



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

Town of Carrboro

Meeting Minutes

Town Council

October 13, 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/Mayor Pro Tem 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; Cathy Dorando Town Clerk; Brady Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Nikki Geovanni from her book titled *Acolytes*.

EXCUSAL OF COUNCIL MAYOR LAVELLE

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

PUBLIC COMMENTS

Bob Proctor asked the Town Council to consider a pocket park at the Westwood Cemetery location. He stated that there is an area that has not been used for burial plots and asked for the Town to pause any additional selling of burial plots at that location until after Town Council can consider this request.

APPROVAL OF MINUTES FROM THE SEPTEMBER 22, 2020 MEETING

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO APPROVE THE SEPTEMBER 22, 2020 MINUTES. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

UPDATE ON CHAPTER THE REWRITE OF NORTH CAROLINA GENERAL STATUTE 160D

The purpose of this item was to provide the Town Council with an update on the adoption schedule for Chapter 160D of the North Carolina General Statutes and to discuss a tentative schedule for bringing Town regulations into compliance.

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

A RESOLUTION RECEIVING THE UPDATE ON CHAPTER 160D

WHEREAS, legislation adopted as Part II of the S.L. 2019-111 (Senate Bill 355), and updated as S.L. 2020-25, reorganized the state's planning and development regulation statutes, combining the previously separate county (G.S. Chapter 153A) and municipal statutes (G.S. 160A) (for cities) into a new Chapter 160D; and

WHEREAS, local governments are required to amend local ordinances to conform with state statutes; and

WHEREAS, Town Planning staff have prepared a tentative schedule for bringing forth amendments to Town ordinances as necessary to bring Town regulations into compliance with Chapter 160D, for review and during the winter and spring of 2021, and for adoption before July 2021.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receives the update with the proposed schedule for the review and adoption of amendments
BE IT FURTHER RESOLVED that the Council provides the following comments:

This is the 13th 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 EXPRESSING TOWN COUNCIL SUPPORT FOR THE CHAPEL HILL/CARRBORO MOTHERS' CLUB – BLACK STUDENT MOVEMENT PROJECT

The purpose of this item was for the Town Council to consider a request for ideological support for the fundraiser project.

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

A RESOLUTION EXPRESSING IDEOLOGICAL SUPPORT FOR THE CHAPEL HILL/CARRBORO MOTHERS' CLUB FUNDRAISER FOR THE UNC BLACK STUDENT MOVEMENT

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL THAT:

Section 1. The Town of Carrboro Town Council hereby expresses its support for the cause and efforts; and

Section 2. The use of the Town's logo and name are authorized for use as supporters of the fundraiser.

This is the 13th 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

TRANSPORTATION PROJECTS REPORT

The purpose of this item was to provide Town Council with a status update for current

transportation projects.

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

A RESOLUTION RECEIVING THE TRANSPORTATION PROJECTS REPORT

WHEREAS, the Town Council has received presentations on important long range, regional and statewide transportation plans; and

WHEREAS, the Town of Carrboro has a number of local transportation projects that are in process and working towards implementation; and

WHEREAS, Town staff have requested Council input and have provided the Council with updates related to specific projects at regular intervals.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receives this Transportation projects report.

This is the 13th 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

VEHICLE AND INSTALLMENT FINANCING CONTRACT AWARD

The purpose of this item was for the Town Council to award a lease purchase installment financing contract for vehicle and equipment acquisitions in 2020 and 2021.

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

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Carrboro ("Town") has previously determined to undertake a project for financing the purchase of various vehicles and equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Key Government Finance, Inc. in

accordance with their proposal dated September 24, 2020. The amount financed shall not exceed \$1,871,923.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.040%, and the financing term shall not exceed seven (7) years from date of closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the terms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b) (3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Key Government Finance, Inc. financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town’s general fund, or any other Town fund related to the project, for the project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

This is the 13th 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

APPOINTMENTS TO THE APPEARANCE COMMISSION

The purpose of this item was for the Town Council to make appointments to the Appearance Commission.

A motion was made by Council Member Gist, seconded by Council Member Slade, to approve the following resolution with it noted that none of the other vacant seats be filled until at least one Black person is appointed and that the new members be invited to receive their charge, as soon as possible:

A RESOLUTION MAKING APPOINTMENTS TO THE APPEARANCE COMMISSION

Section 1. THE TOWN COUNCIL HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE APPEARANCE COMMISSION:

Appointee	Term Expiration
James Scott	2/2023
David Markiewicz	2/2023

Section 2. This resolution shall become effective upon adoption.

This is the 13th 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

REQUEST-TO-SET A PUBLIC HEARING FOR CONSIDERATION OF LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO THE HISTORIC ROGERS ROAD NEIGHBORHOOD

The purpose of this agenda item was to schedule a new public hearing on proposed text amendments to the Land Use Ordinance to establish new zoning districts and associated development requirements for the Historic Rogers Road Neighborhood.

A motion was made by Council Member Seils, seconded by Council Member Haven-O’Donnell, 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 November 10, 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 is the 13th 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

**PETITION TO DESIGNATE THE AREA CURRENTLY REFERRED TO AS
PLANTATION ACRES AS BARRED OWL CREEK**

The purpose of this item was to allow the Town Council to receive and consider a petition from residents to designate the area that encompasses several subdivisions referred to as Plantation Acres as Barred Owl Creek.

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

Resolution Designating the Area referred to as Plantation Acres as Barred Owl Creek

WHEREAS, residents worked together and created a Plantation Acres renaming task force (PA Task Force) because of the association of the name “Plantation” to slavery; and,

WHEREAS, the PA Task Force requested suggestions for names from neighbors, surveyed neighbors for top name choices, and developed and distributed an online petition; and,

WHEREAS, 107 signatures were obtained on the petition submitted, requesting the designation of an area encompassing five subdivisions, Plantation Acres, Plantation Acres Extension, RS Lloyd, Section One, RS Lloyd, Section Two, and Lloyd Square as “Barred Owl Creek.”

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Carrboro Town Council designates the area outlined on the map labelled Attachment C as Barred Owl Creek and directs staff to update GIS and other maps accordingly.

This the 13th 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

THE 203 SOUTH GREENSBORO PROJECT – PUBLIC HEARING ON SCHEMATIC DESIGN

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

Mayor Pro Tem Foushee opened the public hearing.

Chris Milner expressed opposition to the project on the basis of climate change, downtown congestion, allocation of Town resources, and the net carbon effect.

Nerys Levy thanked the Town Council for moving forward with the project and the library, in particular. She stated that it is being built with 55% of Orange County monies and asked that it not be delayed because it may not be built.

Council Member Gist asked that Joal Hall Broun's emailed comments be included in the record.

Trish McGuire, the Town's Planning Director, and Derek Jones, with Perkins&Will, provided the staff presentation.

Town Council asked for staff to continue to look into issues and problem solve around: parking, including the possible addition of bicycle parking and removal of vehicle parking, construction management issues to lessen the effect for the downtown businesses and residents, and to continue to bring the public into the project as much as possible.

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER SLADE, TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

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

The purpose of this item was to update the Town Council on Energy and Climate Protection Plan and Community Climate Action Plan Implementation.

Laura Janway, the Town’s Environmental Sustainability Coordinator, provided the staff report.

Town Council directed staff to continue to seek ways to get more racially diverse voices informed and engaged and for the survey results to be shared with Chapel Hill Transit.

A motion was made by Council Member Slade, seconded by Council Member Haven-O’Donnell, to approve the following resolution with the inclusion that the UNC School of Public Health report shall be attached to the Plan as an appendix:

A RESOLUTION RECEIVING AN UPDATE ON THE CLIMATE AND ENERGY PROTECTION PLAN AND COMMUNITY CLIMATE ACTION PLAN

WHEREAS, the Town Council has received a presentation regarding the Energy and Climate Protection Plan and the Community Climate Action Plan; and

WHEREAS, the Town of Carrboro has a number of emissions-reduction projects in process; and

WHEREAS, Town staff have requested Council input at key milestones; and

WHEREAS, staff have provided the Council with updates on particular projects at regular Intervals; and

WHEREAS, staff have updated the Energy and Climate Protection Plan and Community Climate Action Plan per Town Council’s direction on January 21, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receives this update on the implementation of the Energy and Climate Protection Plan and the Community Climate Action Plan.

BE IT FURTHER RESOLVED that the Council accepts the updated Energy and Climate Protection Plan and Community Climate Action Plan.

This the 13th 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

FOCUSED TRANSPORTATION PROJECTS UPDATE

The purpose of this agenda item was to provide Council with focused updates and presentation on specific transportation topics.

Zach Hallock, the Town’s Transportation Planner, provided the staff report.

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

A RESOLUTION RECEIVING AN UPDATE ON TRANSPORTATION PROJECTS

Section 1:

WHEREAS, the Town Council has received presentations on important long range regional and statewide transportation plans; and

WHEREAS, the Town of Carrboro has a number of local transportation projects that are in process and working towards implementation; and

WHEREAS, Town staff have requested Council input and have provided the Council with updates related to specific projects at regular intervals.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receives this update on status of Laurel Avenue Parking, Starlite Drive & Plantation Acres Traffic Calming, and the Potential Bike Share Pilot Program.

Section 2:

WHEREAS, in 2019 staff worked with residents of Laughing Bird Lane to identify a locally preferred speed limit for their unpaved street and brought a Town Code amendment to Council for approval; and

WHEREAS, Council directed staff to assess the speed limits on unpaved streets throughout the Town; and

WHEREAS, Staff have provided recommendations and will utilize a procedure in which resident feedback is used to inform selection of speed limits for unpaved streets.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receives the recommendation for speed limits on unpaved streets, and requests that Staff gather resident input and return Town Code amendments for approval at a later date.

BE IT FURTHER RESOLVED that the Carrboro Town Council provides the following comments:

1. Staff shall get information from NC Department of Transportation regarding their official opinion on the “Slow Zone” and if it is an official policy or not.
2. Staff shall speak with the City of Durham staff regarding their bike rental programs and specifically who is responsible for retrieving any stray bikes.
3. For staff to look into why there is on-street parking in certain streets in Chapel Hill but not in Carrboro and how this relates to emergency response and requirements for fire trucks.

This the 13th 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

CHECK-IN ON THE COMPREHENSIVE PLAN PROCESS

The purpose of this item was to provide Town Council with an update on the current process and progress of this effort.

Trish McGuire, the Town’s Planning Director, with assistance from Teska Associates, Inc., the Center for Neighborhood Technology, and Lockamy Consulting Services, provided the report.

Town Council did not take formal action on this item after hearing the report. They asked staff to continue to seek diversity in engagement.

MATTERS BY COUNCIL MEMBERS

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O’DONNELL, SECONDED BY COUNCIL MEMBER GIST, FOR TOWN COUNCIL TO RECONSIDER THE RESOLUTION REGARDING THE BLACK LIVES MATTER MURAL LOCATION FROM THE OCTOBER 6, 2020 TOWN COUNCIL MEEETING. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

Town Council discussed the location change from the back or side of Town Hall to a prominent location on the Century Center.

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER GIST, FOR THE BLACK LIVES MATTER TEXT TO BE ON THE CENTURY CENTER ON ONE OF THE FRONT FACING FACADES AND FOR STAFF TO REPORT BACK ON THOSE LOCATIONS WITH A COST ESTIMATE. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

ADJOURNMENT

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

Town Clerk

Mayor