

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, February 17, 2009 at 7:30 p.m. in the Carrboro Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Lydia Lavelle
	John Herrera
	Joal Hall Broun
	Jacquelyn Gist
	Randee Haven-O'Donnell
Town Manager	Steve Stewart
Town Attorney	Michael Brough
Deputy Town Clerk	Sharmin Mirman

ANNOUNCEMENT

Mayor Chilton announced that Ellen Perry, a Carrboro resident, has been asked to speak at the International Self Determination Conference in May 2009 in Winston-Salem.

REQUEST FROM CHAPEL HILL COMMUNITY ART PROJECT

Sally Greene stated that this year's Community Art Project will be a collaboration between the Town of Chapel and the UNC Humanities program. Ms. Greene stated that a portion of the art project will occur in the Century Center and asked that the Town of Carrboro donate use of the Century Hall on March 28th for an amount of up to \$500.00 worth of time.

Lynn Brigman-Blast spoke about the art project and asked for the Board's support.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO REFER THIS REQUEST TO THE TOWN STAFF. VOTE: AFFIRMATIVE ALL

REQUEST FOR SOCCER FIELDS

Peggy Misch spoke on behalf of immigrants in the Town of Carrboro and stated that there is a need for soccer fields in Carrboro and asked that the Board consider putting a soccer field(s) in Anderson Park.

REQUEST TO ADOPT THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AS TOWN POLICY

David Kanespa, a UNC Social Justice student, urged the Board to make human rights a priority in the community and asked the Board to approve the Universal Declaration of Human Rights as town policy.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO REQUEST STAFF TO OBTAIN A COPY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS FOR BOARD CONSIDERATION. VOTE: AFFIRMATIVE ALL

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO APPROVE THE JANUARY 27, 2009 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO ADOPT A RESOLUTION SETTING A SPECIAL MEETING OF THE BOARD OF ALDERMEN FOR FEBRUARY 25, 2009

The Board was requested to adopt a resolution setting a special meeting of the Board of Aldermen for Wednesday, February 25, 2009 in order to allow members of the Board of Aldermen to attend a joint meeting with the OWASA Board of Directors, Chapel Hill Town Council and Orange County Board of Commissioners.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO REQUEST THAT OWASA BE REQUESTED TO PRESENT THE PROPOSED REVISIONS TO THE WATER CONSERVATION MEASURES TO THE BOARD OF ALDERMEN AT A FUTURE BOARD MEETING, AND THAT THE REQUEST BE MADE TO RECORD THE PORTION OF THE FEBRUARY 25TH MEETING DEALING WITH THE GREENHOUSE GAS EMISSIONS REPORT. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON TWO PROPOSED TOWN CHARTER AMENDMENTS

The Board of Aldermen received public comment on two proposed Town Charter amendments and considered adoption of a resolution requesting the town's legislative delegation introduce and support the amendments.

Mike Brough explained the revisions he had made to the charter amendment dealing with prohibition of restrictive covenants that prevent the installation of solar collectors or other devices designed to generate or conserve energy through the use of renewable resources or to capture, store or reuse water.

Alderman Gist asked if a wind turbine would be allowed under this charter amendment.

Mike Brough stated that the details of an ordinance would have to be worked out if the authorization is approved.

Richard Anstein expressed concern about a town ordinance that would affect the validity of homeowners' association covenants. He stated that it is not clear as to ownership. He also expressed concern about how broad the amendment is. He asked how this amendment came about.

Fran Allegri spoke against this charter amendment and feels it is a matter for homeowners' associations to deal with. It introduces a litigious approach to solving problems involving covenants, it strips away protections for her home ownership, and she feels it is too open-ended for a solution to something positive like sustainability. She suggested that the town bring homeowners' association representatives together to discuss how to reword their covenants to encourage adoption of green and sustainability efforts.

Robert Kirshner, a board member of his homeowner's association, stated that he feels disenfranchised and insulted by the proposed amendment. He stated that homeowners' associations have a right to govern themselves. He stated that there was not a 10-day notice of this public hearing and there has not been outreach to communities to get input. He suggested that this matter be tabled at this time and establish a commission of citizens, board members, and homeowners' association representatives with the task of inviting homeowners' association and community members to discuss ways for changes.

Joy Harris, a property manager for a homeowner's association in Chapel Hill and Durham, stated that it is hard enough to enforce covenants because they are so gray. She suggested that new communities be developed with green features. She stated that she would agree to have managers and property owners discuss with the Board the feasibility of this proposal.

Mayor Chilton stated that this charter amendment originated as a result of a request from a citizen wanting to put up a clothesline on their property and their homeowner's association covenant would not allow it.

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Dan Coleman.

A RESOLUTION REQUESTING THE TOWN'S LEGISLATIVE DELEGATION
TO INTRODUCE AND SUPPORT AN AMENDMENT TO THE TOWN CHARTER
Resolution No. 71/2008-09

THE BOARD OF ALDERMEN RESOLVES:

Section 1. Having held a public hearing on and having considered the attached proposed amendment to the Carrboro Town Charter to prohibit restrictive covenants that prevent the installation of solar collectors or other devices designed to generate or conserve energy through the use of renewable resources or to capture, store or reuse water, the Board of Aldermen hereby requests the members of the Town's Legislative Delegation to the General Assembly to introduce and support the passage of the attached amendment.

Section 2. The Town Attorney is instructed to amend the draft amendment to include the addition of "equitable servitude" and the exclusion of condominium associations, and forward this request to the members of the Town's Legislative Delegation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of February 2009:

Ayes: Dan Coleman, Lydia Lavelle, John Herrera, Mark Chilton, Jacquelyn Gist

Noes: Joal Hall Broun, Randee Haven-O'Donnell

Absent or Excused: None

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

A RESOLUTION REQUESTING THE TOWN'S LEGISLATIVE DELEGATION
TO INTRODUCE AND SUPPORT AN AMENDMENT TO THE TOWN CHARTER
Resolution No. 71/2008-09

THE BOARD OF ALDERMEN RESOLVES:

Section 1. Having held a public hearing on and having considered the attached proposed amendment to the Carrboro Town Charter to add sexual orientation, gender identification, and gender expression to the list of bases upon which the Board of Aldermen may by ordinance prohibit housing discrimination, the Board of Aldermen hereby requests the members of the Town's Legislative Delegation to the General Assembly to introduce and support the passage of the attached amendment.

Section 2. The Town Attorney is instructed to correct the typo in the word "rental", that language be added referencing the Fair Housing Act ref. handicap and familial status, and forward this request to the members of the Town's Legislative Delegation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of February 2009:

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

Noes: None

Absent or Excused: None

APPLICATION FOR A MONUMENT ON TOWN PROPERTY

The purpose of this agenda item was for the Board of Aldermen to consider an application for a monument located on town property

George Seiz, the town's Public Works Director, made the presentation.

Beverly Dickinson spoke about how much her mother loved Carrboro.

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

A RESOLUTION TO CONSIDER AN APPLICATION FOR A MONUMENT

Resolution No. 59/2008-09

WHEREAS, the Carrboro Board of Aldermen received a monument application from Beverly Dickinson in honor of her deceased mother, Mary Lois Morgan

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

Section 1. The Board of Alderman discussed whether an application for a monument is consistent with the guidelines of Policy for Monuments Located on Town Property.

Section 2. The Board of Alderman approves/denies the installation of this monument

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of February 2009:

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

Noes: None

Absent or Excused: None

REVOLVING LOAN FUND REQUEST FROM CYCLE 9

The purpose of this item was to present to the Board of Aldermen a loan request from Elise and Morgan Gidding, owner operators, of Cycle 9 located at 601 West Main Street.

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

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

A RESOLUTION APPROVING A LOAN FROM THE
CARRBORO REVOLVING LOAN FUND
FOR CYCLE 9, LLC
Resolution No. 68/2008-09

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

WHEREAS, the fund now has \$356,468 available to be loaned to applicants with viable projects; and

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

WHEREAS, the Economic Sustainability Commission (ESC) and the SBTDC found the project to eligible for the fund and will create at least eight (8) jobs over a six year period; and

WHEREAS, the applicant has requested a loan in the amount of \$68,540 and provided collateral in their personal residence located at Wild Turkey Trail, inventory purchased with the loan proceeds and their personal signatures; and

WHEREAS, they have invested \$75,000 of their personal funds in the venture; and

WHEREAS, the unexpended reserve expenditure budget is reduced by \$68,540 to consummate the loan.

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

Based upon the review of the application by the SBTDC (Loan Packager) and the recommendation of the ESC, the loan is approved in the amount of \$68,540 for seven (7) years at an interest rate of 3%.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of February 2009:

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

Noes: None

Absent or Excused: None

REVOLVING LOAN REQUEST FROM THE BEEHIVE

The purpose of this item was to present to the Board of Aldermen a loan request from Diane Koistinen, owner operator, of the Beehive located at 102 E Weaver Street.

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

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

A RESOLUTION APPROVING A LOAN FROM THE
CARRBORO REVOLVING LOAN FUND
FOR THE FRINGE DBA/THE BEEHIVE
Resolution No. 69/2008-09

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

WHEREAS, the fund now has \$356,468 available to be loaned to applicants with viable projects; and

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

WHEREAS, the Economic Sustainability Commission (ESC) and the SBTDC found the project to eligible for the fund and will create at least five (5) jobs over an eight year period; and

WHEREAS, the applicant has requested a loan in the amount of \$50,000 and provided collateral in beauty shop fixtures, second position lien on a person personal residence owned by her guarantor and her personal signature; and

WHEREAS, she has invested \$10,000 of her own money in the project in addition to the equipment and furniture that she already owned and contributed to the business; and

WHEREAS, the unexpended reserve expenditure budget is reduced by \$50,000 to consummate the loan.

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

Based upon the review of the application by the SBTDC (Loan Packager) and the recommendation of the ESC the loan is approved in the amount of \$50,000 for eight (8) years at an interest rate of 3% contingent upon the applicant receiving all necessary licenses permits to operate the business in the Town of Carrboro.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of February 2009:

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

Noes: None

Absent or Excused: None

REVOLVING LOAN REQUEST FROM THE ORIGINAL ORNAMENT

The purpose of this item was to present to the Carrboro Board of Aldermen a loan application from Casey Schlatter, owner/ operator of the Original Ornament an existing business located in Carr Mill Mall.

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

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

**A RESOLUTION TO APPROVE A LOAN FROM THE
CARRBORO REVOLVING LOAN FUND
FOR THE ORIGINAL ORNAMENT
Resolution No. 70/2008-09**

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

WHEREAS, the fund now has \$349,868 available to be loaned to applicants with viable projects; and

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

WHEREAS, the Economic Sustainability Commission (ESC) and the SBTDC found the project to be eligible for the fund and will retain at least nine (9) jobs; and

WHEREAS, the applicant will provide \$25,000 in equity from her own resources for the project; and

WHEREAS, the applicant has requested a loan in the amount of \$70,000 and provided collateral in the existing inventory, inventory to be purchased, personal guarantee and a life insurance policy in the amount of the loan; and

WHEREAS, the unexpended reserve expenditure budget is reduced by \$70,000 to consummate the loan.

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

Based upon the review of the application by the SBTDC (Loan Packager) and the review and recommendation of the ESC the loan is approved in the amount of \$70,000 for six years at an interest rate of 3%.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of February 2009:

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

Noes: None

Absent or Excused: None

CONTINUED DISCUSSION OF A TOWN CODE AMENDMENT TO REGULATE THE APPLICATION OF FERTILIZER TO TWO ACRES OR MORE OF LAND AREA

The purpose of this agenda item was to review changes to a draft Town Code amendment requiring that application of nutrients to turf area of 2 acres or greater within the municipal limits be completed by a State-certified person, or follow a nutrient management plan.

Randy Dodd, the town's Environmental Planner, made the presentation.

Karen McAdams, the Agricultural Agent with the Orange County Cooperative Extension Service, thanked the Board for its support of the Carrboro Farmers' Market and the protection of water quality. She stated that there is concern from farmers and landowners about regulation of agriculture. She stated that the town's proposed regulations would be stricter than the proposed Jordan Lakes rules now under consideration. She expressed concern about having two sets of rules for the same watershed if the Jordan Lake rules are approved and could cause confusion to landowners. She noted that the Extension Service has not been involved in the town's ordinance discussions up to this point in time, but would be happy to work with the town with training and nutrient management. She expressed concern that the ordinance is scheduled to go into effect within 30 days, and stated that that is not enough time for the Extension Service to develop training modules and to notify those affected by the ordinance. She stated that the Extension Service would also like to involve NCSU in preparing the training modules. She requested that the town allow for more time for the Extension Service, NCSU, and Orange Soil and Water Conservation to work with Carrboro town staff to prepare an implementation program, or wait to see what happen with the Jordan Lake rules currently being considered by the General Assembly. Another possibility would be to use public education to address nutrient management. She stated that they would need at least six months to prepare the necessary training modules.

Betsy Saul stated that she had recently moved to Carrboro and owns property that would be affected by the proposed ordinance. She stated that she has a Master's in ground water hydrology and was a former agricultural extension agent. She suggested a task force be set up to work with the Extension Service for the training. In addition, she stated that she will most likely continue to use the services of a lawn service as a result of this ordinance. She stated that she feels the ordinance is more for turf management than for farm management. She suggested an exemption for farmers if the Board proceeds with the proposed ordinance.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY JACQUELYN GIST TO TABLE THIS MATTER AND REQUEST THE FOLLOWING:

1. That the proposed ordinance be amended to distinguish between farm land and turf;
2. That the effective date of the ordinance be changed;
3. That town staff meet with the Agricultural Extension Office to work on the training component;
4. That town staff meet with affected residents and landowners to determine if the proposed ordinance would be an obstacle to them.

VOTE: AFFIRMATIVE ALL

Mayor Chilton asked that those wishing to be contacted regarding this matter to please let the staff know.

Mike Brough explained that this ordinance is being proposed as a result of our NPDES permit.

Linda Roberts spoke in opposition to the proposed ordinance.

A REQUEST TO ADOPT A BUDGET ORDINANCE REFLECTING APPROVAL OF THREE NEW REVOLVING LOANS

The purpose of this item was to formally approve a budget ordinance to amend the Revolving Loan Fund to reflect the three new loans requested tonight for Cycle 9 (\$68,540); The Beehive (\$50,000); and The Original Ornament (\$70,000).

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2008-09 BUDGET ORDINANCE."
VOTE: AFFIRMATIVE ALL

ANNOUNCEMENT

Alderman Broun announced that Congressman Price will be at the Southern Human Services Center on Thursday, February 19th at 7:30 p.m. to talk about the federal stimulus package.

ADVERTISING WRAPS ON CHAPEL HILL TRANSIT BUSES

Alderman Coleman stated that there had been discussion at the recent Transit Partners meeting about placing advertising wraps on buses. He stated that it would save the Town of Carrboro \$28,000 per year. He asked if it would be possible to limit the wraps to local businesses.

Mayor Chilton asked that the town attorney respond to whether the advertising wraps could be limited to local businesses.

Alderman Lavelle stated it would save approximately \$200,000 per year for transit service, but agreed that the type of advertisers should be considered.

CONSIDERATION OF LIMITED ANTI-LINGERING ORDINANCE

Board members expressed concern that the Board may have been premature in scheduling a public hearing on the limited anti-lingering ordinance.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN THAT THE MARCH 24TH PUBLIC HEARING ON THE ANTI-LINGERING ORDINANCE BE CANCELED AND THAT THE BOARD HAVE A WORKSESSION TO DISCUSS THE DAY LABORER ISSUE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN THAT THE BOARD NOT ACCEPT PUBLIC COMMENT AT THE BOARD'S WORKSESSION ON THE DAY LABORER ISSUE, BUT THAT THOSE INTERESTED PARTIES BE NOTIFIED OF THE BOARD'S ACTION. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 10:06 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Deputy Town Clerk