gist

Noes: None

Absent or Excused: Diana McDuffee, Mark Dorosin

REQUEST TO UPDATE CONFLICT OF INTEREST POLICY

Alderman Broun and Herrera volunteered to work with the Town Attorney to update the town's conflict of interest policy to include advisory board members.

REQUEST TO ADD FUNDS TO THE 2003-04 BUDGET FOR BUFFER

Alderman Gist requested that funds be added to the 2003-04 budget to plant a buffer around the perimeter of the future public works site located off Highway Old 86.

REQUEST FOR REPORT ON LOITERING ON SUNSET DRIVE

Alderman Broun requested a report on loitering and possible drug use in the Sunset Drive area, and reminded the town staff that the Board would like a report on the loitering ordinance after it has been in effect for six month..

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO
ADJOURN THE MEETING AT 9:20 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (MCDUFFEE,
DOROSIN)

Mayor

Town Clerk