



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

Town of Carrboro

Meeting Minutes

Board of Aldermen

Tuesday, September 10, 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, Deputy Town Clerk; Robert Hornik, Town Attorney

POETRY READING

Fred Joiner, Poet Laureate of the Town of Carrboro, read a poem by Metta Sama titled "After Urban Bushwomen."

PROCLAMATION – 400 YEARS OF PERSEVERANCE

Mayor Lavelle read a proclamation honoring 400 years of perseverance by African-Americans and presented the proclamation to Anna Richards, president of the Chapel Hill-Carrboro NAACP.

CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS

Charges were issued to the following persons to sit on an advisory board/commission:

- Alyson West – Greenways Commission

- Chris Rogers – Planning Board

The following have been selected to sit on advisory boards but were not present to receive their charge:

- Robert Barnhouse – Environmental Advisory Board
- Rasam Tooloee – Planning Board

REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

Brian Howard, a resident of Siler City, North Carolina, spoke on the issue of 5G cellular networks. He stated his concern that 5G frequencies are harmful to human health. He asked that the situation be evaluated to determine whether this is true. If it is found that 5G networks are harmful to human health, he asked that the Town see what it can do to delay the installation of 5G capability.

Alderman Gist directed a question to Brian Howard and Robert Hornik, Town Attorney, asking what the Town could do in this situation. She noted that, years ago, the Board had become concerned about the health impacts high-power electrical lines and determined these were detrimental to human health. She said that they also learned that they were prohibited from doing anything about them by the FCC.

Robert Hornik, stated that 5G is treated like any other cellular technology and the North Carolina General Statutes prohibit local governments from considering the health impacts of exposure to electromagnetic fields when determining the suitability of an application for a cellular communications facility.

Alderman Gist noted that it is still possible for collective voices to speak out on this and try to get the law to change.

Alderman Slade asked for clarification on whether this is a state or federal regulation.

Robert Hornik stated that this is a state statute but noted that there are also federal regulations that have been adopted by the FCC that have similar restrictions.

Alderman Slade noted that materials provided by the speaker made mention that this has been challenged in regard to 5G, and that on the federal level this is not preempted. He suggested to Robert Hornik that this might be worth looking at to see if it is accurate. He also noted that, in an email sent by the speaker, Brian Howard, he provided other ways to address the concern such as identifying poles as public nuisances, and there are approaches other than using the electromagnetic spectrum for the Town to deal with this. He asked that Robert Hornik review the information provided by the speaker to determine whether any of these other options are within the Town's power to address the concerns.

Robert Hornik stated that there are other legitimate zoning bases under which an application can be turned down or conditioned, but he noted that lobbying efforts by the wireless telecommunications industry have made it tough to challenge their efforts.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN FOUSHEE, FOR TOWN ATTORNEYS TO PROVIDE FEEDBACK ON THIS ISSUE AND STAFF TO INTERFACE WITH THE LEAGUE OF MUNICIPALITIES AND/OR THE SCHOOL OF GOVERNMENT TO SEE WHAT RANGE AND LATITUDE THE BOARD HAS TO LOOK AFTER THE HEALTH AND WELL-BEING OF THE TOWN'S CITIZENS. VOTE: AFFIRMATIVE ALL.

Mayor Lavelle also asked that this be brought up with the legislative delegation.

Shelly Welsh, founder of the Wildflower Learning Community located at 3100 Damascus Church Road, Chapel Hill, NC (within Carrboro's Extra-Territorial Jurisdiction), spoke about issues on her property that have been caused by activities at the Merritt Gravel Pit which is adjacent to her property. She stated that the owner of the Merritt Gravel Pit, Tony Merritt, has impermissibly excavated in a watershed area and this has resulted in over an acre of flooding on her land and has killed over 100 trees. She felt that the Town of Carrboro has refused to enforce its own ordinances against Tony Merritt. She displayed slides with visual evidence to support her claim. She stated that Tony Merritt has no certificate of occupancy for his office and residence and the Town is aware of this. She also stated that Tony Merritt has an unpermitted septic system and the Town is aware of this, as well. She felt that this could have an adverse impact on Carrboro's drinking water. She stated that criminal charges were brought against Tony Merritt in 2002 for violations of the Town's Land Use Ordinance, but these charges were dismissed. She stated that these same violations exist today and suggested that a reason for the failure of these charges could be the fact that Tony Merritt is cousin to Sheriff Blackwood of Orange County. She stated that, in 2010, Tony Merritt constructed a 50-foot dirt pile on the back of his property which violated a stream buffer; she also stated that, in 2017, he began excavating 7-10 acres of forest without a permit, and he also placed utility poles in the buffer area. She suggested that the Board is aware of these activities, but has not stopped him. She stated a demand that the Aldermen and the Planning Department be held accountable to enforce the Land Use Ordinance. She suggested that the Board has done nothing because they are afraid of Tony Merritt. She singled-out Alderman Gist as someone who has been on the board "for 20 years" and has known that Tony Merritt has violated Town ordinances. She ended by stating that the Board continues to take no action while Tony Merritt's actions continue to harm her property.

Mayor Lavelle asked David Andrews, Town Manager, and Robert Hornik to share what they have done on this issue.

Robert Hornik stated that they have been working with many jurisdictions for over a year to sort out who has jurisdiction over the property. He noted it was under a State mining permit for a time, but that the mining permit was recently modified so that the property that was depicted on Shelly Welsh's imagery as a non-permit area had previously been a permit area. He said they have met with Orange County and would meet with them again in the next week or so. He stated that there have been meetings with Tony Merritt's representatives to try to figure out the best fix

for the potentially protected stream. He that they are trying to sort this out, but it is not as easy as it might seem.

Alderman Slade noted that a letter was sent to Tony Merritt by the Town requesting that he respond by August 23rd, he was told the more formal enforcement activity would happen so that the Town could protect the stream buffer. Alderman Slade asked whether, since that date, there has been any formal enforcement.

Robert Hornik said additional information has been submitted and the Town is trying to set up a meeting with Tony Merritt on the site within the next week. He said they need to make sure that an enforceable violation has occurred on the property

Alderman Slade said that it seems like there was a violation of the stream buffer.

Robert Hornik said that he preferred not to discuss it too much at that time due to issues.

Alderman Slade said it was confusing to him that, while the issues have been under discussion for a while, he felt that the situation was closer to a resolution. He noted that many of the issues are related to state regulation, but the stream buffer and the violation of occupancy are clearly within the Town's jurisdiction. He asked whether there were additional complexities concerning these particular issues that the Board still needs to learn about.

Robert Hornik replied that in terms of the stream buffer, the answer is "yes." Regarding the certificate of occupancy, that is an issue that is just being dug into again now. The bigger issues are the stream buffer and land-disturbing activity on the west side of the property.

Alderman Slade stated that he is requesting to know when will the Board, as a body that is supposed to be looking after the citizens of the town, have specifics about the violations of the stream buffer and the certificate of occupancy. He read an excerpt from the letter that was sent to Tony Merritt and asked whether the provisions in the letter saying that formal enforcement may happen were conditioned on Tony Merritt simply meeting with the Town or was there more behind the Town's request.

Robert Hornik said Tony Merritt had provided additional information and one of the reasons that Town officials are going to the site is to verify the information that was provided.

Alderman Slade asked whether it was possible for Robert Hornik to let the Board know exactly what the Town is looking for so that the Board can have a checklist of whether those things were there or not. He said this would provide more clarity for the Board and the public.

Robert Hornik said the problem is that the land was disturbed as far back as 1964. The question is what kind of stream buffers exist on the property today since it was disturbed 50 years ago.

Alderman Slade asked whether that could be put in writing.

Robert Hornik said "yes." He also pointed out that the previous week, Marty Roupe,

Development Review Administrator for the Town of Carrboro, spoke with a representative of the State Mining Division, and this is when the Town learned that the land had been disturbed in the mid-1960s and early-1970s. He said the Town is still trying to determine how, as a matter of law, what it means with respect to the Town's ability to enforce a stream buffer on areas that may not be streams.

Mayor Lavelle asked that Robert Hornik continue to keep the Board informed about the details of this situation, particularly issues on which the Board can act.

Alderman Slade said that, in his experience, in situations involving a challenge of a buffer, it is the responsibility of the developer to provide proof, not for the Town to do the research for them. He wanted to know why the Town is doing all this for them. He stated that the Town could simply say that its maps show there is a buffer here and you clearly are violating it. It would then be Tony Merritt's responsibility to address it, however he must, through the appropriate channels. Alderman Slade wanted to know why the Town is doing the developer's due diligence on the property for him.

Robert Hornik replied that this is due to the complicated history of the property. He said it is unlike any other property that they have been involved with. It's not like a property that has had a natural stream that has been there forever, as far as we know.

Alderman Slade pointed out the recent example of the Flex zoning district, for which the developer presented to the Town that there is a wetland on the site, and it was only through the efforts of the developer that that Town has been shown that this might not necessarily be a wetland. He noted that there seems to be a distinct difference in who is putting in the work for these two situations.

Robert Hornik stated that some of the information provided by Tony Merritt show the property being disturbed years and years ago.

Alderman Slade said that this type of information would be helpful to the Board.

There were no more speakers from the floor.

APPROVAL OF MINUTES FROM JUNE 11, 18 AND 25, 2019

MOTION WAS MADE BY ALDERMAN FOUSHEE, SECONDED BY ALDERMAN SEILS, TO APPROVE THE MINUTES FROM JUNE 11, 18 AND 25, 2019, WITH AMENDMENTS AS PROVIDED BY THE BOARD. VOTE: AFFIRMATIVE ALL.

ECONOMIC DEVELOPMENT REPORT FOR THE MONTH OF SEPTEMBER

The purpose of this agenda item was to update the Board on economic development activity within the Town.

Alderman Haven-O'Donnell requested that the project description of Lloyd Farm include the 4.6 acres that were donated to the town by the developer.

Alderman Foushee asked about the 200-unit senior residential facility and 20 townhomes; she stated that she remembers the plan as stating there would be "cottages" rather than "townhomes."

Members of the Board offered clarification.

Mayor Lavelle requested a motion for this agenda item.

Alderman Slade said he had the opportunity to speak with the person who is developing the Hilton Garden Inn during one of the candidates' forums and he learned that the reason that they are holding back is that the State is still resolving the Air B&B issue. He wanted the Board to be aware of that.

A MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS, TO ACCEPT THE ECONOMIC DEVELOPMENT REPORT FOR THE MONTH OF SEPTEMBER 2019. VOTE: AFFIRMATIVE ALL.

DESIGNATION OF AGENTS FOR HAZARD MITIGATION GRANT PROGRAM APPLICATIONS FOR FLOOD-PRONE PROPERTIES

The purpose of this agenda item was to designate agents to act on behalf of the Town in support of applications for Federal Emergency Management Agency (FEMA) funds through the Hazard Mitigation Grant Program (HMGP) program.

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

RESOLUTION – DESIGNATION OF APPLICANT'S AGENT NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT

BE IT RESOLVED BY the Town of Carrboro Board of Aldermen (a public entity duly organized under the laws of the State of North Carolina) that David Andrews, Primary Agent, and Arche McAdoo, Secondary Agent, are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act

for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed below.

BE IT FINALLY RESOLVED that the above named agents are authorized to act severally.

APPLICANT ASSURANCES

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically

Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.

10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91- 646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.

15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial

assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.

18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.

19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.

20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.

21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93- 234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.

23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.

24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon

such properties.

25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not assume responsibility to the Federal government for resolved to the satisfaction of the Regional Director.

This, the 10th day of September, 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

AMENDMENT TO THE FY 2019-20 ADOPTED BUDGET

The purpose of this agenda item was to appropriate additional funding received by the Town, appropriate unexpended 2018-19 Powell Bill funds for expenditure in 2019-20, and authorize the purchase of an additional garbage truck.

A motion was made by Alderman Foushee, seconded by Alderman Seils, that this ordinance be approved.

AMENDMENT TO FY 2019-20 ANNUAL BUDGET ORDINANCE Ordinance No. 1/2019-20

WHEREAS, the Board of Aldermen for the Town of Carrboro adopted Annual Budget Ordinance No. 22/2019-20 for FY 2019-20 on June 18, 2019; and

WHEREAS, the Town now finds it necessary to amend the budget ordinance due the receipt of additional funds from the grantor or through unexpended funds; and,

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

Account Code			Account Name	Current	Increase	Revised
Org	Object	Project		Budget	(Decrease)	Budget
5110	436609	51008	ABC Board Grant	\$ 17,000.00	\$ 2,000.00	\$ 19,000.00
511	504500	51008	Contractual Services - ABC Grant	\$ -	\$ 19,000.00	\$ 19,000.00
560	507402	50560	Other Capital Assets	\$ -	\$ 242,259.00	\$ 242,259.00
1510	450000		Fund Balance Appropriated	\$ 2,828,677.00	\$ 259,259.00	\$ 3,087,936.00

REASON: To recognize and appropriate additional grant revenues and appropriate unexpended Powell Bill funds for use in 2019-20.

This budget ordinance amendment shall be effective immediately upon adoption.

A copy of this amendment shall be forwarded to the Town's Finance Officer within five (5) days.

This 10th day of September 2019.

The motion is carried by the following vote:

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

A motion was made by Alderman Foushee, seconded by Alderman Seils, that the following ordinance be approved:

CAPITAL PROJECT ORDINANCE FOR 2020 VEHICLE PURCHASES
Ordinance No. 2/2019-20

WHEREAS, the Board of Aldermen for the Town of Carrboro adopted Annual Budget Ordinance No. 22/2019-20 for FY 2019-20 on June 18, 2019; and,

WHEREAS, the Capital Projects section of the adopted budget included the purchase of eight vehicles for an estimated cost of \$792,814; and,

WHEREAS, due to the recent loss of a garbage truck, it is now necessary to add another garbage truck at an estimated cost of \$297,000.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO, UNDER GS 159-13.2, THAT:

Section 1: The 2020 Vehicle Purchases Capital Project is authorized to be undertaken for the purchases of the following vehicles:

DEPARTMENT	VEHICLES/EQUIPMENT	COST ESTIMATE
Police	6 Vehicles @ \$55,469	\$332,814

Planning	Vehicle for Admin Staff	\$30,000
Public Works	2 Garbage Trucks	\$727,000
	TOTAL	\$1,089,814

Section 2. The amount appropriated for the nine vehicles listed above shall not exceed \$1,089,814 with the understanding that the Town will seek installment financing.

Section 3: Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

Section 4: This Capital Project ordinance shall be effective immediately.

This, the 10th day of September, 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

REQUEST TO ADOPT A RESOLUTION TO AWARD A SERVICE SIDEARM TO A RETIRING POLICE OFFICER

The purpose of this agenda item was to approve the award of a service sidearm to Police Captain Cornell Lamb upon his retirement.

Police Captain Cornell Lamb will retire from the Town of Carrboro Police Department on October 1, 2019 after approximately 22 years of service. The Police Department asked to award Captain Lamb his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen was requested to adopt by resolution Town staff's recommendation to award the service side arm to Captain Lamb.

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

**A RESOLUTION AWARDDING A SERVICE SIDE ARM TO RETIRING
POLICE CAPTAIN CORNELL LAMB**

WHEREAS, Police Captain Cornell Lamb is retiring from the Town of Carrboro Police Department on October 1, 2019 after approximately twenty-two years of service; and

WHEREAS, Captain Lamb has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

WHEREAS, North Carolina General Statute 20-187.2 allows the governing body of a law enforcement agency to award to a retiring member, upon request, the service side arm of the retiring member;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen adopt this resolution awarding the service side arm to Captain Cornell Lamb.

This, the 10th day of September, 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

UPDATE REGARDING MURALS IN DR. MARTIN LUTHER KING, JR. PARK

The purpose of this agenda item was to update the Board of Aldermen on the mural creation and installation project at the Dr. Martin Luther King Jr Park.

Alderman Foushee asked for clarification as to whether the process would include a Board review of the murals.

Anita Jones-McNair, Recreation and Parks Director, stated that the Board will have the opportunity to review the recommendations after the Arts Committee and Mural Coordinator have made their decisions.

Alderman Slade asked whether the process is being advertised to artists in the community.

Anita Jones-McNair said it will be advertised for all high school students in Carrboro and the Town will work with arts teachers, the schools, and Rachel Heggen, Communication Manager for the Town of Carrboro, to get this information out.

MOTION WAS MADE BY ALDERMAN FOUSHEE, SECONDED BY ALDERMAN HAVEN O'DONNELL, TO ACCEPT THIS UPDATE. VOTE: AFFIRMATIVE ALL.

A RESOLUTION FOR ASSISTANCE TO CARRBORO RESIDENTS WHO ARE BENEFICIARIES OF THE DACA PROGRAM

The purpose of the agenda item was to re-establish designated funds to assist residents applying for the Deferred Action for Childhood Arrivals (DACA) Program.

Alderman Gist said she is happy to support this agenda item but stated that funds for this item were not fully used in previous years. She heard that one of the reasons for this was that people were afraid to come to Town Hall. She had heard that people would still be asked to come to Town Hall and wanted to know whether there were plans in place to try to increase the number of people who would participate in this program. She also asked whether the money that was not used in the previous year was re-absorbed into the budget.

David Andrews, Town Manager, confirmed that unused funds from the previous year were reabsorbed into the general fund.

Bridgett Richards and Eliazar Posada addressed Alderman Gist's questions and concerns. They stated that El Centro Hispano has gained the confidence of potential DACA applicants and there should not be an issue with people being reluctant to go to Town Hall. They also expressed confidence that the funds would be used effectively.

A motion was made by Alderman Gist, seconded by Alderman Seils, that the following resolution be approved:

A RESOLUTION FOR ASSISTANCE TO CARRBORO RESIDENTS WHO
ARE BENEFICIARIES OF DEFERRED ACTION FOR CHILDHOOD
ARRIVALS (DACA) PROGRAM

WHEREAS, the Town of Carrboro has long shown support for immigrant communities by calling for comprehensive reform of immigration law and policy, working to defeat wage theft, and supporting training and outreach programs for immigrant workers; and

WHEREAS, on November 18, 2014, the Board of Aldermen approved a resolution declaring Carrboro to be a welcoming community for minors seeking refuge from violence in their home countries, and urging the federal government to ensure that those seeking safety in the United States receive due process and legal representation; and

WHEREAS, on June 15, 2012, the US Department of Homeland Security established the Deferred Action for Childhood Arrivals (DACA) program, which provides to certain immigrants who entered the United States before the age of 16 years a two-year renewable period of deferred action on deportation and eligibility to request employment authorization; and

WHEREAS, the Department of Homeland Security had previously announced the phase-out of the DACA program; and

WHEREAS, the Supreme Court of the United States has now allowed for continuation of the Deferred Action for Childhood Arrivals (DACA) program until next session, which means that DACA renewal requests will continue to be accepted by the U. S. Department of Homeland Security; and

WHEREAS, El Centro Hispano has worked with DACA recipients to complete their

documentation for free, the filing fee for a DACA request is \$495 and cannot be waived; and

WHEREAS, the cost of legal services may be unaffordable for many persons, even those above the federal poverty limit, many individuals must rely on nonprofit service providers; and

WHEREAS, there is a need for financial assistance for DACA recipients in Carrboro to file DACA application with the U. S. Department of Homeland Security.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Board of Aldermen awards a grant in the amount of \$10,000 to El Centro Hispano to assist Carrboro residents who are DACA beneficiaries with costs related to DACA renewal applications. Eligible use of this grant may include, but not limited to, staff time required to provide services to beneficiaries; renewal application fees for beneficiaries; and referral to legal services.

SECTION 2: The Board of Aldermen authorizes the use of \$10,000 from the Board's contingency budget for the purposes in Section 1.

SECTION 3. Space may be made available on Town facilities, if available, for information sessions on the DACA program and for attorneys to meet with clients to prepare DACA renewal requests and to provide related legal services pro bono.

SECTION 4. The Town Manager is authorized to undertake the necessary administrative and budgetary actions to implement this Resolution.

SECTION 5. A certified copy of this Resolution shall be provided to the Town's Finance Officer within five (5) days of adoption.

SECTION 6: This Resolution is effective immediately.

This, the 10th day of September, 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

AN ORDINANCE CLARIFYING MEMBERSHIP NUMBERS ON THE CARRBORO TOURISM DEVELOPMENT AUTHORITY

The purpose of this ordinance was to clarify the membership numbers for the Carrboro Tourism Development Authority (TDA).

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

AN ORDINANCE AMENDING CHAPTER 8A OF THE CARRBORO
TOWN CODE REGARDING MEMBERSHIP ON THE CARRBORO
TOURISM DEVELOPMENT AUTHORITY
Ordinance No. 3/2019-20

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 8A-5(b) of Chapter 8A of the Carrboro Town Code is amended by rewriting Section 8A-5(b) as follows:

(b) The CTDA shall consist of three members appointed by the Board of Aldermen. Members need not reside within the town, but at least one member must be affiliated with businesses that collect the tax in the town and two members must be currently active in the promotion of travel and tourism in the town. Two members shall constitute a quorum.

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 10th day of September, 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

AMENDMENTS TO THE POLICY FOR MONUMENTS LOCATED ON TOWN PROPERTY

The purpose of this item was to amend the Policy for Monuments on Town Property.

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

A RESOLUTION ADOPTING REVISIONS TO THE OFFICIAL TOWN
POLICY FOR MONUMENTS ON TOWN PROPERTY

THE TOWN OF CARRBORO BOARD OF ALDERMEN do hereby adopt the revisions to the Town of Carrboro Official Policy for Monuments on Town Hall as shown as "Attachment B" in

the agenda packet.

This, the 10th day of September, 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

AUTHORIZATION FOR TOWN STAFF TO MOVE FORWARD WITH UPDATE OF THE TOWN CODE TO INCLUDE GENDER NEUTRAL LANGUAGE

The purpose of this item was to receive authorization from the Board of Aldermen for staff to move forward with a comprehensive review of the Town Code and inclusion of gender neutral language.

Mayor Lavelle clarified the intent of this item and stated that other municipalities throughout the country have engaged in similar efforts.

Alderman Chaney stated support for this effort, but expressed concern over the estimated 300 hours of staff time that would be required. She felt that the effort should include a more comprehensive review of the material in the Town Code.

Chris Milner, Deputy Town Clerk, stated that this was one of the intents and was part of the reason for the 300 hour estimate.

Alderman Seils, noted that Wisconsin updated the state-wide, and local, codes to be gender neutral.

Alderman Haven-O'Donnell expressed hope that someday the State would allow the members of the Board to self-identify as something other than Aldermen since that is not a gender-neutral term.

Alderman Slade stated that the Board does have the power to make that change.

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

A RESOLUTION AUTHORIZING TOWN STAFF TO UPDATE THE
TOWN CODE WITH GENDER NEUTRAL LANGUAGE AND
CONSISTENCIES WITH DEPARTMENTAL PRACTICES

THE CARRBORO BOARD OF ALDERMEN do hereby authorize staff to begin the

comprehensive review of the Town Code and to remove gendered language throughout.

This, the 10th day of September, 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

REQUEST-TO-SET TWO PUBLIC HEARINGS RELATING TO THE PROPOSED SITE SPECIFIC, FLEXIBLE ZONING DISTRICT AT OLD NC 86/EUBANKS ROAD: VOLUNTARY ANNEXATION, AND DRAFT TEXT AMENDMENT, CONCEPTUAL MASTER PLAN AND ASSOCIATED MAP AMENDMENT TO ESTABLISH THE DISTRICT

The purpose of this agenda item was for the Board of Aldermen to consider setting two public hearings relating to the six parcels proposed for a Site Specific, Flexible Zoning District at Old NC 86 and Eubanks Road for October 22, 2019: 1) the petition for voluntary annexation and 2) the request for text and map amendments to establish the district. The Board must receive public comment on both matters before considering the requests.

Alderman Haven-O'Donnell asked that it be made clear that both public hearings in the following resolution are occurring on the same night.

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

A RESOLUTION CALLING A PUBLIC HEARING ON CONSIDERATION FOR VOLUNTARY ANNEXATION OF PROPERTIES

WHEREAS, the Board of Aldermen has received a petition for annexation from Parker Louis, LLC dated June 28, 2019 for the voluntary annexation of six properties located at the northeastern corner of the intersection of Old NC 86 and Eubanks Road and further described and illustrated therein.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro sets a public hearing for consideration of the voluntary annexation of these properties for October 22, 2019.

This, the 10th day of September, 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

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

A RESOLUTION SETTING A PUBLIC HEARING ON AMENDMENTS TO
THE LAND USE ORDINANCE TO ESTABLISH A SITE SPECIFIC,
FLEXIBLE ZONING DISTRICT

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on October 22, 2019, to consider adopting amendments to the text and official zoning map of the Land Use Ordinance to establish a Site Specific, Flexible Zoning District.

BE IT FURTHER RESOLVED that the amendments to the text of the Land Use Ordinance is referred to Orange County.

BE IT FURTHER RESOLVED that the draft amendments to the text and map of the Land Use Ordinance are referred to the Town of Carrboro Planning Board for consideration and recommendation prior to the specific public hearing date, and are also referred to the following Town of Carrboro advisory boards and commissions.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input checked="" type="checkbox"/> Transportation Advisory Board | <input checked="" type="checkbox"/> Northern Transition Area Advisory Committee |
| <input checked="" type="checkbox"/> Environmental Advisory Board | <input checked="" type="checkbox"/> Affordable Housing Advisory Commission |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

This, the 10th day of September, 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

AMENDMENT OF APPROVED JUNE 19, 2018 BOARD OF ALDERMEN MEETING MINUTES

The purpose of this item was to amend the approved meeting minutes to correct an omission in

Ordinance No. 25/2017-18 as recorded in the meeting minutes.

Alderman Haven-O'Donnell requested that there be more specificity so that the connectivity requirements and the Board's approval to have bollards between Wyndham Drive and Kentfield be shown to be allowed. She felt that the phrase "during the CUP" was confusing and that the Board intended to approve bollards without a sunset clause.

Alderman Chaney said she remembered the intent as being that the Board would codify the decision on bollards during the CUP process. She agreed that the wording is problematic.

Trish McGuire spoke with the Board about the intent.

Alderman Chaney suggested that the resolution be to clarify that the bollards are not being installed only during the CUP process.

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

A RESOLUTION AMENDING THE JUNE 19, 2018
MEETING MINUTES

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

Section 1: The minutes of June 18, 2019 are hereby amended to include the following sentence in condition #5 of Ordinance No. 25/2017-18 that was erroneously omitted during the transcription process, "The decision to install bollards at the connection to Wyndham Drive shall be addressed during the CUP process with consideration for public safety."

Section 2: The complete text of condition #5 shall be corrected to read in all recorded documents and for official use:

5. Per the Town's connectivity requirements, the proposed north-south internal road shall be constructed to provide a full connection to Wyndham Drive. The decision to install bollards at the connection to Wyndham Drive shall be addressed during the CUP process with consideration for public safety. The proposed east-west internal road may require a T-turnaround or similar feature as determined during the CUP and construction plan approval to allow solid waste/recycling service.

Section 3: This resolution is effective immediately upon adoption.

This, the 10th day of September, 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

**A RESOLUTION SETTING THE PUBLIC HEARING FOR THE KENTFIELD
SUBDIVISION CONDITIONAL USE PERMIT (CUP) LOCATED AT 905 AND 921
HOMESTEAD ROAD FOR SEPTEMBER 17, 2019**

The purpose of this item was to schedule the public hearing for the Kentfield Subdivision CUP for September 17, 2019.

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

A RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 17,
2019 FOR THE KENTFIELD SUBDIVISION LOCATED AT 905 AND
921 HOMESTEAD ROAD

WHEREAS, Parker Louis, LLC, has submitted an application for a Conditional Use Permit (CUP) for Kentfield Subdivisions located at 905 and 921 Homestead Road; and,

WHEREAS, these properties went thru a Conditional Zoning where the properties were rezoned to R-10-CZ and this was approved by the Board of Aldermen on June 19th, 2018; and,

WHEREAS, the applicant intends to construct a total of twenty (20) single-family residences within the subdivision. As part of the Conditional Zoning of these properties, condition #4 stated that a minimum of 25 percent of the units had to be size limited. The applicant has shown lots 1 thru 5 as being size limited homes in order to meet this condition. Two (2) of the lots will be limited to 1,100sf homes and three (3) of the lots will be limited to 1,350sf homes; and,

WHEREAS, the subject property is zoned R-10-CZ containing 4.78 acres (208,373sf) and is listed on the Orange County Parcel Identification Numbers 9779-27-6322 and 9779-27-8209.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN, that a public hearing is hereby scheduled for September 17, 2019 for the Kentfield Subdivision located at 905 and 921 Homestead Road.

This, the 10th day of September, 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

UPDATE ON THE DESIGN FOR THE JONES CREEK GREENWAY

The purpose of this agenda item was to provide the Board with an update on the Jones Creek Greenway.

Tina Moon, Planning Administrator, provided the staff report on this agenda item.

Alderman Haven-O'Donnell asked for clarification on the total width of the clearing that is required for the 10 foot path.

Tina Moon said she would contact the contractors, if requested, to clarify, and estimated that it is approximately 25 feet in some sections, less in others.

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

A RESOLUTION RECEIVING AN UPDATE ON THE JONES CREEK GREENWAY

WHEREAS, the Board of Aldermen has made it a policy to hold public hearings on Town projects; and

WHEREAS, the Board of Aldermen has received presentations on the 15 percent and 30 percent design for the Jones Creek Greenway; and WHEREAS, the Board has held two public hearings to receive citizen comment on the Jones Creek Greenway at this milestone.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives this update on the Jones Creek Greenway.

This, the 10th day of September, 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

STORMWATER UPDATE AND SERVICE DELIVERY REPORT

The purposes of this agenda item were to: provide a report on stormwater activities and service delivery; request approval of a pilot outreach project in the upper Toms Creek watershed; and request direction to report back on the new revenue needed for increases in service delivery.

Randy Dodd, Stormwater Utility Manager, provided the staff report on this agenda item. In his report, he provided options for service expansion and asked the Board for guidance on how to move forward.

Alderman Gist spoke in favor of the option to “Launch residential assistance program.” She also asked that the Board start a conversation on an assistance program that might include a low, or no, interest loan program to help people do what is needed to mitigate flooding issues on their property. She expressed interest in working with the Affordable Housing Commission since many of the homes that are experiencing the worst impacts are middle-class homes or less expensive homes because of where they were built.

Alderman Chaney requested that inspections of private stormwater control be expedited, but she noted that this might result in increased costs. She felt that this effort has had a good results in the past. She also responded to Alderman Gist’s idea of using Affordable Housing Commission funds to help with stormwater issues. Alderman Chaney noted that these funds already may be used for mitigating stormwater issues that enable people who meet the income criteria to remain in their homes. She suggested that the language could be updated so that people know that this is a resource they can use.

Alderman Gist asked that it be expanded beyond the income levels.

Alderman Chaney noted that Orange County's Area Median Income is relatively high and that people might be surprised to learn they meet the 80% of Area Median Income threshold.

Alderman Haven-O’Donnell asked about the Center for Neighborhood Technology, an organization with stormwater-related programs that was discussed by Randy Dodd in his presentation. She wanted to know if their services are used elsewhere in North Carolina.

Randy Dodd said they are working in Chapel Hill in a sustainability-related project, not on stormwater issues. This was their only effort in North Carolina that he was aware of.

Alderman Haven-O’Donnell asked whether other municipalities in North Carolina have a stormwater utility.

Randy Dodd estimated that there are approximately 90 other stormwater utilities in the state.

Alderman Haven-O’Donnell felt that it would be good to cross-pollinate with other municipalities and to see larger funding sources through combined efforts.

Randy Dodd noted the Stormwater Association of North Carolina (SWANC) and the North Carolina Chapter of the American Public Works Association (APWA) are organizations that can provide coordination opportunities.

Alderman Haven-O’Donnell said there is an interest at the state-level in hardening homes against stormwater issues.

Randy Dodd asked for clarification on the term “hardening” and whether this means “flood resilience;” Alderman Haven-O’Donnell confirmed that is what the term means. He suggested that the Center for Neighborhood Technology could be a resource for this. He also said that the Federal Emergency Management Agency (FEMA) might be a resource for this.

Trish McGuire, Planning Director, provided further insight into the possibility of receiving support from FEMA. She stated that elevation of a house is usually the strategy that is used and noted that the Town’s requirements for new construction set finished floor elevation above baseline flood levels.

Alderman Haven-O’Donnell noted that the instances and duration of storms will be increasing, so homes need to be protected proactively.

Trish McGuire said this is something that the Stormwater Advisory Commission is looking into, and there is an effort to anticipate changes that will be built into structures.

Alderman Haven-O’Donnell expressed support for the pilot “rain-ready” program that was presented by Randy Dodd in his presentation. She highlighted the importance of education regarding this issue, and also expressed thanks for the Public Works Department and their efforts to ensure that storm drains remain clear. She noted that people need to know to look at the drains in their neighborhoods before storms and also be aware that Public Works can clear these drains if needed.

Alderman Seils expressed appreciation for the monthly reports that are provided by the Stormwater Utility. He asked for clarification on the revenue that would be required to provide the expansions in service that were presented in Randy Dodd’s report.

Randy Dodd stated that the options for expanded service are flexible. He said he is aware of potential impacts on the rate structure.

Alderman Seils noted that the costs must be considered and noted that some people are more able to support an increase in rates than others. He expressed appreciation for Alderman Gist’s proposal for coordinating with the Affordable Housing Fund and possibly tweaking some of the language regarding this.

Alderman Foushee asked for an estimate on the revenue increases that would be required for Randy Dodd’s suggestions.

Randy Dodd said it is not on the order of 30, 40, or 50%, more like 10, 15, or 20%.

Alderman Foushee expressed support for the pilot outreach program that was presented by Randy Dodd and also for Alderman Gist’s suggestion to collaborate with the Affordable Housing Advisory Commission.

Alderman Slade expressed appreciation for the options that were presented in Randy Dodd's presentation and also for the synergies that are represented by Alderman Gist's proposal to use affordable housing funds. He noted that stormwater was included in the Town's climate change plans and working with neighborhoods was also a key element of the climate change plan. He suggested that there is an opportunity for synergy with the Center for Neighborhood Technology's (CNT) neighborhood outreach and wanted to know their capacity to engage in energy efficiency efforts in conjunction with the stormwater efforts. This could provide an opportunity to address both the adaptation and mitigation components of climate change. He also expressed appreciation for CNT's inclusion of equity as one of the fundamental metrics for measuring their success, as well as their focus on affordability. Regarding the options presented by Randy Dodd for enhanced services, he expressed support for Stormwater Control Measure (SCM) inspection and the Residential Assistance Program.

Mayor Lavelle expressed support for flood mitigation resilience and inspections of private SCM. She also noted the importance of considering the potential rate increases.

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

A RESOLUTION ACCEPTING THE STORMWATER REPORT, DIRECTING
STAFF TO REPORT BACK ON RATE STRUCTURE OPTIONS, AND
AUTHORIZING A STORMWATER PILOT PROJECT

WHEREAS, the Town of Carrboro created a Stormwater Utility, Stormwater Enterprise Fund, and Stormwater Advisory Commission in 2017; and

WHEREAS, the Board of Aldermen adopted a new Stormwater Utility rate structure in 2018, and Town staff have been working since to transition the Utility from a formative to operational stage; and WHEREAS, a report has been provided on past, current, and planned service delivery expansion and options; and

WHEREAS, a proposal for a neighborhood pilot "RainReady" project in the upper Toms Creek watershed has been prepared by the Center for Neighborhood Technology to work with residents to identify and pursue residential scale measures to enhance resiliency and contribute to neighborhood and watershed scale flood mitigation efforts.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the staff report provided, direct staff to prepare a report with one or two rate structure options and public hearing schedule by early 2020, and approve the proposal provide by the Center for Neighborhood Technology and appropriate \$24,990 for this project.

The following comments will be incorporated into this resolution:

- Staff will consider, and provide feedback to the Board regarding potential synergy with the Affordable Housing Commission

- The Board is particularly interested in the Flood Mitigation/Resilience category
- Inspection of private Stormwater Control Measures will be a priority
- Staff will explore opportunities to incorporate climate change mitigation in efforts with the Center for Neighborhood Technology

This is the 10th day of September, 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

CLOSED SESSION PURSUANT TO NCGS 143-318.11

MOTION WAS MADE BY ALDERMAN FOUSHEE, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11(a)(4). VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN FOUSHEE, SECONDED BY ALDERMAN CHANEY, TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL