

Town of Carrboro

301 W. Main St., Carrboro, NC 27510



Meeting Agenda - Final

Tuesday, September 26, 2023

7:00 PM

Council Chambers - Room 110

Town Council

7:00-7:05**A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS**

1. [23-259](#) Proclamation: Community Planning Month

7:05-7:10**B. ANNOUNCEMENT OF UPCOMING MEETINGS****7:10-7:30****C. PUBLIC COMMENT****7:30-7:35****D. CONSENT AGENDA**

1. [23-250](#) Approval of Minutes: January 10, January 17, January 30, & February 7, 2023

E. OTHER MATTERS**7:35-7:55**

1. [23-251](#) Review of the Lloyd Broad Neighborhood Overlay District Provisions
PURPOSE: The purpose of this agenda item is to request that the Town Council review information about how the overlay district provisions have been working.

Attachments: [A - Pocket Questions](#)

7:55-8:30

2. [23-214](#) *Carrboro Connects* Comprehensive Plan Implementation & Other Priorities Status Report

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

Attachments: [A - Implementation Status Tables](#)
[B - Council Priorities Progress Summary](#)
[C - Pocket Questions](#)

8:30-8:45

3. [22-251](#) Amendment to Chapter 2 of the Town Code to Allow Remote Participation by Council Members

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

Attachments: [A- Draft Council Remote Participation Ordinance- Town Code Ch. 2 Amendment 9.26.2023](#)
[B- Race & Equity Pocket Questions- Remote Council Participation](#)

F. MATTERS BY COUNCIL MEMBERS



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-259

Agenda Date: 9/26/2023
In Control: Town Council
Version: 1

File Type: Agendas

Proclamation: Community Planning Month



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-250

Agenda Date: 9/26/2023
In Control: Town Council
Version: 1

File Type: Agendas

Approval of Minutes: January 10, January 17, January 30, & February 7, 2023



Agenda Item Abstract

File Number: 23-251

Agenda Date: 9/26/2023
In Control: Town Council
Version: 1

File Type: Agendas

Review of the Lloyd Broad Neighborhood Overlay District Provisions

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

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@townofcarrboro.org <<mailto:mroupe@townofcarrboro.org>>; Chris Attack, Police Chief, 919-918-7407 or catack@carrboronc.gov <<mailto:catack@carrboronc.gov>>

COUNCIL DIRECTION:

Race/Equity Climate Comprehensive Plan Other

Other marked for Land Use Ordinance. The Lloyd Broad Overlay District provisions contained in the Land Use Ordinance support and facilitate town goals of building and fostering positive and cohesive neighborhoods in town, as expressed through various policy documents including the Carrboro Connects Comprehensive Plan. Racial Equity Pocket Questions are included as Attachment A.

INFORMATION: The Lloyd Broad Neighborhood Overlay District was established in June 2018. With adoption, the Town Council requested that a follow up report be provided every 18 months regarding how the district provisions were working. A report was provided to the Town Council in June 2020 and is available here:

[Town of Carrboro - File #: 20-236 \(legistar.com\) <https://carrboro.legistar.com/LegislationDetail.aspx?ID=4555143&GUID=DDF8C66B-8ADA-4C6F-9C1B-D0ECF369D9B8&Options=&Search=>](https://carrboro.legistar.com/LegislationDetail.aspx?ID=4555143&GUID=DDF8C66B-8ADA-4C6F-9C1B-D0ECF369D9B8&Options=&Search=>)

Community concerns presented by the neighborhood in February 2018 are available here:

[Town of Carrboro - File #: 17-424 \(legistar.com\) <https://carrboro.legistar.com/LegislationDetail.aspx?ID=3347013&GUID=1FCF58BF-91C2-47B3-93CB-366C2701E685&Options=ID|Text|Attachments|Other|&Search=overlay>](https://carrboro.legistar.com/LegislationDetail.aspx?ID=3347013&GUID=1FCF58BF-91C2-47B3-93CB-366C2701E685&Options=ID|Text|Attachments|Other|&Search=overlay>)

The agenda item from when the overlay district was originally considered, in June 2018, is available here:

[Town of Carrboro - File #: 17-563 \(legistar.com\) <https://carrboro.legistar.com/LegislationDetail.aspx?ID=3518394&GUID=AF09424B-F564-496D-B159-4B0437627BED&Options=&Search=&FullText=1>](https://carrboro.legistar.com/LegislationDetail.aspx?ID=3518394&GUID=AF09424B-F564-496D-B159-4B0437627BED&Options=&Search=&FullText=1>)

And the agenda item from when the overlay district was officially adopted, also in June 2018, is available here:

[Town of Carrboro - File #: 17-611 \(legistar.com\) <https://carrboro.legistar.com/LegislationDetail.aspx?ID=3537430&GUID=1F2C3B23-9ACF-408D-BD4B-8873D21B2122&Options=&Search=>](https://carrboro.legistar.com/LegislationDetail.aspx?ID=3537430&GUID=1F2C3B23-9ACF-408D-BD4B-8873D21B2122&Options=&Search=>)

Provisions of the overlay district

The provisions of the overlay district are specified in Land Use Ordinance Sections 15-143.5 and 15-185.2 (see [Article IX \(townofcarrboro.org\) <https://www.townofcarrboro.org/DocumentCenter/View/686/Article-IX-Zoning-Districts->](https://www.townofcarrboro.org/DocumentCenter/View/686/Article-IX-Zoning-Districts-), pages 30-31 and [Article XII \(townofcarrboro.org\) <https://www.townofcarrboro.org/DocumentCenter/View/693/Article-XII-Density-and-Dimensional-Regulations-PDF>](https://www.townofcarrboro.org/DocumentCenter/View/693/Article-XII-Density-and-Dimensional-Regulations-PDF), page 26), and their related general purpose and goals are as follows:

-Reduce front yard setbacks from 25 feet to 15 feet. This provision was intended to have the development pattern associated with new construction in the district to be more closely aligned with the historical pattern of growth, which includes houses closer to 15 feet from the street right of way line. The former distance of 25 feet had caused a number of homes to be setback further from the street than many of the older, existing homes.

-Establish a maximum height of 23 feet for new construction. Similar to the above provision, the reduced maximum height (formerly 35 feet) causes new construction to be more closely aligned with the heights of older, existing homes in the neighborhood.

-Limit the square footage of new construction to a maximum of 1,750 square feet, and allow for modest additions above that limit for existing homes in the district. This provision addresses the scale of new homes, and additions to existing homes, by keeping their overall size closer to most of the older, existing homes in the neighborhood.

-Requires a minimum of two parking spaces and to the extent practicable prevents front yard areas from being used for parking. This provision ensures that at least two spaces are provided, thereby reducing dependence on street parking in the neighborhood, and attempts to preclude developers from negatively affecting the streetscape and feel of the neighborhood by way of parking multiple cars between the front façade of the home and the street.

-Limits the number of unrelated individuals living in a home to a maximum of four. This provision is intended to prevent large numbers of unrelated individuals from living together in a single home. The provision also facilitates the use of homes by family units, consistent with the historic socioeconomic pattern of the neighborhood.

During adoption of the ordinance creating the standards that would be applied to the overlay district, a section stating, “[t]his ordinance is effective upon adoption to all new development. This ordinance is effective to all existing development thirty-six (36) months following the date of adoption” was included. To date, no complaints regarding occupancy by more than four unrelated individuals have been received.

Town staff have received no complaints or assertions of violations of any provisions of this overlay district since the last report in June 2020. With that in mind, Town Council may want to consider sunsetting the need to report on this matter every 18 months, or to allow the Town Manager to convey this information in another format or timeframe.

Development Activity:

Development and building related activities since the June 2020 report was presented to Town Council are

presented below:

-In August 2020, the Zoning Division approved a zoning permit for construction of four homes at 104 Cobb Street. The homes were constructed by Habitat for Humanity. They are all now completed and occupied by new owners.

-In December 2020, the Zoning Division approved a zoning permit for a home addition at 406 Broad Street, in accordance with a variance previously approved by the Board of Adjustment. The addition does meet the provisions of the overlay district.

-In March 2021, the Board of Adjustment approved a variance application related to a stream buffer allowing for a new home to be constructed at 104 Hill Street. Construction of the home has not yet begun.

-In September 2021, Town Council approved a conditional rezoning request to allow for construction of three homes at 106 Hill Street. The zoning permit subsequently submitted for the homes is currently under review and nearing approval.

-In February 2022, the Board of Adjustment approved a variance application involving an encroachment into a stream buffer for the property at 408 Broad Street. In March 2022, the related zoning permit for a home addition was approved by the Zoning Division, in accordance with the variance.

Complaints and Miscellaneous Issues:

The Police Department reports that they have received several hundred calls per year that appear consistent with calls for service in other parts of town. No calls to the Police Department were directly related to the overlay district provisions.

The Planning Department has also reached out neighborhood resident Hudson Vaughn, who is sharing news of this report with others through the neighborhood listserv. Staff has noted that residents may attend the Town Council meeting if they want to speak directly to Council during the September 26 meeting regarding how the overlay district provisions are working

FISCAL IMPACT: There are no fiscal or staff impacts associated with the Town Council reviewing the information provided.

RECOMMENDATION: The Town Manager recommends that the Town Council receive the report and consider authorizing staff to provide future updates through existing reports.

Racial Equity Pocket Questions – Review of the Lloyd – Broad Overlay District

What are the racial impacts?

This follow-up relates to an overlay district established in the Lloyd-Broad Neighborhood in 2018, following requests from and engagement with community members in the historically Black neighborhood. The purpose of the district was to establish standards to support the neighborhood being friendly to families, to continue to welcome a diversity of families and individuals into the community. Student rental development in the years prior to 2018 and continuation of trends that had been occurring in the previous decade in Chapel Hill’s Northside neighborhood were beginning to make it increasingly difficult for people of all backgrounds to access housing and affecting the quality of life for families who lived here. The Town has worked to mitigate racial impacts in the Lloyd Broad Neighborhood through Community Development Block Grant projects for sidewalks, street construction and sewer installation, the use of revolving loan funds for critical home repair, partnerships with Habitat for Humanity and the Lloyd-Broad Overlay District establishment, which includes a family definition different from that used elsewhere in Carrboro, and associated development standards.

Who is or will experience burden?

Families and individuals affected by changes in housing type, parking impacts, regular turnover of occupants/residents of rental units, either those who would like to use their property and rent to a greater number of individuals and cannot, or those for whom the present regulations are not sufficient to preserve the family friendliness of the district.

Who is or will experience benefit?

Families and individuals who are experiencing or will experience positive results from the overlay district requirements, including the ways homes are constructed or modified and the ways homes are occupied.

What are the root causes of inequity?

Past structural racism in the United States has affected access to and funding/financing for property ownership, educational and health care access, infrastructure, public services, and wealth generation for Black families.

What might be the unintended consequences of this action or strategy?

The review allows checking to see if there are unintended consequences. Possible impacts for limitations on development opportunity could be limited wealth generation and/or occupancy by some family-type units.

How is your department planning to mitigate any burdens, inequities, and unintended consequences?

Continued use of the REAL and pocket questions, participation in the Good Neighbor Initiative. Monitoring of complaints/violations and instituting a rental registry program to provide for regular inspections if seems warranted. The overlay district was created at the request of the existing neighbors, who are being asked to communicate concerns about its implementation. Should issues be identified, the overlay district can be amended accordingly.



Agenda Item Abstract

File Number: 23-214

Agenda Date: 9/26/2023
In Control: Town Council
Version: 1

File Type: Agendas

Carrboro Connects Comprehensive Plan Implementation & Other Priorities Status Report

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

DEPARTMENT: Planning

CONTACT INFORMATION: Trish McGuire, Planning Director, pmcguire@carrboronc.gov
<<mailto:pmcguire@carrboronc.gov>>, 919-918-7327

COUNCIL DIRECTION:

Race/Equity Climate Comprehensive Plan Other

Carrboro Connects, Town of Carrboro Comprehensive Plan 2022-2042, was adopted on June 7, 2022.

N.C. General Statutes, Chapter 160D, Article 5 requires that local governments have a reasonably maintained comprehensive or land-use plan in order to retain authority to adopt and enforce zoning regulations. Adoption of Carrboro Connects satisfies this requirement.

Carrboro Connects is rooted in advancing racial equity and climate action. 175 strategies and projects are included, 35 of which were identified for prioritization in the first five years because of their ability to advance multiple community interests and objectives. Racial Equity Pocket questions are included as *Attachment C*.

INFORMATION:

On June 7, 2022, the Carrboro Town Council adopted Carrboro Connects Comprehensive Plan 2022-2042 (“Carrboro Connects”) and concluded an approximately two-year planning process of community engagement with thousands of residents, community groups, organizations and businesses. Carrboro Connects describes the type of community that Carrboro wants to be in the future (20 years) and includes an implementation schedule to achieve that vision. Built on a long history of the Town’s values for community building, economic sustainability, and environmental stewardship, the plan also forged new territory in its explicit and extensive foundational commitment to advancing racial equity.

Priority Projects - Years 1-5

Attachment A presents the 35 projects and/or strategies that were identified as Priority Projects for the first five years of implementation. This table is up to date as of September 2023. The previous table from December 2022 has also been included for reference. Hatched lines in the September 2023 update indicate where project statuses have changed since December last year.

The summary table includes information from the two parts of Chapter 11, the Priority Projects (descriptions and time frames, with outcomes highlighted) and Implementation Table (Cross-cutting themes). The table includes a short title and expected outcomes, current status, and a schedule of expected milestones for projects’ progress through 2026. More detailed information on many projects, associated staffing commitments, and resources will be reported on in the agenda items and other work products related to particular initiatives, budgeting, or both.

Upcoming milestones related to priority projects include:

- Parking changes - public hearing on October 24th
- Jones Ferry Road Bike Plan Priority project implementation - Bids received
- Downtown Area Plan - RFP Issued and responses due October 2nd

Town Council 13 Key Strategic Priorities

In early 2023 the Town Council identified 13 Key Strategic Priorities for completion in the next 12 - 18 months. Town Staff has taken that list of priorities and provided statuses and actions towards each of those priorities (see Attachment B).

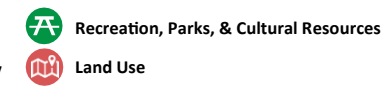
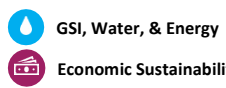
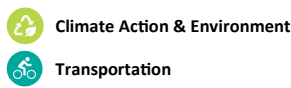
Other Projects

There are a significant number of ongoing projects that are included in the comprehensive plan but not identified as priority projects. These projects will be highlighted in the staff's presentation.

FISCAL IMPACT: There are no fiscal or staff impacts associated with the Town Council's receipt of this status report.

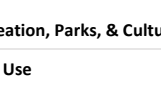
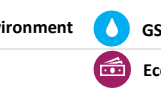
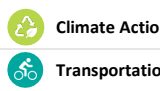
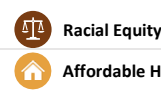
RECOMMENDATION: The Town Manager recommends that the Town Council receive the report.

Carrboro Connects Priority Project Tracking & Implementation



SHORT TITLE	STRATEGY	CROSS-CUTTING THEMES	CURRENT STATUS	EST. FY COMPLETE	PROPOSED TIMELINE				EXPECTED OUTCOME(S)
					FY23	FY24	FY25	FY26+	
AFFORDABLE HOUSING 🏠									
Seek funding to empower community members to become homeowners	1.2A	⚖️	Planning	FY26+					Expanded housing counseling services
Affordable housing partnerships and land acquisition	3.4	⚖️ 🌿 📖	Implementation	FY26+					Affordable housing on town-owned land
Increase funding for home weatherization	4.5	⚖️ 🌿	Analysis	FY26+					Funding and increased weatherization
Affordable housing bond	6.2	⚖️	Planning	FY25					Bond explored
Pursue additional funding for affordable housing	6.3	⚖️	Analysis	FY26+					Funding for affordable housing projects
CLIMATE ACTION & ENVIRONMENT 🌿									
Partnerships to expand access to renewable energy	1.1A	⚖️	Analysis	FY26+					Partnerships
Integration of renewable energy infrastructure in development	1.1B		Planning	FY26+					LUO changes
Expand WiSE and EERLF	1.2A	⚖️ 🏠	Analysis	FY25					Expanded ad/or revamped programs
Certificate program and database for rental housing energy performance	4.1B	🏠	Planning	FY26+					Certificate program
Climate mitigation financing program	4.2D	⚖️ 🏠	Analysis	FY26+					Functioning financing program
TRANSPORTATION & MOBILITY 🚲									
Assess and expand access and options for public transit	2.1A	⚖️ 🌿 🏠	Analysis	FY26+					New transit routes/frequencies
Sidewalks analysis	2.2G	🌿	Planning	FY26+					Sidewalk prioritization framework
Develop a safe and connected bike system	2.2K		Implementation	FY26+					New funding sources; new bike facilities
EV and E Bike charging stations	4.1E	🌿	Analysis	FY26+					Grant funding; EV charging plan; new EV charges
Reduce negative effects of parking requirements	4.2	🏠 💧	Analysis	FY26+		★			LUO changes
GREEN STORMWATER INFRASTRUCTURE (GSI), WATER, & ENERGY 💧									
Street tree master plan	GSI 2.1	🌿	Planning	FY26+					Master plan
Integrate green stormwater infrastructure and traffic calming	GSI 3.1A	🌿 🚲	Analysis	FY25					Traffic calming and stormwater infrastructure
Stormwater infrastructure retrofit playbook/toolbox	GSI 4.1B	🌿	Analysis	FY25					Playbook/toolbox
Stormwater management incentive program for businesses and income eligible households	WAT 2.1B	🏠	Analysis	FY26+					Stormwater management incentive program
Stormwater management measures for redevelopment and infill densification	WAT 2.2A	🌿 📖	Not Started	FY26+					LUO changes
ECONOMIC SUSTAINABILITY 📖									
Create equitable opportunities to obtain living wage jobs and careers	1.1	⚖️	Analysis	FY26+					Living wage jobs
Equitably support existing and attract new businesses	1.2	⚖️	Implementation	FY26+					Marketing campaign; technical support; new businesses
Promote economically resilient higher density and mixed-use in downtown	2.1	🌿 🚲 🏠 📖	Planning	FY26+					Density and mixed use in downtown
Strengthen other business districts and commercial areas in Carrboro	2.2	🚲	Not Started	FY26+					Commercial and mixed-use districts outside of downtown
Expand tourist opportunities	3.3	🌿 🏠 📖	Implementation	FY26+					Marketing campaign; new attractions
RECREATION, PARKS, & CULTURAL RESOURCES 🏞️									
Recreation center feasibility study	1.1B	⚖️	Analysis	FY26+					Feasibility study
Recreational facilities within walking distance	2.1	⚖️ 🌿	Analysis	FY26+					Priority location ID; expanded walkshed
Promotion of nearby park facilities	2.3C	⚖️	Implementation	FY26+					Marketing campaign; survey of facilities and programs
Greenway improvements and neighborhood linkage	2.5A	🚲 💧	Implementation	FY26+					Gap analysis; new greenways
Supporting culturally representative public artwork	4.3A	⚖️	Planning	FY26+					RFP; new public art installations
LAND USE 📖									
Small Area Plans	2.1A	⚖️ 🌿	Planning	FY26+			★		2/3 small area plans
Increase density along transit corridors and nodes	2.2	⚖️ 🌿 🚲	Planning	FY25					LUO and FLUM changes
Land Use Ordinance and Comprehensive Plan consistency	4.1	⚖️ 🌿	Planning	FY25					LUO and FLUM changes
Increasing commercial and mixed-use opportunities	5.1	⚖️ 🌿	Planning	FY26+					Infrastructure improvements
Development approval process improvements	5.2	⚖️ 🌿	Analysis	FY26+					New development review process

Carrboro Connect Priority Project Tracking & Implementation



SHORT TITLE	STRATEGY	CROSS-CUTTING THEMES	CURRENT STATUS	EST. FY COMPLETE	PROPOSED TIMELINE				EXPECTED OUTCOME(S)
					FY23	FY24	FY25	FY26+	
AFFORDABLE HOUSING 🏠									
Seek funding to empower community members to become homeowners	1.2A	⚖️	Not Started	FY26+	■	■	■	■	Expanded housing counseling services
Affordable housing partnerships and land acquisition	3.4	⚖️ 🌱 🏠	Planning	FY26+	■	■	■	■	Affordable housing on town-owned land
Increase funding for home weatherization	4.5	⚖️ 🌱	Analysis	FY26+	■	■	■	■	Funding and increased weatherization
Affordable housing bond	6.2	⚖️	Not Started	FY25	■	■	■	■	Bond explored
Pursue additional funding for affordable housing	6.3	⚖️	Planning	FY26+	■	■	■	■	Funding for affordable housing projects
CLIMATE ACTION & ENVIRONMENT 🌱									
Partnerships to expand access to renewable energy	1.1A	⚖️	Planning	FY26+	■	■	■	■	Partnerships
Integration of renewable energy infrastructure in development	1.1B		Planning	FY26+	■	■	■	■	LUO changes
Expand WiSE and EERLF	1.2A	⚖️ 🏠	Analysis	FY25	■	■	■	■	Expanded programs
Certificate program and database for rental housing energy performance	4.1B	🏠	Planning	FY26+	■	■	■	■	Certificate program
Climate mitigation financing program	4.2D	⚖️ 🏠	Planning	FY26+	■	■	■	■	Functioning financing program
TRANSPORTATION & MOBILITY 🚲									
Assess and expand access and options for public transit	2.1A	⚖️ 🌱 🏠	Planning	FY26+	■	■	■	■	New transit routes/frequencies
Sidewalks analysis	2.2G	🌱	Analysis	FY26+	■	■	■	■	Sidewalk prioritization framework; new sidewalks
Develop a safe and connected bike system	2.2K		Implementation	FY26+	■	■	■	■	New funding sources; new bike facilities
EV and E Bike charging stations	4.1E	🌱	Analysis	FY26+	■	■	■	■	EV charging plan; new EV charges
Reduce negative effects of parking requirements	4.2	🏠 💧	Planning	FY26+	■	■	■	■	LUO changes
GREEN STORMWATER INFRASTRUCTURE (GSI), WATER, & ENERGY 💧									
Street tree master plan	GSI 2.1	🌱	Planning	FY26+	■	■	■	■	Master plan
Integrate green stormwater infrastructure and traffic calming	GSI 3.1A	🌱 🚲	Planning	FY25	■	■	■	■	Traffic calming x stormwater infrastructure
Stormwater infrastructure retrofit playbook	GSI 4.1B	🌱	Analysis	FY25	■	■	■	■	Playbook
Stormwater management incentive program for businesses and income eligible households	WAT 2.1B	🏠	Analysis	FY26+	■	■	■	■	Stormwater management incentive program
Stormwater management measures for redevelopment and infill densification	WAT 2.2A	🌱 🏠	Not Started	FY26+	■	■	■	■	LUO changes
ECONOMIC SUSTAINABILITY 🏢									
Create equitable opportunities to obtain living wage jobs and careers	1.1	⚖️	Analysis	FY26+	■	■	■	■	Living wage jobs
Equitably support existing and attract new businesses	1.2	⚖️	Implementation	FY26+	■	■	■	■	Marketing campaign; technical support; new businesses
Promote economically resilient higher density and mixed-use in downtown	2.1	🌱 🚲 🏠 🏢	Planning	FY26+	■	■	■	■	Density and mixed use in downtown
Strengthen other business districts and commercial areas in Carrboro	2.2	🚲	Not Started	FY26+	■	■	■	■	Commercial and mixed-use districts outside of downtown
Expand tourist opportunities	3.3	🌱 🏠 🏢	Planning	FY26+	■	■	■	■	Marketing campaign; new attractions
RECREATION, PARKS, & CULTURAL RESOURCES 🎪									
Recreation center feasibility study	1.1B	⚖️	Analysis	FY26+	■	■	■	■	Feasibility study
Recreational facilities within walking distance	2.1	⚖️ 🌱	Analysis	FY26+	■	■	■	■	Priority location ID; expanded walkshed
Promotion of nearby park facilities	2.3C	⚖️	Implementation	FY26+	■	■	■	■	Marketing campaign; survey of facilities and programs
Greenway improvements and neighborhood linkage	2.5A	🚲 💧	Implementation	FY26+	■	■	■	■	Gap analysis; new greenways
Supporting culturally representative public artwork	4.3A	⚖️	Planning	FY26+	■	■	■	■	RFP; new public art installations
LAND USE 🏠									
Small Area Plans	2.1A	⚖️ 🌱	Planning	FY26+	■	■	■	■	2 small area plans
Increase density along transit corridors and nodes	2.2	⚖️ 🌱 🚲	Planning	FY25	■	■	■	■	LUO and FLUM changes
Land Use Ordinance and Comprehensive Plan consistency	4.1	⚖️ 🌱	Planning	FY25	■	■	■	■	LUO and FLUM changes
Increasing commercial and mixed-use opportunities	5.1	⚖️ 🌱	Planning	FY26+	■	■	■	■	Infrastructure improvements
Development approval process improvements	5.2	⚖️ 🌱	Planning	FY26+	■	■	■	■	New development review process

13 KEY STRATEGIC PRIORITIES PROGRESS REPORT

1. Race & Equity Initiatives

- 23% complete with evaluation of town policies, practices, and procedures
- Added space on agenda cover sheets for compliance with Council policies: race and equity, climate action plan, and Comprehensive Plan

2. Community Climate Action Plan

- Finalizing agreements for Green Neighborhoods Grant Program grants; several grantees have initiated project work
- Holding Solarize 2023 outreach events; program has reached lowest pricing tier; sign-up deadline is 9/30; contract deadline 12/30
- Implementation of Energy and Climate Protection Plan: Installation of solar arrays finalized on Fire Station 1 and Public Works Facilities
- Fleet Study is underway; kickoff, Department Head, and biweekly meetings held; facility site visits scheduled for October
- Staff working to update Energy Efficiency Revolving Loan Fund; held staff meetings; performed research on similar municipal funds
- Continue to refine municipal and community greenhouse gas emissions inventories
- Climate Action Intern working to update webpages and design multifamily composting pilot
- Several pollinator events held throughout the summer, including two with Public Works staff
- Collaborated with other local jurisdictions and Central Pines Regional Council to submit a proposal for EV charging stations through the Inflation Reduction Act

3. Zoning amendments

- Beginning to scope project to allow greater density near transit and greenways (reflected on implementation schedule)
- Draft parking amendment and PUD density amendment to come forward Oct 24, 2023
- RFP went out for Downtown Area
 - Scope to include buffer around commercial area, or combination of commercial area and Jones Ferry Corridor

4. Connectivity, Bicycle, Pedestrian

- Design for Jones Ferry Road - out to bid
- Working on design for S Greensboro St
- Four projects identified in the bike plan were submitted for inclusion in the CIP are scheduled to get underway in FY23 and FY24. This includes:
 - Priority #1 Homestead Rd Side path w/ signalized crossing - Beginning design
 - Priority #2, enhanced bicycle infrastructure on Shelton Street
 - Priority #5, a protected westbound bike lane

5. Comprehensive Plan

- Manager's Office and PZI coordinated update to the Council on September 26, 2023. See relevant materials in agenda

13 KEY STRATEGIC PRIORITIES PROGRESS REPORT

6. Safety Task Force

- Information on mental health support - Orange County two-year grant – to be presented November 2023

7. Affordable Housing

- Initial assessment of town-owned properties due to be under contract with firm in September/early October; public announcement of firm selection to follow; assessment of 2 sites to be conducted within 90 days of start date
- Currently in the planning stages for home weatherization, utilizing \$500,000 of dedicated ARPA funds. Current project support through AHSRF and with Orange County Home Preservation Coalition

8. Develop/Achieve Operational Efficiencies

- Town Manager's Office is working with N-Focus and staff on process recommendations.

9. Strategic Plan/Performance Management

- Currently reviewing internal performance measurement plans in prior budgets

10. Town Building Renovations

- A Request for Qualifications has been drafted to seek the services of a design-build firm to begin analyzing options for a Town Hall renovation. Tasks will be focused on developing different cost options for the renovation project for the Town to consider.

11. Infrastructure Improvements

- Working with SWAC and contractor on residential incentive program. Planning to begin publishing retrofit tools in Q2 FY24
- Condition assessment work underway and relevant to flooding and erosion concerns. Preparing to submit NCDWI LASII grant. 319 grant addressing erosion concerns in Bolin Forest neighborhood.

12. Economic Development

- In the planning stage for three different BIPOC business support projects.
- In the planning stage for parking enforcement; Analysis stage for paid parking policy

13. 203 Project

- Construction is approximately 50% complete and the building is on schedule to open summer 2024.

Racial Equity Pocket Questions – *Carrboro Connects* Implementation Status Report

What are the racial impacts?

Thirty-five (35) of the projects outlined in the implementation chapter of the *Carrboro Connects* 2022-2042 Comprehensive Plan were identified by stakeholders and staff as priority projects. These projects were chosen because they were identified by community members and the Carrboro Connects Task Force as strategies and/or projects that will best advance race and equity, and climate action. Additionally, they were identified as priorities due to their likelihood of having the greatest cross-cutting, positive community impact over the next five years. Some priority projects have a specific geographic scope, most of which call for the determination of such areas of interest/impact to center the consideration of race and equity. Projects that relate to policies and/or to the Town as a whole outline specific steps to analyze and address racial inequities. More detail can be found in *Carrboro Connects* Chapter 11 – Implementation ([11-Implementation \(townofcarrboro.org\)](https://www.townofcarrboro.org)). Reporting on the progress of implementation will occur routinely via communications and engagement channels (e.g. open houses, tabling, TICs, news flashes and newsletters and related), be posted on the Carrboro Connects website, and scheduled for Town Council action where needed.

Who is or will experience burden?

Due to the wide breadth of scope and topic projects—five projects from each of the seven elements of the plan—those who will experience burden will vary in relation to the specific projects, and on the phase of each project’s implementation and will be assessed and evaluated as those phases and projects proceed, consistent with the use of One Orange tools including pocket question and REAL lens completion.

Who is or will experience benefit?

Due to the wide breadth of scope and topic projects—five projects from each of the seven elements of the plan—those who will experience benefit will vary in relation to the specific projects, and on the phase of each project’s implementation and will be assessed and evaluated as those phases and projects proceed, consistent with the use of One Orange tools including pocket questions and REAL lens completion.

What are the root causes of inequity?

Inequities stem from systemic racism, from policies that have excluded marginalized communities and planning theories that do not adequately recognize, or address, disparity. Addressing these root causes is a foundational element of the Comprehensive Plan and a primary factor in the selection of the projects. More information regarding the respective inequities, unintended consequences, and mitigation strategies can be found within *Carrboro Connects*, as well as part of relevant pocket questions and REAL lenses.

What might be the unintended consequences of this action or strategy?

Scoping of stakeholders might miss a party that is affected by or affects a particular project. Engagement strategies may do the same. Shortages of staff or other resources may limit capacity to carry out communications and engagement for all activities in a routine manner. Racial equity analyses may lengthen project completion; some may be more and others less complete based on variable availability of applicable data.

How is your department planning to mitigate any burdens, inequities, and unintended consequences?

Continued use of the REAL, Pocket Questions, staff time and expertise, and tapping community volunteers including Advisory Boards will help mitigate the chances that stakeholder analysis misses a party. On larger-scope projects, the Town can seek funding for consulting services, and use its partners to help buttress staff capacity. Continued iteration of racial equity tools with regional municipal partners can improve racial equity analysis procedures, and help identify data gaps that partners can work long term to fill.



Agenda Item Abstract

File Number: 22-251

Agenda Date: 9/26/2023
In Control: Town Council
Version: 1

File Type: Agendas

Amendment to Chapter 2 of the Town Code to Allow Remote Participation by Council Members

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

DEPARTMENT: Town Attorney / Town Clerk

CONTACT INFORMATION: Nick Herman & Brady Herman, Town Attorney, Wesley Barker, Town Clerk, wbarker@carrboronc.gov <<mailto:wbarker@carrboronc.gov>>, 919-918-7309

COUNCIL DIRECTION:

Race/Equity Climate Comprehensive Plan Other

Several Council Members have inquired about remote participation of Council meetings after the COVID-19 State of Emergency expired in 2022. This specific policy is not linked to any current Town directives, but Race and Equity pocket questions are included as Attachment B.

INFORMATION: The Town Attorney has prepared proposed amendments to Chapter 2 of the Town Code which will add a new section to this chapter to include rules of procedure for remote participation by members of Council at official meetings. This is due in part because the COVID-19 State of Emergency is no longer in effect, which allowed for remote meetings of public bodies.

In summary, these proposed amendments would allow remote participation by a Council Member(s) based on several factors that could prevent the Council Member(s) from physically attending the meeting, which can be found detailed in the attached proposed ordinance document.

It should be noted that this proposed ordinance amendment is only allowed when a quorum of the Council is physically present at the meeting, and the Council Member(s) participating remotely are not necessary to establish a valid quorum.

Further, remote participation by Council Members would not be allowed for quasi-judicial hearings.

FISCAL IMPACT: N/A

RECOMMENDATION: It is recommended that Town Council review and adopt this Town Code Ordinance Amendment (Attachment A) to allow remote participation by Council Members.

**AN ORDINANCE AMENDING CHAPTER 2 OF THE CARRBORO TOWN CODE TO
TO ALLOW REMOTE PARTICIPATION BY COUNCIL MEMBERS
AT OFFICAL TOWN COUNCIL MEETINGS**

Ordinance No. __ / FY 23-24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Council Member is able to hear other members of the Council and any individuals addressing the Council, including members of the public who are recognized by the Council during public comment;
2. All persons present at the meeting location are able to hear the Council Member who is participating remotely; and

3. If video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.

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

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

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

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

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

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

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

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

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing Ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2023.

Ayes: _____

Noes: _____

Absent or Excused: _____

Damon Seils, Mayor

Attest:

Wesley Barker, Town Clerk

Race & Equity Pocket Questions

AN ORDINANCE AMENDING CHAPTER 2 OF THE CARRBORO TOWN CODE TO TO ALLOW REMOTE PARTICIPATION BY COUNCIL MEMBERS AT OFFICAL TOWN COUNCIL MEETINGS

1. What are the racial and equity impacts?

If approved, this policy of remote participation by Council Members would be a new policy. As a result, some racial and equity impacts may present themselves once Council begins remote participation. However, there are some general racial and equity impacts around council meetings in general that are worth noting here. Currently, some citizens may not have adequate access to internet or necessary equipment, which can cause them to miss out on viewing Town council meetings online. Further, some community members may have jobs that cause them to work outside of “normal” business hours, which would prohibit them from attending or viewing council meetings. A lack of reliable transportation access to town hall to attend town council meetings is another impact of some citizens. Finally, there may be a historical mistrust of government or fear of not being heard by others, which limits their interest in Town Council meetings in general.

2. Who is or will experience community burden?

Lower-income households and people of color are burdened by possibly not being able to view Town Council meetings online due to limitations on internet access, high-speed internet capabilities to successful view a live stream, or transportation access. As a result, these citizens would not have the capability to watch the Town Council meetings as they are live streamed, regardless of which members are participating remotely. Further, if transportation access is also a burden, these citizens cannot come to Town Hall to watch the meeting in person. These burdens would be present regardless of whether a Council Member(s) participate remotely.

Further, if citizens are attending Town Council meetings in person, or watching online, there runs a risk that the Council Members who are remote, not being able to be sufficiently heard by members of the audience (and by other council members) because they are using various audio equipment with varying settings. This creates a burden to those citizens who have trouble hearing (and to other Council members), even more so when topics of discussion directly impact these citizens and/or their neighborhood.

3. Who is or will experience community benefit?

The entire community would experience benefit from having the capability of remote participation of Council members because the governing body could sufficiently hold and conduct business and be able to approve necessary items that ultimately has an impact on

all Carrboro citizens. This increases the probability of having all Council members present so they all can participate and vote on item discussions. Of course, this is dependent on there being a quorum of Council Member physically present in the meeting space, per the policy.

4. What are the root causes of inequity?

This would be a new operating procedure that, if adopted by Council, may present inequities once it is underway and would need to be re-evaluated if occurred.

It is worth noting, however, that historically, communities of color and lower income neighborhoods, have been at a disadvantage because of less opportunity to be “connected” with local government due to factors including internet access, computer/phone equipment, reliable transportation, non-traditional work schedules and childcare needs. Also, there is often a mistrust of government due to elected official decisions, either historically or more current, that might have been made that negatively impacted their community, while positively impacting another community within Town that may be perceived as more affluent. All these factors contribute to possible lack of attendance in Town Council meetings virtually or in person by the community. While the remote participation of Council members, doesn’t directly impact these factors, it is something of note.

5. What might be the unintended consequences of this action or strategy?

Due to unforeseen issues that come with internet connectivity, there is always a chance that the remotely participating Council Member(s) may be disconnected from a meeting due to internet disruptions, outages or computer issues (e.g., audio/video). As a result, this Member may miss important information from the meeting that is to be decided by a council vote. Further, if multiple Members are participating remotely, and the other Members are in person, this also creates potential concerns over all members hearing each other adequately, as well as members of the public being able to adequately hear all members at the meeting due to the fact not everyone has the same audio capabilities as they would in person with the audio setup in the council room. There may be a time in the future when an elected official may not have adequate means to be able to utilize this function to participate remotely due to possible unaffordability of high-speed internet access and/or equipment at their residence, and they must always be present in person.

Additionally, the remote participation policy states “remote participation shall be allowed only when a quorum of the Council is physically present at the meeting and the Council Member(s) participating remotely are not necessary to establish a valid quorum.” One unintended consequence is that more than a quorum of the Council is unable to physically attend a meeting because of the reasons listed in the policy and plans to participate remotely, unbeknownst to the other members, and by lack of notification to the Town

Clerk prior to the meeting. This would result in the Council meeting not being able to be held due to lack of a quorum of Council members being physically present. A further result is that business of the Town must be delayed.

A positive consequence of having remote council meetings would be that the full Council can be present for regular meetings, even if they are participating remotely due to the factors listed in the policy. This would ensure town business, especially that relies on council approval, continues to move forward and that council members are able to hear all matters and address any concerns they may have. The risk of cancelling a meeting is lessened by having this remote option.

6. How is your department planning to mitigate any burdens, inequities, and unintended consequences?

If this remote participation policy is approved by Town Council, the Council and Town staff will monitor feedback received from the citizens on any burdens they have experienced because of remote participation of Council Member(s). Further, if issues occur, or persist, among the remote participants that appear to disrupt council meetings regularly, the Council may need to re-evaluate the policy to ensure Town business matters are not being delayed because of these continuing issues. Finally, Council will be advised if the remote participation is creating burdens for staff to operate sufficiently. This includes the audio/video company that currently broadcasts council meetings.