



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

**Town of Carrboro**

**Meeting Minutes**

**Town Council**

**September 28, 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; Nick Herman, Town Attorney; Bob Hornik, Town Attorney; Mary Bryant, Deputy Town Clerk

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**POETRY READING**

Naomi Sky Joiner, read a poem by Lucille Clifton called "why some people be mad at me sometimes".

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**RECOGNITION FOR NATIONAL AWARD FOR TOWN INFORMATION CENTER**

Mayor Lavelle and other members of the Town Council recognized Cat Lazorko, the Communication and Engagement Director, for winning a National Communication Award of Excellence for the Town Information Center in the category of Most Creative with Least Amount of Dollars Spent.

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**AMENDMENT OF THE AGENDA**

**MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL,  
SECONDED BY COUNCIL MEMBER FOUSHEE TO AMEND THE AGENDA BY  
ADDING A CLOSED SESSION FOR A PERSONNEL MATTER.  
VOTE:AFFIRMATIVE ALL**

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## **PUBLIC COMMENTS**

Kevin Poimboeuf and Shelly Welch, founder of Wildflower School, located at 3100 Damascus Church Road, spoke to the Council about ongoing issues they have had with Merritt Gravel Pit which borders the Wildflower School property.

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## **APPROVAL OF MINUTES**

Discussion and approval of the minutes from June 22, 2021 and September 14, 2021 was postponed.

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## **AMENDMENT TO MISCELLANEOUS FEES AND CHARGES SCHEDULE TO ESTABLISH FEES FOR SMALL AND MICRO-WIRELESS FACILITIES IN RIGHTS-OF-WAY**

The purpose of this item was for the Town Council to adopt a resolution amending the Town's Miscellaneous Fees and Charges Schedule.

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

### **A RESOLUTION APPROVING CHANGES IN FY 2021-22 MISCELLANEOUS FEES AND CHARGES SCHEDULE**

WHEREAS, the Town Council of the Town of Carrboro has adopted a Miscellaneous Fees and Charges Schedule for FY 2021-22; and,

WHEREAS, this Schedule includes fees associated with Encroachment Agreements administered by the Public Works Department and with Land Use Permits administered by the Planning Department; and,

WHEREAS, it is now necessary to specify fees related to the installation of small and micro wireless facilities as defined in N.C. Gen. Stat. Chapter 160D, Art. 9, Part 3 Wireless Telecommunication Facilities.

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

Section 1. The Public Works Fees section of the Miscellaneous Fees and Charges Schedule shall be amended to include the following:

<b>Encroachment Permit</b>	
Attachment to Town-owned pole	\$50.00 for existing poles; Actual cost of “make ready” work as defined in the LUO
Encroachment Fee	\$100.00 [This fee is waived for rights-of-way encroachments where the fee for Zoning Permit is paid.]
Consultant review fee, as needed	\$500.00 per application <sup>1</sup>

Section 2. The Planning Fees, Zoning Permits section of the Miscellaneous Fees and Charges Schedule shall be amended to include the following:

Small Cell Wireless Facilities	\$100 per facility for first five; \$50 for each additional facility (i.e., six thru 25). A “substantial modification” as defined in the LUO requires a second fee. There is no fee for micro- wireless antennae attached to cables strung between two poles.
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<sup>1</sup>Per G.S. 160D-934 this fee must be based on the Town’s actual costs.

Wireless telecommunications application Consultant review fee, as needed	\$500.00 per application <sup>2</sup>
Substantial Modification of any wireless facility (treated as a new application by statute)	The original fee charged shall be charged again.

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.

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<sup>2</sup>Per G.S. 160D-934 this fee must be based on the Town's actual costs.

This the 28th day of September in 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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### **APPOINTMENT TO THE STORMWATER ADVISORY COMMISSION**

The purpose of this agenda item was for the Town Council to make an appointment to the Stormwater Advisory Commission.

This agenda item was postponed.

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### **PUBLIC HEARING ON A REQUEST FROM PEE WEE HOMES TO REZONE PROPERTY AT 106 HILL STREET TO R-3, CONDITIONAL (R-3-CZ)**

The purpose of this agenda item was for the Town Council to receive public comment and consider a request to rezone property at 106 Hill Street from R-7.5 to R-3, Conditional, for the purpose of developing an affordable housing project. Rezoning is a legislative decision; the Council must receive public comment before making a decision.

Tina Moon introduced Hudson Vaughan and Sarah Howell from PeeWee Homes, who gave a presentation on the 106 Hill St. project.

Betty Currie spoke about historic laws and common practices that prohibited African Americans from owning property and voiced her support for the PeeWee Homes project.

George Barrett, Executive Director of the Marian Cheek Jackson Center, voiced his support of the PeeWee Homes project saying that current residents of PeeWee Homes have become valuable members of the communities they are a part of.

Alyssa Miserendino & Conor Tighe said they are both fully supportive of the PeeWee Homes project but raised a concern about ponding on the 106 Hill Street property. They commented that they would like to see consideration and analysis to aid water to drain away from the property. They commented that they don't think that a parking requirement is necessary.

Brandon Morande with the Chapel Hill Advisory Board and Orange County Street Outreach Program spoke in favor of the project.

Alice Jacoby with Orange County Habitat for Humanity and Orange County Affordable Housing Coalition spoke in support of the PeeWee Homes project. She said that her organization has worked closely with PeeWee Homes and spoke highly of the finished homes and their quality. She emphasized the need for affordable housing for all.

Cherie Rosemond, Director of Partnerships in Aging spoke in favor of the project.

Leo Gaev, resident of Broad St., spoke in favor of the project. He said that he agrees that parking spaces do not need to be added to the plans.

Heather Ferrell, resident of Broad St., spoke in favor of the project.

Jay Miller said that he is involved in several projects related to housing in Carrboro and feels encouraged by the PeeWee Homes project. He appreciates the innovative nature of the project.

Lisa Fishbeck, vicar of the Episcopal Church of the Advocate spoke in favor of the project. She said that everyone has been enriched by the PeeWee Homes project that was constructed at her church campus.

Bill Gartland said he is fully supportive of affordable housing in Carrboro. He said he does have deep concerns concerning stormwater and how adding more construction may cause more problems. He also spoke about his concerns around parking being adequate in the area of the project.

Yvette Matthews sang a song to the tune of Joy to the World in support of the project.

Unidentified speaker who was a public safety officer for 20 years spoke of being homeless, living in her car and how much the project will mean to homeless families who will be housed there.

Ronald Carnes, resident of Carrboro spoke about the need to get the PeeWee homes built as soon as possible.

Christine Abernathy, Director of Housing Justice at the Marion Cheek Center read a letter that she submitted to the Carrboro Town Council addressing the need for affordable housing in Orange County.

Katina with the Community Empowerment Fund spoke about the relief of having a permanent home that she has experienced and seen a friend experience. She is in support of the project.

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

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN COUNCIL'S REASONS FOR ADOPTING AN AMENDMENT TO THE MAP OF THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160D-605)**

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows:

**AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 7405.20 SQUARE FEET OF PROPERTY KNOWN AS 106 HILL STREET FROM R-7.5 (RESIDENTIAL, 7,500 SQUARE FEET PER DWELLING UNIT) TO R-3-CZ (RESIDENTIAL, 3,000 SQUARE FEET PER DWELLING UNIT, CONDITIONAL)**

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

**Section 1. The Council has reviewed the draft amendment to the map of the Land Use Ordinance and concludes that the proposed amendment is:**

Is *Consistent* with current adopted plans, Carrboro Vision2020 (provisions 2.11, 2.52, 3.28, 6.0, 6.11, 6.13 and 6.17) and the Town's Affordable Housing Goals and Strategies (2.1 and 2.4), for the following reason(s):

### **Carrboro Vision2020**

- 2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.
- 2.52 The town should continue to require the construction of a diverse housing stock.
- 3.28 Carrboro encourages a variety of appropriate residential development—single-family, multifamily, single room occupancy, etcetera—in the downtown especially as part of mixed-use developments.
- 6.0 The town should develop a comprehensive housing policy that seeks to provide housing for all of Carrboro's citizens.
- 6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.
- 6.13 The town should review all vacant municipally owned land for the purpose of making unneeded tracts available for housing programs.
- 6.17 the Town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Community Home Trust, Empowerment Inc., and Habitat for Humanity [of Orange County].

**Section 2. The Town Council's action is reasonable and in the public interest for the following reason(s):**

**Section 3. Therefore, the Carrboro Town Council has: *approved* the proposed amendment to the map of the Carrboro Land Use Ordinance.**

**Section 4. This resolution becomes effective upon adoption.**

This the 28<sup>th</sup> 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

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

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 7405.20 SQUARE FEET OF PROPERTY KNOWN AS 106 HILL STREET FROM R-7.5 (RESIDENTIAL, 7,500 SQUARE FEET PER DWELLING UNIT) TO R-3-CZ (RESIDENTIAL, 3,000 SQUARE FEET PER DWELLING UNIT, CONDITIONAL)

