



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

# **Town of Carrboro**

## **Meeting Minutes**

### **Board of Aldermen**

**Tuesday, March 5, 2019**

**7:00 PM**

**Board Chambers - Room 110**

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

**Absent/Excused:** Alderman Jacquelyn Gist, Alderman Damon Seils (Present for part of the meeting then excused)

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

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#### **INTRODUCTION OF NEW POET LAUREATE AND POETRY READING**

Annette Stone, the Town's Community and Economic Development Director, welcomed and introduced Fred Joiner.

Fred Joiner, the Town's newly selected Poet Laureate, read a poem by Natasha Trethewey, "Elegy for the Native Guards" and one of his own, called "Consumed." This was his first reading since being selected as the Poet Laureate by the Arts Council.

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#### **CATHY DORANDO – MMC DESIGNATION**

Mayor Lavelle congratulated Town Clerk Cathy Dorando on her designation as a Master Municipal Clerk by the IIMC.

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#### **SARA ROMWEBER PASSING**

Alderman Seils stated that he would like to acknowledge the passing of Sarah Romweber and will be bringing a resolution to an upcoming meeting to honor her life.

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### **PROCLAMATION- WOMEN'S HISTORY MONTH**

Mayor Lavelle proclaimed March 2019 as "Women's History Month" in the Town of Carrboro.

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### **CHARGES ISSUED**

The Town Clerk issued charges to Mark Alexander and David Pcolar, recent appointees to the Transportation Advisory Board.

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### **SKIP THE STRAW MONTH**

Blair Pollock with Orange County Solid Waste Management, spoke to the Board about March as "Skip the Straw" month and encouraged everyone to stop using plastic drinking straws.

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### **APPROVAL OF FEBRUARY 19, 2019 MEETING MINUTES**

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN FOUSHEE, TO APPROVE THE MINUTES OF FEBRUARY 19, 2019, AS AMENDED. VOTE: AFFIRMATIVE ALL**

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### **ECONOMIC DEVELOPMENT REPORT FOR THE MONTH OF MARCH**

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN FOUSHEE, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (GIST)**

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### **EXCUSAL OF ALDERMAN GIST**

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE, TO EXCUSE ALDERMAN GIST FROM THE MEETING AND TO NOTE HER AS SUCH IN THE MEETING MINUTES. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

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## **RECONSIDERATION AND POSSIBLE APPROVAL OF A PILOT AFFORDABLE HOUSING SPECIAL REVENUE FUND APPLICATION PROCESS**

The purpose of this item was for the Board to reconsider and possibly approve a pilot application process, including the application and scoring rubric, for future applicants to the Affordable Housing Special Revenue Fund.

Alderman Foushee asked if there was an update on the Shelton Station affordable housing situation. The attorney and Town Manager stated that they will be meeting on March 6, 2019 to discuss the issue further but there is not an update available now.

**A motion was made by Alderman Foushee, seconded by Alderman Chaney, that the following resolution be approved:**

### **A RESOLUTION CREATING A PILOT APPLICATION PROCESS FOR THE AFFORDABLE HOUSING SPECIAL REVENUE FUND**

WHEREAS, the Board of Aldermen on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Board can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Advisory Commission launched the development of an updated application process for the Affordable Housing Special Revenue Fund in order to facilitate the evaluation of applications; and

WHEREAS, the resulting pilot application process: helps promote equity in the award of funding; facilitates the approval process; and provides a mechanism for capturing results;

NOW THEREFORE BE IT RESOLVED, the Town of Carrboro Board of Aldermen approve the pilot application process, application (Attachment C), and scoring rubric (Attachment D) for the Affordable Housing Special Revenue Fund.

**This the 5<sup>th</sup> day of March 2019.**

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

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

**Excused:** Alderman Jacquelyn Gist

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## **BOARD DELIBERATION ON THE SANDERWAY AIS CUP**

The purpose of this agenda item was for the Board of Aldermen to continue deliberations regarding the Sanderway Architecturally Integrated Conditional Use Permit application.

Jeff Kleaveland, the Town's Planner/Zoning Development Specialist, provided the staff update and highlighted changes that were made to condition 18 and the new condition 34.

Alderman Chaney stated that she watched the video from the last public hearing of this item and is ready to vote. She stated that it is unfortunate that there is a level of mistrust surrounding the process and hopes that it can be repaired. She thanked all of the involved parties for their participation and efforts involved in getting this far. She expressed concern that the development is lot development rather than full-scale due to the level of control. Because of her concern, she stated that it is even more important for staff to be diligent and all on the same page to make sure the conditions are followed at every level. She expressed concern that the requirements of the Land Use Ordinance does not account for climate change and the changing intensity and frequency of storms. She stated that she is thankful that the developer has agreed to mitigate stormwater at a level that exceeds the requirements of the ordinance. She asked that the Board move forward on revising the Land Use Ordinance to account for climate change issues especially in the Town's higher density, fragile areas.

Alderman Seils stated that the participation of the adjacent property owners and surrounding neighborhoods made this project what it is now. He stated that their involvement in the process made it a much better project and directly added to several conditions. He thanked everyone for their involvement.

Alderman Slade stated that this is a quasi-judicial proceeding and restricts the Board from acting legislatively and that it is unfortunate that the Board is restricted from making decisions outside of testimony. He stated that the developer has taken further steps than the ordinance requires and that he appreciates it. He asked that staff bring back changes to the ordinance that would amend the stormwater controls to require developing property to meet the 100 year-storm. He stated that he also hopes that the stormwater utility will address the neighbors' concerns.

Alderman Foushee thanked everyone that had participated in this project including town staff, community members and the developer and his staff. She stated that based on the evidence presented, and from what she has seen, this looks like a fragile piece of property that has the potential to present future issues if it gets the green light tonight, in spite of all of the conditions that have been placed on this project. She stated that the collaboration between the neighbors, the developer and the Town must continue.

Alderman Haven-O'Donnell stated that she has enjoyed the stormwater science behind the project. She stated that she walked the property over the weekend to observe the topography of the land and the current built environment. She stated that the property is challenging and fragile. She stated that she is not certain that this is the right place for this development. She stated that she is concerned with multiple developers and how property owners change their homes even when the HOA does not allow for it. She stated that this is a development that really needs for everyone to do exactly what the rules allow and to not vary from them. She stated for those reasons, she will not be voting in favor of the project.

Mayor Lavelle stated that she will be voting for the project for many of the same reasons that have been mentioned. She expressed appreciation for all of the involvement and stated that she hopes that it continues.

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE, THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS, THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE, THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That Certificates of Occupancy for the final two units may not be issued until such time as the payment in lieu for 4.25 affordable units is made (in accordance with the Town's fee schedule at the time of payment). A note to this effect shall be required on the final plat.
4. That, prior to construction plan approval, the new Pathway Drive roadway section be shown on the plans continuing to the southeast to terminate at the property line.
5. Prior to construction plan approval, the plans need to include a standard detail, per section 15-291 of the Land Use Ordinance, demonstrating that each lot can provide offstreet parking sufficient to accommodate two cars, excluding those spaces provided within the garage.
6. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in the subdivision meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3<sup>rd</sup> of the street trees retained and/or proposed for this purpose are evergreen.
7. That the developer and, when this responsibility is transferred, the Homeowner's Association, shall assume full maintenance and repair responsibility for the Filtera stormwater treatment devices located within the proposed public street right-of-way. This responsibility includes, but is not limited to, incidental damages caused by routine Public Works street operations which include, but are not limited to, plowing, road salting, waste collection, and leaf pickup. Related language detailing this responsibility shall be included in the Homeowner's Association declarations and covenants as well as in their stormwater operations and maintenance documents referred to in the condition below.
8. Per Section 15-263.1 of the Land Use Ordinance, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each Stormwater Control Measure (SCM) in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town engineer and Environmental Planner for approval prior to construction plan approval.
9. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole

project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

10. That, prior to certification of an SCM, the Town shall require a performance security be posted for a period of two years per the provisions of Section 15-263(i) of the Land Use Ordinance.
11. That utilities shall be installed underground per the provisions or 15-246 of the Land Use Ordinance.
12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
13. That fire flow calculations must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. That the applicant receive(s) CAPS from the Chapel Hill-Carrboro City Schools district pursuant to Article IV, Part 4 of the Carrboro Land Use Ordinance prior to construction plan approval.
15. That, prior to final plat approval, the Homeowner's declarations and covenants shall satisfy the applicable provisions of the Land Use Ordinance subject to review and approval of the Town Attorney.
16. That the owners of the three lots (1242, 1244 & 1246 Hillsborough Road) retain all rights and privileges of the existing non-exclusive access easement to their properties.
17. That the Sanderway Homeowner's Association (HOA) will maintain the paved public multi-use path portion that is used by the owners of 1242, 1244 & 1246 Hillsborough Road to access their properties. This portion of the paved public multi-use path shall meet or exceed the design standards of the North Carolina State Fire Code and shall be maintained by the Homeowner's Association to Town standards. In the event that the said portion is not adequately maintained, the Town will require the Sanderway Homeowner's Association to repair the area. In the event that the HOA does not act within 30 days to correct maintenance problems, the Town is authorized to make necessary repairs and charge the cost of this work to the Sanderway HOA directly. If the HOA does not reimburse the Town within 30 days, then the Town may file a lien against the HOA property for the amount due. The Sanderway Homeowner's documents will include language that describes the foregoing responsibilities of the Sanderway Homeowner's Association. This language shall also reference the Town's ability to use liens on the HOA to secure reimbursement.
18. (Reworded condition) That prior to construction plan approval, the applicant shall submit a construction management plan that addresses safety concerns associated with existing pedestrian walk-to-school use of the gravel driveway during construction and addresses the logistics of partial or full closures by providing continued accessibility to the residents of the three lots (1242, 1244 & 1246 Hillsborough Road) including provisions that limit disruptions on garbage and solid waste pickup days until after pickup is completed and, provides 24 hours of advanced written notification to the owners of the three lots prior to partial or full closure of their driveway.
19. That prior to construction plan approval, drainage maintenance areas will be identified for the portions of the existing driveway's drainage ditches that are captured by the Sanderway storm drainage system. These areas will be maintained by the Sanderway Homeowner's Association and shall be recorded on the final plat. This condition does not prevent the ability of the developer to make minor changes to the ditch location and design in order to accommodate their development plan.
20. That "No Parking" signs will be installed where needed to prevent blocking of ingress and egress to 1242, 1244 & 1246 Hillsborough Road.
21. That, all impervious surfaces, excluding the impervious surfaces associated with the multi-use path, must drain to the stormwater management system.

22. That, the Applicant's submission of construction documents will demonstrate, that the development complies with all stormwater management requirements. The applicant's construction design will not increase the peak flow at the downstream limits of the development and may include improvements to existing culverts located on the Sanderway property and serving the existing drainageway that runs southwest to northeast immediately adjacent to the existing gravel driveway along the northwestern property line. To the extent required by Town of Carrboro ordinance, the Applicant will supply to the Town supporting calculations, construction plans, and tables reflecting pre- and post-construction stormwater conditions for the post development -1, -2, -5, -10, and -25 year 24-hour storms. The supporting information shall include impacts to the peak flow due to installation of a sewer line along the OWASA easement and any other clearing of vegetation and trees.
23. That the property owners of 1242, 1244 & 1246 Hillsborough Road will be notified when construction plans and supporting documentation are submitted to the Town for review, and these materials will be made available to them. The Town Engineer, if necessary, can also be made available to meet with the neighbors or their representative to discuss the plans.
24. That, the final plat shall contain a specific note that the section of the existing drainage way that runs southwest to northeast immediately adjacent to the existing gravel driveway along the northwestern property line located on lot 7 shall be designated as a drainage easement to potentially allow for a segment of drainage pipe to be installed on this lot.
25. That Certificates of Occupancy for the final two units may not be issued until such time as the payment in lieu for 58.85 recreation points is made (in accordance with the Town's fee schedule at the time of payment). The funds from this payment will be directed to the proposed Martin Luther King Park on Hillsborough Rd which has been found to be close enough to the development to reasonably serve its residents. A note to this effect shall be required on the final plat.
26. That the cross-section of the paved multi-use path utilize the same standards for asphalt paving, base and path width as does the Town-constructed Homestead Road-Chapel Hill High School Multi-Use Path except that the pavement section may be reduced from 10' to 8' in width in the section that parallels the existing gravel driveway.
27. That, prior to construction plan approval, the pavement markings of the multi-use path will be reviewed by the Town Transportation planner.
28. That, prior to construction plan approval, the transition between the paved multi-use path and the existing gravel drive serving lots 1242, 1244 and 1246 Hillsborough Road shall be located and designed with a crossing detail consistent with AASHTO multi-use path standards.
29. The applicant shall grant for the benefit of the three lots (1242, 1244 & 1246 Hillsborough Rd.) a new non-exclusive private utility and driveway easement section ties into the existing non-exclusive driveway easement providing access to the three lots from the terminus of the new Pathway Drive public right-of-way.
30. That "Private Driveway" signage be provided in the vicinity of the new Pathway Drive public right-of-way whereby the new private driveway/private utility easement begins.
31. That prior to construction plan approval, the grading plan provides sufficient information to ensure that the stormwater plan is not compromised during the issuance of building permits for individual lots. Because of this, each building permit for each lot will require review and approval by the Town Engineer.
32. The final construction plans shall show that there are no underground storage pipes, conveyances, manholes, and other surface appurtenance within the existing driveway that serves 1242, 1244 & 1246 Hillsborough Road except as required for crossing underneath the driveway.
33. That the construction plans demonstrate that, where the northern segment of the proposed multi-use path crosses the perennial stream, the existing elevations of the existing crossing will not be further raised thereby preventing higher flood elevations for the properties upstream of said

crossing.

34. That, prior to construction plan approval, the erosion control plan be approved by the Town Engineer and Orange County Erosion Control. It will also address both an incremental development scenario whereby lots are sold and developed over an extended period of time as well as the full development scenario, whereby all the lots are developed in roughly the same time period.

**VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (HAVEN-O'DONNELL), EXCUSED ONE (GIST)**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS, THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE FIVE, NEGATIVE ONE (HAVEN-O'DONNELL), EXCUSED ONE (GIST)**

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### **EXCUSAL OF ALDERMAN SEILS**

Alderman Seils asked to be excused because he was not feeling well.

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE TO EXCUSE ALDERMAN SEILS FROM THE REMAINDER OF THE MEETING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

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### **UPDATE ON TRANSPORTATION PROJECTS**

The purpose of this item was to provide the Board of Aldermen with an update on a variety of transportation projects that have been ongoing for the last several months.

Zachary Hallock, the Town's Transportation Planner, provided the staff report.

Alderman Slade asked that the following items be included in Zachs Transportation Projects list:

- staff work with the TJCOG for the Transportation Demand management for the town and downtown businesses
- "Desire paths". Identify town controlled easements between neighborhoods that have desire paths and prioritize formalizing these paths as part of a larger program towards identifying and facilitating the formalization of desire paths generally in town
- Pursue exploration of Tallyhoe/ rogers rd./ Millhouse commercial development power line easement multi-use path
- Poplar / Main St. intersection crosswalk
- Parking - follow through with recommendations in the parking plan
- General Question about how state and federal funding sources (STIP/MPO, etc..) allocate points and whether alternatives such as the Pathway Bike Boulevard or Seawell School Rd. multi-use path could affect the competitiveness for funding if phases 3 and 4 of Bolin Creek were to ever be pursued as decided by the community. He stated that the question stems from a



concern that because we are not addressing a process for facilitating a decision on Bolin Creek multi-use pathway we are de facto making a decision in favor of the status quo.

Alderman Haven-O'Donnell stated that she does not want staff to move forward with any research regarding Bolin Creek Phases 3 and 4 until the Board discusses.

Mayor Lavelle stated that she would like to wait until the Board has the upcoming retreat discussion prior to staff researching how Bolin Creek Phases 3 and 4 could be affected.

Alderman Chaney stated that it would be nice to know how some of the Board's decisions have achieved envisioned outcomes. She asked if there is a way to measure increases in bike/ped access and find out if the Town's plans have worked.

Alderman Foushee stated that she would like to have a discussion regarding Bolin Creek Phases 3 and 4 after the retreat.

**A motion was made by Alderman Chaney, seconded by Alderman Foushee, that the following resolution be approved:**

#### A RESOLUTION RECEIVING AN UPDATE ON TRANSPORTATION PROJECTS

WHEREAS, the Board of Aldermen has received presentations on important long range regional and statewide transportation plans; and

WHEREAS, the Board has received information related to the prioritization process for seeking state and federal funds and other updates on the draft STIP; and

WHEREAS, the Town of Carrboro has a number of local transportation projects that are in process and working towards implementation; and

WHEREAS, Town staff have requested Board input and approvals at key milestones; and

WHEREAS, Town staff have provided the Board with updates related to specific projects at regular intervals.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives this update on the current and ongoing status of local transportation projects for the past several months.

**This the 5<sup>th</sup> day of March 2019.**

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

**Aye:** Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Randee Haven-O'Donnell, Alderman Sammy Slade

**Excused:** Alderman Jacquelyn Gist, Alderman Damon Seils

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## **CAPITAL IMPROVEMENT PLAN FY 2019-20 THROUGH FY 2023-24**

The purpose of this agenda item was present a report to the Board of Aldermen on the proposed Capital Improvement Plan (CIP) for FY 2019-20 through FY 2023-24.

Arche McAdoo, the Town's Finance Director, provided the staff report.

Alderman Slade pointed to items 6 and 7 of Arche's 'Seven Take- A Ways' slide "6. Must continue to evaluate and reassess capital needs to ensure highest priorities get addressed 7. Must be ready to adjust improvements plan if circumstances change" stressing that the highest priorities get addressed, he highlighted that for him and for scientists generally climate change represents an existential crisis while simultaneously we have the momentum of 'business as usual' which makes it really hard for us to get into an emergency mindset; While acknowledging that there are climate change items in the CIP he raised the question of whether those items are sufficient given the timing and actions that are called for if we are to do our part in addressing climate change mitigation. He raised the need of evaluating whether this capital improvement program touches -to the degree called for by science- fully our opportunities for engagement on climate action relative to our climate change mitigation goals and their alignment to what the science is calling for. He pointed out how the CIP is a 5 year plan and that we only have 10 years left, to postpone action to the degree necessary is to stack it all into the last 5 year window, a time when our finances will be maxed out because of earlier investment decisions that we are making now. He called for evaluating the current CIP relative to what our climate change mitigation goals have to be so that the board can make an informed decision thereafter about which route we want to go.

Alderman Haven-O'Donnell asked if there is a plan to look at the CIP through a climate change lens in regards to climate mitigation.

David Andrews, the Town Manager, stated that the Board will hear an update from the Climate Community Action Plan within the month and that it will demonstrate how many issues are being addressed as they relate to climate change.

Mayor Lavelle stated that if you look into the details of the CIP and its budget, you will see climate change goals being addressed.

Alderman Chaney stated that when the Community Climate Action plan was being approved, it was not possible to get a budget because of all of the unknowns. She stated that she recently read that Berkeley's most efficient way of reducing their carbon footprint was through infill development. In regards to the library project and the environmental impacts, she stated there is no rubric for prioritizing various features of this or any project. She stated the Board needs to offer guidance to staff for developing a rubric that would show what the most meaningful actions and investments are to achieve their goals.

Mayor Lavelle stated that the Board could have a future conversation regarding prioritizing climate change, social equity, racial equity, and other various value issues.

Alderman Chaney agreed and stated that this discussion could occur after the Board's retreat.

**A motion was made by Alderman Haven- O'Donnell, seconded by Alderman Chaney, that the following resolution be approved:**

**RESOLUTION TO ACCEPT REPORT ON  
CAPITAL IMPROVEMENTS PLAN FOR FY 2019-20 THROUGH FY 2023-24**

WHEREAS, the Town Manager and staff have developed a Capital Improvements Plan for FY 2019-20 through FY 2023-24; and,

WHEREAS, the Town of Carrboro recognizes that a Capital Improvements Plan enables staff and the Board of Aldermen to plan for future capital needs and investments necessary to provide quality services to residents; and,

WHEREAS, the Capital Improvements Plan is a five year planning tool designed to address the Town's capital needs with regards to: 1) maintaining the existing infrastructure to protect the Town's investments; 2) expanding the Town's tax base in a way that will benefit both future and current citizens; 3) complying with state and federal mandates; 4) incorporating energy and climate protection strategies; 5) providing Town services in the most efficient and safe manner; and, 6) managing and encouraging orderly implementation of Town adopted needs assessments, strategic and program master plans; and,

WHEREAS, the recommended FY 2019-20 through FY 2023-24 Capital Improvements Plan has been presented to the Board of Aldermen; and,

WHEREAS, no appropriation of funds for a project(s) is made by the CIP and such appropriation is made by the Board of Aldermen through the adoption of a project ordinance or in the annual operating budget;

THEREFORE BE IT RESOLVED that the Town of Carrboro Board of Aldermen accepts the Report on Capital Improvements Plan for FY 2019-20 through FY 2023-24.

**This the 5<sup>th</sup> day of March 2019.**

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

**Aye:** Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Randee Haven-O'Donnell, Alderman Sammy Slade

**Excused:** Alderman Jacquelyn Gist, Alderman Damon Seils

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**DISCUSSION OF A PROPOSED AMENDMENT TO THE CHAPEL HILL TRANSIT  
ADVERTISING POLICY AND POSSIBLE RECOMMENDATION TO THE CHAPEL HILL  
TOWN COUNCIL**

The purpose of this agenda item is to discuss a proposed amendment to the current Chapel Hill Transit Advertising Policy and possibly make a recommendation to the Town of Chapel Hill.

Alderman Chaney briefed the Board on the item and asked if a statement should be forwarded to the Chapel Hill Town Council. It was decided that Mayor Lavelle will use the draft language and include the observation from Alderman Slade that this concern is not just about money, but rather public speech. Once the letter is finalized, Mayor Lavelle will send it to Mayor Pam Hemminger at Chapel Hill.

Alderman Slade requested that the letter be amended with language that makes it explicitly clear that our understanding is that maintaining the current policy or implementing the proposed policy will not affect significantly how much revenue an advertising management company can generate.

**A motion was made by Alderman Chaney, seconded by Alderman Haven-O'Donnell, that the following language be used as a draft for Mayor Lavelle's letter:**

**Draft Language Opposing Substantive Changes to the Chapel Hill Transit Advertising Policy**

Past and current residents of Chapel Hill and Carrboro have fought hard to enable, protect, and practice the principles of free speech. While we appreciate the difficulties the Town of Chapel Hill has incurred in administering the current advertising policy, we believe it is as well-reasoned now as it was in 2012 and already offers the pathway needed to prevent the imposition of demeaning, disparaging or inappropriate viewpoints, words and images on transit users.

Declaring that public busses must be free from all kinds of political, religious and "issue" advertising while simultaneously supporting corporate advertising is antithetical to our values as a public body. Reducing opportunities for non-profit, civic and religious organizations to reach their intended audiences on public transit serves only to erode our civic fabric and civil discourse.

Here are just some of the organizations that we are concerned would be prohibited from advertising on Chapel Hill Transit because their messages or services could be considered political, religious, issue-oriented, or otherwise "objectionable":

- The NAACP
- Churches, synagogues, mosques, Buddhist centers and other faith institutions
- Organizations that nurture and protect reproductive health and rights, such as Planned Parenthood
- Organizations like the Rape Crisis Center that draw attention to sexual violence and oppression
- LGBTQ+ organizations and service providers
- IFC and CEF, whose serve people in our community that many people find objectionable
- Campus Y committees
- The Refugee Community Partnership and El Centro Hispano, who by virtue of their work with undocumented individuals, lift up important issues in our community
- Organizations seeking to protect voters' rights and/or to get out the vote.

We know that other partners are deeply concerned about the use of hate speech and symbols, such as the confederate flag, and advertising by terrorist organizations like the KKK, particularly given recent events. We believe this kind of speech is clearly regulated under the current policy.

We extend our sincere thanks to the Chapel Hill Town Council and Chapel Hill Transit Partners Committee for inviting our input on the proposed policy changes. We have a shared interest in increasing revenue to the system, particularly in light of recent SMAP reductions and increasing operating and capital costs. We hope we can accomplish this without compromising public speech, and we look forward to continuing our work together in the absolute spirit of partnership.

**This the 5<sup>th</sup> day of March 2019.**

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

**Aye:** Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Randee Haven-O'Donnell, Alderman Sammy Slade

**Excused:** Alderman Jacquelyn Gist, Alderman Damon Seils

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**DISCUSSION OF POTENTIAL OPTIONS TO PROVIDE TOWN FUNDING  
CONTRIBUTIONS TO NON-PROFIT CAPITAL CAMPAIGNS**

The purpose of this agenda item was to discuss potential options for the Town to fund contributions to non-profit capital campaign requests.

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS, TO POSTPONE THIS ITEM AT THE EMAILED REQUEST OF ALDERMAN GIST SO THAT SHE CAN BE IN ATTENDANCE FOR THE DISCUSSION. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

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**CLOSED SESSION PURSUANT TO NCGS 143-318.11 - (A)(1)&(3)- TO PREVENT THE  
DISCLOSURE OF INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL  
PURSUANT TO THE LAW OF THIS STATE OR OF THE UNITED STATES, OR NOT  
CONSIDERED A PUBLIC RECORD WITH THE MEANING OF CHAPTER 132 OF THE  
GENERAL STATUTES**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(1) AND (3). VOTE: VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

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**OPEN SESSION**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO ENTER INTO OPEN SESSION. AFFIRMATIVE SIX, EXCUSED ONE (GIST)**

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**ADJOURNMENT**

**MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN CHANEY, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)**