



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

Town of Carrboro

Meeting Minutes

Town Council

April 27, 2021

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; Mary Bryant, Deputy Town Clerk; Brady Herman, Town Attorney.

POETRY READING

Guest poet Susan Spalt read a poem of her own titled "One Morning in October."

Fred Joiner, the Town's Poet Laureate, read a poem by Lucille Clifton called "birth-day."

PROCLAMATIONS

Mayor Lavelle proclaimed Friday, April 30, 2021 as "Arbor Day" in the Town of Carrboro.

Mayor Lavelle proclaimed the Town of Carrboro to be a 2021 "Breastfeeding Friendly Community." Shawna Daniels, with the Orange County Partnership for Young Children, was present to receive the proclamation.

PUBLIC COMMENTS

There were no comments provided from the public.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS THAT THE VOTE LANGUAGE FOR THE TIK, INC SETTLEMENT AGREEMENT INCLUDE THIS LANGUAGE, “AFTER THE MEETING COUNCIL MEMBER SLADE NOTIFIED THE COUNCIL THAT THE AFFIRMATIVE VOTE RECORDED FOR HIM WAS A MISTAKE. COUNCIL MEMBER SLADE THOUGHT HE WAS VOTING “NO,” ALL OTHER MEMBERS OF THE TOWN COUNCIL HEARD HIM VOTE “YES.”” VOTE: AFFIRMATIVE FOUR, NOES THREE (FOUSHEE, GIST, HAVEN-O’DONNELL)

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, TO APPROVE THE MINUTES FROM MARCH 16 AND APRIL 13, 2021. VOTE: AFFIRMATIVE FOUR, NOES THREE (FOUSHEE, GIST, HAVEN-O’DONNELL)

ADOPTION OF A TOWN CODE AMENDMENT CREATING THE RACIAL EQUITY COMMISSION AND A RESOLUTION MAKING APPOINTMENTS TO THE COMMISSION

The purpose of this agenda item was for the Town Council to amend the Town Code to create the Racial Equity Commission and make appointments to the commission.

Motion was made by Council Member Foushee, seconded by Council Member Haven-O’Donnell, to approve the following ordinance:

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO ESTABLISH A
RACIAL EQUITY COMMISSION
Ordinance No. 17/20-21

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Chapter 3, Article VIII of the Carrboro Town Code is amended to add a new Section 3-46 as follows:

Section 3-46 Racial Equity Commission Established

(a) There shall be a Racial Equity Commission to advise and work with the Town Council, Race and Equity Officer, and Town staff to educate, provide leadership, and facilitate

on-going equitable engagement within the immediate and greater Carrboro community toward the goal of creating a community of inclusiveness in which political, economic, social, and cultural institutions are no longer predicated and influenced by race.

(b) The Commission shall be appointed by the Council and consist of nine members, all of whom are residents of the Town, and who shall complete race and equity training provided by the Town's Core Team. This training may be provided before or after their appointment. Of the nine members, two shall have lived in the Town for at least twenty years and be a person of color, and two shall have lived in the Town for at least ten years and be a person of color. The Commission shall otherwise be composed of:

1 representative from the Affordable Housing Advisory Commission

1 representative Environmental Advisory Board

1 representative Economic Sustainability Commission

1 representative from the Farmer's Market Board

1 youth seat

2 non-voting Town Council Liaisons

The Race and Equity Officer – Staff Liaison (non-voting)

(c) The inaugural members of the Commission will begin staggering terms after the second year of the Commission's establishment; and Commission members will serve two-year terms, with an option to serve for two sequential terms.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

This 27th day of April 2021

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

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

APPOINTMENTS TO THE RACIAL EQUITY COMMISSION

Section 1. The Town Council hereby appoints the following representatives:

Betty Curry - AHAC representative

Namdi Brandon - EAB representative

Dan Mayer - ESC representative

Monica Segovia-Welsh - Farmer’s Market Board representative

In addition, five seats are available for community appointments.

Persons of color who are 20 year residents - Nathaniel Davis and Liz Carter

Persons of color who are 10 year residents - Kenyatta Clark and Donald Hawkins.

Youth Representative – Kendall Lytle

The inaugural members of the Commission will begin staggering terms after the second year of the

Commission’s establishment; and Commission members will serve two-year terms, with an option to serve for two sequential terms.

Section 2. This resolution shall become effective upon adoption.

This is the 27th day of April 2021

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

AFFORDABLE HOUSING ADVISORY COMMISSION FUNDING RECOMMENDATION

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

A motion was made by council member Foushee, seconded by council member Haven-O’Donnell, to approve the following resolution:

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

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

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

WHEREAS, the Affordable Housing Advisory Commission (AHAC) reviewed one funding application for the Affordable Housing Special Revenue Fund on April 21, 2021; and

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

WHEREAS, the AHAC made the following funding recommendation:

EmPOWERment - \$15,600

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

Section 1. Approves the recommended grant funding activity from the Affordable Housing Special Revenue Fund in FY 2020-2021.

Section 2. Authorizes the Town Manager to develop and execute agreements as necessary to carry out the Council's action.

Section 3. This resolution shall become effective upon adoption.

This 27th day of April 2021

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

AFFORDABLE HOUSING QUARTERLY REPORT

The purpose of this item was for the Council to receive an update on the Town's Affordable Housing Activities.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) FOR CRIMINAL JUSTICE DEBT PROGRAM

The Purpose of this agenda item was to request that the Town Council approve the MOU with the Town of Chapel Hill so the Town of Carrboro can participate in the Criminal Justice Debt Program.

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

A RESOLUTION FOR CARRBORO TO PARTICIPATE IN THE CHAPEL HILL CRIMINAL JUSTICE DEBT PROGRAM

WHEREAS, Court fees and costs have a disparate impact on the poor; and,

WHEREAS, these costs and fees create barriers to community members seeking to reintegrate into the community; and,

WHEREAS, African-Americans are disproportionately represented in the criminal justice system due to historic and structural racism, making this is a racial equity issue; and,

WHEREAS, the Town of Chapel Hill has established a Criminal Justice Debt Program that offers a small funding resource to eligible low-income individuals who have not been able to get court or other available debt relief from fees and costs imposed due to criminal justice or traffic court involvement; and,

WHEREAS, the Town of Chapel Hill has made provisions for residents of the Town of Carrboro to participate in this Criminal Justice Debt Program; and,

WHEREAS, the Carrboro Town Council believes it is important for local jurisdictions to address racial equity issues for members of the community seeking to reintegrate into the community.

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

1. The Carrboro Police Department is authorized to participate in the Chapel Hill Criminal Justice Debt Program as outlined under the terms and conditions of the attached Memorandum of Understanding (MOU).
2. The Town Manager is authorized to execute the attached MOU and make changes in it as deemed necessary to achieve the objectives of the Criminal Justice Debt Program.
3. The Carrboro Town Council has appropriated \$7,500 in its FY 2020-21 Adopted Budget to provide services to Carrboro residents that may be enrolled in the Criminal Justice Debt Program. The amount of future appropriations for the participation in the

Criminal Justice Debt Program will be determined by the Carrboro Town Council during its annual budget process.

4. The Carrboro Chief of Police shall provide an annual report to the Carrboro Town Council on the accomplishments of the Criminal Justice Debt Program.

5. This resolution is effective immediately.

This the 27th day of April 2021

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

POLICE DEPARTMENT QUARTERLY EQUITY REPORT

The Purpose of this agenda item was to provide the Town Council a brief overview of the quarterly equity report for the final quarter of 2020 and the first quarter of 2021.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

DISPOSAL OF SURPLUS PROPERTY AND ONLINE PUBLIC AUCTION SPRING 2021

The purpose of this agenda item was to seek authorization for disposal of surplus vehicles, equipment, and personal property owned by the Town.

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

RESOLUTION FOR DISPOSAL OF TOWN SURPLUS PROPERTY

WHEREAS, the Town Manager pursuant to N.C.G.S. 160A-266 (c) is authorized to dispose of any surplus personal property owned by the Town of Carrboro whenever he determines, in his discretion, that the property is no longer necessary for the conduct of public business; and, the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00); and,

WHEREAS, the Town now has accumulated a number of vehicles and equipment that have been replaced by the acquisition of new vehicles and equipment; and,

WHEREAS, other personal property owned by the Town is no longer useable due to the wear and tear or obsolescence; and,

WHEREAS, the Town Manager has determined that certain vehicles, equipment and other personal property are no longer necessary for the conduct of Town business.

NOW THEREFORE, the Carrboro Town Council hereby resolves that:

1. The Town Manager is authorized to dispose of the surplus property listed in the attached Exhibit 1, and any other surplus property as the Town Manager may deem appropriate.
2. Town Manager is authorized to dispose of surplus property at a public auction to be conducted online by Rogers Auctioneer, Inc.
3. The Town Manager is authorized to enter into a contract not to exceed 12 months with Rogers Auctioneer, Inc. or other licensed auctioneer for a public auction.
4. The terms of the public auction sale shall be as follows:
 - a. to the highest bidder;
 - b. items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum;
 - c. all sales shall be designated final on the day of the auction; and
 - d. all items shall be sold on an “as is” and “where is” basis and the Town makes no guarantee of merchantability or any other implied or express warranty and assumes no responsibility for any of the items.
5. Any items remaining after the public auction may, at the Town Manager’s discretion, be offered for sale online at www.govdeals.com or other online bidding site(s); or the Town Manager may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material.
6. Advertisement of all public and online auctions are to be posted to the Town of Carrboro website prior to the date(s) of the auction.
7. This resolution is effective immediately and shall remain in effect for a one year period after Town Council approval.

Exhibit 1

Town of Carrboro Property Declared Surplus for Disposal

<u>MAKE</u>	<u>Town ID</u>	<u>Year</u>	<u>MODEL</u>	<u>Quantity</u>	<u>VIN/SER#</u>	<u>EST. VALUE</u>
Ford	987	2008	F-250 4x4	1	1FTSW21R88ED80235	5,000.00
Ford	41	2006	F-350 4x4	1	1FTWX31P46EC19753	\$4,500.00
Autocar	807	2015	ACX64	1	5VCACD8G9FH219167	\$20,000.00
American LaFrance	802	2009	Condor	1	5SXHNZCY89R000355	\$15,000.00
Ford	986	2007	Expedition	1	1FMFU16587LA83978	\$2,750.00
C&J	TR-002	1995	16ft Open Trailer	1	1C9AB112XSA1C9368	\$1,000.00
C&J	TR-003	1995	16ft Landscape Trailer	1	1C9AB1820SA1C9398	\$1,000.00
Texas Bragg	TR-004	1999	6x10 Landscape Trailer	1	17XFP1024X1997889	\$1,500.00
Texas Bragg	TR-005	1999	6x10 Landscape Trailer	1	17XFP1020X1997890	\$1,500.00
Chevrolet	236	2010	Imapala	1	2G1WD5EM1A1170227	\$3,500.00
Chevrolet	237	2010	Imapala	1	2G1WD5EM8A1169950	\$4,000.00
Chevrolet	240	2011	Imapala	1	2G1WD5EM0B1213506	\$4,000.00
Chevrolet	246	2012	Imapala	1	2G1WD5E38C1234340	\$4,500.00
Chevrolet	248	2012	Imapala	1	2G1WD5E32C1237573	\$4,500.00
Other Items						
ODB			14.5 Stainless Steel Leaf Box	1		\$1,500.00
Gray Oil Filter Crusher			QP-150	1		\$500.00
Coats Tire Balancer			1055	1	9806349287	\$1,000.00
Heniker Snow Plow			8Ft Blade	1	2802-E30896644	\$2,000.00
Heniker Salt Spreader			2 Yard Hopper	1		\$2,000.00
Swenson	033B		Salt Spreader	1	0208-2194	\$2,000.00
ODB	609	2012	LCT 600 Leaf Vac	1	1Z9PL1619BR168161	\$5,000.00
Rear Tine Tillers			Honda FR-600 and Husqvarna 700 DRT	2	Honda-FZAV-2001274 Husqvarna-020507T003305	\$500.00
Snowex			Snow Broom SS4000	1	150126300557	\$1,000.00
Snowex			Snow Broom SS4000	1	150126300541	\$1,000.00
John Deere Tractor w/ loader and Backhoe	64	2000	4600 Compact Tractor	1	LV4600H367241	\$5,000.00
						\$94,250.00

This is the 27th day of April, 2021.

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 PUBLIC HEARINGS ON CONDITIONAL REZONING AT 410, 420 AND 430 SMITH LEVEL ROAD AND ASSOCIATED LUO TEXT AMENDMENT

The Town has received a petition to rezone property at 410, 420 and 430 Smith Level Road to O/A-CZ (Office/Assembly, conditional) for the construction of a commercial development that would include a self-storage facility, office, retail and restaurant uses. An application for a text amendment to the Land Use Ordinance relating to the project has also been submitted. The Town Council must receive public input before reaching decisions on these requests. A hearing date of May 25, 2021 has been identified.

Council declined to set a public hearing for rezoning.

MOTION BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER ROMAINE, REQUESTING A REPORT FROM TOWN STAFF WITH INFORMATION ON THE STATUS OF STORAGE FACILITIES IN CARRBORO. VOTE: AFFIRMATIVE ALL

PRESENTATION FROM ORANGE COUNTY TAX ASSESSOR ON RECENT TAX VALUATION

The purpose of this agenda item was for the Town Council to receive a presentation from the Orange County Tax Assessor regarding the recent valuation.

Nancy Freeman, the Orange County Tax Administrator, provided the presentation and answered questions from the Town Council.

George Barrett, a Carrboro resident and the executive director of the Marian Cheek Jackson Center for Saving and Making History, spoke about the disproportionate impacts of the revaluation on lower-wealth Black residents in the Northside, Pine Knolls, and Tin Top neighborhoods.

MOTION BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER HAVEN O'DONNELL, THAT COUNCIL AUTHORIZES THE MAYOR TO SEND A LETTER TO THE ORANGE COUNTY COMMISSIONERS REQUESTING THAT THEY DO WHAT IS ALLOWED WITHIN THE BOUNDS OF STATE LAW TO ACCOUNT FOR INSTITUTIONAL AND SYSTEMIC INEQUITIES IN THE REVALUATION PROCESS, THAT THE APPEALS PROCESS BE EXTENDED BY 30 TO 60 DAYS, THAT THE COUNTY ACCEPT AN APPEAL ON BEHALF OF THE NORTHSIDE RESIDENTS, THAT THE COUNTY REDUCE THE BASE LAND VALUATION IN THE NORTHSIDE NEIGHBORHOOD TO A LEVEL THAT MORE ACCURATELY REPRESENTS LAND SALES IN THAT NEIGHBORHOOD, THAT THE COUNTY COMPLETE AN EQUITY ANALYSIS OF THE REVALUATION, AND THAT THE COUNTY CONSIDER POSTPONING THE APPLICATION OF THE NEW PROPERTY VALUATIONS UNTIL THESE ISSUES CAN BE ADDRESSED. VOTE: AFFIRMATIVE ALL

DISCUSSION OF MANUFACTURED HOME COMMUNITIES IN CARRBORO

The purpose of this item was for the Town Council to discuss manufactured home communities in Carrboro and consider the possibility of creating a regionally unified manufactured home strategy.

This was delayed to a future meeting.

CLOSED SESSION

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER ROMAINE, TO ENTER INTO CLOSED SESSION PURSUANT TO N.C.G.S. 230 143-318.11(A)(4) TO DISCUSS MATTERS RELATING TO THE LOCATION OR EXPANSION OF INDUSTRIES OR OTHER BUSINESSES IN THE AREA SERVED BY THE PUBLIC BODY, INCLUDING AGREEMENT ON A TENTATIVE LIST OF ECONOMIC DEVELOPMENT INCENTIVES THAT MAY BE OFFERED BY THE PUBLIC BODY IN NEGOTIATIONS, OR TO DISCUSS MATTERS RELATING TO MILITARY INSTALLATION CLOSURE OR REALIGNMENT. ANY ACTION APPROVING THE SIGNING OF AN ECONOMIC DEVELOPMENT CONTRACT OR COMMITMENT, OR THE ACTION AUTHORIZING THE PAYMENT OF ECONOMIC DEVELOPMENT EXPENDITURES, SHALL BE TAKEN IN AN OPEN SESSION. VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY COUNCIL MEMBER HAVEN O'DONNELL, SECONDED BY COUNCIL SLADE, TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL.

ADJOURNMENT

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

Town Clerk

Mayor