

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, May 16, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

|               |                                     |
|---------------|-------------------------------------|
| Mayor         | Mark Chilton                        |
| Aldermen      | Joal Hall Broun                     |
|               | Dan Coleman                         |
|               | Jacquelyn Gist                      |
|               | John Herrera (arrived at 7:43 p.m.) |
|               | Randee Haven-O'Donnell              |
|               | Alex Zaffron                        |
| Town Manager  | Steven E. Stewart                   |
| Town Attorney | Michael B. Brough                   |
| Town Clerk    | Sarah C. Williamson                 |

**CHARGE ISSUED**

A charge was issued to Alena Callimanis, a recent appointee to the Economic Sustainability Commission.

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**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO APPROVE THE APRIL 25, MAY 3 AND MAY 9, 2006 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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**A REQUEST FOR BUDGET AMENDMENT FOR EARTH ACTION PARADE EVENT**

The Board of Aldermen, at its April 25<sup>th</sup> board meeting, set aside \$500 in contingency funds to offset the cost of the Earth Action Parade Event. A budget amendment was needed to transfer funds from contingency to the Police and Public Works Departments.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2005-06 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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**REQUEST TO ACCEPT THE INTERGOVERNMENTAL PARKS WORK GROUP'S COMPOSITE COUNTYWIDE PLAN FOR PARKS AND TRAILS**

On June 28, 2005, the Board of Aldermen authorized the Intergovernmental Parks Work Group to undertake preparation of a Countywide Parks and Greenways Coordination document. That document has been completed. The purpose of this agenda item was for the Mayor and Board of Aldermen to accept the Composite Countywide Plan for Parks and Trails.

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

A RESOLUTION ACCEPTING THE  
COMPOSITE COUNTYWIDE PLAN FOR PARKS AND TRAILS  
Resolution No. 126/2005-06

WHEREAS, the Intergovernmental Parks Work Group was reconstituted by the jurisdictions within Orange County in 2004, with a charge to further continue the collaboration and coordination of parks planning within Orange County; and

WHEREAS, the Intergovernmental Parks Work Group has identified a need for a concise document, with maps that illustrate each jurisdiction's parks and greenways plans; and

WHEREAS, such a document and maps would enable the public, elected officials and parks planners to see, at a glance, how the different plans fit together and where gaps may exist; and

WHEREAS, the creation of this document would not serve to supersede any existing plans but rather serve to pull these plans together as a tool for further evaluation and planning.

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

Section 1. The Intergovernmental Parks Work Group should consider making the changes recommended by the Recreation and Parks Commission as follows:

- o The Century Center should be added;
- o OWASA land should be included (open space and lakes); and
- o The total number of acres should be added on page 2.

Section 2. The Board of Aldermen accepts the Composite Countywide Plan for Parks and Trails.

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 16th day of May, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: John Herrera

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**AWARD OF CONSTRUCTION CONTRACT FOR SIDEWALK BOND PROJECT – PHASE I**

The purpose of this agenda item was to award a construction contract for the Sidewalk Bond Project – Phase I.

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

A RESOLUTION AWARDING A CONTRACT FOR  
THE SIDEWALK BOND PROJECT-PHASE I  
Resolution No. 130/2005-06

THE BOARD OF ALDERMAN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for Sidewalk Bond Project-Phase I is awarded to Teer Constructors in the amount of \$348,413.54.

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 16th day of May, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: John Herrera

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### **AWARD OF CONSTRUCTION CONTRACT FOR ROBERSON BIKE PATH**

The purpose of this agenda item was to award a construction contract for the Roberson Bike Path project.

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

#### **A RESOLUTION AWARDING A CONTRACT FOR THE ROBERSON BIKE PATH Resolution No. 128/2005-06**

THE BOARD OF ALDERMAN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the Roberson Bike Path is awarded to Barrett, Irvin, & Jordan in the amount of \$224, 669.30.

Section 2. The resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of May, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: John Herrera

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE FY2005-06 BUDGET ORDINANCE."  
VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

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**AWARD OF CONSTRUCTION CONTRACT FOR THE HANNA STREET/BOLIN FOREST DRIVE  
SIDEWALK BOND PROJECT**

The purpose of this agenda item was to award a construction contract for the Hanna Street/Bolin Forest Drive Sidewalk Bond Project.

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

**A RESOLUTION AWARDED A CONTRACT FOR THE  
HANNA STREET/BOLIN FOREST DRIVE SIDEWALK BOND PROJECT  
Resolution No. 129/2005-06**

THE BOARD OF ALDERMAN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the Hanna Street/Bolin Forest Drive Sidewalk Bond Project is awarded to Lanier Construction Co., Inc. in the amount of \$247,869.83.

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 16th day of May, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: John Herrera

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**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,230,000 IN SIDEWALK BOND  
ANTICIPATION NOTES**

A referendum was held on November 4, 2003, whereby Carrboro voters authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails. None of the bonds have been issued. The Board was requested to approve a resolution to issue bond anticipation notes totaling \$1,230,000 to provide preliminary funding for the sidewalk projects in anticipation of the later issuance of a portion of the bonds.

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

**RESOLUTION FOR THE ISSUANCE OF \$1,230,000  
SIDEWALK BOND ANTICIPATION NOTES  
Resolution No. 131/2005-06**

**WHEREAS:**

At a referendum held on November 4, 2003, the voters of the Town of Carrboro, North Carolina (the "Town"), authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails (the "Bonds"). None of such Bonds have yet been issued.

The Town's Board of Aldermen (the "Board") has now determined to issue a series of bond anticipation notes to provide preliminary funding for sidewalk and greenways projects in anticipation of the later issuance of a portion of the Bonds.

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

1.     Determination To Issue Notes -- The Town will issue and sell a single issue of general obligation sidewalk bond anticipation notes (the "Notes") in the aggregate principal amount of \$1,230,000. The Town will issue the Notes to provide preliminary financing for sidewalk and greenways projects in anticipation of the later issuance of a portion of the previously authorized Bonds.

2.     Payment and Other Details of the Notes -- The Notes will be designated "General Obligation Sidewalk Bond Anticipation Notes, Series 2006." The Notes will be dated the date of their initial execution and delivery, will be in a minimum denomination of \$100,000, will be numbered from R-1 upward and will mature on March 14, 2007, without option of prior payment. The Notes will bear interest from their date at such rate or rates as will be determined at the time of sale, payable at maturity on the basis of a 360-day year consisting of twelve 30-day months.

3.     Pledge of Faith, Credit and Taxing Power -- The Town's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Notes. Unless other funds are lawfully available and appropriated for timely payment of the Notes, the Board will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the Town sufficient to pay the principal of and interest on the Notes as the same become due. In addition, the proceeds of the Bonds are also hereby pledged for the payment of the Notes, and the Notes shall be retired from proceeds of the Bonds as the first priority.

4.     Form of Notes -- The Notes will be fully registered as to principal and interest, and in substantially the form set out in Exhibit A. The Notes must be signed by the manual or facsimile signature of the Town's Mayor or the Town Manager. The Town's seal must be affixed thereto or a facsimile thereof printed thereon and attested by the manual or facsimile signature of the Town Clerk or any Assistant or Deputy Clerk. No Note will be valid unless at least one signature appearing on such Note (which may be the signature of the LGC official required by law) is manually applied.

5.     Finance Officer as Registrar; Payments to Registered Owners -- The Town's Finance Officer is appointed Registrar for the Notes. As Registrar, the Finance Officer will maintain appropriate books and records of the ownership of the Notes. The Town will treat the registered owner of each Note as the person exclusively entitled to payment of principal and interest and the exercise of all rights and powers of the owner, except that principal and interest on the Notes will be paid at maturity to the persons shown as owners on the Town's registration books on March 1, 2007.

6.     Advertising Notes for Sale -- The Finance Officer, in collaboration with the LGC, is authorized and directed to take all proper steps to advertise the Notes in accordance with customary LGC procedures, including through the use of a "Notice of Sale" document in the LGC's customary form. The Finance Officer is authorized and directed to review and approve a form of Notice of Sale as such officer may determine to be in the Town's best interest. Any previous actions to that end are ratified and confirmed.

7.     LGC To Sell Notes -- The Town asks the LGC to sell the Notes, to receive and evaluate bids and to award the Notes pursuant to the best bid received.

8.     Finance Officer and Others Authorized To Complete Closing -- After the sale of the Notes, the Finance Officer and all other Town officers and employees are authorized and directed to take all proper steps

to have the Notes prepared and executed in accordance with their terms and to deliver the Notes to the purchaser upon payment for the Notes.

The Finance Officer is authorized and directed to hold the executed Notes, and any other documents authorized or permitted by this resolution, in escrow on the Town's behalf until the conditions for the delivery of the Notes and other documents have been completed to the Finance Officer's satisfaction, and thereupon to release the executed Notes and other documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, this authorization and direction is specifically extended to authorize the Finance Officer to approve changes to any documents or closing certifications previously signed by Town officers or employees, provided that the Notes must be in substantially the form approved by this resolution and that any such changes must not substantially alter the intent of such certificates from that expressed in the forms of such certificates as executed by such officers or employees. The Finance Officer's authorization of the release of any such document for delivery will constitute conclusive evidence of such officer's approval of any such changes.

9. Resolutions As To Tax Matters -- The Town will not take or omit to take any action the taking or omission of which will cause the Notes to be "arbitrage bonds," within the meaning of Section 148 of the "Code" (as defined below), or "private activity bonds" within the meaning of Code Section 141, or otherwise cause interest on the Notes to be includable in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the Town will comply with any Code provision that may require the Town at any time to pay to the United States any part of the earnings derived from the investment of the proceeds of the Notes, and the Town will pay any such required rebate from its general funds. For the purposes of this resolution, "Code" means the United States Internal Revenue Code of 1986, as amended, including applicable Treasury regulations.

10. Notes Are "Bank-Qualified" Obligations -- The Board designates the Notes as "qualified tax-exempt obligations" for the purpose of Code Section 265(b)(3), which relates to the deductibility of certain interest payments made by certain financial institutions.

11. Book-Entry System for Note Registration -- The Notes will be issued by means of a book-entry system, with one note certificate immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. The book-entry system for registration will operate in accordance with DTC's usual operating procedures. The Town will pay principal and interest on the Notes to DTC or its nominee as registered owner of the Notes. The Town will not be responsible or liable for such transfer of payments to parties other than DTC or for maintaining, supervising or reviewing the records maintained by DTC or any other person related to the Notes. The Town may elect to discontinue the book-entry system with DTC. The Finance Officer is authorized and directed to enter into any agreements such officer deems appropriate to put into place the book-entry system with DTC.

12. Miscellaneous provisions -- All Town officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of the Town officers and employees are ratified, approved and confirmed. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

No. R-1

\$1,230,000

UNITED STATES OF AMERICA

STATE OF NORTH CAROLINA

TOWN OF CARRBORO

Sidewalk Bond Anticipation Note, Series 2006

| INTEREST RATE | MATURITY DATE  | DATED DATE    | CUSIP       |
|---------------|----------------|---------------|-------------|
| _____ %       | March 14, 2007 | June 20, 2006 | XXX XXX XXX |

REGISTERED OWNER: \*\*\*\*\*CEDE &amp; CO.\*\*\*\*\*

PRINCIPAL AMOUNT: \*\*\*\*\* ONE MILLION TWO HUNDRED THIRTY THOUSAND DOLLARS (\$1,230,000)\*\*\*\*\*

THE TOWN OF CARRBORO, NORTH CAROLINA (the "Town"), for value received, acknowledges itself indebted and promises to pay to the registered owner hereof, or registered assigns or legal representative, the principal amount stated above on the maturity date stated above, without option of prior payment, together with interest on the unpaid principal from the date of this Note until payment of the entire principal sum at the annual rate of \_\_\_\_% (calculated on the basis of a 360-day year consisting of twelve 30-day months).

This Note constitutes the entire issue of the Town's \$1,230,000 Sidewalk Bond Anticipation Notes, Series 2006 (the "Notes"). The Notes have been authorized and are issued pursuant to a resolution adopted by the Town's Board of Aldermen on May 16, 2006, and the Constitution and laws of the State of North Carolina, including The Local Government Bond Act. The Notes have been authorized and are issued to provide funds, together with other available funds, to pay capital costs of sidewalk and greenways construction and improvement projects in anticipation of the issuance of certain Town general obligation bonds (the "Bonds") previously authorized for such purpose.

The Town's full faith and credit are irrevocably pledged for the payment of the principal of and interest on the Notes. In addition, the proceeds of the Bonds are also pledged for the payment of the Notes, and the Notes shall be retired from the Bond proceeds as the first priority.

The Notes are issued by means of a book-entry system, with one note certificate for the single maturity immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. Transfer of beneficial ownership interests in the Notes in the minimum denomination of \$100,000 will be effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Principal and interest on the Notes are payable by the Town to DTC or its nominee as registered owner of the Notes. The Town is not responsible or liable for such transfer of ownership or payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (a) DTC determines not to continue to act as securities depository for the Notes or (b) the Town so elects, the Town will discontinue the book-entry system with DTC. If the Town fails to identify another qualified securities depository to replace DTC, the Town will deliver replacement Notes in the form of fully-registered certificates.

The Town Finance Officer has been appointed Registrar for the Notes. As Registrar, the Finance Officer will maintain appropriate books and records of the ownership of the Notes. The Town will treat the registered owner of this Note as the person exclusively entitled to payment of principal and interest and the exercise of all rights and powers of the owner, except that principal and interest on the Notes will be paid at maturity to the persons shown as owners on the Town's registration books on March 1, 2007.

The Town has designated the Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is issued with the intent that North Carolina law will govern its terms.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Note have happened, exist and have been performed, and the issue of Notes of which this Note is one, together with all other Town indebtedness, is within every debt and other limit prescribed by the Constitution and laws of the State of North Carolina.

*IN WITNESS WHEREOF*, the Town of Carrboro, North Carolina, has caused this Note to be signed by its Mayor, the Town's seal to be affixed hereto and attested by the Town Clerk, and this Note to be dated June 20, 2006.

[SEAL]

ATTEST:

[Exhibit Only - Do Not Sign]

Sarah C. Williamson

Town Clerk

Town of Carrboro, North Carolina

[Exhibit Only - Do Not Sign]

Mark Chilton

Mayor

Town of Carrboro, North Carolina

The Notes of which this Note is one have been approved by the North Carolina Local Government Commission in accordance with the Local Government Bond Act.

s/T. Vance Holloman

Secretary, North Carolina

Local Government Commission

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 16th day of May, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: John Herrera

The Board requested a report from the town staff on bond funding strategy, including information on interest rates and rising construction costs, and projects that were dropped out of the sidewalk program.



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### **TREE CITY USA PRESENTATION**

The Town of Carrboro has been named a Tree City USA by The National Arbor Day Foundation to honor its commitment to its community forest. It is the 22<sup>nd</sup> year Carrboro has received this national recognition. Student winners of the poster contest from Carrboro Elementary School were in attendance at the meeting and were recognized by the Board.

[Alderman Herrera arrived at the meeting.]

George Seiz, the town's Public Works Director, announced the winners of this year's poster contest. Those winners were: Riley Hutchison, a 5<sup>th</sup> Grader in Miss Fisher's class, Miranda Poe, a 4<sup>th</sup> grader in Mrs. McFarland's class, and Julianno Ridder, a 5<sup>th</sup> grader in Miss Fisher's class.

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### **DISCUSSION OF REQUEST FROM ORANGE COUNTY PEACE COALITION FOR THE TOWN TO CO-SPONSOR THE MEMORIAL DAY CELEBRATION**

The purpose of this agenda item was for the Board of Aldermen to discuss a request made by the Orange County Peace Coalition to co-sponsor a Memorial Day Celebration for Monday, May 29, 2006 at Town Commons.

Mayor Chilton stated that an anonymous donor had given the Orange County Peace Coalition the necessary funds to purchase the liability insurance; therefore, the request for the town to co-sponsor this event was withdrawn.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO DELETE THE ITEM. VOTE: AFFIRMATIVE ALL

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### **REPORT ON JOINT ADVISORY BOARD REVIEW OF PROPOSED ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO**

The Board of Aldermen held a public hearing on January 24, 2006 and February 21, 2006. The Board of Aldermen referred the draft ordinance for further consideration by several advisory boards. These boards met jointly to review and make recommendations on a revised ordinance.

Trish McGuire, the town's Planning Administrator, made the presentation.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO DIRECT STAFF TO REVISE THE DRAFT ORDINANCE TO:

- DEFINE "HABITABLE BUILDING SPACE;"
- REINSTATE 60% GLAZING AT GROUND FLOOR,
- REINSTATE 45-FOOT FAÇADE BREAK PROVISION (SECTION 110, A-E); AND
- INCLUDE A TWO-YEAR REVIEW CLAUSE THAT CORRESPONDS WITH THE BUILDING HEIGHT PROVISIONS REVIEW.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ASK THAT THE TOWN STAFF INCLUDE THE SIMILARITY LANGUAGE IN THE REVISED ORDINANCE. VOTE: AFFIRMATIVE TWO, NEGATIVE FIVE (ZAFFRON, HERRERA, CHILTON, BROUN, HAVEN-O'DONNELL)

Mayor Chilton asked that the revised ordinance be brought back to the Board for consideration prior to the summer break.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO DIRECT THE TOWN STAFF TO DRAFT A LAND USE ORDINANCE TEXT AMENDMENT TO CREATE A CONCEPT REVIEW PROCEDURE. VOTE: AFFIRMATIVE ALL

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### **ECONOMIC DEVELOPMENT PLAN**

Mayor Chilton announced that there would be community input sessions on the town's economic development plan--Saturday, May 20<sup>th</sup>, from 10-12 at the Homestead Community Center, and on Wednesday, May 24<sup>th</sup> from 6:30 p.m. – 8:30 p.m. at Carrboro Elementary School.

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### **CHECK OUT YOUR ORANGE COUNTY PUBLIC LIBRARY BRANCH EVENT**

Mayor Chilton announced that Saturday, May 20<sup>th</sup> has been designated as “Check Out Your Orange County Public Library Branch Day” at the Carrboro Cybrary and at Carrboro Branch Library located in McDougle School.

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### **A RESOLUTION ESTABLISHING A POLICY ON ARREST FOR CIVIL IMMIGRATION VIOLATION**

At its meeting on April 18, 2006, the Board directed the Town Attorney to research the issue of whether the Town's police officers are authorized or required to take into custody persons whose only known violation of law is or may be a civil immigration violation. The Town Attorney prepared a response to the Board's request. The purpose of this item is for the Board to consider the adoption of a resolution establishing a policy for the police department to follow on this issue.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION ESTABLISHING A POLICY THAT THE CARRBORO POLICE DEPARTMENT  
WILL NOT SEEK TO ARREST PERSONS WHEN THE SOLE BASIS FOR ARRESTING  
SUCH PERSONS IS THAT SUCH PERSONS HAVE OR MAY HAVE  
COMMITTED A CIVIL IMMIGRATION VIOLATION

Resolution No. 123/2005-06

WHEREAS, in Section 15A-401 of the North Carolina General Statutes, the General Assembly has specified the circumstances under which law enforcement officers may arrest persons, with or without an arrest warrant; and

WHEREAS, the list of circumstances under which a person may be arrested does not include an arrest of persons whose only known violation of law is or may be a civil violation of federal immigration statutes;

NOW THEREFORE, the Carrboro Board of Aldermen resolves:

Section 1. It shall be the policy of the Carrboro Police Department not to arrest or take into custody persons when the sole basis for arresting or taking such persons into custody is that they have or may have committed a civil immigration violation.

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 16th day of May, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

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**DISCUSSION OF THE REZONING PROPOSAL FOR R-3 DISTRICT/ESTABLISHMENT AND PLACEMENT OF OR-MU ZONING DISTRICT**

The Board of Aldermen held a public hearing on March 28<sup>th</sup> and April 25<sup>th</sup> on a rezoning proposal for the R-2 district. The Board requested additional information to consider in deciding on the proposed zoning change.

Mayor Chilton asked to be recused.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JACQUELYN GIST TO RECUSE MAYOR CHILTON. VOTE: AFFIRMATIVE ALL

Trish McGuire, the town's Planning Administrator, made the presentation.

Alderman Broun asked if Hargraves Street could be considered for funding in Phase II of the town's Sidewalk Bond Program.

Dale McKeel, the town's Transportation Planner, stated that the town has received funding from NCDOT to construct a sidewalk along a portion of Hargraves, Wesley and Brewer Lane. He stated that the town is in the process of obtaining rights-of-way and temporary construction easements.

Alderman Broun asked that the town staff contact Ms. Flora about the plans to construct the sidewalk.

Alderman Broun asked that the town staff obtain information from OWASA whereby the rate base subsidized the extension of sewer, i.e., Mt. Bolus, etc.

Mike Brough gave a status report on a conversation with STGL regarding their development plans. He stated that they do not think that the currently drafted ordinance would be consistent with their development objectives, and that they are exploring the possibility of proposing a development that would accommodate the desire to have a mix of residential and commercial uses. They might propose a few changes in the draft ordinance.

It was the consensus of the Board to delay action on the proposed ordinance until June 20<sup>th</sup> with the request that STGL meet with the neighbors prior to that date to discuss any suggested changes to the draft ordinance amendment.

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**LETTER TO LEGISLATIVE DELEGATION REF. VOTING RIGHTS FOR LEGAL IMMIGRANTS**

Alderman Coleman presented a draft letter addressed to the town's legislative delegation clarifying the Board's position on the question of voting rights for legal immigrants in Carrboro.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO AUTHORIZE THE MAYOR TO SEND THE DRAFT LETTER TO THE LEGISLATIVE DELEGATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

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**WELCOME TO NEW BUSINESS**

Alderman Zaffron welcomed a new business to Carrboro – Mill Town Bistro located on Main Street.

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MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:35 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk