



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

**Town of Carrboro
Meeting Minutes
Town Council**

May 11, 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: Julie Eckenrode, Acting Town Manager; Nick Herman, Town Attorney; Cathy Dorando, Town Clerk; Mary Bryant, Deputy Clerk

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Amanda Johnston called "Gender Reveal."

PROCLAMATION – POLICE WEEK AND PEACE OFFICERS' MEMORIAL DAY

Mayor Lavelle proclaimed May 9-15 as "Police Week" and Friday, May 14 as "Peace Officers' Memorial Day." The proclamation was presented to the Town of Carrboro Police Chief, Chris Atack.

CHARGES ISSUED TO RECENTLY APPOINTED ADVISORY BOARD MEMBERS

The Town Clerk issued the following charge:

Arts Committee – Catherine Froelich.

CLOSED SESSION ADDED TO THE AGENDA

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER GIST, TO ADD A CLOSED SESSION TO

THE MEETING PURSUANT TO N.C.G.S. 143- 318.11(A)(3). VOTE: AFFIRMATIVE ALL

PUBLIC COMMENTS

There were no comments provided from the public.

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER SLADE, TO APPROVE THE MINUTES FROM APRIL 27, 2021. VOTE: AFFIRMATIVE ALL

REQUEST TO SET A PUBLIC HEARING ON TEXT AMENDMENTS TO THE LAND USE ORDINANCE FOR COMPLIANCE WITH N.C.G.S. CHAPTER 160D.

The purpose of this agenda item was to consider setting a public hearing on text amendments that would bring the Land Use Ordinance into conformance with N.C.G.S. Chapter 160D. A draft ordinance has been prepared.

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

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CONFORM WITH RECENT CHANGES IN STATE LEGISLATION RELATING TO THE ADOPTION OF CHAPTER 160D

WHEREAS, the 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 June 15, 2021 to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Conform with recent Changes in State Legislation Relating to the Adoption of Chapter 160D.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

This is the 11th day of May in the year 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

AUTHORIZATION TO DONATE \$500 TO THE CARRBORO HIGH SCHOOL CLASS OF 2021 MURAL PROJECT

The purpose of this item was to authorize the expenditure of \$500 from the Town Council contingency fund for the purposes of supporting the fundraising efforts to install a mural for the 2021 Carrboro High School graduating class.

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

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWN COUNCIL CONTINGENCY LINE ITEM

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

Section 1: The amount of \$500 from the Town Council contingency fund is approved for allocation and donation to the Carrboro High School for the Class of 2021 Student Council led mural project.

Section 2: The Town Clerk shall file a copy of this resolution with the Finance Director.

Section 3: This resolution is effective immediately.

This is the 11th day of May in the year 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

AUTHORIZATION TO EXPEND UP TO \$250 TO SUPPORT THE COST OF A DJ DURING THE TOWN OF CARRBORO PRIDE FOOD TRUCK RODEO

The purpose of this item was to authorize the expenditure of \$250 from the Town Council contingency fund for the purposes of supporting Carrboro Pride Food Truck Rodeo to cover the cost of a DJ.

Town Council members agreed to amend the amount to \$500.00 after a short clarification that the use of funds would be to support the event and be used for a DJ.

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

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWN COUNCIL CONTINGENCY LINE ITEM

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

Section 1: Staff may expend up to \$500 from the Town Council contingency fund to support the cost of a DJ or other event costs during the Town of Carrboro Pride Food Truck Rodeo at Town Commons in June.

Section 2: The Town Clerk shall file a copy of this resolution with the Finance Director.

Section 3: This resolution is effective immediately.

This the 11th day of May 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

UPDATE ON BIKE SHARE AND CONSIDERATION OF TOWN CODE AMENDMENTS RELATING TO BIKE SHARE, E-BIKES, E-SCOOTERS AND OTHER MICROMOBILITY DEVICES, AND BIKEWAYS

The purpose of this agenda item was to provide the Town Council with an update on a proposed bike share pilot and to consider amendments to the Town Code that would add new definitions and establish standards relating to bikeways, shared use systems, e-bikes and other micro mobility devices.

Zach Hallock provided the staff report about the Bike Share Program.

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

AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE RELATING TO ELECTRIC BICYCLES, ELECTRIC SCOOTERS, MICROMOBILITY DEVICES, SHARED ACTIVE TRANSPORTATION SYSTEMS AND BIKEWAYS
Ordinance No. 18/20-21

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Article I of Chapter 6 of the Town Code, Definitions and Interpretations is amended by adding six new definitions, “electric bicycle,” “electric scooter,” “micro mobility,” “shared active transportation systems,” and “shared device,” as listed below, and by renumbering the remaining definitions in alphabetical order.

(7) *Electric Bicycle (E-Bike)*. A bicycle, usually designed for a single rider, with a small electric helper motor with less than 750W and a maximum speed of 28 mph on flat surfaces. Riders must be at least 16 years of age. There are three classes of electric bicycles:

Class 1 –Pedal Assist (pedalec). An electric assist bike that provides power only when pedaled, capable of a maximum operating speed of 20 mph. (Class 1 e-bikes are the most common type of e-bikes used for shared active transportation systems.

Class 2—Throttle Assist. A throttle assist electric bicycle provides power without pedaling and is capable of a maximum operating speed for 20 mph.

Class 3—Pedal assist (pedalec) at higher speeds. An electric assist bike that provides power only when pedaled and can reach an operating speed of 28 mph.

(8) *Electric Scooter (E-scooter)*. A vehicle that is steered by a steering handle, designed to be stood upon by the operator while the vehicle is in operation, and powered by a motor capable of propelling the vehicle at a speed no greater than 20 miles per hour on a level surface; and whose wheels have diameters of ten inches or less. Riders must be at least 16 years of age.

(12) *Micromobility*. Any small, low-speed, human- electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.

(19) *Shared Active Transportation System (SATS)*. A business or service that provides one or more shared devices, for rent where, by design of the business, the shared devices are intended to be used within a defined service area and stored or parked within a designated area, or hub, or docking station, when not rented by a customer.

(20) *Shared Device*. A bicycle (defined in subdivision (2)), electric bicycle (defined in subdivision (7)), or electric scooter (defined in subdivision (8)), or other micro mobility device that is rented by a business or service to customers through a SATS (defined in subdivision (19)).

Section 2. Subsection 6-34(2), Establishment of Bikeways, is amended by adding a new subdivision (h) to read as follows:

- h. The Homestead Road-Chapel Hill High School Multi-Use Path beginning at the Claremont neighborhood and extending south east, under Homestead Road, and across Bolin Creek by way of a pedestrian bridge to Chapel Hill High School.

Section 3. Section 6-37, Shared Usage by Bicyclists and Pedestrians is rewritten to read as follows:

Section 6-37 Shared Usage By Bicyclists, Pedestrians and others using Micromobility Devices

While roadways are provided primarily for the safety and convenience of motor vehicles, sidewalks are provided primarily for the safety and convenience of pedestrians, and bikeways are provided primarily for the safety and convenience of bicycles, it is recognized that in many instances such facilities may be shared. Where these facilities are shared, pedestrians and bicyclists shall exercise extreme caution and the following regulations shall apply:

(1) When using bikepaths where there is no designated pedestrian area, pedestrians shall walk as far to the right as practicable, shall walk no more than two abreast, and shall exercise due care. On a bikepath, when passing pedestrians or another bicyclist from the rear, bicyclists shall pass only on the left and only after giving an audible signal.

(2) Class 1 and class 2 electric bicycles, electric scooters and other types of micromobility devices may be operated on bikepaths subject to the provisions of subsection (1) above; travel speeds shall not exceed fifteen miles per hour. When the micromobility device is a shared device and the speed limit can be controlled by the shared active transportation system, the speed limit shall be functionally capped to fifteen miles per hour on bikepaths.

(3) When using those sidewalks where bicycle traffic is permitted, bicyclists shall not exceed seven miles per hour; shall yield the right-of-way to pedestrians; and, when passing pedestrians from the rear, bicyclists shall pass only on the left and only after giving an audible signal to such pedestrians; and shall not ride on any sidewalk in such a way as to endanger pedestrians.

~~(3) Except on a street or portion thereof designated with a shared lane marking, bicyclists using a roadway shall ride as far to the right as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. On a street or portion thereof designated with a shared lane marking, bicyclists must ride in the direction of traffic, upon the right half of the roadway, and may travel in any lateral position within the right half of the roadway. (Amend. 9/21/2010) (Deleted 2/18/14)~~

~~(4) Persons riding bicycles upon a roadway, sidewalk, or bikeway shall ride single file, when to do otherwise would obstruct traffic or create a hazard. In no case should there be more than two bicycles riding abreast. (Deleted 2/18/14)~~

(4) The area along the north side of East Poplar Avenue shall be a pedestrian lane, and no person may ride, drive or park any vehicle (including a bicycle) upon such pedestrian lane.

Section 4. Section 6-39, “Bicycles Subject to General Statutes” is renamed “Bicycles, including Electric Bicycles, Electric Scooters and other Micromobility Devices Subject to General Statutes”

Section 5. Subsections 6-39(1) and (2) are amended by adding the words “electric bicycles, electric scooters and other micromobility devices,” to the first clause of the first sentence.

Section 6. Article VIII, Bicycles, is amended by adding a new section 6-40.2, Shared Active Transportation Systems for Bicycles, Electric Bicycles, Electric Scooters and other Micromobility Devices, to read as follows:

Section 6-40.2 Shared Active Transportation Systems for Bicycles, Electric Bicycles, Electric Scooters and other Micromobility Devices

The Town may allow, by permit or contractual agreement for the establishment of one or more shared active transportation systems subject to the following provisions.

(1) The shared active transportation system shall identify a service area where, subject to the standards in this chapter, shared devices may be operated without penalty and locations where such devices may be stored when not in use. Such storage locations may include formal docking stations or racks, or informal areas or hubs designated by pavement markings, textured pavement treatments, signage or some combination.

(2) Placement of shared devices when not in use by a customer shall be within these designated storage areas.

(3) If a storage area is not available, the operator of the shared device may place the device along the sidewalk or other public right-of-way so long as such placement shall not impede movement to such an extent that a person with a motorized wheelchair (or similar device designed principally to convey a person with limited mobility) cannot safely navigate the sidewalk.

a. If a shared device is found obstructing the sidewalk, it shall be the responsibility of the shared active transportation system, when notified, to retrieve the device and return it to an allowed parking location.

b. If a shared device is found outside the public right-of-way it shall be the responsibility of the Shared Active Transportation System to retrieve the device and return it to an allowed parking location.

c. If a shared device is found in a location where it is inaccessible to customers, it shall be the responsibility of the Shared Active Transportation System to retrieve the device and return it to use.

d. If a shared device is found to be inoperable, it shall be the responsibility of the Shared Active Transportation System to retrieve the device and remove it from use.

(4) The Shared Active Transportation System shall provide the Town with anonymized data from the usage of the system in the form of the General Bikeshare Specification Feed (GBSF).

(5) The Shared Active Transportation System shall provide a method by which people can access the system without needing a smartphone or bank account in addition to a payment system using a smart phone application.

(6) The Shared Active Transportation System shall provide safety information and inform users of the need to wear helmets while operating their shared devices.

(7) Any other provisions as included in the permit or contractual agreement with Town.

Section 7. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.

This the 11th day of May 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

CRISIS DIVERSION FACILITY UPDATE

The purpose of this agenda item was to update the Council on county-wide plans for a Crisis Diversion Facility to be located in Orange County.

Caitlin Fenhagen and Anthony Marimpietri gave a presentation. Police Chief Chris Attack spoke about the need for such a facility in Orange County.

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

REQUEST-TO-SET A PUBLIC HEARING ON A TEXT AMENDMENT TO THE LAND USE ORDINANCE RELATING TO PARKING REQUIREMENTS

The purpose of this agenda item was to consider setting a public hearing on a text amendment relating to the use of satellite parking.

A motion was made by Council Members 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 RELATING TO SATELLITE PARKING

WHEREAS, the 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 June 15, 2021 to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Satellite Parking."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the Town's Transportation Advisory Board and Economic Sustainability Commission.

This is the 11th day of May in the year 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

FACILITIES REHABILITATION - ENERGY AND SUSTAINABILITY SYSTEMS OVERVIEW

The purpose of this agenda item was for the Public Works Department and consulting engineer, Sud Associates, to present an overview of energy and sustainability options and recommendations for Town Hall, Century Center and Public Works that will align with the Town's goal of Net Zero Buildings.

Christian Kaltreider, Jim Spencer, and Ish Sud provided the presentation to the Council.

The Town Council took no action on this item.

MATTERS BY COUNCIL MEMBERS

A motion was made by Council Member Romaine, seconded by Council Member Foushee, to approve the following proposal:

Council Member Romaine proposed a request to direct the Town Staff to:

- Review Chapel Hill's proposal for increasing its contracting targets
- Look into what other nearby jurisdictions are doing to increase MWBD/DBE participation
- Review Bob Hornik's comments on the matter
- Make recommendations to Council
- Bring item back in the Fall of 2021

This is the 11th day of May, 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

CLOSED SESSION

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ENTER INTO CLOSED SESSION PURSUANT TO N.C.G.S. 143- 318.11(A)(3). VOTE: AFFIRMATIVE ALL

OPEN SESSION

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

ADJOURNMENT

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

Town Clerk

Mayor