



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

Town of Carrboro

Meeting Minutes

Town Council

Tuesday, February 11, 2020

7:00 PM

Council Chambers - Room 110

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

Also Present: Trish McGuire, Acting Town Manager; Chris Milner, Deputy Town Clerk; Brady Herman, Town Attorney

POETRY READING

Rani Dasi and Joal Broun, both of whom are members of the Chapel Hill-Carrboro City Schools Board of Education, read poems.

Rani Dasi read a poem by Lucille Clifton titled "Won't You Celebrate With Me."

Joal Broun read "We Wear the Mask" by Paul Laurence Dunbar and "We Real Cool" by Gwendolyn Brooks.

SPEAKERS FROM THE FLOOR

Zacharia Claypool White, resident of 731 Lacock Road, spoke against the the 203 Project and the proposed spending of ten million dollars for Town offices above the new library. He expressed concern for the project because of the climate impact. He asked that the money be spent on climate-related goals rather than a new library.

APPROVAL OF MINUTES FROM JANUARY 21, 2020

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER FOUSHEE, TO APPROVE THE MINUTES OF JANUARY 21, 2020 AS AMENDED. VOTE: AFFIRMATIVE ALL.

REQUEST FOR A CUP PERMIT EXTENSION FOR THE HILTON GARDEN INN HOTEL PROPOSED FOR 390 E. MAIN STREET

The purpose of this agenda item was for the Council to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Hilton Garden Inn CUP.

Council Member Slade said he would not support this request because he wanted the Town's bicycle network to be treated as roads, and switching the front and back of the building would help to encourage use of an adjacent bike path.

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

A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE 390 E. MAIN STREET, HILTON GARDEN INN HOTEL CUP

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the 390 E. Main Street, Hilton Garden Inn Hotel Conditional Use Permit on March 8, 2016; and

WHEREAS, the Carrboro Board of Aldermen first extended the expiration date for this permit to March 8th, 2018; and

WHEREAS, the Carrboro Board of Aldermen second extended the expiration date for this permit to March 8th, 2020; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the 390 E. Main Street, Hilton Garden Inn Hotel Conditional Use Permit is hereby extended by two years to March 8th, 2022

This is the 11th day of February 2020.

The motion carried by the following vote:

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

No: Council Member Sammy Slade

AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE AMENDMENTS TO THE DEVELOPMENT AGREEMENT AND PROFESSIONAL DESIGN SERVICES CONTRACT REGARDING SOUTH GREENSBORO STREET PROPERTY AND APPROVAL OF AMENDMENTS TO THE CAPITAL PROJECTS ORDINANCE AND REIMBURSEMENT RESOLUTION

The purpose of this item was to provide the Town Council with an opportunity to authorize the Town Manager to execute the noted amendments to an existing agreement and contract related to design, permitting, and construction of a building and associated parking at 203 S. Greensboro Street that would provide for the Orange County Southern Branch Library, Town of Carrboro Recreation and Parks Program, Orange County Skills Development Center, WCOM Radio, and other uses. This item includes approval of the Capital Project Ordinance and increases funding for the redesign effort.

Council Member Slade felt that it was premature to proceed with this project since the Council had still not been presented with the follow-up to the Climate Action Budget. He felt that the financial resources for this project could hinder progress on climate-related programs. He asked that the Council consider an option that would include the library but not the proposed Town offices.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AMENDMENTS TO THE DEVELOPMENT AGREEMENT WITH ORANGE COUNTY RELATING TO DEVELOPMENT OF THE TOWN'S 203 S. GREENSBORO STREET PROPERTY AND THE PROFESSIONAL DESIGN SERVICES CONTRACT WITH PERKINS AND WILL

WHEREAS, the Town of Carrboro has had a longstanding interest in siting a new Orange County Southern Branch Library in Town; and

WHEREAS, the Town and County signed a development agreement regarding joint development of Town property at 203 S. Greensboro Street for uses including the Orange County Southern Branch Library, Town uses and other possible uses on December 4, 2017; and

WHEREAS, a modified building program has been developed following withdrawal of the ArtsCenter that includes the Orange County Skills Development Center; and

WHEREAS, completion of the Schematic Design process with the updated building program requires amending the Professional Services Contract with Perkins and Will and the Capital Project Ordinance; and

WHEREAS, the Board of Aldermen has reviewed a revised draft of the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Carrboro hereby authorizes the Town Manager, David L. Andrews, to execute the amendment to the Development Agreement on the Council's behalf.

BE IT HEREBY FURTHER RESOLVED that the Town Council of the Town of Carrboro hereby authorizes the Town Manager, David L. Andrews, to execute the amendment to the Professional Services Contract consistent with the revised scope and services that have been requested and reviewed with Perkins and Will on the Council's behalf

This is the 11th day of February 2020.

The motion carried by the following vote:

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

No: Council Member Sammy Slade

UPDATE AND INFORMATION REGARDING DRAFT ADVISORY BOARD RECRUITMENT AND OUTREACH PLAN

The purpose of this item was for the Town Council to review the draft outreach plan being developed by staff and to see the ongoing efforts.

Council Member Slade said he would like to consider a stipend in the current budget cycle to help low-income people participate in advisory boards.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, TO ADD THE FOLLOWING ITEMS TO THE UPCOMING BUDGET WORK SESSION:

- **CONSIDERATION OF A STIPEND FOR ADVISORY BOARD MEMBERS**

- **CONSIDERATION OF MOVING THE STANDARD DAYS AND TIMES OF ADVISORY BOARD MEETINGS, TO INCLUDE THE POSSIBILITY OF HOLDING THE MEETINGS ON WEEKENDS**
- **CONSIDERATION OF PROVIDING FOOD, TRANSPORTATION AND CHILD CARE FOR ADVISORY BOARD MEETINGS**

VOTE: AFFIRMATIVE ALL.

Council Member Haven-O'Donnell requested that staff have a table at the Community Dinner to spread the word on Advisory Boards.

A REQUEST TO AMEND THE ROGERS ROAD SIDEWALK CAPITAL IMPROVEMENT PROJECT ORDINANCE

The purpose of this item was to request that the Town Council authorize the use of Orange County Transit Funds for additional costs associated with the Rogers Road sidewalk project and to amend the Capital Project Ordinance accordingly.

A motion was made by Council Member Seils, seconded by Council Member Foushee, that the following ordinance be approved:

**BUDGET AMENDMENT FOR ROGERS ROAD SIDEWALK CAPITAL IMPROVEMENT PROJECT ORDINANCE
Ordinance #14/2019-20**

WHEREAS, the Town of Carrboro, has appropriated \$1,471,658 by the adoption of capital project ordinance 13/2010-11 and subsequent amendments for the design and construction of a sidewalk on the west side of Rogers Road from Homestead Road to Meadow Run Court; and,

WHEREAS, it is now necessary to amend the project budget due to increased costs related to right of way acquisitions, material quantity overruns and the Town having to pay the cost to reconfigure the sidewalk and drainage infrastructure in order to avoid a Duke Energy utility pole which could not be moved as intended in the original design; and,

WHEREAS, it is now necessary to amend the project budget due to cost overruns on the engineer's construction estimate;

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

Section 1: \$120,888.83 of Orange County Transit Funds is allocated to the Rogers Road Sidewalk Capital Improvement Project.

Section 2: Up to \$100,000 is reallocated to the Sidewalk Bond Fund, which decreases the total Sidewalk Bond Funds from \$785,235 to \$685,235.

Section 3: The total project costs, including right of way, design, and construction is increased from \$1,471,658 to \$1,492,546.83.

Section 4: All provisions of Project Ordinance #13/2010-11 and any subsequent amendments remain in effect.

Section 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.

Section 6: This capital project ordinance shall be effective immediately upon adoption.

This is the 11th day of February 2020.

The motion carried by the following vote:

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, and Council Member Sammy Slade

CONDITIONAL USE PERMIT EXTENSION REQUEST FOR MIXED USE BUILDING ON COMMERCIAL ZONED PROPERTY WITHIN CLAREMONT SOUTH PLANNED UNIT DEVELOPMENT (PUD)

The purpose of this agenda item was to allow the Town Council to review a request for an extension of the date when Conditional Use Permit (CUP) would otherwise expire for the Mixed Use Building on Commercially Zoned Property with Claremont South Planned Unit Development (PUD). This CUP permit was scheduled to expire on February 27th, 2020.

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

A RESOLUTION APPROVING THE EXTENSION OF THE DATE ON WHICH THE CUP FOR MIXED USE BUILDING ON COMMERCIAL ZONED PROPERTY WITHIN CLAREMONT SOUTH PUD WOULD OTHERWISE EXPIRE

WHEREAS, the Town Council approved a Conditional Use Permit for The Mixed Use Building at 1001 Homestead Road on February 27th, 2018; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance allows for extension; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1.) the CUP has not expired, and 2.) the permit recipient has proceeded with due diligence and good faith, and 3.) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Town Council that the expiration date for Mixed Use Building on Commercially Zoned Property within Claremont South PUD Conditional Use Permit is hereby extended to February 11th, 2022.

This is the 11th day of February 2020.

The motion carried by the following vote:

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, and Council Member Sammy Slade

ORANGE COUNTY PARTNERSHIP TO END HOMELESSNESS 2019 ACTIVITIES REPORT

The purpose of this agenda item was to update the Town Council on the activities of the Orange County Partnership to End Homelessness and also review an update to the homeless service system gaps analysis.

Corey Root, Coordinator of the Orange County Partnership to End Homelessness, provided the report on this item

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO RECEIVE THIS REPORT. VOTE: AFFIRMATIVE ALL.

PRESENTATION OF THE CHAPEL HILL TRANSIT SHORT RANGE TRANSIT PLAN

The purpose of this agenda item was for the Town Council to receive a presentation of the Short-Range Transit Plan (SRTP).

Brian Litchfield, Director of Chapel Hill Transit, presented the report on this agenda item.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO RECEIVE THIS REPORT. VOTE: AFFIRMATIVE ALL.

CAPITAL IMPROVEMENT PLAN FY 2020-21 THROUGH FY 2024-25

The purpose of this agenda item was to present a report to the Town Council on the proposed Capital Improve Plan (CIP) for FY 2020-21 through FY 2024-25.

Cary McNallan, Budget Analyst for the Town of Carrboro, provided the staff report on this agenda item.

Council Member Slade raised a concern that the proposed CIP does not incorporate the Town’s climate emergency budget. He felt that the Town’s offices above the library, as planned for the 203 Project, could not be funded through borrowing or finding savings in other areas while also proceeding with the climate emergency budget. He felt that the offices above the library could cause a tax increase. He asked that this concern be entered into the record.

MOTION WAS MADE BY COUNCIL MEMBER GIST, SECONDED BY COUNCIL MEMBER ROMAINE, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL.

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

**RESOLUTION TO ACCEPT REPORT ON CAPITAL IMPROVEMENTS
PLAN FOR FY 2020-21 THROUGH FY 2024-25**

WHEREAS, the Town Manager and staff have developed a Capital Improvements Plan for FY 2020-21 through FY 2024-25; and,

WHEREAS, the Town of Carrboro recognizes that a Capital Improvements Plan enables staff and the Town Council to plan for future capital needs and investments necessary to provide quality services to residents; and,

WHEREAS, the Capital Improvements Plan is a five year planning tool designed to address the Town’s capital needs with regards to: 1) maintaining the existing infrastructure to protect the Town’s investments; 2) expanding the Town’s tax base in a way that will benefit both future and current citizens; 3) complying with state and federal mandates; 4) incorporating energy and climate protection strategies; 5) providing Town services in the most efficient and safe manner; and, 6) managing and encouraging orderly implementation of Town adopted needs assessments, strategic and program master plans; and,

WHEREAS, the recommended FY 2020-21 through FY 2024-25 Capital Improvements Plan has been presented to the Town Council; and,

WHEREAS, no appropriation of funds for a project(s) is made by the CIP and such appropriation is made by the Town Council through the adoption of a project ordinance or in the annual operating budget;

THEREFORE BE IT RESOLVED that the Town of Carrboro Town Council accepts the Report on Capital Improvements Plan for FY 2020-21 through FY 2024-25 and offers the following changes or directions:

1. None

This is the 11th day of February 2020.

The motion carried by the following vote:

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

No: Council Member Sammy Slade

HR-MU ZONING FOLLOW-UP REPORT AND POSSIBLE REQUEST-TO-SET A PUBLIC HEARING

The purpose of this agenda item was to provide the Town Council with a follow-up report relating to the draft text amendment establishing the Historic Rogers Road Zoning Districts.

Tina Moon, Planning Administrator, provided the staff report on this agenda item.

Tina Moon told the Council that staff had just learned that the property is under contract and the future owner's preference is not to rezone the property for mixed-use.

The Council discussed the relative merits of different options for the property and whether to discuss the matter with the future owner.

Emily West, a resident of Tallyho Trail, addressed the Council. She said the Zillow ad for the property says you can put 48 "doors" on the property. She wondered what the potential buyer was expecting based on the ad. She felt that is might be contrary to what the community wants.

Council Member Slade said he was opposed to having a public hearing on this issue.

A motion was made by Council Member Seils, seconded by Council Member Foushee, that that following resolution be approved:

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE
AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH
HISTORIC ROGERS ROAD MIXED USE DISTRICT AND ASSOCIATED
DEVELOPMENT STANDARDS

WHEREAS, the Town of 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 March 24, 2020, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Establish the Historic Rogers Road Mixed Use District and Associated Development Standards.” This will include options for both a General Use Zoning District and a Conditional Use 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 Appearance Commission, Transportation Advisory Board, Economic Sustainability Commission and Northern Transition Area Advisory Committee.

This is the 11th day of February in the year 2020.

The motion carried by the following vote:

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

No: Council Member Sammy Slade

UPDATE ON ROBERTS STREET IMPROVEMENT OPTIONS

The purpose of this item was to provide the Council with an update on the status of potential improvements to Roberts Street and seek a resolution to hold a neighborhood meeting for Roberts Street residents.

Ben Schmadeke, Capital Projects Manager for the Town of Carrboro, provided the staff report on this agenda item.

Council Member Gist noted this is an affordable neighborhood and is predominantly African-American. She suggested that racial bias might have been causal in why it wasn’t paved in the first place. She said the Town should pay the full cost for paving the road and not require the residents to share the cost.

Mayor Lavelle expressed interest in knowing which of the other unpaved roads in Town have a similar history and which have residents with lower incomes.

A motion was made by Council Member Gist, seconded by Council Member Romaine, that that following resolution be approved:

**A RESOLUTION FOR UNDERTAKING ROADWAY
IMPROVEMENTS ON ROBERTS STREET**

WHEREAS, the Town Council has previously discussed Roberts Street and Carrboro unpaved streets at the February 12, 2019 Town Council meeting and has interest in receiving updates related to the improvement of roadway conditions on Roberts Street; and

WHEREAS, Town Staff have received a preliminary design for roadway improvements on Roberts Street and have proposed to undertake a portion of the improvements; which are necessary for stormwater management, roadway maintenance, and public service and emergency vehicles accessibility. These improvements include asphalt pavement with curb and gutter up to the first driveway at the top of the hill; and

WHEREAS, staff propose offering Roberts Street residents the option to pave the remainder of Roberts Street with the Town covering the entire cost; and

WHEREAS, Town Staff propose holding a neighborhood meeting with the Roberts Street residents to discuss the project and cost sharing option.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receive the staff update and direct staff to hold a neighborhood meeting and bring back an updated capital project ordinance for final approval.

This is the 11th day of February in the year 2020.

The motion carried by the following vote:

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 and Council Member Sammy Slade

MATTERS BY THE BOARD

Council Member Haven-O'Donnell discussed the potential for a circulator trolley. She noted that Chapel Hill is exploring this possibility.

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER GIST, FOR TOWN STAFF TO WORK WITH MEMBERS OF THE CHAPEL HILL STAFF AND LOOK INTO THE FEASIBILITY OF DEVELOPING A CIRCULATOR TROLLEY. VOTE: AFFIRMATIVE ALL.

Council Member Slade raised the issue of the park and ride at Carrboro Plaza.

Council Member Seils stated that Chapel Hill no longer plans to have a lease for the park and ride at Carrboro Plaza.

Council Member Slade felt that this represents a missed opportunity.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, FOR TOWN STAFF TO EXPLORE THE POSSIBILITY OF UTILIZING THE CAPACITY AT THE CARRBORO PLAZA PARK AND RIDE. VOTE: AFFIRMATIVE ALL.

ADJOURNMENT

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

Town Clerk

Mayor