

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 15, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Randee Haven-O'Donnell
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Catherine Wilson
Town Attorney	Michael B. Brough

Absent or Excused: Joal Hall Broun

FAMILY VIOLENCE PREVENTION CENTER

Beverly Kennedy, the Executive Director of the Family Violence Prevention Center (FVPC), discussed the problem of family violence and associated costs. Fran Lynch, Board member of FVPC, also discussed the seriousness of family violence. Laura Morrison, Board Member of FVPC, stated that her mother was a victim of domestic violence and asked the Town to help raise awareness for the cause.

CHARGE ISSUED

A charge was issued to Jonah Garson, a recent appointee to the Town's Recreation and Parks Commission.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF THE MARCH 1, 2011 BOARD OF ALDERMEN MEETING, AS AMENDED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN).

REQUEST TO SET A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO HOMEOWNER ASSOCIATION COVENANTS AND WATER/ENERGY CONSERVATION

The Town has been granted authority to prevent subdivision restrictive covenants from prohibiting installation of devices related to energy generation and conservation or water conservation. The Board was presented with a draft ordinance making those changes and a resolution setting a public hearing for April 26, 2011, and referring the changes to advisory boards and Orange County.

Attorney Mike Brough explained that condominiums are excluded because the ordinance restricts the interference of the devices only under circumstances where the property owner has a right to place them. In a condominium, the owner does not have ownership of anything on the outside of the unit.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman Gist:

**A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE
TEXT AMENDMENT REGARDING SUBDIVISION COVENANTS AND ENERGY AND
WATER CONSERVATION
Resolution No. 92/2010-11**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on April 26, 2011 to consider adopting, “AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT SUBDIVISION RESTRICTIVE COVENANTS MAY NOT PROHIBIT THE ORDERLY INSTALLATION OF DEVICES THAT GENERATE OR CONSERVE ENERGY THROUGH THE USE OF RENEWABLE RESOURCES OR THAT CAPTURE, STORE, OR REUSE WATER.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

Appearance Commission

Recreation and Parks Commission

Transportation Advisory Board

Northern Transition Area Advisory
Committee

Environmental Advisory Board

Economic Sustainability Commission

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

**A MINOR MODIFICATION TO THE CROWN CASTLE TELECOMMUNICATIONS TOWER
CONDITIONAL USE PERMIT – 625 OLD FAYETTEVILLE ROAD**

Verizon Wireless applied for a minor modification to the Crown Castle Telecommunications Tower located at 625 Old Fayetteville Road. 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. Staff requested that the Board of Aldermen approve the request regarding the minor modification.

Marty Roupe, the Town's zoning administrator, explained that the radiation levels listed in the information packet represent an aggregate total for the tower.

The following resolution was introduced by Alderman Slade and duly seconded by Alderman Coleman:

**A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE
CROWN CASTLE TELECOMMUNICATION TOWER LOCATED AT 625 OLD
FAYETTEVILLE ROAD ALLOWING VERIZON WIRELESS TO ADD THREE (3)
ADDITIONAL ANTENNAS TO THE EXISTING ARRAY
AT THE HEIGHT OF 144 FEET. IN ADDITION, THE APPLICANT
WILL BE REMOVING AN EXISTING PRE-FABRICATED
SHELTER (10' BY 12') AT THE BASE OF THE TOWER AND REPLACING IT WITH
LARGER UNIT THAT WILL 11'5" BY 16'
Resolution No. 81/2010-11**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for a telecommunications tower at 625 Old Fayetteville Road on February 9, 1999; 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 Telecommunication Tower located at 625 Old Fayetteville Road allowing Verizon Wireless Road to add three (3) additional antennas to the existing array at the height of 144 feet. In addition, the applicant will be removing an existing pre-fabricated shelter (10' by 12') at the base of the tower and replacing it with a larger unit that will be 11'5" by 16'.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

RECOGNITION OF A DONATION TO THE TOWN'S RECREATION AND PARKS DEPARTMENT

The purpose of this item was to recognize the generous donation from the Performance Auto Group to the Town of Carrboro Recreation and Parks Department.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Gist:

A RESOLUTION OF APPRECIATION TO PERFORMANCE AUTO GROUP FOR A DONATION TO THE CARRBORO RECREATION AND PARKS DEPARTMENT Resolution No. 82/2010-11

WHEREAS, Performance Auto Group has generously donated \$750.00 to the Carrboro Recreation and Parks Department, and

WHEREAS, this donation will provide the means for the Carrboro Recreation and Parks Department to provide enhanced services to its citizens; and

WHEREAS, this donation expresses the corporate involvement of our community with the Town of Carrboro.

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

Section 1. On behalf of the Town of Carrboro and its citizens, the Board of Aldermen hereby expresses its sincere thanks and gratitude to for Performance Auto Group their generous donation.

Section 2. This resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to Performance Auto Group.

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 15th day of March 2011;

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

Noes: None

Absent or Excused: None

A REQUEST TO SET PUBLIC HEARINGS ON VERIDIA R-2 CONDITIONAL USE DISTRICT AND VERIDIA ARCHITECTURALLY INTEGRATED SUBDIVISION

Sustainable Properties, LLC has submitted a petition to rezone 4.66 acres from R-20 to R-2 Conditional Use District and has also submitted an application for a conditional use permit to allow an Architecturally Integrated Subdivision. Staff recommended that the Board of Aldermen set public hearings for review of these matters on April 26, 2011 and refer the petition and application to advisory boards for recommendations.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Coleman:

**A RESOLUTION SPECIFYING FOLLOW-UP TO THE PETITION TO AMEND THE ZONING MAP FOR THE PROPERTY AT 810 OLD FAYETTEVILLE ROAD
Resolution No. 86/2010-11**

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a petition to rezone the parcel known as 9779017345 and 9779017407 and located at 810 Old Fayetteville Road from R-20 to R-2-CU.

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

Accept the petition, direct staff to prepare an ordinance that rezones 810 Old Fayetteville Road (Orange County PIN9779017345 and 9779017407) from R-20 to R-2-CU, set a public hearing for April 26, 2011 and refer the rezoning petition and draft ordinance to the Planning Board for review.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input checked="" type="checkbox"/> Transportation Advisory Board | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input checked="" type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Greenways Commission |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | |

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

REQUEST TO TAKE OVER MAINTENANCE OF STREETS FROM NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

The purpose of this agenda item is to request the Board of Aldermen adopt a resolution which approves the Town taking over maintenance for 3.65 miles of residential streets currently maintained by the North Carolina Department of Transportation (NCDOT).

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Coleman:

A RESOLUTION REQUESTING THAT CERTAIN ROADS CURRENTLY IN THE STATE HIGHWAY SYSTEM BE TRANSFERRED

**TO THE TOWN OF CARRBORO ROAD SYSTEM
Resolution No. 85/2010-11**

WHEREAS, the N.C. Department of Transportation currently maintains 3.65 miles of roadway within Carrboro’s Town Limits as noted below; and,

WHEREAS, the Town of Carrboro Town requested that deficient sections of streets be improved by N.C. Department of Transportation before the Town would consider taking them over for maintenance; and,

WHEREAS, the N.C. Department of Transportation has now made improvements to address the deficiencies; and,

WHEREAS, the N.C. Department of Transportation requests the Town of Carrboro consider taking over maintenance of these streets.

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

Section 1. The following streets shall be removed from the State Highway System and added to the Town road system;

Proposed Deletions from the State Highway System

SR #	Name	From	To	Length (Mi.)
2213	Tallyho Trail	SR 1729	End of State Maintenance	1.00
2214	Huntsman Court	SR 2213	End of State Maintenance	0.11
2215	Lair Court	SR 2213	End of State Maintenance	0.05
2242	Bugle Court	SR 2213	End of State Maintenance	0.07
2246	Sterling Bridge Road/Burns Place	SR 1777	End of State Maintenance	0.30
2247	Skye Drive	SR 2246	End of State Maintenance	0.14
2248	Balmoral Place	SR 2247	End of State Maintenance	0.04
2249/ 2253	Claymore Road	SR 1729	End of State Maintenance	0.32
2250	Inverness Way/Lock Laven Ln	End of State Maintenance	End of State Maintenance	0.23
2254	North Haywick Court/South Haywick Court	End of State Maintenance	End of State Maintenance	0.17
2261	Kit Lane	SR 2213	End of State Maintenance	0.05
2262	Reynard Road	SR 2213	SR 2264	0.23
2263	Brace Lane	SR 2262	End of State	0.10

			Maintenance	
2264	North Hound Court	SR 2262	End of State Maintenance	0.15
2265	South Hound Court	SR 2262	End of State Maintenance	0.07
2272	Staffield Lane	SR 2273	End of State Maintenance	0.18
2273	Whitmore Circle	SR 2272	End of State Maintenance	0.07
2277	Camden Lane	SR 1777	End of State Maintenance	0.27
2278	Gloucester Court	SR 2277	End of State Maintenance	0.04
2279	Brendan Court	SR 2272	End of State Maintenance	0.06
			TOTAL	3.65

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 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION AND THE APPEARANCE COMMISSION

The purpose of this item was to review applications for appointment to the Recreation and Parks Commission and to the Appearance Commission. The Recreation and Parks Commission appointment would fill a vacant seat for a term that is set to expire in February of 2012. The Appearance Commission appointment would be for three years and expire February 2014.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Coleman:

**A RESOLUTION MAKING APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION
Resolution No. 84/2010-11**

WHEREAS, Eric Allman is a current member of the Recreation and Parks Commission; and,

WHEREAS, Mr. Allman has submitted an application to be reappointed to the Recreation and Parks Commission; and,

WHEREAS, Mr. Allman's term expired in February of 2011; and,

WHEREAS, The Board of Aldermen made appointments to the Recreation and Parks Commission on February 8, 2011; and,

WHEREAS, The Recreation and Parks Commission has several vacancies; and,

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

Section 1. The Board of Aldermen hereby appoints Eric Allman to the Recreation and Parks Commission for a term of three years. Mr. Allman's term shall expire on February 1, 2014.

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 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Coleman:

**A RESOLUTION MAKING AN APPOINTMENT TO THE APPEARANCE COMMISSION
Resolution No. 91/2010-11**

WHEREAS, Loren Brandford is a current member of the Appearance Commission; and,

WHEREAS, Mr. Brandford has submitted an application to be reappointed to the Appearance Commission; and,

WHEREAS, Mr. Brandford's term expired in February of 2011; and,

WHEREAS, The Board of Aldermen made appointments to the Appearance Commission on February 8, 2011; and,

WHEREAS, The Appearance Commission has several vacancies; and,

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

Section 1. The Board of Aldermen hereby appoints Loren Brandford to the Appearance Commission for a term of three years. Mr. Brandford's term shall expire on February 1, 2014.

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 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

A REQUEST TO APPROVE COMMENTS ON THE TOWN'S DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

In follow-up to a report on the status of the Town's NPDES, Phase II stormwater permit, staff has compiled a list of possible comments that may, if the Board desires, be forwarded to the Division of Water Quality during the public comment period on the reissued permit.

The following resolution was introduced by Alderman Lavelle and duly seconded by Alderman Coleman:

**A RESOLUTION FINALIZING COMMENTS ON THE
TOWN'S DRAFT NPDES PERMIT
Resolution No. 87/2010-11**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, the Town has been operating under an NPDES permit regarding stormwater management responsibilities and requirements since 2005, and;

WHEREAS, the permit is to be updated and reissued every five years; and

WHEREAS, a draft permit has been prepared and released for public comment.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that staff is directed to submit the letter providing comments on permit coverage, relationship to Jordan Lake rules for nutrient impaired waters, and the need for flexibility in annual reporting to the Division of Water Quality, Stormwater Permitting Unit.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

DISCUSSION OF THE 2011 ELECTION EARLY VOTING OPTION

The purpose of this item was for the Board to discuss the option of, "One Stop, No Excuse" early voting for the November 2011 election.

Steve Stewart, Town Manager, provided an update to the Board. He explained that OWASA has a training room available for early voting. If the training room is selected as a venue, the Town would be responsible for providing telephone and/or internet access for the Orange County Board of Elections (BOE). Staff are researching costs associated with providing the technical capabilities for the BOE. He also clarified that the total cost for early voting and the regular election day voting would be approximately \$16,000. In 2009, the Town's cost was \$9,600 and in 2007 it was \$11,000. In 2009, the County billed the town for less than the actual costs incurred. If early voting is held at Town Hall, the October 25 and November 1 Board of Aldermen meetings would be impacted.

Alderman Coleman suggested that directional signs be placed at Town Hall, especially around the Farmers Market, to guide people to the correct voting location if another site is selected as a polling location.

Alderman Gist expressed her support for having early voting at Town Hall because of the access during the Wednesday and Saturday Farmers Market. She suggested relocating the Board of Aldermen meetings during the time of early voting.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST FOR STAFF TO CONTINUE TO EXPLORE AND REPORT BACK TO THE BOARD ON THE FEASIBILITY OF HAVING EARLY VOTING AT THE OWASA TRAINING ROOM AND RELOCATING THE OCTOBER 25, 2011 AND NOVEMBER 1, 2011 BOARD OF ALDERMEN MEETINGS TO THE OWASA BOARD ROOM, CHAPEL HILL TOWN HALL, OR SOUTHERN HUMAN SERVICES SO THAT EARLY VOTING COULD TAKE PLACE AT TOWN HALL. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN).

A DISCUSSION OF A COMMUNITY HOME TRUST PROPOSAL TO RAISE INCOME LIMITS

The purpose of this agenda item is for the Board to consider a request from the Community Home Trust to extend income limits. Currently, low income is defined as 80% of the area median income (AMI), which is established each year by the US Department of Housing and Urban Development (HUD).

Robert Dowling, Executive Director of Community Home Trust, made the presentation. Community Home Trust's current average household size is two persons with an income is \$36,000. He stated that they have determined that they can serve households up to 115% AMI without jeopardizing the 501(c) (3) status. He explained that by increasing the income limits to 115%, they would be able to serve households of teachers, town workers, and other families that currently do not qualify. He expects that only 25% of the future work would be with households above 80% AMI. The change will not result in any increase in staff. The same number of houses will be built but the window of service will increase. Community Home Trust is held to the HUD income limits and they have not increased since 2003 and they declined 5% in 2010.

Alderman Gist explained that as the Board representative to Community Home Trust, it took her a long time to support this request. She stated that it will truly help working families in Carrboro and asked the Board to support the initiative.

Alderman Haven-O'Donnell thanked Mr. Dowling for bringing the proposal to the Board. She stated that this program will help keep the community economically diverse.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO SUPPORT THE REQUEST OF THE COMMUNITY HOME TRUST PROPOSAL TO INCREASE INCOME LIMITS AND TO REQUEST THAT THE TOWN MANAGER WORK WITH COMMUNITY HOME TRUST TO DISSEMINATE THE INFORMATION. VOTE: AFFIRMATIVE SIX (ABSENT BROUN).

REQUEST TO CONSIDER A SECOND LOAN MODIFICATION FOR CYCLE 9 LLC

The purpose of this item was for the Board to consider a request from Cycle 9 LLC to modify their existing revolving loan agreement.

Steve Stewart, Town Manager, presented the Board with an update on the request from Cycle 9 LLC. He explained that he had spoken with Elise Giddings, an owner of Cycle 9, about the option of using the entire equity of the sale of the house toward the balance of the loan. This would reduce the balance to approximately \$15,000. He explained that staff suggests that the total proceeds of the sale of the house are applied to the loan. He also expressed staff concern with replacing the loan security of real estate with bicycle inventory. At this time, there are no known issues with the business.

Alderman Coleman stated that he feels that using bicycles as collateral is acceptable but expressed concern with developing a mechanism that would keep inventory value at a level that would fulfill the value of the loan.

Alderman Haven-O'Donnell asked if this decision could create a precedent that the Board may not want to encourage.

Alderman Lavelle stated that she prefers the use of real estate as collateral and does not support using inventory because it will create more work for staff and require a different legal arrangement.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman Gist:

**A RESOLUTION APPROVING A SECOND MODIFICATION OF THE REVOLVING
LOAN AGREEMENT FOR CYCLE 9 LLC
Resolution No. 90/2010-11**

WHEREAS, the Board of Aldermen approved a loan from the Carrboro Revolving Loan Fund to Cycle 9 LLC in the amount of \$68,540 for a term of 7 years at a 3% annual interest rate in March 2009; and,

WHEREAS, the Board of Aldermen approved a loan modification in December 2009 to temporarily lower the payments owed by Cycle 9 LLC; and,

