



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

**Town of Carrboro
Meeting Minutes
Town Council**

November 29, 2023

7:00 PM

Council Chambers - Room 110

Present: Mayor Damon Seils, Council Member Sammy Slade, Council Member Susan Romaine, Council Member Danny Nowell, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Eliazar Posada (Remote)

Also Present: Marie Parker, Interim Town Manager; Wendy Welsh, Interim Town Clerk; Nick Herman, Town Attorney

POETRY READING

Poet Laureate Liza Wolf-Francis read a poem called "Perhaps the World Ends Here."

PUBLIC COMMENT

Susan Lyon Stone discussed the Pathway Drive to Bolin Creek Greenway and requested a public visioning process.

Makeda Ma'at talked about the Build Community Block Party #3 successful gathering.

Maryland Pinschmidt said she finds it difficult to find out what is happening in town. Would like for people to be invited to tell what they like to see.

Mayor Seils asked the Town Manager to reach out to Maryland and send her the Town website.

Angela McChesney will submit her comments in writing rather than speaking.

Ihsom Waheed asked a question if the surveyor is the potential builder.

Marie Park, Interim Town Manager, stated that the Town Engineer contracted survey on Pathway Drive and there is no builder at this time.

Council Member Slade asked about the timeline and when this matter will come back to council?

Marie Parker, Interim Town Manager, responded that she does not have answer but will get back to council.

Mayor Seils asked about the Staff contacting anyone who signed up to keep them informed about where the process is.

Council Member Haven-O'Donnell stated that in addition to contact list, that the staff would be reaching out to residents within 1,000 feet.

Mayor Seils told the Town Manager to talk to Anne-Marie to see what was established.

AFFORDABLE HOUSING SPECIAL REVENUE FUNDING RECOMMENDATION

The purpose of this agenda item is for the Town Council to consider approving the Affordable Housing Advisory Commission's recommendation for one nonprofit application to the Affordable Housing Special Revenue Fund.

CLIMATE ACTION GRANT SUBMISSION UPDATE

The purpose of this item is to update the Council on Town participation in collaborative climate action grant submissions related to implementation of the Energy and Climate Protection Plan, Community Climate Action Plan, and Comprehensive Plan.

Council Member Slade thanked staff for tapping into IRA funds, but wanted to make sure the Town is taking advantage of other aspects of that program, specifically direct to consumer tax credits and grants. Local governments can leverage these programs by maximizing education and outreach about the benefits of the programs. Also, would like to refer these requests to the Climate Action Team for further review and potential opportunities.

A motion was made by Council Member Slade, seconded by Council Member Romaine to approve the Climate Action Grant Submission with the amendment of referring two aspects to the Climate Action Committee: to take advantage of direct-to-consumer tax credits and grants through outreach and education for residents and to work with state policymakers for money routed through state energy offices to engage and advocate for what makes sense for the town.

The motion carried unanimously.

REQUEST TO SET LEGISLATIVE PUBLIC HEARING FOR CONDITIONAL

91 **REZONING AT 1307 WEST MAIN STREET AND ASSOCIATED TEXT**
92 **AMENDMENTS**
93

94 The Town has received a petition to rezone property at 1307 West Main Street from B-3 to R-2-
95 CZ at 1307 West Main Street for the development of a five-story multi-family residential project.
96 The application includes a request for a text amendment to increase the maximum building
97 height from 50 feet to 65 feet. The Town Council must receive public comment before
98 considering these requests. Resolutions setting the public hearings for the rezoning and text
99 amendments, and directing staff to prepare an ordinance for the text amendment have been
100 provided.

101
102 Council Member Slade commented that this high-density project is missing mixed use on the
103 ground floor and unfortunately the rezoning does not all for commercial. Recommends making
104 the first floor commercial.
105

106 Mayor Seils expressed to make sure the Council is not treading into ground that is problematic
107 procedurally. This is a conditional zoning request and has both legislative and quasi-judicial
108 elements so recommended not having dialog with the applicant. Recommended Council Member
109 Slade's comments being shared with the advisory boards to get feedback when the hearing date
110 gets set.
111

112 Council Member Slade asked if they were just approving a specific height tonight to be
113 considered presuming that advisory boards give feedback.
114

115 Mayor Seils stated that this will have to get into the advisory board process.
116

117 Council Member Slade asked if this could be amended by an advisory board.
118

119 Mayor Seils reiterated the vote tonight is a specific rezoning request from an applicant to the
120 Town. Council is being asked to schedule a public hearing for that request and refer it to the
121 appropriate advisory board, then advisory boards will have free reign in terms of matters they
122 want to discuss with respect to the proposal. If the proposal changes significantly to change the
123 zoning request, then it would have to be reviewed by staff and possibly have another hearing.
124

125 Council Member Slade asked to include in the motion to have advisory boards look into
126 commercial use on the ground floor.
127

128 **A motion was made by Council Member Slade, seconded by Council Member Nowell to**
129 **approve the following resolution with the amendment that the advisory board be asked to**
130 **consider commercial used on the ground floor.**
131

132 **A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE**
133 **CARRBORO LAND USE ORDINANCE TO INCREASE THE BUILDING HEIGHT FOR**
134 **MULTI-FAMILY BUILDINGS IN THE R-2-CZ DISTRICT**
135

WHEREAS, the Carrboro Town Council 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 Town Council sets a public hearing on February 27, 2024, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Increase the Building Height for Multi-family Buildings in the R-2-CZ District.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is 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 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 is the 29th day of November, 2023.

The motion carried unanimously.

A motion was made by Council Member Slade, seconded by Council Member Nowell to approve the following resolution with the amendment that the advisory board be asked to consider commercial used on the ground floor.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CONDITIONAL
DISTRICT REZONING AT 1307 WEST MAIN STREET

WHEREAS, the Carrboro Town Council seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a Conditional District Rezoning for the property located at 1307 West Main Street; and

WHEREAS, the application includes a petition to rezone a single parcel of property that may be identified by Orange County PIN Numbers (#9778-28-664) from B-3 to R-2, Conditional.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Council call a public hearing on February 27, 2024, to discuss the rezoning petition.

BE IT FURTHER RESOLVED that the rezoning petition is referred to the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

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

This is the 29th day of November, 2023.

The motion carried unanimously.

A motion was made by Council Member Slade, seconded by Council Member Nowell to approve the following resolution with the amendment that the advisory board be asked to consider commercial used on the ground floor.

RESOLUTION SPECIFYING PREPARATION OF A DRAFT ORDINANCE IN RESPONSE
TO TEXT AMENDMENT REQUEST FOR CHANGES TO BUILDING HEIGHTS IN R2-CZ
ZONING DISTRICTS

WHEREAS the Town Council of the Town of Carrboro recognizes the varying community interests and needs in relation to land use and development standards, and

WHEREAS the Town of Carrboro Land Use Ordinance, Article XX provides for community members to initiate requests for amendments to the land use standards, and

WHEREAS a request for an amendment to allow increased building heights in the R2-CZ district has been submitted in conjunction with a request to rezone property at 1307 W. Main Street to an R2-CZ district, and

WHEREAS, the Carrboro Land Use Ordinance contains provisions relating to adjusting property density, building and site development standards for both the B-1(g)CZ and M-3 CZ zoning districts that allow such adjustments in relation to site and building elements that will create a more vibrant and successful community, such as enhanced stormwater management, energy performance, provision of affordable housing, and others.

NOW, THEREFORE, BE IT RESOLVED that the Town Council directs staff to prepare a draft ordinance that allows for increased building height in the R2-CZ district similar to the provisions already in place for the B-1(g) and M-3CZ districts.

This the 29th day of November, 2023.

The motion carried unanimously.

**RESOLUTIONS SUPPORTING AN APPLICATION FOR A 2024 ROAD TO ZERO
COMMUNITY TRAFFIC SAFETY GRANT AND ADVANCING A CARRBORO
VISION ZERO INITIATIVE**

The purpose of this agenda item is to request that the Town Council consider resolutions in support of an application for the National Safety Council's 2024 Road to Zero Community Traffic Safety Grant and to commit to a Vision Zero goal.

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

**A RESOLUTION SUPPORTING AN APPLICATION FOR THE 2024 ROAD TO ZERO
COMMUNITY TRAFFIC SAFETY GRANT PROGRAM**

WHEREAS, the Road to Zero Coalition launched in 2016 as a partnership between the U.S. Department of Transportation and the National Safety Council with the goal of ending fatalities on our nation's roads by 2050; and

WHEREAS, the Town of Carrboro Town Council values the importance of residents of all abilities to be able to travel safely throughout the Town's planning jurisdiction using all modes; and

WHEREAS, the Town of Carrboro has participated in the North Carolina Vision Zero Leadership Team Institute for the last two years; and

WHEREAS, the Town of Carrboro adopted the Residential Traffic Management Plan in response to community concerns about speeding vehicles in 1996; and

WHEREAS, the Town Council recognizes the need to develop a systematic data-driven approach to evaluating the existing travel speeds on local streets to inform possible changes to street standards to lower speeds and/or provide more complete infrastructure; and

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Town Council endorses the Town's submittal of a 2024 Road to Zero Community Traffic Safety Grant to assist with the development of a comprehensive townwide traffic count program to

collect AADT and peak counts, and vehicle speed data that can be used for evaluating Town streets in a systematic way and as the basis for updating local street standards.

This the 29th day of November, 2023.

The motion carried unanimously.

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

RESOLUTION TO ADVANCE A VISION ZERO INITIATIVE

WHEREAS the Town of Carrboro is responsible for providing reasonable protections for the public health and safety of its residents, including access to reasonably safe streets, sidewalks, and transportation; and

WHEREAS, Town streets should be maintained in a reasonably safe condition for use by the public; and

WHEREAS, each year, more than 40,000 lives are needlessly lost on American streets, and thousands more are injured; and

WHEREAS, the number of people struck and killed by drivers nationwide while walking increased by 45% over the last decade; and

WHEREAS, older adults, children, people of color, people with disabilities, and people walking in low-income communities are disproportionately represented in fatal crashes; even after accounting for population sizes and walking rate differences; and

WHEREAS, bicyclists and pedestrians face a disproportionate risk of traffic injuries with fatalities and between 2019 and 2023, 1 person people died, 2 people suffered serious injuries, and 30 people experienced minor injuries while walking or biking in Carrboro; and

WHEREAS, the Vision Zero strategy focuses on uniting stakeholders across disciplines and throughout communities in a data-driven and Safe Systems approach to reduce and eventually eliminate traffic deaths and serious injuries and provide safe, equitable, and healthy mobility for all; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Carrboro that the Town of Carrboro hereby adopts a goal of eliminating traffic deaths and serious injuries by 2030 and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.

BE IT FURTHER RESOLVED, that the Town's Vision Zero efforts will work to account for historical inequities related to pedestrian and bicyclist safety and to ensure reasonably complete and safe streets for all.

BE IT FURTHER RESOLVED, the Council of the Town of Carrboro hereby requests that the Town Manager organize a Vision Zero staff group to develop a Vision Zero plan and associated implementation strategies as outlined in the Town of Carrboro 2022-2042 Comprehensive Plan, including regulatory and funding mechanisms to reach a goal of zero deaths and serious injuries by 2030 in partnership with community members, institutions, community-based organizations and entities, agencies and our local government neighbors.

BE IT FURTHER RESOLVED, that the Town of Carrboro will establish and monitor interim targets in the reduction of traffic deaths and serious injuries by 2025

BE IT FURTHER RESOLVED, nothing contain herein shall be construed to waive the Town's sovereign immunity, nor shall it be construed to assume duties or obligations pertaining to its rights-of-way beyond those imposed by federal, state, or local law.

This the 29th day of November, 2023.

The motion carried unanimously.

**SUPPLEMENTAL AGREEMENT WITH NCDOT AND AMENDED PROJECT
ORDINANCE FOR HOMESTEAD ROAD-CHAPEL HILL HIGH SCHOOL MULTIUSE
PATH PROJECT**

The purpose of this agenda item is for the Town Council authorize the Town Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation to add \$201,116 of additional funds to the Homestead Road-Chapel Hill High School Multiuse Path (TIP# U-4726-DE) and to amend the project ordinance.

Council Member Haven-O'Donnell asked for staff to show where this project is.

Mayor Seils stated that it is part of the Bolin Creek Greenway Park where the bridge was damaged.

Tina Moon, Planning Administrator, explained that it is existing Greenway. Money has already been allocated by the Town but hasn't been added to project by DOT. They have been working for years to finish it and request reimbursement. There is no physical change.

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

**AMENDMENT TO PROJECT ORDINANCE TO CLOSEOUT HOMESTEAD ROAD -
CHAPEL HILL HIGH SCHOOL MULTI-USE PATH CAPITAL PROJECT**

Ordinance No. 8/ FY23-24

WHEREAS, the Town Council of Carrboro adopted Project Ordinance No. 13/2022-23 on June 6, 2023, as part of the close-out process for the Homestead Road – Chapel Hill High School Multi-Use Path (previously referred to as the Bolin Creek Greenway Phase 1-B); and,

WHEREAS, funding for this project was comprised of federal, state, and local funding; and,

WHEREAS, NCDOT via a Municipal Agreement oversaw the completion of the project; and,

WHEREAS, the Town must now complete certain tasks to closeout this project in accordance with NCDOT and NCDEQ standards; and,

WHEREAS, on June 6, 2023, the Town Council authorized the Town Manager to transfer \$237,000 from assigned fund balance in the General Fund to the Capital Projects Fund to undertake the required tasks to close this project with the NCDOT; and,

WHEREAS, the Town Council finds it necessary and desirable to amend this Project;

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. Revenues for the Homestead Road - Chapel Hill High School Multi-Use Path Capital Project with the NCDOT is hereby by amended as follows:

	<u>Current</u> <u>Appropriation</u>	<u>Increase</u> <u>(Decrease)</u>	<u>New</u> <u>Appropriation</u>
Capital Project Fund PL 55003	\$237,000.00		
Federal STBG-DA Funds		\$201,116.00	\$438,116.00
	\$237,000.00	\$201,116.00	\$438,116.00

2. The above appropriation is authorized until all activity is completed.

3. Any funds not expended to close out the project with NCDOT shall be returned to the General Fund.

4. The Town Manager is authorized to enter into and execute contracts and agreements as necessary to complete the required tasks to close out this project with NCDOT.

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

This the 29th day of November, 2023.

The motion carried unanimously.

408
409 **RESOLUTION SUPPORTING ORANGE COUNTY CONTRACT FOR DESIGN**
410 **SERVICES CONSULTANT SERVICES RELATED TO DEVELOPMENT OF A**
411 **MASTER PLAN FOR THE GREENE TRACT**
412

413 The purpose of this agenda item is to request that the Town Council adopt a resolution of support
414 for Orange County's Greene Tract Master Plan design consultant services.
415

416 **A motion was made by Council Member Foushee, seconded by Council Member Posada to**
417 **approve the following resolution:**
418

419 A RESOLUTION SUPPORTING ORANGE COUNTY'S CONTRACT FOR DESIGN
420 SERVICES RELATED TO DEVELOPMENT OF A MASTER PLAN FOR THE GREENE
421 TRACT
422

423 **WHEREAS**, The Town of Carrboro has worked with its partners of Orange County and Town
424 of Chapel Hill regarding development of a Master Plan for the Greene Tract; and
425

426 **WHEREAS**, the Town of Carrboro, the Town of Chapel Hill, and Orange County have an
427 Interlocal Agreement ("Agreement") dated June 21, 2021, regarding current and future use of the
428 jointly owned Greene Tract; and
429

430 **WHEREAS** the Agreement details the priorities and process for consideration of development
431 of the Greene Tract; and
432

433 **WHEREAS** the Agreement details the financial responsibility for all costs associated with
434 implementation of the Agreement for each party; and
435

436 **NOW, THEREFORE, BE IT RESOLVED** that the Carrboro Town Council adopts the
437 resolution providing their support to Orange County entering into a contract for design consultant
438 services to be provided in relation to development of a Master Plan for the Greene Tract.
439

440 This the 29th day of November, 2023.
441

442 **The motion carried unanimously.**
443

444 *****
445

446 **RESOLUTION REQUESTING REDUCTION OF SPEED LIMITS ON OLD NC 86**
447

448 The purpose of this agenda item is to provide the Town Council with an opportunity adopt a
449 resolution requesting NCDOT to consider a speed limit reduction for Old NC 86.
450

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

453
454 RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF
455 TRANSPORTATION TO CONSIDER A SPEED LIMIT REDUCTION ON OLD HIGHWAY
456 NC 86 IN CARRBORO NORTH CAROLINA
457

458 **WHEREAS** the Town Council of the Town of Carrboro, recognizes that the current speed limit
459 on Old Highway NC 86 from SR 1107, Old Fayetteville Road to 2,500 feet north of the
460 intersection of SR 1727, Eubanks Road varies from 35 to 45 miles per hour, and
461

462 **WHEREAS** the Town of Carrboro is a Road to Zero, Vision Zero, and Silver-level Bicycle
463 Friendly Community, long committed to developing and maintaining a system of public rights of
464 way that allow for safe travel and transportation choices for all purposes, and
465

466 **WHEREAS** the Town Council of the Town of Carrboro joins with and appreciates
467 NCDOT in creating complete streets that serve the needs of all North Carolinians to safely travel
468 our public ways, and
469

470 **WHEREAS** the Town Council of the Town of Carrboro has previously requested studies of and
471 adjustments to speed limits along this stretch of roadway, and
472

473 **WHEREAS** the Town Council of the Town of Carrboro recognizes that Carrboro serves as the
474 home base and gateway to southern Orange and northern Chatham County for thousands of road
475 cyclists each year, and
476

477 **WHEREAS** the Town Council of the Town of Carrboro sees demand growing as the Mountains-
478 to-Sea, local and regional biking and walking routes grow in their connectedness, and
479

480 **WHEREAS** the Town Council of the Town of Carrboro receives requests from residents,
481 businesses, and visitors to improve safety along these roadways so that more families can
482 participate in healthful outdoor activities such as walking and bicycling for regular
483 transportation, for improving their health, and for recreation, and
484

485 **WHEREAS** the Town Council of the Town of Carrboro acknowledges the Scenic Byway
486 designation bestowed on this roadway for its cultural significance that dates to the earliest
487 inhabitants of this land, ancestors of the Occoneechee, the Saponi, the Sissipahaw, the Tutelo,
488 and others, its connection to the founding of this nation, the United States of America, for its
489 winding turns, its long, tree-lined vistas, and the important role it has played and continues to
490 play in all aspects of life, and
491

492 **WHEREAS** the Town Council of the Town of Carrboro knows of the risks, evidenced by the
493 recent fatal accident involving a long-time, local resident, and the potential for dangers to
494 pedestrians, bicyclists, and motorists as the properties along Old NC 86 change from fields and
495 forest to new homes and businesses if the speed limits remain as they are.
496

497 **NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Carrboro
498 formally request the North Carolina Department of Transportation to consider reducing the speed

limit on Old NC 86 to no more than 35 miles per hour from SR 1107, Old Fayetteville Road to 2,500 feet north of the intersection of SR 1727, Eubanks Road.

This the 29th day of November, 2023.

The motion carried unanimously.

RESOLUTION TO AWARD AMERICAN RECOVERY PLAN ACT (ARPA) FUNDING FOR RACE AND EQUITY INITIATIVES

The purpose of this agenda item is for the Town Council to approve this Financial Assistance Project to help Carrboro families as recommended by the Racial Equity Commission.

Council Member Slade iterated and affirmed recommendation by the equity commission suggesting criteria include a 3-family member threshold and make sure we make it so single-family parents don't benefit too.

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

RESOLUTION TO ESTABLISH A PROGRAM FOR AWARDING CERTAIN AMERICAN RECOVERY PLAN ACT (ARPA) FUNDING FOR RACIAL EQUITY COMMISSION RECOMMENDATIONS

WHEREAS, On October 11, 2022, the Carrboro Town Council allocated \$75,000 of funding from the American Recovery Plan Act to support Racial Equity Commission recommendations; and

WHEREAS, Pursuant to G.S. 160D-1311 (a) (2), The Racial Equity Commission is recommending the Town Council approve a Financial Assistance Project helping Carrboro families up to \$1,000 to address economic impacts of the pandemic for needs such as housing, transportation, and childcare; and

WHEREAS, This project will identify family applicants of low to moderate income having one or more of the foregoing needs: childcare, transportation or housing. Applicants will have to provide written proof of their particular need such as an invoice for childcare expenses or rent. Funding on behalf of eligible applicants will be provided directly to the provider of the need such as the childcare provider or apartment complex, and not to the applicant. In selecting applicants, the Town will coordinate with the County or other organizations to determine eligibility.

WHEREAS, This project will be developed by the Town in January 2024 for formal Town Council approval. The goal is to have the project in place in February 2024.

544 **NOW THEREFORE, BE IT RESOLVED** by the Carrboro Town Council that the Town
545 develop the foregoing project and submit it to the Council for approval in January 2024.

546
547 This the 29th day of November, 2023

548
549 **The motion carried unanimously.**

550
551 *****

552
553 **QUASI-JUDICIAL HEARING ON A REASONABLE ACCOMODATION REQUEST**
554 **FOR 504 DAVIE ROAD**

555
556 The purpose of this agenda item is for the Town Council to hold a quasi-judicial hearing and
557 consider granting a reasonable accommodation for construction of an access ramp property at
558 504 Davie Road.

559
560 **A motion was made by Council Member Posada, seconded by Council Member Foushee to**
561 **excuse Council Member Slade from the discussion.**

562
563 **The motion carried unanimously.**

564
565 Mayor Seils opened the public hearing.

566
567 Martin Roupe, Development Administrator, gave a presentation about the property.

568
569 Council Member Haven-O'Donnell asked about Attachment D and why the ramp has to be
570 removed 90 days after the applicant is done using it.

571
572 Martin Roupe, Development Administrator, stated that it's federal law that regulates local
573 government can grant it special for the applicant.

574
575 Council Member Haven-O'Donnell asked if the family can keep it if they own the home and
576 want to keep it.

577
578 Martin Roupe, Development Administrator, said it would have to go to the Board of Adjustment
579 and ask for a change.

580
581 Mayor Seils closed the public hearing.

582
583 **A motion was made by Council Member Haven-O'Donnell, seconded by Council Member**
584 **Posada to approved the following decision:**

585
586 **DECISION ON REASONABLE ACCOMMODATION REQUEST OF PAMELA WILLIAMS**
587 **FOR 504 DAVIE ROAD CARRBORO NORTH CAROLINA**
588

On November 29, 2023, pursuant to Section 15-97 of the Land Use Ordinance, the Town Council held a quasi-judicial hearing on the application of Pamela Williams for a reasonable accommodation under the Federal Fair Housing Act and Americans with Disabilities Act to construct a disability ramp for her use at her residence at 504 Davie Road in Carrboro, North Carolina. Based on the evidence submitted at the hearing, the Council makes the following Findings of Fact, Conclusion, and Decision:

Findings of Fact

1. Pamela Williams is in her late 70s, owns the home at 504 Davie Road in Carrboro, has been diagnosed and treated for osteoarthritis and other ailments, and needs a disability ramp at her home for ingress to and egress from her home to ameliorate the effects of her disability or handicap as stated by her health care provider at UNC Health, Geriatrics Clinic.

2. The location, dimensions, and other details for the construction of the proposed disability ramp are set forth in the attached Plan.

3. The construction and use of the proposed ramp for Ms. Williams would not undermine the Town's existing land-use regulations and will not impose any significant financial and administrative burdens upon the Town or constitute a substantial or fundamental alteration of the Town's Land Use Ordinance.

Conclusion

The construction and use of the proposed ramp for Ms. Williams is both reasonable and necessary under Section 15-97 of the Land Use Ordinance.

Decision

Based on the foregoing findings of fact and conclusion, the Council grants the requested reasonable accommodation as follows:

1. The disability ramp shall be constructed and maintained as set forth in the attached Plan for the use of Ms. Williams, and the ramp shall be removed from the premises with 90 days after Ms. Williams no longer uses the ramp.

2. The Town's Zoning Administrator and Building Inspector shall ensure that the ramp is constructed and maintained in accordance with the attached Plan.

3. All other applicable provisions of the Land Use Ordinance that are not inconsistent with this Decision shall apply to the ramp and the premises.

This the 29th day of November, 2023.

The motion carried unanimously.

Excused: Council Member Slade

CONSIDERATION OF TRANSPORTATION PROJECTS FOR REGIONAL FLEXIBLE FUNDING, CONTINUED

The purpose of this agenda item is to provide the Town Council with additional information about the call for projects for Regional Flexible Funding and an opportunity for further discussion regarding the selection of projects to be submitted for consideration for funding.

Tina Moon, Planning Administrator, gave a presentation discussing the history of this agenda item and discussed the three options available to Council.

Council Member Slade asked a clarifying question about what Council is voting on.

Council Member Romaine asked about the concern about staff taking on too much and how this would affect staff bandwidth now that this is a 3-year period instead of just one.

Tina Moon, Planning Administrator, thinks bandwidth is still a concern but they could submit for later years of funding for phase 3 and 4 if approved.

Council Member Nowell asked about how the projects would advance based on the options presented.

Tina Moon, Planning Administrator, explained that this is a competitive process, and the Town will put forward the projects and the MPO will decide on what projects get accepted. There are multiple sources of funding and the MPO will decide what projects go towards which funding source and it's hard to know which projects will get funded.

Mayor Seils clarified that the projects might not get funded through this process, but there are still other MPO processes, like STIP, that could fund the projects. This is one of many funding opportunities available.

Council Member Nowell asked why the top scoring projects are only under option 3.

Tina Moon, Planning Administrator, expressed that under option 1 and option 2 they would only be submitting two new projects because the bike plan projects would be submitted as a bundle. Clarified that the only new projects are in option 3, whereas the projects in options 1 and 2 are existing projects that would receive additional funding.

Council Member Haven-O'Donnell supports Option 1 because it's what the community expects to be done and completed. Concerned about the engineer's report about phase 3 and phase 4 regarding environmental issues. Council needs to consider the information in the engineer's report and doesn't think Council has seen the report and discussed the report. There doesn't seem to transparency of the report to Council and to the public.

681
682 **Public Comment**
683

684 **Jane Danielewicz** stated that it is difficult to get information from the Town about what is going
685 on, even as a member of the climate action team. Supports Option 1. No information is available
686 for the public.
687

688 Mayor Seils asked the Town Manager to add Dr. Danielewicz to the email list.
689

690 **Cristobol Palmer** stated that Chapel Hill proposed Umstead to Estes for funding so Option 2
691 would see that connected. Supports Option 2 and the Bolin Creek Greenway.
692

693 **Melody Kramer** iterate how excited people in the Town are of phase 3 and 4. Supports Option
694 2.
695

696 **Terri Buckner** spoke in support of Option 1.
697

698 **Maria Palmer** spoke in support of Option 2.
699

700 **Martha Holzer** spoke on behalf of the Friends of Bolin Creek in support of Option 1.
701

702 Mayor Seils clarified that the conclusion that was offered by the Staff in October regarding the
703 technical review that was performed in parallel to the public input initiative that there is no new
704 regulatory barriers identified. There are barriers that the Town is aware of and staff concluded
705 that there was no new barriers. For these projects, they have all been approved by the Town, for
706 the Greenway Project it says submit for design services, what does that call for?
707

708 Tina Moon, Planning Administrator, clarified that it would be a request for proposals and
709 bringing in transportation engineering firms beginning with surveying and developing the
710 alignment taking into consideration permitting and buffering. Outcome would include a set of
711 plans and design that could be put out for construction. The bike plan is out for construction.
712

713 Council Member Nowell inquired about the scoring of each option and thinks Option 3 gives the
714 most possible support at the MPO.
715

716 Council Member Haven-O'Donnell wanted clarification on the no new barriers because the land
717 use ordinance changed between 2009 and 2014.
718

719 Tina Moon, Planning Administrator, gave two recommendations. First, would be to take an extra
720 year for the engineer to review crossing points with environmental impacts. Second, would be to
721 use the DOT estimator tool with the factors we know and would have higher estimate. Plans
722 would look different than what was proposed previously. It would need additional engagement.
723

724 Council Member Haven-O'Donnell stated that the information about the environmental impacts
725 is not available to the Council or the public. Assumptions were made without this information
726 and the community discussion was not informed.

Council Member Romaine spoke in support of Option 3.

Council Member Foushee spoke about other funding opportunities and support for Option 3.

Council Member Slade expressed support for Option 3 as well. With the range of funds, let all the projects to be graded and see what can get funded.

A motion was made by Council Member Posada, seconded by Council Member Nowell to approve the following resolution for Option (3):

A RESOLUTION TO IDENTIFY PROJECTS FOR SUBMITTAL FOR REGIONAL
FLEXIBLE FUNDS FOR FY25

WHEREAS, the DCHC MPO has announced a call for projects for Regional Flexible Funds for FY25 to be submitted by December 8, 2023; and

WHEREAS, the Town has identified several bike and pedestrian infrastructure projects in the Safe Routes to Schools Action Plan, the Carrboro Comprehensive Bicycle Transportation Plan and 2021 Update to the Bike Plan, the Carrboro Comprehensive Plan, Carrboro Connects; and

WHEREAS, the following projects, identified as priorities in one or more that above documents appear to be good candidates for Regional Flexible Funds.

1. Design Services for Bolin Creek Greenway Phase 2
2. Design Services for Bolin Creek Greenway Phases 3 & 4
3. Bike Plan Implementation Projects
 - o Shelton Street - contraflow lane and/or cycle track improvements (Hillsborough Road to Ashe Street)
 - o East Poplar Street pedestrian lane
 - o Maple Avenue – contraflow lane (100 block)
4. South Greensboro Street Sidewalk – replacement for Federal STBG-DA Coronavirus Relief Funds

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Council receives the updated information on the call for projects and directs staff to submit one of following final list of projects(s) to the DCHC MPO by the December deadline:

Option (1)

5. Design Services for Bolin Creek Greenway Phase 2
6. Bike Plan Implementation Projects
7. South Greensboro Street Sidewalk – replacement for Federal STBG-DA Coronavirus Relief Funds

OR

Option (2)

- 773 8. Design Services for Bolin Creek Greenway Phases 3 & 4
774 9. Bike Plan Implementation Projects
775 10. South Greensboro Street Sidewalk – replacement for Federal STBG-DA
776 Coronavirus Relief Funds

777 OR

778
779 **Option (3)**

- 780 • All of the projects described above. The DCHC MPO staff would determine the two
781 highest scoring new projects using the RFF scoring rubric for formal consideration
782 in the Call for Projects.
783

784 This is the 29th day of November, 2023.

785
786 **The motion carried 6-1**

787
788 **Ayes: Council Member Posada, Council Member Nowell, Mayor Seils, Council Member**
789 **Foushee, Council Member Slade, Council Member Romaine**

790
791 **Noes: Council Member Haven-O'Donnell**
792

793 *****
794

795 **STREET NAMING/RENAMING**
796

797 The purpose of this agenda item is to provide the Town Council with information on renaming
798 streets following recent requests to rename a street in recognition of Braxton Foushee.
799

800 **A motion was made by Council Member Posada, seconded by Council Member Nowell to**
801 **excuse Council Member Foushee from the discussion.**
802

803 **The motion carried unanimously.**
804

805 Trish McGuire, Planning Director, gave a presentation about the renaming of a street to Braxton
806 Foushee Street.
807

808 **Public Comment**
809

810 **Herman Foushee** spoke in support of remaining a street in honor of Braxton Foushee.
811

812 **Dr. Michelle Laws** spoke in support of remaining a street in honor of Braxton Foushee and
813 recommended Carr Street as it is a symbol of racism.
814

815 **Eugene Farrar** spoke in support renaming a street in honor of Braxton Foushee and
816 recommended Carr Street as it is a symbol of racism.
817

818 **Buffy Weber** spoke in support of remaining a street in honor of Braxton Foushee.

819
820 **Maria Palmer** spoke in support renaming Carr Street to Braxton Foushee Street.

821
822 **Catherine Fray** spoke in support of renaming Alabama Street, but even more pleasure in
823 renaming Carr Street to Braxton Foushee Street.

824
825 Mayor Seils stated the big decision is what street and reminded Council that there are people that
826 will be impacted on the other side of this decision.

827
828 Council Member Nowell asked if they could use Braxton Foushee Day to get volunteers to help
829 with the paperwork for residents to change their address.

830
831 Council Member Posada stated that he is in support of taking away as much as possible from
832 Julian Carr. Supports renaming Carr Street to Braxton Foushee Street. Wants to figure out ways
833 to help residents through the process.

834
835 Council Member Romaine asked if Braxton Foushee supports this decision and if he is
836 comfortable with whatever decision is made.

837
838 Mayor Seils asked about what the process going forward to rename Carr Street to Braxton
839 Foushee Street and wanted to know if there is a way for the town to support residents as the
840 Town moves forward.

841
842 **A motion was made by Council Member Slade, seconded by Council Member Posada that**
843 **the Town Council is going to rename Carr Street to Braxton Foushee Street and is**
844 **directing staff to begin the process of notifying residents and property owners on Carr**
845 **Street about what may be required of them to make that transition and to come up with**
846 **options for the Town to assist residents and property owners doing that. Staff is to come**
847 **back in three months with a plan and should also notify the Truth Plaque Taskforce in the**
848 **interest of a Historical Marker.**

849
850 **The motion carried unanimously.**

851
852 **Excused: Council Member Foushee**

853
854 *****

855
856 **REQUEST FOR MINOR MODIFICATION OF A SPECIAL USE PERMIT-A FOR A**
857 **MIXED-USE BUILDING AT 1001 HOMESTEAD ROAD**
858

859 The purpose of this item is for Town Council to consider approving a resolution authorizing
860 increased residential density within a previously approved mixed-use building at 1001
861 Homestead Road.

862
863 Martin Roupe, Development Administrator, gave a presentation on the background of the
864 project.

Council Member Romaine asked if these are non-traffic generating offices spaces.

Martin Roupe, Development Administrator, described that there are two designations for businesses, one is customer attracting the other is non-attracting. Not sure which one this is.

Council Member Romaine would like to see with all the development in this part of town, it would be nice to see traffic bearing commercial space like a deli or coffee shop. Supports this type of building that is going up and not out.

Council Member Posada asked about how this changes affordability or cost per unit.

Omar Zinn, Developer, explained this would take the development from three two-bedroom units to six-one bedroom units. The cost of the units will be cheaper, but not necessarily cheaper by cost per square foot.

A motion was made by Council Member Foushee, seconded by Council Member Nowell to approve the following resolution.

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE SUP-A FOR THE CLAREMONT SOUTH MIXED USE BUILDING LOCATED ON HOMESTEAD ROAD ALLOWING THE DEVELOPER TO PLACE UP TO 14 RESIDENTIAL DWELLING UNITS WITHIN THE BUILDING AND TO USE THE FIRST FLOOR OF THE BUILDING FOR EITHER RESIDENTIAL OR OFFICE USES.

WHEREAS, the Carrboro Town Council approved a Special Use Permit-A for the Claremont South Mixed Use Building in February 2018; and

WHEREAS, the Carrboro Town Council approved a Minor Modification to the Special Use Permit-A for the Claremont South Mixed Use Building in 2019, allowing for up to eleven residential units in the building; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Special Use Permit-A that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Special Use Permit-A; and

WHEREAS, the Town Council finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the minor modification to the Claremont South Mixed Use Building SUP-A is hereby approved, allowing the developer to include up to fourteen total residential units in the building, and to use the first floor of the building for either residential or office uses.

This the 29th day of November, 2023.

911
912 **The motion carried unanimously.**

913
914 *****

915
916 **RACE AND EQUITY ACTION PLAN (REAP), WEAVING EQUITY IN CARRBORO**
917 **TOWN GOVERNANCE**

918
919 The purpose of this agenda item is to request that the Town Council adopt the Race and Equity
920 Action Plan (REAP), Weaving Equity in Carrboro Town Governance.

921
922 Anita Jones, Town Race and Equity Director, gave a presentation outlining her work with the
923 Race and Equity Action Plan.

924
925 **Public Comment**

926
927 **Michelle Laws** spoke about being in the business of building a beloved community and supports
928 race and equity work. Ask for consideration to recognize that the economic engine was driven by
929 blacks and poor whites for over a hundred years.

930
931 **A motion was made by Council Member Posada, seconded by Council Member Nowell to**
932 **approve the following resolution with the amendment that the Race and Equity office**
933 **include a statement recognizing the economic contribution of blacks and poor whites for**
934 **the 100 years between 1880s- 1980s.**

935
936 **RESOLUTION ADOPTING THE CARRBORO RACE & EQUITY ACTION PLAN (REAP),**
937 **WEAVING EQUITY IN TOWN GOVERNANCE**

938
939 **WHEREAS**, the Town of Carrboro is dedicated to advancing race and equity initiatives; and

940
941 **WHEREAS**, the Town Council adopted the One Orange Racial Equity Framework on February
942 1, 2022; and

943
944 **WHEREAS**, the Town Council continues to support the race and equity vision statement: “The
945 Town of Carrboro envisions being a community where race does not determine outcomes, and
946 all have equitable opportunities and resources. We envision a time when participation in
947 community events, programs and advisory boards represent community demographics. All will
948 feel safe, secure, and know their voice is valued. We strive to be an inclusive and open-minded
949 organization that has a culture created by its diverse staff, which serves the public through a
950 social (racial) justice lens”, presented on February 4, 2020; and

951
952 **WHEREAS**, the Town Council directs the town manager to ensure that all departments identify
953 and dismantle all structural biases and inequities in town policies, practices, procedures, services
954 and projects by using the REAL tool and other resources; and

WHEREAS, the action plan is a blueprint that connects the town’s race and equity journey, from 2018-2025 encompassing the completed work to date, providing guidance and shaping what is to come; and

WHEREAS, the Town Council acknowledges the intersectionality of the core values of Race and Equity and Climate Action as key to Carrboro’s resiliency and sustainability; and

WHEREAS, the race and equity action plan (REAP) is being considered for adoption.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The action plan is hereby adopted.

Section 2. This resolution shall become effective upon adoption.

This the 29th day of November, 2023.

The motion carried unanimously.

CONSIDERATION OF THE TOWN COUNCIL PROCEDURES MANUAL

The purpose of the Town Council Procedures Manual is to provide a comprehensive guide that outlines the accepted practices and policies governing the operations of a town council. It serves as a reference document for town council members, staff, and the public, ensuring consistency, transparency, and accountability in the conduct of town business.

Mayor Seils gave a recap of the intent and history of this agenda item. Also went over each recommendation to changes to the manual from the Council.

Council Member Romaine remarked that the chambers have been filled with members from the public for comments and wants to remove the one-hour limit and allow everyone to make comments.

Mayor Seils reminded everyone that the manual is set by statue, but there is flexibility.

Council Member Haven-O’Donnell discussed the need to be able to advance a resolution within the 96-hour timeframe from the Council Meeting.

Mayor Seils stated that the resolution can be brought up to be voted on the next agenda and the Council can suspend the rule at any point if there is a sense of urgency and requires a super majority to approve it.

The Council discussed rule 22 and how it plays into a super majority.

A motion was made by Council Member Slade, seconded by Council Member Romaine to approve the Council Procedure Manual Amendments by Council Member Romaine.

The motion carried unanimously.

A motion was made by Council Member Posada, seconded by Council Member Haven-O'Donnell to direct staff to bring back an amendment to council to reconcile the town code in relation to the Council Procedure Manual

The motion carried unanimously.

APPOINTMENTS TO THE TRANSPORTATION ADVISORY BOARD

The purpose of this agenda item is for the Town Council to make appointments to the Transportation Advisory Board.

A motion was made by Council Member Posada, seconded by Council Member Slade to approve the Transportation Advisory Board Appointments.

A RESOLUTION MAKING AN APPOINTMENT TO THE TRANSPORTATION ADVISORY BOARD (TAB)

Section 1. The Carrboro Town Council hereby appoints the following applicant(s) to the Transportation Advisory Board (TAB):

<u>Appointee</u>	<u>Term Expiration</u>
Jordan Dalton	11/2026
Bradley Doll	11/2026

Section 2. This resolution shall become effective upon adoption.

This the 29th day of November, 2023.

The motion carried unanimously.

APPOINTMENTS TO THE SAFE ROUTES TO SCHOOL IMPLEMENTATION COMMITTEE

The purpose of this agenda item is for the Town Council to make an appointment to the Safe Routes to School Implementation Committee.

A motion was made by Council Member Foushee, seconded by Council Member Romaine to approve the Safe Routes to School Implementation Committee Appointment.

A RESOLUTION MAKING AN APPOINTMENT TO THE
SAFE ROUTES TO SCHOOL IMPLEMENTATION COMMITTEE (SRTS)

Section 1. The Carrboro Town Council hereby appoints the following applicant(s) to the Safe Routes to School Implementation Committee (SRTS)

<u>Appointee</u>	<u>Term Expiration</u>
Andrea Tanner	11/2025

Section 2. This resolution shall become effective upon adoption.

This the 29th day of November, 2023.

The motion carried unanimously.

MATTERS BY COUNCIL

Council Member Slade followed up about the towing issue at CarrMill Mall. Glad that the notice of violation has been issued, but there are issues that go beyond the violation. The towing company is failing to fill out license plates on the tow log. The Town needs to notify the property owner to comply with the standard before the grace period ends next week.

Mayor Seils stated that the notice of violation has been issued to the business owner. The reporting is a separate issue on the towing company and needs to be reviewed for compliance. Recommends Council goal should be looking at ordinance and not enforcement.

Mary Parker, Interim Town Manager, stated that the Town received the draft sign from the business owner today and there is one edit to bring the sign into compliance. The signs can be printed and installed by the weekend. The code enforcement officer, employed by the Police Department, hasn't found any other violations. The signs are two sided. The Town has received complaints about credit card charges and has contacted the State Attorney General Office and waiting response. The Town is also conducting a peer analysis with five other municipalities. Towing companies are required to provide all information on vehicles towed.

Council Member Slade wants to have feedback to the council to help monitor. Recommends clarifying the language of the Town Ordinance about where signage needs to be.

Council Member Foushee discussed the need for more signage and awareness.

Council Member Haven-O'Donnell suggests uniform signage across the Town and make sure everyone has the same information.

Council Member Posada suggested having the signs in other languages as well.

A motion was made by Council Member Slade, seconded by Council Member Posada to continue to get notice of the Carr Mill Mall towing's weekly, to make it available to the public, and to look into signs in different languages.

The motion carried unanimously.

Council Member Posada asked about the process for appointment in Carrboro for the vacant Council seat.

Mayor Seils clarified that if the new Council wants to have a special election, they will have to vote on it during the next Council meeting due to the timeline of filing. The appointment can happen separately. Clarified that Council would like staff to provide them with how previous appointments for Council have worked.

Discussion ensued amongst the Council and staff about the appointment and special election processes.

Council Member Posada brought that he was at the Grey Squirrel and noticed the mural had a black figure defaced with white spray paint.

A motion was made by Council Member Posada, seconded by Council Member Foushee to go into closed session.

The motion carried unanimously.

Session came back to open session.

ADJOURNMENT

A motion was made by Council Member Romaine, seconded by Council Member Slade to adjourn the meeting.

The motion carried unanimously.
