

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, September 4, 2012 in the Town Hall Board Room.

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	Mike Brough

CHARGE ISSUED

The Town Clerk issued a charge to Sarah Ludington, a recent appointee to the Recreation and Parks Commission.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO APPROVE THE MINUTES OF JUNE 19 AND 26, 2012. VOTE: AFFIRMATIVE ALL

EXECUTE GRANT AGREEMENT FOR CDBG SMALL BUSINESS AND ENTREPRENEURIAL PROGRAM FOR ROBERSON STREET SEWER

The purpose of the agenda item was for the Board to authorize acceptance of the grant award and execution of the grant agreement for the Community Development Block Grant Funds from the NC Department of Commerce, Community Investment and Assistance under the Small Business and Entrepreneurial Program. Also, an amendment to the adopted budget and a grant project ordinance was presented for the Board's consideration and action.

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

RESOLUTION FOR THE TOWN OF CARRBORO, NC TO
EXECUTE GRANT AGREEMENT FOR CDBG SMALL BUSINESS
AND ENTREPRENEURIAL ASSISTANCE
FUNDING FOR THE ROBERSON STREET SEWER EXTENSION PROJECT
Resolution No. 1/2012-13

WHEREAS, the Town of Carrboro's Board of Aldermen have consistently indicated its desire to assist in economic development efforts for small businesses/entrepreneurs within the Town, and;

WHEREAS, the Board has held two public hearings concerning the proposed application for Community Development Block Grant funding for extension of public sewer from Maple Street to Roberson Street, and;

WHEREAS, the Board of Aldermen applied for, and was awarded, the Community Development Block Grant in the amount of \$171,700.00 for the Roberson St. Sewer Extension project which will directly benefit ACME Food and Beverage Co. and all the businesses on the 100 block of East Main Street, and;

WHEREAS, The Town of Carrboro will partner with the Orange County Board of Commissioners to invest local commitment dollars in the amount of \$59,900.00 into the project and;

WHEREAS, the project includes a plan to create and nurture an entrepreneurial environment by sponsoring a series of workshops to provide training and education in social entrepreneurial-fourth sector best practices, and;

WHEREAS, the Board of Aldermen certifies and gives their assurance that the Town will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program.

NOW, THEREFORE BE IT RESOLVED, by the Town of Carrboro Board of Aldermen that the Mayor is authorized to sign and enter into a Grant Agreement with the North Carolina Department of Commerce for approval of a Community Development Block Grant for Small Business & Entrepreneurial Assistance.

BE IT FURTHER RESOLVED, that authority to sign any other documents as needed to meet the requirements of the grant are hereby delegated to the Town Manager.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 4th day of September 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 Gist and seconded by Alderman Coleman:

**CDBG SMALL BUSINESS AND ENTREPRENEURIAL PROGRAM GRANT PROJECT
ORDINANCE
Ordinance No. 1/2012-13**

WHEREAS, the Town of Carrboro (Town) has been awarded a grant in the amount of \$171,700.00 by the North Carolina Department of Commerce under the Community Development Block Program - Small Business and Entrepreneurial Program (CDBG-SBEA); and,

WHEREAS, the grant funds are to be used for the Roberson Street Sewer Project and business training and education activities as described in the application; and,

WHEREAS, Orange County has committed to provide additional funds in the amount of \$29,950.00 for the Roberson Street Sewer Project; and,

WHEREAS, the Town has committed to provide additional funds in the amount of \$29,950.00 for the Roberson Street Sewer Project; and,

WHEREAS, the Board of Aldermen for the Town has accepted this grant award and authorized the Mayor to enter into a Grant Agreement with the North Carolina Department of Commerce; and,

WHEREAS the Board of Aldermen for the Town deems this activity to be a worthy and desirable undertaking.

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

1. This grant is authorized for the Roberson Street Sewer Project and is hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro to complete this Project:

NC Department of Commerce CDBG-SBEA Grant	\$171,700.00
CDBG-SBEA Grant Program Income	\$ 7,000.00
Orange County Contribution	\$ 29,950.00
Town of Carrboro	<u>\$ 29,950.00</u>
Total	\$238,600.00

3. The following amount is appropriated for this project to be expended in the following manner:

Sewer Improvements	\$223,000.00
Administration	\$ 7,100.00
Planning	<u>\$ 8,500.00</u>
Total Appropriation	\$238,600.00

4. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 4th day of September 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 Gist and seconded by Alderman Coleman:

AMENDMENT TO FY 2012-13 ANNUAL BUDGET ORDINANCE NO. 33/2011-12
Ordinance No. 2/12-13

WHEREAS, Board of Aldermen for the Town of Carrboro on June 19, 2012 adopted the annual budget for the fiscal year beginning July 1, 2012 and ending June 30, 2013; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to recognize additional revenues and appropriate them for expenditures for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the Board appropriates undesignated Capital Reserve Funds in the amount of \$29,950.00 for the Roberson Street Sewer Project for a total Capital Reserve Fund appropriation of \$206,895.00 for FY 2012-13.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 4th day of September 2012:

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

Noes: None

Absent or Excused: None

APPROVAL OF MUNICIPAL AGREEMENT, UTILITY AGREEMENT, AND REQUEST FOR THE TOWN TO CONVEY UTILITY EASEMENTS FOR SMITH LEVEL ROAD IMPROVEMENTS

The purpose of this item was for the Board to review and consider approving a Municipal Agreement and Utility Agreement with the North Carolina Department of Transportation pertaining to certain elements of the Smith Level Road Transportation Improvement Program project (U-2803). The Board was also asked to consider approval of the conveyance to NCDOT of four (4) utility easements, necessary for the construction and maintenance of the project, on land currently owned by the Town.

Alderman Slade requested that if the Town has property for library use, that the County recognize the investment by the Town and compensate appropriately.

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

**A RESOLUTION APPROVING A MUNICIPAL AGREEMENT, UTILITY AGREEMENT, AND THE CONVEYANCE OF AN EASEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RELATING TO THE SMITH LEVEL ROAD PROJECT (U-2803)
Resolution No. 4/2012-13**

WHEREAS, on September 28, 2010, the Board of Aldermen approved a conceptual design for Transportation Improvement Program (TIP) Project U-2803, which will make improvements to Smith Level Road; and,

WHEREAS, the North Carolina Department of Transportation (NCDOT) has prepared preliminary plans which have been reviewed by the Board of Aldermen and Town staff in order to address design issues and public comments and concerns; and,

WHEREAS, according to NCDOT's Pedestrian Policy Guidelines, municipalities between 10,000 and 50,000 in population must contribute to 30 percent of the cost of sidewalks included in TIP projects; and,

WHEREAS, at the request of the Town, NCDOT plans to install bicycle loop detection at the BPW Club Road and Culbreth Road intersections, and NCDOT has stated that the Town of Carrboro must contribute to the cost of the installation; and,

WHEREAS, a draft Municipal Agreement has been prepared which establishes cost-sharing arrangements for these project elements and also includes provisions related to maintenance, utilities, and right-of-way acquisition; and,

WHEREAS, a Utility Agreement has been prepared that establishes Town responsibility for funding the installation of fire hydrants as part of the project; and,

WHEREAS, NCDOT has requested that the Town convey utility easements necessary for the construction and maintenance of the project; and,

WHEREAS, the project's construction contract is expected to be advertised for bidding in December of 2012;

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

1. Approves the Municipal Agreement for the Smith Level Road project and authorizes the Town Manager to execute the Agreement.
2. Approves the Utility Agreement for the Smith Level Road project and authorizes the Town Manager to execute the Agreement.
3. Approves the conveyance of easements to the North Carolina Department of Transportation (NCDOT) in accordance with maps and documentation provided by

NCDOT Right-of-Way staff and authorizes the Town Manager or designee(s) to complete any tasks necessary to complete the conveyance.

4. Town staff are authorized to process reimbursements to NCDOT for the Town's contribution to the sidewalks, bicycle loop detection, and fire hydrants installed as part of the project. Such reimbursements should be made according to, and may not exceed, the amounts shown in the following table:

Item	Amount
Sidewalks	\$42,412
Bicycle loop detection	\$1,150
Fire hydrants	\$19,000
TOTAL	\$62,562

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 4th day of September 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 Lavelle and seconded by Alderman Coleman:

AMENDMENT TO FY 2012-13 ANNUAL BUDGET ORDINANCE NO. 33/2011-12
Ordinance No. 3/2012-13

WHEREAS, the Board of Aldermen for the Town of Carrboro on June 19, 2012 adopted the annual budget ordinance for the fiscal year beginning July 1, 2012 and ending June 30, 2013; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to recognize additional revenues and appropriate them for expenditures for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the Board appropriates \$62,562.00 from the Capital Reserve Fund to support the cost of sidewalk construction, bicycle loop detection, and installment of fire hydrants for the Smith Level Road Transportation Improvement Program project as set forth in a Municipal Agreement with the North Carolina Department of Transportation; and,

BE IT FURTHER ORDAINED, that the total Capital Reserve Fund appropriation for FY 2012-13 is increased from \$206,895.00 to \$269,457.00.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 4th day of September 2012:

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

Noes: None

Absent or Excused: None

RESOLUTION DIRECTING REPORT TO PLANNING BOARD ON STATUS OF NORTHERN STUDY AREA PLAN IMPLEMENTATION REVIEW COMMITTEE (NSAPIRC) FOLLOW-UP

The purpose of this agenda item was for the Board of Aldermen to consider a resolution that directs staff to prepare a report and presentation to the Planning Board on the status of follow-up to the NSAPIRC recommendations.

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

A RESOLUTION DIRECTING A STAFF PRESENTATION ON STATUS OF FOLLOW-UP TO NSAPIRC RECOMMENDATIONS
Resolution No. 8/2012-13

WHEREAS, the Planning Board forwarded comments on possible policy/regulatory changes related to the concept plans for development of the Lloyd Property, and

WHEREAS, the comments seem to overlap with some of the NSAPIRC recommendations, follow-up on, which is underway.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO that the Aldermen direct staff to provide a status report and presentation on the follow-up to the NSAPIRC recommendations to the Planning Board.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 4th day of September 2012:

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

Noes: None

Absent or Excused: None

AFFORDABLE HOUSING CONCERNS ASSOCIATED WITH FANNIE MAE LENDING RULES

The purpose of this item is to provide a brief summary of the concerns associated with a rule from Fannie Mae that affects affordable housing. The Board may wish to support efforts to investigate these rules and practices in order to correct the negative impacts they are having on affordable housing programs.

Greg Gangi, representing Pacifica Co-Housing, explained that Fannie Mae has passed a rule under which they do not consider condominiums in a development where one entity owns more than 10% of the deeds as loan worthy. Due to this Fannie Mae rule, homeowners at Pacifica recently reported difficulty refinancing the mortgages on their homes and Carrboro residents will have problems buying or selling condominiums at Pacifica for the same reason. Since lending financial institutions cannot sell a mortgage for a Pacifica condominium to Fannie Mae, they are either unwilling to offer financing or they will offer financing at a substantially higher rate because they must then hold the mortgage in their own portfolio. A new Fannie Mae lending rule will deter the maintenance of the Town's stock of affordable housing. He asked that the Carrboro Board of Aldermen work with Congressman Price and Senators Burr and Hagan to address this issue.

Robert Dowling, the Executive Director of Community Home Trust, explained that if Fannie Mae approval had been received prior to the project being completed, the entirety of Pacifica Co-Housing would have been built as Fannie Mae eligible. He explained that he is working with local banks for mortgaging needs but that educating banks nationally would be difficult. He will gather information from the Community Home Trust agent at Fannie Mae for distribution to the representatives.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN JOHNSON FOR STAFF TO SEND A LETTER TO CONGRESSMAN PRICE, SENATORS HAGAN AND BURR, AND THE HUD SECRETARY REGARDING THE CONCERNS WITH THE FANNIE MAE LENDING RULE. 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.

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

A RESOLUTION MAKING APPOINTMENTS TO THE
GREENWAYS COMMISSION
Resolution No. 3/2012-13

WHEREAS, three at-large seats on the Greenways Commission have expiring terms.

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

Section 1. The Board of Aldermen hereby appoints the following applicants and recommended representatives to the Greenways Commission:

Seat Designation	Appointee	Term Expiration
At-Large	Robert Kirschner	7/1/2015
At-Large	Johnny Randall	7/1/2015

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 4th day of September 2012:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN TO HAVE THE ATTORNEY DRAFT AN ORDINANCE TO LIMIT GREENWAYS COMMISSION MEMBERSHIP TO TOWN OF CARRBORO RESIDENTS. VOTE: AFFIRMATIVE ALL

CARRBORO WISE ENERGY EFFICIENCY PROGRAM UPDATE

The purpose of this agenda item was to provide an update on the status of the Carrboro WISE (Worthwhile Investments Save Energy) program and request that the Board of Aldermen consider an adjustment to the program design to allow for flexibility to use residential retrofit funds for single-family or multi-family projects.

Matt Efird, the Assistant to the Town Manager, made the report to the Board.

Alderman Gist asked if there is a way that that property owners could be restricted from increasing rents after upgrading with WISE funds. She asked that the Town's attorney look into this request.

Alderman Coleman asked that utility savings cost also be considered in the equation when looking into Alderman Gist's question.

Alderman Slade asked the Town to look into small scale financing for energy efficiency programs.

Mayor Chilton stated that he feels the subsidy should be made equally available for single family and multifamily residences.

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

A RESOLUTION ACCEPTING THE CARRBORO WISE ENERGY EFFICIENCY
PROGRAM UPDATE
Resolution No. 2/2012-13

WHEREAS, The Board of Aldermen has received an update regarding the current status of the Carrboro WISE Energy Efficiency program; and

WHEREAS, the stated goals of the WISE Energy Efficiency program include the completion of 100 residential retrofit projects; and

WHEREAS, Town staff has requested the flexibility to utilize program funds designated for residential retrofits for either single-family or multifamily projects, subject to minimum and maximum limits, in order to meet the goal of completing 100 residential retrofit projects; and

WHEREAS, Town staff has been directed to respond to the questions raised regarding raising rents after WISE energy funds have been used to upgrade the residence.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen approves revising the WISE program design to allow residential retrofit funds to be used for either single-family or multifamily projects.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 4th day of September 2012:

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

Noes: None

Absent or Excused: None

REQUEST TO APPROVE THE USE OF CHAPEL HILL TRANSIT ADVERTISING SPACE FOR CHAPEL HILL/CARRBORO WISE PROGRAM AND PROMOTION OF THE LOCAL ECONOMY

The purpose of this agenda item was to request that the Board of Aldermen approve the use of the Town's designated Chapel Hill Transit advertising space for the Chapel Hill/Carrboro WISE program and also to approve using available Public Service Announcement (PSA) advertising space for the promotion of the local economy.

Mayor Chilton suggested using the wrap that depicts a snake strangling a wallet for the WISE program. He also suggested less text.

Alderman Slade suggested the use of the Town's seal.

Alderman Gist also requested that the local arts program be represented.

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

A RESOLUTION REGARDING THE REQUEST TO APPROVE THE USE OF CHAPEL HILL TRANSIT ADVERTISING SPACE FOR CHAPEL HILL/CARRBORO WISE PROGRAM AND THE PROMOTION OF LOCAL ECONOMY
Resolution No. 5/2012-13

WHEREAS, the Town of Carrboro, as a partner agency for Chapel Hill Transit, is granted the use of a "wrapped" bus for advertising purposes; and

WHEREAS, the Chapel Hill/Carrboro WISE program has funds budgeted for the advertising of the WISE program; and

WHEREAS, the Town of Carrboro Economic & Community Development department has funds budgeted for the promotion of the local economy; and

WHEREAS, the Board of Aldermen has expressed interest in using Chapel Hill Transit advertising space to promote the WISE program and the local economy; and

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen approves the use of Chapel Hill Transit advertising space for the Chapel Hill/Carrboro WISE program and the promotion of the local economy including the arts.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 19th day of June 2012:

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

Noes: Dan Coleman

Absent or Excused: None

REVIEW OF LAND USE ORDINANCE SECTION 15-295.1, RELATING TO THE DESIGN OF BICYCLE RACKS REQUIRED FOR NEW DEVELOPMENTS

The Board of Aldermen expressed an interest at its June 19, 2012, meeting to further review Land Use Ordinance Section 15-295.1 regarding designs of bicycle racks. This agenda item provided an opportunity for the review.

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

A RESOLUTION REGARDING THE DESIGN OF BICYCLE RACKS REQUIRED FOR CERTAIN LAND USES
Resolution No. 6/2012-13

WHEREAS, the Board of Aldermen adopted the Comprehensive Bicycle Transportation Plan on March 24, 2009, which includes bicycle parking design guidelines; and,

WHEREAS, on June 19, 2012, the Board of Aldermen adopted an ordinance requiring bicycle parking for certain land uses within new developments; and,

WHEREAS, at the June 19, 2012, meeting, the Board expressed an interest in further review of bicycle parking design;

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

1. The Board endorses the Planning Board's recommendation that only the preferred rack designs be counted toward the number of required bicycle spaces for a site, and that only preferred designs should be counted toward parking reduction from the presumed minimum standard of auto parking spaces.
2. Staff shall prepare a draft ordinance and schedule a public hearing.

POLICE FOR DEMOCRATIC NATIONAL CONVENTION

Alderman Slade congratulated Town Staff for not contributing police personnel to the Democratic National Convention in Charlotte, NC.

619 AND 621 HILLSBOROUGH ROAD – WEAVER STREET COMMUNITY CO-HOUSING

The Board thanked David Andrews, Town Manager and Annette Stone, Community and Economic Development Director, for working with the residents to clean up the appearance of the site.

ACKNOWLEDGEMENT OF THE PASSING OF MR. BURNETTE

Mayor Chilton acknowledged the passing of Mr. Burnette, the school crossing guard at McDougle Middle School and a longtime Carrboro resident. He noted him as someone that was well loved by many in Carrboro and will be missed.

CLOSED SESSION – ATTORNEY CLIENT MATTERS

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO ENTER INTO CLOSED SESSION TO DISCUSS A MATTER OF ATTORNEY CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN JOHNSON AND SECONDED BY ALDERMAN GIST TO ADJOURN THE MEETING AT 9:34 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk