A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 3, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:	
Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Randee Haven-O'Donnell
	Jacquelyn Gist
	Lydia Lavelle
Asst. Town Manager	Bing Roenigk
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin Mirman

Absent:

Alderman

John Herrera

PROCLAMATION ISSUED

Mayor Chilton issued a proclamation proclaiming March as Sexual Assault Awareness Month.

Christina Riordan, Executive Director of the Orange County Rape Crisis Center, thanked the Board for supporting the center.

CHARGES ISSUED

The Deputy Town Clerk issued charges to new advisory board appointees as follows:

Chris DeFilippo – Economic Sustainability Commission Matthew Arnsberger – Environmental Advisory Board

REPORT ON PEPPERMINT SPRINGS FARM LAWSUIT

T.C. Morphis, an attorney with The Brough Law Firm, presented a report on the lawsuit involving Marilyn Kille, owner of Peppermint Springs Farm located on Old Fayetteville Road.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO APPROVE THE FEBRUARY 2, 10 AND 17, 2009 MINUTES, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

<u>REQUEST TO APPROVE GREENWAYS COMMISSION'S LETTER TO THE UNIVERSITY OF</u> <u>NORTH CAROLINA-CHAPEL HILL</u>

The Greenways Commission has prepared a letter to the University of North Carolina-Chapel Hill regarding the Bolin Creek Greenway planning process. The Greenways Commission requested that the Board of Aldermen approve and forward the letter to the university.

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

A RESOLUTION IN SUPPORT OF THE GREENWAY COMMISSION'S LETTER TO THE UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL Resolution No. 78/2008-09

WHEREAS, the Carrboro Board of Aldermen appoint members of the Greenways Commission to assist in matters concerning greenways within the Town of Carrboro, and

WHEREAS, the town of Carrboro is currently planning for a greenway along the Bolin Creek corridor, and

WHEREAS, the University of North Carolina is a key stakeholder in the planning of the Bolin Creek greenway, and

WHEREAS, the Greenways Commission has prepared a letter updating the University of North Carolina at Chapel Hill regarding the Bolin Creek trail planning process,

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

Section 1. That the Board of Aldermen accepts the Greenway Commission's letter.

Section 2. That the Board of Aldermen directs staff to send the letter to the university.

Section 3. This resolution shall become effective upon adoption. The following resolution having been submitted to a vote received the following vote and was duly adopted this 3rd day of March 2009:

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

Noes: None

Absent or Excused: John Herrera

A RESOLUTION CALLING UPON PRESIDENT OBAMA TO ISSUE AN EXECUTIVE ORDER THAT WOULD PROHIBIT DISCRIMINATION IN FEDERALLY-ASSISTED HOUSING ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION

The purpose of this agenda item was for the Board of Aldermen to consider a resolution calling upon President Obama to issue an Executive Order that would prohibit discrimination in Federally-assisted housing on the basis of sexual orientation, gender identity or gender expression. The following resolution was introduced by Alderman Joal Hall Broun and duly seconded by Alderman Dan Coleman.

A RESOLUTION CALLING UPON PRESIDENT OBAMA TO ISSUE AN EXECUTIVE ORDER THAT WOULD PROHIBIT DISCRIMINATION IN FEDERALLY- ASSISTED HOUSING ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION Resolution No. 75/2008-09

Whereas, members of the LBGT community routinely face discrimination when seeking housing throughout the United States; and

Whereas, the federal government has regrettably not yet amended the Fair Housing Act to prohibit such discrimination; and

Whereas, there are more than four million units of federally-assisted housing in the United States; and

Whereas, the federal government has a special responsibility to make certain that such discrimination plays no role with respect to housing units that are federally assisted; and

Whereas, there is a long tradition of taking the initial step of prohibiting discrimination on the federal level by means of an Executive Order; and

Whereas, President Kennedy issued Executive Order 11063 prohibiting discrimination in federally assisted housing on the basis of race, color, creed, or national origin saying that it was "neither proper nor equitable that Americans should be denied the benefits of housing owned by the Federal Government or financed through Federal assistance on the basis of their race, color, creed, or national origin"; and

Whereas, that Executive Order was subsequently amended to bar discrimination on the basis of gender or disability, or familial status; and

Whereas, the Board of Aldermen has a long history of asserting and advocating for full and equal rights and fair treatment for all; and

Whereas, the Board of Aldermen, recognizing that it is "neither proper nor equitable" for Americans to be denied housing on the basis of sexual orientation, gender identity, or gender expression already seeks to prohibit such discrimination by local law; and

Whereas, President Obama stated in 2007 that, ""While we have come a long way since the Stonewall riots in 1969, we still have a lot of work to do. Too often, the issue of LGBT rights is exploited by those seeking to divide us. But at its core, this issue is about who we are as Americans. It's about whether this nation is going to live up to its founding promise of equality by treating all its citizens with dignity and respect.

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

Section 1. The Carrboro Board of Aldermen calls upon President Obama to issue an Executive Order that would prohibit discrimination in federally assisted housing on the basis of sexual orientation, gender identity, or gender expression.

Section 2. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 3rd day of March 2009:

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

Noes: None

Absent or Excused: John Herrera

CHAPEL HILL REQUEST FOR IN-KIND USE OF THE CENTURY CENTER ON MARCH 28, 2009

The Board of Aldermen was asked to consider a request from the Town of Chapel Hill for in-kind use of the Century Center up to \$500 for the last segment of "Our Stories, In Focus," the community art and history collaboration being put together by the Chapel Hill Public Arts Office and the UNC Humanities Program. The date of requested use is March 28th, from 11:00am-5 p.m.

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

A RESOLUTION APPROVING CHAPEL HILL'S REQUEST FOR IN-KIND USE OF THE CENTURY CENTER ON MARCH 28, 2009 Resolution No.79/2008-09

WHEREAS, Sally Greene of the Chapel Hill Town Council requested the Board of Aldermen to consider a request for in-kind use of the Century Center up to \$500 for the last segment of "Our Stories, In Focus," the community art and history collaboration being put together by the Chapel Hill Public Arts Office and the UNC Humanities Program. The date of requested use is March 28, from 11:00am-5 p.m.;

WHEREAS, the Board requested staff to review the proposal and provide a response; and

WHEREAS, the Board reviewed the request.

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

Section 1. The Board of Aldermen approves the request for in-kind use of the Century Center up to \$500 and co-sponsors the Town of Chapel Hill's "Our Stories, In Focus" community art and history collaboration.

Section 2. This resolution shall become effective upon adoption.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 3rd day of March 2009:

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

Noes: None

Absent or Excused: John Herrera

<u>REQUEST TO SET A PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST FOR</u> <u>ARBORS AT WINMORE</u>

Crosland, LLC, as represented The John R. McAdams Company, has submitted an application for the construction of a 22 dwelling unit project located within the Winmore Village Mixed Use project at 1400 Homestead Road. The Conditional Use Permit, if approved, would allow the creation of 22 multifamily units with associated infrastructure. The applicant requested that the Board schedule the public hearing date for the Conditional Use Permit for March 24, 2009.

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

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED ARBORS AT WINMORE PROJECT LOCATED WITHIN WINMORE VMU LOCATED OFF HOMESTEAD ROAD Resolution No. 77/2008-09

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a Conditional Use Permit for the Arbors at Winmore project to be located within Winmore VMU.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on March 24, 2009 to discuss and comment upon the proposed Arbors at Winmore project.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 3rd day of March 2009:

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

Noes: None

Absent or Excused: John Herrera

Alderman Broun asked for information on the percentage of commercial development that exists and commercial is planned besides the daycare.

REQUEST TO ESTABLISH A CENTENNIAL COMMITTEE

Richard Taylor stated that Carrboro will be celebrating its 100th birthday on March 3, 2011 and asked that the Board consider establishing a centennial committee.

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

Mike Brough stated if an official town committee is established, then they would be subject to the Open Meetings Law.

<u>CONTINUATION OF THE PUBLIC HEARING ON AN ORDINANCE LIMITING CAMPAIGN</u> <u>CONTRIBUTIONS</u>

The purpose of this item was for the Board to receive public input on and then consider the adoption of an ordinance establishing a \$250 limit on campaign contributions to candidates for town elected offices.

Alderman Broun asked if in-kind contributions, i.e., food or wine or a party for a candidate would be included in the \$250 limit.

Alderman Gist asked if someone canvassing a neighborhood for a candidate would be considered an in-kind contribution.

Mayor Chilton stated that state campaign laws already exist to cover such things.

Alderman Lavelle asked that "domestic partner" be added to Section 5-15(c).

Jennifer McMillan spoke in support the proposed ordinance and encouraged the Board to adopt the ordinance.

Fritzi Ross spoke in favor of the proposed ordinance.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO ESTABLISH A \$250 LIMIT ON CONTRIBUTIONS TO CANDIDATES FOR TOWN ELECTED OFFICES, AMENDED AS FOLLOWS:

- That subsection (a) be amended to read as follows: "No person, political committee, or other entity may contribute to any candidate for the office of mayor or any candidate for the office of alderman any money or in-kind contribution in any election (regular or special) in excess of \$250.00."
- That subsection (c) be amended to read as follows: "The provisions of this section do not apply to contributions made by a candidate or a candidate's spouse, domestic partner registered with a government agency, parents, brothers, or sisters."

That subsection 5-21(b) be amended to read:

"(b) A violation of any of the provisions of this chapter, other than Section 5-15, shall subject the offender to a civil penalty of \$25.00 for the first offense, \$50.00 for the second offense within a 30-day period, and \$100.00 for the third or any additional offense that occurs within any 30-day period. A violation of the provisions of Section 5-15 shall subject the offender to a civil penalty in the amount by which the contribution exceeds \$250.00. If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt."

VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

CONSIDERATION OF ADDITIONAL ADVISORY BOARD APPOINTMENTS

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO APPOINT DAVID SHOUP TO THE PLANNING BOARD. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO APPOINT SETH LAJEUNESSE TO AN IN-TOWN SEAT ON THE TRANSPORTATION ADVISORY BOARD. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO MAKE THE FOLLOWING APPOINTMENTS TO THE ARTS COMMITTEE:

- Erin Hurst term expiration 1/31/2012
- Chris Beacham term expiration 1/31/2012
- Bob Saunders term expiration 1/31/2010

VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO APPOINT SARAH ANDREWS AND CARRIE GOLDSMITH TO THE APPEARANCE COMMISSION/NPDC FOR TERMS EXPIRING IN FEBRUARY 2012. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY JACQUELYN GIST TO APPOINT DORIS MURRELL TO AN IN-TOWN SEAT ON THE RECREATION AND PARKS COMMISSION FOR A TERM TO EXPIRE IN FEBRUARY 2012. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST THAT THE TOWN ATTORNEY BE REQUESTED TO DRAFT AN AMENDMENT TO THE TOWN CODE THAT STATES THAT ONE SEAT ON THE TRANSPORTATION ADVISORY BOARD MAY BE FOR A RESIDENT OF THE ETJ OR JOINT PLANNING AREA. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (BROUN), ABSENT ONE (HERRERA)

REQUEST FOR STAFF PROPOSAL FOR SCHEDULING PUBLIC HEARINGS

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO REQUEST THAT THE TOWN STAFF BRING A PROPOSAL TO THE BOARD TO ALLOW PUBLIC HEARINGS TO BE SCHEDULED FOR BOARD MEETINGS OTHER THAN THE FOURTH TUESDAY. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN TO CLOSED SESSION AT 9:09 P.M. TO DISCUSS A MATTER INVOLVING ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 9:23 P.M. VOTE: AFFIRMATIVE ALL

Mayor