



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

## **Town of Carrboro**

### **Meeting Minutes**

### **Board of Aldermen**

**Tuesday, April 23, 2019**

**7:00 PM Board Chambers - Room 110**

**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; Chris Milner, Town Clerk; Nick Herman, Town Attorney

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#### **POETRY READING**

Susan Spalt read a poem by Terrance Hayes titled "The American Sonnet for the New Year."

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#### **CHANNEY'S CHAMPIONS ACKNOWLEDGEMENT**

Alderman Chaney introduced this subject. It is private initiative to provide local police with stuffed animals so they can be used to comfort children when police respond to situations and children are present. She noted that there is no personal relation to her despite sharing a name.

Officer Shayna Cox of the Carrboro Police provided an overview of this program and spoke about opportunities for people to provide donations or other support to help sustain this program.

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#### **PROCLAMATION - NATIONAL BIKE MONTH, BIKE TO SCHOOL DAY, AND BIKE TO WORK DAY/WEEK**

Mayor Lavelle proclaimed May as “Bicycle Month,” May 8<sup>th</sup> as “Bike to School Day,” May 13<sup>th</sup> through May 19<sup>th</sup> as “Bike to Work Week,” and May 17<sup>th</sup> as “Bike to Work Day” in the Town of Carrboro.

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### **REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR**

Dick Forbis, resident of Carrboro, spoke about the Cardinal Track Club. He noted their successful history of hosting road races, and also spoke about the charitable contributions that have been generated by the Cardinal Track Club’s efforts.

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### **APPROVAL OF APRIL 9, 2019 MEETING MINUTES**

Alderman Slade requested that this item be pulled until the next meeting.

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### **A REQUEST TO ISSUE PERMITS FOR THE ANNUAL FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE, AND THE GALLOP AND GORGE 8K ROAD RACE.**

The purpose of this item was to consider Street Closing Permit Applications submitted by the Cardinal Track Club for the following three annual road races: Four on the Fourth Road Race, Carrboro 10 K Road Race, and Gallop and Gorge 8 K Road Race.

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

#### **A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF THE FOLLOWING STREETS TO ACCOMMODATE THE FOUR ON THE FOURTH ROAD RACE, CARRBORO 10K ROAD RACE, AND GALLOP AND GORGE 8K ROAD RACE.**

Section 1. The following streets shall be temporarily closed on Thursday July 4, 2019 and Saturday, July 4, 2020 from 7:45 AM to 10:00 AM to accommodate the Four on the Fourth Road Race. 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 Code.

1. Old Fayetteville Rd. to Carol St.
2. Carol St. to Lorraine St.
3. Lorraine St. to Hillsborough Rd.

4. Hillsborough Rd. to West Main St.
5. West Main St. to James St.
6. James St. to Carol St.
7. Carol St. to Old. Fayetteville Rd.
8. Finish at McDougle Middle School

The following streets shall be temporarily closed on Saturday, October 5, 2019 and Saturday, October 3, 2020 from 8:00 AM to 11:00 AM to accommodate the Carrboro 10 K Road Race. 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 Code.

1. Old Fayetteville Rd. to Carol St.
2. Carol St. to James St.
3. James St. to Lorraine St.
4. Lorraine St to Hillsborough Rd.
5. Hillsborough Rd. to Simpson St.
6. Simpson St. to West Main St.
7. West Main St. to Hillsborough Rd.
8. Hillsborough Rd. to Oak St.
9. Oak St. to North Greensboro St.
10. North Greensboro St. to Morningside Dr.
11. Morningside Dr. to Blueridge Rd.
12. Blueridge Rd. to Spring Valley Rd.
13. Spring Valley Rd to Pathway Dr.
14. Pathway Dr. to Parkview Ave.
15. Parkview Ave. to Hillsborough Rd.
16. Hillsborough Rd. to James St.
17. James St. to Rainbow Dr.
18. Rainbow Dr. to Lisa Dr.
19. Lisa Dr. to Carol St.
20. Carol St. to Old Fayetteville Rd.
21. Finish at McDougle Middle School

The following streets shall be temporarily closed on Thursday, November 28, 2019 and Thursday, November 26, 2020 from 8:00 AM to 11:00 AM to accommodate the Gallop and Gorge 8K Road Race. 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 Code.

1. West Weaver St. to Elm St.
2. Elm St to East Poplar St.
3. East Poplar St. to West Main St.
4. West Main St. to Hillsborough Rd.
5. Hillsborough Rd to High St.
4. High St. to West Main St.
5. West Main St. to Simpson St.
6. Simpson St. to Mary St.

7. Mary St. to Lorraine St.
8. Lorraine St. to James St.
9. James St. to Carol St.
10. Carol St. to Lisa St.
11. Lisa St. to Quail Roost Dr.
12. Quail Roost Dr. to Hillsborough Rd.
13. Hillsborough Rd. to Cheek St.
14. Cheek St. to Milton Dr.
15. Milton Dr. to North Greensboro St.
16. North Greensboro St. to Shelton St.
17. Shelton St. to Oak Ave.
18. Oak Ave to West Weaver St.
19. Finish at West Weaver St.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. Applicant shall post signs at roadway intersections along race course, 5-7 days before the event, to notify the public about the running race.

Section 6. Applicant will be responsible for all costs incurred by Police, Fire and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police, Fire and Public Works.

Section 7. This resolution shall become effective upon adoption.

**This the 23th day of April, 2019.**

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

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

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**PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO THE HISTORIC ROGERS ROAD NEIGHBORHOOD**

The purpose of this agenda item was for the Board of Aldermen to receive public comment

on land use ordinance text amendments defining two new zoning districts and associated development requirements for the Historic Rogers Road neighborhood.

Caroline Dwyer, of Renaissance Planning, provided a report to the Board. She reviewed the history of three projects in the Rogers Road area: the zoning initiative, sewer construction, and the Greene Tract. She spoke about the status of these projects and discussed current issues. She also provided feedback that has been received from residents regarding these projects.

Alderman Foushee read an excerpt from comments by the Planning Board that raised concerns about the legalities and fairness of spot zoning that is an element of the plan.

Caroline Dwyer said that the concept is derived from the Mapping Our Community's Future Plan.

Nick Herman, Town Attorney, was asked whether he had anything to add about this. He did not.

Mayor Lavelle asked for the zoning requirements regarding buffers in the current RR zone.

**Mayor Lavelle opened the Public Hearing.**

Larry Reid, a resident of the Rogers Road community, stated that the economic status of the community is very important to him and expressed support for the plan. He noted that duplexes and triplexes in the community will allow families to stay together in the community and maintain ownership of the land and property.

Robert Campbell, resident of the Rogers Road community and President of the Rogers-Eubanks Neighborhood Association, noted the importance of the proposed mixed-use zoning because residents of Rogers Road currently need to travel outside their community for basic services and economic opportunities and this imposes a significant financial burden on the residents. He also suggested using the term "mixed-income housing" rather than "affordable housing" due to negative connotations of the term "affordable housing."

Steven Treimel, resident of 187 Viburnum Way, spoke in support of the Rogers Road neighborhood and their desire to have greater economic opportunity in their neighborhood.

Diane Robertson, resident of Carrboro, expressed concern about the potential unintended consequences of the proposed zoning changes.

Karen Reid, resident of Rogers Road, noted that the residents of Rogers Road have previously been voiceless regarding zoning changes and sees this current effort as an opportunity to make a positive change that meets the needs of the residents.

David Bellin, a resident of Tally Ho Trail and an owner of properties in the Rogers Road neighborhood, expressed appreciation for the diversity of the Rogers Road community. He

feels that the proposed developments will be good for the community and asked the Board to support the plan.

Alderman Chaney asked David Bellin about why he feels that his properties are justified in being re-zoned for mixed use while others are not. He stated that, early in the process, he was asked whether he would be amenable to the change, and he was.

Cammie Brantley, a resident of Tally Ho Trail, expressed concern that the developments on Rogers Road will make stormwater issues worse in her neighborhood. She noted that residents in her neighborhood do not have OWASA water and many are not connected to sewers, and significant stormwater run-off can cause wells to fail. She said that the wells in her neighborhood are not deep enough and are already experiencing problems.

Lynn Carino, a resident of the Fox Meadow neighborhood, also expressed concerns about wells in her neighborhood and asked that the Board respect the physical look of her neighborhood as they consider developments in Rogers Road.

Aleksandra Holod, a resident of the Fox Meadow neighborhood, expressed concerns about the buffers for the re-zoned property. She also expressed skepticism about David Bellin's involvement in the process and felt that he does not represent the interests of her neighborhood.

Barry Wright, a resident of the Fox Meadow neighborhood, asked whether the lots that are planned for mixed-use would be sub-divided to allow multiple houses on a single lot.

Mayor Lavelle said she believes that the lots could be divided to allow up to three houses per lot.

Peter Cada, who owns property in Fox Meadow, expressed concern about the long-term management of the re-zoned property.

Emily West, a resident of Tally Ho Trail, supports the goals of the Rogers Road residents, but reinforced the concerns about drainage that others in her neighborhood have expressed. She also raised concerns about other properties to the south of her neighborhood and whether development there would cause additional issues.

Connie Gates, a resident who frequents the Rogers Road Community Center, encouraged support for the wishes of the Rogers Road residents.

Sonia Desai, a resident of Carrboro, expressed support for the mixed-use model that is proposed for the Rogers Road neighborhood but asked that attention be paid to environmental concerns related to the proposed developments.

**Mayor Lavelle closed the Public Hearing.**

Alderman Gist noted that the zoning plan would not apply to the entire town and felt that this

needed to be made clear. She also expressed concern about the change from allowing one employee to six employees in home businesses. She felt that this could result in a significant amount of traffic that might adversely impact the neighborhood and asked whether there was a “middle ground” between one employee and six. Also, she wanted to make sure that noise ordinances would prevent excessive noise from the home businesses.

Alderman Seils emphasized the importance of being very clear about the specific types of home businesses that will be allowed. He also noted the fact that most of the Rogers Road neighborhood falls within Chapel Hill and suggested that there should be a consideration of how the Carrboro plan fits in with Chapel Hill’s plan. He recommended addressing the issue of buffers with the new zoning and wanted to be clear about what nearby residents in other neighborhoods will actually see in the re-zoned areas. On the issue of stormwater run-off, he recommended making an assessment of the impact of changes to impervious surface that this project would cause.

Alderman Chaney stated that it is important to meet the needs and desires of the residents in the Rogers Road neighborhood, but also must consider the impact of residents in adjacent neighborhoods that could be adversely impacted. She noted the failing wells in that part of town and emphasized the importance of not making things worse. She felt that the Board needs to be provided with advisory board comments and see how the issues they have raised will be addressed by staff. She said that the Table of Uses needs to be right. She also raised the question of how to enforce home business parameters, especially since the Town has lost the authority to issue business permits. She asked staff to address this concern.

Caroline Dwyer provided clarification on home business and live-work opportunities that are currently allowed in Carrboro.

Marty Roupe, Development Review Administrator, provided further information on the current ordinances regarding home businesses in Carrboro and how the mixed-use plan for Rogers Road would differ.

Alderman Chaney questioned whether the Town could adequately oversee the activities of the home-based businesses in the mixed-use area.

Marty Roupe asked to have time to consider this issue and to review the current ordinances before providing a more comprehensive response.

Alderman Gist asked whether the Town was able to limit the size of houses.

Marty Roupe said he believes that the Town can limit the maximum size, but does not have the ability to limit the uses of space within the home.

Alderman Slade thanked the neighbors for undertaking the process that has led to the proposed mixed use and he expressed that the proposal is also an economic justice land use policy. He expressed that this is a good model that could be implemented in other parts of town for addressing climate change too. He drew a connection with the historical commercial

district that Northside neighborhood has had and expressed the importance of keeping economic activity as close to where people live as possible. He affirmed a question by Damon about comparing surface impermeability between existing zoning potential and proposed zoning potential. He also asked that we account for the area's topography to clarify storm water effects. He requested, in support of some emails and staff observations received by the BOA, that staff include a coffee shop land use option. He also supports Reverend Campbell's point of minimizing the need to drive into town by maximizing making things available in the neighborhood and suggested that uses supporting this (bakery, basic necessities) be looked at; always grounding these potential uses with the neighborhood's wishes. He addressed the following staff requests for more direction on specific issues:

- Density in relation to natural constraints.
  - He asked that staff come back with details on the current constraints and what the project would look like without them.
- Maximum size of additions to existing homes - allow 25% or 500 sf whichever is greater but with a maximum size of 2,500 at any time to limit additions to homes already larger than 2,000 sf.
  - He asked that this question be more "fleshed out" further so that the Board and community have a better understanding.

He also addressed the issue of buffers and expressed that he felt it is not necessary to have a buffer that is more protective than what is required by the most protective current commercial zone buffer, but asked staff to present this with more clarity.

Alderman Haven-O'Donnell expressed concerns about flooding and noted the potential for development of the properties to the south of Tally Ho Trail. She also addressed wells in the area and stated that they are too shallow and wants the town to monitor water quality. She expressed support for a 30 foot buffer for the mixed-use area. She asked for clarification on the ingress/egress for the mixed-use lots and was concerned about ensuring that the commercial uses are beneficial to the community over the long-term.

Alderman Foushee read the four guiding principles of the Mapping Our Community's Future document and asked that these be kept in mind as the project moves forward.

Mayor Lavelle expressed appreciation for the efforts of the community and stated that the Board supports the plan but needs to consider the details as it moves forward. She acknowledged the concerns of residents in Fox Meadow and assured them that the Town takes stormwater and flooding issues very seriously. She also expressed strong support for a coffee shop as part of the plan.

Alderman Seils asked that scheduling future agenda items on this issue be aligned with Chapel Hill's schedule so both sides are maintaining parallel tracks as this project moves forward.

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## **UPDATE ON PEDESTRIAN SAFETY IMPROVEMENT PROJECTS**

The purpose of this item was to provide the Board of Aldermen with an update on the status and timeline of various pedestrian safety improvement projects as they are implemented throughout town.

Zach Hallock, Transportation Planner, provided the staff report.

Alderman Seils asked that staff be clear about how the projects are consistent with recommendations from the Transportation Advisory Board. He also asked whether the ramp upgrades with marked crosswalks requested by the Town would be cost free.

Zach Hallock stated that he was told the ramp upgrades would be cost free.

Alderman Chaney asked for a running total of costs on the Pedestrian Safety Projects spreadsheet.

Mayor Lavelle asked about flashing beacons and whether installing one is a decision that the Town would make or is it driven by NCDOT.

Zach Hallock said “it’s a little of both,” the Town can make a recommendation but NCDOT might not approve the recommendation.

Alderman Slade brought up the issue of a telephone pole in the middle of the sidewalk near the train track and Main street intersection,

Zach Hallock said that was outside the scope of this presentation because the presentation is of right of way pedestrian issues.

Alderman Slade asked if there is a list, process or another iteration of this presentation that will include identified pedestrian items to be resolved that are not right of way related.

Zach Hallock said no.

Alderman Slade also asked about landing pads at the intersection of West Main and Poplar and asked whether NCDOT would be able to help fix this.

Zach Hallock said the Town was in discussion with NCDOT about this, but the Town could put a crosswalk in if needed.

Terri Buckner, Carrboro resident, had two comments. First, she addressed the buttons that pedestrians push to initiate a crossing signal. She asked that the Town coordinate with Chapel Hill and ensure that pedestrians always get a walk signal without having to wait for car traffic. She also asked for a public information campaign to address drivers that don’t stop at crosswalks.

Alderman Seils raised the issue of a “Downtown Slow Zone Policy.” He said that this was originally referred by the Board to staff in May 2014. He stated that the Transportation Advisory Board is interested in this and took the initiative to draft a policy. He asked the Board to help expedite this issue and also asked staff to let the Board know what is needed to make this happen.

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### **UPDATE ON CURRENT TRANSPORTATION PROJECTS**

The purpose of this agenda item was to provide the Board with an update on the current activities related to transportation projects around the Town.

Zach Hallock, Transportation Planner, provided the staff report which addressed:

- NCDOT Projects
  - Construction
  - Corridor Studies
- Bicycle Plan
- ITRE Data Collection

Alderman Gist expressed concern over using Bluetooth tracking to collect traffic data. She felt that it will provide a skewed sample. She asked whether it is used only for car traffic.

Zach Hallock said he believes that it is only for car traffic.

Terri Buckner, Carrboro resident, asked why the Town has a bicycle plan but no pedestrian plan when there are far more pedestrians than bicycle riders.

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### **STATUS REPORT FOR SEVERAL PROPERTIES EXPERIENCING FLOODING**

The purpose of this item is to provide a report related to flooding concerns associated with several properties, pursuant to the Board’s request at the 4/16 meeting.

Randy Dodd, Stormwater Utility Manager, presented the staff report.

Alderman Slade asked whether the Florence Hazard Mitigation Funding are the same rules that existed when we applied previously for FEMA acquisition funding, specifically in regard to their cap on what they will fund?

Randy Dodd expressed that their understanding is that the rules have not changed; during the application process they asked a lot of questions about that.

Alderman Slade stated that when the property gets assessed, from what he understands from

what he has read about the rules, there are two ways to assess, one is a tax assessor valuation, so one question is does that method of assessing the value of the property come under the FEMA threshold?

Randy Dodd expressed that it is \$283,000 and the threshold is \$276,000.

Alderman Slade also stated that when doing an assessment you can request for a pre or post flood assessment, in other words an assessment that accounts for the fact that the property floods vs. an assessment that uses comps of properties that don't flood. He expressed that it seems like we would want to go down the route of a flooding property so that we could get a value that falls under the threshold. He asked if this is a distinction that staff or whoever is doing this application is making?

Randy Dodd stated that they are at the point of gathering basic information, if FEMA accepts the letter of interest then they will be allowed to go through an application process to apply and negotiate a grant agreement and there is a project process to get through and the appraisal is part of that process.

Alderman Slade asked whether in the last attempt they used an assessment based on the fact that this property floods? He said his understanding was that comps were used of houses that don't flood ... the question being: since we now know what the process is, can we prepare ourselves to get the appropriate assessment or appraisal?

Trish McGuire, Planning Director, stated that she can't say if the appraisal was or not done in that way and that they can check for the answer.

Alderman Slade stated that he thought the last time he asked about this, the answer was that it wasn't.

Trish McGuire also said that they could check to see if the federal guidelines are consistent with what Alderman Slade described.

Alderman Slade stated that he had sent an email before this meeting with some of these questions, he requested that staff please follow up with these questions.

Trish McGuire stated that if we get through the first step which is: the state determines whether or not they feel our project is sufficient to include as a grant application, then we would examine whatever strategies we can to make a successful project - that is where they thought they were in the round before.

Alderman Slade asked if in the meantime they could please let him know how it was done last time, so he could get a sense if this is an opportunity or not, because if it was done correctly he doesn't have high hope we are going to get it.

Alderman Haven-O'Donnell asked if the assessment of the home considered damage from Hurricane Florence.

Trish McGuire said it did not.

Alderman Slade said the County Assessor could be asked to re-evaluate the property to account for the flooding and asked that staff explore this route of property valuation at the appropriate time.

Mayor Lavelle said there is an effort underway with other mayors to get FEMA to adjust its rules and improve the chance of receiving grants.

Alderman Seils asked when Randy Dodd expects to hear back from the state on the Letters of Interest that have been submitted.

Randy Dodd said he hasn't heard back, but the deadline was March 15. He also said that the supervisor of the division of state government that handles these matters recently left the job and this might be a reason for the delay.

Randy Dodd addressed the flooding issue at 1020 West Main and noted that it is likely due to issues that originate on nearby private properties. Any mitigation efforts would require the consent of those property owners.

Alderman Gist asked whether there are ways that the Town can compel residents to properly maintain stormwater mitigation systems.

Nick Herman, Town Attorney, said the Town does not have that authority. He said the remedy would be for landowners to sue their neighbors for nuisance trespassing if their properties are impacted by improperly maintained mitigation systems on their neighbors' lots.

Mayor Lavelle asked the Board if a more detailed engineering assessment was appropriate.

Alderman Seils asked whether there was a precedent being set by exploring engineering solutions on private property.

Nick Herman said there are significant legal issues with doing this type of thing on private property.

Alderman Chaney asked about how this project would be prioritized compared to other areas of the Town that are experiencing stormwater issues.

Randy Dodd said there have been discussions about setting priorities, but a list has not yet been developed.

Alderman Slade expressed concern that there is such a significant stormwater issue concerning private property with impacts on other residents and the Town has no way of guaranteeing proper stormwater infrastructure on private property. He asked how much and

engineering study would cost and also whether there would be a precedent set by conducting the study.

Randy Dodd said there are various levels of engineering assessments, it could be cheap and “conceptual” or more detailed and cost more.

Alderman Slade asked about the rule for “daylighting” streams.

Randy Dodd said he had not seen evidence that this was ever recognized as a stream.

Alderman Gist felt that property owners could be doing more to alleviate the problem.

Joe Guckavan, Public Works Director, clarified his recommendation and stated that he recommends an assessment of the drainage area that surrounds the property at 1020 West Main St. He needs to consult with Nick Herman to determine how to deal with the private property and also get an idea of the assessment’s cost before moving forward.

**A MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O’DONNELL THAT PUBLIC WORKS GET AN ESTIMATE ON HOW MUCH AN ENGINEERING ASSESSMENT OF THE DRAINAGE AREA WOULD COST.**

**VOTE: AFFIRMATIVE ALL.**

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**MATTERS BY BOARD MEMBERS**

Alderman Slade requested a work session to discuss the parking plan, including transportation and environmental considerations.

David Andrews and Mayor Lavelle confirmed that this issue would be included as an agenda before the summer break.

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**CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3)  
(5) - ATTORNEY-CLIENT PRIVILEGE AND DISCUSSION OF REAL PROPERTY  
NEGOTIATION/PURCHASE**

**MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL, SECONDED BY ALDERMAN FOUSHEE, TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3) (5) FOR ATTORNEY-CLIENT PRIVILEGE AND DISCUSSION OF REAL PROPERTY NEGOTIATION/PURCHASE. VOTE: AFFIRMATIVE ALL**

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**OPEN SESSION**

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS, TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL**

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**ADJOURNMENT**

**MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN FOUSHEE, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL**

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**Deputy Town Clerk**

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**Mayor**