



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

Town of Carrboro

Meeting Minutes

Board of Aldermen

Tuesday, March 26, 2019

7:00 PM

Board Chambers - Room 110

Present: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Sammy Slade, Alderman Randee Haven-O'Donnell, Alderman Damon Seils and Alderman Jacquelyn Gist

Also Present: David Andrews, Town Manager; Catherine Dorando, Town Clerk; Nick Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Audre Lorde entitled, "The Black Unicorn."

RECOGNITION OF RANDY HORTON'S RETIREMENT FROM OWASA

The Board of Aldermen recognized the retirement of Randy Horton from OWASA by adopting the resolution below and presenting a copy to Ed Kerwin, the Executive Director of OWASA, in the absence of Randy Horton due to illness.

A motion was made by Alderman Gist, seconded by Alderman Foushee, that the following resolution be approved:

CARRBORO BOARD OF ALDERMEN RESOLUTION HONORING THE DISTINGUISHED PUBLIC SERVICE OF RANDY T. HORTON

WHEREAS, the Carrboro Board of Aldermen wishes to honor the distinguished public service of Randy T. Horton, a Town resident since 1981, who is retiring from the Orange Water and Sewer Authority (OWASA) following a highly-successful 42+ year career; and

WHEREAS, Mr. Horton's well-earned retirement from OWASA begins on March 31, 2019; and

WHEREAS, Mr. Horton was a Line Mechanic when OWASA first began operation on February 16, 1977 to provide the Carrboro and Chapel Hill communities with water and wastewater services; and

WHEREAS, Mr. Horton's progressively responsible career resulted in his promotion to Manager of OWASA's Water Distribution and Wastewater Collection Department in 2015; and

WHEREAS, throughout Mr. Horton's career, he has worked diligently and faithfully to ensure Town residents and visitors are provided high quality and reliable water and wastewater services around the clock; and

WHEREAS, Mr. Horton has earned a reputation throughout the community as a professional, friendly and very helpful public servant, always willing to lend a hand and word of encouragement.

NOW THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby honors the distinguished public service of Randy T. Horton.

This the 26th day of March 2019.

The motion carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, and Alderman Sammy Slade

CONSIDERATION OF A RESOLUTION IN SUPPORT OF EARTH HOUR

The purpose of this agenda item is for the Board to consider adopting a resolution in support of participating in this year's Earth Hour and to encourage members of the community to participate as well.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Seils, that the following resolution be approved:

A RESOLUTION FOR PARTICIPATION IN EARTH HOUR ON MARCH 30th, 2019

WHEREAS, 8:30 P.M. on March 30th, 2019 has been designated as "Earth Hour" by the World Wildlife Fund as a reminder that, through collective action, individuals can make a positive impact in the fight against climate change; and

WHEREAS, Earth Hour 2019 aims to promote dialogue to address ecological challenges, inspire climate action, and raise awareness of the values of biodiversity; and

WHEREAS, cities and states across the country and around the world are joining with Carrboro to demonstrate a commitment to addressing climate change by supporting Earth Hour; and

WHEREAS, Earth Hour involves a simple action—turning off lights for one hour; and

WHEREAS, according to the World Wildlife Fund, 188 countries and territories as well as 18,000 landmarks switched off their lights in support of conservation and climate action in 2018, making Earth Hour the largest grassroots environmental movement in the world; and

WHEREAS, Carrboro has joined Cities for Climate Protection and is committed to reducing greenhouse emissions; and

WHEREAS, the Board of Aldermen adopted a climate protection resolution in December 2009, accepted the Energy and Climate Protection Plan in 2014, and accepted the Community Climate Action Plan in 2017; and

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen hereby proclaims, March 30th, 2019 from 8:30–9:30 P.M. as “Earth Hour” in Carrboro and calls upon all residents and businesses of Carrboro to join in supporting the aims and goals of this effort.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen directs staff to send out a public service announcement to publicize Earth Hour.

This the 26th day of March 2019.

The motion carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, and Alderman Sammy Slade

TRUTH PLAQUE TASK FORCE UPDATE ON ADDITIONAL PLAQUE WORK

The purpose of this item was for the Board of Aldermen to receive an updated work report from the Truth Plaque Task Force.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO APPROVE THE REPORT AS SHOWN BELOW. VOTE: AFFIRMATIVE ALL

At the February 5, 2019 Board of Aldermen meeting, the Truth Plaque Task Force received approval to erect the first Truth Plaque at Town Hall and to move forward with researching and writing additional plaques throughout town. The Truth Plaque Task Force told the Board of Aldermen that they would come back with a list of additional plaques to keep the Board informed of their ongoing work.

During the March 13, 2019 Truth Plaque Task Force meeting, the group developed the following additional work items:

- Freedman's School/Hackney School (same general vicinity, both black schools) - The Freedman's School will be the group's next project. This school was located on the site of the current Carolina Carwash owned by Mr. Tom Tucker. Mr. Tucker has offered his support to this project.
- Carr Mill Mall
- Strayhorn House

- St. Paul's AME Church (same land donation from Quakers as Freedman's School)
- Lion's Park (off Fidelity St)
- TinTop
- 1913 Lloyd Mill (WWII Ammo factory)
- Black business district on Main Street
- Government (Bob Drakeford, Mike Nelson, Ellie Kinnaird...)

APPROVAL OF MARCH 19, 2019 MEETING MINUTES

MOTION WAS MADE BY ALDERMAN FOUSHEE, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO APPROVE THE MINUTES OF MARCH 19, 2019, AS AMENDED. VOTE: AFFIRMATIVE ALL

TOWN OF CARRBORO COMMUNITY GARDENS DISCUSSION

The purpose of the item was to review the Carrboro Community Garden structure and development through the years. Community Gardeners from Dr. MLK Jr. garden and Baldwin Park will also provide a brief update of their accomplishments and goals.

Alderman Gist questioned where the requirement for insurance came from; specifically, was this a request from staff or was the requirement generated by something else. Anita Jones-McNair stated that it was a request from staff.

Alderman Slade stated that he had previously requested that the garden receive a new fence during the construction of the garden. There was discussion between the Manager and the Board to clarify that the request for a fence had not been formally included as a part of the motion to approve the 100% construction plans but that it could still be addressed after the construction has finished. Alderman Slade asked for staff to make sure to review the previous discussion so that other items, not included in the motion, could be reviewed and brought back to the Board for formal direction, if needed by staff.

Piper Honegman, with Carrboro Family Garden (CFG), spoke to the Board about the group's concerns and the history of the garden. She mentioned that the gardeners do not have parking, they would like to have a new fence installed, and that trees are shading their garden and need to be removed.

Alderman Foushee asked if CFG has not been planting in the MLK Garden because of construction. Piper Honegman stated that it is because of the construction and related no parking. Alderman Foushee asked about the role of a garden manager. Piper Honegman stated that the manager would do the administrative work and allow the gardeners time to focus on gardening.

Mayor Lavelle stated that the relationship between the gardeners and the Town has changed since the gardeners were first granted permission to use the Town land and that it is good to have this conversation with all three groups now.

Alderman Haven-O'Donnell asked if the Town managed the gardens would that eliminate the need for insurance. David Andrews, the Town Manager, stated that if the Town hires a garden manager, the Town would also have to direct the activities.

Alderman Haven-O'Donnell asked if the Town could hire an administrative manager for the gardens. David Andrews stated that the Town could look into this and if so, it would fall under the Town's programming and insurance.

Nick Herman, the Town's Attorney, spoke to the Board about the Town's sovereign immunity and stated that local governments do not seek to limit the liability on third parties. He went on to explain that if the Town involves itself by having a Town employee managing the activities, the Town's liability insurance policy would kick-in.

Bob Pinschmidt, with the Carrboro Community Garden Club (CCGC), spoke to the Board about the history of the gardens.

Alderman Haven-O'Donnell asked for all of the garden clubs to try to work together to develop a list of their administrative support needs.

Jeanette O'Connor, the treasurer for CGCC, stated that the insurance quote was \$400 total for both gardens for a year.

Eric Allman, representing the Baldwin Community Garden (BCG), provided the Board with an update on how the gardens are operated and their administrative needs. In response to a question from Alderman Foushee, he stated that having an administrator would greatly help the gardeners but he was clear that the gardeners should be responsible for managing their gardens. He stated that the insurance requirement would be cost prohibitive to the gardeners.

Alderman Foushee asked about outreach efforts from the BCG. Eric Allman stated that in the beginning, it was easy to recruit members and that there has not been any further outreach because they are full.

Maria Hitt, with the Orange County Partnership for Young Children, stated that one of the pieces to consider about the differences between the garden groups is plot gardening versus community gardening, as a whole. She stated that plot gardening requires additional administrative work and that both structures are important to maintain. She also stated that recruitment could be better if Town staff becomes involved. She stated that there are lots of examples of Recreation and Parks Departments managing community gardens around the United States.

Alderman Gist stated that the Town could solve the insurance issue very easily by making a donation to the garden groups out of the Human Services Fund. She also stated that if a manager is hired by the Town, it would be more bureaucratic and that the gardeners would not appreciate the lack of flexibility.

Alderman Chaney stated that she appreciates the presentations and how the public use of the land is being provided by the groups. She stated that she is interested in the following points: 1) The fence at MLK Park (could the Town provide a fence at MLK and use the remaining unallocated funds from the revolving loan fund); 2) Liability insurance – fair to ask the question when third party groups are using the Town's property; 3) Garden managers - She stated that it will cost a lot more to pay for a manager and asked if the Town could subsidize the insurance from a grant. She stated that she understands that gardeners just want to be gardeners and not have to deal with the administrative work but that she would rather have staff look at ways to assist the gardens without an administrative person being hired by the Town. She suggested that the Orange County Food Council also develop relationships with the gardeners.

Alderman Seils stated that he agrees with Alderman Chaney's suggestions. He stated that he recognizes the value of the gardens to the community. He stated that it would be best not to create a position or responsibility for town staff to manage the administration. He stated that he is not sure how to solve the shading issue caused by trees at MLK Park but that it will continue to be reviewed by staff. He also

stated that the greenhouse will need to be discussed. David Andrews stated that he will provide an update that includes the greenhouse at a later date after construction has been completed.

Mayor Lavelle stated that she likes the idea of working through the Orange County Food Council as recommended by Alderman Chaney. She stated that she also agrees with the Town providing financial assistance for insurance. She questioned the precedent that is being created since the Town is encouraging other gardens throughout the town.

Alderman Slade stated that he would prefer not to pay for an annual liability insurance specifically but would prefer to provide a grant that could be used for anything that is needed. He stated that there is also a conversation that needs to occur with gardeners on water catchment systems.

Alderman Haven-O'Donnell stated that she would like to see the three garden groups come together and plan to collectively deal with administrative needs. She stated that she would like the Board to hold off on any decision regarding an administrator until they can hear from the garden groups. She stated that she would like to staff to review what the Board intended for the fencing and water catchment at the parks. She also stated that the shading question should be addressed. She stated that she looks forward to a report regarding the greenhouse at MLK Park. She stated that she would like for staff to review best practices for managing community gardens.

Alderman Foushee asked if the Farmers Market remained open during construction at Town Commons. Anita Jones-McNair stated that there was no construction during the market hours. She also stated that MLK Park is under construction but that the gardeners are working alongside the active construction.

Alderman Haven-O'Donnell asked if gardeners could park near the gazebo at Fair Oaks. Heidi Paulson, stated that she has parked there. Alderman Haven-O'Donnell stated that she will direct this question to the HOA and suggested that it was an ideal location for the gardeners to park.

Alderman Slade suggested that the fence and greenhouse may be items that the Town should build and maintain.

Alderman Foushee stated that it is a park with a garden in it and that anything located within the park should be accessible and available to everyone in the community.

Mayor Lavelle asked if there is a way to continue to allow the use of the garden during the construction. David Andrews stated that Alderman Haven-O'Donnell suggested parking at the gazebo at Fair Oaks entrance.

Alderman Chaney stated that there does not seem to be a way to build parking while the project is under construction. She stated that the Town can't mandate that they have parking access during construction.

Mayor Lavelle asked that the gardeners at MLK Park be careful if accessing the garden.

Mayor Lavelle asked if the construction company could provide notice to the Town when they will be on site and that could be shared with the gardeners. She noted that this is a year-long process and that the gardeners will need to be aware of the timeframe.

David Andrews stated that in no way is the Town wanting to be in an adversarial position with the gardeners and that the issue of liability came up after reviewing the gardener contracts. He explained that the Town couldn't look the other way because the Town has deep pockets and as a governmental entity gets sued regularly.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO EXCUSE ALDERMAN GIST FROM THE REMAINDER OF THE MEETING. VOTE: AFFIRMATIVE ALL

David Andrews, the Town Manager, summarized the Board's discussion and the following points:

- 1) Continue with approved MLK Park Construction
- 2) Consider proper time to install/mend garden fence
- 3) Consider ways for the Town to pay for insurance for gardeners
- 4) Leave control of gardens to gardeners
- 5) Trees that are causing shade on garden have to remain because they are included in the approved plan and meet standards required in the ordinance. Staff can check on screening requirements.
- 6) Any structure/greenhouse requires a permit
- 7) After park is finished, work with gardeners to sort out greenhouse/fence
- 8) Town will work with contractor to have a work schedule that is shared with gardeners. Gardeners may garden during active construction and should exercise caution whenever on the property. Children under 18 should only access the property under constant adult supervision.
- 9) Alderman Haven-O'Donnell will check with Fair Oaks HOA to see if parking can occur at gazebo entrance.
- 10) Parking will not be available onsite during construction.
- 11) Staff will research how other towns administratively manage community gardens for best practices

DEVELOPING A SCOPE OF WORK FOR A COMPREHENSIVE PLAN FOR CARRBORO

The purpose of this item was to provide the Board of Aldermen with an opportunity to consider a draft scope of work for the development of a comprehensive plan for the Town.

Trish McGuire, the Town's Planning Director, provided the staff report.

Alderman Seils stated that it will be important to leave room to discuss points of tension and how those areas can be worked through. He stated that it will be very important for the community engagement to be fun and spark creativity and involvement. He asked for a reality check with the consultant's timing and their timeline and asked that staff and the Board remain open to those changes.

Alderman Chaney stated that before Alderman Gist left the meeting, she asked Alderman Chaney to mention that she is concerned about income inequality and the erosion of the middle class and wants that to be reflected in the conversation.

Alderman Chaney stated that this plan is staff time intensive and she stated that it should be clear what the costs are going into the planning process so that the Board can be aware of the actual costs of the time. She asked for affordability, both commercial and residential, to be included in the document. She also wants plan to specifically reference the Jones Ferry, Greensboro, and HWY 54 development corridors that are available for redevelopment.

Alderman Foushee stated that the engagement piece is very important and asked if the hours that are estimated are enough to thoroughly engage the community. She asked how staff will work to implement GARE initiatives in the Comprehensive Plan work. Trish McGuire stated that GARE will definitely inform the work and will be a significant part of what staff uses.

Alderman Haven-O'Donnell stated that she would like to be consistent and refer to climate change initiatives as "Climate Action/ Extreme Weather Preparedness Mitigation and Resilience." She asked that the erosion of the middle class be included. She asked staff to work with HOAs and community groups to meet where they are. She suggested uses multiple venues to get the survey out. She asked for the Task Force to include two Carrboro Business Alliance seats. She asked how there will be a way to check-in on progress during the creation of the plan.

Alderman Slade stated that his main concern is climate change and making sure that this does not distract from immediate climate action plans. He stated that he wants to be specific that it is climate mitigation. He stated that he would like to see the clear distinction on the cost of staff time. He stated that he would like to have the follow-up from the parking study brought forward as a plan and included as part of the comprehensive plan.

Alderman Seils agreed with Alderman Foushee that the GARE initiative will be important in this work. He stated that Carrboro has changed a lot in the last twenty years and that the intro is good place to summarize that information. He stated that there are a lot of people in town that are into planning and students that are studying planning and he stated that it provides a great way to engage the University's planning department.

CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A) (3) - ATTORNEY-CLIENT PRIVILEGE

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(3) – ATTORNEY CLIENT PRIVILEGE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)

OPEN SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE SIX, EXCUSES ONE (GIST)

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (GIST)