



Town of Carrboro

Meeting Minutes

Town Council

October 6, 2020

7:00 PM

Remote Meeting

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

Present: 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

Excused: Mayor Lydia Lavelle

Also Present: David Andrews, Town Manager; Chris Milner, Deputy Town Clerk; Nick Herman, Town Attorney

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO EXCUSE MAYOR LYDIA LAVELLE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER SLADE, TO POSTPONE THE CONSIDERATION OF LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO THE HISTORIC ROGERS ROAD NEIGHBORHOOD. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

PROCLAMATIONS

Mayor Pro Tem Barbara Foushee read the following proclamations on behalf of Mayor Lydia Lavelle.

October was proclaimed as Domestic Violence Awareness Month in Carrboro.

October was proclaimed as Community Planning Month in Carrboro.

SPEAKERS FROM THE FLOOR

Jay Bryan, a member of the Carrboro Poets Council, spoke about the West End Poetry Festival which will be held on October 16th and 17th.

Andrew Dykers, resident of 104 Williams St., spoke about his request for a zoning modification to allow him to construct an additional kitchen on his property which consists of two one-bedroom cottages.

APPROVAL OF MINUTES FROM THE SEPTEMBER 15, 2020 MEETING

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO APPROVE THE MINUTES FROM THE SEPTEMBER 15TH MEETING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

COMMERCIAL SOLICITATION PERMIT FEE INCREASE

The purpose of this agenda item was for the Town Council to approve an increase of fees associated Commercial Solicitation Permits.

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

A RESOLUTION APPROVING CHANGES IN MISCELLANEOUS FEES AND CHARGES SCHEDULE

WHEREAS, the Town Council of the Town of Carrboro has adopted a Miscellaneous Fees and Charges Schedule for FY 2020-21; and,

WHEREAS, this Schedule includes fees for Commercial Solicitation Permits Applications issued by the Police Department; and,

WHEREAS, it is now necessary to increase these fees to cover the actual cost of preprocessing Commercial Solicitation Permits;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF CARRBORO AUTHORIZES THE FOLLOWING MISCELLANEOUS FEE INCREASES:

Section 1. The Commercial Solicitation Permit Application Fee is increased from \$5.00 to \$10.00.

Section 2, The Commercial Solicitation Permit Renewal Fee is increased from \$2.00 to \$5.00.

Section 3. The above fee increases shall become effective upon adoption of this resolution.

Section 4. The Town Clerk shall provide a copy of this resolution to the Finance Officer within five days.

This, the 6th day of October 2020.

Ayes: 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

Excused: Mayor Lydia Lavelle

APPROVAL OF TRUTH PLAQUE TASK FORCE'S SECOND PLAQUE – THE FREEDMAN'S SCHOOL AND ST. PAUL AME CHURCH LAND

The purpose of this item was for the Town Council to approve of the final design and location for the Truth Plaque Task Force's second plaque project related to the former Freedman School site and St. Paul AME Church Land.

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

A RESOLUTION APPROVING THE TRUTH PLAQUE TASK FORCE'S FREEDMAN SCHOOL AND ST. PAUL AME CHURCH PLAQUE TEXT AND LOCATION

Whereas, the Town of Carrboro Truth Plaque Task Force has identified the final text and location for the Freedman School Site and the St. Paul AME Church site.

NOW, THEREFORE BE IT RESOLVED, THAT THE CARRBORO TOWN COUNCIL
HEREBY APPROVES:

Section 1: The final text shall read, “Green Cordal and Benjamin Craig, freed from bondage, purchased this land for a Freedman School and church. With funds from the Society of Friends, they built a schoolhouse that served hundreds of free Black children and adults.”

Section 2: That the location shall be on the St. Paul AME Church side of the street near the “Carrboro” welcome planter.

Section 3: That an unveiling ceremony shall be planned when it is safe to do so and the community shall be invited to attend.

BE IT FURTHER RESOLVED that the Carrboro Town Council expresses gratitude to Tom Tucker, Ellie Kinnaird, and Rev. Dr. Cousin for their assistance with this project and to the Truth Plaque Task Force and Sherick Hughes, PhD, Torri A. Staton, PhD, and Sarah Bausell, PhD for their many hours of historical research and debate to bring this project to fruition.

Ayes: 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

Excused: Mayor Lydia Lavelle

**REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT
FOR TRINITY AT THE HILL MULTIFAMILY APARTMENT COMPLEX AT 180
BPW CLUB ROAD**

The purpose of this item was for Town Council to consider approving a Minor Modification request for the Trinity at the Hill CUP to allow for small additions to the leasing center building and for renovations to the recreation facilities portion of the project.

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

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE TRINITY AT THE HILL CONDITIONAL USE PERMIT AUTHORIZING ADDITIONS TO THE LEASING CENTER AND MODIFICATIONS TO A PORTION OF THE RECREATION FACILITIES SERVING THE RESIDENTS

WHEREAS, the Carrboro Town Council approved a Conditional Use Permit for Trinity at the Hill at 180 BPW Club Road; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council approve the Minor Modification authorizing additions to the leasing center and modifications to a portion of the recreation facilities serving the residents.

This, the 6th day of October 2020

Ayes: 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

Excused: Mayor Lydia Lavelle

THE 203 SOUTH GREENSBORO PROJECT - REQUEST TO SET A PUBLIC HEARING ON SCHEMATIC DESIGN

The purpose of this item was to provide the Town Council an opportunity to schedule a public hearing for October 13th to receive public comment on the 203 South Greensboro Project as it proceeds with the development of a schematic design.

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

A RESOLUTION CALLING A PUBLIC HEARING ON CONSIDERATION OF SCHEMATIC DESIGN FOR 203 PROJECT

WHEREAS, the Carrboro Town Council authorized the Town's participation in the 203 Project to design a multi-user public building in conjunction with the Orange County Southern Branch Library and Orange County Skills Development Center as well as other users; and

WHEREAS, the schematic design process and public consideration of the design is of community interest.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Carrboro sets a public hearing for consideration of this project on October 13, 2020.

This the 6th day of October in the year 2020.

Ayes: 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

Excused: Mayor Lydia Lavelle

CONSIDERATION OF A REQUEST FOR A MAJOR MODIFICATION TO THE CLUB NOVA CONDITIONAL USE PERMIT

The Town Council was asked to consider whether to grant a request for a Major Modification to the existing Conditional Use Permit for Club Nova.

Jack Haggerty, architect for Club Nova, provided a review of the proposed development.

Meg Holton, co-owner of the property adjacent to Club Nova, spoke about trees that were planned for the portion of the Club Nova property that adjoins her property. She felt that some of the trees on the Town's tree list were inappropriate for certain areas.

Grace Holton, co-owner of the property adjacent to Club Nova, expressed support for Club Nova's project. She noted that the building on her property is on the property line, and she emphasized the importance of avoiding foundation issues that might occur to that building based on the trees that are chosen for the Club Nova property.

Jack Haggerty spoke about the challenge of meeting the Town's shading requirements with certain types of trees.

Karen Dunn, Executive Director of Club Nova, along with Jack Haggerty addressed the issue of the sidewalk width in front of Club Nova and whether it should be 8 feet or 10 feet.

The Council discussed the options for sidewalk width in front of Club Nova.

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, THAT THE APPLICATION COMPLIES WITH ALL OF THE APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, THAT THE COUNCIL FINDS THE PROPOSED USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, THE PROPOSED USE WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND THE PROPOSED USE WILL BE IN GENERAL

CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN, AND OTHER PLANS OFFICIALLY ADOPTED BY THE BOARD. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

- That prior to construction plan approval, the applicant will receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.
- That twenty-two (22) parking spaces shall be required for the project due to the project's proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and, complementary hours of operation between the office use and retail use.
- That the Council hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner though they do not satisfy the provisions of Section 15-300 by allowing this loading area to be located within a parking aisle. The Council makes this finding by accepting the applicant's written justification for this arrangement.
- That the six (6) bicycle parking spaces (4 of which are covered) shall be found to be sufficient for both Club Nova and the CASA based on the finding that Section 15-292 (b-1) grants such flexibility for 1) developments that are oriented toward persons with disabilities.
- Per Section 15-263.1 of the Land Use Ordinance, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each Stormwater Control Measure (SCM) in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town engineer and Environmental Planner for approval prior to construction plan approval.
- That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
- That, prior to certification of an SCM, the Town may require a performance security be posted for a period of two years per the provisions of Section 15-263(i) of the Land Use Ordinance.
- That the developer will provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.

- That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
- That the Council hereby grants a deviation from the 10' sidewalk width requirement of 15-126 (c-2) by providing an 8' sidewalk that substantially addresses the intention of 15-221(f) while remaining compatible with the surrounding sidewalk system.
- That the Town Council hereby finds the project's design acceptable per the provisions of LUO Section 15-178 (b).
- That prior to construction plan approval, the applicant demonstrate compliance with the provisions of the Land Use Ordinance pertaining to Construction Management Plans (Section 15-49(c-1)).
- That the Town Council hereby finds that the proposed building satisfies the three findings of Section 15-55.1 of the Land Use Ordinance.
- That the applicant agrees to modify the planting plan to install trees that minimize any potential damage to the foundation of the existing building to the west side during the construction plan approval process.
- That the applicant agrees to include infrastructure for electric car charging for 20% of the vehicle parking spaces.
- That the applicant agrees to maximize the number of bicycle parking spaces provided on the site during the construction plan review process.

VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

MOTION WAS MADE BY COUNCIL MEMBER SLADE THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITION:

- The applicant agrees to dedicate additional right of way along Main Street in order to provide a full 10-foot wide sidewalk within public right of way. This dedication still allows for the property owner to install a demarcation on the surface identifying where the use of the private property begins.

THERE WAS NO SECOND TO THE MOTION.

MOTION WAS MADE BY COUNCIL MEMBER GIST, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITION:

- That the applicant agrees to widen the sidewalk to the maximum extent possible during the construction plan approval process, subject to the approval of town staff and NCDOT. This condition shall also allow for a demarcation on the surface identifying where the use of the private property begins.

VOTE: AFFIRMATIVE FIVE, NOES ONE (SLADE), EXCUSED ONE (LAVELLE).

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, THAT THE APPLICATION IS GRANTED SUBJECT TO THE CONDITIONS ABOVE. VOTE AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

RACIAL EQUITY/GARE INITIATIVE UPDATE

The purpose of this agenda item was to update the Town Council on the racial equity initiative.

Anita Jones-McNair, Recreation and Parks Director, provided the staff report on this agenda item.

ENERGY AND CLIMATE PROTECTION PLAN AND COMMUNITY CLIMATE ACTION PLAN IMPLEMENTATION UPDATE

At the request of the Council, this item was postponed until October 13, 2020.

MURAL UPDATE - BLACK LIVES MATTER/END RACISM NOW

The purpose of this item was for the Town Council to receive an update on the Black Lives Matter/End Racism Now mural installations.

Trish McGuire, Planning Director, provided the staff report on this item.

The Council discussed a variety of options for the placement and display of murals depicting the messages of Black Lives Matter and End Racism Now.

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

**RESOLUTION – BLACK LIVES MATTER/END RACISM NOW
MURAL INSTALLATION**

WHEREAS, the Carrboro Town Council has identified an interest in the installation of a mural or murals on public and private property that express the community commitment to recognizing and supporting the importance of Black Lives and ending racism, and

WHEREAS, the Town Council has directed communication with the Federal Highway Administration the Town's request for authorization to install a mural or murals on Town streets that state "End Racism Now," and

WHEREAS, CommunityWorx has offered the east façade of its thrift shop/office building as a location for a community mural, and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Carrboro Town Council supports pursuing Option B process and timeline for obtaining mural designs and installation for the CommunityWorx location, and

BE IT FURTHER RESOLVED that the Council identifies that the Carrboro Facing Race Embracing Equity logo shall be painted on an exterior wall at the back of Town Hall in a manner that does include community participation, and

BE IT FURTHER RESOLVED that the Council further directs:

- 1) A Black Lives Matter mural will be painted on an exterior wall on the back of Carrboro Town Hall.
- 2) Mural development on the CommunityWorx property will proceed as recommended by staff.

This the 6th day of October in the year 2020.

Ayes: Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

No: Council Member Barbara Foushee

Excused: Mayor Lydia Lavelle

UPDATE FROM CHIEF SCHMIDT ON COVID-19

Chief Schmidt provided an update on the pandemic as well as the local and regional responses to the pandemic.

MATTER BY COUNCIL MEMBER

Council Member Haven-O'Donnell asked whether the Town has a plan regarding security of voters during the elections.

David Andrews, Town Manager, said the Town does not have a formal plan.

Council Member Seils noted that the Orange County Board of Elections has a plan.

CLOSED SESSION IN ACCORDANCE WITH N.C. G.S. 143-318.11 – PERSONNEL MATTER

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, TO ENTER CLOSED SESSION IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTE 143-318.11 (6), PERSONNEL MATTER. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

OPEN SESSION

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, TO RETURN TO OPEN SESSION. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

APPROVAL OF TOWN CLERK’S CONTRACT

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER GIST, TO APPROVE THE TOWN CLERK’S CONTRACT. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE).

ADJOURNMENT

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

Town Clerk

Mayor