

**A RESOLUTION ACCEPTING A REPORT ON:
Adequate Public School Facilities Memorandum of Understanding and Ordinance
Resolution No. 145/2001-02**

WHEREAS, the Town of Carrboro, through its representation on the Orange County Schools and Land Use Council, has been working cooperatively with the Town of Chapel Hill, the Town of Hillsborough, Orange County, the Chapel Hill/Carrboro School District and the Orange County School District to create a policy and an ordinance that will promote a balance among anticipated student enrollment and school capacity;

WHEREAS, adequate schools support the high quality of education that serves as a linchpin to the quality of life throughout Orange County;

WHEREAS, the Attorneys/Planning Directors/School Administrators (APS) Work Group as requested by the Orange County Schools and Land Use Council, worked over the past three years to develop an Adequate Public School Facilities Memorandum of Understanding and Ordinance;

WHEREAS, the Orange County Schools and Land Use Council on November 14, 2001 unanimously recommended approval of an Adequate Public School Facilities Memorandum of Understanding and model Ordinance;

WHEREAS, the Town received a report and explanation of the associated documents and mathematical models; and

WHEREAS, the Town Attorney will need to prepare a Land Use Ordinance amendment that incorporates the essential components of the model ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that:

1. The Board approves the Schools Adequate Public Facilities Memorandum of Understanding (MOU) subject to the approval of an Orange County CIP that will provide building capacity sufficient to accommodate the projected school membership and subject to adjustments to the building capacity limits under section 1 of the MOU.
2. The Town Attorney is requested to prepare SAPFO as a text amendment to the Carrboro Land Use Ordinance.
3. The staff is instructed to prepare an agenda item that provides for: a review of the ordinance, sets a public hearing, and refers the MOU and Ordinance to Orange County for review and to the Carrboro Planning Board for consideration and recommendation.
4. That the MOU be amended to add the following new language at the end of Section 9: "However, Carrboro intends to remain committed to the MOU only so long as the County continues to execute the CIP as agreed in the MOU. If the Carrboro Board of Aldermen finds that the County is no longer in compliance with the CIP as outlined in this MOU, Carrboro will no longer consider itself bound by this MOU and may consider repealing the ordinance referenced in Section 2"
5. That the second sentence of Section 1.d of the MOU be amended to read as follows: "Before making any such change, the Board shall consult with the governing boards of the Towns and shall receive and consider the recommendation of a staff committee consisting of the planning directors of the Towns and the County and a representative of the School District appointed by the Superintendent."

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 14th day of May, 2002:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: Mark Dorosin