

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 2, 2004 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

REQUEST TO PAVE LISA DRIVE

Dariusz Oroc, a resident of 100 Lisa Drive, requested that the town pave Lisa Drive. He stated that the dust is suffocating and that Lisa Drive is used as a drop off for McDougle school children. He stated that Quail Roost Drive is approved for paving and asked that Lisa Drive be added to this paving project. He read excerpt from health journals regarding the dangers of dust. He also stated that the residents of Lisa Drive had presented a petition to the town requesting that their street be paved.

Gabriel Alexander, a resident of 104 Lisa Drive, stated that when she rides her bike on Lisa Drive the dust is terrible.

Ewa Oroc, a resident of 100 Lisa Drive, requested that Lisa Drive be paved. She stated that she is concerned for the health of her family.

Nicholas Moss, a resident of 104 Quail Roost Drive, stated that Lisa Drive gets busier each day and encouraged the town to pave the street.

Mayor Nelson requested that the town staff review the petition requesting that Lisa Drive be paved and provide a recommendation on how this street could be paved.

Alderman Zaffron requested that the report be made as soon as possible in order that it might be included in the Quail Roost Drive paving project.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO APPROVE THE FEBRUARY 24, 2004 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO APPROVE EQUIPMENT AND VEHICLE FINANCING

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 the following vehicles and equipment:

Patrol Vehicles (4)	\$ 83,569
Police – Administrative Car (1)	\$ 21,986
Safety Officer Car – Fire (1)	\$ 16,906
Side Loader Refuse Truck - PW (1)	\$157,892
Pool Car –PW (1)	\$ 13,180
Dump Truck – PW (1)	\$ 41,851
Pickup Truck – PW (1)	\$ 23,036
Ballfield Lights – P& R	\$ 82,000
Fleet Main/IT (1)	\$ 39,750
Recreation Registration Software – P& R	\$ 63,022
Total Vehicles & Equipment	\$543,192

This resolution represents the installment financing planned and budgeted for FY03-04. A budget amendment is needed to reflect the adjustments needed for lease purchase financing.

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

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT PURCHASE CONTRACT WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE TOWN OF CARRBORO, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

Resolution No. 119/2003-04

BE IT RESOLVED by the governing body for the Town of Carrboro, North Carolina (the "Purchaser"):

Section 1. The governing body does hereby find and determine:

- a) The Town of Carrboro proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b) After consideration, the governing body has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to said Section 160A-20, the Town of Carrboro is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) RBC Centura Bank ("RBC Centura") has proposed that RBC Centura finance the Equipment pursuant to an Installment Purchase Contract between the Purchaser and RBC Centura (the "Contract") and a related Escrow Agreement between the Purchaser and RBC Centura (the "Escrow Agreement").

Section 2. The governing body hereby authorizes and directs L. Bingham Roenigk to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Purchaser in such form and substance as the person executing and delivering such instruments on behalf of the Purchaser shall find acceptable. The Clerk is hereby authorized to affix the official seal of the Town of Carrboro to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Purchaser are 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 Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Purchaser in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Purchaser is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

Section 5. The Purchaser covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Purchaser's obligations under the Contract will not be included in the gross income of RBC Centura.

Section 6. The Purchaser hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Purchaser will issue in the aggregate less than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2004. In addition, the Purchaser hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 2nd day of March, 2004:

Ayes: Joal Hall Broun, Mark Chilton, 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 JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2003-04 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

ADOPTION OF CAPITAL IMPROVEMENT PLAN

The Town Manager's FY2004-05 Capital Improvement Plan (CIP) was presented to the Board for review on February 10, 2004. The CIP document is a plan that enables staff and the Board to plan for a vibrant

community with an eye toward protecting the Town's positive fiscal position while meeting the most critical needs facing the Town over the next six years.

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

A RESOLUTION ADOPTING THE FY2004-05 THROUGH FY-2009-10
CAPITAL IMPROVEMENT PLAN
Resolution No. 123/2003-04

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

Section 1. The Board of Aldermen hereby formally adopts the FY2004-05 through FY2009-10 Capital Improvement Plan.

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 2nd day of March, 2004:

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

Noes: None

Absent or Excused: None

BIKE LANES ON EAST POPLAR AVENUE

The bike lane on East Poplar Avenue from Main Street to North Greensboro Street does not meet current bicycle facility guidelines. The Board of Aldermen was asked to amend the Town Code to remove the bikelane designation. With this change, the striping along East Poplar Avenue will remain in place and "No Parking" and "Share the Road" signs added.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO REMOVE THE BIKELANE DESIGNATION ON EAST POPLAR AVENUE." VOTE: AFFIRMATIVE ALL

TOWN CODE AMENDMENTS RELATED TO PARKING AND SPEED LIMITS

Town staff has prepared amendments to the Town Code related to traffic signals, stop signs, flashing red or yellow lights, and speed limits. The Administration recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

Alderman Gist requested that the speed limit on S. Greensboro Street be lowered at the bottom of the hill.

Dale McKeel stated that the request to lower the speed limit on S. Greensboro Street would have to be reviewed by NCDOT.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE RELATED TO STOPLIGHTS, FLASHING RED OR YELLOW LIGHTS, STOP SIGNS, AND SPEED LIMITS, AND THAT NCDOT BE REQUESTED TO LOWER THE SPEED LIMIT ON SOUTH GREENSBORO STREET. VOTE: AFFIRMATIVE ALL

A REQUEST TO APPROVE THE 2004 TIME WARNER CABLE FCC1240 AND FCC1205 RATE ORDER

Time Warner Cable of Raleigh-Durham (Time Warner) has submitted FCC1240 Updating Annual Maximum Permitted Rates filing for Regulated Cable Services and a consolidated "Company" FCC1205 Determining Regulated Equipment and Installation Costs filing with the Town to set the regulated rate for the Hourly Service Charge (HSC), Installation Services and Equipment rental rates. The Cable Television Consumer Protection and Competition Act of 1992, the Federal Telecommunications Act of 1996, the Town Code, and regulations adopted pursuant to that Code, permit the Board of Aldermen to regulate rates for basic cable services and associated equipment. Bob Sepe, a consultant with Action Audits, has reviewed Time Warner Cable's 2004 cable television rate filings. The purposes of this item were to request that the Board 1) receive public comments; 2) adopt Mr. Sepe's report as its own; and 3) approve the rate order.

Bob Sepe made the presentation.

Steve Rose stated that the General Statutes give towns the ability to go into the cable business.

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

A RESOLUTION TO APPROVE THE 2004 TIME
WARNER CABLE FCC1240 & FCC1205 RATE ORDER
Resolution No. 114/2003-04

BE IT RESOLVED that:

Section 1: The Board of Aldermen has received public comments on the Time Warner Cable FCC1240 & FCC1205 Rate Filing for 2004;

Section 2: The Board of Aldermen adopts the report on the Time Warner Cable FCC1240 & FCC1205 Rate Filing for 2004 as its own;

Section 3: The Board of Aldermen approves the 2004 Time Warner Cable FCC1240 & FCC1205 Rate Order.

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 2nd day of March, 2004:

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

Noes: None

Absent or Excused: None

UPDATE: CONSTRUCTION OF SIDEWALK ALONG BOLIN FOREST DRIVE

On June 17, 2003, the Board of Aldermen adopted a resolution committing the Town to the construction of a sidewalk along the eastern side of Bolin Forest Drive from North Greensboro Street to Stable Drive. Since that time, preparation of construction plans for the project has commenced, but construction has not yet begun. Recently, members of the surrounding neighborhoods approached staff seeking clarification on the type of sidewalk to be constructed. After receiving clarification, these individuals requested an opportunity to appear before the Board of Aldermen to further discuss the type of sidewalk to be built in this location. This report served to update the Board on the status of the project as well as to convey to the Board the concerns of certain members of the surrounding neighborhoods. The Administration requested that the Board accept the report and consider providing further guidance on appropriate next steps related to the project.

Marty Roupe, the town's Zoning Administrator, made the presentation.

Chris Peterson, the town's Public Works Director, stated that Shelton Street has a sidewalk similar to the one being proposed by the residents (5 ft. sidewalk installed flush with the existing street with a 3 ft. grass strip). He stated that traffic pulls off on the sidewalk if there is not a separation between pavement and the sidewalk. In addition, there would be maintenance problems without curb and gutter.

Gary Giles, a member of Phase 2 of Bolin Forest, stated that the proposed sidewalk is an aesthetic issue, does not wish to delay installation of the sidewalk for another year because a lot of people walk along Bolin Forest Drive. He requested that curb and gutter not be included.

Cameron Benny encouraged the town to install the sidewalk now without curb and gutter.

Walt Martin, a resident of Phase 2 of Bolin Forest, spoke in favor of installing the sidewalk as soon as possible since Bolin Forest Drive has become a very heavily traveled street by vehicles and pedestrians.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON THAT THE SIDEWALK FOR BOLIN FOREST DRIVE BE DESIGNED IN ITS ENTIRETY (WITH INPUT FROM RESIDENTS OF BOLIN FOREST DRIVE), WITHIN 90 DAYS, AND THAT THE PORTION OF BOLIN FOREST DRIVE FROM NORTH GREENSBORO STREET TO STABLE DRIVE BE CONSTRUCTED AS SOON AS POSSIBLE. VOTE: AFFIRMATIVE ALL

REVIEW OF DCHC TRANSPORTATION IMPROVEMENT PROGRAM (TIP) PRIORITY LIST

The purpose of this item was for the Board of Aldermen to review and comment on the regional priority list for the 2006-2012 State Transportation Improvement Program (TIP).

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

A RESOLUTION PROVIDING COMMENTS ON THE REGIONAL PRIORITY LIST FOR
THE 2006-2012 TRANSPORTATION IMPROVEMENT PROGRAM
Resolution No. 124/2003-04

WHEREAS, the Carrboro Board of Aldermen seeks ample opportunities to review regional transportation policy, and;

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is currently accepting comments on the draft regional priority list for the 2006-2012 Transportation Improvement Program.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen provide the following comments to the Transportation Advisory Committee (TAC) of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization:

1. Rearrange the Carrboro projects in the regional priority list as necessary to match the order in the local priority list.
2. Divide the Estes Drive project into two phases. Phase 1 would be from Greensboro to Seawell School Road and Phase 2 would be from Seawell School Road to Airport Road.
3. Add the Fixed Guideway Connection to Carolina North / Horace Williams Property (connection utilizing existing railroad right-of-way from University Power Plant to Carolina North) to Carrboro's priority list.
4. Add the TTA Phase II project (UNC Hospitals to Duke Medical Center) to Carrboro's priority list.
5. For all road projects, add to the project description that the project will include transit accommodations.
6. Ensure that points have been assigned consistently to all projects on the regional list and ask the MPO to continue to refine the methodology for ranking projects on the regional list.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 2nd day of March, 2004:

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

Noes: None

Absent or Excused: None

CONTINUED DISCUSSION OF OVERLAY ZONING

On February 24, 2004, the Board of Aldermen reviewed a report on overlay zoning and other mechanisms that might be used to refine development at the edge of commercial and residential areas in the downtown. The

Administration recommended that the Board of Aldermen adopt a resolution accepting this report and specify any other actions as desired.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO INSTRUCT THE TOWN STAFF TO DRAFT THE NECESSARY TEXT AMENDMENTS TO ESTABLISH THE B-1(F) AND OVERLAY ZONES, AND THAT A SUBCOMMITTEE CONSISTING OF REPRESENTATION FROM THE DOWNTOWN DEVELOPMENT COMMISSION, PLANNING BOARD, NEIGHBORS AND BOARD OF ALDERMEN BE ESTABLISHED TO PROVIDE RECOMMENDATIONS ON WHERE TO EMPLOY THE B-1(F), OVERLAY AND B-2 ZONES. VOTE: AFFIRMATIVE ALL

APPOINTMENTS TO ADVISORY BOARDS

The Mayor and Board of Aldermen were requested to make appointments to the town’s advisory boards.

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

A RESOLUTION MAKING APPOINTMENTS TO
CARRBORO ADVISORY BOARDS
Resolution No. 122/2003-04

WHEREAS, there are terms on advisory boards that expire in February of each year; and

WHEREAS, those individuals whose terms expire in 2004 were sent notices thanking them for their service and asking them to complete an application form if they were interested in being re-appointed; and

WHEREAS, these seats were also advertised and applications were received; and

WHEREAS, all applications were forwarded to the chairs of the various advisory boards for review and recommendations.

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

Section 1. The following appointments are made to the town’s advisory boards:

<u>BOARD</u>	TYPE OF TERM	RECOMMENDED APPOINTEES
Board of Adjustment	In-Town (4 seats)	David Collins Thomas Arnel
Planning Board	In-Town (2 seat)	Ande West James Carnahan
Appearance Commission/ NPDC	N/A (3 seats)	Richard Taylor
Transportation Advisory Board	N/A (3 seats)	Ginny Wolpin Adena Messinger
Recreation and Parks Commission	In-Town (3 seats)	Salli Benedict
Recreation and Parks Commission	Out-of-Town (2 seats)	None

Cable T.V. Committee	N/A (3 seats)	None
Human Services Commission	N/A (4 seats)	Kathryn Rose John Marold
Cemetery Commission	N/A (2 seats)	Gladys Parker Ben Grantham
Downtown Development Commission	N/A (3 seats)	Peter Lee Ruffin Slater
Environmental Advisory Board	N/A (4 seats)	Sarah Myers Neal Flanagan Bob Taylor

Section 2. Those individuals who are currently serving and who were not re-appointed will be recognized for their service at the March 17th Advisory Boards Recognition Dinner.

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 2nd day of March, 2004:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION REQUESTING AN APPOINTMENT TO A
TRANSITION AREA SEAT ON THE CARRBORO BOARD OF ADJUSTMENT
Resolution No. 120/2003-04

WHEREAS, as a result of an expiring term, it is necessary to appoint a person to a seat reserved on the Carrboro Board of Adjustment for persons residing within the town's Transition Area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Transition Area members to the town's Board of Adjustment.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to a Transition Area seat on the Carrboro Board of Adjustment, whose term would expire in February 2007:

Mr. John Ring
8223 Huntsman Court
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

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 2nd day of March, 2004:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION REQUESTING APPOINTMENTS TO THE
CARRBORO PLANNING BOARD
Resolution No. 121/2003-04

WHEREAS, as a result expiration of terms and vacancies, it is necessary to appoint persons to seats reserved on the Carrboro Planning Board for persons residing within the town's Transition Area and Extraterritorial Planning Jurisdiction; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Transition Area and Extraterritorial Planning Jurisdiction members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners are respectfully requested to appoint the following individuals to Transition Area seats on the Carrboro Planning Board:

Ms. Susan Poulton (**term expiration: 2/2005**)
8720 Union Grove Church Road
Chapel Hill, N.C. 27516

Frank Hammill (**term expiration: 2/2007**)
2003 Camden Lane
Chapel Hill, N.C. 27516

Section 2. The Orange County Board of Commissioners are respectfully requested to appoint the following individual to an ETJ seat on the Carrboro Planning Board:

David Clinton (**term expiration: 2/2007**)

106 Fox Run
Chapel Hill, N.C. 27516

Section 3. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacities described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make these appointments.

Section 4. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 5. 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 2nd day of March, 2004:

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

Noes: None

Absent or Excused: None

ARTSCENTER PERFORMANCE

Alderman Zaffron announced that the Count Basie Orchestra would be performing at the ArtsCenter on March 14th.

REQUEST FOR IFC SHELTER VOLUNTEERS

Alderman Gist stated that she was seeking volunteers for the week that the Town of Carrboro will be hosting the homeless shelter.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 8:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk