

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 5, 2007 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 7:55 p.m.)
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

WELL ON MLK PARK PROPERTY

Jay Hamm said the well has been checked and it would provide over 1,000 gallons of water per week. This water could be pumped by solar power to a cistern for watering the community garden.

David Delvechio said that water was located at 170 feet. He stated that the well house could be secured.

Sammy Slade stated that the well has not yet been filled by the Parrish Brothers and that that the water has been tested. He said that the community garden folks will take responsibility for keeping the well house locked and will test the well for heavy metals. He stated that the well will provide on-site water; it already exists, and would mitigate energy usage.

Mayor Chilton asked that this matter be placed on the agenda for discussion on June 19th

[Alderman Herrera arrived at the meeting.]

Alderman Broun asked for information on how other community gardens provide water for their gardens and what Orange County requires for wells.

Alderman Haven-O'Donnell asked for follow-up information on water testing by the Community Garden folks.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MAY 15 AND 22, 2007 MINUTES. VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT A BUDGET ORDINANCE REFLECTING CURRENT STATUS OF LOANS AND RESERVE FOR THE REVOLVING LOAN FUND

The purpose of this item is to formally approve a budget ordinance to amend the Revolving Loan Fund to reflect the current status of loans and reserves in the fund. The Revolving Loan Fund is used to encourage community development in Carrboro by offering loans to new businesses and encouraging businesses to locate

in Carrboro. Annually, the fund is updated to reflect estimated annual interest and principal payments on loans from the various businesses. The budget ordinance reflects estimated revenues and expenditures through June 30, 2007.

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 ALL

A REQUEST TO AMEND THE TOWN CODE TO ALLOW SAMPLES OF BEER AND WINE TO BE GIVEN AWAY AT THE FARMERS' MARKET

The purpose of this item was to present a request for an amendment of Chapter 5 of the Town Code to allow free samples of beer and wine to be given away at the Farmers' Market in conjunction with the sale of beer and wine by producers and vendors of beer and wine. Staff recommended that the requested change to the Town Code be adopted to allow the distribution of wine or beer samples for consumption at the Carrboro Town Commons.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 5 OF THE TOWN CODE TO ALLOW SAMPLING OF BEER AND WINE AT THE FARMERS' MARKET." VOTE: AFFIRMATIVE ALL

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, 2007.

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

A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2006-07 AUDIT
Resolution No. 200/2006-07

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

Section 1. That the contract for the FY 2006-07 audit be awarded to Dixon Hughes PLLC for a total cost of \$35,000.

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 5th day of June 2007:

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

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT REVISING PRIVILEGE LICENSE FEES AND RESOLUTION TO ADOPT REVISED PRIVILEGE LICENSE FEES

The Board of Aldermen, at the budget work session of May 8th, reviewed the privilege license gross receipts fees. The Board requested that staff revise the charges for businesses reporting gross receipts of \$100,000 or less. Staff was asked to report back to the Board for approval of the revised fees so that when billing in May 2008, the staff may use the new fee structure. An amendment to the Town Code revises code language so that privilege license fees can be updated annually in the fee schedule and a resolution adopting the revised privilege license fee schedule are presented for board approval.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE AS IT RELATES TO PRIVILEGE LICENSE TAXES." VOTE: AFFIRMATIVE ALL

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

A RESOLUTION ADOPTING REVISED PRIVILEGE LICENSE FEES FOR
THE TOWN OF CARRBORO
Resolution No. 195/2006-07

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1: Pursuant to Section 805 of the Town Code, the Town's Miscellaneous Fees and Charges Schedule is hereby amended to include the following schedule of privilege license fees based on gross receipts:

PRIVILEGE LICENSE FEES	
GROSS RECEIPTS	AMOUNT OF TAX
0-\$25,000	\$25
\$25,001-\$50,000	\$50
50,001-\$500,000	\$100
500,001 – 1,000,000	\$200.00
Over 1,000,000	\$200.00 + \$200.00 per each million or portion thereof in excess of \$1,000,000
Note: Statement of gross receipts. When the amount of the tax to be paid depends on gross receipts, persons applying for a license shall render to the town manager a sworn statement of the gross receipts of the business as reported on the previous year's state income tax return, and upon an applicant's failure to render such a sworn statement, the amount of tax to be paid shall be \$200.00.	
As provided in Section 8-32(b) of the Town Code, any person who conducts business without payment of taxes when due shall be liable to pay a penalty, in addition to the tax, equal to the greater of \$5.00 or five percent of the tax due for each month or portion thereof that the tax remains unpaid.	

Section 2: This resolution shall become effective upon adoption, except that the fees established herein will be applicable to fiscal year 2008-2009 and subsequent fiscal years unless and until modified by subsequent action of the Board of Aldermen.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of June 2007:

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

Noes: None

Absent or Excused: None

A REQUEST TO ISSUE PERMITS FOR THE ANNUAL FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE AND GALLOP AND GORGE 8K ROAD RACE

The purpose of this item was to consider Street Closing Permit Applications submitted by Cardinal Track Club for the Annual Four on the Fourth Road Race, Carrboro 10 K Road Race, and the Gallop and Gorge 8 K Road Race.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF THE FOLLOWING STREETS TO ACCOMMODATE THE *FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE, AND GALLOP AND GORGE 8K ROAD RACE*

Resolution No. 201/2006-07

Section 1. The following streets shall be temporarily closed Wednesday, July 4, 2007 from 7:45 am to 9:00 am to accommodate the *Four on the Fourth Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Old Fayetteville Road
2. Carol Street
3. Lorraine Street
4. Hillsborough Road
5. West Main Street
6. James Street

The following streets shall be temporarily closed on Saturday, October 6, 2007 from 7:45 AM to 9:30 AM to accommodate the *Carrboro 10 K Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Old Fayetteville Road from Winsome Lane intersection to Carol Street intersection
2. Carol Street from Old Fayetteville Road intersection to James Street intersection
3. James Street from Carol Street intersection to Lorraine Street intersection
4. Lorraine Street from James Street intersection to Hillsborough Road intersection
5. Hillsborough Road from Lorraine Street intersection to Simpson Street intersection

6. Simpson Street from Hillsborough Road intersection to West Main Street intersection
7. West Main Street from Simpson Street intersection to Hillsborough Street intersection
8. Hillsborough Street from West Main Street intersection to Oak Street intersection
9. Oak Street from Hillsborough Road intersection to North Greensboro Street intersection
10. North Greensboro Street from Oak Street intersection to Morningside Drive intersection
11. Morningside Drive from North Greensboro Street intersection to Blueridge Road intersection
12. Blueridge Road from Morningside Drive intersection to Spring Valley Road intersection
13. Spring Valley Road from Blueridge Road intersection to Pathway Drive intersection
14. Pathway Drive from Spring Valley Road intersection to Parkview Drive intersection
15. Parkview Drive from Pathway Drive intersection to Hillsborough Road intersection
16. Hillsborough Road from Parkview Drive intersection to James Street intersection
17. James Street from Hillsborough Road intersection to Rainbow Drive intersection
18. Rainbow Drive from James Street intersection to Lisa Drive intersection
19. Lisa Drive from Rainbow Drive intersection to Carol Street intersection
20. Carol Street from Lisa Drive intersection to Old Fayetteville Road intersection
21. Old Fayetteville Road from Carol Street intersection to Winsome Lane intersection

The following streets shall be temporarily closed Thursday, November 22, 2007 from 7:45 am to 9:15 am to accommodate the *Gallop and Gorge 8K Road Race*. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

1. Roberson to S. Greensboro St.
2. Greensboro St. to Hillsborough Rd.
3. Hillsborough Rd. to James St.
4. James St. to Rainbow Dr
5. Rainbow Dr. to Lisa Dr
6. Lisa Dr. to Carol St.
7. Carol St. to James St.
8. James St. to Lorraine St.
9. Lorraine St. to Phipps St.
10. Phipps St. to Simpson St.
11. Simpson St. to W. Main St.
12. W. Main St. to High St.
13. High St. to Hillsborough Rd.
14. Hillsborough Rd. back to W. Main St.
15. W. Main St. to E. Poplar
16. E. Poplar to N. Greensboro St.
17. Greensboro St. to Roberson St.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. Applicant shall post signs at roadway intersections along race course, 5-7 days before the event, to notify the public about the running race.

Section 6. Applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 7. 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 5th day of June 2007:

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

Noes: None

Absent or Excused: None

TOWN CODE AMENDMENT ESTABLISHING A GREENWAYS COMMISSION

At the recommendation of the Greenways Summit Work Group, the Board of Aldermen voted to create a Greenways Commission and adopted a resolution to that effect on April 3, 2007. An amendment to the Town Code defining the mission of a Greenways Commission was noted as necessary.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO CREATE A GREENWAYS COMMISSION." VOTE: AFFIRMATIVE ALL

Alderman Haven-O'Donnell commented that the Greenway Summit Group members should be invited to apply to serve on the Greenways Commission.

REQUEST TO SET A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH STORMWATER MANAGEMENT

A draft ordinance amending the Land Use Ordinance to revise stormwater management provisions in relation to the NPDES Phase II permit and the Jordan Lake TMDL has been prepared. A resolution that sets the public hearing for June 26, 2007 on the draft ordinance and referring the ordinance for Orange County and advisory board review was recommended for the Board's adoption.

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

A RESOLUTION CALLING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING WITH STORMWATER MANAGEMENT

Resolution No. 203/2006-07

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on June 26, 2007 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE DEALING WITH STORMWATER MANAGEMENT."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|--|--|
| <input type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input type="checkbox"/> Transportation Advisory Board | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input checked="" type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of June 2007:

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

Noes: None

Absent or Excused: None

INTERLOCAL COOPERATION AGREEMENT FOR FEDERAL TRANSPORTATION PLANNING GRANTS

The City of Durham serves as the lead planning agency for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) and administers and manages many transportation planning and construction projects for the region. An interlocal agreement is needed to ensure the transfer of Carrboro's share of matching funds to the City of Durham, in accordance with decisions made by the DCHCMPO.

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

A RESOLUTION DIRECTING THE MANAGER TO SIGN THE
INTERLOCAL COOPERATIVE AGREEMENT RELATED TO LOCAL MATCH
FOR FEDERAL TRANSPORTATION PLANNING GRANTS
Resolution No. 189/2006-07

WHEREAS, the Town of Carrboro is an active participant in the review of regional transportation policy, and;

WHEREAS, the City of Durham is the lead planning agency for the Durham Chapel Hill-Carrboro Metropolitan Planning Organization and administers and manage grant funds associated with federal transportation planning grants, and;

WHEREAS, the City of Durham is responsible for ensuring its own fiscal security.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen direct the Town Manager to finalize the signature on the interlocal agreement.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of June 2007:

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

Noes: None

Absent or Excused: None

RESOLUTION APPROVING THE FINANCING OF VEHICLES AND EQUIPMENT

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 FY06-07.

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

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$1,134,188.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE TOWN OF CARRBORO, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH
Resolution No. 206/2006-07

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

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

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

d) RBC Centura Bank (“RBC Centura”) has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Centura will lend the Unit the amount of \$1,134,188.00 the “Contract”) and a related Escrow Agreement between the Unit and RBC Centura (the “Escrow Agreement”).

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

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

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

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

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2007. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a “qualified tax-exempt obligation” for the purposes of the Code.

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

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of June 2007:

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

Noes: None

Absent or Excused: None

REQUEST TO APPROVE A BUDGET AMENDMENT

The purpose of this item was to amend the 2006-07 fiscal budget to appropriate \$1,000.00 from Orange County to assist with an advertising project for the Shop Local Campaign.

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 ALL

REQUEST TO SET A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST FOR THE BALLENTINE ARCHITECTURALLY INTEGRATED SUBDIVISION

M/I Homes, as represented by The John R. McAdams Company, has submitted an application for the construction of a 96 dwelling unit subdivision located at 8110 Old NC 86. The Conditional Use Permit, if approved, would allow the creation of 62 single-family-detached and 34 townhome lots with associated infrastructure, including publicly dedicated streets. The applicant requested that the Board schedule the public hearing date for the conditional use permit for June 26, 2007.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED BALLENTINE ARCHITECTURALLY INTEGRATED SUBDIVISION LOCATED ON OLD NC 86
Resolution No. 205/2006-07

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a conditional use permit for the Ballentine Architecturally Integrated Subdivision to be located on Old NC 86.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 26, 2007 to discuss and comment upon the proposed Ballentine Architecturally Integrated Subdivision.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of June 2007:

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

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING: PHASE A OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT

Main Street Partners, LLC has submitted a Conditional Use Permit (CUP) application for construction of a five-story commercial building at 208 East Main Street along with associated parking at 200 East Main Street. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. Town Staff recommended that the Board set a public hearing for June 26, 2007 for consideration of the conditional use permit request.

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

**A RESOLUTION CALLING A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST
FOR PHASE A OF 300 EAST MAIN STREET LOCATED AT 200 AND 208 EAST MAIN STREET
Resolution No. 208/2006-07**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed conditional use permit projects; and

WHEREAS, an application has been received for a conditional use permit for the Phase A of 300 East Main Street project located at 200 and 208 East Main Street.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 26, 2007 to consider the conditional use permit request for the Phase A of 300 East Main Street project.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 5th day of June 2007:

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

Noes: None

Absent or Excused: None

UPDATE ON FIRE STATION NO. 2

The purpose of this item was to update the Board of Aldermen on Fire Station #2.

Ken Newell with Stewart, Cooper and Newell, made a presentation. He presented a written program for the project which included space needs for the fire station and projects costs for three different options for construction of the facility.

Kathy Buck addressed concerns about the charrette, suggested part of the building be pre-engineered and part be conventionally built. She also expressed her desire to see the 200-year-old holly tree saved.

Ken Moore asked that another half day or full day design charrette be scheduled to work with creative designers to keep as much of the existing vegetation as possible and suggested that the funds for LEED certification be used for design features.

Barbara Janeway asked that as many trees as possible be saved.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE ONE-STORY, PRE-ENGINEERED BUILDING OPTION BE SELECTED WHICH WILL BE WITHIN THE PROJECTED BUDGET IN THE APPROVED CIP, THAT THE WRITTEN PROGRAM BE FOLLOWED, THAT LEED GOALS BE PURSUED (BUT NOT LEED CERTIFICATION) WITH MORE EMPHASIS ON

ENVIRONMENTAL VALUES, AND THAT A PUBLIC SESSION BE SCHEDULED FOR A WEEKDAY PRIOR TO JUNE 26, 2007 TO RECEIVE PUBLIC INPUT ON THE DESIGN OF THE PROJECT.
AFFIRMATIVE ALL

BOARD DIRECTS MANAGER TO PREPARE FINAL BUDGET FOR FISCAL YEAR 2007-08

By state law, the Board must approve a balanced budget for the Carrboro community by July 1 of every year. The purpose of this agenda item was to complete budget discussions and approve a resolution instructing the Town Manager to develop a final draft of the budget for adoption by the Board on June 19.

MOTION WAS MADE BY ALEX ZAFFRON TO PROVIDE A \$1,500 HEALTH CARE STIPEND TO THE SEVEN PERMANENT PART-TIME TOWN EMPLOYEES FOR A TOTAL OF \$10,500 AND THAT THE BALLFIELD LASER GRADING AND INSPECTION MACHINE BE DELETED FROM THE BUDGET. (MOTION DIED FOR THE LACK OF A SEDOND.)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADD THE \$1,500 HEALTH CARE STIPEND (FOR A TOTAL COST OF \$10,500) TO THE BUDGET. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (ZAFFRON, HERRERA, BROUN)

Bryan stated that they were not interested in having the Really Really Free Market on Sundays.

Steven Silerly spoke in favor of having the Really Really Free Market on Saturday afternoons and asked that the town not charge for its usage.

Monica spoke in favor having market on Saturdays

James spoke in support of using the Town Commons for free at any time.

Mr. Stewart stated that the liability is on the town for any event that takes place on the Town Commons where food is served and the event planners do not provide insurance.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST THAT THE TOWN COMMONS RESERVATION FEE BE FREE, IF THE EVENT IS OPEN TO THE PUBLIC, IF TOWN STAFF DOES NOT WORK THE EVENT, THERE IS NO PUBLIC ACCESS TO TOWN HALL BATHROOMS, NO MONEY IS EXCHANGED DURING THE EVENT AND ELECTRICITY IS NOT USED. THAT THE RESERVATION FEE REMAIN AT \$100.00 FOR RESERVATIONS UP TO 4 HOURS WHICH INCLUDE STAFFING, PUBLIC ACCESS TO TOWN HALL BATHROOMS AND ELECTRICITY. VOTE: AFFIRMATIVE THREE, NEGATIVE FOUR (BROUN, HERRERA, HAVEN-O'DONNELL, ZAFFRON)

TOWN CODE AMENDMENT REVISING THE PERSONNEL ORDINANCE PERTAINING TO RETIREE HEALTH INSURANCE FOR FISCAL YEAR JULY 1, 2007 – JUNE 30, 2008

The purpose of this item was to present to the Board the changes to the Personnel Ordinance that would be required should the Board approve the staff's recommendation to modify the current provisions of retiree health insurance for fiscal year 07-08.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING SECTION 4-39 OF CHAPTER 4 OF THE TOWN CODE MODIFYING THE PROVISION FOR GROUP HEALTH AND HOSPITAL INSURANCE

FOR RETIREES.” VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (RANDEE HAVEN-O’DONNELL, JACQUELYN GIST)

CONTINUED DISCUSSION OF LAND USE ORDINANCE TEXT AMENDMENT PERTAINING TO OPEN SPACE/LIVABILITY REQUIREMENTS

The Board of Aldermen, at its May 22, 2007 public hearing, considered an applicant’s draft ordinance to amend the text of the Land Use Ordinance to replace the open space requirement for residential development downtown with requirements for urban amenities. The Board of Aldermen also considered the staff analysis and staff response in the form of a draft ordinance. This item responded to comments made by the Board of Aldermen at the public hearing.

[Discussion of this item was delayed until June 12th.]

SUPPORT FOR STATE ENERGY OFFICE

Alderman Coleman asked that the Mayor be requested to send a letter to the legislative delegation speaking against elimination of the State Energy Office.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE THE MAYOR TO FORWARD A LETTER TO THE LEGISLATIVE DELEGATION IN SUPPORT OF CONTINUED FUNDING OF THE STATE ENERGY OFFICE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 11:02 P.M... VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk