



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

Town of Carrboro

Meeting Minutes

Town Council

April 5, 2022

7:00 PM

Remote Meeting

This meeting was held via Zoom teleconference and broadcasted live on cable television and the internet.

Present: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Sammy Slade, and Council Member Danny Nowell

Also Present: Richard White, Town Manager; Wesley Barker, Town Clerk; Mary Bryant, Deputy Town Clerk; Brady Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Roque Dalton, entitled "Poetry Like Bread."

Resolution-Native Plant Month

Council Member Susan Romaine read a resolution designating April as Native Plant Month in the Town of Carrboro.

A motion was made by Council Member Romaine, seconded by Council Member Foushee, that the following resolution be approved:

WHEREAS, native plants are indigenous species that have evolved and occur naturally in a

particular region, ecosystem, and habitat; and

WHEREAS, native plants are vital for maintaining and restoring the healthy ecosystem needed to sustain our environment, including but not limited to seed dispersal; pollination of crops and natural vegetation; prevention of flooding, drought, and erosion; regulation of disease-carrying organisms; and moderation of weather extremes; and

WHEREAS, North Carolina is home to more than 3,900 native plant species, including trees, shrubs, vines, grasses, and wildflowers, making it one of the most diverse states for native plants in the Southeast; and

WHEREAS, native plants provide shelter as well as nectar, pollen, and seeds that serve as food for native butterflies, insects, birds, amphibians and other wildlife in ways that non-native plants cannot; and

WHEREAS, 969 of the native plant species in North Carolina have been designated as significantly rare and/or in decline and may be in danger of extinction; and

WHEREAS, 94 of those 969 imperiled plants have been found in Orange County; and

WHEREAS, habitat loss and degradation, extreme weather events, and invasive species have contributed to the decline of native plants in North Carolina and Orange County; and

WHEREAS, native plants are essential components of resilient ecosystems and our natural heritage.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council designates April 2022 as ‘‘NATIVE PLANT MONTH’’ and recognizes the benefits of native plants to the environment and economy of the Town of Carrboro.

This 5th day of April, 2022.

The motion carried by the following vote:

Aye: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Sammy Slade, and Council Member Danny Nowell

APPROVAL OF MINUTES FROM FEBRUARY 1, 2022

This item was postponed until April 12, 2022.

REQUEST TO SET A PUBLIC HEARING FOR CONSIDERATION OF A MINOR MODIFICATION TO THE WINMORE VMU CONDITIONAL USE PERMIT

A motion was made by Council Member Romaine, seconded by Council Member Foushee, that the following resolution be approved:

A RESOLUTION SETTING A PUBLIC HEARING DATE FOR CONTINUED CONSIDERATION OF A MINOR MODIFICATION TO THE WINMORE VILLAGE MIXED USE CONDITIONAL USE PERMIT PROJECT AT 1400 HOMESTEAD ROAD FOR THE CONVERSION OF LOT 179 INTO THREE SINGLE-FAMILY HOME LOTS AND ALLOWING THE COMMUNITY POOL TO SERVE AS THE CIVIC USE AREA / FACILITY FOR THE DEVELOPMENT.

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed Use Project at 1400 Homestead Road on June 10, 2003; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction in a responsible and marketable manner; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications; and

WHEREAS, Town Council began discussing the modification request on March 15, 2022, at which time they decided to hold a public hearing before making a decision on the request.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that a public hearing is called for April 26, 2022 for continued consideration of the Minor Modification to the Winmore Village Mixed Use Conditional Use Permit.

This the 5th day of April 2022

The motion carried by the following vote:

Aye: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Sammy Slade, and Council Member Danny Nowell

AMENDMENT TO CHAPTER 4 OF THE TOWN CODE TO INCLUDE ADMINISTRATIVE LEAVE

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Nowell, that the following ordinance be approved:

AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN CODE TO ADD ADMINISTRATIVE LEAVE

Ordinance # 2021-22 / 5A

THE COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1: Article VII of Chapter 4 of the Carrboro Town Code is amended by adding sections 4-67. A Paid Administrative Leave and 4-67. B Unpaid Administrative Leave.

Section 4-67. A Paid Administrative Leave

Effective April 5, 2022, permanent and temporary employees may be placed on Paid Administrative Leave at the discretion of Department Heads and/or the Town Manager.

Reasons for paid administrative leave may include, but are not limited to, states of emergencies, employee participation in volunteer events that further the mission of the Town, blood donations, evaluations by a professional to determine fitness for duty, investigations related to the performance or actions of an employee, and/or disciplinary actions. While on paid administrative leave, all benefits and leave accruals will continue uninterrupted.

Department Heads shall notify Human Resources if paid administrative leave is under consideration. Human Resources shall notify the Town Manager before a determination is made. Once a determination is made, Department Heads should submit a Personnel Transaction Notice (PTN) to Human Resources with the effective date of the leave and the length of leave requested.

Paid administrative leave should not exceed thirty (30) days.

Section 4-67. B Unpaid Administrative Leave

Effective April 5, 2022, permanent and temporary employees may be placed on Unpaid Administrative Leave at the discretion of Department Heads and/or the Town Manager.

Reasons for unpaid administrative leave may include, but are not limited to, investigations related to the performance or actions of an employee, disciplinary action, and/or removal of the employee from the worksite for the safety or health of the organization. Unpaid administrative leave should be used as a temporary measure and should not exceed thirty (30) days. While on unpaid administrative leave, employees are responsible for remitting their share of any voluntary payroll deductions to the Town so that insurance benefits may continue; leave accruals will be halted.

Department Heads shall notify Human Resources if unpaid administrative leave is under consideration. Human Resources shall notify the Town Manager before a determination is made. Once a determination is made, Department Heads should submit a Personnel Transaction Notice (PTN) to Human Resources with the effective date of the leave and the

length of leave requested.

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 the 5th day of April 2022

The motion carried by the following vote:

Aye: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Sammy Slade, and Council Member Danny Nowell

PUBLIC COMMENT

Soteria Shepperson and Sophie Suberman spoke about an incident that occurred at their place of business, Present Day on Main. Carrboro Police were called. Ms. Shepperson and Ms. Suberman are requesting help from the Town with items such as fencing and signage.

PUBLIC HEARING ON FINANCING FOR THE 203 SOUTH GREENSBORO STREET PROPERTY AND ADOPTION OF RESOLUTION SUPPORTING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

Mayor Seils opened the public hearing for the 203 South Greensboro Street Financing.

Town of Carrboro Finance Director, Arche McAdoo was available during the Public Hearing to answer questions. He said that the information and figures remain the same as in the previously distributed agenda packets.

- 1. Mauricio Solano**, Economic Development Manager for El Centro Hispano, has around 181 workers and he believes the 203 S. Greensboro Project is a great opportunity for them.
Council Member Haven-O'Donnell wants to be sure that Mauricio's contact information is shared with the construction managers at Barnhill Construction.
- 2. Diana Newton**, Carrboro resident, had questions about the Town Budget and the tax rate impact from the 203 S. Greensboro Project. Arche McAdoo answered that the tax rate for the town will not increase to pay the debt.
- 3. Melody Kramer**, Carrboro resident, voiced her support for the library project. She has young children and is looking forward to having a library downtown to visit with her

family. Melody said that she is in library school and thinks that we need more public spaces that aren't work from home and that the library will be a great addition to the Town of Carrboro.

4. **Sammy Slade**, Speaking as a Carrboro resident, spoke on the Town setting a goal of achieving an 80% reduction of 2010 level ghg by 2030. Also, he referenced a resolution regarding climate action goals and budget plan, which was adopted by Town Council on June 25, 2019, for a 10-year budget plan to achieve that goal. Further, he stated the Town Council has not followed through on its assessment on what the budget impact would be for achieving its climate action goal which is why Council can claim the effect of financing this project “on the Town’s budget and tax rate impact will be reasonable under all circumstances.” He also stated the \$12,650,000 financing for the project takes the town’s debt capacity from its current 1/3rd mark to 2/3rd and may represent an unreasonable impact on the town’s budget and tax rate if the town seeks to also follow through on its climate action goals.
5. **Nerys Levy**, member of the Friends of Carrboro Libraries, voiced her support for the 203 S. Greensboro Project. She said that she has been working for over 30 years to help make the Carrboro Library a reality. She said that in addition to books, the library will include a sizable seed library. Ms. Levy also spoke about the importance of having a space for children to do their homework every day. She said that she sees children come into the library now and stay until closing time every day, doing their homework.
6. **Patrick McDonough**, Carrboro resident, emailed the Council with public comment voicing his support of the project moving forward and stating all the important conversations that needed to take place with this project have already taken place.
7. **Melva Okun**, Carrboro resident, emailed the Council with public comment voicing support for the project stating they have lived in Carrboro for 45 years and, for 25 years, have worked in support of a library in Carrboro and remain 100% committed to the project.
8. **Becky Laskody**, Carrboro resident, emailed the Council with public comment stating the 203 project is not the town’s highest priority and urges the board to reconsider moving ahead on this project, as the top priority is addressing the climate emergency.
9. **Kathy Kaufman**, Chair of the Climate Action Team, emailed the Council with public comment stating she believes that having the library and the building’s other amenities downtown will be helpful, explaining the building will create a walkable, bikeable downtown, accessible by public transit that will encourage people to live nearby and not drive everywhere. Ms. Kaufman also spoke on the climate emergency and its importance, offering some suggestions to get people out of cars such as single-family zoning changes to encourage duplexes, triplexes, in-law apartments. She stated she feels the parking

garage attached to the building is counterproductive but having an important amenity downtown will be an economic engine.

10. Margot Stein, emailed the Council with public comment, stating literacy is essential to addressing the climate change effectively and suggested to include physical space for individual and group literacy instruction in the new library for climate action.

11. Kurt Stolka, Carrboro resident, emailed the Council with public comment, stating he was concerned about the lack of action on the climate action goals and budget plan the Town made in 2019. He feels it does not appear the Town can both take on more debt for the 203 Project and fund the climate action recommendation adopted by Council. He also stated adding 171 parking garage spaces at a cost of \$48,000 per space appeared to be misaligned with the bullet on page 34 of the Climate Action Plan. He felt Carrboro could spend money on more effective projects that could make a positive climate impact rather than a new parking garage.

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

RESOLUTION SUPPORTING AN APPLICATION TO THE LOCAL GOVERNMENT
COMMISSION FOR ITS APPROVAL OF A TOWN FINANCING FOR THE 203
SOUTH GREENSBORO STREET PROJECT

INTRODUCTION

The Town Council (the “Council”) of the Town of Carrboro (the “Town”) has previously determined to carry out a project to pay for the construction, equipping, and financing costs of the South Greensboro Street property (the “203 Project”) for proposed Town recreation, parks, & cultural resources operations and other various office spaces.

The Council has made a preliminary determination to finance these projects through an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes. In an installment financing, the Town’s repayment obligation is secured by a mortgage-type interest in all, or part of the property being financed, but not by any pledge of the Town’s taxing power or any specific revenue stream.

North Carolina law requires that the Town’s financing be approved by the North Carolina Local Government Commission (the “LGC”), a division of the North Carolina State Treasurer’s office. Under the LGC’s guidelines, this governing body must make certain findings of fact to support the Town’s application for the LGC’s approval of the Town’s financing arrangements.

1. THEREFORE, BE IT RESOLVED by the Town Council of the Town of Carrboro, as follows:

(a) The Town makes a preliminary determination to finance approximately \$13,000,000 to pay capital costs of the construction, equipping, and financing costs of the 203 Project.

(b) The Council will determine the final amount to be financed by a later resolution. The final amount financed may be slightly lower or slightly higher than as described above. Orange County, North Carolina will pay approximately 54% of the total estimated costs for the 203 Project. Some of the financing proceeds may represent reimbursement to the Town for prior expenditures on project costs, and some proceeds may be used to pay financing expenses or to provide any appropriate reserves.

2. The Council makes the following findings of fact in support of the Town's application to the LGC:

(a) The proposed project is necessary and appropriate for the Town under all the circumstances.

(b) The proposed installment financing is preferable to a bond issue for the same purposes. This financing is for a discrete facility and is therefore particularly suitable for installment financing.

The Town has no meaningful ability to issue non-voted general obligation bonds for this project. This project will produce no revenues that could be used to support a revenue bond financing. The Town expects that in the current interest rate environment for municipal securities there would be no material difference in the overall financing costs between general obligation bonds and installment financings for this project.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The Town will closely review proposed financing rates against market rates with guidance from the LGC and the Town's financial adviser. All amounts financed will reflect either approved contracts, previous actual expenditures, or professional estimates.

(d) As confirmed by the Town's Finance Officer, (i) the Town's debt management procedures and policies are sound and in compliance with law, and (ii) the Town is not in default under any of its debt service obligations.

(e) Given the Town's need and desire for the 203 Project, the Council believes that the effect on the Town's budget and the tax rate impact will be reasonable under all the circumstances. The Council will work to minimize the tax rate impact of the borrowing in a manner consistent with moving forward with the project and addressing the full range of Town needs.

(f) The Town Attorney is of the opinion that the proposed project is authorized by law and is a purpose for which public funds of the Town may be expended pursuant to the Constitution and laws of North Carolina.

3. Additionally, the Town Council resolves as follows:

(a) The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse project expenditures from financing proceeds. The Town intends that funds that have been advanced for project costs, or which may be so advanced, from the Town's general fund, or any other Town fund, may be reimbursed from the financing proceeds.

(b) The Council directs the Town Manager and the Finance Officer to take all appropriate steps toward the completion of the financing, including completing an application to the LGC for its approval of the proposed financing. The Council ratifies all prior actions of Town representatives in this regard.

(c) This resolution takes effect immediately.

This the 5th day of April 2022

Ayes: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Danny Nowell

Noes: Council Member Sammy Slade

AUTHORIZATION FOR TOWN MANAGER TO EXECUTE CONTRACT WITH BARNHILL CONTRACTING COMPANY FOR THE CONSTRUCTION OF THE 203 SOUTH GREENSBORO STREET PROJECT.

The purpose of this item was to authorize the Town Manager to enter into an agreement with Barnhill Contracting Company for construction of the 203 South Greensboro Street Project.

Ben Schmadeke, Capital Projects Manager for the Town of Carrboro, gave a presentation and answered questions from Council.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR CONSTRUCTION OF THE 203 PROJECT SUBJECT TO LGC APPROVAL OF FINANCING APPLICATION

WHEREAS, the Town of Carrboro and Orange County made the decision to use the Construction Manager at Risk (CMAR) delivery method for construction of the 203 Project; and,

WHEREAS, Barnhill Contracting Company was chosen in 2018 through a qualifications-based procurement process as the most qualified and responsible firm to provide CMAR services for the 203 Project; and,

WHEREAS, Barnhill has provided preconstruction services in accordance with the CMAR process, including the delivery of a Guaranteed Maximum Price (GMP); and,

WHEREAS, the GMP amount of \$34,692,067 was approved by the Carrboro Town Council and Orange County Board of County Commissioners on March 15, 2022; and,

WHEREAS, this resolution is contingent on the approval of the project financing by the Local Government Commission (LGC);

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council:

1. Authorizes the Town Manager to enter into an agreement with Barnhill Contracting Company for the construction of the 203 South Greensboro Street Project for an amount not to exceed the GMP price of \$34,692,067.
2. This contract shall be consistent with the terms of the amended Development Agreement with Orange County and the Town's amended Capital Project Ordinance for the 203 South Greensboro Street Capital Improvement Project.
3. The contract authorization in #1 above is subject to approval of the Town's financing approval by the North Carolina Local Government Commission.

This the 5th day of April in 2022

Ayes: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Danny Nowell

Noes: Council Member Sammy Slade

AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE AN AMENDMENT TO THE 203 PROJECT DEVELOPMENT AGREEMENT

The purpose of this item was to provide the Town Council with an opportunity to authorize the Town Manager to execute an amendment to the existing development agreement with Orange County for the 203 Project.

Ben Schmadeke, Capital Projects Manager for the Town of Carrboro, gave a presentation and answered questions from Council.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE AN

AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH ORANGE COUNTY
FOR THE 203 PROJECT

WHEREAS, the Town of Carrboro and Orange County signed a development agreement regarding joint development of Town property at 203 S. Greensboro Street on December 4, 2017; and,

WHEREAS, the First Amendment to this agreement was signed on May 1, 2020, subsequent to the withdrawal of the ArtsCenter and the need for a modified building program; and,

WHEREAS, the Development Agreement needs to be further amended to reflect changes that have occurred since the First Amendment including approval of the Guaranteed Maximum Price (GMP) deliverable for the cost of construction and the completion of 100% Construction Drawings; and,

WHEREAS, the Town Council has reviewed the draft Second Amendment to the Development Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council authorizes the Town Manager to execute the Second Amendment to the Development Agreement on the Council's behalf.

This the 5th day of April in 2022

Ayes: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Danny Nowell

Noes: Council Member Sammy Slade

COUNTY-WIDE MANUFACTURED HOMES ACTION PLAN

The purpose of this item was for the Town Council to consider endorsing the County-Wide Manufactured Homes Action Plan.

Rebecca Buzzard, Housing and Community Services Director and Anne-Marie Vanaman, Housing and Community Services Management Specialist gave a presentation of the plan and answered questions from the Council.

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

A RESOLUTION ENDORSING THE COUNTY-WIDE MANUFACTURED HOUSING
ACTION PLAN

WHEREAS, Orange County and the towns of Carrboro, Chapel Hill, and Hillsborough have a long history of collaboration on housing topics; and

WHEREAS, manufactured housing is an important source of naturally occurring affordable housing serving diverse populations and vulnerable community members; and

WHEREAS, in 2016, a number of manufactured home communities in our County were identified for redevelopment by property owners, triggering the potential displacement of current residents; and

WHEREAS, the towns and county formed a work group with local housing partners to understand the risk, and potential remedies associated with this redevelopment issue, and strategies for improving and maintaining the quality of the manufactured home communities; and

WHEREAS, the work group generated a report on their findings and an inventory of manufactured housing communities in the county; and

WHEREAS, the environment for redevelopment has not abated and remains a constant threat for manufactured home parks in our community; and

WHEREAS, an updated, county-wide strategy, based upon prior findings and the current environment, is needed to preserve manufactured home communities, minimize resident displacement due to redevelopment, and provide meaningful relocation assistance options to be in place moving forward; and

WHEREAS, the Manufactured Home Staff Working Group with staff from the Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, and Orange County came together to develop this coordinated plan; and

WHEREAS, engagement with residents in communities at risk was conducted to understand their concerns and preferences to guide the creation of the strategies included in the plan; and

WHEREAS, service providers, advocates, residents, and other stakeholders were consulted on development of the plan and staff incorporated feedback from the Orange County Local Government Affordable Housing Collaborative, the Carrboro Affordable Housing Commission, the Chapel Hill Housing Advisory Board, the Orange County Affordable Housing Advisory Board, the Orange County Affordable Housing Coalition and the Manufactured Homes Committee of the Orange County Affordable Housing Coalition.

NOW, THEREFORE, BE IT RESOLVED by the Town of Carrboro Town Council that

the Council endorses the County-Wide Manufactured Homes Action Plan and commits to working cooperatively with the County, Chapel Hill, and Hillsborough to implement the strategies noted in the plan; and

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to make adjustments to the County-Wide Manufactured Homes Action Plan, as described in the April 5, 2022 meeting materials, Town Council input during the same meeting, and as needed as the Towns move into implementation.

Adopted this 5th day of April, 2022.

The motion carried unanimously by the following vote:

Ayes: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Sammy Slade, and Council Member Danny Nowell

MATTERS BY COUNCIL MEMBERS

Mayor Seils raised the issue of railroad construction that caused traffic issues on Main Street and Estes Drive. The Town Manager would find out details about upcoming work to be sure to raise awareness about any future traffic disruptions.

The Council will begin meeting in person again on April 19, 2022.

ADJOURNMENT

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

Town Clerk

Mayor