



# Town of Carrboro

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

## Meeting Agenda Board of Aldermen



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Tuesday, September 10, 2019

7:00 PM

Board Chambers - Room 110

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### 7:00-7:15

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

1. [19-267](#) Proclamation - 400 Years of Perseverance
2. [19-280](#) Charges Issued to Recently Appointed Advisory Board Members

### 7:15-7:20

#### B. ANNOUNCEMENT OF UPCOMING MEETINGS

### 7:20-7:30

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

### 7:30-7:40

#### D. CONSENT AGENDA

1. [19-264](#) Approval of Minutes from June 11, 18, and 25, 2019
2. [19-263](#) Economic Development Report for the Month of September  
**PURPOSE:** The purpose of this agenda item is to update the Board on economic development activity within the Town.  
**Attachments:** [September 2019 Economic Development Report](#)
3. [19-252](#) Designation of Agents for Hazard Mitigation Grant Program Applications for Flood-prone Properties  
**PURPOSE:** To designate agents to act on behalf of the Town in support of applications for Federal Emergency Management Agency (FEMA) funds through the Hazard Mitigation Grant Program (HMGP) program.  
**Attachments:** [Attachment A - Resolution for Designated Agent Form](#)
4. [19-254](#) Amendment to the FY2019-20 Adopted Budget

**PURPOSE:** To appropriate additional funding received by the Town, appropriate unexpended 2018-19 Powell Bill funds for expenditure in 2019-20, and authorize the purchase of an additional garbage truck.

**Attachments:** [GF Budget Amendment 9-10-2019](#)  
[190910 Cap Proj Ordinance - 2020 Vehicles](#)

5. [19-257](#) A Request to Adopt a Resolution to Award a Service Sidearm to a Retiring Police Officer  
**PURPOSE:** Police Captain Cornell Lamb III will retire from the Town of Carrboro Police Department on October 1, 2019 after approximately 22 years of service. The Police Department would like to award Captain Lamb his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen is requested to adopt by resolution, Town staff's recommendation to award the service side arm to Captain Cornell Lamb III.
6. [19-261](#) Update Regarding Murals in Dr. Martin Luther King, Jr. Park  
**PURPOSE:** The purpose of this agenda item is to update the Board of Aldermen on the mural creation and installation project at the Dr. Martin Luther King Jr Park.  
**Attachments:** [Attachment A Project](#)  
[Attachment B MLK Park Restroom Building Mural Elevations](#)  
[Attachment C Mural material](#)
7. [19-262](#) A Resolution for Assistance to Carrboro Residents Who Are Beneficiaries of the DACA Program  
**PURPOSE:** The purpose of the agenda item is to re-establish designated funds to assist residents applying for the Deferred Action for Childhood Arrivals (DACA) Program.  
**Attachments:** [Attachment 1 - DACA Budget Resolution](#)
8. [19-265](#) An Ordinance Clarifying Membership Numbers on the Carrboro Tourism Development Authority  
**PURPOSE:** The purpose of this ordinance is to clarify the membership numbers for the Carrboro Tourism Development Authority (TDA).  
**Attachments:** [Draft Ordinance Amending CTDA Membership Chapter 8A CCD Edits](#)
9. [19-266](#) Amendments to the Policy for Monuments Located on Town Property  
**PURPOSE:** The purpose of this item is to amend the Policy for Monuments on Town Property.  
**Attachments:** [Attachment A - Resolution](#)  
[Attachment B - Draft Town Monument Policy](#)
10. [19-268](#) Authorization for Town Staff to Move Forward with Update of the

### Town Code to Include Gender Neutral Language

**PURPOSE:** The purpose of this item is to receive authorization from the Board of Aldermen for staff to move forward with a comprehensive review of the Town Code and inclusion of gender neutral language.

**Attachments:** [Attachment A - Resolution](#)

11. [19-281](#) Request-to-Set Two Public Hearings relating to the Proposed Site Specific, Flexible Zoning District at Old NC 86/Eubanks Road: Voluntary Annexation, and Draft Text Amendment, Conceptual Master Plan and Associated Map Amendment to Establish the District.
- PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting two public hearings relating to the six parcels proposed for a Site Specific, Flexible Zoning District at Old NC 86 and Eubanks Road for October 22, 2019: 1) the petition for voluntary annexation and 2) the request for text and map amendments to establish the district. The Board must receive public comment on both matters before considering the requests.

**Attachments:** [Attachment A - Resolution Setting a Public Hearing for the Voluntary Annexation](#)  
[Attachment B - Resolution Setting a Public Hearing for the District](#)

12. [19-285](#) Amendment of Approved June 19, 2018 Board of Aldermen Meeting Minutes
- PURPOSE:** The purpose of this item is to amend the approved meeting minutes to correct an omission in Ordinance No. 25/2017-18 as recorded in the meeting minutes.

**Attachments:** [Attachment A - Resolution](#)

13. [19-305](#) A Resolution Setting the Public Hearing for the Kentfield Subdivision Conditional Use Permit (CUP) located at 905 and 921 Homestead Road for September 17, 2019

**PURPOSE:** The purpose of this item is to schedule the public hearing for the Kentfield Subdivision CUP for September 17, 2019

**Attachments:** [Attachment A - Resolution](#)

### E. OTHER MATTERS

#### 7:40-8:10

1. [19-282](#) Update on the design for the Jones Creek Greenway (C-5181)
- PURPOSE:** The purpose of this agenda item is to provide the Board with an update on the Jones Creek Greenway.

**Attachments:** [Attachment A - Resoution](#)

**8:10-8:50****2.     [19-253](#)     Stormwater Update and Service Delivery Report**

**PURPOSE:** The purposes of this item are to: provide a report on stormwater activities and service delivery; request approval of a pilot outreach project in the upper Toms Creek watershed; and request direction to report back on the new revenue needed for increases in service delivery.

**Attachments:**   [Attachment A - Resolution 09-10-2019](#)  
                          [Attachment B - Stormwater Service Delivery and Options 091019](#)  
                          [September 2019 Stormwater Report](#)  
                          [Stormwater Memo Attorney May2019](#)  
                          [CNT Proposal RainReadyCarrboro](#)

**F.     MATTERS BY BOARD MEMBERS****G.     CLOSED SESSION - Pursuant to NCGS 143-318.11(a)(4) - An Economic Development Matter**





# Town of Carrboro

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## Agenda Item Abstract

**File Number:**19-267

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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Proclamation - 400 Years of Perseverance





# Town of Carrboro

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## Agenda Item Abstract

**File Number:**19-280

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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Charges Issued to Recently Appointed Advisory Board Members





# Town of Carrboro

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## Agenda Item Abstract

**File Number:**19-264

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Approval of Minutes from June 11, 18, and 25, 2019





# Town of Carrboro

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## Agenda Item Abstract

**File Number:**19-263

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Economic Development Report for the Month of September

**PURPOSE:** The purpose of this agenda item is to update the Board on economic development activity within the Town.

**DEPARTMENT:** Economic and Community Development

**CONTACT INFORMATION:** Annette D. Stone, AICP ECD Director (919) 918-7319 or  
[astone@townofcarrboro.org](mailto:astone@townofcarrboro.org)

**INFORMATION:** The ECD Department has been asked to provide a monthly update of economic activity within the town.

**FISCAL & STAFF IMPACT:** n/a

**RECOMMENDATION:** Staff recommends the Board receive the report.

## ECONOMIC DEVELOPMENT - PRIVATE SECTOR

### South Green (updated)



**PROJECT DESCRIPTION:** Development with 45,000 square feet of multiple commercial buildings on a 5.6 acre site at 501 South Greensboro Street.

**CURRENT STATUS:** Building 1 is occupied with Dr. Jeff Berndt Orthodontics. Building 3 is complete with Coronato Pizza opening in mid- August. Carrboro Yoga and Craftboro Brewing Depot are expected to open mid-September. Building 4 is still under construction.

**PROJECT BACKGROUND:** This Conditional Use Permit application proposed multiple commercial buildings on a site at 501 South Greensboro Street that formerly was occupied by Rogers-Triem. The site had considerable known flooding issues, which was addressed through collaboration with Town and NCDOT. The Board of Aldermen set a public hearing for the rezoning and CUP request on April 28, 2015. The project went before the Joint Advisory Boards Meeting on April 2 and ESC on April 8. The Board approved the project, with conditions, on June 9, 2015.

**ESTIMATED TAX VALUE:** \$13,000,000



## Lloyd Farm (updated)



**PROJECT DESCRIPTION:** A mixed use project with multiple commercial buildings on approximately ~40 acres, including Harris Teeter grocery and energy center. A proposed 200 unit senior living residential facility and 20 townhomes. It is located at the corner of Old Fayetteville Road and Highway 54 on property historically known as Lloyd Farm. The developer is proposing a payment in lieu between \$743,000 and an additionally \$250,000 conditioned on the ability to provide on-site affordable housing units.

**CURRENT STATUS:** The project continues to move through the development review process. A Conditional Use Permit application was submitted on April 9<sup>th</sup>. The second review of the CUP plans is almost complete and the applicant is actively working to address remaining comments. The project should be on track for a public hearing later this fall.

**PROJECT BACKGROUND:** The project was originally considered by the Board and denied in 2016. The applicant modified the plan and resubmitted an application in the spring of 2018. A public hearing was held September 25, 2018 and continued until October 23, 2018. The application for rezoning was approved by the Board on October 23, 2018. A concept plan has been submitted to staff and was reviewed by the Town's advisory boards at the joint review meeting held on February 7, 2019.

**ESTIMATED TAX VALUE:** \$64,000,000

## Shelton Station (updated)



Residential Building

**PROJECT DESCRIPTION:** A mixed use development located at 410 North Greensboro on 2.64 acres of land with 22,716 sq ft of commercial space, and 94 1 and 2 bedroom apartment units including 20 affordable units.

**CURRENT STATUS:** The owners are working with tenants in all of the commercial spaces and are optimistic about possible future tenants. Marketing and leasing is underway with 23 of the at-market rate units leased. 3 of the affordable units are leased. The lights will be functioning on the art installation in the next few weeks.



**PROJECT BACKGROUND:** Conditional use permit plans in accordance with the B-1(g) conditional zoning district approved by the Board of Aldermen was granted (with conditions) on April 2, 2013.

**ESTIMATED TAX VALUE:** Residential Units \$11,000,000

**ACTUAL TAX VALUE:** Commercial \$3,042,700

## Hilton Garden Inn - East Main Square(no change)



**PROJECT DESCRIPTION:** A five story, 144 room hotel with conference space to be located immediately behind the existing East Main Square shopping strip.

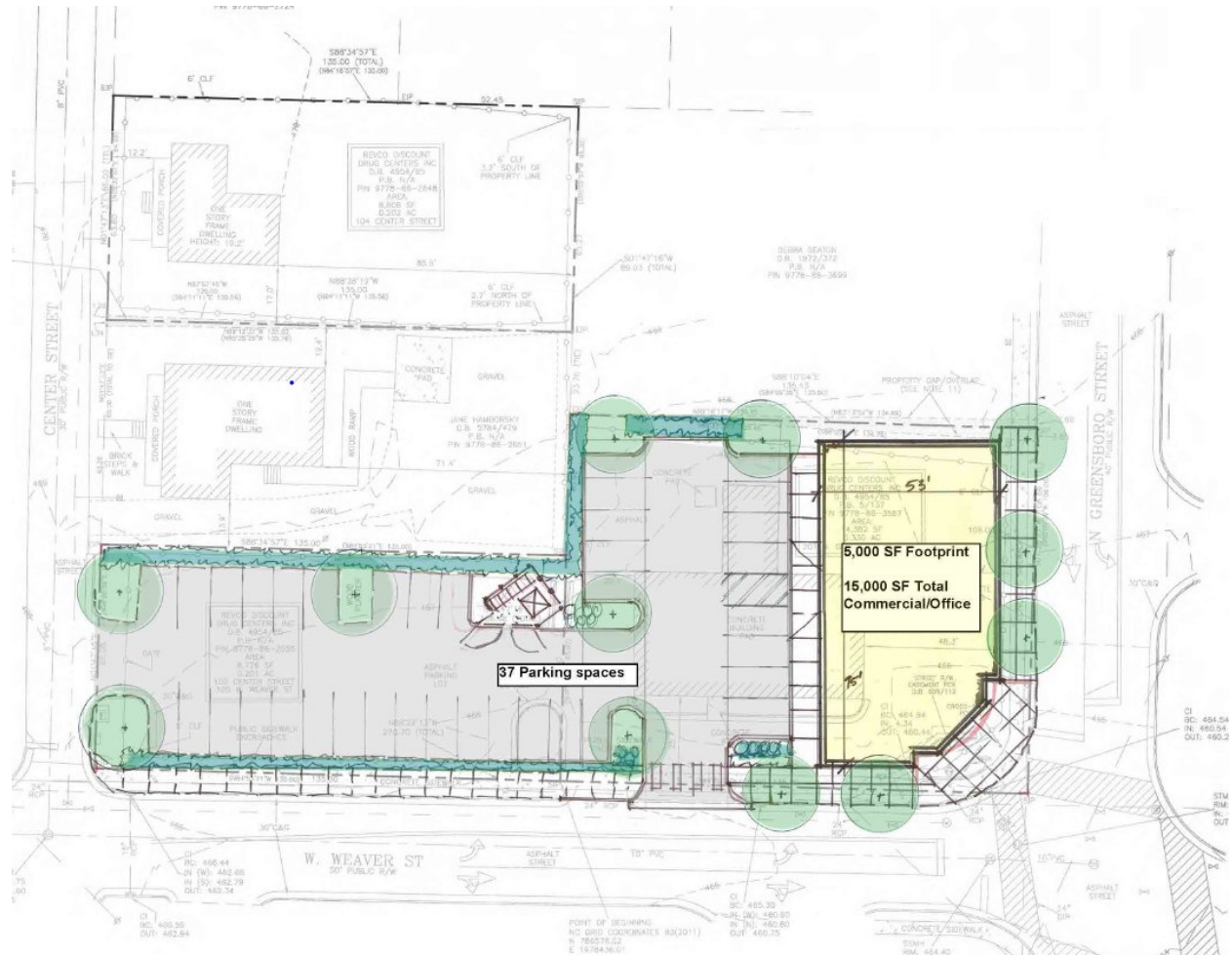
**CURRENT STATUS:** The developer has reported that construction is on hold until further notice.

**PROJECT BACKGROUND:** The project received a CUP in March of 2016 and a two year extension for the permit in January of 2018.

**ESTIMATED TAX VALUE:** \$12,000,000



## 201 North Greensboro Lot (updated)



**PROJECT DESCRIPTION:** The current proposal is for a three (3) story 15,000 square feet retail/office building proposed for the corner of North Greensboro and West Weaver Street. The property was recently sold by Revco Co. to CKE III LLC. The project is being managed by Beacon Properties out of Chapel Hill. The project includes a property on Center Street where an existing house will be removed and a new residential dwelling unit will be built.

**CURRENT STATUS:** The project is moving through concept review with the advisory boards at this time. The existing house on Center Street was removed. A CUP application is expected from the developer in the next few months.

**ESTIMATED TAX VALUE:** Land sold for \$1,900,000

## Other Updates:

- 505 W. Main Street - 1400 Sq. Ft. office space for Wanda Neville's Chiropractic has been sold. The property was purchased by 505 West Main LLC.
- 206 W. Main Street - Akai Hana Restaurant and office space has been purchased by 2019 Upstream LLC - The current uses will remain in the building.
- 401 East Main - A new restaurant concept being developed by Al Bowers and Chris Baldwin continue to work toward an opening. Planning staff is working with the developer on current parking challenges in order to issue CO.
- 406 E. Main St - Kalisher Building is on the market for lease. Staff is monitoring the Town's ED agreement for occupancy of the building.
- Claremont South Commercial - a two story mixed use building with the first floor containing 6,797sf of office space and the 2<sup>nd</sup> floor containing 4,879sf and a total of four residential units. Conditional Use Permit originally approved by the Board of Aldermen in April 2012. Construction on this project has not begun as of yet.
- Space For Sale or Lease -

Address	Description	Sale/Lease Price/Contact Info
102 S. Merritt Mill Rd	300 SF Retail/Office Space	For Lease \$48 SF Contact Ben @ 919-649-5309
208, 210, 212 West Main Street	The Point owned by Sherri Ontjes 725 and 90 SF spaces available	Annual Lease - \$19 SF N. R. Milian and Associates nrmilian@aol.com
406 East Main Street	Kalisher/Art is Love 5334 SF Office space	\$22/SF/YR Reggie Oakley (919) 287-3213
610 Jones Ferry Road	11,683 SF office/light manufacturing Willow Creek Professional Center	For Sale - \$20 - \$22 SF Tommy Honey (Avison Young) Tommy.Honey@avisonyoung.com
202 South Greensboro	900 SF office flex space next to Glass Halfull aka the Old Post Office building	Annual Lease - Price not disclosed Michael Joerling mailto:joerling10@gmail.com
311 East Main Street	8000 SF retail/flex space Old Fireplace Buidling next to Wings	For Sale/Lease - Price Not Disclosed Jim Shortbridge <a href="mailto:jleons@hotmail.com">jleons@hotmail.com</a>
602 Jones Ferry Road	4,620 SF retail space at Willow Creek Shopping Center	Annual Lease \$16 SF Tommy Honey (Avison Young) Tommy.Honey@avisonyoung.com
209, 211, & 213 Lloyd Street	Office Space	Annual Lease - \$19 SF N. R. Milans and Associates nrmilan@aol.com
104 NC - 54 Hwy	Carrboro Plaza 1200 SF	Annual Lease - \$21-\$26 SF Morris Commercial Jodi Amanda Tata (919)-407-1285

Tr 4 Berkshire Manor	1.4 acres located at the intersection of Main and Hwy 54	For Sale - \$325,000 Clayton Commercial Realty (919) 260-6078
410 N Greensboro Street	1250 – 4645 SF 1 <sup>st</sup> floor retail space Shelton Station	Annual Lease - \$27 sq. ft. Legacy Real Property Group (919)967-6711
250 E. Winmore Ave	914 SF Office Space	For Sale - \$258,000 or Annual Lease \$24 SF Morris Commercial – John Morris (919)942-1141
115 Ruth Street	2.27 AC Vacant Land	For Sale \$200,000 Keller Williams Elite Realty Michelle Edwards (919)484-2280
Chapel Hill Comps		
136 E Rosemary St	84,013 SF Class B Office Space	Avg Annual Lease \$31 SF
210 N Columbia St	8176 SF Class B Office Space	Avg Annual Lease \$26 SF
150 Providence Rd	10,000 SF Class B Office Space	Annual Lease \$18.50 SF
300 Market Street	1400 SF Class B Office Space	Annual Lease \$24 SF
400 W Franklin St	3600 SF Retail	Annual Lease \$28 SF
1728 Fordham Blvd	Retail at Rams Plaza	Between \$16 - \$22 SF

Sources: Loopnet and ECD



# Town of Carrboro

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## Agenda Item Abstract

**File Number:**19-252

**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Designation of Agents for Hazard Mitigation Grant Program Applications for Flood-prone Properties

**PURPOSE:** To designate agents to act on behalf of the Town in support of applications for Federal Emergency Management Agency (FEMA) funds through the Hazard Mitigation Grant Program (HMGP) program.

**DEPARTMENT:** Public Works Department

**CONTACT INFORMATION:** Randy Dodd, 919 918-7341; [rdodd@townofcarrboro.org](mailto:rdodd@townofcarrboro.org)  
<<mailto:rdodd@townofcarrboro.org>>; Joe Guckavan, 919-918-7427; [jguckavan@townofcarrboro.org](mailto:jguckavan@townofcarrboro.org)  
<<mailto:jguckavan@townofcarrboro.org>>

**INFORMATION:** In March, 2019, the Town submitted Letters of Interest for acquisition and elevation projects under FEMA's Hazard Mitigation Grant Program (HMGP), through the North Carolina Department of Public Safety (NCDPS). In August, the Town was notified that the NCDPS was ready to move to the next stage of application development.

The Board needs to approve primary and secondary agents as the next step in these grant applications. The attached form (*Attachment A*) serves as that resolution, designating Town Manager, David L. Andrews, and Finance Director, Arche L. McAdoo, as those agents, and specifying additional responsibilities and assurances in association with the grant funding. A separate Board agenda item will be scheduled in September or October for completed application review prior to submittal.

**FISCAL & STAFF IMPACT:** The HMGP funding requires a 25 percent non-federal share, which is to be met by state hazard mitigation funding. Funding is on a reimbursal basis and requires adherence to federal procurement requirements and state/federal review and approval. There is a staff impact for application development and will be a significant staff impact for grant administration if approved.

**RECOMMENDATION:** Approve the attached resolution/form designating the Town Manager and Finance Director as agents to act on behalf of the Town to receive these funds.

RESOLUTION – DESIGNATION OF APPLICANT’S AGENT  
NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT

BE IT RESOLVED BY the Town of Carrboro Board of Aldermen (a public entity duly organized under the laws of the State of North Carolina) that David Andrews, Primary Agent, and Arche McAdoo, Secondary Agent, are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed below.

BE IT FINALLY RESOLVED that the above named agents are authorized to act severally.

**APPLICANT ASSURANCES**

The applicant hereby assures and certifies that he will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.



8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.

10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91- 646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.

15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.

18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.

19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.

20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.

21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.

23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.

24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor

agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

## **STATE ASSURANCES**

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not assume responsibility to the Federal government for resolved to the satisfaction of the Regional Director.



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## Agenda Item Abstract

**File Number:**19-254

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Amendment to the FY2019-20 Adopted Budget

**PURPOSE:** To appropriate additional funding received by the Town, appropriate unexpended 2018-19 Powell Bill funds for expenditure in 2019-20, and authorize the purchase of an additional garbage truck.

**DEPARTMENT:** Finance

**CONTACT INFORMATION:** Arche McAdoo, 918-7439 and Cary McNallan, 918-7301

**INFORMATION:** Since the adoption of the FY2019-20 Annual Budget on June 18, 2019, the Town has received notification of additional funding for the Alcohol Beverage Commission (ABC) Board Grant. The final allocation awarded to the Town by the ABC Board is \$19,000, \$2,000 more than currently budgeted.

The Town did not use all of its Powell Bill allocation in 2018-19. As reported to the NC Department of Transportation in August 2019, the Town spent \$241,741 of its total Powell Bill allocation of \$484,000. The \$242,259 unexpended funds reverted to fund balance on June 30, 2019. The Board needs to now appropriate these funds from the general fund balance for use in 2019-20.

Since the adoption of the FY20 budget, a fire destroyed one of the Town's sanitation trucks and it is necessary that this be replaced to provide adequate service to the public. This truck was not scheduled for replacement in FY20.

**FISCAL & STAFF IMPACT:** The total General Fund Adopted Budget for 2019-20 will increase by \$261,259 for a new total of \$ \$24,838,267. The total Capital Fund Adopted Budget will increase by \$297,000 for a new total of \$22,863,145

**RECOMMENDATION:** That the Board of Aldermen adopt the budget ordinance amendment set out in Attachment A, and the Capital Project Ordinance set out in Attachment B.

**Attachment A**

**AMENDMENT TO FY 2019-20 GENERAL FUND ADOPTED BUDGET**

WHEREAS, the Board of Aldermen for the Town of Carrboro adopted Annual Budget Ordinance No. 22/2019-20 for FY 2019-20 on June 18, 2019; and

WHEREAS, the Town now finds it necessary to amend the budget ordinance due the receipt of additional funds from the grantor or through unexpended funds; and,

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

Account Code			Account Name	Current Budget	Increase (Decrease)	Revised Budget
Org	Object	Project				
5110	436609	51008	ABC Board Grant	\$ 17,000.00	\$ 2,000.00	\$ 19,000.00
511	504500	51008	Contractual Services - ABC Grant	\$ -	\$ 19,000.00	\$ 19,000.00
560	507402	50560	Other Capital Assets	\$ -	\$ 242,259.00	\$ 242,259.00
1510	450000		Fund Balance Appropriated	\$ 2,828,677.00	\$ 259,259.00	\$ 3,087,936.00

**REASON:** To recognize and appropriate additional grant revenues and appropriate unexpended Powell Bill funds for use in 2019-20.

This budget ordinance amendment shall be effective immediately upon adoption.

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

**CAPITAL PROJECT ORDINANCE  
FOR 2020 VEHICLE PURCHASES**

WHEREAS, the Board of Aldermen for the Town of Carrboro adopted Annual Budget Ordinance No. 22/2019-20 for FY 2019-20 on June 18, 2019; and,

WHEREAS, the Capital Projects section of the adopted budget included the purchase of eight vehicles for an estimated cost of \$792,814; and,

WHEREAS, due to the recent loss of a garbage truck, it is now necessary to add another garbage truck at an estimated cost of \$297,000.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO, UNDER GS 159-13.2, THAT:

Section 1: The 2020 Vehicle Purchases Capital Project is authorized to be undertaken for the purchases of the following vehicles:

DEPARTMENT	VEHICLES/EQUIPMENT	COST ESTIMATE
Police	6 Vehicles @ \$55,469	\$332,814
Planning	Vehicle for Admin Staff	\$30,000
Public Works	2 Garbage Trucks	\$727,000
<b>TOTAL</b>		<b>\$1,089,814</b>

Section 2. The amount appropriated for the nine vehicles listed above shall not exceed \$1,089,814 with the understanding that the Town will seek installment financing.

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

Section 4: This Capital Project ordinance shall be effective immediately.





# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-257

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

A Request to Adopt a Resolution to Award a Service Sidearm to a Retiring Police Officer

**PURPOSE:** Police Captain Cornell Lamb III will retire from the Town of Carrboro Police Department on October 1, 2019 after approximately 22 years of service. The Police Department would like to award Captain Lamb his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Board of Aldermen is requested to adopt by resolution, Town staff's recommendation to award the service side arm to Captain Cornell Lamb III.

**DEPARTMENT:** Police

**CONTACT INFORMATION:** Chief Walter Horton, 919-918-1397

**INFORMATION:** As a certified law enforcement officer within the State of North Carolina, Captain Lamb has the right under NCGS 20-187.2 to request that he be allowed to purchase his on-duty handgun from the Town. He has made such a request. The Board has traditionally awarded service sidearm to retiring officers free of charge. Based upon the action taken by the Board of Aldermen for previous retiring police officers, Town staff recommends that the Board of Aldermen award Captain Lamb his service side arm.

**FISCAL & STAFF IMPACT:** The value of the handgun is \$250.00

**RECOMMENDATION:** Staff recommends that the Board approve the attached resolution.







# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-261

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Update Regarding Murals in Dr. Martin Luther King, Jr. Park

**PURPOSE:** The purpose of this agenda item is to update the Board of Aldermen on the mural creation and installation project at the Dr. Martin Luther King Jr Park.

**DEPARTMENT:** Recreation and Parks

**CONTACT INFORMATION:** Anita Jones-McNair, [amcnair@townofcarrboro.org](mailto:amcnair@townofcarrboro.org)  
<<mailto:amcnair@townofcarrboro.org>> - (919)918-7381 and Wendell Rodgers, [wrodgers@townofcarrboro.org](mailto:wrodgers@townofcarrboro.org)  
<<mailto:wrodgers@townofcarrboro.org>> - (919)918-7371

**INFORMATION:** The Board of Aldermen requested staff to bring back after summer break a plan of action and cost estimates for this project. Staff met with the Arts Committee in August about this project. The Arts Committee expressed interest and asked that staff bring back a proposal with estimated cost during their next scheduled meeting, September 11, 2019. Attachment A is the mural proposal, Attachment B provides building/mural elevations and Attachment C is a pic of the mural material.

**FISCAL & STAFF IMPACT:** Estimated cost for this project is \$4,500. The Arts Committee will consider funds from their budget during the September meeting. Staff time is absorbed in work schedule.

**RECOMMENDATION:** Accept the report.

## **Attachment A**

### **MURAL PROPOSAL**

**Project:** A Mural on the East and West Wall of the Dr. Martin Luther King Jr Park Restroom Facility

**Purpose:** To commemorate Dr. King.

**Proposal:** Staff will work with the Arts Committee and a mural coordinator to create a mural display completed by high school students that live in Carrboro.

**Additional information:** Each student can receive two service-learning hours for their voluntary submissions for artwork. Each student who's work is selected for mural display will also receive a stipend for their work.

**Budget Request (estimated) -**

Student stipend - \$250. per student if selected – up to \$1,500

Supplies – not to exceed \$2,000 (for paint, brushes, clear coat and MDO boards)

Mural Coordinator - \$1,000 (Michael Brown agreed to facilitate the mural development)

**Estimated total \$4,500**

**Timeline**

Arts Committee will review proposal and vote on working with project/allocating funds - September 11, 2019

Call for artist – End of September 2019

Schedule interest meeting – October 2019

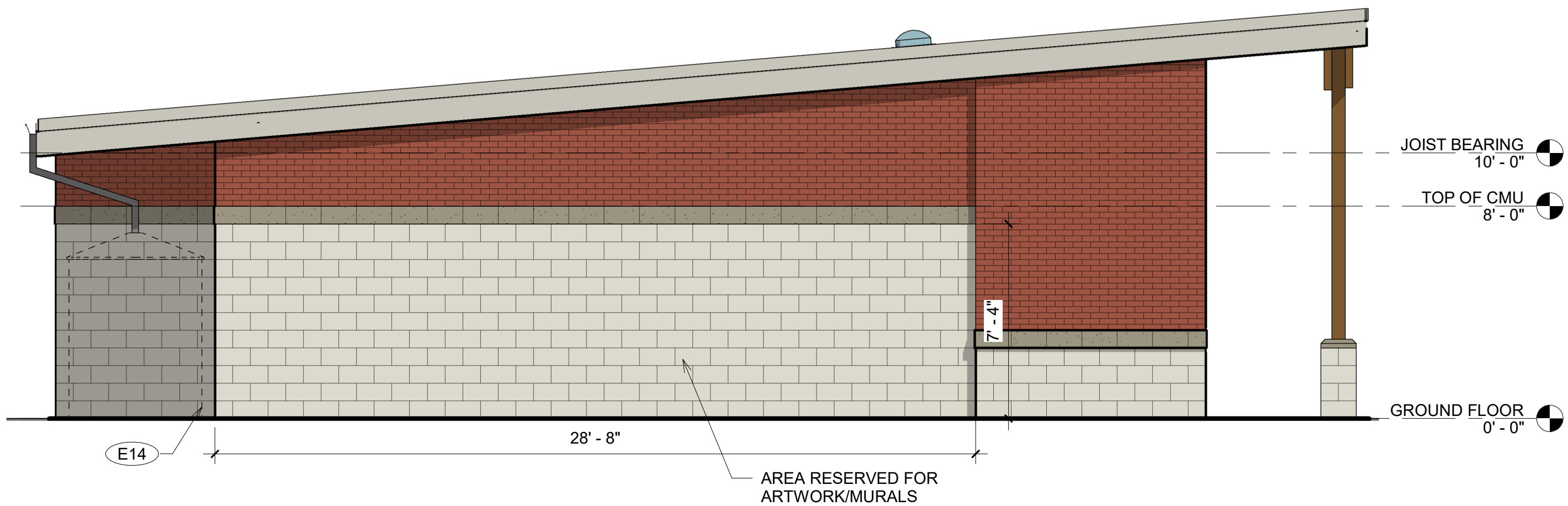
Submissions due – November 2019

Arts Committee and Mural Coordinator will select two mural designs (2 teams of 2/3 Carrboro resident high school age students) - December 2019

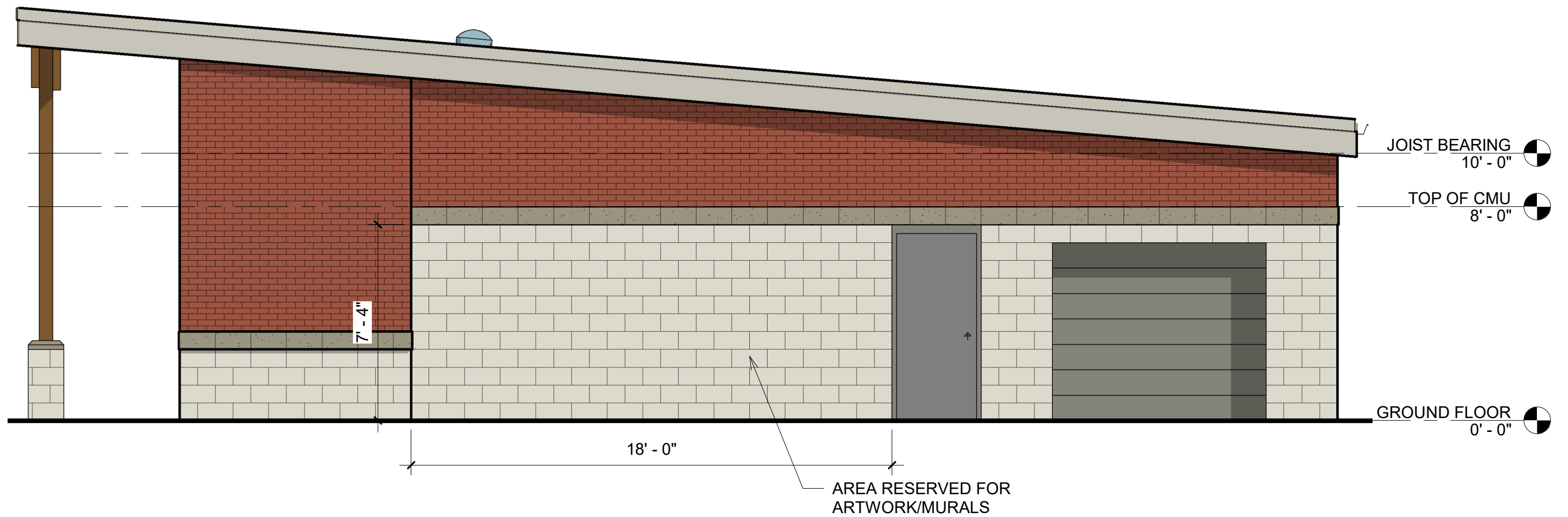
Begin work with students – Michael Brown and college intern

Rendering available at park ribbon cutting event – January 2020

Mural installation Spring of 2020 (by the Public Works Department if needed)



RESTROOM - WEST ELEVATION



RESTROOM - EAST ELEVATION











# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-262

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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**TITLE:**

A Resolution for Assistance to Carrboro Residents Who Are Beneficiaries of the DACA Program

**PURPOSE:** The purpose of the agenda item is to re-establish designated funds to assist residents applying for the Deferred Action for Childhood Arrivals (DACA) Program.

