



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

**Town of Carrboro  
Meeting Minutes  
Town Council**

**September 26, 2023**

**7:00 PM**

**Council Chambers - Room 110**

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

**Absent:** Council Member Eliazar Posada

**Also Present:** Richard White, Town Manager; Wesley Barker, Town Clerk; Nick Herman, Town Attorney

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**CALL TO ORDER**

Mayor Seils asked for an ascent to the adjustment of the agenda to add an additional item to the closed session to discuss a personnel matter as required by G.S. 143-318.11.

Council was in consensus.

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**POETRY READING**

Poet Paul Jones read the poem "Waiting for the Barbarians" by Constantine P. Cavafy.

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**PROCLAMATION - COMMUNITY PLANNING MONTH**

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**PUBLIC COMMENT**

No public comment.

44 \*\*\*\*\*

45  
46 **APPROVAL OF MINUTES: JANUARY 10, JANUARY 17, JANUARY 30, &**  
47 **FEBRUARY 7, 2023**

48  
49 Council Member asked to holdoff on approving February 7 minutes because he hasn't had a  
50 chance to review.

51  
52 **A motion was made by Council Member Slade, seconded by Council Member Foushee to**  
53 **approve the minutes, minus February 7th, with amendments by Council Member Romaine.**

54  
55 **The motion was carried unanimously.**

56  
57 **Absent: Council Member Eliazar Posada**

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60  
61 **REVIEW OF THE LLOYD BROAD NEIGHBORHOOD OVERLAY DISTRICT**  
62 **PROVISIONS**

63  
64 The purpose of this agenda item is to request that the Town Council review information about  
65 how the overlay district provisions have been working.

66  
67 Marty Roupe, Development Review Administrator, gave a presentation that included background  
68 and update of what has happened since June 2020.

69  
70 Mayor Seils shared impression from Hudson that the overlay district is serving its purpose, going  
71 to non-investment owners. In 2018 the council asked for regular reporting on how things are  
72 going in the neighborhood every 18 months, but is it something they want in written form in  
73 future or formal presentation.

74  
75 Council Member Foushee appreciated the report and well laid out. In favor of a written report in  
76 the future.

77  
78 Council Member Haven-O'Donnell asked about the report from Chief Atack, Chief of Police,  
79 and if it makes any sense, calls may be same but 700 calls that is small space. Curious to see over  
80 time what are they and how it may change. Supports this reporting of 18 months and not like to  
81 see it sunset and change over time. Trying to model the way and have neighborhood not see huge  
82 demographic change Looking to create a robust lease to own, either public or public and private  
83 subsidized, because rentals are a redline against the progress towards generational wealth. Llyod  
84 Broad is too vulnerable and like to continue to have reports. Like to continue to have a  
85 presentation every 18 months.

86  
87 Council Member Nowell stated that it's nice to see this is effective in its intent. As the Council  
88 has examined the LUO he tends to oppose broad overlay but seeing how effective this has been,  
89 wonders if it's feasible to achieve goal in other places. Doesn't want to suppress investment but

90 moving forward can they use benchmarking in this neighborhood and looking at trends of price  
91 per square footage in the neighborhood and other areas in town that may be good candidates for  
92 an overlay district to balance between differencing objectives.

93  
94 Council Member Romaine stated it's nice to hear everything is working well with overlay  
95 district. Agrees with written report would be good to fold into other reports and get police reports  
96 every 3 months and would know in this report if there are any issues. Reminded the process is to  
97 be engaged with this community, like the good neighbor initiative, and it's important to find  
98 those ways to provide concerns about overlay district they will be able to do so. Asked if the new  
99 Rogers Road community is an overlay and if they have reporting standards and should all  
100 overlay districts have the same reporting.

101  
102 Mayor Seils remarked that Lloyd Broad is the only overlay of this kind. Reason behind the  
103 reporting is because of lots of back and forth between Council Members and community  
104 members about placing overlay district like this. This was to achieve goals in this particular  
105 neighborhood and using this as a tool in other neighborhoods might not work and would urge  
106 caution doing that. Doesn't see reporting more necessary unless staff sees trends they need to  
107 notify council about, like if things aren't working. Trying to reduce reporting on staff and don't  
108 want to place more burden.

109  
110 Council Member Slade stated 18 months is fine, and maybe just on consent agenda as report as  
111 part of meeting. Thinks it's important to be consent so is available to public.

112  
113 Council Member Foushee stated still wants to see reporting. Maybe if there are changes in  
114 trends, then needs to be reported straight to Council.

115  
116 Mayor Seils suggested receiving report and going forward received them as consent agenda.

117  
118 Council Member Haven-O'Donnell stated this is a good example of why pocket questions may  
119 shift over time. If it's buried in something written, then it loses its intent to give council an  
120 understanding of how community is responding to policy. Would like to encourage in short run  
121 to still have a presentation so the Council is keeping the essence of what they are doing. It's  
122 important to talk about it to look at the community to keep families in neighborhoods in family  
123 manner. Like to continue to see it.

124  
125 **Council Member Haven-O'Donnell made a motion, seconded by Council Member Nowell**  
126 **to continue to receive a report every 18 months on the Lloyd Broad Neighborhood Overlay**  
127 **District.**

128  
129 **The motion was carried unanimously.**

130  
131 **Absent: Council Member Eliazar Posada**

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135 **CARRBORO CONNECTS COMPREHENSIVE PLAN IMPLEMENTATION & OTHER**

136 **PRIORITIES STATUS REPORT**

137  
138 The purpose of this agenda item is to provide the Town Council with an update on the status of  
139 the implementation of the Carrboro Connects Comprehensive Plan 2022-2042 and other  
140 priorities.

141  
142 Trish McGuire, Planning Director, gave a report going through the following chapters in the  
143 Comprehensive Plan and shown a proposed timeline of each; affordable housing, climate action  
144 and environment, transportation and mobility, green stormwater infrastructure, water and energy;  
145 economic sustainability recreation, parks & cultural resources; and land use. Also reviewed the  
146 strategic priorities adopted by Council at their January 2023 Council retreat where the 13 key  
147 strategic priorities were determined. Upcoming year projects include: downtown master plan,  
148 public hearing on residential parking maximums, report on potential map and LUO changes for  
149 increasing residential density, results of fleet/equipment study, round 2 of Green Neighborhood  
150 Grant Program. Establishment of rental property task force, bike plan projects: Jones Ferry Road  
151 separated bike lanes; design for N. Greensboro St. separated bike lanes.

152  
153 Mayor Seils thanked Trish for the overview. Asked about the bike plan for Shelton Street  
154 redesign.

155  
156 Trish McGuire, Planning Director, stated it's in list but no active design work on it. Other two  
157 priorities due to DOT resurfacing scheduling.

158  
159 Council Member Nowell commended the open houses. Thoughts about making this as useful as  
160 possible, the priorities need to be reflected in budget. Recommended bringing these updates  
161 before Council in the work session in April during budget season. Discussions to include any  
162 conflicting priorities, budget needs, staff capacity.

163  
164 Richard White, Town Manager, suggested doing this earlier in the year to begin planning for  
165 budget needs and the goal of 5-year planning.

166  
167 Council Member Foushee asked about how the Land Use Ordinance and Comprehensive Plan  
168 work together and if there have been any thoughts on updating the current Land Use Ordinance.

169  
170 Trish McGuire, Planning Director, stated there will be changes going forward and they will bring  
171 forth text amendments like residential density. Also looking at how they will bring changes to  
172 Council to proceed.

173  
174 Council Member Foushee asked about how much interfacing between departments is occurring.

175  
176 Trish McGuire, Planning Director, stated all projects are communicated across departments to  
177 include who owns it and how it relates to each department.

178  
179 Richard White, Town Manager, commented that staff is going on a retreat in October to improve  
180 planning and communication across the staff.

181

182 Council Member Foushee asked if Council can get a presentation on #8 - develop and achieve  
183 operation efficiency.

184  
185 Richard White, Town Manager, said yes, he will report in next few weeks.

