



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

## **Town of Carrboro**

### **Meeting Minutes**

#### **Town Council**

**November 10, 2020**

**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, and Council Member Sammy Slade

**Also Present:** David Andrews, Town Manager; Cathy Dorando, Town Clerk; Brady Herman, Town Attorney

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### **POETRY READING**

Fred Joiner, the Town's Poet Laureate, read a poem by Lucille Clifton called "Sorrows."

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### **PROCLAMATION**

Mayor Lavelle proclaimed November 11, 2020 as "Veterans Day" in the Town of Carrboro.

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### **APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER SLADE, TO APPROVE THE MINUTES OF OCTOBER 6, OCTOBER 13, AND OCTOBER 20, 2020. VOTE: AFFIRMATIVE ALL**

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## **NPDES STORMWATER PERMIT NOTIFICATION AND RESOLUTION**

The purpose of this agenda item was for the Town Council to adopt a resolution committing to compliance with the Town's NPDES stormwater permit.

Staff was asked to report back on the role that the County plays in the management plan.

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

### **A RESOLUTION REAFFIRMING TOWN OF CARRBORO SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM**

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the Town of Carrboro National Pollutant Discharge Elimination System (NPDES) Municipal Storm Sewer System (MS4) Permit number NCS000450 to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the Town of Carrboro and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the Federal Clean Water Act requires NPDES permits for stormwater discharges from municipal storm sewer systems; and,

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and,

WHEREAS, the North Carolina Department of Environmental Quality issued the Town of Carrboro its third NPDES MS4 Permit for discharge of stormwater on February 20, 2017; and,

WHEREAS, the Town of Carrboro was issued Notice of Violation number NOV-2020- PC-0457 on November 02, 2020 for noncompliance with the issued NPDES MS4 Permit; and,

WHEREAS, the Town of Carrboro acknowledges the specific Notice of Violation requirement to obtain a new individual NPDES Permit; and,

WHEREAS, the Town of Carrboro acknowledges the specific Notice of Violation requirement to conduct a self-audit of permit compliance for the balance of permit requirements not specifically audited by the North Carolina Department of Environmental Quality, and to develop a draft Stormwater Management Plan to comply with Section 402(p)(3)(B)(iii) of the Clean Water Act,40 CFR 122.34(b) and NPDES MS4 Permit requirements, and to submit its draft Stormwater Management Plan to the North Carolina Department of Environmental Quality no later than 120 days from November 2, 2020 for review and approval; and,

WHEREAS, the Town of Carrboro acknowledges the specific Notice of Violation requirement to adopt a Town Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS000450 and the required new Stormwater Management Plan, and said resolution be submitted to the North Carolina Department of Environmental Quality no later than 60 days from November 2, 2020; and,

WHEREAS, the Town of Carrboro acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and,

WHEREAS, the Town of Carrboro acknowledges that the North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-2020-PC-0457; and,

WHEREAS, the Town of Carrboro acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Carrboro hereby reaffirms its support for the development and implementation of a compliant NPDES MS4 Stormwater Program.

Adopted this 10th day of November, 2020.

**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

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#### **APPOINTMENT TO THE ARTS COMMITTEE**

The purpose of this agenda item was for the Town Council to make an appointment to the Arts Committee.

Staff was asked to bring back the Town Council's Advisory Board Recruitment and Retention Policy for review and discussion regarding additional steps for adding racial diversity, specifically Black/Brown, Indigenous, People of Color (BIPOC) individuals, to advisory boards.

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

**A RESOLUTION MAKING AN APPOINTMENT TO THE  
ARTS COMMISSION**  
THE TOWN COUNCIL HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE  
ARTS COMMISSION:

1. Tiffany Palmer-Lytle for a term to expire 2/2024.

Adopted this 10th day of November, 2020.

**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

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**PROGRESS REPORT ON THE COUNTY-WIDE LONG TERM RECOVERY PLAN**

The purpose of this item was for the Town Council to receive a progress report on the County-wide Long Term Recovery Plan.

**MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, FOR THE TOWN COUNCIL TO HAVE A CONVERSATION WITH THE CONSULTANTS IN JANUARY AND TO RECEIVE INFORMATION ABOUT HOW THE SIX IDENTIFIED PRIORITY ISSUES WILL BE INTEGRATED INTO THE LONG TERM RECOVERY GOALS, AND TO RECEIVE A REPORT BACK ON HOW THE PLAN ALIGNS WITH THE BIDEN-HARRIS RECOVERY PLAN. ANY ADDITIONAL QUESTIONS SHOULD BE SENT TO CHIEF SCHMIDT AND HE WILL SEND THEM TO CONSULTANT. VOTE: AFFIRMATIVE ALL**

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**WATER AND SEWER MANAGEMENT, PLANNING, AND BOUNDARY AGREEMENT (WASMPBA) AMENDMENT**

The purpose of this item was to provide an opportunity for the Town Council to consider approving a possible amendment to the WASMPBA.

