



## Town of Carrboro

301 W. Main St.  
Town Hall  
Carrboro, NC 27510

### Meeting Minutes Board of Aldermen

Tuesday, April 24, 2018

7:30 PM

OWASA Community Room

Present: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade

Also Present: David Andrews, Town Manager; Catherine Dorando Town Clerk; Nick Herman, Town Attorney

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#### **2018 BIKE MONTH PROCLAMATION**

Mayor Lavelle proclaimed the month of May 2018 as "National Bike Month," May 9<sup>th</sup> as "International Bike to School Day," May 14<sup>th</sup>-May 18<sup>th</sup> as "National Bike to Work Week", and May 15<sup>th</sup> as "National Bike to Work Day" in Carrboro.

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#### **CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS**

Cathy Dorando, the Town Clerk, issued a charge to Tanya Jisa, a recent appointee to the Economic Sustainability Commission.

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#### **APPROVAL OF FEBRUARY 27, 2018 AND APRIL 3, 2018 MEETING MINUTES**

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN FOUSHEE TO APPROVE THE MINUTES OF FEBRUARY 27, 2018 AND APRIL 3, 2018, AS AMENDED.  
VOTE: AFFIRMATIVE ALL

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#### **INFORMATION ABOUT THE TOWN OF CARRBORO'S FIRST ANNUAL CITIZENS'**

##### **ACADEMY**

This item provided a brief overview of the plans for the 2018 Citizens' Academy scheduled to take

place in the Fall of 2018.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN FOUSHEE TO ACCEPT THE INFORMATION. VOTE: AFFIRMATIVE ALL

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**REQUEST TO MAKE AN APPOINTMENT TO THE PLANNING BOARD**

The purpose of this agenda item was for the Board of Aldermen to make an appointment to the Planning Board.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN FOUSHEE TO APPROVE THE RESOLUTION BELOW:

A RESOLUTION MAKING APPOINTMENT(S) TO THE PLANNING BOARD

Section 1: THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE PLANNING BOARD:

<b>Seat Designation</b>	<b>Appointee</b>	<b>Term Expiration</b>
In-Town	Braxton Foushee	2/2021
In-Town	Rachel Gaylord-Miles	2/2021
In-Town	Anise Vance	2/2021
In-Town	Kerri Petrin	2/2021
In-Town	Jaye Meyer	2/2022

Section 2. This resolution shall become effective upon adoption.

**This the 24<sup>th</sup> day of April, 2018**

**The motion carried by the following vote:**

**Aye:** Alderman Foushee, Alderman Slade, Alderman Haven-O'Donnell, Alderman Seils, Alderman Gist, Alderman Chaney and Mayor Lavelle

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**ORANGE COUNTY PARTNERSHIP TO END HOMELESSNESS 2017 ACTIVITES REPORT**

Alison DeMarco and Cory Root provided the report to the Board. Alderman Chaney asked for future information on to be provided to the Board.

Alderman Slade suggested trying out 24 hour access to bathrooms at Town Commons before deciding that they will be open only during daylight hours. Alderman Gist expressed her concern with that proposal since the Police Department and staff have already weighed in on it. Alderman Seils stated that there is a possibility for future work and further discussion about the possible

addition of 24 hour bathrooms at the 203 South Greensboro Street Project (proposed library site). Alderman Haven-O'Donnell stated that the community must be involved in any discussion about 24 hour restroom access at the proposed library site.

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### **FOLLOW-UP REPORT FROM THE AFFORDABLE HOUSING ADVISORY COMMISSION ON A CITIZEN HOUSING REQUEST**

The purpose of this item was for the Board to receive a report/recommendation from the Affordable Housing Advisory Committee regarding a previous request from Mr. Horace Lambert. The Affordable Housing Advisory Committee did not recommend moving forward with the Lambert/White request to build a single-family home on town-owned property.

Alderman Chaney suggested that Mr. Lambert be connected with the Community Home Trust.

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### **UPDATES ON OPEN STREET AND SUMMER STREETS EVENTS**

The purpose of this item was to update the Board of Aldermen on Open Streets and Summer Streets Events.

Anita Jones-McNair discussed the open streets events. Alderman Haven-O'Donnell stated that El Centro will not be having their individual festival this year.

Alderman Slade stated that he does not want the event to become too much like a business fair if the town can limit the number of business sponsors.