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

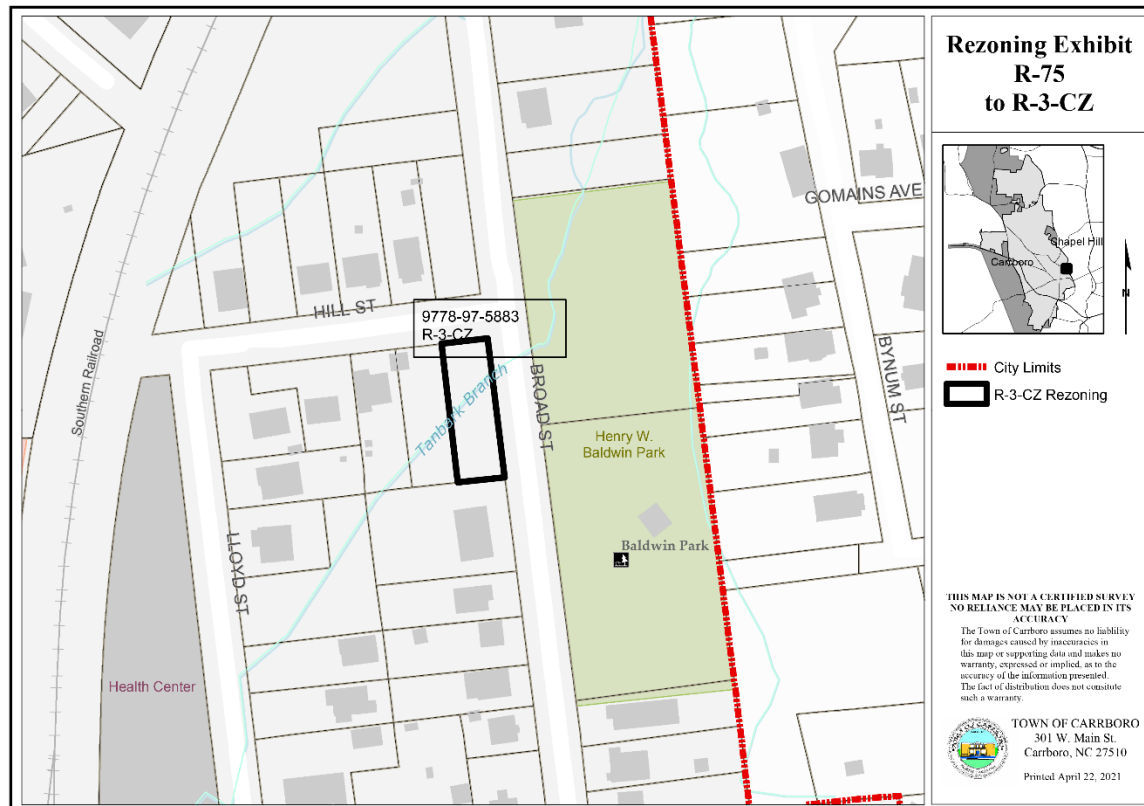
SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on the Orange County Tax Map by parcel identification number shown below shall be rezoned as noted and subject to the following conditions:

Chapel Hill Township, 106 Hill Street (PIN 9778-97-5883) encompassing approximately 7405.2 square feet as shown on the accompanying map titled "Conditional Rezoning Site Plan" is hereby rezoned from R-7.5 (Residential, 7,500 square feet per dwelling unit) to R-3-CZ (Residential, 3,000 square feet per dwelling unit, Conditional).

1. The rezoning exhibit labeled "Conditional Rezoning Site Plan," dated September 28, 2021 is approved and incorporated herein to indicate land uses, the general location and size of buildings, building setbacks, stormwater management features, open space and parking spaces. Other features and issues that remain to be decided at the time a permit is requested for development include, but are not necessarily limited to, the location and number of trees and other landscaped areas, and the location of recreational facilities or payment in-lieu thereof.
2. The Town Council hereby finds that 0 parking spaces are sufficient to serve this development based on the evidence provided by the applicant relating to the proximity of the site to bus lines and experience that the tenant population for the project does not typically have cars.
3. Up to three size-restricted dwelling units may be constructed on the site subject to the provisions of the variance approved by the Town of Carrboro Board of Adjustment on June 16<sup>th</sup>, 2021, which allows for the buildings to encroach into the Zone 1 and Zone 2 riparian buffer.
4. All dwelling units constructed on the subject property are to remain affordable for residents earning less than 30% of the area AMI, for a period of at least 99 years following the approval date of the certificates of occupancy.
5. The homes shall not be enlarged or replaced. If future replacement is deemed necessary due to age or damage the replacement building shall match the original in size, height, massing and placement on the site.
6. Each dwelling unit shall be constructed with a finished floor and mechanical units elevated at least two feet above the existing elevation of the curb at the intersection of Hill and Broad Streets. The final elevation is to be determined as part of the zoning permit approval.
7. The foundation or portion of the dwelling below the finished floor for each unit shall be "floodproof," meaning that flood waters will not be impeded from passing through,

hydrostatic pressure will not be created, and the risk of damage to the structure will be minimized. Due to this risk of flooding, the space under the finished floor for each unit shall be not enclosed as a finished habitable space or unfinished area for storage





SECTION 2. All provisions of the any Town ordinance in conflict with this ordinance are repealed.

SECTION 3. This ordinance shall become effective upon adoption.

This the 28<sup>th</sup> 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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### **JOINING UNC AIR QUALITY PETITION**

**MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER ROMAINE, TO JOIN A PETITION DRAFTED BY THE CENTER FOR BIOLOGICAL DIVERSITY TO OBJECT TO THE NORTH CAROLINA DIVISION OF AIR QUALITY'S TITLE V PERMIT NO. 03069T36 FOR UNC-CHAPEL HILL. VOTE: AFFIRMATIVE ALL**

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### **CLOSED SESSION**

**MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER ROMAINE, TO ENTER INTO CLOSED SESSION PURSUANT TO CLOSED SESSION 143-318.11 (A)(6). VOTE: AFFIRMATIVE ALL**

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### **OPEN SESSION**

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

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### **ADJOURNMENT**

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

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**Town Clerk**

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**Mayor**



