



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

Town of Carrboro

Meeting Minutes

Town Council

Tuesday, April 21, 2020

7:00 PM

Remote Meeting

This meeting was held via Zoom teleconference and broadcasted live on cable television and the internet.

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

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

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Georgia Evans called, "Border Line."

PUBLIC COMMENT

There were no comments provided from the public.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER HAVEN-DONNELL, TO APPROVE THE MINUTES FROM APRIL 7, 2020. VOTE: AFFIRMATIVE ALL.

CONSIDERATION OF INCREASING THE MAXIMUM GRANT FOR RENTAL ASSISTANCE AND AUTHORIZING THE TOWN MANAGER TO APPROVE CHANGES TO THE RENTAL ASSISTANCE PROGRAM

The purpose of this item was for the Town Council to consider raising the maximum grant award for rental assistance from its current \$1,000 to \$2,000 and authorize the Town Manager to consider changes to the program to regionally align the process.

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

A RESOLUTION APPROVING CHANGES TO AFFORDABLE HOUSING SPECIAL REVENUE FUND

WHEREAS, the Town Council on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Council can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Advisory Commission (AHAC) considered changes to rental and utility deposit assistance through the Affordable Housing Special Revenue Fund on April 15, 2020; and

WHEREAS, the AHAC determined that the request was consistent with the goals of the Affordable Housing Special Revenue Fund; and

WHEREAS, the AHAC made the following recommendations:

- (1) raise the maximum grant award for rental and utility deposit assistance from \$1,000 to \$2,000; and
- (2) expressed support for the alignment of rental assistance programs in Chapel Hill, Hillsborough and Orange County; and

WHEREAS, authorizing the Town Manager to approve changes in rental assistance furthers alignment with the Towns and County;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO:

Section 1. Approves the recommended changes to the Affordable Housing Special Revenue Fund.

Section 2. Authorizes the Town Manager to make changes to the rental assistance program to support community need in alignment with the region.

Section 3. With direction to staff to share the Council's request that the funds be made available again in 12-18 months with deference to first time applicants

Section 4. This resolution shall become effective upon adoption.

This the 21st day of April, 2020

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

CONSIDERATION OF APPROVING THE FIVE-YEAR ORANGE COUNTY CONSOLIDATED PLAN AND FY2021 HOME ACTIVITIES

The purpose of this item was for the Town Council to consider approving the draft FY20-21 through FY24-25 Orange County Consolidated Plan and FY21 HOME Activities.

Erika Brandt, the Housing and Community Development Manager for Orange County, provided answers to questions from the Town Council.

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

A RESOLUTION APPROVING THE SUBMISSION OF THE 2020-2025 CONSOLIDATED PLAN FOR ORANGE COUNTY TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, A Five-Year Consolidated Plan for Housing and Community Development Programs in Orange County is required by the U.S. Department of Housing and Urban Development in order for Orange County to receive HOME funds through the Orange County Home Consortium; and

WHEREAS, the Town of Carrboro is a member is the Orange County Home Consortium; and

WHEREAS, it is necessary to have approval of the Consolidated Plan from all four member jurisdictions of the Orange County Home Consortium before the document is submitted to the Department of Housing and Urban Development on May 15, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council approves the submittal of the 2020-2025 Consolidated Plan to the U.S. Department of Housing and Urban

Development, including all understandings, assurances, and certifications required therein, for federal HOME Program funds by May 15, 2020.

This the 21st day of April, 2020

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

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

**RESOLUTION AUTHORIZING THE FY 2020 - 2021 HOME PROGRAM
REVIEW COMMITTEE FUNDING RECOMMENDATION**

WHEREAS, the Town of Carrboro is a member of the Orange County Local Government Affordable Housing Collaborative (the Collaborative); and

WHEREAS, the Collaborative reviewed applications for HOME funding on March 26, 2020 and

WHEREAS, the Collaborative agreed by consensus on the following final funding recommendations:

Habitat for Humanity	Second Mortgage Assistance	\$94,138
Empowerment	Pre-development Loan	\$56,228
CASA	Rental Development	\$200,000
Local Match	Rental Assistance	\$93,712
Administration		<u>\$37,485</u>
Total FY 2020-2021		\$481,563

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO:

Section 1. Approves the recommended funding activities for the FY 2020-2021 HOME Program.

Section 2. The County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of this plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

Section 3. This resolution shall become effective upon adoption.

This the 21st day of April, 2020

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council

Member Damon Seils, Council Member Sammy Slade

AFFORDABLE HOUSING ADVISORY COMMISSION FUNDING RECOMMENDATIONS

The purpose of this item was for the Town Council to consider approving recommended funding for five nonprofit affordable housing applications to the Affordable Housing Special Revenue Fund.

Rebecca Buzzard, the Town’s Human Services Director, provided answers to questions from the Town Council.

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

A RESOLUTION APPROVING GRANT FUNDING FROM THE AFFORDABLE HOUSING SPECIAL REVENUE FUND

WHEREAS, the Town Council on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Council can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Advisory Commission (AHAC) reviewed five funding applications for the Affordable Housing Special Revenue Fund on April 15, 2020; and

WHEREAS, the AHAC determined that the request met the criteria set forth in the Affordable Housing Special Revenue Fund; and

WHEREAS, the AHAC made the following funding recommendations:

Center for Community Self Help	\$27,248
Community Home Trust	\$0
EmPOWERment	\$10,000
Habitat for Humanity of Orange County	\$19,746
Rebuilding Together for the Triangle	\$49,745

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO:

Section 1. Approves the recommended grant funding activity from the Affordable Housing Special Revenue Fund in FY2019-2020.

Section 2. Authorizes the Town Manager to develop and execute an agreement as necessary to carry out the Council’s action.

Section 3. This resolution shall become effective upon adoption.

This the 21st day of April, 2020

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

UPDATE OF THE TOWN’S EMERGENCY ORDINANCE

The purpose of this agenda item was to update the Town’s Emergency Ordinance. This update did not change the powers that already existed for the Town but it updated the language to more closely mirror the state language.

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

AN ORDINANCE AMENDING CHAPTER 9 OF THE CARRBORO TOWN CODE
THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:
Ordinance No. 17/2019-20

Section 1. The text of Chapter 9 of the Carrboro Town Code is repealed and replaced with the language attached hereto as “Attachment B” of the agenda item and shown in total below:

CHAPTER 9 STATE OF EMERGENCY (4-21-20)

- Section 9-1 State of Emergency Defined
- Section 9-2 State of Emergency Declared by Mayor
- Section 9-3 Contents of Proclamation
- Section 9-4 Publication of Proclamation
- Section 9-5 Effect of Proclamation; Prohibitions and Restrictions Authorized
- Section 9-6 Termination of State of Emergency
- Section 9-7 Penalties

Section 9-1 State of Emergency Defined

A state of emergency exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason town public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, or property, or whenever the occurrence of any such condition is imminent.

Section 9-2 State of Emergency Declared by Mayor

(a) Whenever the mayor finds, after consulting with the manager, that a state of emergency exists within all or a portion of the town, he or she shall issue a proclamation declaring such state of emergency in accordance with Sections 9-3 and 9-4.

(b) This proclamation, and any prohibitions and restrictions imposed by it, shall take effect immediately upon publication unless the proclamation sets a later time.

Section 9-3 Contents of Proclamation

The proclamation issued by the mayor shall declare to all persons that a state of emergency exists and shall set forth:

- (1) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it; and
- (2) The date and time from which the proclamation shall be effective; and
- (3) Any prohibitions and restrictions that shall be imposed during the state of emergency and the penalties for violations; and
- (4) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with Section 9-6.

Section 9-4 Publication of Proclamation

(a) For the purpose of making effective the prohibitions and restrictions imposed by the proclamation, publication may consist of reports of the substance of the proclamation's contents, including such prohibitions and restrictions, in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly.

(b) Notwithstanding subsection (a), appropriate distribution of the full text of the proclamation shall be made as soon as practicable.

Section 9-5 Effect of Proclamation; Prohibitions and Restrictions Authorized

(a) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state, and federal governments in accordance with the provisions of Chapter 166A of the General Statutes.

(b) A proclamation of a state of emergency may impose any or all of the following prohibitions and restrictions, as provided in G.S. 166A-19.31:

- (1) Of movements of people in public places, including any of the following:
 - a. imposing a curfew;
 - b. directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the town's corporate limits;
 - c. prescribing routes, modes of transportation, and destinations in connection with evacuation;
 - d. controlling ingress and egress of an emergency area, and the movement of persons within that area;
 - e. providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency.
- (2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- (3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.
- (4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).
- (5) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

Section 9-6 Termination of State of Emergency

(a) A proclamation declaring a state of emergency may be extended, altered, or repealed during the state of emergency by the issuance of a subsequent proclamation.

(b) Prohibitions and restrictions imposed pursuant to this chapter shall expire upon the earliest occurrence of any of the following:

- (1) The prohibition or restriction is terminated by the mayor.
- (2) The state of emergency is terminated by the mayor, who may issue a proclamation declaring the state of emergency to be over at any time he or she concludes that to be the case, and who shall issue such a proclamation if the Board concludes that the state of emergency has ended.

Section 9-7 Penalties

As provided in G.S. 14-288.20A, any person who violates any provision of Section 9-5(b) after a state of emergency has been declared pursuant to this chapter shall be guilty of a Class 2 misdemeanor.

Section 2. This ordinance shall become effective upon adoption.

This the 21st day of April, 2020

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

UPDATE ON RESPONSE RATES FOR CENSUS 2020

The purpose of this agenda item was to provide the Town Council with an update on the response rates to Census 2020 since mailed notice was released in early March.

A MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER SEILS TO ACCEPT THIS REPORT, AND ALSO FOR STAFF TO PROVIDE NEIGHBORHOOD SPECIFIC INFORMATION IN THE NEXT BREAKDOWN OF CENSUS TRACT REPORTING. VOTE: AFFIRMATIVE ALL

UPDATE OF COVID-19 SITUATION REPORT

Chief Dave Schmidt provided a summary of the current emergency.

Nick Herman, the Town Attorney, was asked to look into the release of statistical information from the Orange County Health Department.

MOTION WAS MADE BY COUNCIL MEMBER SLADE FOR MAYOR LAVELLE TO CHECK IN WITH CHIEF JURISDICTIONAL LEADERS TO LOOK INTO UPPING THE NUMBER OF CONGREGATE FACILITIES TO BE REQUIRED TO IMPLEMENT THE SAFEGUARDS AND MEASURES BEYOND THE GOVERNOR'S ORDER. THERE WAS NO SECOND TO THE MOTION.

REPORT ON CARRBORO SMALL BUSINESS AND NON-PROFIT COVID-19 EMERGENCY LOAN/GRANT FUND AND DISCUSSION REGARDING NEXT STEPS FOR REMAINING FUNDS

The purpose of this agenda item was to provide the Town Council with the requested information on the Carrboro Small Business and Non-Profit COVID-19 Emergency Loan/Grant Fund and allow them to discuss the possible next steps for the remaining funds.

Town Council discussed this item and decided that they would like to see the demographic information on business ownership provided in the second round. They also changed the information that is due from non-profits. The detail is provided in the resolution below.

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

A RESOLUTION RECEIVING THE REPORT ON THE SMALL BUSINESS AND NON-PROFIT COVID-19 EMERGENCY LOAN/GRANT FUND AND PROVIDING DIRECTION TO THE TOWN MANAGER REGARDING THE REMAINING FUNDS

WHEREAS, the Town Council has received the report from the Town Manager; and,

WHEREAS, ten applications were approved or conditionally approved for a total of \$196,400; and,

WHEREAS, this leaves a balance of \$103,600 in funds from the Carrboro Revolving Loan Fund; and,

WHEREAS, two applications totaling \$39,400 were approved or conditionally approved from the \$175,000 in CTDA funds leaving a remaining balance of \$135,600 in CTDA funds; and,

WHEREAS, in total, \$235,800 was disbursed, leaving a combined balance of funds of \$239,200.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF CARRBORO TOWN COUNCIL THAT STAFF IS DIRECTED TO TAKE THE FOLLOWING ACTION REGARDING THE REMAINING FUNDS:

1. The emergency loan committee is tasked with review of the 2nd round.

2. Demographic ownership information shall be requested.
3. Credit score or proof of collateralization for everyone but non-profits may supply a credit report or D&B, or some other form of proof of credit worthiness.

This the 21st day of April, 2020

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

REQUEST-TO-SET A PUBLIC HEARING ON TEXT AMENDMENTS TO THE LAND USE ORDINANCE RELATING TO RESIDENTIAL USES IN THE B-1(C) DISTRICT

The purpose of this agenda item was to consider setting a public hearing on text amendments relating to residential uses in the B-1(c) District, subject to specific criteria.

This item was postponed until April 28, 2020.

UPDATE ON PLANNING PROJECTS

The purpose of this agenda item was to provide the Town Council with an update on active Planning projects, including the Comprehensive Plan and the 203 Project.

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

Staff was asked to communicate the request to extend the deadline to implement changes to NCGA 160D (Planning Statute) from January 2021 to July 2021.

MATTERS BY COUNCIL MEMBERS

Town Council asked the Town Manager to provide a report on the roundabout construction noise.

ADJOURNMENT

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

Town Clerk

Mayor