Town of Carrboro

Meeting Agenda

Town Council

Tuesday, June 16, 2020	**7:00 PM**	**Remote Meeting - View Livestream or Cable TV**
		18

7:00-7:10

A.   POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1.   20-252   Juneteenth Proclamation

7:10-7:15

B.   ROLL CALL

7:15-7:40

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.

7:40-7:50

D.   CONSENT AGENDA

1.   20-251   Approval of Minutes from June 2, 2020

2.   20-223   Donation of $2,500 for Minority Owned Businesses to Join the Carrboro Business Alliance (CBA)

PURPOSE: The purpose of this item is for the Town Council to consider funding $2,500 to support minority-owned businesses that would like to join the CBA.

3.   20-253   Town Council Endorsement of Letter to Governor Cooper from the Orange County Climate Council

PURPOSE: The purpose of this item is to authorize Mayor Lavelle to sign the attached letter from the Orange County Climate Council as an additional endorsement.

Attachments: Attachment A - OCCC COVID letter to Gov. Cooper letter 6-2-2020

4.   [20-245](#)   Use of South Orange Fire District Fund Balance

PURPOSE: The purpose of this agenda item is to seek Town Council approval for the Town Manager to request use of the South Orange Fire District Fund Balance to purchase a Tanker Truck for the Fire-Rescue Department.

Attachments: [Attachment A - RESOLUTION](#)

5.   [20-254](#)   Scheduling Special Town Council Meetings this Summer

PURPOSE: The purpose of this item is to schedule special meetings for Tuesday, July 14 at 7:00 p.m. and Tuesday, August 18 at 7:00 p.m. to receive COVID19 updates from Chief Schmidt.

6.   [20-248](#)   Consideration of Eno-Haw Regional Hazard Mitigation Plan, 2020 Update

PURPOSE: The purpose of this agenda item is for the Town Council to consider adoption of the community's newly updated hazard mitigation plan. Adoption of a plan on five year cycle is required in order for the Town to maintain its eligibility for hazard mitigation grant funds.

Attachments: [A - Resolution Eno-Haw 06162020](#)

[B - EHR HMP Excerpt Public Involvement](#)

[C - EHR HMP Excerpt Planning Area Profile](#)

[D - EHR HMP Mitigation Actions - Town of Carrboro](#)

E.   PUBLIC HEARINGS

7:50-8:20

1.   [20-244](#)   Public Hearing on Amendments to the Land Use Ordinance and Town Code to Establish a Climate Action and Environmental Sustainability Commission

PURPOSE: The purpose of this agenda item is for the Town Council to consider proposed amendments to the Land Use Ordinance that would establish a new Climate Action and Environmental Sustainability Commission, and an associated Town Code amendment. Draft ordinances have been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision and the Council must receive public input before reaching a decision.

Attachments: [Attachment A - Consistency Resolution-CAESC](#)

[Attachment B - Draft Ordinance_05-22-2020](#)

[Attachment C - Town Code Amendment_CAESC](#)

[Attachment D - Comments_CAESC](#)

8:20-8:55

2.   [20-247](#)   Public Hearing on Land Use Ordinance and Town Code

Amendments to Establish Regulations for Small and Micro-Wireless Facilities

PURPOSE: The purpose of this item is for the Town Council to consider amendments to the Land Use Ordinance and Town Code to conform to state legislation relating to wireless infrastructure for 5G technology. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Town Council must receive public input prior to making a decision.

Attachments: Attachment A - Consistency Resolution_Small Cells_06-16-2020.docx

Attachment B - Draft LUO Amendment_WirelessFacilities_6-9-2020

Attachment C - Draft Town Code Amendment_WirelessFacilities_6-9-2020.docx

Attachment D - HB 310

Attachment E - Comments

F.   OTHER MATTERS

8:55-9:15

1.   20-250   Update from Chief Schmidt on COVID-19

9:15-10:15

2.   20-246   A Resolution on Next Steps in Advancing Racial Equity in Law Enforcement and Public Safety in Carrboro

PURPOSE:

Attachments: Attachment A - 20200616 Resolution on Policing and Public Safety DRAFT

Attachment B - EO145-Criminal-Justice-Reform

Attachment C - excellence-with-equity-report-final10-23

Attachment D - Policing-Reform-Recommendations

10:15-11:00

3.   20-255   Discussion of the FY21 Police Department Budget

PURPOSE: Provide details regarding the Police Department Budget

Attachments: Police Dept Budget comparison

G.   MATTERS BY COUNCIL MEMBERS

Town of Carrboro

Town of Carrboro

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

Agenda Item Abstract

File Number:20-252

Agenda Date: 6/16/2020

In Control: Board of Aldermen

Version: 1

File Type: Agendas

Juneteenth Proclamation

Agenda Item Abstract

File Number:20-251

Agenda Date: 6/16/2020

File Type: Agendas

In Control: Board of Aldermen

Version: 1

Approval of Minutes from June 2, 2020

Agenda Item Abstract

File Number: 20-223

Agenda Date: 6/16/2020   **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Donation of $2,500 for Minority Owned Businesses to Join the Carrboro Business Alliance (CBA)

PURPOSE: The purpose of this item is for the Town Council to consider funding $2,500 to support minority-owned businesses that would like to join the CBA.

DEPARTMENT: Economic Development

CONTACT INFORMATION: Betsy Bertram, Interim Economic Development Director

INFORMATION: David Jessee, chair of the Carrboro Business Alliance, drafted the following letter:

On behalf of the Carrboro Business Alliance (CBA) Leadership Council, I want to thank you for your strong and sincere commitment to building a more diverse and inclusive community.

The CBA is inspired by your vision and has set a specific goal of recruiting at least ten more minority-owned businesses into our network this year.

We have already secured a private sector donation that will allow us to scholarship five minority-owned businesses and into the CBA with full membership benefits. We would like to invite the town to match this with a $2,500 contribution that will allow us to provide five more scholarships. Together, this public-private contribution will catapult us towards the goal of welcoming at least ten minority-owned businesses into the CBA this year.

We believe that the challenges we are living in today make access to the CBA more important than ever. At the same time, we recognize that the current CBA membership lacks the full diversity that we desire and need to best reflect the community we serve. While we have strong local business representation across industries and with many women-owned businesses, we do not have sufficient voice from minority-owned businesses. We want to do better.

Thank you for considering this request to help us intentionally bring more diverse local business voices to the table.

FISCAL & STAFF IMPACT: The $2,500 donation to the CBA will positively impact diversifying the

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Carrboro Business Alliance and will be funded from the existing Economic Development Budget.

RECOMMENDATION: Staff recommends that the Council consider a $2,500 contribution to increase the diversity on the CBA.

Agenda Item Abstract

File Number: 20-253

Agenda Date: 6/16/2020   **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:
Town Council Endorsement of Letter to Governor Cooper from the Orange County Climate Council
PURPOSE: The purpose of this item is to authorize Mayor Lavelle to sign the attached letter from the Orange County Climate Council as an additional endorsement.
DEPARTMENT: Town Council

CONTACT INFORMATION: Council Member Sammy Slade, Mayor Lydia Lavelle - Staff Support: Laura Janway, Cathy Dorando

INFORMATION: In their meeting on May 28th, the Orange County Climate Council reviewed a draft letter to Governor Cooper that makes a case for linking COVID-19 relief funding to broader improvements to public health and resilience. The final version (attached) is being sent to the four Orange County local government elected boards to ask for their endorsement before sending them to the Governor.

The Climate Council's action was made in the understanding that time remaining during this fiscal year is short, and that not all local governments might get the chance to review the letter and consider endorsing it. The Council decided that time was of the essence to send the letter to assist in framing the economic recovery around both short-term and longer-term interests, and that the support of the local governments who are members of the Council was essential.

FISCAL & STAFF IMPACT:

RECOMMENDATION: It is recommended that the Town Council support this endorsement.

June 2, 2020

Governor Roy Cooper
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Re: Recommendations to Support Local Governments during the Pandemic

Dear Governor Cooper,

We are writing on behalf of the Orange County Climate Council, a collaborative effort established by Orange County, Carrboro, Chapel Hill, and Hillsborough. Our mission is to develop equitable, effective solutions to reduce greenhouse gas emissions and protect County residents from climate impacts. Council members include representatives from the county and municipal governments, the school systems, UNC-Chapel Hill, community organizations, and Orange County residents.

Like other communities across our state, we continue to face the health and economic impacts of the COVID-19 pandemic. We thank you for your leadership during this challenging time and for your efforts to help local governments address immediate budget shortages. We urge you and your administration to continue these efforts. State and federal support is critical at this time to ensure that county and municipal governments can continue protecting public health and safety, educating our citizens, providing transportation services, and performing other essential functions.

We also urge your administration to identify opportunities to ensure that COVID relief efforts help our local communities and economies emerge stronger, healthier, and more resilient. As North Carolina's communities deal with the public health and economic impacts of COVID-19, many are still rebuilding after recent hurricanes and preparing for the likelihood of another active hurricane season. Furthermore, the economic impacts of the pandemic are likely to have long-term effects in many parts of our state. These challenges are interrelated and require a comprehensive response, as noted in the World Health Organization's "Prescriptions for a Healthy and Green Recovery from COVID-19." (See Appendix.)

Identifying opportunities for government funding to deliver multiple public health and economic benefits is particularly important during this time of shrinking budgets. COVID-19 recovery funding will be most impactful if it addresses local governments' immediate budgetary needs, protects local jobs, reduces ongoing expenses for governments or citizens, and improves the quality of life in our communities. Numerous local projects can achieve these goals. For example, reducing energy consumption in schools and government buildings, expanding telecommuting options, or enhancing infrastructure to mitigate flooding would target near-term

needs while providing long-term savings and public health benefits. In addition, state support could help local governments continue beneficial practices that were initially implemented as temporary responses to the pandemic.

Economic, public health, and resiliency needs differ across the state. We encourage you to work with local governments and community stakeholders to identify priorities and determine how pandemic relief efforts can deliver multiple benefits for North Carolina.

Sincerely,

Mark Marcopolis, Chair, Orange County Climate Council

Melissa McCullough, Vice Chair, Orange County Climate Council

Endorsements:

Prescriptions for a healthy and green recovery from COVID-19 (excerpted from "WHO Manifesto for a Healthy Recovery from COVID-19")

26 May 2020

https://www.who.int/news-room/feature-stories/detail/who-manifesto-for-a-healthy-recovery-from-covid-19.

1) Protect and preserve the source of human health: Nature.

Economies are a product of healthy human societies, which in turn rely on the natural environment - the original source of all clean air, water, and food. Human pressures, from deforestation, to intensive and polluting agricultural practices, to unsafe management and consumption of wildlife, undermine these services. They also increase the risk of emerging infectious diseases in humans – over 60% of which originate from animals, mainly from wildlife. Overall plans for post-COVID-19 recovery, and specifically plans to reduce the risk of future epidemics, need to go further upstream than early detection and control of disease outbreaks. They also need to lessen our impact on the environment, so as to reduce the risk at source.

2) Invest in essential services, from water and sanitation to clean energy in healthcare facilities.

Around the world, billions of people lack access to the most basic services that are required to protect their health, whether from COVID-19, or any other risk. Handwashing facilities are essential for the prevention of infectious disease transmission, but are lacking in 40 % of households. Antimicrobial-resistant pathogens are widespread in water and waste and their sound management is needed to prevent the spread back to humans. In particular it is essential that health care facilities be equipped with water and sanitation services, including the soap and water that constitutes the most basic intervention to cut transmission of SARS-CoV-2 and other infections, access to reliable energy that is necessary to safely carry out most medical procedures, and occupational protection for health workers.

Overall, avoidable environmental and occupational risks cause about one quarter of all deaths in the world. Investment in healthier environments for health protection, environmental regulation, and ensuring that health systems are climate resilient, is both an essential guardrail against future disaster, and offers some of the best returns for society. For example, every dollar that was invested in strengthening the US Clean Air Act has paid back 30 dollars in benefit to US citizens, through improved air quality and better health.

3) Ensure a quick healthy energy transition.

Currently, over seven million people a year die from exposure to air pollution – 1 in 8 of all deaths. Over 90% of people breathe outdoor air with pollution levels exceeding WHO air quality guideline values. Two-thirds of this exposure to outdoor pollution results from the burning of the same fossil fuels that are driving climate change .

At the same time, renewable energy sources and storage continue to drop in price, increase in reliability, and provide more numerous, safer and higher paid jobs. Energy infrastructure decisions taken now will be locked in for decades to come. Factoring in the full economic and social consequences, and taking decisions in the public health interest, will tend to favour renewable energy sources, leading to cleaner environments and healthier people.

Several of the countries that were earliest and hardest hit by COVID-19, such as Italy and Spain, and those that were most successful in controlling the disease, such as South Korea and New Zealand, have put green development alongside health at the heart of their COVID-19 recovery strategies. A rapid global transition to clean energy would not only meet the Paris climate agreement goal of keeping warming below 2C, but would also improve air quality to such an extent that the resulting health gains would repay the cost of the investment twice over.

4) Promote healthy, sustainable food systems.

Diseases caused by either lack of access to food, or consumption of unhealthy, high calorie diets, are now the single largest cause of global ill health. They also increase vulnerability to other risks - conditions such as obesity and diabetes are among the largest risk factors for illness and death from COVID-19.

Agriculture, particularly clearing of land to rear livestock, contributes about ¼ of global greenhouse gas emissions, and land use change is the single biggest environmental driver of new disease outbreaks. There is a need for a rapid transition to healthy, nutritious and sustainable diets. If the world were able to meet WHO's dietary guidelines, this would save millions of lives, reduce disease risks, and bring major reductions in global greenhouse gas emissions.

5) Build healthy, liveable cities.

Over half of the world's population now lives in cities, and they are responsible for over 60% of both economic activity and greenhouse gas emissions. As cities have relatively high population densities and are traffic-saturated, many trips can be taken more efficiently by public transport, walking and cycling, than by private cars. This also brings major health benefits through reducing air pollution, road traffic injuries – and the over three million annual deaths from physical inactivity.

Many of the largest and most dynamic cities in the world, such as Milan, Paris, and London, have reacted to the COVID-19 crisis by pedestrianizing streets and massively expanding cycle lanes - enabling "physically distant" transport during the crisis, and enhancing economic activity and quality of life afterwards.

6) Stop using taxpayers' money to fund pollution.

The economic damage from COVID-19 and the necessary control measures, is very real, and will place huge pressure on Government finances. Financial reform will be unavoidable in recovering from COVID-19, and a good place to start is with fossil fuel subsidies.

Globally, about US$400 billion every year of taxpayers' money is spent directly subsidizing the fossil fuels that are driving climate change and causing air pollution. Furthermore, private and social costs generated by health and other impacts from such pollution are generally not built into the price of fuels and energy. Including the damage to health and the environment that they cause, brings the real value of the subsidy to over US$5 trillion per year- more than all governments around the world spend on healthcare – and about 2,000 times the budget of WHO.

Placing a price on polluting fuels in line with the damage they cause would approximately halve outdoor air pollution deaths, cut greenhouse gas emissions by over a quarter, and raise about 4% of global GDP in revenue. We should stop paying the pollution bill, both through our pockets and our lungs.

Agenda Item Abstract

File Number: 20-245

Agenda Date: 6/16/2020

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Use of South Orange Fire District Fund Balance

PURPOSE: The purpose of this agenda item is to seek Town Council approval for the Town Manager to request use of the South Orange Fire District Fund Balance to purchase a Tanker Truck for the Fire-Rescue Department.

DEPARTMENT: Fire-Rescue Department

CONTACT INFORMATION: David Schmidt, Fire Chief, 919-918-7349, dschmidt@townofcarrboro.org

INFORMATION: Orange County contracts with Carrboro Fire-Rescue to provide fire, rescue, and EMS services to the South Orange Fire District (SOFD). In addition to the fire tax revenue paid from the SOFD to the Town of Carrboro, each year fund balance accumulates when a district exceeds anticipated County revenues.

The district may use accumulated fund balance for several reasons - purchase of vehicles, equipment, or to avoid increasing the district's property tax rate.

Fund balance is calculated each year on June 30. As of June 20, 2020, the available fund balance for the SOFD was $175,675.

Carrboro Fire-Rescue Department has identified a need to provide an increased amount of water for structure fires in the South Orange Fire District. Currently, Carrboro relies on neighboring fire departments to provide the majority of the water needed to establish the initial water supply to extinguish a fire. This is accomplished through the use of tanker trucks. Tanker trucks are slightly smaller, more maneuverable than a fire engine, and designed to shuttle water to the fire scene. In Orange County, a tanker truck holds 2,000 gallons of water, 50 percent more than a fire engine. This maneuverability becomes critically important when the tankers need to refill and return to the scene as quickly as possible.

This purchase will make Carrboro Fire-Rescue more efficient because the initial response will not only be less reliant on neighboring fire departments, but there will be 1,000 gallons of additional water responding to the scene from CFR apparatus. This will also be beneficial when a neighboring fire department is unavailable to respond and a tanker truck is requested from a further distance. The time delay may be less critical than it currently is.

The amount requested to utilize for the vehicle purchase is $125,000.

FISCAL & STAFF IMPACT: Fiscal impacts - this purchase is a shared cost between Orange County and Carrboro. The total cost of the purchase will be an amount not to exceed $350,000. The County's portion will be $125,000 and the Town of Carrboro's portion will be $225,000. The amount of Carrboro's portion has been reduced from the original amount of $300,000.

This purchase will be made either utilizing piggyback pricing or through the Houston Galveston Area Council, a nationwide government procurement service. Either of these options help assure the most cost-efficient purchase price.

Staff impacts - efficiencies in service delivery in having a vehicle better suited to the needs of the Town and SOFD. This does provide additional versatility in Town, in the event that static water supply is interrupted.

RECOMMENDATION: Staff recommends the Town Council approve the request authorizing the Town Manager to make the request, not to exceed $125,000, to Orange County for the use of the fund balance which will be combined with Town of Carrboro funding to purchase a tanker truck.

RESOLUTION TO REQUEST USE OF SOUTH ORANGE FIRE DISTRICT FUND BALANCE
FOR PURCHASE OF A TANKER TRUCK

WHEREAS, The Town of Carrboro provides fire, rescue and EMS services to the South Orange Fire District; and

WHEREAS, the taxes paid by property owners in the South Orange Fire District are used to pay the Town of Carrboro for services provided to the South Orange Fire District; and,

WHEREAS, the South Orange Fire District will have a calculated fund balance of $175,675 through June 20, 2020; and,

WHEREAS, the Town of Carrboro has identified a need to purchase a tanker truck at an estimated cost of $350,000; and.

WHEREAS, a new tanker truck provide for increased efficiency in service delivery;

NOW THEREFORE, the Carrboro Town Council hereby:

1. Authorizes the Town Manager to submit a letter of request to Orange County requesting to use available Fund Balance from South Orange Fire District.

2. Such letter of request shall be limited to an amount not to exceed $125,000 for the purchase of a tanker truck.

3. This Resolution if effective upon passage by the Carrboro Town Council.

4. A copy of this resolution shall be forwarded to the Finance Officer within 2 days.

Agenda Item Abstract

File Number:20-254

Agenda Date: 6/16/2020

In Control: Board of Aldermen

Version: 1

File Type: Agendas

TITLE:

Scheduling Special Town Council Meetings this Summer

PURPOSE: The purpose of this item is to schedule special meetings for Tuesday, July 14 at 7:00 p.m. and Tuesday, August 18 at 7:00 p.m. to receive COVID19 updates from Chief Schmidt.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: Regular meetings of the Council are not scheduled this July and August. A few Council members have expressed interest in scheduling special meetings during the summer break to receive updates on the coronavirus pandemic. Staff have identified July 14th and August 18th as dates.

Chief Schmidt will continue to update the Council weekly throughout July and August with e-mail updates on the pandemic. He will continue to take questions and get answers to questions posed by Council members, and e-mail those back to Council members as soon as possible during this time.

If the need arises, the Council could decide to schedule an additional special meeting during July or August before regular meetings resume on September 1.

FISCAL & STAFF IMPACT: There will be additional costs and staff work associated with agenda preparation and meeting logistics for cablecasting and broadcasting of these meetings.

RECOMMENDATION: It is recommended that the Town Council consider this item.

Agenda Item Abstract

File Number:20-248

Agenda Date: 6/16/2020   **File Type:**Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration of Eno-Haw Regional Hazard Mitigation Plan, 2020 Update

PURPOSE: The purpose of this agenda item is for the Town Council to consider adoption of the community's newly updated hazard mitigation plan. Adoption of a plan on five year cycle is required in order for the Town to maintain its eligibility for hazard mitigation grant funds.

DEPARTMENT: Planning, Fire-Rescue, Public Works/Stormwater Utility

CONTACT INFORMATION: Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org <mailto:pmcguire@townofcarrboro.org>; Dave Schmidt - 919-918-7438, dschmidt@townofcarrboro.org <mailto:dschmidt@townofcarrboro.org>; Heather Holley - 919-918-7426, hholley@townofcarrboro.org <mailto:hholley@townofcarrboro.org> ,

INFORMATION: The current Eno-Haw Regional Hazard Mitigation Plan was adopted by the Carrboro Board of Aldermen on June 22, 2015, and formally approved by FEMA on August 2, 2015. Planning for the current update was initiated in early 2019, as indicated on the project website at <http://www.enohawhmp.com/>
. The maintenance of a current plan is a requirement for local governments should they need to seek mitigation grant funding. Details of the legal basis for this action, and specifically the use of a risk-based approach to assessing and reducing risks related to natural hazards is the Robert T. Stafford Relief and Emergency Assistance Act (Public Law 93-288), as amended by the Disaster Mitigation Act of 2000.

Beginning in 2004, the Town of Carrboro partnered with Orange County jurisdictions on the development and adoption of a hazard mitigation plans, which was amended and updated in 2010. In 2014, an expanded multi-jurisdictional planning region was identified, made up of Alamance, Durham, and Orange counties and thirteen towns, cities, and one village, in those counties.

In this update, Person County and the City of Roxboro expand the region to include four counties and 14 municipalities. Section 2.2, beginning on page 6 describes how the plan has changed from the 2015 version, including addressing the following requirements:

☐Consider changes in vulnerability due to action implementation;

☐Document success stories where mitigation efforts have proven effective;

☐Document areas where mitigation actions were not effective;

☐Document any new hazards that may arise or were previously overlooked;

☐Incorporate new data or studies on hazards and risks;

☐Incorporate new capabilities or changes in capabilities;

Incorporate growth and development-related changes to inventories; and
Incorporate new action recommendations or changes in action prioritization.

The following items were also addressed in this 2020 plan update:
GIS was used, to the extent data allowed, to analyze the priority hazards as part of the
vulnerability assessment.
Assets at risk to identified hazards were identified by property type and values of properties
based on NCEM's IRISK Database.
A discussion on climate change and its projected effect on specific hazards was included in each hazard profile
in the risk assessment.
The discussion on growth and development trends was enhanced utilizing 2018 American
Community Survey data.
Enhanced public outreach and agency coordination efforts were conducted throughout the plan
update process in order to meet the more rigorous requirements of the 2017 CRS Coordinator's
Manual, in addition to DMA requirements.

The full plan is available at <http://www.enohawhmp.com/draftDocuments.html>. Excerpts of two plan topics
and specific hazard mitigation actions for the Town of Carrboro are attached:

Attachment B - Public Involvement
Attachment C - Planning Area Profile
Attachment D - Mitigation Actions]

FISCAL & STAFF IMPACT: None associated with plan adoption.

RECOMMENDATION: Staff recommends that the Town Council consider adoption of the resolution (
Attachment A) adopting the Eno-Haw Regional Hazard Mitigation Plan.

RESOLUTION ADOPTING THE ENO-HAW REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the Town of Carrboro is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Town of Carrboro desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Carrboro Town Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Carrboro Town Council to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Carrboro; and

WHEREAS, the Town of Carrboro, in coordination with all other participating jurisdictions of the Eno-Haw Region, has prepared a regional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency will receive a draft of the Eno-Haw Regional Hazard Mitigation Plan to review for legislative compliance and approve pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council hereby:

1. Adopts the Eno-Haw Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

This the 16th day of June in the year 2020.

SECTION 2: PLANNING PROCESS

Meeting Title	Meeting Topic	Meeting Date	Meeting Location
HMPC Mtg. #4	1) Review the Draft Hazard Mitigation Plan 2) Solicit comments and feedback	May 20, 2020 2 p.m.	Zoom Video Conference Call

2.6 INVOLVING THE PUBLIC

An important component of any mitigation planning process is public participation. Individual citizen and community-based input provides the entire planning team with a greater understanding of local concerns and increases the likelihood of successfully implementing mitigation actions by developing community "buy-in" from those directly affected by the decisions of public officials. As citizens become more involved in decisions that affect their safety, they are more likely to gain a greater appreciation of the hazards present in their community and take the steps necessary to reduce their impact. Public awareness is a key component of any community's overall mitigation strategy aimed at making a home, neighborhood, school, business, or entire planning area safer from the potential effects of hazards.

Public involvement in the development of the plan was sought using various methods including open public meetings, an interactive plan website, a public participation survey, and by making copies of draft plan documents available for public review online and at government offices. Additionally, all HMPC meetings were made open to the public.

All public meetings were advertised on the plan website and on local community websites, where possible. Copies of meeting announcements are provided in Appendix B. The public meetings held during the planning process are summarized in Table 2.7.

Table 2.7 – Summary of Public Meetings

Meeting Title	Meeting Topic	Meeting Date	Meeting Location
Public Meeting #1	1) Introduction to DMA, CRS, and FMA requirements and the planning process 2) Review of HMPC responsibilities and the project schedule.	July 11, 2019 5:30 p.m.	Whitted Human Services Building, Room 230, 300 West Tryon Street, Hillsborough
Public Meeting #2	1) Review "Draft" Hazard Mitigation Plan 2) Solicit comments and feedback	May 28, 2020 5 p.m.	Zoom Video Conference Call

2.7 OUTREACH EFFORTS

The HMPC agreed to employ a variety of public outreach methods including established public information mechanisms and resources within the community. The table below details public outreach efforts employed during the preparation of this plan.

Table 2.8 – Public Outreach Efforts

Location	Date	Event/Message
Plan website	Ongoing	Meeting announcements, meeting materials, and description of hazards; contact information provided to request additional information and/or provide comments
Local community websites	July 2019	Public Meeting #1 announcements posted with summary of the plan purpose and process
Facebook	July 2019	Public Meeting #1 streamed live on Durham City/County Emergency management's Facebook page.
Local community websites	July 2019	Link to the plan website shared to expand reach

Eno-Haw
Regional Hazard Mitigation Plan
2020

SECTION 2: PLANNING PROCESS

Location	Date	Event/Message
Public survey	May 2019 – March 2020	Survey hosted online and made available via shareable link
Plan website - HIRA draft	11/26/2019	Draft HIRA made available for review and comment online
Plan website - Draft Plan	5/20/2020	Full draft plan made available for review and comment online
Local community websites	May 2020	Public Meeting #2 announcements posted with request for comments on the draft plan
Mitigation Flyer	Ongoing	An informational flyer was made available online

Public involvement activities for this plan update included press releases, creation of a website for the plan, a public survey, and the collection of public and stakeholder comments on the draft plan.

A public outreach survey was made available in July 2019 and remained open for response until March 2020. The public survey requested public input into the Hazard Mitigation Plan planning process and the identification of mitigation activities to lessen the risk and impact of future hazard events. The survey is shown in Appendix B. The survey was available in hard copy at the first public meeting and online on the plan website. In total, 348 responses were received via the online survey.

The following is a list of high-level summary results derived from survey responses:

- ▶ 92% of responses came from residents of Orange County.
- ▶ Over 93% of respondents own their home, which indicates ability of those engaged in the mitigation process to implement mitigation on their own properties.
- ▶ Over 86% of respondents feel somewhat prepared or very prepared for a hazard event.
- ▶ 77% of respondents do not know where evacuation centers or storm shelters are located; 95.4% say they are able to evacuate or take shelter if necessary.
- ▶ Over 44% of respondents do not know where to get more information on hazard risk and preparedness. More outreach may be needed and it may be beneficial to pursue new methods of outreach.
- ▶ Hurricane was rated the most significant hazard, followed by tornado, severe weather, and extreme heat. Landslide was rated the least significant hazard, followed by earthquake and dam failure.
- ▶ Approximately half of the respondents reported taking steps to mitigate risk at home. Many reported preparedness actions such as emergency kits and supplies and evacuation plans. Some residents reported backup generators. Few respondents noted property protection actions; therefore, these may be important ideas to promote in outreach.
- ▶ Respondents favored natural resource protection, emergency services, and structural projects for mitigation; least favored option was property protection for individual homes.
- ▶ Text message and email were the most preferred methods of communication for information on hazard events.

Detailed survey results are provided in Appendix B.

2.8 INVOLVING THE STAKEHOLDERS

In addition to representatives of each participating jurisdiction, the Hazard Mitigation Planning Committee included a variety of stakeholders. Stakeholders on the HMPC included representatives from the Duke University, Preservation Durham, University of North Carolina, American Red Cross, and local CERT and Citizens Stormwater Advisory Boards. Input from additional stakeholders, including neighboring communities, was solicited through invitations to the open public meetings and distribution of the public

3 Planning Area Profile

This section provides a general overview of the current conditions in the Eno-Haw region and its participating municipalities. It consists of the following sub-sections:

- ▶ 3.1 Geography and Environment
- ▶ 3.2 Population and Demographics
- ▶ 3.3 Historic Properties
- ▶ 3.4 Housing
- ▶ 3.5 Infrastructure
- ▶ 3.6 Current and Future Land Use
- ▶ 3.7 Employment and Industry

3.1 GEOGRAPHY AND ENVIRONMENT

The Eno-Haw region, which contains Alamance, Durham, Orange, and Person Counties, is located in north central North Carolina in the piedmont. A location map is provided in Figure 3.1.

The planning area comprises a total land area of approximately 1,499 square miles, the sum of the total area of each participating county. Note that several jurisdictions extend into neighboring counties that are not participants of this plan. The full extent of these jurisdictions is including in the planning area and scope of this plan. The total land area of each participating jurisdiction is listed in Table 3.1.

**Table 3.1 – Total Land Area of Participating Jurisdictions**

Jurisdiction	Total Area (sq. mi.)
Alamance County	**423.3**
City of Burlington*	25.4
City of Graham	9.7
City of Mebane*	8.5
Town of Elon	3.9
Town of Green Level	1.4
Town of Haw River	2.9
Town of Ossipee	0.6
Town of Swepsonville	1.5
Village of Alamance	0.8
Durham County	**286.3**
City of Durham*	108.3
Orange County	**397.4**
Town of Carrboro	6.5
Town of Chapel Hill*	21.3
Town of Hillsborough	4.6
Person County	**392.1**
City of Roxboro	6.4
Region Total	**1,499.2**

Source: US Census Bureau, www.data.census.gov
*These jurisdictions extend into neighboring counties

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**Figure 3.1 – Eno-Haw Region Location Map**
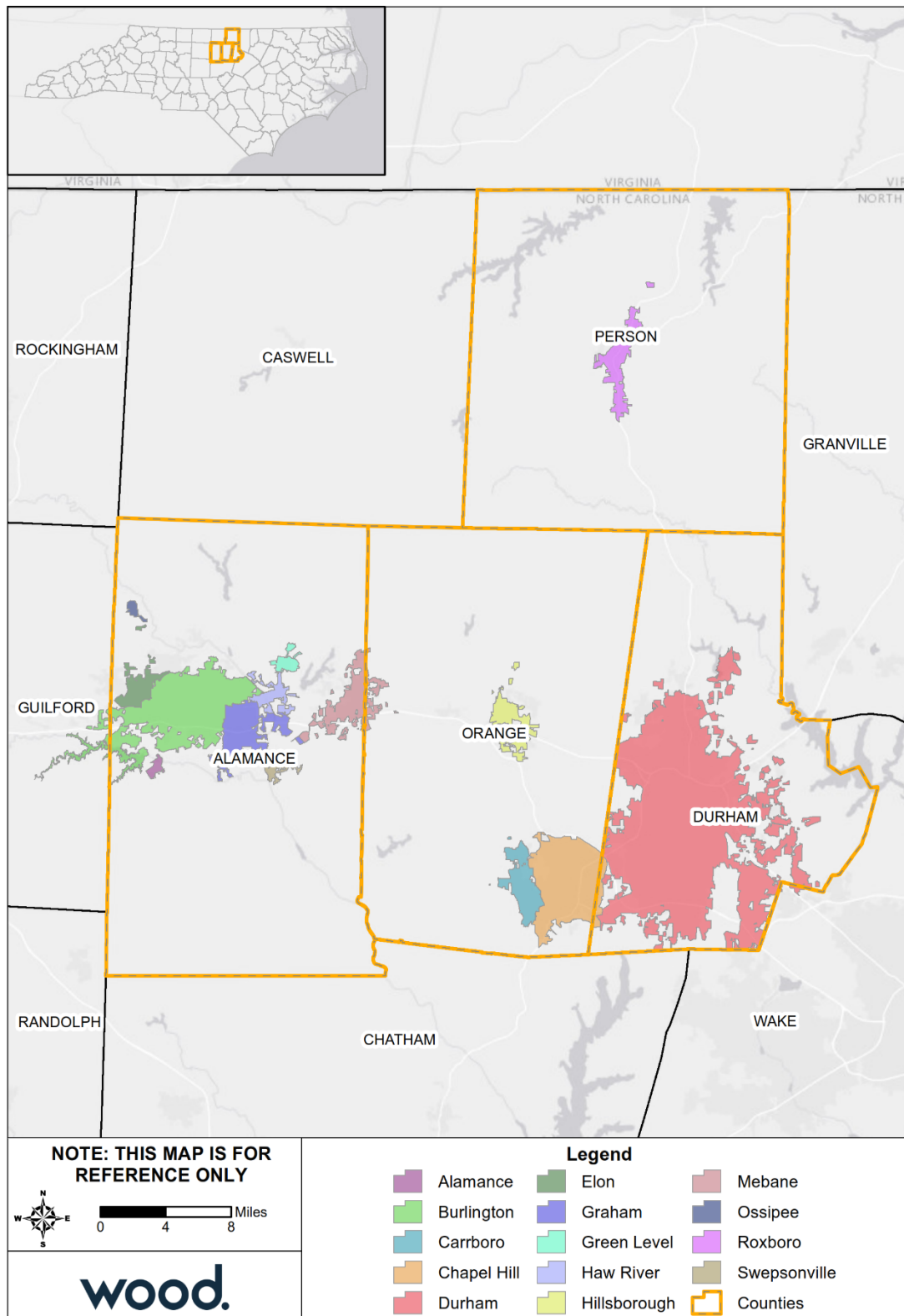
Source: U.S. Census Bureau

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According to the Köppen climate classification system, the Eno-Haw region has a humid subtropical climate characterized by mild winters and hot humid summers with significant precipitation even during the driest month. The region experiences an average annual high temperature of 69.1°F and an average annual low of 46.6°F. Average annual rainfall is approximately 47.8 inches and average annual snowfall is 1.9 inches. Figure 3.2 shows the average monthly precipitation for the Durham weather station, which approximates temperature and precipitation of the region.

Figure 3.2 – Average Monthly Temperature and Precipitation
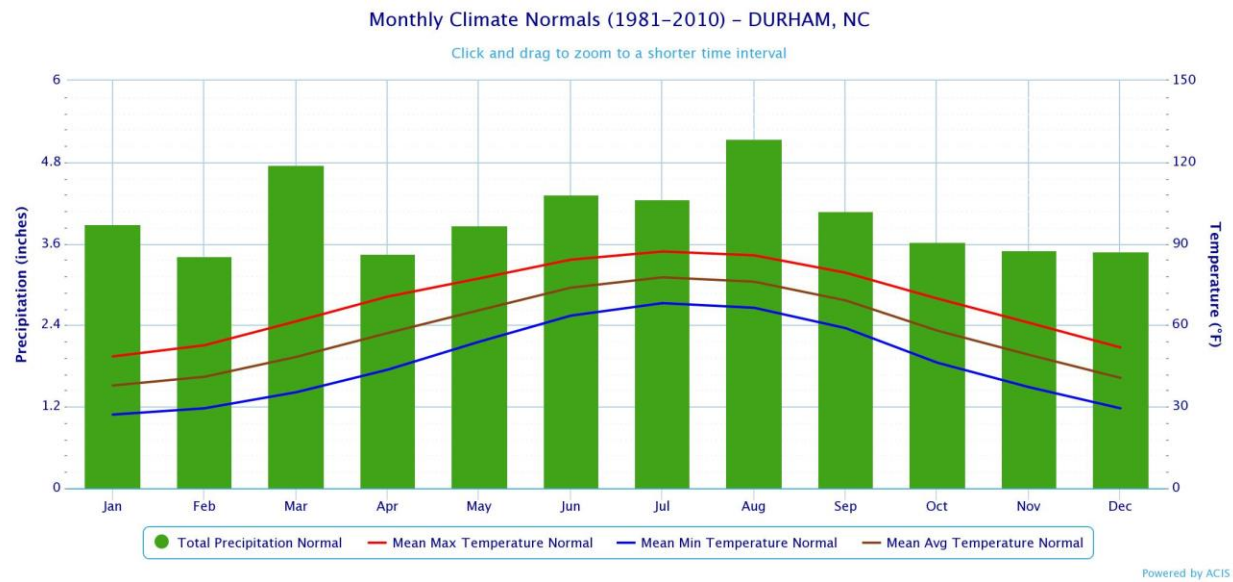
Source: Northeast RCC CLIMOD 2.

As shown in the map of HUC-8 watersheds in Figure 3.3, the majority of the Eno Haw region is split between the Haw River Basin, the Upper Neuse River Basin, and the Lower Dan River Basin.

Wetlands

According to data from the U.S. Fish and Wildlife Service's National Wetlands Inventory, there are approximately 49,490 acres of wetlands in the region. Wetland areas are shown in Figure 3.4.

Natural and Beneficial Wetland Functions: The benefits of wetlands are hard to overestimate. They provide critical habitat for many plant and animal species that could not survive in other habitats. They are also critical for water management as they absorb and store vast quantities of storm water, helping reduce floods and recharge aquifers. Not only do wetlands store water like sponges, they also filter and clean water as well, absorbing toxins and other pollutants.

Parks, Preserve, and Conservation

The Eno Haw region is home to many parks, preserves, and other natural areas including three state parks: Eno River State Park in Durham and Orange Counties, Falls Lake State Recreation Area located partially in Durham County, and Occoneechee Mountain State Park in Orange County. The Mountains-to-Sea State Trail also runs through Alamance, Orange, and Durham Counties.

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Figure 3.3 – HUC-8 Drainage Basins
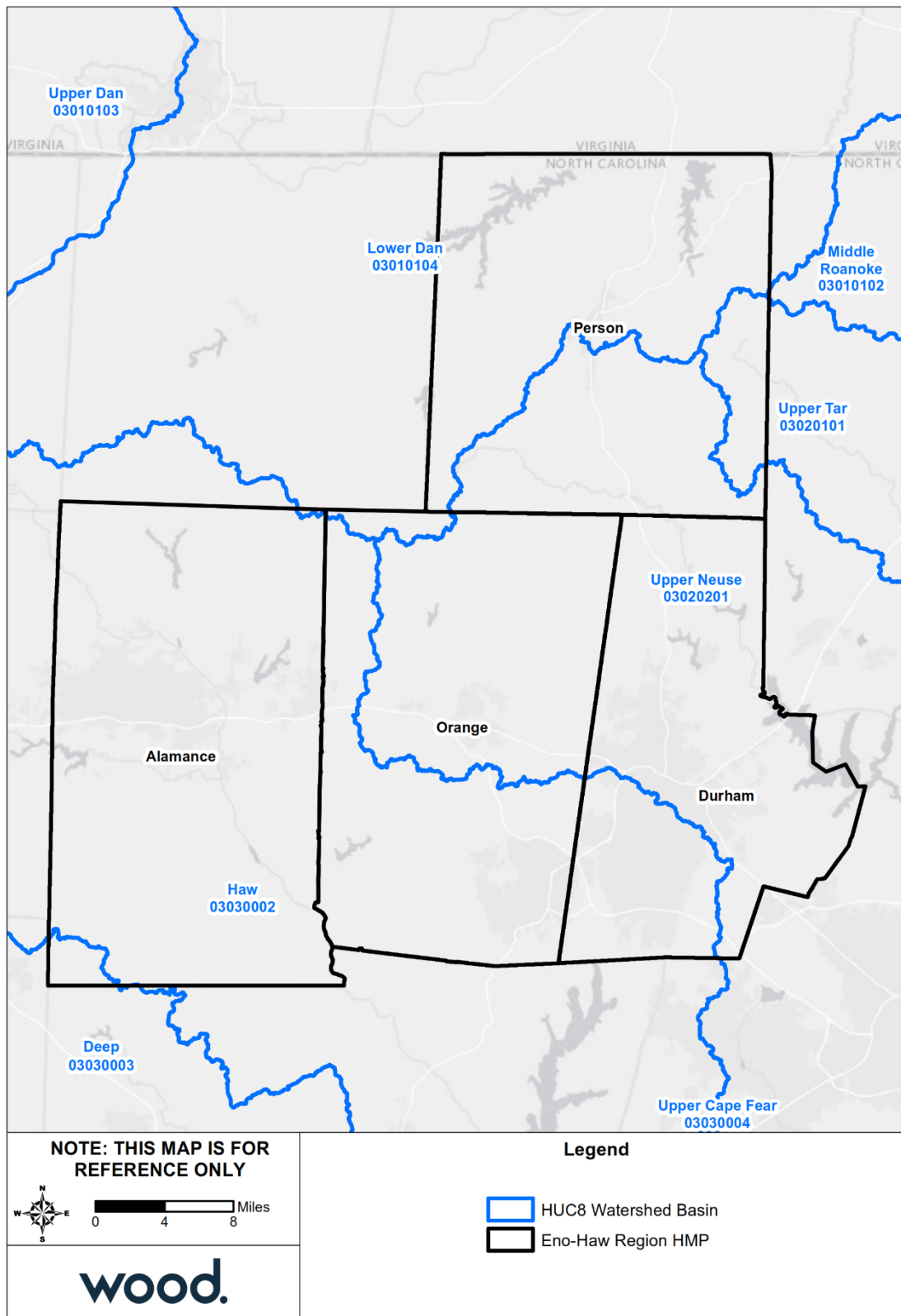
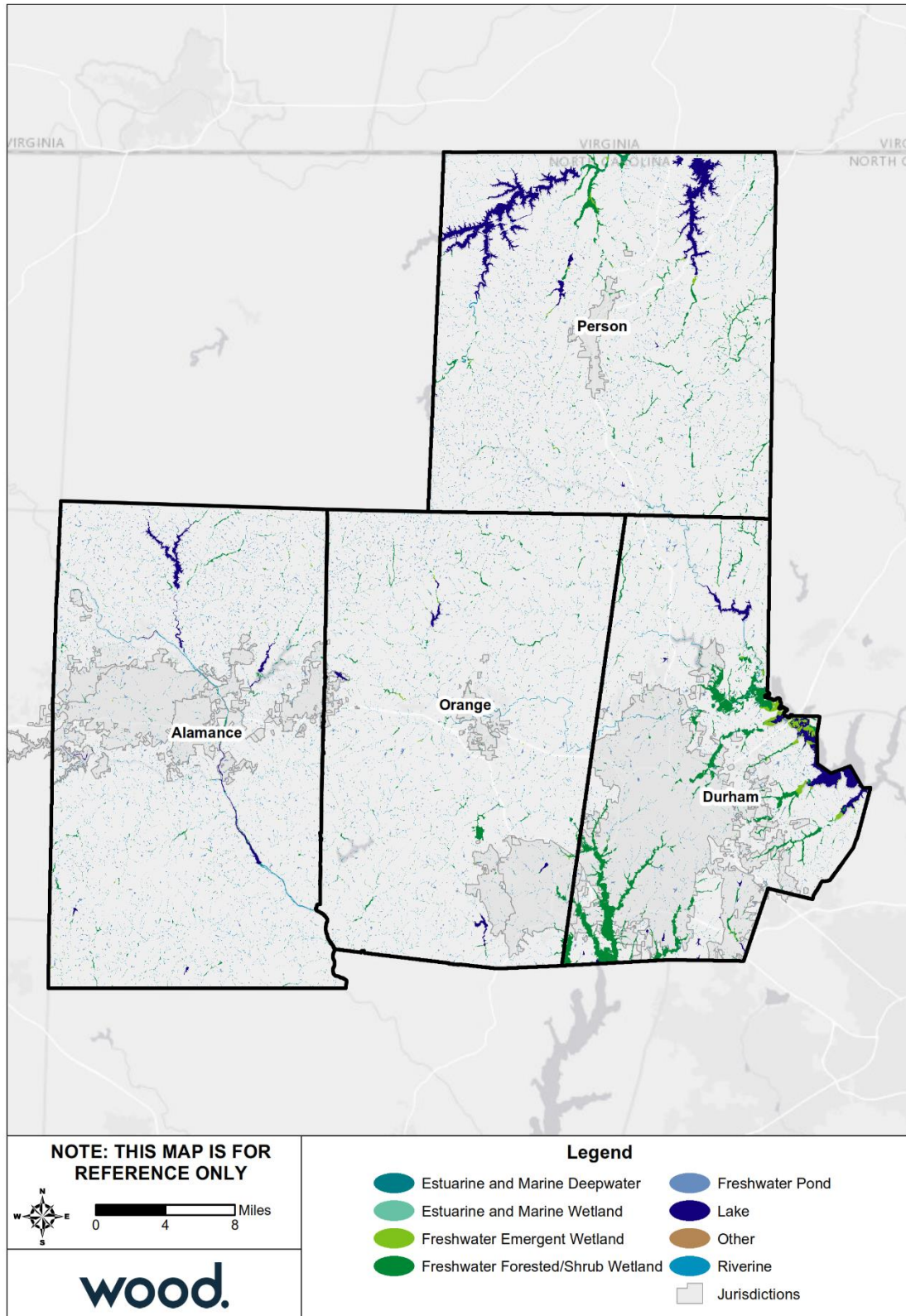Source: USDA Natural Resources Conservation Service

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Figure 3.4 – Wetland Areas by Type

Source: U.S. Fish & Wildlife Service National Wetlands Inventory

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Threatened and Endangered Species

The U.S. Fish and Wildlife Service maintains a regular listing of threatened species, endangered species, species of concern, and candidate species for counties across the United States. Table 3.2 below lists the species identified as threatened, endangered, or other classification and which county they are found in.

Table 3.2 – Threatened and Endangered Species, Eno-Haw Region

Group	Common Name	Scientific Name	Federal Status	County
Amphibians	Neuse River waterdog	Necturus lewisi	Proposed Threatened	D, O, P
Birds	Red-cockaded woodpecker	Picoides borealis	Endangered	O
Clams	Dwarf wedgemussel	Alasmidonta heterodon	Endangered	D, O, P
Clams	Green floater	Lasmigona subviridis	Under Review	D, O, P
Clams	Atlantic pigtoe	Fusconaia masoni	Proposed Threatened	A, D, O, P
Clams	Yellow lance	Elliptio lanceolata	Threatened	P
Fishes	Cape Fear shiner	Notropis mekistocholas	Endangered	A, O
Fishes	Carolina madtom	Noturus furiosus	Proposed Endangered	D, O, P
Flowering Plants	Smooth coneflower	Echinacea laevigata	Endangered	D
Flowering Plants	Michaux's sumac	Rhus michauxii	Endangered	D
Mammals	Little brown bat	Myotis lucifugus	Under Review	D

Source: U.S. Fish & Wildlife Service (https://www.fws.gov/endangered/)
Key: A = Alamance County; D = Durham County; O = Orange County; P = Person County

3.2 POPULATION AND DEMOGRAPHICS

The Eno-Haw region has experienced significant population growth over the last several decades. According to U.S. Census data from the Decennial Census and the American Community Survey (ACS) 5-Year Estimates, from 2000 to 2018, the region's total population increased by nearly 28 percent, which equates to an average annual growth rate of about 1.5 percent. Overall population density in the region increased from approximately 378.6 persons per square mile in 2010 to 433.1 persons per square mile in 2018. Table 3.3 provides population counts from 2000, 2010, and 2018 for each of the participating counties. Population statistics for participating jurisdictions are included in each jurisdiction's annex. Figure 3.5 on the following page shows 2017 population density by census tract in persons per square mile.

Table 3.3 – Eno-Haw Region Population Counts

Jurisdiction	2000 Census Population	2010 Census Population	2018 ACS Population Estimate	Total Change 2010-2018	% Change 2010-2018
Alamance County	130,800	146,902	160,576	13,674	9.3%
Durham County	223,314	257,466	306,457	48,991	19.0%
Orange County	118,227	124,244	142,938	18,694	15.0%
Person County	35,623	39,022	39,305	283	0.7%
Region Total	**507,964**	**567,634**	**649,276**	**81,642**	**14.4%**

Source: US Census Bureau Decennial Census 2000, Decennial Census 2010; American Community Survey 2018 5-Year Estimates

Figure 3.5 – Population Density, 2017
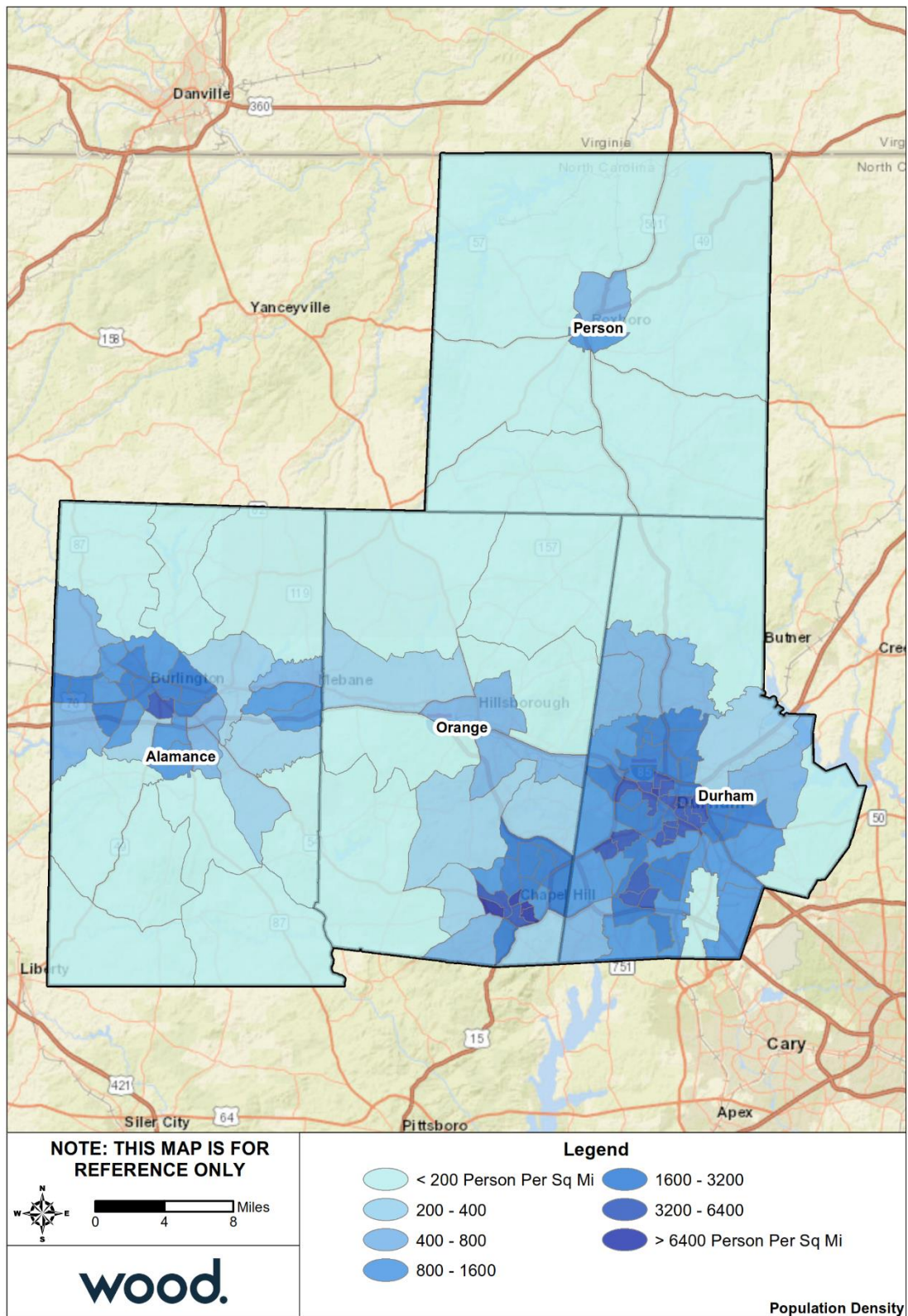
Source: U.S. Census Bureau, American Community Survey 2013-2017 5-Year Estimates

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Table 3.4 details demographic and social characteristics of each of the participating counties compared to the State of North Carolina overall according to the 2018 ACS 5-Year Estimates. Per this data, Alamance County and Person Counties have older populations than the state average, and a greater proportion of individuals with disabilities. Alamance, Durham, and Orange Counties have a greater percentage of individuals who speak English less than very well. Educational attainment is higher than the state average in Durham and Orange Counties but lower in Alamance and Person Counties.

Table 3.4 – Eno Haw Region Demographic Summary, 2018

Demographic & Social Characteristics	Alamance County	Durham County	Orange County	Person County	North Carolina
Median Age	39.5	35.2	34.7	43.2	38.6
% of Population Under 5 years old	5.8	6.7	4.6	5.2	5.9
% of population Over 65 years old	16.4	12.1	12.8	18.4	15.5
% of Population Over 25 with high school diploma	85.5%	88.4%	92.7%	86.3%	87.4%
% of Population Over 25 with bachelor's degree or higher	24.0%	47.5%	57.6%	15.3%	30.5%
% with Disability	14.3	10.0	8.8	18.8	13.6
% Speak English less than "very well"	5.5	8.7	5.9	1.6	4.6

Source: US Census Bureau, American Community Survey 2014-2018 5-Year Estimates

The racial characteristics of the participating counties, compared to the state average, are presented in Table 3.5. Alamance, Orange, and Person Counties are a majority White, while Durham County has no racial majority, with a greater proportion of Hispanic and African American individuals. Compared to the state average, Alamance and Durham Counties have larger Hispanic populations, Durham and Person Counties have larger African American populations, and Durham and Orange Counties have larger Asian populations.

**Table 3.5 – Eno-Haw Region Racial Demographics, 2018**

Demographics	Alamance County	Durham County	Orange County	Person County	North Carolina
Total Population	*160,576*	*306,457*	*142,938*	*39,305*	*10,155,624*
White, not Hispanic	64.6%	42.2%	69.3%	66.4%	63.3%
Hispanic or Latino	12.4%	13.4%	8.4%	4.2%	9.2%
Black or African American	19.0%	36.5%	11.2%	26.7%	21.10%
Asian	1.5%	4.9%	7.7%	0.4%	2.8%
American Indian and Alaska Native	0.3%	0.2%	0.5%	0.4%	1.1%
Native Hawaiian and Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.1%
Some other race	0.2%	0.3%	0.2%	0.1%	0.2%
Two or more races	2.0%	2.4%	2.7%	1.9%	2.2%

Source: US Census Bureau, American Community Survey 2014-2018 5-Year Estimates

Figure 3.6 displays social vulnerability information for the Eno-Haw Region by census tract according to 2016 data and analysis by the Centers for Disease Control and Prevention (CDC). The CDC's Social Vulnerability Index (SVI) indicates the relative vulnerability within census tracts based on 15 social factors: poverty, unemployment, income, education, age, disability, household composition, minority status, language, housing type, and transportation access. Higher social vulnerability is an indicator that a community may be limited in its ability to respond to and recover from hazard events. Therefore, using this SVI information can help the Region and jurisdictions to prioritize pre-disaster aid, allocate emergency preparedness and response resources, and plan for the provision of recovery support.

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Figure 3.6 – Social Vulnerability Index by Census Tract, 2016
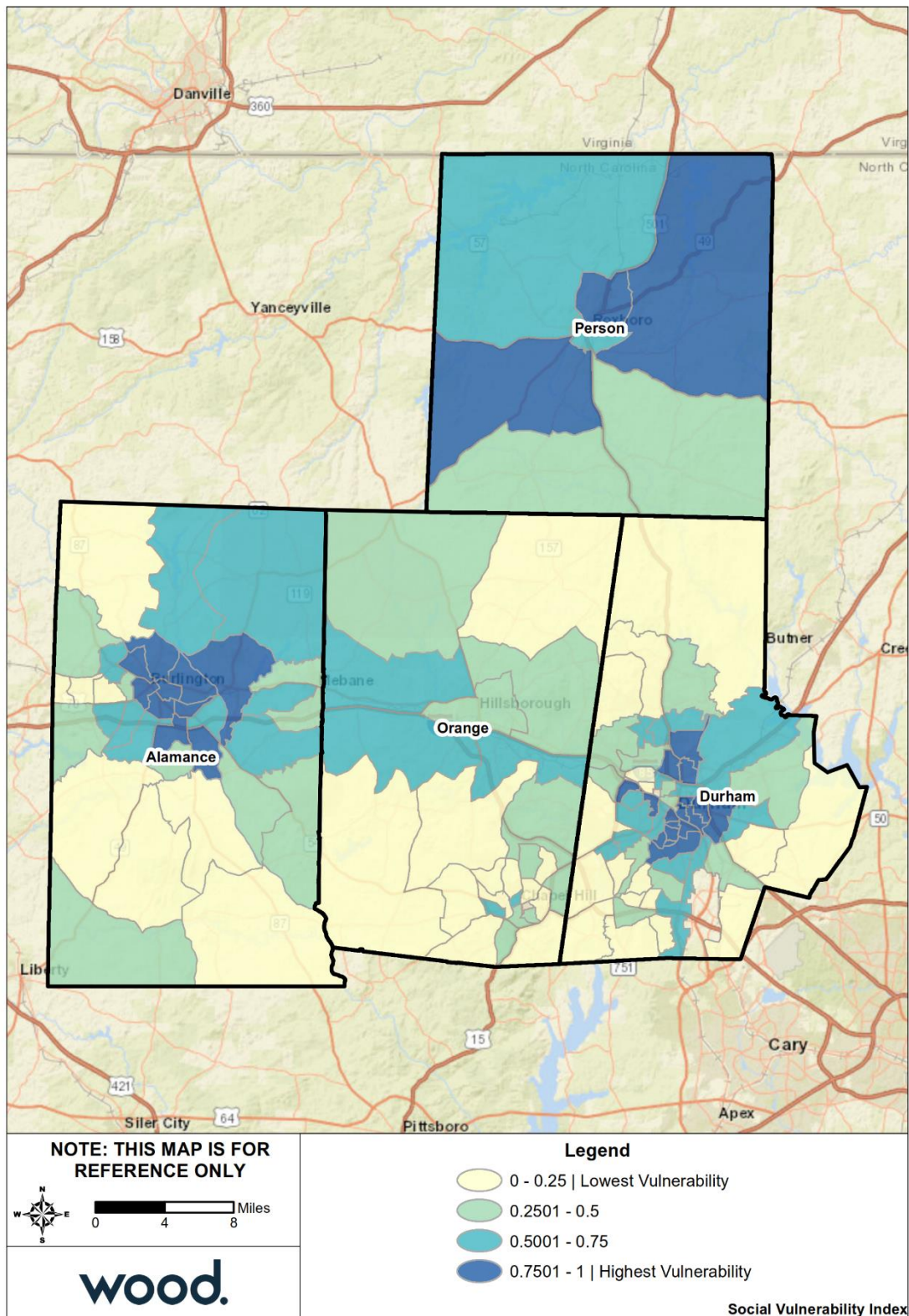
Source: Centers for Disease Control and Prevention (CDC) / Agency for Toxic Substances and Disease Registry (ATSDR) / Geospatial Research, Analysis, and Services Program (GRASP).

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3.3   HISTORIC PROPERTIES

As of January 8, 2020, the Eno-Haw region had 217 listings on the National Register of Historic Places including 68 in Alamance County, 85 in Durham County, 52 in Orange County, and 12 in Person County, detailed in Table 3.6. Of the 217 total listings in the region, 57 listings are Historic Districts. Listing on the National Register signifies that these structures and districts have been determined to be worthy of preservation for their historical or cultural values. Additionally, seven of these properties are also listed as National Historic Landmarks; four are located in Durham County and three are located in Orange County.

Table 3.6 – National Register of Historic Places Listings in the Eno-Haw Region

Ref#	Property Name	Listed Date	City
Alamance County			
70000435	Alamance Battleground State Historic Site	2/26/1970	Alamance
07000821	Alamance Mill Village Historic District	8/16/2007	Alamance
77000988	Holt, L. Banks, House	4/18/1977	Alamance
84000301	Altamahaw Mill Office	11/20/1984	Altamahaw
87001099	Bellemont Mill Village Historic District	7/1/1987	Bellemont
87000454	Kernodle--Pickett House	3/23/1987	Bellemont
84001906	Alamance Hotel	5/31/1984	Burlington
70000436	Allen House	2/26/1970	Burlington
84001909	Atlantic Bank and Trust Company Building	5/31/1984	Burlington
09000599	Beverly Hills Historic District	8/5/2009	Burlington
90001320	Downtown Burlington Historic District	9/6/1990	Burlington
00000393	East Davis Street Historic District	4/20/2000	Burlington
84001914	Efird Building	5/31/1984	Burlington
84001917	First Baptist Church	5/31/1984	Burlington
84001919	First Christian Church of Burlington	5/31/1984	Burlington
93001197	Fogleman, Polly, House	11/22/1993	Burlington
84001920	Holt-Frost House	5/31/1984	Burlington
84001921	Horner Houses	5/31/1984	Burlington
84001922	Lakeside Mills Historic District	5/31/1984	Burlington
16000585	May Hosiery Mills Knitting Mill	8/26/2016	Burlington
86003438	McCray School	12/4/1986	Burlington
82003420	Menagerie Carousel	8/30/1982	Burlington
84001924	Moore-Holt-White House	5/31/1984	Burlington
01001427	South Broad--East Fifth Streets Historic District	12/31/2001	Burlington
80002800	Southern Railway Passenger Station	5/23/1980	Burlington
79001653	St. Athanasius Episcopal Church and Parish House and the Church of the Holy Comforter	5/29/1979	Burlington
84001926	Stagg House	5/31/1984	Burlington
87000457	Sunny Side	3/23/1987	Burlington
88001594	US Post Office	9/23/1988	Burlington
84000359	West Davis Street-Fountain Place Historic District	11/5/1984	Burlington
16000219	Western Electric Company--Tarheel Army Missile Plant	5/2/2016	Burlington
84001930	Windsor Cotton Mills Office	5/31/1984	Burlington
88000166	Elon College Historic District	3/22/1988	Elon College
94000130	Johnston Hall	3/7/1994	Elon College

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Ref#	Property Name	Listed Date	City
79001654	Glencoe Mill Village Historic District	2/16/1979	Glencoe
10001055	Glencoe School	12/27/2010	Glencoe
79001655	Alamance County Courthouse,	5/10/1979	Graham
86003455	Cedarock Park Historic District	12/4/1986	Graham
83001834	Graham Historic District	4/7/1983	Graham
06000687	Morrow, William P., House	8/9/2006	Graham
99000698	North Main Street Historic District	6/10/1999	Graham
14000291	Oneida Cotton Mills and Scott--Mebane Manufacturing Company Complex	6/9/2014	Graham
100001627	Granite Mill	9/18/2017	Haw River
82003421	Holt, Charles T., House	6/1/1982	Haw River
87001850	Scott, Kerr, Farm	10/31/1987	Haw River
01001025	Cates, Charles F. and Howard, Farm	9/24/2001	Mebane
93001194	Cook, William, House	11/22/1993	Mebane
86003451	Cooper School	12/15/1986	Mebane
84001912	Cross Roads Presbyterian Church & Cemetery and Stainback Store	5/22/1984	Mebane
10001054	Durham Hosiery Mill No. 15	12/27/2010	Mebane
83001835	Griffis-Patton House	3/17/1983	Mebane
93001195	Guy, Thomas, House	11/22/1993	Mebane
78001926	Hawfields Presbyterian Church	12/15/1978	Mebane
87000411	Henderson Scott Farm Historic District	9/16/1987	Mebane
11000952	Mebane Commercial Historic District	12/22/2011	Mebane
11000953	Old South Mebane Historic District	12/22/2011	Mebane
13000933	Old South Mebane Historic District (Boundary Increase)	12/16/2013	Mebane
82003422	White Furniture Company	7/29/1982	Mebane
91001745	Woodlawn School	11/29/1991	Mebane
98000546	Saxapahaw Spinning Mill, Former	5/20/1998	Saxapahaw
93001198	Thompson, James Monroe, House	11/22/1993	Saxapahaw
93001193	Braxton, Hiram, House	11/22/1993	Snow Camp
87000456	Friends Spring Meeting House	3/19/1987	Snow Camp
93001196	McBane, Camilus, House	11/22/1993	Snow Camp
89000497	Snow Camp Mutual Telephone Exchange Building	6/9/1989	Snow Camp
93001192	Spoon, A. L., House	11/22/1993	Snow Camp
85003083	Kerr--Patton House	12/5/1985	Thompson
94000022	McCauley--Watson House	2/4/1994	Union Ridge
Durham County			
11000955	Hampton--Ellis Farm	12/22/2011	Bahama
72000960	Hardscrabble	1/20/1972	Bahama
100000896	Little River High School	4/17/2017	Bahama
04001287	Poland, George, House	12/4/2004	Bahama
99001684	Tilley, Marcus, House	1/14/2000	Bahama
89001418	Umstead, Adolphus W., House	9/14/1989	Bahama
14000983	Umstead, D.C., Store and House	12/2/2014	Bahama
75001257	Leigh Farm	9/5/1975	Chapel Hill
85000118	Little Creek Site (31 DH 351)	1/11/1985	Chapel Hill
85001554	Meadowmont	7/11/1985	Chapel Hill
00001163	American Tobacco Company Manufacturing Plant	9/29/2000	Durham

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Ref#	Property Name	Listed Date	City
79003330	Bassett House	11/29/1979	Durham
70000452	Bennett Place State Historic Site	2/26/1970	Durham
12001157	Biddle, Mary Duke, Estate	1/9/2013	Durham
90000350	Blacknall, Richard D., House	3/1/1990	Durham
99001619	Bright Leaf Historic District	12/30/1999	Durham
74001346	Bull Durham Tobacco Factory	9/10/1974	Durham
82003448	Bullington Warehouse	8/30/1982	Durham
10000631	Burch Avenue Historic District	9/3/2010	Durham
11000508	Carr, Johm C. and Binford, House	8/5/2011	Durham
00000394	City Garage Yard and Fire Drill Tower	5/3/2000	Durham
00000991	Clark and Sorrell Garage	8/16/2000	Durham
85002438	Cleveland Street District	9/20/1985	Durham
100003295	College Heights Historic District	1/28/2019	Durham
79003331	Cranford-Wannamaker House	11/29/1979	Durham
79003332	Crowell House	11/29/1979	Durham
79003333	Dillard-Gamble Houses	1/19/1979	Durham
77000998	Downtown Durham Historic District	11/1/1977	Durham
66000590	Duke Homestead and Tobacco Factory	11/13/1966	Durham
85001781	Duke Memorial United Methodist Church	8/11/1985	Durham
85001793	Durham Cotton Mills Village Historic District	8/9/1985	Durham
78001944	Durham Hosiery Mill	11/14/1978	Durham
13001115	Durham Hosiery Mills Dye House	1/22/2014	Durham
85003055	Durham Hosiery Mills No. 2--Service Printing Company Building	11/27/1985	Durham
04001393	East Durham Historic District	12/23/2004	Durham
85001775	Emmanuel AME Church	8/9/1985	Durham
85001778	Ephphatha Church	8/9/1985	Durham
84002724	Erwin Cotton Mills Company Mill No. 1 Headquarters Building	11/20/1984	Durham
73001337	Fairntosh Plantation	4/3/1973	Durham
05000348	Forbus, Wiley and Elizabeth, House	4/28/2005	Durham
05001476	Forest Hills Historic District	12/28/2005	Durham
13000204	Foster and West Geer Streets Historic District	4/23/2013	Durham
85001791	Golden Belt Historic District	8/9/1985	Durham
96000816	Golden Belt Historic District (Boundary Increase)	7/30/1996	Durham
82003449	Greystone	6/1/1982	Durham
78001945	Hill, John Sprunt, House	1/30/1978	Durham
13001026	Hillside Park High School	12/30/2013	Durham
85002437	Holloway Street District	9/20/1985	Durham
09000263	Holloway Street Historic District (Boundary Increase)	4/30/2009	Durham
08000814	Holloway, Kinchen, House	8/29/2008	Durham
09001105	Hope Valley Historic District	12/11/2009	Durham
78001946	Horton Grove Complex	3/17/1978	Durham
03000340	Lakewood Park Historic District	5/1/2003	Durham
08000774	Liberty Warehouse Nos. 1 and 2	8/6/2008	Durham
89000446	Mangum, Bartlett, House	5/25/1989	Durham
85001792	Morehead Hill Historic District	8/9/1985	Durham
04000567	Morehead Hill Historic District (Boundary Increase)	6/2/2004	Durham
86000676	North Carolina Central University	3/28/1986	Durham

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Ref#	Property Name	Listed Date	City
75001258	North Carolina Mutual Life Insurance Company Building	5/15/1975	Durham
98001573	North Durham County Prison Camp (Former)	12/31/1998	Durham
85001338	North Durham-Duke Park District	6/20/1985	Durham
85001777	O'Brien, William Thomas, House	8/9/1985	Durham
100000866	Pauli Murray Family Home	12/23/2016	Durham
85001782	Pearl Mill Village Historic District	8/9/1985	Durham
79003334	Pegram House	11/29/1979	Durham
85001780	Powe House	8/9/1985	Durham
09000601	Russell School	8/5/2009	Durham
85001779	Scarborough House	8/9/1985	Durham
12000345	Scott and Roberts Dry Cleaning Plant, Office, and Store	6/20/2012	Durham
85002429	Smith Warehouse	9/16/1985	Durham
76001319	St. Joseph's African Methodist Episcopal Church	8/11/1976	Durham
73001338	Stagville	5/25/1973	Durham
10001093	Stokesdale Historic District	12/28/2010	Durham
86000672	Trinity Historic District	3/26/1986	Durham
07001372	Trinity Historic District (Boundary Increase II)	1/9/2008	Durham
04000568	Trinity Historic District (Boundary Increase)	6/4/2004	Durham
03000804	Venable Tobacco Company Prizery and Receiving Room	8/21/2003	Durham
85001847	Venable Tobacco Company Warehouse	8/9/1985	Durham
84002259	Watts and Yuille Warehouses	4/5/1984	Durham
80002824	Watts Hospital	4/2/1980	Durham
01000427	Watts--Hillandale Historic District	4/25/2001	Durham
86000680	West Durham Historic District	3/26/1986	Durham
85001776	West Point on the Eno	8/9/1985	Durham
12001088	Wright's Automatic Machinery Company	12/26/2012	Durham
Orange County			
98000995	Jordan, Dr. Arch, House	8/6/1998	Caldwell
76001332	Alberta Mill Complex	1/19/1976	Carrboro
85001339	Carrboro Commercial Historic District	6/20/1985	Carrboro
01000016	Hogan, Thomas and Mary, House	1/26/2001	Carrboro
86001625	Lloyd, Thomas F., Historic District	8/14/1986	Carrboro
98000389	Cedar Grove Rural Crossroads Historic District	4/23/1998	Cedar Grove
13000206	Pope, Capt. John S., Farm	4/23/2013	Cedar Grove
05000325	Beta Theta Pi Fraternity House	4/20/2005	Chapel Hill
99000867	Carolina Inn	8/6/1999	Chapel Hill
71000604	Chapel Hill Historic District	12/16/1971	Chapel Hill
15000165	Chapel Hill Historic District (Boundary Increase and Additional Documentation)	4/16/2015	Chapel Hill
90000364	Chapel Hill Town Hall	3/20/1990	Chapel Hill
72000980	Chapel of the Cross	2/1/1972	Chapel Hill
93000807	Gimghoul Neighborhood Historic District	8/5/1993	Chapel Hill
96000186	Hogan, Alexander, Plantation	3/4/1996	Chapel Hill
100001633	Nash, Arthur C. and Mary S.A., House	10/26/2017	Chapel Hill
94000570	Old Chapel Hill Cemetery	6/3/1994	Chapel Hill
66000596	Old East, University of North Carolina	10/15/1966	Chapel Hill
71000605	Playmakers Theatre	6/24/1971	Chapel Hill

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Ref#	Property Name	Listed Date	City
89001039	Rocky Ridge Farm Historic District	8/8/1989	Chapel Hill
07001501	Rocky Ridge Farm Historic District (Boundary Increase)	1/30/2008	Chapel Hill
98001528	West Chapel Hill Historic District	12/31/1998	Chapel Hill
98001528	West Chapel Hill Historic District	5/9/2019	Chapel Hill
99001391	Faucette, David, House	11/22/1999	Efland
100002051	North Carolina Industrial Home for Colored Girls	1/25/2018	Efland
71000606	Ayr Mount	8/26/1971	Hillsborough
03000858	Bellevue Manufacturing Company	8/28/2003	Hillsborough
70000465	Burwell School	9/15/1970	Hillsborough
99000481	Cabe--Pratt--Harris House	4/22/1999	Hillsborough
72000981	Commandant's House	11/9/1972	Hillsborough
71000607	Eagle Lodge	4/16/1971	Hillsborough
11000622	Eno Cotton Mill	9/1/2011	Hillsborough
88001175	Faucett Mill and House	8/4/1988	Hillsborough
71000608	Hazel-Nash House	3/31/1971	Hillsborough
73001362	Heartsease	4/11/1973	Hillsborough
73001363	Hillsborough Historic District	10/15/1973	Hillsborough
02000436	Holden--Roberts Farm	5/2/2002	Hillsborough
94000184	Jackson, Jacob, Farm	3/17/1994	Hillsborough
01001187	Montrose	10/28/2001	Hillsborough
72000982	Moorefields	4/25/1972	Hillsborough
09000637	Murphey School	8/20/2009	Hillsborough
71000609	Nash Law Office	9/28/1971	Hillsborough
71000610	Nash-Hooper House	11/11/1971	Hillsborough
02000435	Occoneechee Speedway	5/2/2002	Hillsborough
71000611	Old Orange County Courthouse	6/24/1971	Hillsborough
88002026	Rigsbee's Rock House	10/20/1988	Hillsborough
71000612	Ruffin-Roulhac House	8/5/1971	Hillsborough
71000613	Sans Souci	8/26/1971	Hillsborough
78001968	St. Mary's Chapel	7/12/1978	Hillsborough
71000614	St. Matthew's Episcopal Church and Churchyard	6/24/1971	Hillsborough
79001740	Paisley-Rice Log House	1/31/1979	Mebane
78001969	Bingham School	1/18/1978	Oaks
Person County			
82003496	Holloway-Walker Dollarhite House	6/1/1982	Bethel Hill
83001902	Henry-Vernon House	2/3/1983	Bushy Fork
80002893	Burleigh	5/1/1980	Concord
74001369	Waverly Plantation	10/9/1974	Cunningham
88000698	Holloway--Jones--Day House	6/9/1988	Roxboro
06000229	House on Wagstaff Farm	4/5/2006	Roxboro
05000267	Long, James A. and Laura Thompson, House	4/6/2005	Roxboro
05001031	Merritt--Winstead House	9/15/2005	Roxboro
79001744	Person County Courthouse	5/10/1979	Roxboro
84002415	Roxboro Commercial Historic District	3/1/1984	Roxboro
09000660	Roxboro Cotton Mill	8/27/2009	Roxboro
82003497	Roxboro Male Academy and Methodist Parsonage	7/29/1982	Roxboro

Source: National Parks Service, National Register of Historic Places, January 2020

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3.4   HOUSING

Table 3.7 provides details on housing characteristics in the Eno-Haw Region according to data from the 2018 ACS 5-Year Estimates and the 2010 Census.

Table 3.7 – Eno Haw Region Housing Characteristics, 2018

Housing Characteristics	Alamance County	Durham County	Orange County	Person County	North Carolina
Housing Units (2010)	66,576	120,217	55,597	18,193	4,327,528
Housing Units (2018)	69,749	133,429	57,502	18,428	4,573,066
Housing Units Percent Change (2010-2018)	4.8%	11.0%	3.4%	1.3%	5.7%
Housing Occupancy Rate	91.8%	92.5%	91.4%	85.4%	85.7%
% Owner-occupied	65.0%	53.8%	61.9%	75.2%	65.0%
Average Household Size	2.43	2.37	2.51	2.46	2.52
% of Housing Units with no Vehicles Available	5.3%	8.0%	5.0%	7.8%	5.9%
% of Housing Units that are mobile homes	12.0%	1.4%	8.3%	22.6%	13.0%
Median Home Value	$147,800	$209,300	$292,500	$117,100	$165,900

Source: U.S. Census Bureau 2010 Decennial Census, American Community Survey 2014-2018 5-Year Estimates

As of 2018, there are 279,108 housing units in the Eno-Haw region, of which approximately 91.6 percent are occupied. Compared to the state, housing occupancy rates are greater in the Eno-Haw region, with Alamance, Durham, and Orange Counties exceeding the state average. Approximately 40.3% of housing units are renter-occupied. A high percentage of renters is an indicator of higher pre- and post-disaster vulnerability because, according to Cutter, et al. (2003), renters often do not have the financial resources of homeowners, are more transient, are less likely to have information about or access to recovery aid following a disaster and are more likely to require temporary shelter following a disaster.

Compared to the state average, housing growth has been slow in most of the region with the exception of Durham County, where total housing units have increased by 11 percent compared to 2010 counts.

The average median home value in the Eno-Haw region is $191,675, which is approximately 15.5% higher than the state average. However, this value is skewed high by Durham and Orange Counties. Compared to the state average, median home value is 26 percent higher in Durham County and 76 percent higher in Orange County. Conversely, median home value is 11 percent lower than the state average in Alamance County and 29 percent lower in Person County.

Householders of approximately 7.3 percent of occupied housing units have no vehicle available to them; these residents may have difficulty in the event of an evacuation.

Nearly 6.9 percent of housing units in the Eno-Haw region are mobile homes, which can be more vulnerable to certain hazards, such as tornadoes and wind storms, especially if they aren't secured with tie downs.

3.5   INFRASTRUCTURE

3.5.1   Transportation

Major highways located in the Eno-Haw region include: I-40, I-85, I-540/NC 540, US 15, US 70, US 158, US 501, NC 49, NC 54, NC 55, NC 57, NC 62, NC 86, NC 87, NC 98, NC 147, NC 157, and NC 751.

Air travel is serviced primarily by Raleigh-Durham International Airport (RDU), 12 miles southeast of Durham, which enplaned over 7.1 million passengers in 2019. RDU is partially owned by the City of

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Durham and Durham County. Non-stop daily service is provided to 61 destinations in the United States and international service is available to 10 destinations.

Amtrak operates a daily train between Charlotte and New York City (the Carolinian) which stops at the Durham Transit Station in downtown Durham and the Depot in the City of Burlington. The State of North Carolina, in cooperation with Amtrak, operates two additional daily trains between Raleigh and Charlotte which also stop in Durham and Burlington. Amtrak currently does not stop in Orange County, but all local county jurisdictions, in early 2008, indicated their support for a train station to be located in Hillsborough and the Town of Hillsborough requested North Carolina Department of Transportation Rail Division, North Carolina Railroad, and the National Railroad Passenger Corporation (Amtrak) to consider adding a stop in Hillsborough.

National bus service is provided by Greyhound and Megabus at several stops in Alamance County and the Durham Transit Station in downtown Durham.

Alamance County

In addition to RDU, air travel for Alamance County is provided by Piedmont Triad International Airport (PTI), located in Guilford County 34 miles west of Burlington. PTI offers non-stop daily service to 14 destinations.

City of Burlington is working to provide a municipal bus service for the citizens of Burlington with designated stops in portions of the county. GoTriangle and Piedmont Area Regional Transportation began operating a weekday bus service in the Town of Mebane on Monday, with a stop at the park-and-ride lot at Alamance Regional Medical Center's MedCenter Mebane location, 3940 Arrowhead Blvd., and at City Hall, 106 E. Washington Street. The City of Graham is also served by GoTriangle and Piedmont Area Regional Transportation which also operates weekday service to citizens of Graham with transportation to Chapel Hill and Greensboro areas.

As of 2018, an estimated 85.5 percent of commuters drove alone to work, while 9.1 percent carpooled and only 0.2 percent used public transportation.

Durham County

Most travel in Durham County is by private vehicle. Important arteries for traffic include NC 147, which connects Duke University, downtown, and Research Triangle Park (RTP), U.S. 15-501 between Durham and Chapel Hill, I-85, connecting Durham to Virginia and western North Carolina cities, and I-40 running across southern Durham County between RTP and Chapel Hill. The I-40 corridor has been the main site of commercial and residential development in Durham since its opening in the early 1990s. In 2018, an estimated 77 percent of commuters drove alone to work, 10.1 carpooled, and 3.4 percent used public transportation.

The City of Durham maintains an extensive network of bicycle routes and trails and has been recognized with a Bicycle Friendly Community Award. The American Tobacco Trail begins in downtown and continues south through RTP and ends in Wake County.

GoTriangle offers scheduled, fixed-route regional and commuter bus service between Raleigh and the region's other principal cities of Durham, Cary, and Chapel Hill, as well as to and from RDU, RTP, and several of the region's larger suburban communities. Go Triangle also coordinates an extensive vanpool and rideshare program that serves the region's larger employers and commuter destinations. GoDurham provides municipal bus service. Duke University also maintains its own transit system, Duke Transit, which operates more than 30 buses with routes throughout the campus and health system.

Orange County

As of 2018, an estimated 67.4 percent of commuters drove alone to work, 7.1 percent carpooled, another 7.1 percent used public transportation, and 6.1 percent walked.

GoTriangle provides regional bus service linking the Town of Chapel Hill to Research Triangle Park, Raleigh-Durham International Airport, Duke University, NC State University, and other key regional locations. GoTriangle also contracts with Orange Public Transportation (OPT) to provide service between the Towns of Hillsborough and Chapel Hill. In addition, GoTriangle has a vanpool program for commuters that have a greater than 20-mile round-trip.

Person County

As of 2018, an estimated 85.6 percent of commuters drove alone to work, while 10.6 percent carpooled and only 0.2 percent used public transportation.

Rail transportation is provided by Norfolk and Western. Motor freight coming into and going out of Person-Roxboro has decreased significantly. Motor freight coming into and going out of Person-Roxboro is handled by a number of carriers including Motor Freight Carriers, Walker Transfer Co., Spector, Freight, Branch, Pilot, Estes, Carolina Freight Carriers and UPS. Air transportation is provided locally at the Person-Roxboro Executive Airport located just went off US 501 south of the City of Roxboro.

3.5.2 Utilities

Electric power for the region is provided by Duke Power. In unincorporated Alamance, Orange, and Person Counties, Piedmont Electric Membership Corporation is the electric provider. Natural gas is provided by Dominion Energy (formerly Public Service of North Carolina) for all areas and by Piedmont Natural Gas for Alamance County.

In Alamance County, municipal water service is provided by the Cities of Burlington, Elon, and Graham, the Town of Haw River, the Graham-Mebane Water System, and the Orange-Alamance Water System. The City of Durham provides water, sewer, and stormwater service to City residents. In Orange County, water and sewer services are provided by the Town of Hillsborough and Orange Water and Sewer Authority. In Person County, the City of Roxboro provides water and sewer service.

3.6 CURRENT AND FUTURE LAND USE

Alamance County

The Alamance County Planning Department oversees a number of community activities and the enforcement of many County regulations including: Subdivision Administration, Historic Properties, Comprehensive Planning, Water and Sewer Projects, Community Development, E-911 Addressing, Watershed Protection, and all matters relating to land development in rural Alamance County. The Alamance County Land Development Plan was adopted in August 2007 and spans a 20-year planning period of 2006-2026. The plan is available at: https://www.alamance-nc.com/planning/wp-content/uploads/sites/21/2013/10/Land-Development-Plan.pdf

Durham County

Durham City-County Planning Department is responsible for planning activities throughout the City and County. Durham has a Comprehensive Plan adopted in 2008 but has begun the process of developing a new comprehensive plan that is expected to be adopted in 2022.

The existing plan still guides where and how private development should occur. It guides how the City and County should provide public facilities and services to support future growth. The Plan is long range

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in scope, focusing on the ultimate needs of the community rather than the pressing concerns of today. The Land Use Element and Future Land Use Map is available along with the complete Comprehensive Plan and maps on the City's website at: https://durhamnc.gov/346/Comprehensive-Plan

Durham's Future Land Use Map is shown in Figure 3.7 on the following page. The Future Land Use Map accounts for mitigation to some degree in the delineation of its Recreation and Open Space land use category, which includes special flood hazard areas, public land around reservoirs, and other conservation land and sensitive areas. In addition to the land use categories, Durham identifies Development Tiers to define the character and intensity of development planned throughout the city and county.

Orange County

The Orange County Comprehensive Plan is an official public document that provides the framework for long range decision making in the community. The Plan serves to guide the County's growth and development through the year 2030 by addressing the multitude of issues facing the county. The Comprehensive Plan includes components related to hazard mitigation including land use, environmental protection, and public safety. In addition, the adopted Plan serves as the statutory basis for many of Orange County's land use regulations, as well as the application of zoning districts. The Orange County Comprehensive Plan can be found at: http://www.orangecountync.gov/1242/2030-Comprehensive-Plan

Orange County's Future Land Use Map is shown in Figure 3.8 on the following page. Orange County identifies 10-year and 20-year transition areas for growth, but also has a significant area in the southeastern quadrant of the county around the Towns of Chapel Hill and Carrboro designated as rural buffer area.

The Orange County Unified Development Ordinance provides regulations to encourage compatible development within the county in a manner which will promote the health, safety, and general welfare of Orange County and its residents. Regulations contained in the Unified Development Ordinance strive to prevent and mitigate negative impacts from natural hazards throughout the county. The Orange County Unified Development Ordinance can be found at: https://www.orangecountync.gov/973/Code-of-Ordinances

Person County

Land uses within the City vary from an urban core of Office/Institutional, Public Facilities and Commercial along Main Street, to Residential development scattered throughout the planning jurisdiction. Other land uses include Industrial along Durham Rd. and Manufactured Home Parks and Multi-Family Dwellings scattered throughout the planning jurisdiction.

Land uses within Person County range from primarily rural-agrarian to lakeside residential and urban/suburban development in and around the City of Roxboro.

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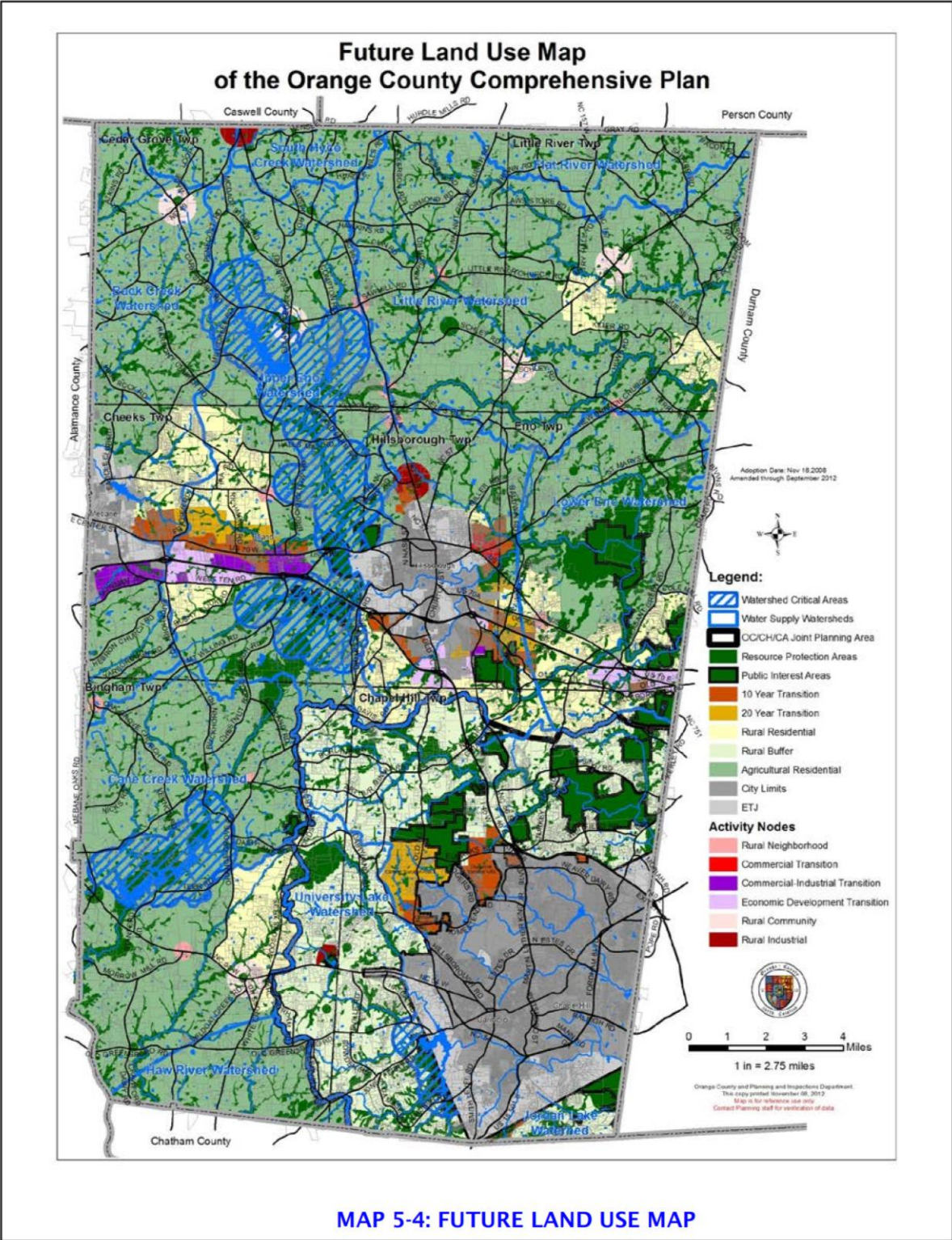## Figure 3.7 – Durham City-County Future Land Use Map
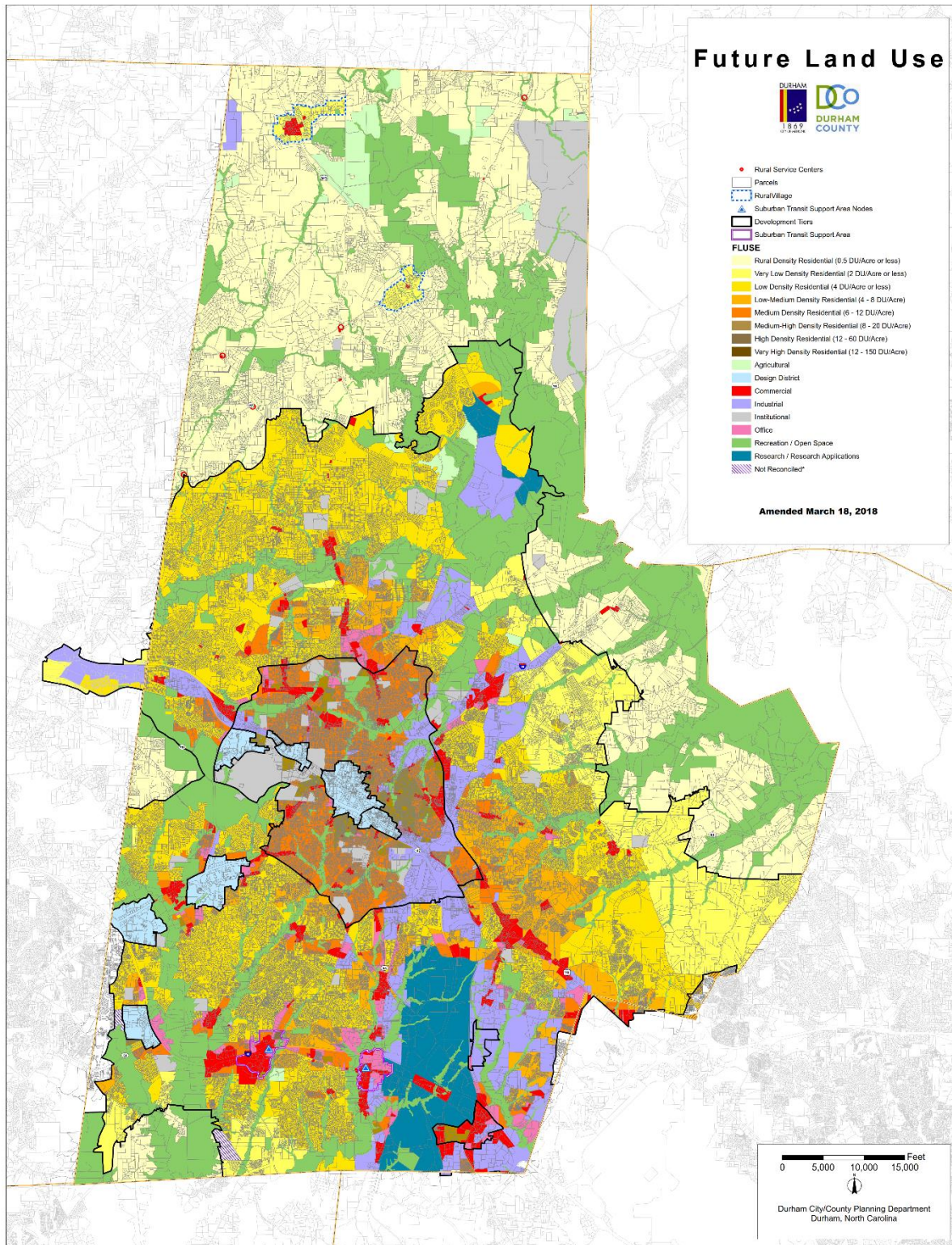
Source: Durham Comprehensive Plan, 2005

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Figure 3.8 – Orange County Future Land Use Map

MAP 5-4: FUTURE LAND USE MAP

Source: Orange County Comprehensive Plan 2030

Eno-Haw
Regional Hazard Mitigation Plan
2020

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3.7   EMPLOYMENT AND INDUSTRY

Per the 2018 ACS 5-Year Estimates, the average median household income for the Eno-Haw region was $55,237, which exceeds the state's median household income ($52,413). However, by county median household income is lower than the state average in Alamance and Person Counties and higher in Durham and Orange Counties. Per capita income statistics mirror this pattern. Compared to the state, a greater proportion of the population is living below the poverty level in Alamance, Durham, and Person Counties and more of the population lacks health insurance coverage in Alamance and Durham Counties.

Table 3.8 shows economic statistics and Table 3.9 shows employment statistics for all counties in the region. Economic statistics by participating jurisdiction can be found in each jurisdiction's annex.

Table 3.8 – Eno-Haw Region Economic Statistics, 2018

Economic Characteristics	Alamance County	Durham County	Orange County	Person County	North Carolina
Median Household Income	$45,735	$58,190	$68,211	$48,811	$52,413
Per Capita Income	$26,215	$34,063	$40,650	$25,922	$29,456
Unemployment Rate	5.7%	5.2%	4.4%	8.6%	6.3%
% of Individuals Below Poverty Level	16.8	16.0	13.4	17.7	15.4
% Without Health Insurance	11.9	12.2	7.2	9.2	11.1

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Table 3.9 – Eno-Haw Region Employment by Industry, 2018

Industry	Alamance County	Durham County	Orange County	Person County
Agriculture, forestry, fishing and hunting, and mining	0.9%	0.4%	0.7%	1.3%
Construction	7.1%	5.9%	5.0%	8.8%
Manufacturing	16.1%	7.3%	6.0%	15.4%
Wholesale trade	2.7%	1.8%	1.5%	0.6%
Retail trade	12.6%	8.1%	8.7%	10.3%
Transportation and warehousing, and utilities	3.4%	2.8%	2.0%	6.1%
Information	1.1%	2.0%	1.6%	1.8%
Finance and insurance, and real estate and rental and leasing	4.7%	5.7%	5.4%	2.5%
Professional, scientific, and management, and administrative and waste management services	8.6%	14.2%	12.9%	8.0%
Educational services, and health care and social assistance	25.5%	33.6%	39.1%	28.8%
Arts, entertainment, and recreation, and accommodation and food services	9.6%	9.6%	9.6%	7.3%
Other services, except public administration	4.2%	4.9%	4.1%	4.4%
Public administration	3.5%	3.7%	3.3%	4.5%

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Across the region, the largest industry sector in 2018 was "educational services, and health care and social assistance," comprising between 25.5 and 39.1 percent of employment across the participating counties. In Alamance and Person Counties, the next largest industry by employment was "manufacturing." In Alamance County, this prominence is due in part to the continued presence of textile manufacturing; however, both counties have a variety of manufacturing. In Durham and Orange Counties, the next largest industry by employment was "professional, scientific, and management, and administrative and waste management services." Durham County contains the majority of Research Triangle Park, a major

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employment hub for the region, which partially explains the presence of more large employers in Durham County.

Table 3.10 summarizes the major employers in each county in the Eno-Haw region from AccessNC as of the 2019 3rd quarter.

Table 3.10 – Major Employers, Eno-Haw Region

Company	Industry	Employment range
Alamance County		
Alamance-Burlington School System	Educational Services	1000+
Labcorp	Health Care and Social Assistance	1000+
Alamance Regional Medical Center	Health Care and Social Assistance	1000+
Elon University	Educational Services	1000+
Wal-Mart Associates Inc.	Retail Trade	1000+
Alamance County Government	Public Administration	1000+
City of Burlington	Public Administration	500-999
Gkn Driveline, Inc.	Manufacturing	500-999
Honda Power Equipment Mfg Inc	Manufacturing	500-999
Alamance Community College	Educational Services	500-999
Food Lion	Retail Trade	500-999
Industrial Connections & Solutions	Manufacturing	500-999
Glen Raven Inc	Manufacturing	250-499
People Inc	Administrative and Support and Waste Management and Remediation Services	250-499
Twin Lakes Community	Health Care and Social Assistance	250-499
Aramark Food and Support Services G	Accommodation and Food Services	250-499
Kernodle Clinic Inc	Health Care and Social Assistance	250-499
Triangle Paving Inc	Construction	250-499
McDonalds	Accommodation and Food Services	250-499
Jabil Circuit Inc	Manufacturing	250-499
Carolina Hosiery Mills Inc	Manufacturing	250-499
Lowes Home Centers Inc	Retail Trade	250-499
Carolina Biological Supply Company	Wholesale Trade	250-499
Kayser-Roth Corporation	Manufacturing	250-499
Alamance Foods Inc	Wholesale Trade	250-499
Durham County		
Duke University	Health Care and Social Assistance	1000+
511 Cleveland St	Educational Services	1000+
IBM Corporation	Manufacturing	1000+
Fidelity Workplace Investing LLC	Finance and Insurance	1000+
Veterans Administration VA Ro318	Health Care and Social Assistance	1000+
Blue Cross Blue Shield of NC	Finance and Insurance	1000+
City of Durham	Public Administration	1000+
Cree Inc	Manufacturing	1000+
RTI International	Professional, Scientific, and Technical Services	1000+
IQVIA Rds Inc	Professional, Scientific, and Technical Services	1000+
Durham County Government	Public Administration	1000+
Glaxosmithkline	Manufacturing	1000+
Nc Central University 18341	Educational Services	1000+
Amazon Fulfillment Services Inc	Transportation and Warehousing	1000+
A W North Carolina Inc	Manufacturing	1000+

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Company	Industry	Employment range
Biogen Idec Us Limited Partnership	Manufacturing	1000+
Network Appliance Inc	Wholesale Trade	1000+
Environmental Protection Agency	Public Administration	1000+
Credit Suisse USA Inc	Finance and Insurance	1000+
Harris Teeter	Retail Trade	1000+
Credit Suisse Services USA LLC	Finance and Insurance	1000+
Labcorp	Health Care and Social Assistance	500-999
Intervet Inc.	Manufacturing	500-999
BASF Corporation	Professional, Scientific, and Technical Services	500-999
Staff- 1 Services Group Inc	Administrative and Support and Waste Management and Remediation Services	500-999
Orange County		
UNC Chapel Hill	Educational Services	1000+
UNC Health Care System	Health Care and Social Assistance	1000+
Chapel Hill-Carrboro City Schools	Educational Services	1000+
UNC Physicians Network LLC	Health Care and Social Assistance	1000+
Orange County Schools	Educational Services	1000+
Local Government	Public Administration	1000+
Eurosport	Retail Trade	500-999
Town of Chapel Hill Inc	Public Administration	500-999
Wal-Mart Associates Inc.	Retail Trade	250-499
Aramark Food and Support Services G	Accommodation and Food Services	250-499
Harris Teeter	Retail Trade	250-499
A K G of America Inc	Manufacturing	250-499
Summit Design & Engineering Service	Professional, Scientific, and Technical Services	250-499
Hyatt Corporation	Accommodation and Food Services	250-499
Food Lion	Retail Trade	250-499
The Chapel Hill Residential	Health Care and Social Assistance	250-499
P H E Inc	Retail Trade	250-499
Performance BMW	Retail Trade	250-499
Weaver Street Market	Retail Trade	250-499
Residential Services Inc	Health Care and Social Assistance	100-249
Westrock Services Inc	Manufacturing	100-249
Wellspring Grocery	Retail Trade	100-249
U S Postal Service	Transportation and Warehousing	100-249
Town of Carrboro	Public Administration	100-249
Barnes & Noble College Booksellers	Retail Trade	100-249
Person County		
Person County Schools	Educational Services	500-999
Gkn Driveline, Inc.	Manufacturing	500-999
County of Person	Public Administration	250-499
Progress Energy Service Co	Utilities	250-499
Dlp Person Memorial Hospital	Health Care and Social Assistance	250-499
Wal-Mart Associates Inc.	Retail Trade	100-249
Eaton Corporation	Manufacturing	100-249
Piedmont Community College	Educational Services	100-249
Spuntech Industries Inc	Manufacturing	100-249
Food Lion	Retail Trade	100-249
Louisiana-Pacific Corporation	Manufacturing	100-249

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Company	Industry	Employment range
City of Roxboro	Public Administration	100-249
Ameristaff Inc	Administrative and Support and Waste Management and Remediation Services	100-249
Roxboro Nursing Center Inc	Health Care and Social Assistance	100-249
Accu Reference Medical Lab LLC	Health Care and Social Assistance	100-249
Lowes Home Centers Inc	Retail Trade	100-249
Us Flue Cured Tobacco Growers Inc	Manufacturing	50-99
Napa	Retail Trade	50-99
The Wood Company (A Corp)	Accommodation and Food Services	50-99
Person County Group Homes Inc	Health Care and Social Assistance	50-99
Piedmont Maintenance & Services Inc	Construction	50-99
Roxboro Community School Inc	Educational Services	50-99
United Home Care Inc	Health Care and Social Assistance	50-99
Centeredge Software	Professional, Scientific, and Technical Services	50-99
Dialight Corp	Manufacturing	50-99

Source: ACCESSNC Employer Profile

Table 7.13 – Mitigation Action Plan, Town of Carrboro

Action #	Action Description	Hazard(s) Addressed	Goal & Objective Addressed	Priority	Lead Agency / Department	Potential Funding Source	Implementation Timeline	2020 Status	2020 Implementation Status Comments
Prevention									
P-1	The Town of Carrboro, as a member of the Orange County hazard Mitigation Planning Team, will coordinate with Orange County to reevaluate and update its hazard mitigation planning component at least once every five years or sooner as deemed appropriate by the Orange County Planning Director	All Hazards	1.2	High	Orange County, Town of Carrboro	Self-funded	Every five years. Next update 2025	Carried Forward	Participating in update process with local government partners in Eno-Haw Region.
P-2	The Town of Carrboro intends to submit a Community Rating System (CRS) application to the ISO for a flood insurance rating that will benefit owners of flood-prone properties	Flood	1.2	Moderate	Town of Carrboro Planning Department	N/A	2020-2025	Carried Forward	Moving forward, the Town will continue to reevaluate this action. Specific exploration will occur as part of comprehensive planning process, in progress.
P-3	The Town of Carrboro will continue to monitor ongoing efforts by the State and the US Army Corps of Engineers to complete new floodplain mapping for the planning area. Local staff resources will be needed to implement and encourage the completion of these activities.	Flood	1.1	High	Town of Carrboro Planning Department; Town Engineer; Town of Carrboro Stormwater Utility; Town of Chapel Hill Engineering Department	N/A	Ongoing and 2023	Carried forward	New maps were adopted in 2017. Updates are currently expected to take place in 2023. Stormwater utility established in 2017.
P-4	Establish comprehensive framework for plans, policies, and regulations pertaining to land use, generally, and the relationship to natural hazard mitigation	All Hazards	1.2	Moderate	Town of Carrboro Planning Department	Self-funded	2020-2025	Carried Forward	To be incorporated into Townwide Comprehensive planning process, which is in progress as of late May 2020.
P-5	Establish framework for assessing urban wildfire risk, communicating with the public on measures that can reduce risk.	Wildfire	2.1	Moderate	Town of Carrboro Fire Rescue; Town of Carrboro Planning	Self-funded; outside grants if available	2020-2025	New	
Property Protection									
PP-1	Seek funding to retrofit critical facilities and Town-owned facilities for improved resilience to all hazards with the use of the latest building materials and technology. This could include, but is not limited to: wind retrofits, low water consumption fixtures, leak detectors, backup generators, ignition-resistant materials, 320 or 361 compliant safe rooms, lightning protection, hail resistant roofing, and anchoring fixed building equipment.	All Hazards	4.2	Moderate	Town of Carrboro Planning Department; Town of Carrboro Stormwater Utility; Town of Carrboro Fire-Rescue	Local, State grants, other federal grants	2020-2025	Carried Forward	The Town will continue to assess facilities and seek funding sources related to needs identified. Generators are included in the scope for the Town's 203 S. Greensboro Street project.
PP-2	The Town of Carrboro will administer a Stormwater Utility Fee to fund stormwater services/operations and provide residential and commercial assistance for stormwater related issues by expanding technical assistance, outreach, and other program components.	Flood, Hurricane & Tropical Storm, Landslide	1.2	High	Town of Carrboro Stormwater Utility	Self-funded	2020-2022	New	Stormwater utility established in 2017.

SECTION 7: MITIGATION ACTION PLANS

Action #	Action Description	Hazard(s) Addressed	Goal & Objective Addressed	Priority	Lead Agency / Department	Potential Funding Source	Implementation Timeline	2020 Status	2020 Implementation Status Comments
					Natural Resource Protection				
NRP-1	The Town of Carrboro needs assistance and support for the development of greenways and parklands dedicated to public use along streams and easements. The Town will seek to secure funding from federal, state, and local sources to implement the Town's greenway system, which will in turn mitigate flood hazards.	Flood	1.1	Moderate	Town of Carrboro Planning Department; Town of Carrboro Recreation and Parks Department; Town of Carrboro Public Works	N/A	2020-2025	Carried Forward	Phase 1B/Homestead-Chapel Hill High School Multi-use Path is substantially complete. Morgan Creek and Jones Creek greenway projects expected to be complete in 2021.
NRP-2	Protect and conserve land with environmental and natural hazard mitigation value as open space.	Flood, Hurricane & Tropical Storm, Landslide	1.1	High	Town of Carrboro Planning Department	Self-funded	2020-2025	Carried Forward	Implementation underway for several projects and multiple approaches including land use regulations for developments, policy analysis/framework for comprehensive planning, and grant funding for repetitive loss properties.
					Structural Projects				
SP-1	Require new developments to install electric, cable, and telephone wires underground.	Hurricane & Tropical Storm, Severe Weather, Severe Winter Weather	1.2	Moderate	Town of Carrboro Planning Department; Town of Carrboro Public Works Department; Public Utilities	N/A	2020-2025	Carried Forward	Revised. The Town of Carrboro will continue to require new developments to install electric, cable, telephone wires underground.
SP-2	Look for opportunities to mitigate repetitive loss structures	Flood	4.2	Moderate	Town of Carrboro Planning Department; Town of Carrboro Stormwater Utility; Office of the Carrboro Town Manager	N/A	2020-2025	Carried Forward	2020 In progress. Two elevations to be completed by July 2020. Applications for two additional elevations have been submitted and funding for Public Works site relocation is being explored.
					Public Education & Awareness				
PEA-1	Maintenance and implementation of adopted (2017) Community Climate Action Plan	All Hazards	1.2	High	Town Manager's Office	Self-funded; grants, other revenue as available	2020-2025	New	Includes implementation of 2014 Strategic Energy Plan. Will serve as coordinating focus of actions underscoring Town's emphasis on building community resilience. Could potentially be included under Structural Projects, Prevention and Property Protection as well.
PEA-2	Create and maintain a webpage for hazard risk, mitigation, and preparedness information on the Town's website.	All Hazards	1.2	High	Town of Carrboro Planning Department	Self-funded	2020-2025	New	May be expanded in the future to included detailed flood risk information, flood gage data,

Agenda Item Abstract

File Number: 20-244

Agenda Date: 6/16/2020

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Amendments to the Land Use Ordinance and Town Code to Establish a Climate Action and Environmental Sustainability Commission

PURPOSE: The purpose of this agenda item is for the Town Council to consider proposed amendments to the Land Use Ordinance that would establish a new Climate Action and Environmental Sustainability Commission, and an associated Town Code amendment. Draft ordinances have been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision and the Council must receive public input before reaching a decision.

DEPARTMENT: Town Manager, Planning

CONTACT INFORMATION: David Andrews - 919-918-7315, dandrews@townofcarrboro.org <mailto:dandrews@townofcarrboro.org>; Christina Moon - 919-918-7327, cmoon@townofcarrboro.org <mailto:cmoon@townofcarrboro.org>; Patricia McGuire - 919-918-7325, pmcguire@townofcarrboro.org <mailto:pmcguire@townofcarrboro.org>;

INFORMATION: As part of the implementation of the Town's climate action plans, staff presented the Town Council with possible adjustments to the scope of duties of the Environmental Advisory Board to the Planning Board and Appearance Commission in February of this year and subsequently discussed these options with the three advisory boards at the Joint Review meeting in March and again in April/May. While all of the boards noted the importance of advancing the climate action plans, some members of the Planning Board and Appearance Commission expressed reservations with the proposal to take on certain aspects of environmental review historically addressed by the EAB.

A draft ordinance to the Land Use Ordinance has been prepared that would establish a new Climate Action and Environmental Sustainability Commission (CAESC) *(Attachment B)*. The ordinance specifies new duties for the new advisory board including advising on the implementation of climate action plans and other environmental matters. The existing duties relating to development review would remain with the CAESC. Planning staff would facilitate the discussion of development applications and amendments, when required, allowing the Environmental Sustainability Coordinator to focus on climate action.

The existing EAB would sunset. Interested candidates, including current EAB members, would apply for appointment to the new commission. The nine-member CAESC would ensure sufficient membership to 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 relating to climate action such as renewable energy, energy efficiency in building develop and/or construction, use or promotion of alternative modes of transportation/transportation demand management, and/or community engagement, grass-roots organizing relating to climate action or similar environmental initiatives is included.

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.

Previous agenda items that relate to the matter may be found at the following links:
June 25, 2020 -
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3993829&GUID=C1E83E6E-75DA-496C-82A1-4EA4E6A283A5&Options=&Search=>; February 4, 2020 -
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4321599&GUID=39F32F62-F173-47A0-8FF5-7DCAB95CABA2&Options=&Search=>; and May 26, 2020 -
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4544091&GUID=66A38C77-EF7D-4424-98AC-D6AC2FB3D262&Options=&Search=>.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. The draft ordinance to the Land Use Ordinance was referred to Orange County and presented to the Planning Board, Environmental Advisory Board (EAB) and Appearance Commission on June 4, 2020, and discussed again at the EAB meeting on June 10th. Comments are provided *(Attachment D)*. Amendments to the Town Code are not subject to the same requirements for Orange County and advisory board review.

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 adoption of:

1) The resolution of consistency *(Attachment A)* and draft ordinance to amend the Land Use Ordinance *(Attachment B);* and

2) The draft amendment to the Town Code *(Attachment C)*; no resolution of consistency is needed for a Town Code amendment.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE
CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described as an ordinance amending the Land Use Ordinance to establish a Climate Action and Environmental Sustainability Commission.

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Town Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

_____ *Consistent* with Carrboro Vision2020 with regard to the support of environmental protection and the promotion of energy conservation, alternative and renewal energy, as well as the Community Climate Action Plan which speaks to the role of an advisory board to help guide implementation

_____ *Inconsistent* with current adopted plans.   The proposed action is *inconsistent* with the comprehensive plan for the following reason(s):
_____
_____
_____

_____ *Inconsistent* with the current adopted plans; however, because of the following changed circumstance(s), the Town Council's approval shall also be deemed an amendment to the existing adopted plan, _____, as described below.

Changed circumstance(s):
_____
_____
_____

Amendment to current adopted plan:
_____
_____
_____

Section 2. The Town Council's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment which finds the proposed text amendment promotes efficient and effective government which is in the public interest.

Section 3. Therefore, the Carrboro Town Council has: *approved / denied* the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Town Council this 16th day of June 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.

AN ORDINANCE TO AMEND THE TOWN CODE TO REFERENCE THE ESTABLISHMENT
OF THE CLIMATE ACTION AND ENVIRONMENTAL SUSTAINABILITY COMMISSION

DRAFT 6-9-2020

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Chapter 3 of Article V of the Town Code is amended to add a new Section 3-24-16 to read as follows:

Section 3-24-16. Climate Action and Environmental Sustainability Commission

There shall be a climate action and environmental sustainability commission, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part VI of this code.

Section 2. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov

131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278

TRANSMITTAL DELIVERED VIA EMAIL

May 22, 2020

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 15, 2020 and proposed for town public hearing on June 16, 2020:

- *An Ordinance Amending the Carrboro Land Use Ordinance to Establish Regulations for Small and Micro-Wireless Facilities.*
- *An Ordinance Amending the Carrboro Land Use Ordinance to Establish a Climate Actionand Environmental Sustainability Commission.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

Perdita Holtz, AICP
Planning Systems Coordinator

TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, JUNE 4, 2020

Land Use Ordinance Text Amendment to Establish a Climate Action and Environmental Sustainability Commission

The Planning Board supports the name of the new commission and the emphasis on climate action. There may be benefit to adding even more seats to increase the membership to more than nine. Please consider appointing the existing three members of the EAB to the new commission for continuity and institutional knowledge so that the CAESC can continue the work on the climate action plans that the EAB has begun without losing momentum. Ways to improve accessibility and diversity to better include all members of the community in both the commission and outreach are not just encouraged but essential for this work, this includes the distribution of printed and electronic material in all of the languages broadcasted in the area and translation services at meetings. In addition, encouraging the use of asynchronous options and triaging to increase the capacity of the board to take on this important work is recommended. It is important for the CAESC be appointed as soon as possible. If a delay is anticipated, the new members should be appointed to the EAB so that the board can be at full strength during this transition.

Motion was made by <u>Posada</u> and seconded by <u>Foushee</u> that the <u>Planning Board</u> recommends that the Town Council <u>approve </u>the draft ordinance with the inclusion of the above comments.

<u>VOTE</u>:
AYES: (10) Clinton, Foushee, Fray, Gaylord-Miles, Leloudis, Mangum, Posada, Poulton, Sinclair, Tooloee
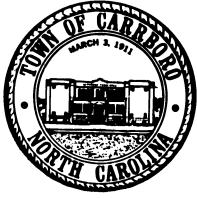NOES: (0)
ABSTENTIONS: (0)
ABSENT/EXCUSED: (0)

<u>Associated Findings</u>

By a unanimous show of hands, the <u>Planning Board</u> membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by <u>Foushee</u> and seconded by <u>Gaylord-Miles</u> that the <u>Planning Board</u> of the Town of Carrboro finds that the proposed text amendment <u>is</u> consistent with Carrboro Vision2020 in the support of environmental protection and promotion, specifically Provision 5.22 to set policies to protect creeks, streams ponds and lakes, and Provision 5.31 to promote energy conservation, alternative and renewable

energy, as well as the Community Climate Action Plan which speaks to the role of an advisory board to help guide implementation.

Furthermore, the <u>Planning Board</u> of the Town of Carrboro finds that the proposed text amendment promotes efficient and effective government which is in the public interest.
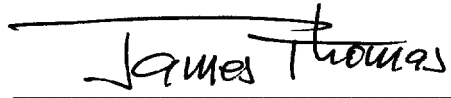
<u>VOTE</u>:
AYES: (10) Clinton, Foushee, Fray, Gaylord-Miles, Leloudis, Mangum, Posada, Poulton, Sinclair, Tooloee
NOES: (0)
ABSTENTIONS: (0)
ABSENT/EXCUSED: (0)

DocuSigned by:

Catherine Fray   6/9/2020
1725EEF4E2B64F0...
_____
(Chair)   (Date)

TOWN OF CARRBORO

Appearance Commission

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, JUNE 4, 2020

Land Use Ordinance Text Amendment to Establish a Climate Action and Environmental Sustainability Commission

Motion was made by <u>David Markeiwicz</u> and seconded by <u>Vickie Brown</u> that the <u>Appearance Commission</u> recommends that the Town Council <u>approve</u> the draft ordinance.

VOTE:
AYES: Markeiwicz, Brown, Reilley
NOES: 0
ABSTENTIONS: none
ABSENT/EXCUSED: Scott, Haygood, Szpir

<u>Associated Findings</u>

By a unanimous show of hands, the <u>Appearance Commission</u> membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by <u>Markeiwicz</u> and seconded by <u>Brown</u> that the <u>Appearance Commission</u> of the Town of Carrboro finds that the proposed text amendment <u>is</u> consistent with Carrboro Vision2020 in the support of environmental protection and promotion, specifically Provision 5.22 to set policies to protect creeks, streams ponds and lakes, and Provision 5.31 to promote energy conservation, alternative and renewal energy, as well as the Community Climate Action Plan which speaks to the role of an advisory board to help guide implementation.

Furthermore, the <u>Appearance Commission</u> of the Town of Carrboro finds that the proposed text amendment promotes efficient and effective government which is in the public interest.

VOTE:
AYES: Markeiwicz, Brown, Reilley
NOES: 0
ABSTENTIONS: none
ABSENT/EXCUSED: Scott, Haygood, Szpir

James Thomas

(Chair)

6-9-2020

(Date)
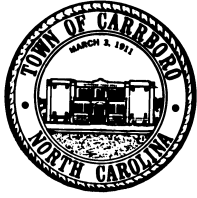
TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

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

WEDNESDAY, JUNE 10, 2020

Land Use Ordinance Text Amendment to Establish a Climate Action and Environmental Sustainability Commission

Motion was made by <u>Kaufman</u> and seconded by <u>O'Connor</u> that the <u>Environmental Advisory Board</u> recommends that the Town Council <u>does not</u> approve the draft ordinance.

<u>VOTE:</u>
AYES: (3) Kaufman, Turner, O'Connor
NOES: (0)
ABSTENTIONS: (0)
ABSENT/EXCUSED: (0)

<u>Associated Findings</u>

By a unanimous show of hands, the <u>Environmental Advisory Board</u> membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by <u>O'Connor</u> and seconded by <u>Kaufman</u> that the <u>Environmental Advisory Board</u> of the Town of Carrboro finds that the proposed text amendment <u>is not</u> consistent with Carrboro Vision2020 in the support of environmental protection and promotion, specifically Provision 5.22 to set policies to protect creeks, streams ponds and lakes, and Provision 5.31 to promote energy conservation, alternative and renewal energy, as well as the Community Climate Action Plan which speaks to the role of an advisory board to help guide implementation.

Furthermore, the <u>Environmental Advisory Board</u> of the Town of Carrboro finds that the proposed text amendment <u>does not promote</u> efficient and effective government which is in the public interest.

<u>Comments</u>

In response to EAB's request for a new Climate Action Board separate from EAB, staff originally proposed to create a new Climate Board while dismantling the EAB. The current proposed amendment calls for a new Climate Action and Environmental Sustainability Committee with the combined function of climate action and environmental review. While an improvement over the previous proposal, this amendment also calls for the disbanding of the current EAB.

A year ago, EAB members determined that the workload of addressing development review and implementing the Community Climate Action Plan was too much for one advisory board. Even with extra meetings, the EAB has not been able to address climate when development review takes immediate precedence. The solution presented in the draft Land Use Ordinance Text Amendments does not address this problem.

A good-faith response to our request for a separate board for climate action would not simultaneously call for the disbanding of the entity that made the request. A good-faith response to our request would have drafted a proposed amendment in collaboration with EAB. That hasn't happened, and neither of these proposals addresses the original concerns that prompted our request in the first place.

The Town has expressed the concern that minority voices are not being represented on the volunteer boards. We share that concern. In response to comments by Barbara Foushee at an earlier Town Council meeting, our Chair proposed that we try to actively identify potential minority candidates for EAB, and encourage them to apply for seats on our Board. We were all set to reach out to Town Council and the community to seek out minority candidates, until we realized that, under the current version of the proposed amendment, EAB will be disbanded.

Our request for a separate Climate Board while maintaining the EAB as is, would actually create more opportunities for minority voices to be heard, by virtue of the greater number of combined seats. It is not just the greater number of combined seats, but with separate advisory board functions, the number of meetings would be more accessible to members from different parts of the community, potentially better meeting the goal of the Council for diversity on advisory boards. With two separate boards, individuals will not need to attend as many meetings. This will make it easier to attract and keep members who do not have the resources to attend multiple meetings each month. Furthermore, under the current proposal, even with robust minority participation, those voices will be attenuated because a combined climate and environmental board will be less effective.

The Planning Department has maintained that it doesn't have the staff to support our request. However, in the proposed new scheme, Planning is proposing to provide additional staff support for the new CAESC for development review projects. When asked why staff was able to supply two liaisons to the combined board, but not two separate liaisons for two separate boards, the reply we were given was that Planning only expected each liaison to attend meetings that concerned either environmental review or climate action. This implicitly supports our argument that it is impossible for a combined board to give proper attention to both topics, because the combined board will have to divide its time and attention between these two issues, related though they may be.

Meaningful climate action requires the willingness to make tough choices. The creation of a board solely dedicated to climate action would send a strong signal of the Town's commitment to this endeavor. Looking forward, the Town needs to summon the will to make tough decisions with respect to climate change.

Motion by Kaufman, seconded by O'Connor, that the EAB unanimously recommends that the Town Council:
- Vote no to the proposed Amendment to the Land Use Ordinance.
- Direct the staff to come up with a plan, in consultation with EAB and perhaps other volunteer boards, to create a new Climate Action Commission, while leaving the EAB intact and unaltered.
- All holds be removed immediately on new appointments to EAB, so that EAB can restaff from its current membership of three persons for summer 2020 meetings. We look forward to working with the town on proactively recruiting minority candidates to the EAB.

VOTE:
AYES: (3) Turner, O'Connor, Kaufman
NOES: (0)
ABSTENTIONS: (0)
ABSENT/EXCUSED: (0)

_____   6-10-20
For Tim Turner (Chair)   (Date)

Agenda Item Abstract

File Number: 20-247

Agenda Date: 6/16/2020   **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Land Use Ordinance and Town Code Amendments to Establish Regulations for Small and Micro-Wireless Facilities

PURPOSE: The purpose of this item is for the Town Council to consider amendments to the Land Use Ordinance and Town Code to conform to state legislation relating to wireless infrastructure for 5G technology. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Town Council must receive public input prior to making a decision.

DEPARTMENT: Planning

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

INFORMATION: During the 2017 Session, the North Carolina legislature adopted S.L. 2017-159 (HB 310) which establishes a new regulatory framework for the installation of small and micro-wireless facilities, particularly within public rights-of-way, to support 5G wireless infrastructure *(Attachment D)*.

Two draft ordinances have been prepared. The draft ordinance to amend the Land Use Ordinance (LUO) would, if adopted, add new definitions to the LUO and establish a new use classification 18.500 (small and micro-wireless facilities) permitted in all districts with a zoning permit *(Attachment B)*. The supplementary use regulations in Subsection 15-176 would be amended to include standards for small wireless facilities and modifications to the existing standards for towers and antennas (use classification 18.200). Other modifications to the LUO speak to the process and timeline for reviewing applications. The draft ordinance to amend Article II of Chapter 7 of the Town Code focuses on the process and standards for encroachment agreements needed for the installation of these new facilities in public rights-of-way *(Attachment C)*.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. The draft ordinance to the Land Use Ordinance was referred to Orange County and presented to the Planning Board and Appearance Commission on June 4, 2020. Comments are provided *(Attachment E)*. Amendments to the Town Code are not subject to the same requirements for Orange County and advisory board review.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory and Town Council review.

RECOMMENDATION: Staff recommends that the Town Council consider the attached resolution of consistency *(Attachment A)*, the draft ordinance to amend the Land Use Ordinance *(Attachment B),* and the draft amendment to the Town Code *(Attachment C)*.

A RESOLUTION ADOPTING A STATEMENT EXPLAINNG THE TOWN COUNCIL'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: a Land Use Ordinance Text Amendment to Establish Regulations for Small and Micro-Wireless Facilities.

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

_____ *Consistent* with the provisions in section 15-2 which specify the authority granted to the Town through state enabling legislation and require the Land Use Ordinance to remain aligned with the North Carolina General Statutes

_____ *Inconsistent* with current adopted plans. The proposed action is *inconsistent* with the comprehensive plan for the following reason(s):

_____
_____
_____

_____ *Inconsistent* with the current adopted plans; however, because of the following changed circumstance(s), the Council's approval shall also be deemed an amendment to the existing adopted plan, _____, as described below.

Changed circumstance(s):

_____
_____
_____

Amendment to current adopted plan:

_____
_____
_____

Section 2. The Town Council's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. Therefore, the Carrboro Town Council has: _approved / denied_ the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Town Council this 16th day of June 2020.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH REGULATIONS FOR SMALL AND MICRO-WIRELESS FACILITIES

DRAFT 6-9-2020

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-15 (Basic Definitions and Interpretations) of the Carrboro Land Use Ordinance is amended by adding fifteen new definitions and modifying two existing definitions, "public utility service complex" and "tower," as shown below, and by renumbering the entire section in alphabetical order.

ANTENNA ELEMENT REPLACEMENT. The replacement of any part or all of an antenna or antenna array with a model of the same manufacturer and model type or close specification.

APPLICABLE CODES. The N.C. State Building Code uniform fire, building, electrical, plumbing or mechanical codes adopted by a recognized national code organization together with State, Orange County or Town of Carrboro amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

BASE STATION. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

COLLOCATION. The placement, installation, maintenance, modification, operation or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, Town utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities.

COMMUNICATIONS FACILITY. The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

COMMUNICATIONS SERVICE. Cable service as defined in 47 U.S.C. § 522(6) (The one-way transmission to subscribers of video programming, or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service), and information service as defined in 47 U.S.C. § 153(24). (The term "information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service), and telecommunications service as defined in 47 U.S.C. § 153(53) (The term "telecommunications service" means the offering of telecommunications for a fee directly to the public.)

COMMUNICATIONS SERVICE PROVIDER.   A cable operator as defined in "Communications Service" and 47 U.S.C. § 522(5); a provider of information service, as defined in "Communications Service" and 47 U.S.C. § 153(24); a telecommunications carrier, as defined in "Communications Service" and in 47 U.S.C. § 153(51); or a wireless provider.

ELIGIBLE FACILITIES REQUEST. A request for a modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

EQUIPMENT COMPOUND. An area containing accessory equipment surrounding or near the base of a wireless support structure within which a wireless facility is located.

MICRO WIRELESS FACILITY. (See Section 15-176). A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

SMALL WIRELESS FACILITY. (See Section 15-176). A wireless facility that meets both of the following qualifications:

>   (1)   Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
>   (2)   All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. (For purposes of this subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.)

SUBSTANTIAL MODIFICATION. (See Section 15-176). The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below:

>   (1)   Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
>   (2)   Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
>   (3)   Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

TOWN RIGHT-OF-WAY. A right-of-way owned, leased, or operated by a town, including any public street or alley that is not a part of the State highway system.

TOWN UTILITY POLE. A pole owned by a town in the town right-of-way that provides lighting, traffic control, or a similar function.

WIRELESS FACILITY. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. Also refers to Wireless Telecommunications Facility. The term shall not include any of the following:

(1)   The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
(2)   Wireline backhaul facilities.
(3)   Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
(4)   Amateur radio antennas. See also, Section 15-150(5) Towers and antennas constructed on residential property and G.S. § 160A-400.51.

WIRELESS SUPPORT STRUCTURE. A new or existing structure, such as a monopole, lattice tower, or guyed tower, that is designed to support or capable of supporting wireless telecommunications facilities, radio or TV antennas. A utility pole is not a wireless support structure.

PUBLIC UTILITY SERVICE COMPLEX. A development consisting of a combination of offices and one more of the following types of uses, all of which are operated or conducted by a "public utility" as that term is defined in Section 62.3 of the N.C. General Statutes: motor vehicle repair (use classification 9.400), parking or storage (use classification 10.300), and towers and wireless support structures (use classification 18.000). (AMENDED 10/25/83)

TOWER. A structure whose principal function is to support one or more antennas. See also Wireless Support Structure. (AMMENDED 02/18/97)

        Section 2. Section 15-146, (Table of Permissible Uses) is amended by expanding the description of the subcategories of use classification 18.000 "Towers and Related Structures," to read as follows:

18.000 Towers and Wireless Support Structures

        18.100 Towers and antennas fifty feet tall or less.

18.200 Towers and antennas that exceed 50 feet in height; substantial modifications, that are not regarded as accessory to residential users under 15-150(c)(5).

18.300 Antennas exceeding 50 feet in height attached to wireless support structures other than towers; substantial modifications (other than accessory uses under 15-150(c)(5).

18.400 Publicly-owned towers, wireless support structures and antennas of all sizes that are used in the provision of public safety services.

Section 3. Section 15-146, Section 15-146, (Table of Permissible Uses) is amended by adding a new use classification 18.500 "Small and Micro Wireless Facilities; with or without associated Utility Poles or Wireless Support Structures" by adding the letter "Z" opposite this use classification under all zoning district columns to indicate that this use is permissible in all districts with a zoning permit as noted further in section 15-176 Towers, Antennas, and Wireless Facilities, including Small and Micro Wireless Facilities.

Section 4. Section 15-147, (Use of the Designations Z, S, C in the Table of Permissible Uses) is amended by adding a new subsection (t) to read as follows:

(t)   For use classification 18.500 small and micro wireless facilities; with or without associated utility poles or wireless support structures see Section 15-176(d) for application and development standards and Article II of Chapter 7 for encroachment agreements.

Section 5. Section 15-150(c)(5) is amended to modify the reference to the setback requirement from subsection 15-176(2) to subsection 15-176(b)(2).

Section 6. Section 15-176 Article XI (Supplementary Use Regulations) is rewritten to include small and micro wireless facilities, as follows:

Section 15-176 Towers and Antennas, and Wireless Facilities including Small and Micro Wireless Facilities (AMENDED 02/18/97, REPEALED & AMENDED 11/19/13)

(a)   Towers and antennas, and wireless facilities are subject to the regulations outlined in this section, pursuant to the definition of each facility described in Article II of this chapter. The term "tower" includes wireless support structures.

In addition to other applicable provisions of this chapter, towers, antennas attached thereto that exceed 50 feet in height (use classification 18.200) shall be subject to the requirements in subsections (a), and (b) and (c) below. Additional standards applicable to small and micro-wireless facilities (use classification 18.500) are provided in subsection (d). **(AMENDED 11/19/13)**

(1)   A tower may not be located within 1,500 feet of another tower (measured in a straight line and not by street distance).

(2)   As set forth in subsection 15-184(q), the base of the tower shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the tower.

(3)   Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for nighttime lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

(4)   Towers and antennas shall be constructed and operated so as not to disturb or interfere with the use or operation on adjoining or nearby properties of radios, televisions, telephones, or similar equipment.

(5)   Commercial messages may not be displayed on any tower.

(6)   The output from the tower may not exceed federally approved levels for exposure to electronic magnetic force (EMF). The applicant shall be required to submit documentation with the application verifying compliance with this standard.

(7)   If the tower is up to 180 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication user. If the tower exceeds 180 feet, the tower shall be engineered and constructed to accommodate at least two additional telecommunication users. Furthermore, the site plan must show locations for accessory buildings necessary to accommodate a minimum of two users, even if the tower is proposed for a single user.

(8)   The base of the tower and each guy anchor shall be surrounded by a fence or wall at least eight feet in height and constructed of material that cannot be easily climbed or penetrated, unless the tower and all guy wires are mounted entirely on a building at least eight feet in height.

(9)   The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a Type A screen. The site developer shall have the option of (i) providing the screening around the tower base and associated items individually, or (ii) providing the screening around the perimeter of the entire site.

(10)   Outdoor storage shall not be permissible on tower sites.

(11)   In addition to other information that must be submitted with the application, the application for a tower must contain the following information:

       a.   Identification of the intended user(s) of the tower.

       b.   Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.

       c.   Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, or other buildings or structures.

       d.   A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.

(12)   The recipient of a permit for a tower shall be required as a continuing condition on the validity of the permit, to submit to the Zoning Administrator by January 31st of each year documentation, including but not limited to an FCC license, that the tower is being utilized. Towers which are not used for a period of 6 months or more shall be removed by the owner within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each tower to guarantee compliance with this requirement.

(13)   In any residential zone, associated buildings or other buildings located on the same lot and owned or used by the applicant, its associates, or any co-users shall not be used as an employment center for any worker. This subsection does not prohibit the periodic maintenance or periodic monitoring of instruments and equipment.

(14)   The tower shall be constructed with a grounding system that provides adequate protection from destruction or damage by lighting.

(15)   **REPEALED (11/19/13)**

(16)   In addition to the considerations for conditional or special use permits found in Section 15-54 of this ordinance, the approving bodies in determining whether a tower is in harmony with the area of a tower on the value of adjoining or abutting properties may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics, and may disapprove a tower on the grounds that such aesthetic effects are unacceptable. Factors relevant to aesthetic effects are the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites; the concentration of towers in the proposed areas; and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

(b)   A request for a modification of an existing cell tower, base station or wireless support structure that involves the collocation of new transmission equipment or the removal or replacement of transmission equipment but that does not substantially change the physical dimensions of the cell tower or base station shall be approved by the administrator as an insignificant deviation (see Section 15-64). For purposes of this section, a substantial change in physical dimensions would occur if: **(AMENDED 11/19/13)**

    (1)   The proposal is a "substantial modification" as defined in Article II of this chapter. Substantial modifications include:

        a. The proposed change would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (may exceed these size limits if necessary to avoid interference with existing antennas);

        b. The proposed change would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable); or

        c. The proposed change would enlarge the square footage of the existing equipment compound by more than 2,500 square; or

        d. The proposed change would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

        e. The proposed change would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

    (2)   Applications for substantial modifications shall be considered pursuant to the requirements in Article X.

(c)   The Town shall have 45 days within which to determine the completeness of an application for a collocation or eligible facilities request, and then 45 days from the date that the application is determined to be complete within which to make its decision. An application is deemed to be complete 45 days after it is submitted unless the Town determines and notifies the applicant in writing within 45 days of submission, that (and how) the application is deficient. For other types of applications relating to wireless support structures, towers or substantial modifications, the Town shall have 90 days to determine if an application is complete and 150 days within which to decide, not including small and micro wireless facilities. **(AMENDED 11/19/13)**

(d)   Small or micro wireless facilities (use classification 18.500), defined in Article II, and the height requirements in Table 1 and Table 2 below, are subject to the regulations outlined in this subsection.

Table 1. Height Requirements for Small Facilities in Public Rights-of-Way (Read top row left to right, then left-hand column.)

If a Small Wireless Facility is proposed in the following Zoning District(s):	New, modified or replacement utility power Height of Utility Pole	Small wireless facility above utility pole, wireless support structure or Town utility pole	Total Height
All	50 feet above ground level	10 feet	60 feet
EXCEPTION for residential zoning districts where utilities are located underground. (The residential zoning districts are R-2, R-3, R-7.5, R-10, R-15, R-20, RR, R-SIR, R-SIR2, PUD, VMU, WR, HD, NPD	40 feet above ground level	10 feet	50 feet

Table 2. Height Requirements for Small Facilities outside of Public Rights-of-Way

If a Small Wireless Facility is proposed in the following Zoning District (s)	New, modified or replacement utility power Height of Utility Pole	Small wireless facility above utility pole, wireless support structure or Tow utility pole	Total Height
B-1(c), B-1(g), B-2, B-3, B-3T, M-1, M-2, CT, O, ORMU	50 feet above ground level	10 feet	60 feet

(1)   Small wireless facilities may also be attached to existing structures including poles, provided that the height of the wireless support structure and antennae together increase the height of the existing structure by not more than ten (10) feet.

(2)   All small and micro wireless facilities shall meet the provisions of 15-176(a)(10), (11), (12) and (14), above.

(3)   All small wireless facilities shall be designed to accommodate collocations to the maximum extent that is technically feasible.

(4)   Upon request of the applicant, the administrator may waive the requirement that a new small wireless facility accommodate the collocation of the service provider if it finds that collocation at the site is not essential to the public interest, or that the

construction of a shorter pole or wireless support structure with fewer antennas will promote community compatibility, or that collocation of other service providers is technically unfeasible.

(5) New small wireless facilities may be built no closer than 200 feet from an existing facility unless the new facility involves the replacement of an existing pole, or the new pole takes the place of a proposed pole in a new development.

(6) Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the Town, the composition of new wireless support structure shall be metal, with a dark green matte finish.

    a. Where a new pole replaces an existing pole, the new pole shall be designed and constructed in metal with a dark green matte finish, unless such pole is located in an area subject to other design standards, or the use of metal is determined to be technically unfeasible.

    b. Installations shall be on non-conductive poles.

    c. Concrete or reinforced concrete shall not be used.

    d. Any new poles installed shall be environmentally "green" and not leach any volatile organic compounds or toxic materials into the ground.

(7) Wireless installations shall be on poles that meet or exceed current National Electric Safety Code (NESC) standards and wind and ice loading requirements of ANSI 222 Version G for essential services.

(8) No exterior lights are permitted on any small or micro facilities unless required by the Federal Communications Commission (FCC) or the wireless support structure is designed and permitted as a street light.

(9) Wireless installations shall utilize a "concealed" design, including all cabling being inside the support structure or inside a shroud.

(10) All radios, network equipment and batteries will be enclosed in a pedestal cabinet near the pole, or in a pole-mounted cabinet or under a pole-mounted shroud.

(11) The total cumulative volume of all accessory equipment, cabinets, or shelters used to house equipment to support the operation of a small wireless facility cannot exceed 28 cubic feet. Any equipment not used in direct support of such operation shall not be stored on the site.

(12) Signs on any portion of a small wireless facility shall be prohibited unless required by the Federal Communications Commission (FCC), state of North Carolina or other government agency. A sign permit is required whenever a sign is allowed.

(13)   Equipment compounds are not permitted in the public right-of-way.

(14)   Unless proved unfeasible by clear and convincing evidence, in lieu of installing new poles, any wireless installation in the public right-of-way shall replace a pre-existing distributed pole, secondary pole or streetlight. Any work involving public rights-of-way shall be comply with the standards in Article II of Chapter 7 of the Town Code.

(15)   Outside of the public right-of-way in all districts, the administrator shall have the authority to impose reasonable landscaping requirements surround the equipment compound or accessory equipment cabinet. Required landscaping shall be consistent and surrounding vegetation and shall be maintained by the facility owner. The administrator may choose to not require landscaping for sites that are not visible from the public rights-of-way or adjacent property or in instances where landscaping is not appropriate or necessary.

(16)   All small wireless facilities located outside the public rights-of-way shall comply with the provisions of Section 15-176(a)(2), (9) and (13). The base of any pole or tower for a small or micro facility shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the pole or tower.

(17)   No pole or tower intended for small or micro wireless facilities may be constructed, substantially modified, including modifications relating to collocations, except in accordance with and pursuant to a zoning permit as provided for in Article IV, Part I. of this chapter and, if applicable, to an encroachment permit in accordance to Article II, of Chapter 7.

    a. Subject to the application requirements and approval process outlined in Section 15-52, construction shall begin no later than six months from the date the permit is issued.

    b. Small wireless facilities shall be activated for their intended use in no more than one year from the date a permit is issued, and shall be subject to the renewal requirements of subsection (b)(12) above. Permits shall automatically expire if these deadlines are not met.

    c. If a small wireless facility ceases to transmit a signal for at least 180 days, or the permittee announces that it intends to cease transmitting signals, the facility shall be deemed abandoned on the earlier of the two dates.

        1. If the owner/provider does not remove the facility in 180 days from the date of abandonment, the Town may remove the facility and bill the owner for the costs of removal.

2. The provider of the facility may receive an extension if the provider provides reasonable evidence that the provider is diligently working to return the facility to service.

    d. Substantial modifications are subject to the provisions of Section 15-176(b) above.

Section 7. Section 15-185(e) amended to include small and micro wireless facilities, as follows:

(d) Towers, antennas, and wireless facilities, including small and micro wireless facilities shall not be subject to the maximum height limitations set forth in this section but shall be governed by the restrictions inherent on the definitions of such uses as well as the other provisions of this chapter applicable to use classification 18.000. The height of a tower or antenna attached to a structure other than an antenna shall be the vertical distance measured from the main elevation of the finished grade at the front of the building or structure to which the tower is attached to the top of the tower (or antenna, if the antenna extends above the tower). Pursuant to Section 15-176, the height of a small or micro wireless facility on a new, modified or replacement utility pole shall be measured from the ground to the top of the pole. **(AMENDED 02/18/97)**

Section 8. Section 15-52, (Zoning Permits) is amended with the addition of a new Subsection (f) to read as follows:

(e) An application for a zoning permit to collocate small and micro wireless facilities in public rights-of-way on new, existing or replacement utility poles or wireless support structures; or outside public rights-of-way are subject to the approval process required by N.C. Gen. Stat. Chapter 160A, Art. 19, Part 3E. Wireless Telecommunications Facilities, as incorporated into this ordinance.

(1) In addition to the requirements of section 15-176, and Chapter 7, Streets and Sidewalks, an application for a small wireless facility must include a sworn, notarized affidavit that the small wireless facility shall be:

    a. activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, and

    b. collocation shall commence within six months or the permit issuance date, and

    c. if not, the permit may be revoked.

(2) Review and processing shall be completed within forty-five (45) days of the Town's receipt of a completed application. The Town shall provide written notice that an application is incomplete within thirty (30) days of the receipt of the application.

(3)   Applications for zoning permits for small wireless facilities shall be reviewed for conformance with this ordinance, including the applicable site plan and State Building code requirements.

(4)   The Town may deny an application for a small wireless facility only on the basis that it does not meet any of the following:

    a.   the Town's applicable ordinance;

    b.   Town ordinances that concern public safety, objective design standards for decorative utility poles, Town utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment, subject to Appendix E;

    c.   public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or

    d.   the requirements of any historic district.

(5)   Applicants may file for a consolidated application for no more than 25 separate facilities and may receive a permit for the collocation of all the small wireless facilities meeting the requirements of this ordinance. The Town may remove small wireless facility collocations from a consolidated application and treat separately small wireless collocations *(i)* for which incomplete information has been provided, or *(ii)* that are denied. The Town may issue a separate permit for each collocation that is approved.

(6)   Applications for small wireless facilities to be in Town rights-of-way shall meet the requirements of Chapter 7, Streets and Sidewalks.

(7)   No zoning permit application or fee is required for the suspension of micro wireless facilities between existing utility poles by or for a communications service provider; for routine maintenance; or for the replacement of small wireless facilities with small wireless facilities. An encroachment permit may be required as provided in Chapter 7, Streets and Sidewalks.

Section 9.   All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 10.   This ordinance is effective upon adoption.

AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE RELATING TO
WIRELESS FACILIITES

DRAFT 6-9-2020

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Article II of Chapter 7 of the Town Code, Streets and Sidewalks is renamed as follows:

Article II – ENCROACHMENTS, DRIVEWAYS and EXCAVATIONS

Section 2. Article II of Chapter 7 of the Town Code, is amended by adding a new Section 7-9, "Encroachment Permit Required," to read as follows:

Section 7-9   Encroachment Permit Required

Prior to performing work or placing facilities in a public right-of-way in the Town, a user must obtain an Encroachment Permit (also called "work permit") issued by the administrator. An encroachment permit is required for the following activities:

(a)   Excavation or restoration within the public way, including but not limited to construction of new portions of a driveway, sidewalk or public way;

(b)   Cutting, mobbing, or alteration of concrete, pavement, paver (for example, brick or stone), pipe, conduit, pole, meter, fire hydrant, facility, or other equipment or structure owned by the Town, or attachment to such objects;

(c)   Installation or repair of facilities within the public way, including, but not limited to, placing facilities on other facilities already located in the public way;

(d)   Construction of private streets (including, but not limited to, paving and gutters), sidewalks, or alleys;

(e)   Installation or repair of facilities for the conveyance of water, sewer, or stormwater;

(f)   Installation or repair of facilities for electrical, gas, video, internet, telephone, cable, telecommunications, television, or other information or data transfer service to customers within the Town;

(g)   Work in the rights-of-way that affects traffic patterns, either permanently or temporarily;

(h)   The installation of any permanent structures or property in the public right-of-way including utilities and communication networks;

(i)   Make Ready Work. The Town shall provide estimates for any make-ready work necessary to enable a Town utility pole to support the requested collocation, including pole

replacement, if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written agreement on the cost of the work;

(j)   Attachments to or replacements of Town utility poles;

(k)   Attachments to Town property (other than Town utility poles) in NCDOT or other rights-of-way;

(l)   The Town may approve agreements for the use of Town property that substitute for encroachment or work permits, such as the lease of antenna space on a water tower.

Section 3. Article II of Chapter 7 of the Town Code, is amended by adding a new Section 7-10, "General Conditions for Use of Rights-of-Way," to read as follows:

Section 7-10   General Conditions for Use of Rights-of-Way

(a)   Rights-of-way in the Town may be controlled by N.C. Department of Transportation (DOT), private parties, and/or the Town. The Town issues and/or monitors work and/or encroachments in the Town's right-of-way. The Town may also issue permits for work on Town property in DOT's rights-of-way. Encroachment permits, or agreements are required to attach or use any Town property. Wireless telecommunication facility encroachments in the public rights-of-way require review by the Planning Department. (See Chapter 15 of this Code, (Land Use Ordinance). All public right-of-way encroachments must be reviewed by the Town Manager or designee, including attachments to Town utility poles, replacement of Town utility poles, and "make ready" requests.

