



Town of Carrboro

Meeting Minutes

Town Council

October 5, 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; Nick Herman, Town Attorney

POETRY READING

Fred Joiner read a poem by Shawn Ballard called, "Flight."

PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Lavelle proclaimed the month of October as "Domestic Violence Awareness Month" in the Town of Carrboro. Joy Shaver, the executive director of the Compass Center, accepted the proclamation.

PROCLAMATION – WALK TO SCHOOL DAY

Mayor Lavelle proclaimed October 6th as "Carrboro Walk to School Day" in the Town of Carrboro. Zach Hallock, the Transportation Planner, accepted the proclamation.

AGENDA AMENDMENT – ADDITION OF CLOSED SESSION FOR A PERSONNEL MATTER

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER SEILS, TO ADD A CLOSED SESSION TO THE END OF THE AGENDA FOR THE PURPOSES OF DISCUSSING A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

PUBLIC COMMENT

1. 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.

2. Shelley Welch discussed the ongoing issue with signs she has with her neighbor, the Merritts. She stated that she is going to submit a records request about another property and their political signage.

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

3. Ian Richardson, the attorney representing the Merritts and their business interests, stated that his clients are in receipt of a letter regarding the political signage and they will be submitting a sign waiver request to the Town. He also stated that his clients are working within the State mining area.

Town Manager Richard White stated that a meeting is scheduled for the next day with the attorneys and more information will be available after that.

APPROVAL OF MINUTES FROM THE JUNE 22 AND SEPTEMBER 14, 2021 MEETINGS

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO APPROVE THE MINUTES OF SEPTEMBER 14, 2021 AND TO POSTPONE THE APPROVAL OF THE JUNE 22ND MINUTES UNTIL AFTER A LATER DISCUSSION DURING THIS MEETING. VOTE: AFFIRMATIVE ALL

AMENDMENTS TO TOWN CODE CHAPTER 11 TO ALLOW MANAGED NATURAL LANDSCAPES

The purpose of this agenda item was to provide the Council with a proposed Town Code amendment to allow managed natural landscapes.

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

AN ORDINANCE TO THE CARRBORO TOWN CODE TO ALLOW THE
ESTABLISHMENT AND MAINTENANCE OF MANAGED NATURAL LANDSCAPES
Ordinance No. 2/2021-22

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Article 1, of Chapter 11, of the Town Code, Section 11-1, "Definitions," is amended by adding fourteen new definitions, as shown below, and by renumbering the entire section in alphabetical order.

Section 11-1 Definitions

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

- (1) Abandoned Motor Vehicle: A motor vehicle that: (i) is left upon a street or highway in violation of a statute or town ordinance prohibiting parking; (ii) is left on property owned or operated by the town (other than the farmers' market property) for longer than twenty-four hours; (iii) is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; (iv) is left on any public street or highway for longer than seven days; (v) is left on the premises leased by the town for the operation of the farmers' market contrary to Section 6-19(b) of the code; (vi) is left on any privately owned public vehicular area contrary to an ordinance adopted under authority of G.S. 160A-301(d); (vii) is left on private property in a properly designated fire lane; (viii) is left on public or private property in a space properly designated as reserved for handicapped or visually impaired persons or in a manner that obstructs a curb cut or curb ramp for handicapped persons; or (ix) is on town property in violation of Section 14-13 of this Code; or (x) may for any other reason lawfully be towed by a law enforcement officer (except that vehicles seized for evidence or pursuant to a levy under execution or otherwise seized or forfeited under any state statute shall not be considered abandoned vehicles under this chapter). (Amend. 10/11/83, 3/14/89)
- (2) Drainage Swale: A shallow open-channel drainageway stabilized with grass or other herbaceous vegetation that is designed to convey stormwater; including but not limited to roadside swales, bioswales, treatment swales, enhanced vegetative swales and other North Carolina Department of Environmental Quality accepted Stormwater Control Measures.
- (3) Exotic species: With respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.
- (4) Extra Trash: Refuse such as yard waste, furniture, paint cans with tops removed

and the paint dried, tires, and other discarded odds and ends that the town will pick up on a regularly scheduled basis but that are not stored within the mobile containers described in subsection 11-17(d). (Amend. 12/15/92, 12/2/08)

