



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

Town of Carrboro

Meeting Minutes

Town Council

March 9, 2021

7:00 PM

Remote Meeting

This meeting was held via Zoom teleconference and broadcasted live on cable television and the internet.

Present: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

Also Present: David Andrews, Town Manager; Brady Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by torrin a. greathouse called, "Family Portrait."

PUBLIC COMMENTS

Shelley Welch and Kevin Poimboeuf spoke to the Council about continued issues with their property neighbors and the Merritt Gravel Pit.

AMENDMENT OF THE AGENDA

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER SEILS TO AMEND THE AGENDA BY ADDING

CONSIDERATION OF A GRANT PROJECT ORDINANCE FOR LEVEL 2 CHARGING STATION REBATES TO THE CONSENT AGENDA. VOTE: AFFIRMATIVE ALL

GRANT PROJECT ORDINANCE FOR LEVEL 2 CHARGING STATION REBATES

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Seils, to approve the following ordinance:

**GRANT PROJECT ORDINANCE FOR LEVEL 2 CHARGING STATION REBATES
Ordinance No. 15/2020-21**

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) Division of Air Quality (DAQ) has approved two Town of Carrboro applications for the Volkswagen Settlement Level 2 ZEV Infrastructure Program; and,

WHEREAS, NCDEQ has awarded \$8,000 for the installation of a charging station with two ports for electric vehicles at Dr. Martin Luther King Jr. Park; and \$10,000 for the installation of a charging station with two ports for electric vehicles at Town of Carrboro Municipal Parking Lot; and,

WHEREAS, the total estimated cost to install a charging station at Dr. Martin Luther King, Jr. Park is \$14,880; and the total estimated cost to install a charging station at Municipal Parking Lot is \$12,230; and,

WHEREAS, the Town has funds available in the Climate Change budget to cover the costs above the grant awards; and,

WHEREAS, NCDEQ requires the Town to enter into a grant agreement to govern the receipt and use of these awards; and,

WHEREAS the Town Council for the Town of Carrboro deems this activity to be a worthy and desirable undertaking;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO THAT:

1. The Town Council accepts the Level 2 Charging Rebates from the NCDEQ and installation of a charging station for electric vehicles at Dr. Martin Luther King, Jr. Park; and, the Town's Municipal Parking Lot.
2. Revenues for the installation of charging station at Martin Luther King, Jr. Park are appropriated as follows:

NC Department of Environmental Quality (NCDEQ) \$ 8,000.00

Town of Carrboro 6,880.00
Total \$14,880.00

3. Revenues for the installation of charging station at Carrboro Municipal Parking Lot are appropriated as follows:

NC Department of Environmental Quality (NCDEQ) \$ 10,000.00
Town of Carrboro 2,230.00
Total \$ 12,230.00

4. The funds in Section 2 and 3 above shall be available for expenditure until completion of the projects.
5. The Town Manager is authorized to execute the required Grant Agreement(s) and any other required documents with NCDEQ for the receipt and use of these awards.
6. The installation and maintenance of the charging stations shall comply with the terms of the agreement.
7. All installations shall be completed within 180 days.
8. The Finance Officer is authorized to make the necessary and appropriate transfer of funds identified in Section 2 and 3 above.
9. Upon adoption, the Town Clerk shall file a copy of this ordinance with the Finance Director.
10. This project ordinance is effective immediately.

This the 9th day of March 2021

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

ROBERTS STREET PAVING CONTRACT AUTHORIZATION

The purpose of this item was to provide the Council with the bid results of the Roberts Street Paving Project and to authorize the award of the project to the lowest responsive, responsible bidder.

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Seils, to approve the following resolution:

A RESOLUTION FOR AWARDING THE CONTRACT FOR THE ROBERTS
STREET PAVING PROJECT

WHEREAS, the Town has advertised and received three (3) formal bids for the Roberts Street Paving Project; and,

WHEREAS, bidding and advertising were performed in compliance with the Town procurement standards, including steps taken to reach Historically Underutilized Businesses (HUBs). This outreach included listing the bid opportunity on the NCDOA HUB website and advertising the project in the Triangle Tribune, a minority business publication; and,

WHEREAS, staff have identified Lanier Construction as the lowest cost, responsive and responsible bidder as well as a certified minority owned business and HUB; and,

WHEREAS, the Lanier Construction bid has come in under the current construction budget as set forth in the Project Ordinance and staff recommend they be awarded the contract.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council authorizes the Town Manager to award Lanier Construction the contract for the Roberts Street Paving Project.

This the 9th day of March 2021

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

**DECISION REGARDING PROPOSED TEXT AMENDMENTS TO THE LAND USE
ORDINANCE RELATING TO STORMWATER MANAGEMENT**

The purpose of this item was for the Town Council to come to a decision on a request for a proposed text amendment to the stormwater management provisions of the Land Use Ordinance submitted in association with the ArtsCenter conditional use permit application.

Tina Moon provided the staff report.

Ken Reiter, representing the applicant, stated that they are prepared to speak during the permit portion of the hearing.

A motion was made by Council Member Slade, seconded by Council Member Foushee, to approve the following resolution:

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN COUNCIL'S

REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO
LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE REQUIREMENTS FOR STORMWATER MANAGEMENT.

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

Inconsistent with current adopted plans. The proposed action is inconsistent with the comprehensive plan Vision 2020: Carrboro should adopt a strategy to adopt and protect all creeks, streams, ponds, and lakes and Section 5.23 Carrboro should be proactive at managing its stormwater and active maintenance of impervious surfaces.

Section 2. The Town Council's action is reasonable and in the public interest for the following reason:

Establishing regulations that are reasonable and appropriate for meeting community needs and interests is in the public interest.

Section 3. Therefore, the Carrboro Town Council has denied the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

This the 9th day of March 2021

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

MOTION WAS MADE BY COUNCIL MEMBER ROMAINE, SECONDED BY COUNCIL MEMBER GIST FOR STAFF TO EXPLORE REVENUE SOURCES THAT WOULD CONTRIBUTE TO STORMWATER SOLUTIONS FOR APPLICATIONS THAT COULD HAVE A POSITIVE COMMUNITY IMPACT BUT HAVE DIFFICULTY WITH THE FINANCIAL OBLIGATION. VOTE: AFFIRMATIVE ALL

CONTINUATION OF A PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR THE ARTSCENTER AT 315 JONES FERRY ROAD

The purpose of this item was for the Town Council to continue holding a public hearing on the Conditional Use Permit application for the ArtsCenter at 315 Jones Ferry Road.

Persons speaking below were sworn in during the last Town Council meeting by the Town Clerk or during the public hearing tonight by the Mayor.

James Thomas provided the staff report.

Michael Frisch and Bernadette Pelissier provided comments in support of the ArtsCenter as representatives of the ArtsCenter Board of Directors.

Nancy Goudreau expressed concern regarding the adequacy of the site to support the ArtsCenter. She stated that there is a need for additional parking spaces. She expressed concern of the possible negative impact on Toms Creek.

Jason Tuell expressed support for the proposed project.

Frank Horton discussed the fact that the applicant is not meeting all of the required stormwater measures and that they will also not have adequate parking and thus he does not think it should be approved. He expressed concern with many elements of the project and noted that he does not think the ArtsCenter has met the neighborhood's concerns with solutions.

Christopher Tyner expressed his support of the ArtsCenter project and noted that the ArtsCenter has knocked on his door a few times to get opinions. He also noted that Mr. Horton's comments regarding parking should be considered and that pedestrian and bike access should be considered.

Josh Dalton, the Town's Engineer through Sungate Design, discussed the engineer's findings.

Marty Roupe, staff member, provided a summary of his email to the Town Council for the record.

Ken Reiter and Preston Royster, representing the applicant, discussed their efforts at developing additional stormwater mitigation efforts to reduce the total runoff portion of the Land Use Ordinance and noted that meeting the third standard was impracticable.

Dan Mayer discussed the difficulty of conducting a capital campaign for the ArtsCenter while trying to move a major project forward.

Jeremy Anderson discussed the ongoing dialogue with the neighbors regarding a fence and stated that would continue.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS TO CLOSE THE PUBLIC HEARING AND CONTINUE THE DISCUSSION OF THIS ITEM TO THE NEXT TOWN COUNCIL MEETING. VOTE: AFFIRMATIVE ALL

CONTINUATION OF A PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A WATERSHED RESIDENTIAL SUBDIVISION AT 721 JONES FERRY ROAD

Phil Szostak has submitted a conditional use permit application to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot.

All speakers below were sworn in before providing their testimony.

Marty Roupe provided the staff report.

Phil Szostak provided the testimony as the applicant and gave a detailed overview of the proposal.

Marty Roupe explained the limitations on requiring annexation as a condition.

The public hearing was closed.

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, THAT THE APPLICATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Council, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.**
- 2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, this permit shall be void and no effect.**
- 3. Applicant will follow the Town of Carrboro regulations in regards to fertilizer use.**
- 4. The applicant agrees that prior to final plat, there will be a rule regarding what can be used for termite prevention.**
- 5. That the final plat for the project include the exact amount of impervious surface allowed on each lot, in accordance with LUO Section 15-266.**
- 6. That Town Council finds this subdivision exempt from the open space and recreation requirements of the Land Use Ordinance per the provisions of Section**

15-197(a) of the Land Use ordinance as it does not seek improvements (i.e. water, sewer, or road extension).

7. That Orange County Environmental Health well and septic permits be issued prior to final plat approval.
8. That all new utilities required by the subdivision be placed underground per the provisions of Section 15-246 of the Land Use Ordinance.
9. That the final plat for the project will indicate right of way dedication to NCDOT thirty feet from the centerline of Jones Ferry Road, consistent with the historically maintained right of way along the road.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, THAT THE APPLICATION IS GRANTED. VOTE: AFFIRMATIVE ALL.

ADJOURNMENT

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL

Town Clerk

Mayor