



## **Town of Carrboro**

### **Meeting Minutes**

#### **Town Council**

**September 14, 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:** Richard White, Town Manager; Cathy Dorando, Town Clerk; Brady Herman, Town Attorney

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#### **SWEARING IN OF TOWN MANAGER RICHARD J. WHITE III**

Mayor Lavelle issued the Oath of Office to the recently hired Town Manager, Richard J. White III.

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#### **POETRY READING**

Fred Joiner read a poem by Margaret Walker called, "Lineage."

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#### **PROCLAMATION – HISPANIC HERITAGE MONTH**

Mayor Lavelle proclaimed the dates of September 15-October 15 as "Hispanic Heritage Month" in the Town of Carrboro.

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**PROCLAMATION - SMALL BUSINESS WEEK**

Mayor Lavelle proclaimed the week of September 13<sup>th</sup> - September 19<sup>th</sup> as “Small Business Week” in the Town of Carrboro. Rae Mosher, owner of Carrburritos, accepted the proclamation.

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**PROCLAMATION – MAYORS’ MONARCH PLEDGE DAY**

Mayor Lavelle proclaimed October 2<sup>nd</sup> as “Monarch Pledge Day” in the Town of Carrboro. Laura Janway, the Town’s Environmental Planner, accepted the proclamation.

Council Member Slade asked the Town Manager to investigate the ban of glyphosate as a last resort in our Integrated Pest Management Policy.

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**PUBLIC COMMENT**

1. Makeda Ma’at spoke to the Town Council about issues related to issues with the management of the Landings by Community Home Trust. She also expressed concern with the operational structure of the tenant advisory board and her inability to be heard by leadership at Community Home Trust.

This matter was referred to the Town Manager to investigate this and report back to the Town Council.

2. Shelley Welch showed pictures of her neighbor’s property with political signage and stated that it should be removed three days after an election.

This matter was referred to the Town Manager to investigate this and report back to the Town Council.

3. Kevin Poimboeuf showed pictures of a mining area at the Merritt’s Gravel Pit and stated that they are excavating in an area that should not be mined and that is under the Town’s authority and jurisdiction.

This matter was referred to the Town Manager to investigate this and report back to the Town Council.

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**APPROVAL OF MINUTES FROM THE JUNE 15 AND JUNE 22 MEETINGS**

**MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER GIST, TO APPROVE THE MINUTES OF JUNE 15, 2021, AND TO TABLE THE MINUTES FROM JUNE 22, 2021 TO THE NEXT MEETING. VOTE: AFFIRMATIVE ALL**

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**A REQUEST TO ADOPT A RESOLUTION TO AWARD A SERVICE SIDEARM TO A RETIRED POLICE LIEUTENANT**

The purpose of this item was for the Town Council to approve the awarding of a service sidearm to Lt. Landis Cannady after his retirement on August 1, 2021.

**MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER GIST, TO AWARD LT. LANDIS CANNADY HIS SERVICE SIDEARM PURSUANT TO NCGS 20-187.2. VOTE: AFFIRMATIVE ALL**

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**CONDITIONAL USE PERMIT EXTENSION REQUEST FOR PHASE 1 AT 700 AND 706 OLD FAYETTEVILLE ROAD**

The Town Council was asked to review a request to extend the Conditional Use Permit for Lloyd Farm, Phase 1.

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

A RESOLUTION APPROVING THE EXTENSION OF THE DATE ON WHICH THE CUP FOR LLOYD FARM, PHASE 1 AT 700 & 706 OLD FAYETTEVILLE ROAD WOULD OTHERWISE EXPIRE

WHEREAS, the Town Council approved a Conditional Use Permit for Lloyd Farm, Phase 1 at 700 & 706 Old Fayetteville Road on October 22nd, 2019; and,

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance allows for extension; and,

WHEREAS, the Town Council finds, per Section 15-62(c) of the LUO, that: 1.) the CUP has not expired, and 2.) the permit recipient has proceeded with due diligence and good faith, and 3.) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Town Council that the expiration date for Lloyd Farm, Phase 1 Conditional Use Permit is hereby extended to October 22nd, 2023.

This is the 14th day of September 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

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**ADOPTION OF A TOWN CODE AMENDMENT TO ADD TWO SEATS TO THE STORMWATER ADVISORY COMMISSION**

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

AN ORDINANCE TO AMEND SECTION 3-24.15 OF THE TOWN CODE TO INCREASE  
THE MEMBERSHIP OF THE STORMWATER ADVISORY COMMISSION  
Ordinance No. 34/20-21

WHEREAS, the Carrboro Town Council ordains: Section 1. Section 3-24.15 of Chapter 3, Article V of the Carrboro Town Code is rewritten as follows:

**Section 3-24.15 Carrboro Stormwater Advisory Commission**

(a) Composition. There shall be a Carrboro Stormwater Advisory Commission composed of nine (9) members and one (1) liaison member. The liaison member shall be a member of the Town Council appointed by the Town Council. The voting members shall be appointed by the Town Council and shall be composed as follows:

- (1) Seven (7) residents of the Town of Carrboro;
- (2) One resident of the Town's extraterritorial zoning jurisdiction or the Town; and,
- (3) One member who need not be a resident of the Town of Carrboro, but who must possess special expertise related to stormwater management.

(b) Term. The nine (9) regular members of the Commission shall serve three (3) year, staggered terms, and shall continue to serve as members until their successors have been appointed. Members may serve up to two (2) consecutive full terms in the discretion of the Town Council.

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 is the 14th day of September 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

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**RESOLUTION CONSIDERING A PARKING LEASE AGREEMENT WITH FITCH LUMBER**

The purpose of this item was for the Town Council to consider approving a parking lot lease agreement with Fitch Lumber to lease a parcel of property at 502B N. Greensboro Street for parking during the construction of the 203 Project.

**MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER FOUSHEE TO APPROVE THE PARKING LEASE AGREEMENT WITH FITCH LUMBER. VOTE: AFFIRMATIVE SIX, NOES ONE (SLADE)**

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**QUARTERLY REPORTS (2021 Q1 AND Q2) FOR THE TOWN OF CARRBORO'S  
CDBG-CV GRANT NO.25-V-3525**

The purpose of this item was to provide an update on the Town of Carrboro's Community Development Block Grant – Coronavirus (CDBG-CV) from the North Carolina Department of Commerce.

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

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**POWELL BILL SPECIAL REVENUE FUND ORDINANCE**

The purpose of this item was to move accounting for Powell Bill funds from the General Fund to a Special Revenue Fund.

Staff was asked to investigate using Powell Bill funds for stormwater drainage and gutter problems that the neighborhoods are experiencing.

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

**POWELL BILL SPECIAL REVENUE FUND ORDINANCE**

Ordinance No. 35/2020-21

WHEREAS, the Town of Carrboro qualifies for a portion of the State Aid to Municipalities Highway Fund (Powell Bill Fund); and,

WHEREAS, as specified in G. S. 136-41.1 allocation to the qualifying municipalities is determined by a formula based on population (75 percent) as certified by the State Planning Officer and local street mileage (25 percent) as certified by the participating municipality; and,

WHEREAS, Powell Bill funds are primarily for resurfacing of streets within the corporate limits of the municipality; and,

WHEREAS, this allocation may also be used for the purposes of maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare including bridges, drainage, curb, gutter, planning, construction and maintenance of bikeways, greenways or sidewalks pursuant to G.S. 136-41.1 within the corporate limits; and,

WHEREAS, the Town of Carrboro has historically maintained and accounted for this allocation in its General Fund; and,

WHEREAS, a Special Revenue Fund is more appropriate for the accounting and reporting the use of this allocation, particularly when there is carryover of the allocation at yearend.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF CARRBORO, NORTH CAROLINA THAT:**

1. A Special Revenue Fund entitled “Powell Bill Funds” is hereby established for the purpose of managing and accounting for the Town’s Powell Bill allocation.
2. Powell Bill Funds shall be used only for resurfacing of streets and other purposes pursuant to G.S. 136-41.1 within the corporate limits of the municipality.
3. The expenditure of Powell Bill Funds will be used in compliance with provisions of the G.S. 136-41.1 and other directives as may be issued by the North Carolina Department of Transportation.
4. Within five (5) days after adoption of this ordinance, the Town Clerk shall file a copy of this grant funding project ordinance with the Finance Director.
5. This Ordinance is effective July 1, 2021, and shall remain in effect until rescinded by the Town Council.

This is the 14th day of September 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

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**REQUEST TO AUTHORIZE THE TOWN MANAGER TO EXECUTE A  
MEMORANDUM OF AGREEMENT TO ACCEPT TRANSPORTATION DEMAND  
MANAGEMENT GRANT FUNDS FOR FY21-22**

The purpose of this item was for the Town Council to consider authorizing the Town Manager to enter into an MOA for the FY 21-22 Transportation Demand Management (TDM) Grant Program.

Staff was asked to investigate the amount of funding that Chapel Hill receives compared to Carrboro.

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

**REGIONAL TRANSPORTATION DEMAND MANAGEMENT GRANT PROJECT  
ORDINANCE**

Ordinance No. 36/2020-21

WHEREAS, the North Carolina Department of Transportation, Capital Area MPO, and Durham Chapel Hill-Carrboro MPO have provided funding to the Triangle J Council of Governments to support Transportation Demand Management activities in the region; and,

WHEREAS, the Town of Carrboro has partnered with the Town of Chapel Hill since 2010 on Transportation Demand Management program promotions; and,

WHEREAS, Carrboro has developed a set of Transportation Demand Management activities as a sub-recipient of the Town of Chapel Hill's FY2021-22 Transportation Demand Management grant application; and,

WHEREAS, Carrboro will receive up to \$3,750 or 50% reimbursement of expenses up to \$7,500 for Transportation Demand Management activities (such as Open Streets, a portion of the Transportation Planner's salary, and outreach materials).

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that: The Council authorizes continued participation in regional Transportation Demand Management funding in FY2021-22, with the Town of Chapel Hill. The Transportation Demand Management funding shall be used for Open Streets, a portion of the Transportation Planner's salary, and outreach materials. Within five (5) days after this resolution is adopted, the Town Clerk shall file a copy of this resolution with the Town Manager and Finance Director. This resolution shall be effective upon adoption by the Carrboro Town Council.

This is the 14th day of September 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

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**PRESENTATION ON THE 2050 METROPOLITAN TRANSPORTATION PLAN  
ALTERNATIVE ANALYSIS**

The purpose of this item was for the Town Council to receive a presentation on the development of the 2050 Metropolitan Transportation Plan with a focus on the alternative analysis.

Andy Henry, Senior Transportation Planner with the Durham, Chapel Hill, Carrboro Metropolitan Planning Organization (DCHCMPO), provided the presentation to the Town Council.

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

**A RESOLUTION RECEIVING A PRESENTATION ON THE DCHC-MPO 2050  
METROPOLITAN TRANSPORTATION PLAN**

WHEREAS, all Metropolitan Planning Organizations (MPOs) are federally mandated to prepare Metropolitan Transportation Plans (MTPs) every five years to address future transportation infrastructure needs; and,

WHEREAS, transportation projects must be included in the MTP to be eligible to receive state funding; and,

WHEREAS, the draft DCHC MPO MTP includes highway, bicycle, and pedestrian project recommendations for the Town of Carrboro; and,

WHEREAS, the public comment period for the Alternatives Analysis phase of the 2050 MTP was opened on July 29, 2021 and will extend through September 15, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council receives the presentation on the draft MTP.

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

- The Town Council endorses the DCHC MPO Board's September 1, 2021, directive to the DCHC MPO staff to develop MTP alternatives that reflect the DCHC MPO's policy priorities regarding climate change, environmental impacts, racial equity, safety, and human health and well-being
- The report should be clear about the climate goal of holding the average global temperature rise below 1.5 degrees.

This is the 14th day of September 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

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### **STATUS REPORT ON AMERICAN RESCUE PLAN ACT FUNDING**

The purpose of this item was to amend the ARPA Grant Project Ordinance to reflect the final award amount, update the Council on grants to small businesses and provide information on interviews with nonprofit/human services organizations, and the first steps for obtaining public input on possible ARPA priorities.

**MOTION WAS MADE BY COUNCIL MEMBER GIST, SECONDED BY COUNCIL MEMBER FOUSHEE TO ADD NONPROFITS TO THE LIST.**

**AFTER DISCUSSION, MOTION WAS WITHDRAWN BY COUNCIL MEMBER GIST.**

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

#### **AMENDMENT TO AMERICAN RESCUE PLAN ACT GRANT PROJECT ORDINANCE**

Ordinance No. 37/2020-21

WHEREAS, the Town Council adopted Project Ordinance No. 18/2020-21 on May 4, 2021, to establish a Special Revenue Fund to account for funds under the American Rescue Plan Act (ARPA); and,



WHEREAS, the Town Council subsequently amended this grant project ordinance on June 22, 2021.and,

WHEREAS, the estimated funds to be received from the ARPA program has now increased from \$6,200,000 to \$6,753,198.84; and,

WHEREAS, the Town Council deems it appropriate and in the best interest of the Town to make available revenues from the ARPA to aid in the Town's pandemic rescue and recovery efforts.

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

1. The revenue appropriation of ARPA funds has increased from \$6,200,000 to \$6,753,198.84.
2. ARPA revenues identified in #1 above are appropriated for the following expenditures:  
Expenditures Grants to Small Businesses \$ 300,000.00 Essential Employee Pay \$ 224,795.00  
Town Revenue Replacement \$ 1,834,730.00 Restricted Unallocated Funds \$ 4,393,673.84 Total  
Expenditures \$6,753,198.84
3. All other provisions of the ARPA Grant Project Ordinance shall remain in effect.
4. The Town's Finance Officer is authorized to adjust the General Ledger to reflect these revenues and appropriations for the various efforts.
5. Within five (5) days after adoption of this ordinance, the Town Clerk shall file a copy of this ordinance with the Finance Officer.
6. This ordinance is effective upon adoption by the Town Council.

This is the 14th day of September 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

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### **MATTERS BY TOWN COUNCIL MEMBERS**

Council Member Slade requested that the Climate Action Team applications be brought to Town Council for appointment and that a seat be held for diversity recruitment.

Mayor Lavelle suggested that this matter be discussed again at a future meeting and that Town Council Members continue to recruit for diverse applicants.

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### **ADJOURNMENT**

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

