

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, June 28, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

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

ANTI-LINGERING ORDINANCE

Judith Blau spoke on behalf of a letter submitted to the Town Attorney related to the anti-lingering ordinance. She stated that at the time the ordinance was enacted, the economy was not as bad, and that the day laborers have a greater need for employment now. She stated that the Town passed a resolution supporting the Smithfield workers in Tar Hill, NC and explained that there is a parallel between the Smithfield workers and the day laborers in Carrboro. She asked the Board to consider abolishing the anti-lingering ordinance.

A citizen, that did not give his name, spoke against the anti-lingering ordinance and thanked those that are involved with requesting that the ordinance be cancelled. He stated that he has been working as a day laborer for 15 years and now that there are fewer jobs, he has to be at the corner more often to look for more work. He stated that the corner is part of Carrboro and that is where the workers know where to find work. He also stated that the workers know when to leave and that the police enforcement is not needed.

Mark Dorosin, an attorney with the Center for Civil Rights at UNC, stated that he is one of the signers of the letter regarding the anti-lingering ordinance. He asked the Board to rescind the anti-lingering ordinance because it is unconstitutional.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN SLADE FOR STAFF TO SCHEDULE A DISCUSSION OF THE ANTI-LINGERING ORDINANCE IN THE FALL AND FOR POLICE CHIEF HUTCHISON TO PROVIDE A REPORT THAT DETAILS THE IMPACTS OF THE ORDINANCE, WITH STATISTICS BEFORE AND AFTER THE ORDINANCE WENT INTO EFFECT AND THAT THE ORIGINAL OPTIONS THAT WERE DISCUSSED WHEN THE ORDINANCE WAS ADOPTED BE INCLUDED IN THE REPORT. IT WAS ALSO REQUESTED THAT NEIGHBORS OF THE CORNER AREA BE NOTIFIED OF THE BOARDS' REVIEW. VOTE: AFFIRMATIVE ALL.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE JUNE 7 AND JUNE 21, 2011 MINUTES. VOTE: AFFIRMATIVE ALL

REQUEST TO ADOPT A BUDGET AMENDMENT

The purpose of this agenda item was for the Board to consider the transfer of \$45,000 from the Revolving Loan Fund unreserved fund balance to the Carrboro WISE Energy Efficiency Revolving Loan Fund (EERLF).

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADOPT AN ORDINANCE ENTITLED "AMENDMENT TO FY 2010-11 ANNUAL BUDGET ORDINANCE NO. 27/2009-10." VOTE: AFFIRMATIVE ALL

AUTHORIZATION FOR THE TOWN MANAGER TO AWARD A CONSTRUCTION CONTRACT FOR THE WILSON PARK MULTI-USE PATH PROJECT AND APPROVAL OF A CAPITAL PROJECT IMPROVEMENT ORDINANCE

This agenda item authorized the Town Manager or Interim Town Manager to award and execute, on behalf of the Town of Carrboro, a construction contract for the Wilson Park Multi-Use Path Project (U-4726 DC), provided the award of the contracts are approved by the North Carolina Department of Transportation (NCDOT). Approval of a capital improvement project ordinance recognizing all revenues for this project and appropriating them for expenditure was also requested.

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

RESOLUTION AUTHORIZING THE TOWN MANAGER OR INTERIM TOWN MANAGER TO AWARD ON BEHALF OF THE TOWN OF CARRBORO A CONSTRUCTION CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH THE LOWEST RESPONSIBLE RESPONSIVE BIDDER, AND AN ENGINEERING/INSPECTION CONTRACT WITH THE MOST QUALIFIED ENGINEERING FIRM, FOR THE PROJECT KNOWN AS "TOWN OF CARRBORO WILSON PARK MULTI-USE PATH PROJECT" (State Project No. 36268.3.4)
Resolution No. 139/2010-11

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

The Town Manager or Interim Town Manager of the Town of Carrboro is hereby authorized to award, on behalf of the Town of Carrboro, a construction contract and any change orders with the Lowest Responsible Responsive Bidder, and a construction engineering/inspection contract with the most qualified engineering firm, in the amount not to exceed the budgeted amount for the Town Of Carrboro Wilson Park Multi-Use Path Project (State Project No. 36268.3.4) and Concurrence in Award, provided the award of the contract is approved by the North Carolina Department of Transportation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of June 2011:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADOPT AN ORDINANCE ENTITLED "WILSON PARK MULTI-USE PATH CAPITAL IMPROVEMENT PROJECT FY2010-11." VOTE: AFFIRMATIVE ALL

AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH THE PEOPLE'S CHANNEL

The purpose of this agenda item was to authorize the Town Manager to execute, on behalf of the Town of Carrboro, an agreement with The People's Channel.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Haven-O'Donnell:

**A RESOLUTION APPROVING AN AGREEMENT WITH THE PEOPLE'S CHANNEL
Resolution No. 159/2010-11**

WHEREAS, The Town of Carrboro was granted use of Time Warner Cable channel 4 as a Public, Education, or Government (PEG) channel; and

WHEREAS, the Town has allowed The People's Channel to utilize channel 4 to operate a public access channel and provide programming to Carrboro residents; and

WHEREAS, the Town has the ability to certify channel 4 as an official PEG channel and receive PEG revenues for that channel; and

WHEREAS, any PEG revenues received for channel 4 would be required to be paid to The People's Channel as the channel operator; and

NOW THEREFORE BE IT RESOLVED that the Town Manager is hereby authorized to execute on behalf of the Town of Carrboro an agreement with The People's Channel.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of June 2011:

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

Noes: None

Absent or Excused: None

A RESOLUTION MAKING AN APPOINTMENT TO THE JOINT ORANGE-CHATHAM COMMUNITY ACTION, INC.

The purpose of this item was for the Board to consider making an appointment to the Carrboro seat of the Joint Orange-Chatham Community Action (JOCCA) Inc.

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

A RESOLUTION APPOINTING A CARRBORO MEMBER TO JOINT ORANGE-CHATHAM
COMMUNITY ACTION, INC.
Resolution No. 160/2010-11

WHEREAS, The Carrboro representative seat with Joint Orange-Chatham Community Action (JOCCA) Inc, is vacant; and

WHEREAS, Alderman Sammy Slade has expressed interest in being appointed to the Carrboro seat;

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

Section 1. That Sammy Slade is appointed to the Carrboro Seat on JOCCA, Inc.

Section 2. That this resolution becomes effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of June 2011:

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

Noes: None

Absent or Excused: None

PERSONNEL ORDINANCE CHANGE AMENDING THE TOWN CODE TO REFLECT CHANGES TO THE FAMILY AND MEDICAL LEAVE ACT AND TO PROVIDE CLARIFICATION OF INSURANCE BENEFITS

The purpose of this item was to present to the Board of Aldermen amendments to the Personnel Ordinance to provide clarification regarding health insurance coverage for employees working less than full-time and to reflect changes to the Family and Medical Leave Act. These amendments make certain that the Ordinance reflects current law and the requests of the Board of Aldermen.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING CHAPTER 4 ARTICLE VI, SECTIONS 4-39 AND 4-65." VOTE AFFIRMATIVE ALL

CHAPEL HILL TRANSIT BUS WRAP DISCUSSION

The purpose of this agenda item was for the Board to consider the revised advertising policies and standards for Chapel Hill Transit advertising.

Stephen Spade, the Town of Chapel Hill Transit Director, made the presentation and answered questions from the Board. He explained that the term “local” will be defined as the program is further developed and that he has received a list from the Business Alliance for Local Living Economies (BALLE) regarding the definition of “local.”

Alderman Haven-O’Donnell suggested that it be publicized that the busses are being used for advertising so that the fares are kept free of charge.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO ENDORSE THE REVISED ADVERTISING POLICIES AND STANDARDS FOR CHAPEL HILL TRANSIT ADVERTISING AND TO REQUEST THAT STAFF RECOMMEND TO THE BOARD A BEST USE OF THE TOWN’S BUS ADVERTISING. IT WAS ALSO REQUESTED THAT THE TOWN ATTORNEY PROVIDE AN ANSWER REGARDING LIMITING ADVERTISING FOR MILITARY RECRUITMENT. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (SLADE)

STAFF REPORT ON THE SECOND WIND JUICE BAR APPLICATION

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO REFER THIS ITEM BACK TO THE ECONOMIC SUSTAINABILITY COMMISSION FOR FURTHER DISCUSSION PRIOR TO THE BOARD TAKING ANY ACTION. VOTE: AFFIRMATIVE ALL

Alderman Broun noted that the applicant should understand that with public funds, there has to be some information that is made public.

UPDATE ON NORTHERN STUDY AREA DESIGN WORKSHOP

With the assistance of the Durham Area Designers, the Town hosted a design workshop on February 26, 2011 at Morris Grove Elementary School to explore diversifying land use in the Northern Study Area. Report preparation is underway and expected to be complete in the late summer. This update provided an overview of the workshop’s participants and activities.

Jeff Kleaveland, the Town’s Zoning Development Specialist, made the presentation.

Omar Zinn, the property owner, stated that he sees this project as being long-term and that he would like to work with the Board for direction on rezoning the project. He hopes that by working together, the development will be something that is successful in the area.

The following resolution was introduced by Alderman Haven-O’Donnell and seconded by Alderman Gist:

A RESOLUTION ACCEPTING A STATUS UPDATE ON THE NORTHERN STUDY AREA (NSA)
DESIGN WORKSHOP
Resolution No. 157/2010-11

WHEREAS, the Board of Aldermen, in the interest of exploring future land-use policies in the Northern Study Area and encouraging citizen participation, contracted with the Durham Area Designers to facilitate a design workshop for NSA residents to explore future development possibilities for the area; and

WHEREAS, The NSA Design Workshop and follow-up meeting have occurred and a report is forthcoming from the Durham Area Designers:

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby accept this update on the NSA Design Workshop.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of June 2011:

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

Noes: None

Absent or Excused: None

DISCUSSION ON A PROPOSED AMENDMENT TO SECTION 3-24.7 OF THE TOWN CODE

The purpose of this item was for the Board to discuss a proposed amendment to Section 3-24.7 of the Town Code related to membership composition of the Greenways Commission.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING THE TOWN CODE TO MODIFY THE PROVISIONS RELATED TO THE GREENWAYS COMMISSION." VOTE: AFFIRMATIVE ALL

REQUEST TO MAKE APPOINTMENTS TO THE GREENWAYS COMMISSION

The purpose of this item is for the Mayor and Board of Aldermen to consider making appointments to the Greenways Commission.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO SUSPEND THE GREENWAY COMMISSION'S MEETINGS FOR THE SUMMER AND FOR STAFF TO PREPARE A REPORT DETAILING THE COMMISSION'S AGENDA FOR THE NEXT YEAR, THE STATUS OF CURRENT PROJECTS, THE STATUS OF BOND FUNDS, AND A TIMETABLE FOR PROJECTS. VOTE: AFFIRMATIVE ALL.

CONTINUED DISCUSSION OF THE TOWN MANAGER RECRUITMENT PROCESS

The purpose of this item was for the Board to schedule a special meeting with Springsted Inc. and Slavin Management Consultants for additional information related to their proposals to provide town manager recruitment and selection services.

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

A RESOLUTION SCHEDULING A SPECIAL MEETING OF THE CARRBORO BOARD OF ALDERMEN
Resolution No. 156/2010-11

WHEREAS, the Board of Aldermen requested that a special meeting be scheduled so that they can interview Springsted Inc. and Slavin Management Consultants for further information related to their proposals to provide town manager recruitment and selection services to the Town, and;

WHEREAS, the Town staff contacted the firms and both are available on July 6th or July 7th, 2011:

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

Section 1. That a special meeting of the Carrboro Board of Aldermen be scheduled for July 6, 2011 at 6:00pm.

Section 2. That the Town Clerk shall provide notice of the special meeting.

Section 3. That this resolution shall become effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of June 2011:

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

Noes: None

Absent or Excused: None

REQUEST TO APPROVE A CARRBORO WISE ENERGY EFFICIENCY REVOLVING LOAN FOR SURPLUS SID'S, 309 E. MAIN STREET

The purpose of this agenda item was for the Board to consider an application for a Carrboro WISE Energy Efficiency Revolving Loan for Surplus Sid's, located at 309 E. Main St. in Carrboro.

Annette Stone, the Town's Community and Economic Development Director, made the presentation and answered questions from the Board. She explained that this is the program's first application and that the loan is not secured by a Deed of Trust but is secured by the equipment.

Bob Hornik, the Town's attorney, stated that the loan will be secured with a UCC-1 filing.

Matt Efird, assistant to the Town Manager, stated that the grant agreement with Southeast Energy Efficiency Alliance (SEEA) allows for the Town to be reimbursed 15% by SEEA.

Mayor Chilton requested that staff report back on the use a deed of trust as a security on future loans.

The following resolution was introduced by Alderman Broun and seconded by Alderman Slade:

A RESOLUTION APPROVING A LOAN FROM THE
WISE ENERGY EFFICIENCY REVOLVING LOAN FUND
FOR SURPLUS SID'S INC.
Resolution No. 158/2010-11

WHEREAS, The Town of Carrboro established a revolving loan fund for commercial properties to implement energy conservation measures and to encourage energy conservation throughout the community; and

WHEREAS, the fund now has \$55,000.00 available to be loaned to applicants with viable projects; and

WHEREAS, the Surplus Sid's Inc. has made an application to the Town and complied with the program requirements including submission of a credit report and an energy assessment of the structure located at 309 East Main Street; and

WHEREAS, the applicant is requesting a loan not to exceed \$30,000 to be paid back over a 10 year period at a 3% interest rate and secured with a lien against the equipment installed; and

WHEREAS, the Town Staff and consultant, Clean Energy Solutions, have reviewed the application and financial information and found it to be complete; and

WHEREAS, the proposed energy conservation measures will result in a 35.02% reduction in the energy consumption for the structure which exceeds the minimum program requirement of 15%; and

WHEREAS, the Economic Sustainability Commission has reviewed the application and recommends approval of the terms as described; and

WHEREAS, the Economic Sustainability Commission further recommends that the applicant execute a contract with a WISE Program pre-qualified contractor within 90 days of the approval of the loan.

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

Section 1. A loan be awarded from the WISE Energy Efficiency Revolving Loan Fund to Sid's Surplus, Inc. in an amount not to exceed \$30,000 loan for a term of 10 years at 3% interest rate, secured with a lien against the equipment and that the applicant execute a contract with a WISE Program pre-qualified contractor within 90 days from the date of this resolution.

Section 2. The Town manager, or interim manager, is hereby authorized to execute the WISE Energy Efficiency Revolving Loan.

Section 3. That the loan be secured with a personal guarantee if the applicant is a corporation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 28th day of June 2011:

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

Noes: None

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN COLEMAN FOR RANDY DODD TO PROVIDE THE ENVIRONMENTAL ADVISORY BOARD (EAB) WITH INFORMATION ON THE WISE ENERGY EFFICIENCY LOAN PROGRAM AND TO SHARE APPROVED LOANS WITH THE EAB FOR INFORMATION PURPOSES ONLY. VOTE: AFFIRMATIVE ALL.

MARRIAGE EQUALITY ACT IN NEW YORK

Alderman Gist asked that a letter to be written to the governor of New York to praise the recent passage of same-sex marriage in the state. Mayor Chilton stated that he will have the letter sent from his office.

TRANSIT TAX

Alderman Lavelle stated that the Durham County Commissioners voted to have a transit tax referendum on the ballot in the fall. She explained that it is very important for Orange County because of the partnership in the transit plan.

WEAVER STREET CELEBRATION

Alderman Slade stated that for those interested in hearing about the Weaver Street reopening celebration to text "FOLLOW OPEN WEAVER" TO 40404 or by going to www.carrborogreenspace.org.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO ADJOURN THE MEETING AT 8:55 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk