



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

**Town of Carrboro
Meeting Minutes
Town Council**

November 1, 2022

7:00 PM

Council Chambers - Room 110

This meeting was broadcasted live on cable television and the internet.

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

Also Present: Richard White, Town Manager; Mary Bryant, Deputy Town Clerk; Brady Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Howard Thurman, entitled "Forgive Us Our Blindness."

PUBLIC COMMENT

Bob Proctor, Carrboro resident, spoke about the cemetery item.

Doug Brower, Carrboro resident, spoke about the cemetery item, restrictions on activities in cemetery.

T. Andrew Dykers, Carrboro resident, spoke about his request to have his property, 104 Williams Street, rezoned.

Shelley Welch, Owner of the Wildflower School, spoke about recent legal cases and the Town's LUO relating to Merritt's Gravel Pit.

APPROVAL OF APRIL 19, 2022 MEETING MINUTES

Motion was made by Council Member Haven-O'Donnell, seconded by Council Member Posada to approve the minutes of the April 19, 2022 meeting.

The motion carried unanimously.

FY 2022-23 FIRST QUARTER BUDGET STATUS REPORT

The purpose of this item was to provide a budget status report to Town Council for all funds including budgeted accounts, actual revenues collected, payments made, amounts encumbered, and the amount of the unobligated budget.

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Posada to approve this report.

The motion carried unanimously.

PUBLIC HEARING ON TEXT AMENDMENT TO THE LAND USE ORDINANCE RELATING TO CERTAIN LIMITATIONS ON THE USE OF CRIMINAL PENALTIES

The purpose of this agenda item was for the Town Council to consider a proposed amendment to bring the Land Use Ordinance into conformity with state legislation relating to the use of criminal penalties for violations of development regulations.

Tina Moon, Planning Administrator, presented the staff report.

A motion was made by Council Member Foushee, seconded by Council Member Haven-O'Donnell that the following resolution be approved:

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 to Comply with SB 300, SL 2021-138 Relating to Certain Limitations on the Use of Criminal Penalties.

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:

Consistent with the provisions in section 15-2 which specify the authority granted to the Town through state enabling legislation and require the Land Use Ordinance to remain aligned with the North Carolina General.

Inconsistent with current adopted plans. The proposed action is inconsistent with the comprehensive plan for the following reason(s):

Inconsistent with the current adopted plans; however, because of the following changed circumstance(s), the Council's approval shall also be deemed an amendment to the existing adopted plan, _____, as described below.

Changed circumstance(s):

Amendment to current adopted plan:

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

The proposed text amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

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

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Town Council this 1st day of November 2022.

The motion carried unanimously.

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Romaine that the following ordinance be approved:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO COMPLY WITH SB 300, SL 2021-138 RELATING TO CERTAIN LIMITATIONS ON THE USE OF CRIMINAL PENALTIES

Ordinance No: 5 / FY 22-23

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. In Section 15-114 Penalties and Remedies for Violations, in Article VII of the Land Use Ordinance, existing subsections (a) and (b) are replaced with the following [(b)(1) through (3) retained]:

(a) Violations of Article IV Sec. 15-77, No Subdivision Without Plat Approval, shall constitute a misdemeanor punishable as provided in G.S. 160D-807 (a), Penalties for transferring lots in unapproved subdivisions.

(b) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances or special use or conditional use permits, shall subject the offender to a civil penalty of up to five thousand dollars (\$5,000.00).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 1st day of November, 2022.

The motion carried unanimously.

ENERGY AND CLIMATE PROTECTION PLAN AND COMMUNITY CLIMATE ACTION PLAN IMPLEMENTATION UPDATE

The purpose of this item was to provide Council with a quarterly update on the implementation efforts of two climate action plans, the municipal Energy and Climate Protection Plan (ECPP) and Community Climate Action Plan (CCAP).

Laura Janway, Environmental Sustainability Coordinator, gave the staff presentation.

The Inflation Reduction Act of 2022 was presented which covered the topics of funding for local governments, programs for states, that included Home Energy Performance-Based Whole-House Rebate Program (HOMES) and High-Efficiency Electric Home Rebate Program (HEERA), and programs for residents such as clean vehicle tax credit and energy efficiency/weatherization home improvement credit. Discussion among Council members ensued.

No further action was taken by the Town Council at this time.

REPORT ON THE 2022 ORANGE COUNTY TRANSIT PLAN UPDATE

The purpose of this item was to provide the Town Council with a report on the 2022 Orange County Transit Plan (OCTP) update scheduled to be adopted in December of 2022. The Plan allocates County transit tax revenue with commitments for public transit through the next twenty years, including major investments in bus rapid transit, enhanced bus service and associated bus access improvement projects (bus shelters, sidewalks, etc.), and is linked to a cost sharing agreement with Durham County for projects of mutual interest such as regional transit that provides service to both jurisdictions.

Tina Moon, Planning Administrator, presented the update to the Council.

A motion was made by Council Member Nowell, seconded by Council Member Posada that the following resolution be approved:

A RESOLUTION ENDORSING ADOPTION OF THE 2022 ORANGE COUNTY TRANSIT PLAN UPDATE

WHEREAS, the Town of Carrboro has a longstanding and extensive commitment to multimodal transportation, including local and regional public transit systems, and shorter routes and more frequent service; and,

WHEREAS, Orange County's Transit Plan 2017 demonstrated the county's commitment to public transit system through 2045, including service and projects that enhance public transit service to Carrboro residents and businesses; and

WHEREAS, the discontinuation of the Durham-Orange Light Rail Project (DOLRT) necessitated that Durham and Orange counties prepare updated transit plans; and

WHEREAS, the Carrboro Town Council received an update on May 10, 2022 from Renaissance Planning, consultant to Orange County, on the update framework, process and draft recommendations for new bus operations and capital projects; and

WHEREAS, a final draft of the 2022 Orange County Transit Plan Update has been completed and is under public review; and

WHEREAS, Chapel Hill Transit will continue to pursue state funding through the NCDOT SPOT prioritization process and other grant sources to reduce need from the Orange County Transit Plan. If other sources are identified, the Orange County Transit Plan will be the funding of last resort.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Council recommends adoption of the plan to include continued funding for the Town capital projects identified in the 2017 Orange County Transit Plan and those additional transit access improvement projects that are currently identified in the plan update as “unfunded priorities.”

BE IT HEREBY FURTHER RESOLVED THAT the Carrboro Town Council expresses its support for the request from Chapel Hill Transit for \$15 million of additional funding to advance the North-South Bus Rapid Transit project.

This is the 1st day of November in the year 2022.

The motion carried unanimously.

MATTERS BY COUNCIL MEMBERS

Council Member Slade asked why the Police Dept cleared the parking deck during the latest hurricane when residents were on the top deck watching the sunset. Requested the Town Manager to investigate why people were asked to leave the premises.

ADJOURNMENT

Motion was made by Council Member Nowell, seconded by Council Member Haven-O'Donnell to adjourn the meeting.

The motion carried unanimously.

Town Clerk

Mayor