(b)   The right to perform work in the public right-of-way and the ability to maintain facilities in the public right-of-way are allowed subject to the conditions in §§ 7-9 and 7-11 and below, as supplemented by those set forth in other sections of this ordinance, standards adopted by the Public Works Department, and requirements contained in permits and/or other authorizations.

(1)   An encroachment permit does not convey any legal right, title, or interest in the public way. Persons doing work in the public way and users may need to obtain approvals from persons with property interests in the property.

(2)   A permit or authorization does not limit the Town's exercise of its regulatory, police, government, legislative, or contracting authority. The Town retains all rights to use all portions of public rights-of-way for its purposes not prohibited by law. If a permit or authorization conflicts with the terms of another permit or authorization, or with the Town Code, the stricter of the applicable provisions shall control. The stricter provision shall not control, however, if a later-issued permit, authorization, or ordinance explicitly and specifically states that particular terms are to override prior, less strict terms in an authorization.

(3)   The Town and its officials, officers, and employees are not liable for any direct, indirect, or consequential damages that result when facilities in the public way are damaged during the construction, installation, inspection, maintenance, use,

or repair of public improvements that have received Town funding or that are installed pursuant to a contract with the Town.

(4)   Users and persons who cause work to be done in the public way shall pay for all damage that results, directly or indirectly, from work performed for their benefit in the public right-of-way, and for the installation, repair, maintenance, and operation of their facilities in the public right-of-way.

(5)   An encroachment permit creates no third-party rights against the Town and is intended only for the benefit of the person receiving the permit or authorization.

(6)   Persons doing work in the public right-of-way shall not interfere with existing utilities, such as infrastructure for electricity, water, natural gas and sewer, the natural and constructed stormwater system, and traffic signals and associated lines, or the repair or replacement of such systems. Persons doing work in the public right-of-way that does not involve creating a new structure shall apply for an encroachment permit at least ten (10) working days prior to initiating work, to allow time to locate and mark any existing Town utility lines. Persons building structures and/or utility poles, including wireless facilities shall apply for an encroachment permit at least thirty (30) calendar days prior to beginning work. (See section 7-9.) The application shall accurately describe the portion of the street to be affected. Damage to Town utilities or other infrastructure shall be paid for by the person or user contracting for the work that resulted in such damage. If an encroachment permit is not required, persons doing work in the public right-of-way shall also give the Town Public Works Department ten (10) working days' notice to locate and mark any existing Town utility lines prior to initiating work. In addition, persons will give the department a second notice 24-hours before beginning any work in the public right-of-way as required by Section 7-10(15) below.

(7)   Persons and users performing work in the public way shall ensure worker, traffic, and pedestrian safety and shall ensure that all work is performed in accordance with industry standards. Compliance with all federal, State, and local regulations, and all federal, State, local, and industry codes and standards are required. These include, but are not limited to, compliance with the Occupation Safety and Health Act; compliance with the Manual of Uniform Traffic Control Devices, National Electrical Code, and National Electrical Safety Code; compliance with fiber optic installation standards and telecommunication industry standards; compliance with plumbing and pipe installation codes and standards; and compliance with standards and codes for traffic safety and lane closures. Persons and users shall provide all equipment and personnel necessary to meet applicable regulations, codes, and standards, and shall furnish additional equipment or personnel if requested by the Town.

(8)   The administrator shall have the discretion, for reasons of public health or safety, to approve, deny, alter, and condition all proposed locations of facilities in the public way, and to determine whether placement, if allowed, shall be above ground or below ground.

(9)   Wires, fiber, and other similar conduit shall generally be located underground. A user that wishes to place such facilities above ground shall demonstrate to the Town's satisfaction why above-ground placement is necessary.

(10)   The Town recommends that facilities be located in existing ducts if such ducts are available and practicable to use.

(11)   A user shall demonstrate to the administrator's satisfaction that sufficient space exists in the public way for its proposed facilities without interfering with existing or planned public projects, and that placement of the facilities will not unduly disrupt use of the public way or negatively impact the condition of the public way.

(12)   The administrator may require a user to post written notice of proposed work or activities along the public way impacted and/or distribute notices to individual properties located along the impacted public way.

(13)   Users shall give the Town all information it requests regarding the installation of facilities upon completion. Such information may include, but is not limited to, as-built or other maps, which shall be furnished in the form required by the Public Works Department, and changes to planned locations that were necessary to avoid pre-existing infrastructure.

(14)   A person or user that conducts excavation or other activities that disturb the public rights-of-way or plantings within the public rights-of-way or facilities within the public way shall restore the area to a functional condition equivalent to that it was in prior to the disturbance. The restoration shall include, but is not limited to, installation of pavement, resurfacing nearby areas, grading other surface areas, restoring below-ground areas, planting and landscaping, replacing curb ramps to current standards, and repairing improvements and facilities. Replacement landscaping shall comply with the requirements of Article XIX and Appendix E of Chapter 15 of this code.

(15)   Users shall contact the Public Works Department at least 24-hours prior to actual work performed in the right-of-way, except in the case of an emergency.

(16)   To the extent permitted by North Carolina law, the Town may require a performance bond for work to be done in the public right-of-way.

(17)   A user shall, at its own cost, relocate its facilities within a time determined at the discretion of the Town if the Town determines that the facilities were placed in the public right-of-way without first obtaining permission from the Town, and the facilities:

        a.   Interfere with the use of the public way, or the provision of services to Town residents; or

b. Interfere with the repair or maintenance of any Town-maintained utility; or

c. Will impede the construction of a project funded in part with public funds, or a project to be dedicated to the public upon completion.

Section 4. Article II of Chapter 7 of the Town Code, Encroachments, Driveways and Excavations is amended by adding a new Section 7-11, "Application Requirements." The existing Section 7-11, "Driveways," and Section 7-12, "Excavations," are renumbered as 7-12 and 7-13 respectively.

Section 7-11   Application Requirements

An application must be filed with the administrator before the commencement of any work described in Section 7-9, including modification, change, or replacement of equipment that would be different in size, weight, or appearance than the existing equipment that is not otherwise exempt under this ordinance. The following information shall be submitted in an application for an encroachment permit:

(a) Contact information for the user of the public right-of-way and contractors performing the work. Include all contractor's/trade's/professional licenses held and license numbers.

(b) Description of the work to be performed, including the specific location or the requested make ready work.

(c) Construction drawings demonstrating compliance with the Town's Engineering Specifications and Standard Details, the NCDOT Subdivision Road Manual, the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), and all relevant portions of Chapter 15 of this Code (Land Use Ordinance).

(d) Description of all existing infrastructure within the proposed work area and any proposed modification, improvement, or movement of infrastructure.

(e) Evidence that the owners of other utilities or encroachers near the new work have been notified.

(f) Proposed work schedule.

(g) The Town may require persons that do work in the public right-of-way and users to provide insurance by a company authorized to do business in the state, including, but not limited to: (a) workers' compensation coverage for all employees; (b) employers' liability insurance; (c) commercial general liability; and (d) business auto policy. The Town may require that the Town, its officials, employees, and consultants be named as additional insureds on such insurance policies. In such cases, the applicant shall provide a certificate of insurance. If an applicant has previously damaged Town property or has not adequately repaired damaged Town property during the past three (3) years, the amount of insurance shall be as determined by the Town, in part based on the scope of the work and the tenure or term of occupancy.

(h)   To facilitate the preparation and submittal of an application in compliance with this ordinance, and thereby expedite the review and permitting of an application, a pre-application meeting may be held.

(i)   No permit or authorization shall be granted for new equipment or facilities that are not expressly and individually identified at the time of the application, including the specific location and design characteristics of each facility.

(j)   A site visit of each facility or proposed location of a new facility may be conducted to determine the physical condition of the facility or proposed location and to identify any issues of concern, non-compliance with applicable laws, rules, and regulations, and any safety issues or concerns.

(k)   Installations in the public right-of-way shall be located and constructed to create the least visual impact on the immediate surrounding area and the least physical intrusion and impact on the limited space in the public right-of-away. Such facilities/equipment shall not be constructed in a sight triangle or so close to the curb or edge of pavement that a safety hazard is created. (See Manual on Uniform Traffic Control Devices and Chapter 15 of this Code, (Land Use Ordinance), Appendix A on Sight Triangles).

(l)   All cable risers or other vertically run cable of any kind attached to a pole or other support structure shall be protected with non-conductive, non-degradable material matching the color of the pole or support structure as closely as is reasonably possible.

(m)   New and replacement wireless telecommunication facilities (poles or support structures that are not substantial modifications or routine maintenance) shall require a zoning permit and encroachment permit application. An application for a new or replacement pole or support structure must include detailed design criteria, including material composition, aesthetic appearance and structural adequacy analysis with calculations which must be able to be independently verified using the information submitted by the applicant to determine compliance with Town standards.

       (1)   New and replacement installations shall be consistent throughout Town limits;

       (2)   When feasible and in lieu of installing new poles, new wireless telecommunication facilities, installations shall first replace existing distribution poles, then secondary poles, or thirdly streetlights with a pole that meets the standards set forth in this section. New poles shall not be installed unless no existing pole is suitable or can be modified or replaced by a new pole in the same location;

       (3)   New utility poles shall comply with the Town's adopted standards for small wireless utility poles.

Section 5.   Article II of Chapter 7 of the Town Code, Encroachments, Driveways and Excavations is amended by renaming Section 7-12, "Driveways," to "Driveways Additional Requirements." The existing subsection (a) is deleted; the subsequent subsections (b) through (f) are renumbered (a) through (e) to read as follows:

Section 7-12   Driveways Additional Requirements

(a)   Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway construction.

(b)   The administrator shall review the driveway construction and design plans and shall issue the permit unless he finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to: (1) persons using the street or sidewalk intersected by the driveway, or (2) public facilities (including utility poles, traffic signal standards, etc.), or will fail to comply with any of the provisions of this section.

(c)   No driveway may be constructed closer than 3 feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(d)   If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the administrator) shall be installed beneath the driveway surface so that the drainage capability of the drainage ditch is not materially impaired.

(e)   This section shall not apply to driveways that open into state-maintained streets to the extent that the state has approved the driveway. Nor shall a person be required to obtain a permit under this section to the extent that the driveway is being constructed in accordance with plans approved pursuant to a review process authorized by Chapter 15 of this Code.

Section 6.   Chapter 7, Article II of the Town Code, Encroachments, Driveways and Excavations is amended by renaming Section 7-13, "Excavations," to "Excavations Additional Requirements." The existing Section 7-13, "Town Indemnified" is renumbered as Section 7-15.

Section 7-13   Excavations Additional Requirements

(a)   Except in emergency situations or as otherwise provided in this section, no person may dig in or excavate any street or sidewalk within the town without having obtained a written permit from the administrator.

(b)   Any person who receives a permit in accordance with this section shall be responsible as soon as weather permits for putting the street or sidewalk where any excavation is made in as good a condition as it was prior to the excavation.

(c)   Before granting an encroachment permit pursuant to this section, the administrator shall determine that the applicant has decided to comply with subsection (b), and if the town is to do the necessary repair work, the permit shall not be issued until the applicant makes a deposit equal to the estimated costs of repair.

(d)   This section shall not apply to any excavation made in a state-maintained street to the extent that the state has given its permission for such an excavation to be made, except that the

person making the excavation shall still be responsible for notifying the administrator of the intended excavation forty-eight (48) hours before the work begins. (Amend. 8/22/95)

Section 7.   Chapter 7, Article II of the Town Code, Encroachments, Driveways and Excavations is amended by adding a new Section 7-14, "Additional Requirements for Wireless Support Structures, Wireless Facilities, and any other Wireless Communication Facility, Small Wireless Facility or Micro Wireless Facilities in the Rights of Way," to read as follows:

Section 7-14   Additional Requirements for Wireless Support Structures, Wireless Facilities, and any other Wireless Communication Facility, Small Wireless Facility or Micro Wireless Facilities in the Rights-of-Way

An applicant shall demonstrate compliance with Sections 7-9, 7-10 and 7-11 of this section and provide the additional supplemental information specific to wireless facilities, structures, and ancillary equipment. The definitions adopted in Chapter 15 of this Code (Land Use Ordinance) Article II, shall be used in this section and are incorporated herein by reference.

(a)   Persons adding or modifying wireless facilities in a public right-of-way shall apply for an encroachment permit at least thirty (30) calendar days prior to initiating work.

(b)   To facilitate the application process and to mitigate application-related costs for applicants, applications for small/micro wireless facilities may be submitted in groups of up to twenty-five (25) facilities in a single application.

(c)   No Taxpayer Subsidization. Taxpayers may not directly or indirectly subsidize an applicant's costs.

(d)   The height of wireless support structures, utility poles, and Town utility poles and small wireless facilities shall meet the standards in Section 176(d) of Chapter 15 of this code.

(e)   On blocks where decorative light or utility poles are installed, collocations may only occur on decorative poles if feasible. New poles shall be of the same design and materials as the decorative poles. (See Section 7-10 for information on encroachment on Town utility poles).

(f)   Absent a showing by clear and convincing evidence of the need for a greater lateral distance between poles or other support structures in the public right-of-way, the minimum lateral distance between poles or other support structures as measured in any direction shall be two (200) hundred feet. This minimum lateral distance shall not be applicable to poles or support structures that support lines or cables crossing a street.

(g)   Compliance with National Electrical Safety Code NESC (NESC) and National Electrical Code (NEC): all electronic attachments to poles or other structures in the public right-of-way shall always follow the edition of the NESC and the NEC in effect the later of (a) the time the facility was constructed; or (b) the time of the last modification of equipment on the pole or other support structure; or (c) the edition in effect at the time of the current application.

(h)   Service Date: Applicants shall attest that small wireless facilities be activated and placed in service no later than one year from the date the permit is issued.

(i)   Abandonment. Wireless service providers are required to remove an abandoned wireless facility with 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned facility, the Town may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless service provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless service provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless service provider giver the Town reasonable evidence that it is diligently working to place such wireless facility back service.

(j)   Materials. The composition of new poles shall comply with the standards meet the standards in Section 176 of Chapter 15 of this code.

(k)   Sizes: Micro and Small Wireless Facilities shall meet the size limits found in Article II of Chapter 15 of this code, "Definitions."

Section 8. Chapter 7 of Article II, Section 7-15 of the Town Code, "Town Indemnified," is amended to read as follows:

Section 7-15   Town Indemnified

Any person obtaining a permit authorized by this Article agrees as a condition of the permit to indemnify the town of and hold the town harmless from any expense (including but not limited to attorney's fees, litigation costs and judgments) incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit.

Section 9. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-159
HOUSE BILL 310

AN ACT TO REFORM COLLOCATION OF SMALL WIRELESS COMMUNICATIONS INFRASTRUCTURE TO AID IN DEPLOYMENT OF NEW TECHNOLOGIES.

The General Assembly of North Carolina enacts:

      SECTION 1. The General Assembly finds the following:
      (1)   The design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities are instrumental to the provision of emergency services and to increasing access to advanced technology and information for the citizens of North Carolina.
      (2)   Cities and counties play a key role in facilitating the use of the public rights-of-way.
      (3)   Wireless services providers and wireless infrastructure providers must have access to the public rights-of-way and the ability to attach to poles and structures in the public rights-of-way to densify their networks and provide next generation services.
      (4)   Small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way.
      (5)   Expeditious processes and reasonable and nondiscriminatory rates, fees, and terms related to such deployments are essential to the construction and maintenance of wireless facilities.
      (6)   Wireless facilities help ensure the State remain competitive in the global economy.
      (7)   The timely design, engineering, permitting, construction, modification, maintenance, and operation of wireless facilities are matters of statewide concern and interest.
      SECTION 2.(a) G.S. 160A-400.51(4a) is recodified as G.S. 160A-400.51(4d).
      SECTION 2.(b) G.S. 160A-400.51(7a) is recodified as G.S. 160A-400.51(7b).
      SECTION 2.(c) Part 3E of Article 19 of Chapter 160A of the General Statutes, as amended by subsections (a) and (b) of this section, reads as rewritten:
      "Part 3E. Wireless Telecommunications Facilities.
"**§ 160A-400.50. Purpose and compliance with federal law.**
    …
    (c)   This Part shall not be construed to authorize a city to require the construction or installation of wireless facilities or to regulate wireless services other than as set forth herein.
"**§ 160A-400.51. Definitions.**
      The following definitions apply in this Part.
      (1)   Antenna. – Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

(1a) Applicable codes. – The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.

(2) Application. – ~~A formal request submitted to the city to construct or modify a wireless support structure or a wireless facility.~~A request that is submitted by an applicant to a city for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, city utility pole, or wireless support structure.

(2a) Base station. – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.

(3) Building permit. – An official administrative authorization issued by the city prior to beginning construction consistent with the provisions of G.S. 160A-417.

(3a) City right-of-way. – A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.

(3b) City utility pole. – A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.

(4) Collocation. – The ~~placement or installation~~ placement, installation, maintenance, modification, operation, or replacement of wireless facilities ~~on~~ on, under, within, or on the surface of the earth adjacent to existing structures, including ~~electrical transmission towers,~~utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, city utility poles, or wireless support structures.

(4a) Communications facility. – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.

(4b) Communications service. – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

(4c) Communications service provider. – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.

(4d) Eligible facilities request. – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

(5) Equipment compound. – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

(5a) Fall zone. – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

(6) Land development regulation. – Any ordinance enacted pursuant to this Part.

(6a)   Micro wireless facility. – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

(7)   Search ring. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

(7a)   Small wireless facility. – A wireless facility that meets both of the following qualifications:

    a.   Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

    b.   All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

(7b)   Substantial modification. – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure.

    a.   Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

    b.   Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.

    c.   Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

(8)   Utility pole. – A structure that is designed for and used to carry lines, cables, ~~or wires~~ wires, lighting facilities, or small wireless facilities for telephone, cable television, ~~or~~ electricity, ~~or to provide lighting.~~ lighting, or wireless services.

(8a)   Water tower. – A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

(9)   Wireless facility. – ~~The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.~~ Equipment at a

fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

  a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

  b. Wireline backhaul facilities.

  c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

(9a) Wireless infrastructure provider. – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.

(9b) Wireless provider. – A wireless infrastructure provider or a wireless services provider.

(9c) Wireless services. – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.

(9d) Wireless services provider. – A person who provides wireless services.

(10) Wireless support structure. – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

…

"**§ 160A-400.54. Collocation of small wireless facilities.**

 (a) Except as expressly provided in this Part, a city shall not prohibit, regulate, or charge for the collocation of small wireless facilities.

 (b) A city may not establish a moratorium on (i) filing, receiving, or processing applications or (ii) issuing permits or any other approvals for the collocation of small wireless facilities.

 (c) Small wireless facilities that meet the height requirements of G.S. 160A-400.55(b)(2) shall only be subject to administrative review and approval under subsection (d) of this section if they are collocated (i) in a city right-of-way within any zoning district or (ii) outside of city rights-of-way on property other than single-family residential property.

 (d) A city may require an applicant to obtain a permit to collocate a small wireless facility. A city shall receive applications for, process, and issue such permits subject to the following requirements:

  (1) A city may not, directly or indirectly, require an applicant to perform services unrelated to the collocation for which approval is sought. For purposes of this subdivision, "services unrelated to the collocation," includes in-kind contributions to the city such as the reservation of fiber, conduit, or pole space for the city.

  (2) The wireless provider completes an application as specified in form and content by the city. A wireless provider shall not be required to provide more information to obtain a permit than communications service providers that are not wireless providers.

(3)   A permit application shall be deemed complete unless the city provides notice otherwise in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified.

(4)   The permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the city fails to approve or deny the application within 45 days from the time the application is deemed complete or a mutually agreed upon time frame between the city and the applicant.

(5)   A city may deny an application only on the basis that it does not meet any of the following: (i) the city's applicable codes; (ii) local code provisions or regulations that concern public safety, objective design standards for decorative utility poles, city utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment; (iii) public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or (iv) the historic preservation requirements in subsection 160A-400.55(h). The city must (i) document the basis for a denial, including the specific code provisions on which the denial was based and (ii) send the documentation to the applicant on or before the day the city denies an application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 30 days of the date on which the application was resubmitted. Any subsequent review shall be limited to the deficiencies cited in the prior denial.

(6)   An application must include an attestation that the small wireless facilities shall be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

(7)   An applicant seeking to collocate small wireless facilities at multiple locations within the jurisdiction of a city shall be allowed at the applicant's discretion to file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this section. A city may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations (i) for which incomplete information has been provided or (ii) that are denied. The city may issue a separate permit for each collocation that is approved.

(8)   The permit may specify that collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

(e)   A city may charge an application fee that shall not exceed the lesser of (i) the actual, direct, and reasonable costs to process and review applications for collocated small wireless facilities; (ii) the amount charged by the city for permitting of any similar activity; or (iii) one

hundred dollars ($100.00) per facility for the first five small wireless facilities addressed in an application, plus fifty dollars ($50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(f)   A city may impose a technical consulting fee for each application, not to exceed five hundred dollars ($500.00), to offset the cost of reviewing and processing applications required by this section. The fee must be based on the actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. A city may engage an outside consultant for technical consultation and the review of an application. The fee imposed by a city for the review of the application shall not be used for either of the following:

        (1)   Travel expenses incurred in the review of a collocation application by an outside consultant or other third party.

        (2)   Direct payment or reimbursement for an outside consultant or other third party based on a contingent fee basis or results-based arrangement.

In any dispute concerning the appropriateness of a fee, the city has the burden of proving that the fee meets the requirements of this subsection.

(g)   A city may require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the city may cause such wireless facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider. For purposes of this subsection, a wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to transmit a signal, unless the wireless services provider gives the city reasonable evidence that it is diligently working to place such wireless facility back in service.

(h)   A city shall not require an application or permit or charge fees for (i) routine maintenance; (ii) the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or (iii) installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or city utility poles in compliance with applicable codes by or for a communications service provider authorized to occupy the city rights-of-way and who is remitting taxes under G.S. 105-164.4(a)(4c) or G.S. 105-164.4(a)(6).

(i)   Nothing in this section shall prevent a city from requiring a work permit for work that involves excavation, affects traffic patterns, or obstructs vehicular traffic in the city right-of-way.

"§ 160A-400.55. Use of public right-of-way.

(a)   A city shall not enter into an exclusive arrangement with any person for use of city rights-of-way for the construction, operation, marketing, or maintenance of wireless facilities or wireless support structures or the collocation of small wireless facilities.

(b)   Subject to the requirements of G.S. 160A-400.54, a wireless provider may collocate small wireless facilities along, across, upon, or under any city right-of-way. Subject to the requirements of this section, a wireless provider may place, maintain, modify, operate, or replace associated utility poles, city utility poles, conduit, cable, or related appurtenances and facilities along, across, upon, and under any city right-of-way. The placement, maintenance, modification, operation, or replacement of utility poles and city utility poles associated with the collocation of small wireless facilities, along, across, upon, or under any city right-of-way shall be subject only to review or approval under subsection (d) of G.S. 160A-400.54 if the wireless provider meets all the following requirements:

        (1)   Each new utility pole and each modified or replacement utility pole or city utility pole installed in the right-of-way shall not exceed 50 feet above ground level.

(2)   Each new small wireless facility in the right-of-way shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.

(c)   Nothing in this section shall be construed to prohibit a city from allowing utility poles, city utility poles, or wireless facilities that exceed the limits set forth in subdivision (1) of subsection (b) of this section.

(d)   Applicants for use of a city right-of-way shall comply with a city's undergrounding requirements prohibiting the installation of above-ground structures in the city rights-of-way without prior zoning approval, if those requirements (i) are nondiscriminatory with respect to type of utility, (ii) do not prohibit the replacement of structures existing at the time of adoption of the requirements, and (iii) have a waiver process.

(d1)   Notwithstanding subsection (d) of this section, in no instance in an area zoned single-family residential where the existing utilities are installed underground may a utility pole, city utility pole, or wireless support structure exceed forty (40) feet above ground level, unless the city grants a waiver or variance approving a taller utility pole, city utility pole, or wireless support structure.

(e)   Except as provided in this part, a city may assess a right-of-way charge under this section for use or occupation of the right-of-way by a wireless provider, subject to the restrictions set forth under G.S. 160A-296(a)(6). In addition, charges authorized by this section shall meet all of the following requirements:

(1)   The right-of-way charge shall not exceed the direct and actual cost of managing the city rights-of-way and shall not be based on the wireless provider's revenue or customer counts.

(2)   The right-of-way charge shall not exceed that imposed on other users of the right-of-way, including publicly, cooperatively, or municipally owned utilities.

(3)   The right-of-way charge shall be reasonable and nondiscriminatory.

Nothing in this subsection is intended to establish or otherwise affect rates charged for attachments to utility poles, city utility poles, or wireless support structures. At its discretion, a city may provide free access to city rights-of-way on a nondiscriminatory basis in order to facilitate the public benefits of the deployment of wireless services.

(f)   Nothing in this section is intended to authorize a person to place, maintain, modify, operate, or replace a privately owned utility pole or wireless support structure or to collocate small wireless facilities on a privately owned utility pole, a privately owned wireless support structure, or other private property without the consent of the property owner.

(g)   A city may require a wireless provider to repair all damage to a city right-of-way directly caused by the activities of the wireless provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, city utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to make the repairs required by the city within a reasonable time after written notice, the city may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The city may maintain an action to recover the costs of the repairs.

(h)   This section shall not be construed to limit local government authority to enforce historic preservation zoning regulations consistent with Part 3C of Article 19 of this Chapter, the preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1966, 54 U.S.C. § 300101, et seq., as amended, and the regulations, local acts, and city charter provisions adopted to implement those laws.

(i)   A wireless provider may apply to a city to place utility poles in the city rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of-

way, to support the collocation of small wireless facilities. A city shall accept and process the application in accordance with the provisions of G.S. 160A-400.54(d), applicable codes, and other local codes governing the placement of utility poles or city utility poles in the city rights-of-way, including provisions or regulations that concern public safety, objective design standards for decorative utility poles or city utility poles, or reasonable and nondiscriminatory stealth and concealment requirements, including those relating to screening or landscaping, or public safety and reasonable spacing requirements. The application may be submitted in conjunction with the associated small wireless facility application.

"**§ 160A-400.56. Access to city utility poles to install small wireless facilities.**

(a)   A city may not enter into an exclusive arrangement with any person for the right to collocate small wireless facilities on city utility poles. A city shall allow any wireless provider to collocate small wireless facilities on its city utility poles at just, reasonable, and nondiscriminatory rates, terms, and conditions, but in no instance may the rate exceed fifty dollars ($50.00) per city utility pole per year. The North Carolina Utilities Commission shall not consider this subsection as evidence in a proceeding initiated pursuant to G.S. 62-350(c).

(b)   A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider. In granting a request under this section, a city shall require the requesting entity to comply with applicable safety requirements, including the National Electrical Safety Code and the applicable rules and regulations issued by the Occupational Safety and Health Administration.

(c)   If a city that operates a public enterprise as permitted by Article 16 of this Chapter has an existing city utility pole attachment rate, fee, or other term with an entity, then, subject to termination provisions, that attachment rate, fee, or other term shall apply to collocations by that entity or its related entities on city utility poles.

(d)   Following receipt of the first request from a wireless provider to collocate on a city utility pole, a city shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the city utility poles that it owns or controls. Upon request, a party shall state in writing its objections to any proposed rate, terms, and conditions of the other party.

(e)   In any controversy concerning the appropriateness of a rate for a collocation attachment to a city utility pole, the city has the burden of proving that the rates are reasonably related to the actual, direct, and reasonable costs incurred for use of space on the pole for such period.

(f)   The city shall provide a good-faith estimate for any make-ready work necessary to enable the city utility pole to support the requested collocation, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a city utility pole necessary for the city utility pole to support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety Code, that is performed in preparation for a collocation installation.

(g)   The city shall not require more make-ready work than that required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to preexisting or prior damage or noncompliance. Fees for make-ready work, including any pole replacement, shall not exceed actual costs or the amount charged to other communications service providers for similar work and shall not include any consultant fees or expenses.

(h)   Nothing in this Part shall be construed to apply to an entity whose poles, ducts, and conduits are subject to regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151, et seq., as amended, or under G.S. 62-350.

(i)   This section shall not apply to an excluded entity. Nothing in this section shall be construed to affect the authority of an excluded entity to deny, limit, restrict, or determine the rates, fees, terms, and conditions for the use of or attachment to its utility poles, city utility poles, or wireless support structures by a wireless provider. This section shall not be construed to alter or affect the provisions of G.S. 62-350, and the rates, terms, or conditions for the use of poles, ducts, or conduits by communications service providers, as defined in G.S. 62-350, are governed solely by G.S. 62-350. For purposes of this section, "excluded entity" means (i) a city that owns or operates a public enterprise pursuant to Article 16 of this Chapter consisting of an electric power generation, transmission, or distribution system or (ii) an electric membership corporation organized under Chapter 117 of the General Statutes that owns or controls poles, ducts, or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934, 47 U.S.C. § 151 et seq., as amended.

"**§ 160A-400.57. Applicability.**

(a)   A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates the design, engineering, construction, installation, or operation of any small wireless facility located in an interior structure or upon the site of any stadium or athletic facility. This subsection does not apply to a stadium or athletic facility owned or otherwise controlled by the city. This subsection does not prohibit the enforcement of applicable codes.

(b)   Nothing contained in this Part shall amend, modify, or otherwise affect any easement between private parties. Any and all rights for the use of a right-of-way are subject to the rights granted pursuant to an easement between private parties.

(c)   Except as provided in this Part or otherwise specifically authorized by the General Statutes, a city may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way of State-maintained highways or city rights-of-way by a provider authorized by State law to operate in the rights-of-way of State-maintained highways or city rights-of-way and may not regulate any communications services.

(d)   Except as provided in this Part or specifically authorized by the General Statutes, a city may not impose or collect any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.

(e)   The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this Part does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way."

SECTION 3.(a) G.S. 136-18 reads as rewritten:

"**§ 136-18. Powers of Department of Transportation.**

The said Department of Transportation is vested with the following powers:

…

(10)   To make proper and reasonable rules, regulations and ordinances for the placing or erection of telephone, telegraph, electric and other lines, above or below ground, wireless facilities, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the said highways or in any way interfere with the same, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the said Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric or

other lines, <u>wireless facilities,</u> signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in G.S. 136-19.5(c), move or change the same to conform to the order of said Department of Transportation. Any violation of such rules and regulations or noncompliance with such orders shall constitute a Class 1 misdemeanor. <u>For purposes of this subdivision, "wireless facilities" shall have the definition set forth in G.S. 160A-400.51.</u>

…."

SECTION 3.(b) Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-18.3A. Wireless communications infrastructure.**

(a)   The definitions set forth in G.S. 160A-400.51 shall apply to this section.

(b)   The Department of Transportation is authorized to issue permits to wireless providers for the collocation of wireless facilities and the construction, operation, modification, or maintenance of utility poles, wireless support structures, conduit, cable, and related appurtenances and facilities for the provision of wireless services along, across, upon, or under the rights-of-way of State-maintained highways. The permits and included requirements shall be issued and administered in a reasonable and nondiscriminatory manner.

(c)   The Department of Transportation shall take action to approve or deny a permit application for collocation of a small wireless facility under this section within a reasonable period of time of receiving the application from a wireless provider.

(d)   The collocation of small wireless facilities and the construction, operation, modification, or maintenance of utility poles, wireless support structures, conduit, cable, and related appurtenances and facilities for the provision of small wireless facilities along, across, upon, or under the rights-of-way of State-maintained highways shall be subject to all of the following requirements:

       (1)   The structures and facilities shall not obstruct or hinder the usual travel or public safety on any rights-of-way of State-maintained highways or obstruct the legal use of such rights-of-way of State-maintained highways by other utilities.

       (2)   Each new or modified utility pole and wireless support structure installed in the right-of-way of State-maintained highways shall not exceed the greater of (i) 10 feet in height above the height of the tallest existing utility pole, other than a utility pole supporting only wireless facilities, in place as of July 1, 2017, located within 500 feet of the new pole in the same rights-of-way or (ii) 50 feet above ground level.

       (3)   Each new small wireless facility in the right-of-way shall not extend (i) more than 10 feet above an existing utility pole, other than a utility pole supporting only wireless facilities, or wireless support structure in place as of July 1, 2017, or (ii) above the height permitted for a new utility pole or wireless support structure under subdivision (2) of this section."

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:39 a.m. this 21st day of July, 2017

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov

131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278

TRANSMITTAL DELIVERED VIA EMAIL

May 22, 2020

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 15, 2020 and proposed for town public hearing on June 16, 2020:

- *An Ordinance Amending the Carrboro Land Use Ordinance to Establish Regulations for Small and Micro-Wireless Facilities.*
- *An Ordinance Amending the Carrboro Land Use Ordinance to Establish a Climate Actionand Environmental Sustainability Commission.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

Perdita Holtz, AICP
Planning Systems Coordinator

TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, JUNE 4, 2020

Land Use Ordinance Text Amendment to Establish Regulations for Small and Micro-Wireless Facilities

The Planning Board encourages the consideration of equity in the distribution of 5G infrastructure. Every neighborhood, urban and rural, including neighborhoods in the Town's extraterritorial jurisdiction, should be able to benefit from this technology.

Encourage collocation and the use of existing poles for new wireless facilities to the extent possible. Applicants seeking to install 5G small wireless facilities should take advantage of the opportunity of trenching and bury existing utilities. Consider appearance/design of new poles to respect the surrounding area and neighborhood residents. Tree removal should be limited as much as possible. Invasive plants should not be used for screening or landscaping; native plants should be.

Motion was made by <u>Foushee</u> and seconded by <u>Clinton</u> that the <u>Planning Board</u> of the Town of Carrboro recommends that the Town Council <u>approve</u> the draft ordinance, with the above comments.

VOTE:
AYES: (10) Clinton, Foushee, Fray, Gaylord-Miles, Leloudis, Mangum, Posada, Poulton, Sinclair, Tooloee
NOES: (0)
ABSTENTIONS: (0)
ABSENT/EXCUSED: (0)

Associated Findings

By a unanimous show of hands, the <u>Planning Board</u> membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by <u>Foushee</u> and seconded by <u>Posada</u> that the <u>Planning Board</u> of the Town of Carrboro finds the proposed text amendment, which will align the provisions of the Land Use Ordinance dealing with towers and antennas to recent state legislation <u>is</u> consistent with the provisions in section 15-2 which specifies the authority granted to the Town through state enabling legislation.

Furthermore, the <u>Planning Board</u> of the Town of Carrboro finds the proposed text amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.
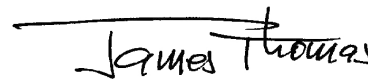
VOTE:
AYES: (10) Clinton, Foushee, Fray, Gaylord-Miles, Leloudis, Mangum, Posada, Poulton, Sinclair, Tooloee
NOES: (0)
ABSTENTIONS: (0)
ABSENT/EXCUSED: (0)

DocuSigned by:

Catherine Fray

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6/9/2020

(Chair)   (Date)
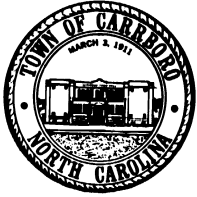
TOWN OF CARRBORO

Appearance Commission

_____

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, JUNE 4, 2020

Land Use Ordinance Text Amendment to Establish Regulations for Small and Micro-Wireless Facilities

Motion was made by <u>David Markeiwicz</u> and seconded by <u>Sharon Reilley</u> that the <u>Appearance Commission</u> had the following recommendation related to the above noted text amendment.

<u>Recommendation:</u> 1. that design standards be established (ie. pole color in downtown match).

VOTE:
AYES: (Markeiwicz, Reilley, Brown)
NOES: (none)
ABSTENTIONS: (none)
ABSENT/EXCUSED: (Scott, Haywood, Szpir)

<u>Associated Findings</u>

By a unanimous show of hands, the <u>Appearance Commission</u> membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by <u>Markeiwicz</u> and seconded by <u>Reilley</u> that the <u>Appearance Commission</u> of the Town of Carrboro finds the proposed text amendment, which will align the provisions of the Land Use Ordinance dealing with towers and antennas to recent state legislation <u>is</u> consistent with the provisions in section 15-2 which specify the authority granted to the Town through state enabling legislation.

Furthermore, the <u>Appearance Commission</u> of the Town of Carrboro finds the proposed text amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

VOTE:
AYES: (Markeiwicz, Reilley, Brown)
NOES: (none)
ABSTENTIONS: (none)
ABSENT/EXCUSED: (Scott, Haywood, Szpir)

_____ 6-9-2020
(Chair)   (Date)

Town of Carrboro

Agenda Item Abstract

File Number: 20-250

Agenda Date: 6/16/2020

File Type: Agendas

In Control: Board of Aldermen

Version: 1

Update from Chief Schmidt on COVID-19

Agenda Item Abstract

File Number: 20-246

Agenda Date: 6/16/2020

In Control: Board of Aldermen

Version: 1

File Type: Agendas

TITLE:

A Resolution on Next Steps in Advancing Racial Equity in Law Enforcement and Public Safety in Carrboro

PURPOSE:

DEPARTMENT: Town Council

CONTACT INFORMATION: Council Member Seils

INFORMATION: On June 9, 2020, the Town Council requested that Council Members Haven-O'Donnell, Seils, and Slade draft a resolution addressing next steps in advancing racial equity in law enforcement and public safety. A draft resolution is attached for discussion. The draft resolution (1) addresses policy goals and requests reports; (2) responds to community members' inquiries and clarifies policies and expectations relating to use of force; (3) requests information about the Chapel Hill-Carrboro City Schools; (4) requests information and offers suggestions regarding the recommended budget for fiscal year 2021; and (5) expresses an intent to establish a task force on public safety. Also attached are the initial recommendations of the Orange County Bias Free Policing Coalition, a report from the Campaign for Racial Equity in Our Schools, and Governor Cooper's Executive Order No. 145.

FISCAL & STAFF IMPACT:

RECOMMENDATION: It is recommended that the Town Council discuss and consider the attached draft resolution.

A RESOLUTION ON NEXT STEPS IN ADVANCING RACIAL EQUITY IN LAW ENFORCEMENT AND PUBLIC SAFETY IN CARRBORO

WHEREAS, Black Lives Matter; and

WHEREAS, on June 9, 2020, the Town Council requested that Council Members Haven-O'Donnell, Seils, and Slade draft a resolution addressing next steps in advancing racial equity in law enforcement and public safety; and

WHEREAS, appreciating the diligence of the manager and the department heads in preparing a budget that aims to avoid increases in expenditures in anticipation of an economic downturn, the Town Council also asked that the manager provide more information about the recommended budget for fiscal year 2021, including details about the proposed 6.6 percent increase in the Police Department budget and options for lessening proposed increases; and

WHEREAS, in May 2015, the Orange County Bias Free Policing Coalition ("Coalition") submitted a report, "Policing Reform Recommendations," to the Carrboro Town Council, the Chapel Hill Town Council, and the Orange County Board of Commissioners; and

WHEREAS, the Police Department, under the leadership of Chief Walter Horton, provides a high level of service to and receives high marks from Carrboro residents, and has taken important steps toward achieving the Coalition's goals for bias-free policing, including confirming the existence of or newly adopting the following policies and practices: written policies explicitly prohibiting racial profiling; periodic reviews of data on law enforcement officers' motor vehicle stops, searches, and arrests; requirement to obtain written consent for consensual searches; use of dashboard-mounted and body-worn cameras; designation of marijuana-related enforcement as a low priority; deemphasis of regulatory and equipment-related motor vehicle stops; reports of enforcement data disaggregated by race and ethnicity; and racial equity training for officers; and

WHEREAS, in October 2015, the Campaign for Racial Equity in Our Schools submitted a report, "Excellence With Equity: The Schools Our Children Deserve," to the Chapel Hill-Carrboro City Schools Board of Education; and

WHEREAS, in October 2018, the Town Council authorized the Town to become a "core member" of the Government Alliance on Race and Equity (GARE), a commitment to advance racial equity across all functions and levels of municipal government; and

WHEREAS, on June 9, 2020, Governor Roy Cooper issued Executive Order No. 145, establishing the North Carolina Task Force for Racial Equity in Criminal Justice, which will "develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color"; and

WHEREAS, "Carrboro citizens are vocal in their concern for each other"; and "the town should continue to look for unmet needs," "continue to support human service needs that are above and beyond those met by the County," "consider the impact of its ordinances and policies on the well-being of its most vulnerable citizens," "continue to provide a high level of police, public works and fire service," and "continue its efforts towards community building by encouraging the use of facilitation and conflict resolution" (Carrboro Vision 2020);

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. GOALS; REPORTS REQUESTED

A. The Town Council hereby establishes the following policy goals relating to racial equity and public safety:
   - zero racial and ethnic disparities in motor vehicle stops;
   - zero racial and ethnic disparities in searches resulting from motor vehicle stops;
   - zero racial and ethnic disparities in citations and arrests resulting from motor vehicle stops;
   - zero racial and ethnic disparities in uses of force; and
   - zero arrests for low-level marijuana-related offenses.

B. Consistent with recommendations and responses from the Coalition, the Town Council asks the manager to resume providing quarterly "race and policing reports," including but not limited to overall stop rates, demographic information, residency tracking, reasons for stops, equipment and regulatory violations, number of searches, types of searches (e.g., consensual, probable cause), number of requests denied for written consent for searches, citations, arrests, uses of force, and complaints.

C. The Town Council asks the manager to provide a report describing calls for service from the Police Department and the Fire-Rescue Department.

D. In the interest of promoting transparency, the Town Council asks the manager to make available on the Town's website the reports listed above, the Coalition's responses to those reports, and the Town's responses to the Coalition.

E. The Town Council asks the manager to share the policy goals and reports listed above, and information about the work of the Town's GARE team, with the Town's Comprehensive Plan Task Force, which is currently being formed.

SECTION 2. USE OF FORCE

A. The Town Council recognizes that the number of use-of-force incidents in the Police Department is low and that officers' decisions about use of force must be guided by concern for the safety of themselves and others and must be tactically and legally sound.

B. The Town Council is grateful to the police chief for responding to residents' and council members' inquiries about use-of-force policies by confirming that the following departmental policies are in effect:
   - require officers to de-escalate situations when possible;
   - require officers to intervene and stop excessive force used by other officers and report these incidents to a supervisor;
   - establish a force continuum that restricts the most severe types of force to the most extreme situations; and
   - require officers to report each time they use force or threaten to use force.

C. The Town Council hereby establishes that it is Town policy that the use of chokeholds and strangleholds—broadly defined to include all maneuvers that involve choking, holding the neck, or cutting off blood flow in the neck—is prohibited as a policing tactic.

D. The Town Council hereby establishes that it is Town policy that officers must provide a verbal warning, when practicable, before using deadly force. The Town Council affirms that officers' decisions must remain safe and tactically sound.

E. The Town Council hereby establishes that it is Town policy that the use of deadly force against individuals (including individuals in moving vehicles or on foot) is limited to situations where it is necessary for self-defense or defense of others against an imminent deadly threat or threat of serious bodily injury. Chapter 5 of the Police Department's Policy and Procedure Manual (revised February 1, 2020) is consistent with this policy.

F. The Town Council hereby establishes that it is Town policy that the use of specialized impact munitions (as defined in Chapter 5, Section II.H) or chemical agents on crowds or persons exercising their First Amendment rights is prohibited.

SECTION 3. SCHOOL RESOURCE OFFICERS

The Town Council asks the manager to request information from the superintendent of the Chapel Hill-Carrboro City Schools about the status of the following recommendations from the "Excellence With Equity" report submitted to the Board of Education in October 2015:
- "Complete the revisions discussed by the School Board and adopt immediately the Memorandum of Understanding between the District and local police departments regarding the role of School Resource Officers (SROs) that has been under development and consideration for the last 18 months" (page 73).
- "Develop a plan to replace SROs with school-based programs that have been shown to increase safety and security" (page 73).

SECTION 4. BUDGET

A. The Town Council asks the manager to postpone filling the currently vacant position(s) in the Police Department, pending further discussion about budgetary and public safety needs.

B. The Town Council asks the manager to provide more information about the vehicle replacement program in the Capital Projects Fund as one potential area for lowering expenditures in fiscal year 2020-2021.

C. The Town Council asks the manager to allocate $7500 in fiscal year 2020-2021 for a contribution to the Town of Chapel Hill's Criminal Justice Debt Program to expand program eligibility to Carrboro residents.

SECTION 5. INTENT TO ESTABLISH A PUBLIC SAFETY TASK FORCE

A. The Town Council intends to establish a task force on public safety, in the interest of developing new approaches to public safety beyond policing and of investing in what scholar and community organizer Patrisse Cullors has called an "economy of care."

B. The task force will consider a range of issues related to public safety, including but not limited to law enforcement practices; alternatives to assigning responsibilities for human service needs to the Town's public safety departments; and coordination with the County and other jurisdictional partners to increase investments in programs and services that keep communities healthy and safe through budget reallocations and additional funding.

C. The Town Council recognizes that investments in public safety and in programs and services that keep communities healthy and safe must advance racial equity, be grounded in community demands, and be informed by authentic engagement with grassroots and community organizations.

D. The Town Council asks the manager to schedule a work session, after the summer recess, to enable the Town Council to develop a charge for the task force, consider a timeline for its work, and identify resources to enable it to be successful.

This the _____ day of _____, 2020.
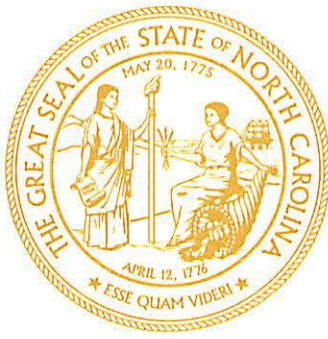
State of North Carolina

ROY COOPER
GOVERNOR

June 9, 2020

EXECUTIVE ORDER NO. 145

**ESTABLISHING THE NORTH CAROLINA TASK FORCE FOR
RACIAL EQUITY IN CRIMINAL JUSTICE**

WHEREAS, law enforcement plays an integral role in ensuring the safety of communities across the state; and

WHEREAS, the ability of law enforcement to serve and protect the public is dependent on the public support of law enforcement; and

WHEREAS, law enforcement efforts to "faithfully and impartially" execute their duties are undermined by significant numbers of incidences of police misconduct and racial bias; and

WHEREAS, a fair and equitable criminal justice system, free from racism and bias, is necessary to maintain the safety and well-being of the State of North Carolina; and

WHEREAS, there is a long history of structural inequity and racism in the criminal justice system, underscored by the recent officer-involved deaths of Black people; and

WHEREAS, communities of color are disproportionately affected throughout the criminal justice system, with national data showing that from the point of arrest through potential conviction and sentencing, members of communities of color are significantly more likely than the white population to not have their murders solved; to be pulled over for a traffic violation; to be jailed and imprisoned at a higher rate; and to be sentenced to longer terms of imprisonment; and

WHEREAS, these national inequities and recent incidents have sparked national outrage and challenged the public's confidence and trust in our system of policing and criminal justice; and

WHEREAS, the safety of all people is foundational to all aspects of free society; and

WHEREAS, all North Carolina communities should be free from harm and violence; and

WHEREAS, the creation of a task force demonstrates and will advance North Carolina's commitment to eliminate racial inequities in the criminal justice system, and will improve the administration of justice in this state.

NOW, THEREFORE, by the authority vested in the undersigned as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. Task Force

A. Establishment and Purpose

The North Carolina Task Force for Racial Equity in Criminal Justice ("Task Force") is hereby established as an advisory task force. The mission of the Task Force is to develop and help implement solutions that will eliminate disparate outcomes in the criminal justice system for communities of color.

B. Duties

This Task Force's mandate is to develop evidence-informed strategies and equitable policy solutions that address the structural impact of intentional and implicit racial bias while maintaining public safety for at least the following areas:

1. Law Enforcement Practices and Accountability

    a. Law enforcement training to promote public safety and build community support
    b. Use of force
    c. Community policing
    d. Recruiting and retaining a diverse and racially equitable workforce
    e. Law enforcement accountability and culture
    f. Investigations
    g. Pre-arrest diversion and other alternatives to arrest

2. Criminal Justice Practices and Accountability

    a. Pre-trial release and bail practices
    b. Charging decisions and criminal trials
    c. Use and impact of fines and fees

3. The Task Force is expected to consult with local, state, and national criminal justice and racial justice experts and people with experiences relevant to the Task Force's mandate. The Task Force shall collaborate with and promote the research and solutions developed by at least the following commissions, councils, and programs to the extent their work intersects with the mission and purpose of the Task Force:

    - State Reentry Council Collaborative;
    - School Justice Partnerships;
    - North Carolina Sentencing and Policy Advisory Commission;
    - North Carolina Criminal Justice Education and Training Standards Commission;
    - North Carolina Sheriffs' Education and Training Standards Commission;
    - North Carolina Commission on Racial and Ethnic Disparities in the Criminal Justice System;
    - North Carolina Justice Academy;
    - Governor's Crime Commission; and
    - Center for the Reduction of Law Enforcement Use of Deadly Force.

    Furthermore, to the extent they do not already, these groups are strongly encouraged to consider and report on racial and ethnic disparities in their work.

C. Membership

The Task Force shall be comprised of no more than twenty-five (25) members, including chair(s). All members shall be appointed by the Governor and shall serve at the Governor's pleasure. The Governor shall select the chair or co-chairs to lead the Task Force. The Task Force shall include representatives from the following groups:

- North Carolina Department of Justice;
- North Carolina Department of Public Safety;
- North Carolina Judicial Branch;

- District and Superior Court Judges;
- District Attorneys;
- Public Defenders;
- Organizations or individuals that represent or advocate for marginalized communities, including communities of color, Latinx, American Indian and LGBTQ populations;
- Justice-involved individuals;
- Victim advocates;
- Chiefs of Police;
- Sheriffs;
- North Carolina General Assembly;
- Local elected officials; and
- Other appropriate representatives from local and state government, academic institutions, research or advocacy groups, etc.

D. Meetings, Quorum, and Deliverables

1. This Task Force shall submit a report to the Office of the Governor with recommendations on implementation no later than December 1, 2020. The Task Force may make policy recommendations at any time, upon a simple majority vote of the present Task Force members. A simple majority of Task Force members shall constitute quorum to transact business.

2. Task Force recommendations should include practical implementation plans and improvement metrics. The Task Force shall meet at least twice a month through November 2020. Sub-committee meetings may serve to fulfill the Task Force's duty to meet at least twice a month. Due to challenges created by the COVID-19 pandemic, these meetings may be held virtually. All meetings shall be open to the public consistent with the state Open Meetings Laws, N.C. Gen. Stat. § 143-318.9 et seq.

3. After December 1, 2020, the full Task Force shall meet at least quarterly and shall submit reports describing Task Force activities and any recommendations at least annually.

4. The Task Force shall serve without compensation but may receive per diem allowance and reimbursement for travel and subsistence expenses in accordance with state law and Office of State Budget and Management policies and regulations.

Section 2. Directives for Cabinet Law Enforcement Agencies and Recommendations for Non-Cabinet Law Enforcement Agencies

A. On June 8, 2020, Secretary Erik A. Hooks directed all law enforcement agencies under the purview of the North Carolina Department of Public Safety ("DPS") to:

1. Conduct a thorough review of their existing policies on use of force and de-escalation techniques, arrest procedures, treatment of persons in custody, cultural sensitivity training, crisis intervention, and internal investigation processes; and

2. Ensure each division has a clear policy articulating a duty to intervene and report in any case where an officer may be a witness to what they know to be an excessive use of force or other abuse of a suspect or arrestee.

B. All other Cabinet agencies named pursuant to N.C. Gen. Stat. § 143B-6 and with sworn law enforcement entities shall conduct the policy reviews under Subsection (A) of this Section.

C. All state agencies not named pursuant to N.C. Gen. Stat. § 143B-6 and whose principal head is not appointed by the Governor and who have a sworn law enforcement personnel under their supervision and control are strongly urged to conduct the policy reviews under Subsection (A) of this Section.

D. DPS shall continue to recruit, train and retain a more racially diverse workforce to the greatest extent possible.

E. DPS shall host a forum for interaction between law enforcement and communities of color, to promote positive relationships and work together to create a safer North Carolina.

F. DPS shall establish paid internship programs within DPS with a special emphasis on Historically Black Colleges and Universities (HBCU) to recruit a workforce reflective of the entire community.

Section 3. Creating the Center for the Reduction of Law Enforcement Use of Deadly Force

The North Carolina State Bureau of Investigation shall create a Center for the Reduction of Law Enforcement Use of Deadly Force ("the Center"). The Center shall perform the following functions:

A. Collect data, conduct behavioral and situational analysis, and produce applied research on the precursors and outcomes of law enforcement use of intermediate and lethal force;

B. Develop lessons learned and produce training for law enforcement officers that is intended to reduce the potential use of intermediate and lethal force within North Carolina whenever possible to assure the mutual safety and well-being of the general public and law enforcement;

C. Promote transparency, mutual understanding, and public engagement related to law enforcement use of force issues, with a focus on outreach to minority communities of color and diverse populations; and

D. Pursue collaborations and partnerships with law enforcement partners, higher education institutions, and community organizations to advance the public policy and research agenda of the Center.

Section 4. Effective Date

This Executive Order is effective immediately and shall remain in effect until December 31, 2022, unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 9th day of June in the year of our Lord two thousand and twenty.

_____
Roy Cooper
Governor

ATTEST:

_____
Elaine F. Marshall
Secretary of State

Excellence with Equity:

The Schools Our Children Deserve

A report researched and compiled for
the Chapel Hill Carrboro City School Administration and Board of Education
by *The Campaign for Racial Equity in Our Schools,*
a coalition of concerned citizens and local organizations.

October 2015

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Executive Summary

Our school system is in crisis.

The mission of Chapel Hill-Carrboro City Schools (CHCCS) is "to ensure that all students acquire the knowledge, skills, behaviors, and attitudes to achieve their learning potential." Though our school district is often lauded for its high scores and graduation rates, these figures obscure the reality of racial inequity, a reality that for most black and Latino students means a substantial and persistent chasm between educational goals and results.

Despite 25 years of initiatives meant to address the "achievement gap," all outcomes within CHCCS can still be predicted by race, with white students' outcomes in every area always above those of black and brown students. Across a number of metrics, we observe white students succeeding while students of color do not. To choose just two of many, only 20-30% of African American children meet standard achievement requirements for their grade level. Recent data reveal that 85% of black male students in 8th grade were unable to pass the end-of-grade reading test. We regard this as a critical failure of our local education system that requires an urgent response.

We believe that ideas promulgated hundreds of years ago about the inherent superiority of white people have kept us complacent about these significant and persistent inequities. We have failed to serve our students of color for many years, and that failure has at times been reasoned away by the idea that young black and brown children are less capable of success. Differences in outcomes have nothing to do with the ability or intelligence of young children of color and everything to do with a school system that privileges white ways of learning, teaching, thinking, and acting. In order to allow all children to thrive and learn, we must first understand and acknowledge the ways that schools benefit white students and disadvantage students and families of color and then make radical changes across the system to transform the schools. We cannot solve a race-based problem with race neutral solutions. We must address the root causes of racial inequities in order for all students to achieve. Only then will we see outcomes that are truly racially equitable.

We further believe that our school district can be a national leader in racially equitable K-12 education. The resources exist to direct changes in all aspects of the school district, from curriculum and pedagogy to gifted education and disciplinary approaches. All we require is the will to lead.

In this report, we compile and present quantitative data that documents educational inequities in our district. We also share qualitative data from listening sessions conducted over the last three months. The responses that we received from key stakeholders in the district – students, parents, and staff/faculty – reflect the lived experience of engagement with an inequitable system. Their responses illuminate the characteristics, culture, and practices of institutional and structural racism that are at the root of the District's racially disparate outcomes.

Both kinds of data are deeply disturbing and both give us valuable information as we choose a path forward. They reveal a school district with:

- ✓ Disparities in test scores, graduation rates, disciplinary actions, representation in gifted programs, etcetera, between white students and students of color with white students achieving at higher levels across all measures;
- ✓ access and power differentials between white families, staff/faculty and students, and those of color (particularly black families) including tracking into gifted, honors and AP that disproportionately advantages white students;
- ✓ widespread racial stereotyping that plays a role in lowered academic expectations, fewer advanced academic and other non-academic opportunities, and disproportionately harsh discipline for students of color;
- ✓ in-school segregation by race that emanates from tracking and other differential opportunities;
- ✓ inadequate and disrespectful treatment of black, Latino, and immigrant parents;
- ✓ unequal power between white staff and faculty vs. staff and faculty of color.
- ✓ curriculum with inadequate recognition and instruction regarding racial history and diverse cultural norms and values;
- ✓ advising by guidance counselors that limits post-graduation opportunities for students of color;
- ✓ inadequate and ineffective efforts to address inequities;
- ✓ lack of leadership and accountability for equity goals; and
- ✓ lack of knowledge and understanding of institutional and structural racism.

These inequities hurt children and families of color in substantive, life-altering ways. They also damage white children and families. While white children may benefit in many ways from an inequitable education, they also learn to accept a system that de-values the lives of people of color and benefits their own. For all our sakes we must question and transform these inequities.

A Call for Response to Racial Inequities

Current and past responses to the "achievement gap" in CHCCS have most often focused on addressing what we perceive as deficits in children of color and their families. What we need to see clearly is the system that is too narrowly tuned to the interests and preferences of white stakeholders.

Our Campaign for Racial Equity reflects the frustration and urgency felt by the Chapel Hill-Carrboro community regarding the inadequate response of the District to provide black and Latino children with the education they deserve. Time and again parents and other community members have been accused of "complaining" and told not to bring their concerns to the district unless they are ready with a solution. We believe we have made great strides towards researching solid solutions and look forward to working together with the school district to not only making significant changes in the lives of all students but also becoming a nation-wide leader in racially equitable K-12 education. Renowned educator Gloria Ladson-Billings writes that we are responsible not for addressing an "achievement gap" but for paying an "educational debt." We would like to accomplish this together.

Equity Goals and Recommendations

Our campaign group has reviewed hundreds, if not thousands, of pages of research on best practices to achieve racial equity. After considering the problems the district faces as well as the resources available to us, we have created eight overarching equity goals that we believe will lead to a public school system characterized by true excellence. By excellence, we mean a system where all children thrive in a supportive learning environment, growing in the knowledge and skills necessary to be successful. Success may include post-secondary education, a good job, and/or becoming change agents in their communities.

Our equity goals are as follows. In Section VIII, we present concrete recommendations that we believe will help lead to the achievement of these goals.

EQUITY GOAL 1. Access and Inclusion. *All students have access and are included in rigorous and relevant coursework, extracurricular, college & career prep, other social and leadership opportunities.*

EQUITY GOAL 2. Personnel and Climate. *District leadership builds consensus within the district and across the community that there is no excellence without equity, and that a racially just school system is in the best interest of all students and community members.*

EQUITY GOAL 3. Racially Literate Curriculum and Instruction. *Racial literacy and equity is promoted and achieved in terms of district expectations, curriculum, and teaching methods.*

EQUITY GOAL 4. Disciplinary Policies and Practices. *Discipline policies and practices are in the best interest of supporting the student's educational experience and are applied equitably across race.*

EQUITY GOAL 5. Resource Allocation and Distribution. *Resource allocation and distribution is transparent to the citizens of the District and reflects values of excellence and equity.*

EQUITY GOAL 6. Broad-based Community Participation in Equity Plans. *The input and engagement of all family and community members is sought, valued and responded to with respect.*

EQUITY GOAL 7. Clear Equity Plan with Explicit Thoughtful Racial Equity Goals. *The district embraces and leads on an equity plan that includes an implementation timeline, specific goals and tasks for all school district personnel and accountability mechanisms.*

EQUITY GOAL 8. Accountability. *There is a clear mandate for accountability for equitable outcomes, as listed above, from the Board of Education, District leadership, faculty and staff.*

Former secretary of education, Arne Duncan, said, "Education is the great equalizer. It should be used to level the playing field, not to grow inequality. "Our nation has yet to realize its self-proclaimed value of equality for all."

We believe that this progressive community, rich in resources for education, will be able to rise to the challenge of creating bright futures for *all* our young people. Coming to understand and face our racial past is the key to repairing the breach that still exists and looking forward to a future of

I. Introduction & Background

Introduction

Education is one of the most important predictors of success in life. The ability to read, write, comprehend, and act from this knowledge leads to opportunities and achievement that not only impact one's own life but the lives of one's children and one's children's children.

Access and opportunity to education was not a right equally given to all people in our country. From the beginning of our nation access to public education was reserved for whites only and was forbidden for enslaved and free blacks. After Emancipation, when some public and private schooling was made available to African Americans, black children were segregated into under-resourced schools. Due to circumstances that kept most African American families in abject poverty, masses of black children encountered structural barriers that prevented them from gaining a complete formal education.

When desegregation was mandated by Brown v. Board of Education in 1954, white school boards and administrators resisted for years. Many boards of education had to be forced by lawsuits to allow access of black school children into white schools. It was not until the late 1960s that Chapel Hill schools caved in to pressure to desegregate its white schools in appreciable numbers. This was a process of desegregation, not integration; integration requires melding two or more things into one whole. What happened in our community and across the nation was school boards begrudgingly allowing black children to attend school with white children while at the same time erasing the heritage and traditions that black children had known in their own segregated schools (Okun, 2010; Waugh, 2012).

By law and lawsuits, we started on a journey that leads us up today and our present problem: an overwhelming achievement gap between black and white students in our school system. Why is this true despite the fact that no one in the school system wants this to be so? In order to propose and implement solutions to this inequity we must begin by understanding the root cause.

In this report we attempt to both reveal the root of racial inequity and offer solutions to address the achievement gap between white students and students of color. Robert Louis Stevenson is quoted as saying, "To do things today exactly the way you did them yesterday saves thinking." But more thinking is what we need. We are alarmed by the disparate outcomes for white children and children of color and want to encourage thinking, strategizing, learning, and raising our consciousness so that we can alter the outcomes and experience of all students in a positive way.

Our goal in this report is to propel our school system forward on a path of transformational institutional change. We can achieve this only by focusing on the structural and cultural barriers that exist in our school system that prevent all students from learning.

That which we tolerate, we cannot change. *Our school district has maintained an achievement gap for decades.* Our resources have fluctuated over the years; our administrators, teachers and students have changed over the years; and yet still the gap remains. We believe the lack of

change has to do with our inherent belief systems around race and that only through becoming aware of these belief systems and developing a race conscious approach to schooling can we make real change. We call this the lens of racial equity. With this lens, an authentic commitment to change, and ideas and recommendations like those in this report, we can finally began to achieve equity for all students.

Background

Because this report will make frequent reference to race and racism, it seems necessary to begin by offering our understanding of these terms.

What is race?

In 1942 the well-known anthropologist, Ashley Montague, described "race" as man's most dangerous myth. What did he mean?

Race is a social construct that has no biological basis or meaning, but has enormous and consequential political and social meaning. The idea of a white race was codified in the colony of Virginia in the 17th century (Higgenbotham, 1978) to set those who would be classified as white (European colonizers) over and above the indigenous people of this land, as well as the black indentured servants and the kidnapped and enslaved people they had brought from Africa. The "white race" would be given all the privileges of the colony including the right to own property, to be citizens, and to vote. People who had been identified primarily by place of origin (English, Dutch, French, African, "Indians") became racialized according to the criteria set by the European colonizers across the land who sought to advantage and privilege themselves in the takeover of a new continent.

In the late 18th and early 19th century, when a growing number "white" Americans were questioning the morality of kidnapping, enslaving and brutalizing Africans and their descendants, "scientific" evidence was manufactured and disseminated to prove the superiority of the white race and the inferiority of people of those not deemed white (Montague, 1942, 1997). "Negroes" were classified as another species altogether (Blumenbach, 1865), a people who were seen as ignorant, lazy, liars, thieves, and savages who were incapable of grasping religious ideas. In addition, African-born slaves were described as being much happier in America than in Africa. Thus the institution of slavery and the debasement and mistreatment of Negroes could be justified.

Of course, all of the science that was brought to bear on the subject of racial classification has since been recognized as false (American Anthropological Association, 1998). Yet the belief systems it promulgated have had enormous consequences throughout modern history as exemplified in the United States (a country created by and for "white people"), Nazi Germany, and in South Africa. These belief systems have undergirded the story we have told for centuries about racial superiority and inferiority in this nation.

Belief systems and stories are powerful and are not easily transformed by changes in policy and law. This may partly explain why, 60 years after the Brown v. Board decision, and 50 years after the passage of significant civil rights legislation we still have a "race" problem in America.

Unfortunately – but perhaps given our history, not unexpectedly – racial issues tend to focus on the problems, the deficiencies, and the shortcomings of people of color. We rarely look at racial issues in terms of a specious classification of people called "white" who have perpetrated and greatly benefited from a lie about themselves and those they would disadvantage and oppress.

We recommend that all District personnel take time to watch and study "Race: The Power of an Illusion, " an excellent 3-part series, first shown on PBS, to better understand the story of a specious concept called "race" and the shameful ways that this construct has shaped the fates of human beings for centuries. We need to be able to ask, how has the story of race shaped advantage and disadvantage in Chapel Hill and Carrboro? How has it shaped our ideas about educational services and expected outcomes in our schools today? Our low expectations for black children come from a deep place in American history and socialization. We are unlikely to change our expectations until we engage deeply in a study of race and its meaning in America.

Institutional and structural racism

Most of us grew up thinking about racism in terms of racial prejudice, hatred, or discrimination. Racism in America was exemplified by the Ku Klux Klan terrorizing and lynching American blacks, Bull Connor turning fire hoses on black children, and George Wallace barring black children from entering the door of their school.

We also tend to think of racism in terms of personal bias and stereotypes that we harbor, consciously or unconsciously, about racial groups.

Implicit racial bias derives from our socialization, and affects nearly all of us who have grown up in the United States. Implicit bias, discussed later in this report, is implicated in the racial inequities we observe in our schools, indeed in all institutions. But implicit bias is rooted in historical, cultural and institutional norms regarding race. In this report we will focus on institutional and structural racism for we believe that it is this kind of racism that may undergird the racial inequities we seek to remedy. This kind of racism reflects the history of one group having the power to carry out systematic discrimination through the major institutions of society, including educational systems.

Institutional racism refers to norms, practices and policies within an institution that promote and maintain a racial hierarchy that continues to advantage the white race, while disadvantaging and discriminating against other racialized groups. Institutional racism will place the blame for racial disparities on the character, behavior and deficiencies of people of color, and devise programs to try to address their deficiencies, while ignoring the institutional factors that produce disparities.

As described by Blaisdell (2015), "Structural racism is a condition that affects and is perpetuated by social institutions such as schools… A structural view of racism is important because it helps explain how factors outside the school affect students of color both in and out of school contexts. Furthermore, this view necessitates taking into consideration how particular instances of racial disparity (i.e., specific situations where people of color are not as successful as whites, do not have the same resources as whites, or suffer from social ills more than whites) are a result of both historical and ongoing social and political policies rooted in white supremacy."

II. CHCCS: Racial Inequities by the Numbers

The stated mission of Chapel Hill-Carrboro City Schools is "to ensure that all students acquire the knowledge, skills, behaviors, and attitudes to achieve their learning potential." While the district is known to be one in which many students excel, for most African American and Latino students, the district has not lived up to its mission of ensuring that all students achieve their learning potential. For the majority of students of color, there is a substantial and persistent chasm between educational goals and results.

This situation of disproportionate equity and excellence along racial and economic lines is not news. Addressing this challenge has been stated as a priority for the district since at least 1992, when the School Board established a Blue Ribbon Task Force to develop strategies to close minority achievement gaps. Most recently, the District's 2013-18 Long Range plan established as a key goal that: "Achievement Gaps will be Eliminated with All Students Experiencing a Minimum of One Year of Learning Growth Each Year and a Minimum of 1.5 Years of Learning Growth for Students Scoring in the Lowest (quartile/quintile)". In this section we will examine the extent to which the district is meeting its objectives of accelerating the path toward excellence for students of color and low income that the district has historically failed to reach effectively in disproportionate numbers.

There are many metrics that could be used to assess the extent to which our schools are enabling our students to achieve their learning potential. Here we will focus on several metrics that are readily available:

- End of grade (for elementary and middle school students) state standardized test scores
- End of course (for high school level classes) state standardized test scores
- Access to Gifted Education
- ACT Test Results
- Discipline
- Graduation Rates

It should be noted that test results are known to be very imperfect windows to view the extent to which children are learning, and doing well on tests should not be considered the ultimate objective of a student's education. Also, passing end of course or end of grade tests is not required to pass the course. Nevertheless, comparative test results do provide an indication of the extent to which our district is achieving its mission of helping all of our children achieve at their potential.

End of Grade Results

As Chart 1 indicates, in the 2014-15 school year, across all End of Grade and End of Course test results, only 42% of our African American students and 47% of our Latino students had achieved even the bare minimum performance of grade level proficiency. While these proportions were

slightly above state averages, they are well short of the excellence we know is possible, as indicated by the 90% proficiency of white students.

Chart 1. Overall Excellence Gaps
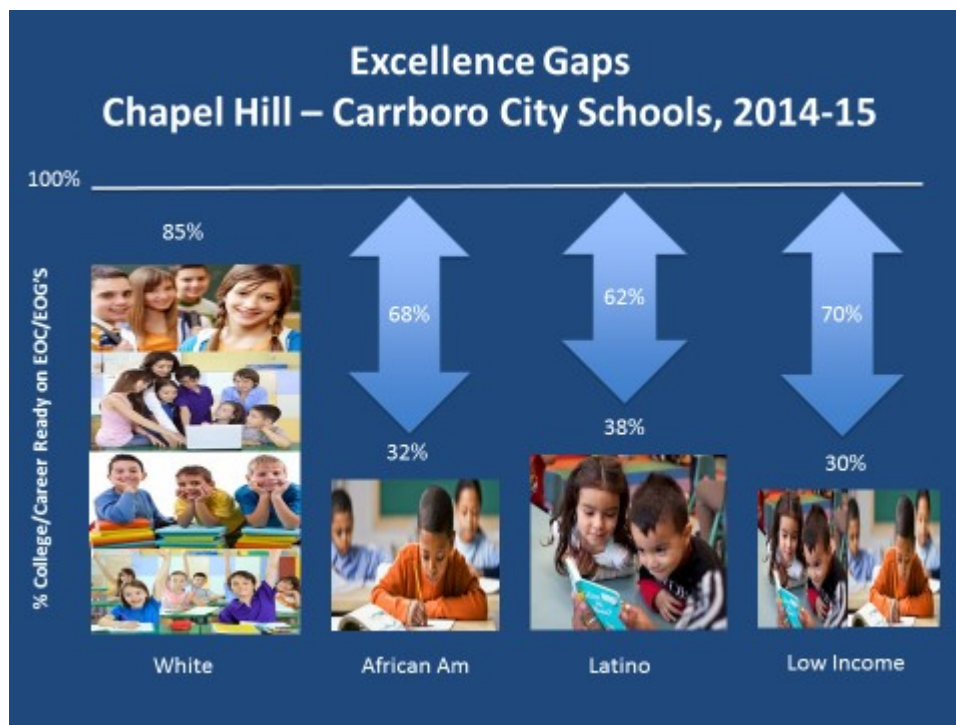
As Charts 2 and 3 show (for grades 3-8), it appeared that progress had been made in past years in closing gaps of excellent and equity in academic performance. The percentage of African-American students who were proficient on end of grade reading and math tests rose from 40-45% in 1994 to approximately 80% in 2004. However, as end of grade testing standards have become more rigorous, gaps have deepened significantly between the excellence we expect and the outcomes that have been achieved. For white and Asian students, those for whom our district works most effectively, the fundamental understanding of topics is sufficiently strong that when tests became more challenging in 2013, 75%-85% of students continued to do well. However, it is apparent that the district's instructional environment has not resulted in our African-American and Latino students reaching comparable levels of deep understanding. Thus, when tests were changed in 2013 to reflect common core standards, the percentage of African American and Latino students who met the standard dropped precipitously, by 40 – 50 percentage points. In the period 2013-15 only 25% - 35% of students of color were considered on track to be college/career ready.

Chart 2. End of Grade Reading Trends
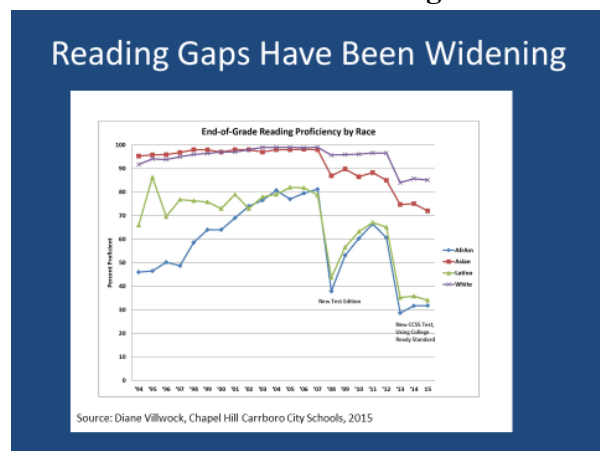
Chart 3. End of Grade Math Trends
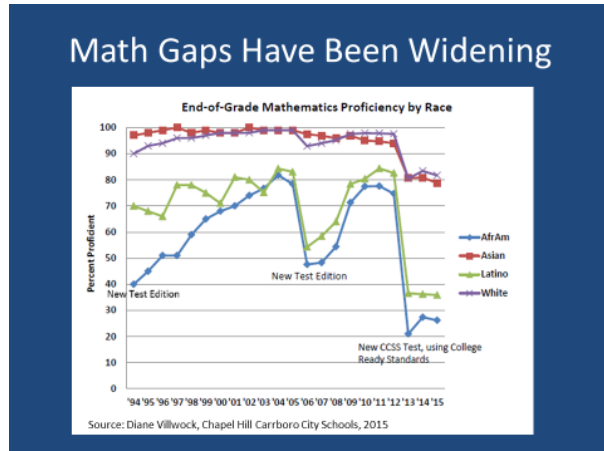
End of Course Results

Three End of Course (EOC) tests are required of middle/high school students: Math 1 (Algebra I), Biology, and English II. As with End of Grade results for elementary school children, the gap between expectations and achievement is great for African American, Latino, and economically disadvantaged students. Only 20% - 40% of African American and Latino pass these EOC tests, compared to 90% of their white peers. There were gains in 2015 in Latino Math I scores, but otherwise the level of student performance is not improving.

Chart 4. Biology EOC Results
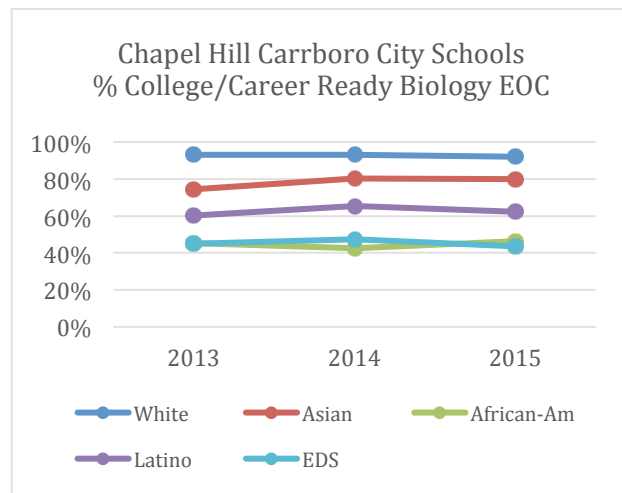
Chart 5. English II EOC Test Results
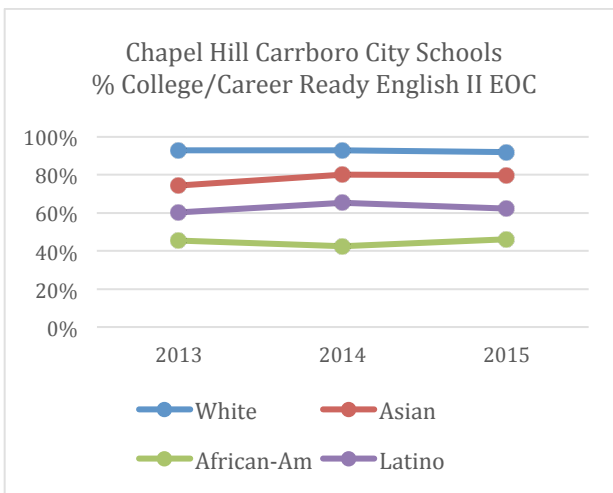
Chart 6. Math EOC Test Results

Chapel Hill Carrboro City Schools
% College/Career Ready Math I / Algebra I
EOC
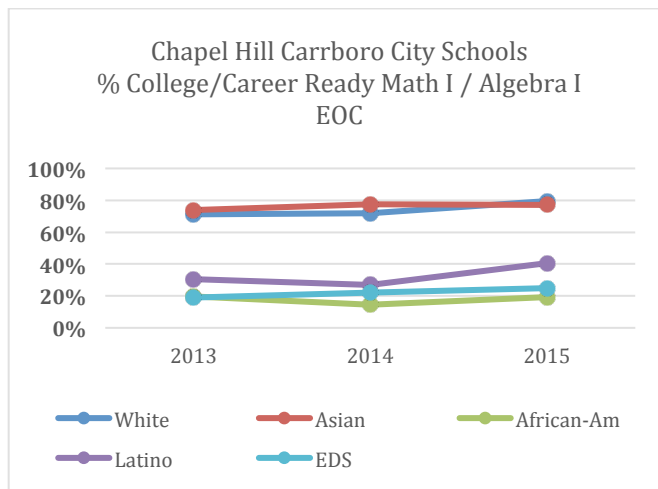
Access to Gifted Education

The state of North Carolina requires that students identified as gifted learners receive challenging, differentiated instruction that is developmentally appropriate and makes funds available specifically for this purpose. The state also notes that gifted learners from under-represented populations are often overlooked in gifted programming, and as such require purposeful and intentional support to ensure that their potential is recognized, developed, and served. The state's published guidelines note that efforts should be taken to include historically underserved students who are culturally/ethnically diverse, economically disadvantaged, English language learners, highly gifted, and twice-exceptional in gifted programs.

In Chapel Hill-Carrboro City Schools access of black and Latino students to gifted programming is limited. As of 2012-13, African American and Latino students represented 12%-14% of students but only 5% of students participating in gifted programming.

Chapel Hill Carrboro City Schools
Access to Gifted Programs, 2012-2013

14
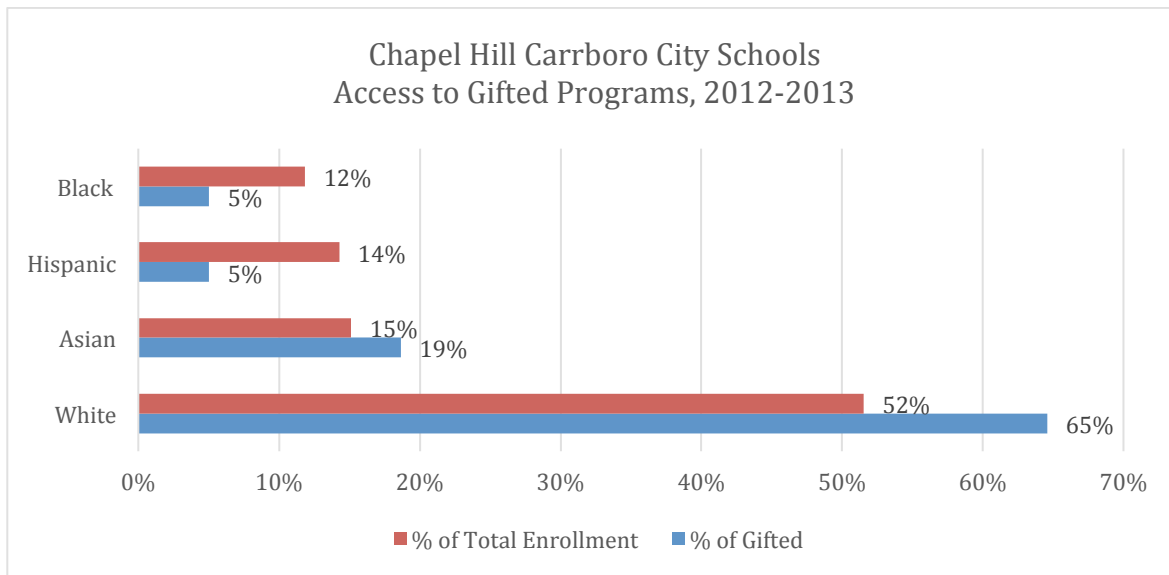
ACT Test Results

All 11th grade North Carolina high school students who are able are required to take the ACT College Entrance Exam to provide another indicator of how well our schools are doing in preparing students for the future. The score considered passing is the minimum score required by the North Carolina legislature to be admitted to a UNC school, which is a composite score of 17 out of a maximum possible of 36. The national average composite score is 21. Approximately 50% of the district's African American students met the UNC requirement, compared to 60% for Latinos and over 95% for white students. The implication is that for 40% - 50% of African Americans and Latinos, enrolling in a UNC 4-year university may not be an option immediately after graduating from high school. While there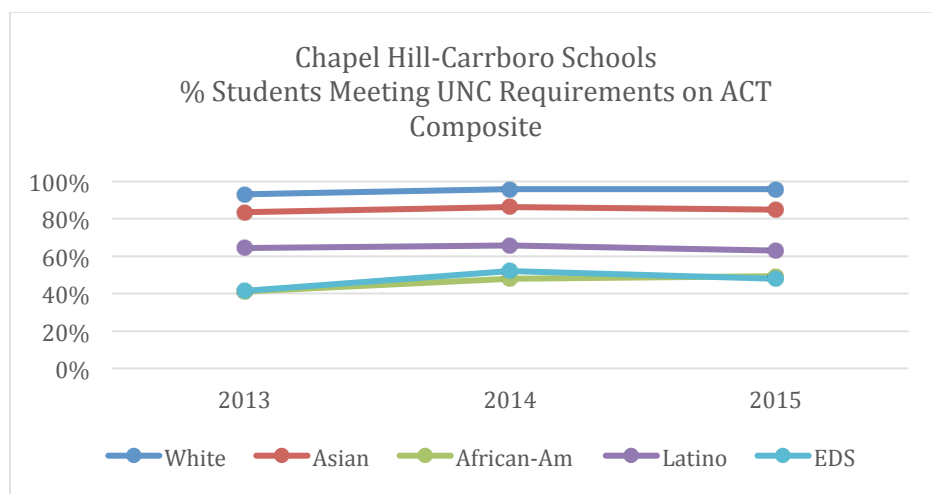 are other paths to college for those who so desire (such as through community college transfers), those paths should be something that students choose to do for their own reasons, not something they are forced to do because we have failed to provide them with the appropriate academic preparation.

Chart 7. ACT Test Results

Discipline

There is a strong correlation between the level of positive teacher support a student feels and that student's level of academic and social performance in school. In the Chapel Hill-Carrboro District, there is evidence that these positive relationships do not occur as frequently with African American students as with their classmates. As of the 2013-14 school year, African American students were sent to the office 3 times more frequently than their white peers, and were suspended about 8 times more often. This is an indication that the level of student engagement and mutual respect and understanding between student and teacher necessary for success is not present to the extent it could be.

Chart 8. Office Discipline Referrals   **Chart 9. Out of School Suspensions**
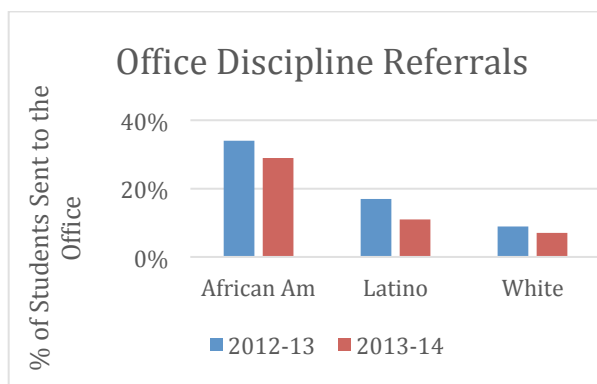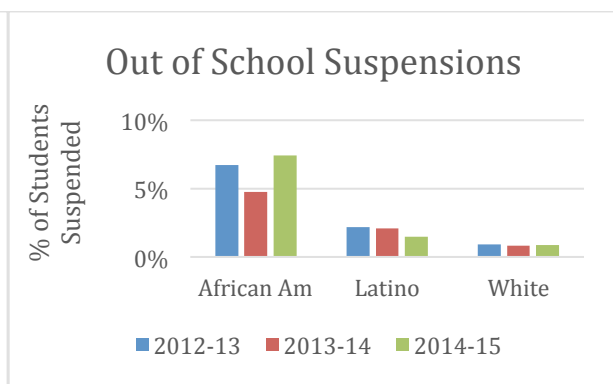
Graduation Rates

Significant effort has been placed on improving graduation rates, resulting in Chapel Hill Carrboro Schools being among the best in the state of North Carolina for graduation rates across all demographic groups. Currently 90%+ of African American, Latino, white and Asian students are graduating within 5 years.

Chart 10. Graduation Rates
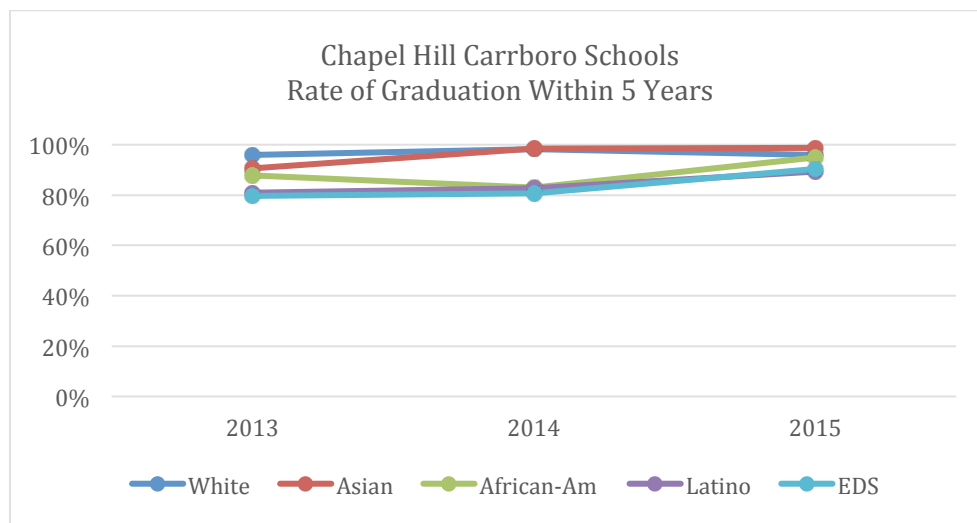
Differential Performance By Schools

District averages on EOC/EOG test results mask the fact that some schools within the district have been able to reach a broader cross section of students in a modestly more effective manner. For example, among elementary schools, at Rashkis and Frank Porter Graham, 50% of African American children are on track to be college/career ready, compared to a district average of 31%. We suggest that where initiatives have met with success, they should be systematically shared and replicated.

Chart 11. EOC Test Results

Chapel HIll-Carrboro City Schools
EOC Test Results, 2014-15
% College / Career Ready

Legend:
- Carrboro Elementary
- Chapel Hill-Carrboro Schools
- Culbreth Middle
- Ephesus Elementary
- Estes Hills Elementary
- FPG Elementary
- Glenwood Elementary
- McDougle Elementary
- McDougle Middle
- Morris Grove Elementary
- Northside Elementary
- Phillips Middle
- Rashkis Elementary
- Scroggs Elementary
- Seawell Elementary
- Smith Middle

III. Resource Allocation and Accountability in the District

The district provides volumes of reports about budgets, strategies and programs, but we were unable to find metrics or performance targets that align to the stated goals of closing the achievement gap. It's unclear how district and/or school leaders are measured and held accountable for results.

In addition, online reports do not show how resources are allocated to schools. We were unable to assess whether the district relies on an "equality approach" where resources are allocated equally to each school, or an "equity approach" where resources are allocated based on need. The district needs to provide much more information about the students at each school and how resources are allocated and used.

According to the NC Department of Public Instruction, CHCCS spends roughly $11,000 per student, which makes the district one of the most generously funded school districts in North Carolina. Roughly half of those funds come from local sources, giving the district discretion about how funds can be reallocated as equity goals and needs are clarified.

IV. The Lived Experience of Stakeholders: Data from Listening Sessions

In Section II we presented quantitative data that show how achievement and discipline outcomes in Chapel Hill-Carrboro City Schools differ according to race.

These data do not, of course, give us any understanding of how these differences are perceived and experienced by the key stakeholders who are most directly involved and engaged in school life, i.e., the students, their parents, and district staff, and faculty. They also do not give us any understanding about the root cause of these persistent and consequential inequities.

To address this gap in understanding, we conducted listening sessions during the summer with these particular key stakeholders. Because candid discussions about race are notoriously difficult to conduct in racially mixed groups, we decided to conduct our listening sessions in groups segregated by race.

Method

Protocol and training. We developed a listening session protocol that consisted of a standardized procedure (Appendix 2) and sets of questions (Appendices 3-5). We conducted two training sessions (one on June 23, and one on June 30) for those from our group who volunteered to be facilitators and scribes.

In general, sessions were conducted by leaders who demographically matched their group (e.g., current or retired white staff facilitated the session for white staff, African American parents facilitated the group for African-American parents). The Burmese and Karen parent groups were conducted by the Program Coordinator for the Refugee Community Partnership. She worked with community leaders who assisted with translation of questions for cultural understanding. We had only one student session of high schoolers that was led by an adult who had experience working with high school students.

Participants. Participants were recruited through natural networks (neighborhoods, churches, organizations and listservs). We realize that the responses they provided do not represent a random sample of districts stakeholders, which would of course be majority white. But given that the experience of every child, parent, and staff member in the district – especially those from groups that have been historically marginalized – is important, we believe that the data we collected in these sessions represent voices that need to be heard.

Participants in listening sessions were promised anonymity as to their identities and responses. They were told that the responses would be grouped and summarized and reported as such.

Conduct of sessions and data handling. Listening sessions were conducted during a period that ranged from June 27 to September 20. The sessions were led by trained facilitators. Scribes did not participate in the sessions other than to record responses to the questions. Scribes recorded all responses to the questions and after reviewing notes for completeness and accuracy, submitted them for analysis. While the session leaders knew the identity of participants, no identifying information was connected to any response and no identifying information was transmitted for

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data analysis. After all session responses were submitted, the data were combined, tabulated, and examined for common themes.

Results

Summer is a hard time to bring people together in groups, but facilitators were successful in scheduling almost all targeted groups. Eleven sessions were conducted with nine demographic groups (white staff and faculty met over three different sessions) comprising 103 participants. We were able to meet separately with white, black, and Latino staff and faculty; white, black, Latino, Burmese and Karen parents; and students of color (black and Latino). We were most successful in recruiting staff and faculty and least in recruiting students. The only planned session that failed to meet was the one for white students and we are still hopeful that such a session will be possible in the future. The qualitative data gathered from these listening sessions was rich and informative, and we encourage that this strategy be used on a regular basis to gather important input from the people most impacted by involvement with our school system.

Tables 1, 2 and 3 display the responses from CHCCS staff and faculty, parents, and students, respectively. Responses are grouped by question and disaggregated by racial identity group. Shaded responses indicate commonality in response across more than one racial group. We thought this was worth noting, although we do not mean to imply that responses from one racial group only are less significant. To aid in the review and interpretation of the data, common responses were grouped into themes. Common themes are described following the tables.

Table 1. Listening Session Results – Staff and Faculty

QUESTION	STAFF/FACULTY	
-Theme	Black; Latino	White
Responses		
1. WHAT DO YOU THINK ARE THE ROOTS OF INEQUITIES IN THE DISTRICT?		
-History of advantage, privilege, resources for whites; enslavement, oppression, subjugation for African Americans and other people of color		
History of race and racism in our country. Particularly the history of white privilege in Chapel Hill with generations of black people providing labor/service for the white people.	✓	✓
White families have resources and access that many black and brown families do not have.	✓	
Some students come to school with a tremendous set of advantages (including wealth, access to books, understanding of how schools operate) and we do little to systematically address the needs of children who do not have these advantages.	✓	
It starts with segregation and how de-segregation occurred in Chapel Hill/Carrboro schools. These issues have never been addressed.	✓	✓
We still have segregated neighborhoods and that has something to do with it.		✓
Many people of color in our area are poor and families did not go to college.		✓
-Institutionalized racism	✓	
-Lack of engaging the issues of race and racism		
Lack of discussion and communication among faculty, students and staff about race and racism. Belief may be that if we don't talk about it, it is not there—but that is not true.	✓	✓
Lack of training among school personnel on issues on race and culture	✓	✓

-Power of white parents		
Schools are afraid to take bold steps for fear of getting pushback from elite parents who fear that changes will threaten their children's access to best teachers, classes and experiences.	✓	
White parents have a voice that supercedes all others in the district.	✓	
-Personnel issues related to race		
White teachers do not always acknowledge white privilege, preferring to think of themselves as non-racist.	✓	✓
Staff/faculty is not diverse; people of color tend to predominate in security, cafeteria, custodial and secretarial roles.	✓	✓
There are not enough African-American or people of color in authority positions who understand that racism/implicit bias exists and needs to be addressed directly.	✓	
Many staff of color were hired under the current administration and they don't want to "rock the boat." They believe they will be retaliated against if they speak out about inequities.	✓	
-Academic issues		
Tracking in the schools--promotes racial segregation within school, relegating students of color to "standard" classes.	✓	✓
There is pressure to pass students even when they have not achieved the level of learning expected. We are pushing them through without accountability for their education.	✓	✓
Academics are overemphasized and that robs students of total high school experience by not endorsing or celebrating other achievements.		✓
-Discipline issues		
The way we discipline: students of color receive stiffer penalties	✓	
-Peer pressure		
Peer pressure among males students of color--"not cool to achieve"		✓
2. HOW DOES RACE SHAPE THE CULTURE, CLIMATE AND PRACTICES OF CHCCS?		
-Racial disparities, disproportionality and segregation		
No boys of color in Honors and AP classes and we operate as though this is not a crisis.	✓	
Participation in honors and AP classes is strongly associated with race, with white and Asian children over-identified for participation and A-A and Latino children under-identified.	✓	✓
Students of Color (SOC) are not well represented in student government.		✓
Clubs and sports tend to be segregated by race.		✓
White students are more likely to have the resources to go off campus at lunch. Another white privilege.		✓
There are enormous racial disparities and we have become fatalistic about ability to do anything about it. This harms all of us.	✓	
-Implicit bias and stereotypes		
black and brown students are negatively stereotyped (in terms of intelligence, capacity, home lives, etc.); we are not strengths-focused with students and families.	✓	
Low expectations for black and Latino students	✓	✓
-Racial issues related to school personnel and accountability		
Where do we go for accountability around these issues? No one is accountable.	✓	

Dr. Forcella tiptoes around issues.	✓	
There are no meaningful discussions about how race affects students in our district causing students of color to feel ostracized, hopeless and less willing to invest in the school culture.	✓	✓
Tully does whatever she wants to. If she were black she'd be out the door. Multiple bad incidents have occurred at her school and under her leadership. Even people outside the state know about her. But she is not the only administrator with issues of race. Others have been pointed out to leadership with seemingly no actions.	✓	
SOC don't feel safe going to white teachers and there is not much diversity in the faculties.		✓
It seems that when we say race or racism, we put the onus on black and brown staff to do something about it.	✓	
There is a district culture that discourages blacks from speaking up. When they do they are seen as "angry." Whites saying the same thing are seen as "passionate."	✓	
3. WHAT PRACTICES IN YOUR SCHOOL, OR IN THE DISTRICT, EMPHASIZE RACIAL INEQUITIES? CAN YOU GIVE SOME EXAMPLES?		
-Inadequate attention given to impact of race and inequitable outcomes		
We are encouraged to have "courageous conversations" about race, but there is no emphasis on actually doing something about racial inequities.	✓	
Equity work is weak and watered down.	✓	
If administrators could spend more time in classrooms, rather than being pulled in so many directions, they would likely be both inspired and horrified about what is, and is not, being done regarding differences in education that relate specifically to race.	✓	
-Examples related to administration, staff and faculty		
Most of the classified staff is black or other people of color and the staff/faculty is not diverse. What we see are black/brown custodians cleaning up after white privileged children, serving food, cutting grass. Students see workers of color talked down to and disrespected by their peers and employers. (Recent example: A black custodian was corrected on how to clean the floor in front of a group of white kids. The kids laughed. If there was a problem this should have been discussed privately leaving the custodian with some dignity and respect.)	✓	✓
Lead teachers are almost always white and the principals' "yes" people. In some schools there are no academic core teachers of color. Therefore our black students see teachers of color mainly in PE, AVID, drama and chorus.	✓	
Students are distributed to teachers based on race. A black teacher will get more SOC than a white teacher. Black teachers get more challenging students. White teachers (especially the principals' favorites) get the "country club" classrooms.	✓	✓
Faculty of color rarely teach honors or AP. (However..."One black AP teacher is self-proclaimed "untouchable" and is not doing an adequate job—needs a courageous administrator.")	✓	✓
We don't put "action plans" on white teachers whose test scores are consistently low, whereas we implement those plans for many teachers of color *the first time* their scores are low, with the end result of pushing them out of the district.	✓	
Administration does not listen well to faculty of color.	✓	✓
We don't highlight the places where students of color are being successful, i.e., certain classrooms where all students are showing good growth. These teachers (who in many instances are teachers of color) are not highlighted and recognized.	✓	
-Examples related to students		
There are inequities pertaining to student absences; white parents lie for their children to get their absences excused (e.g., "educational opportunity"), while students of color (SOC) are taking their consequences.		✓
The consequences for infractions are inequitably applied. SOC feel that white students get off easy and that SOC are always under suspicion.	✓	✓

Tracking (gifted and honors) separates students racially and by socioeconomic status. ("It is essentially the white person's way of "moving away."	✓	✓
Giving quality points to AP and honors classes contributes to separation also.		✓
Emphasis on "getting through a class" – barely passing – means lowered standards and less learning. (Often this comes from administrative pressure).	✓	✓
Teachers don't encourage or push students of color enough. A "pobrecito" (poor thing) attitude.	✓	
The emphasis on test scores to the detriment to class performance.		✓
When it comes to summer school, the kids notice and ask why are all the kids black and Latino? It seems that white parents just say no to summer school and get permission to do "other interventions."	✓	
Students are expected to complete assignments online. There is an unreasonable assumption that all students have a device they can work on at home and access to the internet. Many families do not and these students will have to struggle to complete assignments, sitting on the porches of neighbors or friends who might have internet or trying to complete an assignment on a cell phone.	✓	
-Examples related to parents		
Outreach to parents of SOC is inadequate.		
District is not serious about summer school as a time for helping students. The staff is whoever volunteers. Why are some of the same teachers who have demonstrated lack of success with struggling students allowed to make additional money in the summer working with kids they didn't have success with during the school year? They shouldn't have the privilege to make money on the backs of children they didn't serve during the school year.	✓	
4. WHAT HAS BEEN DONE TO ADDRESS INEQUITIES IN YOUR SCHOOL/DISTRICT? HAVE THESE BEEN EFFECTIVE?		
-Inadequate, ineffective and misguided plans		
We have had multiple initiatives, but not a purposeful plan. "If you have five plans, you don't have a plan."	✓	
There was a plan to get more students of color (SOC) to take Honors and AP classes, but we did very little to assure success of this plan. We were not purposeful in terms of assigning especially effective teachers to teach this class or providing the instructors with any training on how to alter their approach to reach a new audience. We didn't think through whether these students might benefit from summer preparatory sessions. When the students struggled individual teachers were made to feel that they had done less than was needed and subjected to slogans about "growth mindset."	✓	
So many equity "programs" and they are not successful because they are misguided.	✓	
It seems we will need white teachers in our district to "validate" the work of equity before it will be taken seriously	✓	
No one is having a "courageous conversation." What we need is to be doing things differently for our students of color. They need expectations, exposure and experience to get them excited about learning.	✓	
Nothing will change until district leadership, starting with the superintendent, walks into the schools and says "Now this is what you are going to do…"	✓	
District-sponsored Staff of Color group could be useful in helping the District address inequities but apparently it is not designed to help enhance equity from the District's standpoint. Folks not coming because they fear retaliation. Also thinking that nothing is going to change is embedded in district culture so people don't attend. When you speak up or ask questions you are blackballed within this district or pushed out.	✓	
At least under Glenn Singleton's work the E-teams would go into classes and look for specific things, e.g. culturally diverse materials on the wall, marginalization of black and brown students in seating arrangements. Where did that information go and what did they do, after making these observations? Lincoln Center used to redirect people to other	✓	

districts if they didn't want to be in a district doing equity work. We're losing ground.		
Equity meetings need to be more effective; they are not working as is.		✓
AVID transition needs to be improved.		✓
Need more training for Equal Opportunity Schools.		✓
-Equity efforts that may have promise		
Carrboro HS has students of color support groups. These have been good.		✓
Carrboro HS has good administrative support in an open environment.		✓
Carrboro HS has community dinners with free food and parent speakers. (They also have more parent involvement)		✓
Carrboro HS has "Smart Lunches" for peer tutoring.		✓
Small group conversations about race do work.		✓
"Wildcat Welcome" at ECHHS works.		✓
Homework Club works but needs better tutors.		✓
Academic Success classes are using blocked classes—too early to know if these work.		✓
Student 6 strategies seem good – need more training.		✓
5. WHAT BARRIERS ARE IN YOUR SCHOOL/DISTRICT THAT MAKE IT DIFFICULT TO ADDRESS INEQUITIES?		
-Poor leadership and accountability for equity goals		
The biggest barrier in the district is the refusal to recognize and admit that we have an issue around racial inequity.	✓	✓
Most people in the district just wish equity discussions away. You see it in the body language and demeanor of staff members.	✓	
The administration does not see itself as part of the problem.		✓
Leadership is weak sometimes. Not clear who is responsible for follow-through of initiatives.		✓
Administrators talk down to students and teachers instead of talking with them.		✓
You don't have anyone to go to that you can trust if you have a problem or a situation on the job.	✓	
Best and hardest working teachers don't feel that that their insights about race, class, and education matter – always on the receiving end of top-down dictums about the latest instructional panacea even when they have demonstrated success. Don't look at insights from students either about what works. Why are we not being more anthropological and actually asking teachers and students who have some expertise on these topics to share their thoughts?	✓	
Black administrators tend to be hired from outside the district, meaning they come in without any historical perspective or any accountability to others in the district (except to the ones that hired them). This happens even though well-qualified people staff members from within the district applied for some of the same positions –in fact were encouraged by LC staff to apply.	✓	
Some teachers and parts of the community don't want to admit inequities or do anything about them.		✓
There is fear of courageous conversations and no support or time for them. White teachers don't want to be viewed as racists.		✓
There were no equity meetings at ECCHS this year.		✓
At ECHHS Advocacy does not serve the purpose it should.		✓
-White power and privilege		
An inadequate understanding of whiteness and white privilege and how they impact teaching our students. Term "white privilege" gets thrown around, but district personnel have an inadequate understanding about what it looks like and how it plays out.	✓	✓

Leadership doesn't do anything because it doesn't want to hold white teachers accountable.	✓	
White teachers sometimes don't hold students to high standards for fear of being called racist.		✓
Teaching staff is predominantly white, juxtaposed with predominantly black support staff and cafeteria staff.	✓	✓
-Staff of color are not valued		
No room for advancement and no one encouraging teachers of color to seek ways to advance.	✓	
Credibility and stature in the district is more connected to degrees as opposed to experience and wisdom.	✓	
-Curriculum or instructional issues		
Many teachers still don't teach black or racial history. Why? They don't want to talk about the FACTS of Chapel Hill, NC, and our country's problem with race and racism	✓	
Programs, like videography and cosmetology, are being cut. These are often courses of interest to students of color (SOC).		✓
Doing what's best for students is not always state approved, e.g., at Carrboro High Biology was put after Physical Science for Karen students to help with vocabulary issues (PS is less vocabulary intense). But that meant students were taking Biology as Seniors (not allowed by state).		✓
Test pressure keeps teachers from having time to build personal relationships with students.		✓
-Inadequate understanding and attention to Latino experience		
African-American and Latino issues are different. People of Color is a US/middle class term that many Latinos do not relate to.	✓	
Teachers/administrators lack a real relationship with Latino families, often using the excuse of language barrier, but often there are underlying fears and assumptions and underlying cultural-economic differences (even with our Latin American teachers from abroad).	✓	
6. WHAT CHANGES DO YOU THINK NEED TO BE MADE TO BRING ABOUT RACIAL EQUITY?		
-Administration & district/school climate		
Change administrators.	✓	
After doing far too little for far too long, we need to pursue this with seriousness for the foreseeable future. Make sure people understand this is not just another task, it is a change in how we do our work. Let teachers know we will free them from some of their other tasks so they can take the time to learn and grow as teachers of a diverse group of students.	✓	
There needs to be less top-down management from the district and the administration.		✓
We need good administration with an open environment for discussion and trying out new ideas. Establish a mechanism so that teachers with new ideas who are willing to pilot them could do so. When good teachers feel a sense of autonomy they can accomplish big tasks.	✓	✓
We need to be patient with discomfort of addressing this topic and working for change.		✓
Administration needs to promote a climate of trust – needs to trust the faculty.		✓
Hold "gatekeepers" and all people accountable.	✓	
Need people to come out and say what needs to be said.	✓	
Elect a school board committed to making a difference for black and brown students.	✓	
We need a strong Equity/PBIS leadership team trained through the Racial Equity Institute (REI).	✓	
School administrators need to be strong leaders for diversity. Leadership varies across schools.		✓

Need an easy and trustworthy way to document inequities and grievances	✓	
Policies need to be clear.		✓
Goals of school and faculty need to be clear and there needs to be buy-in.		✓
We need to create a culture of unity in the District.		✓
Review of discipline manuals at the various schools. Look at how to standardize consequences for disciplinary referrals.		✓
White and Asian students who misbehave should receive the same consequences as black and brown students. This simply does not happen fairly and the children know this.	✓	✓
When you look at data illustrating the inequity problems, come up with a plan, timetable and the people responsible for making the changes. What are the benchmarks that let us know we are going in the right direction?	✓	
-Hiring, staff development and supervision of personnel		
Need to hire more people of color, especially for the high schools	✓	✓
Need to hire people of color who are willing and able to address the racial disparities in our district-- otherwise change will not occur.	✓	
Actively recruit Latino professionals from other institutions and other states if needed (not relying on teachers brought from other countries who do not understand US Latino history or experience.	✓	
Revamp the Beyond Diversity training or explore other kinds of staff training like that provided through REI.	✓	
Educate and provide training to ALL staff about strategies and techniques to support students around equity.	✓	
Need more Student 6 work.		✓
Hire more male teachers in elementary schools. The lack of male teachers at this level is unacceptable.		✓
Need equity coaches at every school.		✓
Need more social workers, counselors and school nurses in each school to meet all the needs of students and free teachers to spend more time focusing on reading and language skills, particularly in kindergarten and first grade.		✓
-Changes to curriculum and instruction		
Need to be able to teach true racial history and black history year round.	✓	✓
Early intervention in elementary and middle schools.		✓
We need to get rid of honors classes so students can be together and interact.		✓
If we have honors and AP, we need to offer support for students who need it.		✓
If we have honors and AP, we need to get rid of quality points. These increase inequities.		✓
Classes, especially freshman ones, should all be at the same level. Not standard and honors. All students should be held to the same high standards with supports built in for those who need them.		✓
We need more interesting elective programs.		✓
We need to strengthen the AVID program.		✓
Mandatory Saturday morning and summer school for kids who need additional support around cognitive skills and academic achievement. Use this time for enriching activities, like museum visits, guest speakers, etc.		✓
Daily PE classes K-12. No exceptions. Healthy minds and bodies should be developed together.		✓
More focus on learning, less focus on test scores.		✓
Teachers, administrators, teacher assistants, and coaches need to be clear on what is proficient versus beyond grade expectations.	✓	
A realization that four-year colleges are not for everyone. There are many well-paying jobs that can be had with a community college degree. Middle school is not too early to have		✓

students investigating the possibilities that lie beyond a K-12 education. We need to change options and course offerings to reflect multiple career possibilities.		
Creation of hybrid classes in high schools.		✓
Homework: send homework home that a student can always do independently to practice already taught skills. We shouldn't be widening the achievement gap by sending work home that requires parent involvement, language skills of the parents or particular resources that all families don't have. Make sure every student has the resources needed to do the assignment at home.	✓	
-Support for students		✓
Student government in high schools needs more power—students need to be empowered rather than squelched.		✓
We need to get the kids talking; give students experiences and simulations.		✓
We need to empower ECHHS Advocacy by having more frequent meetings and focusing on social/emotional learning as well as student activism. All students, including whites need to be encouraged to be activists.		✓
We need to work on how students perceive school.		✓
We need to get students of color more involved in school activities.		✓
We need more student mentors, from the school and from the community.		✓
There needs to be greater support and funding for programs such as Wildcat Welcome, Latino groups, and CTE enrollment.		✓
Breakfast and lunch served to all students.		✓
-Families and community		
Regularly scheduled community meetings with parents.		✓
Parents need the opportunity to be made aware in plain non-educational jargon-loaded terms what is required to be a successful student in a particular grade or program. Spell out in plain language what major skills children need to be proficient in at various points in the year, by grade level (could be a month-by-month trajectory or quarter by quarter).	✓	
Teachers must be expected to always speak respectfully to parents, especially to parents of black and Brown students—with appropriate warmth, respect and eye contact. Teachers who speak to white parents as if they are colleagues in a corporate board meeting have been known to speak to black parents in a dismissive, finger-pointing way.	✓	
Systems in place at each school for proactive communication with Latino families - administration (not just teachers) need to think about creating systems across the board so that communication is easier with Latino families (ideas - home visit program, use of Connect Ed for Spanish message, short-term outside contractors for parent-teacher conferences, more than 2 Spanish translators at district level, Spanish templates for notes sent home, Remind.com for sending Spanish text messages to families and students, etc.)	✓	
Tweet parents reminding them to read to or with their kids. Heard this was successful some place else.		✓
Socioeconomic inequities need to be addressed in school and in community.		✓
Need more programs like Community Connections that are designed to give computers and Internet connection to people in lower income housing.	✓	
As a community, we need to advocate for living wage; access to prenatal care and childhood medical care; high quality and affordable childcare.		✓

Table 2. Listening Session Results – Parents

QUESTION -Theme Responses	PARENTS			
	Black	*Latino*	*Burmese/ Karen*	*White*
1. HOW DOES RACE SHAPE THE CULTURE, CLIMATE AND PRACTICES OF CHCCS?				
-Racial disparities, disproportionality and segregation				
White and black children are treated differently; white children get best treatment, AA children get worst treatment.	✓		✓	✓
Differences in how races are treated grows worse the older children get				✓
Dual language schools ignore "non-language" cultures				✓
-Other factors				
Race-shaping culture varies by school; some schools try harder at equity than others				✓
White parents contribute to the problem.				✓
The schools are too big and impersonal				✓
Schools rely too much on tests, less on getting to know the students				✓
2. HAS RACE AFFECTED HOW THE SCHOOLS INTERACT WITH YOU?				
Agreement that race affects how schools interact with parents	✓	✓	✓	✓
-White parents treated best; parents of color/refugee parents treated worse.				
White parents enjoy white privilege. They are given the greatest attention and consideration from schools.	✓	✓	✓	✓
White privilege comes from perceived "participation" differences. White parents volunteer and participate in PTA. This gives those parents elevated status.				✓
A-A parents participate in areas where they feel welcome (e.g., football activities, when PTA meeting was held at Hargraves, black parents came white parents didn't).				✓
If an A-A parent volunteers or comes to PTA, s/he gets asked to do everything, treated as a race "representative."				✓
Parents of color feel teachers ignore them and look down on them.	✓	✓	✓	
A-A parents are treated with less respect, starting with the front office.	✓			✓
When A-A parents go in to talk about child they are asked about drugs in the home or marital status	✓			✓
Parents are afraid if they bring a complaint to the school their children will be treated poorly.		✓	✓	
Refugee parents are treated worse by black teachers and staff.			✓	
Refugee parents have difficulty reaching out to school because of language difficulties.			✓	
Refugee parents described teachers refusing to answer their questions about how children are doing in school.			✓	
Latino parent signed up to volunteer three times; never called.		✓		
It is very hard to get information from teachers or counselors about which classes will set our children up for better grades and a better future. This is not an English problem. It is a problem with knowing how to navigate this system.		✓		
Some teachers tell us too late—or not at all- when our children have a problem in school	✓	✓		
Undocumented parents are fearful of visiting schools or attending school events because of new ID system that requires people to have a		✓		

driver's license or ID.				
There are challenges for ESL families in understanding the transportation system including: not knowing how to access information on-line, information is confusing; information is in English only; transportation staff do not return phone calls; no one speaks Spanish in Transportation office.		✓		
3. HAS RACE AFFECTED HOW THE SCHOOLS INTERACTS WITH YOUR CHILD(REN)				
Agreement that race affects how schools interact with students	✓	✓	✓	✓
-Racial disparities and discrimination				
Race affects how teachers/administrators apply discipline. Black and Latino kids get disciplined more harshly for same infractions. White kids not disciplined when they should be.	✓			✓
Race affects how well students do academically: racial gap in academic education.				✓
There are not high expectations for students of color.	✓	✓		✓
Students of color are told that they should not sign up for AP classes because they are too hard for them.	✓	✓		
When counselors at CHHS set up meetings to start the college process, Latino students are not invited to participate. Message is they don't consider Latino students as college material. (Once they had a Latina counselor who did reach out to Latino students, but she was transferred to another school)		✓		
When students of color struggle or don't try hard, teachers and other staff don't push them or help them to achieve more.		✓		
Refugee children who do well are bullied by white children. This leads to children avoiding achievement in order not to be bullied.			✓	
At CHS, many Latino children tried out for soccer. Only one chosen. There are pre-game dinners, but this child and his parents are excluded from email invitation/announcement of these dinners. Parents agree this was true at other schools.		✓		
Those who are chosen for the soccer teams tend to also belong to Triangle United and other clubs that require payment from families to be able to compete. The students of families that don't have the money to belong to these clubs are discriminated against when they try out for school teams.		✓		
Transportation system seems to discriminate against Latino children/families. Sometimes drivers will not make their stops to pick children up.		✓		
4. WHY DO YOU THINK ADVANCED CLASSES, SUCH AS AIG, HONORS, AND AP ARE MAJORITY WHITE AND THE REMEDIAL CLASSES ARE DISPROPORTIONATELY STUDENTS OF COLOR?				
-Racial bias and discrimination				
Race is definitely a factor in decisions made about AIG/Honors/AP and remedial pull-outs.	✓			✓
AIG selection process is not parent-friendly. Many parents of color do not know how it works and no one tries to make sure that they do.	✓			
Good performance of children of color is less likely to be recognized or rewarded.	✓		✓	
Students of color are told not to sign up for AP courses because	✓	✓		

teachers or counselors say they are too hard for them.				
Tracking lowers self-esteem of many students of color, lowers their belief in their own competence.	✓	✓		
-Students of color come to school less prepared				✓
By age 3 white middle class kids have so much vocabulary that children of color can never catch up.				✓
Poor parents don't understand about the value of reading and talking to their kids.		✓		
5. HAVE YOU NOTICED ATTEMPTS TO ADDRESS RACIAL INEQUITIES? HOW HAVE THESE WORKED?				
-Programs reinforce stereotypes				
Disadvantage of some of these programs is that they label students. Impression is students of color need special programs to succeed.				✓
White child/parent asked about enrolling child in AVID to increase study skills; told it wasn't for them. See stereotyping of students in district programs.				✓
Parent University: people think it is for black or minority parents, but any parent can participate				✓
Have not noticed attempts; attempts of parents to collaborate in response to equity issues has been rebuffed	✓			
-Attempts that seem positive				
Heard good things about AVID				✓
St Augustine tutoring for literacy—do practicum in schools				✓
Blue Ribbon Mentor Advocate for children of color. Impression that it's great, but needs more mentors				✓
Estes has had a good model promoting equity in last few years (example: celebration of HBCUs) with the children. Parents are still segregated.				✓
Bootstrap draws attention to literacy issues—signs outside of school				✓
-Questions about equity initiatives				✓
Not sure about AVID; how do we know if it is helpful? Are changes in outcomes tracked?				✓
Didn't know that money existed for equity work; if so what are they doing with it?		✓		
6. WHAT DO YOU THINK THE SCHOOL SYSTEM SHOULD DO TO CREATE A RACIALLY EQUITABLE ENVIRONMENT?				
-Offer opportunities for education about race and racism, especially for white parents.				
Educate parents and school staff and faculty about white privilege (good opportunity for these conversations now because they are happening all over the country).	✓			✓
White parents need to understand equity issues and why it should matter to them.				✓
Have a Parent U book study on microaggressions, especially for white parents.				✓
Recommend that parents get racial equity training.				✓
Sponsor a Facebook activity about white privilege.				✓
-Better communication and more support for parents of color				
Hold special classes or a parent orientation to explain school programs and academic expectations		✓		

Improve communication with parents, especially parents of color. It varies a lot across teachers and schools.	✓	✓		
Administration and teachers need to develop systems for proactive better communication with Latino families (e.g., home visit program, use of Connect Ed for Spanish messages, short-term outside contractors for parent-teacher conferences, more than 2 Spanish translators at district level, Spanish templates for notes sent home, Remind.com for sending Spanish text messages to families and students, etc.)		✓		
Refugee parents would have a lot to say if only schools would create ways for them to engage (in other words, through language translation and interpretation.)			✓	
Teachers need to communicate with parents early on when a child has a problem in school, rather than wait until it is serious and consequences have worsened.		✓		
Have math classes for parents like the one UNC offered last year.		✓		
English classes offered at night because of transportation and child care issues.		✓		
Offer affordable childcare and tutoring at the school.		✓		
-Create more equity in determining who is "gifted"				
Make the process of selecting students for gifted or advance classes more transparent , accessible and equitable.	✓	✓		
Come up with ways other than test scores to determine if a child is "gifted."		✓		
Remove gifted classes and make gifted education for everyone.	✓			
-More African-American leadership				
Hire more African-Americans into leadership positions.				✓
-Involve students				
Get kids involved in discussions about race.	✓			✓

Table 3. Listening Session Results – High School Students of Color

QUESTIONS	STUDENTS	
-Theme	*Black*	*Latino*
Responses		
1. HOW DO STUDENTS TALK ABOUT OR APPROACH RACE AT THE SCHOOLS YOU HAVE BEEN IN?		
Students don't feel supported in talking about racial issues at school.		
Confederate flag incident was not handled well. Tears among her friends. When she brought up with her teacher she didn't feel supported in her point of view. The classroom conversation was ended as soon as it began because black and white students disagreed on the issue and they were not allowed to discuss further.	✓	
Confederate flag. Principal email the teachers, but no one told the students. This was disrespectful of the students. Keeping them out of the loop meant there was not a good opportunity to discuss it. Also meant the teachers didn't have to discuss it with their students.		✓
2. WHAT ABOUT TEACHERS? DOES RACE AFFECT HOW THEY SEE EACH OTHER AND THE STUDENTS?		

-Conversations about race are rare and difficult.		
Teachers do not talk about race, but they are quick to bring up gay rights. It makes us feel like one is more important than the other.	✓	✓
Race was once discussed in history class. When people disagreed the conversation stopped.	✓	✓
-Race influences how students are disciplined		
Black kids get suspended quickly. It causes tension between the student and the teacher.	✓	✓
At East, the principal has humiliated black kids more than once in a public fashion. Once following a disagreement among students, she imposed a punishment that included calling kids' names out over the intercom. Another time she humiliated the dance squad because they were wearing spandex, called them a name and threatened to disband the entire dance squad. This came about at about the same time she was protecting and defending white students who posted a Confederate flag with racially offensive comments.	✓	✓
Race determines how student behavior is perceived; white students' words and actions are protected by freedom of speech and freedom of expression. These same actions by black students result in them being labeled bullies or aggressive.	✓	
-Teachers have been supportive.		
Overall my teachers have been supportive and care. They do not want students to get below a C. They want you to put forth a good effort and to do quality work.		✓
3. HOW HAS RACE INFLUENCED THE CULTURE, CLIMATE AND CURRICULUM OF YOUR SCHOOLS?		
School personnel underestimate and stereotype students of color.		
"My guidance counselor tried to change my courses when I chose AP classes. I know what I want to learn, but the guidance counselor said she was not happy with my schedule and she kept trying to change it to make me take less challenging classes. She was underestimating me. She told her me I couldn't take 2 AP courses, but I took them anyway."		✓
The same guidance counselor just changed the schedule of another student, without even asking her, because she was shy. Guidance counselors take advantage of students who do not speak up or stand up for what they believe in.		✓
In a Spanish class, when teacher was taking attendance and Carlos wasn't there, teacher asked, "Did he drop out already?" It was said in front of the whole class. Teachers think because we are Latinos, we drop out.		✓
		✓
Administrators not supportive of students of color		
Students do not talk to the principal when this stuff (like with guidance counselors) happens; the principal is not supportive.		✓
The principal only talks to you if you are in trouble or if a bad event happened.		✓
4. WHY DO YOU THINK THAT THE ADVANCED CLASSES ARE MOSTLY WHITE AND THE REMEDIAL CLASSES DISPROPORTIONATELY STUDENTS OF COLOR? HOW HAS THIS IMPACTED YOU?		
Racial disparities in these classes make students of color uncomfortable		
It feels more comfortable taking regular classes. There is more diversity. "I do not have to think like the whites in the class. I don't want to pretend to be like white people and think the things that they think."	✓	✓
You can't be yourself in honors classes. When you aren't reading fast enough and not getting everything right you don't want to be there.	✓	✓
In these classes you are the only black student. You are in a AP class with people who do not take it seriously. Students playing paper basketball in class and teacher allows them to do this. They know they are going to make a good grade and no one really cares. (Students	✓	✓

also play paper basketball in remedial classes too and the teacher doesn't say anything.)		
Advanced classes are considered more for white and Asian students		
In freshman year the teacher gave up and said "you can do what you want" to the entire class. In sophomore year, the teacher felt more pressure because more students in the class were White and the parents have money. Almost all white and Asian. They push the students for grades and college. Parents tell their kids what grades they are going to get.		✓
5. HAVE YOU NOTICED THE SCHOOLS DOING ANYTHING TO TRY TO CREATE A MORE RACIALLY EQUITABLE ENVIRONMENT? IF SO, WHAT'S WORKED WELL OR HAS NOT WORKED WELL?		
-Placement in AP or Honors – uncomfortable, intimidating		
Intimidating being the only black or Hispanic kid in the class.	✓	✓
Black kids get singled out in advanced classes—sometimes babied and sometimes teacher tries to offer help even when it's not asked for.	✓	
Student called a "good Latina" and asked why she is in AP. A group of AP Latino students was called to the office and asked for advice for how to get other Latino student to do as well.		✓
-Student Six problems		
Student Six: some students were forced. Not a lot of teachers show up to their trainings.	✓	
6. IF YOU HAD A MAGIC WAND AND COULD WAVE IT TO CREATE A RACIALLY EQUITABLE ENVIRONMENT, WHAT WOULD THAT LOOK LIKE… WHAT WOULD YOU SEE IN YOUR SCHOOLS?		
-Offer training about race and racism		
Every teacher should go to Racial Equity Institute training and students should go also.	✓	
-Stop racial stereotyping		
There would be no more stereotyping from teachers or other students. Students of color have negative stereotypes placed/said against them. Students internalize these stereotypes and start to see themselves that way. Then they act out these stereotypes. I have heard students of color even say that they are not smart and I say "yes you are". We need to change the way students see themselves. We need to stop stereotyping students.	✓	
-Happier, more effective teachers		
You (teachers) have to motivate students to want to join the class. We want to feel welcomed.		✓
Make sure teachers have good and positive communication with their students.		✓
Teachers who can teach are the only ones there.	✓	
Teachers paid better so they are happy in their jobs.		✓
-Principals and counselors also play a role in inequities		
Can't blame everything on teachers. Principals and counselors play a role, too.	✓	
-Allow more student-to student support	✓	✓
If you see your friends doing well, it makes you want to do well. This also has the power to cause you to separate from peers who are not doing well. This causes students/groups of students not to like one another (around academic achievement). We need to support one another.		
-Need more collaboration	✓	

There would be no separation of students. No underestimation. No grouping. No levels to the classes. All students would learn together and study together. We would learn from each other.		

Themes from listening sessions

Themes that predominated across all the listening sessions included:

- History of racial advantage and disadvantage that continues today, exemplified by resource, access and power differentials between white families, staff/faculty and students, and those of color (particularly African American).
- Inadequate attention, lack of knowledge, understanding and consciousness regarding institutional and structural racism. A call for more training.
- Racial stereotyping that plays a role in lowered academic expectations, fewer advanced academic and other non-academic opportunities, and disproportionately harsh discipline for students of color.
- Tracking into gifted, honors and AP (including "quality points) disproportionately advantages white students and should be discontinued.
- In-school segregation by race that emanates from tracking and other differential opportunities (e.g., off-campus lunch, sports, student government, clubs, summer school).
- African American, Latino, and immigrant parents experience inadequate and disrespectful treatment from schools. White parents seen as having inordinate power to shape priorities.
- Latino and other immigrant families have special, unmet needs regarding communication and lack of cultural understanding.
- Concerns regarding the relative power and position of white staff and faculty vs. staff and faculty of color.
- Curriculum and instructional issues that include inadequate recognition and instruction regarding racial history and diverse cultural norms and values.
- Curriculum options (e.g., discontinued technical courses) and poor advising by guidance counselors limit post-graduation opportunities for students of color.
- High stakes testing is a barrier in terms of improving curriculum focused more on equity and to developing personal relationships with students.
- Efforts to address inequities have been inadequate, ineffective and misguided. In some cases efforts that have shown promise are implemented poorly or only sporadically making it hard to evaluate effectiveness.
- Poor leadership and accountability for equity goals

V. How Has the District Tried to Address Inequities?

Over the years Chapel Hill/Carrboro City Schools has implemented a number of programs intended to promote equity and close the achievement gap. Some of the programs aim to assist individual students, while others promote district-wide changes. There is seemingly little coordination across programs and they emanate from various offices.

Following are basic descriptions of these programs. In most cases, information was obtained from the District or program website.

Programs Focusing on Individual Students

Advancement Via Individual Determination (AVID)

The CHCCS AVID program is part of a world-wide, non-profit effort to close the achievement gap by preparing students for college and the global market. According to the AVID organization (taken from their web site), AVID

- Teaches skills and behaviors for academic success
- Provides intensive support with tutorials and strong student/teacher relationships
- Creates a positive peer group for students
- Develops a sense of hope for personal achievement gained through hard work and determination

At its core, AVID is an elective class that students take starting in middle school and continuing through high school graduation. The class is taught by an AVID trained teacher and focuses on research-based, academic and social support to increase college readiness. Students selected for the program are in the "academic middle" and are pushed to take advanced classes. The theory behind the program is that students in the academic middle are mostly ignored and are not encouraged, or supported, to take rigorous classes. By enrolling in AVID these students are held to a higher standard, are supported in their studies, take higher-level classes, and are more likely to attend college.

Blue Ribbon Mentor-Advocate

The Blue Ribbon Mentor-Advocate (BRMA) is intended to support the achievement of students of color. Begun in 1995, the program selects students in the fourth grade and supports them through high school graduation. Approximately 128 students, in grades 4-12, participate in the program. BRMA is a strengths-based, skills-building program. Components include (taken directly from the BRMA web site):

Mentoring – The one-on-one relationship is the fundamental component of the program. The mentor exposes the child to new experiences while also helping the student pursue his or her interests and talents.

Advocacy – Mentors and parents collaborate to support their student by working within the school and community to develop and utilize resources that support the student's success.

Tutoring – Students have the opportunity to receive tutoring in community-based, evening tutorials. Tutorial sessions include peer support, college exposure, and creative learning activities. For more information on tutoring, please see our Academic Support page.

Social and Cultural Enrichment – The program sponsors social and cultural events for mentors and mentees. Scholarship funds are also used to provide opportunities for student engagement in activities such as summer camps, arts lessons, and athletic leagues.

College and Career Exposure – Students are provided with regular opportunities to explore options for attending college and pursuing the career of their choice. BRMA sponsors college tours, workshops, and assistance through the college application and enrollment process. Mentors provide students with individualized guidance throughout a student's time in the program. See our College and Career Curriculum page for more information.

Parental Involvement – BRMA provides direct support to parents through individualized assistance intended to support their child's success in school.

Youth Leadership Institute – The Blue Ribbon Youth Leadership Institute operates a leadership summer camp and year-round service club that encourages students to develop their leadership skills through service-learning activities. This program serves more students than just those who are officially part of BRMA.

Scholarships – BRMA provides scholarship funds for students who wish to pursue post-secondary education. The Haidt Scholars fund is an endowed scholarship that aids in paying the tuition of a student attending a four-year college or university. The Sponsor a Scholar fund uses community donations to assist students who wish to attend any type of post-secondary educational institution.

In 2012, UNC School of Education conducted an evaluation of BRMA. The evaluation report was glowing in its conclusions. Significant findings include:

- Program participants' GPAs were higher than non-participants', but their standardized test scores were not.
- 97.5% of participants graduate high school
- 100% of graduates go to college

Community Connection Program

The following description of the Community Connection Program comes from Darren Bell, CCP Program Manager:

The CHCCS Community Connection Program (CCP) provides Economically-Disadvantaged students with technology to access their Digital Learning Environment in a safe and secured manner while off-campus. To create a safe and secured environment, CCP offers:

- *District managed Chromebooks*
- *WIFI devices that sends all of the data to our filtered and monitored network*

- *Parent/guardian workshops on ways to keep kids safe online while benefiting from being online*

For the 2015 - 2016 school year, we are planning to expand the program in the high schools by deploying more devices and increasing the workshops.

2015 - 2016 Deployment

- *100 Chromebooks/MIFI devices to High School students. Plan delivery in late September and October*
- *High School Student/Parents required to participate in technology fair and workshops*
- *Referrals to Kramden if a computer is only needed (refurbished desktop computer)*

Workshops

- *PowerSchool*
- *Free Online resources (college and educational)*
- *How to stay safe and secured online*
- *Digital Footprint*
- *Why parents need to be online (Email, Peachjar, PowerSchool, communicate with school)*
- *Social Networking*
- *Elementary School Title 1 - Online security and safety and free resources*

Need for the program in the district

- *Not having internet access at home is a social economic issue like students not having a good meal. With this said, the numbers of students that need support varies based on economical conditions in the family. The district has ~3,000 students (and growing) who receive free and/or reduced lunch.   Based on surveys, we estimate 700 students do not have adequate internet access at home. This means they do not have internet at all or not continuously throughout the school year. This represents ~400 families.*

ESL instruction

To meet the needs of English as a second language students the district offers special programs at each school and dual-language programs in Spanish/English and Mandarin/English. Important documents are translated into Spanish with English on one side of the paper and Spanish on the other. Additionally, translators are available for meetings with parents.

Increase in underrepresented students in honors and AP classes

The District partnered with Equal Opportunity Schools, a private organization, to identify and increase the number of African American and Latino students in honors and AP classes. So far they have worked with Carrboro and East Chapel Hill High Schools. While the number of African American and Latino students enrolling increased, there was a significant drop out rate. Plans may be underway to develop a retention programs for students enrolled.

Parent University

"Parent U" is a community-school partnership intended to improve academic success of students of color by providing parents with the skills to advocate for their children in the school system. A key concept behind the Parent U is to build parental confidence in navigating the school system. Through a series of workshops and classes, Parent University teaches parents about the academic and social support available in both the school system and the community; how to have positive relationships with school personnel; and how to help their children achieve academically.

Parent U offers coursed in schools and community locations. Courses include both one-time workshops to series workshops. Course topics fall into one of the following areas:

- Effective Parenting
- Leadership and Advocacy
- Supporting learning and Navigating the School System
- Health Awareness

A 2012 evaluation of the Parent U pilot program, conducted by a graduate student in the UNC School of Social Work, found that parents who participated in Parent U felt positively about the experience and that the program more confidence in negotiating the school system.

Pre K/Head Start

A program serving 3 and 5 year old children that provides education, health, mental health, nutrition, parent involvement, family services, and disability services. The idea behind the program is to reduce the academic gap between lower-income students and middle-income students entering kindergarten. According to a 2012, government-funded impact study found that by third grade there were no discernable differences between children who participated in Head Start and those who didn't in health, behavior, and academic achievement.

Read to Achieve

The goal of the State is to ensure that every student read at or above grade level by the end of third grade and continue to progress in reading proficiency so that he or she can read, comprehend, integrate, and apply complex text when needed for secondary education and career success.

The 7 Components of Read to Achieve

1. Developmental Screening and Kindergarten Entry Assessment (KEA)
2. Elimination of Social Promotion. 3rd graders not at grade level for reading will be retained. Three ways to show proficiency: 1) Score a 3 or above on the English EOC; 2) Pass a Read to Achieve test; 3) By portfolio.
3. Successful Reading Development for Retained Students
4. Parent/Guardian Notification
5. Accountability Measures
6. Comprehensive Reading Plan

7. Facilitating Early Grade Reading Proficiency

Summer Reading Camp – For students not at grade level and who don't qualify for an exemption. Six week program whereby the child either passes a Read to Achieve test or is approved by portfolio.

Responsiveness to Instruction

Written into State and Federal special education law, RtI is a collaborative process for meeting the needs of all students. It emphasizes that all staff, not just Exceptional Child staff, are responsible for a student's education. Parents are considered an important part team. According to the district website, the philosophy behind RtI includes:

- All children can learn
- Focus on meeting the needs of all children
- Wealth of knowledge and partnership from parents
- Work collaboratively to develop solutions and strategies
- Proactive instruction within general education
- Prevention more cost effective than remediation
- Utilize resources necessary to meet the educational needs of all children
- Evaluate effectiveness of educational strategies frequently
- Communicate accurate information about student progress regularly
- Provide opportunities for all children to achieve their goals
- Best educational strategy: the one that works!

Restorative Practices

Select staff from all schools were exposed to restorative practices, a collaborative approach to keeping kids in school. The goal is to create communities and reduce disruptive behaviors. Through the use of circles (sitting in circles), that include the teacher and students, students are given responsibility for their behavior. Instead of punishment for misbehavior, the circles focus on finding ways to, "make things right." In theory, restorative practices will reduce the amount of disciplinary actions taken and keep more children in school. School staff were trained in the beginning of the summer, so there is not information on program implementation, yet. It is not mentioned on the district's website.

District-wide Programs

Community-Parent Advocacy Network

A committee of parents working with the district to support students of color. According to the website, the purpose of C-PAN is, "…to influence district policies that impact effective culturally-relevant programs, curriculum and delivery strategies in order to increase the achievement of students of color."

District Equity Task Force

This past spring (2015) Sheldon Lanier, CHCCS Director of Equity convened "…a task force consisting of Principals, Counselors, Social Workers, and community members…" The task force's purpose is "to meet and discuss where we (the district) are currently in terms of minority student achievement, where we want to go, and what culturally proficient practices we need to take as a district in order to continue closing both the achievement and opportunity gap for students." (Long range plan update, January 30, 2015, http://chccs.granicus.com/MetaViewer.php?view_id=2&event_id=126&meta_id=13470)

As of early September, the task force had met three times and had developed a vision, mission, and set of values.

Learning-Focused Lessons

Headed by Dr. Magda Parvey, Assistant Superintendent for Instructional Services, Learning-Focused Lessons is an instructional methodology designed to meet each student's needs in order to close the achievement gap. The district has contracted with a private company, Learning-Focused, to train teachers in the LFL methods. Max Thompson, of Learning-Focused, consulted with the district and provided teacher training throughout the 2014-2015 school year and additional, more advanced training was provided this past summer.

According to the web site, Learning-Focused Lessons Provides:

- An instructional framework for planning standards-driven lessons.
- Lessons focus on how students learn and whether students learn, not coverage or test prep
- Purposefully connected research-based strategies provide maximum achievement gains in every lesson.
- Built-in strategies for engaging and challenging students.
- Provides a direct connection between research and application.
- Defines a path so teachers can unleash their professional abilities.

According to one school administrator, Learning-focused Lessons is, "…truly the only way to add equity instruction and eliminate the achievement gap in the district." It is the, "…greatest equity effort of the district."

Positive Behavior Intervention and Support (PBIS)

All schools in the school district have implemented by PBIS, a positive behavior support system. It is an environmental approach to encouraging positive social behaviors and discouraging negative ones all the while decreasing the number of suspensions and expulsions. In theory this would positively impact children of color who are the victims of a disproportionate number of suspensions and expulsions.

Instead of focusing on what behaviors schools don't want to see, a committee decides which behaviors they do want to see and develop specific strategies to encourage those behaviors. At least 80% of the staff must agree with the goals. Then implementation strategies are developed, including positive rewards for children fulfilling the behaviors.

Racial Equity Training

Teachers and staff in the school district have attended various equity training programs, including those offered by the Racial Equity Institute and the Pacific Educational Group (Courageous Conversations). Attendance at the workshops is voluntary.

School Equity Teams

Schools determine how often meet. Each school is doing something different. It is up to the principal and there is not district oversight. District policy says that school equity teams are responsible for assessing the progress of low-achieving students at least four times a year. They are to develop action plans and work with teachers and parents to implement the plan. Equity teams were also responsible for looking at discipline data to analyze the degree of disproportionate discipline.

Student Six

Student Six is a strategy to increase culturally relevant teaching that was adapted for the District by Graig Meyer, former BRMA and equity director and Bonnie Davis, an equity consultant. The program drew from research-based teaching strategies proven to be effective with students of color. In 2011 Meyer and Davis presented BRMA students with a series of teaching strategies and the students identified which six strategies they wanted teachers to implement. The School Improvement Network filmed professional development videos of the students and select teachers (those students believed implement the strategies in their classrooms) to be used as training videos. The idea is that small groups of teachers from each school would be trained in the methods and would become trainers for their schools. The program is considered a student-driven, professional development program with students serving as the primary trainers.

The six strategies chosen by students as the most important are:

1. Visibility - Every student should feel valued and included in the classroom.
2. Proximity - Use physical space to engage students and reduce perceived threat.
3. Connecting to student's lives - Make curriculum relevant to students' experiences.
4. Engaging students' culture
5. Addressing race - Talking openly about race and how it affects students' experiences.
6. Connecting to future selves - Helping students identify future paths and use classroom activities to guide them towards their personal goals.

The program has been implemented sporadically in the last year.

Student Programs

CORE ("Creating Our Own Reality")

CORE is a student-led group concerned with racial equity. This year the group is working with Nancy Kueffer, Exceptional Children Behavioral Support/PBIS Coordinator, to modify the student code of conduct. The group could use additional funding from the district.

Multicultural Student Achievement Network (MSAN)

The CHCCS District is a member of MSAN, a national coalition of school districts whose goal is to understand and eliminate achievement, and opportunity, gaps. MSAN supports research to understand the achievement game as well as separate conferences for both school staff and students.

Youth Leadership Institute

YLI offers students of color opportunities for leadership, including service learning activities, college tours and international travel. Each high school has its own service club. Activities are offered year round, including a summer leadership program.

VI. What Can We Learn From Others?

Models of Equitable Schools

The issues of differential achievement levels, differential disciplinary rates, and differential access to advanced curriculum along racial and economic lines are endemic throughout this nation. Gaps between the excellence that is expected and the results that are achieved are particularly large in Chapel Hill Carrboro because expectations are high. There is a sharp contrast between the inability to effectively teach most students of color when compared to the high levels of academic accomplishments enabled for white and Asian students.

However, this is not to say that it is impossible to eliminate gaps in our ability to help all students achieve excellence. There are many schools that have been able to overcome the obstacles that are so prevalent in our society, and have created environments in which all students are able to achieve at high levels. These benchmarks of success provide a window on what is possible.

In this section we take a look at some schools or districts that have shown gains in the performance of students of color, or have reduced gaps between the performance of students of color and their white counterparts.

The following is an in-depth look at (I) A study conducted by the School Redesign Network at Stanford University, which focused on five schools with models that have successfully improved the performance of low-income students of color; and (II) the Portland Public School System's racial equity policy, which looks at all school policies with a racial equity lens, seeking to close the achievement gap and provide a racially equitable school environment for all students.

(I) High Schools for Equity

In the *High Schools for Equity* study, The School Redesign Network at Stanford University conducted an in-depth case study on five schools in California that were focused on achieving racial equity and had achieved improved educational outcomes for low-income students of color (Friedlander). Because of the strong structure and practices at the five schools, they are all moving toward narrowing racial, socio-economic, and language achievement gaps of their students and are outperforming the majority of other schools in their communities serving similar populations.

A. The Schools

Table 2: Study School Characteristics, 2006-07

School Name	Animo Inglewood	Construction Tech Academy	June Jordan School for Equity	Leadership Public School	New Tech High School
Type of School	Statewide charter	District school	District school	District-approved independent charter	District-approved dependent charter
District or CMO affiliation	Chartered by Los Angeles Unified S.D. and operated by Green Dot CMO	San Diego Unified Public Schools	San Francisco Unified Public Schools	Chartered by San Francisco Unified S.D. Not affiliated with a CMO	Chartered by Sacramento Unified S.D. and operated by New Tech Foundation
Student Enrollment	518	430	371	320	355
% Free and Reduced Lunch	74%	68%	48% (75%)*	52%	62%
% Students of Color	100%	81%	95%	96%	70%
% African-American	37%	17%	37%	18%	27%
% Latino	63%	51%	32%	39%	26%
% English Language Learners	7%	24%	13%	12%	25%

Source: California Basic Education Data System. Free- and Reduced-Lunch information is from 2005-06; all other data are from 2006-07.
*Although more than 75% of the students in the school are from families with incomes below the eligibility threshold for free and reduced-price lunch, only 48% of students have enrolled in the lunch program.

B. Common Design Features

In each school studied, the improvements required structural changes to staffing, time, and school organization that were "grounded in different beliefs about what students are capable of, how they learn, and what they need to be contributing members of society."

The central changes have required new approaches to how students and teachers are organized for instruction to provide continuity and reduce tracking. Instruction is organized and supported to be more coherent, intellectually and practically rigorous and engaging. Assessment drives stronger performance and reinforces teachers' understanding of standards, students, and the learning process. These five schools had several common designed features that were effective in improving student performance:

1) Personalization
Created through:
1. Small learning environments
2. Continuous, long-term relationships between adults and students

3. Advisory systems that assign a single adult to work closely with a small group of students, usually for multiple years. Advisors facilitated and organized counseling, academic supports, and family connections
4. Devoting more resources to teaching than non-teaching staff, enabling smaller class sizes and reduced pupil load for teachers
5. Reorganized schedules so teachers have fewer groups of students for longer periods of time
6. Teachers working in teams that share the same students and share responsibility for their students' progress and well-being.

2) Rigorous and Relevant Instruction
Coherent instructional programs:
1. Provide access to college preparatory curriculum and career preparation through internships, coursework, and other connections to the world outside of school.
2. Assess students' skills through major projects and investigations as opposed to constant standardized testing
3. Fill gaps in students' academic skills with additional supports and teaching them in ways that are culturally relevant and adapted to their learning needs
4. Provide connection to communities through strong parent outreach, curriculum specifically about students' communities and cultures, and partnership with community groups, industries, and higher education

3) Professional Learning and Collaboration, Participation in the Decision Making Process
The schools allocated significant time for teachers to work collaboratively and provide actionable input:
1. Faculty is actively involved in determining and enacting shared goals and engaging in democratic decision making that is close to the classroom. Teachers and other staff in these five schools reported that they were willing to work hard because they felt valued and supported by these design features that allowed them to make a difference for their students.
2. Summer retreats
3. Regular professional development time built into the school year
4. Joint planning each week
5. Parents and students are frequently involved in the process

C. Specific Practice Examples from One of the Studied Schools

A look into the specific practices of Amino Inglewood High School in Los Angeles gives closer insight into specific policies schools can enact to improve student performance. Amino Inglewood High established high expectations for all students and provided extensive support.

   a. Amino Inglewood High enrolls *all* 9th-grade students in algebra courses, regardless of placement scores or previous coursework
      i. To ensure student success, all 9th-graders are required to participate in a 5-week summer bridge program designed to build basic math skills and introduce higher order math concepts

> ii. Students who continue to struggle also take a curriculum skills math class, which meets 3 days a week and is taught by the lead math teacher in the school
>
> **b.** All classes are heterogeneously grouped and all curricula is college preparatory. All offered coursework satisfies the University of California AG requirements and the school provides as many as 7 Advance Placement courses each year
>
> **c.** Classes are taught on a rotating A/B block schedule for the full year, with 95-minute periods to allow teachers to teach the concepts with depth, and provide opportunities for students to explore ideas more fully.
>
> **d.** Struggling students are required to attend after-school support classes taught by their teachers and parents are communicated with to determine effective support strategies for the student
>
> **e.** Each student is placed in a small advisory group of 25 students for all 4 years. Advisory groups meet once a week for 65 minutes to discuss and address students' social needs and to connect to students' lives. This prevents students from "falling through the cracks."
>
> **f.** Teacher development driven by school data. At staff meetings, entire staff examined course pass rates disaggregated by subject area, student race/ethnicity, gender, and grade level. They analyzed the data for patterns and reflected and strategized on how to better serve struggling students and how their own practices may be contributing to the problem.
>
> **g.** Additional support: "Homework Café" – free after-school tutoring staffed by local college students

The cumulative effect of Animo's practices and beliefs is an achievement level among low-income African-American and Latino students rarely seen in California. The staff set out to prove that given the same quality of education, lower income students of color can and will achieve as well as their more affluent counterparts, and the data High Schools for Equity show considerable movement toward that goal.

Animo's 2006 Academic Performance Index (API) score was 720, compared to 564 and 549 at neighboring district high schools. When compared to similar schools, Animo Inglewood is ranked a "10," the top ranking. In addition, Animo students far exceed the level of proficiency set in other Inglewood high schools. In 2006-07, 42% of Latino students at Animo were at or above a proficient level on the Algebra CST, compared to only 2% in district high schools, 8% in Los Angeles County, and 11% in the state. At all grade levels, Animo students outperformed other economically disadvantaged, African American, and Latino students in the state. By the 11th grade, the 42% proficiency rate for Animo students on the state English language arts test is nearly double the 22% proficiency rates for these groups elsewhere in the state.

D. Specific Practices from All five Schools

The Stanford study provides charts that delineate the specific practices and models for all five schools that support the important aspects for improving educational outcomes.

Personalization

Table 6: School Features Supporting Personalization

	Animo Inglewood	Construction Tech	June Jordan	Leadership High	New Tech High
School size	518	430	371	320	355
Average class size	28	26	25	24	22
Pupil load/ teacher	140	100-150	75-100	80-100	145
Length of block periods	95 minutes A/B schedule	75-90 minutes A/B schedule 4x4 block	55-90 minutes	90 minutes A/B schedule	90 minutes A/B schedule
Advisory	Meets once a week for 65 minutes. 25 students stay with the same advisor for 4 years.	Meets 3 times a week for 45 minutes. 26 students stay with the same advisor for 1 year.	Meets daily for 30 minutes. 15-17 students stay with same advisor for 2 years.	Meets 3 days a week for 90 minutes. 15 students stay with same advisor for 4 years.	Meets daily for 30 minutes. 15 students stay with same advisor for 4 years.
Career and technical education	Career readiness class for 12th graders	Instruction in architecture, engineering, and construction integrated with core academic classes	CTE opportunities through internships and community service	CTE opportunities through community service	Technology and workplace skills taught in all classes
Partnerships with higher education	Students can take 2 elective courses a year offered by Santa Monica City College on the Animo campus 2-3 days a week after school	Students can take community college courses for AP credit Students in good standing receive admission and full scholarship to San Diego State Construction Management Program	All students take classes at San Francisco State (SFSU) All students in good academic standing are guaranteed admission to SFSU	Some students opt to take some college courses at San Francisco City College through their College for Teens program	Students complete at least 12 units of college credit at Sacramento City College, American River College, or Consumnes River College

Instructional Design Features

Table 7: Instructional Design Features

	Animo Inglewood	Construction Tech	June Jordan	Leadership	New Tech
A-G courses available or required for graduation	Required for all students	Available to and taken by all students	Available to and taken by all students	Required for all students except transfer students	Available to and taken by all students
Project-based learning	Classes offer within-class projects around a unit of study	All instruction is organized around major projects; interdisciplinary projects occur in advisory each year	Classes offer within-class projects around a unit of study	Classes offer within-class projects around a unit of study	All instruction is organized around major projects using technology
Inter-disciplinary courses	NA	Technical and academic content are integrated	Humanities classes	9th- and 10th-grade humanities courses	Humanities and some combined math/science classes
Performance-based assessment	In class, students demonstrate their knowledge through oral presentations & research papers	Annual large scale interdisciplinary grade-level projects completed through advisory	Semester portfolios, portfolio defense at end of 10th grade, 5 in-depth demonstrations of mastery for 11th and 12th graders	Annual portfolio exhibitions and projects	Exhibitions in class at the end of every project
Internships/ service learning	Community service project within advisory	Regular internships and job shadowing throughout high school	Internships for 2 hours weekly for 9th and 10th graders and 3 to 7 hours weekly for 11th and 12th graders	35 hours annual community service completed outside of school which advisors help students find	Annual 10-hour community service project; seniors conduct a 50-hour community service project

Instructional Support Design Features

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Table 8: Instructional Supports Design Features

	Animo Inglewood	Construction Tech	June Jordan	Leadership	New Tech
Teacher collaboration	Grade-level teachers meet weekly, and departments meet monthly to address individual student's needs.	Grade-level teachers meet twice a week to address individual student's needs.	Grade- and department-level teachers meet weekly to address individual student's needs.	All-school professional development day dedicated to 15 high need students, weekly grade- and department-level meetings to address student's needs.	Team teachers meet daily to address individual student's needs.
In class instructional supports	Warm-up activity and agenda posted in every class, scaffolding, teaching to multiple learning modalities.	Hands-on, small-group instruction, flexible scheduling, scaffolding of instruction, heterogeneous grouping of students in working groups.	Scaffolding of instruction, teaching to multiple learning modalities, heterogeneous grouping, active learning.	Warm-up activity and agenda posted in every classroom, scaffolding of instruction, teaching to multiple learning modalities, group instruction.	Hands-on, small-group instruction, flexible scheduling, scaffolding of instruction, upperclassmen as student aides in classes.
Culture of revision and redemption	In class	In class	In class and in performance assessments	In class and in performance assessments	In class
Inclusion of special education and English language learner students	Students included in all academic classes.	Students included in all academic classes; special education aides in the classroom; additional program for moderately disabled students.	Students included in all academic classes and receive specially tailored instruction; aides in the classroom.	Students included in all academic classes; aides in classroom.	Students included in all academic classes; special education teacher meets individually with each special needs student.

Table 8 (cont'd)

	Animo Inglewood	Construction Tech	June Jordan	Leadership	New Tech
Advisory as instructional support	Primary point of contact with parents, tracking of students' academic progress and progress towards graduation, connection with college and career preparation	Primary point of contact with parents, Payday program provides micro-grade updates on student academic progress and attendance, tracking of progress toward graduation	Primary point of contact with parents, tracking of students academic progress and progress towards graduation.	Primary point of contact with parents, tracking of students academic progress, 20 minutes daily Silent Sustained Reading, quarterly on-track-to-graduation reports from counselor.	Primary point of contact with parents, tracking of students academic progress and progress towards graduation, development of personalized learning plans for each student.
Additional academic support classes	Summer Bridge Algebra for all 9th graders, extra math course for struggling 9th graders, college readiness course for all 11th graders.	Extra English or CAHSEE prep course for 9th and 10th graders below grade level.	Math and humanities support classes for 9th and 10th graders below grade level.	Academic literacy class for students far below grade level.	Powerskills literacy class for students below grade level.

	Animo Inglewood	Construction Tech	June Jordan	Leadership	New Tech
Culture of revision and redemption	In class	In class	In class and in performance assessments	In class and in performance assessments	In class
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Out of classroom supports	After school tutoring	Principal makes home visits to struggling students; after school tutoring with late bus	Informal office hours with teachers on an as-needed basis	Extensive counseling support, after-school tutoring program, academic intervention plan for struggling students	Saturday school for struggling students and others who want extra support
Teacher contact with parents	Frequent communication with parents	Frequent communication with parents	Frequent communication with parents	Frequent communication with parents	Frequent communication with parents

Professional Learning and Collaboration Opportunities

School-led professional development	Weekly PD time; 1-week summer institute/retreat; 5 days of PD during the year; monthly buddy observations.	Two-week paid summer institute on project-based learning; release time for teachers for individual PD.	Twice a month PD; 10-day summer retreat; 1 day of PD in January; 3 days at the end of the year.	Weekly PD; 6-day summer retreat; 3 days PD each semester;, and 3 days at the end of the year.	Weekly PD; 4 ½ days a year and one week in summer with the New Tech Foundation and other New Tech schools.
Shared governance	All staff participate in major decisions. Leadership is shared with department chairs, teachers, parents and administration.	All staff participate in major decisions. Leadership is shared with grade-level "lead teachers' or "mini-principals."	All staff participate in major decisions. Leadership is shared with department chairs, grade-level leaders, and an active parent organization.	All staff participate in major decisions. Leadership is shared with department coaches and administration.	All staff participate in major decisions. Leadership is shared with 2-3 teacher leaders and teacher liaisons with CMO.

Table 9: Professional Learning and Collaboration Opportunities

	Animo Inglewood	Construction Tech	June Jordan	Leadership	New Tech
Teacher mentoring	Monthly teacher meetings for first- and second-year teachers; review of weekly lesson plans; department chair mentoring; evaluation process modeled on the National Board for Professional Teaching Standards Certification.	Monthly "new teacher meetings."	Teacher release time to observe other teachers and for planning; department head mentoring and non-evaluative observations of new teachers two hours weekly.	Department coaches provide weekly mentoring.	Teachers are mentored by the principal as well as by New Tech Foundation- trained teacher leaders and coach. All teachers share projects with each other for feedback.
Teacher collaboration time	Subject-area teachers have a common prep period 4 times a week; grade-level teams meet once a month.	Grade-level teams meet twice a week and have 90-minute sessions on late start days ten times a year.	Grade level and content area teams meet twice a week.	Grade level, department and mixed "inquiry" groups of teachers meet weekly.	Partner teachers in humanities and math/science meet 90 minutes daily.

E. Positive Outcomes

Each school has seen positive outcomes in various different measurable statistics. Most notably, the percentage of students moving on to higher education in most of the schools is significantly higher than that of the California State average:

Table 3: Graduation and College-Going Rates, 2006-07

School	Four-Year Graduation Rate, 2006*	Percent of Graduates Going to 2- or 4-year Colleges**	Percent of Graduates Admitted to 4-year Colleges**
State	85%	56% **	26%**
Animo Inglewood	99.1%	94%	69%
Construction Tech	98.6%	81% (19% go into apprentice programs or military)	36%
June Jordan	95.0%	95%	73%
Leadership	86.8%	100%	68%
New Tech	95.9%	100%	42%

Sources: *California Department of Education, DataQuest. Graduation rates calculated by CDE using NCES definition (number of graduates minus dropouts over four years). For details see http://dq.cde.ca.gov/dataquest/gls_gradrates.asp. June Jordan rate was not yet posted by CDE and is calculated from school data.
** California Postsecondary Education Commission (2007). Data are for 2004.

Table 4: Average Percent of Students Proficient, English Language Arts CST, 2006

Grade	9th Grade		10th Grade		11th Grade	
Student Group	Five-School Average	State Average	Five-School Average	State Average	Five-School Average	State Average
Economically Disadvantaged	31	27	35	21	28	21
African American	29	28	26	22	30	21
Latino	35	28	32	21	28	21
All	37	44	37	37	34	36

Outcomes at the Specific Schools

June Jordan School for Equity

June Jordan's estimated graduation rate for its first graduating class in 2007 was 95%, using the state's formula for calculation, which adjusts for transfers. Of the students who did not graduate in 2007, 2% were still in school, aiming to finish in 2008. Even more remarkable is that 95% of this first class of graduates was admitted to college, and 73% of the students were admitted to 4-year colleges, including 63% 20 High Schools for Equity of African-American students and 77% of Latino students. College admissions included University of California campuses at Berkeley, Davis, and Santa Cruz; Clark Atlanta University; Dartmouth College; Rochester Institute of Technology; Smith College; Virginia State University; and Yale University; as well as many of the California State campuses

Leadership High School

Leadership High's practices and commitments enable the school's African-American, Latino, and low-income students to perform significantly better than their peers do at other high schools they would have attended on the south side of San Francisco.

For example 41% of LHS's low-income students scored proficient on the 10th-grade English Language Arts CST in 2006, compared with 7 to 27% of low-income students from nearby schools. The differentials were equally large for African American students (32% scored proficient, compared with 6 to 9% of their peers at nearby high schools) and Latino students (28% scored proficient, compared to 9 to 17% of their peers at nearby high schools). In 2007, the state-reported graduation rate was 87%, substantially higher than that of most urban high schools. Perhaps even more impressive, in 2006, all graduates completed the A-G courses required for admissions to the UC/CSU system, a rate almost three times greater than the statewide average and from three to ten times higher than that achieved by African-American and Latino students in neighboring city schools.

Finally, Leadership High sends nearly all of its students to colleges nationwide, many of them quite prestigious. For example in 2006, 97% of graduating seniors went to college, and more than two-thirds enrolled in 4-year colleges, including UC Berkeley, UCLA, UC Santa Cruz, UC San Diego, Barnard College, Wheaton College and Stanford University. Of the two students who did not enroll in college immediately, one is playing pre-professional soccer and the other joined the Air Force; both have plans to return to college when the time is right for them

New Technology High

African-American and Latino students at New Tech have higher API scores than do students at the comprehensive high schools they would have otherwise attended. For example, the New Tech African-American students' average API score of 688 compares with 522 to 606 at nearby high schools serving similar populations of students. Similarly, New Tech's API score of 629 for Latino students compares favorably to the 531 to 610 recorded for other schools. Furthermore, before they graduate, New Tech graduates take the A-G requirements and community college courses, as well as participating in community service.

All the school's graduates in the class of 2007 were admitted to post-secondary education, with 42% admitted to four-year colleges. Students are attending University of California campuses at Berkeley, Santa Cruz, San Diego, Davis, and Merced; California State College campuses at Chico, Humboldt, and Sacramento; and private colleges like Howard University, an historically black college in Washington, DC, and Neumont College, a project-based learning college in Utah.

Stanley E. Foster Construction Tech Academy

Stanley E. Foster Construction Tech Academy's (CTA's) instructional model is narrowing the achievement gap and building a more promising future for CTA students than they would have experienced otherwise. For example, on the 10th-grade English language arts CST in 2006, 35% of CTA's African-American students scored "proficient," compared to 25% and 22% of their peers in the district and the state, respectively. Similarly, 37% of Latino students at CTA demonstrated proficiency on the same test, compared to 21% in the district and state. Furthermore, 35% of socio-economically disadvantaged CTA students scored proficient, compared to 24% and 20% in the district and state, respectively.

The school prepares its students well for careers and college. Of the 2007 graduates (who represented 99% of students enrolled four years earlier, adjusted for transfers), 100% went on to college, apprenticeships, or the military. Fully 81% were accepted to college, including 36% to 4-year colleges, primarily in the University of California and California State University systems.

(II) Portland Public Schools Racial Equity Policy

In June of 2011, The Portland Public School Board unanimously adopted a deliberate and comprehensive racial equity policy. The policy seeks not only to attain educational equity among its students, it further seeks to utilize the lens of race and equity in evaluating and producing future policies, programs, practices, and decisions, in order to achieve more equitable future outcomes in education (The Board of Education for Portland Public Schools).

Portland's Racial Educational Equity Policy

The Portland School Board defines educational equity as "raising the achievement of all students while (1) narrowing the gaps between the lowest and highest performing students; and (2) eliminating the racial predictability and disproportionality of which student groups occupy the highest and lowest achievement categories." The Board has established 6 goals that are aimed at achieving racial equity for students:

1. The District shall provide every student with equitable access to high quality and culturally relevant instruction, curriculum, support, facilities and other educational resources, even when this means differentiating resources to accomplish this goal.
2. The District shall create multiple pathways to success in order to meet the needs of our diverse students, and shall actively encourage, support and expect high academic achievement for students from all racial groups.

3. The District shall recruit, employ, support and retain racially and linguistically diverse and culturally competent administrative, instructional and support personnel, and shall provide professional development to strengthen employees' knowledge and skills for eliminating racial and ethnic disparities in achievement. Additionally, in alignment with the Oregon Minority Teacher Act, the District shall actively strive to have our teacher and administrator workforce reflect the diversity of our student body.
4. The District shall remedy the practices, including assessment, that lead to the over-representation of students of color in areas such as special education and discipline, and the under-representation in programs such as talented and gifted and Advanced Placement.
5. All staff and students shall be given the opportunity to understand racial identity, and the impact of their own racial identity on themselves and others.
6. The District shall welcome and empower families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student's education, school planning and District decision-making. The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community. In addition, the District will include other partners who have demonstrated culturally-specific expertise -- including government agencies, non-profit organizations, businesses, and the community in general -- in meeting our educational outcomes.

The Superintendent of the school system is tasked with creating action plans that have clear accountability and metrics, including the prioritization of staff and budget allocations, and that will result in measurable results on a yearly basis towards achieving the 6 enumerated goals. The Superintendent is required to give progress reports twice a year and provide updated action plans to the board annually.

Portland's Racial Equity Plan

The initial racial equity plan, implemented in the 2012-2013 school year, the Board identified 4 areas that were "key areas that require significant investment and attention in order to achieve racial equity in the district": (1) Culturally Responsive Teaching & Learning; (2) Culturally Responsive Workforce Development; (3) Culturally Responsive Family & Community Engagement; and (4) Cultural & Organizational Transformation. (The Board defines "cultural responsiveness" to mean "the knowledge beliefs, skills attitudes and practices that allow individuals to form relationships that create learning environments that support academic achievement and personal development of learners from diverse racial and cultural groups" (Portland Public Schools). See Equitable Curriculum section for more on school culture).

These 4 key areas stem from The Portland School Board belief that students of color can achieve academic and personal success when provided equitable access to common core courses and high quality teachers who demonstrate culturally responsive instructional practices; that the school system must recruit, hire, promote, and retain racially conscious and culturally responsive employees at every level; that focusing on majority culture communication style and pathways leads to an information gap for families of color, and thus there must be an increase in culturally-

specific family engagement opportunities; and lastly, that the school district must build a culture of inclusion and acceptance that actively challenges institutional racism through examining and dismantling systemic policies, programs, and practices that perpetuate racial achievement disparities through the use of disaggregated data and increased accountability for meeting the needs of communities of color. (The Board adapted these ideas from Randall B. Lindsey et al).

The initial racial equity plan listed 18 specific goals aimed towards achieving success in these 4 key areas. Specific highlights of the racial equity plan include:

1. Racializing special education data and providing teachers with culturally responsive strategies for students of color that are referred for special education;
2. Racializing Talented and Gifted (TAG) student data and amending the TAG identification process in order to "remove barriers for students of color and students whose first language is other than English";
3. Interviewing newly hired teachers, with a focus on teachers of color, to inform the recruitment and retention strategies;
4. Focusing on diversifying the substitute hiring pool; (5) facilitating development and adoption of an affirmative action policy;
5. Providing school-based monthly equity-focused professional development, led by Equity Teams;
6. Applying the Equity Lens Tool in the budget adoption and development process;
7. Improving data collection through disaggregation of key metrics, recommendations for more accurate race/ethnicity data collection, and increased use and variety of culturally sensitive data collection methods; and
8. Enrollment balancing in certain schools in order to increase the number and percentage of students of color who have access to a strong core program.

While the Superintendent is responsible for creating the plan, the Equity & Inclusion Council (EIC) is responsible for ensuring the successful implementation of the Racial Equity Policy and Racial Equity Plan. The EIC is comprised of individuals with sufficient leadership influence and authority to assemble resources and support needed to make change, and managers who can provide assistance in designing and deploying the Racial Equity Plan. The council is co-chaired by the Superintendent and a Chief Equity Officer (CEO). Members must represent key areas of focus in the equity work; represent multiple perspectives of school district leadership; and represent groups or departments that are specifically focused on the racial equity work for the district.

Portland's Racial Equity Lens

Lastly, for achieving a future of racial equity in its policymaking decisions, the Portland Public Schools have developed a tool with which it can view policy and practice decisions through the lens of race and equity. The Oregon Department of Education adopted a version of Portland's racial equity lens during the 2012-2013 school year.

The racial equity lens works by asking 5 questions for any policy, program, practice, or decision:

1. Who are the racial/ethnic groups affected by this policy, program, practice or decision? And what are the potential impacts on these groups?
2. Does this policy, program, practice or decision ignore or worsen existing disparities or produce other unintended consequences?
3. How have you intentionally involved stakeholders who are also members of the communities affected by this policy, program, practice or decision? Can you validate your assessments in (1) and (2)?
4. What are the barriers to more equitable outcomes? (e.g. mandated, political, emotional, financial, programmatic or managerial)
5. How will you (a) mitigate the negative impacts and (b) address the barriers identified above?

Need to Evaluate Racial Equity Policies

Given how recent the policies in Portland were adopted, whether they are/will be effective in achieving racially equitable outcomes in education remains to be seen. The Portland School Board acknowledges that these goals are long term and require a significant amount of work and resources in order to be implemented across all schools. Thus, in order to get a sense of the efficacy of this racial equity policy, it will take analysis of the performance of Portland's minority students during a number of years before 2012 compared to their performance over the coming years as the racial equity policy is implemented district-wide.

Taft High School, Cincinnati

Taft High School in Cincinnati Public Schools, Ohio is another success story. A newspaper headline in 2010 stated: *Taft High School celebrates turnaround – Dead-end school has become high-tech star* (Cincinnati.com, Nov 7, 2010). The school went from only a 21% graduation rate in 2002 to a 95% graduation rate in 2010, and from 28% - 42% of seniors proficient on math and reading respectively to greater than 95% for each. Discipline rates per 100 students improved from 78.7 to 7.3. Success was attributed to many factors, but key among them were:

- Recruiting a principal from the community (a Taft graduate) who cared deeply about the school and who was successful in motivating and empowering the teachers and staff to help the students excel. The principal, Anthony Smith, was quoted as saying:
    - ✓ "It's all about relationships. When kids believe that you really want them to be successful, they'll do whatever you want them to do…
    - ✓ Taft's success comes down to a lot of people who cared an awful lot, and who worked tirelessly on a turnaround plan with the attitude that failure was not an option...
    - ✓ When you take on this education thing, you have to be serious about it. If you mess up kids, you can't go back and fix them."
- Engaging with a corporate partner (Cincinnati Bell) that:
    - ✓ Funded significant technology upgrades for the school, located in a predominantly poor, predominantly minority section of the city
    - ✓ Provides tutoring, scholarships and internships for students

✓ Set up an academic incentive program in which it gives free laptops and cell phones to all juniors and seniors who earn a 3.3 grade point average and wires their homes with broadband Internet.

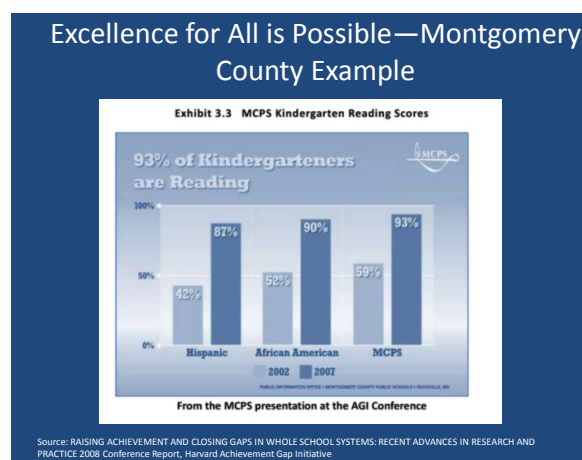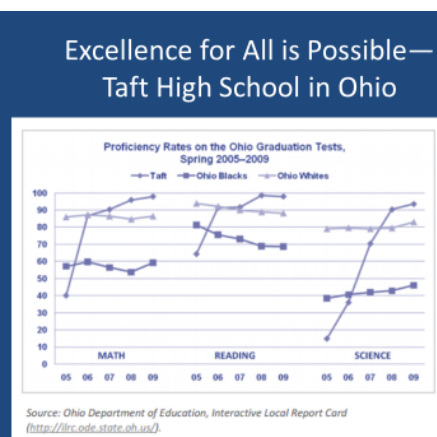**Chart 13. MCPS-Kindergarten** **Chart 14. Taft High School**

These examples confirm that excellence with equity is an eminently achievable goal and one that can be accomplished in a relatively short time frame. There are many alternative paths to get to the goal, but one common denominator appears to be clear focus and commitment. With a genuine focus on Specific, Measurable, Achievable, Results-oriented, Time Bound (S.M.A.R.T.) goals of equity and excellence, CHCCS can become a national model of success. Moreover, such success is likely to attract the type of corporate partnerships and funding that facilitated the rapid rise of Taft High School in Ohio. Apple has already indicated an interest in working with the district on innovative new approaches. Other sources of support are likely to follow.

North Carolina Schools

In North Carolina, there are several public (non-charter) elementary schools with at least 40 tests taken by African American students in which at least 75% of those students are achieving at levels considered on pace to be college/career ready, compared to an average of 25%-35% for elementary schools in Chapel Hill-Carrboro.

Table 1. NC Schools with Strong African-American Academic Performance

School	District	# African-American Tests	% African American of Total	% College/Career Ready on EOG
Bain Elementary	Charlotte-Mecklenburg	141	13%	75%
Collinswood Language Academy	Charlotte-Mecklenburg	143	15%	80%

School	District			
Providence Spring Elementary	Charlotte-Mecklenburg	60	6%	83%
Weddington Elementary	Union County	49	5%	90%

Similarly, there are many North Carolina middle schools in which at least 20 African American students are given the opportunity to take Math I in 8th grade (standard path is to take Math I in 9th grade), and in which at least 70% of those students achieve at College/Career Ready levels, compared to 33% overall for African American students in Chapel Hill Carrboro taking the Math I EOC. Because relatively few middle school students in CHCCS take the Math I EOC, data is not available for middle school students in this district.

Table 2. NC Middle Schools with Strong African American Performance on Math I EOC

School	District	# African-American Students taking EOC Math I	% African American of Total Taking EOC Math I	% College/Career Ready on EOC
Bertie Middle	Bertie County	20	69%	80%
Francis Bradley Middle	Charlotte-Mecklenburg	21	17%	86%
J M Alexander Middle	Charlotte-Mecklenburg	31	30%	74%
Randolph Middle	Charlotte-Mecklenburg	48	23%	85%
Ridge Road Middle	Charlotte-Mecklenburg	57	44%	93%
Shelby Middle	Cleveland County	20	26%	85%
Rogers-Herr Middle	Durham County	47	52%	85%
Hanes Middle School	Forsythe County	28	11%	71%
Jamestown Middle	Guilford County	26	20%	85%

| Leesville Road Middle | Wake County | 26 | 11% | 73% |

| (Individual middle school data not available for CHCCS due to small number of test takers) | Chapel Hill Carrboro | 134 | | |

Providence High School in the Charlotte-Mecklenburg district is another example of a suburban public school in an area comparable to Chapel Hill Carrboro in which the level of achievement, while not perfect, is more uniformly high. We suggest that more be done to understand how Providence and other schools in North Carolina (and pockets of success in Chapel Hill-Carrboro City Schools) have enabled a broader cross-section of their students to succeed academically.

Chart 12. Providence High School

Providence High School, Charlotte-Mecklenburg District 2014-15 School Year
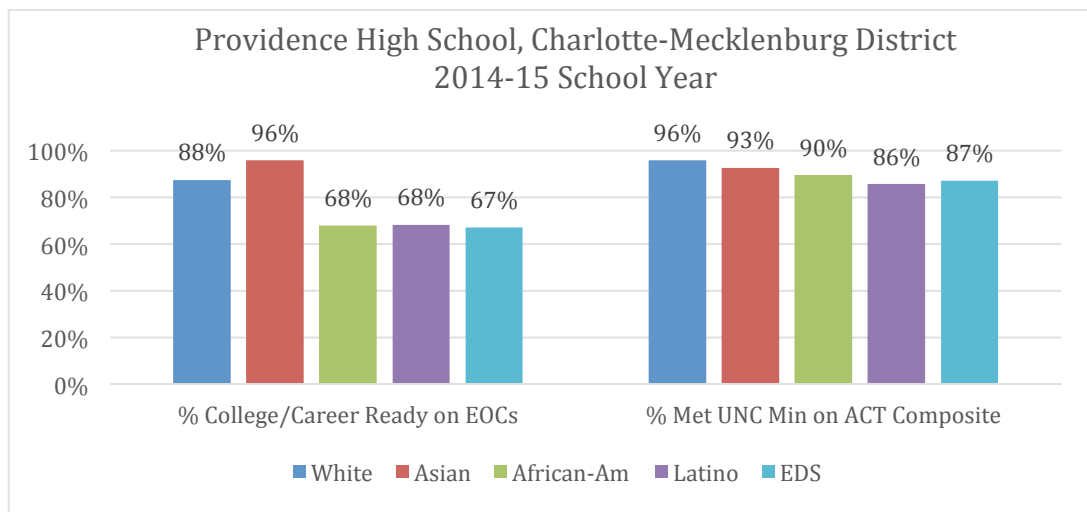
Questions often arise regarding the extent to which schools can change if there has been a long history in which many students have not been reached effectively. The 2008 Conference Report of the Harvard University Achievement Gap Initiative highlights several cases in which dramatic improvements were made within a relatively narrow time frame. One was Montgomery County Public Schools (MCPS), in Montgomery County, Maryland. After "putting race on the table," in the words of Assistant Superintendent Dr. Frieda Lacey, and making a commitment to "do something dramatically differently" to ensure that all children were given a real opportunity to excel, the MCPS district set very aggressive goals for improved academic performance. Goals such as:

- Growing the percentage of kindergarteners reading books from 50%-60% in 2002 to 90% in 2007 through such strategies as going from half day to full day classes and reducing class size in areas of high poverty

- Growing the number of fifth grade students successfully taking sixth grade math to 5000 from 196 within three years through new teaching strategies
- Growing the proportion of all students taking AP classes to 80% compared to a statewide average of 35%.

While not perfect, the district made tremendous progress, and many of its high schools were rated by *US News and World Report* as among the top 100 in the nation. As a postscript, as MCPS demographics have continued to change, and leadership has changed, the district is once again under community pressure to maintain and expand past success in helping all segments excel.

Curriculum Design and Delivery that Promotes Equity

Schools that show demonstrable gains in equity across race share common features in their curriculum design and delivery. The following section shares those features. These schools demonstrate that students of color and all students can have full and equitable access to a high level, rigorous, engaging curriculum that prepares them to understand both how to navigate a racist world while creating a more equitable one.

Curriculum includes both mandated content and skills as well as guidelines for pedagogy.

Schools that recognize and directly address the persistent, though often unintentional or unconscious, structural racism that undergirds policy, practice, and decision-making at the district and school level, can achieve equity.

Curricula that focus on eliminating race inequity do not disregard other aspects of equity – class, gender, or sexual orientation, for example. Rather, becoming aware of how racism operates in the schools can actually help foster equity across multiple identities; multiple forms of oppression and inequity are interrelated. However, at the same time, research shows that race 'trumps' other aspects of identity every time. Curriculum that harbors racial bias has the most detrimental affect on students of color. They experience the greatest achievement and discipline gaps in the district.

A race-conscious/racial justice lens must permeate all district practices. Any program or policy or change implemented without an analysis of structural racism, without this critical lens will benefit white student and fail to serve students of color.

Common features of equity-achieving curricula: **Pedagogy & Content**

Non-tracked learning groups

Tracking does not support success for students of color and students from low socioeconomic backgrounds. In national and North Carolina-based studies, tracking has repeatedly been shown to hinder the performance of previously low-performing students, especially at the middle and high school levels (national: Burris et. al, Burris & Welner, 2006; Oakes, 2005; NC: Tyson, 2011; Michelson & Everett, 2008; Watanabe 2008). In addition to hindering academic

performance, tracking leads to negative social and emotional consequences for low-tracked students (Rubin, 2001; Watanabe, 2008, Weinstein, 2002).

Tracking prevents full school integration because it results in in-school segregation (Oakes, 2005). It increases segregation for students of color and materially poor students, both of whom are disproportionally represented in lower-level classes (Watanabe, 2008). Providing competent instruction within each track or within each leveled classroom on its own will not overcome the multiple negative effects of tracking. Tracked classrooms still affect how teachers think about students and how students think about themselves. "The hierarchical nature of grouping practices always privileges one group of students over another" (Watanabe, 2008, p. 524).

In contrast, detracking has shown to have positive benefits for students of color (Boales & Staples, 2008; Burris et. al., 2008; Rubin, 2008). Studies of detracking provide evidence that it does not hinder – and can have benefit for – the achievement of students with higher levels of academic achievement (Burris, 2010; Garrity 2004). Detracking can lead to more open and productive conversations on race within the classroom (Rubin 2001).

Schools that successfully detracked grouped students in heterogeneous classrooms in all subject areas and provided access to the same high-level curriculum to all students. In tandem with de-tracking, schools implemented a variety of strategies to support struggling students. For high school level classrooms, strategies include:

1. Implementing *complex instruction* design for all subject areas, which defines success in multiple ways (Boaler & Staples, 2008; Cohen, 1994; Cohen & Lotan, 1997).
2. Training teachers to practice *assigning competence*, "a practice that involves teachers raising the status of students that may be of a lower status in a group, by, for example, praising something they have said or done that has intellectual value, and bringing it to the group's attention; asking a student to present an idea; or publicly praising a student's work in a whole class setting" (Boaler & Staples, 2008, 632).
3. Providing support classes for students who need additional support in reading, writing or math every other day and moving students in and out of support classes as needed (Garrity, 2004). Creating structure to all support classes to be taught by students' regular math and English teachers (Garrity, 2004).
4. Implementing block scheduling (Boaler & Staples, 2008).
5. Expecting all high school students to take calculus and creating semester-long math courses, allowing students to take more math classes (Boaler & Staples, 2008).
6. Organizing curriculum around theme-based units.
7. Focus on "groupworking" mathematical problems (Boaler & Staples, 2008; Horn 2005).

At the elementary school level, tracking often comes in the form of ability grouping. Like other forms of tracking, an over-reliance on ability grouping has negative consequences for students of color. One researcher found that ability grouping "is an important mechanism through which schools *exacerbate* inequality in academic skills" *and* that such grouping hinders the ability of lower-leveled students to catch up to peers placed in higher groups (Condron, 2008, 386). Furthermore, ability grouping causes teachers to hold more negative perceptions of students in lower level groups and limits the amount and complexity of the instruction those teachers give to students assigned to lower-levels (Chorzempa & Graham , 2006). These effects and the negative

impact on academic achievement are especially acute among black and Latino students (Lleras and Rangel, 2009). In schools that de-tracked their elementary school classrooms, teachers were trained to implement classroom practices that foster heterogeneous ability grouping and schools ensured all students had access to grade-level reading and math for the entire academic year.

Access to gifted education for all students

Like tracking, gifted education produces in-school segregation. Students of color nationally and across North Carolina have inequitable access to gifted education programs (Ford et. al., 2013; Ford et. al, 2008; Watanabe, 2008). This is true at CHCCS, where students of color are grossly underrepresented in the AIG program.

The notion of "gifted" is itself problematic. The current means to identify 'giftedness' looks at a narrow set of skills and over-relies on standardized test scores (Baldwin, 2010). Access to gifted programs is often not the result of students' special abilities but rather teachers' subjective (and often racially biased) perceptions of students and/or parents' (in)ability to advocate for their children's admission to gifted programs (Watanabe, 2008). These issues make the AIG program in CHCCS yet another form of racialized tracking.

There are examples of school districts, such as Rockville Center, that have successfully re-organized their gifted education program to one where all or most students receive gifted education services (Garrity, 2004; Burris, et. al. 2008). These programs identify and foster the various strengths unique to each student. Garrity (2004) states:

> Over a four-year period, we were able to phase out the exclusive gifted and talented program and blend that curriculum into each elementary classroom, using a new district-wide enrichment program known as STELLAR (Success in Technology, Enrichment, Library, Literacy, and Research). Staffing at each elementary building includes a STELLAR teacher who supports each classroom teacher by enriching the grade-level curriculum. Students participate in both whole-class and small-group investigations that encourage in-depth study in areas of interest.

Race-conscious curriculum

Theresa Perry, in her essay on *The African-American Philosophy of Education* (2003), speaks to the historic struggles by the African-American community for equity in resources (facilities, pay, materials) as well as in intellectual capital, both occurring in the context of an assumption of deficit. She turns the commonly repeated trope of black students doing well as "acting white" on its head by pointing to the more devastating cultural story that "being black was not compatible with being smart" (p. 36). At its heart, a strong anti-racist, culturally relevant pedagogy takes on this prevailing and dominant assumption of black intellectual inferiority by grounding learning in a pedagogy of race equity and justice.

Schools that achieve equity create a school culture and teaching practices that are grounded in the belief of the potential and brilliance of students of color. They do not adopt a curricular approach that "reduces culture to decontextualized practices" (Perry, 58) but instead actively challenge the status quo. Successful curricula aggressively combats the unspoken assumption that students of color should assimilate into a white learning culture that values certain kinds of

(white) intelligence and a narrowly defined (white) idea of "success." Schools with a racial justice approach to schooling address head on the drive towards an assimilationist culture that "affords automatic advantages to those who come to school with a lot of cultural capital" (p. 85) while undermining those who don't. Perry defines cultural capital as "not just dispositions, practices, language use, and experiences but also those qualities associated with what it means to be white… subordination of emotions to reason, the ability to present a disciplined exterior, and to constrain body movements" (p. 85).

Race conscious curricula that successfully shift away from a learning culture detrimental to students of color:
1. include a race-based history of the United States;
2. include a critical exploration of how that history continues to impact people of color and white people on the local, state, and national level;
3. view knowledge critically (as opposed to an assumption that knowledge is infallible) (Ladson-Billings, 2009, p. 89); and
4. understand excellence as complex and take student diversity and individual differences into account (rather than seeing them as a unilateral standards independent of the student; some might understand this as a growth model or mindset) (Ladson-Billings, 2009, p. 89).

Culturally relevant teaching and curriculum

Gloria Ladson-Billings, in her landmark book *The Dreamkeepers: Successful Teachers of African-American Children* (2009), lays out key principles for culturally relevant teaching and curriculum that are features of strong equity practices.

Ladson-Billings describes culturally relevant teaching as that which (p. 89):
1. provides content that is interesting and engaging for all students, including students of color;
2. views knowledge as continuously recreated, recycled, and shared (as opposed to passed only from teacher to student);
3. positions the teacher as passionate about content (as opposed to detached or neutral); and
4. positions the teacher as someone who helps students develop skills (rather than expecting them to demonstrate prerequisite skills).

In addition, a culturally relevant curriculum takes advantage of students' community cultural wealth, which:
1. encourages some level of educational self-determination, the engagement of students and their families in identifying what they want to know and do;
2. honors and respects the students' home culture by offering an accurate and fair representation of the cultures present in the classroom and community; and
3. helps students of color (and therefore all students) understand the world as it is and equip them to change it for the better (p. 150-3).

Some schools have chosen to adopt these principles through a problem-posing curriculum practice. Such a curriculum is:

1. **Led by student voices and concerns**. Brian Schulz, in his book Spectacular Things Happen Along the Way (2008), describes how he constructed a year-long fifth grade curriculum in an urban Chicago school starting with questions to which students wanted answers. The result was a rich exploration of history, math, science, and civics, all requiring increasingly strong writing and speaking skills and leading, for example, to students preparing for, interviewing, and debriefing a range of public figures including local and state politicians on their positions related to public schooling specifically because their school was so inadequate.
2. **Focuses on enduring understandings**. Nieto and Bode, (2011, 345) note the importance of creating the ability to access knowledge that "will endure long after the books are closed and years after the students leave their classrooms."
3. **Prioritizes critical questioning**. Mary Ann Cowhey, in *black Ants and Buddhists* (2006), shares what she learned as a result of developing and teaching a social justice curriculum to racially diverse first and second graders over a nine-year period. The book is a primer in how to help students think critically about their world, how to make connections between their lives and the larger world, and how to handle the controversy and emotion that arises when teaching this way. Cowhey scaffolded lessons (see Ladson-Billings' list above) to offer the information and skills students needed to pose and explore questions about assigned topics. For example, she taught a required unit on Christopher Columbus by first reading the traditional "Columbus as hero" version of the story and then reading Jane Yolen's *Encounter*, which tells the story from the perspective of a fictional Tainos boy. She then asked a series of inquiry questions about which version was true and why, which led to engagement with the concept of research and the question, "how do you get at the truth?" The first grade class discussed what it meant to look for evidence, the idea of primary sources, and the need to generate additional questions that they then answer collaboratively. Cowhey followed by leading her students in an activity where three students stood at different points in the room to witness a fourth student enter the room and do a few different things as he walked across the room. Each "witness" is then debriefed, which introduced the idea of multiple perspectives. Cowhey used a number of resources to develop and teach this curriculum, including resources from the organizations Rethinking Schools and Teaching Tolerance.

Peer to Peer learning

Schools that are succeeding in their equity goals allow teachers freedom to identify what works for students of color. They institute methods of accountability at the school level to ensure that practices are learned, adapted, and extended among faculty (while recognizing that no two teachers or set of students is alike). They also institute methods of accountability at the district level to ensure that practices are learned, adapted, and extended among the schools in the district (while realizing that no two school settings are alike).

Nurturing a culture that allows for and fosters productive conversations about race

Finally, schools and districts that make tangible gains in racial equity talk about race. School and district leaders actively seek to build consensus in the community that a racially just school system is in the best interest of all students and community members.

VII. Our Analysis: What Do We Make of What We've Learned?

Chapel Hill-Carrboro City Schools have long enjoyed a reputation as among the best in the state. We have excellent graduation rates and comparatively high SAT scores. What these statistics reflect is a district with high numbers of white, affluent, well-educated families. What is masked in the numbers is a tale of two school districts: one that serves its white clients very well, while black and brown students have a very different set of educational experiences. We know that our district is not unusual in this respect. We know that the crisis we are observing is a crisis across the nation and it is almost impossible to find a school, indeed an institution of any sort, where outcome is not predicted by race.

This may seem like a hopeless situation or a problem too large to solve, but we are not daunted because we know that most institutions, including schools, have failed to do the one thing they might do to turn this situation around: approach inequities by addressing the root causes that have their history in a nation built on beliefs, principles and practices that uphold white rights, privileges, and advantages. We have yet to address racial inequities by addressing the structural and institutional racism that have created and continues to create them.

We have tried to provide extra help to those at the bottom, or to mete out extra punishment, in the hopes that we can improve them or remove them. But even when we are successful in providing a few children better opportunities through a school enrichment program, this does nothing to change the overall environment that continues to put our black and brown children at risk the moment they enter our schools.

Cannot solve a race-based problem with a race-neutral solution
When we are not trying to reduce the gaps by addressing the deficiencies of students and families of color, we try race-neutral solutions like improving instructional methods or employing more positive discipline strategies. While these solutions may be beneficial to students overall they will do nothing to address the disparities because, as teachers, parents, and students consistently told us in the listening sessions, these disparities are rooted in race. You cannot solve a race-based problem with a race-neutral solution.

Need to develop racial literacy
So how do we address the harmful impacts of race and racism? It will require dedication to ongoing study and engagement that educates us about our national history and manifestations of white rule and affirmative action that we'd like to forget or deny.

In "White Man's Guilt" James Baldwin said, "People who imagine that history flatters them (as it does, indeed, since they wrote it) are impaled on their history like a butterfly on a pin and incapable of seeing or changing themselves or the world. This is the place in which it seems to me most white Americans find themselves. Impaled. They are dimly, or vividly, aware that the history they have fed themselves is mainly a lie, but they do not know how to release themselves from it, and they suffer enormously from the resulting personal incoherence."

Training is needed for almost all of us who would try to dismantle racism and its ongoing damage. We need training in the racist history of our country, and we need to provide it to our students, too, so they can better understand why the world looks the way it does, why they find

themselves and their families advantaged or disadvantaged in certain ways. When we are not told the truth, we are left to figure things out on our own. As Baldwin says this may result in personal incoherence. And it also results in implicit or unconscious racial bias.

Need to understand and address implicit racial bias
When we look at the toxicity of the public education system for students of color, one of the poisons in "the lake" is implicit racial bias. Implicit bias can be defined as attitudes or stereotypes that affect our understanding, actions, and decisions in an *unconscious* matter. All educators know that stereotypes are bad and want to believe that they don't have them. Almost all who work in our schools want to bring their best intentions and understandings to their work with each other and with the children they serve. But we are learning more each day about the extent to which our unconscious brains trigger our emotional reactions and influence our decisions. Unconscious associations about categories of people (e.g., men, women, young, old, tall, short, British, Chinese, black, white, Southerners, Californians) are shaped throughout life, beginning very early, by everything around us and these associations take up residence in our unconscious brains.

Most unconscious associations are necessary for our safety, survival and efficient movement through life. But sometimes our unconscious minds go against our professed beliefs and best intentions, thwarting our goals and creating unintended harm.

Almost all of us have implicit racial bias by virtue of having grown up in a racialized country. Research at Harvard using the Implicit Association Test has shown that a very large percentage of white Americans show positive bias toward white people (as opposed to African American) and that around 50% of African American people also have more positive bias toward white people.

Fortunately good training is available on implicit bias that elucidates how and why biases are formed, how they can be harmful, and most importantly what we can do to reduce bias and hold it in check.

Need to eliminate disproportionality in discipline

In early 2013, over 200 Chapel Hill and Carrboro parents, students, teachers, administrators, lawyers, judges, police officers, and community advocates gathered in a community forum to discuss the problem of, and possible solutions to, disproportionate and criminalized student discipline. Since that time the District has begun tracking and reporting discipline data ranging from office referrals to suspensions with the goal of reducing in-school and out-of-school suspensions and referrals to juvenile court. With closer attention and greater accountability the data show some small improvements in this area of inequity, but the black students are still suspended at eight times the rate of white students.

The largest disparities in office referrals are the categories that allow teachers and administrators wide leeway in interpretation: defiance, disruption and disrespect (Williams, 2015). This is almost certainly due to implicit bias. In one of the listening sessions, a white teacher said, "White people are more afraid of the same behavior if it comes from a black child." In this statement we hear the narrative of white police officers who have shot, and sometimes killed, unarmed black

men or youth. We can see how unconscious bias, if not acknowledged and held in check, can lead to harmful, tragic, albeit unintended, results.

We are aware that the district has been taking many measures to address disproportionate discipline, including tracking and reporting the data, bringing more standardization and objectivity to referable disciplinary offenses, increasing the use of PBIS and restorative practices, and revising the memorandum of understanding that governs the interactions of school resource officers (law enforcement officers) with our students. Implicit bias training followed by the creation of best practices and tools for reducing bias should also have a significant impact on reducing disproportionality by holding white students more accountable for their behavior while not overreacting to behaviors of students of color.

Need to rethink tracking

Based on our research and our meetings with various groups of stakeholders (parents, teachers, students) and our understanding of recent racist events in our schools, the need to create more heterogeneous environments for our students becomes an imperative. In order to "stop living divided lives", students need to be working collaboratively in classes that represent the ethnic percentages of our community. Students of all colors need to listen to each other, recognize the gifts that each of them brings to learning, and begin to understand more deeply the histories and cultures that each of them contributes to the learning experience. This means that we need to minimize and hopefully eliminate tracking in our schools. In *Despite the Best Intentions* by Lewis and Diamond, research based on a school system similar to ours demographically, a school counselor describes the school environment: "So we have great diversity at this school, but it's like two ships traveling in parallel lines – they don't even really cross." This could be a description of the Chapel Hill-Carrboro Schools, particularly at the middle and high school levels.

Detracking the schools is not for the sole benefit of the students of color; our white (and often Asian) students are being deprived of the valuable experience of working with a culturally rich array of peers, an experience that will prepare them for the increasingly culturally diverse world they will be moving into. The teachers and students we met with reinforced this thought.

Research supports the practice of providing a challenging rich curriculum to all students. By maintaining standard and honors classes that are racially identifiable, we unfortunately exhibit our support for the concept that one group will have a different curriculum that is less intense and less challenging – a reality that takes place in practice if not in concept. Often, students who take standard classes are simply fulfilling their own self-perception that they are "not good in school" or "in a particular subject" – a self-perception that has been shaped by the surrounding societal structures.

Steele and Aronson did studies of "stereotype threat" and found that context was much more important than any unfounded determinations of "ability." According to the authors intellectual competence is not just something in a person's head, rather it is quite literally the product of real or imagined interactions with others. How a student construes the way he or she is viewed and treated by others matters a lot: how welcomed or excluded, how respected, how tuned in to

others' difficulties and triumphs – these perceptions can exert a profound influence on intellectual competence, on motivation, and ultimately upon a student's academic self-concept.

If AP classes are to be continued, then there needs to be much more effort put forth to include a culturally diverse array of students. By providing support structures for these students, they can be successful. We learned this by looking at school systems across our country that have taken the risk and are having success. In our system, too often a single student of color is placed in an AP class with no support for ensuring success. The students who have experienced this (in both AP and honors classes) describe feeling isolated and used by teachers as "the minority voice." This is not conducive to genuine conversations that lead to deeper learning among all students.

As a school district, we must design schools where all students have frequent opportunities to work together, learn from each other, and develop a sense of academic worth. School structures and organization have a deep, long-lasting and insidious effect on student self-perceptions and motivation. We must take a hard look at our "status quo" high schools and have the courage to make a change based on research and our stated goals of establishing equity and closing the gap.

Issues of accountability

Chapel Hill-Carrboro City Schools District's program for compensation, professional growth, and leadership should have as its foundation the analysis of race as the lens to understanding the district's commitment to equity and excellence. We hope that the three tenets of Project Advance: Credits for Practice and Outcomes, Levels for Career Advancement, and Roles will all reflect the ability to impact the issue of equity and have education for diversity as a priority. The district's commitment to demolishing its institutional barriers that hinders the elimination of racial predictability and disproportionality should be embedded in the implementation plan for Project Advance.

Compensation rewards should also have as a major component teachers' knowledge, skills, and dispositions to promote high achievement and closing the achievement gap. One area of the district's Professional Growth tenet in Project Advance should center on education on race and examining personal racial implicit biases while providing educators with skills to eliminate racial disparities in achievement and advancement.

The alarming findings of our report on District outcomes and school climate, combined with the promise reflected in some schools that are making faster progress, demands that we work together quickly and deliberately to develop and implement a comprehensive plan that courageously and completely addresses the inevitable institutional racism that characterizes the majority of American schools. This type of racism is almost never intended, and is often hard to recognize until we are able to see through the lenses of racial literacy. But until we are able to face the past racially-distorted way of life that continues to shape our present, we will not be able to realize the future for which we long.

The equity plan for CHCCS cannot be another program or set of programs. It must be a new school environment, a new school culture. It must be how the schools are run at every level. Our goal must be excellence exemplified by equity and justice creating and preparing our children for a changed world that exemplifies our highest ideals as a society.

VIII. Recommendations

Based on the research and analysis presented here, we have a number of recommendations for how the experiences and outcomes of students in the Chapel Hill-Carrboro Schools can be both excellent and equitable across race. Our goal is for all children to thrive in a supportive learning environment, growing in the knowledge and skills necessary to successfully move into post-secondary education or a good job upon graduating high school. We know you share this goal.

And our schools will never be excellent until they are also equitable, meaning that:

    a. Outcomes in achievement cannot be predicted by race.
    b. Participation and success in gifted and advanced coursework are comparable across race.
    c. Attendance, successful course completion, graduation and drop-out rates cannot be predicted by race.
    d. Discipline practices, including suspensions, cannot be predicted by race.
    e. Students' experiences at school including feelings of belonging, self-esteem, and academic self-esteem will not vary by race.

We have divided our recommendations into eight broad categories that we think must be included in any strong equity plan. Considered together these categories cover the breadth of school experience, the only way to achieve true racial equity. It can never be viewed as a program or an initiative. Once we are able to understand and address the true roots of inequity that are based in our history and its resulting belief systems and economic, political, and social structures we will be on the road to righting past wrongs and achieving --through excellent equitable education-- the opportunities that a true democracy guarantees to all its citizens.

EQUITY GOAL 1. Access and Inclusion

All students have access and are included in rigorous and relevant coursework, extracurricular, college & career prep, other social and leadership opportunities.

Recommendations

1. Establish a goal of achieving 10-15 percentage point improvement each year in the proportion of African American, Latino, and Economically Disadvantaged students who score at college/career levels on EOCs and EOGs.
2. Develop a plan to detrack middle and high schools by Fall 2016.
3. Expand gifted programming to include all students by Fall 2016.
4. Investigate disproportionate access and participation in sports and other extracurricular activities and identify cultural, structural or socioeconomic barriers that can be reduced or eliminated by April 2016.
5. Investigate disproportionate access & participation in student government and other school-based activities and identify cultural, structural or socioeconomic barriers that can be reduced or eliminated by April 2016.

6. Develop a plan to ensure that every child has equal access to counseling for college and career planning such that students and their families get the help they need to have a viable plan for post-school education or employment that aligns with the student's goals.

EQUITY GOAL 2. Personnel and Climate

District leadership builds consensus within the district and across the community that there is no excellence without equity, and that a racially just school system is in the best interest of all students and community members.

<u>Recommendations</u>

1. Develop a mandatory professional development for all district personnel in racial literacy and cultural competency including:
    a. The science of implicit bias and how implicit bias can undermine our highest values and goals unless strategies are in place to check and reduce bias.
    b. Historical, cultural, institutional and structural racism and how it impacts educational outcomes.
    c. Consider the Racial Equity Institute or similar 2-day trainings, followed by school-based opportunities to debrief, deepen and apply training concepts on an on-going regular basis.
2. Develop and sustain a district culture that allows for and fosters productive conversations about race.
3. Recruit, employ, support and retain racially literate, culturally competent and linguistically diverse administrative, instructional and support personnel.
4. Ensure that the teacher and administrator workforce in all schools and units reflect the diversity of our student body, striving for over-representation of groups that have been marginalized (i.e., African American and Latino students).
5. Encourage Human Resources to recruit in markets with diverse candidates, but show caution in recruitment of international candidates who rarely have the racial context necessary to further equity goals.
6. Offer a caucus or support group for teachers and staff of color that is not overseen and managed by district administrators.
7. Train principals on how to be intentional in all decisions regarding their school's equity team--from the people they choose to become part of the team to the training they offer staff.
8. Ensure that the school environment reflects diverse cultures - including texts, music, learning materials, wall displays, and physical environment.
9. Continue to develop, implement, and evaluate the use of Student Six as an equity training strategy.
10. Embed accountability to the district's equity plan in all levels for career advancement in Project ADVANCE.
11. Develop and implement a reporting process for students and staff around the issue of inequitable processes, practices, and incidents.
12. Develop and implement strategies to engage students in the development of policies and practices that impact school climate.

EQUITY GOAL 3. Racially Literate Curriculum and Instruction

Eliminate racial bias and promote racial literacy in expectations, curriculum, and teaching methods.

Recommendations

1. Develop or adopt race-conscious curriculum (that acknowledges US history, policy and practices of white advantage and the concomitant oppressions of people of color) across grade levels.
2. Develop and implement culturally integrated curriculum across grade levels that offers counter narratives to dominant white normalcy and superiority.
3. Assure the use of instructional methods that are known to be equally effective across racial and socioeconomic groups.

EQUITY GOAL 4. Disciplinary Policies and Practices

Discipline policies and practices are in the best interest of supporting the student's educational experience and are applied equitably across race.

Recommendations

1. Continue data collection, analysis and examination of discipline data at the school level.
2. Continue conflict resolution/restorative justice (Restorative Circles) training and implementation across all schools. Document and evaluate implementation and outcome of restorative practices.
3. Adopt objective criteria for office referrals, to decrease the chance that racial bias can influence discretionary decisions regarding student behavior.
4. Complete the revisions discussed by the School Board and adopt immediately the Memorandum of Understanding between the District and local police departments regarding the role of School Resource Officers (SROs) that has been under development and consideration for the last 18 months.
5. Develop a plan to replace SROs with school-based programs that have been shown to increase safety and security.

EQUITY GOAL 5. Resource Allocation and Distribution

Resource allocation and distribution is transparent to the citizens of the District and reflects values of excellence and equity.

Recommendations

1. Tie district and school leaders performance incentives to achievement of district and school equity goals
2. Use a racial equity analysis to examine and shape economic policies and practices of the district (related to wages, contracts, and student and family access and opportunity) in such a way that they help create, rather than inhibit racial equity.

3. Modify budget development and reporting practices so that they are more inclusive and transparent.
4. Create online dashboard making enrollment, financials and academic performance for each school by race and income readily available. Update mid-year and end of year.
5. Correct online enrollment information to include current data for every school, and add reporting that highlights trends (total enrollment, enrollment by race over time).
   a. Separate individual school and district budgets and financial statements and include in online reports. Include demographics and EOG performance by race and income for each school.
   b. Clarify how resources are allocated to classrooms, programs, and overheads.
   c. Report enrollment, costs and outcomes by program.

EQUITY GOAL 6. Broad-based Community Participation in Equity Plans

The input and engagement of all family and community members is sought, valued and responded to with respect.

Recommendations

1. Include two or more community-based equity advocates in the extensive review of the Gifted Program that began this school year.
2. Develop and implement a plan that ensures the participation of community-based equity advocates (e.g., Campaign for Racial Equity, NAACP, Organizing Against Racism, Justice United) in the development of race-conscious curriculum, including the selection of texts.
3. Use PTA, community partners and other mechanisms to educate all parents about white privilege and how it relates to historical, institutional and cultural racism. Include an analysis of how continued inequities harm us all economically, socially and spiritually.
4. Create and share vision – in partnership with community – of what an excellent equitable school district would look like, and what the students would look like who were products of such schools.

EQUITY GOAL 7. Clear Equity Plan with Explicit Thoughtful Racial Equity Goals

The district embraces and leads on an equity plan that includes an implementation timeline, specific goals and tasks for all school district personnel and accountability mechanisms.

Recommendations

1. Ensure that the district equity plan that is under development gives careful consideration to the report and each recommendation developed by the Community Campaign for Racial Equity (CCRE). The CCRE would like an opportunity to hear feedback from the district equity program on each recommendation and the likelihood of its implementation.
2. Ensure that the plan includes clear, explicit and aligned goals at every functional level of the district. In other words, the School Board needs clear, explicit, and thoughtful equity goals. The Superintendent needs clear equity goals. The maintenance staff, the afterschool caregivers, the principals and assistant principals, the teachers, the teacher

assistants, the counselors, the social workers – everyone who plays a role in providing a public education to our children needs to know what race equity looks like in their specific role.

3. Ensure that racial equity plan includes implementation strategies and accountability mechanisms to ensure consistent, continuous, and faithful implementation of plans.
4. Designate a timeline for implementation and identify who is accountable for consistent, continuous and faithful implementation.

EQUITY GOAL 8. Accountability

There is a clear mandate for accountability for equitable outcomes, as listed above, from the Board of Education, District leadership, faculty and staff.

Recommendations

1. Adopt or develop equity assessment tools to guide and assess progress toward equity goals. Progress will be reported on a quarterly basis and if progress is lacking, new strategies will be developed, implemented and documented.
2. Develop clear accountability mechanisms for classroom, school, and district equity goals, providing necessary training and support for the achievement of goals. Performance measures and consequences (e.g, promotion, advancement, supervision, probation and termination) should be tied to personnel effort and achievement of equity goals.
3. Hold administration personnel accountable for equity outcomes in their area of responsibility.
4. Hold the superintendent accountable for equity outcomes in the district.
5. Board of Education is also held accountable for outcomes in the district and for assessing the success of the superintendent in making significant gains in racial equity.
6. Host an annual state of the district meeting and openly discuss progress toward closing the achievement gap.

In closing…

Former secretary of education, Arne Duncan, said, "Education is the great equalizer. It should be used to level the playing field, not to grow inequality." Our nation has yet to realize its self-proclaimed value of equality for all.

While the un-level playing field created by hundreds of years of inequality contributes --even today-- to inequitable educational experiences, we believe that our progressive community, rich in resources for education, will be able to rise to the challenge of creating bright futures for all our young. Coming to understand and face our racial past is the key to repairing the breach and moving into the 21st century, freed from the specious and noxious notion of a people divided by race.

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X. Appendices

Appendix 1. Change in CHCCS District Racial Composition Over 25 Year Period

Appendix 2. Listening Sessions Protocol

Appendix 3. Listening Sessions: Questions for Parents

Appendix 4. Listening Sessions: Questions for Staff & Faculty

Appendix 5. Listening Sessions: Questions for Students

Change in Racial Composition over a 25 Year Period.

CHCCS - Race Over Time 1990 - 2015 (Percent)
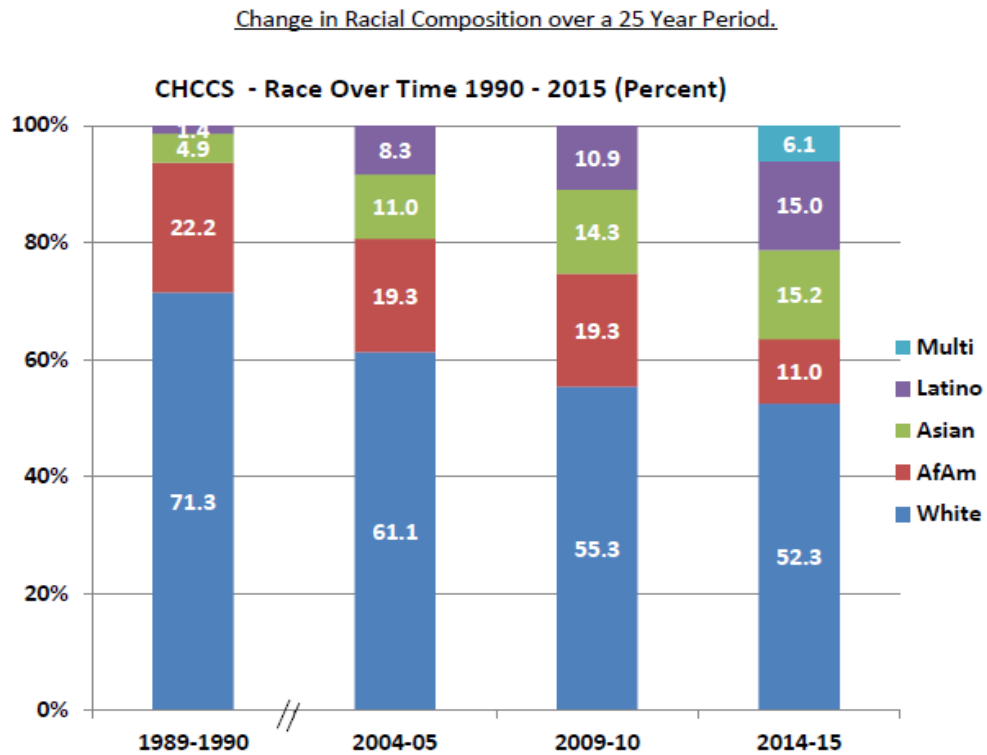
APPENDIX 2. Listening Sessions Protocol

Campaign for Racial Equity in the Chapel Hill-Carrboro City Schools (Summer 2015)

I. PURPOSE

 One purpose is to better understand the stories and lived experiences (of students, parents, and staff) behind the numbers (the "hard data") that document persistent racial inequities. These are the basic questions we want to learn more about from key stakeholders (students, parents, staff).

1. What can we learn about the roots of the inequities?
2. How does race shape the culture, climate, and practices of CHCCS?
3. What are examples of #2?
4. What measures are taken to address inequities? How have these worked?
5. What are the barriers in addressing inequities?
6. What changes are necessary to bring about racial equity?

We also want to engage key stakeholders in developing solutions for achieving racial equity.

II. PARTICIPANTS: WHO ARE THE KEY STAKEHOLDERS?

For the purposes of this project, we will focus on three primary groups: CHCCS students, parents, and staff/faculty. The listening sessions will segregate members of these three groups into racial identity groups to increase comfort and the freedom to respond openly and honestly to questions that address race.

III. METHODS

1. Campaign will recruit & train listening session teams. Teams will be matched as much as possible with the group they are meeting with (by race and by role).
2. Listening Session Teams will recruit participants for their own sessions. Each session can range from 4-15 participants.
3. Teams will conduct as many sessions as they can between now and August 15.
4. Questions will be pre-determined and standardized for each group.
5. Every session needs both facilitator who will ask the questions and facilitate the session and recorder who will take notes (or record). Data (comments and stories) from listening sessions will be compiled and summarized. Data summaries will be analyzed for themes that address Q. 1-6 above. The summary and our analyses of these data will be included in the report and used to inform the recommendations.

What Will Your Listening Session Look Like?

Size: 4-15 persons

Time: 90 minutes or less, with the discipline of starting and ending on time.

Location: Home, school, church, workplace, or other community facility

Participants: People you know, people referred to you, people from existing networks.

Materials: Notepad, flipchart, markers, sign-in sheet. (Food is optional.)

Basic Structure:

1. **Role of FACILITATOR.**
   a. Facilitator needs to be someone that the group will find easy to trust. The facilitator will invite participants, arranging time and space.
   b. Facilitator needs to project neutrality as to what participants have to say. It is important to be open and accepting of all experiences, opinions and suggestions. Project understanding without surprise, sympathy, challenge or anything that would encourage or discourage participant comments.
   c. Facilitator must have good listening and group process skills. Needs to be able to keep things moving in a positive, respectful way—keeping things on track in terms of time and getting through all the questions.
2. **Role of RECORDER.**
   a. The recorder is expected to listen carefully and record all responses from members of the group. Recorder can use flipchart, especially for group input on issues, barriers and solutions. Note how often particular responses are given (to reflect if this is the opinion of many, a few, only one). Get illustrative quotes when possible.
   b. The recorder will also be responsible for getting each participant's information on the sign-in sheet.
3. **OPENING (5 minutes)**
   a. Introduce yourselves and describe our process.
   b. Let people know why we have invited them. In general what we want to learn. How we will use their answers.
   c. Describe EQUITY as a goal of the district. Statistics show that we still have an achievement gap as well as racial differences in discipline practices and participation in special classes, included advanced and gifted classes. We are trying to understand these differences and make recommendations toward greater equity.
   d. Assure confidentiality as to individual, though we will describe what the groups look like as a whole (e.g., we heard from 20 students of color (13 African-American and 7 Latino, ages ranged from 14-18)
   e. Let people know that it is important to hear from each person there, recognizing that some are naturally more talkative and some more quiet. You'll try to facilitate in a way to be sure that everyone participates.

     f.   Also recognize time constraints and that sometimes you'll try to move the process to be sure that we have time to address every question.

4. **INTRODUCTIONS (5-10 minutes)**
     a.   After setting the stage and introducing yourself, ask everyone to introduce themselves. Share a bit about their experience in CHCCS. What school(s)? What roles? How long?

5. **QUESTIONS (60-75 minutes, approximately 10 minutes per question)**
     a.   Let people know your questions ahead of time so they will know where you are going in your questioning.
     b.   The recorder should be careful to note if, for example, a "barrier" or "solution" has been raised, even if not in answer to that specific question. The facilitator should note that also, saying "thank you for that; I want to get back to that more in a few minutes."
     c.   Move through each of the questions, keeping track of time and participation. Recorder could help by holding a card suggesting that it is time to wrap up that question and move to the next.

6. **ENDING and NEXT STEPS (5 minutes)**
     a.   Thank everyone for participating.
     b.   Recorder: summarize the problems/issues/solutions that you heard mentioned to determine if any big issue was left out.
     c.   Ask if anyone knows others who might like to be part of listening session to have more people engaged in the listening process.
     d.   Determine if there are leaders in the group who'd like to work more with us on the report and recommendations.
     e.   Let them know that we will send them a copy of the final report.
     f.   Thank everyone again!

7. **FOLLOW-UP TO THE SESSION**
     a.   As soon as possible after the session the Facilitator and Recorder will work together to develop a summary report using the attached form and submit to Wanda Hunter & Stephanie Perry. Please also share your experience with the process so we can modify if necessary.

Campaign for Racial Equity in the Chapel Hill-Carrboro City Schools (Summer 2015)

QUESTIONS FOR PARENTS

1. How does race shape the culture, climate and practices of CHCCS?

2. Do you think your race has affected how school staff, including teachers, interact with (or treat) you? Can you tell us of a time when this happened?

3. Do you think your child's race has affected how she/he has been treated in the school? Can you give us examples?

4. Why do you think the advanced classes, such as AIG, honors and AP, are majority white students and the remedial classes are disproportionately students of color?

5. Have you noticed attempts over the years to address inequities? Examples? How have they worked?

6. What do you think the school system should do to create a racially equitable environment?

Campaign for Racial Equity in the Chapel Hill-Carrboro City Schools (Summer 2015)

QUESTIONS FOR STAFF/FACULTY

1. What do you think are the roots of the inequities in your school/district?

2. How do you think that race shapes the culture and climate of your school/district? Can you give some examples?

3. What practices in your school/district emphasize racial inequities? Can you give some examples?

4. What has been done to address the inequities in your school/district? Have these been effective? Why or Why not?

5. What barriers are in your school/district that make it difficult to address the inequities?

6. What changes do you think need to be made to bring about racial equity?

Campaign for Racial Equity in the Chapel Hill-Carrboro City Schools (Summer 2015)

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QUESTIONS FOR STUDENTS

1. How do students talk about or approach race at the schools you have been in?

2. What about teachers? Does race affect how they see each other and the students?

3. How has race influenced the culture, climate and curriculum of your schools?

4. Why do you think that the advanced classes are mostly white and the remedial classes mostly students of color? How has this impacted you?

5. Have you noticed the schools doing anything to try to create a more racially equitable environment? If so, what's worked well or has not worked well?

6. If you had a magic wand and could wave it to create a racially equitable environment, what would that look like… what would you see in your schools?

Orange County Bias Free Policing Coalition

Policing Reform Recommendations

Summary

Racial profiling of minority members of the community by local law enforcement agencies is a problem in the United States, North Carolina and Orange County. Such policing results in mistrust between minority communities and the police, and undermines police legitimacy in the community.

Black and Hispanic motorists are disproportionately stopped by Chapel Hill, Carrboro, and Orange County law enforcement agencies. Further, once cars are stopped, the police are more likely to search cars with Hispanic or black drivers than cars with white drivers.

All studies show that marijuana use is no greater among the black population than among whites. Yet, in Chapel Hill, Carrboro, and Orange County, arrests for marijuana possession are grossly disparate by race.

Other jurisdictions including North Carolina cities such as Charlotte, Durham, Greensboro and Fayetteville, have adopted policies to combat racially biased policing. Both Carrboro and Chapel Hill Police Departments have adopted some policies and are considering others.

Following are eleven proposals designed to mitigate racially biased policing in Orange County.

1. Identify existing policies that result in disproportionate policing and change those policies to mitigate the impact of race.

2. Adopt written policies explicitly prohibiting racial profiling.

3. Conduct periodic review of law enforcement officers' stop, search and arrest data.

4. Require mandatory use of written consent-to-search forms.

5. Prohibit vehicle stops and requests to search based solely on a subject's "nervousness," "presence in a high crime neighborhood," or "criminal record."

6. Require dashboard cameras in police cars and body cameras for officers.

7. Designate marijuana a low law enforcement priority.

8. Mandate quarterly race reports to Council/Commission.

9. Mandate racial equity training for all officers.

10. Adopt measures to increase public confidence in official police response to police misconduct allegations.

11. Increase civilian involvement in police decision-making.

I. Introduction

Recent events stretching from Ferguson, Missouri, to Cleveland, Ohio, to Staten Island, New York, and to North Charleston, South Carolina, have reminded us that no place in our country is immune from the harm caused by antagonistic relationships between communities of color and law enforcement. Much of the resentment minorities have towards the police arises from the practice of disproportionately stopping and searching people of color on the roads and in the streets, also known as "racial profiling." The prevalence of racial profiling has been acknowledged and condemned by people across the political spectrum, including the United States Attorney General and the Director of the Federal Bureau of Investigation. A recent analysis of data submitted by law enforcement officers regarding vehicle stops and searches showed that profiling occurs throughout North Carolina, and specifically in Carrboro, Chapel Hill, and Orange County. Such policing results in deep mistrust between minority community members and the police and undermines legitimacy. Law enforcement agencies and governing bodies across the state have begun to respond to this problem by enacting various reforms. With this statement, the Orange County Bias Free Policing Coalition calls on law enforcement and legislative bodies in our community to take affirmative steps to ensure a more racially equitable system of justice.

The Orange Bias Free Policing Coalition is comprised of a diverse and representative group of Orange County residents committed to ensuring racially equitable and fair policing in Orange County. We formed in response to concerns expressed by residents at various policing forums in Chapel Hill and Carrboro. Organizations such as the Chapel Hill- Carrboro NAACP, the Jackson Center, the Hank Anderson Breakfast Club, the Justice in Action Committee of the Town of Chapel Hill, the Southern Coalition for Social Justice and the N.C. Public Defender Association Committee On Racial Equity have members who are a part of this coalition. Our first meeting was in November of 2014 and we have been meeting regularly since that time.

II. Definitions of Key Terms

A. Racial Profiling

The term "racial profiling" typically refers to law enforcement's illegitimate use of race or ethnicity as a factor in deciding whether to stop, detain, question, or engage in an enforcement action against an individual. Racial profiling, in a broader sense, encompasses the routine use of broad generalizations about race as a factor, in combination with other factors, in causing an officer to react with suspicion where he or she otherwise would not.

B. Implicit Bias

The term "implicit bias" refers to attitudes or stereotypes that affect a person's understanding, actions and decisions in an unconscious manner. These biases encompass both favorable and unfavorable assessments, and are activated involuntarily without an individual's awareness or intentional control.

C. Institutional Bias

The term "institutional bias" refers to the employment of policies and procedures which, absent a compelling law enforcement rationale, produce racially disproportionate results. Examples include decisions to employ undercover narcotics officers' disproportionately in minority and poor communities or to set up check-points in such communities, as well as the adoption of policies requiring strict enforcement of minor offenses which are most likely to be committed by poor and minority individuals.

III .Orange County Law Enforcement Agencies Own Data Indicate Clear Racial Disparities That Adversely Affect African-Americans and Hispanics

According to analyses of data collected statewide[1], race remains a significant predictor of whether an individual is likely to be stopped and searched in the course of a traffic stop in North Carolina. Orange County is not immune from these disparities. All three law enforcement agencies in the county stopped African-American drivers at a rate that is more than twice their representation in the population. Black people make up 10% of the population of Carrboro but 22% of individuals stopped by the Carrboro Police Dept.; 10% of the Chapel Hill population but 24% of stops by the Chapel Hill Police Dept.; and 12% of the rural Orange County population but 26% of stops by Sheriff's Dept. Moreover, the statistics showed that officers are more likely to search cars with black drivers than those with white drivers in each of these jurisdictions. In Carrboro, 12% of all black motorists stopped by the police are searched, compared to 3.6% of whites. In Chapel Hill and more broadly in Orange County, black drivers are more than 100% more likely to be searched than white ones. UNC's analysis of search rates state wide showed that Chapel Hill and Carrboro had higher disparities than all but a small number of North Carolina police agencies and were well above the state-wide average. The data also revealed significant racial disparities concerning consent searches-searches in which the officer lacks reasonable suspicion or probable cause that the person stopped has contraband, but nevertheless requests permission to search the vehicle. In Carrboro, 5.5% of black drivers stopped are subject to consent searches, compared to 1.2% of white drivers. In Chapel Hill, the numbers are 1.9% for black drivers, 0.6% for white; in Orange County, 4.8% for black drivers, and 2.5% for white. Overall, officers found contraband on a greater percentage of the white drivers they searched (21%) compared with the black drivers (18%), according to data collected over more than a decade by the Orange County Sheriff's Department. Lower contraband hit rates suggest less probable cause in these stops.

Similarly, the statistics show that in each Orange County jurisdiction, officers are far more likely to search cars with Hispanic drivers than those with white drivers. In Carrboro, 12.7% of all Hispanic motorists stopped by the police are searched, compared to 3.6% of whites. In Chapel Hill, Hispanic drivers are more than 100% more likely to be searched than white ones (5.7% of Hispanics stopped are searched, compared to 2.5% of whites). The Orange County Sheriff's Office has the largest search disparities in that OCSO officers searched 21.3% of Hispanic motorists they stopped, compared to 4.6% of white motorists stopped. The data also showed disparities concerning consent searches of Hispanic drivers. In Carrboro, 5.9% of Hispanic drivers stopped are subject to consent searches, compared to 1.2% of white drivers. In Chapel Hill, 1.6% of Hispanic drivers are consent searched, compared to 0.6% of white drivers. The Orange County

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[1] Data maintained pursuant to N.C.G.S. § 143B-903, and analyzed by Dr. Frank Baumgartner of UNC-Chapel Hill and the Southern Coalition for Social Justice

Sheriff's Office conducted consent searches on 7.5% of Hispanic drivers stopped, compared to 2.5% of white drivers. Overall, Hispanic drivers were less likely than white drivers to be found with contraband following searches. In Carrboro, 15.9% of Hispanics had contraband, compared to 28.1% of whites. In Chapel Hill, 14.5% of Hispanics had contraband, compared to 28.2% of whites. In Orange County, 5.7% of Hispanics had contraband, compared to 23.5% of whites.

IV. Policies Have Been Adopted by Other North Carolina Jurisdictions to Combat Racially Biased Policing

In recognition of similar troubling disparities, a number of municipalities around the state have recently adopted policies and procedures designed to mitigate the likelihood that police officers will improperly consider race when engaging in enforcement actions. Fayetteville (2012) and Durham (2014) passed policies mandating the use of written consent-to-search forms prior to any search for evidence or contraband that is not based on probable cause, and prior to any search for weapons that is not based on reasonable suspicion. *See* Richard A. Oppel Jr., *Wielding Search Data to Change Police Policy*, THE NEW YORK TIMES, A1, November 21, 2014. Charlotte and Durham took steps to strengthen civilian oversight of the police. Charlotte, Durham and Greensboro adopted new training protocols with respect to racial bias. Fayetteville enacted a policy prohibiting officers from requesting consent to search where suspicion of criminal activity is based solely on the stopped party's "nervousness" or "presence in a high crime neighborhood." Durham has instituted periodic reviews of all officer stop, search, and arrest data for unexplainable racial disparities. Chief Blue of the Chapel Hill Police Department has also implemented such a policy. Each of these policy changes represents an affirmative step to ensure a more racially equitable system of justice and should receive serious consideration in Orange County.

V. Recommended Policies for Orange County

Following are eleven proposals designed to mitigate racial profiling in Orange County and to provide the impetus for better communication and trust between racial and ethnic minorities and law enforcement in Orange County.

1. Adopt Policies Limiting the Impact of Institutional Bias

Each law enforcement agency and legislative authority in Orange County should seek to identify policies which lead to law enforcement disproportionately and unfairly targeting people of color, and should adopt policies designed to mitigate the impact of institutional bias, as defined above.

2. Adopt Policies Prohibiting Racial Profiling

Each law enforcement agency and legislative authority in Orange County should adopt written policies banning racial profiling, as defined above, and should provide for explicit consequences for violating such policies.

3. Conduct Periodic Reviews of Officers' Stop, Search, and Arrest Data

All law enforcement agencies in Orange County regularly collect and report traffic stop data, as required by law under N.C.G.S. § 143B-903 (formerly codified at § 114-10.01). Using these data, police chiefs, sheriffs, and agency administrators can evaluate the enforcement activities of the officers under their command. On a properly configured computer, a police chief or sheriff can, with a few clicks of a button, identify those officers generating the largest racial enforcement disparities and compare their enforcement patterns to those of similarly assigned officers. However, until Chapel Hill started doing so a year or so ago, no agency in Orange County regularly reviewed or analyzed the data.

Advocates in neighboring jurisdictions have already used traffic stop data to bring specific officer profiles to the attention of command staff. In some cases, the information discovered resulted in officer discipline and training. Police agencies have all of the tools necessary to conduct reviews, however, and should not rely on citizens to identify concerns. Carrboro Police Chief Horton set a positive example with his recent decision to invite a statistician and technician from the Southern Coalition for Social Justice to visit his department to demonstrate for his staff how to access and analyze traffic stop data. This Coalition recommends that each agency in Orange County adopt a policy requiring a member of the department's command staff to review officer stop, search, and arrest data on a quarterly basis, with a specific eye towards identifying racial disparities in officer enforcement patterns.

4. Require the Mandatory Use of Written Consent-to-Search Forms

In light of racial disparities surrounding consent searches, all Orange County law enforcement agencies should adopt a policy requiring officers to obtain a signed, written affirmation of the motorist, delineating the scope of the search to be undertaken, prior to any consent searches of vehicles. Mandatory written consent is a policy that exists in various departments across the state and country, and it represents a modest, common sense, low cost policy change that can be implemented without much difficulty to the department. *See, e.g.*, City of Fayetteville, Consent to Search Form, POL-572 (Rev. 3/2012); City of Durham, Consent to Search Policy (Rev. 10/2014).

Requests to search are primarily directed at people stopped for run-of-the-mill traffic infractions in situations where officers lack probable cause to believe a crime has been committed or reasonable suspicion to believe that the driver is armed. Nevertheless, many drivers are unaware they have the legal right to say "no," mistaking a request to search for a mere nicety. Other drivers feel genuinely intimidated, particularly when the request is accompanied by a show of force or an implicit threat of force.[2] According to UCLA law professor Devon Carbado, racial dynamics play a significant role in consent searches:

> [B]ecause of racial stereotypes there is greater pressure for blacks to say yes to
> consent searches than there is for whites. Consenting to a search may be the only
> way a black person can demonstrate his innocence, particularly if the black person
> is young, male, "unprofessionally" dressed, and in a high crime (read: black

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[2] As one court put it, "This Court would ill-expect *any* citizen to reject, or refuse, to cooperate when faced with the trappings of power like badges and identification cards. And these officers know that—that is one reason that they display those trappings." State v. Kerwick, 512 So. 2d 347, 349 (Fla. Dist. Ct. App. 1987).

neighborhood) or predominantly white (read: low crime) area. Thus, assuming that consent searches are a means by which any person can establish his innocence, the extent to which one perceives the need to do this—that is, to give up privacy to prove innocence—is a function of race.[3]

In some instances, drivers assert that they did not give consent to search where police officers report having obtained consent verbally. A written consent to search form would provide documentary evidence to assist the finder of fact. In addition to promoting transparency, the adoption of a mandatory written consent-to-search policy would promote trust between people and the police in those communities where it is most needed. As one scholar observed:

> [E]mpirical research supports the view that people do not evaluate the police "by focusing primarily on either the impact of [that] institution[] on the rate of crime or other instrumental issues such as delay or cost. Instead, people base their judgments on how well the police . . . treat the public." Police departments that adopt reforms in light of this view, which is part of the procedural justice approach, can reap the benefits of greater legitimacy and, perhaps, increased law-abiding behavior. . . . By enacting and vigorously enforcing reformist consent search policies, police departments can simultaneously fight crime and improve their relationship with the community.[4]

5. Prohibit Vehicle Stops and Requests to Search Based Solely on a Subject's "Nervousness," "Presence in a High Crime Neighborhood," or "Criminal Record"

In 2012, the Fayetteville Police Department adopted a policy stating that officers may not request consent to search an individual or vehicle without first being able to "articulate at least one reasonable factor that the driver and/or occupant(s) may be involved in criminal activity." Further, a stopped party's "nervousness" may not constitute the "one reasonable factor" giving rise to an officer's request to search. *See* Fayetteville PD Policy 3.5.2 (Consent Searches). Under a related policy, an individual's known criminal record or presence in a high crime neighborhood can no longer be used as a legitimate basis to initiate a stop. *See* Fayetteville PD Policy 9.5.3 (Vehicle Stops).

Because African Americans are disproportionately likely to have had prior contact with the criminal justice system, and because they are disproportionately likely to live in so-called "high crime" areas, allowing officers to initiate contact on the basis of such observations has the aggregate effect of lowering the threshold for reasonable suspicion for black drivers. Similarly, because of the legacy of racial discrimination and racial violence on the part of the police against the African-American community, black drivers have significantly more reason than whites to be nervous during otherwise routine police encounters.

In the absence of other factors, the character of a given neighborhood, nervousness, and past criminal history do not indicate that a person is engaging in criminal conduct. As such, police

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[3] Devon W. Carbado, *(E)racing the Fourth Amendment*, 100 MICH. L. REV. 946, 1017 (2002).

[4] Steven L. Chanenson, *Get the Facts, Jack! Empirical Research and the Changing Constitutional Landscape of Consent Searches*, 71 TENN. L. REV. 399, 461–63 (2004) (internal citations omitted).

departments should implement a policy prohibiting officers from stopping or searching a vehicle based on these factors, and should require officers to provide a written explanation for searching a vehicle following a routine traffic stop. Fayetteville has operated under such a policy for a couple of years and has seen a significant drop in the African-American stop rate and search rate without a concomitant increase in the crime rate.

6. Require Dashboard Cameras in Police Cars and Body Cameras for Officers, and Adopt Strict Use, Disclosure, and Data Retention Policies

Recent developments in technology have made dashboard cameras in police cars and body cameras more accessible and cost efficient than ever before. Such cameras, in many cases, are capable of providing a clear record of police-citizen interactions and provide benefits to all parties involved. For community members concerned about police misconduct, cameras provide a means of holding officers accountable. For officers themselves, dashboard and body cameras provide a means of protection against false accusations. The use of cameras may deter police misconduct. In Rialto, CA, for example, following the decision to equip officers with body cameras, "complaints filed against officers fell by 88 percent," and "[u]se of force by officers fell by almost 60 percent." *See* Ian Lovett, *In California, a Champion for Police Cameras*, THE NEW YORK TIMES, August 21, 2013. Given the privacy interests involved, however, as well as concerns for fairness, it is necessary to enact policies to govern the use of such cameras, as well as the retention, access, and preservation of the data recorded.

In the wake of the Ferguson tragedy, President Obama proposed "a three-year $263 million investment package . . . [to] increase use of body-worn cameras," among other related goals. *See* The White House, *Fact Sheet: Strengthening Community Policing*, December 1, 2014. The program offers local police agencies 50% in matching funds for the purchase of body camera equipment, provided storage and maintenance guidelines are observed. *Id.* We believe that all three Orange County agencies should investigate this initiative as well as other potential sources of funding. Even if outside funding is not available, we believe this is an investment worth making.

7. Designate Marijuana Each Agency's Lowest Law Enforcement Priority

In North Carolina, non-violent drug crimes were the most frequent type of crime committed by people placed on probation and sent to prison in 2011. The general racial disparities inherent in the prosecution of the drug war nationwide are well-documented and largely undisputed. The state's African-American community is particularly hard hit by law enforcement's continued focus on low-level marijuana offenses, a conviction for which can trigger more than 100 civil penalties, imposed outside the criminal justice system and affecting an individual's ability to get a job, housing, or student loans.

All studies show that marijuana use is no greater among the black population than among whites. Yet, in Chapel Hill, where blacks make up only 10% of the population, they comprise 47% of the people arrested for possessing marijuana; in Carrboro, blacks make up 9% of the population and comprise 44% of arrests, and in rural Orange County, where the Sheriff's Department has law enforcement responsibility, blacks make up 12% of the population and comprise 27% of marijuana

possession arrests. [5] A large number of these arrests involve young people between the ages of 15 and 24. Because North Carolina is currently the only state in the country that automatically prosecutes 16 and 17 year-olds as adults, these low-level marijuana arrests routinely become part of a permanent record that can significantly inhibit an individual's ability to obtain education and employment when they reach adulthood.

Marijuana arrests have an adverse effect on community relations and divert resources from the kind of police work that can make an appreciable difference in our neighborhoods. A number of cities around the country, including Oakland, California and Fayetteville, Arkansas, have adopted the marijuana Lowest Law Enforcement Priority (LLEP) initiative in recent years, and initial reports indicate that they are better for it.

We would also ask our elected officials to re-examine all aspects of our community's drug enforcement strategy, and in particular, to give serious consideration to the adoption of policies directing law enforcement to use citations instead of arrests for minor, non-violent misdemeanor offenses, especially drug offenses. It is only by adopting substantive pre-trial diversion programs that we can begin to turn the tide on the enormous racial disparities and injustices that have resulted from America's failed Drug War.

8. Mandate Quarterly Race Reports to Council/Commission, Along With Quarterly Crime Reports

Because of the difficulty of addressing issues of structural racism, we believe the Carrboro Board of Aldermen, the Chapel Hill Town Council, and the Orange County Board of Commissioners should find a way to institutionalize their concern for the issues addressed in this letter. One simple way to do this would be to require "Race and Policing Reports," detailing the demographic breakdown of stop, search, arrest, and use-of-force statistics, to be presented to the Board, Council and Commission alongside each public quarterly crime report. This practice has already been adopted in Durham. Such reports allow county leaders, as well as community members, with an easy means of evaluating the impact of various policing initiatives on different racial and ethnic groups.

9. Mandate Racial Equity Training for Law Enforcement Officers

In light of the statistical evidence we have assembled, as well as the litany of concerns expressed at recent public meetings, we request that all commanding and patrol officers within our local law enforcement agencies participate in formal racial equity training. This type of training will be essential if the law enforcement is ever to undergo the sort of cultural shift we would like to see. Even if none of the local Orange County agencies employ overtly racist officers on their forces, the evidence would appear to indicate that officers' enforcement patterns have at least been informed by some degree of unconscious or implicit bias and stereotyping.

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[5] Statistics compiled by Mike Dolan Fliss, Epidemiology PhD student UNC-CH, and based on data from NC DOJ annual support reports, available at http://crimereporting.ncdoj.gov/.

The real utility of the NCAJ-Baumgartner study is its ability to compare the criminal justice outcomes of similarly situated persons of different races. At base, it asks questions like, "what is the average outcome for a white driver stopped in the city for not wearing his seat belt as compared to the average outcome for a black driver stopped for the same offense?" The ultimate conclusion reached—that traffic stop outcomes are correlated with race and ethnicity—calls out for a thoughtful and coordinated response.

It bears emphasizing that the numbers to which we have been drawing attention do not represent a mere "snapshot" of enforcement activity. Rather, they represent a comprehensive picture of policing over a fourteen year period. The sort of disparities they indicate cannot be fixed overnight. Reversing these trends will require a sustained and conscious effort on the part of our law enforcement agencies to reduce the racial disparities in criminal justice administration. The data collection statute provides a useful index by which the community can gauge, over time, the effectiveness of the department's efforts to eradicate racial disparities in policing. We therefore request that each agency provide initial and recurring training to all officers that sends a clear, consistent, and emphatic message that racially biased policing and other forms of discriminatory policing are prohibited. Training should include:

1) Relevant legal and ethical standards;
2) Information on how stereotypes and implicit bias can infect police work;
3) The importance of procedural justice and police legitimacy on community trust, police effectiveness, and officer safety; and
4) The negative impacts of profiling on public safety, town and county budgets, and crime prevention.

In addition, each agency or department should:

1) Provide training to supervisors and commanders on detecting and responding to biased profiling and other forms of discriminatory policing;
2) Include community members from groups that have expressed high levels of distrust of police in officer training; and
3) Take steps to eliminate all forms of workplace bias from each agency.

We are aware of several institutions that specialize in precisely the sort of training from which we feel the department could benefit. An organization at the forefront of policing reform that we would encourage our local agencies to familiarize themselves with is the Center for Policing Equity (CPE), formerly known as the Consortium for Police Leadership in Equity. "At the core of CPE's mission," it explains on its website, "is a deep concern for equity and inclusiveness within the police department itself and between the police department and the community it polices. . . The goal of the CPE is to simultaneously aid police departments to realize their own equity goals as well as advance the scientific understanding of issues of equity within organizations and policing." *See* Center for Policing Equity, University of California, Los Angeles, http://cpe.psych.ucla.edu/about. Another organization that is well respected in policing reform is Fair and Impartial Policing whose primary trainer is Dr. Lorie Fridell. http://www.fairimpartialpolicing.com/people/. Finally, the Racial Equity Institute (REI), based in Greensboro, NC, conducts a two day workshop on institutional and structural racism. Its workshop

is specifically designed to assist individuals and organizations in developing tools to challenge existing patterns of conduct that result in racially disparate and discriminatory outcomes. REI's training, unlike the other two, does not have a law enforcement focus.

10. Adopt Measures to Increase Public Confidence in the Official Response to Allegations of Officer Misconduct

In part, the antagonistic relationship between communities of color and law enforcement agencies stems from the perception that police agencies do not respond fairly and openly to allegations of officer misconduct made by people of color. We recommend that law enforcement and governing bodies in Orange County consider adopting the recommendations on this subject contained in the recent U.S. Department of Justice report on law enforcement practices in Ferguson, Missouri. Noting that "[r]esponding to allegations of officer misconduct is critical not only to correct officer behavior and identify policy, training, or tactical concerns, but also to build community confidence and police legitimacy," the Department of Justice recommended that the authorities in Ferguson should:

1) Modify procedures and practices for accepting complaints to make it easier and less intimidating for individuals to register formal complaints about police conduct, including providing complaint forms online and in various locations throughout the City and allowing for complaints to be submitted online and by third parties or anonymously;
2) Require that all complaints be logged and investigated; and
3) Develop and implement a consistent, reliable, and fair process for investigating and responding to complaints of officer misconduct.

As part of this process, Orange County law enforcement agencies should:

1) Investigate all misconduct complaints, even where the complainant indicates he or she does not want the complaint investigated, or wishes to remain anonymous;
2) Not withdraw complaints without reaching a disposition;
3) Develop and implement a fair and consistent system for disciplining officers found to have committed misconduct;
4) Terminate officers found to have been materially untruthful in performance of their duties, including in completing reports or during internal affairs investigations;
5) Timely provide in writing to the Orange County District Attorney all impeachment information on officers who may testify or provide sworn reports, including findings of untruthfulness in internal affairs investigations, for disclosure to the defendant under *Brady v. Maryland*, 373 U.S. 83 (1963);
6) Document in a central location all misconduct complaints and investigations, including the nature of the complaint, the name of the officer, and the disposition of the investigation;
7) Maintain complete misconduct complaint investigative files in a central location;
8) Develop and implement a community-centered mediation program to resolve, as appropriate, allegations of officer misconduct;

9) Provide regular and specific public reports on police stop, search, arrest, ticketing, force, and community engagement activities, including particular problems and achievements, and describing the steps taken to address concerns;

10) Provide regular public reports on allegations of misconduct, including the nature of the complaint and its resolution; and

11) Make available online and regularly update a complete set of police policies.

11. Increase Civilian Involvement in Police Decision-Making

In addition to engaging with all segments of Orange County as part of implementing community policing, departments should develop and implement a system that incorporates civilian input into all aspects of policing, including policy development, training, use-of-force review, and investigation of misconduct complaints.

Conclusion

Trust between law enforcement agencies and the people they are sworn to protect and serve is essential in our democracy. The reforms recommended above will help build and maintain trust and legitimacy between law enforcement agencies in Orange County and communities of color. The time and effort required will make us safer and more united. We respectfully request that you respond by July 3rd 2015 if at all possible.

This report and the reform recommendations contained herein are endorsed by:

1. The Chapel Hill Carrboro NAACP
2. The Justice In Action Committee of the Town of Chapel Hill
3. The Marion Cheek Jackson Center
4. The Hank Anderson Breakfast Club
5. The University of North Carolina Center for Civil Rights
6. The Southern Coalition for Social Justice
7. The North Carolina Public Defender Association Committee on Racial Equity
8. The Chapel Hill Carrboro Human Rights Center
9. The Dan Pollitt Criminal Defense Bar
10. Organizing Against Racism NC

Agenda Item Abstract

File Number: 20-255

Agenda Date: 6/16/2020

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:
Discussion of the FY21 Police Department Budget

PURPOSE: Provide details regarding the Police Department Budget

DEPARTMENT: Town Manager and Police Department

CONTACT INFORMATION: David Andrews 918-7315; Walter Horton 918-7408; Cary McNallan 918-7301

INFORMATION: The attached document provides a line item comparison of the FY20 and FY21 budget for the Police Department along with a narrative that explains the comparison and some of the changes.

FISCAL & STAFF IMPACT:

RECOMMENDATION: Town Council receives the report and provides direction to the Town Manager.

Account Description	FY 2019-20 Adopted Budget *	FY 2020-21 Recommended Budget *	FY20 to FY21 Amount Change	FY20 to FY21 Percent Change
SALARIES ^	2,291,080	2,347,524	56,444	2.46%
OVERTIME	44,625	50,000	5,375	12.04%
SERVICE BENEFIT	13,385	12,354	(1,031)	-7.70%
WORKERS COMPENSATION	4,000	6,000	2,000	50.00%
POLICE OFFICERS AGILITY TEST	19,000	19,500	500	2.63%
FICA	193,807	196,069	2,262	1.17%
INSURANCE	590,409	686,143	95,734	16.21%
RETIREMENT	227,570	260,853	33,283	14.63%
SUPPLMENTAL RETIREMENT	117,305	120,460	3,155	2.69%
EARLY SEPARATION ALLOWANCE	162,788	130,838	(31,950)	-19.63%
Total Personnel Expenses	**3,663,969**	**3,829,741**	**165,772**	**4.52%**
TRAINING	38,607	30,000	(8,607)	-22.29%
CONFERENCES	8,600	3,400	(5,200)	-60.47%
POSTAGE	650	650	-	0.00%
TELEPHONE	17,120	17,120	-	0.00%
M & R EQUIPMENT	13,940	13,940	-	0.00%
MOTOR VEHICLE REPAIR	54,885	54,885	-	0.00%
RENT	10,000	10,000	-	0.00%
PRINTING	1,140	1,140	-	0.00%
FUEL	59,298	59,298	-	0.00%
OFFICE SUPPLIES	4,850	4,850	-	0.00%
CANINE SUPPLIES	4,500	3,000	(1,500)	-33.33%
DEPARTMENTAL SUPPLIES	39,461	39,461	-	0.00%
VEHICLE SUPPLIES	8,477	8,477	-	0.00%
FURNITURE & EQUIPMENT NON-CAP	6,000	7,000	1,000	16.67%
UNIFORMS	46,933	50,000	3,067	6.53%
STATE SEIZURE EXPENSES **	-	5,000	5,000	#DIV/0!
COFFEE WITH A COP	4,000	3,000	(1,000)	-25.00%
CONTRACTUAL SERVICES ***	122,701	166,554	43,853	35.74%
DUES AND SUBSCRIPTION	4,816	4,816	-	0.00%
PRECIOUS METAL BUSSINESS	200	200	-	0.00%
MISCELLANEOUS	5,500	5,500	-	0.00%
Total Operating Expenses	**451,678**	**488,291**	**36,613**	**8.11%**
Totals	**$ 4,115,647**	**$ 4,318,032**	**$ 202,385**	**4.92%**

* Personnel amounts are restated to reflect the adjustments for FY20 and FY21 salary and insurance increases that were budgeted in the Non-Departmental budget. This provides a more true picture of what the change is between the two fiscal years when the Non-Departmental budget is allocated across the operating departments.

^ Salary increases include adding a PO3 classification ($6,887), and increases in minimum pay for PO1 and PO2 classifications ($31,335)

** State Seizure Expenses are offset by revenues from state seizure funds

*** Contractual Services increases include:
$4,000 for increase in animal control services
$5,200 is for a Regional Recruitment Partnership to address recruiting challenges
$15,900 is for a maintenance contract for portable, mobile, and repeaters
$19,000 is for ALERT operations and equipment which is offset by revenue from an ABC Grant

Police vehicles - since police vehicles are funded with 5yr installment loans, the net reduction in the Debt Service budget for FY21 would be $11,850 for each $56,000 police vehicle that was reduced from the proposed budget.