



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

Town of Carrboro

Meeting Minutes

Town Council

Tuesday, June 23, 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 Sasha Banks called, "Poems to Stretch the Sky."

A RESOLUTION HONORING THE SESQUICENTENNIAL

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

A RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE FIFTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, the Fifteenth Amendment to the United States Constitution provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude"; and

WHEREAS, the amendment was ratified on February 3, 1870, the last of the three Reconstruction Amendments that were adopted after the Civil War to abolish slavery, extend due process and the equal protection of the laws, and affirm the right to vote; and

WHEREAS, Black North Carolinians who owned property had been allowed to vote under the state's 1776 constitution, but were stripped of the right to vote by the 1835 constitution; and

WHEREAS, Black people sought the franchise immediately after slavery ended, continuing an ongoing struggle that began during the Colonial period; and

WHEREAS, the Fifteenth Amendment was a radical achievement for its time, and after it hundreds of thousands of formerly enslaved people began to vote, an estimated 2000 Black men were elected to local and state office during Reconstruction, and Black men were elected to serve in the US House of Representatives for the first time on October 19, 1870; and

WHEREAS, the amendment also represented a political compromise, a watered-down version of proposals that would have ended poll taxes, literacy tests, and other restrictions that were used across the South to prevent Black people from voting for another hundred years; and

WHEREAS, the fight to protect voting rights, expand voter access, and ensure fair elections is not over, as seen in recent attempts by the North Carolina General Assembly to suppress voting rights, such as voter ID measures, sham investigations of voter fraud, racially motivated gerrymandering, and other efforts designed to prevent Black people from voting; and

WHEREAS, the year 2020 is the 150th anniversary of the ratification and adoption of the Fifteenth Amendment and is also an election year of momentous importance; and

WHEREAS, voting in every election and learning and sharing the history of the struggle for voting rights are important tools in effecting change at the federal, state, and local levels;

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Carrboro, North Carolina, encourages all residents to vote and to support and engage in efforts to protect voting rights and ensure fair elections, such as the local and statewide work of Democracy NC, You Can Vote, and Activate!

This the 23rd 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

RECREATION AND PARKS MONTH

Mayor Lavelle proclaimed July as “Recreation and Parks Month” in the Town of Carrboro.

POLLINATOR WEEK PROCLAMATION

Mayor Lavelle proclaimed the week of June 22nd as “Pollinator Week” in the Town of Carrboro.

PUBLIC COMMENTS

Deborah Gibbs suggested that the Town rename itself after a different Carr than racist Julian Shakespeare Carr.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER GIST TO REFER THIS SUGGESTION TO THE TRUTH PLAQUE TASK FORCE FOR CONSIDERATION. VOTE: AFFIRMATIVE ALL

Shelley Welch stated that the Merritt’s have not met their stream buffer requirement and asked what the Town’s plans are regarding bringing this into compliance.

Kevin Poinboeuf stated that he noticed that Tony Merritt was again doing work inside the stream buffer on 870 Smith Level Road over the weekend. He stated that he would be sending an email with the information.

Eva Canoutas, a resident of Plantation Acres, spoke in favor of changing the name of Plantation Acres to a name that does not promote the notion of white supremacy. She stated that neighbors are working together to develop a petition for the Town.

Elyza HaLev, a resident of the Lloyd Square area, stated that she is unsure of the legal relationship between the Lloyd Square neighborhood and Plantation Acres but that she is in full support of the neighborhood name-change.

The Town Attorney will work with staff and the Plantation Acres representatives on moving this forward.

APPROVAL OF MINUTES

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER GIST, TO APPROVE THE MINUTES OF MAY 26, 2020 AND JUNE 9, 2020. VOTE: AFFIRMATIVE ALL

DESIGNATION OF FUND BALANCE FOR FY 2019-2020 BUDGET ITEMS NOT YET SPENT OR ENCUMBERED

The purpose of this item was for Town Council to designate fund balance in the General Fund to carry over to next year for certain budget items where funds have not been spent or encumbered.

A motion was made by Council Member Slade, seconded by Council Member Foushee, to approve the following resolution noting that the federal and state police seizure funds were not to be spent until a report is received by Town Council from the Police Department on what illegal activities generated the seized funds:

A RESOLUTION APPROVING DESIGNATION OF FUND BALANCE FOR FY 2019-20 BUDGET FUNDS NOT YET SPENT OR ENCUMBERED

WHEREAS, the Town Manager has described to the Town Council the desirability of adopting a resolution to designate fund balance for certain projects:

BE IT RESOLVED by the Town Council that fund balance in the General Fund is designated to fund the following items:

Department	Designated Fund Balance FY 2019-20	Amount
Public Works	OWASA Subsidy	\$ 41,702.00
Public Works	Powell Bill Funds	\$ 7,792.00
Planning	Bicycle Gold Designation	\$ 39,318.00
Planning	Bike & Ped Safety Imprvmnts	\$ 3,000.00
Climate Action	Grassroots Partnerships	\$ 27,300.00
Advisory Boards	Truth Plaque	\$ 8,023.00
Police	Seizure Funds - State	\$ 19,800.00
Police	Seizure Funds Federal	\$ 428.00
	TOTAL	\$ 147,363.00

Summary of Designated Fund Balance Budget Items

OWASA Subsidy – The unspent portion of the OWASA sewer subsidy budget is reserved annually until spent entirely.

Powell Bill Funds – The unspent portion of the Powell Bill Funds are required to be spent on Powell Bill eligible expenses and can be used on such future year expenditures.

Bicycle Gold Designation – These funds will be used to carryout activities necessary to move the Town from Silver Award to Gold Award.

Bike & Pedestrian Safety Improvements – These funds are designated for bike and pedestrian safety improvements throughout the Town.

Grassroots Partnerships – These funds are used for grassroots outreach efforts related to various Town initiatives.

Truth Plaque – These funds are used to create historical markers throughout the Town.

Seizure Funds (State and Federal) – The Police Department uses these restricted revenues to supplement ongoing investigations. Unexpended funds in a given year are carried over to the next year.

BE IT FURTHER RESOLVED, that upon confirmation of the actual amount for the above projects by the independent audit for the year ending June 30, 2020, the Town Manager may transfer fund balance up to the amount confirmed by the independent audit to the appropriate department(s) without further action by the Town Council.

This the 23rd 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

REQUEST TO SET A PUBLIC HEARING FOR A MAJOR MODIFICATION TO THE CLUB NOVA CONDITIONAL USE PERMIT

The purpose of this item was for the Town Council to set a public hearing date of September 22, 2020 for the consideration of a request for a Major Modification to the existing Conditional Use Permit.

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

A RESOLUTION CALLING A PUBLIC HEARING FOR A MAJOR MODIFICATION TO THE ORIGINAL CONDITIONAL USE PERMIT FOR CLUB NOVA

WHEREAS, the Carrboro Town Council seeks to provide ample opportunities for the public to comment on proposed major modifications to the conditional use permits; and

WHEREAS, a major modification to the original 2002 Conditional Use Permit has been received.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council hereby sets a public hearing date of September 22, 2020 to consider a major modification to the Conditional use permit request for the property at 103 W. Main Street (PIN 9778862027).

This the 23rd 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

REQUEST TO SET A PUBLIC HEARING ON TEXT AMENDMENTS TO ESTABLISH A HR-MU DISTRICT

The purpose of this item was for the Town Council to set a public hearing on draft text amendments to the Land Use Ordinance to establish a Historic Rogers Road Mixed-Use Zoning District.

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

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 September 22, 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 the 23rd 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

CONSIDERATION OF FEDERAL CARES ACT FUNDING ALLOCATION AND AMENDMENT TO THE FY2019-2020 ADOPTED BUDGET

The purpose of this item was to allocate the CARES Act funding to various eligible COVID-19 expenditures and to consider an amendment to the FY2019-20 budget.

A motion was made by Council Member Gist, seconded by Council Member Foushee, to approve the following ordinance:

AMENDMENT TO FY 2019-20 ADOPTED BUDGET
Town of Carrboro, North Carolina
Ordinance No. 25/2019-20

WHEREAS, the Board of Aldermen for the Town of Carrboro adopted Annual Budget Ordinance No. 22/2019-20 for FY 2019-20 on June 18, 2019; and,

WHEREAS, on 3/24/20, the Council established the Emergency Loan Program Fund; and,

WHEREAS, the Town now finds it necessary to amend the budget ordinance due to the receipt of federal funds provided through the CARES act; and,

WHEREAS, said funds are to be appropriated for eligible COVID-19 related expenditures; and,

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S.159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

REASON: To appropriate federal CARES funding for eligible computer costs (General Fund: \$41,500), for the rental assistance program (Affordable Housing Fund: \$120,000), and for emergency loan grants (Emergency Loan Fund: \$47,500).

ACCOUNT CODE			ACCOUNT NAME	CURRENT	Change	REVISED
Org	Object	Project		BUDGET		BUDGET
1447	437203	99900	Federal CARES Act	-	(41,500.00)	\$ (41,500.00)
447	503305	99900	Computer & Peripherals	-	41,500.00	41,500.00
28	437203		Federal CARES Act	-	(120,000.00)	\$ (120,000.00)
28	505900		Rental Assistance	55,116.18	120,000.00	175,116.18
46	437203		Federal CARES Act	-	(47,500.00)	(47,500.00)
46	504637		Grant Disbursement	-	47,500.00	47,500.00
						-

This budget ordinance amendment shall be effective immediately upon adoption.
A copy of this amendment shall be forwarded to the Town’s Finance Officer within five days.

This the 23rd 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

IMPLEMENTATION OF EAST MAIN STREET RESTRIPIING

The purpose of this item was for staff to provide an update on the implementation of the East Main Street Restriping Plan to the Town Council.

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

A RESOLUTION PROVIDING DIRECTION ON PROPOSED IMPROVEMENTS ASSOCIATED WITH THE EAST MAIN STREET RESURFACING

WHEREAS, the North Carolina Department of Transportation (NCDOT) has postponed the resurfacing of East Main Street to the summer of 2021;

WHEREAS, on April 14th, Council indicated support of the proposed modifications;

WHEREAS, this council expressed interest in exploring temporary installation of the proposed cross-section which provided bike lanes;

WHEREAS, staff assessment of the pavement conditions shows that to expect bikes to only ride in a lane near the curb could be detrimental to public safety;

NOW, THEREFORE, BE IT RESOLVED that the Town Council accepts the report and expresses its interest in the project proceeding in conjunction with NCDOT’s resurfacing scheduled for implementation in summer 2021.

This the 23rd 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

CONTINUATION OF A 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 the Town Code to conform to state legislation relating to wireless infrastructure for 5G technology.

Tina Moon, the Town’s Planning Administrator, provided the staff report.

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

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: a Land Use Ordinance Text Amendment to Establish Regulations for Small and Micro-Wireless Facilities.

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 Statutes

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.

This the 23rd 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

Noes: Council Member Sammy Slade

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

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR SMALL AND MICRO-WIRELESS FACILITIES
Ordinance 22/2019-20

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-15 (Basic Definitions and Interpretations) of the Carrboro Land Use Ordinance is amended by adding sixteen new definitions and modifying two existing definitions, “public utility service complex” and “tower,” as shown below, and by renumbering the entire section in alphabetical order.

ANTENNA ELEMENT REPLACEMENT. The replacement of any part or all of an antenna or antenna array with a model of the same manufacturer and model type or close specification.

APPLICABLE CODES. The N.C. State Building Code uniform fire, building, electrical, plumbing or mechanical codes adopted by a recognized national code organization together with State, Orange County or Town of Carrboro amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

BASE STATION. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

COLLOCATION. The placement, installation, maintenance, modification, operation or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, Town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

COMMUNICATIONS FACILITY. The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE. Cable service as defined in 47 U.S.C. § 522(6) (The one-way transmission to subscribers of video programming, or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service), and information service as defined in 47 U.S.C. § 153(24). (The term “information service” means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service), and telecommunications service as defined in 47 U.S.C. § 153(53) (The term “telecommunications service” means the offering of telecommunications for a fee directly to the public.)

COMMUNICATIONS SERVICE PROVIDER. A cable operator as defined in “Communications Service” and 47 U.S.C. § 522(5); a provider of information service, as defined in “Communications Service” and 47 U.S.C. § 153(24); a telecommunications carrier, as defined in “Communications Service” and in 47 U.S.C. § 153(51); or a wireless provider.

ELIGIBLE FACILITIES REQUEST. A request for a modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT COMPOUND. An area containing accessory equipment surrounding or near the base of a wireless support structure within which a wireless facility is located.

MICRO WIRELESS FACILITY. (See Section 15-176). A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

SMALL WIRELESS FACILITY. (See Section 15-176). A wireless facility that meets both of the following qualifications:

- (1) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
- (2) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. (For purposes of this subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.)

SUBSTANTIAL MODIFICATION. (See Section 15-176). The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below:

- (1) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- (2) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- (3) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

TOWN RIGHT-OF-WAY. A right-of-way owned, leased, or operated by a town, including any public street or alley that is not a part of the State highway system.

TOWN UTILITY POLE. A pole owned by a town in the town right-of-way that provides lighting, traffic control, or a similar function.

WIRELESS FACILITY. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable,

regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. Also refers to Wireless Telecommunications Facility. The term shall not include any of the following:

- (1) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- (2) Wireline backhaul facilities.
- (3) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (4) Amateur radio antennas. See also, Section 15-150(5) Towers and antennas constructed on residential property and G.S. § 160A-400.51.

WIRELESS SUPPORT STRUCTURE. A new or existing structure, such as a monopole, lattice tower, or guyed tower, that is designed to support or capable of supporting wireless telecommunications facilities, radio or TV antennas. A utility pole is not a wireless support structure.

PUBLIC UTILITY SERVICE COMPLEX. A development consisting of a combination of offices and one more of the following types of uses, all of which are operated or conducted by a “public utility” as that term is defined in Section 62.3 of the N.C. General Statutes: motor vehicle repair (use classification 9.400), parking or storage (use classification 10.300), and towers and wireless support structures (use classification 18.000). (AMENDED 10/25/83)

TOWER. A structure whose principal function is to support one or more antennas. See also Wireless Support Structure. (AMENDED 02/18/97)

Section 2. Section 15-146, (Table of Permissible Uses) is amended by expanding the description of the subcategories of use classification 18.000 “Towers and Related Structures,” to read as follows:

18.000 Towers and Wireless Support Structures

18.100 Towers and antennas fifty feet tall or less.

18.200 Towers and antennas that exceed 50 feet in height; substantial modifications, that are not regarded as accessory to residential users under 15-150(c)(5).

18.300 Antennas exceeding 50 feet in height attached to wireless support structures other than towers; substantial modifications (other than accessory uses under 15-150(c)(5)).

18.400 Publicly-owned towers, wireless support structures and antennas of all sizes that are used in the provision of public safety services.

Section 3. Section 15-146, Section 15-146, (Table of Permissible Uses) is amended by adding a new use classification 18.500 “Small and Micro Wireless Facilities; with or without

associated Utility Poles or Wireless Support Structures” by adding the letter “Z” opposite this use classification under all zoning district columns to indicate that this use is permissible in all districts with a zoning permit as noted further in section 15-176 Towers, Antennas, and Wireless Facilities, including Small and Micro Wireless Facilities.

Section 4. Section 15-147, (Use of the Designations Z, S, C in the Table of Permissible Uses) is amended by adding a new subsection (t) to read as follows:

(t) For use classification 18.500 small and micro wireless facilities; with or without associated utility poles or wireless support structures see Section 15-176(d) for application and development standards and Article II of Chapter 7 for encroachment agreements.

Section 5. Section 15-150(c)(5) is amended to modify the reference to the setback requirement from subsection 15-176(2) to subsection 15-176(a)(2).

Section 6. Section 15-176 Article XI (Supplementary Use Regulations) is rewritten to include small and micro wireless facilities, as follows:

Section 15-176 Towers and Antennas, and Wireless Facilities including Small and Micro Wireless Facilities (AMENDED 02/18/97, REPEALED & AMENDED 11/19/13)

(a) Towers and antennas, and wireless facilities are subject to the regulations outlined in this section, pursuant to the definition of each facility described in Article II of this chapter. The term “tower” includes wireless support structures.

In addition to other applicable provisions of this chapter, towers, antennas attached thereto that exceed 50 feet in height (use classification 18.200) shall be subject to the requirements in subsections (a), and (b) and (c) below. Additional standards applicable to small and micro-wireless facilities (use classification 18.500) are provided in subsection (d).
(AMENDED 11/19/13)

- (1) A tower may not be located within 1,500 feet of another tower (measured in a straight line and not by street distance).
- (2) As set forth in subsection 15-184(q), the base of the tower shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the tower.
- (3) Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for nighttime lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

- (4) Towers and antennas shall be constructed and operated so as not to disturb or interfere with the use or operation on adjoining or nearby properties of radios, televisions, telephones, or similar equipment.
- (5) Commercial messages may not be displayed on any tower.
- (6) The output from the tower may not exceed federally approved levels for exposure to electronic magnetic force (EMF). The applicant shall be required to submit documentation with the application verifying compliance with this standard.
- (7) If the tower is up to 180 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication user. If the tower exceeds 180 feet, the tower shall be engineered and constructed to accommodate at least two additional telecommunication users. Furthermore, the site plan must show locations for accessory buildings necessary to accommodate a minimum of two users, even if the tower is proposed for a single user.
- (8) The base of the tower and each guy anchor shall be surrounded by a fence or wall at least eight feet in height and constructed of material that cannot be easily climbed or penetrated, unless the tower and all guy wires are mounted entirely on a building at least eight feet in height.
- (9) The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a Type A screen. The site developer shall have the option of (i) providing the screening around the tower base and associated items individually, or (ii) providing the screening around the perimeter of the entire site.
- (10) Outdoor storage shall not be permissible on tower sites.
- (11) In addition to other information that must be submitted with the application, the application for a tower must contain the following information:
 - a. Identification of the intended user(s) of the tower.
 - b. Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
 - c. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, or other buildings or structures.
 - d. A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.

- (12) The recipient of a permit for a tower shall be required as a continuing condition on the validity of the permit, to submit to the Zoning Administrator by January 31st of each year documentation, including but not limited to an FCC license, that the tower is being utilized. Towers which are not used for a period of 6 months or more shall be removed by the owner within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each tower to guarantee compliance with this requirement.
- (13) In any residential zone, associated buildings or other buildings located on the same lot and owned or used by the applicant, its associates, or any co-users shall not be used as an employment center for any worker. This subsection does not prohibit the periodic maintenance or periodic monitoring of instruments and equipment.
- (14) The tower shall be constructed with a grounding system that provides adequate protection from destruction or damage by lighting.
- (15) **REPEALED (11/19/13)**
- (16) In addition to the considerations for conditional or special use permits found in Section 15-54 of this ordinance, the approving bodies in determining whether a tower is in harmony with the area of a tower on the value of adjoining or abutting properties may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics, and may disapprove a tower on the grounds that such aesthetic effects are unacceptable. Factors relevant to aesthetic effects are the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites; the concentration of towers in the proposed areas; and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

(b) A request for a modification of an existing cell tower, base station or wireless support structure that involves the collocation of new transmission equipment or the removal or replacement of transmission equipment but that does not substantially change the physical dimensions of the cell tower or base station shall be approved by the administrator as an insignificant deviation (see Section 15-64). For purposes of this section, a substantial change in physical dimensions would occur if: **(AMENDED 11/19/13)**

- (1) The proposal is a “substantial modification” as defined in Article II of this chapter. Substantial modifications include:
 - a. The proposed change would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (may exceed these size limits if necessary to avoid interference with

existing antennas);

- b. The proposed change would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable); or
- c. The proposed change would enlarge the square footage of the existing equipment compound by more than 2,500 square feet; or
- d. The proposed change would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- e. The proposed change would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

(2) Applications for substantial modifications shall be considered pursuant to the requirements in Article X.

(c) The Town shall have 45 days within which to determine the completeness of an application for a collocation or eligible facilities request, and then 45 days from the date that the application is determined to be complete within which to make its decision. An application is deemed to be complete 45 days after it is submitted unless the Town determines and notifies the applicant in writing within 45 days of submission, that (and how) the application is deficient. For other types of applications relating to wireless support structures, towers or substantial modifications, the Town shall have 90 days to determine if an application is complete and 150 days within which to decide, not including small and micro wireless facilities. This provision shall not apply to small wireless facilities located within the public right-of-way, which shall be governed by Section 15-52(f). **(AMENDED 11/19/13)**

(d) Small or micro wireless facilities (use classification 18.500), defined in Article II, and the height requirements in Table 1 and Table 2 below, are subject to the regulations outlined in this subsection.

Table 1. Height Requirements for Small Facilities in Public Rights-of-Way (Read top row left to right, then left-hand column.)

If a Small Wireless Facility is proposed in the following Zoning District(s):	New, modified or replacement utility power Height of Utility Pole	Small wireless facility above utility pole, wireless support structure or Town utility pole	Total Height
All	50 feet above ground level	10 feet	60 feet

EXCEPTION for residential zoning districts where utilities are located underground. (The residential zoning districts are R-2, R-3, R-7.5, R-10, R-15, R-20, RR, R-SIR, R-SIR2, PUD, VMU, WR, HD, NPD	40 feet above ground level	10 feet	50 feet
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Table 2. Height Requirements for Small Facilities outside of Public Rights-of-Way

If a Small Wireless Facility is proposed in the following Zoning District (s)	New, modified or replacement utility power Height of Utility Pole	Small wireless facility above utility pole, wireless support structure or Tow utility pole	Total Height
B-1(c), B-1(g), B-2, B-3, B-3T, M-1, M-2, CT, O, ORMU	50 feet above ground level	10 feet	60 feet

- (1) Small wireless facilities may also be attached to existing structures including poles, provided that the height of the wireless support structure and antennae together increase the height of the existing structure by not more than ten (10) feet.
- (2) All small and micro wireless facilities shall meet the provisions of 15-176(a)(10), (11), (12) and (14), above.
- (3) Small wireless facilities shall be collocated on existing or replacement poles or wireless support structures to the extent feasible. If new poles or wireless support structures are requested by an applicant, the applicant shall comply with the Town’s design criteria for such new poles and wireless support structures and shall consider, if feasible, a design that could accommodate collocations of other wireless facilities.
- (4) New small wireless support structures may be built no closer than 200 feet from an existing wireless support structure or utility pole. The Town may consider a deviation from this standard upon request of the user if no feasible alternative in the public right-of-way exists.
- (5) Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the Town, the composition of new poles or wireless support structures shall be in accordance with the provisions below.
 - a. New small cell facilities must use camouflage design techniques that

blend the facility with the natural and built environment. Where a new pole is proposed or a new pole is replacing an existing pole, a new metal pole shall be designed and constructed to match the existing pole or existing surrounding poles, that is, in brown, dark green, black or silver, unless such pole is located in an area subject to other design standards.

- b. Installations shall be on non-conductive poles.
 - c. Concrete or reinforced concrete shall not be used except for pole foundations.
 - d. Upon request of the applicant, public or the Town, the Town may accept and approve (at its reasonable discretion), new wireless support structure designs submitted by the applicant, which shall be designated for use in specific design overlay districts, historic districts, residential districts or other areas of the Town as may be preferred and so designated by the Town. The consideration of alternative designs shall be part of a separate review process prior to the submittal of an application for a new pole or wireless support structure, and therefore not subject to the review process described in 15-52(f).
- (6) Wireless installations shall be on poles that meet or exceed current National Electric Safety Code (NESC) standards and wind and ice loading requirements of ANSI 222 Version G for essential services.
 - (7) No exterior lights are permitted on any small or micro facilities unless required by the Federal Communications Commission (FCC) or the wireless support structure is designed and permitted as a street light.
 - (8) Small wireless facilities and their wireless support structures shall utilize a concealed design, including all cabling being inside the support structure or “concealed” behind a fairing cabinet or other masking device.
 - (9) All radios, network equipment and batteries will be enclosed in a pedestal cabinet near the pole, or in a concealed pole-mounted cabinet.
 - (10) The total cumulative volume of all accessory equipment, cabinets, or shelters used to house equipment to support the operation of a small wireless facility cannot exceed 28 cubic feet. Any equipment not used in direct support of such operation shall not be stored on the site.
 - (11) Signs on any portion of a small wireless facility shall be prohibited unless required by the Federal Communications Commission (FCC), state of North Carolina or other government agency. A sign permit is required whenever a sign is allowed.

- (12) Equipment compounds are not permitted in the public right-of-way.
- (13) Unless proved unfeasible by clear and convincing evidence, in lieu of installing new poles, any wireless installation in the public right-of-way shall replace a pre-existing distributed pole, secondary pole or streetlight. Any work involving public rights-of-way shall comply with the standards in Article II of Chapter 7 of the Town Code.
- (14) Outside of the public right-of-way in all districts, the administrator shall have the authority to impose reasonable landscaping requirements surround the equipment compound or accessory equipment cabinet. Required landscaping shall be consistent and surrounding vegetation and shall be maintained by the facility owner. The administrator may choose to not require landscaping for sites that are not visible from the public rights-of-way or adjacent property or in instances where landscaping is not appropriate or necessary.
- (15) All small wireless facilities located outside the public rights-of-way shall comply with the provisions of Section 15-176(a)(2), (9) and (13). The base of any pole or tower for a small or micro facility shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the pole or tower.
- (16) No pole or tower intended for small or micro wireless facilities may be constructed, substantially modified, including modifications relating to collocations, except in accordance with and pursuant to a zoning permit as provided for in Article IV, Part I. of this chapter and, if applicable, to an encroachment permit in accordance to Article II, of Chapter 7.
 - a. Subject to the application requirements and approval process outlined in Section 15-52, construction shall begin no later than six months from the date the permit is issued.
 - b. Small wireless facilities shall be activated for their intended use in no more than one year from the date a permit is issued, and shall be subject to the renewal requirements of subsection (b)(12) above. Permits shall automatically expire if these deadlines are not met.
 - c. If a small wireless facility ceases to transmit a signal for at least 180 days, or the permittee announces that it intends to cease transmitting signals, the facility shall be deemed abandoned on the earlier of the two dates.
 1. If the owner/provider does not remove the facility in 180 days from the date of abandonment, the Town may remove the facility and bill the owner for the costs of removal.

2. The provider of the facility may receive an extension if the provider provides reasonable evidence that the provider is diligently working to return the facility to service.

d. Substantial modifications are subject to the provisions of Section 15-176(b) above.

Section 7. Section 15-185(e) amended to include small and micro wireless facilities, as follows:

(e) Towers, antennas, and wireless facilities, including small and micro wireless facilities shall not be subject to the maximum height limitations set forth in this section but shall be governed by the restrictions inherent on the definitions of such uses as well as the other provisions of this chapter applicable to use classification 18.000. The height of a tower or antenna attached to a structure other than an antenna shall be the vertical distance measured from the main elevation of the finished grade at the front of the building or structure to which the tower is attached to the top of the tower (or antenna, if the antenna extends above the tower). Pursuant to Section 15-176, the height of a small or micro wireless facility on a new, modified or replacement utility pole shall be measured from the ground to the top of the pole. **(AMENDED 02/18/97)**

Section 8. Section 15-52, (Zoning Permits) is amended with the addition of a new Subsection (f) to read as follows:

(f) An application for a zoning permit to collocate small and micro wireless facilities in public rights-of-way on new, existing or replacement utility poles or wireless support structures; or outside public rights-of-way are subject to the approval process required by N.C. Gen. Stat. Chapter 160A, Art. 19, Part 3E. Wireless Telecommunications Facilities, as incorporated into this ordinance.

(1) In addition to the requirements of section 15-176, and Chapter 7, Streets and Sidewalks, an application for a small wireless facility must include an attestation that the small wireless facility shall be:

- a. activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, and
- b. collocation shall commence within six months of the permit issuance date, and
- c. if not, the permit may be revoked.

(2) Review and processing shall be completed within forty-five (45) days of the Town's receipt of a completed application. The Town shall provide written notice that an application is incomplete within thirty (30) days of the receipt of the application.

- (3) Applications for zoning permits for small wireless facilities shall be reviewed for conformance with this ordinance, including the applicable site plan and State Building code requirements.
- (4) The Town may deny an application for a small wireless facility only on the basis that it does not meet any of the following:
 - a. the Town's applicable ordinance;
 - b. Town ordinances that concern public safety, objective design standards for decorative utility poles, Town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment, subject to Appendix E;
 - c. public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or
 - d. the requirements of any historic district.
- (5) Applicants may file for a consolidated application for no more than 25 separate facilities and may receive a permit for the collocation of all the small wireless facilities meeting the requirements of this ordinance. The Town may remove small wireless facility collocations from a consolidated application and treat separately small wireless collocations *(i)* for which incomplete information has been provided, or *(ii)* that are denied. The Town may issue a separate permit for each collocation that is approved.
- (6) Applications for small wireless facilities to be in Town rights-of-way shall meet the requirements of Chapter 7, Streets and Sidewalks.
- (7) No zoning permit application or fee is required for the suspension of micro wireless facilities between existing utility poles by or for a communications service provider; for routine maintenance; or for the replacement of small wireless facilities with small wireless facilities. An encroachment permit may be required as provided in Chapter 7, Streets and Sidewalks.

Section 9. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 10. This ordinance is effective upon adoption.

This the 23rd 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

Noes: Council Member Sammy Slade

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

AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE RELATING
TO WIRELESS FACILITIES
Ordinance No. 23/2019-20

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Article II of Chapter 7 of the Town Code, Streets and Sidewalks is renamed as follows:

Article II – ENCROACHMENTS, DRIVEWAYS and EXCAVATIONS

Section 2. Article II of Chapter 7 of the Town Code, is amended by adding a new Section 7-9, “Encroachment Permit Required,” to read as follows:

Section 7-9 Encroachment Permit Required

Prior to performing work or placing facilities in a public right-of-way in the Town, a user must obtain an Encroachment Permit (also called “work permit”) issued by the administrator. An encroachment permit is required for the following activities:

- (a) Excavation or restoration within the public way, including but not limited to construction of new portions of a driveway, sidewalk or public way;
- (b) Cutting, mobbing, or alteration of concrete, pavement, paver (for example, brick or stone), pipe, conduit, pole, meter, fire hydrant, facility, or other equipment or structure owned by the Town, or attachment to such objects;
- (c) Installation or repair of facilities within the public way, including, but not limited to, placing facilities on other facilities already located in the public way;
- (d) Construction of private streets (including, but not limited to, paving and gutters), sidewalks, or alleys;
- (e) Installation or repair of facilities for the conveyance of water, sewer, or stormwater;
- (f) Installation or repair of facilities for electrical, gas, video, internet, telephone, cable, telecommunications, television, or other information or data transfer service to customers within the Town;
- (g) Work in the rights-of-way that affects traffic patterns, either permanently or temporarily;

(h) The installation of any permanent structures or property in the public right-of-way including utilities and communication networks;

(i) Make Ready Work. The Town shall provide estimates for any make-ready work necessary to enable a Town utility pole to support the requested collocation, including pole replacement, if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written agreement on the cost of the work;

(j) Attachments to or replacements of Town utility poles;

(k) Attachments to Town property (other than Town utility poles) in NCDOT or other rights-of-way;

(l) The Town may approve agreements for the use of Town property that substitute for encroachment or work permits, such as the lease of antenna space on a water tower.

Section 3. Article II of Chapter 7 of the Town Code, is amended by adding a new Section 7-10, “General Conditions for Use of Rights-of-Way,” to read as follows:

Section 7-10 General Conditions for Use of Rights-of-Way

(a) Rights-of-way in the Town may be controlled by N.C. Department of Transportation (DOT), private parties, and/or the Town. The Town issues and/or monitors work and/or encroachments in the Town’s right-of-way by issuing encroachment permits. Where Town property is located in DOT rights-of-way, the Town issues permits for disturbance or use of its properties including attachments to Town-owned poles located within DOT right-of-way. Encroachment permits, or agreements are required to attach or use any Town property. Wireless telecommunication facility encroachments in the public rights-of-way require review by the Planning Department. (See Chapter 15 of this Code, (Land Use Ordinance). All public right-of-way encroachments must be reviewed by the Town Manager or designee, including attachments to Town utility poles, replacement of Town utility poles, and “make ready” requests.

(b) The right to perform work in the public right-of-way and the ability to maintain facilities in the public right-of-way are allowed subject to the conditions in §§ 7-9 and 7-11 and below, as supplemented by those set forth in other sections of this ordinance, standards adopted by the Public Works Department, and requirements contained in permits and/or other authorizations.

- (1) An encroachment permit does not convey any legal right, title, or interest in the public way. Persons doing work in the public way and users may need to obtain approvals from persons with property interests in the property.
- (2) A permit or authorization does not limit the Town’s exercise of its regulatory, police, government, legislative, or contracting authority. The

Town retains all rights to use all portions of public rights-of-way for its purposes not prohibited by law. If a permit or authorization conflicts with the terms of another permit or authorization, or with the Town Code, the stricter of the applicable provisions shall control. The stricter provision shall not control, however, if a later-issued permit, authorization, or ordinance explicitly and specifically states that particular terms are to override prior, less strict terms in an authorization.

- (3) The Town and its officials, officers, and employees are not liable for any direct, indirect, or consequential damages that result when facilities in the public way are damaged during the construction, installation, inspection, maintenance, use, or repair of public improvements that have received Town funding or that are installed pursuant to a contract with the Town.
- (4) Users and persons who cause work to be done in the public way shall pay for all damage that results, directly or indirectly, from work performed for their benefit in the public right-of-way, and for the installation, repair, maintenance, and operation of their facilities in the public right-of-way.
- (5) An encroachment permit creates no third-party rights against the Town and is intended only for the benefit of the person receiving the permit or authorization.
- (6) Persons doing work in the public right-of-way shall not interfere with existing utilities, such as infrastructure for conduit and fiber optics, electricity, water, natural gas and sewer, the natural and constructed stormwater system, and traffic signals and associated lines, or the repair or replacement of such systems. Persons doing work in the public right-of-way that does not involve creating a new structure shall apply for an encroachment permit at least ten (10) working days prior to initiating work, to allow time to locate and mark any existing Town utility lines. Persons building structures and/or utility poles, including wireless facilities, and associated underground conduit, shall apply for an encroachment permit at least thirty (30) calendar days prior to beginning work. (See section 7-9.) The application shall accurately describe the portion of the street to be affected. Damage to Town utilities or other infrastructure shall be paid for by the person or user contracting for the work that resulted in such damage. If an encroachment permit is not required, persons doing work in the public right-of-way shall also give the Town Public Works Department at least ten (10) working days' notice to locate and mark any existing Town utility lines prior to initiating work. In addition, in all cases mentioned above, persons will give the department a second notice 24-hours before beginning any work in the public right-of-way as required by Section 7-10(15) below.

- (7) Persons and users performing work in the public way shall ensure worker, traffic, and pedestrian safety and shall ensure that all work is performed in accordance with industry standards. Compliance with all federal, State, and local regulations, and all federal, State, local, and industry codes and standards are required. These include, but are not limited to, compliance with the Occupation Safety and Health Act; compliance with the Manual of Uniform Traffic Control Devices, National Electrical Code, and National Electrical Safety Code; compliance with fiber optic installation standards and telecommunication industry standards; compliance with plumbing and pipe installation codes and standards; and compliance with standards and codes for traffic safety and lane closures. Persons and users shall provide all equipment and personnel necessary to meet applicable regulations, codes, and standards, and shall furnish additional equipment or personnel if requested by the Town.
- (8) The administrator shall have the discretion, for reasons of public health or safety, to approve, deny, alter, and condition all proposed locations of facilities in the public way, and to determine whether placement, if allowed, shall be above ground or below ground.
- (9) Wires, fiber, and other similar conduits shall generally be located underground. A user that wishes to place such facilities above ground shall demonstrate to the Town's satisfaction why above-ground placement is necessary.
- (10) The Town recommends but does not require that facilities be located in existing ducts if such ducts are available and practicable to use.
- (11) A user shall demonstrate to the administrator's satisfaction that sufficient space exists in the public way for its proposed facilities without interfering with existing or planned public projects, and that placement of the facilities will not unduly disrupt use of the public way or negatively impact the condition of the public way.
- (12) The administrator may require a user to post written notice of proposed work or activities along the public way impacted and/or distribute notices to individual properties located along the impacted public way.
- (13) Users shall give the Town as-built or other maps, which shall be furnished in the form required by the Public Works Department, and changes to planned locations that were necessary to avoid pre-existing infrastructure. Users shall give the Town any other commercially reasonable information it requests regarding the installation of facilities, including underground conduit, upon completion in accordance with application requirements.

- (14) A person or user that conducts excavation or other activities that disturb the public rights-of-way or plantings within the public rights-of-way or facilities within the public way shall restore the area to a functional condition equivalent to that it was in prior to the disturbance. The restoration shall include, but is not limited to, installation of pavement, resurfacing nearby areas, grading other surface areas, restoring below-ground areas, planting and landscaping, replacing curb ramps to current standards, and repairing improvements and facilities. Replacement landscaping shall comply with the requirements of Article XIX and Appendix E of Chapter 15 of this code.
- (15) Users shall contact the Public Works Department at least 24-hours prior to actual work performed in the right-of-way, except in the case of an emergency.
- (16) To the extent permitted by North Carolina law, the Town may require a performance bond for work to be done in the public right-of-way.
- (17) A user shall, at its own cost, relocate its facilities within a time determined at the discretion of the Town, upon providing at least 120 days prior written notice to the user, if the Town determines that the facilities were placed in the public right-of-way without first obtaining permission from the Town, and the facilities:
 - a. Interfere with the use of the public way, or the provision of services to Town residents; or
 - b. Interfere with the repair or maintenance of any Town-maintained utility; or
 - c. Will impede the construction of a project funded in part with public funds, or a project to be dedicated to the public upon completion. The Town agrees to work in good faith to identify a suitable alternative location to relocated affected facilities.

Section 4. Article II of Chapter 7 of the Town Code, Encroachments, Driveways and Excavations is amended by adding a new Section 7-11, “Application Requirements.” The existing Section 7-11, “Driveways,” and Section 7-12, “Excavations,” are renumbered as 7-12 and 7-13 respectively.

Section 7-11 Application Requirements

An application must be filed with the administrator before the commencement of any work described in Section 7-9, including modification, change, or replacement of equipment that would be different in size, weight, or appearance than the existing equipment that is not

otherwise exempt under this ordinance. The following information shall be submitted in an application for an encroachment permit:

(a) Contact information for the user of the public right-of-way and contractors performing the work. Include all contractor's/trade's/professional licenses held and license numbers.

(b) Description of the work to be performed, including the specific location or the requested make ready work.

(c) Construction drawings demonstrating compliance with the Town's Engineering Specifications and Standard Details, the NCDOT Subdivision Road Manual, the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), and all relevant portions of Chapter 15 of this Code (Land Use Ordinance).

(d) Description of all existing infrastructure within the proposed work area and any proposed modification, improvement, or movement of infrastructure.

(e) Evidence that the owners of other utilities or encroachers near the new work have been notified.

(f) Proposed work schedule.

(g) The Town may require persons that do work in the public right-of-way and users to provide insurance by a company authorized to do business in the state, including, but not limited to: (a) workers' compensation coverage for all employees; (b) employers' liability insurance; (c) commercial general liability; and (d) business auto policy. The Town may require that the Town, its officials, employees, and consultants be named as additional insureds on such insurance policies. In such cases, the applicant shall provide a certificate of insurance. If an applicant has previously damaged Town property or has not adequately repaired damaged Town property during the past three (3) years, the amount of insurance shall be as determined by the Town, in part based on the scope of the work and the tenure or term of occupancy.

(h) To facilitate the preparation and submittal of an application in compliance with this ordinance, and thereby expedite the review and permitting of an application, a pre-application meeting may be held.

(i) No permit or authorization shall be granted for new equipment or facilities that are not expressly and individually identified at the time of the application, including the specific location and design characteristics of each facility.

(j) A site visit of each facility or proposed location of a new facility may be conducted to determine the physical condition of the facility or proposed location and to identify any issues of concern, non-compliance with applicable laws, rules, and regulations, and any safety issues or concerns.

(k) Installations in the public right-of-way shall be located and constructed to create the least visual impact on the immediate surrounding area and the least physical intrusion and impact on the limited space in the public right-of-away. Such facilities/equipment shall not be constructed in a sight triangle or so close to the curb or edge of pavement that a safety hazard is created. (See Manual on Uniform Traffic Control Devices and Chapter 15 of this Code, (Land Use Ordinance), Appendix A on Sight Triangles).

(l) All cable risers or other vertically run cable of any kind attached to a pole or other support structure shall be protected with non-conductive, non-degradable material matching the color of the pole or support structure as closely as is reasonably possible.

(m) New and replacement wireless telecommunication facilities (poles or support structures that are not substantial modifications or routine maintenance) shall require a zoning permit and encroachment permit application. An application for a new or replacement pole or support structure must include detailed design criteria, including material composition, aesthetic appearance and structural adequacy analysis with calculations which must be able to be independently verified using the information submitted by the applicant to determine compliance with Town standards.

- (1) New and replacement installations shall be consistent throughout Town limits;
- (2) When feasible, in lieu of installing new poles, new wireless telecommunication facilities, installations shall first consider the following: (i) replace existing distribution poles, (ii) then secondary poles, or (iii) thirdly streetlights with a pole that meets the standards set forth in this section. New poles shall not be installed unless no existing pole is suitable or can be modified or replaced by a new pole in the same location;
- (3) New utility poles shall comply with the Town's adopted standards for small wireless utility poles.

Section 5. Article II of Chapter 7 of the Town Code, Encroachments, Driveways and Excavations is amended by renaming Section 7-12, "Driveways," to "Driveways Additional Requirements." The existing subsection (a) is deleted; the subsequent subsections (b) through (f) are renumbered (a) through (e) to read as follows:

Section 7-12 Driveways Additional Requirements

(a) Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway construction.

(b) The administrator shall review the driveway construction and design plans and shall issue the permit unless he finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to: (1) persons using the street or sidewalk intersected by the

driveway, or (2) public facilities (including utility poles, traffic signal standards, etc.), or will fail to comply with any of the provisions of this section.

(c) No driveway may be constructed closer than 3 feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(d) If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the administrator) shall be installed beneath the driveway surface so that the drainage capability of the drainage ditch is not materially impaired.

(e) This section shall not apply to driveways that open into state-maintained streets to the extent that the state has approved the driveway. Nor shall a person be required to obtain a permit under this section to the extent that the driveway is being constructed in accordance with plans approved pursuant to a review process authorized by Chapter 15 of this Code.

Section 6. Chapter 7, Article II of the Town Code, Encroachments, Driveways and Excavations is amended by renaming Section 7-13, “Excavations,” to “Excavations Additional Requirements.” The existing Section 7-13, “Town Indemnified” is renumbered as Section 7-15.

Section 7-13 Excavations Additional Requirements

(a) Except in emergency situations or as otherwise provided in this section, no person may dig in or excavate any street or sidewalk within the town without having obtained a written permit from the administrator.

(b) Any person who receives a permit in accordance with this section shall be responsible as soon as weather permits for putting the street or sidewalk where any excavation is made in as good a condition as it was prior to the excavation.

(c) Before granting an encroachment permit pursuant to this section, the administrator shall determine that the applicant has decided to comply with subsection (b), and if the town is to do the necessary repair work, the permit shall not be issued until the applicant makes a deposit equal to the estimated costs of repair.

(d) This section shall not apply to any excavation made in a state-maintained street to the extent that the state has given its permission for such an excavation to be made, except that the person making the excavation shall still be responsible for notifying the administrator of the intended excavation forty-eight (48) hours before the work begins. (Amend. 8/22/95)

Section 7. Chapter 7, Article II of the Town Code, Encroachments, Driveways and Excavations is amended by adding a new Section 7-14, “Additional Requirements for Wireless Support Structures, Wireless Facilities, and any other Wireless Communication Facility, Small Wireless Facility or Micro Wireless Facilities in the Rights of Way,” to read as follows:

Section 7-14 Additional Requirements for Wireless Support Structures, Wireless Facilities, and any other Wireless Communication Facility, Small Wireless Facility or Micro Wireless Facilities in the Rights-of-Way

An applicant shall demonstrate compliance with Sections 7-9, 7-10 and 7-11 of this section and provide the additional supplemental information specific to wireless facilities, structures, and ancillary equipment. The definitions adopted in Chapter 15 of this Code (Land Use Ordinance) Article II, shall be used in this section and are incorporated herein by reference.

(a) Persons adding or modifying wireless facilities in a public right-of-way shall apply for an encroachment permit at least thirty (30) calendar days prior to initiating work.

(b) To facilitate the application process and to mitigate application-related costs for applicants, applications for small/micro wireless facilities may be submitted in groups of up to twenty-five (25) facilities in a single application.

(c) No Taxpayer Subsidization. Taxpayers may not directly or indirectly subsidize an applicant's costs.

(d) The height of wireless support structures, utility poles, and Town utility poles and small wireless facilities shall meet the standards in Section 176(d) of Chapter 15 of this code.

(e) On blocks where decorative light or utility poles are installed, collocations may only occur on decorative poles if feasible. New poles shall be of the same design and materials as the decorative poles. (See Section 7-10 for information on encroachment on Town utility poles).

(f) New small wireless support structures may be built no closer than 200 feet front an existing support structure or utility pole. The Town may consider a deviation from this standard upon request of the user if no feasible alternative in the public right-of-way exists.

(g) Compliance with National Electrical Safety Code NESC (NESC) and National Electrical Code (NEC): all electronic attachments to poles or other structures in the public right-of-way shall always follow the edition of the NESC and the NEC in effect the later of (a) the time the facility was constructed; or (b) the time of the last modification of equipment on the pole or other support structure; or (c) the edition in effect at the time of the current application.

(h) Service Date: Applicants shall attest that small wireless facilities be activated and placed in service no later than one year from the date the permit is issued.

(i) Abandonment. Wireless service providers are required to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned facility, the Town may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless service provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless service provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a

signal, unless the wireless service provider give the Town reasonable evidence that it is diligently working to place such wireless facility back service.

(j) Materials. The composition of new poles shall comply with the standards in Section 176 of Chapter 15 of this code.

(k) Sizes: Micro and Small Wireless Facilities shall meet the size limits found in Article II of Chapter 15 of this code, "Definitions."

Section 8. Chapter 7 of Article II, Section 7-15 of the Town Code, "Town Indemnified," is amended to read as follows:

Section 7-15 Town Indemnified

Any person obtaining a permit authorized by this Article agrees as a condition of the permit to indemnify the town of and hold the town harmless from any expense (including but not limited to attorney's fees, litigation costs and judgments) incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit, except for the Town's intentional misconduct.

Section 9. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.

This the 23rd 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

Noes: Council Member Sammy Slade

ADOPTION OF FY 2020-21 ANNUAL BUDGET

The purpose of this agenda item was for the Town Council to complete the budget discussions and adopt the annual budget for fiscal year 2020-2021.

Council Member Slade expressed discomfort in the approval of expenditures for town office spaces in the proposed library due to the climate emergency and noted that he will not be voting for approval for that reason.

The Town Manager was asked to provide revenue projections to Town Council as they become available, and over the summer, if they are available.

A motion was made by Council Member Seils, seconded by Council Member Gist, to approve the following ordinance:

**ANNUAL BUDGET ORDINANCE FY 2020-21
Town of Carrboro, North Carolina
Ordinance No. 21/19-20**

WHEREAS, the recommended budget for FY 2020-21 was submitted to the Town Council on May 26, 2020 by the Town Manager pursuant to G.S. 159-11 and filed with the Town Clerk pursuant to G.S. 159-12;

WHEREAS, on June 2, 2020, the Town Council held a public hearing on the budget pursuant to G.S. 159-12;

WHEREAS, on June 23, 2020, the Town Council adopted a budget ordinance making appropriations and levying taxes in such sums as the Town Council considers sufficient and proper in accordance with G.S. 159-13;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO, NORTH CAROLINA:

ARTICLE I – GENERAL FUND

Section 1. General Fund Appropriations

The General Fund is the Town of Carrboro’s operating account. The following amounts are hereby appropriated by function for the operation of the Town and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

GENERAL GOVERNMENT	\$ 5,627,231
Mayor and Town Council	\$ 391,313
Advisory Boards	36,800
Town Manager	384,939
Economic Development	315,210
Climate Action	129,591
Housing & Community Services	538,144
Town Clerk	156,147
Finance	1,278,630
Human Resources	647,907
Information Technology	1,748,550
PUBLIC SAFETY	7,376,879
Police	4,190,696
Fire	3,186,183

PLANNING	1,563,585
TRANSPORTATION	2,029,600
PUBLIC WORKS	4,113,574
RECREATION, PARKS, & CULTURAL RESOURCES	1,844,009
NON-DEPARTMENTAL	1,402,995
DEBT SERVICE	1,105,233
TOTAL GENERAL FUND	<u>\$25,063,106</u>

Section 2. General Fund Revenues

It is estimated that revenues from the following major sources will be available during the fiscal year beginning July 1, 2020 and ending June 30, 2021 to meet the general fund expenditures:

Ad Valorem Tax	\$ 13,156,500
Local Sales Tax	4,242,202
Other Taxes/Licenses	1,603,045
Intergovernmental	2,085,336
Fees and Permits	1,222,929
Sales and Services	131,250
Investment Earnings	140,000
Other Revenues	242,270
Other Financing Sources	2,239,574
Total General Fund	<u>\$ 25,063,106</u>

ARTICLE II – AFFORDABLE HOUSING FUND

Section 1. Affordable Housing Fund Appropriation

The Affordable Housing Fund is a special revenue fund created by the Town to increase the stock of affordable, safe and decent housing within the Town and its’ planning jurisdiction. The following amounts are hereby appropriated for Affordable Housing Fund activities:

Community Home Trust	\$ 74,518
Home Consortium Match	14,057
Partnership to End Homelessness	35,232
AHSRF Deferred Loan Program	10,000
Affordable Hsg Advisory Board	500
Critical Home Repair	61,050
Rental Deposits Program	31,703
Acquisition and Development	100,000
Unexpended Reserves	10,940
Total Appropriation	<u>\$ 338,000</u>

Section 2. Affordable Housing Fund Revenues

There is hereby levied a tax rate of \$.0100 (1.0 cent) on each one hundred dollars (\$100) valuation of taxable property as listed for taxes on January 1, 2020 that shall be devoted solely to the affordable housing activities noted above.

ARTICLE III – CAPITAL PROJECTS

Pursuant to GS 159-13.2, the Town Council may authorize and budget for capital projects and multi-year special revenue funds in its annual budget or project ordinance. The project ordinance shall clearly identify the project and authorize its undertaking, identify the revenues that will finance the project, and make the appropriations necessary to complete the project.

ARTICLE IV – STORMWATER UTILITY ENTERPRISE FUND

Section 1. Stormwater Utility Enterprise Fund

The Stormwater Utility Enterprise Fund was created for the purpose of comprehensively addressing stormwater management and flooding issues throughout the Town, including making sure the Town stays in compliance with state and federal rules and regulations. A total of \$994,475 is appropriated for stormwater activities.

Section 2. Revenues for Stormwater Utility Enterprise Fund

Revenues to support stormwater activities are generated through the rate structure established in the Town Code, Chapter 18, Article II, Section 18-6. Unexpended budget amounts from fiscal year 2019-20 may be carried forward to fiscal year 2020-21.

ARTICLE V – PARKING ENTERPRISE FUND

Section 1. Parking Enterprise Fund

The Parking Enterprise Fund was created for the purpose of managing parking related facilities within the Town and tracking related expenses. A total of \$346,300 is appropriated for parking activities.

Section 2. Revenues for Parking Enterprise Fund

Revenues to support parking activities include a transfer of funds from the General Fund that will fund all of the parking related expenditures.

ARTICLE VI – MISCELLANEOUS FEES AND CHARGES

Charges for services and fees by Town Departments are levied in the amounts set forth in the Miscellaneous Fees and Charges Schedule as adopted by the Town Council.

ARTICLE VII – GENERAL AUTHORITIES

Section 1. The following authorities shall apply:

- a. The Town Manager may transfer funds between departments and functions within the General Fund for pay adjustments; service level benefits; law enforcement separation allowance; unemployment insurance; retiree, dependent, health insurance benefits; and, for any other purpose deemed necessary by the Town Manager without further action by the Town Council.
- b. The Town Manager may transfer funds within departments and functions.
- c. When unassigned fund balance exceeds 35% in the General Fund, the Town Manager, in accordance with the Town's Fund Balance Policy, may set aside an amount in assigned fund balance for transfer to the Capital Projects Fund for future projects.
- d. All funds encumbered or designated within fund balance for expenditures as confirmed in the annual audit for the year ending June 30, 2020 shall be re-appropriated to the Fiscal Year 2020-21 Adopted Budget without further action by the Town Council.
- e. The Finance Officer may approve transfer requests between programs or organizational units within the adopted general fund budget.
- f. Transfers between Funds may be authorized only by the Town Council.
- g. The Orange County Tax Collector, is authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Orange County Tax Assessor, and in the tax receipts herewith delivered to the Tax Collector, in the amounts and from the taxpayers likewise set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Orange. This section of the ordinance shall be a full and sufficient authority to direct, require, and enable the Orange County Tax Collector to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.
- h. Pursuant to NCGS 160A-314.1 and 160A-317 the Town of Carrboro authorizes Orange County to provide recycling collection services within the Town and to impose and administer a basic annual services fee per household for recycling services and a solid waste convenience center fee for residents within the Town.
- i. Under GS143-64.32, architectural, engineering, and surveying services with fees less than thirty thousand dollars (\$30,000) may be exempt from the RFQ (Request for Qualification) process.

Section 2. There is hereby levied the following rates of tax on each one hundred dollars (\$100) valuation of taxable property as listed for taxes as of January 1, 2020 for the purpose of raising the revenue constituting the general property taxes as set forth in the foregoing estimates of revenue (Article I, Section 2), to finance the foregoing General Fund appropriations (Article I, Section 1). One cent of the total tax rate shall be devoted exclusively to the Affordable Housing Fund.

General Fund	\$.5894
Affordable Housing Fund.....	<u>\$.0100</u>
Total Tax Rate	\$.5994

Section 3. The Finance Officer shall distribute property tax collections to the appropriate fund(s) at least monthly as levied in Article I, Section 2 above.

Section 4. In accordance with G.S. 159-13, a copy of this ordinance shall be filed with the Town Manager, the Finance Officer, and the Town Clerk.

This the 23rd 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

Noes: Council Member Sammy Slade

A motion was made by Council Member Foushee, seconded by Council Member Haven-O'Donnell, to approve the following resolution:

RESOLUTION ADOPTING CHANGES TO TOWN OF CARRBORO POSITION
CLASSIFICATION AND PAY PLAN

WHEREAS, the Town Council has adopted a comprehensive Position Classification and Pay Plan for the Town of Carrboro;

WHEREAS, the Town Manager has submitted a budget for FY 2020-21 with proposed changes to the Position Classification and Pay Plan;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Position Classification and Pay Plan is hereby modified as follows:

- a. Add one full time Stormwater Administrator position, Salary Grade 14
- b. Add one half time GIS Specialist, Salary Grade 13
- c. Reclassify the Stormwater Specialist position from Salary Grade 14 to 15
- d. Rename the Sign & Marking Specialist to Maintenance/Construction Worker III

Section 2. All other provisions of the Position Classification and Pay Plan remain unchanged.

Section 3. The Human Resources Director shall revise the Position Classification and Pay Plan to reflect the changes in Section 1.

Section 4. This resolution shall become effective July 1, 2020.

This the 23rd 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

A motion was made by Council Member Slade, seconded by Council Member Romaine, to approve the following resolution:

A RESOLUTION APPROVING MINIMUM SALARY AND HOURLY RATES
FOR EMPLOYEES

BE IT RESOLVED that the Town of Carrboro Town Council hereby approves the following as a part of the Annual Budget for FY 2020-21:

Section 1: Permanent full-time Town employees shall be paid a minimum annual salary that is at least equal to the Minimum Housing Wage of \$31,158.

Section 2: The Town Manager shall increase the salary of any permanent full-time Town employees earning less than \$31,158 to the annual Minimum Housing Wage.

Section 3: The Town of Carrboro will pay all part-time employees an hourly wage that is equal to the Orange County Living Wage, which is set at a rate of \$14.90 per hour.

Section 4: This resolution shall become effective July 1, 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 Slade, seconded by Council Member Romaine, to approve the following resolution:

A RESOLUTION APPROVING CONTRACT FOR TOWN ATTORNEY

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO:

Section 1: The Town Council hereby approves a contract for legal services with the Brough Law Firm for FY 2020-21 beginning July 1, 2020 and ending June 30, 2021.

Section 2: This resolution shall become effective upon adoption.

This the 23rd 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

A motion was made by Council Member Slade, seconded by Council Member Romaine, to approve the following ordinance:

**CAPITAL PROJECT ORDINANCE AUTHORIZING THE USE OF FUND
BALANCE FOR DESIGNATED CAPITAL PROJECTS
Ordinance No. 26/2019-20**

WHEREAS, the Town Council for the Town of Carrboro has adopted a Fund Balance Policy; and,

WHEREAS, the adopted Fund Balance Policy provides that when the unassigned fund balance exceeds 35% the Town Manager may set aside an amount in assigned fund balance for transfer to the Capital Projects Fund for future projects; and,

WHEREAS, the adopted Fund Balance Policy requires formal action by the Town Council to commit the use of fund balance for projects or purposes in any current year or future year's budget; and,

WHEREAS, the Town's annual audit at June 30, 2019 confirmed that the fund balance exceeds 35% and the amount above 35% may be committed for capital projects;

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

Section 1: The following projects are authorized to be undertaken until all project activity is completed:

A. Pedestrian Safety Improvements & Bike Plan	\$ 257,000
B. Playground Equipment Replacement	\$ 100,000
C. Comprehensive Plan	\$ 50,000

TOTAL APPROPRIATION	<u>\$ 407,000</u>
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Section 2: Funds are appropriated from fund balance in the General Fund for transfer to the Capital Projects Fund for design, engineering, and/or construction expenses to carry out the project(s) identified in Section 1.

Section 3: Additionally, an amount not to exceed \$75,000 is appropriated from the GO Bond Fund for needed repairs of various sidewalks throughout the Town.

Section 4: Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

Section 5: This capital project ordinance shall be effective July 1, 2020.

This the 23rd 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

A motion was made by Council Member Slade, seconded by Council Member Romaine, to approve the following ordinance:

CAPITAL PROJECT ORDINANCE FOR FY2020-21 VEHICLE PURCHASES
Ordinance No. 27/2019-20

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO, UNDER GS 159-13.2, THAT:

Section 1: The 2021 Vehicle Purchases Capital Project is authorized to be undertaken for the purchases of the following vehicles:

Department	Vehicles/Equipment	Cost Estimate
Police	6 Vehicles @ \$56,000	\$ 336,000
Fire	Fire Tanker Truck	350,000
Fire	Ford Explorer Hybrid	49,000
Public Works	Boom Truck	155,000
Public Works	2 Pickup Trucks	64,000
Total		\$ 954,000

Section 2. The amount appropriated in the Capital Fund for the eleven vehicles listed in Section 1 shall not exceed \$954,000 with the understanding that the Town will seek funding of \$125,000 from South Orange Fire District for the Fire Tanker Truck, and installment financing for the balance of the estimated vehicle costs.

Section 3: Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

Section 4: This capital project ordinance is effective immediately upon adoption.

This the 23rd 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

A motion was made by Council Member Slade, seconded by Council Member Romaine, to approve the following resolution:

RESOLUTION APPROVING MISCELLANEOUS FEES AND CHARGES
SCHEDULE

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO:

Section 1: The Town Council hereby approves the Miscellaneous Fees and Charges Schedule for FY 2020-21 effective July 1, 2020 shown in the June 23, 2020 agenda packet as "Attachment G."

Section 2: This resolution shall become effective upon adoption.

This the 23rd 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

APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY BOARD

The purpose of this item was for the Town Council to make appointments to the Environmental Advisory Board.

The following ballot votes were cast via email directly to the Town Clerk:

Alfonso Blanco – Lavelle, Foushee, Gist, Haven-O'Donnell, Romaine, Seils, Slade
MariaJulia Echart – Foushee, Gist, Haven-O'Donnell, Romaine, Seils
Christine Schalkoff – Lavelle, Foushee, Romaine, Seils, Slade
Terry Hammersley – Slade
Ken Ditzel – Gist

The Town Clerk read that the applicants receiving the most ballot votes by email were Alfonso Blanco, MariaJulia Echart, and Christine Schalkoff.

A motion was made by Council Member Seils, seconded by Council Member Haven-O'Donnell, to approve the following resolution and for two seats to be held for recruitment of Black/African-American members:

A RESOLUTION MAKING APPOINTMENTS TO THE ENVIRONMENTAL
ADVISORY BOARD

THE TOWN COUNCIL HEREBY APPOINTS THE FOLLOWING APPLICANTS TO THE ENVIRONMENTAL ADVISORY BOARD:

Alfonso Blanco	2/2022
Maria Julia Echart	2/2022
Christine Schalkoff	2/2023
Reserved	
Reserved	

This resolution shall become effective upon adoption.

This the 23rd 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

APPOINTMENTS TO THE COMPREHENSIVE PLAN TASK FORCE

The purpose of this item was for the Town Council to adopt a resolution appointing task force members and directing the work of the group.

The following ballot votes were cast via email directly to the Town Clerk:

- David Dixon – Lavelle, Foushee, Romaine, Seils, Slade
- Jackie Helvey – Lavelle, Foushee, Gist, Haven-O'Donnell, Romaine, Seils
- Margaret Lillie – Foushee, Romaine, Seils, Slade
- Abirami Raja – Lavelle, Foushee, Haven-O'Donnell, Romaine, Seils
- Maria Wonzniak - Slade
- Sarah Dixon - Slade
- Bob Taylor – Gist, Haven-O'Donnell, Slade
- Ina Stern – Gist, Haven-O'Donnell, Slade
- Perry Haaland - Slade
- Rizwan Rashdi – Haven-O'Donnell, Slade
- Misty Belser - Gist

The Town Clerk read that the applicants receiving the most ballot votes by email were David Dixon, Jackie Helvey, Margaret Lillie, and Abirami Raja.

A motion was made by Council Member Seils, seconded by Council Member Foushee, to

approve the following resolution and for four seats to be held for recruitment of more racially diverse members:

**RESOLUTION ESTABLISHING AND MAKING APPOINTMENTS TO THE
COMPREHENSIVE PLAN TASK FORCE**

WHEREAS, the Carrboro Town Council has planned for, funded, and obtained contractual service assistance for the development of a town-wide Comprehensive Plan, the first such effort in nearly 30 years; and

WHEREAS, a task force allows advisory board members, residents and neighboring jurisdictions to participate in guiding and informing the process of comprehensive plan development.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CARRBORO HEREBY RESOLVES:

Section I. That the Carrboro Town Council appoints the following advisory board and commission representatives to the Comprehensive Plan Task Force and authorizes additional advisory board and commission representatives as they are designated by the respective boards and commissions:

Name	Board /Commission (#)
Catherine Fray (Chair)	Planning Board (Chair) (Chair, vice-chairs and up to 2 other members – up to 5 total)
Rachel Gaylord-Miles (1st Vice Chair)	Planning Board (Vice-Chair)
Braxton Foushee (2nd Vice Chair)	Planning Board
Elmira Mangum	Planning Board
Rasam Tooloee	Planning Board
Eliazar Posada	Planning Board
Jim Porto	Economic Sustainability Commission (2 members)
David Jessee	Economic Sustainability Commission
Sarah Brown	Transportation Advisory Board (1 member)
Maggie Funkhouser	Recreation and Parks Commission (1 member)
Amy Singleton	Affordable Housing Advisory Commission (1 member)
David Markowitz	Appearance Commission (1 member)
	Environmental Advisory Board (1 member)
Anahid Vrana	Northern Transition Area Advisory Committee (1 member)
Alyson West	Greenways Commission (1 member)
Lauren Joca	Stormwater Advisory Commission (1 member)
Dan Mayer	Arts Commission (1 member)
Quinton Harper	Human Services Advisory Commission (1 member)
	Youth Representative (1 member)

Miles Fitch and Mark Mosher	Carrboro Business Alliance (2 members)
	Possible additional advisory board members (up to 2 if Planning Board is limited to 3)

Section 2. The Carrboro Town Council hereby appoints the following community members to the task force.

1.	David Dixon
2.	Jackie Helvey
3.	Margaret Lillie
4.	Abirami Raja

Section 3. This Carrboro Town Council hereby directs the Comprehensive Plan Task Force to work with the Town staff and a team of consultants to help form a collective vision for Carrboro; to articulate fully in informing and guiding the comprehensive planning process through regular meetings and “homework” tasks.

This commitment will require members to “lean in” and embrace the role of community ambassadors who will further engage with their smaller networks and the broader community. Specific duties are as follows:

- Attend ALL meetings
- Complete occasional “homework
- Share perspectives on Town’s present needs and future opportunities
- Provide insight and feedback on consultant produced drafts and reports
- Participate in visioning exercises
- Promote active participation by others in outreach and engagement activities
- Provide consensus recommendation of plan prior to public hearing and adoption

Section 4. This resolution shall become effective upon adoption.

This the 23rd 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

BLACK LIVES MURAL PAINTING

The purpose of this item was for the Town Council to discuss possible ways for painting Black Lives Matter murals on public property.

Sekou Keita, a resident and artist, contacted the Town and offered to help lead a community effort to install a painting on a roadway. The mural would be anti-racist and could read “Black

Lives Matter” or “End Racism Now.”

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O’DONNELL, SECONDED BY COUNCIL MEMBER FOUSHEE, FOR STAFF TO WORK WITH THE ARTIST AND EXAMINE THE LOGISTICS NEEDED FOR THIS PROPOSAL AND TO BRING THE INFORMATION BACK TO THE COUNCIL. STAFF SHOULD CONSIDER THE FOCUS AREAS ON TOWN PROPERTY NEAR TOWN HALL INCLUDING THE POSSIBILITY OF THE PARKING LOT AND ROADWAYS. VOTE: AFFIRMATIVE ALL

REVIEW OF COMPREHENSIVE PLAN PROPOSED OUTREACH AND ENGAGEMENT

The purpose of this item was for the Town Council to review the outreach plan for the Comprehensive Planning effort.

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

There was no formal action taken by the Town Council. Staff should continue with the plan as presented.

UPDATE ON THE REBOOT OF THE 203 SOUTH GREENSBORO PROJECT – DESIGN CONTRACT AND PUBLIC PROCESS

The purpose of this item was to provide the Town Council with an update on the design contract and anticipated schedule for the 203 South Greensboro Project.

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

There was no formal action taken by the Town Council. Staff should continue with the plan as presented.

UPDATE FROM CHIEF SCHMIDT ON COVID-19

Fire Chief David Schmidt provided the emergency operations update to the Town Council.

MATTERS BY COUNCIL MEMBERS

Council Member Haven-O'Donnell asked that the Police Department employees and officers be provided with a set of survey questions to examine the morale of the department and how overtime affects the officers. She stated that she would provide the questions via email and asked that the Town Council be provided with the answers.

ADJOURNMENT

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

Town Clerk

Mayor