



# Town of Carrboro

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

## Meeting Agenda Board of Aldermen



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Tuesday, February 5, 2019

7:00 PM

Board Chambers - Room 110

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**7:00-7:10**

**A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS**

1. [19-49](#) Proclamation - Black History Month

**7:10-7:15**

**B. ANNOUNCEMENT OF UPCOMING MEETINGS**

**7:15-7:20**

**C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR**

**7:20-7:30**

**D. CONSENT AGENDA**

1. [19-52](#) Approval of January 15 and January 22, 2019 Meeting Minutes
2. [19-48](#) A Resolution Setting the Rescheduled Date for the 2019 Board of Aldermen Retreat

**PURPOSE:** The purpose of this item is to reschedule the Board of Aldermen retreat for March 23, 2019 at 9:00 am at the Carolina Inn.

**Attachments:** [A RESOLUTION SETTING THE DATE FOR THE 2016 BOARD OF ALDERMEN RETREAT.docx](#)

3. [19-47](#) Amendment to FY 2018-19 Adopted Budget Ordinance #26/2017-18

**PURPOSE:** To make necessary changes in the FY 2018-19 budget based on the yearend audit and other circumstances.

**Attachments:** [Budget Amendment 02-05-2019](#)

**E. OTHER MATTERS**

**7:30-7:50**

1. [19-50](#) Affordable Housing Review Meeting for Beaumont Special Use Permit AIS Subdivision

**PURPOSE:** The Board of Aldermen is asked to participate in an Affordable Housing Review Meeting with the applicant for a Special Use Permit development project that would allow for construction of a twelve unit subdivision.

**Attachments:** [Attachment A - Vicinity Map](#)  
[Attachment B - Recommendation Statement from AHAC](#)

**7:50-8:10**

2. [17-730](#) Truth Plaque Task Force Presentation

**PURPOSE:** The purpose of this item is for members of the Truth Plaque Task Force to present their recommendation to the Board of Aldermen.

**8:10-8:30**

3. [19-42](#) Discussion of electric scooters and other shared active transportation systems

**PURPOSE:** The purpose of this agenda item is to provide an opportunity for the Board to discuss electric scooters and other shared active transportation systems.

**Attachments:** [Attachment A - Asheville - E-scooters and e-scooter share programs Ordinance](#)  
[Attachment B - Greensboro - Standup electric scooter share permit Ordinance](#)  
[Attachment C - Durham Shared Active Transportation Ordinance and Permit Requirements](#)  
[Attachment D - Charlotte Ordinance Amendment and Permit Requirements](#)  
[Attachment E - Staff Report - E-scooters and other Shared Active Transportation](#)

**8:30-8:55**

4.     [19-45](#)           Consideration and Possible Approval of a Pilot Affordable Housing Special Revenue Fund Application Process

**PURPOSE:** The purpose of this item is for the Board to consider and possibly approve a pilot application process, including the application and scoring rubric, for future applicants to the Affordable Housing Special Revenue Fund.

**Attachments:**   [ATTACHMENT A - Resolution for Approval of Application Process](#)  
                          [ATTACHMENT B - DRAFT Funding Application](#)  
                          [ATTACHMENT C - DRAFT Scoring Rubrics](#)

F.     **MATTERS BY BOARD MEMBERS**

G.     **MATTERS BY TOWN MANAGER**

H.     **MATTERS BY TOWN ATTORNEY**

I.     **MATTERS BY TOWN CLERK**

J.     **CLOSED SESSION PURSUANT TO NCGS 143-318.11 - (A)(4) - Discussion of matters relating to the location or expansion of industries or other businesses in the area**



# Town of Carrboro

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## Agenda Item Abstract

**File Number:** 19-49

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**Agenda Date:** 2/5/2019

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Proclamation - Black History Month



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## Agenda Item Abstract

**File Number:** 19-52

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Approval of January 15 and January 22, 2019 Meeting Minutes



# Town of Carrboro

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## Agenda Item Abstract

**File Number:** 19-48

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**Agenda Date:** 2/5/2019

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### **TITLE:**

A Resolution Setting the Rescheduled Date for the 2019 Board of Aldermen Retreat

**PURPOSE:** The purpose of this item is to reschedule the Board of Aldermen retreat for March 23, 2019 at 9:00 am at the Carolina Inn.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Dorando, 919-918-7309

**INFORMATION:** The adoption of the attached resolution will schedule the Board's 2019 retreat. The retreat will be held at the Carolina Inn on Saturday, March 23, 2019 at 9:00 am.

The Town Clerk will publicize this meeting pursuant to the North Carolina Open Meetings Law.

**FISCAL & STAFF IMPACT:** Costs associated with the retreat will be paid for out of the Boards adopted budget.

**RECOMMENDATION:** The Board of Aldermen should adopt the attached resolution setting the rescheduled date for the 2019 Board of Aldermen Retreat.

A RESOLUTION SETTING THE DATE FOR THE 2019 BOARD OF ALDERMEN  
RETREAT

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN  
THAT:

1. The 2019 Board of Aldermen retreat is hereby rescheduled to Saturday, March 23, 2019 at 9:00 a.m. at the Carolina Inn.



# Town of Carrboro

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## Agenda Item Abstract

**File Number:** 19-47

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**Agenda Date:** 2/5/2019

**File Type:** Agendas

**In Control:** Board of Aldermen

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### **TITLE:**

Amendment to FY 2018-19 Adopted Budget Ordinance #26/2017-18

**PURPOSE:** To make necessary changes in the FY 2018-19 budget based on the yearend audit and other circumstances.

**DEPARTMENT:** Finance

**CONTACT INFORMATION:** David Andrews, 918-7315; Arche McAdoo, 918-7439

**INFORMATION:** The Comprehensive Annual Financial Report and Independent Audit for Fiscal Year Ended June 30, 2018 was presented to the Board of Aldermen on January 8, 2019. Although the Town received a "clean audit opinion", the management letter identified two immaterial incidents that need to be addressed. First, payments to the CTDA exceeded the budget amount in Governance Support. Second, expenditures for Davie Street Sidewalk in the Bond Fund exceeded appropriations by \$22,004.

The attached budget amendment will increase the appropriation for CTDA distributions from \$152,000 to \$171,997 to be more in line with past distributions and expected occupancy tax revenues in FY 2018-19. The amendment will also increase funds for the Davie Street Sidewalk project so that revised budget equals actual expenditures.

Since budget adoption two capital project needs have arisen: 1) installation of ceiling fans in the Pavilion at Town Commons; and, 2) purchase of a replacement vehicle for Public Works that was a total loss due to accident. The estimated installation cost of LED lights is \$40,000. The balance of the \$100,000 appropriated for LED installations is suggested to be used for installation of ceiling fans in the Pavilion. The attached amendment will move \$60,000 from LED lights to Pavilion ceiling fans. Lastly, the Board is requested to amend the list of vehicles and equipment to be purchased in 2018-19 to include a 2019 Big Horn/Lone Star Crew Cab 4x4 Pickup Truck at an estimated cost of \$45,000. This will replace the Public Works vehicle that was totaled in an accident during the snow storm.

**FISCAL & STAFF IMPACT:** The only increase will be in the adopted General Fund budget due to the additional appropriation of distributions to the CTDA (\$19,997) and purchase of Public Works' Truck (\$45,000).

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**RECOMMENDATION:** That the Board of Aldermen adopt the budget ordinance amendment set out in Attachment A.

**ATTACHMENT A****AMENDMENT TO FY 2018-19 ANNUAL BUDGET ORDINANCE #26/2017-18**

WHEREAS, the Board of Aldermen for the Town of Carrboro on June 19, 2018 adopted annual budget ordinance number 26/2017-18 for the fiscal year beginning July 1, 2018 and ending June 30, 2019; and

WHEREAS, it is necessary and appropriate to amend certain budget accounts for the reason(s) stated below;

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following general fund accounts are amended as shown and herewith appropriated for the reason shown:

ACCOUNT CODE			ACCOUNT NAME	CURRENT	INCREASE	NEW TOTAL
ORG	OBJECT	PROJECT		BUDGET	(DECREASE)	
418	504620	N/A	Carrboro Toursim Development Authority	\$ 152,000	\$ 19,997	\$ 171,997
						\$ -
550	507401	N/A	Truck to Replace Public Works Truck	\$ -	\$ 45,000	\$ 45,000
1510	450000	N/A	Appropriation from Fund Balance	\$ (2,764,008)	\$ (64,997)	\$ (2,829,005)
62999	490000	55021	Davie Street Sidewalk	\$ (294,015)	\$ (22,003)	\$ (316,018)
62999	540010	55021	Davie Street Sidewalk	\$ 294,015	\$ 22,003	\$ 316,018
66999	540010	66041	LED Lights	\$ 100,000	\$ (60,000)	\$ 40,000
66999	540010	TBD	Pavilion Ceiling Fans Town Commons	\$ -	\$ 60,000	\$ 60,000

**REASONS:**

1. Increased appropriation of occupancy tax distribution to Carrboro Tourism Development Authority consistent with past trends;
2. Increased funds provided to Davie Street Sidewalk project to equal actual project expenditures;
3. New Pickup truck added to vehicles/equipment list for purchase in 2018-19 at a cost not to exceed \$45,000;
4. Budget for LED light installation reduced from \$100,000 to \$40,000; and
5. Budget established for installation of Pavilion ceiling fans in Town Commons in an amount not to exceed \$60,000,

This budget amendment is effective immediately.

A copy of this amendment shall be forwarded to the Town's Finance Officer within five (5) days.



# Town of Carrboro

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## Agenda Item Abstract

**File Number:** 19-50

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### **TITLE:**

Affordable Housing Review Meeting for Beaumont Special Use Permit AIS Subdivision

**PURPOSE:** The Board of Aldermen is asked to participate in an Affordable Housing Review Meeting with the applicant for a Special Use Permit development project that would allow for construction of a twelve unit subdivision.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Marty Roupe, Development Review Administrator, 919-918-7333 or [mroupe@townofcarrboro.org](mailto:mroupe@townofcarrboro.org) <<mailto:mroupe@townofcarrboro.org>> & Rebecca Buzzard, Project Manager, 919-918-7438 or [rbuzzard@townofcarrboro.org](mailto:rbuzzard@townofcarrboro.org) <<mailto:rbuzzard@townofcarrboro.org>>

**INFORMATION:** A special use permit application has been submitted for a proposed 12-unit, residential subdivision, to be called Beaumont, on a parcel of land adjacent to the eastern side of the University Commons Condominiums, 303 Smith Level Road (see Attachment B, Vicinity Map). The applicant is Parker Louis, LLC, represented by Adam and Omar Zinn. The special use permit application will be reviewed by the Board of Adjustment.

The proposed development does not meet the affordable housing goal specified in Section 15-54.1 of the Land Use Ordinance, thus necessitating a review meeting with the Board of Aldermen.

Staff has met with the applicant and discussed their plans for the affordable housing component of this development. The proposed subdivision includes twelve small lots which the applicant suggests will result in the construction of smaller homes that are more affordable than larger homes. Note that since the project includes twelve units, the size-limited dwelling units requirement of LUO Section 15-188, which applies to developments of 13 or more units, is not applicable.

The Affordable Housing Advisory Committee considered the project on August 23 and their recommendation statement is attached (see Attachment C).

**FISCAL & STAFF IMPACT:** No fiscal or staff impacts are associated with holding the affordable housing review meeting.

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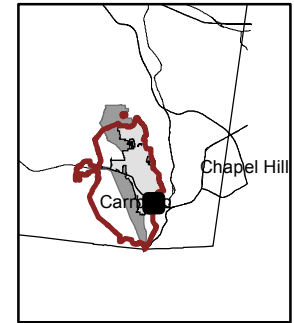
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**RECOMMENDATION:** Staff requests that the Board of Aldermen participate in an Affordable Housing Review Meeting with the applicant.