- (5) Garbage: All solid wastes capable of being rapidly decomposed by microorganisms, including but not limited to animal and vegetable wastes resulting from handling, preparation, cooking, and consumption of food, as well as animal offal and carcasses, but excluding sewage and human wastes.
- (6) Invasive Species: An exotic species whose introduction does or is likely to cause economic or environmental harm or harm to human health. This term shall also refer to exotic species which naturalize and may become a problem in North Carolina in the future as well as exotic plant species that cause problems in adjacent states but have not yet been reported to cause problems in North Carolina.
- (7) Junked Motor Vehicles: An abandoned motor vehicle that also: (i) is partially dismantled or wrecked, or (ii) cannot be self-propelled or moved in the manner in which it was originally intended to move, or (iii) is more than five years old and 11-3 appears to be worth less than one-hundred dollars (\$100.00), or (iv) does not display a current license plate when the motor vehicle is required by laws of this state to have such a license plate to operate on the public roads.
- (8) Managed Natural Landscape: A planned, intentional, and maintained planting of native or non-native wildflowers, shrubs, trees, graminoids, or other herbaceous species, including but not limited to meadows, rain gardens, pollinator gardens, native Piedmont vegetation, xeriscaping, and ornamental plantings.
- (9) Meadow: An area of managed natural landscaping in which routine maintenance is limited to or primarily includes mowing at least once per year. and native plants are allowed to thrive. Such areas may contain grasses, groundcovers, wildflowers, and woody plants. Such areas generally are not regularly mulched, weeded, mowed, and pesticides, herbicides, and fertilizer are not used. Such areas generally do not have a deliberate or definable arrangement of plant material.
- (10) Motor Vehicles: Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.
- (11) Native Piedmont Vegetation: Plant species that, according to *The Flora of the Southeastern United States* by A.S. Weakley, are native to the Piedmont, are native to the Piedmont region of the state of North Carolina, occurring in natural communities which existed prior to anthropogenic impacts on the landscape.
- (12) Noxious Growth: Any growth of weeds, grasses, or other plants or shrubs that because of overgrowth, accumulation, or weather conditions, becomes or threatens to become a fire hazard or otherwise poses a danger to the public health or safety.
- (13) Noxious Weed: Any plant in any stage of development, including parasitic plants whose presence whether direct or indirect, is detrimental to crops or other desirable

plants, livestock, land, or other property, or is injurious to the public health, as defined by North Carolina State Statutes.

- (14) Ornamental Plantings: Any plant species intentionally planted for aesthetic purposes.
- (15) Planting Strip: An unpaved area located between a sidewalk and a curb.
- (16) Pollinator Garden: A garden designed and planted with specific plant species to provide nectar, pollen, and habitat for pollinators.
- (17) Public Works Director: The Public Works Director or any other person designated by the Town Manager or Public Works Director to perform the functions and exercise the responsibilities assigned by this chapter.
- (18) Rain Garden: A garden of (native and non-native, but not invasive) plants designed as an infiltrative stormwater control and/or treatment measure not only to reduce the amount of stormwater runoff and accompanying pollutants from impervious surfaces from entering bodies of water, but also for aesthetic value.
- (19) Refuse: All solid wastes except (i) garbage, and (ii) solids that are dissolved or suspended in domestic, commercial, or industrial waste water effluent.
- (20) Scrap Materials: Scrap materials are: (a) Pieces or fragments of metal, wood, glass, masonry, plastic, textiles, rope, leather, rubber, paper, or any substance, that formerly were part of the construction of some useful object or thing or that consist of the excess resulting from the creation of some useful object or thing; or (b) Objects or things, including but not limited to machines, tools, equipment, hardware, furniture, appliances, etc., or parts of the same that are no longer in serviceable condition or are valuable only as raw material for reprocessing; or (c) Motor vehicles or remnants thereof that (i) do not display current license plates, and (ii) cannot without substantial repairs, be made to operate in the manner originally intended, and (iv) are valuable only as raw materials for reprocessing but that do not constitute solid wastes as herein defined because they are or may be useful to or wanted by or have not been discarded by the person in control of the premises where they have been located.
- (21) Solid Wastes: Wastes that are nongaseous and non-liquid (except that liquid wastes resulting from the processing of food are deemed solid wastes for the purposes of this chapter).
- (22) Turfgrass Lawn: A lawn consisting of continuous grass coverage, intended to be regularly-mowed and maintained at an established height.
- (23) Wastes: All useless, unwanted, or discarded materials resulting from domestic, industrial, commercial or community activities.
- (24) Weeds: plants that are not valued where they are growing and are usually of

vigorous growth, especially species that tend to overgrow more desirable plants.

- (25) White Goods: Refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, dishwashers, clothes dryers, and other similar domestic and commercial large appliances. (Amend. 12/13/94)
- (26) Xeriscaping: The practice of designing a landscape or garden using appropriate native or water-efficient plant species in order to reduce or eliminate the need for supplemental water.
- (27) Yard Waste: Organic materials commonly consisting of leaves, pine straw, wheat straw, grass, weeds, hedge clippings, dirt, rocks, yard and garden waste, branches, logs, twigs, and all vegetative matter resulting from landscaping or land clearing activities (e.g., stumps, trees, etc.) (Amend. 12/15/92)

Section 2. Article II of Chapter 11 of the Town Code, Section 11-8, “Noxious Growth,” is rewritten to read as follows:

Section 11-8 Noxious Growth

No persons may cause, suffer, or permit on premises under their control noxious growth, as defined in Section 11-1 of this Chapter as any growth of weeds, grasses, or other plants or shrubs that, because of overgrowth, accumulation, or weather conditions, becomes or threatens to become a fire hazard or otherwise poses a danger to the public health or safety. Managed natural landscapes and meadows shall not be considered noxious growth.

Section 3. Article II of Chapter 11 of the Town Code, is amended by adding a new Section 11-9, “Managed Natural Landscapes,” to read as follows:

Section 11-9 Managed Natural Landscapes

(a) The Town Council finds that the establishment and maintenance of managed natural landscapes is beneficial to the Town’s environment and its residents and serves to further adopted Town goals and promote public health, safety, and welfare by:

- (1) Promoting microhabitats in urban areas for the conservation of wildlife such as birds, pollinators, and other beneficial insects;
- (2) Creating larger, more connected plant populations, helping ensure the future of native plant species by increasing their ability to migrate in response to changes in climate;
- (3) Increasing biodiversity;
- (4) Meeting the goals of Carrboro’s Bee City USA commitment to promote healthy, sustainable habitats and communities for bees and other pollinators.
- (5) Conserving water resources by promoting water-efficient landscaping through xeriscaping and the use of appropriate native plants which, once established, typically require less water than other species;
- (6) Reducing the volume of stormwater runoff by promoting infiltration, interception, and evapotranspiration

- (7) Preventing erosion;
- (8) Further protecting water quality by reducing the use of fertilizers and other inputs used to maintain landscaping;
- (9) Reducing the negative impacts of landscape maintenance equipment on soil quality, local air quality, and climate change; and
- (10) Sequestering carbon.

(b) Standards

An owner, authorized agent, or authorized occupant of any privately owned lands or premises may, consistent with this section and all other applicable laws, statutes, rules and ordinances, establish and maintain a managed natural landscape.

(c) Requirements

- (1) Managed natural landscapes, as defined in Article 1 of this Chapter, may include plants and grasses which have gone to seed, but shall not include any invasive plant species identified by the North Carolina Native Plant Society or North Carolina Invasive Plant Council or noxious weeds as identified by the North Carolina Department of Agriculture and must be maintained so as to not include unintended vegetation.
- (2) Managed natural landscapes must be designed and maintained such that all vegetation remains on private property and does not interfere with the use of the public right-of-way. Sidewalks, planting strips, road and wayfinding signage, and visual sight triangles must remain clear from obstruction, per current North Carolina Department of Transportation, Federal Highway Administration, and Town standards and specifications outlined in Town Code Chapter 7 and Land Use Ordinance Appendix C.
- (3) Managed natural landscapes shall not interfere with the maintenance of stormwater management features including drainage swales.
- (4) Meadow areas of managed natural landscapes shall be mowed to a height of 8-10 inches at least once per calendar year in the early spring (March-April). The entirety of a meadow should not be mown at one time; mowing should be spaced so that the mown area has a chance to re-grow before mowing the other section.
- (5) Plantings that are no longer maintained consistent with the provisions of this section for managed natural landscapes may be considered noxious growth and subject to the enforcement provisions under Article V of this chapter. Unattended turfgrass lawns are not examples of managed natural landscapes and may become noxious growth and subject to enforcement.
- (6) Plantings that encroach upon Town drainage or right-of-way easements shall obtain an Encroachment Agreement through the Public Works Department prior to planting.

(d) Only properties containing homes, adjacent property owned by the same homeowner, or properties owned by homeowners' associations are covered by this ordinance.

(e) All provisions of any Town ordinance or resolution in conflict with this ordinance are

repealed, and this ordinance is effective upon adoption.

This is the 5th day of October 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 FOR A CUP PERMIT EXTENSION FOR 300 EAST MAIN

The Town Council was asked to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for 300 East Main CUP.

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

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A
CUP WOULD OTHERWISE EXPIRE FOR 300 EAST MAIN CUP**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the 300 East Main project on September 30, 2008; and,

WHEREAS, the Carrboro Town Council last granted a CUP Extension for a period of six months during which the property owner was asked to consider making certain improvements to the property, thereby extending the permit to October 9, 2021; and,

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the permit is extended, with a new expiration date for the 300 East Main CUP of October 9, 2022 and that the applicant shall apply to the Orange County Community Climate Action Grant and that they will continue to install the Town's preferred inverted U bike racks or other suitable bike rack as described in the LUO.

This is the 5th day of October 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

DISCUSSION OF THE ADVISORY BOARD RECRUITMENT AND APPOINTMENT POLICY AND CONSIDERATION OF APPOINTMENTS TO THE CLIMATE ACTION TEAM

The purpose of this agenda item was to provide the Town Council with an opportunity to discuss the Advisory Board Recruitment and Appointment Policy and to consider making appointments to the Climate Action Team.

The Town Council discussed the minutes from June 22, 2021. After discussion, the following action was taken.

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

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

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 Carrboro Town Council refers the town manager to the RESOLUTION REGARDING CLIMATE ACTION GOALS AND BUDGET PLAN from June 2019 for the town manager to implement.

This the 5th day of October 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

The Council did not make any changes to the Advisory Board and Recruitment Policy but suggested that staff bring this item back at a later date.

The Council did not make appointments to the Climate Action Team. It was stated that they will continue to recruit BIPOC residents.

**APPOINTMENT TO THE ORANGE WATER AND SEWER AUTHORITY (OWASA)
BOARD OF DIRECTORS**

The purpose of this item was for the Town Council to consider making an appointment to one of the Town's seats on the OWASA Board of Directors.

The Council did not make appointments to the OWASA Board of Directors. It was stated that they will continue to recruit BIPOC residents.

APPOINTMENTS TO THE COMMUNITY SAFETY TASK FORCE

The purpose of this item was for the Town Council to consider making appointments to the Community Safety Task Force.

This item was postponed to a future date, uncertain.

APPOINTMENTS TO THE HUMAN SERVICES COMMISSION

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

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

**A RESOLUTION MAKING APPOINTMENTS TO THE
HUMAN SERVICES COMMISSION**

**THE TOWN COUNCIL HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE
HUMAN SERVICES COMMISSION:**

Appointee	Term Expiration
Josie Hartman	7/2024
Ronni Zuckerman	7/2024
Earleen Burch	7/2025
Janet Archer	7/2024

This resolution shall become effective upon adoption.

This is the 5th day of October 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

**WORK SESSION ON PRELIMINARY DRAFT OF CARRBORO CONNECTS
COMPREHENSIVE PLAN**

The purpose of this item was for the Town Council to review and discuss the preliminary draft plan.

Trish McGuire, the Town's Planning Director and Scott Goldstein and Heidi Persaud, with TESKA Consultants, provided the report to the Town Council.

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

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

Laura Janway, the Town's Environmental Planner, provided the update.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER SEILS, FOR THE TOWN MANAGER TO BE REFERRED TO THE CLIMATE ACTION GOALS AND BUDGET GOALS FROM JUNE 2019. VOTE: AFFIRMATIVE ALL

CLOSED SESSION

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER FOUSHEE, TO ENTER INTO CLOSED SESSION FOR THE PURPOSES OF DISCUSSING A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

OPEN SESSION

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

Town Clerk

Mayor