

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 6, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	John Herrera
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Robert Hornik for Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Alderman	Jacquelyn Gist
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FIT COMMUNITY GRANT

Michelle Rivest, Executive Director of Orange County Partnership for Young Children, spoke to the Board about their "Healthy Kids Campaign." She asked for authorization to apply for a Fit Community Grant on behalf of Carrboro focusing on a community garden.

It was the consensus of the Board to refer this request to the town staff to prepare a report on possible sites for a community garden(s).

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE JANUARY 16 AND 23, 2007 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

A REQUEST TO SET A PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE KIDNEY KARE 5K RUN/WALK

The purpose of this item was to request that the Board of Aldermen set a public hearing for February 27, 2007 on a Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets for the Kidney Kare 5K Run/Walk.

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

A RESOLUTION SETTING A PUBLIC HEARING ON A
TEMPORARY STREET CLOSING REQUEST
Resolution No. 113/2006-07

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that February 27, 2007 at 7:30 PM is hereby set as the date for a public hearing on a request by the UNC Kidney Center to temporarily close and use the following streets on March 24, 2007 from 8:25 AM to 8:40 AM for the Kidney Kare 5K Run event:

Start and Finish on McDougle Southeast Drive

Right on Hillsborough Rd (Stay on Hillsborough Rd through the N Greensboro St split)

Right on High St

Right on Main St (stay in bike lane)

Right on James St

Left on Hillsborough Rd (stay in bike lane)

Left on McDougle Southeast Drive

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of February, 2007:

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

Noes: None

Absent or Excused: Jacquelyn Gist

BUDGET AMENDMENT: HOMELAND SECURITY GRANT

A budget amendment is required to recognize the \$75,266 grant that will be awarded from the Department of Homeland Security for the Fire Department 800MHz radio equipment.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY 2006-07 BUDGET ORDINANCE."

VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

A REQUEST TO DECLARE A 1993 MOTOR GRADER AS SURPLUS PROPERTY AND AUTHORIZING THE PURCHASE OF A NEW MOTOR GRADER

The purpose of this agenda item was to authorize the purchase of a motor grader for the Public Works Department. The Board was also requested to declare the 1993 Lee Boy Motor Grader currently owned by the Town as surplus property and to authorize the use of this as a trade-in for the new motor grader purchase.

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

A RESOLUTION DECLARING A 1993 MOTOR GRADER AS SURPLUS PROPERTY AND
AUTHORIZING THE PURCHASE OF A NEW MOTOR GRADER
Resolution No. 115/2006-07

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

Section 1: The Board of Aldermen hereby declares the 1993 Lee Boy Motor Grader as surplus property to be used as a trade-in.

Section 2: The Board of Aldermen authorizes the purchase of a motor grader from Arrow Equipment, LLC in the amount of \$93,000.

1 Lee Boy Motor Grader \$107,500

Trade-in allowance	\$ 14,500
Total	\$ 93,000

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of February, 2007:

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

Noes: None

Absent or Excused: Jacquelyn Gist

A REQUEST TO APPROVE A RESOLUTION FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION NOTES

A resolution representing the Board's formal authorization for the sale of \$2,590,000 in sidewalk bond anticipation notes to replace the existing bond anticipation notes and provide additional project funding is presented for board approval. This resolution will allow for the design, construction, and implementation of sidewalk and greenways projects approved by voters in November 2003 to continue.

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

RESOLUTION FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION NOTES

Resolution No. 114/2006-07

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 greenways trails.

The Town has previously issued \$1,230,000 of "bond anticipation notes" to provide construction-period financing for certain sidewalks projects in anticipation of the later issuance of a portion of the bonds authorized at the 2003 referendum (the "Sidewalk Bonds").

The Town's Board of Aldermen has now determined to issue an additional series of bond anticipation notes to retire the previously-issued bond anticipation notes at their upcoming maturity, and also to provide additional funding for sidewalk projects in anticipation of the later issuance of a portion of the Sidewalk 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 \$2,590,000. The Town will issue the Notes to retire a series of bond anticipation notes previously issued, and also to provide additional construction-period financing for sidewalk projects in anticipation of the later issuance of a portion of the previously-authorized Sidewalk Bonds.

2. Payment and Other Details of the Notes -- The Notes will be designated "General Obligation Sidewalk Bond Anticipation Notes, Series 2007A." 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 December 5, 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 Sidewalk Bonds are also hereby pledged for the payment of the Notes, and the Notes shall be retired from proceeds of the Sidewalk 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, Mayor Pro Tem 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 November 27, 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. The Town approves the LGC's offering the Notes for sale pursuant to Offering Information and Bid Form documents in substantially the same form as similar documents used in prior Town note offerings.

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. Town Manager and Others Authorized To Complete Closing -- After the sale of the Notes, the Town Manager 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 Town Manager 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 Town Manager'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 Town Manager 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 Town Manager'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 Town Manager 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 Town officers and employees are ratified, approved and confirmed. Upon the absence, unavailability or refusal to act of the Mayor, the Town Manager or the Finance Officer, any of such persons may assume any responsibility or carry out any function assigned to any other officer in this resolution. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of February, 2007:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO APPROVE A MEMORANDUM OF AGREEMENT FOR LONG RANGE TRANSIT PLAN

Preparation of a long-range transit plan for Chapel Hill Transit has been long anticipated. A \$522,000 planning process has been developed and funding commitments have been obtained from the transit partners and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization. A resolution that authorizes the Town Manager to sign a Memorandum of Agreement that specifies Carrboro's participation in the project was presented for the Board's adoption.

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

A RESOLUTION AUTHORIZING TOWN MANAGER TO SIGN
MEMORANDUM OF AGREEMENT FOR LONG RANGE TRANSIT PLAN
Resolution No. 117/2006-07

WHEREAS, the Towns of Carrboro and Chapel Hill have worked together to provide public transit service to the local community for over thirty years; and

WHEREAS, the need for a Long Range Plan to guide the future development of the transit system has been identified, a planning process has been developed, and a consultant selected to complete the plan; and

WHEREAS, the planning process will require a local match to cover Carrboro's share of the project (\$45,306) and staff support in the activities of the technical team, as specified in the project's Scope of Work.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen authorize the manager to sign the Memorandum of Agreement for the Completion of the Long Range Transit Plan between the Town of Chapel Hill and 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 February, 2007:

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

Noes: None

Absent or Excused: Jacquelyn Gist

PRELIMINARY REPORT ON THE POSSIBILITIES AND IMPLICATIONS OF IMPLEMENTING PAY-AS-YOU-THROW REFUSE COLLECTION

The purpose of this agenda item was to provide the Board of Aldermen with a preliminary report on the possibilities and implications of implementing a Pay-As-You-Throw program for single-family residential waste collection in the Town of Carrboro.

George Seiz, the town's Public Works Director, made the presentation.

Devan Clark, a resident of 105 Kay Street, asked why this was being considered in light of the problems associated with it. He stated that he feels that garbage collection is a basic service provided by the town that is

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and should be covered by taxes, feels that he would be punished by having to pay a fee for pay-as-you-throw, and that recycling should be encouraged.

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Robert Kirshner asked that town homes and condominium projects be included in references to multi-family projects. He stated that pay-as-you-throw would be unmanageable and does not feel the town should pursue pay-as-you-throw.

Alderman Coleman stated that pay-as-you-throw is listed in the Vision 2020 document as an example of waste reduction and stated that there would be waste reduction and cost reduction with pay-as-you-throw. He suggested that the Environmental Advisory Board look at this. He identified the following key areas for further consideration: (i) Is there room for waste reduction? (ii) What are the additional cost savings? (iii) Public information campaigns effective in other communities; (iv) Are there strategies in other communities to deal with multi-family projects? (v) Equity issues (lower fee for seniors and lower income residents).

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Alderman Herrera suggested a reward system to encourage citizens to produce less waste and encourage recycling and composting.

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Alderman Zaffron expressed concern about charging additional fees for a basic town service. He pointed out that if single-family residences were converted to pay-as-you, those citizens would in effect be paying double taxes. He expressed concern about equity issues.

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Alderman Broun suggested that there be an educational campaign to encourage composting. She expressed concern about the amount of waste generated by packaging.

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Alderman Haven-O'Donnell suggested that education would be necessary prior to going to pay-as-you-throw and that we would need to do more homework on this proposal.

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Mayor Chilton asked if our goal is to reduce our landfill tipping fees by 6-9 percent and if pay-as-you-throw would be the most effective way to meet that goal. Would it be more cost-effective to increase education to encourage recycling, i.e., increased recycling of food waste? Also, coordination of a pay-as-you-throw with Chapel Hill might be a way to reduce problems with such a program.

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It was the consensus of the Board to refer this back to the town staff to report on other strategies to reduce the amount of trash going to the landfill.

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

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A RESOLUTION RECEIVING THE PRELIMINARY REPORT ON
THE POSSIBILITIES AND IMPLICATIONS OF
IMPLEMENTING A PAY-AS-YOU-THROW PROGRAM
FOR SINGLE-FAMILY RESIDENTIAL WASTE COLLECTION
Resolution No. 109/2006-07

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WHEREAS, the town staff has provided a preliminary report on the possibilities and implications of implementing a pay-as-you-throw program for single-family residential waste collection in the Town of Carrboro.

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NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the report and request that the town staff prepare a report on other strategies to reduce the amount of waste going to the landfill.

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The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of February, 2007:

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

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Noes: None

Absent or Excused: Jacquelyn Gist

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DISCUSSION OF PLANNING BOARD RECOMMENDATION FOR A DEVELOPMENT MORATORIUM IN THE NORTHERN STUDY AREA

On December 5th, the Board of Aldermen received a presentation from Alderman Alex Zaffron and Planning Board chair James Carnahan to develop a process to re-examine the plan for Carrboro's Northern Study Area. The staff recommended that the Board of Aldermen consider a resolution providing an opportunity to specify follow-up in response to the Planning Board request.

It was the consensus of the Board to request that the town staff bring the process to update and implement the Northern Study Area Small Area Plan to the Board for adoption on February 20th

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

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¶ Joal asked for information on the process for a moratorium¶
¶ AZ schedule a initiate a public hearing on a residential only moratorium. Steve to coordinate with county¶
¶

A RESOLUTION SPECIFYING FOLLOW-UP TO PLANNING BOARD RECOMMENDATION FOR A DEVELOPMENT MORATORIUM IN THE NORTHERN STUDY AREA
Resolution No. 116/2006-07

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WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Planning Board has made a recommendation for a moratorium in the Northern Study Area.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen directs staff as follows

- Instruct staff to define a process for a six-month moratorium on residential development in the Northern Study Area.

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The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of February, 2007:

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

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Noes: None

Absent or Excused: Jacquelyn Gist

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A REQUEST TO NOMINATE REPRESENTATIVES TO SERVE ON SPECIAL ADVISORY COMMISSION FOR TRANSIT

Alice Gordon, Chair of the Transportation Advisory Committee for the Durham Chapel Hill Carrboro Metropolitan Planning Organization has sent a letter requesting the Board of Aldermen nominate two candidates to serve on a special advisory commission for transit. A resolution that provided an opportunity for the Board to nominate two candidates was presented.

The following resolution was introduced by Alderman [Dan Coleman](#) and duly seconded by Alderman [Joal Hall Broun](#).

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A RESOLUTION NOMINATING CANDIDATES TO SERVE ON A
SPECIAL ADVISORY COMMISSION FOR TRANSIT
Resolution No. 119/2006-07

WHEREAS, the Carrboro Board of Aldermen supports multi-modal transportation, including regional transit and carpooling activities, and;

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WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and the Capital Area Metropolitan Planning Organization are forming a commission to make recommendations on major transit investments in the Triangle Area; and

WHEREAS, DCHC MPO has requested that the Board of Aldermen nominate two candidates to serve on the commission

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen nominate the following to serve on the committee:

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- Heidi Perry
- James Carnahan

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 6th day of February, 2007:

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

Noes: None

Absent or Excused: None

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REQUEST FOR BOARD DISCUSSION OF LEADERSHIP ADVISORY COUNCIL'S FINAL REPORT ON CAROLINA NORTH

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Alderman Broun asked that a Board discussion of this matter be scheduled.

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DISCUSSION OF LEGISLATIVE BREAKFAST MEETING

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Alderman Coleman suggested that the Board instruct staff to schedule the annual legislative breakfast earlier in order to accommodate schedules.

Alderman Broun suggested that the meeting be set in December.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO ADJOURN THE MEETING AT 9:41 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk

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Joal – staff to set in Dec.

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