**DEPARTMENT:** Finance and Economic and Community Development

**CONTACT INFORMATION:** Arche McAdoo, Finance Director (919) 918-7439 and Annette Stone, Economic and Community Development Director (919) 918-7319

**INFORMATION:** In September of 2017, the Town entered into an agreement with El Centro to provide resources to applicants of the DACA program. Since that time the program has been extended and additional Carrboro residents have received assistance from El Centro. This attached resolution would re-establish the funds needed to provide that assistance.

**FISCAL & STAFF IMPACT:** Resolution designates \$10,000 from the Board's contingency fund for this purpose.

**RECOMMENDATION:** Staff recommends the Board consider adopting the resolution (Attachment 1).

A RESOLUTION FOR ASSISTANCE TO CARRBORO RESIDENTS WHO ARE  
BENEFICIARIES OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) PROGRAM

WHEREAS, the Town of Carrboro has long shown support for immigrant communities by calling for comprehensive reform of immigration law and policy, working to defeat wage theft, and supporting training and outreach programs for immigrant workers; and

WHEREAS, on November 18, 2014, the Board of Aldermen approved a resolution declaring Carrboro to be a welcoming community for minors seeking refuge from violence in their home countries, and urging the federal government to ensure that those seeking safety in the United States receive due process and legal representation; and

WHEREAS, on June 15, 2012, the US Department of Homeland Security established the Deferred Action for Childhood Arrivals (DACA) program, which provides to certain immigrants who entered the United States before the age of 16 years a two-year renewable period of deferred action on deportation and eligibility to request employment authorization; and

WHEREAS, the Department of Homeland Security had previously announced the phase-out of the DACA program; and

WHEREAS, the Supreme Court of the United States has now allowed for continuation of the Deferred Action for Childhood Arrivals (DACA) program until next session, which means that DACA renewal requests will continue to be accepted by the U. S. Department of Homeland Security; and,

WHEREAS, El Centro Hispano has worked with DACA recipients to complete their documentation for free, the filing fee for a DACA request is \$495 and cannot be waived; and

WHEREAS, the cost of legal services may be unaffordable for many persons, even those above the federal poverty limit, many individuals must rely on nonprofit service providers; and

WHEREAS, there is a need for financial assistance for DACA recipients in Carrboro to file DACA application with the U. S. Department of Homeland Security;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Board of Aldermen awards a grant in the amount of \$10,000 to El Centro Hispano to assist Carrboro residents who are DACA beneficiaries with costs related to DACA renewal applications. Eligible use of this grant may include, but not limited to, staff time required to provide services to beneficiaries; renewal application fees for beneficiaries; and referral to legal services.

SECTION 2: The Board of Aldermen authorizes the use of \$10,000 from the Board's contingency budget for the purposes in Section 1.



SECTION 3. Space may be made available on Town facilities, if available, for information sessions on the DACA program and for attorneys to meet with clients to prepare DACA renewal requests and to provide related legal services pro bono.

SECTION 4. The Town Manager is authorized to undertake the necessary administrative and budgetary actions to implement this Resolution.

SECTION 5. A certified copy of this Resolution shall be provided to the Town's Finance Officer within five (5) days of adoption.

SECTION 6: This Resolution is effective immediately.

This the \_\_\_\_\_ day of September 2019.





# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-265

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

An Ordinance Clarifying Membership Numbers on the Carrboro Tourism Development Authority

**PURPOSE:** The purpose of this ordinance is to clarify the membership numbers for the Carrboro Tourism Development Authority (TDA).

**DEPARTMENT:** Town Clerk/Town Attorney

**CONTACT INFORMATION:** Cathy Dorando and Nick Herman

**INFORMATION:** Upon review of the original ordinance, it was discovered that the membership requirements were presented in fractions that did not accurately identify the correct number of members for the TDA. The attached ordinance changes the fractions to numbers and maintains the intent of the original ordinance. The membership number remains three and two for a quorum.

**FISCAL & STAFF IMPACT:** N/A

**RECOMMENDATION:** It is recommended that the Board of Aldermen adopt the attached ordinance.

**AN ORDINANCE AMENDING CHAPTER 8A OF THE CARRBORO TOWN CODE  
REGARDING MEMBERSHIP ON THE CARRBORO TOURISM DEVELOPMENT  
AUTHORITY**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 8A-5(b) of Chapter 8A of the Carrboro Town Code is amended by rewriting Section 8A-5(b) as follows:

(b) The CTDA shall consist of three members appointed by the Board of Aldermen. Members need not reside within the town, but at least one member must be affiliated with businesses that collect the tax in the town and two members must be currently active in the promotion of travel and tourism in the town. Two members shall constitute a quorum.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-266

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Amendments to the Policy for Monuments Located on Town Property

**PURPOSE:** The purpose of this item is to amend the Policy for Monuments on Town Property.

**DEPARTMENT:** Town Attorney

**CONTACT INFORMATION:** Nick Herman

**INFORMATION:** During the June 25, 2019 Board of Aldermen meeting, there was a discussion regarding the Monument Policy and suggested revisions to that policy. During the summer break, Nick Herman worked with Alderman Bethany Chaney to draft revised language.

The amended policy is attached for review with edits shown in red.

**FISCAL & STAFF IMPACT:** N/A

**RECOMMENDATION:** It is recommended that the Board of Aldermen adopt the policy as attached.

A RESOLUTION ADOPTING REVISIONS TO THE OFFICIAL TOWN POLICY FOR MONUMENTS ON TOWN  
PROPERTY

THE TOWN OF CARRBORO BOARD OF ALDERMEN do hereby adopt the revisions to the Town of Carrboro  
Official Policy for Monuments on Town Hall as shown as "Attachment B" in the agenda packet.



## **OFFICIAL TOWN POLICY AND APPLICATION FORM FOR MONUMENTS LOCATED ON TOWN PROPERTY**

### **POLICY FOR MONUMENTS LOCATED ON TOWN PROPERTY**

#### **1. Definitions.**

For purposes of this policy, the term "monument" shall mean any plaque, statue, structure, tree, shrub, landscaping, or other object or thing constructed, erected, planted, or otherwise located on town-owned or leased property (and intended to remain on such property on a long-term basis) to commemorate or memorialize any person, place, or event. Historical markers erected by or with the authorization of the N.C. Department of Transportation within State maintained rights-of-way are exempted from this policy.

#### **2. Origination of Proposals for Monuments**

Proposals for the erection of a monument may come to the Board of Aldermen in any of the following ways:

- (a) A member of the Board of Aldermen may suggest the monument.
- (b) An advisory board may make such a recommendation.
- (c) Any Carrboro citizen or group of citizens may request that a monument be erected. Such requests shall be submitted in writing and shall describe the type of monument requested, the proposed location, and the justification for the monument. The town may establish an application form that must be completed.

#### **3. Staff Review of Proposals for Monuments**

The Board may refer any request for the erection of a monument to the staff for an analysis of the extent to which the proposed monument is consistent with the guidelines established in Section 4 of this policy.

#### **4. Guidelines for Review of Proposals for Monuments**

In deciding whether to approve a proposed monument, the Board shall consider the following, in addition to any other matters that the Board deems relevant:

- (a) The general or local significance or prominence of the person, place, or event commemorated or memorialized.
- (b) Whether the person, place, or event commemorated or memorialized is significant, important, or relevant to the public generally, as opposed to a small group of persons.
- (c) Whether the person, place or event to be commemorated or memorialized has negatively affected the liberties, livelihoods, and/or civil or human rights of any person, intentionally or unintentionally, such that the commemorative import of the memorial or commemoration is inconsistent with the values of the Town and its citizenry.
- (d) Whether the monument's proposed location will be compatible with its surroundings.
- (e) The enduring quality and character of the materials used to create the monument.
- (f) The cost to the town of constructing, erecting, locating, and maintaining the monument.









# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-268

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Authorization for Town Staff to Move Forward with Update of the Town Code to Include Gender Neutral Language

**PURPOSE:** The purpose of this item is to receive authorization from the Board of Aldermen for staff to move forward with a comprehensive review of the Town Code and inclusion of gender neutral language.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Dorando

**INFORMATION:** At the request of Mayor Lavelle, staff discussed making revisions to the Town Code related to gendered language. As we reviewed the Code, we determined that it is time for a comprehensive review of the entire document. If the Board authorizes this project, Town staff intends to have this completed in October 2020. The Code will be updated to reflect gender-neutral language and to remove codified inconsistencies with internal practices.

This compressive review will not change the fact that various ordinance amendments will still need to be brought to the Board of Aldermen in the interim, on an as needed basis.

**FISCAL & STAFF IMPACT:** This project will take various levels of review by each department. It is estimated that the Town Clerk's department will spend 300+ hours on this project. It is also anticipated that each department will spend around 10 hours of review of the Code.

**RECOMMENDATION:** It is recommended that the Board of Aldermen authorize staff to begin this project and comment, if desired.

A RESOLUTION AUTHORIZING TOWN STAFF TO UPDATE THE TOWN CODE WITH  
GENDER NEUTRAL LANGUAGE AND CONSISTENCIES WITH DEPARTMENTAL  
PRACTICES

THE CARRBORO BOARD OF ALDERMEN do hereby authorize staff to begin the  
comprehensive review of the Town Code and to remove gendered language throughout.



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-281

**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Request-to-Set Two Public Hearings relating to the Proposed Site Specific, Flexible Zoning District at Old NC 86/Eubanks Road: Voluntary Annexation, and Draft Text Amendment, Conceptual Master Plan and Associated Map Amendment to Establish the District.

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting two public hearings relating to the six parcels proposed for a Site Specific, Flexible Zoning District at Old NC 86 and Eubanks Road for October 22, 2019: 1) the petition for voluntary annexation and 2) the request for text and map amendments to establish the district. The Board must receive public comment on both matters before considering the requests.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Nick Herman - 919-929-3905.

**INFORMATION:** At the June 25, 2019, Board of Aldermen meeting, the Board set a public hearing to consider the establishment of a Site Specific, Flexible Zoning District (FLX) at the northeast corner of Old NC 86 and Eubanks Road for September 24, 2019 and referred the matter to the advisory boards for the September 5<sup>th</sup> joint review meeting. (Agenda materials may be found at:

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=686487&GUID=749A96F8-5C00-4656-8345-50B844527800&Options=&Search=&Search=&Search=>.)

The property in question consists of six parcels, totaling approximately 26.2 acres, located along the north side of Eubanks Road just east of the intersection with Old NC 86. The parcels may be more specifically identified as Orange County PINs 9860-87-8399, 9860-97-2554, 9860-97-1159, 9860-97-5382, 9860-97-9520, and 9870-07-0266.

The tentative schedule presented to the Board as part of the June 25<sup>th</sup> item included a second public drop-in session anticipated to occur in September, prior to the joint review meeting.

In response to community input, staff has organized a new schedule for the Board's consideration, intended to provide additional opportunities for members of the public to learn about the proposal and provide comments. The updated schedule as follows:

Meeting Type	Date	Time	Location
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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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Public Drop-in Session	Thursday, Sept. 26	5:30-7:30 PM	RENA Community Center, 101 Edgar Street
Public Drop-in Session	Wednesday, Oct. 2	6:00-8:00 PM	TBD*
Joint Advisory Review	Thursday, Oct. 3	7:30-9:30 PM	Town Hall, 301 West Main Street
Public Drop-in Session	Thursday, Oct. 10	7:00-9:00 PM	RENA Community Center, 101 Edgar Street
Public Hearing	Tuesday, Oct. 22	7:00-9:30 PM	Town Hall, 301 West Main Street

\*Staff has submitted a facility rental request for Morris Grove Elementary School but has not yet received confirmation of its availability.

The Board of Aldermen must receive public comment on both matters before taking action. Published notice is required to call for public input on the annexation. Published and mailed notice and property posting is required for the rezoning. Two resolutions have been provided for the Board's consideration. The first would set a public hearing to consider the voluntary annexation (*Attachment A*). The second would set a public hearing relating to the establishment of the FLX district, and refer the text amendment to Orange County and the text and map amendments to the Planning Board and other identified advisory boards (*Attachment B*).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Alderman review. Additional costs relating to facility rentals and signage may also be needed.

**RECOMMENDATION:** Staff recommends that the Board consider the resolutions provided (*Attachment A and Attachment B*) setting the public hearings for October 22, 2019, and referring the text amendment to Orange County and the text and map amendments to the Planning Board and the identified advisory boards.

A RESOLUTION CALLING A PUBLIC HEARING ON CONSIDERATION FOR  
VOLUNTARY ANNEXATION OF PROPERTIES

WHEREAS, a the Board of Aldermen has received a petition for annexation from Parker Louis, LLC dated June 28, 2019 for the voluntary annexation of six properties located at the northeastern corner of the intersection of Old NC 86 and Eubanks Road and further described and illustrated therein; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro sets a public hearing for consideration of the voluntary annexation of these properties for October 22, 2019.

This the 10th day of September in the year 2019.

A RESOLUTION SETTING A PUBLIC HEARING ON AMENDMENTS TO THE LAND  
USE ORDINANCE TO ESTABLISH A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on October 22, 2019, to consider adopting amendments to the text and official zoning map of the Land Use Ordinance to establish a Site Specific, Flexible Zoning District.

BE IT FURTHER RESOLVED that the amendments to the text of the Land Use Ordinance is referred to Orange County.

BE IT FURTHER RESOLVED that the draft amendments to the text and map of the Land Use Ordinance are referred to the Town of Carrboro Planning Board for consideration and recommendation prior to the specific public hearing date, and are also referred to the following Town of Carrboro advisory boards and commissions.

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Appearance Commission              | <input type="checkbox"/> Recreation and Parks Commission                        |
| <input checked="" type="checkbox"/> Transportation Advisory Board      | <input checked="" type="checkbox"/> Northern Transition Area Advisory Committee |
| <input checked="" type="checkbox"/> Environmental Advisory Board       | <input checked="" type="checkbox"/> Affordable Housing Advisory Commission      |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____  |

This is the 10<sup>th</sup> day of September in the year 2019.





# Town of Carrboro

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

## Agenda Item Abstract

**File Number:** 19-285

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**Agenda Date:** 9/10/2019

**File Type:** Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Amendment of Approved June 19, 2018 Board of Aldermen Meeting Minutes

**PURPOSE:** The purpose of this item is to amend the approved meeting minutes to correct an omission in Ordinance No. 25/2017-18 as recorded in the meeting minutes.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Dorando

**INFORMATION:** Ordinance No. 25/2017-18 “An Ordinance Amending the Carrboro Zoning Map to Rezone Approx. 4.8 Acres of Property Known as 905 and 921 Homestead Road from R-15 (Residential, 15,000 Square Feet Per Dwelling Unit) to R-10-CZ (Residential, 10,000 Square Feet Per Dwelling Unit, Conditional” was recorded in the minutes of June 19, 2018 with an error. The sentence, “The installation of bollards at Wyndham Drive shall be allowed during the conditional use permit process for public safety” was inadvertently omitted from condition #5 during the transcription process. That was included as additional text during the meeting but failed to be included in the minutes. The correct language should read:

5. Per the Town’s connectivity requirements, the proposed north-south internal road shall be constructed to provide a full connection to Wyndham Drive. The installation of bollards at Wyndham Drive shall be allowed during the conditional use permit process for public safety. The proposed east-west internal road may require a T-turnaround or similar feature as determined during the CUP and construction plan approval to allow solid waste/recycling service.

The resolution attached amends the minutes to accurately reflect the action of the Board of Aldermen on June 19, 2018.

**FISCAL & STAFF IMPACT:** N/A

**RECOMMENDATION:** It is recommended that the Board of Aldermen adopt the attached resolution.

A RESOLUTION AMENDING THE JUNE 19, 2018 MEETING MINUTES

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

Section 1: The minutes of June 18, 2019 are hereby amended to include the following sentence in condition #5 of Ordinance No. 25/2017-18 that was erroneously omitted during the transcription process, **“The installation of bollards at Wyndham Drive shall be allowed during the conditional use permit process for public safety.”**

Section 2: The complete text of condition #5 shall be corrected to read in all recorded documents and for official use:

5. Per the Town’s connectivity requirements, the proposed north-south internal road shall be constructed to provide a full connection to Wyndham Drive. The installation of bollards at Wyndham Drive shall be allowed during the conditional use permit process for public safety. The proposed east-west internal road may require a T-turnaround or similar feature as determined during the CUP and construction plan approval to allow solid waste/recycling service.

Section 3: This resolution is effective immediately upon adoption.



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:** 19-305

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**Agenda Date:** 9/10/2019

**File Type:** Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

A Resolution Setting the Public Hearing for the Kentfield Subdivision Conditional Use Permit (CUP) located at 905 and 921 Homestead Road for September 17, 2019

**PURPOSE:** The purpose of this item is to schedule the public hearing for the Kentfield Subdivision CUP for September 17, 2019

**DEPARTMENT:** Planning, Zoning, and Inspections

**CONTACT INFORMATION:** Trish McGuire

**INFORMATION:** Parker Louis, LLC, has submitted an application for a Conditional Use Permit (CUP) for Kentfield Subdivision located at 905 and 921 Homestead Road.

These properties went thru a Conditional Zoning where the properties were rezoned to R-10-CZ and this was approved by the Board of Aldermen on June 19th, 2018

The applicant intends to construct a total of twenty (20) single-family residences within the subdivision. As part of the Conditional Zoning of these properties, condition #4 stated that a minimum of 25 percent of the units had to be size limited. The applicant has shown lots 1 thru 5 as being size limited homes in order to meet this condition. Two (2) of the lots will be limited to 1,100sf homes and three (3) of the lots will be limited to 1,350sf homes.

The subject property is zoned R-10-CZ containing 4.78 acres (208,373sf) and is listed on the Orange County Parcel Identification Numbers 9779-27-6322 and 9779-27-8209.

**FISCAL & STAFF IMPACT:** N/A

**RECOMMENDATION:** It is recommended that the Board of Aldermen adopt the resolution setting the public hearing for September 17, 2019.

A RESOLUTION SETTING A PUBLIC HEARING FOR SEPTEMBER 17, 2019 FOR THE  
KENTFIELD SUBDIVISION LOCATED AT 905 AND 921 HOMESTEAD ROAD

Whereas, Parker Louis, LLC, has submitted an application for a Conditional Use Permit (CUP) for Kentfield Subdivisions located at 905 and 921 Homestead Road; and,

Whereas, these properties went thru a Conditional Zoning where the properties were rezoned to R-10-CZ and this was approved by the Board of Aldermen on June 19th, 2018; and,

Whereas, the applicant intends to construct a total of twenty (20) single-family residences within the subdivision. As part of the Conditional Zoning of these properties, condition #4 stated that a minimum of 25 percent of the units had to be size limited. The applicant has shown lots 1 thru 5 as being size limited homes in order to meet this condition. Two (2) of the lots will be limited to 1,100sf homes and three (3) of the lots will be limited to 1,350sf homes; and,

Whereas, The subject property is zoned R-10-CZ containing 4.78 acres (208,373sf) and is listed on the Orange County Parcel Identification Numbers 9779-27-6322 and 9779-27-8209.

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN, that a public hearing is hereby scheduled for September 17, 2019 for the Kentfield Subdivision located at 905 and 921 Homestead Road.



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-282

**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Update on the design for the Jones Creek Greenway (C-5181)

**PURPOSE:** The purpose of this agenda item is to provide the Board with an update on the Jones Creek Greenway.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Zachary Hallock - 919-918-7329

**INFORMATION:** At the June 18<sup>th</sup> Board of Aldermen meeting, staff provided the Board with a brief update on the Jones Creek Greenway project. (Agenda materials may be found here: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=686486&GUID=87B4B141-060E-43B0-9B7E-2BAA056385A7&Options=&Search=>>.) As noted in that agenda, staff is working with the design consultants, Wetherill Engineering, to incorporate input from members of the Board, the Greenways Commission and members of the public in the development of the 60-percent design. During the summer months, staff held productive meetings with Wetherill, Orange County and OWASA regarding the alignment of the proposed multi-use path, particularly with regard to the OWASA sewer easement, and possible locations for staging area(s) and construction access. Refinement of the project design including the development of renderings or other graphic images to better show the proposed bridge and the overall look of the trail are underway and a public hearing date for the 60-percent design is anticipated for September 24<sup>th</sup>.

In the interim, staff is preparing to conduct “before” bike/ped counts as part of the requirements for receiving federal Congestion Mitigation Air Quality Improvement (CMAQ) funds. Arrangements are also being made for a third public drop-in session to provide residents with an opportunity learn about the project and ask questions with the design firm, in a more informal setting. Once 60 percent design is complete, the consultants will focus on obtaining permits and associated easements as part of the preparation of the project proposal for bid. Staff will continue to update the Board on the project schedule.

As a reminder, the Jones Creek Greenway (TIP #C-5181) is a short segment of greenway that will extend from the Lake Hogan Farms subdivision to the existing Orange County greenway providing a direct connection from the subdivision to the Morris Grove Elementary School. The proposed greenway will run through the future Twin Creeks Park, roughly parallel to an OWASA sewer line and Buckhorn Branch and will involve a crossing of Buckhorn Branch.

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**Agenda Date:** 9/10/2019

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**FISCAL & STAFF IMPACT:** The anticipated total cost of the project is \$850,250: 80 percent (\$680,200) to be funded by federal Congestion Mitigation Air Quality Improvement (CMAQ) funds and the remaining 20 percent (\$170,050) through local match. The use of CMAQ funds includes a Greenhouse Gas emission analysis before and after completion.

**RECOMMENDATION:** Staff recommends that the Board receive the update and offer any additional feedback for the design for the Jones Creek Greenway.

A RESOLUTION RECEIVING AN UPDATE ON THE JONES CREEK GREENWAY

WHEREAS, the Board of Aldermen has made it a policy to hold public hearings on Town projects;  
and

WHEREAS, the Board of Aldermen has received presentations on the 15 percent and 30 percent  
design for the Jones Creek Greenway; and

WHEREAS, the Board has held two public hearings to receive citizen comment on the Jones Creek  
Greenway at this milestone.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board  
receives this update on the Jones Creek Greenway.

BE IT FURTHER RESOLVED that the Board offers the following comments:

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This the 10<sup>th</sup> day of September in 2019.







# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**19-253

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**Agenda Date:** 9/10/2019

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Stormwater Update and Service Delivery Report

**PURPOSE:** The purposes of this item are to: provide a report on stormwater activities and service delivery; request approval of a pilot outreach project in the upper Toms Creek watershed; and request direction to report back on the new revenue needed for increases in service delivery.

**DEPARTMENT:** Public Works, Town Attorney

**CONTACT INFORMATION:** Randy Dodd, Stormwater Utility Manager, 919 918-7341; Joe Guckavan, Public Works Director, 919 918-7427; Nick Herman, Town Attorney, 919 630-1204

**INFORMATION:** A monthly report on program activities has been prepared that identifies 15 separate projects and initiatives that Stormwater staff are involved in. Noteworthy efforts include: preliminary engineering for the stream restoration project at Public Works and a culvert replacement on Broad Street; coordination with the State and FEMA for Public Assistance funding for these projects and damage recovery from Hurricane Florence; an outreach session and initiation of an engineering assessment in the upper Toms Creek watershed; and pursuit of the next steps for new FEMA Hazard Mitigation Grant Program funds for residential acquisition and elevation projects. The attached report provides additional information on these and other efforts.

Since the adoption of a rate structure in June, 2018, the Stormwater program has been transitioning from a formative stage to an operational stage. Staff have prepared a staff memo to document the historical, current and planned increasing services, and expanded service options that the Town may wish to provide. The current program capacity is founded on a little over \$800k of annual revenue, and two full time dedicated FTEs. Since the revenue dedicated for stormwater services has only been in place for one year, there are currently limited capital reserves to draw on.

Three service delivery options are offered going forward: one to continue as currently proceeding, and two with expanded/accelerated services that will require additional revenue. Stormwater staff recommend that the Board direct staff to report back by early 2020 with additional details on expanded/accelerated services and the associated revenue requirements. A relevant memo is also provided from the Town Attorney regarding constraints for the Town's extension of stormwater services for private property.

An additional recommendation is that the Town pursue contractual support from the Center for Neighborhood Technology for a pilot residential project in the upper Toms Creek watershed based on their "RainReady"

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**Agenda Date:** 9/10/2019

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program. The Center for Neighborhood Technology is a nonprofit that has been providing national level leadership in the development of a range of neighborhood scale resiliency, sustainability, and green infrastructure programs. Their proposal for this work is included as an attachment.

**FISCAL & STAFF IMPACT:** There is no impact with receiving this report. The proposed pilot outreach project with the Center for Neighborhood Technology will cost \$25k, and will involve some staff time for coordination.

**RECOMMENDATION:** It is recommended that the Board adopt the attached resolution receiving the staff report, directing staff to report back by early 2020, and approving the neighborhood pilot project.

ATTACHMENT A

A RESOLUTION ACCEPTING THE STORMWATER REPORT, DIRECTING STAFF TO  
REPORT BACK ON RATE STRUCTURE OPTIONS, AND AUTHORIZING A  
STORMWATER PILOT PROJECT

**WHEREAS**, the Town of Carrboro created a Stormwater Utility, Stormwater Enterprise Fund, and Stormwater Advisory Commission in 2017; and

**WHEREAS**, the Board of Aldermen adopted a new Stormwater Utility rate structure in 2018, and Town staff have been working since to transition the Utility from a formative to operational stage; and

**WHEREAS**, a report has been provided on past, current, and planned service delivery expansion and options; and

**WHEREAS**, a proposal for a neighborhood pilot “RainReady” project in the upper Toms Creek watershed has been prepared by the Center for Neighborhood Technology to work with residents to identify and pursue residential scale measures to enhance resiliency and contribute to neighborhood and watershed scale flood mitigation efforts;

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Aldermen accept the staff report provided, direct staff to prepare a report with one or two rate structure options and public hearing schedule by early 2020, and approve the proposal provide by the Center for Neighborhood Technology and appropriate \$24,990 for this project.

This is the 10th day of September in the year 2019.



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL PUBLIC WORKS DEPARTMENT

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

**From:** Randy Dodd, Stormwater Utility Manager

**Through:** Joe Guckavan, Public Works Director  
Nick Herman, Town Attorney

**Date:** August 29, 2019

**Subject:** Stormwater Service Delivery

#### Summary

The purpose of this memo is to provide a report regarding the Stormwater Utility's historical and current services and options going forward. The separate stormwater monthly report provides additional details and a snapshot of the Stormwater Utility's expanding services. Service delivery options and a recommendation for next steps are included.

#### Information

##### Stormwater Services

The Town's stormwater services have been incrementally increasing over the past 35-40 years, with a broad overview shown in Table 1, as supplemented in Appendices A-C and the separate monthly report. The Town is transitioning into its largest increase in services with the new Stormwater Utility, Enterprise Fund, and Advisory Commission.

Until 2018, the stormwater program was staffed through a distributed network of responsibility across departments and positions. With the formation of the Stormwater Utility and the establishment of a rate structure with dedicated funding, the program is currently supporting 2 full time staff positions. The program continues to be supported by other staff as well.

**Table 1: Carrboro Stormwater Program Evolution**

	<b>Stormwater 1.0</b>	<b>Stormwater 1.1</b>	<b>Stormwater 2.0</b>	<b>Stormwater 2.1</b>	<b>Stormwater 3.0</b>
<b>Focus</b>	Flood mitigation 1.0	Water quality 1.0 Bolin Creek listed, prepare for NPDES, Jordan Lake Rules	Water quality 2.0: Jordan Lake Rules, stream geomorphology, Bolin Creek watershed restoration	Flood mitigation 2.0: more frequent and intense storms	Water Quality and Flood Mitigation 3.0 Integrated/holistic program; robust regulatory compliance
<b>Time frame</b>	1980-2000	2000-2007	2007-2012	2013-2018	2018-
<b>Regulatory</b>	Land Use Ordinance adopted and amended; begin participation in National Flood Insurance Program	More LUO amendments. First approved floodplain map NPDES permits issued	More LUO, Town Code amendments. NPDES permits reissued	More LUO amendments NPDES permits reissued Floodplain map updated.	LUO amendments under review First NPDES audit scheduled (2020).
<b>Infrastructure maintenance/ equipment</b>	Legal basis defined; Public Works maintains system	System inventory MS4 defined/inventoried 1 <sup>st</sup> street sweeper		2 <sup>nd</sup> street sweeper	Projects initiated; Inventory update, condition assessment (planned); 3 <sup>rd</sup> street sweeper; other equipment?
<b>Program funding (annual)</b>	Not specifically measured, but estimated at <\$100k from General Funds.	Not specifically measured, but estimated at <\$150k. Some additional funds for program/regulatory compliance	Grant funds for Bolin Creek Watershed Restoration obtained.	~\$150k. Rate Structure, Enterprise Fund/ dedicated funding. FEMA HMGP funds sought.	\$820k funding (FY 20). Additional HMGP, Public Assistance funds being sought. Additional funding needed?
<b>Administration</b>	Staff assume new stormwater roles; contract engineer hired; Orange County Erosion Control	Minimal staff expansion. Environmental Advisory Board established. Decided not to establish Utility.	More partnering: Clean Water Education Partnership; Bolin Creek Watershed Restoration Team, etc.	Engineering studies; Utility established	2 FTEs hired (2018); Rate structure SWAC established

Beyond the transition from a formative to operational Stormwater Utility, the program is experiencing an inflection point for service delivery:

- 1) EPA and the State are now requiring a higher level of regulatory compliance, record keeping, and reporting for NPDES permits, which will require additional effort and capacity. One specific component of the permit for which immediate attention is especially needed and has been initiated is expanding the Stormwater Control Measure (SCM) maintenance and inspection program for private properties with SCMs permitted by the Town (see Appendices for additional information).
- 2) Recent experience with and concern for more intense storms is leading to a desire for the stormwater program to play an expanding role in improved resilience to storm/flood events, and floodplain management. Specific current examples include pursuit of FEMA Hazard Mitigation Grant Program (HMGP) and Public Assistance funds, Toms Creek flood mitigation, and support for potential Land Use Ordinance amendments to improve resiliency.
- 3) The Jordan Lake Rules will be reviewed in 2020, which could place additional requirements on the program and Enterprise Fund.
- 4) Especially in some older sections of town, there is infrastructure that could need repair/rehabilitation/replacement/retrofitting sooner than in newer parts of town.

#### Stormwater Enterprise Fund and Rate Structure

The Stormwater Enterprise Fund has been set up to fund both operational and capital stormwater program needs<sup>1</sup>. The rate structure established in 2018 assumes that the utility will be initiating projects with both water quantity/flood mitigation and water quality/environmental benefits, and there will be a transition time to build up reserves for larger projects that require more than a year of revenue. Establishing the rate structure created the initial foundation for a program with dedicated funding. Since the Stormwater Utility is in the first year of receiving dedicated revenue, there are constraints on currently available funding for capital/larger projects since capital reserves are just beginning to accumulate. In addition, the rate structure did not anticipate or try to reconcile:

- the new NPDES permit compliance requirements and record keeping that EPA and the State are in the process of implementing;
- uncertainties associated with requirements for the Jordan Lake Rules;
- uncertainties with comprehensive asset/infrastructure life cycle repair/rehabilitation/replacement nor larger equipment purchases, given limited information;
- the hydrologic/meteorological situation in Carrboro since last summer, and the resulting demands on the stormwater program;
- the staffing or fiscal impacts associated with seeking federal/state funding on a large scale, as is occurring with FEMA funds through the NC Department of Public Safety.

It is important to emphasize that the adopted rate structure also did not consider the Town's extension of stormwater infrastructure and services onto private property. The Town attorney has provided a separate memo on the legal and financial reasons for not having the Town assume this responsibility. In brief, these reasons include: 1) the constraints of the "public purpose" doctrine; (2) the level of stormwater service that the Town must provide to all similarly situated private property owners; and (3) the liability of the Town for assuming responsibility over stormwater infrastructure on private property.

<sup>1</sup> This approach is referred to as "pay as you go". According the UNC Environmental Finance Center, it is how most stormwater programs fund their programs, including capital improvements. The EFC discusses various funding and financing options at

[https://efc.sog.unc.edu/sites/default/files/2019/NC%20Stormwater%20Landscape\\_Final%20Draft\\_0.pdf](https://efc.sog.unc.edu/sites/default/files/2019/NC%20Stormwater%20Landscape_Final%20Draft_0.pdf)

### Service Level Options Going Forward

Three short term (1-2 year) service level/delivery expansion options are presented (Table 2), and then a recommendation provided. Note that this table and discussion do not attempt to comprehensively address the complete suite of services that have been/are being provided, only the expansion of selected services. In presenting these options, an attempt has been made to present clear, viable, and practical alternatives that consider and balance all aspects of the program.

In broad terms, the first option is to continue with implementation as currently in process, the second is to more moderately further expand and accelerate service delivery than currently being pursued, and the third is to more assertively expand and accelerate service delivery. The options presented in Table 2 are broken down by the category/type of service delivery. To some extent, the individual items presented can be considered independently if a finer detail of direction to the program than for each option is desired. The first option can be pursued without a need for a nearer term increase in revenue. The other two options will require revenue increases, and will also allow for expansion of staff capacity and an acceleration of capital project implementation over time. An increase would also recognize that there is an ongoing increase in service delivery costs associated with inflation and other increases in operating and project delivery costs. Staff have not attempted to present an the necessary increase in the service charge (fee) associated with these options, pending feedback from the Board.

An important consideration for planning for service delivery over the next 1-2 years is that Stormwater staff are/will continue to be supporting FEMA HMGP projects (2 grant cycles, four residential properties) and Public Assistance efforts (Florence disaster recovery and 2 projects). These are requiring a very significant amount of staff time since their success is contingent on cooperation across multiple agencies and navigation of many administrative requirements. The primary motivation is that, if successful, flood mitigation will be provided for 4 of the most vulnerable residences along Toms Creek, a vulnerable situation at Public Works will be addressed, and an important infrastructure project will be completed. The Town could, if successful, also access over \$1M of federal and state funds for these projects. (They are being pursued on a reimbursal basis that requires substantial documentation and adherence to federal requirements; funding is not guaranteed.) Stormwater staff's pursuit of these projects is a major reason why the two core/full time Stormwater staff are not currently able to devote more time to other important activities such as NPDES permit compliance or other service expansion.

Another important need in planning for future service delivery is for stability and predictability as the program grows, and also to allow for a "buffer" in staff capacity, for example, for storm event response, regulatory response, or other unexpected demands on staff workload.

**Table 2. Service Expansion Options Matrix (1-2 year time horizon)<sup>2</sup>**

<b>Services</b>	<b>Current/Planned</b>	<b>Option 1</b>	<b>Option 2</b>
<b>Public Stormwater Infrastructure</b> (repair, rehab, replace, retrofit, extend)	Pursue Public Works stream restoration and Broad Street Culvert Replacement. Develop capital project prioritization matrix and plan.	Update MS4 inventory Initiate system wide condition assessment	Finish condition assessment; Develop asset management system and green infrastructure plan.
<b>Private Stormwater Control Measures Inspections</b>	Inspect 25% of SCMs in next 18-24 months.	Inspect 50% of SCMs within 2 years.	Inspect 100% of SCMs within 2 years.
<b>Regulatory/Water Quality</b>	Prepare for NPDES audit in early 2020 as able with current capacity and workload. Continue to track Jordan Lake Rules.	Prioritize/expand NPDES permit compliance activities	Commit to 319 grant application for next grant cycle (2020).
<b>Flood Mitigation/Resilience</b>	Continue with FEMA HMGP grants and Public Assistance projects. Complete engineering assessment for Toms Creek catchment. Complete neighborhood pilot RainReady project. <sup>3</sup> Schedule LUO text amendment public hearing by December, 2020.	Launch residential assistance program within 2 years Schedule LUO text amendment public hearing by September, 2020.	Could include additional cost sharing. Schedule LUO text amendment public hearing by June, 2020.
<b>Stormwater Operations and Administration</b>	Continue with Stormwater Enterprise Fund administration and other current operations. Initiate workflow management system.	Consider new contractual services, e.g., on call Jet Vac and inspections of MS4	Invest in additional equipment. Consider tiered rate structure and/or credit manual Prepare first annual stormwater report.

The options provided in Table 2 do not include having the Town assume private stormwater control measure (SCM) maintenance responsibilities. SCMs are regulated structural devices that treat stormwater runoff to reduce both water quantity and quality impacts. The Town's NPDES permit requires that the Town insure that permitted SCMs are being properly maintained. The annualized maintenance cost for adequate maintenance for the ~170 SCMs currently permitted by the Town is estimated at about \$600k (see Appendix D for details), not including rehab/repair to bring any SCMs that have not been adequately maintained up to standards. Having the Town assume responsibility not only would be contrary to the constraints related to having the Town assume new services and responsibility on private property mentioned above, but would be cost prohibitive, and also very challenging to pursue while growing other program components.

<sup>2</sup> Options 1 or 2 will require a rate increase. All "Current/Planned" services are implicit in "Option 1".

"Option 1" services are implicit in "Option 2". Only services not included in others are shown for "Option 2".

<sup>3</sup> A proposal from the Center for Neighborhood Technology has been prepared.



All things considered and given staff's understanding of the desire to accelerate and expand service delivery, it is recommended that the Town plan to pursue Option 1 or 2 through an increase in the stormwater service charge. This will enable the Town to complete current projects and initiatives and continue to attend to fundamental program development needs, while also further building reserves and growing services.

**Recommendation**

Stormwater staff recommend that the Manager and Board of Aldermen receive the staff report and presentation, discuss the options presented, and direct staff to report back by early 2020 with a recommendation for changes to the service charge and rate structure and scheduling of a public hearing on these changes.

## Appendix A: Highlights and Overview of Stormwater Utility Activities

### January-August, 2019

(see separate monthly report and Appendices B and C for additional details)

Service	Activity
Administration	<ol style="list-style-type: none"> <li>1. Stormwater Utility rate structure implementation began in July 2018. Staff continued to coordinate with Orange County Property Tax office, received billing inquiries, and updated data for the 2019 billing cycle.</li> <li>2. Prepared and followed up on Stormwater Advisory Commission and Board of Aldermen agenda materials</li> <li>3. Administered NPDES Phase II permits               <ul style="list-style-type: none"> <li>• 6 management measures for Townwide permit</li> <li>• Coordination with Public Works staff and contractor for Public Works facility permit</li> </ul> </li> <li>4. No new activity for Bolin Creek watershed restoration/TMDL or Jordan Lake Rules compliance</li> <li>5. Supported FEMA Public Assistance application.</li> </ol>
Infrastructure	<ol style="list-style-type: none"> <li>1. Pursued and coordinated public conveyance system maintenance and inspection activities with Streets Division and community members (uptick due to storm events)</li> <li>2. Pursuing FEMA Public Assistance funding to address high risk situation at Public Works associated with repetitive and significant flooding and a rapidly eroding streambank adjacent to the fleet's underground fuel tanks along with a culvert replacement project for Broad Street. The potential for Public Assistance funding to assist with relocating the Public Works facility is in the early stages of being reviewed by FEMA/NCDPS staff.</li> </ol>
Community	<ol style="list-style-type: none"> <li>1. Provided staff support for Hazard Mitigation Grant Program (HMGP) acquisition/elevation projects and applications</li> <li>2. UNC educational outreach internship that promoted trees and tree canopy</li> <li>3. UNC Institute for the Environment spring semester Capstone team</li> <li>4. Provided phone, email, and on site consultative services/technical assistance to community members.</li> <li>5. Prepared materials related to potential residential assistance policy update and program</li> <li>6. Continued to participate in Clean Water Education Partnership.</li> <li>7. Held an outreach for the upper Tom's Creek watershed. Worked with the Center for Neighborhood Technology to prepare proposal for pilot project for this neighborhood.</li> </ol>

Planning	<ol style="list-style-type: none"><li>1. Provided technical review for projects seeking land use permits and rezoning.</li><li>2. Providing staff level review of potential LUO text amendments, and coordinating review with Stormwater Advisory Commission.</li></ol>
Field	<ol style="list-style-type: none"><li>1. Completed stream determinations to clarify inquiries regarding regulated surface waters and associated buffers.</li><li>2. Inspected Stormwater Control Measures.</li><li>3. Initiating update to MS4 system data, condition assessment</li><li>4. Continued to participate in a cooperative agreement with Chapel Hill and USGS to support a stream gage on Bolin Creek.</li><li>5. Continued to complete annual benthic monitoring to document Bolin Creek's biological integrity.</li></ol>

## **Appendix B: Selected Details of Stormwater Program Service Expansion**

This appendix provides additional information about the stormwater program's expanded service delivery as a part of launching of the Stormwater Utility.

### *Community Assistance and Engagement*

As a part of the stormwater program's daily workload, staff routinely and frequently respond to a variety of stormwater related inquiries and concerns through on site and office meetings and phone and email support. To date, assistance provided has been consultative and technical in nature and no financial assistance has been provided, nor is any included in the FY 20 budget. Topics have included but not been limited to:

- 1) investigating and supporting Public Works response to reports of the public stormwater conveyance system maintenance needs;
- 2) private property drainage issues and flood preparedness/response (including neighborhood scale-see additional discussion below);
- 3) stormwater billing inquiries;
- 4) advising regarding Town, State, and Federal regulatory compliance, including stream determinations;
- 5) referrals to other Town/agency staff for topics beyond stormwater;
- 6) responding to complaints regarding spills and potential illicit discharges;
- 7) development/construction site inspections, and review of buffer impacts;
- 8) Stormwater Control Measure (SCM) inspections in response to inquiries (more below on regularly scheduled inspections and future plans);

One specific early 2019 activity was working with a UNC intern on an educational outreach program that promoted trees and tree canopy for improving water quality, reducing runoff, and increasing rainfall interception, infiltration, evapotranspiration, and groundwater recharge. "Tree Value Tags" were placed throughout town with information on how trees are a valuable part of the town's green infrastructure. The tags provided information on the economic and ecological value of specific trees and also provided online links to information and the tools available from iTree. Thirty tree value tags were located throughout town. Another activity has been presence at the Farmers Market, Open Streets, and Carrboro Day. Stormwater staff also worked with a UNC Institute for the Environment spring semester Capstone team that: identified outreach methods to increase awareness about stormwater; surveyed municipalities across North Carolina to obtain information about stormwater programs; and completed technical analyses of stormwater runoff at selected sites. Staff will be referring to this study as the program continues to develop.

In the coming months, staff plan to update the website and create additional outreach materials. Staff have also offered time to assist with a neighborhood sponsored grant project, if funded, for a restoration/stabilization project in the Bolin Forest neighborhood. At the April 23<sup>rd</sup> meeting, the Board directed staff to initiate an assessment in consideration of a request regarding flooding/drainage concerns in a subwatershed of Toms Creek. Staff are working with Sungate and also recommend that the Town contract with the Center for Neighborhood Technology on a neighborhood engagement pilot project in the upper Toms Creek watershed.

As presented in January and in consideration of the requests and inquiries that staff regularly receive, Stormwater Utility staff have also: reviewed the Town's (1984) Drainage Policy; researched approaches taken in other municipalities; and informed the Stormwater Advisory Commission of the interest in revisiting the policy and considering a new program. Any cost sharing to potentially be offered will be based on future policy and management direction. Stormwater staff have placed this work temporarily on hold since the existing workload does not enable staff to focus on this currently.

While it has not been initiated by Stormwater staff or the Town, it is worth passing on that a new stream gage is being installed on Morgan Creek at the Smith Level Road bridge with federal/state monies. The gage should be of benefit to the Town for the Public Works facility operation, and to residents/landowners especially along Morgan Creek for accessing local flood risk information.

#### NPDES Permits, Jordan Lake Rules, Bolin Creek Impairment/Watershed Restoration

EPA, through the State, first issued the Town NPDES stormwater permits in 2005, one town wide (for the MS4, as a Phase II [population <100k]) community and one specifically for the Public Works facility. The permits have been reissued twice. Carrboro is one of 97 Phase I or II communities in NC. Many of these communities formed a Stormwater Utility to insure that the funding and capacity were in place for regulatory compliance when these permits were issued; Carrboro is relatively late in doing so. There were 56 municipal stormwater utilities with permits in 2010, 64 in 2017 and 81 municipal and five county stormwater utilities as of 2019. The Town has maintained compliance to date, however, as mentioned above and from meetings and materials provided by State staff in 2019, the Town has considerable work to do to address new regulatory and record keeping requirements. (An audit is scheduled for 2020; other municipalities face this same challenge.) Stormwater staff are aware of the likely deficiencies, but do not currently have the ability to pursue all the steps needed to address them due to many other responsibilities and priorities (as touched on in this memo and in the separate monthly report). Preparing for this audit and improving the Town's permit compliance and record keeping activities will be a major undertaking for staff in the months to come.

As mentioned above, staff anticipate movement with Jordan Lake Rules regulatory review in 2020 as a UNC Collaboratory study wraps up. It is preliminary at this point to speculate on the potential fiscal/staff/regulatory impacts that will result, beyond an understanding that some staff time will be required to stay informed and report back as the review is pursued.

The downstream extent of Bolin Creek in Carrboro, and continuing into Chapel Hill, is on the state/federal list of impaired waters. Local actions are needed to improve water quality. Carrboro staff worked with Chapel Hill and other local, state and federal agency staff in 2006 to create the Bolin Creek Watershed Restoration Team (BCWRT) because of the impaired waters listing. At the time, the Bolin Creek watershed was selected as one of only 7 watersheds in the state to receive focused state and federal assistance in preparing grant applications and leveraging other resources to remove Bolin Creek from the impaired waters list. The long term goal is to improve the health of Bolin Creek and its tributaries and remove it from the impaired waters list. This is an ambitious goal that will require a robust commitment for many years to come. Aside from continued benthic monitoring, the BCWRT has been inactive since 2012 due to insufficient capacity/resources and a focus for both Chapel Hill and Carrboro on flooding relative to watershed restoration.

### Stormwater Control Measure (SCM) Maintenance and Inspections

An activity that staff are ramping up is providing oversight for SCM maintenance and inspections for SCMs regulated by the Town as part of land use permits. There are over 170 of these SCMs in Carrboro, with several dozen more anticipated as projects are built out. This is a regulatory requirement under the Town's NPDES permit. It is also seen as the single most immediate and cost effective action that the Town can currently take to mitigate flood risks since there are many existing SCMs for which the flood mitigation performance can be improved with proper maintenance, and risks of poorer future performance can also be avoided through preventative maintenance. This activity will take a significant amount of staff time since many owners of SCMs are not aware of either their maintenance responsibility or the technical details of performing the necessary maintenance and associated reporting requirements.

### Stormwater Capital Needs

Table 1 provides a high level and preliminary overview of potential capital needs, noting that some needs are shown that were not included in the most recent Stormwater Capital Improvements update.

**Table 1: Broad Overview of Potential Stormwater Capital Projects**

<i>Project Type</i>	<i>Notes</i>	<i>Approximate Funding Needs</i>	<i>Potential Federal/State Funding</i>
Stormwater Infrastructure/Conveyance	Identified to date <sup>A</sup>	\$1.7M	Outside funding sources have not been identified/pursued. Cost sharing for private properties and benefitting neighborhoods has been presented in previous BoA agendas.
Stormwater Retrofits	Identified to date <sup>B</sup>	\$4M	<sup>C</sup>
FEMA Public Assistance <sup>E</sup>	Stream restoration, culvert replacement <sup>D</sup>	\$400k-\$500k	\$300k-\$500k
Total		\$6.2M-\$6.3M	\$0.3M-\$0.5M

A This is preliminary and not based on a comprehensive assessment, but rather compiled from specific needs identified and multiple Board agenda items from 2013-2017. Work is needed to more comprehensively assess needs and prioritize improvements. An example of how other communities approach this is to complete a system wide condition/asset assessment. After that, a certain percentage of the asset value can be identified for annual repair/rehab/replacement

B As identified in Capital Improvements Program. Update on Jordan Lake compliance anticipated in 2020.

C Competitive EPA/State grant funding exists, most applicable for Bolin Creek watershed

D Discussed below; not included in 1st row to avoid double counting.

E Does not include Public Works facility relocation.

The current total annual revenue from stormwater fees is ~\$820k. Using revenue from the fees and the current rate structure alone, it will take at least 12 years to meet these needs. With the potential for future regulatory requirements along with expectations for increased program service delivery and the results of planned condition assessments and need to look at life cycle costs and more comprehensive asset management, it is certain that capital needs will increase. The table does not account for additional infrastructure/green infrastructure projects that have not yet been identified (green infrastructure examples include, green streets/parking lots, stormwater retrofits, urban forestry, restoration, land conversion, etc.)

At current funding levels and with current staffing, the capacity exists to pursue 1-2 capital projects per year. Some of the projects that have been identified are larger projects, and therefore will require delay before implementing, multiple years, and/or supplemental/alternative funding/financing. With the exception of 2 of the HMGP projects (which are not being funded from stormwater fees), none of the projects are “shovel ready”. The studies that have been done to date to identify these projects are diverse in nature, ranging from State level ecological/environmental/regulatory efforts to site specific in response to flooding/drainage concerns. They have occurred over the past 15 years, and their collective undertaking has not resulted in a Town approved, prioritized implementation plan. Staff have initiated a review process towards creating this plan.

#### Cost of Services

The cost of stormwater services for several decades was embedded in the General Fund and not specifically tracked. Establishing the Stormwater Enterprise Fund and Stormwater Utility and adopting a rate structure has resulted not only in a significant increase in operating capacity, but also an ability to fund larger projects. The breakdown of the FY 19/20 budget is shown below. The FY 19/20 budget is structured to pursue operations (42%), as well as for projects and to save money for future needs (58%).

**Table 2: FY 19/20 Breakdown for Operating and Capital Budgets**

	<b>FY 19/20</b>
<b>Operating</b>	
Personnel <sup>1</sup>	\$245k
Contractual Services	\$69k
Other Operating	\$30k
<b>Total Operating</b>	<b>\$344k</b>
<b>Projects<sup>2</sup></b>	<b>\$310k</b>
<b>Reserves</b>	
Equipment Reserve <sup>3</sup>	\$25,000
Other Reserve <sup>4</sup>	\$138,500
<b>Total Reserves</b>	<b>\$163,500</b>
<b>Total (=Annual Revenue)</b>	<b>\$817,500</b>

<sup>1</sup> Full and part time staff from Public Works and Planning (salary and benefits)

<sup>2</sup> Pursuing federal funding for 2 projects. If successful, will increase revenue

<sup>3</sup> Annualized cost for replacement of street sweeper

<sup>4</sup> Unspecified reserves for future projects (does not include \$100k emergency reserve)

**Appendix C: Permitted Stormwater Control Measure Inventory and Estimate of Annualized Maintenance Costs**

	<u>Bioretention</u> <u>(71)</u>	<u>Dry Pond</u> <u>(57)</u>	<u>Wet pond</u> <u>(18)</u>	<u>Level</u> <u>spreader</u> <u>(7)</u>	<u>Sand filter</u> <u>(4)</u>	<u>Underground</u> <u>Detention (4)</u>	<u>Proprietary</u> <u>Device (3)</u>	<u>Stormwater</u> <u>Wetland (2)</u>	<u>Permeable</u> <u>Pavement</u> <u>(2)</u>	<u>Rainwater</u> <u>Harvesting</u> <u>(2)</u>	<u>Grassed</u> <u>swale (1)</u>	<u>Total</u>
<b>Town owned (5)</b>	\$12,934	\$0	\$5,355	\$0	\$0	\$0	\$0	\$0	\$5,389	\$0	\$0	<b>\$23,678</b>
<b>Schools (28)</b>	\$66,828	\$18,421	\$20,691	\$0	\$0	\$0	\$0		\$0	\$12,768	\$0	<b>\$118,707</b>
<b>Other Public (8)</b>	\$15,090	\$7,001	\$0	\$0	\$0	\$2,686	\$4,311	\$6,384	\$0	\$0	\$0	<b>\$35,472</b>
<b>HOA (78)</b>	\$142,278	\$39,961	\$46,580	\$6,036	\$0	\$0	\$0	\$2,859	\$0	\$0	\$500	<b>\$238,214</b>
<b>Commercial (53)</b>	\$74,373	\$40,325	\$0	\$0	\$25,869	\$11,201	\$4,311	\$0	\$5,389	\$0	\$0	<b>\$161,468</b>
<b>Total (172)</b>	<b>\$311,503</b>	<b>\$105,707</b>	<b>\$72,626</b>	<b>\$6,036</b>	<b>\$25,869</b>	<b>\$13,887</b>	<b>\$8,623</b>	<b>\$9,243</b>	<b>\$10,779</b>	<b>\$12,768</b>	<b>\$500</b>	<b>\$577,540</b>

Unit cost estimates obtained from Durham: <https://durhamnc.gov/695/BCE-As-Built-BMC-Maintenance-Programs>

<b><u>Under construction</u></b>	
Inara Court	These projects will add ~\$30k in annual SCM ownership costs
South Green	
IFC	
MLK Park	
<b><u>Approved, awaiting construction</u></b>	
Hilton	This project will add ~\$4k of annual SCM ownership costs
<b><u>In review</u></b>	These projects, if approved and built, could result in about ~\$40k of new annual ownership costs
Lloyd Farm	CUP review
Sanderway	CUP approved, awaiting construction plans
Beaumont	CUP review
Kentfield	CUP review
CASA	CUP approved, awaiting construction plans
Chan Live Work	CUP approved, awaiting construction plans
Club Nova	CUP review



# STORMWATER UTILITY MONTHLY REPORT

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## **PART 1: WATER QUANTITY DRIVEN WORK**

### **1. FEMA Public Assistance: Public Works Stream Restoration**



**Project Description:** This project involves two phases of repairing/restoring a badly eroding stream channel in an extremely high risk situation adjacent to Public Works. The first phase will be preliminary engineering; the second will be construction/restoration.

**Project Background:** There are two unnamed intermittent streams that flow from the south side of downtown along South Greensboro Street and Old Pittsboro Road, join just above the 54 Bypass, and then flow under the bypass and along the Public Works property line before joining Morgan Creek. The stream channel is very incised adjacent to Public Works, with an extremely actively eroding bank. During Hurricane Florence, a large section of the streambank immediately adjacent to the fuel tanks (as well as outbuildings) collapsed, escalating and accelerating the importance of addressing the bank erosion. This project has been an identified need since 2015.

**Status: Active/Funded.** The Board approved a project ordinance and staff released an RFQ in June for assistance with preliminary engineering from a private engineering firm(s) in June. Interviews were held in July, and a contract was executed with Jennings Environmental in August, and the work has begun. The preliminary engineering is scheduled to be completed in February, 2020. Staff are continuing to work diligently with NCDPS and FEMA to pursue federal assistance for this project. Stormwater staff consider this to be the highest priority capital project.

**Fiscal and Staffing Considerations:** The contract with Jennings Environmental is for \$58k. FEMA /NCDPS have reviewed and informally approved the contract, although any federal funding will be reimbursed after spending, and requiring detailed cost tracking. The first invoice for this work has been submitted for reimbursal. There is a significant staff impact associated with project and grant management.

**Additional Information:**

[https://www.fema.gov/media-library-data/1534520496845-4b41646e3d8839c768deb3a7f4ded513/PADeliveryModelFactSheetFINAL\\_Updated\\_052418.pdf](https://www.fema.gov/media-library-data/1534520496845-4b41646e3d8839c768deb3a7f4ded513/PADeliveryModelFactSheetFINAL_Updated_052418.pdf)  
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2288740&GUID=0B2EA271-314B-4ED8-8A38-0E199F87A49F%3E&FullText=1>

## 2. FEMA Public Assistance: Broad Street Culvert Replacement



**Project Description:** This project will involve two phases to replace an old and undersized culvert on the 400 block of Broad Street. The first phase will be preliminary engineering; the second will be construction.

**Project Background:** Stormwater staff have been leading the Town's exploration of FEMA Public Assistance funding following on Hurricane Florence. An old and undersized culvert on Broad Street has been responsible for previous overtopping of the road, and has been identified as being a candidate for FEMA PA funding. This site has been included in previous Town flood studies by Sungate Engineering.

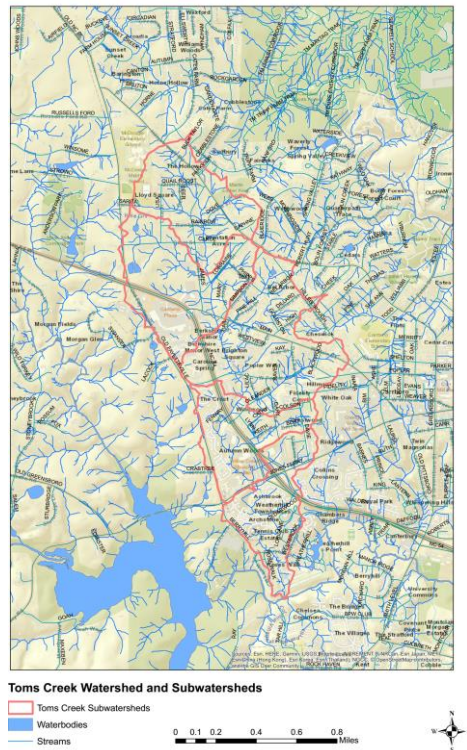
**Status: Active/Funded.** The Board approved a project ordinance and staff released an RFQ in June for assistance with preliminary engineering from a private engineering firm(s) in June. Interviews were held in July, and contract negotiations continued in August. Assuming a contract is able to be executed in the near term, the preliminary engineering should be completed this fall/winter, and construction in 2020. Staff have continued to work diligently with NCDPS and FEMA to obtain federal assistance for this project.

**Fiscal and Staffing Considerations:** Any federal funding will be reimbursed after spending, and require detailed cost tracking. There is a significant staff impact associated with project and grant management.

### **Additional Information:**

[https://www.fema.gov/media-library-data/1534520496845-4b41646e3d8839c768deb3a7f4ded513/PADeliveryModelFactSheetFINAL\\_Updated\\_052418.pdf](https://www.fema.gov/media-library-data/1534520496845-4b41646e3d8839c768deb3a7f4ded513/PADeliveryModelFactSheetFINAL_Updated_052418.pdf)  
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2288740&GUID=0B2EA271-314B-4ED8-8A38-0E199F87A49F%3E&FullText=1>  
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2288740&GUID=0B2EA271-314B-4ED8-8A38-0E199F87A49F%3E>

### 3. Toms Creek Watershed Assessment and Outreach



**Project Description:** In April 2019, the Board directed staff to move forward with an assessment of conditions in a subwatershed. In June, 2019, an outreach session was held. There is an ongoing need to address flooding issues in the upper Toms Creek watershed.

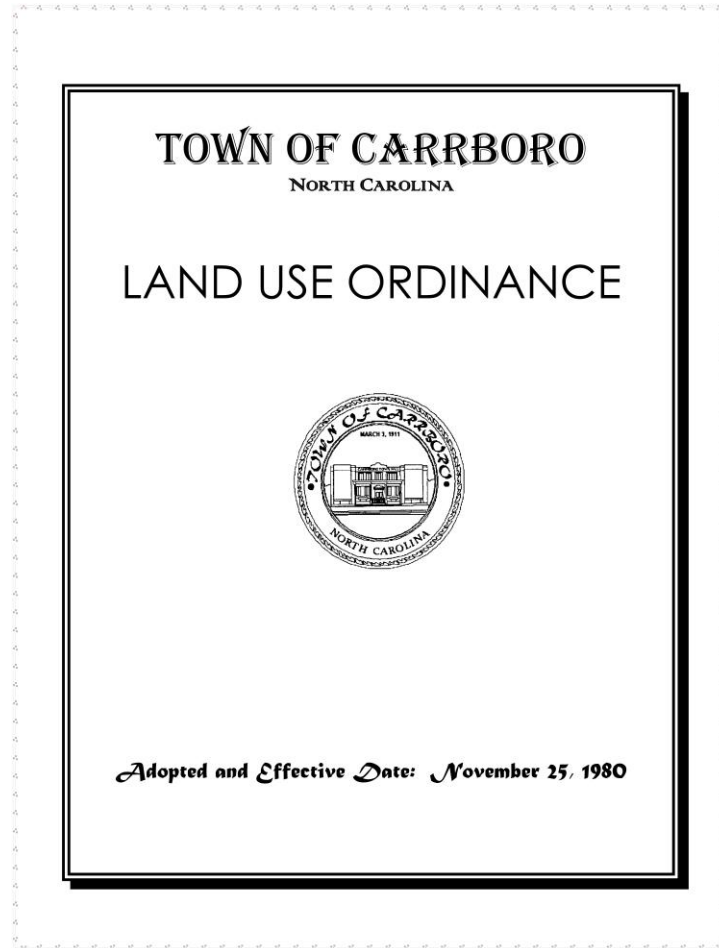
**Project Background:** For the Toms Creek watershed, flooding and drainage is a recurring and important theme. The upper watershed has received the most attention in recent years, including hydrologic and hydraulic modeling, due to the degree of flooding and drainage issues experienced by residential property owners both in the regulated floodplain and other areas. A watershed based approach is needed to comprehensively address the issues that exist. An emerging concern is resiliency in consideration of the growing number of recent intense storms and the potential for a shift to more flooding in the future due to climate change.

**Status: Active.** An outreach session was held in June. Sungate Engineering will be pursuing additional studies of a catchment between Hillsborough Rd. and West Main Street with known drainage issues. Staff have worked with a nonprofit, the Center for Neighborhood Technology, to scope out a proposed neighborhood outreach and engagement pilot project ("RainReady") to assist with neighborhood preparedness and resilience to flooding and drainage concerns.

**Fiscal and Staffing Considerations:** Sungate's work will cost \$16.5k and the Center for Neighborhood Technology's work, if approved, will cost \$25k. There could be an implementation cost as a result of these projects. There will be a staff impact with overseeing the work.

**Additional Information:** Additional information is available from multiple Board agenda items from 2013-2019. A [project website](#) has been created with relevant historical and project related information.

#### 4. Land Use Ordinance Stormwater Provisions Review



**Project Description:** LUO stormwater provisions are currently under review.

**Project Background:** At the April 16th Board of Aldermen meeting, the Board referred further review of the stormwater provisions in the LUO to staff and the Stormwater Advisory Commission in consideration of the flooding and drainage impacts being experienced and elevated risk for increasing impacts due to climate change.

**Status: Active.** This is being considered by Planning and Public Works staff, the Town Engineer, and the Stormwater Advisory Commission.

**Fiscal and Staffing Considerations:** There is no fiscal impact with reviewing and amending the LUO. There is a staff impact with performing the review.

**Additional Information:**

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3919560&GUID=59CDD594-2973-4C2B-813C-738A1CF5707B&Options=&Search>

<http://www.townofcarrboro.org/DocumentCenter/View/698/Article-XVI-Floodways-Floodplains-Drainage-and-Erosion-PDF>



## 5. FEMA Hazard Mitigation Grant Program (HMGP) Active Elevation Project



**Project Description:** Utilization of FEMA HMGP funds to elevate homes on Lorraine Street.

**Project Background:** In 2016, the Town was awarded a FEMA grant (administered by the NC Department of Public Safety [NCDPS]) to elevate two homes at 400 Lorraine Street and 403 Lorraine Street. After start up project delays, the Town hired Summit Design and Engineering Services in the late spring of 2018 to assist with pre-construction/design and bidding services, construction administration and grant compliance monitoring. Stormwater staff began providing administrative support for the project in October 2018. Summit wrapped up the preconstruction/design phase of the project in December, construction bid advertisement followed, and a responsive bid was received, but the bid exceeded the available funding. Staff requested grant extension and additional funding to cover increased construction costs in February.

**Status: Awaiting funding approval.** Staff are working with State and Summit staff, the property owners, and a contractor to move to the construction phase of the project.

**Fiscal and Staffing Considerations:** Costs associated for work covered by the grant, if extended and fully funded, will be reimbursed to the Town with a combination of both Federal and State funds covering 100% of the costs associated with the project. Elevation costs, if fully funded, can be reimbursed at up to \$175k per home. There is a significant staff impact to administer the grant funds.

### **Additional Information:**

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3767377&GUID=67B319F8-E1CC-4E4B-9DC2-5FA5AEC6CCED&Options=&Search=&FullText=1>

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2825729&GUID=06EB126A-0AE5-4A83-BFD0-0AA28C2CA6F1&Options=ID|Text|&Search=Flood>

[https://www.fema.gov/media-library-data/1493317448449-b83f27544e36b7bf67913f964a56b15a/HMA\\_Homeowners\\_Guide\\_040717\\_508.pdf](https://www.fema.gov/media-library-data/1493317448449-b83f27544e36b7bf67913f964a56b15a/HMA_Homeowners_Guide_040717_508.pdf)

## 6. FEMA Hazard Mitigation Grant Program Letters of Interest (Acquisition and Elevation)



**Project Description:** The information presented below is for an acquisition project for 116 Carol Street, and a new elevation project for 100 James Street

**Project Background:** Following on Hurricane Florence, FEMA announced a new round of HMGP funding. In addition to the Lorraine Street properties discussed above, two additional homeowners at 116 Carol Street and 100 James Street (properties included in previous HMGP applications for acquisitions that did not move forward) have responded, and been included in a Letter of Interest submitted by the Town to the NCDPS. Staff submitted one Letter of Interest for an acquisition project for 116 Carol Street and a second Letter of Interest for elevation of homes at 100 James Street. Another step that staff has taken is resubmittal of these same Letters of Interest under a new funding round that has opened up in association with Hurricane Michael. This is being pursued at the recommendation of State and County staff as an additional backup option in the event that insufficient federal funds are available from Florence for FEMA to accept Carrboro's Hurricane Florence Letters of Interest.

**Status: Application in progress.** Staff received word from NCDPS in August that they are ready to proceed to the next step of grant application. An agenda item regarding identifying the Town's designated agents has been prepared. A new property tax assessment (\$223k, compared to the previous assessment of \$283k) was obtained and provided to the NCDPS. The anticipated schedule moving forward (per FEMA/NCDPS) is an application deadline of November 1, with notification of award anticipated in early 2020, followed by finalization of a grant agreement later in 2020.

**Fiscal and Staffing Considerations:** If the Town is able to successfully enter into a grant agreement, costs associated for work covered by the grant will first be borne by the Town and then reimbursed to the Town with a combination of both Federal and State funds covering 100% of the eligible costs associated with the project(s), provided that all grant requirements are met. Elevation costs can be reimbursed at up to \$175k per home, and acquisition costs at up to \$276k per home. There would be a significant staff impact to administer the grant funds.

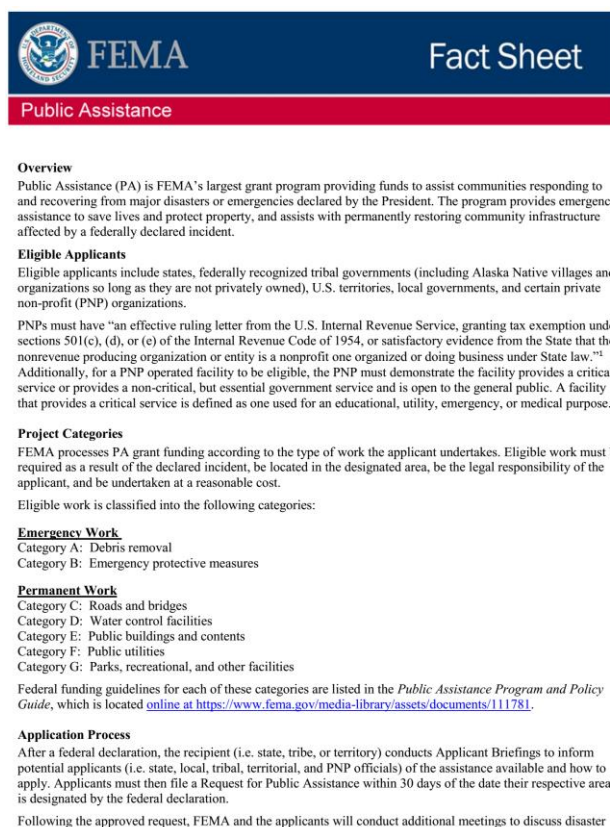
### Additional Information:

[https://www.fema.gov/media-library-data/1493317448449-b83f27544e36b7bf67913f964a56b15a/HMA\\_Homeowners\\_Guide\\_040717\\_508.pdf](https://www.fema.gov/media-library-data/1493317448449-b83f27544e36b7bf67913f964a56b15a/HMA_Homeowners_Guide_040717_508.pdf)





## 7. FEMA Public Assistance: Damage Recovery from Hurricane Florence



**Project Description:** The Town has been working through the FEMA Public Assistance process for damage recovery from Hurricane Florence. This aspect of Public Assistance is associated with covering the costs associated with debris removal, emergency protective measures, restoring roads, equipment and facilities to pre-storm conditions, and administrative costs. It is considered separately from the activities described in #3 and #4 above, although also under the Public Assistance umbrella.

**Project Background:** Stormwater staff have been leading the Town's pursuit of FEMA Public Assistance funding. Staff have submitted claims for losses not covered by insurance and have been working with FEMA/NCDPS staff to document and receive reimbursement, as well as reimbursement for staff time associated with emergency response and follow up. This process has been underway since the winter.

**Status: Active.** The Florence damage recovery Public Assistance described above is nearing completion. The Town is awaiting final review and reconciliation, which is expected to take several months.

**Fiscal and Staffing Considerations:** The Town has requested support for about \$100k in uninsured costs. This work has required over 300 hundred hours of Stormwater staff time.

### Additional Information:

[https://www.fema.gov/media-library-data/1534520496845-4b41646e3d8839c768deb3a7f4ded513/PADeliveryModelFactSheetFINAL\\_Updated\\_052418.pdf](https://www.fema.gov/media-library-data/1534520496845-4b41646e3d8839c768deb3a7f4ded513/PADeliveryModelFactSheetFINAL_Updated_052418.pdf)  
[https://www.fema.gov/pdf/government/grant/pa/fema323\\_app\\_handbk.pdf](https://www.fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf)

## PART 2: WATER QUALITY & FEDERAL/STATE REGULATORY DRIVEN WORK

### 8. NPDES Town wide Permit

*What is an MS4 Permit Compliance Audit?*

An MS4 Audit is a structured review of the Stormwater Management Program to evaluate whether the MS4 is meeting the requirements specified in the NPDES MS4 Permit & Stormwater Management Plan (SWMP)



AKA do you have your ducks in a row?

Department of Environmental Quality



**Regulatory Requirement:** The Town is regulated under a town wide permit that requires the Town to implement a comprehensive stormwater management program that includes six minimum measures:

- (1) Public education and outreach on stormwater impacts
- (2) Public involvement/participation
- (3) Illicit discharge detection and elimination
- (4) Construction site stormwater runoff control (delegated to Orange County)
- (5) Post-construction stormwater management for new development and redevelopment, and
- (6) Pollution prevention/good housekeeping for municipal operations.

The initial Carrboro permit was issued effective July 1, 2005, renewed in 2011, and again in 2017. The Town maintains a Stormwater Management Plan that describes permit compliance details.

**Background:** In 1990, under the authority of the federal Clean Water Act and starting with large (population >100k) municipalities (and industries), EPA began regulating stormwater runoff. In 2000, the scope was extended to smaller municipalities, and EPA delegated the authority to the State to issue these municipalities (including Carrboro) a stormwater permit.

**Status: Active.** There is a planned EPA/State NPDES Phase II stormwater permit audit in 2020, with new compliance expectations from EPA and the State of the Town (and all NC municipalities). Given the State staff's communications about the audit and Stormwater staff understanding of the new requirements, staff anticipate that a Letter of Deficiency would probably be given if the audit were to occur today. Stormwater Staff are not able to emphasize permit performance currently due to other demands.

**Fiscal and Staffing Considerations:** Preparing for this audit and improving the Town's permit compliance and record keeping activities has been and will continue to be a major undertaking for staff.

**Additional Information:**

<https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/npdes-ms4-permitting>

## 9. NPDES Public Works Facility NPDES Permit

STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES  
**GENERAL PERMIT NO. NCG080000**

TO DISCHARGE STORMWATER UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

for establishments primarily engaged in the following activities:

### **Vehicle Maintenance Areas**

**Regulatory Requirement:** Under federal and state law, the Public Works facility continues to be regulated through an NPDES stormwater general permit.

**Background:** In 1990, under the authority of the federal Clean Water Act and starting with large (population >100k) municipalities (and industries), EPA began regulating stormwater runoff. In 2000, the scope was extended to smaller municipalities, and EPA delegated the authority to the State to issue these municipalities a stormwater permit. In addition to receiving a town wide permit, Carrboro received a separate permit for the Public Works facility given the operations occurring at the site and potential for stormwater impacts on water quality.

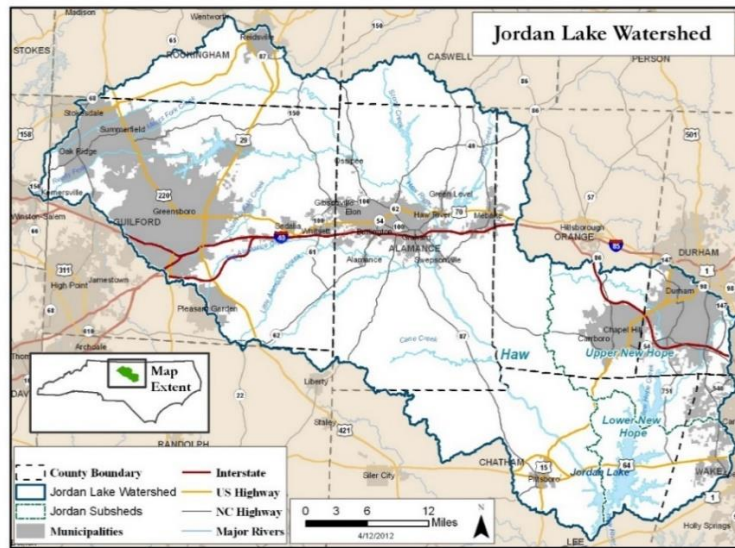
**Status: Active.** This activity has been and remains in a regular/routine operational status, with the facility remaining compliant with federal/state requirements.

**Fiscal and Staffing Considerations:** The Town has been working with a consultant for about \$6k/year to support regulatory compliance. There is also an ongoing and relatively low level of staff activity to maintain compliance.

**Additional Information:**

<https://deg.nc.gov/about/divisions/energy-mineral-land-resources/npdes-stormwater-gps>

## 10. Jordan Lake Rules Compliance



**Regulatory Requirement:** The Jordan Lake Rules are a nutrient management strategy designed to restore water quality in the lake by reducing the amount of pollution entering upstream. Restoration and protection of the lake is essential because it serves as a water supply for several thriving communities, a prime recreation area for more than a million visitors each year, and an important aquatic ecosystem.

**Background:** Jordan Lake was impounded in 1983 by damming the Haw River near its confluence with the Deep River. It was created to provide flood control, water supply, protection of water quality downstream, fish and wildlife conservation, and recreation. The lake has had water quality issues from the beginning, with the North Carolina Environmental Management Commission declaring it as nutrient-sensitive waters (NSW) the same year it was impounded. Since that time, Jordan Lake has consistently rated as eutrophic or hyper-eutrophic, with excessive levels of nutrients present. The most relevant provisions in the rules for Carrboro relate to stormwater management for both new and existing development, riparian buffers, and fertilizer application.

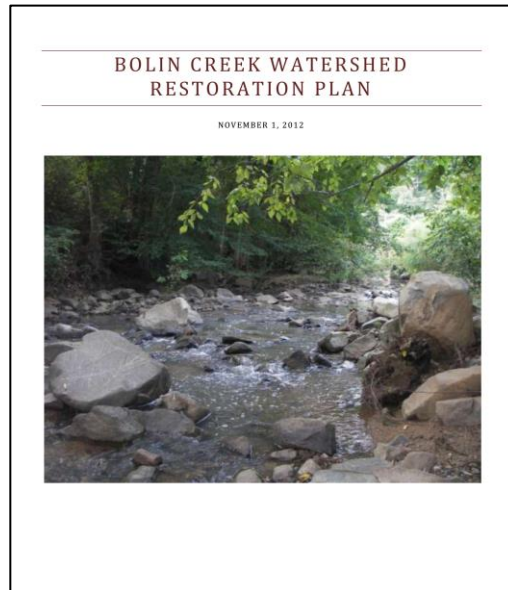
**Status: Awaiting State Review.** There was significant Town activity between about 2005 and 2015 to prepare for and enact ordinance provisions and begin work on implementation activities. Legislative action has delayed further implementation. Jordan Lake Rules regulatory review is anticipated for 2020, as a UNC Collaboratory study wraps up.

**Fiscal and Staffing Considerations:** The Town continues to be required to submit annual reports identifying stormwater retrofits, and has programmed these projects in the 5 year CIP. It is preliminary at this point to speculate on the potential fiscal/staff/regulatory impacts that will result, beyond an understanding that some staff time will be required to stay informed and report back as the review is pursued.

### Additional Information:

<https://deq.nc.gov/about/divisions/water-resources/water-planning/nonpoint-source-planning/jordan-lake-nutrient>

## 11. Bolin Creek Watershed Restoration Plan Implementation



**Regulatory Requirement:** The downstream extent of Bolin Creek in Carrboro, and continuing into Chapel Hill, is on the state/federal list of impaired waters. Local actions are needed to improve water quality.

**Background:** Carrboro staff worked with Chapel Hill and other local, state and federal agency staff in 2006 to create the Bolin Creek Watershed Restoration Team (BCWRT) because of the impaired waters listing. At the time, the Bolin Creek watershed was selected as one of only 7 watersheds in the state to receive focused state and federal assistance in preparing grant applications and leveraging other resources to remove Bolin Creek from the impaired waters list. The selection was based on the listing and the existence of restoration planning efforts for the larger Morgan and Little Creek Watersheds, but also, because of the local interest in and capacity for progressive environmental initiatives. The BCWRT's long term goal is to improve the health of Bolin Creek and its tributaries and remove it from the impaired waters list. This is an ambitious goal that will require a robust commitment for many years to come.

**Status: Inactive/Not Funded.** Watershed restoration plan implementation has been inactive since 2012 due to insufficient capacity/resources.

**Fiscal and Staffing Considerations:** There are no near term considerations. Longer term fiscal and staff considerations are uncertain. Competitive 319 grant funds (40% local match) could be pursued.

**Additional Information:**

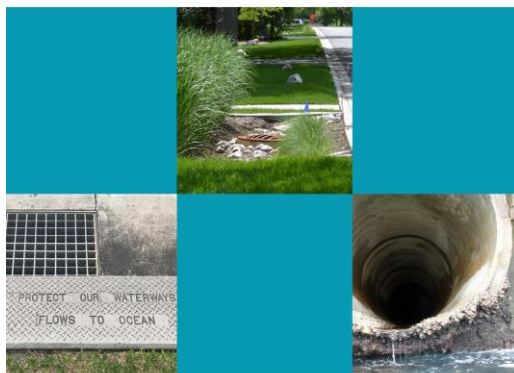
<https://townofcarrboro.org/280/Bolin-Creek-Watershed-Restoration>

## PART 3: WORK DRIVEN BY BOTH WATER QUANTITY AND QUALITY INTERESTS

### 12. Stormwater Service Delivery Review

#### The Stormwater Finance Landscape:

*Where We've Come from and Where We've Yet to Go*



UNC | SCHOOL OF GOVERNMENT  
Environmental Finance Center

**Description:** The purpose of this review is to research, consider, and prepare background material to present to the Board of Aldermen related to options for service delivery for the stormwater program going forward.

**Background:** The Town has been incrementally increasing the levels of stormwater services for several decades through Land Use Ordinance changes, preparation and implementation of multiple federal and state regulatory requirements, and in the past decade, in response to increases in intense rainfall events and increased flooding. This culminated in the creation of the Stormwater Utility and establishment of dedicated stormwater funding in 2017-18, setting the stage for the most significant increase in service delivery to date. The purpose of this review is to review current service delivery and look at options for service delivery going forward.

**Status: Active.** Staff have completed a review and will present the review and options to the Board on September 10<sup>th</sup>. In addition to the other items included in this report, Stormwater staff are also increasing inspections of Stormwater Control Measures as a specific increased service which has the additional benefits of a cost effective means for flood mitigation, a step towards compliance with the NPDES permit, and community education.

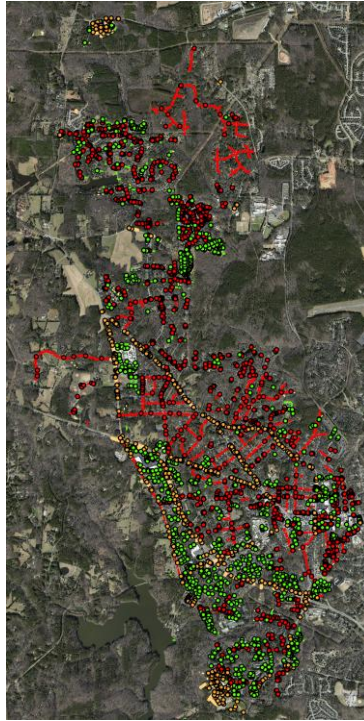
**Fiscal and Staffing Considerations:** By nature of the review, future fiscal and staff impacts will occur if changes to the service delivery are chosen. **Additional Information:**

[https://efc.sog.unc.edu/sites/default/files/2019/NC%20Stormwater%20Landscape\\_Final%20Draft\\_0.pdf](https://efc.sog.unc.edu/sites/default/files/2019/NC%20Stormwater%20Landscape_Final%20Draft_0.pdf)

<https://www.epa.gov/sites/production/files/2018-01/documents/overcoming-barriers-to-development-and-implementation-of-asset-management-plans.pdf>



### 13. MS4 Inventory Update, Condition Assessment, Asset and Workflow Management



**Description:** This initiative involves using new technology to update the MS4 inventory, assess MS4 conditions, and create an asset management and workflow systems and tools. Asset management is a strategic approach to maintaining and sustaining infrastructure in order to deliver services at the lowest overall life cycle cost. This method is intended for managing any assets, has traditionally been used for drinking water and wastewater, and is increasingly being used by stormwater utilities.

**Background:** A GIS based system inventory was first completed about 15 years ago in preparation for the Town's NPDES permit. While maintenance of the inventory is ongoing, some additional work is needed to fully complete the inventory so it can serve as the foundation for comprehensive stormwater workflow, regulatory tracking and asset management needs. The Public Works Department is in the process of implementing a new workflow management system (CityWorks) and GIS based field inventory capabilities. A system condition assessment has not been completed, nor has an asset management system been created. It is recommended that sufficient resources be allocated to allow this work to move forward.

**Status: Active.** Investments are being made in new information technology and staff are in the early phase of systems development, configuration, and staff training.

**Fiscal and Staffing Considerations:** There is no direct fiscal impact currently. The need for additional resources (additional staffing and/or engineering or contractual services) will depend on the technical requirements and overall staff workload and the desired pace of moving this work forward.

**Additional Information:** <https://louisville.edu/cepm/projects/sustainable-community-capacity-building/asset-management-for-stormwater>

<https://www.epa.gov/sites/production/files/2018-01/documents/overcoming-barriers-to-development-and-implementation-of-asset-management-plans.pdf>

## 14. Stormwater Project Planning and Prioritization

	Criteria	Type	Possible	Points						
				10	9	8	7	6	5	4
	Public safety/welfare	Public interest	Mandatory	High infrastructure impacts			Medium infrastructure impacts			Low infrastructure impacts
Community Benefits	Conveyance repair/replacement	Infrastructure	10	Public infrastructure or insurable structures affected			Private property impacted			
	Public visibility/educational value	Public interest	10	High			Medium			
	Detention	Flood mitigation	10	Public infrastructure, insurable structures protected			private insurable structures protected			no insurable structures protected
	Water supply protection	Public interest	10				Yes			
	Green infrastructure	Multiple	10	Green street/parking lot			> 1 acre & reduction in curve # by >15			Other green infrastructure
Environmental Benefits	Stream/riparian repair/restoration	Stream/geomorphic	10	Perennial stream			Intermittent stream			
	Runoff (volume) reduction	Multiple	10	>cfs			> < cfs			>< cfs
	Impaired waters	Water quality/stream	8			Lower Bolin Creek		Upper Bolin Creek		
	Nutrient reduction	Water quality	7				> N reduction			< < N reduction
Feasibility	Landowner	Feasibility	10	Town owned		Other local agency		State/federal		Private-landowner easement/agreement
	In CIP?	Feasibility	5						Yes	

**Description:** The purpose of this work is to create a process for planning for and prioritizing large stormwater improvement/capital projects, to inventory all potential projects with a 10-20 year planning horizon, and to develop a prioritized 5 year project list/CIP update during FY 20.

**Background:** Carrboro has been identifying stormwater capital projects in the Capital Improvements Program (CIP) since 2012. These projects have been significantly but not solely motivated by the implementation of State's rules to restore Jordan Lake. Other studies have been completed and potential projects identified by the Town Engineer and also through, for example, the State's Ecosystem Enhancement program, Bolin Creek watershed restoration efforts, and efforts to identify infrastructure replacement/ improvement and stream repair/restoration projects. Identifying and implementing capital projects is an ongoing Town process, with updates to the CIP typically prepared annually.

**Status: Planned for FY 19/20.** Town staff plan to develop and then bring recommendations forward to the Stormwater Advisory Commission. The Toms Creek strategy (#10) and Condition Assessment/Asset Management (#12) above are relevant.

**Fiscal and Staffing Considerations:** There is no fiscal impact associated with identifying, planning for, and prioritizing projects. There will be a staff impact to pursue this work through much of FY 19/20, and a lower level impact in subsequent years.

### Additional Information:

[http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/\\_12052018-3552](http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/_12052018-3552)



## 15. Drainage Policy Review and Residential Assistance Program

### TOWN DRAINAGE POLICY

The following constitutes a statement of the official policy of the Town of Carrboro, as adopted by the Board of Aldermen on June 12, 1984, relating to the improvement and maintenance of drainage ways within the town. This supersedes all previously adopted policies.

#### **I. Drainage on Public Rights-Of-Way and Easements**

The Town will continue to maintain at its own expense all drainage ditches, piped and un piped, and other drainage ways located within public street rights-of-way or drainage easements conveyed to and accepted by the Town.

#### **II. Drainage Problems On Private Property For Which the Town Is Legally Responsible**

The Town will correct at its own expense a drainage problem created on private property where it is demonstrated to the reasonable satisfaction of the Public Works Director that: (i) surface water is being channeled from the public street right-of-way onto private property in a location where water would not naturally have flowed in the pre-development stage; or (ii) the drainage problem is created by water being channeled from the public street right-of-way onto private property, into a natural drainage way that is inadequate to handle the volume of water so channeled, and a substantial portion of the water consists of runoff from land not drained by the natural drainage way in the predevelopment stage; or (iii) the Town is otherwise legally responsible and liable for creating the drainage problem.

#### **III. Town Participation In Drainage Improvements On Private Property Where The Town Is Not Legally Responsible For The Drainage Problem.**

A. The Board of Aldermen has determined that drainage problems exist throughout the Town and that it is in the public interest and serves a public purpose for the Town to establish a public drainage system and to participate in the costs of making improvements to the public drainage system in accordance with the policies and procedures set forth in this section.

B. The Board of Aldermen hereby adopts that map entitled Stormwater Drainage Map and dated May 1, 1984 as the official public drainage system map for the town. The map indicates the network of natural drainage ways located on private property within the Town that the Town will improve and maintain, subject to the remaining provisions of this

**Description:** Stormwater staff have initiated a review of the Town's 1984 Drainage Policy and development of recommendations for an assistance program for residential property owners.

**Background:** Since the Stormwater Utility was formed, stormwater technical assistance provided by staff has increased. The residential assistance that staff have provide to date has not involved any financial assistance. An updated policy and program would help clarify the details of both technical and financial assistance (if any) that the Town may wish to provide for private residential property owners.

**Status: Active.** The proposed work by the Center for Neighborhood Technology (CNT) described in #3 will inform the development of an updated policy and program. Staff anticipate working on this after the CNT pilot project through internal staff review, followed by Stormwater Advisory Commission and Board of Aldermen review.

**Fiscal and Staffing Considerations:** Any fiscal impact resulting from financial assistance to be provided as part of a new program will be determined through administrative and policy level review. There has been and will continue to be a staff impact associated with technical assistance. This impact will increase if staff will be administering a new program.

**Additional Information:**

[http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/\\_03142019-3607](http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/_03142019-3607)

## **MEMORANDUM**

TO: The Mayor and the BOA

FROM: Nick Herman

RE: Legal Considerations about Town Stormwater Management on Private Property

DATE: May 21, 2019

This Memorandum discusses, in general terms, the legal implications of potential Town efforts to prevent or mitigate stormwater problems on private property if the Town assumes maintenance or control over stormwater infrastructure on private property. These legal implications present important consequences and considerations for the Town—not only from a liability perspective, but also from a practical and fiscal perspective.

As you know, the Town regularly installs and maintains stormwater infrastructure on its roads, right of ways, and on other Town owned property. To date, the Town has rarely installed or maintained stormwater infrastructure on private property (except as part of the Town's own drainage system), even as the Town regulates stormwater infrastructure on private property in Article VI of the LUO, which qualifies at Section 15-251.2(f) of that Article that the Town's stormwater regulations for private property "shall not create liability on the part of the town...for any flood damages that result from reliance on this ordinance."

If the Town installs, maintains, repairs, or otherwise directly assumes responsibility over stormwater infrastructure on private property (assuming the consent of the private property owner), at least three legal principles are implicated: (1) the constraints of the "public purpose" doctrine; (2) the level of stormwater service that the Town must provide to all similarly situated private property owners; and (3) the liability of the Town for assuming responsibility over stormwater infrastructure on private property.

As for the “public purpose” doctrine, Town funds expended to improve or maintain stormwater infrastructure on private property would be justified only if such action were reasonably necessary to enhance the Town’s stormwater infrastructure on the Town’s own property for the benefit of others in a “public” sense; and the application of this doctrinal limitation would depend on the specific facts of the situation.

Assuming the public purpose doctrine is satisfied to justify the expenditure of Town funds for stormwater infrastructure on private property, generally the Town must provide the same level of service or benefit to other similarly situated private property owners.

As for the liability of the Town for assuming responsibility over stormwater infrastructure on private property, N.C. law is well established. The case law states that the Town will be liable for the maintenance of and actionable injuries from stormwater infrastructure on private property when the Town has adopted or expressly assumed—in some legal way by agreement or dedication or otherwise—control or management over such private infrastructure. *See Asheville Sports Properties, LLC v. City of Asheville*, 199 N.C. App. 341, 683 S.E.2d 217 (2009); *First Gaston Bank of North Carolina v. City of Hickory*, 203 N.C. App. 195, 691 S.E.2d 715 (2010).

The foregoing presents important considerations for the BOA in its legislative discussion of ways to prevent, ameliorate, or rectify stormwater problems on private property. That is, assuming that an action by the BOA on this subject satisfies (1) the public purpose doctrine, (2) a level of same service provided to all similarly situated private property owners, and (3) an assumption of liability by the Town for stormwater infrastructure on private property, the question is: what is the financial cost to the Town for this undertaking from an implementation standpoint and liability standpoint.

The BOA should know that, although there may be mechanisms by which the Town could assume responsibility over stormwater infrastructure on private property, other local governments have not

chosen this path in light of the limitations or constraints mentioned above—i.e., the public purpose doctrine, providing a level of service to all similarly situated persons, and the financial cost associated with such an undertaking. That being said, the BOA is legislatively free to consider a different approach in light of the constraints mentioned above.

One such approach, pointed out by Mike Brough in a Memo to the Board in 1997 on “Town Participation in Solving Drainage Problems on Private Property,” was the then policy of the Town “that, if a drainage ditch was shown on the officially adopted map [of the Town’s “public drainage system”] and the property owner agreed to dedicate to the town a drainage easement, the town would accept the offer of dedication and would thereafter maintain the ditch as part of the town’s drainage system.” Mike stated that “[t]his approach established a clear dividing line between what the town considered public and what it considered private, and also helped to reduce the demands on the public works department’s budget... [But] apart from this approach, however, the town has no more authority to spend public funds to correct a drainage problem on private property, even if the problem is one that the town allegedly should have prevented, than the town would have to spend public funds to repair a private dwelling in order to correct building code violations that were not caught in the inspection process.”



Proposal for RainReady Carrboro  
July 25, 2019

The Town of Carrboro, North Carolina has requested this proposal from the Center for Neighborhood Technology (CNT) to develop program recommendations for a neighborhood-scale RainReady program.

#### Project Understanding

The Town of Carrboro, North Carolina, is experiencing a variety of flooding-related challenges. Carrboro, which shares a municipal boundary with Chapel Hill, is situated at the headwaters of two creeks, Bolin Creek and Morgan Creek. Some older neighborhoods have insufficient stormwater infrastructure and were built in floodplains before flood management best practices were put into place.

This proposal concerns the watershed of a tributary to Morgan Creek, upper Toms Creek, where many homes are 40+ years old, several dozen of which were built in the floodplain/flood fringe. Some of these have experienced recurring flooding. Flooding has been a concern since the 1980s, with more intense storms observed in the past 5- 10 years, resulting in regular nuisance flooding and occasional more severe flood impacts to these homes. In 2013, the most significant recent flood event resulted in substantial/reported impacts to about half a dozen homes. Following this, the Town conducted two “neighborhood walkabouts” that included gathering data from residents. An engineering flood study, with a calibrated model, was completed in 2016. Flood mitigation alternatives were considered but the findings placed a constraint on implementation options. In 2017, the Town formed a new Stormwater Utility. In 2018, Hurricane Florence resulted in additional flood impacts.

The Town participates in the National Flood Insurance Program (NFIP), and is currently assisting four homeowners who have requested FEMA acquisition and elevation assistance for properties located in the regulated floodplain. However, poorly drained soils, development patterns, and older infrastructure, are creating drainage problems outside the floodplain as well.

Residents are concerned about the increase in intense storms, feel the problem is worsening, and are seeking additional actions from the Town. The Town has initiated a study of the public stormwater conveyance system for this watershed and is considering other actions that the Town can take. However, the Town is constrained by both legal and financial/capacity barriers for actions that can be taken on private property.



## Project Approach

CNT will assist the Town in developing recommendations for a RainReady-type program in the target neighborhood. RainReady programs are designed with following overarching principles in mind.

- **Equity:** Equity is achieved when demographic factors such as a race and income are no longer a predictor of flooding severity.
- **Affordability:** By reducing the cost of flood damage to homes, the total cost of housing is reduced.
- **Resiliency:** Resilient housing reduces the vulnerability of residents to climate impacts including flood damage, indoor health quality and building integrity.
- **Community:** Housing programs which incorporate nature-based solutions, such as rain gardens, provide resiliency benefits to the broader community.

### 1. Identify Existing Conditions

- 1.1. Review available federal, state, and local data concerning flooding, housing and socioeconomic conditions of the target neighborhood. Carrboro staff will provide local datasets.
- 1.2. Develop a survey and evaluate survey results concerning housing tenure and ownership, flooding impacts and concerns, knowledge of flood risks and solutions, attitudes towards green infrastructure, familiarity with home renovation projects, desired type of assistance, and ability to invest in building-scale flood mitigation measures. Carrboro staff will disseminate the survey to neighborhood residents. CNT may conduct follow up interviews with a limited number of survey respondents who indicate interest in providing additional information.
- 1.3. Conduct telephone interviews with municipal and contract staff concerning neighborhood conditions, zoning and codes, local building construction and flood mitigation techniques, financing options, available skilled workforce, regulatory authority, liability, and local costs for administration and construction. CNT will request interviews with staff across municipal departments.

### 2. Develop Program Design Recommendations

CNT and Carrboro staff will co-design recommendations for the proposed neighborhood flood mitigation program.

- 2.1. Develop templates for flood mitigation retrofits for the different types of flooding occurring within the target neighborhood, based on a typical single-family home. Carrboro Public Works/Stormwater and Planning staff, and the Carrboro contract Engineer will define the typical building type and appropriate local building solutions for the flood types being considered.
- 2.2. Develop construction cost estimates for the retrofit templates. Carrboro Public Works/Stormwater and the Carrboro contract Engineer will provide local cost data.
- 2.3. Identify level of grant funding needed for a typical neighborhood resident to perform the recommended construction retrofit. This assumes that the preparation of the construction scope will be prepared without cost to residents. Grant funding need will be determined from resident survey responses.



- 2.4. Calculate the estimated stormwater infiltration benefit of implementing flood mitigation retrofits across the neighborhood. The calculation will be based on published green infrastructure infiltration values, green infrastructure elements in construction templates, and resident survey responses.
- 2.5. Identify community engagement needs to address neighborhood resident knowledge gaps, attitudes, and preferences. Engagement needs will be identified from resident survey responses.
- 2.6. Define program applicant prioritization criteria, in the event that a program is oversubscribed.
- 2.7. Identify key program evaluation metrics and performance indicators.
- 2.8. Conduct case study research to identify potential financing options for a resident assistance program. CNT will identify financing methods used by 3 to 5 resident assistance programs offered by local governments.

### 3. Program Recommendations Report

CNT will draft and present a final recommendations report that incorporates the findings from Task 1 and the work products from Task 2.

#### Estimated Project Schedule and Budget

September 2019	Notice to Proceed	
October – November 2019	Project Kickoff Task 1: Identify Existing Conditions	\$12,000
December 2019 – February 2020	Task 2: Develop Program Design Recommendations Task 3: Program Recommendations Report	\$12,990
Total		\$24,990

Notes and Assumptions: The program schedule is dependent on factors such as notice to proceed, weather conditions, and resident and Town staff availability. This proposal assumes travel for two CNT staff to one (1) in-person meeting.