



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

**Town of Carrboro
Meeting Minutes
Town Council**

June 13, 2023

7:00 PM

Council Chambers - Room 110

Present: Mayor Damon Seils, Council Member Eliazar Posada, Council Member Sammy Slade, Council Member Susan Romaine, Council Member Danny Nowell, Council Member Barbara Foushee

Absent: Council Member Randee Haven-O'Donnell

Also Present: Richard White, Town Manager; Wesley Barker, Town Clerk; Brady Herman, Town Attorney

CALL TO ORDER

A motion was made by Council Member Posada, seconded by Council Member Foushee to excuse Council Member Haven-O'Donnell from the meeting.

The motion was carried unanimously.

PROCLAMATION - JUNETEENTH 2023

PUBLIC HEARING ON TOWN MANAGER'S RECOMMENDED BUDGET FOR FY24

The purpose of this agenda item is to provide an opportunity for the public to comment on the Town Manager's Recommended Budget for FY24 as required by G. S. 159-12 (b)

Council Member Slade asked about the \$200,000 for climate and sliding scale that would offset costs.

Town Manager White responded that all inquiries posed by Council at the 6-6-23 meeting will be provided at the 6-20-23 meeting.

44
45 **Ron Kunkel** spoke on the Bolin Creek Greenway project and asked Council to consider some
46 cost-effective means considering the FY 24 budget, to include a new proposed trail.

47
48 **Darren Campbell** spoke on the services provided by IFC for the community. Spoke in support
49 of keeping these proposed funds in the Town's budget for IFC and the importance of IFC as a
50 whole.

51
52 **Elizabeth Young** spoke in favor of the proposed funding for IFC in the Town's FY 24 budget.

53
54 **Jackie Jinks** spoke in support of the IFC funding provided in the recommended budget.

55
56 Mayor Seils confirmed the IFC funding include ARPA funding in 2024.

57
58 Council Member Slade stated it is imperative to have an assembly of governments with Orange
59 Co., Hillsborough, Chapel Hill and Carrboro to talk about these funding measures as councils
60 and boards as a whole and not leave it up to Town Managers.

61
62 Council Member Slade wants to earmark \$25,000 for purchasing spin bikes to help with Climate
63 Action as outlined in Comprehensive Plan and utilization of bike lanes.

64
65 Council Member Slade is interested in setting aside \$267,000 to allocate toward climate action.

66
67 Council Member Romaine supports the 5-year inter-local agreement and feels the Assembly of
68 Governments should meet and talk out the funding for IFC.

69
70 Council Member Romaine spoke on employee benefits and proposed to adjust the 3% to the 5%
71 retirement across the board increase for all employees (police officers already receive the 5%).
72 Tuition reimbursement, and town code changes for employee benefits and would this come
73 before Council at the 6/20 meeting.

74
75 Council Member Romaine asked about some of the specifics of the Town Hall renovations for
76 \$1 million. Are we using the 2021 net-zero goals contractor.

77
78 Council Member Romaine wants flexible work policy, during town hall renovations, would there
79 be office sharing opportunities?

80
81 Council Member Romaine inquired about the \$300,000 small area plan, to include \$60,000 for
82 streetscape; is this for design purposes or the actual cost of doing these? Possibility of using an
83 arborist in the downtown area for the canopy within the small area plan.

84
85 Council Member Romaine asked about Advisory Board stipends \$62,000 and is this in the
86 budget for FY? Thinking this would be a pilot program over a 2-year period. Would like to get
87 some more information on stipends.

Council Member Romaine asked about the Police Department social worker position. Will social worker position be able to help with the issues with citizens with mental health needs?

Council Member Romaine inquired about the 5-year budget plan, and would this be done in house or by a consultant?

Town Manager White responded with nothing in FY 24 budget for this but working with town finance advisor to work through this.

Council Member Romaine remarked that taxes would need to be raised and how Town of Chapel Hill proposed \$100,000 to help low-income families pay taxes. Can the town look into doing something like this?

Council Member Romaine raised Stormwater concerns to be built into the 5- year budget process, would like to see HOAs to no longer be responsible for stormwater and be managed by the stormwater advisory fund. Stormwater fund would have to increase.

Council Member Romaine would like to engage community members with participatory budget processes and projects. Involve advisory boards and each get a pot of money that they have discretion over.

Council Member Romaine is thrilled to see Citizens Academy will be re-launched and excited for citizens to get more involved in the community.

Council Member Slade thinks the town needs porta johns throughout Town and budgeting needs?

Town Manager White said approximately \$150,000 cost for this.

Council Member Slade would like money for porta johns included in the budget.

Public Hearing Closed

**CONTINUATION OF A QUASI-JUDICIAL PUBLIC HEARING FOR JADE CREEK
ARCHITECTURALLY INTEGRATED SUBDIVISION SPECIAL USE PERMIT-A AT
8522 OLD NC 86**

The purpose of this agenda item is for Town Council to continue holding a quasi-judicial public hearing for consideration of a Special Use Permit-A request for property at 8522 Old NC 86, and to consider making a decision on the request.

133 Mayor Seils, Council Member Slade, and Council Member Posada, who were absent from the
134 first public hearing on this item on May 23, 2023, all confirmed via verbal confirmation they
135 have reviewed materials and the meeting video from that meeting.

136
137 Martin Roupe, Town Development Administrator, gave a short overview presentation on this
138 item for the continuation of the public hearing outlining procedural steps.

139
140 Council Member Foushee asked a question about payment in lieu of three additional units, to
141 which Martin Roupe answered approximately \$700,000. Then asked how can the formula be
142 revisited and what is the process to revisit it?

143
144 Trish McGuire, Town Planning Director, answered the question saying the calculation is in the
145 fee schedule, which is a rolling calculation.

146
147 Fire Chief Will Potter spoke on the entrance/exit to the property. Council adopted the 2018
148 version of the NC Fire code Appendix D, section 107 and 107.1, which references 30 or more
149 structures would have to have 2 separate entrances or exits into the property. The Town doesn't
150 have a direct way of altering the state fire code, even if the connectivity stated otherwise.

151
152 Roman Acosta, with KB Raleigh Durham, stated project area has been heavily studied. Believes
153 evidence in record will meet all 4 findings, will be in harmony with the area, will be in
154 conformity with the comp plan and all land use plans. In conformance with all standards, only
155 requesting a special use permit, no rezoning, or no variances for this property. Not required to
156 provide a buffer of single-family use next to another single-family use development. Offered to
157 provide a 15-foot buffer to try to help alleviate the neighbors' concerns.

158
159 Rich Kirkland, with Kirkland Appraisers, performed impact studies on schools, rock quarries,
160 etc. Have looked at this subdivision proposal, first identified uses around this proposal and the
161 land uses. Identified those residents along Shadow Ridge. It is his Professional opinion is that
162 this would have no impact on neighboring property values and is a harmonious use of the
163 proposal.

164
165 **Matt Murley** discussed if closed Blocker Rd to traffic and maximize green space and connect
166 biking path, would promote pedestrian access. Not sure if this is practical. Asked that the
167 Council does not make any quick decisions until all information is received.

168
169 **Kirsten Barker** (provided handout) spoke on 20' stormwater easement and urged Council that
170 this is included in the easement. Talked about the inadequacies in the appraiser's report.

171
172 **Kelly Wood** expressed two concerns. First, currently the president of the Lake Hogan Farms
173 HOA, spent \$45,000 on stormwater management which resulted in raising HOA fees in the
174 development. Part of this fund was work on a retention pond/dam remediation. Encourages
175 council to consider economic impact to Lake Hogan Farms and the impact to the lake and the
176 impact this development stormwater would have on this dam. Would recommend 2-year bond
177 proposal. Second issue is the safety of motor vehicle use and children safety. Stated this does not

178 comply with the Comprehensive Plan. Would KB homes consider have two access points out of
179 Jade Creek and not divert traffic through Lake Hogan.

180
181 Council Member Posada asked a follow up question on the in-lieu fee payments.

182
183 Roman Acosta stated that KB Home would build four affordable housing units, three units
184 available to families earning 65% or lower of the AMI. One unit will be available to families
185 earning 80% or lower of the AMI. KB home will also pay a fee in-lieu for 11 additional units
186 totaling approx. \$475,000 for affordable housing. KB home is investing approx. \$1 million in the
187 Town's affordable housing.

188
189 Council Member Slade was interested in attorney/staff looking at BMP and silt for the runoff
190 into the lake.

191
192 Martin Roupe, Town Development Administrator, stated that it could not be used as an off site
193 device.

194
195 Town Lawyer Brady Herman stated the conditions have to be tied to the development of the
196 property and not to other adjacent properties.

197
198 Council Member Slade wanted to know more from staff about pre and post development runoff,
199 was this when logging happened? Are the four final units are the affordable units? Can NC DOT
200 be requested to reduce speed limit to 40 mph or less off old 86 between the developments?

201
202 Martin Roupe, Town Development Administrator, said Council can give direction to staff to
203 discuss this with DOT. Recommend this be separate that this development request as it is treated
204 by the Town with DOT.

205
206 Council Member Slade proposed some Conditions to include: Homes include rooftop solar as an
207 option; Homes will include EV charging stations as an option; Educational signage about SCM's
208 (stormwater control measures); Access easements for SCM's; SCM's designed for 100-year
209 storms; Traffic calming be installed; Permanent conservation easement for wetland protection;
210 Can separate bond be used for impact of downstream (check this wording); Stormwater utility –
211 discharge stormwater – level spreader to provide flow through vegetative buffer; Developer
212 provide Type – A screen with understory plantings. Has staff investigated these conditions?

213
214 Martin Roupe, Town Development Administrator, stated the Type A is a requirement of the
215 development review and would be required to ensure it isn't missed. As far as traffic calming, is
216 there more clarity with this issue?

217
218 Mayor Seils asked what is a proper condition versus what is part of permit and follows
219 ordinance? He wants to follow legal parameters.

220
221 Council Member Romaine asked if performance security is the same as a bond?

222
223 Martin Roupe, Town Development Administrator, answered yes.

224
225 Council Member Romaine said the connector roads policy states all streets should be connected-
226 is Planning considering this or does the Council have to work on this?
227
228 Martin Roupe, Town Development Administrator, said the town staff does not sit in judgement
229 of safety, it falls to elected officials. It all comes down to if it can be done or not. Safety is more
230 of a broad consideration.
231
232 Council Member Romaine asked to Chief Potter about fire code language is clear cut and states
233 if more than 30 houses are in a community, there must be 2 entrances/exits. Can there be 2
234 separate entrances off Old 86? Chief said the code would NOT allow for this because they are
235 both off the same road.
236
237 Fire Chief Potter stated the language is very clear cut. An earlier example is a tree fell and
238 blocked the only entrance/exit to the area. Doesn't believe having both entrances/exits off Old-86
239 would meet Code because it's not remote access, so if Old-86 is blocked, there would be no way
240 to get to the development.
241
242 Council Member Romaine wants the town to do research on transit needs. Stated there is a lot of
243 speeding in Lake Hogan Farms. Is there anything the town can be doing to expediate the
244 petitioning process or simplify so folks can get traffic calming measures on Lake Hogan Farms?
245
246 Martin Roupe, Town Development Administrator, recommended to provide direction to staff
247 outside of this meeting for these asks.
248
249 Council Member Romaine asked can affordable housings be dispersed out throughout the
250 development?
251
252 Martin Roupe, Town Development Administrator, responded yes, this is part of the requirement
253 and final plan would indicate which lots would be the affordable lots.
254
255 Council Member Romaine asked to leave trees in the common space there if possible. Also to
256 pursue easement to allow multi-use path to connect trails.
257
258 Town Attorney Brady Herman stated that cannot tie property that the developers don't own to
259 conditions of this permit.
260
261 Council Member Romaine asked questions for applicant: EV charging station at the mail kiosk?
262 Developer- yes to have it there. Asked a question about the Traffic study and how hybrid worked
263 played into it, to which traffic engineer, Matt Stigels, licensed Professional Engineer for state of
264 NC, answered the study was completed as a courtesy- followed all traffic study procedures for
265 the state of NC and it would be unusual to make any adjustments for a hybrid work environment
266 due to traffic volume. Does not feel this is appropriate for this study.
267
268 Council Member Romaine had follow-up on concerns from citizens on transparency on
269 environmental studies. Developer stated they have all environmental studies that are required by

the state of NC and all these studies have been passed by the state. NCDEQ would approve these studies and if any violations they would come out and assess.

Council Member Foushee asked for clarity on statement of KB Homes “taking a hit”.

Developer stated they are required by ordinance they have opportunities to pay a fee or construct homes and there is a cost when these homes are sold to Community Home Trust and KB homes did not do a size limit.

Mayor Seils asked about the calculation of predevelopment runoff and post development runoff is this related to pre or post logging of the site?

Drew Howell, Ballantyne Associates, surveyed used is a topographic survey that was after the logging took place and it matches 100% of the calculations for stormwater runoff. It was calculations as required by the ordinance and they were completed in an after-logging state, if it had been wooded, there would have been a greater volume.

Mayor Seils asked is Solar and EV availability as an option? Developer answered yes.

Mayor Seils asked if they could access easements for stormwater control measures? Developer said yes, they are on the plan.

Mayor Seils asked about traffic calming on the roads. Developer said what is proposed is what is required by ordinance and that is what they are showing.

Mayor Seils asked about potential for permanent conservation easement for wetland protection. Developer said with this permit, the HOA would have to come back to the Council to edit anything.

Mayor Seils asked about discharging treated water from stormwater wetland by means of a structure. Developer Engineer said this is diffused flow, which is part of Lake Jordan Buffer Rules, which they can meet this by distributed stormwater through regulated stormwater device. Level spreader would go into more open space.

Council Member Slade asked if application as submitted meets requirements for the diffused flow? Developer Engineer said yes it does. This is a requirement before outflowing water into another source such as wetlands or water source and could be via a vegetative buffer.

Council Member Slade can the conservation element be written so that it can be achieved over time?

Developer said the conservation easement would take some time to achieve. A nonprofit would have to manage that easement, not the HOA, all financial and legal repercussions would fall on the developer and the easement could not be changed unless Council made that change to the permit.

Council Member Slade stated that he would like to see these responses in writing relating to these measures with conservation easements.

Council Member Nowell asked if Council wanted to make additional requirements beyond the current ordinance, would they have to tie that to a exceptional circumstance that you would have to be remedying.

Town Attorney Brady Herman said Town Council can have requirements if it is tied to the 4 general requirements such as public safety or in harmony with the land. If you deviated beyond the ordinance the specific requirements would have to be reasonable, in writing, and consented to by the developer.

Council Member Posada asked if entrances/exits as proposed now meet the ordinances and the fire code? Developer said yes.

Council Member Posada asked staff how feasible is it to require bollards in?

Fire Chief Potter said any type of bollards would slow the fire department down significantly. Would be opposed to any bollards there due to access.

Town Attorney Brady Herman said clarifying questions can be asked to the applicant after the public hearing is closed, but if any evidence is needed, the Mayor can open the public hearing up again.

Mayor Seils closed public hearing.

Mayor Seils asked council how they will proceed?

Council Member Slade said conditions posed he would like to include and receive information for.

Martin Roupe, Town Development Administrator, said staff would work with attorney's office to draft a decision document and share with the applicant first and then could bring to the Council, or could bring a decision document based on Council.

Town Council discussed procedure requirements and process for further items.

A motion was made by Council Member Slade, seconded by Council Member Romaine to approve directing town manager to draft decision and conclusion documents including the conditions posed by Council Member Slade, and bring back to council.

The motion was carried unanimously.

ISSUES BY COUNCIL

Council Member Slade raised issues with STIP programming and still time to include Phases 3 & 4 and interested in this. Project that may or may not be approved. Support Process of amending town's STIP recommendation to add Bolin Creek Greenway and get support of this.

Mayor Seils said they are about to begin engagement in a public input process which took 14 years to get to, which will focus on alignment with project.

Council Member Slade understands they are in a process and is interested in submitting Bolin Greenway as a whole.

Mayor Seils said it's not on the agenda and can't contemplate the decision.

Council Member Nowell said other ways to amend STIP process as we go along, would be mindful of burden on staff for workloads, feels it may not be appropriate at this time.

Mayor Seils felt like they need more info from the staff.

Council Member Romaine felt like this is rushed and not the time to proceed with this.

ADJOURNMENT

A motion was made by Council Member Posada, seconded by Council Member Nowell to adjourn the meeting.

The motion carried unanimously.