186  
187 Council Member Haven-O'Donnell commented on the Triangle J Regional Summit on system  
188 thinking approach and would like to have staff trained on it. Discussed the system thinking  
189 approach. Asked where the climate action green neighborhoods fall in the priority because they  
190 have changed behaviors of these folks and wants to know if there is funding to continue to help  
191 these programs.

192  
193 Trish McGuire, Planning Director, stated the Town is currently in the process of entering into  
194 contracts now with people and anticipating continued funding, but it's too preliminary to answer  
195 if someone would go into round 2. Working with Orange County to continue to initiative.

196  
197 Council Member Romaine would like to see staff ownership for each of the 13 priorities, more  
198 specific phrases and timelines for each priority, and a schedule for updates to Council on each  
199 priority, suggests quarterly. Understands staffing issues and the bandwidth to carry out the  
200 comprehensive plan. Curious to know when Council will get an update on the findings of the  
201 efficiency study and if there will be specific recommendations for staffing to carry out the  
202 comprehensive plan.

203  
204 Richard White, Town Manager, stated that the consultant is wrapping up the report and that  
205 report will be briefed to Council in the upcoming month. Also asked for a staffing study for a  
206 Town wide look at staffing and incorporate it into the 5-year plan.

207  
208 Council Member Romaine asked about having a discussion soon about fundraising opportunities  
209 for the 203 project with a discussion that there are conversations in the work. Asked about the  
210 planning stages for parking enforcement to include timeline of staffing with discussion that  
211 ordinance provisions are on the calendar for next month. Asked about the parking amendment  
212 and if it's residential and commercial with discussion that its part of the Downtown plan. Asked  
213 about the S. Greensboro sidewalk project with discussion that project is underway and will be  
214 complete in 2025. Also asked about the renovations for Town Hall with discussion that funds for  
215 design are in 2024 budget, then will need more funding in future years based on design.

216  
217 Mayor Seils shared Council Member Posada's notes: would like a central location landing page  
218 and asked about what the planning analysis phase looks like for those seeking funding for  
219 members to become homeowners. Staff is working both and will report back to Council.

220  
221 Council Member Slade discussed parking and when paid parking will be in effect. Expressed  
222 interest in including solar in all options for the Town Hall renovations and wants Council to  
223 weigh in on scoping the project. Wants paid parking to be in effect prior to 203 opening. Wanted  
224 to ensure staff is looking at the Land Use Ordinance and considering the new legislation that  
225 triplexes can be included. Hopes that climate budget will be included in the 5-year budget.

226

227 **A motion was made by Council Member Foushee, seconded by Council Member Haven-**  
228 **O'Donnell to receive the report as presented.**

229  
230 **The motion was carried unanimously.**

231  
232 **Absent:** Council Member Eliazar Posada

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235  
236 **AMENDMENT TO CHAPTER 2 OF THE TOWN CODE TO ALLOW REMOTE**  
237 **PARTICIPATION BY COUNCIL MEMBERS**

238  
239 The purpose of this agenda item is to consider an amendment to Chapter 2 of the Carrboro Town  
240 Code to allow remote participation by Council Members at official Town Council meetings.

241  
242 Mayor Seils reminded everyone that the language the Town is looking to add to the Town Code  
243 was passed by legislature over a year ago and the staff has been working on the language for a  
244 while.

245  
246 Council Member Foushee discussed some of the things that stood out to her to include proposed  
247 ordinance amendment is only allowed when a quorum of the council is at the meeting and no  
248 remote for quasi-judicial.

249  
250 Nick Herman, Town Manager, clarified some items to include that Council Members can vote  
251 remotely, but not if it's quasi-judicial.

252  
253 Council Member Romaine asked to include when the agenda packet goes out on Friday to let the  
254 Clerk know if you're attending remotely, as a reminder. Also asked for a reminder when going  
255 into closed session, the remote Council Member should not have anyone else in room.

256  
257 Mayor Seils expressed Council Member Posada's remarks to give the Clerk more than 4-hour  
258 notice and the policy is meant to be used sparingly as the exception is for Council Members to  
259 attend meetings.

260  
261 Council Member Haven-O'Donnell discussed the 4 times in calendar year a Council Member  
262 can miss and asked for more flexibility based on the individual and the situation in which they  
263 might be in, to include personal illness or immune compromised.

264  
265 Mayor Seils responded that the Council can waive the restriction.

266  
267 Nick Herman, Town Attorney, stated that he can edit it, but paragraph E currently has some  
268 other language.

269  
270 **A motion was made by Council Member Slade, seconded by Council Member Nowell to**  
271 **approve the following ordinance:**

272  
273 AN ORDINANCE AMENDING CHAPTER 2 OF THE CARRBORO TOWN CODE TO

274 TO ALLOW REMOTE PARTICIPATION BY COUNCIL MEMBERS  
275 AT OFFICAL TOWN COUNCIL MEETINGS  
276

277 *Ordinance No. 4 - FY 2023-24*  
278

279 **WHEREAS**, Chapter 2 of the Carrboro Town Code sets forth the Carrboro Town  
280 Council (the “Council) rules of procedure for its official public meetings; and  
281

282 **WHEREAS**, in May of 2020, the General Assembly amended the State Open Meetings  
283 Law to specifically authorize local governing boards the option to conduct remote public  
284 meetings in accordance with G.S. § 166A-19.24 and Article 33C of Chapter 143 of the General  
285 Statutes, which remote public meeting statutes apply only during a declared State of Emergency;  
286 and  
287

288 **WHERAS**, on August 15, 2022, the Governor’s State of Emergency in response to the  
289 COVID-19 pandemic expired, thus, the remote public meeting statutes will no longer apply to  
290 public governing boards; and  
291

292 **WHEREAS**, Article 33C, Chapter 143, of the North Carolina General Statutes (*see* G.S.  
293 § 143-318.13) contemplates that members of public bodies may participate in official meetings  
294 by use of conference telephone or other electronic means; and  
295

296 **WHEREAS**, the Council’s rules of procedure in Chapter 2 of the Town Code does not  
297 address whether a Council Member can participate remotely in official meetings now that the  
298 declared State of Emergency is no longer in effect; and  
299

300 **WHEREAS**, to promote full participation of Council Members while ensuring access  
301 and transparency for the public as required by the Open Meetings Law, G.S. § 143-318.9 *et seq.*,  
302 the Council desires to amend its rules of procedure in Chapter 2 of the Town Code to allow  
303 remote participation by Council Members at its official meetings, when appropriate.  
304

305 **NOW THEREFORE**, the Town Council of the Town of Carrboro ordains as follows:  
306

307 **Section 1.** Chapter 2, Article II, of the Carrboro Town Code is amended to add a new  
308 section 2-19 entitled “Remote Participation by Council Members,” as follows:  
309

310 Council Members may remotely participate in official meetings of the Town Council,  
311 including regular, special and emergency called meetings as set forth in Article I of this Chapter  
312 (hereinafter, “meeting”) subject to the following rules and procedures:  
313

- 314 (a) A Council  
315 Member may attend a meeting and participate in Council deliberations and decisions by remote  
316 participation if the Council Member is prevented from physically attending the meeting due  
317 to:  
318

- 319 1. Personal illness, disability, order of quarantine or isolation, government issued  
320 “stay-at-home” mandate, or recommendation of medical provider or public health  
321 officials to limit public interaction;  
322 2. Out-of-town travel;  
323 3. Unexpected lack of child-care;  
324 4. Family member illness or other family emergency;  
325 5. Weather conditions;  
326 6. Military service;  
327 7. Employment obligations;  
328 8. Scheduling conflict; or  
329 9. State or local declaration of a state of emergency that makes in-person attendance  
330 at a meeting a violation of an order or reduce social contact or to stay at home for  
331 reasons of public health.

332  
333 (b) Remote participation shall be allowed only when a quorum of the Council is physically  
334 present at the meeting and the Council Member(s) participating remotely are not necessary to  
335 establish a valid quorum.

336  
337 (c) Remote participation shall not be allowed during quasi-judicial public hearings.

338  
339 (d) Acceptable means of remote participation include telephone, internet, or satellite  
340 enabled audio or video conferencing, or any other technology that enables the remote  
341 participation and all persons present at the meeting location to be clearly audible to one another.  
342 Text messaging, instant messaging, email, and web chat without audio are not acceptable  
343 means of remote participation.

344  
345 (e) No Council Member may participate remotely more than four (4) times during a  
346 calendar year for a reason other than order of quarantine or isolation, “stay-at-home” mandate,  
347 or recommendation to limit public interaction, as described in subsection (a), above; however,  
348 in other justifiable circumstances, such as prolonged disability of the Council Member, the  
349 Council may, by majority vote, agree to waive this limitation.

350  
351 (f) A Council Member participating remotely will be considered present at the meeting  
352 and will be entitled to participate in open session deliberations at the meeting if, and while:

- 353  
354 1. The Council Member is able to hear other members of the Council and any  
355 individuals addressing the Council, including members of the public who are  
356 recognized by the Council during public comment;  
357  
358 2. All persons present at the meeting location are able to hear the Council Member  
359 who is participating remotely; and  
360  
361 3. If video technology is used, it is preferred that the remote participant is visible to  
362 all persons present at the meeting location.



363  
364 (g) A Council Member who is entitled to participate in open session deliberations may  
365 also participate in a closed session of the meeting so long as no other person is able to hear,  
366 see, or otherwise participate in the closed session from the Council Member's remote location.

367  
368 (h) A Council Member considered present through remote participation will be permitted  
369 to vote on any action item at the meeting except:

- 370  
371 1. Any item for which the Council Member was not participating remotely during the  
372 entire discussion and deliberation of the matter preceding the vote; and  
373  
374 2. Any item that was being discussed when an interruption to the electronic  
375 communication occurred, if the Council's discussion was not suspended during the  
376 interruption. A brief loss of simultaneous communication, such as a few seconds,  
377 will not disqualify the Council Member from voting on the matter under discussion.

378  
379 (i) A Council Member who desires to participate in a meeting remotely shall notify the  
380 Town Clerk at least four (4) hours in advance of the meeting so that necessary arrangements  
381 can be made. If the Council Member has not already received the agenda packet and all  
382 documents to be considered at the meeting, the Town Clerk shall arrange for delivery of the  
383 materials in a manner that is practicable under the circumstances.

384  
385 (j) At the beginning of the meeting, the Mayor shall announce the remote Council  
386 Member participant and the means of remote participation at the beginning of the meeting.

387  
388 (k) A Council Member participating remotely shall notify the Mayor if leaving the  
389 meeting before it is adjourned or rejoining the meeting after a period of absence.

390  
391 (l) All votes taken shall be a voice vote and the remote Council Member participant shall  
392 provide a voice vote which can be heard by the public and recorded by the Town Clerk.

393  
394 (m) The Town Clerk shall reflect in the minutes of the meeting that (i) the meeting was  
395 conducted by use of simultaneous electronic communication, (ii) which Council Member(s)  
396 were in attendance by simultaneous communication, and (iii) when such Council Member(s)  
397 joined or left the meeting. Any interruption to or discontinuation of the Council Member's  
398 participation shall also be noted in the minutes.

399  
400 **Section 2.** All provisions of any Town ordinance or resolution in conflict with this  
401 ordinance are repealed.

402  
403 **Section 3.** This ordinance shall become effective upon adoption.

404  
405 The foregoing Ordinance, having been submitted to a vote, received the following vote and  
406 was duly adopted this 26<sup>th</sup> day of September, 2023.

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**The motion was carried unanimously.**

**Absent:** Council Member Eliazar Posada

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**Council Member Nowell made a motion, seconded by Council Member Haven-O'Donnell to go into closed session.**

**The motion carried unanimously.**

**Absent:** Council Member Eliazar Posada

\*\*\*\*\*

**ADJOURNMENT**

**A motion was made by Council Member Slade, seconded by Council Member Haven-O'Donnell to adjourn the meeting.**

**The motion carried unanimously.**

**Absent:** Council Member Eliazar Posada

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