

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 17, 2008 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
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Alderman	Jacquelyn Gist
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APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO APPROVE THE JUNE 3, 2008 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (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 ongoing 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 Joal Hall Broun and duly seconded by Alderman John Herrera.

A RESOLUTION FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION NOTES Resolution No. 184/2007-08

WHEREAS:

At a referendum held on November 4, 2003, the voters of the Town of Carrboro authorized the issuance of up to \$4,600,000 of Town general obligation sidewalk bonds (the "Sidewalk Bonds").

The Town has previously issued \$2,590,000 of "bond anticipation notes" to provide construction-period financing for certain sidewalk projects in anticipation of the later issuance of a portion of the Sidewalk Bonds.

The Town's Board of Aldermen (the "Board") has now determined to issue an additional series of bond anticipation notes to refinance the previously-issued bond anticipation notes at their upcoming maturity, and thereby continue preliminary funding for the 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 refinance a series of bond anticipation notes previously issued, and thereby continue 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 2008." The Notes will be dated the date of their initial delivery to their purchaser, will be in a minimum denomination of \$100,000 and will be numbered from R-1 upward. 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.

The principal of the Notes will be payable on May 1, 2009. The Notes will not be subject to prepayment prior to maturity.

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 Town 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 or 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 May 1, 2009.

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

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

8. 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, and to take all other proper steps to complete the issuance of 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 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 Manager is authorized and directed to enter into any agreements such officer deems appropriate to put into place the book-entry system with DTC. The Town may elect to discontinue the book-entry system with DTC, in which case the Notes will be in denominations of \$1,000 above the minimum denomination of \$100,000.

12. Miscellaneous provisions -- All Town officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of the Town officers and employees are ratified, approved and confirmed. 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.

No. R-1

\$2,590,000

UNITED STATES OF AMERICA

STATE OF NORTH CAROLINA

TOWN OF CARRBORO

General Obligation Sidewalk Bond Anticipation Note, Series 2008

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____ %	May 20, 2009	August 26, 2008	144 420 XXX

REGISTERED OWNER: ***CEDE & CO.*******

PRINCIPAL AMOUNT: *** TWO MILLION FIVE HUNDRED NINETY THOUSAND DOLLARS (\$2,590,000)*******

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

This Note constitutes the entire issue of the Town's \$2,590,000 General Obligation Sidewalk Bond Anticipation Notes, Series 2008 (the "Notes"). The Notes have been authorized and are issued pursuant to a resolution adopted by the Town's governing Board of Aldermen on June 17, 2008, and the Constitution and laws of the State of North Carolina, including The Local Government Bond Act. The Notes have been authorized and are issued to provide funds, together with other available funds, to pay capital costs of sidewalk construction and improvement projects in anticipation of the issuance of certain Town general obligation bonds (the "Bonds") previously authorized for such purpose.

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

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

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

The Town's Finance Officer has been appointed Registrar for the Notes. As Registrar, the Finance Officer will maintain appropriate books and records of the ownership of the Notes. The Town will treat the registered owners of the Notes as the persons 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 May 1, 2009.

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

The Town intends that North Carolina law will govern the terms of this Note.

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

IN WITNESS WHEREOF, the Town of Carrboro, North Carolina, has caused this Note to be signed by its Mayor, the Town's seal to be affixed hereto and attested by the Town Clerk, and this Note to be dated August 26, 2008.

[SEAL]

ATTEST:

[Exhibit Only - Do Not Sign]
Sarah C. Williamson
Town Clerk
Town of Carrboro, North Carolina

[Exhibit Only - Do Not Sign]
Mark Chilton
Mayor
Town of Carrboro, North Carolina

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

s/T. Vance Holloman
Secretary, North Carolina
Local Government Commission

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

(Please print or type transferee’s name and address, including zip code)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OR TRANSFEREE:

the within note and all rights thereunder, hereby irrevocably constituting and appointing _____, Attorney, to transfer said note on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

<p>Signature Guaranteed:</p> <p>_____</p> <p>NOTICE: Signature(s) must be guaranteed by a participant in the Securities Transfer Agent Medallion Program (“STAMP”) or similar program</p>	<p>_____</p> <p>(Signature of Registered Owner)</p> <p>NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this note in every particular without alteration or enlargement or any change whatsoever.</p>
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The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O’Donnell, John Herrera, Lydia Lavelle

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO APPROVE EQUIPMENT AND VEHICLE FINANCING

Annually, the Board of Aldermen, through its capital improvement plan, approves a schedule that provides for the purchase and replacement of vehicles and equipment through lease purchase financing. The Board of Aldermen was requested to adopt a resolution designating the installment purchase contracts for items listed below as tax-exempt obligations of the Town. This resolution represents the installment financing planned and budgeted for FY07-08.

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

A RESOLUTION APPROVING FINANCING TERMS
Resolution No. 174/2007-08

WHEREAS, the Town of Carrboro (“Town”) has previously determined to undertake a project for various vehicles and equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated May 30, 2008. The amount financed shall not exceed \$1,668,929.00, the annual interest rate (in the absence of default in tax status) shall not exceed 3.02%, and the financing term shall not exceed five (5) years from closing and 3.19% and the financing term shall not exceed seven (7) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the deliver of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the terms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval on the Documents final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town’s general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO APPROVE DESIGNATION OF FUND BALANCE FOR FY2007-08 BUDGET ITEMS NOT YET SPENT OR ENCUMBERED

The Town has identified several projects totaling \$720,767 within the FY2007-08 general fund budget whereby funds approved by the Board have not been spent but will be needed when the projects are brought to fruition and a vendor is identified to purchase the service or item. In addition, numerous items were identified in the FY08-09 budget process as being suited for designated fund balance. The funds, if not spent or reserved for next year, will lapse to undesignated fund balance within the General Fund at June 30, 2008. The Board was requested to set aside these funds for the upcoming year by designating fund balance for appropriation when needed in the upcoming fiscal year.

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

A RESOLUTION RESERVING FUND BALANCE FOR FY2007-08
ITEMS NOT YET COMPLETED OR ENCUMBERED
Resolution No 177/2007-08

WHEREAS, the Town Manager, Steven E. Stewart, has described to the Board the desirability of adopting a resolution to reserve fund balance for the following projects:

BE IT RESOLVED by the Board of Aldermen that fund balance be reserved to fund the following items:

WEAVER STREET RECONSTRUCTION	\$ 260,000
ADAMS TRACT PEDESTRIAN BRIDGE	\$ 30,000
DOG PARK FENCE RENOVATION	\$ 10,500
WILSON PARK TENNIS COURT RESURFACING	\$ 13,230
REPLACE CARPET IN FIRE DEPT HALLWAY	\$ 4,000
REPLACE COUNTER TOP IN FIRE DEPT KITCHEN	\$ 3,000
REPLACE TILE IN KITCHEN	\$ 3,000
REPLACE CARPET AT CENTURY CTR RMS 2,3,4	\$ 4,800
DEBT SERVICE (roll to capital reserve fund)	\$ 150,000
MPO FEASIBILITY PROJECT - BPW/WESTBRK RD	\$ 1,000
ARTS COMMITTEE	\$ 2,798
C & D MEMORABILIA	\$ 316
WILSON PARK BATHROOM RENOVATION	\$ 133,955
FIRE SEAT GRANT	\$ 2,500
AFFORDABLE HOUSING, DONATION FROM ORANGE COMMUNITY HOUSING LAND TRUST	\$ 48,000
INSURANCE COSTS FOR PROPERTY, LIABILITY AND PUBLIC OFFICIALS	\$ 20,000
LOCAL MATCH, WATERSHED RESTORATION GRANT	\$ 5,000
FINES AND FORFEITURES	\$ 20,708
UNEXPENDED NARCOTICS FUNDS	\$ 7,960
TOTAL	\$ 720,767

The following projects represent needs submitted in the FY08-09 budget that are recommended for funding with designated reserves:

Weaver St. Reconstruction (\$260,000) - The Capital Improvements Plan (CIP) anticipates two annual contributions of \$260,000 for the Weaver St. Reconstruction project. This represents the first of two contributions.

Adams Tract Pedestrian Bridge (\$30,000) – A bid process is underway for construction of a pedestrian bridge in Adams Tract. This amount represents the maximum cost anticipated.

Dog Park Fence Renovation (\$10,500) - Safety improvements will be made to the dog park, providing separate spaces for small and large dogs.

Wilson Park Tennis Court Resurfacing (\$13,230) – The tennis court resurfacing schedule is such that tennis and basketball courts are resurfaced every five to seven years.

Numerous building maintenance costs (\$14,800) - Replace Carpet in Fire Department Hallway (\$4,000); Replace Countertop in Fire Department Kitchen (\$3,000); Replace Tile in Fire Department Kitchen (\$3,000); Replace carpet at Century Center Rooms 2,3, & 4 (\$4,800)

FY07-08 Budget Items

Unexpended Debt Service (\$150,000) - Fire escape project and sewer outlay construction will not be financed until FY08-09. In addition, debt service costs were carried over from FY06-07 and will continue to be carried over into the next budget year. These funds will offset future debt as it arises.

BPW Club Rd.-Westbrook Dr. multi-use path feasibility study (\$1,000 – local match) – This MPO project is for a feasibility study for providing pedestrian and bicycle access from the BPW Club Road area to the Westbrook Drive area by building a pedestrian/bicycle path and creek crossing behind the Sterling Bluff Apartments. This would be complementary to the Morgan Creek greenway planning project.

Arts Committee (\$2,798) – The Arts Committee has unexpended funds remaining and requests to reserve the funds for use in the upcoming year.

CD & Memorabilia (\$316) - Annually, the CD & Memorabilia show is held. Given that the show is self-supporting, funds remaining are carried over.

Wilson Park Bathroom Renovation (\$133,955) – The park project is underway and will be completed in the upcoming year. It will be financed with installment proceeds in FY08-09.

Fire Seat Grant (\$2,500) – The Fire Department received a grant in previous years to purchase car seats and install them in the vehicles on a sliding fee scale. Revenue earned and unspent funds are carried over to continue the program.

Affordable Housing (\$48,000) – This revenue represents income from the sale of a home in the Twin Magnolia development. The Land Trust sold the property and is remitting the funds to the Town. The Board, on February 19th, approved a resolution to use these funds for affordable housing. Funds will remain in designated fund balance in the General Fund until a decision is made as to how the funds will be used. Once that decision is made, the funds will be transferred over to a Special Revenue Fund for specified use.

Insurance – Property, Liability, and Public Officials (\$20,000) – The North Carolina League of Municipalities has projected a much higher insurance cost beyond the original 7% increase anticipated in FY08-09 due to claims experience in the past year that affected the five-year average which increased the modifier rate from .75 to 1.2%.

Local Match for Watershed Restoration Grant (\$5,000) – The Town, on June 3rd received notice that a grant application for watershed restoration was awarded and fully funded. A local match of \$5,000 is required.

Fines and Forfeitures (\$20,708) – The Carrboro Police department uses these funds to supplement ongoing investigations and anticipates using the unexpended funds toward investigations activity in the upcoming year.

Ongoing Narcotics Investigations (\$7,960) The Police Departments requests that unexpended funds for undercover investigations be carried over to the next fiscal year.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO SET A PUBLIC HEARING FOR MAJOR MODIFICATION OF PHASE A OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT TO INCORPORATE PHASE B OF THE PROJECT

Main Street Partners, LLC has submitted an application for a Major Modification to the Phase A of 300 East Main Street Conditional Use Permit (CUP) to incorporate and allow for construction of multiple commercial buildings and associated infrastructure including a parking deck at 300 East Main Street and adjacent properties. Prior to reaching a decision on a request for a Major Modification to a CUP, the Board must hold a public hearing to receive input. Town Staff recommended that the Board set a public hearing for August 26, 2008 for consideration of the Major Modification to the Conditional Use Permit.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE MAJOR MODIFICATION OF A CONDITIONAL USE PERMIT TO INCORPORATE PHASE B OF 300 EAST MAIN STREET LOCATED AT 300 EAST MAIN STREET ALONG WITH ADJACENT PROPERTIES

Resolution No. 175/2007-08

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

WHEREAS, the Carrboro Board of Aldermen granted a conditional use permit on June 26, 2007 for Phase A of 300 East Main Street; and

WHEREAS, an application has been received for a major modification of the Phase A conditional use permit to incorporate Phase B of the 300 East Main Street project, which if approved is to be located at 300 East Main Street, 304 East Main Street, 400 East Main Street, 404 East Main Street, and 104 Boyd Street.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on August 26, 2008 to consider a major modification of the Phase A of 300 East Main Street conditional use permit request to incorporate Phase B of the project.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

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, 2008.

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

**A RESOLUTION AWARDING THE CONTRACT FOR THE FY 2007-08 AUDIT
Resolution No. 173/2007-08**

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

Section 1. That the contract for the FY 2007-08 audit be awarded to Dixon Hughes PLLC for a total cost of \$54,000.

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 17th day of June 2008:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O’Donnell, John Herrera, Lydia Lavelle

Noes: None

Absent or Excused: Jacquelyn Gist

ADOPTION OF THE ORANGE COUNTY SOLID WASTE PLAN

The purpose of this item was for the Board of Aldermen to consider adopting the required update to the Ten Year Solid Waste Management Plan for the county and its municipalities.

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

**A RESOLUTION ADOPTING THE ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN
UPDATE TO BE SUBMITTED TO THE STATE OF NORTH CAROLINA
Resolution No. 187/2007-08**

WHEREAS North Carolina statutorily requires each County and Municipality to update its ten year solid waste plan every three years, and

WHEREAS Orange County and its municipalities have historically cooperated closely on solid waste management with the County designated as the lead agency for plan development and reporting, and

WHEREAS the Board of Orange County Commissioners has created a representative solid waste management plan work group that is developing a more comprehensive, integrated long term plan including a financial plan and detailed implementation plan that will supersede this plan next year.

WHEREAS the Orange County Solid Waste Department and the Solid Waste Advisory Board have developed this interim plan for consideration by the Town, and

WHEREAS plan development has included representatives from the Town and the Town's interests have thereby been represented in plan development, and

WHEREAS, the Town has discussed and considered this report and the interim plan contained therein and offered its recommendations and revisions to be incorporated into the document to be considered for adoption by the Board of County Commissioners and submitted to the State, and

WHEREAS, this interim plan contained within this report is predominantly a descriptive document with recognition that further substantive work is required on the County's overall integrated solid waste management plan, and

WHEREAS the current submittal is almost two years overdue from the original plan update due date of June 30, 2006

THEREFORE, NOW BE IT RESOLVED that the Town of Carrboro adopts the solid waste management plan update.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO CANCEL THE SEPTEMBER 23RD PUBLIC HEARING

The Mayor and Board of Aldermen were asked to cancel the public hearing scheduled for September 23, 2008. The Town Manager will be attending the ICMA Conference on that date.

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

**A RESOLUTION CANCELLING THE SEPTEMBER 23, 2008
BOARD OF ALDERMEN'S PUBLIC HEARING
Resolution No. 179/2007-08**

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

Section 1. The Board of Aldermen hereby cancels its public hearing scheduled for September 23, 2008.

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 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST TO AWARD A CONTRACT FOR FIRE/POLICE BUILDINGS RE-ROOFING PROJECT

The purpose of this agenda item was to award a building repair contract for the Fire/Police Buildings Re-Roofing Project.

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

A RESOLUTION AWARDING A CONTRACT FOR THE FIRE/POLICE BUILDINGS
RE-ROOFING PROJECT
Resolution No. 178/2007-08

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the Fire/Police Buildings Re-Roofing Project is awarded to Triangle Roofing Services, Inc. in the amount of \$84,567.00

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 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

Alderman Coleman asked that the town staff keep in mind "green roofing" for future roofing contracts.

APPROVAL OF PERFORMANCE SECURITY AMOUNT FOR MORRIS GROVE ELEMENTARY SCHOOL

Chapel Hill – Carrboro City Schools has submitted a request to bond for uncompleted items for the 30 classroom Morris Grove Elementary school, currently under construction at 215 Eubanks Road. The request, if approved, will allow the Town to receive a bond for an amount in the vicinity of \$1.3 million and thereby allow occupancy of the building

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

A RESOLUTION ALLOWING A BOND TO BE RECEIVED BY THE TOWN IN EXCESS OF \$100,000
FOR THE MORRIS GROVE ELEMENTARY SCHOOL PROJECT ON EUBANKS ROAD
Resolution No. 182/2007-08

WHEREAS, Section 15-60 of the LUO recommends that Carrboro Board of Aldermen approval is required for bonds in excess of \$100,000 for public projects;

WHEREAS, a request has been received for such a bond to allow occupancy of the school prior to completion;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen approve this resolution allowing the Town to receive a bond in excess of \$100,000 for the Morris Grove Elementary School so as to allow occupancy and use of the facility prior to completion of the project.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

Bill Mullen, with the Chapel Hill-Carrboro City Schools, stated that the school is scheduled to open on time.

UPDATE ON THE PROVISION OF TOWN SERVICES TO THE NORTHEAST ANNEXATION AREA

The purpose of this item was to provide the Board of Aldermen with an update on the provision of Town services over the past year to the NE Annexation Area as requested by the New Horizons Task Force in their final report presented to the Board of Aldermen on June 19, 2007.

Roy Williford, the town's Planning Director, made the presentation.

Steve Spade, Director of Chapel Hill Transit, stated that there is currently shared-ride and EZ-Rider service being provided in the annexation area, although the usage for those services is low. He stated that the service being requested is for regular fixed route service and grant funds will be used to provide a route up Rogers Road.

George Seiz, the town's Public Works Director, addressed the current deficiencies with the streets in the annexation area before they can be accepted by the town, and stated that traffic calming devices could not be installed on any of these streets until the streets are accepted by the town.

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

A RESOLUTION ACCEPTING THE UPDATE REPORT ON
NE ANNEXATION AREA TOWN SERVICES
Resolution No.183/2007-08

WHEREAS, the Carrboro Board of Aldermen received a report from the New Horizons Task Force on June 19, 2007; and

WHEREAS, the Board of Aldermen in response to a request from the Task Force for a update report on issues identified in the report be made to the Board in June of 2008; and

WHEREAS, the Town Staff has prepared a NE Annexation Area Town Services Update Report for the Board's review and consideration.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen accepts this report.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

PRESENTATION OF CARRBORO CULTURAL INVENTORY REPORT – WALKING TOUR

The purpose of this item was to present a report to the Board of Aldermen an inventory of historical and cultural artifacts, buildings, and landmarks in Carrboro that was compiled and made into a walking tour.

Lindsey Davis and John Gowan, Master of Public Administration students at UNC-Chapel Hill, made the presentation.

Alderman Herrera suggested that the slave cemeteries on W. Main Street and Brewer Lane be noted in the brochure.

Alderman Coleman suggested that this report be passed along to the Visitors Bureau.

The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Randee Haven-O'Donnell.

**A RESOLUTION ACCEPTING THE CARRBORO CULTURAL INVENTORY REPORT
WALKING TOUR
Resolution No. 172/2007-08**

WHEREAS, Darrell Butts, Lindsey Davis, John Gowan – Master of Public Administration students at UNC presented a report to the Board of Aldermen including an inventory of historical and cultural artifacts, buildings, and landmarks in Carrboro that was compiled and made into a walking tour;

WHEREAS, we appreciate the time and effort spent compiling such a report/tour; and

WHEREAS, the Board reviewed and listened to the presentation.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN:

Section 1. That the report is accepted and can be used as an educational tour for the Recreation and Parks Department.

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 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REVOLVING LOAN FUND REQUEST FROM YESH THIRTY SEVEN (CARRBORO COWORKING)

The purpose of this item was to present to the Board of Aldermen a loan request from Brian Russell to open Carrboro CoWorking and to approve a resolution authorizing the loan.

Mayor Chilton stated that he represents Brian Russell on an unrelated matter and asked to be recused from consideration of this matter.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO RECUSE MAYOR CHILTON. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

James Harris, the town's Community and Economic Development Director, made the presentation.

Brian Russell addressed the type of jobs that will be created.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION TO APPROVE A LOAN FROM THE CARRBORO REVOLVING LOAN FUND
FOR Carrboro Creative Co-Working
Resolution No. 176/2007-08

WHEREAS, The Town of Carrboro established A revolving loan fund in 1986 to provide incentives for individuals to start new businesses in the Town of Carrboro, create at least one job per \$10,000 borrowed from the fund and provide an incentive for people to do business in the Town of Carrboro ; and

WHEREAS, the fund now has \$405,886.07 available to be loaned to applicants with viable projects; and

WHEREAS, the applicant has completed the loan application and the loan application has been reviewed by the loan packager reviewer (SBTDC) and found this project to be a new business; and

WHEREAS, the Economic Sustainability Commission (ESC) and the SBTDC found the project to be eligible for the fund and will create at least 9 jobs over a six year period; and

WHEREAS, the applicant has requested a loan in the amount of \$90,000 and provided collateral in a lien on his personal residence and equipment purchased for the business with the loan proceeds and the personal signature of the applicant and his wife; and

WHEREAS, they have saved \$10,000 of their personal funds to put toward this venture; and
WHEREAS, the unexpended reserve expenditure budget is reduced by \$90,000 to consummate the loan.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT:
Based upon the review of the application by the SBTDC (Loan Packager) and the review and recommendation of the ESC the loan is approved in the amount of \$90,000 for six years at an interest rate of 2% contingent upon the following conditions: 1. the applicant shall seek and get presales lease commitments at a value of \$5,000.00 per month for three months before the loan funds can be released. 2. The applicant shall get all required permits required from the Town prior to receiving any loan proceeds. 3. The applicant shall secure a lease with a term equal to the term of the loan which is six (6) years on the property at 311 East Main Street or a comparable property within the Town of Carrboro.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

Ayes: Joal Hall Broun, Dan Coleman, Randee Haven-O'Donnell, John Herrera, Lydia Lavelle

Noes: None

Absent or Excused: Jacquelyn Gist, Mark Chilton

Alderman Coleman asked for an analysis of loans, particularly high-end loans, and the benefits received from such loans. He asked that the analysis focus on triggers by which the Town would expect certain benchmarks for specific loan amounts.

STATUS REPORT – ANALYSIS OF SELECTED RECOMMENDATIONS FROM NORTHERN STUDY AREA PLAN IMPLEMENTATION REVIEW COMMITTEE

On April 8, 2008, the Board of Aldermen directed staff to proceed with evaluation of four of the NSAPIRC recommendations. Staff is proceeding on those directions and offers this status report on progress to date.

It was the consensus of Board members to have at least 30% commercial in the NSA.

Alderman Coleman suggested removing parcel “B” from consideration.

Alderman Broun stated that she would like to keep options on all of the parcels open.

Mayor Chilton suggested zoning a portion of parcel “A” exclusively for commercial.

Board members expressed a desire to have parcel “E” be used for commercial uses.

The following resolution was introduced by Alderman Randee Haven-O'Donnell duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION ACCEPTING THE STATUS REPORT ON EVALUATION/ANALYSIS OF RECOMMENDATION OF THE NSAPIRC
Resolution No. 181/2007-08**

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

WHEREAS, the Board of Aldermen established a process to review and update the Facilitated Small Area Plan for Carrboro's Northern Study Area and appointed the NSAPIRC to carry out this process; and

WHEREAS, the NSAPIRC has conducted this review, received public input at two community forums and made recommendations on the NSA Plan; and

WHEREAS, the Board of Aldermen adopted Resolution 116 specifying follow-up actions and a schedule of anticipated completion, and modified the scope of follow-up slightly upon further review on April 8, 2008; and

WHEREAS, staff has prepared a status report on action to date regarding the review of recommendations.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen accepts this report.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REVIEW OF OUTDOOR DISPLAY IN WM-3 ZONING DISTRICT

On November 27, 2007, the Board of Aldermen adopted an amendment to the Land Use Ordinance that expanded the uses available in the WM-3 zoning district and requested that staff evaluate an additional request to allow outdoor display in this zone.

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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION SPECIFYING FOLLOW-UP ACTIONS TO A REQUEST
TO ALLOW OUTDOOR DISPLAY IN THE WM-3 ZONING DISTRICT
Resolution No. 180/2007-08**

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

- To direct staff to prepare a draft land use ordinance text amendment to allow outdoor display in the WM-3 zoning district with a zoning permit.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

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

Noes: None

Absent or Excused: Jacquelyn Gist

REQUEST FOR A POOPER SCOOPER LAW

Alderman Herrera requested that the Board consider adopting a good neighbor pooper scooper ordinance.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO REQUEST THAT THE TOWN STAFF DRAFT THE NECESSARY TOWN CODE AMENDMENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO ADJOURN THE MEETING AT 9:11 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)

Mayor

Town Clerk