



Town of Carrboro

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

Meeting Agenda Town Council



Tuesday, May 26, 2020

7:00 PM

Remote Meeting - View Livestream or Cable TV

18

7:00-7:10

A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. [20-222](#) Proclamation - Heatstroke Awareness Day

7:10-7:15

B. ROLL CALL

7:15-7:20

C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

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) 918-7309.

7:20-7:25

D. CONSENT AGENDA

1. [20-208](#) Request-to-set a Public Hearing on Text Amendments to the Land Use Ordinance to Establish a Climate Action and Environmental Sustainability Commission
PURPOSE: The purpose of this agenda item is for the Town Council to consider setting a public hearing on text amendments to the Land Use Ordinance that would establish a new Climate Action and Environmental Sustainability Commission as an update to the existing Environmental Advisory Board. The Town Council must receive public input prior to making a decision.

Attachments: [Attachment A - Resolution CAESC](#)
[Attachment B - Draft Ordinance Establishing CAESC_05-22-2020](#)
[Attachment C - EAB Advisory Board Recommendations 5-7-20](#)

E. OTHER MATTERS

7:25-8:25

1. [20-203](#) Presentation of Town Manager's Recommended Budget for Fiscal Year 2020-2021
PURPOSE: The purpose of this agenda item is to receive the Town Manager's Recommended Budget for FY 2020-21 and set the time for a public hearing and budget work sessions.
Attachments: [Attachment A - Resolution to set Budget Public Hearing](#)

8:25-8:40

2. [20-221](#) Update from Chief Schmidt on COVID-19

8:40-9:20

3. [20-204](#) Consideration of Providing Personal Protective Equipment (PPE) to Town Citizens
PURPOSE: The purpose of this agenda item is to discuss the Town's capacity to provide personal protective equipment (PPE) to citizens.

9:20-9:50

4. [20-219](#) Discussion of Legislative Monitoring Priorities for the 2020 Short Session of the General Assembly
PURPOSE: The purpose of this item is for the Town Council to discuss the legislative priorities for the 2020 Short Session of the General Assembly. The virtual legislative delegation meeting is scheduled for June 1, 2020 at 6:00 PM via Zoom teleconference.
Attachments: [Attachment A - Draft 2020 State Legislative Top Priorities](#)

F. MATTERS BY COUNCIL MEMBERS



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Agenda Item Abstract

File Number:20-222

Agenda Date: 5/26/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Proclamation - Heatstroke Awareness Day

Agenda Date: 5/26/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

discussion of development applications and amendments, when required, to allow the Environmental Sustainability Coordinator to focus on climate action.

The nine-member CAESC would ensure sufficient membership for broad expertise in environmental topics relating to climate action and sustainability as well as development review. A requirement for at least two members to have special expertise related to climate action implementation such as renewable energy use or energy efficiency in building design and/or construction, use or promotion of alternative transportation, or community engagement/grass-roots organizing related to climate action or similar environmental initiatives, is included. In order for the appointment schedule to align with those for other advisory boards, members appointed initially would serve through January 2021, with a staggered-term schedule beginning for members appointed in February 2020.

The Appearance Commission would continue to serve as the Town's Tree Board under the Tree City USA standards, with some duties shared at times and as appropriate with staff and other advisory boards and commissions.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and the Planning Board must also review, and staff has identified the Environmental Advisory Board and Appearance Commission review as the amendment relates to their purview.

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

RECOMMENDATION: Staff recommends that the Town Council consider adopting the attached resolution (*Attachment A*) setting a public hearing for June 16th 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 TO ESTABLISH A CLIMATE ACTION AND ENVIRONMENTAL SUSTAINABILITY COMMISSION

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 16, 2020, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Establish A Climate Action and Environmental Sustainability Commission.”

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.

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

This is the 26th day of May in the year 2020.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH A CLIMATE ACTION AND ENVIRONMENTAL SUSTAINABILITY
COMMISSION

DRAFT 5-22-2020

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Article II, Administration is rewritten to read as follows:

**PART VI. CLIMATE ACTION AND ENVIRONMENTAL SUSTAINABILITY
COMMISSION**

Section 15-45 Appointment and Terms of Climate Action and Environmental Sustainability Commission

(a) There shall be a Climate Action and Environmental Sustainability Commission (CAESC), which shall consist of nine members appointed by the Town Council. All members of the CAESC shall either reside, own property, or operate a business within the town's planning jurisdiction. At least two members will have special expertise related to climate action implementation such as renewable energy use or energy efficiency in building design and/or construction, reducing motor vehicle use, or community engagement/grass-roots organizing related to climate action or similar environmental initiatives.

(b) CAESC members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. The initial terms of all members shall expire on January 31, 2021. Effective February 1, 2021, four members shall be appointed for three year terms, three members for two year terms, and two members for one year terms. Vacancies shall be filled for the unexpired terms only.

(c) Members may be removed as follows:

- (1) The chair shall file or caused to be filed with the town clerk an attendance report after each meeting identifying those members who are present or absent.
- (2) Unless the chair waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than 30% of the meetings during a twelve-month period. The town clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have ten days after receipt of such notice to waive the removal. If the chair fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirements

should be waived, the town clerk will send the removal notice to the member. This removal shall be effective on the date of such notice.

- (3) Members may also be removed by the Town Council, after a hearing, for any good cause related to performance of duty.

Section 15-45.1 Organization and Meetings of CAESC

(a) The CAESC shall establish a regular meeting schedule. All meetings shall be open to the public and notification of such meetings shall conform to the requirements of the Open Meetings Law.

(b) A quorum shall be present for the CAESC to take official action, and all actions shall be taken by majority vote. A quorum shall consist of five members if all seats on the CAESC are filled and four members if there are one or more vacancies on the board.

(c) The CAESC shall select one of its members to serve as chair and one member to serve as vice-chair. These officers will be chosen annually at the CAESC's first meeting in March and shall serve for terms of one year unless their terms of appointment to the CAESC sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair for not more than two consecutive full one-year terms. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

Section 15-45.2 Powers and Duties of the CAESC **(REPEALED 5/11/99)** **(AMENDED 02/25/14)** **(AMENDED 10/24/17)**

The Climate Action and Environmental Sustainability Commission may:

- (a) Advise the Town Council on the implementation of the Community Climate Action Plan, Energy and Climate Protection Plan, and related and subsequent plans.
- (b) Advise the Town Council on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the CAESC include new development, solid waste, air quality, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.
- (c) Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution.
- (d) Take any other action authorized by this chapter or any other ordinance or resolution of the Town Council.

Section 2. Section 15-48.1(c), of the Carrboro Land Use Ordinance, Concept Plan Review Procedures Prior to Submitting Applications, shall be amended to reflect the replacement of the Environmental Advisory Board with the Climate Action and Environmental Sustainability

Commission to the list of advisory boards that may participate in the Joint Advisory Board meeting for the review of concept plans.

Section 3. Section 15-50(c) of the Carrboro Land Use Ordinance is amended to include the Climate Action and Environmental Sustainability Commission on the list of Boards and Commissions which are identified as having designated members participate in an on-site walkabout.

Section 4. Section 15-57, Recommendations on Conditional Use Permits of the Carrboro Land Use Ordinance is modified to reflect the replacement of the Environmental Advisory Board with the Climate Action and Environmental Sustainability Commission.

Section 5. Subsection 15-56 (c), Recommendations on Special use permits is amended by replacing the Environmental Advisory Board with the Climate Action and Environmental Sustainability Commission.

Section 6. Subsection 15-322(a), Planning Board and other Advisory Consideration of Proposed Amendments, is modified by replacing the Environmental Advisory Board with the Climate Action Environmental Sustainability Commission.

Section 7. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.



TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

May 7, 2020

Motion to approve made by Kaufman, seconded by O'Connor, that the EAB recommends the following:

The Environmental Advisory Board (EAB) has provided advice and helped to prepare guiding documents and proposed regulations to the town for many years. In 2018, the town created a Stormwater Advisory Commission (SAC) to address specific problems of stormwater management. However, since the SAC does not typically participate in the Joint Review process, the EAB's oversight function for stormwater did not change. In 2019, EAB was asked to address the town's response to climate change. Since then, the EAB has been working on climate change issues in addition to its traditional duties.

Those traditional duties had already been keeping the EAB quite busy, often requiring late-night sessions and then special meetings to get the work done. We found that, in order to make progress on the Climate questions, additional special meetings were often needed. In addition, it became clear that many of the members on the newly constituted EAB had stronger interest in either the traditional functions of the EAB or in the more recent climate charter.

There was consensus among the EAB members that the climate issue is sufficiently important to merit its own advisory board. The EAB drafted a series of recommendations for climate action at the municipal and town levels. Among these was the proposal that the town create a dedicated staff position to address climate change. We also drafted a memo calling for the creation of a new Climate Action and Sustainability Commission (CASC).

To correct some narratives that we have heard repeated, it was not the intent of the EAB to simply "morph" into the Climate Board. It was emphatically never our intention that the existing EAB should be dismantled.

The current structure of the EAB provides a focused panel of engaged citizens, most of whom have subject-matter expertise from a variety of disciplines. The proposed reorganization will eliminate the EAB, dividing its functions among other boards, effectively silencing the focused discussion on environmental issues that concern the town, and dismantling the expertise that the EAB represents.

Ironically, the nature of EAB meetings has shifted over the past couple of years, to the point where we routinely have at least six visitors from the general public attending all of our sessions, with some guests contributing their own research into the topics under discussion. EAB has grown into a model of what an advisory board should be, with a talented and informed membership that invites active participation from the general public.

Some examples of EAB contributions in the past year include:

- Raising issues about the FLX Zoning site, including the Meadow Flats wetlands, proximity to a climate research station, and the existence of a sensitive ecosystem as exhibited by the presence of a species of special concern in North Carolina
- Recommending that the developer adhere to the existing Town regulations regarding lighting within the Lloyd Farm development.

- The EAB has proposed a revision to the LUO that would require EV charging stations and/or infrastructure in parking lots. So far, all developers have agreed to the EAB's recommendations for EV charging stations in accordance with our proposed draft wording for changes to the LUO.
- Revisions to the Land Use Ordinance regarding tree protection and canopy cover, as well as creating a list of recommended native tree species for developments

The first two items in the list are a direct result of input from the knowledgeable and interested members of the public who regularly attended EAB meetings and contributed research. It is hard to see how these accomplishments could have happened under the proposed Advisory Board reorganization.

In our view, the question before us is not a simple administrative matter, but really comes down to whether the people of Carrboro will continue to have a voice in the town government, especially as far as environmental and climate issues are concerned.

We unanimously recommend, in the strongest possible terms, that the Town Council approve the formation of a new Climate Action and Sustainability Commission (CASC), while leaving the existing EAB charter unaltered. The work will not be completed in an acceptable manner if there are not two Advisory Boards. The functions of development review and climate action are both important and each deserves its own Advisory Board.

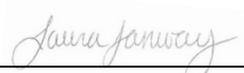
VOTE:

AYES: (3) Kaufman, Turner, O'Connor

ABSENT/EXCUSED: (0)

NOES: (0)

ABSTENTIONS: (0)



For Chair Tim Turner

5-7-20
(Date)



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Agenda Item Abstract

File Number:20-203

Agenda Date: 5/26/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Presentation of Town Manager's Recommended Budget for Fiscal Year 2020-2021

PURPOSE: The purpose of this agenda item is to receive the Town Manager's Recommended Budget for FY 2020-21 and set the time for a public hearing and budget work sessions.

DEPARTMENT: Town Manager, Finance

CONTACT INFORMATION: David L. Andrews, 918-7315 and Cary McNallan, 918-7301

INFORMATION: By state law, the Town Manager is required to submit a recommended budget for FY 2020-21 and budget message to the Mayor and Town Council by June 1st. This recommended budget is to be made available for public inspection and the Town Council is required to hold a public hearing on it prior to adoption. The FY21 Recommended Budget can be found on the Town's website at the following location:
<https://www.townofcarrboro.org/2397/Recommended-Annual-Operating-Budget-2020-2021>

Major goals for the FY 2020-21 budget were to: 1) implement the Board's strategic priorities, 2) control costs while improving services, 3) develop a balanced budget, 4) retain valued town employees, and 5) begin development of a long term financial sustainability plan.

With increasing costs for health insurance, retirement system contributions, transit operations, and other items combined with little or no revenue growth due to the economic uncertainty, difficult decisions had to be made. As priorities were evaluated, careful and balanced choices are presented in the FY 2020-21 recommended budget.

The total budget recommended by the Town Manager is \$70.8 million comprised of General Fund at \$25.0 million, Special Revenue Fund at \$2.3 million, Capital Fund at \$42.1 million, Storm Water Utility Enterprise Fund at \$994,475, and Parking Enterprise Fund at \$346,300. The Parking Enterprise Fund was created for FY21 to track parking related expenditures for the Town.

Special Revenue Funds change from year to year depending upon revenues from grants and loan funds. The Affordable Housing Fund is included in this fund and increasing affordable housing is a major goal of the Town Council. To provide a steady and reliable revenue stream for affordable housing, the FY 2019-20 adopted budget included a 1 cent property tax to be dedicated exclusively for affordable housing activities. It was anticipated that another ½ cent property tax would be added for the FY21 budget, however, due to the recent pandemic that has caused economic hardships, it is recommended that this increase be delayed. Therefore,

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there will be no increase in the Affordable Housing property tax rate and the current 1 cent property tax is recommended and will be exclusively for affordable housing activities. Based on the current budget for FY 2019-20 a penny on the tax rate yields \$225K in revenue. It is anticipated that another ½ cent increase in the property tax rate will be considered in the FY 2021-22 budget. To maintain the Affordable Housing Fund at its current budget level, the Town proposes a general fund subsidy of \$112,500 which when combined with the 1 cent property tax rate, provides \$338,000 for affordable housing activities.

Following the Town Manager's budget presentation, the date and time to hold a public hearing needs to be set. Attached is a resolution to set a public hearing for the budget on June 2, 2020 and a notice of public hearing to be published by the Town Clerk.

If the Council desires to hold one or more work sessions on the Town Manager's recommended budget, the following dates have been reserved: May 26 and June 2, 2020. Budget work sessions allow for an opportunity to develop a more thorough understanding of the budget recommendation. Department heads will be available at work sessions to answer questions.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: That the Town Council accept the Town Manager's Recommended Budget for FY 2020-21 and adopt a resolution setting a public hearing on it for June 2, 2020 at 7:00 PM

**A RESOLUTION TO SET PUBLIC HEARING ON THE TOWN MANAGER'S
RECOMMENDED BUDGET FOR FY 2020-21**

WHEREAS, the Town Manager presented the Recommended Budget for FY 2020-21 to the Town Council on May 26, 2020; and,

WHEREAS, the Town is required by North Carolina General Statute 159-12(b) to hold a public hearing before adopting the budget ordinance;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CARRBORO
HEREBY RESOLVES THAT,

The Town Council will hold a public hearing on Tuesday, June 2, 2020 at 7:00 p. m. via remote teleconference to receive comments from citizens on the Town Manager's Recommended Budget for 2020-21. The entire budget document may be viewed on the Town website at <https://www.townofcarrboro.org/2397/Recommended-Annual-Operating-Budget-2020-2021> Citizens are invited to make written or oral comments. Comments may be emailed to cdorando@townofcarrboro.org or presented at the public hearing on June 2, 2020. If you would like to attend the virtual meeting and make comments, please contact the Town Clerk prior to the meeting at cdorando@townofcarrboro.org for access.



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Agenda Item Abstract

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Update from Chief Schmidt on COVID-19



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Agenda Item Abstract

File Number:20-204

Agenda Date: 5/26/2020

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Version: 1

TITLE:

Consideration of Providing Personal Protective Equipment (PPE) to Town Citizens

PURPOSE: The purpose of this agenda item is to discuss the Town's capacity to provide personal protective equipment (PPE) to citizens.

DEPARTMENT: Police, Fire, Town Manager, and Housing and Community Services Departments

CONTACT INFORMATION: Walter Horton, Police Chief, whorton@townofcarrboro.org <<mailto:whorton@townofcarrboro.org>>; David Schmidt, Fire Chief dschmidt@townofcarrboro.org <<mailto:dschmidt@townofcarrboro.org>>; David Andrews, Town Manager, dandrews@townofcarrboro.org <<mailto:dandrews@townofcarrboro.org>>; Rebecca Buzzard, Housing & Community Services Director, rbuzzard@townofcarrboro.org <<mailto:rbuzzard@townofcarrboro.org>>

INFORMATION: In a continuing effort to promote wellness and safety during the COVID-19 outbreak, the Carrboro Town Council indicated that they would like to consider providing PPE to town citizens. Staff is working on acquiring and distributing some combination of face coverings and hand sanitizers, depending on availability.

Currently, PPE is a high priority item and is difficult to source in mass quantities. The Police Department, Fire Department, and Economic Development Office have reached out to local agencies and vendors to determine the feasibility of acquiring masks.

Thus far, 5,000 adult masks and 1,000 children's masks have been requested from a community group called the Face Mask Warriors. This group has begun filling that request and a Police Officer will pick them up from a no contact bin when enough have been assembled and accumulated. This is a volunteer effort and it will take time for the masks to become available. Through this organization, the Police Station is now also listed as a donation location for the group. Sports Endeavors is also donating an additional 1,000 masks, in batches of 250, when they are made. Additionally, through a new initiative entitled Masks for Mayors, the United States Conference of Mayors has provided non-medical grade masks or cloth face covers, at no cost to the Town.

With guidance from the Emergency Operations Center (EOC) and Health Department, face coverings will be provided along with an informational flyer that will include instructions on how to properly wear and clean the masks. As per guidance from the Town Attorney, for homemade masks, the flyer will also include a waiver of liability.

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Simultaneously, our Public Safety Officers (Fire and Police) are working with the EOC to place an additional order through Custom Ink. The EOC guidance is for each jurisdiction to be provided with a sufficient number of disposable masks to distribute to vulnerable populations, estimated to be about twenty percent of the population. Carrboro's share will be approximately 4,000 masks, which should arrive by next week. This purchase would be paid for through the EOC and be reimbursable through the Emergency Management process.

Distribution details are still being finalized, but the Fire Station can operate as the main point of distribution. The Police and Fire Departments will collaborate with the Housing and Community Services Department to coordinate delivery to vulnerable populations in conjunction with Orange County, Chapel Hill, the school system, and local non-profits. A regionally coordinated effort for distribution is being organized through the Human Services workgroup in the EOC.

The Town Council has also requested staff look into branded face coverings. These can be purchased through local vendors at a variety of price points. Considering no-cost options are currently available, this may be better for future needs.

In terms of Town staff, Human Resources Director, Julie Eckenrode, reached out to the Department Heads to ask if any staff members needed reusable cloth masks. Thirty three (33) staff members requested masks and the request was completely filled by a Carrboro resident who volunteered to provide the masks.

There are no known distributors of free hand sanitizer. If the Council wants to pursue the acquisition of hand sanitizer for residents, it will cost money and be difficult to get in small containers.

FISCAL & STAFF IMPACT: Staff has plans to eventually collect 11,000 masks at no cost to the Town. Above and beyond that number, and for hand sanitizer or branded PPE, a funding source will have to be identified. Staff will also be impacted by the time involved with the distribution process.

RECOMMENDATION: Staff recommends the Council provide guidance on the scope of the project.



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Agenda Item Abstract

File Number:20-219

Agenda Date: 5/26/2020

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In Control: Board of Aldermen

Version: 1

TITLE:

Discussion of Legislative Monitoring Priorities for the 2020 Short Session of the General Assembly

PURPOSE: The purpose of this item is for the Town Council to discuss the legislative priorities for the 2020 Short Session of the General Assembly. The virtual legislative delegation meeting is scheduled for June 1, 2020 at 6:00 PM via Zoom teleconference.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: The 2020 Regular Session of the General Assembly is currently back in session.

The main purpose of the June 1st legislative delegation virtual meeting will be to hear from our delegation on the current climate and anticipated impacts from the COVID-19 pandemic.

The Town Clerk also serves as the Town's legislative liaison and will continue to partner with town staff, the North Carolina League of Municipalities, and the NC Metro Mayor's Coalition to monitor legislation throughout the session.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Town staff recommends that the Town Council discuss the attached priorities.



**Town of Carrboro
Short Session 2020 Draft**

Legislative Dinner – Top Priorities

- Funding assistance to fill revenue losses associated with COVID-19 Pandemic.
- Broadband flexibility for local governments in a manner that would allow leasing infrastructure to private service providers
- Flooding and stormwater assistance
- Statewide source of funds (or another source of funds for schools to address utilities/stormwater mitigation)
- Police video camera footage viewing and release for governing boards