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

**A RESOLUTION APPROVING AN AMENDMENT TO APPENDIX A OF THE  
WATER AND SEWER MANAGEMENT, PLANNING AND BOUNDARY  
AGREEMENT (WASMPBA) TO DESIGNATE 31.88 ACRES IN THE SOUTHEAST  
CHAPEL HILL AREA AS "OWASA PRIMARY SERVICE AREA"**

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and the Orange County Water and Sewer Authority ("OWASA") adopted a Water and Sewer Management, Planning and Boundary Agreement ("Agreement"); and

WHEREAS, the Agreement was last amended on June 6, 2020; and

WHEREAS, Chapel Hill residents Frank Baumgartner and Rachel Sumney submitted petitions to each of the WASMPBA signatories in February 2020, requesting approval to hook up to existing water and sewer lines at 1204 and 1205 Bayberry Drive in Chapel Hill; and

WHEREAS, the two lots in question are immediately adjacent to other residential lots that receive OWASA services, and are located on the eastern side of the Hunt's Reserve neighborhood which is predominately located in the "OWASA Primary Service Area" as defined in the Agreement; and

WHEREAS, OWASA staff have advised that, from an engineering perspective, it is feasible to provide water and sewer service to all lots in the Hunt's Reserve neighborhood; and

WHEREAS, Town of Carrboro staff have determined that it is reasonable to include all lots and portions of lots accessed via Bayberry Drive within the boundary of the OWASA Primary Service Area, in order to provide consistent water and sewer policy for all lots in the Hunt's Reserve neighborhood; and

WHEREAS, eleven lots or portions of lots accessed via the eastern end of Bayberry Drive, constituting a total area of approximately 31.88 acres, are currently designated as "OWASA Long-Term Interest Area" in the Agreement; and

WHEREAS, amendments to the Agreement require the approval of all signatories to the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council approves the amendment to Appendix A of the Agreement to designate approximately 31.88 acres in the southeast Chapel Hill area as an addition to the "OWASA Primary Service Area", as shown on the map attached hereto.

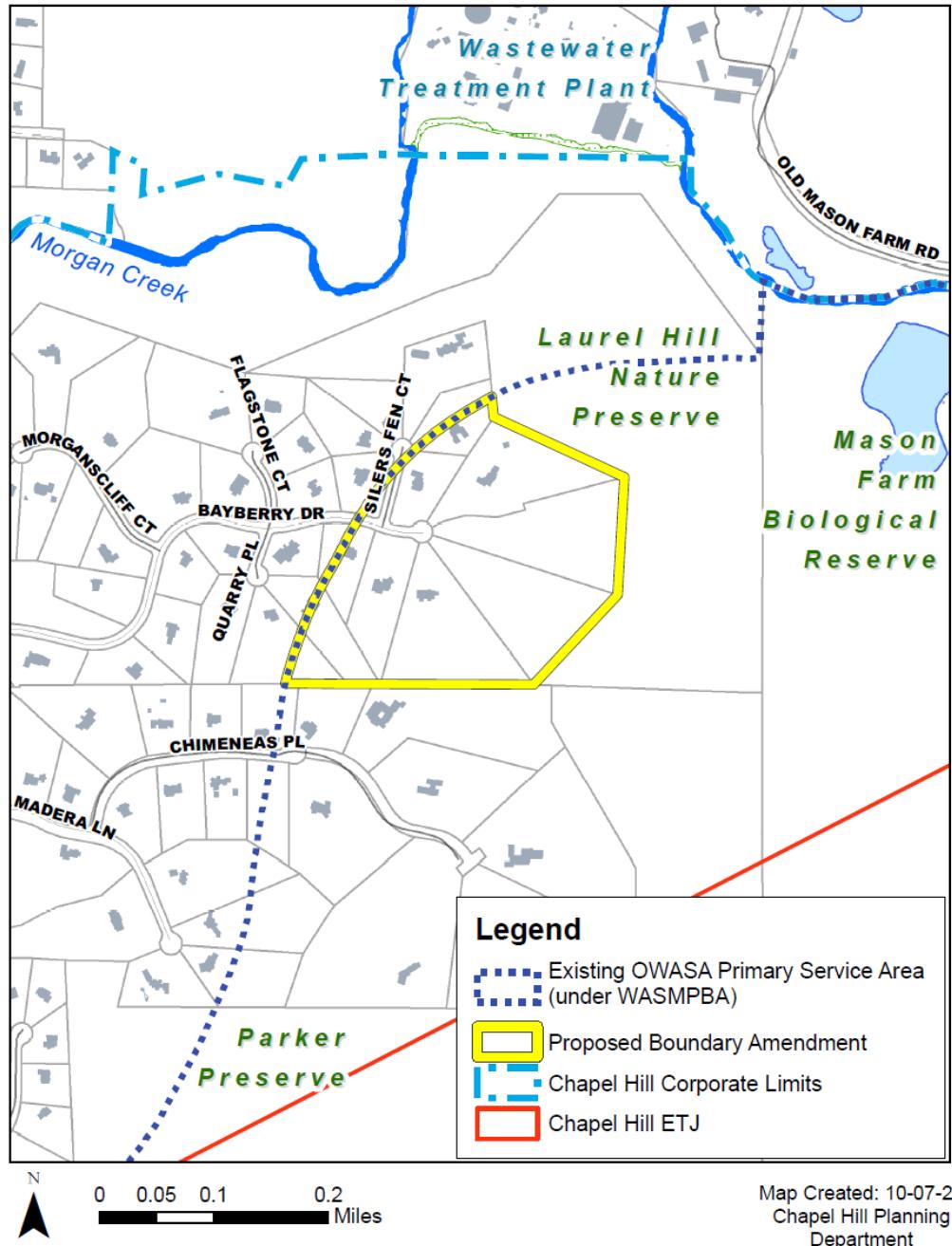
This the 10<sup>th</sup> day of November, 2020.

