

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, January 15, 2013 in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Alderman	Jacquelyn Gist
	Lydia Lavelle
	Randee Haven-O'Donnell
	Sammy Slade
Town Manager	David Andrews
Town Clerk	Catherine C. Wilson
Town Attorney	Mike Brough

Absent:

Alderman	Michelle Johnson
----------	------------------

\*\*\*\*\*

### **APPOINTMENT OF A MAYOR PRO TEM**

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPOINT ALDERMAN LAVELLE AS MAYOR PRO TEM. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

\*\*\*\*\*

### **WILD FOOD AND HERB MARKET**

Jenny Shnaack and Josh Lev spoke to the Board about a new market that “celebrates the wild foods and herbs of the North Carolina Piedmont.” She asked to hold the market the first Sunday of each month at the Carrboro Town Commons. She asked the Town to sponsor the market and wave the fee of reserving the Town Commons for the first year. It is being organized under, and liability insurance would be provided through the Abundance Foundation, a non-profit in Pittsboro.

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN HAVEN-O'DONNELL TO REFER THIS ITEM TO STAFF FOR A REPORT BACK AS SOON AS POSSIBLE IN ADVANCE OF MARCH 10, 2013. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON).

\*\*\*\*\*

### **RESOLUTION OPPOSING LEGISLATION THAT PROVIDES FOR THE FORCED TAKING OF MUNICIPAL WATER SYSTEM**

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

WHEREAS, Statewide legislation was introduced in the 2011 Session of the North Carolina General Assembly that would have forced the involuntary conveyance of a city-owned water system to a Metropolitan Sewer District; and

WHEREAS, prior to the beginning of the 2012 Session of the North Carolina General Assembly, the Legislative Research Commission recommended legislation that would force the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District; and

WHEREAS, the 2012 Session of the North Carolina General Assembly enacted legislation to begin the process of the forceful taking of a Municipal water system; and

WHEREAS, it is anticipated that legislation will be introduced at the beginning of the 2013 Session of the North Carolina General Assembly that will force the transfer of a Municipal water system; and

WHEREAS, public utilities have the unique responsibility to be protectors of public health and the environment, while serving as partners in the community's growth and development; and

WHEREAS, the forced taking of an local government infrastructure sets a dangerous precedent in the State of North Carolina, a precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for citizens here and across the State.

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

1. The Board of Aldermen is opposed to legislation that forces the transfer of any City's municipal water system to another entity.
2. The Board of Aldermen is convinced that local solution arrived at by an open, collaborative process is preferable to a legislative directed disposition of local government assets.
3. The Board of Aldermen is opposed to the forced taking of any local government infrastructure because such taking sets a dangerous precedent that will have a chilling effect on any local government investing in needed infrastructure in the future, thereby endangering business opportunities and economic stability in the State and resulting in job losses for our citizens here and across the State.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN SLADE TO APPROVE THE MINUTES OF DECEMBER 4, 2012. VOTE: AFFIRMATIVE SIX, ABSENT ONE (JOHNSON)

\*\*\*\*\*

**A REQUEST TO ISSUE PERMITS FOR THE KIDNEY KARE 5K RUN/WALK**

The purpose of this item was to a consider Street Closing Permit Application submitted by the UNC Kidney Center for the temporary closing and usage of streets to accommodate the Kidney Kare 5K Run/Walk on Saturday March 16, 2013 from 8:20 AM to 9:45 AM.

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE FOLLOWING STREETS TO ACCOMMODATE THE KIDNEY KARE 5K RUN/WALK.

Resolution No. 68/2012-13

Section 1. The following streets shall be temporarily closed and used Saturday, March, 16 2013 from 8:20 am to 9:45 am to accommodate the Kidney Kare 5K Run/Walk:

- Start and Finish on McDougale Southeast Drive
- Right on *Hillsborough Rd* (Stay on Hillsborough Rd through the N Greensboro St split)
- Right on *High St*
- Right on *Main St* (stay in bike lane)
- Right on *James St*
- Left on *Hillsborough Rd* (stay in bike lane)
- Left on *McDougale Southeast Drive*

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 Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and 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 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**CERTIFICATION OF CARRBORO FIRE-RESCUE DEPARTMENT ROSTER**

The purpose of this item was to satisfy North Carolina General Statute 58-86-25, which requires all certified fire departments to annually submit a complete roster of its qualified fire personnel to the North Carolina Firemen's Pension Fund. The roster must be signed by a representative of the Department's Governing Body.

Alderman Slade stated that there is a movement regarding directing investments of pensions and retirements systems away from investing in fossil fuels. He asked staff to look into the prospectus of the pension plan and report back.

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

A RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN THE ANNUAL CERTIFICATION OF FIREMEN  
Resolution No. 74/2012-13

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

Section 1. The Mayor is hereby authorized to sign the 2012 Annual Certification of Firemen's Report.

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 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**AUTHORIZATION TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR PRELIMINARY ENGINEERING OF THE MORGAN CREEK GREENWAY**

The Board was asked to authorize the Town Manager to execute an amendment to the professional services agreement with Coulter Jewell Thames (CJT) to allow for additional preliminary engineering services to be completed for the Morgan Creek Greenway (NCDOT TIP # EL-4828).

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

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE MORGAN CREEK GREENWAY**

Resolution No. 69/2012-13

WHEREAS, on March 16, 2010, the Board of Aldermen adopted the Morgan Creek Greenway Conceptual Master Plan; and

WHEREAS, the preliminary engineering phase of the greenway is in process; and,

WHEREAS, the Town has contracted Coulter Jewell Thames of Durham to provide preliminary engineering services; and,

WHEREAS, on October 16, 2012, the Board of Aldermen reviewed the alignment and adopted a resolution with recommendations on preliminary engineering that will require an amendment to the current professional services agreement;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Town Manager is authorized to execute an amendment to the professional services agreement with Coulter Jewell Thames to provide for the additional preliminary engineering services.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**DRAFT 2014-2020 TRANSPORTATION IMPROVEMENT PROGRAM**

The purpose of this item was to provide the Board with an update on the Draft 2014-2020 Transportation Improvement Program, included in the Draft 10-Year Work Program, released by NCDOT.

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

A RESOLUTION RECEIVING AN UPDATE ON THE DRAFT 2014-2020  
TRANSPORTATION IMPROVEMENT PROGRAM  
Resolution No. 65/2012-13

WHEREAS, NCDOT has released a draft 2014-2020 Statewide Transportation Improvement Program, including a Transportation Improvement Program for the Durham-Chapel Hill-Carrboro area;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the update on the 2014-2020 Statewide Transportation Improvement Program.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**PUBLIC HEARING ON RESOLUTION ESTABLISHING A HOTEL ROOM OCCUPANCY TAX**

The purpose of this agenda item was for the Board to hold a public hearing on resolution establishing a hotel room occupancy tax.

Laurie Paolicelli, executive director of the Orange County Visitor's Bureau, spoke to the Board about the Town's occupancy tax.

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

A RESOLUTION ESTABLISHING A HOTEL ROOM OCCUPANCY TAX  
Resolution No. 72/2012-13

WHEREAS, the Town of Carrboro was authorized by Chapter 439, Part XIV of the 2001 Session Laws to adopt a resolution levying a tax of up to 3% on the gross receipts derived from the rental of hotel or motel rooms; and

WHEREAS, G.S. § 160A-215 establishes procedures for the adoption, administration and enforcement of such a tax;

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

Section 1. The Carrboro Town Code is amended by adding a new Chapter 8A as follows:

## CHAPTER 8A

### HOTEL AND MOTEL ROOM OCCUPANCY TAX

#### Section 8A-1. Tax Levied.

There is hereby levied a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the town that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

#### Section 8A-2. Payment of Tax.

(a) As provided in G.S. 160A-215(c), a retailer who is required to remit to the Department of Revenue the State sales tax imposed by G.S. 105-164.4(a)(3) on accommodations is required to remit a room occupancy tax to the town on and after the effective date of this Chapter. The room occupancy tax applies to the same gross receipts as the State sales tax on accommodations and is calculated in the same manner as that tax. A rental agent or a facilitator, as defined in G.S. 105-164.4(a)(3), has the same responsibility and liability under the room occupancy tax as the rental agent or facilitator has under the State sales tax on accommodations.

(b) If a taxable accommodation is furnished as part of a package, the bundled transaction provisions in G.S. 106-164.4D apply in determining the sales price of the taxable accommodation. If those provisions do not address the type of package offered, the person offering the package may determine an allocated price for each item in the package based on a reasonable allocation of revenue that is supported by the person's business records kept in the ordinary course of business and calculate tax on the allocated price of the taxable accommodation.

(c) A retailer must separately state the room occupancy tax. Room occupancy taxes paid to a retailer are held in trust for and on account of the town.

(d) The town shall design and furnish to all appropriate businesses and persons in the town the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the

amount remitted to the town a discount equal to the discount the State allows the retailer for State sales and use tax.

(e) As provided in G.S. 160A-215(d), the tax levied by this Chapter shall be due and payable to the town finance officer in monthly installments on or before the 20<sup>th</sup> day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20<sup>th</sup> day of each month, prepare and render a return on a form prescribed by the town. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the town is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

#### Section 8A-3. Penalties.

As provided in G.S. 160A-215(e), a person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by this Chapter shall be subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The Board of Aldermen has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

#### Section 8A-4. Distribution and Use of Tax Revenue.

The town shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Carrboro Tourism Development Authority (CTDA). The CTDA shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism in Carrboro and shall use the remainder for tourism-related expenditures. The following definitions apply in this section:

- (1) Net Proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.
- (3) Tourism-related expenditures. Expenditures that, in the judgment of the CTDA, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in the town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

#### Section 8A-5. Carrboro Tourism Development Authority: Appointment and Membership.

(a) The Carrboro Tourism Development Authority (CTDA) is hereby created, which shall be a public authority under the Local Government Budget and Fiscal Control Act.



(b) The CTDA shall consist of three members appointed by the Board of Aldermen. Members need not reside within the town, but at least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the town, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the town.

(c) Subject to subsection (d), members shall be appointed for terms of one year. The initial terms of all appointees shall expire on January 31 of the year that follows the initial appointments. Subsequent terms shall run from February 1 of one year to January 31 of the following year. Vacancies shall be filled for the remainder of the unexpired term. Members may be appointed to successive terms without limitation.

(d) Members shall serve at the pleasure of the Board of Aldermen and may be removed by the Board at any time with or without cause.

(e) Members shall serve without compensation.

#### Section 8A-6. Meetings of CTDA.

(a) The CTDA shall meet as necessary to carry out its powers and duties as specified below. All meetings shall be held in conformity with the Open Meetings Law.

(b) A quorum for the CTDA shall consist of three members, except that if one seat is vacant, a quorum shall consist of two members. All actions of the CTDA shall be taken by majority vote, a quorum being present.

(c) Upon the initial appointment of members to the CTDA and upon the commencement of each new term, the Board of Aldermen shall appoint one member to serve as chair of the CTDA during that term. If a vacancy occurs during a term, the Board shall designate another member to serve as chair for the remainder of that term. The chair may take part in all deliberations and vote on all issues.

#### Section 8A-7. Powers and Duties of the CTDA.

(a) The CTDA shall expend the net proceeds of the tax levied under this Chapter for the purposes provided in this Section 8A-4. The Authority shall promote travel, tourism, and conventions in the town, sponsor tourist-related events and activities in the town, and finance tourist-related capital projects in the town. The town's finance officer shall serve ex officio as the finance officer for the CTDA.

(b) The CTDA shall report quarterly and at the close of the fiscal year to the Board of Aldermen on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board may require.

Section 2. This resolution shall become effective on the first day of the second month following its adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**UPDATE TO THE COMMITTEE/BOARD APPLICATION AND AN UPDATE ON THE OCCUPANCY TAX FISCAL IMPACT**

The purpose of this item was to allow the Board to discuss the Tourism Development Authority application and to receive an update on the Occupancy Tax Fiscal Impact.

Alderman Lavelle suggested that the application also include a question asking the applicant to identify if they work for a business that is involved in the collection of the Town's Occupancy Tax.

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

A RESOLUTION ADOPTING AN UPDATE TO THE TOWN OF CARRBORO  
COMMITTEE/BOARD APPLICATION  
Resolution No. 64/2012-13

WHEREAS, due to the creation of the Town of Carrboro Tourism Development Authority, the Town's Committee/Board Application requires an update; and,

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

Section 1. The Committee/Board Application, as presented to the Board of Aldermen on January 15, 2013 as "Attachment B" is hereby adopted.

Section 2. The Town Clerk shall advertise the seats on the Carrboro Tourism Development Authority, accept applications, and bring the applications back to the Board of Aldermen for appointment.

Section 3. This resolution shall become effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**REPORT ON AGREEMENT BETWEEN PROPERTY OWNERS AND REPRESENTATIVE NEIGHBORS REGARDING 901 WEST MAIN STREET (JOHNNY'S)**

The Board of Aldermen received a letter from the property owner and representative neighbors of 901 West Main Street and subsequently referred it to staff for consideration. This agenda item reported back to the Board staff's findings regarding the letter. Staff requested that the Board receive the report and consider adopting a resolution. Staff intends to work with the property owner to issue a Zoning Permit.

Marty Roupe, the Town's Zoning Administrator made the presentation to the Board.

Tina Saldana, representative of the neighbors, thanked the Town and Asked the Board to move this forward in an expedited manner.

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

A RESOLUTION ACCEPTING A REPORT ON AGREEMENT BETWEEN PROPERTY OWNER AND REPRESENTATIVE NEIGHBORS REGARDING 901 WEST MAIN STREET (JOHNNY'S)  
Resolution No. 75/2012-13

WHEREAS, the Carrboro Board of Aldermen hereby receives the report on agreements between the property owner of 901 West Main Street and a representative group of neighbors; and

WHEREAS, the best approach identified is issuance of a Zoning Permit under LUO Section 15-126, which will incorporate all matters of agreement as binding.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen thanks both the property owner and representative group of neighbors for successfully and cooperatively working with one another. The Board hopes this will allow this local business to thrive and succeed moving forward in a manner that is not disruptive to the surrounding neighborhoods.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

Ayes: Sammy Slade, Lydia Lavelle, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Michelle Johnson, Mark Chilton

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN GIST TO CANCEL THE REZONING PUBLIC HEARING SCHEDULED FOR THE PROPERTY ON FEBRUARY 26, 2013. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

\*\*\*\*\*

**A DISCUSSION OF OPTIONS RELATED TO FILLING A VACANT SEAT ON THE CARRBORO BOARD OF ALDERMEN**

The purpose of this item was to allow the Board of Aldermen to discuss options available for filling a vacant seat on the Board and if decided, to call a special election.

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

**A RESOLUTION CALLING A SPECIAL ELECTION TO FILL A VACANCY ON THE  
CARRBORO BOARD OF ALDERMEN  
Resolution No. 63/2012-13**

WHEREAS, Dan Coleman resigned from the Board of Aldermen effective January 5, 2013, and;

WHEREAS, Dan Coleman's term expires in December of 2015, and;

WHEREAS, the Charter of the Town of Carrboro requires that whenever a seat on the Board of Aldermen (other than that of the Mayor) becomes vacant at a time when one year or more of the term of office of that seat remains unexpired, that such seat shall be filled by a special election, and;

WHEREAS, the special election shall be called by the Board of Aldermen by the adoption of a resolution pursuant to G.S. 163-287 at the next regular meeting of the Board after the vacancy occurs.

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

1. A special election is hereby called for: March 19<sup>th</sup>, 2013
2. The Filing Fee shall be: \$10.00
3. The filing period shall be: Beginning at noon on Friday, February 1, 2013 and ending on Friday, February 15, 2013 at noon.
4. Early voting will be held as statutorily required.
5. The Town Clerk is hereby authorized to work with the Orange County Board of Elections to ensure the success of the special election.
6. The March 19, 2013 Board Meeting scheduled for the Tuesday of the Election, is hereby cancelled.
7. This resolution shall be effective immediately upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

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

**AMENDMENT TO FY 2012-13 ANNUAL BUDGET ORDINANCE**

WHEREAS, the Town Board of the Town of Carrboro on June 19, 2012 adopted an annual budget ordinance number 33/2011-12 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 provide for increased expenses for the reasons stated,

NOW THEREFORE, BE IT RESOLVED, that in accordance with authority contain in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT CODE		ACCOUNT NAME	CURRENT	INCREASE	REVISED
ORG	OBJECT		BUDGET	(DECREASE)	BUDGET
660	580000	Contingency	\$ 15,000.00	\$ (8,000.00)	\$ 7,000.00
410	504700	Elections	\$ 10,000.00	\$ 8,000.00	\$ 18,000.00

**REASON:** To provide additional funding for a special election to fill vacant seat on Board of Aldermen.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**GIG-U – NORTH CAROLINA NEXT GENERATION NETWORKS RFP RELEASE**

The purpose of this report was to present the Gig.U/North Carolina Next Generation Networks (NCNGN) RFP to the Carrboro Board of Aldermen and to authorize the Town Manager to participate in the NCNGN RFP release and in the evaluation of any responses from vendors. The authorization to participate in the release of the NCNGN RFP does not

obligate or bind the Town to accept any vendor offer or to proceed further with the project. The Request for Proposals was tentatively scheduled to be released on February 1, 2013.

Andy Vogel, the Town's IT Director, made the staff report to the Board.

Judith Blau, spoke to the Board about the positive effects of broadband technology in communities.

Kristen Smith, spoke to the Board about how this infrastructure will help recruit and retain employers and business. She asked the Board to move forward with this project.

Brian Russell, founder of Orange Networking, asked the Board to slow down and consider the redrafting of RFP.

Larry Conrad, vice chancellor for IT and the Chief Information Officer for UNC, spoke to the Board about the project and RFP release.

Kevin Davis, IT director at Duke University, spoke to the Board about the regional aspect of the RFP.

Catherine Rice, president of Sittella, spoke to the Board about her excitement with GIG-U and expressed some concern with enforcing the provisions of the digital divide. She asked the Board to look closely at the digital divide enforcement in the contract.

Terri Buckner, a project committee member, suggested that a non-profit be considered for implementation of the contract. She encouraged the Board to continue with the release of the RFP.

Matt Springer, a resident of Carrboro and owner of Madrock Advisors, suggested that the Board move forward with the submission of the RFP because it will attract business and service providers to the area.

Alderman Slade suggested that the RFP require the respondents to address the goals of the RFP and to ensure the enforceability of the RFP. After discussion, it was agreed to add this in the negotiations aspect of the contract.

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

**A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PARTICIPATE IN THE  
GIG.U-NCNGN REQUEST FOR PROPOSAL (RFP) RELEASE AND IN THE  
EVALUATION OF RESPONSES RECEIVED FROM VENDORS.**

Resolution No. 73/2012-13

WHEREAS, the Town of Carrboro has been participating in the regional Gig.U effort known as the North Carolina Next Generation Networks (NCNGN) to develop an RFP to solicit vendor responses that will accelerate the offering of next generation ultra-high speed communications network services in the regional communities; and,

WHEREAS, the Request for Proposal is tentatively scheduled to be released on February 1, 2013.

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

The Town Manager is authorized to participate in the Gig.U-NCNGN Request for Proposal regional release and in the evaluation of any responses received from vendors. This is the 15<sup>th</sup> day in January of 2013.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

#### **PRESENTATION OF CAPITAL IMPROVEMENTS PROGRAM UPDATE**

This item was postponed to a later date in January.

\*\*\*\*\*

#### **A DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2013 SESSION OF THE GENERAL ASSEMBLY**

The Board postponed discussion of legislative issues until the January 22, 2013 meeting.

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

#### **A RESOLUTION SELECTING A VOTING DELEGATE FOR THE NCLM ADVOCACY GOALS CONFERENCE**

NOW THEREFORE BE IT ALSO RESOLVED that the Carrboro Board of Aldermen select David Andrews to be a voting delegate at the 2013 NCLM Advocacy Goals Conference

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 15<sup>th</sup> day of January 2013:

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

Noes: None

Absent or Excused: Michelle Johnson

\*\*\*\*\*

**BOARD OF ALDERMEN COMMITTEE ASSIGNMENTS – DAN COLEMAN’S  
VACANT SEATS**

The purpose of this item was to allow the Board of Aldermen to appoint a liaison to various committee seats that were left vacant upon Dan Coleman’s resignation from the Board of Aldermen.

MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL AND SECONDED BY ALDERMAN LAVELLE TO HAVE ONLY ONE BOARD OF ALDERMAN LIAISON SEAT ON THE ESC. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

MOTION WAS MADE BY ALDERMAN SLADE AND SECONDED BY ALDERMAN GIST FOR ALDERMAN SLADE TO BE THE LIAISON FOR THE TRANSIT PARTNERS FROM JANUARY – MARCH. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL AND SECONDED BY ALDERMAN SLADE FOR ANNETTE STONE TO BE THE LIAISON TO THE HOME PROGRAM REVIEW COMMITTEE FROM JANUARY THROUGH APRIL. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

MOTION WAS MADE BY ALDERMAN LAVELLE AND SECONDED BY ALDERMAN GIST TO APPOINT ALDERMAN LAVELLE TO THE AFFORDABLE HOUSING TASKFORCE. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (JOHNSON)

\*\*\*\*\*

**ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN AND SECONDED BY ALDERMAN TO ADJOURN THE MEETING AT 10:50 P.M. VOTE: AFFIRMATIVE ALL

\*\*\*\*\*

---

Mayor

---

Town Clerk