

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 20, 2012 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Michelle Johnson
	Sammy Slade
Town Manager	David Andrews
Town Clerk	Catherine C. Wilson
Town Attorney	Michael B. Brough

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### **SEWER SERVICE ON ROGERS ROAD**

Bishop Ila McMillan-Ervin, from the Faith Tabernacle Oasis of Love International Church, spoke to the Board about concerns with the availability of sewage lines for her church. She explained that the residents on Rogers Road have received water but have not received sewer service. She asked that the sewer lines be extended into Carrboro's jurisdiction, where her church is located, since they will be so close with the construction of the new church in Chapel Hill that is essentially across the road. She asked that the Board do what they can to help extend sewer lines to her church prior to the installation of sidewalks.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN TO ASK STAFF TO CHECK WITH CHAPEL HILL ON THE PLANS REGARDING THE NEW SEWER SERVICE ON ROGERS ROAD. VOTE: AFFIRMATIVE ALL

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### **BUZZARDS ON ROGERS ROAD**

Bruce Ervin spoke to the Board about the problem of buzzards around the church and his home. He asked that the Board help them look into solutions for the problem.

Alderman Haven-O'Donnell asked for an update from staff on what can be done to help alleviate the problem with the buzzards.

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### **RESOLUTION ON WRDU**

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

#### RESOLUTION CONSIDERING WRDU RUSH RADIO Resolution No. 112 /2011-12

WHEREAS, radio personality Rush Limbaugh attacked, insulted, and denigrated Sandra Flue by calling her a slut and prostitute; and

WHEREAS, radio personality Rush Limbaugh said Fluke has "so much sex it's amazing she can even walk" and suggested that she post sex videos online in payment for having the government subsidize her birth control. "If

we are going to pay for your contraceptives - and thus pay for you to have sex - we want something for it. We want you to post the videos online so we can all watch," in response to Sandra Fluke's testimony in support of Obama's contraceptive health care plan; and

WHEREAS, WRDU, Rush Radio, is the home of Tarheel sports network and broadcasts The University of North Carolina at Chapel Hill basketball and football; and

WHEREAS, statements such as this encourage and support the objectification of women and support a climate that threatens the rights of women to control their reproductive rights and exercise their sexual self-determination; and

WHEREAS, The University of North Carolina at Chapel Hill has a long history of being an advocate for women's rights to self determination;

WHEREAS, statements such as these promulgate misinformation about human reproduction, sexuality, and health and thereby undermine the University's mission to increase understanding in the areas of public health and medicine; and

NOW, THEREFORE the Carrboro Board of Aldermen requests that the University of North Carolina at Chapel Hill's Board of Trustees and Chancellor Thorp severs ties with WRDU, Rush Radio, until and unless WRDU, Rush Radio severs ties with Rush Limbaugh.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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### **GARDENING EVENT AT 201 N. GREENSBORO**

Elizabeth Reeves stated that she participated in the community gardening event at 201 N. Greensboro Street on Saturday, March 17, 2012. She expressed concern with the oppressive police presence and surveillance along with the targeted arrest of a participant.

David Maliken stated that he was at the gardening event on March 17, 2012 and is concerned with the selective enforcement of the law that he saw. He is also concerned with the overwhelming show of police force at the event. He also expressed concern with a prior incident where he and his friends were stopped and asked for their identification when they were doing nothing wrong. He asked the Board to enquire if the Police Department is participating in selective enforcement and if they are engaging with the FBI.

Alderman Gist suggested that Elizabeth Reeves and members of the Carrboro Commune should have a conversation with the Police Chief.

Alderman Slade suggested that the Board have a future conversation on police policy in the future.

Alderman Coleman stated that he is troubled with what he has seen and concerned with the possible relationships between the Town's Police Department and the SBI and FBI. He requested that the manager prepare an agenda item on these matters and that the Board discuss them as matters of policy.

Alderman Johnson asked for clarification on whether the Police Department asked the arrestee to move into the sidewalk before he was arrested. She agreed that the Board needs to have a policy conversation so that the Police Department can be sure of when and how to respond to similar events but expressed concern with micro-managing the Department. She encouraged a conversation between the group members and the Police Department.

Alderman Lavelle also expressed concern with micro-managing the Police Department and stated that she does not want officers to second guess their actions.

Alderman Haven-O'Donnell agreed that the Board should have a future conversation on this topic and the boundaries of civil disobedience in Carrboro. He also stated that he will have a conversation with the Police Chief.

Alderman Slade suggested that the Board have a conversation with the Police Department concerning a citizen being stopped and asked for identification.

Alderman Gist asked David Maliken to have coffee with her and Chief Hutchison.

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### **CHARGES ISSUED**

The Town Clerk issued charges to Raymond Conrad, a recent appointee to the Appearance Commission.

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### **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE MINUTES OF MARCH 6 AND 13, 2012. VOTE: AFFIRMATIVE ALL

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### **REQUEST-TO-SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS ESTABLISHING BICYCLE PARKING REQUIREMENTS AND REVISING COMPACT CAR PARKING REQUIREMENTS**

The Board of Aldermen was asked to set a public hearing on proposed Land Use Ordinance amendments relating to bicycle parking requirements and compact car parking requirements.

Alderman Haven-O'Donnell asked the difference in sub-compact and compact cars.

Alderman Slade asked that the EPA cubic feet car measurement also be shown in length and width for the future public hearing.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO INCLUDE BICYCLE PARKING REQUIREMENTS FOR CERTAIN LAND

USES AND AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REVISE  
COMPACT CAR PARKING REQUIREMENTS  
Resolution No. 99/2011-12

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on April 24, 2012, to consider adopting “AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO INCLUDE BICYCLE PARKING REQUIREMENTS FOR CERTAIN LAND USES” and “AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REVISE COMPACT CAR PARKING REQUIREMENTS”.

BE IT FURTHER RESOLVED that the draft ordinances are referred to the Town of Carrboro Planning Board and Orange County for review and recommendations.

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

- |   |  |
|---|--|
| <input 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 type="checkbox"/> Environmental Advisory Board             | <input type="checkbox"/> _____                                       |
| <input type="checkbox"/> Economic Sustainability Commission       | <input type="checkbox"/> _____                                       |

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION CONSIDERING WISE ENERGY EFFICIENCY REVOLVING LOAN APPLICATIONS FOR THE VENABLE BUILDING – 302 WEST WEAVER STREET**

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O’DONNELL TO RECUSE ALDERMAN JOHNSON FROM THE DISCUSSION AND VOTE ON THIS ITEM. VOTE: AFFIRMATIVE ALL

The purpose of this agenda item was to consider a request to loan money to three individual property owners of the Venable Building located at 302 West Weaver Street for Energy Efficiency Revolving Loan funds.

Alderman Slade asked that future revolving loan items depict the return on investment and payback timing.

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

A RESOLUTION APPROVING A LOAN FROM THE  
WISE ENERGY EFFICIENCY REVOLVING LOAN FUND  
FOR SOPHIE PIESSE ARCHITECT, PA.  
Resolution No. 108/2011-12

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 \$70,000.00 available to be loaned to applicants with viable projects; and

WHEREAS, Sophie Piesse Architect, PA., 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 302 West Weaver Street Suite F; and

WHEREAS, the applicant is requesting a loan in the amount of \$9,000.00 to be paid back over a 10 year period at a 3% interest rate and secured with a lien against the real property identified in the County tax records as PIN #9778-76-7579.006; and

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

WHEREAS, the proposed energy conversation measures will result in a 49% 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 a loan amount of \$7000.00, (which is 80% of the 1/8<sup>th</sup> allocated project cost for one unit) with the terms of 10 year and 3% interest; and

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

A loan is awarded from the WISE Energy Efficiency Revolving Loan Fund to Sophie Piesse Architect, PA., in the amount of \$7,000.00 with a loan term of 10 years at 3% interest rate, secured with a lien against real property described above.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION APPROVING A LOAN FROM THE  
WISE ENERGY EFFICIENCY REVOLVING LOAN FUND  
FOR LLBRADLEY PROPERTIES, LLC.  
Resolution No. 109/2011-12

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 \$70,000.00 available to be loaned to applicants with viable projects; and

WHEREAS, the LBradley Properties, LLC., 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 302 West Weaver Street Suite E; and

WHEREAS, the applicant is requesting a loan in the amount of \$9,000.00 to be paid back over a 10 year period at a 3% interest rate and secured with a lien against the real property identified in the County tax records as PIN #9778-76-7579.005; and

WHEREAS, the Town ECD 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 49% 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 a loan amount of \$7000.00, (which is 80% of the 1/8<sup>th</sup> allocated project cost for one unit) with the terms of 10 year and 3% interest; and

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

A loan is awarded from the WISE Energy Efficiency Revolving Loan Fund to LBradley Properties, LLC., in the amount of \$7,000.00 with a loan term of 10 years at 3% interest rate, secured with a lien against real property described above.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION APPROVING A LOAN FROM THE  
WISE ENERGY EFFICIENCY REVOLVING LOAN FUND  
FOR DISPUTE SETTLEMENT CENTER, INC.  
Resolution No. 110/2011-12

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 \$70,000.00 available to be loaned to applicants with viable projects; and

WHEREAS, the Dispute Settlement Center, 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 302 West Weaver Street Suites A, B, C, D, and H; and

WHEREAS, the applicant is requesting a loan in the amount of \$45,000.00 to be paid back over a 10 year period at a 3% interest rate and secured with a lien against the real property identified in the County tax records as PIN #9778-76-7579.008; and

WHEREAS, the Town ECD 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 49% 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 a loan amount of \$35,000.00, (which is 80% of the 5/8<sup>th</sup> allocated project cost for one unit) with the terms of 10 year and 3% interest; and

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

A loan is awarded from the WISE Energy Efficiency Revolving Loan Fund to Dispute Settlement Center, Inc., in the amount of \$35,000.00 with a loan term of 10 years at 3% interest rate, secured with a lien against real property described above.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A SALES TAX REALLOCATION AUDIT CONTRACT**

The purpose of this agenda item was to authorize the Town Manager to execute a contract with Robert S. Segal, CPA, to examine and analyze North Carolina sales tax refunds to private nonprofits to determine whether refunds as reported need to be reallocated to Orange County and its municipalities.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH  
ROBERT S. SEGAL, CPA FOR SALES TAX REALLOCATION AUDIT  
Resolution No. 97/2011-12

BE IT RESOLVED by the Board of Aldermen that:

(1) The Town Manager is authorized to execute a contract with Robert S. Segal, CPA, for sales tax reallocation audit.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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

The purpose of this agenda item is to request authorization from the Board for the sale of \$2,590,000 in bond anticipation notes (BANs) to replace the existing BANs and provide additional funding for the design, construction, and implementation of sidewalk and greenway projects approved by voters in November 2003.

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

**RESOLUTION FOR THE SALE OF \$2,590,000  
SIDEWALK BOND ANTICIPATION NOTES  
Resolution No. 98/2011-12**

**WHEREAS --**

The Town's voters authorized the issuance of up to \$4,600,000 of general obligation bonds for sidewalks and greenway trails (the "Sidewalk Bonds") at a referendum held on November 4, 2003.

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

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

This resolution provides for the issuance of these notes and takes related action.

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

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

**2. Payment Provisions --**The principal of the Notes will mature on January 16, 2013, without option of prior payment. The Notes will bear interest from their date at the rate determined at the time of their sale by



the Local Government Commission (currently scheduled for April 3). Interest will be payable at maturity and calculated on the basis of a 360-day year consisting of twelve 30-day months.

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

**4. Form of Notes --** The Notes will be designated "General Obligation Sidewalk Bond Anticipation Notes, Series 2012." The Notes will be issued initially in the form of a single note for the entire issue that will be in substantially the form set out in Exhibit A. The Notes will be dated the date of their initial issuance, will be in fully registered form, in a minimum denomination of \$100,000, and will be numbered for identification from R-1 upward.

The Notes will be fully-registered as to principal and interest. The Notes must be signed by the manual or facsimile signature of the Mayor or the Town Manager. The Town's seal must be affixed to the Notes (or a facsimile of the seal printed on the Notes) and attested by the manual or facsimile signature of the Town Clerk. No Note will be valid unless at least one signature appearing on the Note is manually applied; the manual signature may be the signature of an official of the North Carolina Local Government Commission (the "LGC") that is required by law to appear on each Note.

**5. Finance Officer as Registrar; Payments to Registered Owners --** The Town's Finance Officer is appointed Registrar for the Notes. As Registrar, the Finance Officer will maintain appropriate books and records of the ownership of the Notes. The Town will treat the registered owner of each Note as the person exclusively entitled to payment of principal and interest and the exercise of all rights and powers of the owner, except that the Town will pay principal of and interest on the Notes at maturity to the persons shown as owners on the Town's registration books at the end of the calendar day on January 7, 2013 (whether or not that day is a business day).

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

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

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

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

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

In addition, the Town Manager is directed to take all appropriate steps for the efficient and convenient carrying out of the Town's on-going responsibilities with respect to the Notes and otherwise with respect to the financing of the project. This authorization includes, without limitation, contracting with third parties for reports and calculations that may be required under this resolution or otherwise with respect to the Notes or the Sidewalk Bonds.

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

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

**11. Book-Entry System for Note Registration** -- The Notes will be issued by means of a book-entry system, with one note certificate immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. The book-entry system for registration will operate in accordance with DTC's usual operating procedures.

Therefore, so long as the book-entry system of registration with DTC is in effect, (a) the Town will pay principal and interest on the Notes only to DTC or its nominee as registered owner of the Notes, (b) the Town will not be responsible or liable for any transfer of payments to parties other than DTC or for maintaining, supervising or reviewing the records maintained by DTC or any other person related to the Notes, and (c) the Town will not mail any notices related to the Notes to anyone other than DTC or its nominee. The Board, by resolution, may elect to discontinue the Town's book-entry system with DTC, in which case the Notes will be exchanged for Notes in denominations of \$1,000 above the minimum denomination of \$100,000. The Finance Officer is authorized and directed to enter into any agreements such officer deems appropriate to put into place and carry out the book-entry system with DTC.

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

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**AN ORDINANCE REVISING THE MEMBERSHIP OF THE ARTS COMMITTEE AND THE GREENWAYS COMMISSION**

The purpose of this item was for the Board to consider an ordinance revising the membership of the Arts Committee and the Greenways Commission.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL FOR STAFF TO DRAFT AN ORDINANCE THAT CREATES AN ARTS COMMITTEE SEAT, WITH FULL VOTING RIGHTS, FOR A REPRESENTATIVE OF THE CHAPEL HILL ARTS COMMITTEE. VOTE: AFFIRMATIVE ALL

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

AN ORDINANCE REVISING THE MEMBERSHIP OF THE ARTS COMMITTEE AND THE GREENWAYS COMMISSION  
Ordinance No. 22/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsections (a) and (b) of Section 3-41 (Arts Committee Established) of the Town Code are amended to read as follows:

(a) There shall be an Arts Committee consisting of ~~nine~~ ten members. ~~Nine~~ ~~Eight~~ regular members shall be appointed by the Board of Aldermen. The ~~tenth~~ ~~ninth~~ member shall be a person designated by the Executive Director of the Carrboro ArtsCenter to attend the meetings of the committee and fill the seat reserved for the designee of the ArtsCenter. The ArtsCenter Executive Director may designate different persons to attend different committee meetings.

(b) Regular members of the committee shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of the ~~regular~~ members shall continue as they exist on the effective date of this amendment, ~~except that the Board of Aldermen shall designate one of the vacant seats as the Carrboro ArtsCenter assigned seat and the term of the ninth regular member (whose seat is added to the committee by this amendment) shall initially expire on January 1, 2015.~~ and the term of the ninth regular member (whose seat is added to the committee by this amendment) shall initially expire on January 1, 2015. Vacancies shall be filled for the unexpired terms only.

Section 2. Section 3-24.7 of the Town Code is amended to read as follows:

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### Section 3-24.7. Greenways Commission Created

(a) There shall be a Greenways Commission composed of one or two members of the Board of Aldermen appointed by the Board as liaison members, plus ~~11-12 voting~~ six other members appointed by the Board of Aldermen. The Board shall endeavor to appoint members such that the membership of the commission will include ~~both at least four~~ six residents of the town. and at least six representatives of the community at large.

- ~~Planning Board (1 seat)~~
- ~~Recreation and Parks Commission (1 seat)~~
- ~~Environmental Advisory Board (1 seat)~~
- ~~Transportation Advisory Board (1 seat)~~
- ~~At large representatives (6 seats)~~
- ~~Board of Aldermen Liaison (1-2 seats)~~

~~(b) There shall also be appointed three alternate members who may participate in all deliberations and vote on all matters in the absence of any regular member.~~

(c) Staff representation shall be requested from the following groups to maximize coordination of greenway planning and construction in and around the Town:

- OWASA (1 representative)
- Town of Chapel Hill (1 representative)
- University of North Carolina – Chapel Hill (1 representative)
- Orange County (1 representative)

These members will be non-voting and recommended appointees will be submitted by their respective agency to the Board of Aldermen for acceptance.

(d) Members of the commission, other than the Board liaison members, shall serve three-year staggered terms, but members may continue to serve until their successors are appointed and qualified. The terms of the members shall continue as they exist on the effective date of this amendment. ~~The terms of five seats and one alternate shall expire on July 1, 2008 and every third anniversary thereafter. The terms of five seats and one alternate shall expire on July 1, 2009 and every third anniversary thereafter. The terms of five seats and one alternate shall expire on July 1, 2010 and every third anniversary thereafter.~~

(e) The Board liaison member(s) shall serve at the pleasure of the Board. Other members may be removed as follows:

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report from time-to-time identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The Town Clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

~~(f) — The liaison member shall serve at the pleasure of the Board. Other members may be removed as follows: 3-24~~

~~(1) — The chairman shall file or cause to be filed with the town clerk an attendance report from time to time identifying those members who were present or absent.~~

~~(2) — Unless the chairman waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The Town Clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the Town Clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.~~

~~(3) — Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.~~

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION MAKING AN APPOINTMENT TO THE ARTS COMMITTEE**

The purpose of this item was for the Board to consider making an appointment to the Arts Committee.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE  
ARTS COMMITTEE  
Resolution No. 107/2011-12

WHEREAS, there is currently one vacant seat on the Arts Committee; and

WHEREAS, the Chair of the Arts Committee has prepared a summary of the application.

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

Section 1. The Board of Aldermen hereby appointments Jon Ross to the Arts Committee.

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 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION AMENDING THE TOWN'S FEE WAIVER POLICY**

The Town has received requests from the Community Home Trust to amend the Land Use Ordinance related to the pricing/definition of affordable housing and for the text amendment application fee to be waived. Revisions to the fee waiver policy were drafted that would allow the Board of Aldermen to grant the requested waiver.

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

RESOLUTION REVISING THE TOWN'S POLICY ON WAIVER OF FEES FOR  
AFFORDABLE HOUSING  
Resolution No. 103/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Town's "Building Permit and Land Use Permit Fee Waiver Policy," adopted by the Board of Aldermen on February 11, 1997, is repealed and the following policy adopted in lieu thereof:

AFFORDABLE HOUSING FEE WAIVER POLICY

In order to lower the cost of providing much needed affordable housing, the Town of Carrboro hereby establishes the following policy:

1. The Board of Aldermen may consider waiving some or all of the fees associated with the enforcement of the North Carolina State Building Code for any dwelling unit that constitutes an "affordable housing unit" as described in Subsection 15-182.4(b) of this chapter.
2. The Board of Aldermen may consider waiving some or all of the fees associated with the approval of a development permit (zoning permit, special use, conditional use) for any project where the developer or the owner of the property that is the subject of the permit is a non-profit entity and the project consists of the construction of more than four dwelling units, all of which constitute "affordable housing units" as described in Subsection 15-182.4(b) of this chapter.
3. The Board of Aldermen may consider waiving some or all of the fees associated with a request for an amendment to the text of this chapter submitted by a non-profit entity whose business is primarily devoted to the construction of dwellings that constitute "affordable housing units" as described in Subsection 15-182.4(b) of this chapter.

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 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**A RESOLUTION SETTING PUBLIC HEARINGS RELATED TO GRANT FUND ELIGIBILITY FOR THE ROBERSON STREET SEWER PROJECT**

The purpose of this agenda item was to schedule public hearings required to be eligible for Community Development Block Grant (CDBG) Funds from the NC Department of Commerce, Community Investment and Assistance under the Small Business and Entrepreneurial Program.

Alderman Slade asked that staff continue conversations with the County for ¼ cent sales tax use for this project.

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

**A RESOLUTION TO SCHEDULE TWO REQUIRED PUBLIC HEARINGS FOR CDBG FUNDING OF A ROBERSON STREET SEWER LINE  
Resolution No. 111/2011-12**

WHEREAS, two public hearings are required to be held for eligibility for funding under the NC Department of Commerce, Division of Community Investment and Assistance 2011 Small Business and Entrepreneurial CDBG Program; and

NOW THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN, that public hearings are scheduled for April 10, 2012 and April 24, 2012 to be held during the regularly scheduled meetings of the Carrboro Board of Aldermen.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20<sup>th</sup> day of March 2012:

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

Noes: None

Absent or Excused: None

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**PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATING TO THE DEFINITION OF AFFORDABLE HOUSING UNITS**

The Town received a request from Community Home Trust to amend the Land Use Ordinance relating to the price of affordable housing units. A draft ordinance making the requested changes has been prepared. The Board must receive public comment before taking action on the draft ordinance.

Tina Moon, the Town's Planning Administrator, made the presentation to the Board.

Robert Dowling, Executive Director with the Community Home Trust, spoke to the Board about the Community Home Trust requests.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Resolution No. 100/2011-12

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE DEFINITION OF AFFORDABLE HOUSING UNITS

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020* regarding efforts to provide housing for a diverse population, particularly the following three sections:

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Corporation, Empowerment Inc., and Habitat for Humanity.

6.18 A minimum of 15 percent of the residential units in any residential development should meet the affordability criteria specified in Section 15-182.4 of the Carrboro Land Use Ordinance.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of March 2012:

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

Noes: None

Absent or Excused: None

The following ordinance was introduced by Alderman Coleman and seconded by Alderman Lavelle:



AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE  
DEFINITION OF AFFORDABLE HOUSING UNITS  
Ordinance No. 23/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first sentence of Subsection 15-182.4(b)(1) of the Carrboro Land Use Ordinance (LUO) is amended to read as follows:

The appropriately-sized affordable housing unit must be offered for sale or rent at a price that does not exceed an amount that can be afforded by a family whose annual gross income equals 80 percent of the median gross annual family income, as most recently established by the United States Department of Housing and Urban Development, for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located; provided that a for-sale housing unit that is offered for sale at a price that exceeds the foregoing limit but does not exceed an amount that can be afforded by a family whose annual gross income equals 115% of the median gross annual family income shall also be regarded as affordable so long as (i) such unit otherwise qualifies as an affordable housing unit under this section, and (ii) units that qualify as affordable under this exception do not constitute more than 25% of the affordable housing units provided within any development.

Section 2. The second sentence of Subsection 15-182.4(b)(2) of the LUO is amended to read as follows:

The developer shall also establish or provide for arrangements to ensure that each such affordable unit is made available for sale or rent only to a family whose annual gross income does not exceed (i) 80% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located, or (ii) 115% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located if the unit is one that qualifies as affordable under the exception provided for in the second part of the first sentence of subsection (b)(1) of this section.

Section 3. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 20th day of March 2012:

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

Noes: None

Absent or Excused: None

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

A RESOLUTION WAIVING THE APPLICATION FEE RELATED TO A LAND USE ORDINANCE TEXT  
AMENDMENT REQUESTED BY THE COMMUNITY HOME TRUST FOR A CHANGE TO THE  
PRICING LIMITS OF AFFORDABLE HOUSING  
Resolution No. 101/2011-12

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

WHEREAS, a request to waive the application fee for a text amendment related to the definition of affordable housing has been made by the Community Home Trust, a non-profit organization committed to the creation of affordable housing opportunities.

NOW, THEREFORE BE IT RESOLVED, by the Board of Aldermen that the Aldermen grant a waiver of the application fee associated with a land use ordinance text amendment request, in accordance with Administrative Policy 540-1 in the amount of \$425.00.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 20th day of March 2012:

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

Noes: None

Absent or Excused: None

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**A REQUEST TO SET A PUBLIC HEARING FOR CLAREMONT SOUTH, PLANNED UNIT DEVELOPMENT REZONING, CONDITIONAL USE PERMIT AND VOLUNTARY ANNEXATION**

Parker Louis LLC has submitted a petition for R-10/B-3 Planned Unit Development rezoning and a conditional use permit application for Claremont South. A petition for voluntary annexation of the property has also been submitted. Prior to reaching a decision on these requests, the Board of Aldermen must receive public input. A resolution setting public hearings on these matters was provided for the Board's use.

Trish McGuire, the Town's Planning Director, made the presentation to the Board. She presented concerns with scheduling the public hearing on April 24, 2012 since the meeting will be held at OWASA and will not be live streamed nor broadcast on cable TV.

Omar Zinn, owner of the property, answered questions from the Board and expressed an eagerness to schedule the item as soon as possible.

Alderman Slade asked that the cable TV channel display the meeting agenda and a message that audio will be available following the meeting.

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

**A RESOLUTION CALLING PUBLIC HEARINGS FOR THE CLAREMONT SOUTH PUD REZONING,  
CONDITIONAL USE PERMIT APPLICATION AND PETITION FOR VOLUNTARY ANNEXATION  
Resolution No. 96/2011-12**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a Conditional Use Permit for Claremont South, previously approved as Phase 4 & 5 of the Claremont AIS; and

WHEREAS, petitions for rezoning the 38.152-acre property from R-15 and R-20 to R-10/B-3 and for voluntary annexation into the Town's municipal area have been received; and

WHEREAS, the Board of Aldermen must hold public hearings on these requests and must also refer the rezoning petition for Planning Board review.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call public hearings on April 24, 2012 to receive public comments and to consider the petitions for voluntary annexation, rezoning, and the application for a conditional use permit for the Claremont South development. During the time of the meeting on April 24<sup>th</sup>, Chancel 18 shall display the meeting's agenda and a message noting that an audio recording will be available on the Town's website after the meeting.

BE IT FURTHER RESOLVED by the Board of Aldermen that that the rezoning petition is hereby referred for review to the Planning Board.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 20th day of March 2012:

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

Noes:

Absent or Excused: None

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MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO ADJOURN THE MEETING AT 9:20 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk