

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, August 23, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun [<i>Arrived at the meeting at 8:12pm</i>]
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Interim Town Manager	C. Matthew Efirid
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

RESOLUTION IN OPPOSITION OF THE “DEFENSE OF MARRIAGE” BILLS: SENATE BILL 106 AND HOUSE BILL 777

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

A RESOLUTION IN OPPOSITION OF THE “DEFENSE OF MARRIAGE” BILLS:
SENATE BILL 106 AND HOUSE BILL 777
Resolution No. 9/2011-12

WHEREAS, The Carrboro Board of Aldermen adopted a resolution in support of civil marriage for same-sex couples in December 2008, Resolution No. 47/2008-09; and

WHEREAS, that resolution was adopted because of the Board's recognition that the institution of civil marriage confers a social status and important legal benefits, rights, and privileges, recognizing that existing marriage laws in the United State discriminate against same-sex couples; and

WHEREAS, that position was consistent with the Board's positions on legal issues affecting lesbians and gay men, such as being the first municipality in the state to offer domestic partner benefits, advocating for anti-discrimination laws and urging the repeal of the “Don't Ask, Don't Tell” United States military policy; and

WHEREAS, the North Carolina General Assembly is considering Senate Bill 106 and House Bill 777; passage of these would place on the 2012 ballot a referendum to amend the North Carolina Constitution to prohibit marriage between people of the same gender, and further prohibit the recognition of any other form of domestic legal union; and

WHEREAS, adoption of Senate Bill 106 and House Bill 777 would be a backward step in this state, particularly when two 2011 polls (conducted by Elon University and Public Policy Polling) show that over half of North Carolina citizens now support legal recognition of same-sex couples; and

WHEREAS, having such a proposed amendment on the ballot in 2012 would give unfavorable publicity to the state of North Carolina at a time when this issue of equality is clearly shifting in many of the states as well as North Carolina, and would adversely affect the recruitment of employees in the state's business and academic communities; and

WHEREAS, the adoption of such an amendment is inconsistent with the Town of Carrboro's commitment to equal rights and opportunities for its residents and employees, could invalidate the Town of Carrboro's domestic partner benefits, and could lead to litigation;

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen:

- 1) Opposes Senate Bill 106 and House Bill 777; and
- 2) Reaffirms its commitment to equal rights and opportunities for Town employees and for all residents of Carrboro, including the rights of same-sex couples to share fully and equally in the rights, responsibilities, and commitments of civil marriage.

Upon passage, this resolution shall be shared with the members of Carrboro's General Assembly delegation.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of August 2011:

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

Noes: None

Absent or Excused: Joal Hall Broun

RESOLUTION IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE VICKERS CIVIL RIGHTS DECISION

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

Resolution In Recognition of the 50th Anniversary of the Vickers Civil Rights Decision
Resolution No. 8/2011-12

WHEREAS, the Town of Carrboro, North Carolina has been an incorporated community for 100 years; and

WHEREAS, many events and individuals have added to the respect for diversity and inclusion and the appreciation for creative problem-solving that are two of the pillars upon which the modern Town of Carrboro stands; and

WHEREAS, this centennial year includes the fiftieth anniversary of the civil rights federal court case of former Carrboro resident Stanley Vickers; and

WHEREAS, in 1959, Carrboro residents Lee and Lattice Vickers requested that their son, Stanley, attend Carrboro Elementary School, then an all-white school, rather than more distant, then, all-black Northside Elementary School; and

WHEREAS, in 1959, the Chapel Hill-Carrboro School Board voted 4-2 to deny the Stanley Vickers request to transfer to Carrboro School, with two members of the school board, Henry Brandis and J.R. Manley, dissenting; and

WHEREAS, at the time, Brandis was the dean of the UNC School of Law and Manley was, and still is, the pastor of First Baptist Church in Chapel Hill; and

WHEREAS, the reasoned votes of Dean Brandis and Rev. Manley forecast the federal court decision by Judge Edwin Stanley in the landmark case of *Vickers v. Chapel Hill-Carrboro City Board of Education*; and

WHEREAS, in that case, which was originally filed on behalf of the Vickers family by attorneys Conrad Pearson and Thurgood Marshall, the judge ruled that the constitutional rights of Stanley Vickers had been violated solely because of his race; and

WHEREAS, the *Vickers* decision advanced equal access to public schools in Chapel Hill-Carrboro, in North Carolina and across the Southeastern United States; and

NOW, THEREFORE, BE IT RESOLVED that we, members of the Carrboro Board of Aldermen, salute the courage, the conviction, and the sacrifice of the Vickers family and their multi-racial supporters in Carrboro and elsewhere;

AND, that the members of the Carrboro Board of Aldermen praise the 1961 Chapel Hill-Carrboro School Board for the model of cooperation and inclusion set in the Carrboro and Chapel Hill school district and the entire state of North Carolina with their vote to reassign Stanley Vickers and three other black students to the previously all-white Chapel Hill Junior High School during their meeting on August 29, 1961.

AND, BE IT FURTHER RESOLVED, that in recognition of this anniversary, the members of the Carrboro Board of Aldermen declare Monday, August 29, 2011 Stanley B. Vickers Diversity Appreciation Day in the Town of Carrboro, North Carolina.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of August 2011:

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

Noes: None

Absent or Excused: Joal Hall Broun

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN FOR THE TOWN TO CO-SPONSOR THE ANNIVERSARY RECOGNITION EVENT SCHEDULED FOR AUGUST 29TH AT THE CENTURY CENTER AND TO REFUND THE RESERVATION FEES TO MR. EDDIE DAVIS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO APPROVE THE JUNE 28, 2011 AND JULY 6, 2011 MINUTES. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

REQUEST TO CANCEL THE SEPTEMBER 20, 2011 BOARD OF ALDERMEN MEETING

The purpose of this item was to request that the Board of Aldermen cancel the September 20, 2011 Board of Aldermen meeting.

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

**RESOLUTION CANCELLING THE SEPTEMBER 20, 2011 BOARD OF ALDERMEN MEETING
Resolution No. 1/2011-12**

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

Section 1: The Board of Aldermen hereby cancels its meeting scheduled for September 20, 2011.

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 23rd day of August 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 ISSUE A PERMIT FOR TEMPORARY STREET CLOSING AND USAGE FOR ST. JOSEPH CME CHURCH FRANGELISM IN THE PARK EVENT

The purpose of this item was to consider a street closing permit application submitted by St. Joseph CME Church to temporarily close Broad Street between Fowler Street and Hill Street on Saturday, September 10th, 2011 from 9:00am to 2:00pm for the "Frangelism in the Park" event.

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

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE FRANGELISM IN THE PARK EVENT
Resolution No. 3/2011-12**

Section 1. The following street shall be temporarily closed and used Saturday, September 10th, 2011 from 9:00 am to 2:00 pm to accommodate the Frangelism in the Park Event:

Broad Street in between Fowler and Hill Street

Section 2. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town.

Section 3. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 4. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 3 of this resolution.

- Section 5. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.
- Section 6. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of any resolution passed.
- Section 7. Applicant will be responsible for all costs incurred by the Public Works Department to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Public Works.
- Section 8. 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 23rd day of August 2011:

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

Noes: None

Absent or Excused: Joal Hall Broun

ACCEPTANCE OF SEEA BONUS POOL FUNDS FOR LOCAL ENERGY EFFICIENCY INITIATIVES

The purpose of this agenda item was for the Board to consider an amendment to the agreement with the Southeast Energy Efficiency Alliance (SEEA) accepting an award of \$50,000 in bonus pool funds. An update on the commercial and residential energy efficiency retrofit activities is also provided.

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

A RESOLUTION FOR RECEIVING AN UPDATE
ON THE TOWN'S ENERGY PLANNING ACTIVITIES
Resolution No. 4/2011-12

WHEREAS, an ARRA grant application was submitted to, and accepted by, the US Department of Energy (USDOE) Retrofit Ramp Up/Better Buildings program by the Southeastern Energy Efficiency Alliance (SEEA) in collaboration with the Town of Carrboro, the Town of Chapel Hill and other southeastern jurisdictions to pursue community scale energy efficiency retrofits; and

WHEREAS, the Town has accepted a grant award of \$75,000 and negotiated an agreement with the Southeast Energy Efficiency Alliance, and developed a Memorandum of Understanding with Chapel Hill to share administrative, monitoring, and verification costs and make all necessary arrangements to implement local programs, now entering a second year; and

WHEREAS, based on its performance and progress, the Town's request for bonus pool funds available from SEEA was successful, garnering \$50,000 in additional funding.

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

- 1) Receive the staff update on energy planning activities, and
- 2) Accept the award of \$50,000 in bonus pool funding from SEEA, and
- 3) Authorize staff to finalize an amendment to the agreement between SEEA and the Town of Carrboro, and the Interim Town Manager to sign on the Town's behalf.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of August 2011:

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

Noes: None

Absent or Excused: Joal Hall Broun

LOAN MODIFICATIONS FOR NEAL'S DELI AND CARRBORO CREATIVE CO-WORKING

The purpose of this agenda item was to seek Board approval for Revolving Loan Fund modifications for Neal's Deli and Carrboro Creative Co-Working.

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

**A RESOLUTION APPROVING A LOAN MODIFICATION OF THE REVOLVING LOAN AGREEMENT
FOR NEAL'S DELI
Resolution No. 5/2011-12**

WHEREAS, the Board of Aldermen on December 17, 2007 approved a loan from the Carrboro Revolving Loan Fund to Neal's Deli in the amount of \$105,000 for a term of 78 months at 2% interest rate; and

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

WHEREAS, the modified agreement will allow the applicant to continue making the monthly payments of \$1,528.83 with a final balloon payment of the remaining principal on August 1, 2014 (estimated at \$7,644.09); and

WHEREAS, there are no changes in the terms or interest rate; and

WHEREAS, repayment of the loan will continue to be secured by a deed of trust on real property owned by Borrower's principal(s); and

WHEREAS, the Economic Sustainability Commission has reviewed the account and recommends that the Board of Aldermen modify the terms as proposed.

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen accept the modified terms to allow the applicant to continue payments of \$1,528.83 with a final balloon payment of the remaining principal on August 1, 2014 (estimated at \$7,644.09) as proposed by the applicant and recommended by the Economic Sustainability Commission.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of August 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 Gist and duly seconded by Alderman Coleman:

A RESOLUTION APPROVING A LOAN MODIFICATION OF THE REVOLVING LOAN AGREEMENT
FOR

CARRBORO CREATIVECO-WORKING

Resolution No.6/2011-12

WHEREAS, the Board of Aldermen on August 29, 2008 approved a loan from the Carrboro Revolving Loan Fund to Carrboro Creative Co-working in the amount of \$90,000 for a period of 72 months at 2% interest rate; and

WHEREAS, the applicant and the Town wish to modify the the loan agreement; and

WHEREAS, the modified agreement will extend the terms to a total payback period of 180 months (measured from the original loan disbursement date) and the interest rate will be a graduated scale of 0% interest for 24 months, 2% interest for 24 months and 4% interest for 101 months as per the attached Amortization Schedule dated 08/16/2011; and

WHEREAS, a copy of the inventory list is attached to the loan modification agreement and all the assets will be liquidated within 60 days of the closing of the business and proceeds will go toward the outstanding principal of the loan; and

WHEREAS, the repayment of the loan will continue to be secured by a deed of trust on real property owned by the Borrower's principal; and

WHEREAS, the Economic Sustainability Commission has reviewed the account and recommends that the Board of Aldermen modify the terms as proposed.

NOW THEREFORE BE IT RESOLVED, that the Carrboro Board of Aldermen accept the modified terms to allow the applicant to extend the terms to a total payback period of 180 months and the interest rate will be a graduated scale of 0% interest for 24 months, 2% interest for 24 months and 4% interest for 101 months as per the attached Amortization Schedule dated 08/16/2011.

BE IT FURTHER RESOLVED, a copy of the inventory list is attached to the loan modification agreement and all the assets will be liquidated within 60 days of the closing of the business and proceeds will go toward the outstanding principal of the loan.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of August 2011:

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

Noes: None

Absent or Excused: Joal Hall Broun

REPORT ON ACTIVITIES AND WORKPLAN FOR THE GREENWAYS COMMISSION

This report responded to a request from the Board of Aldermen for information on recent and upcoming

activities of the Greenways Commission.

Trish McGuire, the Town's Planning Director, made the presentation to the Board.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO ADOPT AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING CHAPTER THREE OF THE TOWN CODE TO CHANGE THE REGULAR MEETING SCHEDULE OF THE GREENWAYS COMMISSION FROM MONTHLY TO QUARTERLY." VOTE AFFIRMATIVE SIX, ABSENT ONE (BROUN)

It was the consensus of the Board for staff to develop an agenda item that will provide an update from UNC staff regarding conservation easements at Carolina North and an update from Town staff regarding private conservation easements in the Town.

REVOLVING LOAN RECOMMENDATION FOR SECOND WIND JUICE BAR AND CAFE

The purpose of this agenda item was for the Board to consider a request for funds from the Carrboro Revolving Loan Fund from Second Wind Juice Bar and Café.

Annette Stone, the Town's Economic and Community Development Director, made the presentation to the Board.

[Alderman Broun arrived at the meeting.]

The Board commented on the loan applicant's prior negative comments toward the Economic Sustainability Commission and took the opportunity to highlight the ESC's professionalism and thorough review of this application.

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

A RESOLUTION APPROVING A LOAN
FROM THE CARRBORO REVOLVING LOAN FUND
FOR SECOND WIND OF CARRBORO
Resolution No. 7/2011-12

WHEREAS, The Town of Carrboro established a Revolving Loan Fund in 1986 to provide incentives for individuals to start new businesses and expand existing 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 \$243,641.13 available to be loaned to applicants with viable projects; and

WHEREAS, the applicants, Sherry Pate and Jerry Glass, have completed the loan application, dba Second Wind of Carrboro, which been reviewed by the loan packager reviewer (SBTDC) and the Economic Development Director and have found the application to be complete; and

WHEREAS, the applicants have requested a loan in the amount of \$90,000 and provided collateral in the form of a second position lien on a personal residence located at 1115 Old School Road, Chapel Hill, North Carolina and personal signature; and

WHEREAS, the Economic Sustainability Commission (ESC) has reviewed the application and found the application eligible for the fund and will create at least three (3) full time jobs and six (6) part-time jobs; and

WHEREAS, the ESC recommends a reduced loan amount of \$45,000 at 3% interest for a period of 5 years contingent on the following conditions; 1) The applicant secures an additional \$45,000 from another source and provides documentation of other funding sources; 2) Submit a marketing plan prepared by Splinter (or other professional marketing agency) with a letter stating the marketing budget is adequate to generate the projected sales revenue; 3) The applicant submits receipts/invoices to document \$50,000 in personal cash is spent prior to disbursement of Town loan funds.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT: Based upon the review of the application by the SBTDC (Loan Packager), Town staff, and the recommendation of the ESC, the loan is approved in the amount of \$45,000 at 3% interest for a period of 5 years contingent on the following conditions; 1) The applicant secures an additional \$45,000 from another source and provides documentation of other funding sources; 2) Submit a marketing plan prepared by Splinter (or other professional marketing agency) with a letter stating the marketing budget is adequate to generate the projected sales revenue; 3) The applicant submits receipts/invoices to document \$50,000 in personal cash is spent prior to disbursement of Town loan funds.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of August 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

LINK TO ORANGE COUNTY'S WEBSITE REGARDING THE ¼ CENT SALES TAX

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN COLEMAN FOR THE TOWN TO PROVIDE A LINK TO THE COUNTY'S ¼ CENT SALES TAX INFORMATION ON THE TOWN'S WEBSITE AND TO REQUEST THAT THE COUNTY PROVIDE GRAPHICS THAT MORE CLEARLY REPRESENT THE PROPOSED EXPENDITURES. VOTE: AFFIRMATIVE ALL

COUNTY SALES TAX

Alderman Haven-O'Donnell requested that Board Members provide input for the County's use of proposed sales tax funds.

Alderman Slade requested that the County consider alternative approaches to Economic Development; specifically towards energy efficiency.

Alderman Gist suggested that the County explain to citizens that the ¼ cent sales tax will help keep their property taxes down.

REPORT ON WINMORE RECREATION FACILITIES

MOTION WAS MADE BY ALDERMAN BROUN AND SECONDED BY ALDERMAN COLEMAN FOR STAFF TO PROVIDE A REPORT, PRIOR TO DECEMBER, THAT ADDRESSES THE WINMORE RECREATION AREA AND WHAT EACH HOMEOWNERS ASSOCIATION PROVIDES REGARDING RECREATION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 8:25 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk