



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

**Town of Carrboro
Meeting Minutes
Town Council**

September 13, 2022

7:00 PM

Council Chambers – Room 110

This meeting 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 Eliazar Posada, Council Member Sammy Slade

Excused: Council Member Danny Nowell

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

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Henry Dumas called "Mississippi Psalm."

PUBLIC COMMENTS

Jim Merritt spoke about the Orange County Veterans Memorial fundraising and plans for completion of the site.

Mayor Seils said that this item is on the list for discussion with the Town Manager and he will be in touch soon.

Bonner Saylor spoke on behalf of the Carrboro Elementary PTA and requested information about the upgrade to the shared playground equipment.

Mayor Seils requested that the Town Manager respond to this request.

37 **T. Andrew Dykers** spoke on seeking support to reclassify his property at 104 Williams St. as a
38 duplex. Mr. Dykers also spoke on providing high quality affordable housing by renting out part
39 of his home and expressed concerns over the residential density rules of the Town.

40
41 **Shelley Welch** spoke about non-conforming situations. She referenced 15-124 in the Carrboro
42 Land Use Ordinance. Ms. Welch referenced North Carolina case litigation and how state courts
43 have addressed this issue in other lawsuits.

44
45 **Kevin Poimboeuf** spoke about his opposition to rock crushing as it relates to Carrboro's Land
46 Use Ordinance.

47
48 Town Manager White said he will send a summary of this issue to Council Member Posada and
49 the rest of the Council.

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51 Council Member Slade would like correspondence from the town attorney about litigation
52 matters related to this issue.

53
54 *****

55
56 **QUARTERLY REPORT (2022 Q2) FOR THE TOWN OF CARRBORO'S CDBG-CV**
57 **GRANT NO. 20-V-3525**

58
59 The purpose of this item was for the Town Council to receive the second quarter report for
60 calendar year 2022 for the Town of Carrboro's Community Development Block Grant -
61 Coronavirus award from the NC Department of Commerce.

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

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66 *****

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68 **APPROVAL OF CONTRACTS**

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70 The purpose of this agenda item was to approve a speed table and a solid waste disposal contract
71 for the Town of Carrboro.

72
73 **A motion was made by Council Member Haven-O'Donnell, seconded by Council Member**
74 **Slade, that the following resolution be approved:**

75 **RESOLUTION TO APPROVE THE CONTRACTS FOR DANIELS INC OF GARNER**
76 **AND GFL ENVIRONMENTAL**

77
78 **WHEREAS, per Town Code, the Town Council is required to approve contracts that exceed**
79 **\$150,000; and,**

WHEREAS, the Town staff recommends entering into a contract with Daniels Inc of Garner for the Speed Table Upgrades contract; and,

WHEREAS, the Town staff recommends entering into a contract with GFL Environmental for the Municipal Solid Waste Disposal contract; and,

WHEREAS, funding for both of these contracts is appropriated in the FY23 budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Carrboro, North Carolina as follows:

Section 1. Approves entering into a contract with Daniels Inc of Garner for the amount of \$151,018.80 for the Speed Table Upgrades.

Section 2. Approves entering into a contract with GFL Environmental for the amount of \$50.32 per ton, plus fuel service charges, for Municipal Solid Waste Disposal.

Section 3. Within five (5) days after this resolution is adopted, the Town Clerk shall file a copy of this resolution with the Finance Director.

Section 4. This resolution shall become effective upon adoption.

The motion carried by the following vote:

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

Absent: Council Member Danny Nowell

APPOINTMENT OF ECONOMIC SUSTAINABILITY COMMISSION MEMBER TO RACIAL EQUITY COMMISSION

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

A RESOLUTION MAKING APPOINTMENTS TO THE RACIAL EQUITY COMMISSION

WHEREAS, the Town of Carrboro established a Racial Equity Commission in January 2021; and,

WHEREAS, the Racial Equity Commission ordinance in Town Code Chapter 3, Section 3-46, states the Commission shall be appointed by the Council and consist of nine members, all of whom are residents of the Town, and who shall complete race and equity training provided by the Town's Core Team; and,

WHEREAS, of the nine members, two shall have lived in the Town for at least twenty years and be a person of color, and two shall have lived in the Town for at least ten years and be a person of color; and,

WHEREAS, The Commission shall otherwise be composed of:

- 1 representative from the Affordable Housing Advisory Commission
- 1 representative Environmental Advisory Board
- 1 representative Economic Sustainability Commission
- 1 representative from the Farmer's Market Board or BIPOC business owner
(*amend. 6-21-2022*)
- 1 youth seat
- 2 non-voting Town Council Liaisons
- The Race and Equity Officer – Staff Liaison (non-voting); and,

WHEREAS, there is a vacancy for the representative of the Economic Sustainability Commission; and,

WHEREAS, Economic Sustainability Commission members have recommended a member to serve on the Racial Equity Commission as the representative of the Economic Sustainability Commission; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO:

Section 1. **Jim Porto** is hereby appointed as a member of the Racial Equity Commission to serve as the representative from the Economic Sustainability Commission (ESC) for a term to expire on September 13, 2024.

Section 2. This resolution shall become effective upon adoption.

This the 13th day of September 2022.

The motion carried by the following vote:

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

Absent: Council Member Danny Nowell

155 **CLASSIFICATION AND COMPENSATION STUDY REPORT**

156
157 The purpose of this item was to have Management Advisory Group, International (MAG) present
158 the findings of a position's classification and compensation study and for Town Council to
159 approve implementation of the findings.

160
161 Julie Eckenrode, Human Resources Director, introduced Steven Foster, with Management
162 Advisory Group (MAG) who gave a presentation on their report.

163
164 A number of questions were asked, and a discussion ensued.

165
166 **A motion was made by Council Member Posada, seconded by Council Member Foushee, to**
167 **defer consideration of this matter until the September 20, 2022 Town Council Meeting with**
168 **the understanding that Council members will submit any questions on the matter to the**
169 **Town Manager by Friday, September 16, 2022.**

170 **Ayes: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara**
171 **Foushee, Council Member Randee Haven-O'Donnell, Council Member Eliazar Posada,**
172 **and Council Member Sammy Slade**

173
174 **Absent: Council Member Danny Nowell**

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176 *****

177
178 **203 S. GREENSBORO ST. PROJECT PROCEDURE FOR AFTER-HOURS CONCRETE**
179 **WORK**

180
181 The purpose of this item was to establish a procedure for managing the concrete work necessary
182 to complete construction of the 203 Project and for the Council to consider approving an
183 exemption to the Town's noise ordinance to accommodate this work.

184
185 Ben Schmadeke, Capital Projects Manager, gave a presentation about the item.

186
187 A number of questions were asked, and a discussion ensued.

188
189 **A motion was made by Council Member Foushee, seconded by Council Member Posada, to**
190 **approve the following resolution:**

191 A RESOLUTION FOR EXEMPTING AFTER-HOURS CONCRETE WORK FROM
192 CHAPTER 5 ARTICLE II OF THE TOWN CODE FOR 203 PROJECT
193 CONSTRUCTION

194
195 WHEREAS, the 203 Project will require approximately eight (8) after-hours concrete pours
196 to complete construction of the building and parking deck; and,
197

WHEREAS, the Town Code currently restricts construction equipment generated noise outside of the hours of 7:00am to sunset Monday through Saturday and 12:00pm to sunset on Sundays; and,

WHEREAS, staff along with Barnhill Contracting Company have developed the following procedure for mitigating noise disturbances to neighboring businesses and residents:

1. Barnhill will notify the Town approximately one week in advance of expected after- hours concrete work.
2. Barnhill will work with Town Staff to notify neighboring residents and businesses of upcoming work. Notifications may be made by email, social media, electronic message board, door hangers and other means.
3. Concrete deliveries will begin no earlier than 3:00 a.m. (finishing work can go into the night of the same day of placing concrete but is not expected to cause a noise disturbance.)
4. To the extent possible, deliveries will be made at the north side of the building, to maintain the furthest distance possible from residential areas.
5. To the extent possible, back up alarms will be muffled / modified to minimum OSHA standards.
6. Barnhill will make a good faith effort to minimize noise during after-hours concrete pours and accommodate requests by Town Staff or the community.
7. No more than two (2) after-hours concrete pours will be permitted in a given week and they shall not fall on consecutive nights.
8. Barnhill will only pour concrete on Saturdays as a backup for weekdays.
9. Barnhill will not pour concrete on Sundays.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council approves exempting after-hours concrete work from Chapter 5 Article II of the Town Code for 203 Project construction using the procedure described in this resolution.

This the 13th day of September in 2022.

The motion carried by the following vote:

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

Absent: Council Member Danny Nowell

240 **RESOLUTION TO AMEND RULES OF PROCEDURE FOR TOWN OF CARRBORO**
241 **BOARDS AND COMMISSIONS TO ALLOW REMOTE PARTICIPATION**
242

243 The purpose of this item was for Council to consider an amendment to the current Rules of
244 Procedure for Town of Carrboro Boards and Commissions to allow remote participation by
245 Board and Commission members at its meetings.
246

247 Brady Herman, Town Attorney, gave a brief presentation outlining the revised procedure for
248 remote participation and answered questions from the Council.
249

250 **A motion was made by Council Member Slade, seconded by Council Member Haven-**
251 **O'Donnell to approve the following resolution:**
252

253 **A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR TOWN OF**
254 **CARRBORO BOARDS AND COMMISSIONS TO ALLOW REMOTE**
255 **PARTICIPATION BY BOARD AND COMMISSION MEMBERS AT ITS MEETINGS**
256

257 WHEREAS, on November 21, 2017, the Town of Carrboro adopted an Administrative Policy
258 setting forth rules of procedure for the Town of Carrboro Boards and Commissions (hereinafter
259 the "Boards"); and
260

261 WHEREAS, in May of 2020, the General Assembly amended the State Open Meetings Law to
262 specifically authorize local governing boards, including board of adjustment, advisory boards
263 and commissions, the option to conduct remote public meetings in accordance with G.S. § 166A-
264 19.24 and Article 33C of Chapter 143 of the General Statutes, which remote public meeting
265 statutes apply only during a declared State of Emergency; and
266

267 WHEREAS, on August 15, 2022, the Governor's State of Emergency in response to the COVID-
268 19 pandemic expired, thus, the remote public meeting statutes will no longer apply to public
269 boards; and
270

271 WHEREAS, Article 33C, Chapter 143, of the North Carolina General Statutes (*see* G.S. § 143-
272 318.13) contemplates that members of public bodies may participate in official meetings by use
273 of conference telephone or other electronic means; and
274

275 WHEREAS, to promote full participation by members of Town Board's while ensuring access
276 and transparency for the public as required by the Open Meetings Law, G.S. § 143-318.9 *et seq.*,
277 the Council desires to amend the Board's rules of procedure to allow remote participation by
278 Board members at its meetings, when appropriate.
279

280 NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Carrboro that:
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282 **Section 1.** Section 13 of the Rules of Procedure for Town of Carrboro Boards and
283 Commissions is deleted and replaced with a new Section 13 entitled "Remote
284 Participation by Board and Commission Members," that states as follows:
285

Some or all board and commission members shall be allowed to participate remotely at its meetings and fully participate in all discussions and votes on business of the body. Said members shall be counted toward a quorum.

For members of the Board of Adjustment, remote participation shall not include participating or voting in quasi-judicial hearings, nor shall quasi-judicial hearings be held without a quorum of the members present in person, except during a State-declared State of Emergency and pursuant to the provisions of G.S. § 166A-19.24.

This section does not limit the number of scheduled meetings that a board or commission member may participate in remotely, nor does it limit the number of board or commission members who may participate remotely in a given meeting.

These meetings conducted remotely shall provide an opportunity for the public to participate and comment during the meeting by remote methods, including email, telephone, video, and/or other methods, to the extent practical.

Section 2. The first sentence of the Rules of Procedure for Town of Carrboro Boards and Commissions under the “Purpose” paragraph is amended as follows:

This policy for advisory boards/commissions (and for the Board of Adjustment to the extent not inconsistent with the Town’s Land Use Ordinance) (hereinafter “boards”) will provide efficient and equitable rules of procedures for all board members and staff liaisons to follow and provide general information and recommendations about how the boards conduct Town business.

Section 3. All provisions of any Town ordinance or resolution in conflict with this resolution are repealed.

Section 4. This resolution shall become effective upon adoption.

This the 13th day of September 2022.

The motion carried by the following vote:

Ayes: Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O’Donnell, Council Member Eliazar Posada, and Council Member Sammy Slade

Absent: Council Member Danny Nowell

APPOINTMENTS TO THE COMMUNITY SAFETY TASK FORCE

The purpose of this item was for Town Council to consider making appointments to the Community Safety Task Force due to two vacancies that have occurred.

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

A RESOLUTION MAKING APPOINTMENTS TO THE COMMUNITY SAFETY TASK FORCE

WHEREAS, the Town of Carrboro established a Community Safety Task force on April 20, 2021; and,

WHEREAS, the membership of the task force shall consist of 5 to 7 residents of Carrboro, appointed by the Town Council, who have professional expertise and/or lived experience in the criminal legal system, human services delivery, social work, public health and harm reduction, community building in marginalized populations, or related content areas; and,

WHEREAS, the membership of the task force shall also include 2 to 3 council members designated by the Town Council. A staff resource team will assist in the work of the task force. This team will consist of staff liaisons, designated by the town manager, from the Housing and Community Development Department, the Police Department, the Recreation, Parks & Cultural Resources Department, and/or other staff as determined by the manager; and,

WHEREAS, on June 14, 2022, Town Council voted to extend the timeline for the Task Force's work to May 1, 2023; and,

WHEREAS, there are current membership vacancies on this task force; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby appoints the following as member(s) of the Community Safety Task Force:

Section 1. **Benjamin Blaisdell and Wamiq Chowdhury**

Section 2. This resolution shall become effective upon adoption.

This the 13th day of September 2022.

The motion carried by the following vote:

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

Absent: Council Member Danny Nowell

377
378 **CLOSED SESSION**
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380 MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED
381 BY COUNCIL MEMBER POSADA, TO ENTER INTO CLOSED SESSION PURSUANT
382 TO NCGS 143-318.11(A)(5). VOTE: AFFIRMATIVE ALL

383 *****
384

385 **OPEN SESSION**
386

387 MOTION WAS MADE BY COUNCIL MEMBER POSADA, SECONDED BY
388 COUNCIL MEMBER ROMAINE, TO ENTER INTO OPEN SESSION.
389 VOTE: AFFIRMATIVE ALL
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391 *****

392 **ADJOURNMENT**
393

394 MOTION WAS MADE BY COUNCIL MEMBER SLADE, SECONDED BY COUNCIL
395 MEMBER ROMAINE, TO ADJOURN THE MEETING.
396 VOTE: AFFIRMATIVE ALL

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404 _____
405 Town Clerk
406

407 _____
408 Mayor
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410
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