

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 19, 2010 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Randee Haven-O'Donnell
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Robert Hornik for Michael B. Brough

APPROVAL OF MINUTES OF PREVIOUS MEETING (ITEM C(1))

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO APPROVE THE JANUARY 12, 2010 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO SET JOINT PLANNING PUBLIC HEARINGS AND ASSEMBLY OF GOVERNMENTS MEETINGS FOR 2010 (ITEM C(2))

The Mayor and Board of Aldermen were requested to adopt a resolution setting Joint Planning Public Hearings and Assembly of Governments meeting dates for 2010.

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

A RESOLUTION SETTING
JOINT PLANNING PUBLIC HEARING DATES
AND ASSEMBLY OF GOVERNMENT MEETING DATES FOR 2010
Resolution No. 82/2009-10

BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro to set Joint Planning Public Hearing dates for:

Thursday, March 25th
Thursday, October 28th

BE IT FURTHER RESOLVED that Assembly of Governments meetings be set for:

Thursday, March 25th
Thursday, September 16th

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of January 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

REQUEST TO ADOPT A RESOLUTION RE-ISSUING BOND ANTICIPATION NOTES (ITEM C(3))

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 was 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 Dan Coleman and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION FOR THE ISSUANCE OF \$2,590,000
SIDEWALK BOND ANTICIPATION NOTES
Resolution No. 89/2009-10**

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 bonds for sidewalks and greenway trails.

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 bonds authorized at the 2003 referendum (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 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 new series 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 2010A." 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 mature on October 27, 2010, without option of prior payment.

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. The Notes will be issued initially in the form of a single note for the entire issue 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 the Town shall pay principal and interest on the Notes at maturity to the persons shown as owners on the Town's registration books at the end of the day on October 11, 2010.

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 and in substantially the same form as used for prior Town note sales. 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 provides beneficial treatment to financial institutions that invest in obligations such as the Notes.

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 in its discretion 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.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of January 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO REVISE THE REVIEW REQUIREMENTS ASSOCIATED WITH ALTERNATIVE BUILDING DESIGN APPROVAL (ITEM C(4))

On September 16, 2008, as part of the review of Phase B of the 300 E. Main Street project, Aldermen Coleman expressed a desire for the Board of Aldermen to consider revising the alternative design review requirements. Information on this topic has been compiled for the Board's consideration. A resolution setting a public hearing and referring the draft ordinance for advisory board and Orange County review was provided for the Board's use.

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

A RESOLUTION CALLING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO
LAND USE ORDINANCE TO MODIFY THE ALTERNATIVE DESIGN REVIEW REQUIREMENTS

Resolution No. 88/2009-10

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 February 23, 2010 to consider adopting "AN ORDINANCE AMENDING THE PROVISIONS OF THE CARRBORO LAND USE ORDINANCE RELATING TO THE ALTERNATIVE DESIGN REVIEW PROCESS FOR DOWNTOWN DEVELOPMENTS."

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:

--Appearance Commission

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of January 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

CERTIFICATION OF CARRBORO FIRE-RESCUE DEPARTMENT ROSTER (ITEM C(5))

North Carolina General Statute 58-86-25 requires all certified fire departments to annually submit a complete roster of its qualified fire personnel to the North Carolina Firemen's Pension Fund. The roster must be signed by a representative of the Department's governing body. The Town staff recommended that the Board of Aldermen adopt a resolution authorizing the Mayor to sign the certification.

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

A RESOLUTION AUTHORIZING THE MAYOR
TO SIGN THE ANNUAL CERTIFICATION OF FIREMEN

Resolution No. 81/2009-10

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

Section 1. The Mayor is hereby authorized to sign the 2009 Annual Certification of Firemen.

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 19th day of January 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

DEVELOPING TIMELINES FOR IMPLEMENTING FEDERALLY-FUNDED TRANSPORTATION PROJECTS (ITEM C(6))

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) has asked member jurisdictions to develop general timelines for implementation of local transportation projects. This is because a rescission of federal transportation funding that occurred in September 2009 may affect when local projects can be funded.

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

**A RESOLUTION RECEIVING A REPORT ON FEDERAL FUNDING AND IMPLEMENTATION
TIMELINES FOR CERTAIN CARRBORO TRANSPORTATION PROJECTS
Resolution No. 92/2009-10**

WHEREAS, a federal rescission of transportation funding in September 2009 reduced the amount of funding available for certain previously-programmed transportation projects in the Durham-Chapel-Hill-Carrboro area; and

WHEREAS, in response to the rescission, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization has requested that each member jurisdiction establish timelines to guide the MPO in scheduling future federally-funded transportation projects in the Surface Transportation Program-Direct Attributable (STP-DA) funding category; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the staff report, which includes conceptual timelines for implementing local STP-DA projects. The Board acknowledges that the timelines in the report are conceptual only; for the purpose of guiding Town representatives on the MPO's Transportation Advisory Committee during relevant TAC policy discussions; and are subject to change based on any number of conditions that may affect the timing of project implementation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of January 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

PRESENTATION BY THE HUMAN RIGHTS CENTER ON WAGE THEFT (ITEM D(1))

Rafael Gallegos, with the Human Rights Center, presented supporting data on wage theft.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO REFER THIS INFORMATION TO THE TOWN STAFF FOR A REPORT BACK TO THE BOARD. VOTE: AFFIRMATIVE ALL

Alderman Slade asked that the town staff check on the status of El Centro Latino.

DISCUSSION OF OWASA DRAFT LONG-RANGE WATER SUPPLY PLAN UPDATE (ITEM D(2))

The purpose of this item was to allow the Board of Aldermen to further discuss the OWASA Draft Long-Range Water Supply Plan update. This item was first discussed at the November 10, 2009 Board of Aldermen meeting.

Braxton Foushee and William Stott, the town's OWASA representatives, addressed the Board.

The Board asked that the language on Page 17 of the report be revised to indicate that the public be made aware of a water shortage before water is purchased.

DISCUSSION OF RECOMMENDED REVISIONS TO THE CHAPEL HILL AND CARRBORO 2035 LONG RANGE TRANSIT PLAN (ITEM D(3))

The purpose of this agenda item was for the Board to adopt recommended revisions of the Chapel Hill and Carrboro 2035 Long Range Transit Plan and to send the recommendations to the Transit Study Policy Committee.

Jeff Brubaker, the town's Transportation Planner, made the presentation.

Alderman Broun suggested that the town monitor the use of the N.C. Railroad for light rail.

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

A RESOLUTION RECOMMENDING REVISIONS TO THE CHAPEL HILL AND CARRBORO 2035 LONG RANGE TRANSIT PLAN Resolution No. 93/2009-10

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

WHEREAS, the Town of Carrboro has set annual goals to extend and improve transportation to all areas of Carrboro; and

WHEREAS, an objective of the *Carrboro Vision 2020* plan is for the Town of Carrboro to "expand its participation in organization and planning for the community bus system"; and

WHEREAS, the Final Draft of the Chapel Hill and Carrboro 2035 Long Range Transit Plan (the "Plan") was completed in July 2009 and subsequently made available for public review; and

WHEREAS, on October 6, 2009, the Carrboro Board of Aldermen passed a resolution referring the Plan for advisory board and public review; and

WHEREAS, there have been two advisory board review sessions in November 2009 that focused on the Plan, including a public meeting on November 19; and

WHEREAS, on November 24, 2009, the Board of Aldermen held a public hearing on the Plan and subsequently directed staff to review the Plan and recommend revisions;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board approves the recommended revisions to the Chapel Hill and Carrboro 2035 Long Range Transit Plan contained in the attached staff report (Attachment B) and that all advisory board recommendations be included.

The revisions shall be presented to the Transit Study Policy Committee and any other persons responsible for revising the Plan.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of January 2010:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

2011 MARTIN LUTHER KING, JR. WALK

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN THAT MAYOR CHILTON CONTACT THE ORGANIZERS OF THE MLK WALK TO SUGGEST THAT IT BEGIN AT THE CARRBORO TOWN HALL IN 2011. VOTE: AFFIRMATIVE ALL

PROMOTION OF JAMES HANSEN APPEARANCE AT UNC ON FEBRUARY 1, 2010

MOTION WAS MADE BY SAMMY SLADE AND SECONDED BY JACQUELYN GIST THAT THE TOWN STAFF POST THE INFORMATION ABOUT JAMES HANSEN'S APPEARANCE AT UNC ON THE TOWN'S WEBSITE, THAT THE INFORMATION BE FORWARDED TO THE TOWN'S ADVISORY BOARDS, THAT NEIGHBORING ENTITIES BE ENCOURAGED TO ATTEND THIS EVENT AND THAT ALDERMAN SLADE BE AUTHORIZED TO SEND A LETTER TO THE EDITOR ABOUT THE EVENT. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:11 P.M... VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk