

## BOARD OF ALDERMEN

ITEM NO. E(2)

### AGENDA ITEM ABSTRACT

MEETING DATE: January 6, 1998

**SUBJECT: Reservation of the Town Commons for a Arts and Crafts Market**

<b>DEPARTMENT:</b> Town Manager's Office	<b>PUBLIC HEARING:</b> YES ____ NO <input checked="" type="checkbox"/> ____
<b>ATTACHMENTS:</b> Information from Grass Roots, Inc.; Ordinance	<b>FOR INFORMATION CONTACT:</b> Robert W. Morgan, Town Manager

#### PURPOSE

The purpose of this item is to consider a request from Monda L. Welch, President of Grass Roots Arts Inc. to operate an Arts and Crafts Market on the Town Commons the first Sunday of each month from 1 PM to 5 PM.

#### ANALYSIS

Monda Welch, President of Grass Roots Arts Inc. has requested to reserve the Town Commons the first Sunday of each month to operate an Arts and Crafts Market during 1998. According to the Town's Policy for Use of the Town Commons, an organization must pay certain fees and may not use the facility more than twice a year. The request is for the Arts and Crafts Market to provide a market manager to supervise the use of the facility in place of requiring a Town Facility Supervisor and the associated cost of \$25 per two hours. It is also requested that the maintenance fee be set for the first year at \$50 per use.

This past June the Mayor and Board of Aldermen authorized the Town to enter into a five-year agreement with the Chapel Hill-Carrboro Farmers' Market for the use of the Town Commons. It is suggested that 1998 be used as a trial to see how the Arts and Crafts Market operates and what type of an agreement and what terms are needed between the two organizations. For example after the first year, the Arts and Crafts Market may have an interest to operate two Sundays a month. By using the reservation system for the Town Commons the arrangement is kept simple and short term.

#### RECOMMENDATION

The Administration recommends the Mayor and Board of Aldermen authorize the reservation of the Town Commons by Grass Roots Arts on the first Sunday of each month during 1998 under the following terms:

- that the market carry sufficient liability insurance and list the Town as an additional insured,
- that a market manager be provided instead of paying for a facility supervisor,
- that the maintenance fee be set at \$50 per use during 1998,
- that either party can withdraw from this arrangement with 30 days notice,
- that no activity of this market will conflict with the use of the Town Commons for a Town sponsored event,

- that the Town will take reasonable steps to make as much parking as possible available in Town Common lots unless needed to provide Town services or programs,
- that this reservation does not obligate the Town to a renewal of the reservation for future years, and
- that the Arts and Crafts Market agrees to all other terms for using the Town Commons as specified in Town Policy or ordinance.

In addition, it is necessary to amend Section 14-20 of the Town Code (Commercial Activity Restricted on Town Property) to allow the Arts and Crafts Market to operate.

#### **ACTION REQUESTED**

Authorize the Town Manager to reserve the Town Commons on the first Sunday of the month for an Arts and Craft Market operated by Grass Roots Art under the terms recommended by the administration, and adopt the attached ordinance amending Section 14-20 of the Town Code.

GRASS ROOTS ARTS INC.

**ARTS & CRAFTS MARKET**

PROPOSED BY LAWS

**ARTICLE I**

**Section I: Purpose and Powers:**

The Arts & Crafts Market purpose is to cultivate, encourage and understand the visual arts through a diversified program of exhibits, educational opportunities, community involvement and other activities designed to promote an awareness of the arts and crafts on the local level.

GRASS ROOTS ARTS will appoint a standing committee ( see Article IV, Section 2 & 3 of GRA bylaws). This committee shall be known as Arts & Crafts Market Committee (ACMC).

The president of GRA will be the market manger for the first 3 years of operation of the Arts & Crafts Market. After 3 years, there will be an election of ~~the~~ market manger.

**ARTICLE II**

**MEMBERSHIP AND DUES**

**Section I: General Membership:** Individuals , who meet the qualifications for membership of Arts & Crafts Market, who make application, upon acceptance by the ACMC, and payment of dues become members.

Payment of dues are carried out on a per artist or crafts person unit. All members must abide by the rules, regulations and bylaws of GRA and the ACMC. The ACMC rules are determined by the active membership at the annual membership meeting. A copy of the market rules will be given to each member of the Arts & Crafts Market.

A. General members are non voting, and are thoes who have sold less than 6 times per year.

**Section 2: Active Membership:** Active members are individuals who, in addition to the above rules for general membership, are those who have sold at the market 6 or more times per year.

A. Only active members can vote and reserve spaces.

**Section 3: Dues:** Annual dues are set by the ACMC and shall be brought before the annual membership meeting each year for approval. Dues must be paid annually before or on the first market attended by each member.

The payment of dues entitles the member to sell at the markets for the year. An additional monthly fee as determined by the ACMC and approved by the members at the annual membership meeting will be collected at each market. Dues are paid per artist / crafts person unit.

**Section 4: Election of Members:** All applicants for general and active memberships shall file with the Secretary of the ACMC a written application in such form as the ACMC shall determine. All applications for membership shall be presented promptly for consideration. The ACMC will accept or reject request for membership. A majority of the entire ACMC shall be required for the election of an active or general member. A majority of the membership voting at any regular or special meeting may vote to waive any membership requirements imposed by the bylaws.

**Section 5: Requirements for Membership:** Individual who are original producers.

Only handmade work by the participant will be considered: one-of a kinds, multiples, editions, or series are acceptable.

**No** unlimited production work, commercial exhibits, commercially molded ceramics, sculpture or jewelry will be accepted. Non-profit exhibits are limited to one per market.

**No** items made for kits or items assembled totally from pre-manufactured components will be accepted.

Application for membership must be made by a prospective member at least two weeks before the first market date he/she wishes to sell.

A. Members must live within a 50 mile radius of Carrboro unless otherwise agreed to by the Market Manger in writing.

B. Memberships are approved as general or active or rejected by the ACMC. The ACMC shall have the power at any time to determine who is eligible for general or active membership and to set a limit on the number of members according to the size of the market.

**Section 6: Transfer of Membership:** Membership is not transferable or assignable.

**Section 7: Resignation:** Any member may resign by filing a written resignation with the Secretary of the ACMC, but such resignation shall not

relieve the member so resigning of obligation to pay any dues, assessments, or other charges theretofore accrued and unpaid.

**Section 8: Termination of Membership:** The ACMC, by an affirmative vote, may, for cause suspend for a fixed period of time or expel a member. Any member has a right to notice before such action is taken against him/her. Cause shall be deemed to include but not limited to: (1) failure to submit to or abide by any decision made by the ACMC or to accept any ruling of the membership including the rules of the market, (2) selling or offering for sale any products not made or originally produced by the member, (3) failure to adhere to pay dues for the period fixed by the bylaws and (4) failure to adhere to an ethical code governing conduct of sales as adopted by the ACMC. If a member is terminated for any of the above reasons the membership fee(annual dues ) is not refundable.

**Section 9: Reinstatement:** Upon written request signed by the former member and filed with the Secretary of the ACMC, the ACMC, may, by affirmative vote reinstate such former member to membership upon such terms as the ACMC may deem appropriate

**Section 10: Property:** No property rights shall accrue to any member or person. No member shall be responsible for or individually liable for any debts or obligations of the Arts & Crafts Market.

**Section 11: Insurance:** Members are required to have their own liability insurance.

**Section 12: Agents of Members:** Members may employ individuals to perform any activities or duties normally performed by the member, provided that the member is present at the market and is under direct supervision of the member at all times.

### **ARTICLE III** **MEETINGS OF MEMBERS**

**Section 1: Annual Membership Meeting:** The annual meeting of the members of the Arts & Crafts Market shall be held at a time and place designated by the ACMC. The meeting shall be held in the first quarter of the calendar year.

**Section 2: Regular and Special Meetings:** The ACMC shall establish a schedule of regular meetings of members. It shall have the authority to

select the time and place of such meetings. Special meetings of the members may be called by the President, APMC, or by not less than one - third of the active membership.

**Section 3: Notice of Meetings:** Notice of every annual , regular, or special meeting of members shall be contacted by mail, telephone, fax or e-mail, at least 7 days prior to the date of the meeting.

**Section 4: Voting:** Only active members may vote.

**Section 5: Quorum:** Active members representing one - third of the active membership or no less than 10 active members shall constitute a quorum. In the event a quorum is not present, a meeting may be adjourned by those members present until a quorum can be obtained.

**Section 6: Order of Business:** The order of business shall be:

- 1 Roll call of the officers and determination of a quorum.
- 2 Reading and disposition of minutes.
- 3 Report of officers.
- 4 Report of committees.
- 5 Unfinished business.
- 6 New business.
- 7 Program and/or elections of APMC.
- 8 Adjournment.

## **ARTICLE IV OFFICERS**

**Section1: General Powers:** The affairs of the ACM shall be managed by the APMC. The officers must be residents of the state of North Carolina and must be active members of the ACM. There shall be five members of the APMC.

**Section 2: Election:** The officers shall be elected by and from the active members of the ACM at the annual membership meeting. A majority of those voting shall be required to elect each and every officer. The first officers shall be composed of three members who will serve for one year and two members who will serve for two years. At the first annual membership meeting and thereafter officers will be elected to replace those whose terms are expiring and will serve for a term of two years.

**Section 3: Election of Officers:** Immediately after each election of the ACMC, shall hold a regular meeting and organize by the election of a President, a Vice-President, a Secretary, and a Treasurer ( Secretary and Treasurer may be combined into one office of Secretary-Treasurer) each of whom shall hold office until the election and qualification of his/her successor. The President and Vice-President shall be elected by and from the ACMC then in office. The Secretary and Treasurer (or Secretary-Treasurer) do not need to be members of the ACMC. All Officers serve a one year term.

**Section 4: Vacancies:** When ever a vacancy occurs in the ACMC, other than from the expiration of a term of office, the remaining ACMC officers may select a replacement to serve until the next regular or special membership meeting.

**Section 5: Board Meetings:** The meeting of the ACMC shall be held at such time and place as the ACMC may determine.

**Section 6: Special Meetings:** A special meeting of the ACMC shall be held whenever called by the President or by two ACMC officers. Each call for a special meeting shall state the business to be transacted and the time and place of such meeting.

**Section 7: Notice of ACMC Officer Meetings:** Notice of regular or special meetings of the ACMC may be mailed to each officer, faxed, e-mailed, telephoned or made in person. Such notice shall be given at least 7 days before a regular and 1 day before a special meeting. ACMC meetings may be attended by all active members.

**Section 8: Quorum:** A majority of the ACMC shall constitute a quorum for the transaction of business at any meeting of the ACMC.

**Section 9: Compensation:** ACMC officers shall not receive any stated salaries for their services, but by resolution, the travel expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the ACMC.

**Section 10: Removal:** Any member of the ACMC may be removed for cause by a two-thirds vote of the active membership voting at a special or regular membership meeting. Any active member may initiate a vote to remove, but such vote may be taken only after the active membership has had at least 30 days and not more than 60 days written notice of the

member's intention to initiate a vote to remove. The duty of the notification shall rest upon the member or members seeking the vote to remove.

## **ARTICLE V**

### **DUTIES OF THE BOARD OF ACMC**

**Section 1: Management of Business:** The ACMC shall have general supervision and control of the affairs of the ACM and shall make all rules and regulations not inconsistent with the by-laws of GRA.

**Section 2: Employees:** The ACMC shall have the power to employ or to authorize the employment of such employees and to fix their compensation at a fair market value or a reasonable amount for the services rendered.

**Section 3: Bonds and Insurance:** The ACMC may require officers and employees to give adequate bonds. Such bonds shall be approved by the ACMC and the cost thereof shall be paid from the funds of the ACM. The ACMC shall provide adequate insurance liability for accidents to the public.

**Section 4: Checks and Drafts:** All checks , drafts and orders for the payment of money or notes issued in the name of the ACM shall be signed by the Treasurer, provided however that the ACMC may authorize any active member to sign any or all such checks drafts, etc., on behalf of the ACM. Such authority may be general or confined to specific instances.

**Section 5: Contracts:** The ACMC may authorize any officer or employee to execute and deliver any instrument in the name and on the behalf of the ACM and such activity may be general or confined to specific instances.

**Section 6: Gifts:** The ACMC may accept on behalf of the ACM any contribution, gift, bequest or devise for the general purpose or for any special purpose of the ACM.

**Section 7: Audits:** From time to time and at least once a year, the ACMC shall review the financial records. The Treasurer shall deliver an annual written statement on the financial affairs. The ACMC may secure the services of a competent and disinterested public auditor or accountant to render a report when needed.

**Section 8 Agreements with Members:** The ACMC shall have the power to carry out all and any agreements of the ACM with members and others in



every way advantageous to the ACM, representing the members and others collectively.

**Section 9 Depository of Funds:** The ACMC shall designate a depository for the funds of the ACM.

**Section 10: Membership:** The ACMC shall elect new members, terminate memberships and reinstate memberships as stated in these by-laws.

**Section 11 Observance of By-Laws:** The ACMC shall have the power to enforce the observance by all members of all provisions of the by-laws of the ACM.

## **ARTICLE VI**

### **DUTIES OF OFFICERS**

**Section 1: Duties of the President:** The President shall: (1) preside over all the meetings of the ACMC, (2) call special meetings of the ACMC, (3) perform all acts and duties usually performed by an executive and presiding officer and (4) sign all papers for the ACM except as provided in Article V, Sections 4 & 5. The President shall perform such others duties as may be prescribed by the ACMC.

**Section 2: Duties of the Vice-President:** The Vice-President shall assist the President and in the absence or disability of the President, The Vice-President shall perform the duties of the President. The Vice-President shall perform such others duties as may be prescribed by the ACMC.

**Section 3: Duties of the Secretary and Treasurer:** The Secretary shall keep a complete record of all meetings of the ACM and of the Board of ACM and shall have general charge and supervision of the books and records of the ACM. He/she shall serve all notices required by law and by these by-laws and shall make a full report of all matters and business pertaining to the office at the annual membership meeting. He/she shall make all reports required by the ACMC. The Secretary shall keep a complete list of members and may issue a certificate or card to each new member. The Treasurer shall perform all duties with respect to the finances of the ACM as prescribed in Article V Section 4. He/she shall make a full report of all matters and business pertaining to the office at the annual membership meeting. Upon election of a successor, the Secretary and Treasurer shall turn over all books and other property belonging to the

ACM which may be in their possession. The offices of Secretary and Treasurer may be combined into one office of Secretary-Treasurer.

**Section 4: Succession of Officers:** In case of death, resignation, or inability of an officer to perform the duties of office, the ACMC may declare the office vacant and elect the officer's successor as provided in Article IV, Section 4.

## **ARTICLE VII**

### **GENERAL PROVISIONS**

**Section 1: Fiscal Year:** The fiscal year of ACM shall begin on the first day of January and end the last day of December in each year.

**Section 2: Inspection of Records:** All books and records of the ACM may be inspected by any active member for any proper purposes at any reasonable time.

**Section 3: Committees:** Any business function of the ACM may be delegated to a committee of active members by the ACMC. These committees shall investigate, plan and oversee any function of the ACM within approval of the ACMC.

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 01 1987

GRASS ROOTS ARTS  
C/O MONNDA L WELCH  
2501 CARL DURHAM RD  
CHAPEL HILL, NC 27516

Employer Identification Number:  
56-1940716

DLN:  
17053365073006

Contact Person:  
D. A. DOWNING

Contact Telephone Number:  
(513) 241-5199

Accounting Period Ending:  
December 31

Form 990 Required:  
Yes

Addendum Applies:  
Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(2).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(2) organization.

Donors may deduct contributions to you as provided in section 170 of the

Letter 947 (DO/CG)

GRASS ROOTS ARTS

Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

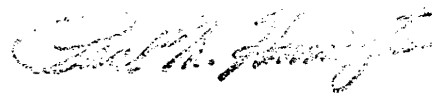
If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

GRASS ROOTS ARTS

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Carl M. Hovington".

District Director

Enclosure(s):  
Addendum

GRASS ROOTS ARTS

You are required to make available for public inspection a copy of your exemption application, and supporting documents, and this exemption letter. If you are required to file an annual information return, you are also required to make a copy of the return available for public inspection for three years after the return is due. Failure to make these documents available for public inspection may subject you to a penalty of \$10 per day for each day there is a failure to comply (up to a maximum of \$5,000 in the case of an annual return). See Internal Revenue Service Notice 88-120, 1988-2 C.B. 454, for additional information.

Guidelines under which private foundations may rely on this determination, for gifts, grants, and contributions made after March 13, 1989, were liberalized and published in Rev. Proc. 89-23, Cumulative Bulletin 1989-1, page 844.

Since you have not indicated that you intend to finance your activities with the proceeds of tax exempt bond financing, in this letter we have not determined the effect of such financing on your tax exempt status. You may obtain a confirmation ruling concerning the effect of tax-exempt bond financing on your exempt status from the Exempt Organizations Technical Division, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D. C. 20224, Attn: E:EO.

# STATE OF NORTH CAROLINA



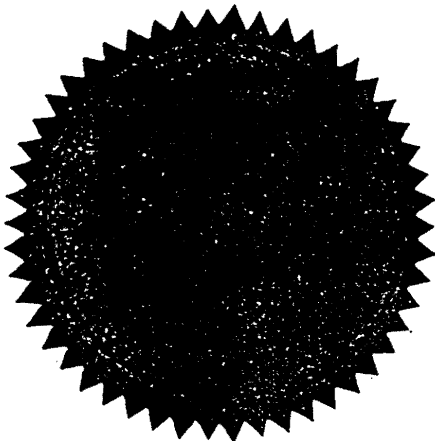
Department of The  
Secretary of State

To all whom these presents shall come, Greetings:

I, Rufus L. Edmisten, *Secretary of State of the State of North Carolina*, do hereby certify the following and hereto attached to be a true copy of

## ARTICLES OF INCORPORATION OF GRASS ROOTS ARTS

*the original of which was filed in this office on the 9th day of October, 1995.*



*IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 9th day of October, 1995.*

*Rufus L. Edmisten*

Secretary of State

30 270 5073

12:19pm  
OCT 09 1995

Secretary of State

ARTICLES OF INCORPORATION  
NONPROFIT CORPORATION

EFFECTIVE  
RUFUS L. EDMISTEN  
SECRETARY OF STATE  
NORTH CAROLINA

Pursuant to §55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the corporation is: Grass Roots Arts
2. x (Check only if applicable.) The corporation is a charitable or religious corporation within the meaning of N.C.G.S. §55A-1-40(4).

3. The street address and county of the initial registered office of the corporation is:

Number and Street 2501 Carl Durham Road  
City, State, Zip Code Chapel Hill, N.C. 27516 County Orange

4. The mailing address if different from the street address of the initial registered office is:  
N/A

5. The name of the initial registered agent is:  
Monnda L. Welch

6. The name and address of each incorporator is as follows:

Monnda L. Welch 2501 Carl Durham Road Chapel Hill N.C. 27516

7. (Check either a or b below.)

- a.        The corporation will have members.  
b. x The corporation will not have members.

8. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.

See attached provisions.

9. Any other provisions which the corporation elects to include are attached.

See attached provisions.

10. These articles will be effective upon filing, unless a date and/or time is specified: N/A

This the 25 day of September, 1995

The principal office location is:

2501 Carl Durham Road, Chapel Hill, N.C., 27516, Orange County.

Monnda L. Welch  
Signature of Incorporator

Monnda L. Welch, President

Type or print Incorporator's name and title, if any.

NOTES:

1. Filing fee is \$50. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

(Revised July 1994)



NONPROFIT CORPORATION

Articles of Incorporation  
Grass Roots Arts

Item 8

Distributions Upon Dissolution

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for religious, charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code as the Board of Directors shall determine, or to federal, state, or local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, such as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.

Articles of Incorporation  
Grass Roots Arts

Item 9  
Other Provisions

Purposes of the Corporation

The corporation Grass Roots Arts is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 (herein the "Code") (or the corresponding provisions of any future United States Internal Revenue Code).

More specifically, the corporation Grass Roots Arts is organized to encourage cooperation and free communication among artists, art teachers, art students, craftspeople, publishers, and others engaged in artistic activities; to provide a registry for artists; to hold competitions and exhibitions; and to promote the study and improvement of the arts.

Prohibited Activities

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these articles of incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Code or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Code.

GRASS ROOTS ARTS  
2501 Carl Durham Rd.  
Chapel Hill, NC 27516  
EIN: 56-1940716

ATTACHMENTS  
North Carolina Tax Determination Letter

(1) The purpose of GRASS ROOTS ARTS is threefold:

(a) To promote the study, knowledge and improvement of the arts and the artistic process; to encourage cooperation and free communication among artists, art teachers, art students, craftspeople, publishers, others engaged in artistic activities, and the general public; to provide a registry for artists; and to hold studio tours and exhibitions whereby the general public may gain a greater appreciation and understanding of the production of art and the artistic process;

(b) To operate exclusively for charitable and educational purposes within the meaning of Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provisions of any future United States Internal Revenue laws; and

(c) To engage in any lawful activity for which corporations may be organized under Chapter 55A of the General Statutes of North Carolina so long as the corporation does not engage in any activity or activities not in furtherance of one or more tax exempt purposes as contemplated in section 501(c)(3) of the Code.

(2) Funding of GRASS ROOTS ARTS:

Grass Roots Arts activities are funded by a combination of corporate donations/sponsorship, grants, and fees paid by participating artists and craftspeople. The money from these three sources goes exclusively to funding the administrative and production costs of Grass Roots Arts' annual Open Studio Tour, which in 1996 will include thirty-six artists across the length and breadth of Orange County (see enclosed brochure). A large portion of the costs of the studio tour go to community outreach efforts to attract the largest possible public cross-section.

(3) Type of Corporation:

As mentioned under (1), Grass Roots Arts is intended to operate exclusively for charitable and educational purposes within the meaning of Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provisions of any future United States Internal Revenue laws.

(4) Distribution of Assets upon Dissolution:

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for religious, charitable, educational, scientific or literary purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code as the Board of Directors shall determine, or to federal, state, or local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organizations, such as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.

BYLAWS  
OF  
GRASS ROOTS ARTS

ARTICLE I -- NAME, OFFICES, & PURPOSE

Section 1. Name. The name of the corporation shall be Grass Roots Arts.

Section 2. Principal Office. The principal office of the corporation shall be located at 2501 Carl Durham Road, Chapel Hill, Orange County, North Carolina 27516, which shall also be the registered office of the corporation.

Section 3. Other Offices. The corporation may have offices at such other places, either, within or without the State of North Carolina, as the Board of Directors may from time to time determine.

Section 4. Purpose.

- (A) To operate exclusively for charitable and educational purposes within the meaning of Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1986 or the corresponding provisions of any future United States Internal Revenue laws (herein the "Code");
- (B) To engage in any lawful activity for which corporations may be organized under Chapter 55A of the General Statutes of North Carolina so long as the corporation does not engage in any activity or activities not in furtherance of one or more tax exempt purposes as contemplated in section 501(c)(3) of the Code; and
- (C) To promote the study, knowledge and improvement of the arts and the artistic process; to encourage cooperation and free communication among artists, art teachers, art students, craftspeople, publishers, others engaged in artistic activities, and the general public; to provide a registry for artists; and to hold studio tours and exhibitions whereby the general public may gain a greater appreciation and understanding of the production of art and the artistic process.

ARTICLE II -- BOARD OF DIRECTORS

Section 1. General Powers. The affairs of the corporation shall be managed by the Board of Directors in accordance with the provisions of applicable law, the Articles of Incorporation and these Bylaws.

Section 2. Number, Term and Qualification. The number of Directors of the corporation shall be not less than One (1) nor more than Three (3). The Directors at any annual meeting may by resolution fix the number of Directors to be elected at the meeting, but in the absence of such resolution, the number of Directors elected at the meeting shall constitute the number of Directors of the corporation until the next annual meeting of Directors, unless the number is changed by action of the Directors. Each Director shall hold office until the next annual meeting of the Directors and until a successor is elected and qualifies. Directors need not be residents of the State of North Carolina.

Section 3. Election of Directors. Directors shall be elected at any annual or special meeting of the Board of Directors by a vote of a majority of the Directors at the time in office. The election of Directors shall be a part of the order of business of each annual meeting of the Board of Directors.

Section 4. Removal. Directors may be removed from office at any time with or without cause by the Directors by the vote that would be required to elect the Director to the Board of Directors. If a Director is removed, a new Director may be elected to fill the vacancy at the same meeting.

Section 5. Resignation. A Director may resign at any time by communicating such resignation to the Board of Directors, its presiding officer or to the corporation. The resignation is effective when communicated unless the notice specifies a later effective date or subsequent event upon which it will become effective.

Section 6. Vacancies. A vacancy occurring in the Board of Directors may be filled by a majority of the remaining Directors (but not less than two) at any regular meeting or special meeting of the Board.

### ARTICLE III -- MEETINGS OF DIRECTORS

Section 1. Annual Meeting. The annual meeting of the Board of Directors shall be held on December 29 of each year, if not a legal holiday, but if a legal holiday, then on the next business day which is not a legal holiday, for the purpose of electing Directors and officers of the corporation and the transaction of such other business as may be properly brought before the meeting. If the annual meeting is not held on the day designated by these bylaws, a substitute annual meeting may be called by or at the request of the Board of Directors, and such meeting shall be designated and treated for all purposes as the annual meeting.

Section 2. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the Chairperson of the Board, the President or any two Directors.

Section 3. Place of Meetings. Meetings of the Board of Directors may be held at the principal office of the corporation or at such other place, either within or without the State of North Carolina, as shall either (i) be designated in the notice of the meeting or (ii) be agreed

upon at or before the meeting by a majority of the Directors then in office.

Section 4. Notice of Meetings. The Secretary or other person or persons calling a meeting for which notice is required shall give notice by mail at least five days before the meeting. Unless otherwise indicated in the notice, any and all business may be transacted at a meeting of the Board of Directors. Attendance by a Director at a meeting shall constitute a waiver of notice, except where a Director attends for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called.

Section 5. Quorum. A majority of the Directors in office immediately before a meeting begins shall constitute a quorum for the transaction of business at a meeting of the Board of Directors.

Section 6. Manner of Acting. Except as otherwise provided by law or in the bylaws, the act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 7. Action Without Meeting. Action taken by the Directors or members of a committee without a meeting is nevertheless Board or committee action if written consent to the action in question is signed by all of the Directors or members of the committee, as the case may be, and filed with the minutes of the proceedings of the Board or committee, whether done before or after the action is taken.

Section 8. Meeting by Conference Telephone. Any one or more Directors or members of a committee may participate in a meeting of the Board or committee by means of a conference telephone or similar communications device which allows all Directors participating in the meeting to simultaneously hear each other during the meeting, and such participation in a meeting shall be deemed presence in person at such meeting.

## ARTICLE IV -- COMMITTEES

Section 1. Executive Committee. The Board of Directors, by resolution adopted by a majority of the number of Directors then in office, may designate two or more Directors to constitute an Executive Committee, which shall have and may exercise the authority of the Board in the management of the business and affairs of the corporation during intervals between meetings. Vacancies in the membership of the Executive Committee shall be filled by a majority of the whole Board of Directors at a regular meeting or at a special meeting called for that purpose. The Executive Committee shall keep minutes of its proceedings and shall report to the Board of Directors on action taken. Minutes of meetings of the Executive Committee shall be prepared and kept with the records of the corporation.

Section 2. Standing or Other Committees. Standing or other committees having two or more members may be designated by a resolution adopted by a majority of the number of Directors then in office. Vacancies in the membership of such committees shall be filled by appointment made in the same manner as provided in the case of the original appointment.

Section 3. Committee Authority. No committees of the Board (including the Executive Committee) shall be authorized to take the following actions:

- (A) Authorize distributions to or for the benefit of Directors or officers;
- (B) Approve dissolution, merger or the sale, pledge, or transfer of all or substantially all of the corporation's assets;
- (C) Elect, appoint or remove Directors, or fill vacancies on the Board of Directors or on any of its committees, or
- (D) Adopt, amend, or repeal the Articles of Incorporation or bylaws.

## **ARTICLE V -- OFFICERS**

Section 1. Titles. The officers of the corporation shall be a President, a Secretary, a Treasurer and an Assistant Secretary. The Board of Directors may also elect a Chairperson of the Board of Directors, an Executive Vice President, one or more additional Vice Presidents, one or more additional Assistant Secretaries, one or more Assistant Treasurers, and such other officers as it shall deem necessary. Except as otherwise provided in these bylaws, the additional officers shall have the authority and perform the duties as from time to time may be prescribed by the Board of Directors. Any two or more offices may be held by the same individual, but no officer may act in more than one capacity where action of two or more officers is required.

Section 2. Election and Term. The officers of the corporation shall be elected by the Board of Directors at the annual meeting. Each officer shall hold office until the next annual meeting and until a successor is elected and qualifies.

Section 3. Removal. Any officer or agent elected or appointed by the Board of Directors may be removed at any time by the Board with or without cause.

Section 4. Resignation. An officer or agent may resign at any time by communicating such resignation to the corporation. A resignation is effective when it is communicated unless it specifies in writing a later effective date.

Section 5. Vacancies. Vacancies among the officers may be filled and new offices may be created and filled by the Board of Directors.

Section 6. Chairperson of the Board of Directors. The Chairperson of the Board of Directors, if such officer is elected, shall preside at meetings of the Board of Directors and shall have such other authority and perform such other duties as the Board of Directors shall designate.

Section 7. President. The President shall be the chief executive officer of the corporation and, subject to the control of the Board of Directors, shall supervise and control



the management of the corporation in accordance with these bylaws. In default of a Chairperson of the Board, the President shall preside at meetings of the Board of Directors. The President shall sign, with any other proper officer, instruments which may be lawfully executed on behalf of the corporation, except where required or permitted by law to be otherwise signed and executed, and except where the signing and execution shall be delegated by the Board of Directors to some other officer or agent. In general, the President shall perform all duties incident to the office of President and such other duties as may be assigned by the Board of Directors from time to time.

Section 8. Vice Presidents. The Vice Presidents shall exercise the powers of the President during that officer's absence or inability to act. Any action taken by a Vice President in the performance of the duties of the president shall be presumptive evidence of the absence or inability to act of the President at the time the action was taken. The Vice Presidents shall have such other powers and perform such other duties as may be assigned by the Board of Directors.

Section 9. Treasurer. The Treasurer shall have custody of all funds and securities belonging to the corporation and shall receive, deposit or disburse the same under the direction of the Board of Directors, provided, that the Board may appoint a custodian or depository for any such funds or securities, and the Board may designate those persons upon whose signature or authority such funds may be disbursed or transferred. The Treasurer shall in general perform the duties incident to the office and such other duties as may be assigned from time to time by the President or the Board of Directors.

Section 10. Assistant Treasurers. Each Assistant Treasurer shall have such powers and perform such duties as may be assigned by the Board of Directors, and the Assistant Treasurers shall exercise the powers of the Treasurer during that officer's absence or inability to act.

Section 11. Secretary. The Secretary shall keep accurate records of the acts and proceedings of all meetings of the Board of Directors and shall give all notices required by law and these bylaws. The Secretary shall have general charge of the corporate books and records and of the corporate seal and may affix the corporate seal to any lawfully executed instrument requiring it. The Secretary shall sign such instruments as may require the signature of the Secretary and in general shall perform all the duties incident to the office of Secretary and such other duties as may be assigned from time to time by the President or by the Board of Directors.

Section 12. Assistant Secretaries. Each Assistant Secretary shall have such powers and perform such duties as may be assigned by the Board of Directors, and the Assistant Secretaries shall exercise the powers of the Secretary during that officer's absence or inability to act.

## **ARTICLE VI -- INDEMNIFICATION OF DIRECTORS AND OFFICERS**

Section 1. General Policy. It shall be the policy of the corporation to indemnify to

the maximum extent permitted by Chapter 55A of the General Statutes of North Carolina any one or more of the Directors, officers, employees, or agents and former Directors, officers, employees, or agents of the corporation, and persons who serve or have served at the request of the corporation as directors, officers, partners, trustees, employees or agents of another foreign or domestic corporation, partnership, joint venture, trust or other enterprise, against judgments, penalties, settlements and other liabilities incurred by them in connection with any pending, threatened or completed action, suit or proceeding, whether civil, criminal, investigative or administrative (a "proceeding") and against reasonable costs and expenses (including attorneys' fees) in connection with any proceeding, where such liabilities and litigation expenses were incurred incident to the good faith performance of their duties.

Section 2. Use of Corporate Funds. The corporation may advance expenses in connection with any proceeding to any such person in accordance with applicable law. The use of funds of the corporation for indemnification or for purchase and maintenance of insurance for the benefit of the persons designated in Section 1 of this Article shall be deemed a proper expense of the corporation.

## **ARTICLE VII -- GENERAL PROVISIONS**

Section 1. Seal. The Board of Directors may adopt, use, and at will alter, a corporate seal. Such seal shall be kept at the principal office of the corporation. Failure to affix the seal to corporate instruments, however, shall not affect the validity of any such instrument.

Section 2. Waiver of Notice. A Director or other person entitled to receive a notice required to be given under the provisions of these bylaws, the Articles of Incorporation or by applicable law, may waive such notice by signing a written waiver, whether before or after the date and time stated in the notice. The waiver shall be filed with the minutes or corporate records. A Director's attendance at or participation in a meeting waives any required notice to that Director of the meeting unless the Director at the beginning of the meeting (or promptly upon arrival) objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

Section 3. Checks. All checks, drafts or orders for the payment of money shall be signed by the officer or officers or other individuals that the Board of Directors may from time to time designate.

Section 4. Bond. The Board of Directors may by resolution require any or all officers, agents or employees of the corporation to give bond to the corporation, with sufficient sureties, conditioned upon the faithful performance of the duties of their offices or positions, and to comply with such other conditions as may from time to time be required by the Board.

Section 5. Loans. No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority may be general or confined to specific instances.

Section 6. Fiscal Year. The fiscal year of the corporation shall be the twelve month period ending December 31 of each year.

Section 7. Amendments. These bylaws may be amended or repealed and new bylaws may be adopted by the affirmative vote of a majority of the entire Board of Directors at any meeting of the Board; provided, that notice of the meeting shall have been given which states that the purpose or one of the purposes of the meeting is to consider a proposed amendment to the bylaws and includes a copy or summary of the proposed amendment or states the general nature of the amendment. Such notice may be waived as provided in these bylaws.

\* \* \* \* \*

THIS IS TO CERTIFY that the above amended bylaws of **GRASS ROOTS ARTS** were duly adopted by the Board of Directors at a meeting held on 15 NOV, 1996.

This is the 15 day of Nov, 1996.

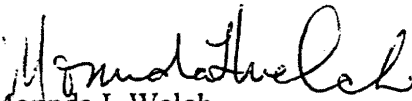
Monica L Welch  
Secretary

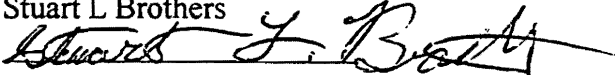
**GRASS ROOTS ARTS INC  
2501 CARL DURHAM RD  
CHAPEL HILL NC 27516  
919-942-0486**

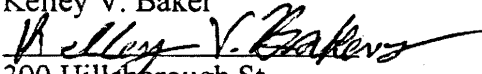
March 15, 1997

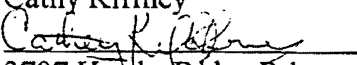
A board meeting was held at 6:30 P.M., March 15, 1997, of Grass Roots Arts Inc. Board member Stuart L Brothers resigned, being replaced by Kelley V. Baker as the new Assistant Secretary. A new board member was added, Cathy Kiffney, as the Assistant Treasurer.

A resolution was passed to increase the number of board members by one.

  
Monnda L Welch  
President

Stuart L Brothers  


Kelley V. Baker  
  
390 Hillsborough St  
Pittsboro N.C. 27312  
Mailing Address:  
P O Box 731  
Pittsboro N.C. 27312

Cathy Kiffney  
  
3707 Hawks Ridge Rd.  
Chapel Hill N.C. 27516

GRASS ROOTS ARTS  
2501 Carl Durham Rd.  
Chapel Hill, NC 27516  
EIN: 56-1940716

ATTACHMENTS  
Form 1023  
Part II

Part II, Line 1:

Grass Roots Arts (hereafter GRA) exists to open the world of artistic endeavor and creation to the public, which is accustomed to seeing only the final result of the artistic process. The most important way in which GRA accomplishes this goal is by organizing and producing an annual Open Studio Tour of the artists and craftspeople of Orange County, North Carolina. The Studio Tour is free to the public and invites the audience to step inside the studios of artists and craftspeople representing a wide array of styles and media.

First held on November 18-19, 1995, and repeated November 16-17, 1996, the Studio Tour has grown from presenting 28 artists to 36. The audience participants are provided with a map and descriptions of the participating artists, and then are turned loose to investigate the studios of their choosing. The media represented include furniture, quilts, sculpture in clay, cement, metal and terracotta, paintings in oil, acrylic and watercolor, jewelry, glassware, pencil and ink drawings, spirit masks, photography and pottery. The artists present their work to the public passing through the studio and provide information and guidance on such things as:

- A) How the materials for work in a particular medium are gathered or produced, and how those materials are used and shaped from the beginning of the process to the final work of art;
- B) The amount of time involved in producing various works in different media;
- C) The education required to work in a medium, the requirements for obtaining master status, the availability of internships or apprenticeships, and the availability of training or classes in the area;
- D) The process of establishing a studio, and the time and materials needed to properly outfit and equip the studio; and
- E) The opportunities for showing one's work, both locally and to a broader state and/or national audience.

The Studio Tour serves to demystify the artistic process, to open lines of communication between the public and the artists, which serves to both enhance the public's appreciation of and respect for the arts, while at the same time instilling in audience members the truth that artistic expression lies within everyone's imagination.

This latter goal also is served by GRA's planned participation in a series of volunteer "show-and-tell" demonstrations at Orange County schools. Six artists representing diverse

GRASS ROOTS ARTS  
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ATTACHMENTS  
Form 1023  
Part II

**Part II, Line 1 continued:**

media will come into elementary classrooms to discuss their work and demonstrate to children the nature of creating art as a profession or serious hobby. Like the studio tour, these school visits will provide detailed looks into the creative process, including conceiving an artistic idea, choosing materials, and executing the conception. In-class demonstrations will provide concrete examples for the children. In this way GRA hopes to reach children at an impressionable age and impart to them the joy and wonder of a lifetime of creative activity.

GRA's final project is to sponsor a once-a-year group show for the artists who participate in the Studio Tour. Also free to the public, this exhibition gives the public the opportunity to view GRA's artists as a whole, in a single setting. The artists are at the exhibition to answer questions and provide insight on the production of the various works. In addition the show provides the artists and public that participated in the Studio Tour a chance for communal interaction in a more social setting. Unlike the fragmentation of the studio tour, the exhibition provides a more focused environment for the community's ongoing arts conversation.

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ATTACHMENTS  
Form 1023  
Part II

**Part II, Line 3:**

Grass Roots Arts' fund-raising is simple and direct. No professional fundraisers are employed. For corporate donations, GRA President Monnda Welch contacts local business people, describes GRA activities, shows them a promotional brochure and asks for support. To attract artist participants, public service announcements are run on local radio and television, and word-of-mouth is spread through the local arts community.

In addition, GRA has applied for an arts grant from Orange County (NC). Although GRA was unsuccessful in this initial attempt, GRA will continue to seek state and county arts grant funding.

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Form 1023  
Part II

Part II, Line 11-a:

Grass Roots Arts has no requirements for artists to participate in the Open Studio Tour, other than that the artist has produced original artwork without aid of kits, molds, or other prefabricated art supplies.

Schedule of Membership fees:

Participation in Open Studio Tour '96	\$80.00 per artist
Participation in Open Studio Tour '96 Artists Exhibition	\$10.00 per artist
Participation in Open Studio Tour '95	\$75.00 per artist



**Part IV** Financial Data (Continued)

B. Balance Sheet (at the end of the period shown)		Current tax year Date 1996 Dec.
<b>Assets</b>		
1	Cash . . . . .	\$81.81
2	Accounts receivable, net . . . . .	\$0.00
3	Inventories . . . . .	\$0.00
4	Bonds and notes receivable (attach schedule) . . . . .	\$0.00
5	Corporate stocks (attach schedule) . . . . .	\$0.00
6	Mortgage loans (attach schedule) . . . . .	\$0.00
7	Other investments (attach schedule) . . . . .	\$0.00
8	Depreciable and depletable assets (attach schedule) . . . . .	\$0.00
9	Land . . . . .	\$0.00
10	Other assets (attach schedule) . . . . .	\$0.00
11	<b>Total assets</b> (add lines 1 through 10) . . . . .	\$81.81
<b>Liabilities</b>		
12	Accounts payable . . . . .	\$0.00
13	Contributions, gifts, grants, etc., payable . . . . .	\$0.00
14	Mortgages and notes payable (attach schedule) . . . . .	\$0.00
15	Other liabilities (attach schedule) . . . . .	\$0.00
16	<b>Total liabilities</b> (add lines 12 through 15) . . . . .	\$0.00
<b>Fund Balances or Net Assets</b>		
17	Total fund balances or net assets . . . . .	\$1.00
18	<b>Total liabilities and fund balances or net assets</b> (add line 16 and line 17) . . . . .	\$0.00

If there has been any substantial change in any aspect of the organization's financial activities since the end of the period shown above, check the box and attach a detailed explanation . . . . . ☐

**Part IV Financial Data**

Complete the financial statements for the current year and for each of the 3 years immediately before it. If in existence less than 4 years, complete the statements for each year in existence. If in existence less than 1 year, also provide proposed budgets for the 2 years following the current year.

**A. Statement of Revenue and Expenses**

		Current tax year	3 prior tax years or proposed budget for 2 years			(e) TOTAL
		(a) From 1/96 to 12/96	(b) 19 <sup>95</sup> .....	(c) 19.....	(d) 19.....	
<b>Revenue</b>	1 Gifts, grants, and contributions received (not including unusual grants—see instructions). . . . .	\$675.00	\$200.00			\$875.00
	2 Membership fees received . . . . .	\$3,090.00	\$2,025.00			\$5,115.00
	3 Gross investment income (see instructions for definition) . . . . .					
	4 Net income from organization's unrelated business activities not included on line 3 . . . . .					
	5 Tax revenues levied for and either paid to or spent on behalf of the organization . . . . .					
	6 Value of services or facilities furnished by a governmental unit to the organization without charge (not including the value of services or facilities generally furnished the public without charge) . . . . .					
	7 Other income (not including gain or loss from sale of capital assets) (attach schedule) . . . . .		\$225.00			\$225.00
	8 <b>Total</b> (add lines 1 through 7)	\$3,765.00	\$2,450.00			\$6,215.00
	9 Gross receipts from admissions, sales of merchandise or services, or furnishing of facilities in any activity that is not an unrelated business within the meaning of section 513					
	10 <b>Total</b> (add lines 8 and 9)	\$3,765.00	\$2,450.00			\$6,215.00
<b>Expenses</b>	11 Gain or loss from sale of capital assets (attach schedule) . . . . .					
	12 Unusual grants. . . . .					
	13 <b>Total revenue</b> (add lines 10 through 12)	\$3,765.00	\$2,450.00			\$6,215.00
	14 Fundraising expenses . . . . .					
	15 Contributions, gifts, grants, and similar amounts paid (attach schedule) . . . . .					
	16 Disbursements to or for benefit of members (attach schedule) . . . . .					
	17 Compensation of officers, directors, and trustees (attach schedule) . . . . .	\$73.92				
	18 Other salaries and wages . . . . .					
	19 Interest . . . . .					
	20 Occupancy (rent, utilities, etc.) . . . . .					
	21 Depreciation and depletion . . . . .					
	22 Other (attach schedule) . . . . .	\$3,609.27	\$2,450.00			
	23 <b>Total expenses</b> (add lines 14 through 22)	\$3,683.19	\$2,450.00			
	24 Excess of revenue over expenses (line 13 minus line 23)	\$81.81	\$0.00			

GRASS ROOTS ARTS  
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EIN: 56-1940716

ATTACHMENTS  
Form 1023  
Part II

**Part II, Line 11-b:**

Grass Roots Arts attracts artist participants solely through free public service announcements (PSAs) and word-of-mouth in the local artistic community. The PSAs run free of charge on local radio stations, announced on local public-access television, and in the community notes sections of local newspapers.

**AN ORDINANCE AMENDING SECTION 14-20 (b) (2) OF THE CARRBORO TOWN  
CODE**

**THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:**

**Section 1. Section 14-20 (b)(2) of the Carrboro Town Code is rewritten to read as follows:**

**(2) Sales of goods and merchandise by vendors at approved farm and craft markets operated by or on behalf of the Town or by nonprofit organizations who contract with the Town to operate farm and craft markets.**

**Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.**

**Section 3. This ordinance shall become effective upon adoption.**

**The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this \_\_\_\_ day of January, 1998.**

**Ayes:**

**Nocs:**

**Absent or Excused:**

The following ordinance was introduced by Alderman Alex Zaffron and duly seconded by Alderman Allen Spalt.

AN ORDINANCE AMENDING SECTION 14-20(b)(2)  
OF THE CARRBORO TOWN CODE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 14-20 (b) (2) of the Carrboro Town Code is rewritten to read as follows:

(2) Sales of goods and merchandise by vendors at approved farm and craft markets operated by or on behalf of the Town or by nonprofit organizations who contract with the Town to operate farm and craft markets.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 6<sup>th</sup> day of June, 1998:

Ayes: Hank Anderson, Hilliard Caldwell, Jacquelyn Gist, Diana McDuffee, Allen Spalt, Alex Zaffron

Noes: None

Absent: Michael Nelson

Ellen Perry asked for additional shared ride drivers on Sunday.

Alderman Zaffron requested that the town staff contact Chapel Hill Transit to obtain information on the cost of adding one or two drivers per shift for shared ride on Sundays including a history of complaints in meeting service requests.

David Collins cautioned the Board to save money for upcoming expenses--new fire station in the Northern Transition Area, additional police officers, improvements to the Church property, etc.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING AS NO ONE ELSE WISHED TO SPEAK. VOTE: AFFIRMATIVE ALL

Mr. Morgan stated that the town had received a written request asking that the town provide additional recreational programs for persons with disabilities, i.e., plays, sports, crafts workshops, and asking that the town locate space for citizens to use as offices or to do volunteer work.

\*\*\*\*\*

**GRANT APPLICATION/FUNDING FOR ELECTRIC VEHICLES**

The purpose of this item was to consider an application for grant funds from the Department of Environment and Natural Resources, Division of Air Quality to convert two (2) vehicles from gasoline fuel to electric power.

Mary Mandell pointed out changes in wording in the grant proposal and answered the Board's questions concerning.

The following resolution was introduced by Alderman Hilliard Caldwell and duly seconded by Alderman Allen Spalt.

A RESOLUTION AUTHORIZING THE TOWN OF CARRBORO  
TO SUBMIT AN APPLICATION FOR FUNDING FROM THE NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF AIR QUALITY TO ACQUIRE AND  
CONVERT TWO (2) TOWN VEHICLES TO ELECTRIC POWER  
Resolution No. 18/97-98

WHEREAS, the Town of Carrboro understands the need to improve air quality and reduce air pollution from cars and other motor vehicles; and

WHEREAS, the Town of Carrboro seeks to raise public consciousness of the value of alternative fueled vehicles.

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

Section 1. The Board of Aldermen hereby directs Town staff to submit a grant application to the North Carolina Department of Environment and Natural Resources, Division of Air Quality for funding to convert two (2) town vehicles to electric power.

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 2nd day of December, 1997:

Ayes: Hank Anderson, Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson

\*\*\*\*\*

**RESERVATION OF TOWN COMMONS FOR AN ARTS AND CRAFTS MARKET**

The purpose of this item was to consider a request from Monnda L. Welch, President of Grass Roots Arts, Inc. to operate an Arts and Crafts Market on the Town Commons the first Sunday of each month from 1 PM to 5 PM.



Mr. Morgan stated that the administration recommended the Mayor and Board of Aldermen authorize the reservation of the Town Commons by Grass Roots Arts, Inc. on the first Sunday of each month during 1998 under the following terms:

- that the market carry sufficient liability insurance and list the Town as an additional insured,
- that a market manager be provided instead of paying for a facility supervisor,
- that the maintenance fee be set at \$50 per use during 1998,
- that either party can withdraw from this arrangement with 30 days notice,
- that no activity of this market will conflict with the use of the Town Commons for a Town sponsored event,
- that the Town will take reasonable steps to make as much parking as possible available in Town Common lots unless needed to provide Town services or programs,
- that this reservation does not obligate the Town to a renewal of the reservation for future years, and
- that the Arts and Crafts Market agrees to all other terms for using the Town Commons as specified in Town Policy or ordinance.

In addition, it is necessary to amend Section 14-20 of the Town Code (Commercial Activity Restricted on Town Property) to allow the Arts and Crafts Market to operate.

Doris Murrell, Chair of the Recreation and Parks Commission, stated that the Recreation and Parks Commission recommended approval of the request by the Arts and Crafts Market as stipulated and recommendations of the Town Manager, excepting the concern that it be clear the statement "That no activity of the market will conflict with the use of the Town Commons for a town-sponsored event" be all inclusive and non-negotiable for present and future programs of a recreational nature or other town needs. Given the primary recreation focus of the Town Commons, it is the recommendation of the Commission that no more continuous reservations be granted in the future.

Monnda Welch, with the Grass Roots Arts, Inc., stated her support for working with the town on conflicts, but expressed concern that advanced notice is given of conflicts.

**MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO AUTHORIZE THE RESERVATION OF THE TOWN COMMONS BY GRASS ROOTS ARTS, INC. ON THE FIRST SUNDAY OF THE MONTHS OF APRIL THROUGH DECEMBER, 1998 FROM 1:00 P.M. UNTIL 5:00 P.M. UNDER THE FOLLOWING TERMS:**

- that the market carry sufficient liability insurance and list the Town as an additional insured;
- that a market manager be provided instead of paying for a facility supervisor;
- that the maintenance fee be set at \$50 per use during 1998;
- that either party can withdraw from this arrangement with 30 days notice;
- that no activity of this market will conflict with the use of the Town Commons for a Town sponsored event;
- that the Town will give the market 6-month's notice of any conflicts in scheduling;
- that the Town will take reasonable steps to make as much parking as possible available in Town Common lots unless needed to provide Town services or programs;
- that this reservation does not obligate the Town to a renewal of the reservation for future years; and
- that the Arts and Crafts Market agrees to all other terms for using the Town Commons as specified in Town Policy or ordinance.

**THAT THE TOWN STAFF REVIEW THE TOWN'S POLICY ON USE OF THE TOWN COMMONS IN LIGHT OF THE RECREATION AND PARKS COMMISSION'S RECOMMENDATION THAT NO MORE CONTINUOUS RESERVATIONS FOR THE TOWN COMMONS BE GRANTED IN THE FUTURE.**

**VOTE: AFFIRMATIVE ALL**

**ALEX ZAFFRON AND SECONDED BY ALLEN SPALT THAT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING SECTION 14-20(b) OF THE CARRBORO TOWN CODE," BE ADOPTED.**

**VOTE: AFFIRMATIVE ALL**

\*\*\*\*\*

#### **MUNICIPAL TIP PROCESS FOR FISCAL YEAR 1998-99**

The purpose of this item was for the Board to review the execution of a modified transportation improvement program (TIP) process.

Kenneth Withrow, the town's Transportation Planner, stated that the Transportation Advisory Board was proposing the following process for the Transportation Improvement Program:

- Town staff provides a draft transportation improvement program proposal for the TAB;

# **BOARD OF ALDERMEN**

**ITEM NO. (1)**

## **AGENDA ITEM ABSTRACT**

**MEETING DATE: September 13, 2005**

**TITLE: Worksession to Review of Town Code Provisions Dealing with Restrictions on Commercial Activity on Town Property**

<b>DEPARTMENT:</b> <b>Recreation and Parks</b>	<b>PUBLIC HEARING: YES/NO x</b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Letter from Recreation and Parks Commission</b> <b>C. Commission minutes excerpts dated 10/4/04, 11/1/04, 1/10/05 and 6/6/05</b> <b>D. Section 14-20 of the Town Code</b>	<b>FOR INFORMATION CONTACT:</b> Anita Jones-McNair - 918-7381

### **PURPOSE**

The Board of Aldermen is requested to review Section 14-20 of the Town Code and consider revising the ordinance to allow non-profit organizations to plan and implement community-oriented events and commercial activity on park property. Doris Murrell, Recreation and Parks Commission Chair will present this agenda item.

### **INFORMATION**

In the past year, the Recreation and Parks Commission discussed Section 14-20 of the Town Code (Commercial Activity Restricted). Various instances of fundraising requests that were not approved were brought to the attention of the Commission. The Board also requested that fundraising efforts be considered in the Town Commons area.

The Friends of Bolin Creek requested that the Commission review the ordinance and make a recommendation to the Board to review the section of the ordinance that prohibits fundraising efforts on town property. As a result of the discussions, the Commission voted to send a letter requesting that the Board of Aldermen review this portion of the ordinance.

Currently only the Century Center and Town Commons can be used for fundraising efforts.

### **STAFF RECOMMENDATION**

Staff recommends that the Board consider the request and review Section 14-20 of the Town Ordinance. The process should be clear and consistent for all town facilities.



**A RESOLUTION  
REVIEWING OF TOWN CODE PROVISIONS THAT RESTRICTIONS  
COMMERCIAL ACTIVITY ON TOWN PROPERTY  
Resolution No. 11/2005-06**

WHEREAS, the Carrboro Board of Aldermen reviewed and discussed the Town Code Provisions 14-20 which restricts commercial activity on Town Property; and

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

Section 1. The Board of Aldermen discussed the matter of commercial activity on town property.

Section 2. The Board of Aldermen desires to maintain the current language in the Town Code dealing with commercial activity, or requests that the following changes be made to Section 14-20 of the Town Code:

Section 3. This resolution shall become effective upon adoption.



# Town of Carrboro

NORTH CAROLINA

January 18, 2005

Mayor and Board of Aldermen:

The Recreation and Parks Commission request that the Board of Aldermen review the current wording and intent of Town of Ordinance 14-20 restricting commercial activity on town property, especially town parks. During our discussion at the Oct. 4 Commission meeting, several examples of how the ordinance prevents positive, community enhancing events were brought up:

1. Friends of Bolin Creek Festival. The festival was held at Umstead Park in Chapel Hill so that food and raffle tickets could be sold. Friends of Bolin Creek is a non profit environment organization. The festival itself and the entertainment were free.
2. Church groups that have picnics and other gatherings are not allowed to pass around a collection plate.
3. A walk-a-thon to raise money for a charitable organization could not use any of the town greenways or parks.

The Commission would like the town to consider ways to revise the ordinance to make it possible for more community-oriented and community-enhancing events to take place, even if "commercial activity" (fundraising, food sales, etc.) is involved. These events would ultimately enrich our community while providing healthy activities for community members---and would also highlight our parks.

There are worthy organizations and causes that may want to use (for free or rent) town property as part of a fundraiser. I would like to see the wording changed to allow such groups to use town property.

Sincerely,

Doris Murrell  
Recreation and Parks Commission Chair

***CARRBORO RECREATION AND PARKS COMMISSION  
MINUTES for October 4, 2004***

Present: Doris Murrell, Boyd Blackburn, Salli Benedict, Gordon Cook and Marianne Nicholson. Staff: Anita Jones-McNair

Murrell called the meeting to order at 7:05 p.m.

**Approval of Minutes**

Murrell called for corrections or questions concerning the minutes of the last meeting. Murrell acknowledged no questions or concerns. Boyd motioned for approval of the minutes and Nicholson seconded. The vote was unanimous.

**Communications and/or Speakers from the Floor**

Murrell called for Speakers from the floor. They were none at this meeting.

**New Business**

Murrell called for new business. Jones-McNair mentioned a request from the community. A group of citizens wanted to raise money for a tennis backboard at Wilson Park. They wanted a letter endorsed by the Commission as an introduction that can be used when soliciting funds from businesses, etc. Murrell was concerned about giving an endorsement because of the precedence it would set and because it was a fundraising that the Commission knew nothing about. She also mentioned that when the Commission requests donations it is not in a fundraising capacity but items are given for a specific function. For example prizes for the 4<sup>th</sup> of July activity. The commission agreed and the recommendation is that the group contact The Carrboro Parks Project and work along with that organization.

The Commission discussed Town Ordinance 14-20 – Commercial Activity. Benedict suggested that the Commission send a formal request asking the Board to revisit this section. Cook also suggested that the rental fees include a tier system. Blackburn reiterated that the Board revisit the policy and consider non-profit organizations. Nicholson suggested the Town attorney come to the next meeting and be available to answer questions. Jones-McNair mentioned she would check into this request.

**Old Business**

Murrell called for old business. The Commission did not have old business to discuss at this meeting.

**Report by Chair and Director**

Next, Murrell called for reports. Murrell reminded the members about the state conference. She also asked Jones-McNair to send an e-mail about the conference to all members. Jones-McNair mentioned the Carrboro Basketball League Registration started this week.

**Agenda considerations for next and future meetings**

Continue Town Ordinance discussion

**Adjournment**

Murrell adjourned the meeting at 8:30 p.m.

**UNOFFICIAL MINUTES**  
**CARRBORO RECREATION AND PARKS COMMISSION**  
**MINUTES**  
**November 1, 2004**

Present: Doris Murrell, Salli Benedict, Gordon Cook, Marianne Nicholson and Emilie Condon. Guests: Charlotte Williams, Daryn O'Shea, Laurie Siegel and Dave Nash. Staff: Anita Jones-McNair

Murrell called the meeting to order at 7:05 p.m.

**Approval of Minutes**

Murrell called for corrections or questions concerning the minutes of the last meeting. Murrell acknowledged no questions or concerns. Nicholson motioned for approval of the minutes and Benedict seconded. The vote was unanimous.

**Communications and/or Speakers from the Floor**

Murrell called for Speakers from the Floor. Williams requested the use of the Century Hall on September 3, 2005 for her son's birthday and Bar Mitzvah Party – Aaron Williams. Murrell called for questions and/or conflicts. There were none. Nicholson motioned for approval of the request and Cook seconded. The vote was unanimous.

O'Shea and Siegel requested use of the Century Hall and kitchen on July 16, 2005 for their pot luck dinner, contra dance and wedding ceremony. Murrell called for questions and/or conflicts. There were none. Benedict motioned for approval of the request and Nicholson seconded. The vote was unanimous.

Dave Nash was also present to provide an update to the Commission on the tennis backboard fundraising effort. Nash and Julia O'Daley talked with Laurie Weakley of the Carrboro Parks Project to assist with this effort. The item is scheduled for the CPP Board meeting for review and approval. Currently Weakley is out of the country. When she returns, Jones-McNair will meet with them to discuss the project.

**New Business**

Murrell called for new business. There was none at this meeting.

**Old Business**

Murrell called for old business. The Commission reviewed the response from Bob Hornik concerning their comments and questions about Section 14-20 Commercial Activity Restricted of the Town Code and discussed how they should move forward with concerns. The Commission agreed to draft a letter to the Board outlining their concerns, suggestions and recommendations at the next meeting.

Jones-McNair updated the Commission on the Recreation and Parks Master Plan Management Group's recommendation to award HadenStanziale the master plan contract. She also

mentioned that the item is scheduled to go before the Board on November 9, 2004. Nicholson motioned to support the Recreation and Parks Master Plan Management Group's contract recommendation. Benedict seconded and the vote was unanimous.

#### **Report by Chair and Director**

Next, Murrell called for reports. Murrell mentioned that Congress approved 94 million for Land and Water Conservation Funds. North Carolina was appropriated 2,131,163. She also mentioned that the grant is a \$250,000 match and the PARTF grant is a maximum of \$500,000.

Jones-McNair announced the Adams Tract Dedication is scheduled for Tuesday, November 16<sup>th</sup> at 10:00am. She also distributed the Century Center's Quarterly Report. Then she announced that the Baldwin Park Playground Meeting is scheduled for Thursday, November 18<sup>th</sup> at 7:00 pm. Finally she thanked the Commission members who volunteered at the Halloween Carnival.

#### **Agenda considerations for next and future meetings**

Draft Letter about Section 14-20 Commercial Activity Restricted of the Town Ordinance

#### **Meeting Adjournment**

Murrell adjourned the meeting at 8:30 p.m.

**Anita Jones-McNair**

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**From:** Robert E. Hornik, Jr. [bob@broughlawfirm.com]  
**Sent:** Monday, October 25, 2004 10:04 AM  
**To:** Anita Jones-McNair  
**Subject:** RE: Section 14-20 Commercial Activity Restricted

Anita:

In response to each of the points made below, I offer the following:

1. I understand this comment. It might be worthwhile to consider amending the definition of "commercial activity" in such a way that these types of fundraisers may be allowed. Or, perhaps subparagraph (b) (4) could be amended so as to allow more than just sales by non-profits of the types of merchandise specified.

2. I do not know what sorts of arrangements the Town has, or has had, with other non-profit groups; so, it may be that Section 14-20 has been interpreted or enforced (or, as the case may be, not enforced) differently in the past. I also think that there could be an interpretation which allows non-profit groups to walk on our trails as part of a fundraiser, but that the language could be amended to make the ordinance more clear on this point. One thing we need to be careful of, however, is making sure we are completely "viewpoint neutral" about what non-profits get to use the Town's property. That is, from a constitutional law standpoint, the Town can't choose which groups can use its property based on the content of the group's message. So if we changed the law to allow the use of Town property for fundraisers, we would have to tolerate all users' messages, even if they might be seen as politically incorrect.

3. I guess the comment about the Friends of Bolin Creek example fits in with my previous response, at least to some extent. That group is an example of one whose message and purpose is probably universally accepted as a good one. But, if they can use Town property for a fundraiser, then so can groups whose messages might be less "accepted" or "acceptable". All the examples in this paragraph (Friends of Bolin Creek, Church picnic, walkathon) technically fall outside the parameters of our Section 14-20 if the admission fee exceeds the cost of the activity (thus fundraisers are out), or if there are sales other than of merchandise of the type described in (b) (4).

Procedurally, I think the Commission needs to come up with some changes - as specific as possible - it would like to see. Then, it should communicate with the Board of Aldermen about them (probably working through the Town Manager and any other department heads who might be impacted). Ultimately, any changes would be adopted by the Aldermen as amendments to the Town Code.

There are different approaches the Commission could take, but two immediate ideas I have involve changing the definition of "commercial activity" and amending (b)(4) and (b)(5) to perhaps expand the types of permissible activities by those groups.

I don't know exactly how helpful this e-mail is; I hope at least somewhat helpful. The Town needs to be careful, in regulating the use of Town property, to be "content neutral" in its regulations so as not to violate anyone's First Amendment rights based on their message or philosophy. The Town also needs to be careful about allowing the use of Town property for truly "commercial" purposes. There may be some fine lines that need to be drawn, and the art will be in deciding where to draw them and how to describe where they are. If the Commission has specific ideas, I would be happy to try to draft some language, and to research, if necessary, to make sure the ideas can be implemented legally.

Bob Hornik  
THE BROUGH LAW FIRM  
(919)929-3905

-----Original Message-----

**From:** Anita Jones-McNair [mailto:AMcNair@ci.carrboro.nc.us]  
**Sent:** Monday, October 25, 2004 8:45 AM  
**To:** Robert E. Hornik, Jr.

8/15/2005

**Subject:** FW: Section 14-20 Commercial Activity Restricted

Bob:

Here is the e-mail I sent. The commission meets on next Monday. I wanted to send your response to them at least by Wednesday evening so if someone needed further clarification I could share with you prior to their meeting.

Thank you.

Anita Jones-McNair

Recreation and Parks Director

Town of Carrboro, NC

(919)918-7381

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*Our mission*

*To enrich the leisure needs and quality of life for citizens by  
providing accessible facilities, creative and diverse recreation opportunities and a  
safe public park system*

-----Original Message-----

**From:** Anita Jones-McNair

**Sent:** Monday, October 18, 2004 4:09 PM

**To:** 'Robert E. Hornik, Jr.'

**Subject:** Section 14-20 Commercial Activity Restricted

Bob:

The Recreation and Parks Commission discussed the above section of the Town Ordinance at their last meeting. The following comments and one question came as a result of the discussion and e-mail communication. The topic will be discussed further at the next meeting based on your response.

Below highlights various comments that they wanted me to share with you:

1. There are worthy organizations and causes that may want to use (for free or rent) town property as part of a fundraiser. I would like to see the wording changed to allow such groups to use town property.

2. Also, we already seem to be violating the ordinance with some of our existing arrangements with non-profit groups, is the ordinance is so restrictive that a nonprofit group can't walk on our trails as part of a fundraiser. Let's re-write the ordinance to get rid of these gray areas.

Request that the Board of Aldermen review the current wording and intent of Town Ordinance 14-20 restricting commercial activity on town property, especially town parks. At our discussion at the Oct. 4 Commission meeting, several examples of how the ordinance prevents positive, community-enhancing events were brought up: 1. Friends of Bolin Creek festival. The festival was held at Umstead Park in Chapel Hill so that food and raffle tickets could be sold. Friends of Bolin Creek is a non profit environmental organization. The festival itself and all of the entertainment were free. 2.

Church groups that have picnics and other gatherings are not allowed to pass the collection plate.

3. A walk-a thon to raise money for a charitable organization could not use any town greenways or parks.

I would like the town to consider ways to revise the ordinance to make it possible for more community-oriented and community-enhancing events to take place, even if "commercial activity" (fundraising, food sales,

etc.) is involved. These events would ultimately enrich our community while providing healthy activities for community members--and would also highlight our parks.

Based on these thoughts they are trying to determine how they should proceed as a Commission on this subject, if at all. Also, they are curious as to how changes come about in the ordinance?

From a legal standpoint how would you advise them on this matter.

Thanks

Anita Jones-McNair

Recreation and Parks Director

Town of Carrboro, NC

(919)918-7381

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***CARRBORO RECREATION AND PARKS COMMISSION***  
***MINUTES***  
***January 10, 2005***

Present: Doris Murrell, Salli Benedict, Gordon Cook, Marianne Nicholson, Emilie Condon and Boyd Blackburn. Guest: Sarah Covington Staff: Anita Jones-McNair

Murrell called the meeting to order at 7:15 p.m.

**Approval of Minutes**

Murrell called for corrections or questions concerning the minutes of the last meeting, November 1, 2004. Murrell acknowledged no questions or concerns. Condon motioned for approval of the minutes and Blackburn seconded. The vote was unanimous.

**Communications and/or Speakers from the Floor**

Murrell called for Speakers from the Floor.

Jill Kerr submitted a request to use the Century Hall on January 21, 2006 for a bat mitzvah party. Murrell called for questions and/or conflicts. There were none. Nicholson motioned for approval of the request and Benedict seconded. The vote was unanimous.

Robin Wiegerink submitted a request to use the hall for a wedding reception on September 4, 2005. Murrell called for questions and/or conflicts. There were none. Nicholson motioned for approval of the request and Benedict seconded. The vote was unanimous. Kerr and Wiegerink were available for last month's meeting however; it was cancelled due to lack of attendance.

Sarah Covington requested use of the Century Hall on November 5, 2005 for her wedding reception. Murrell called for questions/and or conflicts. There were none. Condon motioned for approval of the request and Nicholson seconded. The vote was unanimous.

Meghan Kephart submitted a request to use Century Hall on October 15, 2005 for her wedding reception. Murrell called for questions/and or conflicts. There were none. Blackburn motioned for approval of the request and Benedict seconded. The vote was unanimous.

Cheryl Yanuck submitted a request to use the Century Hall on February 4, 2006 for bat mitzvah party. Murrell called for questions/and or conflicts. There were none. Nicholson motioned for approval of the request and Blackburn seconded. The vote was unanimous.

Cook recommended that future request include the number of people anticipated during the events.

Jones-McNair suggested that since the Center is four years old and the reservation process is in good working order thanks to experience and technology, could staff begin approving those reservations that are beyond a six month window? This would also assist with streamlining the reservation process for users. She reiterated currently each reservation that fits within that



criteria is placed on the commission agenda and users are invited to come. The Commission agreed to consider the request however; staff will need to review the policy for the necessary approval levels. Jones-McNair will work with the Town Clerk and have information available for the next meeting.

### **New Business**

Murrell called for new business. None was discussed at this meeting.

### **Old Business**

Murrell called for old business. Jones-McNair mentioned the date set for the Joint Commission meeting is scheduled for April 7<sup>th</sup> from <sup>6:30</sup>-9:30p at the Human Services Center. The agenda would include project highlights from each department represented. Commission members voiced concerned about lack of participation if it conflicts with the NCAA. Nicholson motioned to approve this meeting as long as it does not conflict with the NCAA and Benedict seconded. Four voted AYES, 1 ABSTENTION and 1 NO.

Jones-McNair provided a draft of thoughts from the Commission concerning review of the Town Ordinance 14-20 restricting commercial activity on town property, especially parks. The Commission reviewed and briefly discussed the information. Benedict motioned to approve the letter with appropriate heading and signature blocks and Blackburn seconded. The vote was unanimous. Jones-McNair will prepare the letter and send to Murrell for signature and distribution.

Condon and Blackburn questioned whether their appointments were up next month – February. Jones-McNair will check into that question and contact them via e-mail. Several members received letters recently concerning terms expiring.

### **Report by Chair and Director**

Next, Murrell called for reports. Jones-McNair provided the status on the master plan project. All materials were given in December. She also mentioned the approval of the departmental restructuring. She reminded the Commission that budget season is approaching.

### **Considerations for next and future meetings**

Review of Century Center approval process

### **Meeting Adjournment**

Murrell adjourned the meeting at 8:20 p.m.

***CARRBORO RECREATION AND PARKS COMMISSION MINUTES –  
June 6, 2005***

Present: Doris Murrell, Salli Benedict, Marianne Nicholson, Eric Allman and Alfred Montalvo, Jr. Guests: Dave Otto and Randee Haven O'Donnell. Staff: Anita Jones-McNair

Murrell called the meeting to order at 7:05 p.m.

**Approval of Minutes**

Murrell called for corrections or questions concerning the minutes of the last meeting, 5/2/ 2005. Murrell acknowledged no questions or concerns. Allman motioned for approval of the minutes and Montalvo, Jr. seconded. The vote was unanimous.

**Communications and/or Speakers from the Floor**

David Warner requested in writing the use of the century hall for his wedding reception on June 3, 2006. Staff confirmed no concerns and conflicts. Nicholson motioned for approval of the request and Benedict seconded. The vote was unanimous. Jones-McNair reminded the commission this would be their last reservation request to approve. New reservation procedures will take effect July 1<sup>st</sup>.

Otto and Haven O'Donnell asked the Commission for support in requesting the Board to review 14-20 of the Town Ordinance. The Friends of Bolin Creek wanted to host a festival in Carrboro; however the ordinance is restrictive with commercial activity. Murrell announced that the commission sent a letter to the board requesting them to consider reviewing that section of the ordinance. No response has been received thus far. The group discussed how a collective effort of nature walks and educational opportunities could benefit the Town. Staff will meet with Friends of Bolin Creek representatives on this project.

**New Business**

Murrell called for new business. Montalvo, Jr. provided a tennis ladder proposal and brief presentation for consideration. This proposal included Orange County's participation. The commission supported staff reviewing the proposal for possible implementation. Jones-McNair suggested that Montalvo, Jr. contact staff about the programming idea.

Allman provided a community garden proposal and presentation for consideration. It was noted that previously a community garden was in Carrboro. The commission supported staff review the proposal for possible implementation. Jones-McNair recommended that staff meet with Allman on this possibility.

Jones-McNair provided information for the 4<sup>th</sup> of July event which included the schedule and volunteer needs. She also reminded the commission that a meeting will not be held in July. She also provided a copy of the Board Agenda item approving a policy to establish monuments on town property.

**Old Business**

Murrell called for old business. None was acknowledged.

**Report by Chair and Director**

Murrell called for reports. Murrell reminded the members that the CBM Forum is the first weekend in August and she encourages representation if possible. She also asked Jones-McNair to send an e-mail out about what was needed for registration and the deadline.

**Considerations for next and future meetings**

Departmental overview and tour

**Meeting Adjournment**

Murrell adjourned the meeting at 8:45p.m.

Section 14-20 Commercial Activity Restricted

(a) Subject to subsection (b), no person may engage in commercial activity on town property. For purposes of this section, commercial activity means any activity conducted by any person (other than the Town of Carriboro) for the purpose of collecting admission charges or fees of any kind in excess of the costs of the activity, as well as any sale, attempted sale, or advertisement of sale of any goods, merchandise, equipment or services.

(b) The provisions of subsection (a) shall not apply to:

- (1) Sales of goods, merchandise and services by persons authorized by the same at town sponsored events such as the annual Fourth of July celebration.
- (2) Sales of goods and merchandise by vendors at approved farm and craft markets operated by or on behalf of the Town or by nonprofit organizations who contract with the Town to operate farm and craft markets. (Amend. 6/6/98)
- (3) Sales of goods and merchandise by persons acting as agents of the town at Wilson Park, the Anderson Community Park, and other town property.
- (4) Sales by nonprofit organizations of merchandise that bears a statement or statements carrying a religious, political, philosophical or ideological message, so long as such sales take place within or on town property that is subject to a reservation system pursuant to the provisions of Section 14-5. (Amend. 7/9/91)
- (5) Sales of goods and merchandise at the Town Commons or Century Center by or with the authorization of persons that have reserved the Town Commons or Century Center pursuant to regulations regarding the reservation and use of the Town Commons or Century Center, promulgated pursuant to Section 14-28 of this Code. (Amend. 2/13/01)

A worksession of the Carrboro Board of Aldermen was held on Tuesday, September 13, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	Diana McDuffee
Aldermen	Mark Chilton
	Jacquelyn Gist
	John Herrera
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

Absent:

Mayor	Michael Nelson
Alderman	Joal Hall Broun

### **CARRBORO COMMUNITY BOOK FORUM**

Mayor Pro Tem McDuffee invited citizens to come to a Cybrary-sponsored event at the Century Center on Thursday, September 15th at 7:00pm. Author Tim Tyson, author of *Blood Done Sign My Name* will lead the panel discussion.

She also mentioned another upcoming Cybrary-sponsored event on September 28<sup>th</sup>. She suggested that citizens read Richard Florida's Book entitled, "The Rise of the Creative Class: How It's Transforming Work, Leisure, Community, and Everyday Life" because it is of interest to us in Carrboro regarding our economic development.

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### **CARRBORO MUSIC FESTIVAL**

Mayor Pro Tem Diana McDuffee announced that the Carrboro Music Festival would be held on Sunday, September 25<sup>th</sup> from 1:00 pm until midnight.

\*\*\*\*\*

### **SOUTHEASTERN BARISTA CHAMPIONSHIPS**

Alderman Herrera congratulated the owner of The Open Eye Café for finishing in second place in the Southeastern Barista Championships. For more information go to: [www.openeyecafe.com](http://www.openeyecafe.com)

\*\*\*\*\*

### **WORKSESSION TO REVIEW TOWN CODE PROVISIONS DEALING WITH RESTRICTIONS ON COMMERCIAL ACTIVITY ON TOWN PROPERTY**

The Board of Aldermen was requested to review Section 14-20 of the Town Code and consider revising the ordinance to allow non-profit organizations to plan and implement community-oriented events and commercial activity on park property.

Doris Murrell, Recreation and Parks Commission Chair, made the presentation.

Alderman Gist asked if the Town Code could be amended so nonprofit organizations can sell on town property.

Mayor Pro Tem McDuffee asked if there are different rules for parks and the Town Commons.

Kokeita Miller, the town's Facilities Administrator, addressed the Board.

Mayor Pro Tem McDuffee asked if we can give food away and ask for donations at the Century Center, then why not at the Town Commons.

Alderman Gist stated that Weaver Street Market stopped selling food on Thursdays and Sundays because they were told that they could not do it but that charities could do it to raise money without going through the health department hoops. She asked why non-profits are held to different standards.

Alderman Herrera stated that there are two separate issues: one is commercial and raising money and the other one is free. People who are not certified need to follow health department regulations that are enforced for a one-time event.

Mayor Pro Tem McDuffee suggested that we decide what we want to have happen on Town Commons and park property and have the staff come up with regulations to meet that. She would like the Fiesta to be able to have food without the organization having to pay for the food and eat the cost of it. That is a goal we want for our park property and town commons. She stated that she wanted fundraising to be allowed.

Alderman Gist asked that we differentiate between a commercial enterprise and a fundraising enterprise.

Mr. Stewart stated it is possible for the town to be a co-sponsor and still require that a group have their own liability insurance. He stated that he had asked staff to look at what co-sponsorship really means because it is muddled now. Most groups use the co-sponsorship to avoid paying associated fees. If there is a violation and we do not require organizations to have insurance, it could come back on the town.

It was the consensus of the Board to request that the town staff prepare an amendment to Section 14-20 of the Town Code to allow nonprofits to conduct fundraisers on town property, that the town staff review health code requirements, and define town co-sponsorship.

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## **A REPORT ON STATE AND FEDERAL CABLE LEGISLATION**

Bob Sepe, the town's cable consultant provided the Board with a brief overview of proposed state and federal cable legislation and the potential impact on local governments. He summarized the provisions of the following bills:

HB -327- Technical Corrections Bill  
S 1504- Broadband Investment and Consumer Choice Act  
HR 3146 and S 1346 Video Choice

Mayor Pro Tem Diana McDuffee asked if there are any consumer groups lobbying against the bills.

Mr. Sepe stated that there are several groups are rallying the troops, but the problem is that this gets mixed up with a bunch of other issues and it is seen as an issue that does not hurt anybody. If we approach Bellsouth and ask when they are going to start building here, they do not have to answer.

# BOARD OF ALDERMEN

ITEM NO. C(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: June 5, 2007

**TITLE: Request to Amend the Town Code to Allow Samples of Beer and Wine to be Given Away at the Farmers' Market**

<b>DEPARTMENT: Economic Development and Community Development</b>	<b>PUBLIC HEARING: YES or <u>NO</u></b>
<b>ATTACHMENTS: A. Ordinance</b>	<b>FOR INFORMATION CONTACT: James R Harris , Director of Economic and Community Development 918-7319</b>

### PURPOSE:

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

### INFORMATION:

The Carrboro Farmers Market has selected Benjamin Vineyards, a grower of grapes and producer of wine to become a vendor at the Carrboro Farmers' Market. Benjamin Vineyards and Winery is located at 6516 Whitney Road in Graham, N.C. The vineyard would sell wine by the bottle and promote the wine by giving away one ounce samples. The vineyard will hold all applicable licenses to sell and sample as regulated by the Federal Alcohol and Tobacco Tax and Trade Bureau and the North Carolina Alcohol Beverage Control. If this change is approved, both the Farmers' Market and the Town would be added as additional insured to the Benjamin Vineyard commercial general liability policy.

The handing out of samples is currently prohibited by section 5-19 of the Town Code. The Town is authorized by G.S. 18B-300 to regulate the consumption or possession of open containers of beer or wine on Town property. The prohibition does not apply at Town Hall and the Century Center that are sponsored by the Town or pursuant to applicable policies for reservation and use of such facilities. The Town Attorney advised staff that he did not believe the reference to Town Hall was intended to include the Town Commons thereby requiring that the ordinance be changed to allow the sell and sampling as requested by the Market.

### FISCAL IMPACT:

There is the possibility of increased sales tax revenues from the sale of beer and wine and from increased shopping in the Town.

### RECOMMENDATION:

Staff recommends that the requested change to the Town Code be made to allow the distribution of wine or beer samples for consumption at the Carrboro Town Commons.

AN ORDINANCE AMENDING CHAPTER 5 OF THE TOWN CODE TO ALLOW  
SAMPLING OF BEER AND WINE AT THE FARMERS' MARKET

WHEREAS, the Carrboro Board of Aldermen has considered a request from the Carrboro Farmers' Market to allow the sampling of beer and wine at the Town Commons; and

WHEREAS: The Town Attorney has reviewed the Town Code and determined that as currently written the Code does not allow for the consumption to beer or wine at the Town Commons; and

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

Section 1. Subsections 5-18(a) and (b) of the Carrboro Town Code are repealed and the following new Subsection 5-18(a) is adopted in lieu thereof:

(a) No person may consume malt beverages or unfortified wines or possess open containers of malt beverages or unfortified wines on any property owned or occupied by the Town, except that this prohibition does not apply to:

- (1) Social or other events at the Town Hall of Century Center that are sponsored by the Town or authorized by the Town pursuant to applicable policies for the reservation and use of such facilities; or
- (2) The sampling of malt beverages or unfortified wines at the Town Commons during the regular operating hours of the Farmer's Market, so long as (1) the samples offered do not exceed one ounce, (2 ) the samples are offered by a market vendor that either produced the malt beverages or wine or grew the grapes that made the wine, (3 ) the samples are offered in connection with the sale of such malt beverages or wine by the bottle, (4 ) malt beverages or unfortified wines are not sold by the glass for consumption on site, and (5 ) the vendor has all appropriate ABC licenses or permits authorizing this activity.

Section 2. Subsection (c) of Section 5-18 of the Town Code is redesignated as subsection (b).

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2006-07 BUDGET ORDINANCE." VOTE: AFFIRMATIVE ALL

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

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

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

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**AWARD OF CONTRACT FOR AUDIT FIRM**

The purpose of this agenda item was to award the contract for the Town's annual audit for the year ending June 30, 2007.

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

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

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

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

Section 2. This resolution shall become effective upon adoption.

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

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

Noes: None



# BOARD OF ALDERMEN

ITEM NO. D(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: June 19, 2007

**TITLE: Confirmation of Insurance Guidelines for Facility Reservations**

<b>DEPARTMENT:</b> Recreation and Parks	<b>PUBLIC HEARING:</b> YES/NO <input checked="" type="checkbox"/>
<b>ATTACHMENTS:</b> A. Resolution	<b>FOR INFORMATION CONTACT:</b> Anita Jones-McNair 918-7381

### PURPOSE

The purpose of this agenda item is to request the Board of Aldermen to confirm the insurance guidelines for Town facility reservations.

### INFORMATION

The insurance requirement for The Really Really Free Market (RRFM) was waived by the Board on October 13, 2006. On June 5, 2007, during the budget agenda item, the Board did not approve waiving the current reservation fee for community events. Also during this meeting, several Board members expressed the need to review and decide whether the insurance component should remain a consideration in facility reservations which was approved on June 13, 2006.

Since October 13, 2006, staff has required all individuals and groups to adhere to the insurance requirements with the exception of the RRFM. Because of the recent decision, staff would like confirmation of the insurance guidelines which is a component of the reservation process. The RRFM reserved the Town Commons for July, August and September of 2007. The reservations were made on May 4, 2007. We will notify the event sponsor that the fee is necessary in order to implement the upcoming reservations.

The question is if the RRFM keeps its future reservations, does the Board want to uphold the current insurance requirement, change the requirement or continue to waive the insurance requirement? The temporary solution that was used to address the food situation involved staff posting disclaimer flyers in the commons area. We don't feel this should be a permanent solution, particularly if only applied to the RRFM. If the RRFM stopped having food at its events, under the current guidelines, insurance would not be required.

The current guidelines require insurance for high risk reservations only. Low risk reservations do not require insurance. This includes town events, some town sponsored events and reservations with little to no physical activity by participants or no severe exposure to spectators and events with expected attendance of less than 500. Reservations that fall in the high risk category include major physical activity and moderate/severe exposure to participants; expected attendance of over 500; large amounts of cash (\$1000+) or quantities of merchandise will be brought onto Town Property; and food will be served, sold and/or given to the general public. If the reservation requires insurance, the event sponsor must sign the reservation contract to hold harmless, defend and indemnify the Town of Carrboro, provide general

liability insurance with a minimum limit of \$1 million general liability coverage endorsed to name the Town as an additional insured and provide a certificate for documentation.

Please keep in mind, the purpose for requiring insurance is to protect the Town from additional liability and protect the group or individual reserving the facility.

### **FISCAL IMPACT**

None at this time.

### **STAFF RECOMMENDATION**

Staff recommends that the Board of Alderman adopt the resolution maintaining the current policy that requires insurance for certain types of reservations at Town facilities as noted above.

**A RESOLUTION MAINTAINING INSURANCE REQUIREMENTS  
FOR SOME FACILITY RESERVATIONS**

**Resolution No. 213/2006-07**

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen review and maintain current insurance requirements for some reservations.

WHEREAS, the Mayor and Board of Aldermen have reviewed the current insurance guidelines.

NOW, THEREFORE, THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVE

Section 1. The Board hereby approves to uphold the current insurance guidelines for facility reservations.

Section 2. This resolution shall become effective upon adoption.

WHEREAS, to encourage the development of comprehensive local bicycle plans and pedestrian plans, the Department's Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) have created a matching grant program to fund plan development; and

WHEREAS, the Department and the Municipality have agreed that a comprehensive plan is needed to evaluate and identify critical municipal needs for planning and/or implementation of Bicycle improvements; and

WHEREAS, the Department and the Municipality have agreed to participate in the cost of this comprehensive plan with the Municipality agreeing to coordinate and oversee the plan development process (the "Project") in accordance with the provisions hereinafter set forth; and

WHEREAS, the Town of Carrboro desires to enter into a municipal agreement with the Department whereby the Municipality shall develop a Bicycle Comprehensive Plan (Estimated cost of the Project is \$65,000); and

WHEREAS, the Department shall reimburse the Municipality for seventy percent (70%) of the actual Project costs, in an amount not to exceed \$45,500 as approved by the Department's Board of Transportation.

NOW, THEREFORE, BE IT RESOLVED that this Project is hereby formally approved by the Board of Aldermen of the Town of Carrboro and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of June 2007:

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

Noes: None

Absent or Excused: None

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### **CONFIRMATION OF INSURANCE GUIDELINES FOR FACILITY RESERVATIONS**

The purpose of this agenda item is to request the Board of Aldermen to clarify the insurance guidelines for Town facility reservations.

Mayor Chilton proposed that enforcement of the no food at the Really Really Free Market begin in August with notification given at the July market.

Anita Jones-McNair suggested that signs be posted at the Town Commons notifying folks that no food will be allowed at the Really Really Free Market.

Mr. Stewart suggested that a town staff person be present at the July Really Really Free Market to hand out notices that no food will be allowed during reserved events on the Town Commons.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

### **A RESOLUTION MAINTAINING INSURANCE REQUIREMENTS FOR SOME FACILITY RESERVATIONS**

WHEREAS, the Recreation and Parks Department has requested that the Mayor and Board of Aldermen review and maintain current insurance requirements for some reservations.

WHEREAS, the Mayor and Board of Aldermen have reviewed the current insurance guidelines.

NOW, THEREFORE, THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVE

Section 1. The Board hereby approves to uphold the current insurance guidelines for facility reservations.

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 June 2007:

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

Noes: Dan Coleman

Absent or Excused: None

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#### **ADOPTION OF FISCAL YEAR 2007-08 BUDGET**

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "ANNUAL BUDGET ORDINANCE, TOWN OF CARRBORO, NORTH CAROLINA, FY2007-08." VOTE: AFFIRMATIVE ALL

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

#### **A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 2007-08 Resolution No. 216/2007-08**

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 2007-08 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 2007 – June 30, 2008, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 2007-2008 fiscal year.

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

## BOARD OF ALDERMEN

ITEM NO. A(4)

### AGENDA ITEM ABSTRACT

MEETING DATE: June 26, 2007

**TITLE: Request to Modify the Farmers' Market Contract with the Town of Carrboro**

<b>DEPARTMENT:</b> Community and Economic Development	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> A. Resolution B. Amendment to Farmers' Market Contract C. Town Code Amendment	<b>FOR INFORMATION CONTACT:</b> James Harris 918-7319

#### PURPOSE

The purpose of this item is to request an amendment to the contract between the Town of Carrboro and the Farmers' Market to allow the farmers an additional hour for operation and additional half-hour after the market to clean up the facility before the next function moves on site. Parking restrictions in Section 6-19 of Article IV of the Town Code would also need to be amended to reflect this change.

#### INFORMATION

Currently the Carrboro Farmers' Market setup on Saturday mornings starts at 5:30 am. The market opens at 7 am, closes at Noon, and tries to be off-site by 1 pm. Over the past few years, market members have noticed that their busy times are later in the day: 10am-noon rather than 8am-10am. Because of this change, the Farmers' Market is considering changing its operating hours to 8am-1pm and is also asking the Board of Aldermen for a needed additional half-hour for clean-up. The change in operating time has to be approved by their membership.

In sum, the Farmers' Market is asking the town to extend the time that the Town Commons is reserved for them from 1pm to 2:30pm on Saturdays to give the market vendors enough time to clean up prior to the next event moving onto the Town Commons.

This change in hours of reservation for the Farmers' Market conflicts with existing Really Really Free Market reservations (1:30 – 5:30 p.m.) on the first Saturdays of July, August and September. It will require the Farmers' Market and representatives of the Really Really Free Market to work especially carefully on those Saturdays to find a reasonable accommodation.

#### RECOMMENDATION

Staff recommends that the Market contract be amended to allow the Farmers' Market operation and clean-up to extend to 2:30pm on those Saturdays when it takes place. Staff also recommends approval of the associated Town Code change related to parking.

**A RESOLUTION AMENDING THE FARMERS' MARKET CONTRACT  
WITH THE TOWN OF CARRBORO  
Resolution No. 249/2006-07**

WHEREAS the Carrboro Farmers' Market has formally requested a change in the time the Town Commons is reserved for their operation and clean-up on Saturdays, which time is now to extend to 2:30 pm rather than 1:00 pm, and

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby approve a change in the Farmers' Market contract to allow the reserved time for their operations and clean-up to extend to 2:30pm on Saturdays when the Farmers' Market takes place.

**MODIFICATION AGREEMENT – CHAPEL HILL-CARRBORO  
FARMERS' MARKET, INC.**

WHEREAS, there is existing an agreement (the "Original Agreement") between the Town of Carrboro (hereinafter the "Town") and The Chapel Hill-Carrboro Farmers' Market, Inc. (referred to as "the Attendant") dated July 1, 1997;

WHEREAS, pursuant to paragraph 10 of the Original Agreement, that Agreement may be modified from time to time by mutual consent of the parties;

WHEREAS, pursuant to paragraph 1 of the Original Agreement, the Attendant operates and manages a farmers market for and on behalf of the Town every Saturday from the second to last Saturday in March until approximately the third Saturday in December, which market is open from 7 o'clock a.m. until 12:00 noon;

WHEREAS, the parties hereto desire to modify the Original Agreement to extend the hours of operation of the Farmers' Market by one hour and thirty minutes each Saturday the Farmers Market is open.

NOW, THEREFORE, the Town and the Attendant, in consideration of the mutual promises set forth herein, and for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties hereto, the parties agree as follows:

1. That paragraph 1 of the Original Agreement shall be amended to read as follows:

The Attendant shall operate and manage a farmers market for and on behalf of the Town every Saturday from the second to last Saturday in March until approximately the third Saturday in December at the Carrboro Town Commons. The Market will be open from 7 o'clock a.m. until 1:30 p.m. The Market may begin set up at 5:30 a.m. and will be off the site by 2:30 p.m. The Attendant also reserves the right to operate a farmers market every Saturday during the off season. Additionally, should the Town and the Attendant decide that a farmers market should be operated on Wednesdays, then Attendant shall operate this market according to the remaining provisions of this Agreement and other requirements imposed by the Town to ensure that the operation of the market does not interfere with the regular operation of the Town Hall. The Wednesday market will be limited to 25 spaces under the shed that parallels Laurel Avenue and 40 spaces in the "outfield" adjacent to the shed, and will operate from 5 p.m. to 7 p.m. This market shall begin to be set up at 4 o'clock p.m. and will be off the site by 8 o'clock p.m. If additional off-site parking is made available, the Town Manager may amend these hours for the Wednesday market. This market will not operate on July 4, or October 31 nor interfere with the set up for Town events. Either party may discontinue the Wednesday market with twelve (12) months notice.



2. In all other respects, the Original Agreement shall remain in full force and effect. Any previous written modifications to the Original Agreement which are not otherwise affected by or in conflict with this modification to paragraph 1 shall remain in full force and effect.

3. This Modification Agreement is entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2007.

**TOWN OF CARRBORO**

By: \_\_\_\_\_  
Steven Stewart, Town Manager

**CHAPEL HILL-CARRBORO FARMERS  
MARKET, INC.**

By: \_\_\_\_\_  
\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO  
TOWN CODE RELATED TO PARKING FOR THE FARMERS' MARKET

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IV of Chapter 6, Section 6-19 (b)(1), No Parking At Any Time, of the Carrboro Town Code is amended as follows:

- (h) Both sides of Fidelity Street from its intersection with Main Street to its intersection with Davie Road, except that parking shall be allowed in the following cases: (1) on the south side of Fidelity Street adjacent to the town cemetery during funerals; (2) on the south side of Fidelity Street from the intersection of Bim Street to a point 720 feet (excluding the fire zone) at the western end of White Oak Townhomes during the hours of 7:00 a.m. to ~~4:00~~ **2:30** p.m. on Saturday and 1:00 p.m. to 6:00 p.m. on Sunday; and (3) the north side of Fidelity Street from the centerline of the intersection of Bim Street to a point 540 feet west during the hours of 7:00 a.m. to ~~4:00~~ **2:30** p.m. on Saturday and 1:00 p.m. to 6:00 p.m. on Sunday. (Amend. 3/9/82, 3/10/92, 2/20/96, 6/25/96)
- (y) Both sides of Bim Street between the intersection of Jones Ferry Road to the intersection of Fidelity Street, with the exception that parking shall be allowed on the east side of Bim Street for a distance of 103 feet from the beginning of the wooden planter beams to a point 17 feet north of the southernmost exist of the parking lot during the hours of 3:00 p.m. to 7:00 p.m. on Wednesdays, 7:00 a.m. to ~~4:00~~ **2:30** p.m. on Saturdays, and 1:00 p.m. to 6:00 p.m. on Sundays. (Amend. 2/20/96, 6/25/96, 4/5/05)
- (z) Both sides of Laurel Avenue between the intersection of Jones Ferry Road to the intersection of Main Street, with the exception that parking shall be allowed on the west side of Laurel Avenue bordering the Town's property for a distance of 196 feet during the hours of 3:00 p.m. to 7:00 p.m. on Wednesdays, 7:00 a.m. to ~~4:00~~ **2:30** p.m. on Saturdays and 1:00 p.m. to 6:00 p.m. on Sundays. (Amend. 2/20/96, 6/25/96, 4/5/05)

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The following ordinance having been submitted to a vote, received the following vote and was duly adopted this 4th day of May, 2004:

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

Noes: None

Absent or Excused: None

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26<sup>th</sup> day of June 2007:

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

Noes: None

Absent or Excused: None

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**TOWN CODE AMENDMENT REVISING THE MEMBERSHIP OF THE GREENWAYS COMMISSION**

The Board of Aldermen at its meeting on June 19, 2007 voted to revise the membership of the Greenways Committee by converting the five neighborhood representative seats to at-large seats. The town staff recommended adoption of an ordinance to revise the membership of the Greenways Commission.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWN CODE TO REVISE THE MEMBERSHIP OF THE GREENWAYS COMMISSION." VOTE: AFFIRMATIVE ALL

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**REQUEST TO REVISE THE HOURS OF OPERATION FOR THE CARRBORO FARMERS' MARKET**

The purpose of this item was to request an amendment to the contract between the Town of Carrboro and the Farmers' Market to allow the farmers an additional hour for operation and additional half-hour after the market to clean up the facility before the next function moves on site. Parking restrictions in Section 6-19 of Article IV of the Town Code would also need to be amended to reflect this change.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION AMENDING THE FARMERS' MARKET CONTRACT  
WITH THE TOWN OF CARRBORO  
Resolution No. 249/2006-07**

WHEREAS the Carrboro Farmers' Market has formally requested a change in the time the Town Commons is reserved for their operation and clean-up on Saturdays, which time is now to extend to 2:30 pm rather than 1:00 pm, and

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby approve a change in the Farmers' Market contract to allow the reserved time for their operations and clean-up to extend to 2:30pm on Saturdays when the Farmers' Market takes place.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 26th day of June 2007:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPROVE THE MODIFICATION OF THE AGREEMENT WITH THE CHAPEL HILL-CARRBORO FARMERS' MARKET, INC. VOTE: AFFIRMATIVE

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**REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE WINMORE VILLAGE MIXED USE PROJECT FOR THE ADDITION OF A SWIM CLUB**

The Board was asked to review a request for a Minor Modification to the Conditional Use Permit for the Winmore Village Mixed Use project at 1400 Homestead Road for the addition of a swim club. The request involves adding a swimming pool, patio/decking, and a clubhouse/changing facility within the open space. Town Staff recommended that the Board of Aldermen deliberate and make a decision regarding the CUP Minor Modification request.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

**A RESOLUTION APPROVING A MINOR MODIFICATION TO THE WINMORE VILLAGE MIXED-USE CONDITIONAL USE PERMIT PROJECT AT 1400 HOMESTEAD ROAD FOR THE ADDITION OF A SWIMMING POOL CLUB**

Resolution No. 242/2006-07

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed-Use Project at 1400 Homestead Road on June 10, 2003; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction with appropriate recreation amenities and facilities such as a swimming pool; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Winmore Village Mixed-Use Conditional Use Permit is hereby approved, subject to the following stipulations:

That the following additional CUP conditions are hereby added:

- That the applicant is authorized to file a correction plat or other suitable legal device to remove the offer of public dedication limited to the area encompassing the fruit orchards and swim club (approximate reduction of 52,078 square feet).

# BOARD OF ALDERMEN

ITEM NO. C(10)

## AGENDA ITEM ABSTRACT

MEETING DATE: November 20, 2007

**TITLE: Request from the Farmers' Market for Year Round Use of the Town Commons**

<b>DEPARTMENT: Economic and Community Development</b>	<b>PUBLIC HEARING: YES or <u>NO</u></b>
<b>ATTACHMENTS: A - Resolution</b>	<b>FOR INFORMATION CONTACT: James R. Harris, Director, Economic and Community Development 918-7319</b>

### PURPOSE

The purpose of this item is to present to the Board of Aldermen a request from the Carrboro Farmers' Market to increase the use of the Town Commons facility from a seasonal market to a year round market.

### INFORMATION

The farmers have studied the idea of increasing the number of market days to year round. In the past the seasonal market has been very productive, not only for the farmers but the Town of Carrboro citizens and commercial establishments. The Farmers' Market provides fresh vegetables, plants, crafts and other food products for our citizens. It also serves as a marketing tool for the Town as the Market has received national recognition as a model for a well-run enterprise.

The farmers are producing more winter crops and meat products that can be sold year round and would like the opportunity to do so.

The annual number of hours reserved by the Farmers' Market at the Town Commons will rise from 520 hours to 608 hours, a 17% increase. This proposed change would also increase the annual rate paid by the Farmers' Market for that use from \$2,000 to \$2,340, also a 17% increase.

The new hours of use would be from January to December (i.e. year-round) on Saturdays from 5:30am until 2:30pm and on Wednesdays, April through October from 2:30pm until 7:30pm.

### FISCAL IMPACT:

There would be a slight increase in revenue to the Town for the use of the Town Commons by the Farmers' Market.

### STAFF RECOMMENDATION:

Staff recommends that the Farmers' Market use of the Town Commons site be increased by 88 hours with an increased charge of \$340 per year. It is further requested that the manager be authorized to amend the current contract between the Farmers' Market and the Town of Carrboro to reflect this change.

**A RESOLUTION TO EXTEND THE USE OF THE TOWN COMMONS TO  
SUPPORT A YEAR ROUND FARMERS' MARKET**

**Resolution No. 49/2007-08**

WHEREAS, the Town of Carrboro currently contracts with the Carrboro Farmer's Market to operate a farmers' market on the Carrboro Town Commons site ; and

WHEREAS, this arrangement has been beneficial for the farmers, contributes to the good health of our citizens, brings national recognition to the Town of Carrboro, and has contributed economically to the well-being of the Town of Carrboro by providing local products to local businesses, and

WHEREAS, the Carrboro Farmers' Market has studied the idea of going to a year round market concept and the farmers feel they have the products to support the concept; and

WHEREAS, the current arrangement allows the market to be on site for a total of 520 hours per year for a fee of \$2,000 per year and the new arrangement would increase the use of the site by 88 hours to a total of 608 hours, or a 17% increase in use of the site; and

WHEREAS, there should be a corresponding increase in the fee for using the site to bring the new fee for use to \$2,340 per year.

**NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN  
RESOLVES THAT:**

The Board authorizes the Carrboro Town Manager to amend the current contract between the Town of Carrboro and the Carrboro Farmers Market to increase the number hours to 608 hours a year at a fee of \$2,340 to allow the market to operate from January to December on Saturdays from 5:30am until 2:30pm and on Wednesdays, April through October, from 2:30pm until 7:30pm.

Absent or Excused: Joal Hall Broun, Dan Coleman

\*\*\*\*\*

**REQUEST FROM THE FARMERS' MARKET TO INCREASE THE USE OF THE TOWN COMMONS TO YEAR ROUND STATUS**

The purpose of this item was to present to the Board of Aldermen a request from the Carrboro Farmers' Market to increase the use of the Town Commons facility from a seasonal market to a year round market.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

**A RESOLUTION TO EXTEND THE USE OF THE TOWN COMMONS  
TO SUPPORT A YEAR ROUND FARMERS' MARKET  
Resolution No. 49/2007-08**

WHEREAS, the Town of Carrboro currently contracts with the Carrboro Farmer's Market to operate a farmers' market on the Carrboro Town Commons site ; and

WHEREAS, this arrangement has been beneficial for the farmers, contributes to the good health of our citizens, brings national recognition to the Town of Carrboro, and has contributed economically to the well-being of the Town of Carrboro by providing local products to local businesses, and

WHEREAS, the Carrboro Farmers' Market has studied the idea of going to a year round market concept and the farmers feel they have the products to support the concept; and

WHEREAS, the current arrangement allows the market to be on site for a total of 520 hours per year for a fee of \$2,000 per year and the new arrangement would increase the use of the site by 88 hours to a total of 608 hours, or a 17% increase in use of the site; and

WHEREAS, there should be a corresponding increase in the fee for using the site to bring the new fee for use to \$2,340 per year.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT:

The Board authorizes the Carrboro Town Manager to amend the current contract between the Town of Carrboro and the Carrboro Farmers' Market to increase the number hours to 608 hours a year at a fee of \$2,340 to allow the market to operate from January to December on Saturdays from 5:30am until 2:30pm and on Wednesdays, April through October, from 2:30pm until 7:30pm.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of November 2007:

Ayes: Mark Chilton, Randee Haven-O'Donnell, Jacquelyn Gist, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: Joal Hall Broun, Dan Coleman

\*\*\*\*\*

# BOARD OF ALDERMEN

ITEM NO.A(4)

## AGENDA ITEM ABSTRACT MEETING DATE: January 29, 2013

### **TITLE: Authorization to Enter into an Agreement with the Wild Food and Herb Market**

<b>DEPARTMENT:</b> Recreation and Parks Department	<b>PUBLIC HEARING:</b> NO
<b>ATTACHMENTS:</b> A. Resolution B. Draft Agreement C. Town Commons Use Administrative Policy	<b>FOR INFORMATION CONTACT:</b> Anita Jones-McNair – 918-7381 Wendell Rodgers – 918-7371

#### **PURPOSE:**

The purpose of this agenda item is for the Board of Aldermen to enter into an agreement with Wild Food and Herb Market and waive fees for use of the Town Commons for a period of nine months.

#### **INFORMATION:**

On January 15, 2013, The Wild Food and Herb Market Co-Founders Jenny Schnaak, Development Director and Youth Program Manager for The Abundance Foundation and Josh Lev, Community Herbalist and Founder of the Carrboro Herb Guild requested that the town sponsor and waive all fees for use of the Town Commons on the first Sunday of every month from March through November 2013 from 1-4p for a Wild Food and Herb Market. Staff was asked to research this request and report back. Staff has worked with the market founders to draft an agreement for approval. The Wild Food and Herb Market must provide general liability insurance with a minimum limit of \$1 million general liability coverage endorsed to name the Town as an additional insured and provide a certificate for documentation a minimum of one week prior to the start date of the market which is March 10<sup>th</sup>.

#### **FISCAL AND STAFF IMPACT**

This agreement waives rental fees totaling \$1575 and incurs \$450 in staffing costs.

#### **RECOMMENDATION**

Staff recommends the Board consider the attached draft agreement and approve the attached resolution.



**A RESOLUTION APPROVING AN AGREEMENT WITH THE WILD FOOD AND HERB  
MARKET**

**Draft Resolution No. 99/2012-13**

WHEREAS, Jenny Schnaak and Josh Lev, Co-Founders of the Wild Food and Herb Market approached the Board of Aldermen to use and waive the fees on the Town Commons; and

WHEREAS, this unique Wild Food and Herb Market will compliment and educate the community; and

WHEREAS, the Wild Food and Herb Market will operate under the guidelines set forth in the agreement; and

WHEREAS, the market will not operate nor interfere in the set up for Town events held on the first Sunday of the month when the following events are held: May (Carrboro Day), and July 4<sup>th</sup> and

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen approves the draft agreement and it shall be effective upon signatures from the Town Manager and Wild Food and Herb Market representative.

NORTH CAROLINA  
ORANGE COUNTY

### AGREEMENT WITH THE TOWN OF CARRBORO

THIS AGREEMENT is made and entered into by and between the Town of Carrboro (hereinafter "the Town") and Wild Food and Herb Market hereinafter, "the Attendant") and, that for the first year of the market which is March 10<sup>th</sup> through November 3<sup>rd</sup> all Town Common rental fees associated with it will be waived.

The Town has a structure that can provide shelter for the operation of a market, as well as for other public uses and events, that is located on Main Street on land owned by the Town for this purpose and;

The Attendant is an organization with substantial experience in organizing, advertising, and operating a market designed to provide an opportunity for vendors to educate and sell Wild Food and herb products directly to consumers, to the benefit of both;

Now, in consideration of the premises and the mutual promises contained herein, the parties to this agreement hereby agree as follows:

1. The Attendant shall operate and manage a Wild Food and herb market on the following dates: March 10, April 7, May 12, June 2, July 7, August 4, September 1, October 6 and November 3. The market will be open from 1:00 p.m. until 4:00 pm. The market may begin setting up at 11: 30 a.m. and will be off the site by 5:00 p.m. The market will not operate on nor interfere in the set up of the town events of Carrboro Day and July 4<sup>th</sup>.
2. The parties agree that, except for those times that the market is operated by the Attendant as per this agreement, the Town may use the site for other activities. The Town will inform the Attendant, with reasonable notice, of any potential conflicts with the use of the facilities, so that the Attendant may be able to respond and accommodate any requests that may infringe upon regular market activities.
3. The Town recognizes and expects that Attendant will perform its obligation under this agreement by acting through one or more persons. The Attendant shall keep the town informed of the names, addresses, and telephone numbers of the persons it retains, appoints, or employs to act on its behalf.
4. The Attendant shall be responsible for all aspects of the operation of the market, including without limitation advertising, promotion, collection of fees, and enforcement of the operating rules and regulations. Market publicity shall indicate that vendors may sell Wild Foods and herbs.
5. As compensation for the exercise of its responsibilities under this agreement, the Attendant shall be allowed to keep all fees paid by the vendors.
6. The Wild Food and Herbs Market shall operate under the following rules and regulations which may be modified or supplemented from time to time by the mutual agreement of the parties:
  - a. The market will be available to vendors selling Wild Food and herbs.  
By way of illustration, without limitation, the following products may be sold:
    1. **Raw or minimally processed wild crafted products:**
      - Raw Vegetables
      - Raw fruits

Nuts & seeds  
Mushrooms  
Eggs  
Honey  
Herbs (fresh, dried, etc)  
Bedding Plants  
Landscape Plants  
Cut flowers  
Herbal body products such as lotions, salves, etc.

**2. Processed Foods that require a NCDA (North Carolina Department of Agriculture) kitchen inspection:**

Baked goods  
Jams,  
Jellies,  
Preserves  
Vinegars  
Sauces & Syrups  
Spreads  
Juices & Tea

- b. Vendors who sell in the market may have assistants or employees helping them. However, for each space rented in the market there must be in attendance at least one person who has had substantial personal, "hands on" involvement in all phases of the production of the items sold.
  - c. Each vendor shall be responsible for cleaning up the area surrounding such vendor's vehicle.
  - d. All food items sold must comply with state and local health regulations. The Wild Food and Herb Market must provide general liability insurance with a minimum limit of \$1 million general liability coverage endorsed to name the Town as an additional insured and provide a certificate for documentation. No water or ice that comes into contact with meat or fish may be deposited or allowed to drain onto the market premises. No animals may be sold or given away at the Market.
  - e. Vendors shall be required to post the prices of all items sold in a fashion easily legible to prospective purchasers.
  - f. Vendors shall be charged a space rental fee, which shall be established by the Attendant. All vendors shall be charged a fee based upon the same criteria (whether that is a uniform fee per space or a percentage of sales). The Attendant shall collect these fees.
7. The Attendant shall have the authority to operate the market and enforce the policies including the authority to ask vendors to leave who refuse to abide by these policies. The Attendant shall administer and enforce these policies fairly and equitably and shall establish its own procedures to resolve disputes concerning the interpretation of any of the foregoing policies. However, nothing contained herein is intended to curtail or abridge in any way the right of any person to bring to the attention of the Carrboro Board of Aldermen any market policy or any interpretation of such policy or other decision by the Attendant, with which such person disagrees.
8. The Town shall use its best efforts under the law to ensure that the market site is kept free of parked vehicles not belonging to vendors on Sunday mornings.

9. Within sixty days after the close of each market season, the Attendant shall furnish the Town with a written treasurer's report on the operation of the Wild Food and Herb Market for the previous season. This report shall include, among other pertinent information, a statement of the gross receipts of the market, and the expenditures made by the Attendant with regard to the market for such matters as publicity and the employment of market managers.
10. Subject to the remaining provisions of this paragraph, this agreement shall be effective March 10<sup>th</sup> through November 3<sup>rd</sup> 2013. This agreement may be modified from time to time by mutual consent of the parties and may be terminated by either party upon 30 days written notice to the other party sent by certified mail.
11. Guidelines for the use of the Town Commons have been approved by the Board of Aldermen and are attached hereto.

THIS AGREEMENT is executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

TOWN OF CARRBORO

WILD FOOD AND HERBS MARKET

BY:\_\_\_\_\_

BY:\_\_\_\_\_

<b>ADMINISTRATIVE POLICY</b>				
<b>TOWN OF CARRBORO</b>				
<b>NORTH CAROLINA</b>				
DEPARTMENT	NUMBER	REVISION	EFFECTIVE DATE	PAGE OF
Administration	420-19	2	07/01/05	1 4
SUBJECT	PREPARED BY		APPROVED BY	
Use of Town Commons			Town Manager	

## **1.0 PURPOSE**

To establish a procedure to govern the usage of the Town Commons.

## **2.0 GUIDELINES**

The Town Commons is operated by the Recreation and Parks Department as a public facility to serve the citizens of Carrboro and Orange County. The intent of this facility is to provide a community meeting place for recreation activities, community events and markets, but only to the extent that such activities and events can be held during times that do not interfere with the normal operation of Town Hall and under circumstances (in time of frequency of use and manner of operation) that do not impose an unreasonable burden upon adjoining businesses and neighborhoods.

## **3.0 ORGANIZATIONS AFFECTED**

All departments and external users of the Town Commons.

## **4.0 REFERENCES**

Chapter 14 of the Carrboro Town Code.

## **5.0 DEFINITIONS**

Town Commons - Parcel of land owned by the Town of Carrboro lying adjacent to the Carrboro Town Hall, bounded on the west by Bim Street, on the north by the Town Hall parking lot, on the east by Laurel Street and on the south by private property.

Town Sponsored Event- 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:

- The Town expends town funds for the planning and/or staging of the event, or
- The Town anticipates receiving revenue from the staging of the event, or
- The Town makes a substantial in-kind contribution toward the planning and/or staging of the event, or
- The Town exercises substantial managerial control over the planning and/or

staging of the event  
Fourth of July Celebration and other events conducted by the Recreation and Parks Department or other town departments fall into this category.

Town Commons Reservation – an individual, group or business reserves the area for a certain day and time and pays the applicable fees.

Gathering or Assembly - See 5(F).

## **6.0 REFERENCES**

Chapter 14 of the Carrboro Town Code.

## **7.0 USE OF TOWN COMMONS**

- A. Use of the Town Commons shall be subject to the provisions of Chapter 14 Town Code. Among other relevant provisions Section 14-20 restricts commercial activity.
- B. The Town Commons shall be open for use from 9:00 am. - sundown every day, except as otherwise provided herein.
- C. The Town Manager or designee may determine that it is necessary to keep persons temporarily off the lawn area of the Town Commons for the purpose of maintaining, improving, or preventing damage to the same.
- D. The Town Manager may enter into an agreement allowing a private person or group to reserve the Town Commons every Saturday from the second to last Saturday in March until approximately the third Saturday in December open from 7:00 am to 12:00 noon. The market may begin setting up at 5:30 am and will be off site by 1:00 pm. Additionally, the Wednesday market will operate from 5:00 to 7:00 pm. The market will begin set-up at 4:00 pm and will be off site by 8:00 pm. This market will not operate on July 4<sup>th</sup> or October 31<sup>st</sup> nor interfere in the set-up of Town events. The Craft Market will take place on the second and fourth Sundays of April through December. The market will also take place on the third Sunday of December. The market will operate from 1:00 to 5:00 pm. Among other provisions, any such agreement shall provide:
  - That a market manager may be provided by the applicant in lieu of a facility supervisor employed by the Town.
  - That the applicant shall carry sufficient liability insurance and list the Town as an additional insured. Insurance is needed if the event includes major physical activity and moderate/severe exposure to participants; expected attendance of over 500; large amounts of cash (\$1000+) or quantities of merchandise will be brought onto Town Property; and food will be served, sold and/or given to the general public. If the reservation requires insurance, the event sponsor must sign the reservation contract to hold harmless, defend and indemnify the Town of Carrboro, provide general liability insurance with a minimum limit of \$1 million general liability coverage endorsed to name the Town as an additional insured and provide a certificate for documentation.
  - That either party can withdraw from the arrangement upon 30 days notice.

- That no activity of the applicant may conflict with a town—sponsored event, and any such event shall have precedence over use of the Town Commons by the applicant.
  - That the applicant agrees to all other guidelines and ordinances applicable to use of the Town Commons.
  - That the Town is not obligated to renew any reservation under this paragraph in future years.
- E. The Farmers’ Market will be permitted when conditions allow parking on the lawn with light weight vehicles adjacent to the gravel path that arcs across the lawn from one structure to the other. These vehicles will not be permitted on the lawn when conditions are such that a tire imprint of a half inch or greater will occur. The Farmers’ Market Manager will determine the suitability of parking on the lawn for the market. Any damages to the Town Commons ground resulting from this parking will be corrected at the market’s expense. The Town Manager or his designee will determine suitability for other events.
- F. Electronic amplification of sound shall be allowed only if and to the extent reasonably necessary to reach or communicate a message to the target audience within the boundaries of the Town Commons. In other words, electronically amplified sound shall be directed, and the volume controlled, such that the audience within the Town Commons can be reached without creating a disturbance beyond the boundaries of the Town Commons.
- G. No reservation shall be required for spontaneous *gatherings*. If however, an individual or group would like to ensure the exclusive use of The Town Commons for activities or events, a reservation is recommended.

## **8.0 PAYMENT OF FEES**

- A. The Town Commons or any portion thereof may be reserved on a first come first served basis by any person or organization who resides or any organization that has a place of business in Orange County. Individuals must come to the Recreation and Parks Administrative office to reserve the Town Commons, sign the form and pay fees. A rental contract will be given after completing the reservation process including guidelines for use.
- B. Whenever the Town Commons is reserved, the applicant shall pay
- \$100 for 0-4 hours
  - \$150 for 4 or more hours

Town Commons may be reserved for free if town staff does not work during the event, no public access to Town Hall bathrooms, no money is exchanged during the event, no electricity used, the event is open to the public, reservations limited to no more than once per month by any one group and subject to insurance guidelines.

Renters may voluntarily opt to pay a \$50.00 fee in addition to the reservation fee for cleaning prior to rental. This service is subject to a ten day advance request and staff availability.

An additional fee of \$25 is charged if the event is approved to sell goods and services.

- C. Recreation and Parks staff may require the organizers of events expected to draw more than 100 vehicles to the area of the Town Commons to provide parking attendants to protect adjoining properties from improper parking.
- D. The person or organization reserving the facility shall be responsible for cleaning it prior to leaving the premises. All trash must be placed in the dumpster. Failure to clean the site, parking areas and adjacent streets will result in the Town charging the responsible person or organization for the direct cost of cleaning the site.
- E. The person or organization reserving the facility may request, and the Town may provide at the requesting party's expense, off duty police officers to assist in crowd and traffic control.

## **9.0 CANCELLATIONS AND REFUNDS**

- A. The applicant must notify the Recreation and Parks office immediately if a cancellation is needed.
- B. A full refund is given if weather prohibits the event and the organizer does wish to reschedule. The applicant must notify the office the next business day if a refund or transfer day is needed.
- C. Cancellation requests received more than three (3) days prior to the event date - a refund less a \$5.00 administrative fee or full credit or transfer reservation.
- D. Cancellation requests received within the three (3) day window prior to the reservation - a 50% refund less a \$5.00 administrative fee or full credit or transfer reservation.





# TOWN OF CARRBORO

NORTH CAROLINA

WWW.TOWNOFCARRBORO.ORG

## MEMORANDUM

TO: Carrboro Mayor and Board of Aldermen

FROM: Annette D. Stone, AICP  
Economic and Community Development Director

DATE: March 7, 2013

RE: Alcohol Beverage Sale and Consumption on Town Property

As the Board discusses the current and future proposed uses of the Town Commons area, I would like to share information with you regarding the sale and consumption of alcoholic beverages on the Town Commons. Currently alcohol is not allowed on the Town Commons. It is allowed at the Century Center. There have been several events in the past year, that requested to allow alcohol on the Town Commons, for example, the Chefs Dinner sponsored by the Farmer's Market, however Town policies did not allow. The following is an email from Tyler Huntington of Tyler's Taproom requesting the Town to consider alcohol on Town property.

*Annette,*

*Happy New Year!*

*My partners and I are organizing a couple of really great beer and food events in Raleigh and Durham and I would like to try to bring something to Carrboro. This is the second year we are doing the Raleigh Rare and Vintage Beer Tasting ([www.Raleighrarebeertasting.com](http://www.Raleighrarebeertasting.com)), it is an almost sold out (10 tks left) ticketed event with the proceeds going to Pints for Prostates. We limit the number to 550 people, that is up from the 400 limit we had last year, so that everyone has a good time and actually gets to try all the cool beers we bring in for this. One big goal is to not allow this to become a chaotic drunk fest like so many beers festivals are these days, and really cater to the true beer enthusiast who actually wants to try new and incredible products.*

*We are also organizing the Bullcity Food and Beer Experience in conjunction with the DPAC. This event features 20 Durham restaurants paired with 20 NC Breweries for a unique and educational food*

*experience demonstrating how beer and food pairings can be amazing and not just pedestrian. We will also have an additional 30 breweries from around NC and the country providing samples. Mipso Trio bluegrass band will be playing and we have 3 keynote speakers who are arguably the top 3 craft beer company founders in the nation, Sierra Nevada, New Belgium and Oscar Blues, all of whom are opening breweries in NC. Ticket sales for this event in Feb. are limited to 900 and we have sold over 600 thus far.*

*I would love to bring something along these lines to Carrboro. Either a food and beer experience or maybe a cask ale festival which would sort of fit in Carrboro well. I would like to be able to do this on the town commons but I know there were issues in the past with being able to serve beer on town property. With the enthusiasm you and the new town manager have for promoting Carrboro do you think there is any way we can work around that issues with a one day permit or something like that? Otherwise maybe we could look at blocking off Roberson st. behind Open Eye and Tyler's or something along those lines. Please let me know if this is something you are interested in discussing further.*

*Cheers,*

*Tyler Huntington  
Owner/Operator  
Tyler's Taproom*

**The "Outdoor Special Event Guide" for the Town of Chapel Hill states the following;**

#### ***16. Alcoholic Beverage Sale & Consumption***

***TOWN CODE, Chapter 3, Sec. 3-5: Possession and consumption of malt beverages and unfortified wines at special events in municipal parking lots and on the top level of the Wallace Parking Plaza.***

*Notwithstanding the provisions of sections 3-2, 3-3, and 3-4, of this Code, the sale, purchase, and possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines and their consumption shall be lawful on town parking lots 2, 3 and 5 and on the top level of the Wallace Parking Plaza when approved as part of a special event approved by the town council. The council shall by resolution establish rules and regulations for those events. Both the Town of Chapel Hill by Ordinance and North Carolina by State Law regulate the possession, sale and consumption of alcoholic beverages. Special permits and licensing are unconditionally required for the sale and consumption of alcoholic beverages at an Outdoor Special Event held in the*

*Town of Chapel Hill. Any event that includes the possession of alcohol is required to have a minimum of two (2) CHPD officers at coordinators expense in attendance. If your event includes the use of alcohol on town property, Liquor Liability Coverage must be included on your certificate of insurance. The Event Organizer is responsible for filing for and obtaining all required permits and special licenses.*

*The four-part approval process includes:*

*Step 1 Approval by Chapel Hill Town Council*

*Step 2 Approval by the North Carolina Alcoholic Beverage Control Commission*

*Step 3 Liquor Liability Coverage (see Insurance & Liability)*

*Step 4 Hiring of Chapel Hill Police Department*

*Please contact Parks & Recreation Special Events division for information about obtaining the required permits and special licensees.*