Annette Lafferty discussed the summer streets programs and recommended to the Board that those programs be discontinued due to the timing in the middle of the summer and the lack of participation in past events.

Alderman Chaney suggested in lieu of the summer streets events, an event on South Greensboro and Main Street could be held to help get attention to that the businesses affected by the closure of South Greensboro. Alderman Seils agreed and requested an update from staff on this proposal.

Mayor Lavelle asked if West Weaver Street could be closed for a bit after the 4<sup>th</sup> of July Peoples Parade to allow for better flow of pedestrian traffic.

The Board agreed with the proposal to end the summer streets events.

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### **A DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2018 SHORT SESSION OF THE GENERAL ASSEMBLY**

The purpose of this item was to facilitate a discussion of legislative issues to present to the Town's local delegation at the annual legislative breakfast.

The following goals were agreed upon.

## **STATE ADVOCACY GOALS**

### **Affordable Housing/Tax Credits**

- Support for Restoration of State Housing Tax Credits and Opportunity Tax Credits (or similar) as may be proposed during the session.
  
- Support for other affordable housing finance strategies.

### **Criminal Justice**

- Apply to join the Pretrial Justice Institute's 3DaysCount initiative. Goals of 3DaysCount is to help states reduce unnecessary arrests by expanding the use of citations or summons, replace money bail with non-financial restrictive conditions, restrict detention to the small number of people for whom no condition or combination of conditions can reasonably assure appearance in court and public safety, and reduce disparity within the pretrial justice system
  
- Amend the Law Enforcement Recordings/No Public Records law (SL 2016-88; House Bill 972) to provide local governments and law enforcement agencies with greater flexibility in the disclosure and release of dashboard and body-worn camera recordings.
  
- Actively support strengthening of gun control laws, especially with regard to municipal and governmental properties, including parks and greenways, school properties, and college and university campuses.

### **Environment**

- Develop a building code that matches what climate change science is calling for to avert runaway climate change
  
- Support NC Clean Path Initiatives
  
- Expand Mass Transit;
  
- Divest From Fossil Fuels;
  
- Let Dangerous Nuclear Power Plants Close; and
  
- Ban fracking.
  
- Transition to 100% Renewable Energy
  
- Transfer renewable technologies to historically low emission per capita countries.

- Reject All New Fossil Fuel Infrastructure;
- Hold Corporate Polluters Accountable and Make Them Pay;
- Oppose offshore drilling

## **Finance**

- Support legislation to exempt menstrual products from sales tax.
- Support greater municipal authority for the expenditure of Tourism Development Funds to meet local needs.

## **Infrastructure/Utilities/Transportation**

- Support removal the 10% cap on total state funding for a commuter rail or light rail project (N.C.G.S. 136-189.10(3)g)
- Support legislative efforts to expand of municipal broadband.
- Support legislation to protect Jordan Lake as a drinking water supply.
- Support for state or federal money that could help with extreme flooding that Carrboro has been experiencing in recent years.

## **LGBTQ**

- Oppose any religious freedom bill that allows discrimination against the LGBTQ community.
- Seek repeal of the Magistrates Recusal for Civil Ceremonies law (SL 2015-75; Senate Bill 2).
- Support legislation that establishes statewide protections for LGBTQ citizens related to sexual orientation, gender identity, and gender expression in the areas of housing, employment and public accommodation.

## **Medicaid Expansion/Mental Health Services/Access to Healthcare**

- Actively support increased funding of services and staffing for mental health needs.
- Support Gov. Cooper's proposal to legislature requesting additional funding so public schools and colleges can make building safety improvements and hire school-based nurses, psychologists and police officers.

## **Municipal Authority**

- Oppose legislation that further erodes municipal authority.
- Oppose legislation that removes authority of municipalities to determine election schedules.
  
- Support local authority to ban the use of thin, single-use plastic bags by retailers and stores (or be able to levy a use tax on them).
  
- Allow Home Rule in N.C.

## **Social Justice**

- Support the removal of Silent Sam Statue on UNC's Campus.

## **FEDERAL ADVOCACY GOALS**

### **Environment**

- Oppose legislation that would eliminate the EPA, as well as including efforts to limit greenhouse-gas emissions, limit the Clean Power Plan, or reduce rules imposed on oil, gas, and coal sectors.
  
- Support NC Clean Path Initiatives
  
- Take action to address NC's (U.S.) responsibility for the carbon that it has put into the atmosphere by bringing CO2 back to a safe level below 350 ppm in time for a 90% probability of success in averting runaway climate change. Do so in a manner that is equitable towards nations that have not built their economies by dumping carbon into our shared atmosphere. Some actions include:
  - Transition to 100% Renewable Energy
  
  - Transfer renewable technologies to historically low emission per capita countries.
  
  - Reject All New Fossil Fuel Infrastructure;
  
  - Hold Corporate Polluters Accountable and Make Them Pay;
  
  - Fight the Trump Plan to Open up the Atlantic Ocean for Oil and Gas Drilling (including support for H.R. 2242 Keep It in the Ground Act of 2017) ;
  
  - Expand Mass Transit;
  
  - Divest From Fossil Fuels;

- Let Dangerous Nuclear Power Plants Close; and
- Ban fracking.

### **Equality/Social Justice**

- College for all Act (H.R. 1880);
- Raise the Wage Act (H.R. 15) (Thank you for co-sponsoring!);
- Equal Access to Abortion Coverage in Health Insurance (H.R. 771) (Thank you for co-sponsoring!);
- Automatic Voter Registration Act (H.R. 2840);
- Justice is Not For Sale Act of 2017 (H.R. 3227);

### **Finance**

- Support the passage of the federal e-fairness legislation.
- Support for state or federal money that could help with extreme flooding that Carrboro has been experiencing in recent years.
- Specific to David Price, would like us to discuss ability to reprogram CDBG funds in our small business loan program for greater flexibility to meet economic development needs; would like assurances that Post Office will collaborate with local government to enable more ideal egress/ingress, traffic flow, etc. in light of potential development opportunities and conversations with DOT
- Defund war;
- Repeal tax cuts for the rich and replace with a progressive tax system that significantly increases taxes on the obscene wealth concentration by the richest people and corporations;
- Tax and Dividend on fossil fuels;
- Financial Trading transaction tax (H.R. 1144 Inclusive Prosperity Act);
- No more fossil fuel subsidies;
- Justice is Not For Sale Act of 2017 (H.R. 3227);

## **Gun Control**

- Actively support strengthening of gun laws.

## **Healthcare**

- Oppose healthcare reform efforts that would fully repeal the Affordable Care Act or discriminate against people with pre-existing conditions or drop coverage of children under the age of 26.
- Support single payer health care (Thank you for co-sponsoring H.R. 676 Medicare for all Act);
- Equal Access to Abortion Coverage in Health Insurance (H.R. 771) (Thank you for co-sponsoring!);
- Work with Bernie Sanders to introduce in the House a Federal Jobs Guarantee program.  
<https://www.commondreams.org/news/2018/04/23/embracing-sort-bold-thinking-we-need-sanders-introduce-plan-guarantee-every-american>

## **Trade/Human Rights**

- Oppose any trade agreements (including the Trans Pacific Partnership) that include investor-state dispute arbitration and which undermine the ability of governments to enact laws to protect human rights, labor and environmental standards. (2014 Resolution Against Trade Agreements that Undermine the Ability of Governments to Enact and Enforce Laws to Protect Human Rights, Labor and the Environment provided as agenda item attachment)
- Reform ICE procedures: No secret police force. Federal marshals are enough. Raise bar very, very high for detention/deportation—violent criminal fugitives, high-volume drug trafficking, human trafficking, etc. Require greater transparency, notice of action to local government, notification of families, quality due process, etc for any action related to arrest/detention action.
- Full protection/expansion of DACA. Better yet, full protection of Dreamers, period.

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## **DISCUSSION AND POSSIBLE ADOPTION OF UPDATE TO ARTICLE III OF CHAPTER 7 OF THE TOWN CODE – STREETS AND PUBLIC EVENTS**

The purpose of this item was to provide the Board of Aldermen an opportunity to update the Town Code relating to regulation of street or other public events.

Chief Walter Horton and Attorney Nick Herman provided the staff report to the Board. In response to a question from Alderman Gist, they discussed the differences in a spontaneous event and a planned event and how those will be treated differently. A spontaneous event would not be covered



under the provisions of this ordinance

Alderman Slade stated that he will not vote for this item due to his concern with

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILSTO APPROVE THE ORDINANCE BELOW:

**AN ORDINANCE AMENDING CHAPTER 7 OF THE TOWN CODE TO ENACT A NEW  
ARTICLE III RELATING TO STREET OR OTHER PUBLIC EVENTS  
ORDINANCE NO. 18/2017-18**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS;

Section 1. Article III of Chapter 7 of the Carrboro Town Code is replaced by new Article III, “Street or Other Public Events” as provided below:

Article III

STREET OR OTHER PUBLIC EVENTS

Section 7-16 Activities Covered

This article applies to:

- (1) all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, pickets, and other activities that require the temporary closing or obstruction of a street, sidewalk, or other public right-of-way or any segment thereof or that otherwise substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way; and
- (2) any public activity reasonably expected to be attended by 400 or more individuals for the purpose of making a public display or demonstration of sentiment for or against a person or cause (including protesting that may include the distribution of leaflets or handbills, the display of signs or any oral communication or speech, or that may involve an effort to persuade or influence, including all expressive or symbolic conduct, whether active or passive) to be held at the Town Commons or at any park or other open space of the Town.

Any of the foregoing activities, which are covered by this article, are hereafter referred to as “the public event.”

Section 7-17 Permit Required

No person may run, operate, or sponsor any public event without a permit obtained from the administrator in accordance with this article.

Section 7-18 Permit Application

Applications for the permit authorized by this article shall be submitted on a form provided by the administrator at least 90 days before the time at which a public event not conducted for the exercise of freedoms protected under the First Amendment is scheduled to begin, and at least ~~96~~ 36 hours before the time at which a public event that is conducted for the exercise of freedoms protected under the First Amendment or under Section 7-16 (2) is expected to begin. Notwithstanding the preceding sentence, the administrator may, if reasonably practicable, act on a permit application submitted less than 36 hours before the time at which such a public event is conducted, and shall contain the following information:

- (1) Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the public event;
- (2) Name, address, and telephone number of the individual in charge of the public event;
- (3) The proposed date and time period when the public event will be conducted;
- (4) A sketch-map showing:
  - a. The area where the public event is to take place.
  - b. Any streets or other rights-of-way to be closed or obstructed.
  - c. Any barriers or traffic control devices that will be erected.
  - d. The location of any concession stand, booth, platforms, benches, or bleachers.
  - e. The location of proposed fences, stands, platforms, benches, or bleachers.
- (5) The approximate number of people expected to attend the public event;
- (6) When applicable, a request that the town provide specified services and/or that the town close identified streets or portions of streets for a particular period;
- (7) Sufficient proof of liability insurance in accordance with Section 7-21;
- (8) Any other information determined by the administrator to be necessary to insure compliance with this article.

#### Section 7-19 Permit Exemptions

The following public events are exempt from the permit requirements of this article: the annual Christmas parade, the Fourth of July celebration, the Carrboro Day celebration, the Carrboro music Festival, the Four on the Fourth road Race, Carrboro 10K road Race, the Gallop and Gorge Road Race, and Frangelism in the Park, the Kidney Kare 5K, the Open Streets Events, the St. Paul AME 5K, and the Not so Normal Half Marathon.

#### Section 7-20 Staff Review

Upon receipt of the permit application, the administrator shall circulate it to the police chief, the fire chief, the public works director, and other appropriate persons, such as the Special Events Committee for their comment. The administrator may arrange to have a conference on the application with the applicant and one or more department heads.

Section 7-21 Insurance

The administrator may require as a condition precedent or subsequent to issuance of the permit that the applicant obtain a comprehensive general liability insurance policy or comparable special events liability insurance policy issued by an insurance company authorized to do business in this state, with coverage that includes the entire area of the public event. If such a policy is required, the town shall be named as an additional insured on the policy. The policy limits of such insurance shall be not less than the following, but the administrator may require higher limits if it finds that the risks associated with the event warrant such higher limits:

Property Damage	50,000 for each occurrence
Bodily Injury or Death	\$100,000 for each person, \$300,000 for each occurrence

Section 7-22 Fees; Costs Incurred by Town

(a) A basic minimum fee sufficient to cover the cost of providing the notification required by subsection 7-24(d) shall be paid by the applicant. The amount of this fee shall be based upon an estimate of the expenses that will actually be incurred to provide the required notice.

(b) In addition, if the town is requested to provide extra-ordinary services or equipment or the town administration otherwise determines that extraordinary services or equipment should be provided for reasons related to public health or safety, the Town shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of such services or equipment.

(c) The administrator may require the applicant to pay to the town a fee sufficient to reimburse the town for the costs of any extraordinary services or equipment provided.

Section 7-23 Standards for Issuance of Permit

(a) Subject to subsection (e) of this section, the administrator shall issue the permit authorizing the public event unless it finds that:

- (1) Conduct of the public event will require the assignment of so many police officers that the remainder of the town cannot adequately be protected; or
- (2) The public event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the town; or
- (3) The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license, or the applicant is otherwise in violation of any town ordinance; or

- (4) The public event will work a severe hardship on persons occupying property adjacent to the site, location, or route of the public event as a result of the denial of access to property or for other substantial reasons; or

- (5) The public event, if held at the time or at the location or along the route proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
- (6) The applicant has failed to comply with any of the provisions of this article, including the payment of any fees required.

(b) If a permit is issued in accordance with subsection (a), the administrator may attach to it any reasonable conditions, including, without limitation, alternative time, place, and manner restrictions for the public event.

(c) If the administrator finds that the permit cannot be issued for reasons specified in subsection (a), the administrator may request the applicant to modify its application to remove any objections to the issuance of the permit.

(d) Any public event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any conditions attached thereto.

(e) The administrator may issue a permit under this article for a road race public event only if such event will benefit a non-profit organization that is based in or provides services in Orange County.

#### Section 7-24 Street Closings

(a) If the administrator finds that the permit should be issued and that, to conduct the event, it is necessary to close a street or to reroute traffic, the Town may pass a resolution authorizing this to be done. No such resolution shall be passed affecting streets that are part of the street system without the approval of the State Department of Transportation.

(b) The resolution shall identify the street or portion thereof to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic thereon is to be limited in some way. The resolution shall also direct the administrator to have appropriate traffic control devices installed to give notice of the temporary traffic controls.

(c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with subsection (b).

(d) The administrator shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place of the contents of any resolution passed in accordance with this section.

#### Section 7-25 Sponsor Responsible for Cleanup

The sponsor of the public event shall be responsible for cleaning up any litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes

place to the condition that existed prior to the event. The administrator may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.

Sections 7-26 Certain Payment Exemptions for First Amendment Public Events

Persons engaged in public events conducted for the exercise of freedoms protected under the First Amendment are not required to pay for any insurance, fees, costs, or bond as otherwise may be required under Sections 7-21, 7-22, and 7-23.

Section 727 Appeals

The decision of the administrator is subject to review in the Superior Court of Orange County by proceedings in the nature of certiorari. Any petition for writ of certiorari shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the Town shall stipulate to certiorari no later than five business days after the petitioner requests such stipulation. The Town shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the Town shall file its brief within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the Town shall add three days to this time limit in accordance with North Carolina General Statute 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time shall control.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

**This the 24<sup>th</sup> day of April, 2018**

**The motion carried by the following vote:**

**Aye:** Alderman Foushee, Alderman Haven-O'Donnell, Alderman Seils, Alderman Gist, Alderman Chaney and Mayor Lavelle

**Nay:** Alderman Slade

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**REQUEST TO MAKE AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD**

The purpose of this agenda item was for the Board of Aldermen to make an appointment to the Transportation Advisory Board. The Carrboro Transportation Advisory Board has one expiring term seat available for appointment. The Board appointed Jill Ricks to the TAB on April 10th. Jill Ricks resigned from the TAB on 4/19/2018. Applications were received from Allison Clonch and Linda Haac (current member/term expiring).

David Swan was appointed on April 17<sup>th</sup> and the remaining two applicants were available for appointment.

The Board of Aldermen made their initial votes by ballot.

The results of the ballot vote are as shown below:

<b><u>Linda Haac</u></b>	<b><u>Alison Clonch</u></b>
Lavelle	Seils
Haven-O'Donnell	Foushee
Gist	Slade
Chaney	

**After the results were read, revealing Linda Haac as the applicant receiving the majority of votes, a motion was made by Alderman Chaney, seconded by Alderman Seils to approve the resolution:**

A RESOLUTION MAKING APPOINTMENTS TO THE TRANSPORTATION ADVISORY BOARD

Section 1: The Board of Aldermen hereby makes the following appointments:

<b>Seat Designation</b>	<b>Appointee</b>	<b>Term Expiration</b>
Member	David Swan	2/2021

**This the 17<sup>th</sup> day of April, 2018**

**The motion carried by the following vote:**

**Aye:** Alderman Foushee, Alderman Slade, Alderman Haven-O'Donnell, Alderman Seils, Alderman Chaney and Mayor Lavelle