# Vicinity Map- Beaumont Subdivision



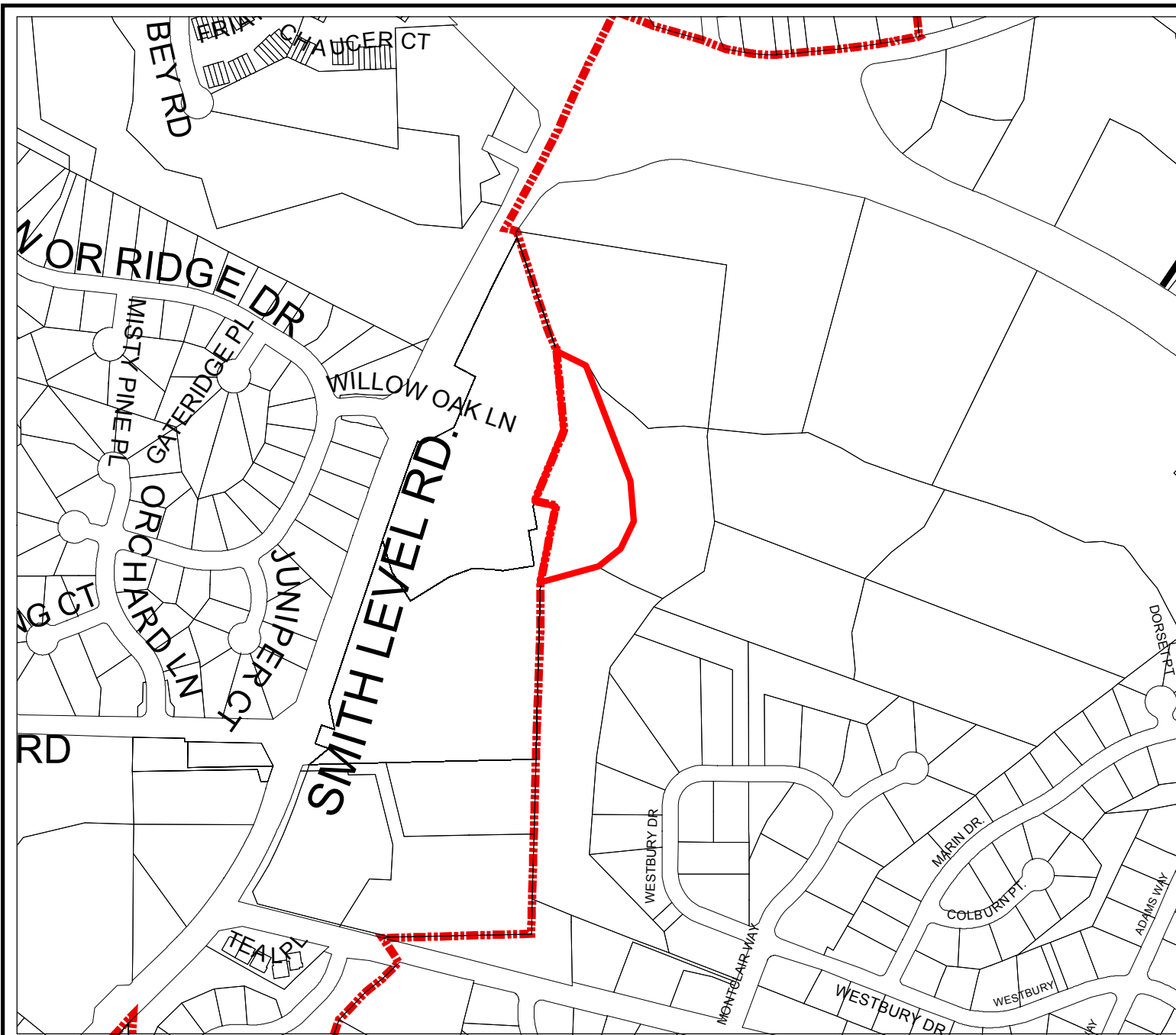
**THIS MAP IS NOT A CERTIFIED SURVEY  
NO RELIANCE MAY BE PLACED IN ITS  
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



**TOWN OF CARRBORO**  
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## TOWN OF CARRBORO

### Affordable Housing Advisory Commission

***301 West Main Street, Carrboro, North Carolina 27510***

# RECOMMENDATION

**JANUARY 23, 2019**

### **Proposed Beaumont Subdivision – Affordable Housing Review**

Motion was made by Gabe Vinas, and seconded by Tyran Hill that the AHAC recommends that the Board of Aldermen consider the following comments/recommendations during their affordable housing review:

1. The Affordable Housing Advisory Commission (AHAC) appreciates that the size-limited aspect of the Beaumont project contributes to initial affordability, but also recognizes that size-limited housing does not guarantee permanent affordability.
2. The AHAC acknowledges that an affordable housing payment in lieu, per the Town of Carrboro fee schedule, would amount to \$57,900.60 for the Beaumont project. As a result, we recommend the developers, Zinn Design Build, make a good faith donation of \$12,000 or donate one lot for the purpose of building permanent affordable housing.
3. The AHAC looks forward to meeting with Zinn Design Build to discuss housing affordability at a later date, per their offer.

#### **VOTE:**

AYES: (6) Vinas, Hill, Harper, Buckner, Singleton, Twyman

ABSENT/EXCUSED: (1) Sivaraman

NOES: (0)

ABSTENTIONS: (0)

By a unanimous show of hands, the AHAC membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

(Chair)

01/24/19

(Date)



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## Agenda Item Abstract

**File Number:**17-730

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### TITLE:

Truth Plaque Task Force Presentation

**PURPOSE:** The purpose of this item is for members of the Truth Plaque Task Force to present their recommendation to the Board of Aldermen.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Dorando, 919-918-7309

**INFORMATION:** On May 1, 2018 the Board of Aldermen directed staff to work with the community to gather input for the possible installation of a “truth plaque” that will detail the ugly truth of the racist history of Julian Carr, the Town’s namesake.

The Truth Plaque Task Force was comprised of Alderman Gist and the following citizen members:

First Name	Last Name
Mae	McLendon
Braxton	Foushee
Terri	Buckner
Gary	Phillips
Jonathan	Gerard
Richard	Ellington
Lynn	Steinberg
Jake	Thorne
Nicholas	Graham
Rani	Dasi
Lillie	Atwater
Lewis	Atwater
Delores	Clark

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Charles	Alston
Nate	Davis

The Task Force met in 2018 on September 5th, October 10th, October 30th, and November 13<sup>th</sup>, and again on January 22, 2019.

At the January 22, 2019 meeting of the Carrboro Truth Plaque committee, they agreed upon the following wording for the plaque:

*Carrboro's roots began in the late 19<sup>th</sup> century when a branch of the North Carolina Railroad extended south to the edge of Chapel Hill, and the first local textile mill opened nearby. Informally known as West End and Lloydville, the community incorporated as a town named Venable in 1911.*

*Two years later, the state legislature renamed the town Carrboro at the request of Julian S. Carr, a post-Civil War business leader. He was also an active and influential participant in Jim Crow era efforts to create a system of racial segregation. Although the town continues to bear his name, the values and actions of Carr do not represent Carrboro today.*

*In the 1970s a group of Carrboro residents joined together to change the town's power structure and advocate for a community that fully included all residents. Thanks to their commitment, today Carrboro honors its working-class roots while reaching toward the goals of social equity, environmental harmony, and fiscal responsibility.*

*Adopted by unanimous vote as follows:*

*Lillie Atwater, Terri Buckner, Delores Clark, Rani Dasi, Braxton Foushee, Charles Alston, Lewis Atwater, Nick Graham, Mae McLendon, Richard Ellington*

The Task Force will present the above text for the Board's consideration of approval.

The Task Force will also request that the Board allow further exploration of additional plaques to tell a broader history of Carrboro.

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They will also share their chosen site (left side of front door at Town Hall) and the following ‘lessons learned’ if the Board supports their request for additional plaques:

1. Clear expectations for the text of the plaque (size of plaque, tone such as history or explanation, etc.)
2. Smaller committee
3. Planning committee to address the full range of topics/sites before any further writing begins

**FISCAL & STAFF IMPACT:** Estimates for the plaque material and installation are around \$3,000.

**RECOMMENDATION:** It is recommended that the Board of Aldermen receive the report from the Truth Plaque Task Force and provide direction to staff on how to proceed.



# Town of Carrboro

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## Agenda Item Abstract

**File Number: 19-42**

**Agenda Date:** 2/5/2019

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### TITLE:

Discussion of electric scooters and other shared active transportation systems

**PURPOSE:** The purpose of this agenda item is to provide an opportunity for the Board to discuss electric scooters and other shared active transportation systems.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Zach Hallock, 919-918-7329, [zhallock@townofcarrboro.org](mailto:zhallock@townofcarrboro.org); Tina Moon, 919-918-7325, [cmoon@townofcarrboro.org](mailto:cmoon@townofcarrboro.org); Trish McGuire, 919-918-7327, [pmcguire@townofcarrboro.org](mailto:pmcguire@townofcarrboro.org)

**INFORMATION:** Town staff have been observing the unfolding ‘shared active transportation’ revolution currently taking place in the major municipalities in North Carolina and throughout the nation. Shared Active Transportation refers to a variety of different shareable vehicles which can be un-powered or electric powered. These can include un-powered bikes, E-bikes, electric-assist bikes, electric scooters, and electric motorized jitney (a small rideshare vehicle). Additionally, different methods of system control for shared bikes and scooters have developed over time, these include: docked, dockless, and semi-docked. For more information about the differences between these vehicles types and system control, please refer to the Staff Report (Attachment E).

Carrboro’s proximity to the University of North Carolina at Chapel Hill (UNC) limits the locations where these programs can operate, due to the agreement between the University and the docked bikeshare system already in place. The operator of this system, Gotcha, has approached the Town of Chapel Hill (who in turn have reached out to Carrboro staff) to begin determining the effectiveness of a joint system between the University and both Towns. Gotcha could provide dockless bikeshare, e-scooters, and small electric motorized vehicles (jitneys) within Carrboro, Chapel Hill, and UNC. There would be no cost for the equipment and Gotcha would recover revenue through user fees and advertisements placed on the vehicles. The cost of any ancillary infrastructure related to the system, including but not limited to: bikeshare parking, scooter corrals, or jitney pickup locations in Carrboro would be the responsibility of the Town to install or provide. The primary method of payment is through a centralized Gotcha smartphone app, but Gotcha bikes and scooters can also be accessed via a physical RFID enabled pre-paid/reloadable card. This card can also be used to provide discounts to low-income users. Gotcha bikes are subject to all the Town’s current regulations pertaining to bicycles. The following Town Code sections would apply to the regulation of E-scooters:

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- Chapter 6-1.10: Definition of Mo-ped
- Chapter 6-1.21: Definition of Vehicle
- Chapter 7-1.a: Regulation of Sidewalk Obstructions
- Chapter 7-1.b: Regulation of Sidewalk Sales

In addition to user agreements and planning for infrastructure support, local governments in the state have been developing ordinances to regulate use of these, and the regulations range from prohibition of certain types to requirements for shared active transportation. Examples from around the state are included for reference.

- Asheville E-scooter program ordinance: Outright ban on E-scooters (Attachment A)
- Greensboro E-scooter permit ordinance (Attachment B): permit fee, per scooter fee, impound fee, max 200 scooters per company
- Durham Shared Active Transportation Ordinance & Permit Requirements (Attachment C): permit fee, per scooter/e-bike/bike fee, performance bond requirement, hard cap on total number of scooters and bikes
- Charlotte Shared Mobility Ordinance and Permit Requirements(Attachment D): min/max number of bikes, min # of scooters, max # of scooters based on 30-day rolling average # of trips per scooter per day (if <2.0 trips/scooter/day, remove scooters; if >3.0 trips/scooter/day, add scooters), scooter speed restriction, sidewalk parking restrictions, anonymized data submission requirements

For additional information regarding the types of shared active transportation, program structure, programs currently being operated by other cities in North Carolina and available E-scooter behavior data (taken from pilot programs around the country) please see the Staff Report (Attachment E).

**FISCAL & STAFF IMPACT:** No impacts have been noted in relation to discussing this topic.

**RECOMMENDATION:** Staff recommend that the Board discuss the topic and provide comments and guidance regarding shared active transportation systems in Carrboro.

Sec. 19-16. - E-scooters and e-scooter share programs.

- (a) The following definitions shall apply to this section:

*E-scooter* shall mean any two-wheeled device capable of propulsion by a motor or other power source with handlebars and a floorboard designed to be stood upon when riding. This device may also have a seat that does not interfere with the ability of the rider to stand and ride. This definition shall not include motorcycles, mopeds, or Electric Personal Assistive Mobility Devices as defined by the North Carolina General Statutes.

*E-scooter share operator* means an individual or a public, private, or non-profit entity that owns, manages or operates a system whereby e-scooters are parked, placed, stored, exhibited, demonstrated, sold, rented or offered for rent on public sidewalks and right-of-ways to customers on a self-service basis through an electronic platform.

- (b) It shall be unlawful to park, place, store, exhibit, demonstrate, sell, rent or offer to sell or rent any e-scooter on any street, sidewalk, square, avenue, alley or within any park or other publicly owned property within the corporate limits of the City of Asheville.
- (c) It shall be unlawful for any e-scooter share operator to permit an e-scooter it owns or leases to be parked, placed, stored, exhibited, demonstrated, sold, rented or offered for sale or rent on any street, sidewalk, square, avenue, alley or within any park or other publicly owned property within the corporate limits of the City of Asheville.
- (d) It shall be unlawful to operate an e-scooter on any public street, sidewalk, alley, bridge or other way of public passage or within any park or on any other public property within the corporate limits of the City of Asheville.
- (e) It shall be unlawful for any e-scooter share operator to permit an e-scooter it owns or leases to be operated on any public street, sidewalk, alley, bridge or other way of public passage or within any park or on any other public property within the corporate limits of the City of Asheville.
- (f) A violation of this section shall be punishable by a civil penalty of \$100.00 per occurrence, to be recovered by the city in a civil action in the nature of debt, if the offender does not pay the penalty within 30 days of receiving a notice of violation. This penalty shall be in addition to any penalty imposed by any other ordinance, rule, regulation or other provision of law.
- (g) This section may be enforced by any city department or employee as designated by the city manager, who shall be authorized to remove any e-scooter found to be in violation of this section from any sidewalk, square, park or other public property without prior notice.
- (h) Any e-scooter removed from city property pursuant to subsection (g) shall be returned to its owner upon the city receiving adequate proof of ownership. If an e-scooter removed from city property remains unclaimed after a period of 60 days, it will be deemed abandoned, and may be disposed of in any manner permitted by law.

(Ord. No. 4715, § 1, 11-27-18)

Sec. 16-229. - Standup electric scooter share permit.

- (a) It shall be unlawful for any person or persons to operate a commercial standup electric scooter share program within any public right-of-way without first obtaining a permit from the director of transportation and paying the proper fees.
- (b) The director of transportation may issue a permit for the operation of a standup electric scooter share program.
- (c) For good cause, the director of transportation may revoke any permit issued under this section. Good cause shall include, but shall not be limited to the following:
  - (1) Permittee failed to pay a fine imposed by the City of Greensboro within thirty (30) days;
  - (2) Permittee failed to pay a permit fee within thirty (30) days following notice of nonpayment;
  - (3) Permittee has violated any statute or ordinance governing operation of the powered scooters;  
or
  - (4) Permittee has violated one or more conditions of the permit.
- (d) Any authorized employee of the city or designated official may impound any standup electric scooters found in violation of this section and charge an impound fee.

(Ord. No. 18-142, § 5, 11-20-18)

ORDINANCE TO REGULATE THE OPERATION OF SHARED ACTIVE  
TRANSPORTATION SYSTEMS

WHEREAS, the city desires to allow the use of portions of right-of-way and City real property for use by privately owned shared active transportation systems; to promote the integrity of the city's transportation system; to maintain the rights-of-way clear of unnecessary obstructions; and to protect the health, safety, and welfare of the citizens of the city.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

SECTION 1. The following definitions are deleted from Section 66-307 (Definitions) of the city code:

*Bike share system* means providing bicycles for short-term rentals for point to point trips where, by design of the bike share operator, the bicycles are intended to remain in the public way, even when not being rented by a customer.

*Bike share operator* is any entity that owns and/or operates a bike share system.

*Customer* means a person that rents or uses a bicycle from a bike share operator.

*Department* means the city's transportation department.

*Director* means the director of the city's transportation department.

*Public way* means the definition provided in section 62-50.

SECTION 2. Section 66-314 (Bike share system permitting) of the city code is deleted in its entirety and reserved for future use.

SECTION 3. The following article is added to Chapter 50 (PUBLIC TRANSPORTATION AND AVIATION) in the city code:

ARTICLE VII. – SHARED ACTIVE TRANSPORTATION SYSTEMS

Sec. 50–461. – Adoption of definitions in General Statutes.

The definitions of the following words set out in G.S. 20-4.01, as amended from time to time, are adopted as part of this article: electric assisted bicycle and vehicle.

Sec. 50–462. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

47       *Bicycle* means a non-motorized vehicle with two or three wheels in tandem, a steering  
48 handle, one or two saddle seats, and pedals by which the vehicle is propelled.

49  
50       *Device operating area* means the right-of-way (for all shared devices) and greenway  
51 trails (for bicycles only) where operation of a shared device is authorized by a permit.

52  
53       *Customer* means a person that rents or operates a shared device from a shared active  
54 transportation system permittee.

55  
56       *Department* means the city's transportation department.

57  
58       *Director* means the director of the city's transportation department.

59  
60       *Greenway trail* means a pathway designated by signage as a public trail for bicycles  
61 and pedestrians and not for motorized vehicular use by the general public. A greenway trail is  
62 not located within the right-of-way of a street.

63  
64       *Operate* means, when used in direct reference to a shared device, to use the shared  
65 device for transportation. *Operate* includes to park a shared device.

66  
67       *Permit* means a permit issued by the department pursuant to this article for a permittee  
68 to conduct a shared active transportation system.

69  
70       *Permittee* is any person that conducts a shared active transportation system.

71  
72       *Rebalance* means to move shared devices from one location to another, generally for the  
73 purpose of avoiding having too many devices in one location.

74  
75       *Right-of-way* means the area in the city in which the public, the city, or the state owns a  
76 property interest and which includes areas open for use by the public for vehicle or pedestrian  
77 travel. *Right-of-way* includes the following, if they satisfy the foregoing definition: public  
78 street, highway, bridge, alley, bike lane, sidewalk, trail, median, gutter, or shoulder.

79  
80       *Motorized scooter* means a vehicle that is steered by a steering handle, designed to be  
81 stood upon by the operator while the vehicle is in operation, and powered by a motor capable  
82 of propelling the vehicle at a speed no greater than 18 miles per hour on a level surface; and  
83 whose wheels have diameters of ten inches or less.

84  
85       *Shared active transportation system (SATS)* means a business that provides one or more  
86 shared devices for rentals where, by design of the permittee, the shared devices are intended to  
87 be parked in a device operating area, but not connected to a dedicated docking station, when  
88 not rented by a customer.

89  
90       *Shared device* means bicycle, electric assisted bicycle, or motorized scooter rented by a  
91 permittee to customers through a SATS.

92

93 Sec. 50–463. – Authorization.

94 *Unlawful to operate SATS without authorization.* It is unlawful for any person to  
95 conduct a shared active transportation system within the city except pursuant to this  
96 article.  
97

98 Sec. 50–464. – Permits required; issuance; nature of permits.

99 (a) No person may conduct a SATS in the city who does not hold a valid permit. A  
100 permit will be issued if the department finds that the application meets the  
101 requirements of this article for issuance of the permit, including payment of  
102 applicable fees, which shall be set from time to time by city council. Permits will be  
103 effective for a period of one year and are renewable subject to the same standards of  
104 review as for the initial permit. The director is authorized to write terms and  
105 conditions in permits as appropriate to effectuate this article, including limiting the  
106 shared device fleet size of a permittee to improve permit compliance.  
107

108 (b) A permit does not grant exclusive rights to operate a shared active transportation  
109 system in device operating areas.  
110

111 (c) Each permittee shall comply with its permit.  
112

113 Sec. 50–465. – Equipment and shared devices requirements.

114 (a) When used in a shared active transportation system, bicycles and electric assisted  
115 bicycles shall meet the standards in (i) the Code of Federal Regulations (CFR) under  
116 Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, as  
117 amended; and (ii) the standards in ISO 43.150 – Cycles, subsection 4210, as  
118 amended.  
119

120 (b) All shared devices shall comply with the applicable equipment and vehicle  
121 registration requirements of Chapter 20 of the General Statutes.  
122

123 (c) Permittees shall provide, on every shared device, contact information of the permittee  
124 including the website and phone number.  
125

126 (d) All shared devices must be equipped with technology, such as GPS, that allows the  
127 shared device to be located and tracked by the permittee at all times.  
128

129 (e) Permittees shall see that every shared device prominently displays a unique and easily  
130 read serial number or other identifier.  
131

132 Sec. 50–466. –Operation of SATS.

133  
134 (a) A permit is valid for conducting a SATS within device operating areas only, and with  
135 the consent of the owner or lawful occupant on other real property. It is unlawful to  
136 operate a shared device on any real property outside device operating areas without  
137 consent of the property's owner or lawful occupant. Each permittee shall have at all  
138 times the ability to discover when its shared devices are operated outside device

- operating areas and to communicate electronically that information to customers who have operated a shared device outside device operating areas. Permittees shall communicate to customers at the end of a trip when the shared device has been operated outside device operating areas.
- (b) Permittees shall not restrict the operation of shared devices to only certain geographical areas of the city unless approved by the city.
  - (c) Permittees shall not discriminate against low and moderate income persons in connection with permitted activities and conducting its SATS in the city. Permittees must deploy and maintain a sufficient number of shared devices to satisfy customer demand within census tracts of low and moderate income areas of the city as defined in the permit.
  - (d) Each permittee shall implement programs to reduce barriers to low-income persons to rent its shared devices by providing diverse payment options, including options for persons with neither a smart phone nor a credit card to rent its shared device. These options shall be made accessible to low-income persons at multiple locations within the permittee's area of operation.
  - (e) The director is authorized to limit the total number of shared devices, including the mix of shared devices, within device operating areas in order to (1) maintain the integrity of the city's entire transportation system; (2) keep rights-of-way free and clear of unnecessary obstructions; and (3) protect the health, safety, and welfare of the citizens of the city.
- Sec. 50-467. – Permittee communication with customers.
- (a) Permittees shall include substantially the following information for prospective customers on the permittee's mobile app and web site, and also displayed on the shared device for which the information is applicable:
    - (1) Persons operating bicycles and electric assisted bicycles are encouraged to wear helmets.
    - (2) Persons operating motorized scooters must be at least 16 years old and wear a helmet.
    - (3) NC law requires persons operating the device to follow applicable traffic laws.
    - (4) City ordinance prohibits operating the device on sidewalks.
    - (5) Operating electric assisted bicycles and motorized scooters is prohibited on greenway trails.
  - (b) Permittees shall adopt and implement programs to educate customers on how to safely operate shared devices, including knowledge of laws applicable to operating a shared device in the city.
  - (c) Permittees shall communicate to prospective customers sufficient information on charges that may be made, including rates and dollar amounts of fees, including rental charges, minimum charges, maximum charges, charges for additional time, and

charges for overage periods. If charges may be based on time or distance, information on the rate per minute, hour, mile, or other applicable time period or distance shall also be provided.

- (d) Permittees shall have a 24-hour phone number for customers to report safety concerns and complaints, and to ask questions.
- (e) All communications required by this article to be made by a permittee to prospective customers and customers shall be in clear, plain English and displayed in a sufficiently prominent way that the communication is obvious.

Sec. 50–468. – Insurance, indemnification, security, and liability.

- (a) At all times when conducting a SATS, a permittee shall maintain insurance in effect and provide proof of such insurance, both as required by the department.
- (b) Every permittee shall defend and indemnify the city from and against all claims and liabilities that arise from the acts and omissions of the permittee and its customers in device operating areas, to the extent the acts and omissions relate to the operation of shared devices.
- (c) Permittees shall provide the city with a performance bond, or other security acceptable to the director, in an amount determined by the director to be sufficient to cover the obligations of the permittee under the permit. The form of the bond is subject to approval by the department after it consults the city attorney, and shall be executed by one or more surety companies legally authorized to do business in the State of North Carolina. The bond shall guarantee the performance of all the obligations of the permittee under its permit. If the amount of the bond is set according to the number of deployed shared devices, when a permittee intends to increase the number of deployed devices, the permittee shall submit a revised performance bond, or other security acceptable to the director, before the additional shared devices may be deployed.
- (d) Each permittee shall be responsible for the costs of repair to public property damaged by its customers' use of its shared devices.

Sec. 50–469. – Parking, placement, rebalancing, and removing of shared devices.

- (a) Shared devices shall not be parked in a way that may impede the regular flow of vehicular and pedestrian travel in device operating areas or otherwise cause a violation of the City Code, including this article. Permittees shall inform customers how and where to park a shared device in the manner required by this article. Shared devices shall be upright when parked. The permittee shall remove or re-park every one of its shared devices that is parked in violation of the permit or the City Code in accordance with the following:

- 230 (1) During the time period of 6:00 a.m. to 6:00 p.m. on weekdays, not including  
231 legal holidays, the permittee shall remove or re-park within two hours of  
232 receiving notice from any person via mobile or other web application or phone  
233 number.
- 234 (2) During all other times, the permittee shall remove or re-park within 12 hours  
235 of receiving notice from any person via mobile or other web application or  
236 phone number.
- 237
- 238 (b) At any time the city may make it unlawful to park shared devices in specific locations  
239 or portions of device operating areas or public property by action of the City Council  
240 or as provided in Division 2 (Powers and Duties of City Manager) of Article II of  
241 Chapter 66 (Traffic and Parking) of the City Code.
- 242
- 243 (c) Permittees shall remove every bicycle and electric assisted bicycle before it is parked  
244 in the same location for more than seven consecutive days.
- 245
- 246 (d) Permittees shall remove every motorized scooter before it is parked in the same  
247 location for more than seventy-two consecutive hours.
- 248
- 249 (e) Permittees shall not deploy a shared device that is inoperable or unsafe to operate.  
250 Permittees shall remove from device operating areas within 24 hours of notice any  
251 inoperable shared device or any shared device that is not safe to operate.
- 252
- 253 (f) Each permittee shall remove and secure its entire fleet of shared devices from device  
254 operating areas for all time periods for which the National Weather Service or its  
255 successor agency forecasts (i) sustained winds of 40 mph or higher for one hour or  
256 more, or (ii) wind gusts of 58 mph or higher for any duration in the city.
- 257
- 258 (g) Each permittee shall compensate the city for the costs incurred by the city in  
259 removing and storing its shared devices that have been improperly parked or  
260 rebalanced, including under the circumstances where a permittee fails to remove its  
261 shared devices in violation of its permit or in case its permit is terminated or  
262 otherwise not in effect.
- 263
- 264 (h) Permittees shall provide the department with contact information so that it can order  
265 rebalancing. The city has the right to determine specific locations for rebalancing  
266 shared devices, as well as times when the shared devices must be removed from  
267 device operating areas.
- 268
- 269 (i) If the city relocates or removes a permittee's shared devices because of a violation of  
270 a permit or this article, the permittee shall pay a fee in an amount set from time to  
271 time by city council.
- 272

273 Sec. 50–470. –Reporting.  
274

(a) Each permittee shall provide the city, or to such other persons that the city may specify, with data regarding customers and shared device trips, in the format and timeline specified by the director. The data shall include real-time availability data for all devices, archival trip data for all devices including the frequency and location of shared device trips during the permit period, including identification of the shared device by type. This data will be used to support safe, equitable, and effective management of the shared active transportation system throughout the city. The permittee shall communicate to prospective customers that this data will be collected and shared with the city.

(b) Each permittee shall compile, for all of its shared devices deployed in the city, records of collisions or accidents reported to the permittee, the police, or the NC Department of Motor Vehicles, and records of maintenance and repair. Records shall be shared with the city when and in the manner required by the permit.

Sec. 50-471. - Revocation or Non-renewal of permit; review of decisions.

(a) *Revocation or Non-renewal; grounds and procedure for revocation or non-renewal.*

The director may, (i) at any time, revoke any permit issued to a permittee or (ii) refuse to renew a permit issued to a permittee under this article and require that permittee remove its entire fleet of shared devices from city designated areas, if the director finds:

- (1) fraud, misrepresentation, or a knowingly false statement with respect to a material fact in the permit application or permit renewal application;
- (2) the permittee or the permittee's agent or employee violated this article or the terms of the permit;
- (3) the permittee's customers operate the shared devices in such a manner as to create unsafe traffic conditions, cause a breach of the peace or public nuisance, violate any applicable law, or interfere with the rights of property owners abutting the right-of-way, and such operation is done to such an extent that the health, safety, and welfare of the citizens or their property is at substantial risk if the permit is allowed to continue in effect;

Except in case of emergency or impracticality, before revoking the permit or denying renewal of a permit, the director shall give reasonable notice to the permittee and an opportunity to be heard. A permit may be revoked or permit renewal denied pursuant to this section even if the person making the findings pursuant to this section had made a contrary finding before the permit was issued or renewed, regardless of whether the facts upon which the finding is made had changed.

(b) *Notice.* (i) The director shall cause a written notice of the revocation or denial of renewal to be served on the permittee by first-class mail, email or other electronic means, or fax, to the address or number shown on the permit application, or by any method allowed by law for service of a summons in a civil action. The person serving the notice may be any person who is 18 years or older, including the director. (ii) If the director finds that time before a proposed hearing is insufficient to allow service in accordance with subsection (i), the director may, as an alternative to the

means listed in subsection (i), notify the permittee by telephone of the grounds for revocation or denial of renewal and of the right to appeal, provided a written notice is also sent in accordance with subsection (i) on or before the next day that is not a holiday. (iii) The notice described in subsection (i) shall set forth a brief statement of the grounds for revocation or denial of renewal and of the right to appeal. (iv) The director shall see that a written record is made to show compliance with this section (b).

- (c) *Retention of fees; waiting period.* If the city revokes a permit, the city shall retain the fee, if any, paid for the permit. In the case of a denial of a permit renewal, the city shall either not accept the renewal fee or return the renewal fee to the permittee. The person whose permit is revoked or renewal denied for grounds stated in subsection (a)(1), (a)(2), or (a)(3), regardless of whether additional grounds existed, shall not be issued a permit under the same section of this article for the remainder of the time for which the revoked permit had been issued or, in the case of a denial of a permit renewal, for the term of the renewal period. The director shall use reasonable judgment in deciding whether two applicants are the same so that, for example, technical changes in the applicant, or where the applicant one year is a corporation and the next year it is an affiliate or subsidiary of the same corporation, may be disregarded.
- (d) *Review of decisions.* If the director denies the issuance of a permit, revokes a permit, denies renewal of a permit, issues a permit with terms deemed unacceptable to the permittee, or makes any other decision pursuant to this article with respect to a permit, the applicant or permittee may have that decision reviewed by filing a written request in the office of the director within ten days of the date of the notice of decision. The director or a person designated by the city manager for this purpose who is neither the person who made the decision complained of nor that person's subordinate, shall be named as the hearing officer to conduct a hearing in order to review the decision. The director shall cause a written notice of the time and place of the hearing to be given or sent to the person seeking review. The failure of the hearing officer to set a hearing within 15 days of the filing of the written request for review, or to deliver a decision within 10 days after the hearing, or within any shortened periods set by the director, shall be deemed a denial of the relief sought and affirmance of the action for which review was sought. The permittee and the director may appear in person or through counsel and may present evidence, provided, however, that the hearing officer shall have the authority to conduct the hearing in the manner and for the period of time that he or she deems appropriate to make a decision. The hearing officer may affirm, deny, or modify the decision complained of, and the hearing officer's decision shall be final. Failure to request a review within the time and in the manner provided for in this subsection shall constitute a waiver of the right of review. The permit may be used during the review process only if the director determines that its use would not constitute a substantial threat that the grounds described in subsection (a)(2) or (a)(3) will occur, re-occur, or continue during the review process.

- (e) *Certiorari*. A decision by the hearing officer is subject to review by the Durham County Superior Court by proceedings in the nature of certiorari. The petition for review shall be filed with the clerk of Superior Court within the earlier of 30 days after the denial and affirmance are deemed to occur pursuant to subsection (d), or within 30 days after the decision is delivered to the applicant. Delivery is made by hand-delivery of the decision to the applicant, or by first-class or certified mail to the address provided on the application. Delivery by mail is complete when placed in the custody of the U. S. Postal Service.

Sec. 50-472. - Penalties for violations.

- (a) *Assessment of civil penalties*. The director shall assess civil penalties for violation of this article, including the terms of a permit. The director shall give the offender written notice of the nature of the violation and the amount of the civil penalty. The notice shall be served by any method allowed by law for service of a summons in a civil action, provided that the person delivering the notice may be any person who is 18 years or older, including the director. The civil penalty shall be \$200.00 per violation plus the costs incurred by the city resulting from the violation, including costs of removing shared devices from the right-of-way.
- (b) *Review of assessment of civil penalties*. Any person who has been assessed a civil penalty under this article may have that assessment reviewed by filing a written request in the office of the director within ten days of the date of service of the notice of the civil penalty. A person designated by the city manager for this purpose who is neither the person who assessed the civil penalty nor that person's subordinate shall be named as the hearing officer to conduct a hearing in order to review the assessment. The director shall cause a written notice of the time and place of the hearing to be given or sent to the person seeking review. The person assessed the penalty and the director may appear in person or through counsel and may present evidence, provided, however, that the hearing officer shall have the authority to conduct the hearing in the manner and for the period of time that he or she deems appropriate to make a decision. The hearing officer may affirm, deny, or modify the decision complained of, and the hearing officer's decision shall be final. Failure to request review within the time and in the manner provided for in this subsection constitutes a waiver of the right of review.
- (c) *Collection of civil penalties*. If the offender does not pay the civil penalty within ten days after having been served with the notice of the civil penalty, the director may collect the civil penalties by causing to be commenced civil actions in the nature of debt. The director may compromise such claims, before or after commencement of the civil action, if the director finds there is a reasonable probability that the city will be unable to collect the entire amount of the claim, that the amount offered in compromise of the claim reasonably reflects either the amount of money available from the offender or the amount the city is likely to recover in the civil action, taking into account the resources required to pursue the civil action, and that the facts and circumstances of the events giving rise to the claim, taken as a whole, indicate that

the amount offered in compromise is fair and reasonable. Using the foregoing standards, in an appropriate case, the director may abandon a claim.

(d) *Criminal remedies.* Except for provisions, if any, of this article that regulate the operation of shared devices, each violation of this article, including the terms of a permit, is a misdemeanor punishable by a maximum fine of \$500.00.

(e) *Available remedies.* This article and the provisions of permits issued under this article may be enforced by an appropriate equitable remedy, including abatement orders and mandatory or prohibitory injunctions, issuing from a court of competent jurisdiction. The general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law. In applying City Code section 1-9(e), the city council intends that revocation of a permit be deemed to be a remedy among other authorized remedies.

SECTION 4. This ordinance is effective upon adoption by the city council.

Rev. 11.27.2018



## CITY OF DURHAM

101 CITY HALL PLAZA | DURHAM, NC 27701

919.560.4366 | 919.560.4561

## SHARED ACTIVE TRANSPORTATION PERMIT APPLICATION

*For Operating Shared Active Transportation Systems in the Public Way*

## I. INTRODUCTION

The City of Durham passed an ordinance on October 15, 2018 establishing a permit process for shared active transportation systems (SATS). Any applicant should review this ordinance prior to applying for a permit (see Appendix A).

The City will be accepting permits between the period of November 28, 2018 and December 20, 2018. The City may issue multiple, independent permits but will not exceed a maximum initial total of **600 motorized scooters and 1,200 bicycles/electric bicycles** (individually, scooters/bicycles/electric bicycles are referred to as “device”). The Director will determine the number of permitted devices per Permittee. The total number of devices may increase based on utilization of the devices and evidenced permit compliance by Permittees.

After applications are received, the City may contact applicants requesting clarification or more information. The City reserves the right to deny any permit(s) based on insufficient information, unsatisfactory answers to application questions, lack of compliance with the ordinance, and to ensure the integrity of the city’s transportation system and protect the health, safety, and welfare of Durham residents. Permits will be for one-year, and are expected to be issued in early 2019.

## II. PERMIT APPLICATION INSTRUCTIONS

## A. Application Submission and Deadline

Applications must either be emailed to [movesafedurham@durhamnc.gov](mailto:movesafedurham@durhamnc.gov) or mailed to:

City of Durham  
Transportation Department, 4<sup>th</sup> Floor  
Attn: Bryan Poole  
101 City Hall Plaza  
Durham NC, 27701

Permit Applications must be received by 5:00pm December 20, 2018. Email submissions must be a single PDF.

## B. Fee Schedule

Permit Application Fee	\$1,000.00	(non-refundable)
Permit Issuance Fee (Per Device Deployed):		
Scooter	\$100.00	
Electric Assisted Bicycle	\$50.00	
Bicycle	\$25.00	

**C. Fee Payment**

The Permit Application Fee is due at the time of the application submission and is non-refundable. If granted a permit, the Applicant will be required to pay the Permit Issuance Fee prior to deployment of devices. Applicants will also be required to either provide the City with a performance bond or cashier's check in the amount of \$10,000.00.

**D. Questions**

Questions can be directed to [movesafedurham@durhamnc.gov](mailto:movesafedurham@durhamnc.gov) or 919-560-4366, x.36423.

**III. PERMIT APPLICATION**

Operator Information	
NAME OF APPLICANT	
CONTACT NAME	
BUSINESS ADDRESS	
MAILING ADDRESS (IF DIFFERENT THAN BUSINESS ADDRESS)	
PRIMARY CONTACT NAME AND TITLE	
PRIMARY CONTACT PHONE NUMBER	
PRIMARY CONTACT EMAIL ADDRESS	
GENERAL CONTACT PHONE NUMBER	
GENERAL CONTACT EMAIL ADDRESS	
WEBSITE	

**Certification:** I (We), the undersigned, do hereby make an application for a Shared Active Transportation Permit, and understand that all the required information must be supplied for this application to be considered complete and valid. Additionally, the Shared Active Transportation System and all devices will operate under the requirements described in Chapter 50 of the City Code, in addition and/or notwithstanding the requirements outlined elsewhere in this permit application or City Code.

\_\_\_\_\_  
Authorized Signature and Title

\_\_\_\_\_  
Date

Tracking Information (CITY USE)	
Date Received:	Received By:

**III. PERMIT REQUIREMENTS**

**Applicant certifies that all devices used in the proposed shared active transportation system meet the following criteria (initial, if not applicable write N/A):**

\_\_\_\_\_ All bicycles meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, as amended.

\_\_\_\_\_ All bicycles meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210, as amended.

\_\_\_\_\_ All shared devices comply with the applicable equipment and vehicle registration requirements of Chapter 20 of the General Statutes.

\_\_\_\_\_ All shared devices have contact information including the website and phone number on every device.

\_\_\_\_\_ All shared devices prominently display a unique and easily readable serial number or other identifier.

\_\_\_\_\_ All shared devices are with technology, such as GPS, that allows the shared device to be located and tracked by the permittee at all times.

#### **IV. SUPPLEMENT APPLICATION QUESTIONS**

##### **A. Number of Shared Active Transportation Devices\*:**

- a. List how many of each shared active transportation device you are proposing to have available for public use within 28 days of permit issuance. Provide justification about why you believe this is the right amount of devices for your company and the City of Durham.

\*Note: The total fleet size and makeup allowed under the permit will be determined based upon total number of permit applications, proposed fleet requests, ideal maximum citywide SATS fleet, permit compliance and other factors affecting public health, safety, and welfare.

##### **B. Operations – Describe:**

- a. Hours of operation
- b. Pricing plan
- c. Storage of devices during non-operational hours
- d. If devices are removed nightly, and if so, when they are picked up and returned to the street.
- e. Proposed service area
- f. Methods and frequency of deploying, redistributing, and (if applicable) charging shared active transportation devices.

##### **C. Equal Access – Describe:**

- a. How you intend to reduce barriers to low-income persons to rent shared devices.
- b. Available payment options, including options for persons with neither a smart phone nor a credit card
- c. How you will maintain a sufficient number of shared devices in low and moderate income areas, including at least 20% of devices within census tracts 9, 10.01, 10.02, 11, 13.01, 13.03 and 14.

##### **D. Communications – Describe/illustrate:**

- a. How persons operating the devices will be notified on the company website, mobile app, and on the device that:
  - i. Persons operating bicycles and electric assisted bicycles are encouraged to wear helmets.
  - ii. Persons operating motorized scooters must be at least 16 years old and wear a helmet.
  - iii. NC law requires persons operating the device to follow applicable traffic laws.
  - iv. City ordinance prohibits operating the device on sidewalks.
  - v. Operating electric assisted bicycles and motorized scooters is prohibited on greenway trails.
- b. Proposed programs to educate customers on how to safely operate shared devices, including knowledge of laws applicable to operation of a shared device.

- c. How charges will be communicated to prospective customers, including the rates and dollar amounts of fees, rental charges, minimum charges, maximum charges, charges for additional time, and charges for overage periods. Additionally, how information on the rate per minute, hour, mile or other applicable time period or distance will be communicated.
- d. Your 24-hour customer service phone number and whether the number provides the ability for translation services.

**E. Parking/Rebalancing – Describe/illustrate how:**

- a. Plans to ensure devices are not parked in a way to impede the regular flow of vehicular and pedestrian travel.
- b. Ways customers will be informed of where to park the devices.
- c. You will know whether devices are upright.
- d. Plans to remove or re-park devices parked in violation of the City Code within 2 hours of notification from any person on weekdays from 6:00am to 6:00pm, and within 12 hours at all other times.
- e. The way customers will be notified and/or the devices will be disabled when they are parked or operated in non-allowed locations.
- f. How devices will be removed in the event of high winds or other hazardous weather events.

**F. Additional Information**

- a. Describe your helmet distribution strategy, if applicable.
- b. Identify current or planned partnerships with Durham companies, non-profits, universities or other entities. Describe this relationship and how it relates to improved shared active transportation operations.

**V. DATA SHARING AGREEMENT**

The City of Durham will use a third party provider to process parking, availability and trip data in a format that allows for safe, equitable and effective management of the shared active transportation system throughout the city.

- A. At time of application, applicants must agree to provide a City-approved third-party provider, access to:
  - a. Real-time availability data for their entire Durham fleet
  - b. Archival Trip data for their entire Durham fleet
  - c. Records of collision or accidents reported to permittee
  - d. Records of complaints reported to permittee
- B. APIs should be RESTful, accessed via JSON Web Tokens (JWT), and return data in JSON format.
- C. APIs should provide only HTTPS endpoints.
- D. APIs must be provided prior to permit issuance.
- E. APIs must be provided according to the data specifications defined by the third-party operator.

Do you agree to provide the above mentioned data to a third-party operator prior to permit issuance, and provide APIs according to the specifications defined by the operator?

- ☐ Yes
- ☐ No

**Application Checklist:**

- ☐ Permit application fee of \$1,000.00
- ☐ Permit Application
- ☐ Response to “Permit Questions”
- ☐ Response to “Data Sharing Agreement”
- ☐ Response to “Additional Permit Requirements”

If the application is approved, the following will be required prior to the issuance of the permit:

- ☐ Performance Bond or Cashier’s Check in the amount of \$10,000
- ☐ Permit Issuance Fee Based on Number of Devices
- ☐ Verification of API
- ☐ Signed Indemnification Agreement (Appendix B)

**Permit Application and All Appropriate Documents Should Be Submitted to:**

City of Durham  
Transportation Department, 4<sup>th</sup> Floor  
Attn: Bryan Poole  
101 City Hall Plaza  
Durham NC, 27701

Or alternatively via email to: [movesafedurham@durhamnc.gov](mailto:movesafedurham@durhamnc.gov)

## **AN ORDINANCE AMENDING CHAPTER 14 AND CHAPTER 19 OF THE CITY CODE**

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. Chapter 14, Motor Vehicles and Traffic, of the Code of the City of Charlotte is hereby amended as follows:

#### **A. ARTICLE I. - IN GENERAL**

##### **1. Sec. 14-1. - DEFINITIONS.**

- a. Amend Sec. 14-1. - Definitions by adding a definition in alphabetical order for “electric assisted bicycle.” The new definition shall read as follows:

*Electric assisted bicycle* means a bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

- b. Amend Sec. 14-1. - Definitions by adding a definition in alphabetical order for “electric standup scooter.” The new definition shall read as follows:

*Electric standup scooter* means a device with no more than three twelve-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 15 miles per hour on a paved level surface. The device shall not exceed 50 pounds in weight.

- c. Amend Sec. 14-1. - Definitions by revising the definition of “motor vehicle” to exclude electric assisted bicycles and electric standup scooters. The revised definition shall read as follows:

*Motor vehicle* means every vehicle, which is self-propelled, and every vehicle designed to run upon the highways, which is pulled by a self-propelled vehicle. This does not include mopeds as defined in G.S. 105-164.3, electric assisted bicycles, or electric standup scooters.

- d. Amend Sec. 14-1. - Definitions by revising the definition of “vehicle” to include electric assisted bicycles and electric scooters. The revised definition shall read as follows:

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon fixed rails or tracks. For the purposes of this chapter, bicycles, electric assisted bicycles, and electric standup scooters shall be deemed vehicles. Every rider of a bicycle, electric assisted bicycle, or electric standup scooter upon a highway shall be subject to the sections of this chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by

design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in G.S. 20-4.01(7a).

- e. Amend Sec. 14-4. - Clinging to moving vehicles to include electric assisted bicycles and electric standup scooters. The revised section shall read as follows:

Sec. 14-4. - Clinging to moving vehicles.

It shall be unlawful for any person riding upon any bicycle, electric assisted bicycle, electric standup scooter, motorcycle, coaster, sled, roller skates, or any toy vehicle to attach such or himself to any streetcar or moving vehicle upon any roadway.

- f. Amend Sec. 14-1. - Child protection helmets to require persons under the age of 16 to wear a protective helmet while operating an electric assisted bicycle or an electric standup scooter and to make it unlawful for a parent knowingly to allow his child to operate an electric assisted bicycle or an electric standup scooter without a protective helmet. The revised section shall read:

Sec. 14-10. - Child protection helmets.

- (a) No person under the age of 16 shall use, operate or be a passenger on a bicycle, electric assisted bicycle, inline skates, roller skates, skateboard, or scooter on a public roadway, public bicycle path or other public right-of-way unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (b) No person under the age of 16 shall operate an electric standup scooter on a public roadway, public bicycle path or other public right-of-way unless the person wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (c) It shall be unlawful for a parent or guardian to knowingly allow his child or ward to so operate or ride a bicycle, electric assisted bicycle, electric standup scooter, inline skates, roller skates, skateboard, or scooter without wearing a protective helmet of good fit, fastened securely upon the head with straps of the helmet.
- (d) Such helmet shall meet or exceed the safety standards set forth by the U.S. Consumer Products Safety Commission, the American National Standards Institute, or the Snell Memorial Foundation.
- (e) A civil penalty may be waived as to any first-time violator upon presentation of evidence that the violator has purchased or procured an approved helmet and demonstrated the intention of using the helmet as required by law.

#### C. ARTICLE IV. - OPERATION OF VEHICLES

##### 1. Sec. 14-130. - Driving on sidewalk.

- a. Amend Sec. 14-130. - Driving on sidewalk to authorize the operation of electric assisted bicycles and electric standup scooters on certain sidewalks. The revised section shall read:

Sec. 14-130. - Driving on sidewalk.

It shall be unlawful to drive or operate a vehicle upon any sidewalk or sidewalk area except at a permanent or temporary driveway. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles operated at a speed of no more than 15 miles per hour, and electric standup scooters, which may be operated on sidewalks, except as provided in section 14-251.

D. ARTICLE V. - STOPPING, STANDING AND PARKING

1. Sec. 14-216. - Illegal parking.

- a. Amend Sec. 14-216. - Illegal parking to authorize the parking of electric assisted bicycles and electric standup scooters on sidewalks. The revised section shall read:

Sec. 14-216.- Illegal parking.

(a) It shall be unlawful to stop, stand, or park a vehicle:

(9) On a sidewalk. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles, or electric standup scooters.

E. ARTICLE VI. - BICYCLES

1. Amend the title of Article VI. - BICYCLES to include electric assisted bicycles, and electric standup scooters.

- a. The revised article title shall read:

ARTICLE VI. – BICYCLES, ELECTRIC ASSISTED BICYCLES, AND ELECTRIC STANDUP SCOOTERS.

2. Sec. 14-251. - Riding on sidewalks.

- a. Amend Sec. 14-251. - Riding on sidewalks to prohibit operation of electric assisted bicycles and electric standup scooters on sidewalks located in uptown Charlotte. The revised section shall read:

Sec. 14-251. – Riding on sidewalks.

It shall be unlawful to operate a bicycle, electric assisted bicycle, or electric standup scooter upon the public sidewalks located within the area bounded by Church Street, Stonewall Street, College Street and 7th Street ~~congested business district as defined in section 6-434.~~ In the interest of public safety, the director shall be authorized to prohibit the operation of bicycles, electric assisted bicycles, and electric standup scooters on other sidewalks located in high pedestrian traffic areas. However, police officers acting in the discharge of their official duties are permitted to operate bicycles, electric assisted bicycles, and electric standup scooters upon all of the public sidewalks in the city, ~~including those sidewalks located within the congested business district.~~

3. Sec. 14-253. - Brakes required.
  - a. Amend Sec. 14-253.- Brakes required to require electric assisted bicycles and electric standup scooters to be equipped with a braking system. The revised section shall read.

Sec. 14-253. - Brakes required.

It shall be unlawful to operate a bicycle, electric assisted bicycle, or electric standup scooter on a street, alley, sidewalk or public highway of the city, unless it is equipped with a braking system in sufficient working order to control and stop the movement of the bicycle, electric assisted bicycle, or electric standup scooter.

4. Add a new Sec. 14-255 to prohibit more than one person riding upon an electric standup scooter. The new section shall read:

It shall be unlawful for more than one person to ride upon an electric standup scooter at a time.

5. Add a new Sec. 14-256 to authorize impoundment of bicycles, electric assisted bicycles, and electric standup scooters. The new section shall read:

Sec. 14-256. Impoundment of bicycles, electric assisted bicycles, and electric standup scooters.

The director, her designee, or any law enforcement officer of this city may impound any bicycle, electric assisted bicycle, or electric standup scooter operated or parked in violation of the provisions of this ordinance, retain possession of the same until ownership is established, issue a civil penalty in accordance with section 14-61; and dispose of the vehicle if ownership is not established and civil penalties are not paid within 90 days of issuance; provided that nothing herein contained shall be construed to limit the authority of law enforcement officers to take into custody any bicycle, electric assisted bicycle, or electric standup scooter believed to be stolen.

Section 2: Chapter 19, Streets, Sidewalks, and other Public Places is hereby amended as follows:

A. ARTICLE XV. – SHARED-USE MOBILITY SYSTEMS.

1. Add a new article in numerical order to address shared-use mobility systems. The new article shall read:

ARTICLE XV. SHARED-USE MOBILITY SYSTEMS

Sec. 19-361.-Purpose.

The purpose of this article is to provide for the proper management of the public rights-of-way to preserve the health, safety, and welfare of the citizens of the city. Specifically, this article is intended to provide for the reasonable regulation of operation of shared-use mobility systems located in the public rights-of-way.

Sec. 19-362.-Definitions.

Shared-use mobility system means dockless vehicles including bicycles, electric assisted bicycles, electric standup scooters, and/or devices similar in size, weight, and/or operation, offered for short-term rental for point to point trips whereby the vehicle is intended to remain placed in the public right-of-way when not being rented by a customer. This definition shall not include motor vehicles as defined by section 14.1, for-hire vehicles as defined by section 22.01, or the transportation services offered by the Charlotte Area Transit System.

Sec. 19-363.-Permit required.

- (a) It shall be unlawful to operate a shared-use mobility system within any public right-of-way without first obtaining a permit from the director. The permit shall, among other things:
  - (1) Specify the term of the permit;
  - (2) Acknowledge the city's right to require the removal or relocation of any device operating under the permit;
  - (3) Provide for the defense and indemnification of the city, its officers, and employees for claims and suits arising out of the use of the right-of-way;
  - (4) Require suitable levels of insurance coverage;
  - (5) State the rights, if any, to assign or transfer rights or obligations without the prior consent of the city; and
  - (6) Acknowledge the city's full retention of its police power.

Sec. 19-364. - Administration and enforcement.

- (a) This article shall be administered and enforced by the director.
- (b) The director shall be authorized to:
  - (1) Issue permits;
  - (2) Develop and revise permit requirements and guidelines;
  - (3) Establish and amend the maximum and/or minimum allowable number of vehicles authorized under the permit;
  - (4) Establish and revise permit fees;
  - (5) Establish and revise regulatory fees in accordance with section 2-1.
  - (6) Revoke permits for good cause. Good cause shall, among other things, include:
    - (a) Permittee failed to pay a fee and/or civil penalty within 30 days following notice of nonpayment;

(b) Permittee violated any statute or ordinance governing operation of the devices covered under the permit; or

(c) Permittee violated one or more conditions of the permit.

(c) The director, her designee, or any authorized employee of the city may impound any vehicle found in violation of this article and charge a civil penalty. The director or her designee is authorized to dispose of an impounded vehicle subject to this article if civil penalties are not paid within 90 days of issuance.

Sec. 19.365 - Civil penalties.

(a) A violation of this article shall not constitute a misdemeanor or infraction punishable under G.S. 14-4. Any person who violates this article may be subject to all civil and equitable remedies stated in G.S. 160A-175.

(b) A violation of this article may be enforced by the issuance of a civil penalty in the amount of \$25.00 per vehicle.

(c) An additional late fee civil penalty in the amount of \$25.00 per vehicle may be assessed if the initial civil penalty is not paid or appealed within 30 days from the date of issuance.

(d) Civil penalties shall be issued against the permittee, permit holder, and/or business with ownership of the subject vehicles.

Sec. 19.366 - Appeals.

A violation enforced through the issuance of a civil penalty may be appealed pursuant to section 2-25 of this Code.

Secs. 19.367 – 19.370. – Reserved.

Section 3. This ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

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City Attorney

# **15-10010 - Shared-Use Mobility System Permit Requirements - Draft 1-9- 19 (003)**

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Charlotte Department of Transportation

**1/3/2019**

Revised 5/21/2018 (Added e-scooters)

Revised 6/11/2018 (Altered Requirement M11)

Revised 11/1/2018 (Removed References to Pilot Program)

Draft 1/9/2019 (For Consideration with Ordinance Changes)



## INTRODUCTION

Based on pilot program ridership data, survey responses, and experience working with dockless bike and e-scooter operators, the City has determined that dockless bikes and e-scooters are a potentially valuable addition to transportation choices available to Charlotte residents and visitors. City Code changes to be considered in early 2019 will clarify how e-scooters are defined and give guidance to scooter riders on appropriate locations to ride based on the location, speed limit, and roadway characteristics.

The following sections describe the requirement for a vendor to operate either a dockless bike or dockless e-scooter fleet. No vendor may operate a fleet without a valid Shared-Use Mobility System Permit.

## FLEET REQUIREMENTS

- Every bicycle and e-scooter shall have displayed on the device:
  - *Unique identifier* on the e-scooter stem that is visible to the eye at a distance of 10 feet. Bicycles shall also have a unique identifier visible at a distance of 10 feet.
  - *A customer service phone number* that is in-service during all operating hours and clearly displayed and visible to the user.
- Bicycle fleet operators shall have a *minimum fleet of 200 bicycles* and a *maximum of 500 bicycles*. Electric bicycles and traditional bicycles are counted equally toward this minimum.
- E-scooter fleet operators shall have a *minimum fleet of 50 e-scooters* and a dynamic maximum as described below.
  - The e-scooter maximum fleet size shall be determined by the average e-scooter trips per day (TPD) on a 30-day rolling average.
    - When the TPD exceeds 3.0, additional e-scooters may be deployed in increments of 50 at a time.
    - When the TPD drops below 2.0, e-scooters must be removed from the right-of-way in increments of 50 at a time.
- E-scooter speeds shall be limited to a maximum speed of 15 miles per hour.

## DEVICE REQUIREMENTS

- All bicycles used in systems issued a permit shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210.
- All e-scooters in systems issued a permit shall meet equivalent safety standards as those outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. When powered solely by a motor, e-scooters should be incapable of exceeding 15 mph. Additionally, the City may terminate any permit issued if the battery or motor on an e-scooter is determined by CDOT to be unsafe for public use.
- Any permitted electric bicycles shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles (described above). This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City may terminate any permit issued if the battery or motor on an electric bicycle is determined by CDOT to be unsafe for public use.
- All bicycles and e-scooters shall meet the North Carolina General Assembly (NCGA) requirements for lights during hours of darkness, including a front light that emits white light and a rear red reflector as described in G.S. 20-129, and all other applicable requirements of state law.
- Operators shall not use bicycles/e-scooters for the sale or display of third-party advertising.

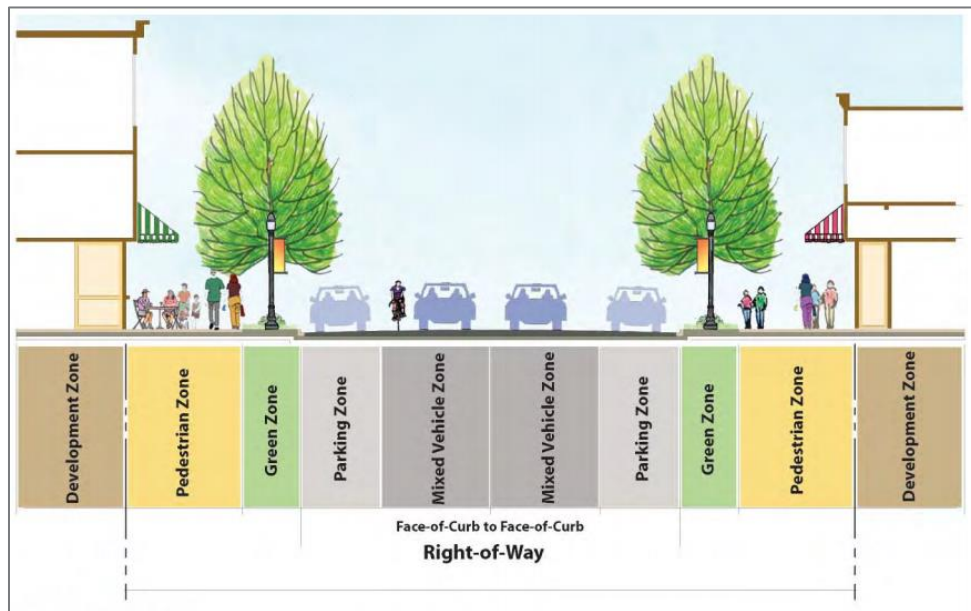
## MAINTENANCE, OPERATIONS, AND APP FUNCTIONALITY

- Any inoperable or unsafe bicycle/e-scooter shall be removed from the right-of-way within 24 hours of notice by any means to the operator by any individual or entity, and shall be repaired before placing back into the City right-of-way.
- E-scooters shall be collected nightly for recharging and no e-scooter trips may be initiated after 9PM. Full charged e-scooters may be deployed the next morning unless conditions otherwise warrant. Operators shall perform, at a minimum, one afternoon fleet inspection to rebalance and properly park e-scooters.
- If notified of public access and safety concerns by the City, operators shall rebalance bicycles/e-scooters within two hours.
- Operators shall provide in-app messaging that notifies their users of the following:
  - People operating bicycles/e-scooters shall adhere to all applicable local, state, and federal laws regarding motorized and non-motorized vehicles.
  - People operating bicycles/e-scooters shall yield to pedestrians.
  - People shall operate bicycles/e-scooters safely and park responsibly.
- Operator shall provide app functionality that permits users to contact operator directly and provide feedback on inappropriate riding, parking, etc.
- CDOT and E-scooter vendors will explore how fleets can be deployed to continue to support first and last mile transit trips along bus and rail transit corridors.
- The City intends to explore dynamic pricing (fees) during Q1 2019. The City will work with individual vendors to develop this dynamic pricing model.

## PARKING

This permit is only valid for operations within the right-of-way managed by the City of Charlotte. Additional zones may be established; for example, locations within parks, publicly-accessible plazas, off-street parking lots/garages, or campuses upon consultation with appropriate governmental entities and/or landowners.

- Bicycles/e-scooters shall only be parked within the pedestrian and green zones (see sketch below) and shall be upright when parked.
- In no case shall the placement of bicycles/e-scooters reduce the width of pedestrian zone to less than six feet.
- Bicycles/e-scooters are not allowed on the public sidewalks located within the area bounded by Church Street, Stonewall Street, College Street and 7th Street, or as otherwise defined by Section 14-251 of City Code, excepted as needed to park properly.



- Restrictions to eligible parking zones:
  - Bicycles/e-scooters shall not be parked in any vehicular travel lane or bicycle lane.
  - Bicycles/e-scooters shall not be parked at the corner curb sight radius area of sidewalks and shall not conflict with the required intersection sight triangle distance (as defined in [Sec. 12.109](#) of Charlotte's City Code).
  - Bicycles/e-scooters shall not be parked on blocks where the pedestrian zone is less than six feet wide, or in any place where there is no planting strip/amenity zone directly adjacent to the parked bicycle.
  - Bicycles/e-scooters shall not be parked on blocks without sidewalks.
  - Bicycles/e-scooters shall not be parked in the pedestrian zone adjacent to or within:
    - Parklets or sidewalk dining;

- Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
- Loading zones;
- Accessible parking zones and associated loading zones;
- Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, newsracks, permanent bike share docks, etc.);
- Curb ramps and signal push buttons;
- Entryways, exits and must maintain a 10 foot clearance; and
- Driveways.
- The City reserves the right to determine certain areas where bicycle/e-scooter parking is prohibited.
- Operator shall remove any bicycle/e-scooter that is parked in one location for more than seven consecutive days. If the bicycle/e-scooter is not removed by the Operator, the City may remove the device and take it to a City facility for storage at the Operator's expense.

## DATA SHARING

- Operators shall maintain a record of maintenance activities, including but not limited to unique identifier and maintenance performed. These records shall be made available to CDOT upon request.
- All permitted operators shall provide CDOT with a monthly data report containing the items listed below. Operators will be provided with a monthly data report template. For each month's data report, this template should be filled out completely and submitted to CDOT staff by the end of business on the 7<sup>th</sup> day of the following month. For example, the monthly data report for May will be due by 5pm on June 7<sup>th</sup>.
- If an Operator has bicycles and e-scooters in their fleet, they are required to submit two separate data reports, one report specific to bicycles and one report specific to e-scooters.
- The date that operators will be required to report is as follows:
  - Total trips for the month, and for each week in the month
  - Total trip distance for the month, quarter and year
  - Average distance and duration of each trip

- Number of bikes in circulation, for each week in the month
  - Daily trips per bike/e-scooters (Average number of trips per bike/e-scooters per day)
  - Number of bikes/e-scooters vandalized, damaged, and repaired
  - Number of users in the Charlotte area, according to frequency of use
    - New users (riders who took their first trip but only used a bike/e-scooter once)
    - 1-3 trips
    - 4-8 trips
    - 9-15 trips
    - 16-30 trips
    - 31-60 trips
    - More than 60 trips
  - Total number of complaints, total number of complaints resolved, and number of complaints by type:
    - Bikes/e-scooters blocking sidewalk
    - Bikes/e-scooters on private property
    - Bike/e-scooters is vandalized
    - Bike/e-scooters is inoperable
    - Other
- Operator shall provide CDOT with anonymized real-time data (information that is delivered immediately after collection) on the entire Charlotte fleet, upon request.
- Operator shall provide the following anonymized data for each trip record to inform and support safe and effective management of the system.
1. Rider profile:
    - a. Gender - reported by male, female, and other.
    - b. Age - reported based on the following age groups: 5-17, 18-24, 25-34, 35-44, 45-54, 55-64, 65 and over.

## 2. For each trip taken:

Field Name	Format	Description
Operator Name	[Operator name]	n/a
Type of bicycle	"Standard" or "Electric"	n/a
Trip record number	xxx0001, xxx0002, xxx0003, ...	3-letter Operator acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM,DD,YYYY	n/a
Start time	HH:MM:SS (00:00:00- 23:59:59)	n/a
End date	MM,DD,YYYY	n/a
End time	HH:MM:SS (00:00:00- 23:59:59)	n/a
Start location	Census block	n/a
End location	Census block	n/a
Bicycle/e-scooter ID number	xxxx1, xxxx2, ....	Unique identifier for every bicycle/e-scooter, determined by the Operator

## 3. For bicycle/e-scooter availability:

Field Name	Format	Description
GPS Coordinate	X,Y	n/a
Availability duration	Minutes	n/a
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS (00:00:00- 23:59:59)	n/a



**TOWN OF CARRBORO**  
**NORTH CAROLINA**

**TRANSMITTAL****PLANNING DEPARTMENT**

**DELIVERED VIA:** ☒ *HAND* ☐ *MAIL* ☐ *FAX* ☒ *EMAIL*

**To:** David Andrews, Town Manager  
Mayor and Board of Aldermen

**From:** Zachary Hallock, Transportation Planner

**Date:** February 5, 2019

**Subject:** E-Scooters and other Shared Active Transportation

**Summary**

The purpose of this report is to provide an overview of Shared Active Transportation vehicles and systems, active programs in North Carolina, and a summary of data taken from completed pilot programs around the country.

**Overview of Shared Active Transportation Vehicles**

- Bike Share: The initial wave of shared active transportation vehicles, these tended to be heavier and have fewer gears than privately owned bicycles; both for security purposes and ease of maintenance.
- Electric-assist Bikes: Bikes with a built-in electric motor which automatically assists once the rider starts pedaling. Improves mobility up hills but prevents low-speed (walking speed) movement. Same modifications for security and maintenance apply.
- E-Bikes: Bikes with a built-in electric motor which is activated by a throttle, can still be ridden without use of electric assistance. Same modifications for security and maintenance apply.
- E-Scooters: Two-wheeled, electric vehicles with a top speed of 15-20 MPH.
- Jitneys: Small, 4-wheeled, electric vehicle which can sit up to 6 people; or fewer with additional cargo. Devised to be a ridesharing option in conjunction with other vehicles to provide an alternative for inclement weather or for carrying larger loads.

**Overview of Shared Active Transportation Systems**

- Docked: A system primarily applied to traditional, municipality operated bike share system where all bikes must be locked at a designated station.

- Imposes the most restrictions on a bikeshare system and has the least flexibility, but leaves little room for issues regarding parking of vehicles in public sidewalks, travel lanes, or private property.
- Dockless: A system developed by private companies wherein company vehicles (bikes or scooters) are ‘released’ into an urban environment with minimal oversight from the company.
  - Tends to require additional regulation or permitting to be done by the municipality to maintain safety, but system remains highly flexible.
- Semi-docked: A new system presented to Town staff by Gotcha wherein, designated areas (often referred to as mobility hubs) are geolocated within the system for parking bikes/scooters. Any user parking a bike/scooters outside of a mobility hub will be subject to an additional fee.
  - Midpoint between other two systems, limited physical infrastructure is required for a ‘mobility hub’, but supporting improvements (as provided by the Municipality) like signage or pavement markings can help assist users in locating the designated parking area.

### **Current Shared Active Transportation Programs in North Carolina**

Greensboro Scooter Pilot Program

<https://www.greensboro-nc.gov/departments/transportation/gdot-divisions/planning/scooter-rentals>

Durham Shared Active Transportation Program

<https://durhamnc.gov/3219/Shared-Active-Transportation>

Charlotte E-scooter Share Pilot Program

<https://charlottenc.gov/Transportation/Programs/Pages/EScooterSharePilotProgram.aspx>

### **Highlights of Charlotte Pilot:**

- The average Dockless bikeshare user: Took 1-3 trips, trip length of 0.9 miles, 12 minutes per trip
- Since launch in November 2017, about 266,000 trips were taken on dockless bikeshare
  - Average of ~19,000 trips per month
- The average E-scooter user: Took 1-3 trips, trip length of 1.7 miles, 12 minutes per trip
- Since launch of E-scooters in May 2018, over 726,000 trips were taken
  - Average of ~91,000 trips per month over that period

### **Highlights of DC Pilot:**

- Dockless bikeshare and scooters didn’t conclusively demonstrate impact on the city’s docked bikeshare program, Capital Bikeshare

- Dockless bikeshare providers had a lower rate of trips per vehicle per day when compared to Capital Bikeshare
- Capital Bikeshare members and dockless e-bikes are the most similar. They have clear peak hours at 8-9 a.m. and at 5-6 p.m. with a smaller peak around noon at 12-1 p.m.
- Casual Capital Bikeshare riders, riders who do not have a membership, do not have a morning peak. Ridership gradually increases starting at 6 a.m. until 5 p.m. after which it drops off sharply.
- For dockless bicycles and dockless scooters, the AM peak lasts longer: from 8-10 a.m. Scooters have their highest usage between 12 p.m. to 6 p.m. and they have the lowest usage after 6 p.m. due to their charging needs.
- Around 80% of all shared mobility rides during the weekends occur during 10 a.m. and 6 p.m.

### **Highlights of Portland Pilot:**

#### *General Usage:*

- Pilot lasted 120 days
- Bird, Lime, and Skip were permitted during this process. Total scooters deployed were evenly split among the three companies (681 scooters each).
- Average trip length 1.14 miles
- 2.9 trips per scooter per day
- 62% of Portlanders viewed e-scooters favorably. Higher rating for those under 35 years old, people of color, and low income.
- 34% of local scooter riders, and 48% of visitors took an e-scooter instead of a car. 42% of total scooter riders would have either walked or ridden a bicycle.
- Scooter riders preferred low-speed streets and bike lanes over sidewalks.
- 74% of scooter riders had never used Portland's bike share program. 42% of scooter riders never used a bicycle.

#### *Community and Safety Information:*

- Portland distributed 5,000 physical copies of educational material about proper riding and e-scooter laws.
- Scooter companies displayed e-scooter laws, rules, and safety info on the scooter, in the app, on flyers, and on social media.
- Scooter companies handed out or mailed 2,292 free helmets.
- 6% of scooter users got rid of their car because of the 120 day e-scooter program, another 16% considered it.
- 71% of scooter riders used them for to get to a destination, while 29% for recreation or exercise.
- E-scooter injuries accounted for 5% of all traffic crash injuries.
- 90% of scooter riders did not wear helmets
- 73% of scooters were parked correctly on the sidewalks

- Each company was required to deploy 100 scooters into East Portland. Bird performed the best, deploying >100% of the requirement, while Lime and Skip deployed <90% of the requirement.
- All three companies were required to respond to city complaints within 60 minutes. All three companies performed made a good faith effort to meet these requirements.

*Sidewalk Riding Data:*

- When riding on a street with a public greenway, 0% of scooter riders used the sidewalk
- When riding on a street with a protected bike lane, 8% of scooter riders used the sidewalk
- When riding on a street with a standard bike lane, 21% of scooter riders used the sidewalk
- When riding on a street with no bike lane, 39% of scooter riders used the sidewalk
- When riding on a 20MPH street, 18% of scooter riders used the sidewalk
- When riding on a 30MPH street, 50% of scooter riders used the sidewalk
- When riding on a 35MPH street, 66% of scooter riders used the sidewalk

**Other References:**

Charlotte Shared Mobility Pilot Factsheet:

<https://charlottenc.gov/Transportation/Programs/Documents/Factsheet-SharedMobility.pdf>

Charlotte Draft E-scooter Plan:

<https://charlottenc.gov/Transportation/Programs/Documents/2018-1126-DRAFT-E-ScooterPlan.pdf>

Washington, D.C. Dockless Vehicle Sharing Demonstration Report:

<https://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/Dockless%20Demonstration%20Evaluation%20010319.pdf>

Portland, OR 2018 E-Scooter Pilot Project Report:

<https://www.portlandoregon.gov/transportation/article/709719>



# Town of Carrboro

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

## Agenda Item Abstract

**File Number: 19-45**

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**Agenda Date:** 2/5/2019

**File Type:** Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Consideration and Possible Approval of a Pilot Affordable Housing Special Revenue Fund Application Process

**PURPOSE:** The purpose of this item is for the Board to consider and possibly approve a pilot application process, including the application and scoring rubric, for future applicants to the Affordable Housing Special Revenue Fund.

**DEPARTMENT:** Town Manager's Office

**CONTACT INFORMATION:** Rebecca Buzzard, Project Manager, 919-918-7438, Anne-Marie Vanaman, Management Assistant, 919-918-7321

**INFORMATION:** At their June 27, 2018 meeting, the Affordable Housing Advisory Commission (AHAC) launched the development of an updated application process for the Affordable Housing Special Reserve Fund. Currently, requests to the fund are made anytime throughout the year and in applicant specific proposal formats. The new process will accept applications three times a year, but allow for urgent needs to be met outside of the full application process and funding cycles.

Over the past six months Town Staff and the AHAC created a standardized application (Attachment B) and developed a scoring rubric (Attachment C). They took into consideration various factors, including, but not limited to, the method by which:

1. This updated process would interact with similar funding timelines in the community
2. All permitted uses of the affordable housing fund would be encompassed in the process
3. The need to rapidly address applications for critical home repair or deposit assistance.

Careful attention was paid to the quality of information being asked in the application in order to evaluate and prioritize proposals using the Town's Affordable Housing Goals and Strategies. Town Staff also gathered input from affordable housing providers during the development of the process and its documents. The resulting pilot application process promotes equity in the award of funding; facilitates the approval process; and provides a mechanism for capturing results.

**FISCAL & STAFF IMPACT:** There will be no fiscal impact and minimal staff impact.

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**Agenda Date:** 2/5/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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**RECOMMENDATION:** The Affordable Housing Advisory Commission recommends the Board consider approving the pilot application process, including the application and scoring rubric. If the Board approves this pilot application process, a resolution is provided as Attachment A.

A RESOLUTION CREATING A PILOT APPLICATION PROCESS FOR THE  
AFFORDABLE HOUSING SPECIAL REVENUE FUND

WHEREAS, the Board of Aldermen on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Board can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Advisory Commission launched the development of an updated application process for the Affordable Housing Special Revenue Fund in order to facilitate the evaluation of applications; and

WHEREAS, the resulting pilot application process: helps promote equity in the award of funding; facilitates the approval process; and provides a mechanism for capturing results;

NOW THEREFORE BE IT RESOLVED, the Town of Carrboro Board of Aldermen approve the pilot application process, application (Attachment B), and scoring rubric (Attachment C) for the Affordable Housing Special Revenue Fund.

-AND/OR-

NOW THEREFORE BE IT ALSO RESOLVED, the Town of Carrboro Board of Aldermen provide the following comments and staff direction:

Adopted this 5th day of February, 2019.



## Town of Carrboro

Affordable Housing Special Revenue Fund Application

## OVERVIEW

The Town of Carrboro established an Affordable Housing Special Revenue Fund in 2007. The goal of the Affordable Housing Special Revenue Fund is to advance the Town's goal of increasing and improving the stock of affordable housing within Carrboro and its planning jurisdiction.

The Affordable Housing Task Force was established in 2012 for the purpose of creating recommendations for an affordable housing strategy. In June of 2014, this goal was accomplished when the Board of Aldermen approved the Town's Affordable Housing Goals and Strategies document. From this work, an Affordable Housing Advisory Commission (AHAC) was formed in 2017. This Commission's responsibilities include:

- Reviewing and making recommendations to the Board of Aldermen for new or revised policies regarding the operation of the Affordable Housing Fund;
- Reviewing and making recommendations to the Board of Aldermen on affordable housing funding applications.

With this in mind, beginning in April 2019, requests for funding (as explained below) will be reviewed by the AHAC who will then make a recommendation to the Board of Aldermen regarding the request.

## FUNDING

Source of Funds. The Affordable Housing Special Revenue Fund may be funded by payments made by developers in lieu of providing affordable housing units under the applicable provisions of the Land Use Ordinance. Other revenue sources for the fund may include grants, donations, loans, interest payments, or other contributions or assignments.

The principal and interest earned on funds received from developers, grants, donations, loans, interest payments, or other revenues that may become available also accrue to this fund.

In June of 2018, the Board of Aldermen passed a half cent property tax increase. This will provide a yearly source of revenue for the fund of approximately \$112,500.

## APPROVAL

In 2018 the Board of Aldermen voted to allow the Town Manager to approve or deny funding applications for no more than \$5,000 or 15% of the existing fund, whichever is lower. These

applications do not have to provide performance measures and can apply outside of the funding cycles.

Any requests over this threshold that are not appropriated by the Board of Aldermen during the budget cycle will complete the following application. The application will be reviewed by the AHAC and their recommendation to approve or deny funding will go to the Board of Aldermen.

## ELIGIBILITY

Nonprofits, for profits, and individuals working with either type of organization may apply for funds to be used to address projects that meet the Town's affordable housing goals. Please see our website for a list of local housing providers: [INSERT LINK](#)

In order to qualify for participation in the Affordable Housing Special Revenue Fund process, the following criteria must be met by the beneficiaries (individuals), if applicable, and substantiated by the applicant (nonprofit/for profit organizations):

- a. Beneficiaries must be a resident of Carrboro or the Carrboro planning jurisdiction, or purchasing a home in Carrboro or the Carrboro planning jurisdiction;
- b. Beneficiaries or applicants must be unable to obtain a loan, either subsidized or unsubsidized, on comparable terms and conditions;
- c. Beneficiaries or applicants must be the owner of the property in fee simple or leasehold estate and have paid or have appropriate arrangements with the county tax assessor to pay the tax bill, if the property is to be rehabilitated, or have clear title if the property is to be purchased or constructed;
- d. Beneficiaries must be residing in the property to be rehabilitated, or if purchased or constructed, occupy the property when the acquisition is completed. The building or affordable unit that is subject to program funding must have an anticipated life of at least 20 years after rehabilitation, or 30 years, if constructed or acquired;
- e. Beneficiaries must have a gross household income of 115% of the Area Median Income or less, with priority given to households at 80% of AMI and below for homeowners, and 60% of AMI and below for renters, unless otherwise described (Please see Attachment A for current income limits.);
- f. Beneficiaries must also have an intact homeowner's insurance policy, if applicable.

## PROJECT REPORTING AND MONITORING

Recipients of funds for development are required to submit written progress reports to the Town by the end of the fiscal year (June 30) to monitor progress and performance, financial and administrative management, and compliance with the terms of the performance agreements. Reporting information may include: progress toward achieving performance goals, description of activities/challenges, and revisions of proposed project timelines/budgets. Please submit annual reports electronically by June 30 to: [rbuzzard@townofcarrboro.org](mailto:rbuzzard@townofcarrboro.org)

Recipients of funds for home repairs/rehab are to submit details of work completed when submitting invoices for reimbursement of funds.

## PERMITTED USES OF FUNDING

### Development & Acquisition

Loans: 1. To guarantee the payment of loans or subsidize the interest rate on loans made by financial institutions to individuals for the purpose of acquiring affordable housing.

2. To provide direct deferred payment loans to individuals to supplement loans made by financial institutions for the purpose of acquiring affordable housing.

Land Banking: To assist in the purchase of land for conveyance to nonprofit affordable housing agencies.

Construction: To pay some or all of the expenses associated with the construction of affordable housing.

Acquisition: To acquire developed properties suitable for resale to individuals or families. Applicants qualifying under the percentage of AMI shall be approved in advance by the Board of Aldermen.

Pre-development Costs: To pay some or all of the pre-development costs (such as feasibility studies, appraisals, land options and preparation of an application) for projects to be developed for the purpose of providing rental or owner-occupied affordable housing.

Land Trust: To provide grants to organizations for land trust projects that guarantee long-term affordability of a property through a 99-year renewable ground leases or for maintenance of land trust housing stock.

Subsidy: To provide permanent subsidies to reduce the sale price of new or existing housing units so as to make them more affordable.

## Rehabilitation & Preservation

- To provide for emergency home repairs of properties in the affordable housing stock. \*
- To provide for the maintenance of properties in the affordable housing stock that are falling into disrepair.\*
- To guarantee the payment of loans or subsidize the interest rate on loans made by financial institutions to individuals for the purpose of rehabilitating affordable housing.
- To provide direct deferred payment loans to individuals to supplement loans made by financial institutions for the purpose of rehabilitating affordable housing.
- To provide grants or loans to nonprofits to avoid losing homes in the permanent affordable housing stock as a result of foreclosure.

## Housing Stabilization

- To provide rental and/or utility deposit grants for Housing Choice Voucher, Permanent Supportive Housing (PSH), Rapid Re-housing, HUD-VASH and Housing Opportunities for Persons w/ AIDS (HOPWA) recipients relocating to rental units in Carrboro as a result of their current rental units no longer accepting a housing subsidy listed above. \*
- To provide rental and/or utility deposit grants for those who have been assessed by the Coordinated Entry process as it relates to homelessness and have identified safe, decent, and affordable housing. \*

\*Starred items requesting less than \$5,000 do not have to provide performance measures and can apply outside of the funding cycles.

## FUNDING PRIORITIES

The fund is dedicated to the development and preservation of affordable housing. Priority goals include **increasing the supply of affordable housing units, increasing the quality of housing stock while maintaining affordability, and helping people stay in the homes they have (both owners and renters).**

Priority project areas include:

- Rental projects that serve households with incomes 60% and below the Area Median Income (AMI)
- Homeownership projects that serve households with incomes 80% and below the AMI.

## GENERAL APPLICATION INFORMATION AND PROCEDURES

**Funding applications are accepted three times a year: October 1, January 1, and April 1.** Funding is based on the availability of funds. Only as many funding cycles will be completed as necessary to use the available funds. In the case of an emergency funding need, contact Rebecca Buzzard 919-918-7438 or [rbuzzard@townofcarrboro.org](mailto:rbuzzard@townofcarrboro.org). Applications are reviewed by the Affordable Housing Advisory Commission and evaluated using a scoring rubric, which is available as Attachment C. The AHAC's recommendations for funding are then forwarded to the Board of Aldermen for final approval.

## CHECKLIST OF REQUIRED DOCUMENTATION

### Application:

- |                          |            |   |
|--------------------------|------------|---|
| <input type="checkbox"/> | Section 1: | Applicant and Project Overview                |
| <input type="checkbox"/> | Section 2: | Project Description                           |
| <input type="checkbox"/> | Section 3: | Performance Measurements*                     |
| <input type="checkbox"/> | Section 4: | Project Budget and Pro-forma                  |
| <input type="checkbox"/> | Section 5: | Agency Description                            |
| <input type="checkbox"/> | Section 6: | Disclosure of Potential Conflicts of Interest |

### Other Required Attachments:

Please provide **one copy** of each of the following documents:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Current list of Board of Directors, including addresses, phone numbers, terms, and relevant affiliations |
| <input type="checkbox"/> | Current Bylaws and Articles of Incorporation   |
| <input type="checkbox"/> | IRS tax determination letter [501(c)(3)] (if applicable)   |
| <input type="checkbox"/> | Most recent independent audit (if applicable)  |

Applications may not be considered for the following reasons:

1. Project does not align with the eligibility criteria for these funding sources
2. Applicant has demonstrated poor past performance in carrying out projects or complying with funding guidelines
3. Applicant fails to provide required information
4. Incomplete or late applications

\*Starred items requesting less than \$5,000 do not have to provide performance measures and can apply outside of the funding cycles.

**PLEASE CALL OR EMAIL REBECCA BUZZARD WITH FUNDING QUESTIONS: 919-918-7438 OR**  
[rbuzzard@townofcarrboro.org](mailto:rbuzzard@townofcarrboro.org)

# FUNDING APPLICATION

DATE:

## Section 1: APPLICANT AND PROJECT OVERVIEW

### A. Applicant Information

Applicant/Organization's Legal Name: \_\_\_\_\_

Primary Contact Person and Title: \_\_\_\_\_

Applicant/Organization's Physical Address: \_\_\_\_\_

Applicant/Organization's Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### B. Project Information

Project Name: \_\_\_\_\_

Total Project Cost: \_\_\_\_\_

Total Amount of Funds Requested: \_\_\_\_\_

Please specify which permitted use of funding is being requested (A-K):

Proposed Use of Funds Requested (*provide a concise description of proposed project and how it meets the criteria of eligible uses*):

To the best of my knowledge and belief all information and data in this application are true and current.  
The document has been duly authorized by the governing board of the applicant.

Signature: \_\_\_\_\_

Executive Director or other Authorized Signatory

Date

## Section 2: PROJECT DESCRIPTION

Please provide a thorough description of the project (by answering the "who," "what," "when," and "where" questions about your project). **Do not assume the reader knows anything about the project.**

### A. Project Name

1. Project Name: \_\_\_\_\_

### B. "Who"

1. Who is the target population to be served and how will their needs be addressed through this project?

2. Please indicate the income of the beneficiaries (households) to be served through the proposed project. Please see **Attachment A** for the current income limits for the Durham-Chapel Hill MSA. Please also provide documented income data for the intended recipients, such as the most recent tax return, if submitting on behalf of an individual.

Income Group (Area Median Income)	Number of Beneficiaries	% of Total Beneficiaries
<30% of the AMI		
31%-60% of AMI		
61-80% of AMI		
81-100% of AMI		
101-115% of AMI		
TOTAL		

3. **Project Staff.** Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past:

### C. "What"

1. **Type of Activity.** Please check the category under which your project falls.

- ☐ Acquisition
- ☐ Pre-development costs
- ☐ Rental subsidy
- ☐ Ownership subsidy
- ☐ New construction for homeownership
- ☐ New construction for rental
- ☐ Rehabilitation for owner-occupied or rental (including urgent repairs - see \*)
- ☐ Land banking
- ☐ Grant to land trust
- ☐ Rental deposit / utility connection assistance (Max \$1,000 - see \*)
- ☐ Loan payment or loan subsidy
- ☐ Foreclosure assistance
- ☐ Other (specify): \_\_\_\_\_

*\*Starred items requesting less than \$5,000 do not have to provide performance measures and can apply outside of the funding cycles.*

**2. Project Description.** Please provide a general overview of your project, including what you are planning to produce and how you are planning to carry out the project.

**D. "Where"**

**1. Project Location.** Please be as specific as possible.

**2. Project Size (if applicable).** Please provide the size of development site: \_\_\_\_\_ acres

Please attach the following:

- ☐ Site map showing lot boundaries, locations of structure(s), and other site features
- ☐ General location map (at least ½ mile radius)

**E. "When"**

☐ Attach a **detailed** timetable showing when each work task will be completed (e.g., planning; obtaining financial commitments; design; environmental review; bidding; loan closing; key milestones in construction; marketing; final inspection; occupancy; etc.)

**F. Project Details**

If the questions below are not applicable or the requested information is not currently available, please insert N/A.

**1. Property Acquisition.**

- a. Has your agency acquired real property in order to carry out the project, or is property acquisition planned? \_\_\_\_\_
- b. Is the property currently occupied? If so, attach a description of your plan to relocate.

**2. Construction/Rehabilitation Detail.**

- a. How many units will be newly constructed?
- b. How many units will be rehabilitated?
- c. What is the square footage of each unit?
- d. What is the number of bedrooms in each unit?
- e. What is the number of bathrooms in each unit?
- f. How many units will have full ADA accessibility?
- g. Is the proposed project located in Carrboro Town limits, ETJ, or transitional area?

h. Please attach the following:

- ☐ Floor plan(s)
- ☐ Elevation(s)
- ☐ List of Energy Efficiency measures included in the project (if applicable)
- ☐ List of Universal Design principles included in the project (if applicable)

### 3. Design, Affordability, Marketing, and Supportive Services.

- a. Describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, deed restrictions, etc.:
- b. What are the proposed rents (including utility costs) or sales prices for completed units?
- c. Explain your agency's process for marketing to ensure an adequate pool of income-eligible renters to buyers:
- d. Describe the use of energy efficient principles, universal design, and/or materials with extended life span.
- e. What supportive services, if any, will be provided through this project?

## Section 3: PERFORMANCE MEASUREMENTS

### A. Goals and Objectives

Please complete the following chart with information about the project's goals and objectives.

Goal/Objective	Measurement
Ex: Provide housing for low- to moderate-income households.	Ex: By 2020, build ten units that are affordable to households earning less than 80%AMI.
_____	_____
_____	_____
_____	_____

### B. Alignment with Town Goals and adopted affordable housing strategies.

Please explain how the proposed project aligns with the Board of Aldermen Goals and adopted affordable housing strategies.

## Section 4: PROJECT BUDGET AND PRO-FORMA

### A. Project Budget

☐ Attach a **detailed project budget** in Excel format showing all sources and uses of funds. Attach funding commitment letters where available or copies of funding applications previously submitted.

### B. Terms of Project Funding

Please specify the type of funding request for which you are applying:

☐ Grant      ☐ Loan

### C. Pro-forma (for rental property only)

☐ If you are developing a property for rent, please attach a 20-year pro-forma showing estimated income, expenses, net operating income, debt service, and cash flow.

## Section 5: ORGANIZATION DESCRIPTION

### A. Organization

What is your organization's . . .

1. Mission statement?
2. Incorporation date (Month and Year)?
3. Estimated Total Agency Budget for this fiscal year? \$
4. Total number of agency staff (full time equivalents):

### B. Organization Track Record and Community Support

Please describe your organization's experience and ability to carry out the proposed project, including:

1. Evidence of coordination of this application with other organizations to complement and/or support the proposed project
2. Involvement of intended beneficiaries of the project in the planning process
3. Past achievements in carrying out similar projects and evidence of successful record of meeting proposed budgets and timetables
4. Collaborative relationships with other agencies,
5. Plans to develop linkages with other programs and projects to coordinate activities so solutions are holistic and comprehensive
6. Any other features relating to organization capacity that you consider relevant, (i.e. property management experience, including accepting Section 8 Vouchers, etc.).

## Section 6: DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Are any of the Board Members or employees of the agency which will be carrying out this project, or members of their immediate families, or their business associates:

- a) Employees of or closely related to employees of the Town of Carrboro  
YES ☐ NO ☐
- b) Members of or closely related to members of the governing bodies of Carrboro?  
YES ☐ NO ☐
- c) Current beneficiaries of the project/program for which funds are requested?  
YES ☐ NO ☐
- d) Paid providers of goods or services to the program or having other financial interest in the program?  
YES ☐ NO ☐

If you have answered YES to any question, **please explain below**. The existence of a potential conflict of interest does not necessarily make the project ineligible for funding, but the existence of an **undisclosed** conflict may result in the termination of any grant awarded. \_\_\_\_\_

Eligibility Criteria Checklist	Criteria Met?
The project is located within Town of Carrboro limits or ETJ.	
The project addresses at least one funding priority area identified by the Town.	
Requested funds will be used for at least one Town approved activity (permitted uses of funding).	
Project benefits households earning 115% AMI or less.	
The application is complete, including all required attachments, and is submitted on or before the established deadline.	

*Note: If application fails to meet all applicable criteria, the application is ineligible for consideration.*

### Scoring Rubric for Repair and Rehab Applications

Income Group (Area Median Income)	Number of Beneficiaries	% of Total Beneficiaries
<30% of the AMI		
31%-60% of AMI		
61-80% of AMI		
81-100% of AMI		
101-115% of AMI		
<b>TOTAL</b>		

*Note: Priority is given to households earning 80% AMI or below for homeownership and to households earning 60% AMI or below for renters.*

1. Quality of Project for Beneficiaries	Maximum Points	Applicant Score
The project strives for low-cost utility expenses by utilizing energy efficient principles and products.	5	
The project rehabbed for life, i.e. incorporates Universal Design elements.	5	
The project utilizes low-maintenance, quality materials to extend the life of the unit.	5	

The project is located in an area of cultural or historical significance, or the project unit is itself of cultural or historical significance. Ex. The Northside Community, Carrboro Mill houses.	5	
<b>1. Total Points</b>	<b>20</b>	

<b>2. Affordable Housing Impact</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The project aligns with the Town of Carrboro's Priority Affordable Housing Goal to increase the quality of housing stock while maintaining affordability.	10	
The project aligns with the Town of Carrboro's Priority Affordable Housing Goal to help people stay in the homes they have.	10	
The project includes provisions to ensure long-term affordability.	5	
<b>2. Total</b>	<b>25</b>	

<b>3. Project Feasibility</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The project timeline is realistic and feasible to achieve successful project completion.	10	
The project budget is complete and reasonable to achieve successful project completion.	10	
<b>3. Total Points</b>	<b>20</b>	

<b>4. Capacity and Experience</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The applicant has sufficient staffing and demonstrated expertise to manage all aspects of the project.	15	
<b>4. Total Points</b>	<b>15</b>	

<b>5. Community Collaboration, Engagement and Support</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The project included intended beneficiaries in the design and/or planning.	7	
The applicant has evidence of coordinating the application with other organizations to complement/support the project.	3	
<b>5. Total Points</b>	<b>10</b>	

<b>Grand Total Application Points</b>	<b>Grand Total Maximum Points</b>	<b>Grand Total Applicant Score</b>
Add totals from 1-5 (green boxes.)	90	

### Scoring Scale

<b>0 Points</b>	<b>Mid-point</b>	<b>Max. Points</b>
Criteria not met.	Basic criteria met.	Criteria exceeded.

Eligibility Criteria Checklist	Criteria Met?
The project is located within Town of Carrboro limits or ETJ.	
The project addresses at least one funding priority area identified by the Town.	
Requested funds will be used for at least one Town approved activity (permitted uses of funding).	
Project benefits households earning 115% AMI or less.	
The application is complete, including all required attachments, and is submitted on or before the established deadline.	

*Note: If application fails to meet all applicable criteria, the application is ineligible for consideration.*

### Scoring Rubric for Development Applications

Income Group (Area Median Income)	Number of Beneficiaries	% of Total Beneficiaries
<30% of the AMI		
31%-60% of AMI		
61-80% of AMI		
81-100% of AMI		
101-115% of AMI		
<b>TOTAL</b>		

*Note: Priority is given to households earning 80% AMI or below for homeownership and to households earning 60% AMI or below for renters.*

1. Quality of Project for Beneficiaries	Maximum Points	Applicant Score
The project is easily accessible to community services and resources such as schools, healthcare, groceries and public transportation.	5	
The project strives for low-cost utility expenses by utilizing energy efficient principles and products.	5	

The project is designed for life, i.e. incorporates Universal Design elements.	5	
The project utilizes low-maintenance, quality materials to extend the life of the unit.	5	
The project is located in an area of cultural or historical significance, or the project unit is itself of cultural or historical significance. Ex. The Northside Community, Carrboro Mill houses.	5	
<b>1. Total Points</b>	<b>25</b>	

<b>2. Affordable Housing Impact</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The project aligns with the Town of Carrboro's Priority Affordable Housing Goal to increase the supply of affordable housing units.	10	
The project includes provisions to ensure long-term affordability.	10	
<b>2. Total Points</b>	<b>20</b>	

<b>3. Project Feasibility</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The project has other sources of funding in place at the time of the application.	5	
The project timeline is realistic and feasible as well as demonstrates zoning compliance.	5	
The project budget is complete and reasonable to achieve successful project completion.	5	
<b>3. Total Points</b>	<b>15</b>	

<b>4. Capacity and Experience</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The applicant has successfully developed and completed	10	

comparable projects in compliance of jurisdictional regulations, within proposed budgets and timelines.		
The applicant has sufficient staffing and demonstrated expertise to manage all aspects of the project.	10	
<b>4. Total Points</b>	<b>20</b>	

<b>5. Community Collaboration, Engagement and Support</b>	<b>Maximum Points</b>	<b>Applicant Score</b>
The project included intended beneficiaries in the design and/or planning.	2	
The applicant has evidence of coordinating the application with other organizations to complement/support the project.	3	
The applicant has plans to develop linkages to other community programs, resources or projects related to the proposed project to coordinate its activities so solutions are holistic and comprehensive.	5	
<b>5. Total Points</b>	<b>10</b>	
<b>Grand Total Application Points for Development Applications</b>	<b>Grand Total Maximum Points for Development Applications</b>	<b>Grand Total Applicant Score</b>
Add totals from 1-5 (green boxes.)	90	

### Scoring Scale

<b>0 Points</b>	<b>Mid-point</b>	<b>Max. Points</b>
<b>Criteria not met.</b>	<b>Basic criteria met.</b>	<b>Criteria exceeded.</b>