

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, June 16, 2009 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

RECOGNITION OF MANAGEMENT SERVICES DEPARTMENT FOR RECEIVING GFOA BUDGET AWARD AND CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mayor Chilton read and presented the following resolution to members of the Management Services Department.

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

A RESOLUTION RECOGNIZING THE MANAGEMENT SERVICES DEPARTMENT FOR RECEIVING THE GFOA DISTINGUISHED BUDGET AWARD AND CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING
Resolution No. 152/2008-09

WHEREAS, the Government Finance Officers Association (GFOA) is a nonprofit professional association serving 17,500 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting; and,

WHEREAS, the Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management; and,

WHEREAS, the winning both awards represent a significant achievement by an entity. It reflects the commitment of the governing body and staff to meet the highest principles of governmental budgeting and financial reporting; and,

WHEREAS, In North Carolina, 22 municipalities received the GFOA Distinguished Budget Award and 69 municipalities received the Certificate of Achievement for Excellence in Financial Reporting. Only 21 municipalities received both awards. The Town has received the Budget Award for six years and the Certificate of Achievement for Excellence in Financial Reporting for three years; and

WHEREAS, the employees of the Management Services Department, through their daily work, contribute to the Town's overall solid fiscal position on behalf of the Carrboro community; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen does hereby extend our personal recognition and thanks to

L. Bingham Roenigk, Assistant Town Manager
Sandy Svoboda, Purchasing Officer/Budget Analyst
Nancy Emslie, Accounting Officer,
Jane Bowden, Accounting Technician I
Tonya Counts, Staff Accountant
Carrie Farrington, Program Support Assistant II
Lynda Frei, Accounting Technician II
Andy Vogel, IT Manager
Greg Brusseau, IT Support Engineer

for their team spirit and tireless efforts in achieving these awards and for their day-to-day dedication in serving the Town and its residents.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

A RESOLUTION HONORING JON WILNER

Alderman Dan Coleman read and presented the following resolution to Jon Wilner, Executive Director of the ArtsCenter.

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

A RESOLUTION HONORING JON WILNER ON THE OCCASION OF HIS RETIREMENT FROM THE ARTSCENTER Resolution No. 151/2008-09

WHEREAS, Jon Wilner has been Executive Director of the ArtsCenter for the past six years; and

WHEREAS, under Jon's leadership and vision the ArtsCenter expanded its offerings to the community in nearly every genre of the arts; and

WHEREAS, the ArtsCenter now touches over 60,000 people each year, including over 40,000 children using both its facility in Carrboro and its programs at satellite facilities and schools; and

WHEREAS, Jon is credited with taking the ArtsCenter from a \$600,000 annual budget to nearly \$1.5 million; and

WHEREAS, Jon has been an ardent proponent of arts for children, has pursued the establishment of an arts magnet school in a new ArtsCenter building, and has led the development of children-focused programs including the very successful youth performing arts conservatory; and

WHEREAS, Jon generously donated his time to host a weekly radio show devoted to the arts on WCHL radio; and

WHEREAS, Jon has served on numerous community boards of directors and as the Town of Carrboro's representative to the Orange County Visitors Bureau; and

WHEREAS, Jon has always been a tireless advocate for the ArtsCenter and the entire arts community throughout the area; and

WHEREAS, Jon has been an exemplary citizen and community leader known for his passion, energy, commitment, thoughtfulness, and humor; and

WHEREAS, after a period of great personal challenge and loss, Jon is stepping down from his position effective June 30, 2009; and

WHEREAS, Jon will continue as Interim Executive Director and subsequently work in community relations for the ArtsCenter

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen express our heartfelt appreciation for the service Jon Wilner has given to the ArtsCenter and to the Carrboro community, wish him health and happiness in the years ahead, and look forward to his continued contributions to sustaining the greater Carrboro area as a center for the arts.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

Jon Wilner thanked the town and the community for their support over the years.

REQUEST FOR CONSIDERATION OF A LAND USE ORDINANCE AMENDMENT REGARDING AFFORDABLE HOUSING

Robert Dowling, Executive Director of the OCHLT, asked that the Board consider a possible land use ordinance amendment that would request fewer affordable housing units from developers (less than 15%) but asking for homes to be provided to the Land Trust at a price that is affordable to households earning 65% of median income.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO REFER THIS REQUEST TO THE TOWN STAFF FOR CONSIDERATION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

APPROVAL OF MINUTES OF PREVIOUS MEETINGS - (ITEM C(1))

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO APPROVE THE JUNE 2 AND 9, 2009 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

REQUEST FOR AN EXTENSION OF A CONDITIONAL USE PERMIT FOR THE SHOPPES AT JONES FERRY - (ITEM C(2))

The Board was asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for The Shoppes at Jones Ferry Commercial Development at 405 Jones Ferry Road. The Town Staff recommended approval of the request.

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

A RESOLUTION APPROVING THE EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE SHOPPES AT JONES FERRY COMMERCIAL DEVELOPMENT AT 405 JONES FERRY ROAD

Resolution No. 135/2008-09

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for The Shoppes at Jones Ferry Commercial Development at 405 Jones Ferry Road on September 25th, 2007; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance states that a CUP will expire automatically within two years of the issuance date if less than ten percent (10%) of the total cost of the project has been completed on site, unless the permit-issuing authority extends the expiration date pursuant to the findings found in Section 15-62(c) of the Land Use Ordinance;

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1.) the CUP has not yet expired 2.) the permit recipient has proceeded with due diligence and good faith, and 3.) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen that the expiration date for The Shoppes at Jones Ferry Conditional Use Permit is hereby extended to September 25th, 2010.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST FOR AN EXTENSION OF A CONDITIONAL USE PERMIT FOR THE MATTHEW'S FAMILY BUILDING - (ITEM C(3))

The Board was asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for The Matthew's Family Building at 609 Highway 54 West. The Town Staff recommended approval of the request.

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

A RESOLUTION APPROVING THE EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE MATTHEW'S FAMILY BUILDING AT 609 HIGHWAY 54 WEST
Resolution No. 136/2008-09

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for The Matthew's Family at 609 Highway 54 West on September 25th, 2007; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance states that a CUP will expire automatically within two years of the issuance date if less than ten percent (10%) of the total cost of the project has been completed on site, unless the permit-issuing authority extends the expiration date pursuant to the findings found in Section 15-62(c) of the Land Use Ordinance;

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1.) the CUP has not yet expired; 2.) the permit recipient has proceeded with due diligence and good faith; and 3.) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen that the expiration date for The Matthew's Family Building Conditional Use Permit is hereby extended to September 25, 2010.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST FOR AN EXTENSION OF A CONDITIONAL USE PERMIT FOR THE ALBERTA MIXED USE PROJECT – (ITEM C(4))

The Board was asked to consider adopting a resolution approving an extension of the expiration date for The Alberta Mixed Use Project Conditional Use Permit. The Town Staff recommends approval of the request.

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

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE ALBERTA MIXED USE PROJECT AT 300 ROBERSON STREET
Resolution No. 141/2008-09**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for The Alberta Mixed Use Project at 300 Roberson Street on September 11, 2007; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance states that a Conditional Use Permit will expire automatically within two years of the issuance date if less than ten percent (10%) of the total cost of the project has been completed on site, unless the permit-issuing authority extends the expiration date pursuant to the findings found in Section 15-62(c) of the Land Use Ordinance; and

WHEREAS, the applicant now seeks an extension of the date on which a Conditional Use Permit otherwise would expire; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for The Alberta Mixed Use Project Conditional Use Permit is hereby extended to September 11, 2010.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST FOR AN EXTENSION OF A CONDITIONAL USE PERMIT FOR THE BALLENTINE AIS – ITEM C(5)

The Board was asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Ballentine Architecturally Integrated Subdivision (AIS) CUP on Old NC 86. The Town Staff recommended approval of the request.

Jeremy Medlin, with MI Homes, stated that he thought their development plan was a good plan and that it would be unfair to ask them to redo the CUP to include commercial. He asked the Board to be as fair as possible.

Marty Roupe, the town's Zoning Administrator, stated that that the land use ordinance does not limit the number of CUP extensions.

Jeremy Finch with the John R. McAdams Co., stated that they thought the issues had been addressed with the CUP approval. He stated that they will be moving forward with the project as soon as the economy improves and asked for an extension so that they can pick up where they left off.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOHN HERRERA TO GRANT A SIX MONTH EXTENSION OF THE CONDITIONAL USE PERMIT WITH THE REQUEST THAT THE DEVELOPER LOOK FAVORABLY AT INCLUDING A COMMERCIAL ELEMENT IN THE PROJECT.
VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

A REQUEST FOR A MINOR MODIFICATION TO THE CROWN CASTLE TELE-COMMUNICATIONS TOWER CONDITIONAL USE PERMIT – ITEM C(6)

Alltel Communications has applied for a minor modification to the Crown Castle Telecommunications Tower located at 200 Redfoot Road. The Crown Castle Telecommunications Tower was last amended on March 21, 2006 (to allow the installation of an additional antenna to the tower as well as installing equipment within the existing fenced in area). The proposed minor modification consists of adding a new antenna to the tower as well as installing equipment within an existing building at the base of the tower. Per Section 15-176 (15) of the Land Use Ordinance (LUO), additional antenna arrays located on existing towers must be approved through the

minor modification process. The town staff requested that the Board of Aldermen review the request and make a decision regarding the minor modification.

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

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE CROWN CASTLE
TELECOMMUNICATION TOWER LOCATED AT 200 REDFOOT DRIVE ALLOWING ALLTEL
COMMUNICATIONS TO LOCATE AN ANTENNA ON THE TOWER AND TO INSTALL EQUIPMENT
WITHIN AN EXISTING BUILDING AT THE BASE OF THE TOWER
Resolution No. 137/2008-09

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 200 Redfoot Drive on June 25th, 1996; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that additional users on a tower shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications for towers contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Crown Castle conditional use permit located at 200 Redfoot Drive allowing Alltel Communications to install an antenna on the tower and to install equipment within an existing building at the base of the tower.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

**REQUEST TO APPROVE DESIGNATION OF FUND BALANCE FOR FY2008-09 BUDGET ITEMS
NOT YET SPENT OR ENCUMBERED – ITEM C(7)**

The Town has identified several projects totaling \$416,823 within the FY2008-09 general fund budget whereby funds approved by the Board have not been spent but will be needed when the projects are brought to fruition and a vendor is identified to purchase the service or item. In addition, numerous items were identified in the FY09-10 budget process as being suited for designated fund balance. The funds, if not spent or reserved for next year, will lapse to undesignated fund balance within the General Fund at June 30, 2009. The Board was requested to set aside these funds for the upcoming year by designating fund balance for appropriation when needed in the upcoming fiscal year.

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

A RESOLUTION DESIGNATING FUND BALANCE
Resolution No. 131/2008-09

WHEREAS, the Town Manager, Steven E. Stewart, has described to the Board the desirability of adopting a resolution to reserve fund balance for the following projects:

BE IT RESOLVED by the Board of Aldermen that fund balance be reserved to fund the following items:

Designated Fund Balance FY08-09	
Return unspent street resurfacing funds to capital reserve	\$ 23,354
Letter of Credit cashed, Town assumes responsibility for work – PIKA Developers/Tramore Subdivision	\$ 42,219
OWASA Subsidy	\$ 98,181
Fines and Forfeitures	\$ 22,467
HOME Consortium, 09-10 match – increased local share cost	\$ 2,254
New SAFER grant for 3 firefighters	\$ 15,000
Rent	\$ 1,500
Arts Committee	\$ 3,289
Carrboro Parks Project	\$ 194
C&D Memorabilia	\$ 67
Fire Department - Car Seat Sales	\$ 937
Appearance Commission, Historic Plaque Program	\$ 395
Unexpended Narcotics Fund	\$ 8,511
Old Carrboro neighborhood traffic management study (Oak Ave)	\$ 5,000

Set aside in budget process:

Wilson Park Bathroom	\$ 133,955
Adams Tract Pedestrian Bridge	\$ 30,000
Dog Park Fence Renovation	\$ 10,500
Local Match, Watershed Restoration Grant \$5,000	\$ 5,000
Replace Carpet in Fire Dept Hallway	\$ 4,000
Wilson Park Playground Equipment for 2-5 year olds (debt service portion only)	\$ 10,000

TOTAL	\$ 416,823
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FY08-09 Budget Items

Unexpended Street Resurfacing Budget (\$23,354) – The street resurfacing program, funded with capital reserves, was completed in FY08-09. Any funds that are remaining are typically transferred back to the Capital Reserve Fund for future street resurfacing.

PIKA Developers/Tramore Subdivision – Letter of Credit Cashed (\$42,219) – Per Land Use regulations, the Town has cashed a letter of credit from the PIKA Developers to assume responsibility for incomplete work on the Tramore subdivision. Staff is reviewing options for the best use of the available funds.

OWASA Subsidy (\$98,181) - The unspent portion of the OWASA sewer subsidy budget is reserved annually until spent entirely.

Fines and Forfeitures (\$22,467) –The Carrboro Police department uses these funds to supplement ongoing investigations and anticipates using the unexpended funds toward investigations activity in the upcoming year.

HOME Consortium, FY09-10 Additional Local Match (\$2,254) – Following preparation of recommended budget, the Town received notice of an increase in the HOME Consortium match.

Rent (\$1,500) – Renewal of vehicle lease cost higher than anticipated. Funds are needed to pay increased cost.

SAFER Grant (\$15,000) – The Fire Department is anticipating receipt of a SAFER Grant for the remaining three firefighters needed for the fire substation. The first year requires a 10% match.

Arts Committee (\$3,289) – The Arts Committee has unexpended funds remaining and requests to reserve the funds for use in the upcoming year.

Carrboro Parks Project (\$194) – Funds represent the unexpended funds from the fundraising efforts for the disc golf course.

CD & Memorabilia (\$67) - Annually, the CD & Memorabilia show is held. Given that the show is self-supporting, funds remaining are carried over.

Fire Department – Car Seat Sales (\$937) – The Fire Department received a grant in previous years to purchase car seats and install them in the vehicles on a sliding fee scale. Revenue earned and unspent funds are carried over to continue the program.

Appearance Commission (\$395) – Funds rolled over will assist with costs of plaques for the historical preservation program.

Unexpended Narcotics Investigations Funds (\$8,511) The Police Departments requests that unexpended funds for undercover investigations be carried over to the next fiscal year.

Old Carrboro Neighborhood Traffic Management Study (\$5,000) – The Planning Department requests to set aside funds for discussion of traffic management issues around Oak Ave.

The following projects represent needs submitted in the FY09-10 budget that are recommended for funding with designated reserves when the economy improves and if fund balance ratios are within ranges recommended in fiscal policy:

Wilson Park Bathroom (\$133,955) – Replace bathroom at Wilson Park.

Adams Tract Pedestrian Bridge (\$30,000) –Construction of a pedestrian bridge in Adams Tract.

Dog Park Fence Renovation (\$10,500) - Safety improvements will be made to the dog park, providing separate spaces for small and large dogs.

Local Match for Watershed Restoration Grant (\$5,000) –A grant application for watershed restoration was awarded and fully funded in June 2008. A local match of \$5,000 is required. Due to economic instability, the project has been delayed.

Building maintenance costs (\$4,000) - Replace Carpet in Fire Department Hallway.

Wilson Park Playground Equipment – (\$10,000) - Funds will be borrowed to finance purchase of playground equipment at Wilson Park. The amount reserved represents the first year of debt service cost to finance the playground equipment.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

APPROVAL OF MUNICIPAL AGREEMENT WITH NCDOT FOR PROJECTS FUNDED BY THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 – ITEM C(8)

The Town of Carrboro has been allocated funds via the American Recovery and Reinvestment Act of 2009 for construction of the Ashe and Bim Street sidewalk projects and for the installation of bus shelters. NCDOT, administrator of these funds, has prepared Municipal Agreements for these projects. Three resolutions authorizing the Manager and Town Clerk to sign and execute the agreements were recommended for the Board's approval.

George Seiz, the town's Public Works Director, stated that two meetings had been held with the neighbors.

Mayor Chilton asked to be recused from voting on Items C(8), C(9) and C(10) because he is a resident of Ashe Street.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO RECUSE MAYOR CHILTON FROM VOTING ON ITEMS C(8), C(9) AND C(10). VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING EXECUTION OF THE
MUNICIPAL AGREEMENT WITH NCDOT TO BUILD A SIDEWALK ON ASHE STREET
Resolution No.146 /2008-09

WHEREAS, the Town of Carrboro has plans for the construction of a construction of 650 linear feet of 5-foot wide concrete sidewalk along the western side of Ashe Street from West Main Street to Shelton Street; and

WHEREAS, the Town of Carrboro has requested federal funding for this project; and

WHEREAS, the Town has been designated to receive funds allocated to the Department of Transportation from the American Recovery and Responsibility Act of 2009 by the Federal Highway Administration (FHWA) up to the maximum amount of \$155,200; and,

WHEREAS, the Transportation Advisory Council (TAC) has authorized the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO) to approve the allocation of the Surface Transportation Program Direct Attributable (DA) Funds to be used for the construction of this project; and,

WHEREAS, the Town of Carrboro agrees to be responsible for the preparation of all environmental documentation, including any environmental permits and for the design and preparation of project plans, specifications, quantities and details for said project, all costs which exceed \$155,200, and all eligible costs not reimbursed by the Federal Highway Administration due to noncompliance by the Municipality, as well as other responsibilities set out in the agreement; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the town is hereby authorized to construct the Ashe Street sidewalk and that the Town Manager, attested to by the Town Clerk, is further authorized to sign and execute the Agreement with the North Carolina Department of Transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

Ayes: Dan Coleman, Lydia Lavelle, John Herrera, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING EXECUTION OF THE
MUNICIPAL AGREEMENT WITH NCDOT TO BUILD A SIDEWALK ON BIM STREET
Resolution No. 147/2008-09

WHEREAS, the Town of Carrboro has plans for the construction of a construction of 800 linear feet of 5-foot wide concrete sidewalk along the eastern side of Bim Street from Jones Ferry Road to the Town Commons and from the Town Commons to Fidelity Street; and

WHEREAS, the Town of Carrboro has requested federal funding for this project; and

WHEREAS, the Town has been designated to receive funds allocated to the Department of Transportation from the American Recovery and Responsibility Act of 2009 by the Federal Highway Administration (FHWA) up to the maximum amount of \$200,100; and,

WHEREAS, the Transportation Advisory Council (TAC) has authorized the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO) to approve the allocation of the Surface Transportation Program Direct Attributable (DA) Funds to be used for the construction of this project; and,

WHEREAS, the Town of Carrboro agrees to be responsible for the preparation of all environmental documentation, including any environmental permits and for the design and preparation of project plans, specifications, quantities and details for said project, all costs which exceed \$200,100, and all eligible costs not reimbursed by the Federal Highway Administration due to noncompliance by the Municipality, as well as other responsibilities set out in the agreement; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the town is hereby authorized to construct the Bim Street sidewalk and that the Town Manager, attested to by the Town Clerk, is further authorized to sign and execute the Agreement with the North Carolina Department of Transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

Ayes: Dan Coleman, Lydia Lavelle, John Herrera, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING EXECUTION OF THE
MUNICIPAL AGREEMENT WITH NCDOT TO INSTALL 3 TO 4 BUS SHELTERS
Resolution No. 148/2008-09

WHEREAS, the Town of Carrboro has plans to update the design of bus shelters to accommodate wheelchair space and solar lighting capabilities and to install 3 to 4 new bus shelters at the following bus stop locations: 1) Carrboro Century Center on Weaver Street, 2) Carrboro Town Hall on W. Main Street, 3) NC 54 and Westbrook Drive, and 4) NC 54 at Canterbury Townhomes; and

WHEREAS, the Town of Carrboro has requested federal funding for this project; and

WHEREAS, the Town has been designated to receive funds allocated to the Department of Transportation from the American Recovery and Responsibility Act of 2009 by the Federal Highway Administration (FHWA) up to the maximum amount of \$48,296; and,

WHEREAS, the Transportation Advisory Council (TAC) has authorized the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization (MPO) to approve the allocation of the Surface Transportation Program Direct Attributable (DA) Funds to be used for the construction of this project; and,

WHEREAS, the Town of Carrboro agrees to be responsible for the preparation of all environmental documentation, including any environmental permits and for the design and preparation of project plans, specifications, quantities and details for said project, all costs which exceed \$48,296, and all eligible costs not reimbursed by the Federal Highway Administration due to noncompliance by the Municipality, as well as other responsibilities set out in the agreement; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro that the town is hereby authorized to install 3 to 4 bus shelters and that the Town Manager, attested to by the Town Clerk, is further authorized to sign and execute the Agreement with the North Carolina Department of Transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

Ayes: Dan Coleman, Lydia Lavelle, John Herrera, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun

REQUEST TO AUTHORIZE THE TOWN MANAGER TO AWARD A CONSTRUCTION CONTRACT FOR THE BIM AND ASHE STREET SIDEWALK PROJECTS – ITEM C(9)

The purpose of this agenda item was to request that the Board of Aldermen authorize the Town Manager to award a construction contract for the Bim Street and Ashe Street sidewalk projects.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A CONSTRUCTION CONTRACT FOR THE BIM STREET AND ASHE STREET SIDEWALK PROJECTS

Resolution No. 143/2008-09

Section 1. The Board of Aldermen hereby authorizes the Town Manager to award a contract for the Bim Street and Ashe Street Sidewalk projects in an amount not to exceed \$547,400.

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 16th day of June 2009:

Ayes: Dan Coleman, Lydia Lavelle, John Herrera, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Mark Chilton, Joal Hall Broun

REQUEST TO APPROVE A BUDGET AMENDMENT – ITEM C(10)

The Town has received federal grant revenue from the American Recovery and Reinvestment Act (ARRA) for two sidewalks (Ashe and Bim Streets) and for bus shelters. A project ordinance is needed to appropriate funds for these projects.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2008-09 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE FIVE, ABSENT ONE (BROUN), EXCUSED ONE (CHILTON)

TOWN CODE AMENDMENT ACCEPTING ROCK HAVEN, TAR HILL DRIVE AND RENEE LYNN COURT AS TOWN STREETS – (ITEM C(11))

Town staff has prepared an amendment to the Town Code to set the speed limits and establish bicycle lanes for Rock Haven Road, Tar Hill Drive, and Renee Lynn Court. These roads have recently been accepted into the Town’s street maintenance system. Town staff recommended that the Board of Aldermen adopt the ordinance amending the Town Code.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING CHAPTER 6 OF THE CARRBORO TOWN CODE RELATED TO SPEED AND BICYCLE LANES.” VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

PERSONNEL ORDINANCE CHANGE AMENDING THE TOWN CODE TO REFLECT THE FIVE YEAR SERVICE REQUIREMENT FOR THE SERVICE LEVEL BENEFIT AWARD – ITEM C(12)

The purpose of this item was to present to the board changes to the Personnel Ordinance as related to service level benefit award. These changes are necessary to include information that was inadvertently omitted when the ordinance was revised.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING THE CARRBORO TOWN CODE AS IT PERTAINS TO THE SERVICE LEVEL BENEFIT AWARD.” VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

A REQUEST TO APPROVE A BUDGET AMENDMENT – ITEM C(13)

The Board of Aldermen, at its June 9th meeting, approved a request to appropriate \$500 from contingency for Planned Parenthood. A budget amendment is required to appropriate the funds.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, “AN ORDINANCE AMENDING FY’2008-09 BUDGET ORDINANCE.” VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

REQUEST TO CANCEL JUNE 23RD PUBLIC HEARING – ITEM C(14)

The Mayor and Board of Aldermen were asked to cancel the public hearing scheduled for June 23, 2009. There are no public hearings scheduled for that meeting.

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

**A RESOLUTION CANCELLING THE JUNE 23, 2009
BOARD OF ALDERMEN'S PUBLIC HEARING
Resolution No. 144/2008-09**

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

Section 1. The Board of Aldermen hereby cancels its public hearing scheduled for June 23, 2009.

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 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

REVOLVING LOAN FUND REQUEST FROM CARRBORO RAW – ITEM C(15)

The Board of Aldermen was asked to consider approving a loan request from Eunice Polido, owner operator, of Carrboro Raw, LLC to be located at 107 East Main Street, Carrboro North Carolina. The town staff recommends that the Board accept the recommendation from the Economic Sustainability Commission, that the loan be approved for \$40,000.00 for a term of four years at 2%. The town staff also recommended that the Board approve the attached budget amendment appropriating funds for this loan.

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

**A RESOLUTION APPROVING A LOAN FROM THE
CARRBORO REVOLVING LOAN FUND
FOR CARRBORO RAW
Resolution No. 149/2008-09**

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 \$60,000 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 be eligible for the fund and will create at least five (4) jobs over a four year period; and

WHEREAS, the applicant has requested a loan in the amount of \$40,000 and provided collateral in equipment and a truck to be purchased with the loan proceeds, second position lien on a personal residence located at 1017 Starfield Circle, Hillsborough, North Carolina and her personal signature; and

WHEREAS, the unexpended reserve expenditure budget is reduced by \$40,000 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 \$40,000 for four (4) years at an interest rate of 2%, contingent upon the applicant receiving all necessary licenses and 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 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING FY'2008-09 BUDGET ORDINANCE." VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

ADOPTION OF THE FY2009-10 BUDGET – ITEM D(1)

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

Alderman Lavelle requested that the Miscellaneous Fees and Charges Schedule be amended to remove the phrase "attempt to recover" from the fee for road races.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING THE ANNUAL BUDGET ORDINANCE – TOWN OF CARRBORO, NORTH CAROLINA, FY2009-10." VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

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

A RESOLUTION ADOPTING THE CLASSIFICATION AND PAY PLAN FOR FISCAL YEAR 2009-10 Resolution No. 134/2008-09

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 2009-10 Pay Plan.

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

Section 1. The Pay Plan, dated July 1, 2009 – June 30, 2010, a copy of which is attached to this resolution, is hereby adopted as the official Pay Plan for the 2009-2010 fiscal year.

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

Section 3. There are no pay adjustments approved for the FY 2009-2010 budget year.

Section 4. 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 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ADOPT THE MISCELLANEOUS FEES AND CHARGES SCHEDULE, AS AMENDED TO REMOVE "ATTEMPT TO" FROM THE FEE FOR ROAD RACES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

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

REIMBURSEMENT RESOLUTION

Resolution No. 129/2008-09

WHEREAS, the Town Manager, Steven E. Stewart, has described to the Board the desirability of adopting a resolution, as provided under federal tax law, to facilitate the Town's use of financing proceeds to restore its funds when the Town makes capital expenditures prior to closing on a lease-purchase installment financing.

BE IT RESOLVED by the Board of Aldermen as follows:

Section 1. The equipment and vehicles to be purchased in FY2009-10 include the following:

DEPARTMENT	VEHICLE/EQUIPMENT	VEH/EQP COST
Police	Investigations Vehicle - replace vehicle # 197	\$ 26,544
Fire	Equipment for Fire Truck	\$113,000
Public Works	Solid Waste - full size pick up - replace vehicle #47	\$ 27,424
Public Works	Solid Waste - front end loader - replace vehicle #50	\$213,994
Public Works	Streets - utility truck - replace vehicle #38	\$ 41,034
Public Works	Fleet Maintenance-Hybrid Sedan-replace vehicle #009	\$ 27,000
Public Works	Central Svcs - pick up - replace #14	\$ 22,000
Inspections	Small Pick up - replace # 136	\$ 15,000
Inspections	Small Pickup Truck - replace vehicle #137	\$ 15,000

Police	Patrol Vehicles (1)	\$ 30,000
Recreation	Bleacher Replacements	\$ 52,500
Fire	Mid size vehicle-replace vehicle #984	\$ 37,000
		\$620,496

Section 2. The expected type of financing (which may be subject to change) for the items above is installment purchase financing as allowed in North Carolina General Statutes Section 160A-20. The currently expected maximum amount of obligations to be issued or contracted for the items is \$620,496.

Section 3. Funds that have been advanced, or may be advanced, from the General Fund for the aforementioned items are intended to be reimbursed from the financing proceeds up to an amount of \$620,496.

Section 4. The adoption of this resolution is intended as a declaration of the Town's official intent to reimburse project expenditures from financing proceeds.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

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

A RESOLUTION APPROVING COMPENSATION FOR TOWN ATTORNEY
Resolution No. 130/2008-09

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

Section 1. The Board hereby approves a contract for legal services with The Brough Law Firm for FY2009-10 effective July 1, 2009.

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 16th day of June 2009:

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

Noes: None

Absent or Excused: Joal Hall Broun

DISCUSSION WITH FARMERS REGARDING CONCERNS ABOUT TOWN REGULATIONS – ITEM D(2)

At its meeting on May 19th, Alderman Coleman reported that local farmers had held a meeting to discuss concerns about Carrboro regulations and that the Planning Board had been discussing farming as well. The

Board of Aldermen decided to schedule a meeting to hear farmers' concerns. A resolution providing an opportunity for the Board of Aldermen to articulate any questions and request staff follow-up, if appropriate, was available.

Roy Williford, the town's Planning Director, made the presentation.

Jean Austin spoke in support of farms and urged Board to create a farm code to encourage farms to continue. She spoke in support of allowing farmers to be able to have someone live on the farm to take care of animals when the owner is absent.

Steven Crabtree stated that his family has concern about what a farm code would include. He asked that family members be allowed to build a home on the farm without having the property subdivided.

Kelly Blackwood stated that he is an 11th generation farmer. He stated that farming has become a life style choice and that one cannot make a living farming in this area. He stated that farmers are aging out and they are not being replaced. Farm land is being developed and there are not going to be new farms in Carrboro's jurisdiction. Private property rights of small farmers are going to have to be protected. It is important that the town continues to a dialogue with farmers.

Mayling Blackwood stated there are so few farms in the Carrboro jurisdiction compared to the population of Carrboro, asked that the state be allowed to regulate farms. She stated that gardening is not farming. If a farm doesn't grow there is failure. She stated that farming is much more than a livelihood, it is a lifestyle choice. She stated that it is so important to preserve the remaining farms and that the farmers need the town's continued support for farms to continue to exist.

Wayne Lacock stated that his farm has been in existence for 100 years. He has cows and they raise hay. He asked that his granddaughter be given the opportunity to build a house on his property so that she can continue to operate the farm.

Karen McAdams, an Agricultural Agent for Orange County, stated that care has to be taken to guard farmers. She asked that the town resolve the current farm housing issue by making an exception or grandfathering in existing farm housing. She also asked that the town consider adopting farmland protection code to preserve farms in the town and ETJ. She stated that the Orange County Board of Commissioners are currently considering a farmland protection plan and stated that she would get a copy of this plan to the Board. She stated that as a general rule, the farm worker housing is provided as part of the compensation for working on the farm.

Ann Leonard stated that her husband's family has been farming on their land since 1757. She stated that her husband makes 100% of his income from farming. She asked what the Board is trying to do. Are they trying to support the farms that exist? What is it that the town can do to support farmers in an urban community? The Board does not need to consider how to control farmers. Farms are businesses and if they are not financially viable, they don't continue as farms. The land is a very serious resource to farmers and if the farm is not financially viable, that land has to be sold for development. She stated that Carrboro should recognize that the technical expertise for farms is at the state and federal level. She stated that she felt it was a mistake to start with an urban land use plan and try to adapt it to farming. Regulations will be imposed that will have unintended consequences. Support and encouragement and ways to help farmers maintain is what is needed. Having subsequent generations live on the farm is part of what makes farming viable over time. She stated that she did not understand why voting rights were not granted when ETJ was created.

Stephanie Snzagal, resident of ETJ, stated that she is not able to vote in Carrboro. She presented petitions asking the town to save farms remaining within Carrboro's jurisdiction by amending the land use ordinance so as to allow property owners having at least ten acres of land to have an accessory caretaker residence similar to those allowed for farms within Orange County and other municipalities throughout North Carolina, regardless of the zoning district in which the property lies and without requiring the further subdivision of farm properties.

Numa Womble, stated his farm has been in operation since the early 1900's. He raises hay and crops. He stated that farmers offer open space and would like a farm code worded so that family members can build on the farm. He stated that fertilizer is not a problem with farmers because they can't afford to put that much out. He stated his concern about the inability to vote in Carrboro.

Sri Rajapan, spoke in support of ETJ farmers especially those in watershed. He stated that these farms should be allowed to operate under state regulations. A farm code should allow for accessory apartments not to exceed 750 sq. feet. He spoke in support of Peppermint Spring Farm.

Ms. Messing a resident of Carrboro stated that the people of Carrboro support farmers. She spoke in support of Peppermint Spring Farm that rescues horses and dogs. She stated that Carrboro should take care of the farms

Sharon Cook stated that we need to protect farms. She stated that she had presented a land use ordinance text amendment that would allow an accessory apartment with no increase in impervious surface. She stated that this text amendment is a critical part of a farm code for the town. She stated her amendment would be for a caretaker apartment.

Marilyn Kille stated that the primary purpose of the apartment in her barn has always been for security. She stated that she does charge rent for the apartment, but she makes it clear to tenants that they are a working farm and the tenant has to be someone who has lived on a farm, have managed livestock and have knowledge of emergency procedures and a commitment to helping from time to time. She stated that rent is discounted at a rate of \$20.00 per hour for work done on the farm. She stated that she ceased leasing the apartment for over two years since 2007 and there has been unceasing vandalism since that time. She stated that there is currently no power in the apartment and therefore the security system does not work. She stated that there is a family room on the ground level of her house.

Rob Hogan asked what is wrong with charging rent for an accessory apartment

Linda Roberts a resident of Calvander stated that there is bad blood between farmers and Carrboro, that Carrboro should leave Ms. Kille alone, and that farmers know their business.

Mayor Chilton asked the Town Attorney to research whether in 1988 when the ETJ was created, if the town was given the option to allow residents of the ETJ to vote. He stated that he would be open to consider caretaker apartments in the watershed, but would not be open to changing the rules because one person needs those rules changed in order to justify things were not done correctly to begin with and that there is no acknowledgment that the proper approach was never brought in the first place.

Alderman Coleman asked for input from farmers on development in northern study area of Carrboro.

Alderman Lavelle stated that, as long as the watershed requirements were not compromised, she would be willing to look at allowing accessory apartments in the watershed. She also asked for a report from the county on the farmland protection program. She suggested that the rules that apply to farms be cross referenced someway in the land use ordinance. In addition, she asked how many farmers' market vendors are from Carrboro's ETJ.

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

A RESOLUTION SPECIFYING FOLLOW-UP TO THE DISCUSSION WITH LOCAL FARMERS
REGARDING CONCERNS WITH REGULATIONS
Resolution No. 150/2008-09

WHEREAS, the Board of Aldermen heard of local farmers meeting to discuss concerns associated with regulation..

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen have received the farmers' comments and requests staff follow-up.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 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

REVIEW OF A CONDITIONAL USE PERMIT MODIFICATION FOR CHAPEL HILL TIRE – ITEM D(3)

Jack Haggerty requested a Minor Modification for Chapel Hill Tire located at 201 West Main Street. The Minor Modification will consist of converting the “old” parts store portion of the building into a “new” waiting/customer service area and the addition of three new service bay areas in the southern portion of the building.

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

**A RESOLUTION APPROVING THE MINOR MODIFICATION FOR
CHAPEL HILL TIRE LOCATED AT 201 WEST MAIN STREET**

Resolution No. 145/2008-09

WHEREAS, the Zoning Division approved a Zoning Permit for an Automobile Repair and Auto Parts Sales (Combination Use) at 201 West Main Street on June 10th, 1986; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that changes to the existing uses shall constitute a minor modification to the original Zoning Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to Chapel Hill Tire located at 201 West Main Street be approved with the two following conditions:

1. That prior to Construction Plan approval, the water and sewer service lines be field located and placed on the Construction Plans.
2. That all engineering related items in regard to the proposed retaining wall be reviewed/approved by Sungate Design prior to Construction Plan approval.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 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

REVIEW OF A FEE WAIVER REQUEST FOR OCHLT'S CREST STREET PROJECT – ITEM D(4)

The Orange Community Housing and Land Trust has submitted a request for waivers of building and permit fees associated with 101 Crest Street AIS. The staff recommended that the Board adopt a resolution approving the request.

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

A RESOLUTION GRANTING A REQUEST FOR THE WAIVING OF FEES FOR THE CREST STREET
AIS LOCATED AT 101 CREST STREET
Resolution No. 140/2008-09

WHEREAS, the Board of Aldermen seeks to further affordable housing opportunities and;

WHEREAS, a letter has been received requesting a waiver of fees for the Orange Community Housing and Land Trust Crest Street Architecturally Integrated Subdivision (AIS) and the granting of the request will directly benefit the provision of affordable housing in the Town of Carrboro.

NOW THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen grant the request for a waiver and refund of fees for the Crest Street AIS project, in accordance with Administrative Policy 540-1, in the amount of \$390.00 for land use permit fees and \$2459.00 for building permit fees

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 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

REPORT ON A PETITION REGARDING AN AMENDMENT TO THE LIVESTOCK ORDINANCE – ITEM D(5)

The purpose of this agenda item was to provide a report to the Board of Aldermen regarding Marianne Prince's petition to amend the Animal Control Ordinances related to keeping livestock and fowl in urban areas.

Sammy Slade suggested that the Board might want to reconsider requiring 40,000 sq. feet for livestock. In addition, he asked that the Board consider amending the Town Code to allow the sale of locally produced items, i.e., eggs.

Alderman Herrera announced that he would not be running for the Board in November.

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

A RESOLUTION RECEIVING THE STAFF REPORT ON THE PETITION REGARDING
AMENDMENT OF THE LIVESTOCK ORDINANCE
Resolution No. 142/2008-09

WHEREAS, on April 7, 2009, Ms. Marianne Prince of 104 Cathy Road requested that the Board of Aldermen amend the Animal Control Ordinances related to keeping livestock and fowl in urban areas; and

WHEREAS, the Board of Aldermen asked staff to provide certain follow-up information related to this request; and

WHEREAS, staff has attempted to answer the Board's questions and provide the requested information;

NOW THEREFORE, the Carrboro Board of Alderman does hereby:

1. Receive the Staff report and direct staff to prepare an amendment to the Town Code to make a limited exception for the type of goats requested by Ms. Prince (fainting goats), and that the ordinance also be revised to allow neighbors to appeal the granting of a permit for goats.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 16th day of June 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

Mayor Chilton stated that he would bring up the issue of allowing the sale of locally grown or raised products at a later date.

**REPORT ON PURCHASING SPECIFICATIONS CONCERNING ANTI-SWEATSHOP
REQUIREMENTS IN PURCHASING OR RENTING APPAREL OR TEXTILES – ITEM D(6)**

The Board of Aldermen, at its May 5, 2009 board meeting, requested whether Carrboro could be added to the bill under consideration in the General Assembly for the City of Durham to restrict apparel or textile purchases or rentals to companies that can verify that manufacturing practices exclude sweatshop labor. The Board was requested to provide direction on future action regarding this request.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOHN HERRERA TO REQUEST THAT THE TOWN STAFF DETERMINE IF THE TOWN CAN ESTABLISH GUIDELINES FOR INFORMAL PURCHASES BETWEEN \$5,000 AND \$30,000, AND WHETHER SUCH GUIDELINES WOULD COME UP AGAINST LEGAL RESISTANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ADJOURN
THE MEETING AT 10:48 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk