



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

Town of Carrboro

Meeting Minutes

Town Council

June 16 and June 18, 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; Chris Milner, Deputy Town Clerk; Nick Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Amanda Johnson titled, "Facing Us."

JUNETEENTH PROCLAMATION

Mayor Lavelle proclaimed the observance and commemoration of Juneteenth on June 19, 2020 in Carrboro.

SPEAKERS FROM THE PUBLIC

Ann Humphreys, resident of Carrboro, expressed concerns about a perceived increase in the presence of police in Carrboro and police behaviors that she finds overly confrontational.

APPROVAL OF MINUTES FROM JUNE 2, 2020

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER SEILS, TO APPROVE THE MINUTES FROM JUNE 2, 2020. VOTE: AFFIRMATIVE ALL.

DONATION OF \$2,500 FOR MINORITY OWNED BUSINESSES TO JOIN THE CARRBORO BUSINESS ALLIANCE (CBA)

The purpose of this item was for the Town Council to consider funding \$2,500 to support minority-owned businesses that would like to join the CBA.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER SEILS, APPROVING FUNDING OF \$2,500 TO SUPPORT MINORITY OWNED BUSINESSES JOINING THE CARRBORO BUSINESS ALLIANCE. VOTE: AFFIRMATIVE ALL.

TOWN COUNCIL ENDORSEMENT OF LETTER TO GOVERNOR COOPER FROM THE ORANGE COUNTY CLIMATE COUNCIL

The purpose of this item was to authorize Mayor Lavelle to sign a letter from the Orange County Climate Council as an additional endorsement.

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER SLADE, TO ENDORSE THE LETTER AND AUTHORIZE MAYOR LAVELLE TO SIGN IT. VOTE: AFFIRMATIVE ALL.

USE OF SOUTH ORANGE FIRE DISTRICT FUND BALANCE

The purpose of this item was to seek Town Council approval for the Town Manager's request to use the South Orange Fire District Fund Balance to purchase a Tanker Truck for the Carrboro Fire-Rescue Department.

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

RESOLUTION TO REQUEST USE OF SOUTH ORANGE FIRE DISTRICT
FUND BALANCE FOR PURCHASE OF A TANKER TRUCK

WHEREAS, The Town of Carrboro provides fire, rescue and EMS services to the South Orange Fire District; and

WHEREAS, the taxes paid by property owners in the South Orange Fire District are used to pay the Town of Carrboro for services provided to the South Orange Fire District; and,

WHEREAS, the South Orange Fire District will have a calculated fund balance of \$175,675 through June 20, 2020; and,

WHEREAS, the Town of Carrboro has identified a need to purchase a tanker truck at an estimated cost of \$350,000; and

WHEREAS, a new tanker truck provides for increased efficiency in service delivery;

NOW THEREFORE, the Carrboro Town Council hereby:

1. Authorizes the Town Manager to submit a letter of request to Orange County requesting to use available Fund Balance from South Orange Fire District.
2. Such letter of request shall be limited to an amount not to exceed \$125,000 for the purchase of a tanker truck.
3. This Resolution if effective upon passage by the Carrboro Town Council.
4. A copy of this resolution shall be forwarded to the Finance Officer within 2 days.

This, the 16th day of June, 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

SCHEDULING SPECIAL TOWN COUNCIL MEETINGS THIS SUMMER

The purpose of this item was to schedule special meetings for Tuesday, July 14 at 7:00 p.m. and Tuesday, August 18 at 7:00 p.m. to receive COVID-19 updates from Chief Schmidt.

Council Member Haven-O'Donnell requested that a possible meeting on July 28 be added in the event it is needed.

Council Member Foushee asked whether issues other than COVID-19 would be addressed at the

meetings.

David Andrews, Town Manager, stated that, in addition to updates on COVID-19, there could be action items related to COVID-19 pandemic.

Council Member Gist asked the Council to be open to the idea of having additional meetings at other times.

Council Member Slade requested that Police Chief Horton provide a report on law enforcement with a focus on racial justice and police violence during one of the summer meetings.

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO AUTHORIZE MEETINGS ON JULY 14 AND AUGUST 18 WITH THE POSSIBILITY OF ANOTHER MEETING ON JULY 28. A BRIEFING FROM CHIEF HORTON WILL OCCUR DURING ONE OF THE MEETINGS. VOTE: AFFIRMATIVE ALL.

CONSIDERATION OF ENO-HAW REGIONAL HAZARD MITIGATION PLAN, 2020 UPDATE

The purpose of this agenda item was for the Town Council to consider adoption of the community's newly updated hazard mitigation plan. Adoption of a plan on five-year cycle is required in order for the Town to maintain its eligibility for hazard mitigation grant funds.

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

RESOLUTION ADOPTING THE ENO-HAW REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the Town of Carrboro is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Town of Carrboro desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Carrboro Town Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Carrboro Town Council to fulfill its obligation under

North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Carrboro; and

WHEREAS, the Town of Carrboro, in coordination with all other participating jurisdictions of the Eno-Haw Region, has prepared a regional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency will receive a draft of the Eno-Haw Regional Hazard Mitigation Plan to review for legislative compliance and approve pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council hereby:

1. Adopts the Eno-Haw Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

This, the 16th day of June 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

PUBLIC HEARING ON AMENDMENTS TO THE LAND USE ORDINANCE AND TOWN CODE TO ESTABLISH A CLIMATE ACTION AND ENVIRONMENTAL SUSTAINABILITY COMMISSION

The purpose of this agenda item was for the Town Council to consider proposed amendments to the Land Use Ordinance that would establish a new Climate Action and Environmental Sustainability Commission, and an associated Town Code amendment.

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

Tim Turner, Chair of the Environmental Advisory Board (EAB), stated that the EAB requested that the Council vote “no” on this amendment and instruct staff to develop a separate climate board while keeping the EAB intact. He also said the EAB asks the Council to remove the hold on appointing new members to the EAB. He noted that there are currently only 3 members and that is the minimum for quorum. He questioned the notion that staff would be overly burdened if the EAB is retained and a climate board is established.

Kathy Kaufman, EAB member, expressed support for Tim Turner's comments. She also noted the differences in the functions between the EAB and a climate board.

Barbara Stenross, resident of 120 Carol Street, expressed admiration and support for the EAB and its efforts.

Council Member Foushee said diversity in board membership is a top priority for her. She also raised the idea of creating a pilot climate board which would be reviewed by the Council after a period of time.

Council Member Haven-O'Donnell discussed a transitional plan which would involve electing three new EAB members quickly and leave other seats open for diversity to be filled at a later date. She suggested that the EAB could outline the scope of work for a climate-focused subcommittee and this subcommittee could de-conflict their meeting nights with the EAB. She said the work plan and workflow for the new committee should be determined before the committee is formed. She presented and discussed a time-phased transitional plan that would ultimately result in two separate boards.

Council Member Slade stated that the EAB feels that it is not being heard. He expressed support for two separate boards and felt that requiring some members to have two meetings a month would be overly burdensome for the members.

The Council proceeded to discuss and deliberate on the merits of a two board solution, a potential transition plan and the staff's recommendations on this matter.

Laura Janway, the Town's Environmental Planner, asked that the Council consider the workload on staff for supporting multiple meetings per month.

Trish McGuire, Carrboro's Planning Director, noted that stormwater issues were removed from the EAB and transitioned to the Stormwater Advisory Commission. She also requested clarification on staff participation in the transition plan.

Joshua Levinson, local resident, said he does not see the downside to having two groups. He said he has participated in EAB meetings and saw frustration among people in not being able to adequately address climate issues.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER ROMAINE, THAT THE COUNCIL SHOULD MOVE FORWARD WITH APPOINTING MEMBERS TO THE EAB AT THE NEXT COUNCIL MEETING WHILE HOLDING BACK AS MANY POSITIONS AS ARE NEEDED TO ENSURE DIVERSITY. STAFF WILL RETURN TO THE COUNCIL WITH A PLAN FOR A CLIMATE ACTION IMPLEMENTATION COMMITTEE FOR REVIEW AND POTENTIAL ADOPTION BY THE COUNCIL DURING THE FIRST COUPLE MEETINGS AFTER THE SUMMER BREAK.

The Council discussed and deliberated on this motion and other potential options.

Council Member Haven-O'Donnell offered the following friendly amendments to the motion:

- **Fill three of the EAB's open seats at the next meeting, keep three open for diversity**
- **The EAB will provide a report during the summer with an update on the development of a climate-focused committee**

Tim Turner addressed the diversity issue. He said there needs to be outreach to ensure a diverse pool of applicants. He said he could help with this and was confident that it would be successful.

MAYOR LAVELLE CALLED A VOTE FOR COUNCIL MEMBER SLADE'S MOTION WITH THE INCLUSION OF COUNCIL MEMBER HAVEN-O'DONNELL'S AMENDMENTS. VOTE: AFFIRMATIVE ALL.

PUBLIC HEARING ON LAND USE ORDINANCE AND TOWN CODE AMENDMENTS TO ESTABLISH REGULATIONS FOR SMALL AND MICRO-WIRELESS FACILITIES

The purpose of this item was for the Town Council to consider amendments to the Land Use Ordinance and Town Code to conform to state legislation relating to wireless infrastructure for 5G technology.

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

Sarah Howard, a former resident of Carrboro, said she had to move out of Carrboro due to adverse health impacts she had from cell phone towers. She expressed concern over the installation of 5G towers in Carrboro.

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, THAT THIS ITEM BE CONTINUED TO A FUTURE MEETING ON A DATE TO BE DETERMINED BY STAFF. VOTE: AFFIRMATIVE ALL.

Council Member Slade requested that staff provide information on the maximum minimum distance between towers, and also that the Town Attorney let the Council know what they have discretion over regarding regulation of small and micro-wireless facilities.

UPDATE FROM CHIEF SCHMIDT ON COVID-19

Carrboro Fire Chief Dave Schmidt provided an update on the response to the COVID-19 pandemic.

MEETING CONTINUATION

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, FOR THIS MEETING TO BE CONTINUED TO 7:00 P.M. ON THURSDAY, JUNE 18. VOTE: AFFIRMATIVE ALL.

THURSDAY, JUNE 18, 2020 – ALL TOWN COUNCIL PRESENT

SPEAKERS FROM THE PUBLIC

Caleb Easterly, medical student at UNC-Chapel Hill, spoke with the Council about public safety and policing. He is also a member of Med Students Against Police Violence. He said this organization appreciates the draft resolution on equity in law enforcement and public safety in Carrboro that the Council has prepared. However, he said there is concern that the resolution calls for a work meeting on this subject after the summer recess but this is a pressing matter and needs immediate attention.

Malaika Handa, a local resident, expressed support for the Council’s resolution. In particular, she supported the removal of police officers from local schools and to reduce marijuana-related arrests to zero because there is a racial disparity in the enforcement of marijuana-related laws. She stated that it is too often the case that armed police officers are called to incidents that are not appropriate for this type of response.

DISCUSSION OF THE FY21 POLICE DEPARTMENT BUDGET PURPOSE: PROVIDE DETAILS REGARDING THE POLICE DEPARTMENT BUDGET

The purpose of this item was to provide details regarding the Police Department Budget.

David Andrews, Town Manager, introduced this item and provided the staff report.

David Andrews, Cary McNallan, acting Finance Director, and Police Chief Walter Horton answered Council Member questions on this issue.

A RESOLUTION ON NEXT STEPS IN ADVANCING RACIAL EQUITY IN LAW ENFORCEMENT AND PUBLIC SAFETY IN CARRBORO

Council Member Seils provided an overview of the resolution.

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Gist, that the following resolution, not including Section 4.A, be approved.

**A RESOLUTION ON NEXT STEPS IN ADVANCING RACIAL EQUITY IN
LAW ENFORCEMENT AND PUBLIC SAFETY IN CARRBORO**

WHEREAS, Black Lives Matter; and

WHEREAS, on June 9, 2020, the Town Council requested that Council Members Haven-O'Donnell, Seils, and Slade draft a resolution addressing next steps in advancing racial equity in law enforcement and public safety; and

WHEREAS, appreciating the diligence of the manager and the department heads in preparing a budget that aims to avoid increases in expenditures in anticipation of an economic downturn, the Town Council also asked that the manager provide more information about the recommended budget for fiscal year 2021, including details about the proposed 6.6 percent increase in the Police Department budget and options for lessening proposed increases; and

WHEREAS, in May 2015, the Orange County Bias Free Policing Coalition ("Coalition") submitted a report, "Policing Reform Recommendations," to the Carrboro Town Council, the Chapel Hill Town Council, and the Orange County Board of Commissioners; and

WHEREAS, the Police Department, under the leadership of Chief Walter Horton, provides a high level of service to and receives high marks from Carrboro residents, and has taken important steps toward achieving the Coalition's goals for bias-free policing, including confirming the existence of or newly adopting the following policies and practices: written policies explicitly prohibiting racial profiling; periodic reviews of data on law enforcement officers' motor vehicle stops, searches, and arrests; requirement to obtain written consent for consensual searches; use of dashboard-mounted and body-worn cameras; designation of marijuana-related enforcement as a low priority; de-emphasis of regulatory and equipment-related motor vehicle stops; reports of enforcement data disaggregated by race and ethnicity; and racial equity training for officers; and

WHEREAS, in October 2015, the Campaign for Racial Equity in Our Schools submitted a report, "Excellence With Equity: The Schools Our Children Deserve," to the Chapel Hill-Carrboro City Schools Board of Education; and

WHEREAS, in October 2018, the Town Council authorized the Town to become a "core member" of the Government Alliance on Race and Equity (GARE), a commitment to advance racial equity across all functions and levels of municipal government; and

WHEREAS, on June 9, 2020, Governor Roy Cooper issued Executive Order No. 145, establishing the North Carolina Task Force for Racial Equity in Criminal Justice, which will "develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color"; and

WHEREAS, “Carrboro citizens are vocal in their concern for each other”; and “the town should continue to look for unmet needs,” “continue to support human service needs that are above and beyond those met by the County,” “consider the impact of its ordinances and policies on the well-being of its most vulnerable citizens,” “continue to provide a high level of police, public works and fire service,” and “continue its efforts towards community building by encouraging the use of facilitation and conflict resolution” (Carrboro Vision 2020);

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. GOALS; REPORTS REQUESTED

- A. The Town Council hereby establishes the following policy goals relating to racial equity and public safety:
- zero racial and ethnic disparities in motor vehicle stops;
 - zero racial and ethnic disparities in searches resulting from motor vehicle stops;
 - zero racial and ethnic disparities in citations and arrests resulting from motor vehicle stops;
 - zero racial and ethnic disparities in uses of force; and
 - zero arrests for low-level marijuana-related offenses.
- B. Consistent with recommendations and responses from the Coalition, the Town Council asks the manager to resume in summer 2020 providing quarterly “race and policing reports,” including but not limited to overall stop rates, demographic information, residency tracking, reasons for stops, equipment and regulatory violations, number of searches, types of searches (e.g., consensual, probable cause), number of requests denied for written consent for searches, citations, arrests, uses of force, and complaints, to the extent publicly disclosable by law.
- C. The Town Council asks the manager to provide a report describing calls for service from the Police Department and the Fire-Rescue Department.
- D. In the interest of promoting transparency, the Town Council asks the manager to make available on the Town’s website the reports listed above, the Coalition’s responses to those reports, and the Town’s responses to the Coalition.
- E. The Town Council asks the manager to share the policy goals and reports listed above, and information about the work of the Town’s GARE team, with the Town’s Comprehensive Plan Task Force, which is currently being formed.

SECTION 2. USE OF FORCE

- A. The Town Council recognizes that the number of use-of-force incidents in the Police Department is low and that officers’ decisions about use of force must be guided by concern for the safety of themselves and others and must be tactically and legally sound.

- B. The Town Council is grateful to the police chief for responding to residents’ and council members’ inquiries about use-of-force policies by confirming that the following departmental policies are in effect:
- require officers to de-escalate situations when possible;
 - require officers to intervene and stop excessive force used by other officers and report these incidents to a supervisor;
 - establish a force continuum that restricts the most severe types of force to the most extreme situations; and
 - require officers to report each time they use force or threaten to use force.
- C. The Town Council hereby establishes that it is Town policy that the use of chokeholds and strangleholds—broadly defined to include all maneuvers that involve choking, holding the neck, or cutting off blood flow in the neck—is prohibited as a policing tactic.
- D. The Town Council hereby establishes that it is Town policy that officers must provide a verbal warning, when practicable, before using deadly force. The Town Council affirms that officers’ decisions must remain safe and tactically sound.
- E. The Town Council hereby establishes that it is Town policy that the use of deadly force against individuals (including individuals in moving vehicles or on foot) is limited to situations where it is necessary for self-defense or defense of others against an imminent deadly threat or threat of serious bodily injury. Chapter 5 of the Police Department’s Policy and Procedure Manual (revised February 1, 2020) is consistent with this policy.
- F. The Town Council hereby establishes that it is Town policy that the use of specialized impact munitions (as defined in Chapter 5, Section II.H) or chemical agents on crowds or persons exercising their First Amendment rights is prohibited.
- G. The Town Council hereby establishes that it is Town policy that the hiring of anyone who has previously been either (1) disciplined in a law enforcement role for use of excessive force or (2) accused multiple times of use of excessive force through citizen complaints or personnel reports, regardless of whether the department disciplined the individual, is prohibited.

SECTION 3. SCHOOL RESOURCE OFFICERS

The Town Council asks the manager to request information from the superintendent of the Chapel Hill-Carrboro City Schools about the status of the following recommendations from the “Excellence With Equity” report submitted to the Board of Education in October 2015:

- “Complete the revisions discussed by the School Board and adopt immediately the Memorandum of Understanding between the District and local police departments regarding the role of School Resource Officers (SROs) that has been under development and consideration for the last 18 months” (page 73).
- “Develop a plan to replace SROs with school-based programs that have been shown to increase safety and security” (page 73).

SECTION 4. BUDGET

- A. The Town Council asks the manager to postpone filling the currently vacant position(s) in the Police Department, pending further discussion about budgetary and public safety needs.
- B. The Town Council asks the manager to allocate \$7500 in fiscal year 2020-2021 for a contribution to the Town of Chapel Hill's Criminal Justice Debt Program to expand program eligibility to Carrboro residents.

SECTION 5. INTENT TO ESTABLISH A PUBLIC SAFETY TASK FORCE

- A. The Town Council intends to establish a task force on public safety, in the interest of developing new approaches to public safety beyond policing and of investing in what scholar and community organizer Patrisse Cullors has called an "economy of care."
- B. The task force will consider a range of issues related to public safety, including but not limited to law enforcement practices; the possibility of police social worker positions; alternatives to assigning responsibilities for human service needs to the Town's public safety departments; and coordination with the County and other jurisdictional partners to increase investments in programs and services that keep communities healthy and safe through budget reallocations and additional funding.
- C. The Town Council recognizes that investments in public safety and in programs and services that keep communities healthy and safe must advance racial equity, be grounded in community demands, and be informed by authentic engagement with grassroots and community organizations.
- D. The Town Council asks the manager to schedule a work session, after the summer recess, to enable the Town Council to develop a charge for the task force, consider a timeline for its work, and identify resources to enable it to be successful.

This the 18th day of June, 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

Motion was made by Council Member Slade, seconded by Council Member Seils, that Section 4.A of the resolution be approved.

Ayes: Council Member Foushee, Council Member Haven-O'Donnell, Council Member Romaine, Council Member Seils, Council Member Slade

Noes: Council Member Gist, Mayor Lavelle

MOTION FOR CLOSED SESSION

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER FOUSHEE TO ENTER CLOSED SESSION IN ACCORDANCE WITH NORTH CAROLINA G.S. 143-318.11 (3) – ATTORNEY-CLIENT PRIVILEGE. VOTE: AFFIRMATIVE ALL.

ADJOURNMENT

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

Town Clerk

Mayor