



Town of Carrboro

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

Meeting Agenda Town Council



Tuesday, April 28, 2020

7:00 PM

Remote Meeting - View Livestream or Cable TV

18

7:00-7:10

A. POETRY READING, PROCLAMATIONS, RESOLUTIONS AND ACKNOWLEDGEMENTS

1. [20-195](#) Proclamation - Bike Month

7:10-7:15

B. ROLL CALL

7:15-7:20

C. PUBLIC COMMENTS

Comments are limited to three minutes per speaker. If you wish to make a public comment during an online meeting, please contact the Town Clerk's office via email at publiccomment@townofcarrboro.org or by phone at (919) 918-7310 no later than 5PM on Monday.

7:20-7:30

D. CONSENT AGENDA

1. [20-192](#) Approval of Minutes from April 14, 2020
2. [20-190](#) Consideration of Human Services Funding for Fiscal Year 2020-2021 and an Amendment to FY2019-2020 Adopted Budget
PURPOSE: The purpose of this item is for the Carrboro Town Council to consider human services funding allocation recommendations for FY2020-2021 and to consider an amendment to the FY2019-2020 General Fund budget to appropriate these human services funds prior to FY2020-2021, to six (6) agencies impacted by COVID-19.

Attachments: [Attachment A Resolution Human Services Funding 4.28.20](#)
[Attachment B Resolution General Fund Budget Amendment 4-28-2020](#)
[Attachment C Recommendation Human Services Advisory Commission](#)
[Attachment D FY21 Carrboro Human Services Recommendations](#)
[Attachment E Early Funds Requests](#)

E. OTHER MATTERS

7:30-7:50

1. [20-193](#) Update from Chief Schmidt on COVID-19

7:50-8:20

2. [20-181](#) Request-to-Set a Public Hearing on Text Amendments to the Land Use Ordinance relating to residential uses in the B-1(c) District
PURPOSE: The purpose of this agenda item is to consider setting public hearing on text amendments relating to residential uses in the B-1(c) District, subject to specific criteria. A draft ordinance has been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.

Attachments: [Attachment A - Resolution](#)
[Attachment B - Draft LUO Ordinance Relating to Residential Uses in the B-1\(c\) District 04-14-2020](#)
[Attachment C - LUO_AME 104 COBB_Application](#)

8:20-8:50

3. [20-194](#) Planned NPDES Stormwater Permit Audit
PURPOSE: The purpose of this agenda item is to inform the Council of the planned audit for the Town's NPDES stormwater permit.

Attachments: [Audits Compliance and Enforcement](#)

F. MATTERS BY COUNCIL MEMBERS



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Agenda Item Abstract

File Number:20-195

Agenda Date: 4/28/2020

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In Control: Board of Aldermen

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Proclamation - Bike Month



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Approval of Minutes from April 14, 2020



Town of Carrboro

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Agenda Item Abstract

File Number:20-190

Agenda Date: 4/28/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration of Human Services Funding for Fiscal Year 2020-2021 and an Amendment to FY2019-2020 Adopted Budget

PURPOSE: The purpose of this item is for the Carrboro Town Council to consider human services funding allocation recommendations for FY2020-2021 and to consider an amendment to the FY2019-2020 General Fund budget to appropriate these human services funds prior to FY2020-2021, to six (6) agencies impacted by COVID-19.

DEPARTMENT: Housing and Community Services and Finance

CONTACT INFORMATION: Anne-Marie Vanaman, Management Assistant, 919-918-7321, amvanaman@townofcarrboro.org <<mailto:amvanaman@townofcarrboro.org>> Rebecca Buzzard, Housing and Community Services Director, 919-918-7438, rbuzzard@townofcarrboro.org <<mailto:rbuzzard@townofcarrboro.org>> and Arche McAdoo, Finance Director, 918-7439.

INFORMATION: The Town Manager's draft FY20-21 recommended budget includes an appropriation of \$270,000 to be distributed to local nonprofit agencies providing services to the residents of Carrboro. Over a period of several months, the applications for funding were reviewed by the Human Services Advisory Commission. There were a total of 49 applications received which requested a total of \$443,440. The Human Services Advisory Commission's recommendation can be found as Attachment C and their recommended allocations in Attachment D.

COVID-19 has dramatically impacted the fiscal health of our community nonprofits, many of whom are on the frontlines providing critical services to Carrboro residents. As directed by the Manager, Town staff asked all human services agencies who are recommended for funding if an early disbursement of funds would help their agency. Six nonprofit agencies have requested to receive their FY20-21 funding early, in the current fiscal year. Their requests total \$46,375. A list of these agencies can be found as Attachment E.

A budget amendment to the FY19-20 General Fund Adopted Budget is requested to appropriate \$46,375 to these six agencies. The remainder of the agencies will receive their funds in FY20-21.

FISCAL & STAFF IMPACT: The FY19-20 Human Services budget of \$249,000 will increase by

Agenda Date: 4/28/2020

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\$46,375 for a total of \$295,375. The FY19-20 General Fund balance will provide the funds for this increase.

However, this impact will be offset by a reduction of \$46,375 in the FY20-21 Human Services budget, resulting in \$223,625, appropriated for Human Services Funding.

RECOMMENDATION: Staff recommends the Council consider approving the Human Services funding recommendations and the budget amendment. A resolution approving Human Services funding recommendations is provided as Attachment A. A resolution approving the budget amendment is provided as Attachment B.

**A RESOLUTION APPROVING THE HUMAN SERVICES ADVISORY COMMISSION
FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2020-2021**

April 28, 2020

WHEREAS, the Town of Carrboro established as a policy to support human services agencies that provide invaluable services to Carrboro citizens; and

WHEREAS, forty-nine (49) agencies applied for funding through the established Human Services funding process; and

WHEREAS, the Human Services Advisory Commission has reviewed all the applications that applied for funding in the 2020-2021 funding cycle; and

WHEREAS, the Town Manager's recommended human services funding level for fiscal year 2020-2021 is \$270,000; and

WHEREAS, six (6) agencies have indicated receiving human services funds prior to July 1, 2020 would help offset the negative financial impact of COVID-19 they are experiencing; and

WHEREAS, the total amount of funds requested by these six (6) agencies is \$46,375.

NOW THEREFORE, THE CARRBORO MAYOR AND TOWN COUNCIL RESOLVE THAT:

Section 1. The Carrboro Town Council approves and allocates the funding recommendations of the Human Services Advisory Commission for fiscal year 2020-2021 in the amount of \$270,000, contingent upon adoption of the FY 2020-21 Budget by the Town Council.

Section 2. The Carrboro Town Council approves early payment, in fiscal year 2019-2020, of fiscal year 2020-2021 Human Services funding to six (6) agencies in the amount of \$46,375.

Section 3. This resolution is effective immediately and a copy of this resolution shall be forwarded to the Town's Finance Officer.

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 to an approved Town resolution approving various Human Services grantees to receive their FY 2020-21 recommended funding amounts prior to July 1, 2020; and,

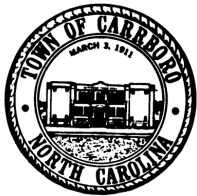
NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

Account Code			Account Name	Current	Increase	Revised
Org	Object	Project		Budget	(Decrease)	Budget
418	504506		Human Services Grants	\$ 249,000.00	\$ 46,375.00	\$ 295,375.00
1510	450000		Fund Balance Appropriated	\$ (4,724,588.96)	\$ (46,375.00)	\$ (4,770,963.96)

REASON: To provide funding for the advance payment of Human Services grants in the amount of \$46,375.

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.



TOWN OF CARRBORO

Human Services Advisory Commission

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

APRIL 13, 2020

Human Services

Funding Recommendations

Motion was made by Wes Knepper, and seconded by Vijay Vsivaram, that the Human Services Advisory Commission recommends that the Town Council consider the following non-profit funding recommendations reflected below and in the attached document:

The Human Services Advisory Commission received 49 applications for funding for FY20-21. With \$270,000 available in Human Services funding for FY20-21, the Human Services Commission recommends to fund 48 non-profits for a total of \$270,000. The recommended allocation of funds is reflected in the attached document.

Comments:

VOTE:

YES: (6) Wes Knepper, Janet Archer, Lisa Hazirjian, Quinton Harper, Vickie Cruz, Vijay Vsivaram

ABSENT/EXCUSED: (1) Tracy Gosselin

NOES: (0)

ABSTENTIONS: (0)

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

(Chair)

4/16/2020

(Date)

**Town of Carrboro Human Services
Funding Recommendations FY21**

Agency	Received FY2020	Requested FY2021	Recommended FY2021
A Helping Hand	\$ 2,700.00	\$ 6,000.00	\$ 2,250.00
Art Therapy Institute	\$ 5,400.00	\$ 10,000.00	\$ 4,000.00
Big Brothers Big Sisters of the Triangle, Inc.	\$ 3,600.00	\$ 5,000.00	\$ 2,125.00
Book Harvest	\$ 900.00	\$ 1,200.00	\$ 500.00
Boomerang Youth, Inc.	\$ 3,150.00	\$ 10,000.00	\$ 3,000.00
Bridge II Sports	\$ -	\$ 2,500.00	\$ -
CH-Carrboro Public School Foundation	\$ 1,000.00	\$ 2,400.00	\$ 500.00
Chapel Hill - Carrboro Meals on Wheels	\$ 13,500.00	\$ 18,000.00	\$ 15,000.00
Chapel Hill Training & Outreach-Kidscope	\$ 2,250.00	\$ 3,000.00	\$ 1,000.00
Charles House Assoc.	\$ 900.00	\$ 1,500.00	\$ 1,000.00
Child Care Services Assoc.	\$ 5,850.00	\$ 7,500.00	\$ 4,625.00
Club Nova Community Inc.	\$ 19,000.00	\$ 22,000.00	\$ 16,000.00
Community Empowerment Fund	\$ 2,700.00	\$ 3,000.00	\$ 2,600.00
Compass Center	\$ 9,000.00	\$ 11,000.00	\$ 9,000.00
Diaper Bank of NC	\$ 900.00	\$ 5,000.00	\$ 3,500.00
Dispute Settlement Center of Orange County	\$ 7,200.00	\$ 10,000.00	\$ 5,000.00
Duke Hospice	\$ 3,400.00	\$ 4,000.00	\$ 1,500.00
El Centro Hispano	\$ 18,000.00	\$ 25,000.00	\$ 20,000.00
El Futuro, Inc	\$ 8,000.00	\$ 8,500.00	\$ 7,000.00
EmPOWERment Inc.	\$ 8,100.00	\$ 34,000.00	\$ 20,875.00
Exchange Club Family Center in Alamance County	\$ -	\$ 1,500.00	\$ 500.00
Farmer Foodshare	\$ 900.00	\$ 2,500.00	\$ 500.00
Friends of the Robert and Pearl Seymour Center, Inc	\$ 900.00	\$ 2,500.00	\$ 500.00
Hope Renovations	\$ 900.00	\$ 16,500.00	\$ 500.00
IFC for Social Service	\$ 11,000.00	\$ 25,000.00	\$ 20,000.00
IFC for Social Service(Food for the Summer)	\$ 1,350.00	\$ 2,000.00	\$ 2,000.00
Marion Cheek Jackson Ctr for Saving/Making HX	\$ 6,300.00	\$ 9,000.00	\$ 5,500.00
OE Enterprise, INC	\$ 3,600.00	\$ 4,000.00	\$ 1,500.00
Orange Co Literacy Council	\$ 4,500.00	\$ 6,000.00	\$ 3,000.00
Orange Co Partnership for Young Children	\$ 5,400.00	\$ 6,000.00	\$ 3,500.00
Orange Co Rape Crisis Center	\$ 16,000.00	\$ 20,000.00	\$ 16,500.00
Orange County Dept on Aging(Senior Lunch Program)Vc	\$ 4,500.00	\$ 6,450.00	\$ 4,250.00
Orange County Living Wage	\$ 500.00	\$ 1,000.00	\$ 500.00
Pathways to Change	\$ 1,800.00	\$ 1,540.00	\$ 500.00
Piedmont Health Services	\$ 8,100.00	\$ 30,000.00	\$ 21,750.00
Planned Parenthood South Atlantic	\$ 900.00	\$ 1,000.00	\$ 1,000.00
PORCH, Inc.	\$ 4,500.00	\$ 5,600.00	\$ 4,750.00
Rebuilding Together of the Triangle, Inc.	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00
Refugee Community Partnership	\$ 5,400.00	\$ 9,000.00	\$ 7,000.00
RENA-Rogers Eubanks Neighborhood Assoc.	\$ 10,000.00	\$ 35,000.00	\$ 18,000.00
Senior Care of Orange	\$ 900.00	\$ 1,500.00	\$ 775.00
TABLE	\$ 9,000.00	\$ 15,000.00	\$ 9,500.00
The ARC of the Triangle	\$ 5,400.00	\$ 7,500.00	\$ 4,000.00
Town of Chapel Hill Police Dept.	\$ 9,000.00	\$ 10,000.00	\$ 8,875.00
Transplanting Traditions Community Farm, Inc.	\$ 5,400.00	\$ 7,500.00	\$ 5,500.00

**Town of Carrboro Human Services
Funding Recommendations FY21**

Triangle BikeWorks	\$ 2,700.00	\$ 5,000.00	\$ -
Triangle Disability Awareness	\$ 4,500.00	\$ 13,000.00	\$ 4,125.00
Volunteers for Youth, Inc.	\$ 2,700.00	\$ 3,250.00	\$ 2,000.00
WCOM-LP Radio(Public Gallery of Carrboro)	\$ 1,000.00	\$ 1,500.00	\$ 1,000.00
Total Recommendations			\$ 270,000.00
Total FY21 Town of Carrboro Human Services Funds			\$ 270,000.00

Note: The Human Services Commission approved funding for 48 agencies. However, one agency (Triangle Bikeworks) asked to forgo their award of \$750 so that another agency in greater need could have their funds. The Human Services Commission voted to reallocate the \$750 to Piedmont Health Services. Their decision is captured in this table.

AGENCIES REQUESTING EARLY DISBURSEMENT OF HUMAN SERVICES FUNDS

AGENCY	FY21 RECOMMENDATION
Piedmont Health Services	\$21,750
Duke Hospice	\$1,500
Hope Renovations	\$500
Farmer Foodshare	\$500
RENA- Rogers-Eubanks Neighborhood Assc.	\$18,000
Triangle Disability Awareness	\$4,125
TOTAL	\$46,375



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Update from Chief Schmidt on COVID-19



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Version: 1

TITLE:

Request-to-Set a Public Hearing on Text Amendments to the Land Use Ordinance relating to residential uses in the B-1(c) District

PURPOSE: The purpose of this agenda item is to consider setting public hearing on text amendments relating to residential uses in the B-1(c) District, subject to specific criteria. A draft ordinance has been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org; Marty Roupe - 919-918-7333, mrroupe@townofcarrboro.org; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org; Nick Herman - 919-929-3905, gnherman@broughlawfirm.com

INFORMATION: Jim Spencer Architects, PA, working as the agent for Self-Help Ventures Fund, has submitted an application for text amendments to the Land Use Ordinance (LUO) to allow residential uses on the ground floor of the B-1(c) zoning district for an affordable housing proposal (*Attachment C*).

Self-Help Ventures Fund is working with Habitat for Humanity to redevelop two small lots at 104 Cobb Street to create four affordable housing units. The subject property is zoned B-1(c). Section 15-160.1 of the LUO prohibits residential uses on the ground floor of the district. A draft ordinance has been prepared to allow ground floor residential uses for affordable housing purposes in this zoning district under very specific circumstances (*Attachment B*). Staff is examining other provisions of the LUO, such as requirements for screening, as the applicant has expressed difficulty meeting the standard for screening along the street rights-of-way. The resolution provides an option for the Council to direct staff to include another provision in the draft ordinance to reduce or waive this requirement.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and the Planning Board must also review; the Council may wish to include the Affordable Housing Advisory Commission and there has been discussion of asking the Economic Sustainability Commission to review because of the involvement of a commercial district.

FISCAL & STAFF IMPACT: Public notice costs and staff time are associated with the review of text amendments for public hearings and advisory board review.

Agenda Date: 4/28/2020

File Type:Agendas

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Version: 1

RECOMMENDATION: Staff recommends that the Town Council consider adopting the attached resolution (*Attachment A*) setting a public hearing for June 2nd and referring the item to Orange County and Town advisory boards for review.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE RELATING TO RESIDENTIAL USES IN THE B-1(C)
DISTRICT

WHEREAS, the Carrboro Town Council 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 Town Council sets a public hearing on June 2, 2020, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance Relating to Residential Uses in the B-1(c) District.”

(OPTIONAL) BE IT FURTHER RESOLVED, that the Town Council directs staff to provide an additional provision in the draft ordinance described above to decrease or waive the requirement for screening in Article XIX of the Land Use Ordinance.

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following Town of Carrboro advisory boards and commissions.

☐

Appearance Commission

☐

Recreation and Parks Commission

☐

Transportation Advisory Board

☐

Northern Transition Area Advisory
Committee

☒

Affordable Housing Advisory
Commission

☐

☐

Economic Sustainability Commission

☐

This is the 28st day of April in the year 2020.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO
RESIDENTIAL USES IN THE B-1(C) DISTRICT

****DRAFT 04-14-2020****

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-160.1 of the Carrboro Land Use Ordinance is rewritten to read as follows:

Section 15-160.1 Residential Uses in B-1(c)

- (a) Residential uses are not allowed on the ground floor of property within a B-1(c) district.
- (b) Notwithstanding the foregoing, residential uses are allowed on the ground floor in the B-1(c) district when (i) the property is less than 10,000 square feet, (ii) the preexisting land use is residential, (iii) the development creates no more than four dwelling units, and (iv) every dwelling unit is an affordable housing unit pursuant to Subsection 15-182.4(b) of this chapter. Residential developments permitted by this section, shall not be eligible for a density bonus for providing affordable units under 15-182.4(i).

Section 2. Section 15-185.1(c) (Downtown Neighborhood Protection Overlay District Requirements) is amended by adding a fourth provision to read as follows:

- (4) Notwithstanding the foregoing, if more than one building is constructed pursuant to Section 15-160.1(b) and the residentially zoned property is within the Lloyd/Broad Overlay District no separation between buildings shall be required.

Section 3. Section 15-204 (Downtown Livability Area and Urban Living Amenities) is amended by adding a new subsection (e) to read as follows:

- (e) Notwithstanding the foregoing, when property is developed pursuant to Section 15-160.1(b) the dollar value of urban amenities, required by Subsection 15-204(d)(2) may be reduced to 3.5 percent of the assessed value of the land that constitutes the development site.

Section 4. Section 15-178 (Architectural Standards for Downtown Development) is amended by adding a new subsection (c) to read as follows:

- (c) Notwithstanding the foregoing, applicants developing residential projects where every dwelling unit is an affordable unit pursuant to Section 15-182.4(b) in the B-2 district or the B-1(c) and B-1(g) districts subject to the DNP Overlay District in Section 15-185.1, may volunteer to adhere to the Village Mixed Use & Affordable Housing Vernacular Standards in Appendix L.

Section 5. Subsection 15-319(1)(b) is amended by adding a new subsection (b) to read as follows:

- (b) Modifications to Canopy Coverage Standards

- (1) The permit issuing authority may approve a development application that does not fully comply with the canopy coverage standards when it finds that the application substantially complies with these standards and that such a deviation enables the development to better achieve other Town objectives, such as the promotion of solar access to encourage active and passive solar technology for water and space heating and renewable energy generation, improved stormwater management, and the preservation of established managed landscapes, or established streetscapes, and the development of affordable housing under 15-161.1(b).
- (2) Modifications for canopy coverage standards may be approved for the development of affordable housing under Subsection 15-161.1(b) so long as the application provides for an increase in canopy coverage by at least double.

Section 6. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 7 This ordinance is effective upon adoption.

TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

To the Town Council, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Carrboro Town Council to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):**

See attached response.

- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):**

See attached response.

- 3) State the reasons for the proposed amendment:**

See attached response.

SIGNATURE:

Jim Spencer

applicant

Jim Spencer Architects

{print}

ADDRESS:

109A Brewer Lane, Carrboro, NC 27510

TELEPHONE NUMBER:

919.960.6680



JIM SPENCER ARCHITECTS, PA
 109A Brewer Lane | PO Box 385
 Carrboro, NC 27510
 919.960.6680

March 27, 2020

104 Cobb Street
 Carrboro, NC 27510
 PIN: 9778-96-7546, 9778-96-7518

Land Use Ordinance Amendment Request

1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

The property at 104 Cobb Street in Carrboro is zoned B-1 (C) Town Center Business. As stated in section 15-136, 'This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user.'

Although B-1(C) allows for residential use under certain circumstances, per section 15-160.1 Residential Uses in B-1(C) Districts, 'Residential uses are not allowed on the ground floor of property within a B-1 (C) district.'

2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

The proposed amendment would allow residential uses on the ground floor in the B-1(C), if the following criteria are met:

- 1) Every unit is classified as affordable under 15-182.4
- 2) The maximum number of units is limited to 4

If the above criteria are met, the development would adhere to the following standards:

- a) In regards to the Downtown Livability and Urban Amenities Provisions, section 15-204, the dollar value of the urban amenities to be installed within the downtown livability area shall equal an amount to 3.5 percent of the assessed value of the land that constitutes the development site,



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determined as of the date the development permit is approved.

b) In regards to the architectural standards, the development be exempt from the Standards for Downtown Development, section 15-178, and instead adhere to the Vernacular Architectural Standards listed in 15-177 (d)(3).

c) Regarding the tree canopy, section 15-319, the development will adhere to a 15% tree canopy standard. The newly planted trees needed to meet this standard will be chosen from the list of North Carolina native tree canopy, provided in section 15-315.

3) State the reasons for the proposed amendment:

The proposed amendment creates an opportunity for small 100% affordable infill projects in the Town Center Business district that meets the Town's goals of increasing affordable housing stock, particularly housing for seniors, with access to public transit. Only permitting residential uses on the second or higher floors requires the installation of an elevator if units are to be accessible to seniors and persons with mobility issues. The cost of an elevator is cost-prohibitive to creating affordable housing that is accessible to seniors and provides access to transit.

The proposed development at 104 Cobb Street is a project of the Northside Neighborhood Initiative, a partnership between the Marian Cheek Jackson Center and Self-Help Ventures Fund. They are working with Habitat for Humanity of Orange County, and propose demolition of the existing structures and re-development of the site with four (4) affordable unit townhomes.

Self Help Ventures Fund has worked with the Jackson Center's Compass Group over the past two years to identify desired uses for the property by the residents of the neighborhood. The Compass Group identified the need for affordable housing, especially for elderly residents. Allowing residential on the ground floor would accommodate this identified need for the neighborhood.

The townhouses are designed with reverence to the architecture and scale of the Lloyd-Broad Neighborhood, which currently contains a mix of one and two story residences. Each unit will have a front porch, which will sit close to the street setback. The design proposes the use of gable dormers and will incorporate masonry accents, which are both elements found in the architecture of neighboring homes. The height of each unit is 11' above grade at the front porch. The second level is set back 5' off the footprint of the ground level and is 19' above grade at the spring line of the roof. The units are approximately 28' above grade at the ridge.

Regarding Consistency with Carrboro Vision 2020



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This project fully embodies the intent that Carrboro should, “interact with non-profit groups that work to provide affordable housing,” stated in Section 6.17 - Housing for a Diverse Population of Carrboro Vision 2020. Further, the proposed text amendment with the specified criteria is an example of how the “town should continue to advocate for inclusionary zoning techniques to increase the local stock of affordable housing,” as stated in Section 6.14 of Vision 2020.

The proposed development will be geared towards senior (age 55+) housing, with 2 units as fully ADA compliant and 2 units that can be easily converted to ADA. This would allow Northside Neighborhood elders to age in the neighborhood in which they live (where many of them grew up). It would also, “allow our senior citizens to interact fully with the larger community,” and have access to public transit, as stated in Section 6.16 of Vision 2020.

Please see referenced sections of Carrboro Vision 2020 below as well as other sections that support the conditional rezoning for this development.

1.35 Human Services

The town should consider the impact of its ordinances and policies on the well being of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

2.52 Balanced and Controlled Development

The town should continue to require the construction of a diverse housing stock.

3.28 Downtown Vitality

Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more nondetached housing, mixed-use development, and communal living options.

6.14 The town should continue to advocate for inclusionary zoning techniques to increase the local stock of affordable housing.

6.16 With our growing population of senior citizens, the town should support the creation of more housing that allows our senior citizens to interact fully with the larger community. Senior access to public transit will become an increasingly important concern.



JIM SPENCER ARCHITECTS, PA

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Carrboro, NC 27510

919.960.6680

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Housing Corporation, Empowerment Inc., and Habitat for Humanity.

6.18 A minimum of 15 percent of the residential units in any residential development should meet the affordability criteria specified in Section 15-182.4 of the Carrboro Land Use Ordinance.



Town of Carrboro

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

Agenda Item Abstract

File Number:20-194

Agenda Date: 4/28/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Planned NPDES Stormwater Permit Audit

PURPOSE: The purpose of this agenda item is to inform the Council of the planned audit for the Town's NPDES stormwater permit.

DEPARTMENT: Public Works

CONTACT INFORMATION: Randy Dodd, Stormwater Utility Manager, (919) 918-7341; Heather Holley, Stormwater Specialist, (919) 918-7426

INFORMATION: Staff received notification that an audit is planned for May 19th for the Town's NPDES Phase II stormwater permit. This will be the first permit audit since the permit was originally issued in 2005. As included in recent monthly stormwater reports, the EPA began a statewide compliance initiative in North Carolina, with administration from the NC Division of Environmental Quality (NCDEQ). In 2019, compliance audits were incorporated into the NPDES program as a component of the permit renewal process, and an audit schedule was instituted for renewal of 20% of the permits (109 are active in NC) each year. NPDES permits require the implementation of a comprehensive stormwater management program to reduce pollutants in stormwater runoff to the Maximum Extent Practicable (MEP). The MEP is based upon implementation of six Minimum Control Measures (MCMs) throughout the jurisdictional area:

Public Education & Outreach

Public Involvement & Participation

Illicit Discharge Detection & Elimination

Construction Site Runoff Controls (Carrboro has delegated to Orange County)

Post-Construction Site Runoff Controls

Pollution Prevention & Good Housekeeping for Municipal Operations

NCDEQ staff have informed permittees over the past year about the new audits and compliance expectations (see attachment). 90% of the 30 permittees that have already received an audit have either received a Notice of Violation (24 permittees) or Notice of Deficiency (3 permittees). NOVs require an elected official resolution committing to improved performance as part of preparing for and implementing a reissued permit. Stormwater staff have been preparing for the audit in recent months, will turn additional attention to preparation over the next month, and provide a report after the audit.

Agenda Date: 4/28/2020

File Type:Agendas

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Version: 1

FISCAL & STAFF IMPACT: There is no fiscal impact associated with accepting this report. There will be a staff impact in preparing for and following up on the audit regardless of the outcome, especially over the next roughly 6 months in preparation for permit reissuance.

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



NPDES MS4 Permit Compliance & Enforcement



Presentation Overview

MS4 Permit Compliance Audits

- **Audit Schedule**
- **How to Prepare**
- **What to Expect**
- **What Happens Next**

Enforcement Mechanisms

- **NOD and NOV**
- **Templates**
- **Duty to Comply**

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?

How Do I Know If My MS4 is Being Audited?

1. The DEMLR MS4 5-year Audit Schedule

- Lists the year the MS4 is scheduled to be audited
- 5-year schedule audits are part of each permit renewal process

2. EPA or DEMLR may also audit any MS4 at any time.

3. EPA/DEMLR will notify the MS4 of specific audit date(s) at least 30 calendar days prior.

Permittee	MS4 Permit Number	AUDIT YEAR	Current Expiration Date	Permit Cycle
Archdale	NCS000434	2019	02-16-2022	Short Cycle
Clemmons	NCS000410	2019	02-19-2022	Short Cycle
Concord	NCS000423	2022	02-19-2022	Extended
High Point	NCS000421	2019	02-19-2022	Short Cycle
Hillsborough	NCS000466	2023	02-19-2022	Extended
Jamestown	NCS000400	2023	02-19-2022	Extended
Kernersville	NCS000483	2020	02-19-2022	Short Cycle
Lewisville	NCS000494	2020	02-19-2022	Short Cycle
Lexington	NCS000584	2020	11-10-2021	No Change
Mebane	NCS000402	2021	02-19-2022	No Change
Thomasville	NCS000436	2023	02-19-2022	Extended
Trinity	NCS000502	2020	02-19-2022	Short Cycle

What Happens Before an MS4 Audit?

Preliminary Documentation Request

- **Current SWMP**
- **Latest Annual Report**
- **Organizational chart & associated program responsibilities**
- **MS4 permitted area map with receiving waters**
- **Formal agreements with other entities that implement MS4 program components**

Scope of Audit Decided

- **May request additional information prior to audit**

What Does DEMLR Audit?

Specific MS4 Program components are audited for compliance with the Permit & SWMP:

- Program administration is always evaluated
- Some or all of the required six MCMs will be evaluated
 - ✓ Public Education & Outreach
 - ✓ Public Involvement & Participation
 - ✓ Illicit Discharge Detection & Elimination
 - ✓ Construction Site Runoff Controls (delegated ESC programs only)
 - ✓ Post-Construction Site Runoff Controls
 - ✓ Pollution Prevention & Good Housekeeping for Municipal Operations
- TMDLs may be evaluated (if applicable)



How Long Does an MS4 Audit Take?

It Depends....

- Availability of information
- Size and complexity of the MS4 program
- Number of MCMs evaluated
- Geographic distance between sites visited
- Distance the auditor must travel to the MS4

Auditor will give you a general idea before the audit

- Won't be less than one day
- Won't be more than three days



MS4 Responsibilities

- **Submit Documentation by Deadlines**
- **Provide an Appropriate Meeting Room**
- **Invite Appropriate Participants**
 - **Operations & Field Staff**
 - **Department Managers**
 - **Elected Officials**
 - **Potential specific people (i.e. City Manager, Municipal PIO, collection or pretreatment staff, sediment/erosion inspectors, review engineers, emergency response, parks and recreation, streets maintenance, etc.)**
- **Provide Choices and Directions for Site Visits**



What Happens on the Day(s) of an MS4 Audit?

1) Opening Conference

2) Office Interview

- Program implementation questions & documentation review

3) Site Visits

- MS4 industrial facility inspections
- Construction site inspections (delegated ESC programs only)
- Evaluates how MS4 program is run, not if sites are in compliance

4) DEMLR Confers on Preliminary Findings

5) Closing Conference

- Preliminary summary of identified issues
- Request for additional documentation



How Do You Ace an MS4 Audit?

1. Stage the meeting – staff, documents, GIS, etc. on hand
2. Know your program (Permit, SWMP, Annual Reports, implementation)
3. Demonstrate the permitted program is implemented:
 - Enforceable local ordinances
 - Legal agreements with any external parties
 - MS4 mapping – storm sewer system & outfalls
 - Inspections, documentation, tracking, SOPs
 - Documented education, outreach & staff training programs
 - Dry weather screening



What Happens After an MS4 Audit?

If the MS4 aced the audit:

- **Receive a Notice of Compliance and an Audit Report within 60 days,**
- **Set to work preparing an updated SWMP and permit renewal application.**



What Happens After an MS4 Audit?



If the MS4 DID NOT ace the audit:

- Receive an Audit Report within 60 days, and
- Be issued a Notice of Deficiency (NOD) or a Notice of Violation (NOV).



What if you detour from the SWMP?



Notice of
Deficiency (NOD)

Notice of
Violation (NOV)

Notice of
Recommendation for
Enforcement Action

Civil Penalty
Assessment

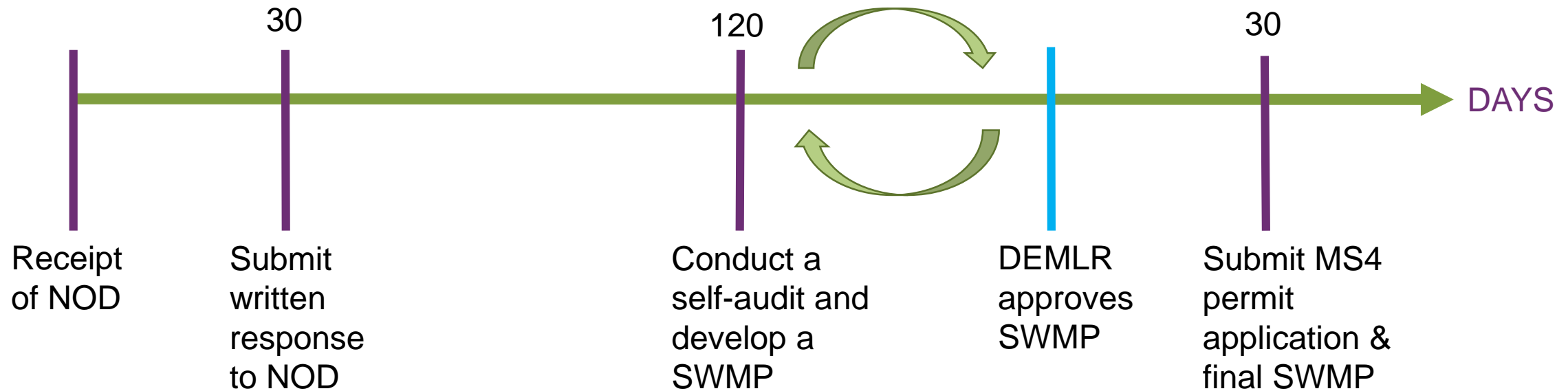
What Does the NOD say?

The NOD requires the permittee to do 4 things:

- Submit a written response to the Notice (30 days)
- Conduct a self-audit of the MCMs DEMLR didn't audit (120 days)
- Develop a SWMP addressing all the deficiencies (120 days)
- Submit an NPDES MS4 permit application within 30 days of DEMLR approving the SWMP

What Does the NOD say?

Submittal Timeline for NOD Requirements:



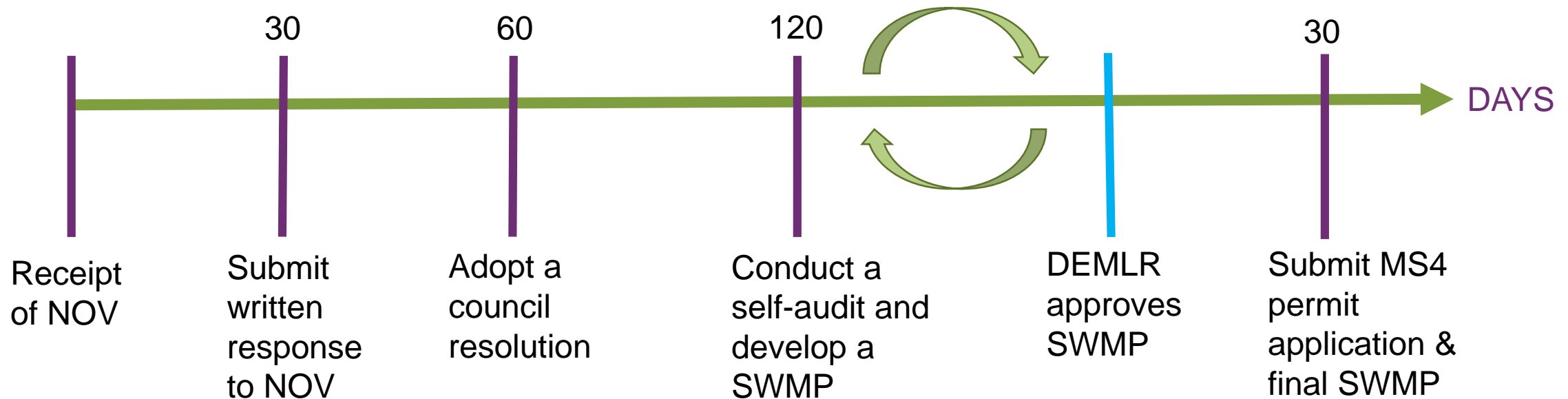
What Does the NOV say?

The NOV requires the permittee to do 5 things:

- Submit a written response to the Notice (30 days)
- **Adopt a council resolution demonstrating support for a compliant stormwater program (60 days)**
- Conduct a self-audit of the MCMs DEMLR didn't audit (120 days)
- Develop a SWMP addressing all the deficiencies (120 days)
- Submit an NPDES MS4 permit application within 30 days of DEMLR approving the SWMP

What Does the NOV say?

Submittal Timeline for NOV Requirements:



Example Council Resolution of Commitment to Implement a Compliant NPDES MS4 Program

Resolution No.: ###

Date Adopted: ###

**RESOLUTION AFFIRMING THE MS4NAME COUNCIL'S SUPPORT
REGARDING IMPLEMENTATION OF A COMPLIANT NPDES MS4 STORMWATER PROGRAM**

A RESOLUTION to develop and implement a compliant stormwater management program that meets the requirements of the MS4NAME National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit number NCS### to discharge stormwater, inclusive of the required Stormwater Management Plan to be prepared by the MS4NAME and approved by the North Carolina Department of Environmental Quality.

WHEREAS, Section 402(p) of the federal Clean Water Act requires NPDES permits for stormwater discharges from municipal separate storm sewer systems; and

WHEREAS, in North Carolina, NPDES Permits are issued by the North Carolina Department of Environmental Quality; and

WHEREAS, the North Carolina Department of Environmental Quality issued the MS4NAME its third NPDES MS4 Permit for discharge of stormwater on DATE; and

WHEREAS, the MS4NAME was issued Notice of Violation number NOV-###-### on DATE for noncompliance with the issued NPDES MS4 Permit; and

WHEREAS, the MS4NAME acknowledges the specific Notice of Violation requirement to obtain an individual NPDES MS4 Permit which does not include co-permittees; and

WHEREAS, the MS4NAME acknowledges the specific Notice of Violation requirement to adopt a Council Resolution to implement a compliant and enforceable stormwater management program as defined by both the NPDES MS4 Permit number NCS### and the required approved Stormwater Management Plan, and said resolution is to be submitted to the North Carolina Department of Environmental Quality no later than 60DaysFromNOVDate; and

WHEREAS, the MS4NAME acknowledges the specific Notice of Violation requirement to develop and implement a Stormwater Management Plan in accordance with Section 402(p)(3)(B)(iii) of the Clean Water Act, 40 CFR 122.34(b) and NPDES MS4 Permit requirements and to submit its Stormwater Management Plan to the North Carolina Department of Environmental Quality for approval no later than 180DaysFromNOVDate; and

WHEREAS, the MS4NAME acknowledges the requirement to provide adequate funding and staffing to implement a Stormwater Management Program that complies with its NPDES MS4 Permit and approved Stormwater Management Plan; and

WHEREAS, the MS4NAME acknowledges that North Carolina Department of Environmental Quality enforcement action and penalties could result from non-compliance with the specific requirements in Notice of Violation number NOV-###-###; and

Example Council Resolution of Commitment to Implement a Compliant NPDES MS4 Program

WHEREAS, the MS4NAME acknowledges that any North Carolina Department of Environmental Quality enforcement action and penalties may not prohibit the U.S. Environmental Protection Agency from taking its own enforcement action for non-compliance with the issued NPDES MS4 Permit.

NOW, THEREFORE, BE IT RESOLVED that the Council of the MS4NAME hereby affirms its support for development and implementation of a compliant NPDES MS4 Stormwater Program.

NAME, Mayor

NAME, Town Manager

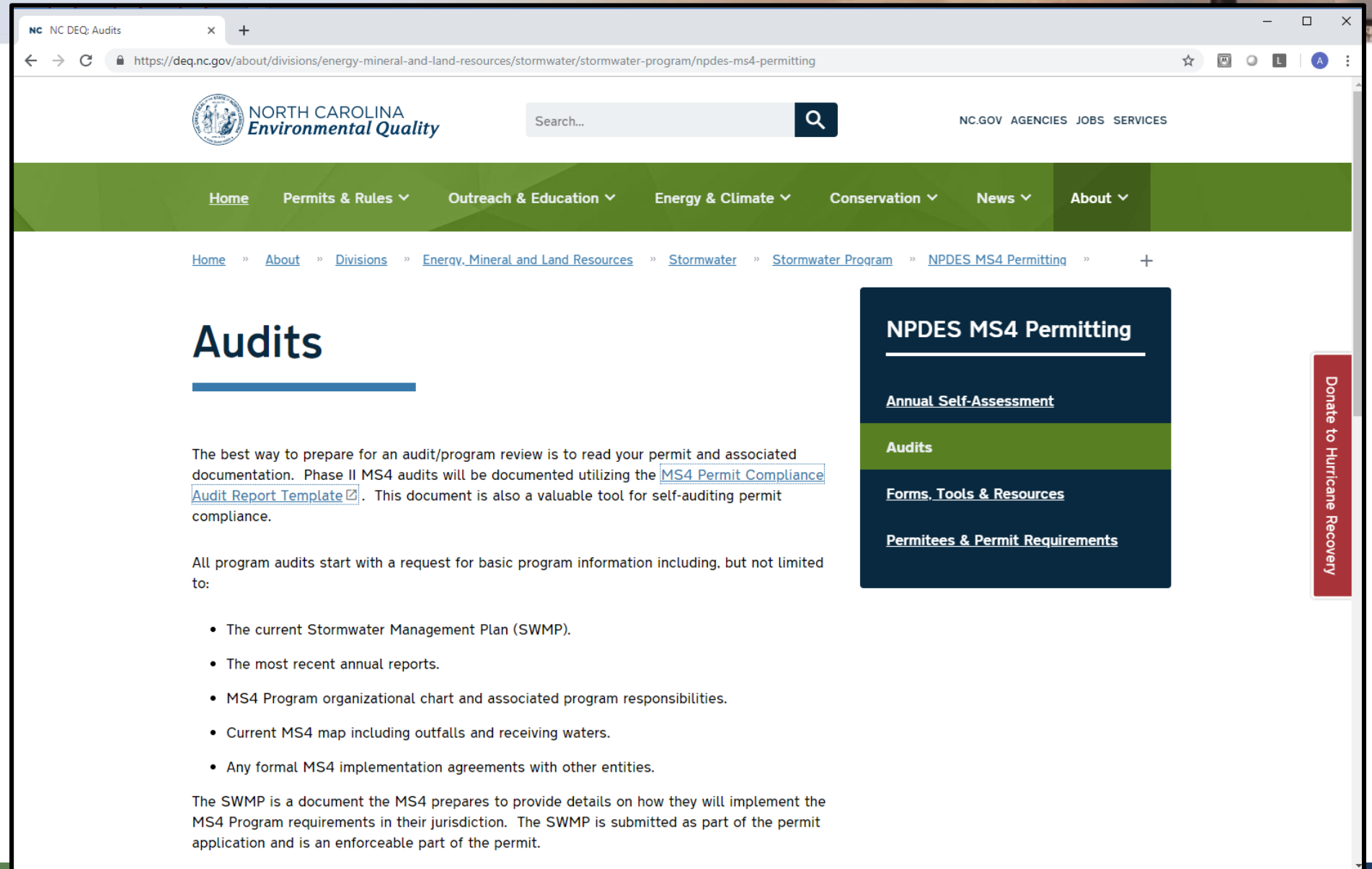
NAME, Stormwater Program Administrator

NAME, Town Clerk

ADOPTED BY the City Council of the MS4NAME, North Carolina the ____ day of ____, 2019 and signed in authentication thereof the ____ day of ____, 2019.

Self-Audit Template

1. Type in **deq.nc.gov/sw** in your browser
2. Click on **NPDES MS4 Permitting** in the menu to the right
3. Click on **Audits** in the sub menu



The screenshot shows the NC DEQ website with the URL <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/npdes-ms4-permitting>. The page features a green navigation bar with links to Home, Permits & Rules, Outreach & Education, Energy & Climate, Conservation, News, and About. A search bar is located in the top right. The main content area is titled "Audits" and includes a paragraph explaining the purpose of Phase II MS4 audits and a list of required documents. A sidebar on the right contains links to NPDES MS4 Permitting, Annual Self-Assessment, Audits, Forms, Tools & Resources, and Permittees & Permit Requirements. A red vertical banner on the far right reads "Donate to Hurricane Recovery".

NC DEQ: Audits

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

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Environmental Quality

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Audits

The best way to prepare for an audit/program review is to read your permit and associated documentation. Phase II MS4 audits will be documented utilizing the [MS4 Permit Compliance Audit Report Template](#). This document is also a valuable tool for self-auditing permit compliance.

All program audits start with a request for basic program information including, but not limited to:

- The current Stormwater Management Plan (SWMP).
- The most recent annual reports.
- MS4 Program organizational chart and associated program responsibilities.
- Current MS4 map including outfalls and receiving waters.
- Any formal MS4 implementation agreements with other entities.

The SWMP is a document the MS4 prepares to provide details on how they will implement the MS4 Program requirements in their jurisdiction. The SWMP is submitted as part of the permit application and is an enforceable part of the permit.

NPDES MS4 Permitting

[Annual Self-Assessment](#)

Audits

[Forms, Tools & Resources](#)

[Permittees & Permit Requirements](#)

Donate to Hurricane Recovery

Duty to Comply

Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action.

- ✦ All NPDES MS4 permits are subject to federal and/or state compliance and enforcement actions.
- ✦ Compliance with the requirements of a state-issued NOD or NOV, and/or issuance of civil penalties from DEMLR, does not preclude the EPA from carrying out its own enforcement case against the permittee.
- ✦ Under state law, a daily civil penalty of not more than \$25,000 per violation may be assessed against any person who fails to act in accordance with the requirements of a permit.
- ✦ Under federal law, a daily civil penalty of not more than \$37,500 per violation may be assessed against any person who violates a permit condition.



**For questions concerning compliance and enforcement,
please contact:**

***Alaina Morman
Environmental Specialist***

***(919) 707-9236
alaina.morman@ncdenr.gov***