**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

## Proposed WASMPBA Boundary Amendment Map

Orange Co. PIN(s):

9797182425 (portion); 9797184466 (portion); 9797185863 (portion);  
9797187741; 9797196038 (portion); 9797198078; 9797280531;  
9797283600; 9797285945; 9797290337 (portion); 9797293252



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**RESOLUTION AUTHORIZING PREPARATION OF DRAFT BOUNDARY  
RESOLUTION MECHANISM FOR WATER AND SEWER MANAGEMENT,  
PLANNING, AND BOUNDARY AGREEMENT (WASMPBA) AMENDMENT**

The purpose of this item was to provide an opportunity for the Town Council to support the preparation of a draft WASMPBA map interpretation/boundary resolution mechanism for consideration by all partners to the agreement.

Staff was asked to explore ways to use this technical change as a tool to maximize affordable housing.

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

**A RESOLUTION AUTHORIZING PREPARATION OF A DRAFT MAP  
INTERPRETATION/BOUNDARY RESOLUTION MECHANISM BY  
STAFF PARTNERS TO THE WASMPBA**

WHEREAS, in 2001, Carrboro, Chapel Hill, Hillsborough, Orange County, and the Orange County Water and Sewer Authority ("OWASA") adopted a Water and Sewer Management, Planning and Boundary Agreement ("Agreement"); and

WHEREAS, the Agreement has been amended on several occasions, most recently on June 6, 2020; and

WHEREAS, in considering requests for information or clarification of the Primary Service Area boundary, staff of the agreement partners have discussed the limitations of the original mapping and service potential; and

WHEREAS, the WASMPBA currently only provides for changes to the service area boundaries to be reviewed and approved by the boards of the five agreement partners; and

WHEREAS, staff are requesting authorization to prepare a draft administrative map interpretation/boundary resolution mechanism that can be brought back to all the boards for consideration and possible incorporation into the agreement.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council authorizes staff to work with those in the WASMPBA agreement partners to develop a draft mechanism to

administratively adjust and resolve mapping and service discrepancies in the mapped service area boundaries for possible future formal consideration by all.

Adopted this 10th day of November, 2020.

**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

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**SECOND PUBLIC HEARING ON CDBG-CV GRANT APPLICATION FOR  
EMERGENCY HOUSING ASSISTANCE**

The purpose of this item was to hold the second public hearing on the draft application from the Town of Carrboro for Federal Community Development Block Grant – Coronavirus (CDBG-CV) Funds and to authorize staff to submit an application for CDBG-CV funds.

Rebecca Buzzard provided the staff report.

Mayor Lavelle opened the public hearing.

Delores Bailey, representing emPOWERment, Inc., thanked staff for their assistance during the ongoing pandemic and spoke in favor of the need for this grant.

Mayor Lavelle closed the public hearing.

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

RESOLUTION APPROVING THE TOWN OF CARRBORO APPLICATION FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING  
FOR THE EMERGENCY HOUSING ASSISTANCE FUND

WHEREAS, the Town of Carrboro Town Council adopted the Affordable Housing Goals and Strategies document on June 17, 2014, which includes provisions to help secure and maintain stable housing; and,

WHEREAS, the Town Council, on June 23, 2020 indicated their support for collaborating with Chapel Hill, Hillsborough and Orange County to streamline and coordinate our rental and utility assistance process and increase funding to the Emergency Housing Assistance fund in order to stabilize housing for local residents in the wake of the COVID- 19 pandemic; and,

WHEREAS, \$300,000 in Town Coronavirus Relief Funds and \$22,084 in local money have been spent on the Emergency Housing Assistance program, and the community need continues to grow; and,

WHEREAS, the Town of Carrboro wants to support its residents seeking assistance through the Orange County-administered Emergency Housing Assistance fund in order to prevent eviction and homelessness in Carrboro; and,

WHEREAS, Orange County has successfully administered this fund throughout the course of the pandemic and has agreed to enter into a contract with the Town of Carrboro to continue to administer the program; and,

WHEREAS, the Town Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit the Town's residents through the Emergency Housing Assistance fund; and,

WHEREAS, Orange County will be administering the Emergency Housing Assistance program and has adopted a citizen participation plan in accordance with CDBG funding guidelines and all implementation, assessment, and technical assistance plan components will be completed by the County on behalf of the Town of Carrboro; and,

WHEREAS, the Town Council members support the Town's formal application for Community Development Block Grant funding to benefit the Emergency Housing Assistance fund; and,

WHEREAS, the Town Council members certify that the Town will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program.

NOW, THEREFORE BE IT RESOLVED, by the Town of Carrboro Town Council that the Town of Carrboro is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant to benefit the Emergency Housing Assistance fund.

BE IT FURTHER RESOLVED, that the Town Manager is authorized to execute a contract for CDBG-CV grant administration with Orange County.

BE IT FURTHER RESOLVED, that the application shall not be submitted until twenty four (24) hours after the approval of this resolution AND that if any written public comments are received during that time, the Town of Carrboro Town Council shall reconvene to consider the comments and adopt a new resolution authorizing the application, consistent with NCGS (S.L. 2020-3, SB 704).

This resolution shall become effective upon adoption.

This, the 10th day of November 2020.

**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

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

The purpose of this item was for the Town Council to receive public comment on land use ordinance amendments that would establish a new zoning district and associated performance standards for the Historic Rogers Road neighborhood.

Tina Moon provided the staff report.

Mayor Lavelle opened the public hearing.

Delores Bailey, representing EmPOWERment, Inc., expressed support for the amendments.

Aleksandra Holod expressed concern with the possibility that this could lead to luxury apartments or that there could be a metalsmithing shop within ten feet of their back yard but that it seems that the conversation is moving forward in a way that they can agree with.

Mayor Lavelle closed the public hearing.

The Town Council discussed the item and asked staff to bring this item back for a vote during a future meeting with consideration of an onsite bakery, review of how the ordinance can be drafted to include the flexibility for small businesses to evolve and expand over time, flexibility of commercial space, and with a depiction of how stormwater regulations affect this area.

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**THE 203 SOUTH GREENSBORO PROJECT – PUBLIC HEARING ON SCHEMATIC DESIGN AND PROJECT COST**

The purpose of this item was for the Town Council to have an opportunity to receive public comment on the 203 South Greensboro Project schematic design and cost estimate.

Trish McGuire, the Planning Director, provided the staff report and item introduction.

Derek Jones, with Perkins+Will Architects, provided the presentation.

Jon Hartman-Brown, the Economic Development Director, spoke to the Council about the economic development impact.

Arche McAdoo, the Finance Director, discussed the financial impacts and outlook for the project.

Mayor Lavelle opened the public hearing.

Nerys Levy provided comments in support of the project. She noted the number of users that are predicted to visit the library even within the first year. She asked that the Town Council not delay the timeline any further. She noted the percentage of funds from Orange County and that the project will be a benefit for all of southern Orange County. She noted that there will be people traveling by car to the development and that they will need a place to park.

Laurie Paolicelli spoke in favor of the project. She mentioned the community-wide benefits of libraries including their positive impact on tourism. She stated that she agrees with the need for additional bike racks.

Mayor Lavelle closed the public hearing.

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### **WESTWOOD CEMETERY CONCEPT PLAN**

The purpose of this item was to provide the Council with the conceptual master plan for the Westwood Cemetery.

Joe Guckavan, the Public Works Director, provided the staff report and introduced the item.

The Town Council received the detailed Westwood Cemetery Concept Plan report from landscape consulting firm Carter van Dyke Associates.

Mayor Lavelle opened the item for public comment.

Bob Proctor spoke against the Town Council approving this plan and suggested that the MLK Park area should be considered for future grave sites. He asked that the Westwood Cemetery be used for greenspace and that additional plots be left unsold.

Olive Russell asked for the Town Council to pause the selling of any additional plots before the area can be vetted for a park by the community.

Staff was directed to explore the possibility of having a cemetery in the rural buffer and possibility of having a park that would be respectful of the existing cemetery. They asked to have a further discussion on this item to discuss the plan and enhancements to the cemetery.

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### **ADJOURNMENT**

**MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL**

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**Town Clerk**

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**Mayor**