WHEREAS, the applicant has requested a second modification to the loan agreement; and,

WHEREAS, the applicant has requested to sell the property that currently secures the loan, use the proceeds from the sale to pay towards the current loan balance of \$54,127.36, and provide the equipment and inventory of the business as security for the remaining loan balance; and,

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

Section 1. Based upon the review of the information provided by the applicant, a second modification of the loan agreement is approved with the following conditions:

- a. That the total net proceeds from the sale of the real estate be used to pay towards the current loan balance of \$54,127.36. This will bring the total loan balance to approximately \$15,000.00 which will be repaid during the remaining 5 year period at the current rate of 3%; and,
- b. That the Town Manager and Attorney draft a modification to the loan agreement that includes language to maximize security in the business inventory including verification that the Town of Carrboro has the first lien on the business inventory; and,
- c. That the business inventory levels are monitored by Town staff and remain at a level that will secure the value of the loan.

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 15th day of March 2011;

Ayes: Dan Coleman, Sammy Slade, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: Lydia Lavelle

Absent or Excused: Joal Hall Broun

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE FOR PARKING SPACES AT THE 300 EAST MAIN SHOPPING CENTER

The purpose of this agenda item was for the Board to consider a request to authorize the Town Manager to execute a lease agreement with Main Street Properties of Chapel Hill, LLC for parking spaces at the 300 East Main Shopping Center.

Steve Stewart, Town Manager, explained that there would be no additional insurance cost associated with the liability insurance requirement. If the Town creates an occupancy tax, current local legislation requires that the net proceeds of the tax be expended by the Carrboro Tourism Development Authority (CTDA). The Town's current parking space lease agreements are calculated on the tax value of the lot and include surface parking only.

Laura Van Sant, a representative of Main Street Properties LLC, addressed the Board. After the lease expires, it is their plan to have all parking spaces metered.

Mike Brough, Town Attorney, explained that Carrboro's Room Occupancy Tax authority was established in G.S. 160A-215 along with several other municipalities and limited by the current statute language.

Laurie Paolicelli, director of the Orange County Visitors Bureau, congratulated Carrboro on the hotel and stated that it will bring many positives to the Town. Orange County uses their occupancy tax to promote additional tourist revenue. There are guidelines from the NC Travel and Tourism Commission that guide Orange County's fund distribution. She requested that the Town contribute a portion of the Occupancy Tax revenues to the Orange County Visitors Bureau.

Mayor Chilton stated that the five-year lease period for the parking spaces will help boost parking availability within the Town. After the lease is up, there will need to be another discussion regarding parking. He stated that he appreciates the Orange County Visitors Bureau promotion of Carrboro and he looks forward to working with them in the future.

Alderman Coleman stated that he would not usually support the forgiving of property tax revenues but that this item is occurring at a unique moment. This development will help generate property tax and occupancy tax revenues in the Town.

Alderman Lavelle stated that the Town is agreeing to a lease that will help an important commercial development move along.

Mayor Chilton stated that it is critical to understand that this project simply cannot happen without the parking deck being built and the Town's participation. This project will not place a heavy burden on municipal resources but will be a huge net benefit to the Town both in the short and long term. It will increase the walkability and bikability of the downtown area. He stated that the investment will also create new jobs for Carrboro. The parking deck will also increase the availability of downtown parking during the short-term.

Alderman Haven-O'Donnell thanked Laura Van Sant and Laurie Paolicelli for their presentations and stated that she is excited about the hotel in Carrboro. She stated that the business community is very excited about the new business space and the hotel.

Alderman Slade stated that this is a great project and asked if the Town can stipulate that the private parking lot not tow cars away unless there is an obvious need. Currently, Carr Mill Mall tows cars when the lot is only half-full. He would like to find a way to negotiate towing. He asked that the towing discussion be considered in the future.

Alderman Gist asked that the towing item be tabled for future discussion.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman Lavelle:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A LEASE FOR PARKING
SPACES AT THE 300 EAST MAIN SHOPPING CENTER
Resolution No. 88/2010-11

WHEREAS, Main Street Properties has offered to lease certain undesignated parking spaces in the parking deck and surface lots to be constructed on and within the 300 East Main Shopping Center, for use as free public parking; and

WHEREAS, The initial term of this lease will be for a period of five (5) years, commencing on the date on which Certificates of Occupancy have been secured for the hotel building within the 300 East Main Shopping Center and for the first phase of the parking deck; and

WHEREAS, the Town agrees to pay annual rent to Main Street Properties in an amount equivalent to 3% of the gross receipts of the Hampton Inn & Suites Hotel to be constructed within the 300 East Main Shopping Center, however, that the rent due from the Town to Main Street Properties shall be capped at \$90,000 per year during the term of this lease; and

WHEREAS, If at any time during the term of this lease Main Street Properties does not make the required minimum number of parking spaces available for public parking within the time periods established by the lease, then the rent due from the Town to Main Street Properties shall be reduced pro rata to reflect the lesser number of parking spaces made available for public parking. Such reduction in rent shall persist unless or until Main Street Properties is able to provide the required minimum number of parking spaces established by the lease for use as free public parking.

WHEREAS, the Town of Carrboro has committed to doubling the commercial square footage in Carrboro; and

WHEREAS, the Town recognizes that the global economic recession since the approval of this project has created unique and unprecedented challenges to commercial development; and,

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

Section 1. The Town Manager is authorized to execute a lease agreement with Main Street Properties for parking spaces at the 300 East Main Shopping Center.

Section 2. The Town Manager is directed to prepare, at the appropriate time, materials for Board Consideration that would establish a Hotel Occupancy Tax.

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 15th day of March 2011;

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

Noes: None

Absent or Excused: Joal Hall Broun

201 NORTH GREENSBORO PROJECT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO ASK THE PROPOSED 201 NORTH GREENSBORO PROJECT APPLICANT TO EXPAND THE SCOPE OF THE TRAFFIC IMPACT STUDY BEYOND NORTH GREENSBORO AND WEAVER STREET TO INCLUDE OAK, POPLAR AND LINDSAY STREETS AND TO LET THE APPLICANT KNOW THAT THE BOARD IS INTERESTED IN THE FINANCIAL IMPACT OF THE PROPOSED DEVELOPMENT ON NEIGHBORING PROPERTY VALUES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN).

Mike Brough, Town Attorney, stated that no application has been submitted and no public hearing has been scheduled at this time. The applicant does not have an obligation to demonstrate that there is no adverse financial effect on adjoining properties but that it can be made clear to applicant that the Board is interested in the financial impact on neighboring properties.

OWASA

Alderman Gist stated that at some point in the future, the Board should have a conversation on the draft OWASA Forest Management Plan, and the New Hope Audubon Society's concerns regarding that plan. She also suggested having a conversation with the Board's OWASA representatives so that they are aware of the Board's concerns.

Alderman Haven-O'Donnell suggested that the Board plan a worksession with the OWASA representatives to discuss the importance of having the Board's voice expressed on the OWASA Board. She asked that the Town's OWASA representatives be invited to the worksession.

Alderman Slade stated that in a few recent occasions he feels that the Town has not been properly represented on the OWASA Board. He would also like to have a discussion with the representatives.

Mayor Chilton will work with the Town Manager to schedule the discussion during an upcoming meeting.

Alderman Coleman will bring a draft OWASA Board Member Charge to the Board for consideration.

NUCLEAR PLANT RESOLUTION

Alderman Slade stated that Duke Energy has proposed legislation that will allow them to pass on pre-construction planning costs to customers for a new nuclear plant. Duke Energy plans on introducing legislation that will allow them to not have to go back year after year and request rate increases from the Utility Billing Commission. Alderman Slade will bring a resolution to the Board for consideration.

USE VALUE ITEM

Alderman Slade stated that he needs to research the Use Value Taxation item further and that he most likely will not have anything ready within the required time frame.

CHARTER AMENDMENT

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO REQUEST THAT SENATOR KINNAIRD PROCEED WITH THE PROPOSED TOWN CHARTER AMENDMENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN).

JOINT ORANGE CHATHAM COUNTY COMMUNITY ACTION (JOCCA)

Mayor Chilton stated that the JOCCA agency has requested that Carrboro make an appointment to their Board of Directors.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN TO HAVE THIS ITEM REFERRED TO THE HUMAN SERVICES COMMISSION. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN).

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADJOURN THE MEETING AT 9:29 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk