

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 15, 2010 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Jacquelyn Gist
	Joal Hall Broun (arrived at 7:38 p.m.)
	Randee Haven-O'Donnell
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

REQUEST TO SUPPORT LIGHT RAIL

Ricky White, with a group called Connect Carrboro, stated that Triangle Transit Authority will be holding a meeting at Chapel Hill Town Hall on July 7th on Alternative Analysis Process. He stated that they have prepared a sample resolution for the Board's consideration supporting light rail.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REFER THIS MATTER TO THE TRANSPORTATION ADVISORY BOARD FOR CONSIDERATION AND THAT THE DRAFT RESOLUTION BE SCHEDULED FOR BOARD CONSIDERATION ON JUNE 22, 2010. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

REQUEST TO AMEND MISCELLANEOUS FEES AND CHARGES SCHEDULE

Cam Hill addressed the Board regarding his building located at 616 Highway 54. He stated that he is being required to renovate his building to install fire walls in order to rent it out. He stated that the town's building inspector is proposing to charge him \$1,600 for the building permit to do these renovations. He asked that the town consider charging \$275.00 for his building permit.

Mayor Chilton asked that this matter be referred to the town staff.

Alderman Gist requested an explanation on the town staff's reasoning behind the proposed charge.

Alderman Haven O'Donnell asked if there are other commercial properties that fall into these unique situations.

PROCLAMATION ISSUED

Mayor Chilton read a proclamation proclaiming July as Parks and Recreation Month.

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO APPROVE THE MAY 25 AND JUNE 1, 2010 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO APPROVE DESIGNATION OF FUND BALANCE FOR FY2009-10 BUDGET ITEMS NOT YET SPENT OR ENCUMBERED

The Town has identified several projects totaling \$407,017 within the FY2009-10 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, items were identified in the FY10-11 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, 2010. 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 Dan Coleman and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION DESIGNATING FUND BALANCE
Resolution No. 178/2009-10

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:

Designated Fund Balance FY09-10	
Local Match, STP-DA Funding for Bicycle Detectors	\$ 7,500
Letter of Credit cashed, Town assumes responsibility for work – PIKA Developers/Tramore Subdivision	\$ 42,219
OWASA Subsidy	\$ 98,502
Fines and Forfeitures	\$ 10,769
Energy grants, Local Matches - Fire Stn (\$6000); Century Ctr (\$1500); PW (\$1550)	\$ 9,050
Arts Committee	\$ 2,780
C&D Memorabilia	\$ 231
Fire Department - Car Seat Sales	\$ 3,681
Appearance Commission, Historic Plaque Program	\$ 605
Unexpended Narcotics Fund	\$ 1,792
Wilson Park Bathroom	\$ 133,955
Adams Tract Pedestrian Bridge	\$ 30,000
Dog Park Fence Renovation	\$ 10,500
Replace Carpet in Fire Dept Hallway	\$ 4,000
Wilson Park Playground Equipment for 2-5 year olds (debt service portion only)	\$ 10,000
Traffic Counter Replacements	\$ 15,000
Rain Demo Garden	\$ 4,433
Old Carrboro Neighborhood Traffic Management Study (Oak Avenue)	\$ 5,000
Culbreth Sidewalk	\$ 2,000
Northern Area Design Workshops	\$ 15,000
TOTAL	\$ 407,017

FY09-10 Budget Items

Local Match, STP-DA Funding for Bicycle Detectors (\$7,500) – Installation of ten (10) bicycle detectors in the downtown and vicinity signalized intersections would improve bicycle facilities as well as reinforce the right of cyclists to operate on the road.

PIKA Developers/Tramore Subdivision – Letter of Credit Cashed (\$42,219) – Per Land Use regulations, the Town has cashed a letter of credit from the PIKA Developers to assume responsibility for incomplete work on the Tramore subdivision. Staff is reviewing options for the best use of the available funds.

OWASA Subsidy (\$98,502) - The unspent portion of the OWASA sewer subsidy budget is reserved annually until spent entirely.

Fines and Forfeitures (\$10,769) –The Carrboro Police department uses these funds to supplement ongoing investigations and anticipates using the unexpended funds toward investigations activity in the upcoming year.

Energy Grants (\$9,050) – Funds through the Energy Efficiency Conservation Block Grant (EECBG) program, administered by the State Energy Office (SEO) will be used to pursue additional energy efficient opportunities at the Fire Department, Century Center and Town Hall.

Arts Committee (\$2,780) – The Arts Committee has unexpended funds remaining and requests to reserve the funds for use in the upcoming year.

CD & Memorabilia (\$231) - Annually, the CD & Memorabilia show is held. Given that the show is self-supporting, funds remaining are carried over.

Fire Department – Car Seat Sales (\$3,681) – 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.

Appearance Commission (\$605) – Funds rolled over will assist with costs of plaques for the historical preservation program.

Unexpended Narcotics Investigations Funds (\$1,792) The Police Departments requests that unexpended funds for undercover investigations be carried over to the next fiscal year.

Wilson Park Bathroom (\$133,955) – Replace bathroom at Wilson Park.

Adams Tract Pedestrian Bridge (\$30,000) –Construction of a pedestrian bridge in Adams Tract.

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

Building maintenance costs (\$4,000) - Replace Carpet in Fire Department Hallway.

Wilson Park Playground Equipment – (\$10,000) - Funds will be borrowed to finance purchase of playground equipment at Wilson Park. The amount reserved represents the first year of debt service cost to finance the playground equipment.

Traffic Counter Replacements (\$15,000) – For the purchase of new traffic counters and software which will enable the town to collect traffic volume, speed and vehicle class data.

Rain Garden Demo \$4,433) – The purpose of this project is to support Bolin Creek watershed restoration activities through demonstration of appropriate best practices such as rain gardens and outreach and education regarding these practices.

Old Carrboro Neighborhood Traffic Management Study (\$5,000) – The Planning Department requests to set aside funds for discussion of traffic management issues around Oak Avenue.

Culbreth Sidewalk (\$2,000) – Town of Carrboro’s local match share for joint sidewalk project with Chapel Hill.

Northern Area Design Workshops (\$15,000) – Contractual services for community visioning and design workshops related to mixed use development in the Northern Study Area.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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 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 FY09-10.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION APPROVING FINANCING TERMS
Resolution No. 179/2009-10

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 SunTrust Banks, Inc. (“SunTrust”), in accordance with the proposal dated June 2, 2010. The amount financed shall not exceed \$617,955.00, the annual interest rate (in the absence of default in tax status) shall not exceed 2.235%, and the financing term shall not exceed five (5) years from June 23, 2010.
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 SunTrust may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery 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 SunTrust 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 following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

AMENDMENT TO CENTURY CENTER USE GUIDELINES TO INCLUDE AN ANTI-DISCRIMINATION CLAUSE

The purpose of this agenda item is to request that the Board of Aldermen approve an amendment to the current Guidelines for Century Center Use to include an anti-discrimination clause.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION CLARIFYING THAT THE TOWN WILL NOT ACT AS A SPONSOR OF ANY EVENT AT THE CENTURY CENTER THAT IS CO-SPONSORED BY AN ORGANIZATION THAT DISCRIMINATES IN ITS MEMBERSHIP OR ACTIVITIES ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, AGE, NON-DISQUALIFYING DISABILITY, MARITAL STATUS, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION

Resolution No. 164/2009-10

THE CARRBORO BOARD OF ALDERMEN RESOLVES:

Section 1. The Carrboro Century Center Fees Policy is amended so that paragraph 3 of the clarifying notes reads as follows.

3. Town Sponsored Events, Orange County local government boards and school boards' use and meetings of same are free. The Town manager or designee shall determine whether any event is a town sponsored event, considering all relevant factors related to the town's participation in or control over the event. However, the presence of one or more of the following factors shall generally lead to a determination that an event is town sponsored: a. The town expends town funds for the planning and/or staging of the event, or b. The town anticipates receiving revenue from the staging of the event, or c. The town makes a substantial in-kind contribution toward the planning and/or staging of the event, or d. The town exercises substantial managerial control over the planning and/or staging of the event, or e. The event substantially advances the Town's policies or goals of Vision 2020; provided that, the town will not act as a sponsor of any event that is co-sponsored by an organization that discriminates in its membership or activities on the basis of race, color, national origin, religion, age, non-disqualifying disability, marital status, sex, sexual orientation, gender identity, or gender expression.

Section 2. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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 ADOPT A RESOLUTION CONTINUING THE PUBLIC HEARING ON A REVISED DESIGN FOR SMITH LEVEL ROAD IMPROVEMENTS

The Board of Aldermen was asked to consider a resolution continuing the public hearing on Smith Level Road – opened on April 27, 2010, and continued on June 1, 2010. The staff recommended that the public hearing be continued to September 7, 2010.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

**A RESOLUTION CONTINUING THE PUBLIC HEARING ON A REVISED DESIGN
FOR SMITH LEVEL ROAD IMPROVEMENTS
Resolution No. 174/2009-10**

WHEREAS, the Board of Aldermen has sought public input at a public hearing opened on April 27, 2010, and continued on June 1, 2010, on the revised design for Smith Level Road improvements proposed by NCDOT; and

WHEREAS, public comments were received at both meetings; and

WHEREAS, the Board of Aldermen has requested additional information on the design from NCDOT;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the public hearing on a revised design for Smith Level Road improvements shall be continued on September 7, 2010.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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 AUTHORIZE THE TOWN MANAGER TO APPROVE A CONTRACT FOR THE WILSON PARK MULTI-USE PATH

This resolution authorizes the Town Manager to execute a contract with a qualified private engineering firm to provide planning and design services for the Wilson Park Multi-use Path (NCDOT TIP Project U-4726).

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT

WITH A QUALIFIED PRIVATE ENGINEERING FIRM
TO PROVIDE PLANNING AND DESIGN SERVICES FOR
THE WILSON PARK MULTI-USE PATH
Resolution No. 188/2009-10

WHEREAS, federal funding for the Wilson Park Multi-use Path under the Surface Transportation Program-Direct Attributable (STP-DA) category was approved by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization in 2008; and

WHEREAS, the Wilson Park Multi-use Path is slated for implementation in the FY10-11 to FY 15-16 Capital Improvements Program, with a local match provided by sidewalks and greenways bond funding; and

WHEREAS, on April 6, 2010, the Board of Aldermen approved a Municipal Agreement with NCDOT for design and construction of the Wilson Park Multi-use Path; and

WHEREAS, the Municipal Agreement has been executed by the N.C. Board of Transportation, and the Town has received authorization for preliminary engineering for the project;

WHEREAS, the Town must release a Request for Qualifications and select a qualified engineering firm with which to enter into a contract to carry out planning and design services for the project;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen authorizes the Town Manager to execute a contract with a qualified private engineering firm to provide planning and design services for the Wilson Park Multi-use Path.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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 ADOPT A RESOLUTION DECLINING THE OFFER TO PURCHASE OWASA PROPERTY

The purpose of this agenda item was for the Board to consider a resolution declining the offer to purchase approximately 73 acres of OWASA-owned land adjacent to Morgan Creek and University Lake.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

A RESOLUTION DECLINING THE OFFER TO PURCHASE OWASA PROPERTY
Resolution No. 181/2009-10

WHEREAS, in September 2006, OWASA purchased approximately 73 acres of land adjacent to Morgan Creek and University Lake for watershed protection purposes, and

WHEREAS, on November 21, 2006, OWASA presented the Board of Aldermen information regarding the purchase of the land. The Board declined to purchase the land at that time due to financial constraints, and

WHEREAS, the current financial condition of the Town is not favorable to purchasing this property, and

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby declines the offer to purchase the OWASA owned property and directs staff to inform OWASA of the Board's decision.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

TOWN CODE AMENDMENT RELATED TO PARKING ALONG RENEE LYNNE COURT

Town staff has prepared an amendment to Section 6-19 of the Town Code related to parking along Renee Lynne Ct. Staff recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

[This item was delayed.]

ADOPTION OF 2010-11 BUDGET

By state law, the Board must approve a balanced budget for the Carrboro community by July 1st of every year. The purpose of this agenda item is to complete budget discussions and to consider adoption of the budget ordinance.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "ANNUAL BUDGET ORDINANCE, TOWN OF CARRBORO, NORTH CAROLINA, FY 2010-11." VOTE: AFFIRMATIVE ALL

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

A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 2010-11 Resolution No. 170/2009-10

WHEREAS, the Board of Aldermen adopts a comprehensive position classification and pay plan each year in conjunction with adopting an annual budget ordinance; and

WHEREAS, the town staff has prepared the 2010-11 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 2010 – June 30, 2011, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 2010-2011 fiscal year.

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

Section 3. The pay adjustments approved for the FY 2010-2011 budget, including adoption of the pay and classification study conducted by Springsted Inc., shall become effective on the pay period beginning July 8.

Section 4. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION APPROVING A ONE-TIME LUMP SUM PAYMENT TO
PERMANENT FULL-TIME AND PART TIME EMPLOYEES AND
AN ADDITIONAL LEAVE DAY FOR STAFF
Resolution No. 171/2009-10

BE IT RESOLVED that the Town of Carrboro Board of Aldermen hereby approves the following as a part of the 2010-11 budget:

Section 1. In lieu of providing a pay-for-performance increase for 2010-11, permanent full-time and part-time employees shall receive a one-time lump sum payment in the amount of \$455.00. This amount is subject to taxes and retirement costs and will be pro-rated for permanent part-time employees based on the number of hours worked.

Section 2. Permanent full-time and part-time employees shall be granted an additional leave day to be taken off for their birthday effective July 1, 2010 and for FY 10-11 only.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

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

REIMBURSEMENT RESOLUTION

Resolution No. 172/2009-10

WHEREAS, the Town Manager, Steven E. Stewart, has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town’s use of financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

BE IT RESOLVED by the Board of Aldermen as follows:

Section 1. The equipment and vehicles to be purchased in FY2010-11 include the following:

DEPARTMENT	VEHICLE/EQUIPMENT	VEH/EQP COST
Public Works	Administration - Mid size Hybrid SUV - Replace vehicle #001	\$ 33,500
Public Works	Streets - utility truck - Replace vehicle #042	\$ 44,000
Public Works	Streets - pickup - Replace vehicle #043	\$ 22,000
Public Works	Solid Waste - boom truck - Replace vehicle #57	\$ 154,000
Police	Patrol Vehicle-Replace vehicle #199	\$ 32,000
Public Works	L&G - Full Size Truck - Replace #003	\$ 25,000
Police	Investigations – Replace vehicle #198	\$ 26,000
Police	Community Services-Replace vehicle #200	\$ 32,000
Police	Community Services-Replace vehicle #201	\$ 32,000
Fire	Fire Suppression 4x4 Brush-Truck Replace-#985	\$ 160,000
		\$ 560,500

Section 2. The expected type of financing (which may be subject to change) for the items above is installment purchase financing as allowed in North Carolina General Statutes Section 160A-20. The currently expected maximum amount of obligations to be issued or contracted for the items is \$560,500.

Section 3. Funds that have been advanced, or may be advanced, from the General Fund for the aforementioned items are intended to be reimbursed from the financing proceeds up to an amount of \$560,500.

Section 4. The adoption of this resolution is intended as a declaration of the Town’s official intent to reimburse project expenditures from financing proceeds.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Randee Haven-O’Donnell.

A RESOLUTION APPROVING COMPENSATION FOR TOWN ATTORNEY
FOR FISCAL YEAR 2010-11
Resolution No. 173/2009-10

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

Section 1: The Board hereby approves a contract for legal services with the Brough Law Firm for FY2010-11 effective July 1, 2010.

Section 2: This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

It was the consensus of the Board to delay action on the Miscellaneous Fees and Charges until June 22, 2010.

MINOR MODIFICATION OF THE BALLENTINE ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT

M/I Homes, developer of the 96-unit dwelling unit subdivision located at 8110 Old NC 86, has submitted an application for a *Minor Modification* to the Conditional Use Permit issued for the AIS on August 28, 2007. Town staff requests that the Board review, deliberate, and make a decision on the application.

Jeff Kleaveland, one of the town's Planner/Development Review Specialists, made the presentation.

Jeremy Medlin with MI Homes, stated that the Board had asked that they include more density in their project which they have done. He stated that they are pursuing rezoning of Phases 3 and 4, which include a commercial component.

Jay Bryan, a resident 8033 Old NC 86 and a member of the Northern Transition Area Advisory Committee, requested that action on this matter be delayed and that it be referred to the NTAAC. He stated that he disagrees that this is a minor modification to the permit. He also stated that he did not think that the access road and speed limit along Old N.C. 86 have been resolved.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO DELAY THIS MATTER UNTIL JUNE 22, 2010 WITH THE REQUEST THAT THE TOWN STAFF PROPOSE A CONDITION DEALING WITH DEVELOPMENT OF THE GREENWAY, AND THAT INFORMATION ON THE ACCESS ROAD AND SPEED LIMIT BE PROVIDED. VOTE: AFFIRMATIVE ALL

FRIENDS OF BOLIN CREEK CONSERVATION AND RESTORATION INITIATIVE

The purpose of this agenda item was for the Friends of Bolin Creek (FOBC) to update the Board of Aldermen on its Conservation and Restoration Initiative.

Tom Cors made the report.

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

A RESOLUTION RECEIVING AN UPDATE
FROM THE FRIENDS OF BOLIN CREEK
Resolution No. 189/2009-10

WHEREAS, the Friends of Bolin Creek has prepared a report updating the Board of Aldermen on its Bolin Creek Conservation and Restoration Initiative; and

WHEREAS, staff are currently working with the Friends of Bolin Creek and other partners as part of a 319 Grant to install a demonstration rain garden and cistern at McDougale School and pursue a stream channel stabilization project on Dry Gulch;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the report prepared by the Friends of Bolin Creek, acknowledge and thank the Friends of Bolin Creek for pursuing this work, and also recognize that current staff workload does not allow staff to expand the current collaboration outside the scope of the 319 grant.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

UPDATE ON BOLIN CREEK GREENWAY PLANNING

An update on the progress of planning for Bolin Creek greenways was requested on May 25th and was provided herein. A resolution accepting this update was provided for the Board's use.

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

Bob Kirschner, Chair of the Greenways Commission, gave an update on former Board action.

The following resolution was introduced by Alderman Sammy Slade and duly seconded by Alderman Dan Coleman.

A RESOLUTION ACCEPTING A REPORT ON BOLIN CREEK
GREENWAY PLANNING
Resolution No. 182/2009-10

WHEREAS, the Carrboro Board of Aldermen, in 2006, adopted the Recreation and Parks Master Plan update that includes greenways; and

WHEREAS, the Carrboro Board of Aldermen support a network of greenways throughout the Town; and

WHEREAS, the Town has been allocated funding for greenway planning and construction from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization; and

WHEREAS, the Town has allocated funds from the General Obligation Bond for the purpose of greenway planning and construction; and

WHEREAS, the Board of Aldermen adopted the *Conceptual Master Plan for the Bolin Creek Greenway* on December 8, 2009; and

WHEREAS, per the direction of the Board of Aldermen, staff has proceeded to formalize funding agreements so that greenway construction on Phases 1A and 1B may proceed.

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen accepts the staff update on Bolin Creek Greenway Planning provided on June 15, 2010, and requests that the town staff post information on the town's website on the proposed design and phases, including a short description, and specifying that no funding is currently available for Phases 3 and 4.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

UPDATE ON SAFE ROUTES TO SCHOOL EVENTS

Jeff Brubaker, the town's Transportation Planner, gave an update on Safe Routes to School Programs the Town is carrying out to promote walking and bicycling to school.

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

A RESOLUTION RECEIVING AN UPDATE ON CARRBORO SAFE ROUTES TO SCHOOL PROGRAMS Resolution No. 187/2009-10

WHEREAS, *Carrboro Vision 2020* states that the "safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential", and *Vision 2020* Policy 3.25 encourages pedestrian safety; and

WHEREAS, the Carrboro Comprehensive Bicycle Transportation Plan of 2009 recommends implementing Safe Routes to School planning activities and events; and

WHEREAS, the federal Safe Routes to School program was created in 2005 in the Federal Highway Administration to provide support for Safe Routes to School planning, projects, and promotions nationwide; and

WHEREAS, the Town of Carrboro, Carrboro and McDougale Elementary Schools, and consultants are currently developing a Safe Routes to School Action Plan to guide future decisions on increasing the viability and safety of walking and bicycling to school; and

WHEREAS, the Town of Carrboro has received Safe Routes to School funding administered by the North Carolina Department of Transportation (NCDOT) for a sidewalk project and walk/bike-to-school programs to be implemented over the next two years;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen receives this update on Safe Routes to School programs in Carrboro.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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 MAKE AN APPOINTMENT TO THE PLANNING BOARD

There is currently one vacant, in-town seat on the Planning Board. The Chair of the Planning Board has prepared the attached Summary of Applications for the Board's consideration. The town staff recommended that the Mayor and Board of Aldermen consider adopting a resolution making an appointment to the Planning Board.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Dan Coleman.

A RESOLUTION MAKING AN APPOINTMENT TO THE
PLANNING BOARD
Resolution No. 177/2009-10

WHEREAS, there is currently one vacant in-town seat on the Planning Board; and

WHEREAS, this position has been advertised and the town staff has received applications and has forwarded those applications to the Planning Board chair for consideration; and

WHEREAS, the Chair of the Planning Board has prepared a Summary of Applications.

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

Section 1. The Board of Aldermen hereby appoints Richard Jaimeyfield to the Planning Board. This term shall expire in February 2012

Section 2. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of June 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

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 9:17 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk