

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 6, 2006 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	John Herrera
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

Absent

Aldermen	Joal Hall Broun
	Jacquelyn Gist

**REQUEST FOR FUNDING FOR THE CARRBORO FILM FESTIVAL**

Victoria Ralston, Chair of the Carrboro Arts Committee, addressed the Board. She requested \$500 from the town for the Carrboro Film Festival. The film festival is scheduled for November 19, 2006. Additionally, she asked for support from the Century Center and assistance from the Recreation and Park staff on that day.

MOTION MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO REFER THE REQUEST TO THE TOWN STAFF. VOTE: AFFIRMATIVE: FIVE, ABSENT: TWO (BROUN, GIST)

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**COMMUNITY LEADERSHIP COUNCIL TRIP**

Marianna Fiorentino, addressed the Board on behalf of The Community Leadership Council and The Foundation for a Sustainable Community. As chair of the 2006 Inter-City Visit and Leadership Conference, she invited the Board, staff and community to come to the conference in Madison, Wisconsin on September 23-25. She stated that they have \$10,000 in scholarship funds. Information and applications are available by paper and online through the Chamber website.

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**PROJECT GRADUATION**

Mayor Chilton mentioned 2006 Project Graduation, an alcohol/drug-free party that will be held on June 10<sup>th</sup> from 11:00pm - 4:00am at the Frank Porter Graham Student Union. He said that, on behalf of town, that he admires what they are doing.

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**CERTIFICATE OF APPRECIATION PRESENTED**

Mayor Chilton presented a certificate of appreciation to Sarah Meyers for her service to the town while serving on the Environmental Advisory Board.

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**APPROVAL OF MINUTES OF PREVIOUS MEETING**

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN O'DONNELL TO APPROVE THE MAY 16, 2006 AND 23, 2006 MINUTES. VOTE: AFFIRMATIVE: FIVE, ABSENT: TWO (BROUN, GIST)

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**A REQUEST TO APPROVE A REVISED INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY AND TOWNS ON TAXATION COLLECTION**

The Board was requested to consider approving an updated Interlocal Agreement between Orange County and the Towns of Chapel Hill, Carrboro, and Hillsborough with regard to tax and revenue collection endeavors.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN THE INTERLOCAL AGREEMENT WITH ORANGE COUNTY FOR CENTRALIZED AND SYSTEMIZED COLLECTION OF PROPERTY TAXES**

Resolution No. 137/2005-06

WHEREAS, Carrboro, Chapel Hill, Hillsborough, and the County receive property taxes from residents for the purpose of providing local government services; and

WHEREAS, Carrboro, Chapel Hill, Hillsborough, and the County recognize the mutual benefits and economies that are received via centralized collections; and

WHEREAS, the Town of Carrboro agrees to accept the financial share required to support centralized collections by the County.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize the Mayor to sign the Interlocal Agreement with Orange County.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**AWARD OF A CONSTRUCTION CONTRACT FOR THE 2005-06 STREET RESURFACING PROJECT**

The purpose of this agenda item was to award a construction contract for the 2005-2006 Street Resurfacing Project.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION AWARDDING A CONTRACT FOR THE**

2005-2006 STREET RESURFACING PROJECT  
Resolution No. 144/2005-06

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the 2005-2006 Street Resurfacing Project is awarded to Riley Paving in the amount of \$113,021.

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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**A REQUEST TO ADOPT A BUDGET ORDINANCE**

The Board was requested to approve a transfer of the remaining \$77,466 in reserves from the Capital Reserve Fund to the General Fund to reimburse OWASA for providing public sewer to existing residences within the corporate limits of the Town.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-0'DONNELL TO ADOPT THE ORDINANCE "AN ORDINANCE AMENDING FY'2005-06 BUDGET ORDINANCE"  
VOTE: AFFIRMATIVE: FIVE, ABSENT: TWO (BROUN, GIST)

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**A REQUEST TO PURCHASE A REFUSE TRUCK**

The purpose of this agenda item was to authorize the purchase of a refuse truck for the Public Works department. The Board was requested to allow the Town to waive the formal bidding procedures using the streamlined piggybacking procedures allowed by the General Statutes (GS 143-129(g)). The Board was also requested to declare the 1994 Loadall refuse truck currently owned by the Town as surplus property and to authorize the use of this truck as a trade in for the new refuse truck purchase.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION AUTHORIZING THE WAIVER OF A BIDDING PROCEDURES, DECLARING A REFUSE TRUCK AS SURPLUS PROPERTY FOR PURPOSES OF TRADE-IN FOR A NEW REFUSE TRUCK AND AUTHORIZING THE PURCHASE OF A REFUSE TRUCK  
Resolution No. 145/2005-06

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro:

Section 1: The Board of Aldermen hereby authorizes the Town staff to waive the bidding procedures.

Section 2: The Board of Aldermen hereby declares a 1994 Loadall refuse truck as surplus property to be used as a trade in.

Section 3: The Board of Aldermen authorizes the purchase of a refuse truck from Amick Equipment Company in the amount of \$202,400.

1 Labrie refuse truck	\$204,250
Trade in allowance	\$ 1,850
Total	\$202,400

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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### **AWARD OF CONTRACT FOR AUDIT FIRM**

The purpose of this agenda item was to award the contract for the Town's annual audit for the year ending June 30, 2006.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

#### **A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2005-06 AUDIT Resolution No. 142/2005-06**

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

Section 1. That the contract for the FY 2005-06 audit be awarded to Dixon Hughes PLLC for a total cost of \$31,500.

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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**REQUEST TO APPROVE EQUIPMENT AND VEHICLE FINANCING PROPOSAL**

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 items listed below as tax-exempt obligations of the Town. This resolution represents the installment financing planned and budgeted for FY05-06. 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 Randee Haven-O'Donnell.

**CORPORATE AUTHORIZATION RESOLUTION**  
Resolution No. 154/2005-06

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")  
"Corporation")

(Referred to in this document as

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 6, 2006. 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. Steven Stewart	_____	_____
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 2006.

\_\_\_\_\_  
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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2005-06 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, GIST)

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**PRESENTATION OF HUMAN SERVICES ADVISORY COMMISSION RECOMMENDATIONS FOR THE 2006-07 BUDGET**

The purpose of this item was to present to the Board of Aldermen the recommendations from the Human Services Commission for funding requests from non-profit agencies providing services to Carrboro citizens.

Mayor Chilton asked to be recused from voting on this matter because of a conflict of interest.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN-O'DONNELL TO RECUSE MAYOR CHILTON FROM THIS ITEM DUE TO A CONFLICT OF INTEREST. VOTE: AFFIRMATIVE FOUR, ABSENT TWO (BROUN, GIST)

Lillie Atwater, Chair of the Human Services Commission presented the report.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman John Herrera.

A RESOLUTION ACCEPTING THE RECOMMENDATIONS FROM  
THE HUMAN SERVICES ADVISORY BOARD FOR  
2006-07 HUMAN SERVICE FUNDING  
Resolution No. 143/2005-06

WHEREAS, the Town of Carrboro established as a policy to support human services agencies that provide invaluable services to Carrboro citizens; and

WHEREAS, forty-nine agencies have applied for funding through the established Human Services funding process; and

WHEREAS, the Human Service Advisory Commission has met with all applicants that applied for funding in the 2006-07 funding cycle except for Orange County Disability Awareness; and

WHEREAS, the town staff has indicated that the human services funding level for the year 2006-07 is \$122,304; and

WHEREAS, the total amount of funding requests for 2006-07 is \$217,290.00, including the amount being considered for helping to fund a staff position with Empowerment, Inc. to manage rental units for several non-profit affordable housing groups.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT:

Section 1. There is \$122,304 available for allocation to Human Services agencies in the 2006-07 Budget.

Section 2. The Human Services Advisory Commission and the Board of Aldermen liaison have heard the requests from the applicants and are making a final recommendation for allocation of the available amount funds.

Section 3. The Carrboro Board of Aldermen approves the recommendation for funding by the Human Services Advisory Commission in the amount of \$122,304 for Fiscal Year 2006-07.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Mark Chilton, Jacquelyn Gist

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**COMPLETE BUDGET DISCUSSIONS AND CONSIDER ADOPTION OF THE FY2006-07 BUDGET**

The Board of Aldermen held a budget work session at which the Manager and departmental staff responded to questions from the Board on the recommended budget. In addition, a public hearing was held on the Manager's recommended budget on Tuesday May 23. Following questions and input received to date, the Town has prepared a draft budget ordinance.

Steve Stewart presented a revised agenda item abstract with two adjustments: adding \$3600 for phone costs to fire alarm systems and an increase of \$15,500 for re-alignment of Pleasant Drive/North Greensboro Street intersection.

Billy Madden, a soccer referee, addressed the Board. He said there has been an evolution in the Latino soccer community and he asked for translation equipment.

Alderman Herrera thanked him for remarks and asked that American flags go up Monday for the U.S. games.

Alderman Coleman asked for the status on his request for an initial investment for flush-free urinals.

Mr. Stewart said there was not a specific appropriation for them and that he does not recall the Board, as a body, agreeing to put them in. He said that the town staff would investigate the costs to determine if budgeted funds would allow installation of any of the flush-free urinals.

Mayor Chilton thanked the town manager and staff for a budget they are pleased with.

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "ANNUAL BUDGET ORDINANCE, TOWN OF CARRBORO, NORTH CAROLINA, FY2006-07", TO INCLUDE THE REVISIONS PRESENTED BY THE TOWN MANAGER. VOTE: AFFIRMATIVE: FIVE, ABSENT: TWO (BROUN, GIST)**

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

**A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN  
FOR FISCAL YEAR 2006-07  
Resolution No. 138/2005-06**

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 2006-07 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 2006 – June 30, 2007, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 2006-2007 fiscal year.

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

Section 3. The pay adjustments approved for the FY 2006-2007 budget shall become effective on the pay period beginning July 1.

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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE 2006-07 MISCELLANEOUS FEES AND CHARGES SCHEDULE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (BROUN, GIST)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

**REIMBURSEMENT RESOLUTION**

Resolution No. 139/2005-06

WHEREAS, the Town Manager, Steven E. Stewart, 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 FY2006-07 include the following:

<b>Fiscal Year 2006-2007</b>		
replacement	Patrol Vehicles (5) + one van	\$ 147,500
replacement	Police Investigations vehicle - replace, # 168	\$ 25,200
addition	Police Records Management System	\$ 285,638
addition	Police patrol vehicle mobile data work stations	\$ 63,300
replacement	Fire Department (Fire Chief) - replace 1997 vehicle #981	\$ 27,000
replacement	L&G /replace 1997 truck, vehicle #24	\$ 30,500
replacement	L&G /replace 1995 truck, vehicle #90	\$ 27,000
replacement	Streets / replace 1993 motor grader, equipment #62	\$ 96,000
replacement	Streets / replace 1995 dump truck (w. plow and hydr.plumb.); vehicle #36	\$ 88,000
addition	Emergency Generator for Century Center	\$ 133,000
addition	Fire Escape Installation (moved from FY05-06)	\$ 46,000
replacement	Fleet Maint., replace 1995 Truck, vehicle #10	\$ 27,000
addition	Sewer Outfall (moved from FY05-06)	\$ 100,000
replacement	Solid Waste, Heil Multi-Pack on Crane Carrier chassis	\$ 225,000
	<b>TOTAL</b>	<b>\$ 1,321,138</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 \$1,321,138.

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 \$1,321,138.

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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

**A RESOLUTION APPROVING COMPENSATION FOR ELECTED OFFICIALS**  
Resolution No. 140/2005-06

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

Section 1. The Board approves a 5.0% increase for the Mayor and members of the Board of Aldermen for Fiscal Year 2006-07, effective July 1, 2006, reflecting the average overall increase in compensation for employees.

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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**A REVIEW OF THE REPORT ON THE STORM DRAIN MARKER CONTEST**

On October 26, 2004 staff made a presentation to the Board about a storm drain marker program, which is a requirement of the Town's National Pollutant Discharge Elimination System Phase II Stormwater Permit. During that presentation the Board requested that a design contest including Chapel Hill Carrboro City Schools (CHCCS) be conducted to provide an opportunity for public involvement and outreach in the process.

Will Autry, the Town's Environmental Planner, addressed the Board. He presented the results of the contest and introduced the student winner and the six honorable mentions.

Mayor Chilton gave each of the children a certificate with the Town Seal.

Will Autry gave special thanks teachers, staff and students who participated.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

A RESOLUTION ACCEPTING A REPORT ON THE STORM DRAIN MARKER CONTEST AND  
RECOGNIZING CONTEST WINNERS  
Resolution No. 146/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to ensure water quality by enhancing stormwater management and watershed awareness; and

WHEREAS, the National Pollutant Discharge Elimination System Phase II Stormwater permit contains a storm drain marking program as a goal; and

WHEREAS, a storm drain marker contest has been conducted and elicited more than 80 entries from the community; and

WHEREAS, winners of the contest have been selected, and a marker design to be used by the Town has been inspired by the winning entry;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen would like to accept this report, and recognize Miss Stephanie Bui as the storm drain marker contest winner, and recognize Davis Wall, Rosalie Moody, Emily Stranahan, Rachel Pudik, Joey Yu, and Hayley Stratton as honorable mentions, and direct staff to proceed with the storm drain marker program using the marker design inspired by Miss Bui for the Town of Carrboro.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**DISCUSSION OF COMMUNITY LEADERSHIP COUNCIL TRIP TO MADISON, WISCONSIN**

The purpose of this agenda item was for the Board of Aldermen to discuss this trip and the possibility of elected or appointed members of town government participating in this trip. Members of the CLC will give a brief presentation.

Alderman Coleman asked that this item be removed from agenda.

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**MINOR MODIFICATION TO THE LAKE HOGAN FARMS CONDITIONAL USE PERMIT FOR SANITARY SEWER EASEMENT RELOCATION**

M/I Homes of Raleigh has submitted an application for a minor modification to the existing Conditional Use Permit (CUP) to allow the relocation of the sanitary sewer easement in Phase 8 & 9 of the townhouse phase of Lake Hogan Farms Subdivision. Pursuant to Section 15-64(b) of the Town of Carrboro Land Use Ordinance, a minor modification to a CUP is permissible with the approval of the Board of Aldermen. Town staff requested that the Board review, deliberate and make a decision regarding the minor modification to the existing CUP.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE LAKE HOGAN FARMS SUBDIVISION CONDITIONAL USE PERMIT FOR SANITARY SEWER EASEMENT RELOCATION IN PHASES 8 & 9  
Resolution No. 147/2005-06**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Lake Hogan Farms Subdivision on March 7, 1995; and

WHEREAS, the applicant has requested a modification to allow the relocation of the platted thirty (30) foot sanitary sewer easement in Phase 8 & 9; and

WHEREAS, the town staff has determined that the requested changes are a minor modification, which requires approval by the permit issuing authority (in this case, the Board of Aldermen); and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modifications to the Lake Hogan Farms Subdivision conditional use permit to allow the relocation of the thirty (30) foot sanitary sewer easement in Phase 8 & 9.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR 201 NORTH GREENSBORO STREET TO ALLOW AN OPEN AIR MARKET**

Chris Frank, representing Public Gallery of Carrboro/WCOM Radio, has submitted an application for a minor modification to an existing Conditional Use Permit to allow an "open air market" (use# 19.100) at 201 North Greensboro Street. Pursuant to Section 15-64(b) of the Town of Carrboro Land Use Ordinance, a minor modification to a CUP is permissible with the approval of the Board of Aldermen. Staff recommended that the

Board of Aldermen consider holding a public hearing before rendering a decision on the minor modification to the CUP.

Mayor Chilton said the applicant was not present but that he had spoken with him earlier. He said that his company rents from the same landlord as WCOM and asked if there was a conflict of interest.

Mike Brough, the Town Attorney, said that there was not.

James Thomas, one of the town's Zoning/Developmental specialists, addressed the Board. He said the staff recommendation is for a public hearing to be held, but if the Board does move forward, the staff suggested that:

- A minor modification of the CUP be valid for three months and at the end of the three months, it will be reviewed and/or extended.
- The language contained in the WCOM flea market guidelines and in the contract for the WCOM flea market is hereby added to the resolution to make it clear that the information is a binding part of this approval.

Alderman Zaffron said it would be appropriate to hold a public hearing before the Board takes action on the item because it is so close to neighborhoods.

Mayor Chilton said the comments/concern from WCOM stated that they do not want a temporary permit. Once the vendors undertake this, they want to commit and do it on an ongoing basis. In all the review, staff had not identified any way in which their application did not meet the requirements of the ordinance and they feel permit should be issued to them and that a public hearing is not necessary.

Berkley Grimball addressed the Board. He said there is no money to promote this and that it is done by word of mouth and therefore it might take three months to make it happen. He said that they would rather proceed with a full permit so when it is pitched, someone will agree to do it. The point is to get decent income stream coming in so somebody can make sure the radio station remains viable.

Alderman Coleman said he thinks WCOM is a valuable institution to the community. This is a fundraising opportunity and he supports it. It is near one of the busiest intersections in town and people are coming to downtown Carrboro and the open-air market has great synergy with that. It does not raise a particular problem that should require a public hearing. It was in the newspaper prior to the hearing and he has not heard any concern from the public. Downtown on Saturday, there are many people walking/driving/biking and this is just another piece of what makes Carrboro the vital center of Southern Orange County.

Alderman Herrera asked to be recused from voting on this item.

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO RECUSE JOHN HERRERA FROM VOTING ON THIS MATTER BECAUSE HE IS A MEMBER OF THE BOARD OF DIRECTORS FOR WCOM. VOTE: AFFIRMATIVE: FOUR, ABSENT: TWO (BROUN, GIST)**

Alderman Zaffron said he does not disagree with Alderman Coleman but he does not want to see problems arise later and he knows people in surrounding neighborhoods are very vocal/sensitive about the Board taking action on things that concern them in the B-2 zone without an extensive public process. Parking/people parking in neighborhoods can be an issue.

Alderman Haven-O'Donnell said that we have a wonderful radio station that represents Carrboro and takes action to support itself. We need to establish something long-term and it is an exciting prospect. She wants and welcomes public comments. It is good for folks who have concerns/issues to be able to speak publicly. She would rather err on the side of welcoming public comment.

Mayor Chilton sees this as a real opportunity for fostering grass roots economic development. He hears the points about the public hearing but is not sure that it is necessary to slow the process down to have a hearing.

Mr. Stewart said that the public hearing could be held on June 27<sup>th</sup>

Alderman Coleman said that staff is recommending that we include a couple of their documents in the approval when we get to that point, and one of the stipulations is that the vendors may not park in Century Center parking lot. He agrees that we do not want those spaces taken up all day, but those matters are not really our business. Are the guidelines sufficient to serve the town's interest?

Mayor Chilton said that the staff suggestion about Century Center parking lot is for the Century Center but not for people coming to shop downtown the benefit of downtown businesses.

Mr. Stewart said that the staff recommendation that it be included is because there is concern with limited parking and 25 vendors tying up space all day. People paying money to go to the Century Center should have space.

Alderman Coleman said that there were stipulations that we do not typically require of a vendor with the agreement/permit they have with the town. He is not sure if it is appropriate to include this particular document and wants staff to think about it.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO SCHEDULE A PUBLIC HEARING FOR JUNE 27<sup>TH</sup> AND THAT PROPERTY OWNERS WITHIN 150 FEET BE NOTIFIED. VOTE: AFFIRMATIVE FOUR, ABSENT TWO (BROUN, GIST), EXCUSED ONE (HERRERA)

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**REQUEST FOR MORNINGSIDE DRIVE, SPRING VALLEY ROAD AND BLUERIDGE ROAD TRAFFIC CALMING**

Residents of Blueridge Road, Morningside Drive, and Spring Valley Road (between Morningside and Pathway) have expressed concerns about speeding traffic and submitted petitions under the Town's Residential Traffic Management Plan. Town staff has collected data and evaluated traffic conditions on these streets and recommends the following:

1. The installation of two speed tables on Morningside Drive;
2. The installation of two speed tables on Spring Valley Road (between Morningside and Pathway);
3. The creation of a three-way stop at the Morningside-Spring Valley intersection;
4. The scheduling of one or more meetings with residents of Blueridge Road to discuss traffic concerns and possible solutions; and
5. The monitoring by Town staff of traffic volume and speed on Blueridge Road following any changes to Morningside Drive and Spring Valley Road.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Dan Coleman.

A RESOLUTION ENDORSING ACTIONS IN RESPONSE TO RESIDENTIAL TRAFFIC MANAGEMENT PLAN PETITIONS SUBMITTED BY RESIDENTS OF MORNINGSIDE DRIVE, SPRING VALLEY ROAD, AND BLUERIDGE ROAD

WHEREAS, the Carrboro Board of Aldermen in June 2005 adopted the Residential Traffic Management Plan for Speed and Traffic Control; and

WHEREAS, property owners and residents of Blueridge Road, Morningside Drive, and Spring Valley Road (between Morningside and Pathway) have expressed concerns about speeding traffic and submitted petitions to the Town under the Residential Traffic Management Plan; and

WHEREAS, data for the streets such as traffic volume, traffic speed, and bicycle and pedestrian activity have been collected and evaluated by Town staff using the criteria in the Residential Traffic Management Plan.

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

Section 1. The Board of Aldermen endorses the installation of two speed tables on Morningside Drive and two speed tables on Spring Valley Road (between Morningside and Pathway).

Section 2. The town staff is instructed to schedule one or more meetings with the residents of Blueridge Road to discuss traffic concerns and possible solutions.

Section 3. The town staff is instructed to monitor traffic volume and speed on Blueridge Road following any changes to Morningside and Spring Valley.

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 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE TO INSTITUTE A THREE-WAY STOP AT THE INTERSECTION OF MORNINGSIDE DRIVE AND SPRING VALLEY ROAD." VOTE: AFFIRMATIVE FIVE, ABSENT (BROUN, GIST)

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**A RESOLUTION DECLARING THE COSTS OF THE QUAIL ROOST DRIVE IMPROVEMENT PROJECT, ORDERING PREPARATION OF A PRELIMINARY ASSESSMENT ROLL, AND SETTING A PUBLIC HEARING ON SUCH ASSESSMENT ROLL**

The paving improvements to Quail Roost Drive (from roughly James St to Lisa Drive) are now completed. The purpose of this agenda item was for the Board to adopt a resolution declaring the cost of the Quail Roost Drive Improvement Project, directing the Town Clerk to prepare a preliminary assessment roll, and setting a public hearing on such assessment roll.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

A RESOLUTION DECLARING THE COST OF THE QUAIL ROOST DRIVE  
IMPROVEMENT PROJECT, ORDERING THE PREPARATION OF A  
PRELIMINARY ASSESSMENT ROLL, AND  
SETTING A PUBLIC HEARING ON SUCH ASSESSMENT ROLL  
Resolution No. 150/2005-06

WHEREAS, the Town has received a petition requesting that Quail Roost Drive from the Hillsborough Road Improvement Project to 20 feet past the lot line of 210 Quail Roost Drive be improved in the following manner: street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street.

WHEREAS, a preliminary assessment resolution has been adopted by the Board and a public hearing duly held thereon;

WHEREAS, this Board adopted a resolution on the 7<sup>th</sup> day of December 2004, directing that this project be undertaken, and the project has been completed in accordance with that resolution;

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

Section 1. The cost of the above-described improvement, exclusive the cost to pave street intersections, has been computed and is hereby declared to be \$58,474.23.

Section 2. The Town Clerk is hereby directed to prepare a preliminary assessment roll in accordance with G.S. 160A-227, showing the individual assessments upon properties benefited by the improvement. The assessment roll shall be made available for public inspection in the Town Clerk's office at least ten (10) days before the date of the public hearing set forth below and shall remain so available until after the public hearing.

Section 3. The Board of Aldermen will hold a public hearing on the preliminary assessment roll on the 27<sup>th</sup> day of June 2006, at p.m. in the Town Hall, Carrboro, North Carolina for the purpose of hearing all interested persons who appear.

Section 4. A notice of the completion of the preliminary assessment roll, setting forth in general terms a description of the project, noting the availability of the assessment roll in the Town Clerk's office and stating the time and place for a hearing on such assessment roll shall be published by the Town Clerk in the local newspaper at least ten (10) days before the date set for the public hearing.

Section 5. Not later than ten (10) days before the date set for the public hearing, the Town Clerk shall also send by certified mail a notice of the public hearing on the preliminary assessment resolution to the property owners listed on such resolution. The notice shall state the date, time, and place of the hearing, not the availability of the preliminary assessment resolution for inspection in the Town Clerk's office, and state the amount of the assessment against the property of the owner as shown on such assessment roll. The Town Clerk shall file with the Board of Aldermen a certificate stating that the notices were mailed in accordance with this section.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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**A RESOLUTION DECLARING THE COSTS OF THE LISA DRIVE IMPROVEMENT PROJECT, ORDERING PREPARATION OF A PRELIMINARY ASSESSMENT ROLL, AND SETTING A PUBLIC HEARING ON SUCH ASSESSMENT ROLL**

The paving improvements to Lisa Drive (from Deer St to Quail Roost Drive) are now completed. The purpose of this agenda item was for the Board to adopt a resolution declaring the cost of the Lisa Roost Drive Improvement Project, directing the Town Clerk to prepare a preliminary assessment roll, and setting a public hearing on such assessment roll.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION DECLARING THE COST OF THE LISA DRIVE IMPROVEMENT PROJECT, ORDERING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL, AND SETTING A PUBLIC HEARING ON SUCH ASSESSMENT ROLL**  
Resolution No. 151/2005-06

WHEREAS, the Town has received a petition requesting that Lisa Drive from Quail Roost Drive to the existing pavement at Deer Street be improved in the following manner: street paving; and

WHEREAS, the Town Clerk has certified to this Board that said petition is sufficient in all respects, the same having been duly signed by at least a majority in number of the owners of property abutting the street to be improved who reside on that street, who own at least a majority of the lineal feet of frontage on the street to be improved that is owned by persons who reside on that street; and

WHEREAS, a preliminary assessment resolution has been adopted by the Board and a public hearing duly held thereon; and

WHEREAS, this Board adopted a resolution on the 22nd day of March 2005, directing that this project be undertaken, and the project has been completed in accordance with that resolution;

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

Section 1. The cost of the above-described improvement, exclusive the cost to pave street intersections, has been computed and is hereby declared to be \$56,787.63.

Section 2. The Town Clerk is hereby directed to prepare a preliminary assessment roll in accordance with G.S. 160A-227, showing the individual assessments upon properties benefited by the improvement. The assessment roll shall be made available for public inspection in the Town Clerk's office at least ten (10) days before the date of the public hearing set forth below and shall remain so available until after the public hearing.

Section 3. The Board of Aldermen will hold a public hearing on the preliminary assessment roll on the 27th day of June 2006, at p.m. in the Town Hall, Carrboro, North Carolina for the purpose of hearing all interested persons who appear.

Section 4. A notice of the completion of the preliminary assessment roll, setting forth in general terms a description of the project, noting the availability of the assessment roll in the Town Clerk's office and stating the time and place for a hearing on such assessment roll shall be published by the Town Clerk in the local newspaper at least ten (10) days before the date set for the public hearing.

Section 5. Not later than ten (10) days before the date set for the public hearing, the Town Clerk shall also send by certified mail a notice of the public hearing on the preliminary assessment resolution to the property owners listed on such resolution. The notice shall state the date, time, and place of the hearing, not the availability of the preliminary assessment resolution for inspection in the Town Clerk's office, and state the amount of the assessment against the property of the owner as shown on such assessment roll. The Town Clerk shall file with the Board of Aldermen a certificate stating that the notices were mailed in accordance with this section.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of June, 2006:

Ayes: Mark Chilton, Dan Coleman, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Jacquelyn Gist

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### **REPORT ON PUBLIC POWER**

Alderman Coleman said that, he presented a one-page write-up on the Public Power issue to the Joint Review meeting because Doug Crawford Brown was presenting the carbon-reduction program. He said he needed people to help do research and Doug said he would put a group of students to work on it. In The Carolina Environmental Program that he heads up, there will be students investigating the question of viability, benefits and potential pitfalls for Public Power for Carrboro. They will have a presentation ready by November or December.

Mayor Chilton said the Board would plan on having a worksession to discuss some of the issues involved after the presentation.

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MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY RANDEE HAVEN O'DONNELL TO ADJOURN THE MEETING AT 8:43 P.M. VOTE: AFFIRMATIVE: FIVE, ABSENT: TWO (BROUN, GIST)

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Mayor

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Deputy Town Clerk

