



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

Town of Carrboro

Meeting Minutes

Town Council

April 19, 2022

7:00 PM

Council Chambers-Room 110

This meeting was broadcasted live on cable television and the internet.

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

Excused: Mayor Damon Seils

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

MOTION TO EXCUSE MAYOR SEILS FROM MEETING

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO EXCUSE MAYOR SEILS FROM THE MEETING. VOTE: AFFIRMATIVE ALL

MOTION TO AMEND THE AGENDA

The purpose of this item was to add an item to the agenda to brief Town Council on a Finance Performance Indicator of Concern Letter from the Local Government Commission related to the FY 2021 Audit.

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER NOWELL, TO ADD AN ITEM TO THE AGENDA.

Ayes: Mayor Pro-Tem Susan Romaine, Council Member Randee Haven-O'Donnell, Council Member Danny Nowell

Noes: Council Member Barbara Foushee, Council Member Sammy Slade

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Sonia Sanchez called "This is Not a Small Voice."

PUBLIC COMMENT

Sophie Suberman, Co-owner of Present Day on Main.

Ms. Suberman shared concerns about trespassers and racial incidents at her coffee shop. She said that the shop remains closed following an incident on April 3, 2022. Ms. Suberman suggested that the Town needs to work to make their systems for lodging grievances more accessible.

Soteria Shepperson, Co-owner of Present Day on Main.

Ms. Shepperson shared concerns about an incident on April 3, 2022 and her suggestion that the Carrboro Police Department conduct racial equity training in the future.

FIRE DEPARTMENT MONTHLY REPORT

The purpose of this item was to provide the Town Council a monthly overview of calls for service.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER NOWELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

STORMWATER UTILITY MONTHLY REPORT

The purpose of this agenda item was to provide the monthly update regarding Stormwater Utility projects and initiatives.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER NOWELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

ECONOMIC DEVELOPMENT MONTHLY REPORT

The purpose of this item was to provide the regular monthly activities and status report for the Economic Development Department.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER NOWELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

POLICE DEPARTMENT MONTHLY REPORT

The purpose of this item was to provide Town Council with a brief overview of the monthly calls for service.

Carrboro Police Chief, Chris Atack, answered questions from the Town Council about staffing issues, training, post-Covid practices, and policies about police bias.

MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL MEMBER FOUSHEE, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

A REQUEST TO ADOPT A RESOLUTION TO AWARD A SERVICE SIDEARM TO A RETIRING POLICE OFFICER

Police Officer Doug Koehler will retire from the Town of Carrboro Police Department on May 1, 2022 after approximately 6 years of service with the Town and 31.5 years of total law enforcement service. The Police Department would like to award Officer Koehler his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Town Council is requested to adopt by resolution Town staff's recommendation to award the service side arm to Officer Doug Koehler.

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

A RESOLUTION AWARDING A SERVICE SIDE ARM TO RETIRING POLICE

OFFICER

WHEREAS, Police Officer Doug Koehler is retiring from the Town of Carrboro Police Department on May 1, 2022, after approximately thirty-one years of total service; and

WHEREAS, Officer Koehler has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

WHEREAS, North Carolina General Statute 20-187.2 allows the governing body of a law enforcement agency to award to a retiring member, upon request, the service side arm of the retiring member;

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the Council members adopt this resolution awarding the service side arm to Officer Doug Koehler.

This is the 19th day of April 2022.

The motion carried unanimously by the following vote:

Ayes: Mayor Pro Tem Susan Romaine, Council Member Barbara Foushee, Council Member Rande Haven-O'Donnell, Council Member Danny Nowell, and Council Member Sammy Slade.

FY 2021-22 THIRD QUARTER BUDGET STATUS REPORT

The purpose of this item was to provide a budget status report to Town Council for all funds.

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

RESOLUTION TO AWARD AMERICAN RESCUE PLAN ACT COVID-19 MITIGATION BUSINESS GRANTS

The purpose of this item was to approve businesses and funding amounts as recommended by the COVID Grant Review Committee.

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

A RESOLUTION APPROVING AWARDS FOR THE COVID-19 MITIGATION BUSINESS GRANT PROGRAM

April 19, 2022

WHEREAS, the Carrboro Town Council allocated up to \$326,522 of funds from the American Rescue Plan Act to support the recovery of small businesses; and

WHEREAS, the Carrboro Town Council approved the COVID-19 Mitigation Business Grant policy to distribute the funds; and

WHEREAS, the COVID Loan/Grant Review Committee has met and reviewed all of the applications and made recommendations for awarding funds to the applicants; and

WHEREAS, the COVID Loan/Grant Review Committee recommended funding the remaining eight (8) businesses for a total of \$61,800;

NOW THEREFORE, BE IT RESOLVED by the Carrboro Town Council that:
Section 1. Funding be granted to the applicants in accordance with the award recommended in Attachment A and the respective purposes listed in the applicant’s budget form submitted with their application.

Section 2. This resolution is effective immediately and a copy of this resolution shall be forwarded to the Town’s Finance Officer.

Attachment A - COVID-19 Mitigation Business Grant Award Recommendations

Applicant	BIPOC Owned	Woman Owned	Recommended Award
Carolina Car Wash & Detail Inc	✓		\$ 10,000
Coronato Pizza			\$ 6,000
FIT Carrboro		✓	\$ 10,000
The Merch			\$ 10,000
Thirteen West LLC		✓	\$ 7,200
Twin House Music			\$ 8,000
Van Hook Enterprises Inc.			\$ 10,000
WomanCraft Fine Handcrafted Gifts, Inc.		✓	\$ 600

This the 19th day of April 2022.

The motion carried unanimously by the following vote:

Ayes: Mayor Pro Tem Susan Romaine, Council Member Barbara Foushee, Council Member Rande Haven-O'Donnell, Council Member Danny Nowell, and Council Member Sammy Slade.

PUBLIC HEARING ON TEXT AMENDMENT TO THE LAND USE ORDINANCE RELATING TO SETBACKS

The purpose of this agenda item was for the Town Council to consider a proposed amendment to the Land Use Ordinance relating to the setback provisions for steps and associated landings. A draft ordinance has been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

Tina Moon, the Town's Planning Administrator, provided the staff report.

Peter Gitto, Realtor, commented that instead of removing existing porches, the Town code should be amended to allow for a smaller setback and a bit of encroachment into the setback with smaller porches.

Council Member Slade stated that he is interested in making a text amendment to the Town Code that could potentially allow steps that go to a second floor.

Tina Moon responded to say that the Planning Board discussed risk assessment and the dimensions that should be allowed. She said that if you permit the dimensions to be much larger, you could end up with a large deck as a result.

Council Member Haven-O'Donnell commented that in her opinion, the recommended 4x4 feet is too small for a landing. She also said that she finds Council Member Slade's idea intriguing and would like to ask the Fire Chief's view on the matter as far as safety goes.

Town Fire Chief, David Schmidt, said that he will take the question under advisement. He said that state law requires a 3-foot minimum landing. He would like to consult with the Fire Marshal to decide on additional fire safety considerations before amending the Town Code.

Council Member Slade said that there seems to be interest in assessing a possible change to the text amendment and that the question now is how best to proceed in expediting this matter for the applicant.

Town Attorney Nick Herman advised the Council that they could decide on what is before them now, while re-visiting the issue of a more substantial text amendment later at which point the process of writing that into code would have to start over.

Council Member Nowell stated that the Council is expecting an aggressive draft on setbacks for the revised Comprehensive Plan which he feels will give the Council wide leeway to address the density, accessibility, and versatility concerns for the Town. He said that the primary interest tonight is the applicant.

Mayor Pro-Tem Romaine asked Tina Moon to weigh in on the planning board's comments concerning the difference between the 4x4 and 5x5 landings.

Tina Moon asked Nick Herman his opinion and they both agreed that the difference isn't very substantial and that it is the Town Council's choice to make.

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Nowell, to approve the following amendment to the Carrboro Land Use Ordinance:

The landing may be no larger than five feet in width by five feet in length, and the combined length of the landing and steps no longer than ten feet. The minimum separation from buildings on adjacent lots as required by the fire code must be maintained.

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

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY SETBACK PROVISIONS RELATING TO STEPS THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-184(a) of the Carrboro Land Use Ordinance is revised by adding a new subdivision (6) that reads as follows:

(6) Notwithstanding the foregoing, exterior steps whether of masonry or wood construction may extend up to 50-percent into the building setback for the property boundary lines on residentially zoned lots so long as the height of the steps and associated landing are no taller than three feet above the finished grade as determined by Section 15-185(g)(1). The landing may be no larger than five feet in width by five feet in length, and the combined length of the landing and steps no longer than ten feet. The minimum separation from buildings on adjacent lots as required by the fire code must be maintained.

Section 2. This ordinance shall become effective upon adoption.

This the 19th day of April in the year 2022.

The motion passed by the following vote:

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

**FINANCE PERFORMANCE INDICATOR OF CONCERN LETTER FOR FY 2021
AUDIT**

The purpose of this agenda item was to brief Town Council on a Finance Performance

Indicator of Concern Letter from the Local Government Commission related to the FY 2021 Audit. A Resolution of the Carrboro Town Council's Acknowledgement and Response to Late Submission of FY 2021 Audit to the NC Local Government Commission was presented for consideration.

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

RESOLUTION OF THE CARRBORO TOWN COUNCIL'S ACKNOWLEDGEMENT
AND RESPONSE TO LATE SUBMISSION OF FY 2021 AUDIT TO THE NC LOCAL
GOVERNMENT COMMISSION

WHEREAS, the Carrboro Town Council has been briefed by the Finance Officer on the submission of the Town's FY 2021 Audit to the North Carolina Local Government Commission (LGC) after December 1, 2021, the required due date for submission; and,

WHEREAS, the audit was filed late because of the need for a single audit identified in late November 2021 by independent auditor's management review of the audit file due to errors in the preliminary Schedule of Expenditures of Federal and State Awards; and,

WHEREAS, independent auditor is required by 20 NCAC 03.0508 to present to the governing board any Finance Performance Indicator(s) of Concern (FPICs); and,

WHEREAS, the governing board is required to respond to any FPIC within 60 days after audit presentation by the independent auditor; and,

WHEREAS, the independent auditor in its presentation to the governing board on February 1, 2022 did not identify that a FPIC had been issued by the LGC; and,

WHEREAS, the Finance Officer has identified steps to prevent a recurrence of the late filing of financial statements.

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

1. The Carrboro Town Council acknowledges and accepts the FPIC issued by the LGC.
2. The financial statements for FY 2021 were in fact submitted to the LGC after the required deadline.
3. To prevent a recurrence of late filing of financial statements, the Finance Officer shall review the Schedule of Expenditures of Federal and State Awards with the independent auditors prior to the start of year-end audit fieldwork; and the independent auditor shall communicate to the Finance Officer any required corrections in this Schedule prior to the start of year-end audit fieldwork.
4. This resolution is effective immediately.

This the 19th day of April in 2022.

The motion carried unanimously by the following vote:

Ayes: Mayor Pro Tem Romaine, Council Member Haven-O'Donnell, Council Member Foushee, Council Member Slade, and Council Member Nowell.



TOWN OF CARRBORO
NORTH CAROLINA
WWW.TOWNOFCARRBORO.ORG

April 12, 2022

H. Jones Norris, Jr.
Senior Accounting & Financial Management Advisor
State and Local Government
Finance Division
3200 Atlantic Avenue
Raleigh, NC 27604

Dear Mr. Norris:

RE: Finance Performance Indicator of Concern

On April 7, 2022 I received an e-mail from Joe Futima following up on our response to a Financial Performance Indicator of Concern Letter (PICL) regarding our audit for the Year Ending June 30, 2021. He reminded me that an adequate response is necessary before we can issue any debt.

This e-mail from Mr. Futima was a big surprise to me. This was the first I had heard we received a PICL. Our independent auditors in their presentation to the Town Council on February 1, 2022 did not mention any PICL that needed to be addressed by the Town. When I contacted the audit firm on April 8th they expressed having no knowledge of this matter but agreed to look into it.

The manager on the team assigned to our account left the firm immediately after the field visit work began in early September, apparently without any notice. I was under the impression that the audit was proceeding on schedule and the firm had made the necessary realignment of staff resources to get it completed on time.

Our auditors reportedly submitted our audit to the LGC Portal on January 24, 2022. Our auditors advised us that we would need to amend the audit contract because of the lateness of the submission. Subsequently, we submitted the appropriate documents to our Town Council for an amendment, which they approved on February 1, 2022, the same day of the audit presentation to them.

As I understand 20 NCAC 03.0508, it is the independent auditor's responsibility to notify the governing board and present, during their presentation, any "*significant deficiencies, material weaknesses, other findings or if the auditor determined that Financial Performance Indicators of Concern were identified based on information presented in the audited financial statements . . .*".

In the presentation to the Carrboro Town Council on February 1, 2022 the auditor's did not communicate any significant deficiencies, material weaknesses, other findings; nor, did the auditors identify any Financial Performance Indicators of Concern based on information presented in the audited financial statements.

301 WEST MAIN STREET, CARRBORO, NC 27510 * (919) 942-8541 * FAX (919) 918-4465* VOICE/TTY/TDD/ASCII: 711
AN EQUAL OPPORTUNITY PROVIDER

H. Jones Norris, Jr.
Finance Performance Indicator of Concern
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We do not agree that this is a Major Performance Indicator of Concern because:

1. This was not communicated by the independent auditors to the Chief Financial Officer;
2. Town Council was not advised of this during auditors' presentation;
3. There are not any instances of significant deficiencies, material weaknesses or other findings cited in the audit; and,
4. No management letter was issued to the Town by the independent auditors.

Given the above, we do not believe a response is required as stated in 20 NCAC 03. We, therefore, humbly request that this PICL be removed from our record.

Thank you for your consideration.

Sincerely,

Arche L_ McAdoo 
Digitally signed by Arche L. McAdoo
DN: cn = Arche L. McAdoo email =
amcadoo@townofcarrboro.org O = Town of
Carrboro OU = Finance Officer
Date: 2022.04.18 08:24:30 -0400

Arche L. McAdoo
Chief Finance Officer

cc: Mayor Damon Seils
Richard J. White III, Town Manager
John Frank, CPA, Dixon, Hughes, LLP

ADJOURNMENT

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

Town Clerk

Mayor