

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, April 7, 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
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:

Alderman	Jacquelyn Gist
	John Herrera

REQUEST TO AMEND ANIMAL CONTROL ORDINANCE TO ALLOW LIVESTOCK IN URBAN AREAS

Marianne Prince presented a petition requesting that the animal control ordinance be amended to allow small livestock. She asked that the Portland, Oregon ordinance be used as a model.

Maria Roland spoke in favor of the ordinance change to allow small livestock.

Pat Day, a resident of 100 Gary Road, spoke in favor of allowing goats.

Stephanie Hersh spoke in support of allowing goats.

Sean Woolcock spoke in support of allowing goats on their property.

Dixie Spiegel spoke in opposition to the petition and stated that she was concerned about property value as a result of allowing goats in her neighborhood.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO REFER THIS MATTER TO THE TOWN STAFF FOR REVIEW AND A REPORT BACK TO THE BOARD TO INCLUDE A REVIEW OF QUESTIONS REGARDING THE REQUIRED RADIUS, PERCENTAGE OF HOMEOWNER APPROVAL AND THE TYPE OF ANIMALS COVERED BY THE ANIMAL CONTROL ORDINANCE. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST HERRERA)

Alderman Broun asked that the Board be provided copies of the minutes from September 24, 2002 when the animal control ordinance was last updated, and information on the species of goats, waste removal, etc.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO APPROVE THE MARCH 10, 17 AND 24, 2009 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT TWO (GIST, HERRERA)

A REQUEST TO APPROVE A RESOLUTION FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION NOTES

A resolution representing the Board's formal authorization for the sale of \$2,590,000 in sidewalk bond anticipation notes to replace the existing bond anticipation notes and provide ongoing project funding was presented for board approval. This resolution will allow for the design, construction, and implementation of sidewalk and greenways projects approved by voters in November 2003 to continue.

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

**RESOLUTION FOR THE ISSUANCE OF \$2,590,000
SIDEWALK BOND ANTICIPATION NOTES**

Resolution No. 95/2008-09

WHEREAS:

At a referendum held on November 4, 2003, the voters of the Town of Carrboro authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalk and greenway projects.

The Town has previously issued \$2,590,000 of "bond anticipation notes" to provide construction-period financing for certain projects in anticipation of the later issuance of a portion of the bonds authorized at the 2003 referendum (the "Sidewalk Bonds").

The Town's Board of Aldermen (the "Board") has now determined to issue an additional series of bond anticipation notes to refinance the previously-issued bond anticipation notes at their upcoming maturity, and thereby continue preliminary funding for the projects in anticipation of the later issuance of a portion of the Sidewalk Bonds.

BE IT THEREFORE RESOLVED by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:

1. Determination To Issue Notes -- The Town will issue and sell a single issue of general obligation bond anticipation notes (the "Notes") in the aggregate principal amount of \$2,590,000. The Town will issue the Notes to refinance a series of bond anticipation notes previously issued, and thereby continue construction-period financing for sidewalk and greenway projects in anticipation of the later issuance of a portion of the previously-authorized Sidewalk Bonds.

2. Payment and Other Details of the Notes -- The Notes will be designated "General Obligation Sidewalk Bond Anticipation Notes, Series 2009." The Notes will be dated the date of their initial delivery to their purchaser, will be in a minimum denomination of \$100,000 and will be numbered from R-1 upward. The Notes will bear interest from their date at such rate or rates as will be determined at the time of sale, payable at maturity on the basis of a 360-day year consisting of twelve 30-day months. The principal of the Notes will mature on February 17, 2010, without option of prior payment.

3. Pledge of Faith, Credit and Taxing Power -- The Town's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Notes. Unless other funds are lawfully available and appropriated for timely payment of the Notes, the Town will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the Town sufficient to pay the principal of and interest on the Notes as the same become due. In addition, the proceeds of the Sidewalk Bonds are also hereby pledged for the payment of the Notes, and the Notes will be retired from proceeds of the Sidewalk Bonds as the first priority.

4. Form of Notes -- The Notes will be fully-registered as to principal and interest, and will be in substantially the form set out in Exhibit A. The Notes must be signed by the manual or facsimile signature of the Town's Mayor or Mayor Pro Tem or the Town Manager. The Town's seal must be affixed thereto or a facsimile thereof printed thereon and attested by the manual or facsimile signature of the Town Clerk or any Assistant or Deputy Clerk. No Note will be valid unless at least one signature appearing on such Note (which may be the signature of the LGC official required by law) is manually applied.

5. Finance Officer as Registrar; Payments to Registered Owners -- The Town's Finance Officer is appointed Registrar for the Notes. As Registrar, the Finance Officer will maintain appropriate books and records of the ownership of the Notes. The Town will treat the registered owner of each Note as the person exclusively entitled to payment of principal and interest and the exercise of all rights and powers of the owner, except that the Town shall pay principal and interest on the Notes at maturity to the persons shown as owners on the Town's registration books on February 1, 2010.

6. Advertising Notes for Sale -- The Finance Officer, in collaboration with the LGC, is authorized and directed to take all proper steps to advertise the Notes for sale in accordance with standard LGC procedures, including through the use of a "Notice of Sale" document in the LGC's customary form, and in a form substantially similar to that used for prior Town note sales. The Finance Officer is authorized and directed to review and approve a form of Notice of Sale as such officer may determine to be in the Town's best interest. Any previous actions to that end are ratified and confirmed.

7. LGC To Sell Notes -- The Town asks the LGC to sell the Notes, to receive and evaluate bids and to award the Notes pursuant to the best bid received.

8. Town Manager and Others Authorized To Complete Closing -- After the sale of the Notes, the Town Manager and all other Town officers and employees are authorized and directed to take all proper steps to have the Notes prepared and executed in accordance with their terms and to deliver the Notes to the purchaser upon payment for the Notes, and to take all other proper steps to complete the issuance of the Notes.

The Town Manager is authorized and directed to hold the executed Notes, and any other documents authorized or permitted by this resolution, in escrow on the Town's behalf until the conditions for the delivery of the Notes and other documents have been completed to the Town Manager's satisfaction, and thereupon to release the executed Notes and other documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, this authorization and direction is specifically extended to authorize the Town Manager to approve changes to any documents or closing certifications previously signed by Town officers or employees, provided that the Notes must be in substantially the form approved by this resolution and that any such changes must not substantially alter the intent of such certificates from that expressed in the forms of such certificates as executed by such officers or employees. The Town Manager's authorization of the release of any such document for delivery will constitute conclusive evidence of such officer's approval of any such changes.

9. Resolutions As To Tax Matters -- The Town will not take or omit to take any action the taking or omission of which will cause the Notes to be "arbitrage bonds," within the meaning of Section 148 of the "Code" (as defined below), or "private activity bonds" within the meaning of Code Section 141, or otherwise cause interest on the Notes to be includable in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the Town will comply with any Code provision that may require the Town at any time to pay to the United States any part of the earnings derived from the investment of the proceeds of the Notes, and the Town will pay any such required rebate from its general funds. For the purposes of this resolution, "Code" means the United States Internal Revenue Code of 1986, as amended, including applicable Treasury regulations.

10. Notes Are “Bank-Qualified” Obligations -- The Board designates the Notes as "qualified tax-exempt obligations" for the purpose of Code Section 265(b)(3), which relates to the treatment of interest on the Notes in the hands of certain financial institutions.

11. Book-Entry System for Note Registration -- The Notes will be issued by means of a book-entry system, with one note certificate immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. The book-entry system for registration will operate in accordance with DTC's usual operating procedures. The Town will pay principal and interest on the Notes to DTC or its nominee as registered owner of the Notes. The Town will not be responsible or liable for transfer of payments to parties other than DTC or for maintaining, supervising or reviewing the records maintained by DTC or any other person related to the Notes. The Town Manager is authorized and directed to enter into any agreements such officer deems appropriate to put into place the book-entry system with DTC. The Town may elect to discontinue the book-entry system with DTC, in which case the Notes will be in denominations of \$1,000 above the minimum denomination of \$100,000.

12. Miscellaneous provisions -- All Town officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of Town officers and employees are ratified, approved and confirmed. Upon the absence, unavailability or refusal to act of the Mayor, the Town Manager or the Finance Officer, any of such persons may assume any responsibility or carry out any function assigned to any other officer in this resolution. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

A RESOLUTION ADOPTING THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AS GUIDING PRINCIPLES

Mayor Chilton asked that the resolution be revised to include language regarding sexual orientation, gender identity or gender expression for Board consideration on April 21st.

REQUEST TO ADOPT AN ORDINANCE AMENDING CHAPTER 8 (TRADES AND BUSINESSES) OF THE TOWN CODE

An ordinance amending Chapter 8 of the Town Code to clarify procedures regarding privilege license, commercial solicitation, and taxicab administration and collections has been prepared and is recommended for the Board's adoption.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 8 OF THE CARRBORO TOWN CODE TO CLARIFY ADMINISTRATIVE PROCEDURES AROUND PRIVILEGE LICENSES, COMMERCIAL SOLICITATIONS, AND TAXICAB REGULATIONS," AND THAT THE CHANGES TO

THE MISCELLANEOUS FEES AND CHARGES SCHEDULE BE AMENDED AS PROPOSED. VOTE:
AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

**REQUEST TO ADOPT AN ORDINANCE AMENDING THE TOWN CODE TO PROVIDE THAT
ONE MEMBER OF THE TRANSPORTATION ADVISORY BOARD MAY BE A RESIDENT OF THE
TOWN, THE TOWN'S ETJ OR THE CARRBORO JOINT PLANNING AREA**

Pursuant to Board direction on March 3, 2009, the town attorney has prepared an amendment to the Town Code to provide that one member of the TAB may be a resident of the town, the town's ETJ or the Carrboro Joint Planning Area.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO PROVIDE THAT ONE MEMBER OF THE TRANSPORTATION ADVISORY BOARD MAY BE A RESIDENT OF THE TOWN, THE TOWN'S ETJ, OR THE CARRBORO JOINT PLANNING AREA."
VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

**REQUEST TO SET A PUBLIC HEARING ON THE PRELIMINARY DESIGN FOR SMITH LEVEL
ROAD TIP PROJECT U-2803**

The purpose of this item was to set a public hearing for April 21, 2009, on the preliminary design of the TIP Project U-2803: Smith Level Road.

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

A RESOLUTION SETTING A PUBLIC HEARING ON THE
THE PRELIMINARY DESIGN FOR SMITH LEVEL ROAD TIP PROJECT U-2803
Resolution No. 96/2008-09

WHEREAS the North Carolina Department of Transportation has prepared a preliminary design for the Smith Level Road Transportation Improvement Program project, and

WHEREAS citizens have requested that the Carrboro Board of Aldermen take public comment on the preliminary design, and

WHEREAS the Carrboro Board of Aldermen seeks to provide ample opportunities for public comment.

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

Section 1: Sets a public hearing April 21, 2009 on the preliminary design for Smith Level Road TIP Project U-2803; and

Section 2: Refers the preliminary design to the following advisory boards: Transportation Advisory Board.

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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

A RESOLUTION MAKING AN APPOINTMENT TO THE OWASA BOARD OF DIRECTORS

The Mayor and Board of Aldermen were requested to consider making an appointment to one of the town's seats on the OWASA Board of Directors.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE
ORANGE WATER AND SEWER AUTHORITY BOARD OF DIRECTORS
Resolution No. 91/2008-09

WHEREAS, the Town of Carrboro has two seats on the Orange Water and Sewer Authority Board of Directors; and

WHEREAS, the term of William Stott expires on June 30, 2009; and

WHEREAS, Mr. Stott has expressed his desire to be re-appointed.

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

Section 1. The Board of Aldermen hereby re-appoints William Stott to serve as one of the Town of Carrboro's representatives on the OWASA Board of Directors. This term will expire on June 30, 2012.

Section 2. A copy of this resolution shall be forwarded to OWASA.

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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

REQUEST TO RESET CONTINUATION OF PUBLIC HEARING ON THE CUP REQUEST FOR COLLETON CROSSING

MBI Development as represented by Phil Post and Associates, has submitted an application for the construction of a 39 dwelling unit subdivision located at 8400 & 8420 Reynard Road. The Conditional Use Permit, if approved, would allow the creation of 39 single-family (6 affordable) lots with associated infrastructure, including publicly dedicated streets. The applicant has requested that the April 28th public hearing continuation date be rescheduled to May 19th.

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

**A RESOLUTION RESCHEDULING THE PUBLIC HEARING CONTINUATION
FOR THE PROPOSED COLLETON CROSSING AIS CUP
FROM APRIL 28, 2009 TO MAY 19, 2009
Resolution No. 100/2008-09**

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 authorizing an Architecturally Integrated Subdivision on the properties located at 8400 & 8420 Reynard Road.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the proposed Colleton Crossing AIS project public hearing be rescheduled from April 28, 2009 to May 19, 2009.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

Alderman Broun asked that all concerned citizens be notified of the change this change.

A RESOLUTION MAKING AN APPOINTMENT TO THE HUMAN SERVICES COMMISSION

The Board of Aldermen was requested to consider appointing Mari Weiss to the vacant seat on the Human Services Commission.

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE
HUMAN SERVICES COMMISSION
Resolution No. 99/2008-09**

WHEREAS, there is currently one vacant seat on the Human Services Commission; and

WHEREAS, this positions has been advertised and Mari Weiss has submitted an application; and

WHEREAS, the Chair of the Human Services Commission has prepared a summary of Ms. Weiss' application.

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

Section 1. The Board of Aldermen hereby appoints Mari Weiss to the Human Services Commission. Ms. Weiss' term shall expire in February 2012.

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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

A REQUEST TO ADOPT A RESOLUTION EXPRESSING OPPOSITION TO SENATE BILL 1004

Alderman Coleman requested that the Board of Aldermen consider adopting a resolution expressing opposition to Senate Bill 1004. The Board adopted a similar resolution in 2007.

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

**A RESOLUTION EXPRESSING THE CARRBORO BOARD OF ALDERMEN'S OPPOSITION TO
SENATE BILL 1004 AND URGING ITS DEFEAT IN THE NORTH CAROLINA GENERAL ASSEMBLY
Resolution No. 97/2008-09**

WHEREAS, the Board of Aldermen of the Town of Carrboro understands Senate Bill 1004, "Level Playing Field/Cities/Service Providers", introduced in the 2009 Session of the General Assembly of North Carolina, seeks to transform municipal fiber optics systems laws such that it will effectively prevent municipalities from competing in the marketplace with commercial providers; and

WHEREAS, the Town of Carrboro, after discussion by the Board of Aldermen, wishes to reserve the right to use future public communications infrastructure, such as fiber optic and wireless networks, for the public good; and

WHEREAS, the Board of Aldermen desires that all of the citizens, consumers and businesses in Carrboro have equal access to advanced and cost effective communications and entertainment services; and

WHEREAS, the current and expected economic climate makes access to telecommunications services critically important to Carrboro citizens for seeking employment, for education, and for a wide range of information resources; and

WHEREAS, the Board of Aldermen believes Senate Bill 1004 adds unnecessary burdens to local governments who have chosen to provide high-speed broadband telecommunication services to its businesses and residences and hinders the Town of Carrboro's ability to act in accordance with the best interests of its citizenry; and

WHEREAS, the Town of Carrboro believes that Senate Bill 1004 is not intended to make competition fair, but to disable local governments' ability to provide necessary services where current high quality internet services

are non-existent and where private companies have chosen not to invest in those services; and

WHEREAS, the Board of Aldermen believes Senate Bill 1004 contradicts existing law, including the Local Development Act of 1925 as established by NCGS § 158 that allows local government to give support to the economic development of communities throughout North Carolina; and

WHEREAS, the General Assembly has already established laws which apply to local governments seeking to offer an enterprise service to its community (NCGS § 160A Article 16, NCGS § 159 Article 3, and NCGS § 160A, Article 3);

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the Board of Aldermen opposes passage of Senate Bill 1004 because of the additional and unnecessary barriers to local government's efforts to meet residents' telecommunication needs.

BE IT FURTHER RESOLVED that the Board of Aldermen urges the Senate Commerce Committee and any other legislative committee reviewing this bill to issue an unfavorable report on Senate Bill 1004 and urges each member of the General Assembly to reject this poorly conceived policy measure.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

APPROVAL OF AN IDENTITY THEFT RED FLAG POLICY

The purpose of this policy was to identify programs and services (accounts) where information is collected by the Town from citizens in a "creditor" relationship, determine whether such information is maintained in "covered accounts" containing customer "identifying information" per federal regulations, and establish procedures for the security of such information if necessary.

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

A RESOLUTION ADOPTING AN IDENTITY THEFT/RED FLAG RULES POLICY AND PROCEDURES Resolution No. 102/2008-09

WHEREAS, the Federal Trade Commission (FTC) has required that all financial institutions and creditors who establish or maintain "covered accounts" containing customer "identifying information" as defined by the Fair and Accurate Credit Transactions Act (FACTA) of 2003 establish identity theft protection programs; and

WHEREAS, the Town of Carrboro has evaluated accounts maintained by the Town, as to their type and vulnerability to identity theft, for the purpose of identifying applicability to the FACTA regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Aldermen of the Town of Carrboro concurs with the staff evaluation and adopts the Identity Theft/Red Flag Rules Policies and Procedures for the Town of Carrboro.

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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

CONSIDERATION OF A CARRBORO CENTENNIAL COMMITTEE TO PLAN A CELEBRATION OF CARRBORO'S 100TH BIRTHDAY

On March 3, 2009, Mr. Richard Taylor requested that the Board of Aldermen consider a committee to celebrate the 100th birthday of the Town of Carrboro. The Board then requested staff to review the request and provide recommendation. Staff endorses the vision of a centennial celebration.

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

**A RESOLUTION ENDORSING THE ESTABLISHMENT OF A
CARRBORO CENTENNIAL COMMITTEE TO PLAN A
CELEBRATION OF CARRBORO'S 100TH BIRTHDAY
Resolution No. 101/2008-09**

WHEREAS, the Town of Carrboro will be in existence for one hundred years on March 3, 2011; and

WHEREAS, the Town of Carrboro endorses a citizen effort to commemorate the town's one-hundred years of existence, recognize its history, and honor the various individuals, organizations, schools, and businesses that have contributed to the community of Carrboro;

WHEREAS, the Board of Aldermen supports the 2011 Carrboro Centennial Celebration Day and the efforts of the Carrboro Day planning committee; and

WHEREAS, the Board of Aldermen would like to encourage the citizens of Carrboro, and local businesses and schools to become involved in the 2011 Carrboro Centennial Celebration Day.

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

Section 1. The Board of Aldermen encourages the Carrboro Day Committee to undertake the lead role in planning for the centennial celebration and the 2011 Carrboro Day becomes known as Carrboro Centennial Celebration Day.

Section 2. This centennial celebration theme will be the focal point with some of the existing and new recreation programs and special events.

Section 3. The Carrboro Recreation and Parks Department will continue to work with The Carrboro Day Committee in a liaison manner.

Section 4. The Board endorses the outline recommended by staff as the guideline for event development and committee expectations.

Section 5. 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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

A REQUEST TO APPROVE A BUDGET AMENDMENT

The purpose of this item was to recognize the additional donation revenues (\$1,200) and associated expenditure budget for the CD & Memorabilia Event.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY-2008-09 BUDGET ORDINANCE." VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

REQUEST FOR EMERGENCY HOUSING REPAIR ASSISTANCE FROM THE AFFORDABLE HOUSING REVENUE FUND

The purpose of this item was to present to the Board of Aldermen a request for funding from the Affordable Housing Special Revenue Fund from Orange County Housing and Community Development for the complete repair to the roof and chimneys on the house at 109 Jones Ferry Road. If approved by the Board, it was requested that a budget ordinance amendment be adopted.

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 Lydia Lavelle.

A RESOLUTION APPROVING A REQUEST FOR FUNDS
FROM THE AFFORDABLE HOUSING SPECIAL REVENUE FUND
TO MAKE EMERGENCY REPAIRS AT 109 JONES FERRY ROAD
Resolution No. 93/2008-09

WHEREAS, the Board of Aldermen on, June 27, 2007, by the adoption of resolution no. 244/206-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Board can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Special Revenue Fund was also designed to provide emergency housing repair for Carrboro residents without the means to do it on their own; and

WHEREAS, Orange County Housing and Community Development has made an application to the Town to use \$28,000.00 from the fund to support a planned rehabilitation project at 109 Jones Ferry Road that exceeds the limits of the limits of the CDBG program but are repairs that are necessary to render this unit to be safe and decent and to keep it in the affordable housing stock of Carrboro. These funds will be used to completely replace the roof and to repair two chimneys that are pulling away from the structure; and

WHEREAS, Orange County Housing will participate in the project at a cost of approximately \$72,000.00 and has submitted the appropriate information describing the project, certifying the applicants income status as being below 80% of the area median income for its family size and providing estimates for the repair; and

WHEREAS, staff has reviewed the application and determined that it meets the criteria set forth in the Affordable Housing Special Revenue Fund and recommends that the Board approve the deferred loan for the repair for a term of 15 years where the loan will be forgiven at an amount \$1,866.67 per year; and

WHEREAS, a budget amendment is required is required to expend these funds for the purpose proposed.

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

Section 1. The Board of Aldermen approves this deferred loan in the amount of \$28,000.00 for 15 years to be forgiven in the amount of \$1,866.67 per year and to be secured by a lien against the property until the debt is satisfied as a first position on the property.

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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2008-09 BUDGET ORDINANCE."
VOTE: AFFIRMATIVE FIVE, ABSENT ONE (GIST, HERRERA)

STATUS REPORT FROM THE LOCAL LIVING ECONOMY TASK FORCE

The purpose of this item was to present to the Board of Aldermen an update on the activities of the Local Living Economy Task Force.

Sammy Slade made the presentation.

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

A RESOLUTION ACCEPTING THE REPORT FROM THE LOCAL LIVING ECONOMY TASK FORCE

WHEREAS, on March 18, 2008 the Board of Aldermen created the Local Living Economy Task force (LLETf), with the mission of supporting the Board of Aldermen's desire to help Carrboro to achieve a locally owned, operated, and supported economy; and

WHEREAS, the LLETf is to aid the Board of Aldermen in achieving that goal; and

WHEREAS, the LLETf has met and discussed issues relative to helping Carrboro to achieve a locally owned, operated, and supported economy and prepared a report and is now prepared to share that report with the Board of Aldermen;

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

Section 1. The Board accepts the report from the Local Living Economy Task Force and the LLETf will continue working on the charge from the Board of Aldermen and will provide another report prior to completing its work.

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 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

UPDATE ON JORDAN LAKE RULES

The purpose of this agenda item was to provide an update on the status of rulemaking for Jordan Lake subsequent to the last update provided by staff in May 2008. A draft resolution expressing concerns about certain aspects of the draft rules was available for the Board's consideration

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

Elaine Chisso, with the Haw River Assembly, spoke in support of the Board adopting a resolution that supports the rules adopted by the EMC to protect Jordan Lake. She asked that the resolution be amended to delete #4, 8 and 9.

William Stott asked whether neighborhood land use would be affected by this and encouraged town to think about how people are using their yards

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

A RESOLUTION REGARDING THE ADOPTION OF GENERAL LEGISLATION TO MODIFY THE JORDAN LAKE RULES

Resolution No. 92/2008-09

WHEREAS, Jordan Lake is an non-natural, engineered reservoir, impounded over 60 years after Carrboro was incorporated, resulting in substantial pre-impoundment development in Carrboro; and

WHEREAS, water quality and specifically eutrophication concerns have been raised for Jordan Lake for over 4 decades, dating to pre-impoundment; and

WHEREAS, the North Carolina General Assembly, Environmental Management Commission and Division of Water Quality are actively pursuing new regulations limiting nitrogen and phosphorus inputs to Jordan Lake; and

WHEREAS, Rules adopted for Jordan Lake in 2008 by the Environmental Management Commission are unprecedented in the state in mandating that the Town of Carrboro and a few other local governments reduce nitrogen from “existing development” by 35 percent and phosphorous by 5 percent; and

WHEREAS, the Town of Carrboro and its citizens have been leaders over the years in protecting the environment in water quality, land use regulation, stream buffer protection, open space preservation, and stormwater management, and support efforts to protect and restore Jordan Lake; and

WHEREAS, the financial impact of the existing development provisions in the rules will likely be significant, and

WHEREAS, the rules as drafted arguably result in selected local governments bearing an unreasonable and unprecedented burden; and

WHEREAS, these costs could cause hardship to Carrboro’s citizens, threatening the Town’s ability to maintain positive fiscal health in the conduct of everyday business and economic development initiatives; and

THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

- 1) The Board supports further reductions of nutrients to Jordan Lake through the various measures included in the draft rules, as well as air quality controls that reduce atmospheric deposition of nitrogen.
- 2) The Board would support the existing development provisions if they guarantee financial support that substantially reduces the financial burden to the Town and recognizes the federal and state responsibility for the authorization and construction of Jordan Lake, with water quality concerns dating to pre-impoundment; and
- 3) The Board requests that the rules include provisions both recognizing pre-impoundment and pre-baseline development conditions and enabling the accounting and crediting for the Town’s efforts prior to 2001, and
- 4) A copy of this resolution shall be forwarded to the Town’s Legislative Delegation.

The resolution is effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 7th day of April 2009:

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

Noes: None

Absent or Excused: Jacquelyn Gist, John Herrera

2009 ADVISORY BOARD RECOGNITION DINNER

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE TOWN STAFF PROCEED WITH THE 2009 ADVISORY BOARD RECOGNITION DINNER. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (GIST, HERRERA)

MERIT INCREASE FOR THE TOWN CLERK

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO GRANT THE TOWN CLERK A 4.5% SALARY INCREASE RETROACTIVE TO JANUARY 5, 2009 VOTE: AFFIRMATIVE FIVE , ABSENT TWO (GIST, HERRERA)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:41 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (GIST, HERRERA)

Mayor

Town Clerk