

# **Town of Carrboro**

*301 W. Main St., Carrboro, NC 27510*



## **Meeting Agenda - Final**

**Tuesday, March 28, 2023**

**7:00 PM**

**Council Chambers - Room 110**

**Town Council**

**7:00-7:10****A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS**

1. [23-108](#) Resolution- 2023 Native Plant Month  
*Attachments:* [2023 Native Plant Month Resolution](#)
2. [23-109](#) Proclamation- 2023 Sexual Assault Awareness Month

**7:10-7:15****B. ANNOUNCEMENT OF UPCOMING MEETINGS****7:15-7:20****C. PUBLIC COMMENT**

*Comments are limited to three minutes per speaker.*

**7:20-7:25****D. CONSENT AGENDA**

1. [23-85](#) Approval of June 14, 2022 Minutes
2. [23-92](#) **Resolution to Consider the ArtsCenter COVID-19 Mitigation Business Grant Award Modification**

**PURPOSE:** The purpose of this item is to request that the Town Council consider a modification to the ArtsCenter COVID-19 Mitigation Business Grant award.

**Attachments:** [Attachment A - Resolution](#)  
[Attachment B - Grant Modification Narrative](#)  
[Attachment C - Original Approved Budget Submission](#)  
[Attachment D - Proposed Modification to the Budget](#)

3. [23-89](#) Request to Set a Public Hearing on Renewal of an Annexation Boundary Agreement for the Towns of Carrboro and Chapel Hill

**PURPOSE:** The purpose of this agenda item is for the Town Council to set a public hearing to consider renewal of the annexation boundary agreement between the Towns of Carrboro and Chapel Hill.

**Attachments:** [A - PH Resolution](#)  
[B - Recorded Annexation Boundary Agreement - TOC and TOCH](#)

## E. OTHER MATTERS

### 7:25-8:00

1. [23-90](#) Bolin Creek Greenway, Phases 3 and 4- Review of a Draft Scope of Work for a Facilitated Community Engagement and Participation Process

**PURPOSE:** The purpose of this agenda item is to request that the Town Council consider a draft scope of work related to consultant services for a community engagement and participation process related to Phases 3 and 4 of the Bolin Creek Greenway

**Attachments:** [A - Draft Scope of Services](#)

### 8:00-8:20

2. [23-91](#) Approval for Solar Photovoltaic (PV) Projects

**PURPOSE:** The purpose of this agenda item is to request that the Town Council consider awarding a contract to Eagle Solar and Light, LLC to install Solar PV on Town buildings including Fire Station 1, Public Works, and the 203 S. Greensboro St. Project.

**Attachments:** [Attachment A Solar RFP Results Memo 04202022](#)  
[Attachment B Town Solar Projects 120622](#)  
[Attachment C Solar Projects Investment Summary](#)  
[Attachment D Resolution](#)  
[Pocket Questions Fire Station and Public Works Solar PV Installations](#)

### 8:20-8:50

3.     [23-103](#)     Town Council 2022-2023 Retreat Follow-Up Report
- PURPOSE:** The purpose of this agenda item is to provide an update on the Carrboro Town Council Procedures Manual, Re-Confirm the 13 Key Strategic Areas and Deliverables, and discuss the development of the Town Manager and Town Clerk performance evaluation tools.
- Attachments:**   [Council 13 Priorities Agenda 032823](#)

**F.       MATTERS BY COUNCIL MEMBERS**



## Town of Carrboro

301 W. Main St., Carrboro,  
NC 27510

### Agenda Item Abstract

**File Number:** 23-108

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**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

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Resolution- 2023 Native Plant Month



# Resolution

## NATIVE PLANT MONTH 2023

**WHEREAS**, native plants are indigenous species that have evolved and occur naturally in a particular region, ecosystem, and habitat; and

**WHEREAS**, native plants are vital for maintaining and restoring the healthy ecosystem needed to sustain our environment, including but not limited to seed dispersal; pollination of crops and natural vegetation; prevention of flooding, drought, and erosion; regulation of disease-carrying organisms; and moderation of weather extremes; and

**WHEREAS**, North Carolina is home to more than 3,900 native plant species, including trees, shrubs, vines, grasses, and wildflowers, making it one of the most diverse states for native plants in the Southeast; and

**WHEREAS**, native plants provide shelter as well as nectar, pollen, and seeds that serve as food for native butterflies, insects, birds, amphibians, and other wildlife in ways that non-native plants cannot; and

**WHEREAS**, 969 of the native plant species in North Carolina have been designated as significantly rare and/or in decline and may be in danger of extinction; and

**WHEREAS**, 94 of those 969 imperiled plants have been found in Orange County; and

**WHEREAS**, habitat loss and degradation, extreme weather events, and invasive species have contributed to the decline of native plants in North Carolina and Orange County; and

**WHEREAS**, native plants are essential components of resilient ecosystems and our natural heritage.

**NOW, THEREFORE, BE IT RESOLVED** that the Carrboro Town Council designates April 2023 as “**NATIVE PLANT MONTH**” and recognizes the benefits of native plants to the environment and economy of the Town of Carrboro.

This 28<sup>th</sup> day of March, 2023.



Damon Seils, Mayor





## Town of Carrboro

301 W. Main St., Carrboro,  
NC 27510

### Agenda Item Abstract

**File Number:** 23-109

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**Agenda Date:** 3/28/2023  
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**Version:** 1

**File Type:** Agendas

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Proclamation- 2023 Sexual Assault Awareness Month



## Town of Carrboro

301 W. Main St., Carrboro,  
NC 27510

### Agenda Item Abstract

**File Number: 23-85**

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**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

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Approval of June 14, 2022 Minutes





## Agenda Item Abstract

File Number: 23-92

**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

### Resolution to Consider the ArtsCenter COVID-19 Mitigation Business Grant Award Modification

**PURPOSE:** The purpose of this item is to request that the Town Council consider a modification to the ArtsCenter COVID-19 Mitigation Business Grant award.

**DEPARTMENT:** Economic Development

**CONTACT INFORMATION:** Jon Hartman-Brown, Economic Development Director; 919-391-7846; JHartman-Brown@CarrboroNC.gov

#### COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

This is a follow-up item to a previous Council action that originally awarded COVID-19 Mitigation Business Grants.

**INFORMATION:** On December 14, 2021, the Town Council approved an original COVID-19 Mitigation Business Grant award to the ArtsCenter for \$8,000 which included various technology enhancements to allow for remote training (see Attachment C). The ArtsCenter has requested a change to their COVID-19 Mitigation Business Grant budget (see Attachment D). The purpose of the change in the budget request is that they have learned of new technology that will better serve their needs in offering hybrid meeting and classroom solutions for their programming and have a desire to utilize these technologies. There are no changes in their total expenditure, but a desire to change what the funds are used for which is different from the original application submitted.

The COVID Loan/Grant Review Committee met on February 20, 2023 and reviewed the budget requested changes and recommended that the Town Council approve the budget modification. It should be noted that the committee did not have a quorum with only Elmira Mangum, Randee Haven-O'Donnell, and Stephen Winters being able to attend. The three members were in favor of recommending that the Town Council approve the modification request.

**FISCAL IMPACT:** There are no fiscal or staff impacts associated with the approval of this request. The total grant request remains the same.

**RECOMMENDATION:** The COVID Loan/Grant Review Committee recommends approval of the budget modification.

**A RESOLUTION APPROVING A MODIFICATION  
TO THE ARTSCENTER COVID-19 MITIGATION  
BUSINESS GRANT BUDGET**

**March 28, 2023**

**WHEREAS**, the Carrboro Town Council allocated up to \$326,522 of funds from the American Recovery Plan Act to support the recovery of small businesses; and

**WHEREAS**, on October 11, 2022 the Carrboro Town Council approved a modification to the COVID-19 Mitigation Business Grant Policy to allow for changes to a grant application; and

**WHEREAS**, The ArtsCenter has requested a change to their grant application expenditures; and

**WHEREAS**, the COVID Loan/Grant Review Committee has met and reviewed the requested modification to the grant application expenditures; and

**WHEREAS**, the COVID Loan/Grant Review Committee has found the proposed expenditures in compliance with the COVID-19 Mitigation Business Grant Policy.

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

- Section 1. The requested modification of The ArtsCenter budget in Attachment A be approved.
- Section 2. This resolution is effective immediately and a copy of this resolution shall be forwarded to the Town's Finance Officer.

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Damon Seils, Mayor

ATTEST:

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Wesley Barker, Town Clerk

## Attachment A - Proposed Modified Budget

Grant Category	Activity	Description	Total Cost	Grant Request
Capital Improvements	Video Conferencing Solution	(2) Meeting Owl Pro plus Meeting HQ	\$5,700.00	\$3,800.00
Capital Improvements	Video Conferencing Solution	(5) LG 43UN700-B 43 Inch Class UHD (3840 X 2160) IPS Display with USB Type-C and HDR10 with 4 HDMI inputs, Black	\$2,985.00	\$1,990.00
Capital Improvements	Video Conferencing Solution	(5) SANUS Extra Large TV Wall Mount Swivel & Tilt - Premium Universal Design fits TVs 37"-90" up to 150 lbs - Fingertip Swivel and Tilt - Smooth Articulating Motion - Easy 20 Minute Install- OLF24	\$750.00	\$500.00
Capital Improvements	Video Conferencing Solution	Design/Project Management/Install	\$1,915.00	\$1,277.00
Capital Improvements	Video Conferencing Solution	Shipping and Handling	\$650.00	\$433.00

<b>Total Grant Request</b>	<b>\$8,000.00</b>
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This small business or non-profit is owned by, employs, or serves low to moderate income (see definition in the policy to determine exact income limits) citizens.

If checked, please provide a short narrative explaining the reasons you checked this box. Supporting documentation may be requested if there are additional questions by the review committee.

## Negative Economic Impact Narrative

Please explain the negative economic impact COVID-19 has had on your business and how the grant funds will mitigate or resolve these impacts. Provide ample relevant documents in support of your case (such as bank statements, tax returns, financial statements, quarterly employment filings, etc).

### 08/05/22 Please accept the following amendment to this initial proposal:

Since first applying and receiving funds from the Town of Carrboro through their Covid Mitigation Grant Program, The ArtsCenter has learned of new technology that will better serve our needs in offering hybrid meeting and classroom solutions. With this new proposed budget, The ArtsCenter will install 5 conference room monitors in high traffic classrooms, makerspaces and its conference room. In addition, The ArtsCenter will purchase 2 Meeting Owl Pros plus Meeting HQ, manufactured by Owl Labs. The Owl creates an immersive hybrid meeting experience in any space with the intelligent 360° camera, mic, and speaker that gets smarter over time. We believe that this technology, along with the investment of several large HD screens, will be a better use of the funds than what our original plan outlined. The Owl is user friendly and easily transferred from room to room. With this technology, our art instructors can create hybrid classes. As we tract this pandemic, we recognize that we may be living with COVID or even new viruses for the foreseeable future. Ensuring that everyone can participate in the arts is key to our mission. With this technology, we will not only ensure that our patrons can participate in our ArtSchool classes at their comfort level, be it in-person or remotely, we will also reach patrons who have moved away from our community. (In 2021, our online ArtSchool classes reached 23 out of state cities and 16 in state cities). This technology will also allow us to conduct board and staff meetings in a productive and safe way. Early in the pandemic, these meetings occurred via Zoom but now are run in a hybrid format. Our solution to date is clunky and not always successful for those logging in remotely. We have witnessed the success of meetings run with the Owl technology and are confident that this will help us have more productive meetings. We are confident that this solution is a sound investment to ensure that even during times of social distancing, our programs can continue, keeping our patrons, artists, board members and staff safe.

The shuttering of our performance spaces has been a tremendous hardship on The ArtsCenter. Due to Covid19, we had to shutter our performance spaces for most of 2020 and ran a very few and very small in person performances for 2021. We lost 80% of earned income from our performances for 2020 with a total of 69% of earned income overall, including programing and gallery sales. As there was no programming or performance to run, we furloughed three full time staff with full benefits and kept a few managers on at 2/3 time to help manage grants and continue working to pivot into new programming. With a plan in place, we were finally able to bring back much of our management staff

but the loss of revenue was staggering. Many expenses such as utilities, and basic facility upkeep have not gone away, simply because we were closed. Also, while we offered performances and classes online, the rate of participation was much lower than when they are offered in person. Therefore, while we still incurred the expenses of producing and hosting these events, the returns were significantly less than our profits prior to COVID. This model left us in the red and therefore we are a good candidate for this grant.

While we had to shutter our physical organization due to COVID, we remained relevant in the community by offering streaming events to schools, and the community at large. We also continued to offer classes on-line noting that participation in the arts during crisis, is crucial to processing trauma and remaining connected to the community. As state restrictions have allowed, we slowly opened our building, allowing small numbers to view live performances all the while streaming. With the roll out of vaccinations, we are offering more performances and classes but require proof of vaccination. We find that The ArtCenter's community is still hesitant to return to in-person events and our attendance rate is not up to pre-Covid19 numbers.

With the grant funds, we will update our technology which allow us to not only stream performances without using outside contractors, but it will also allow us to offer online classes through a zoom platform. With this technology in place, we will be prepared for any future variants or pandemics that might cause an additional shutdown. We will also be able to expand our mission by offering performances and classes virtually as well as in-person.

## Budget Form

Please provide the grant category (marketing and advertising, back rent and utilities, COVID-19 loan repayment, etc), activity, short description, total cost of the activity, and the amount of grant requested for the activity using the budget form below. You may submit as many of these forms as necessary to complete your grant application. Submit any supporting documentation for your activities such as quotes or estimates.

GRANT CATEGORY	ACTIVITY	DESCRIPTION	TOTAL COST	GRANT REQUEST
<i>Example:</i> Back Rent & Utilities	Overdue back rent	Back rent for the building at 100 N. Main St. for April, May, and June 2021.	\$6,500.00	\$6,500.00
Capital Improvements	New Projector	Panasonic PT-VMZ60BU 6000 Lumens WUXGA 3LCD Laser	\$ 3,199	\$ 2,211
Capital Improvements	Mobile Cart Solution	Solstice Pod Gen3 SGE	\$ 1,024	\$ 776
Capital Improvements	Mobile Cart Solution	65" Ultra High Definition Commercial Display	\$ 2,221	\$ 1,541
Capital Improvements	Mobile Cart Solution	All-in-One ConferenceCam with extra wide field of view	\$ 893	\$ 599
Capital Improvements	Mobile Cart Solution	Large Height-adjustable mobile AV cart	\$ 1,019	\$ 673
Capital Improvements	Mobile Cart Solution	Accessories	\$ 1,046	\$ 700
Capital Improvements	Mobile Cart Solution	Shipping and Handling	\$ 450	
Capital Improvements	Mobile Cart Solution	Design/Project Management/Install/Program/Calibrate	\$ 2,355	\$ 1,500
TOTAL GRANT REQUEST				\$ 8,000

Grant Category	Activity	Description	Total Cost	Grant Request
Capital Improvements	Video Conferencing Solution	(2) Meeting Owl Pro plus Meeting HQ	\$5,700.00	\$3,800.00
Capital Improvements	Video Conferencing Solution	(5) LG 43UN700-B 43 Inch Class UHD (3840 X 2160) IPS Display with USB Type-C and HDR10 with 4 HDMI inputs, Black	\$2,985.00	\$1,990.00
Capital Improvements	Video Conferencing Solution	(5) SANUS Extra Large TV Wall Mount Swivel & Tilt - Premium Universal Design fits TVs 37"-90" up to 150 lbs - Fingertip Swivel and Tilt - Smooth Articulating Motion - Easy 20 Minute Install- OLF24	\$750.00	\$500.00
Capital Improvements	Video Conferencing Solution	Design/Project Management/Install	\$1,915.00	\$1,277.00
Capital Improvements	Video Conferencing Solution	Shipping and Handling	\$650.00	\$433.00

<b>Total Grant Request</b>	<b>\$8,000.00</b>
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## Agenda Item Abstract

File Number: 23-89

**Agenda Date:** 3/28/2023

**File Type:** Agendas

**In Control:** Town Council

**Version:** 1

Request to Set a Public Hearing on Renewal of an Annexation Boundary Agreement for the Towns of Carrboro and Chapel Hill

**PURPOSE:** The purpose of this agenda item is for the Town Council to set a public hearing to consider renewal of the annexation boundary agreement between the Towns of Carrboro and Chapel Hill.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Trish McGuire, Planning Director, [pmcguire@carrboronc.gov](mailto:pmcguire@carrboronc.gov)  
<<mailto:pmcguire@carrboronc.gov>>, 919-918-7327

**COUNCIL DIRECTION:**

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

In 1995, the Town entered into an agreement to clarify the annexation limits of both Towns, to minimize splitting properties between the Towns and complicating land use permit approvals, and to codify principles of protection for the entranceways to the Towns along Smith Level Road. Racial Equity Pocket questions will be completed for the public hearing in April.

RTS Public Hearing - Carrboro	March 28
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RTS Public Hearing - Chapel Hill	March 22
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Planning Board Review- Chapel Hill	April 14
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Planning Board Review - Carrboro	April 13
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Public Hearing - Carrboro	April 18
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Public Hearing- Chapel Hill	April 21
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A resolution setting a public hearing is included as Attachment A.

The original agreement is included, with a map showing the annexation boundary, as Attachment B.

**FISCAL IMPACT:** There are minimal fiscal impacts associated with setting a public hearing.

**RECOMMENDATION:** The Town Manager recommends that the Town Council approve the resolution setting a public hearing for April 18, 2023 and referring the agreement to the Planning Board for its review.



**Attachment A**

**A RESOLUTION SETTING A PUBLIC HEARING ON AN AGREEMENT TO ESTABLISH AN ANNEXATION BOUNDARY FOR THE TOWNS OF CARRBORO AND CHAPEL HILL**

WHEREAS, the Towns of Carrboro and Chapel Hill entered into an agreement in 1995 to establish an annexation boundary and an associated adjustment to the extraterritorial limits of both Towns; and

WHEREAS, the agreement included adoption of shared principles of protections for the town's entranceways along Smith Level Road/the eastern limits of the University Lake watershed, and

WHEREAS, the agreement's initial term has concluded and the Towns desire to renew the lapsed agreement with no changes to the agreed upon boundary; and

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Council sets a public hearing for April 18, 2023 on extending the agreement, and refers the matter to the Planning Board for its recommendation.

BE IT FURTHER RESOLVED that notice of said public hearing shall be published in accordance with NCGS 160A-58.24 (c) as provided in GS 160A-31(c).

This is the 28th day of March in the year 2023.

NORTH CAROLINA  
ORANGE COUNTY

BOOK 1376 PAGE 520

FILED  
08 AUG 1995, at 09:56:26AM  
Book 1376, Page 520 - 529  
Betty June Hayes,  
Register of Deeds,  
Orange County, N. C.

AGREEMENT ESTABLISHING AN ANNEXATION BOUNDARY  
AGREEMENT AND ADJUSTING THE  
EXTRATERRITORIAL PLANNING JURISDICTION (ETJ) LINE  
BY AND BETWEEN THE  
TOWN OF CARRBORO AND THE TOWN OF CHAPEL HILL

WHEREAS, the Town of Chapel Hill and the Town of Carrboro, (the "participating cities"), duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the participating cities and also to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 160A, Article 4A, Part 6 of the North Carolina General Statutes (hereinafter referred to as the "Act") authorizes cities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such cities as well as residents and property owners in areas adjacent to such cities;

WHEREAS, Section 9.1(b) of the Charter of the Town of Carrboro and Chapter V, Article 2, Section 5.17 of the Charter of the Town of Chapel Hill allows the relocation of the division line between the extraterritorial jurisdiction of the Town of Carrboro and the Town of Chapel Hill by mutual written agreement of said municipalities;

NOW, THEREFORE, THE PARTICIPATING CITIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act and the charter provisions referenced above.
2. Subject to termination provisions of this Agreement, annexation provisions of this Agreement shall be valid for twenty (20) years after its effective date and may thereafter be renewed.
3. A. The Town of Chapel Hill may not annex the following areas:
  1. The area situated in the Chapel Hill Township, Orange County, North Carolina, that is generally west of a line more particularly described as follows:

BEGINNING at the intersection of the centerline of U.S. Highway 15-501 and the Chatham County Line and heading north along the centerline of U.S. 15-501 to its intersection with the centerline of Smith Level Road; thence heading north along the centerline of Smith Level Road to a point perpendicular to the southwest corner of Lot 9

Return to: Robert Wilson  
Town of Chapel Hill Planning Dept.  
306 N. Columbia St.  
Chapel Hill, NC 27516

NO PINS REQUIRED  
PER PIN ORDINANCE.  
REK, gha

(Tax Map 122, Block B); thence proceeding east to the edge of the Smith Level Road right-of-way; thence proceeding along the southern boundary of Lots 9, 9A, 11 and 11A (Tax Map 122, Block B) to the southeast corner of Lot 11A, thence proceeding north along the eastern boundary of Lots 11A and 12A (Tax Map 122, Block B) to the northeast corner of Lot 12A that also intersects with the southern boundary of Lot 15A (Tax map 122, Block B); thence proceeding with the northern boundary of said Lot 12A bearing South 86-24-00 West a distance of 22.51' to a New Iron Pipe (NIP); thence proceeding N 08-58-15 W for 243.59' to a NIP, said point lying in the center of an un-named creek; thence following the meanderings of said creek as it bisects Lots 15A, 14C, 15F and 16 (Tax Map 122, Block B) the following bearings and distances: N 20-16-04 E for 146.83' to a NIP; N 39-27-24 E for 127.81' to a NIP; N 09-55-05 E for 82.29' to a NIP; N 43-33-30 E for 124.05' to a NIP; N 15-02-54 E for 226.54' to a NIP; N 01-07-14 W for 120.97' to a NIP; N 16-04-10 E for 81.12' to a NIP; thence leaving said meandering creek and proceeding N 19-29-44 E for 70.55' to an Existing Iron Pipe, said point being N 66-04-19 W 292.80' of a "Control Corner" (Axel), Cobble Ridge, Phase A, Plat Book 61 Page 5; said Existing Iron Pipe is the southwesternmost corner of Lot 15 (Tax Map 122, Block B); thence proceeding northeastward along the western boundary of said Lot 15 to its northwest corner on the southern r/w of Culbreth Rd.; thence proceeding across said r/w 60' +/- to the southwesternmost corner of Lot 15H (Tax Map 122, Block B); thence proceeding northeastward 400' +/- along the northern boundary of said Lot 15H to a corner; thence proceeding northward 1040' +/- along the western boundary of said Lot 15H and Lot 20 (Tax Map 122, Block B) to a corner of said Lot 20; thence proceeding northward along the eastern boundary of Lots 19 and 19A and the western boundary of Lot 21 (Tax Map 122, Block B) approximately 830' to the northwest corner of said Lot 21 and the centerline of Morgan Creek and the existing Chapel Hill corporate limits; thence proceeding northwest along the centerline of Morgan Creek and the existing Chapel Hill corporate limits to the Smith Level Road right-of-way and the existing Carrboro corporate limits.

2. The area situated in the Chapel Hill Township, Orange County, North Carolina, that is generally west of a line more particularly described as follows:

BEGINNING at the intersection of the Carrboro corporate limits (as of June 1, 1995) and the centerline of the Southern Railway Company's track at a point northeast of the southeast corner of Lot 11A (Tax Map 30) which is owned by the Town of Carrboro; and



running thence northward along the centerline of said railroad track to its intersection with Bolin Creek and the Chapel Hill corporate limits (as of June 1, 1995) along the western boundary of the Ironwoods Subdivision; thence, proceeding northward along the Chapel Hill corporate limits to the intersection of said corporate limits with the centerline of the Southern Railway Company's track; thence proceeding northward along the centerline of said railroad track to the northern extraterritorial jurisdiction border as identified in the Orange County-Chapel Hill-Carrboro Joint Planning Area Land Use Map adopted August 19, 1986 (revised October 13, 1986) and incorporated as an exhibit to the Joint Planning Agreement made and entered into on November 2, 1987 by and between the County of Orange, the Town of Chapel Hill and the Town of Carrboro (hereinafter the "Joint Planning Area Land Use Map").

3. The area to the west of the Carrboro/Chapel Hill Joint Planning Boundary including, but not limited to, Carrboro Transition Area I and Carrboro Transition Area II and excluding the Rural Buffer as identified in the Joint Planning Area Land Use Map.
3. B. The Town of Carrboro may not annex the following areas:
  1. The area generally to the east of the boundary described in paragraph 3.A.1 above.
  2. The area generally to the east of the boundary described in paragraph 3.A.2 above.
  3. The area to the east of the Carrboro/Chapel Hill Joint Planning Boundary including, but not limited to, the Chapel Hill Transition Area and excluding the Rural Buffer and the Joint Courtesy Review Area as identified in the Joint Planning Agreement.
3. C. The Towns of Carrboro and Chapel Hill mutually agree that the Extraterritorial Planning Jurisdiction (ETJ) boundary line between Carrboro and Chapel Hill is hereby adjusted to correspond with the annexation boundary line as described by Sections 3.A.1 and 3.B.1.
4. For the purposes of identifying and defining the boundaries as indicated in sections 3.A.2, 3.A.3, 3.B.2, and 3.B.3. above, the Joint Planning Agreement Land Use Map, as incorporated into the Joint Planning Agreement on November 2, 1987, is hereby incorporated into this Agreement. A true and accurate copy of that map is attached to this Agreement (see Map V). The Agreement does not modify the terms of the annexation agreement portion of the Joint Planning Agreement.

5. Modification or termination of the Joint Planning Agreement or the Joint Planning Agreement Land Use Map after the effective date of this Agreement will not modify or terminate the boundaries identified in paragraphs 3.A. and 3.B. above. Modification or termination of the boundaries identified in paragraphs 3.A. and 3.B. above may only occur by the terms of this Agreement.
6. This Agreement is hereby effective as of 11:59 PM on June 30, 1995, or the date of adoption of the approving ordinance by the last participating city to do so, whichever is later.
7. At least sixty (60) days before the adoption of any annexation ordinance, the participating city which is proposing any annexation in the area(s) subject to this Agreement shall give written notice to the other participating city of the proposed annexation. Such notice shall describe the area to be annexed by a legible map, clearly and accurately showing the boundaries of the area to be annexed in relation to this Agreement; roads, streams and any other prominent geographical features. Such notice shall not be effective for more than 180 days.
8. This Agreement may be modified or terminated by a subsequent agreement entered into by the participating cities. Any subsequent agreement shall be approved by ordinance after public hearings, notice of which has been provided in accordance with G.S. 160A-31(c).
9. This Agreement shall not be binding beyond three miles of the primary corporate limits of a participating city, unless approved by the board of county commissioners with jurisdiction over the area. An area where this Agreement is not binding because of failure to the board of county commissioners to approve it shall become subject to this Agreement if subsequent annexation brings it within three miles. The approval of a board of county commissioners shall be evidenced by a resolution adopted after a public hearing as provided in G.S. 160A-58.24(c) and (e).
10. This Agreement may be terminated unilaterally by a participating town or a participating town may withdraw from this Agreement, by repealing the ordinance which approved this Agreement and providing five years' written notice to the other participating town. Upon the expiration of the five-year notice period, this Agreement shall terminate.
11. From and after the effective date of this Agreement, neither Carrboro or Chapel Hill may adopt an annexation ordinance as to all or any portion of an area in violation of this Agreement.
12. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law.
13. Any participating city which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.
14. This agreement includes Maps I-V that are attached hereto.

IN WITNESS WHEREOF, the mayors of the participating cities execute this Agreement, in duplicate, to become effective as provided in paragraph 6 above. This the 29th day of June, 1995.



\*Town Clerk, Town Attorney and Mayor,  
respectively,

Chapel Hill/Carrboro Annexation Agreement (con't)  
Page #6

\*\*in their capacities as Town Clerk, Town  
Attorney and Mayor, respectively, of the Town of  
Carrboro, as and for the  
act and deed of said Town  
and the Town Seal was  
thereto affixed.



ATTEST:

Sarah C. Williamson  
Town Clerk

APPROVED AS TO FORM:

Michael B. Brugh/wind  
Town Attorney

## TOWN OF CARRBORO

By: [Signature]  
Mayor

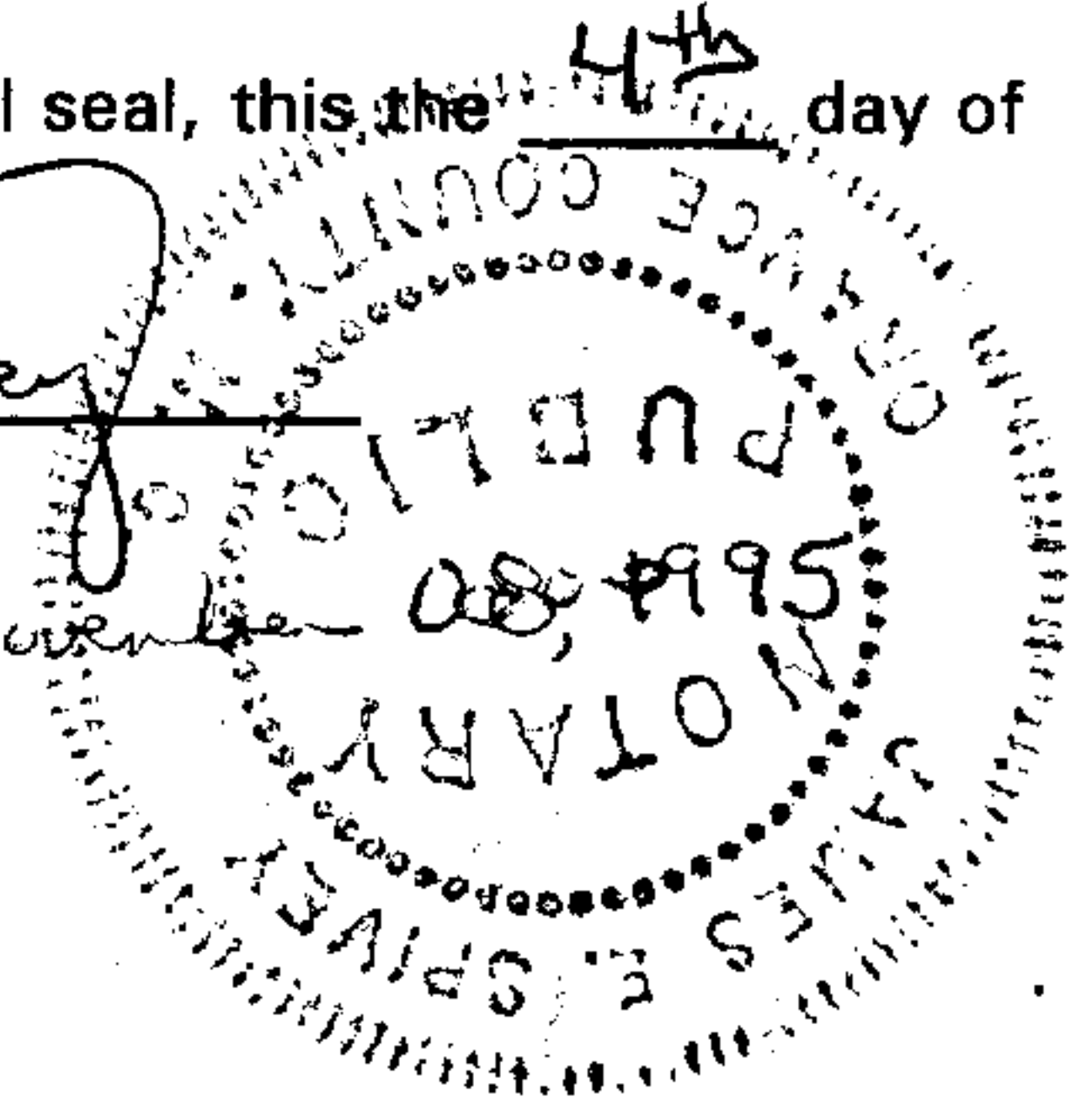
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, James E. Spivey, a Notary Public for said County  
and State, do hereby certify that Sarah C. Williamson \*  
Michael B. Brugh, and Eleanor G. Kinneard  
personally appeared before me this day and acknowledged  
the due execution of the foregoing instrument. \*\*

Witness my hand and official seal, this the 4th day of  
August, 1995.

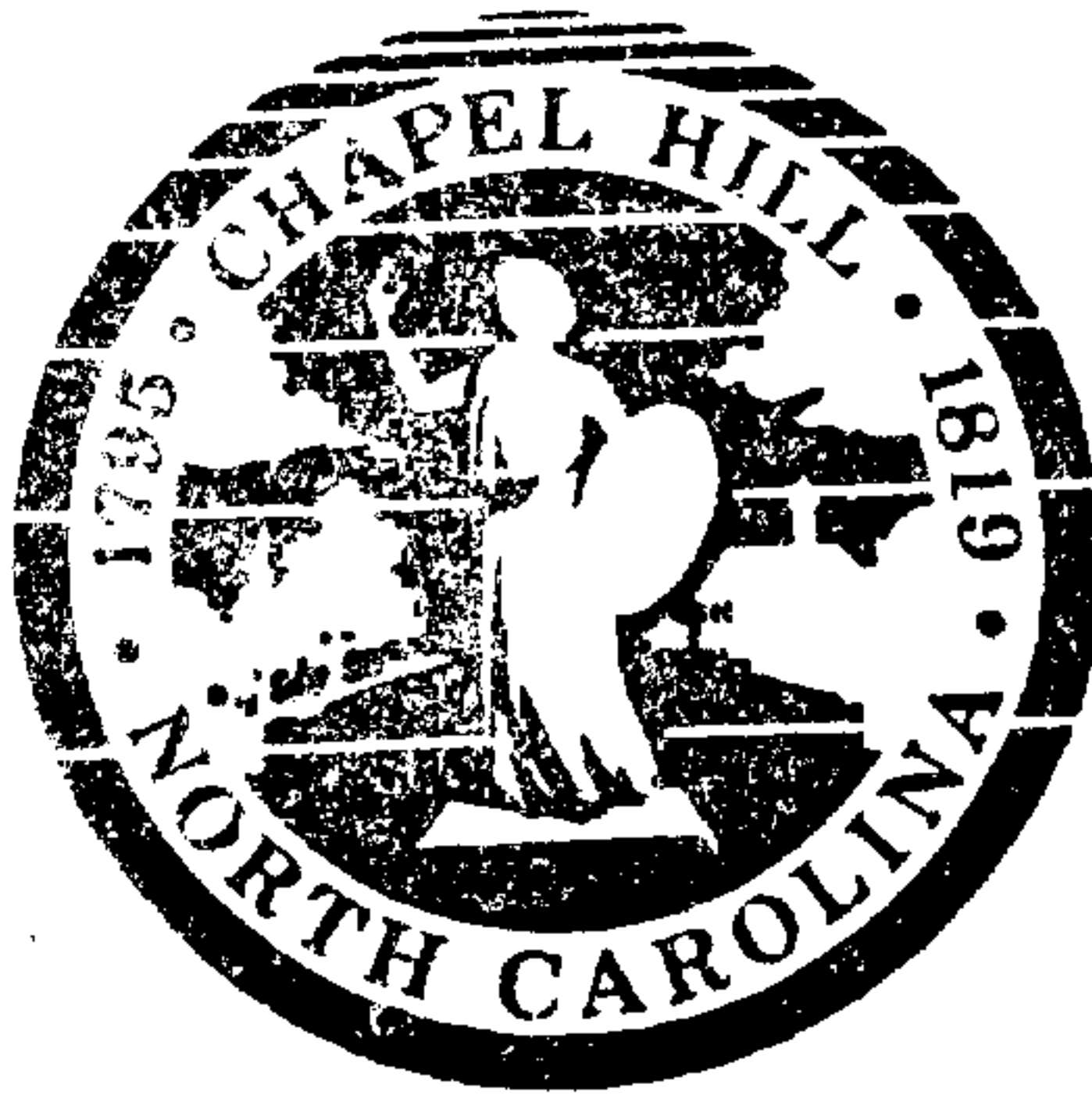
James E. Spivey  
Notary Public

My commission expires: November 08, 1995



## TOWN OF CHAPEL HILL

BY: Kenneth S. Brown  
Mayor



ATTEST:

Peter M. J. Riccardi, Inc  
Town Clerk

\*Mayor, Town Clerk, and Town Attorney, respectively  
\*\*in their capacities as Town Clerk, & Town Attorney  
Mayor,

APPROVED AS TO FORM:

respectively, of the Town of Chapel Hill, as and  
for the act and deed of said Town and the Town Seal  
was thereto  
affixed.

Ralph D. Karpino  
Town Attorney

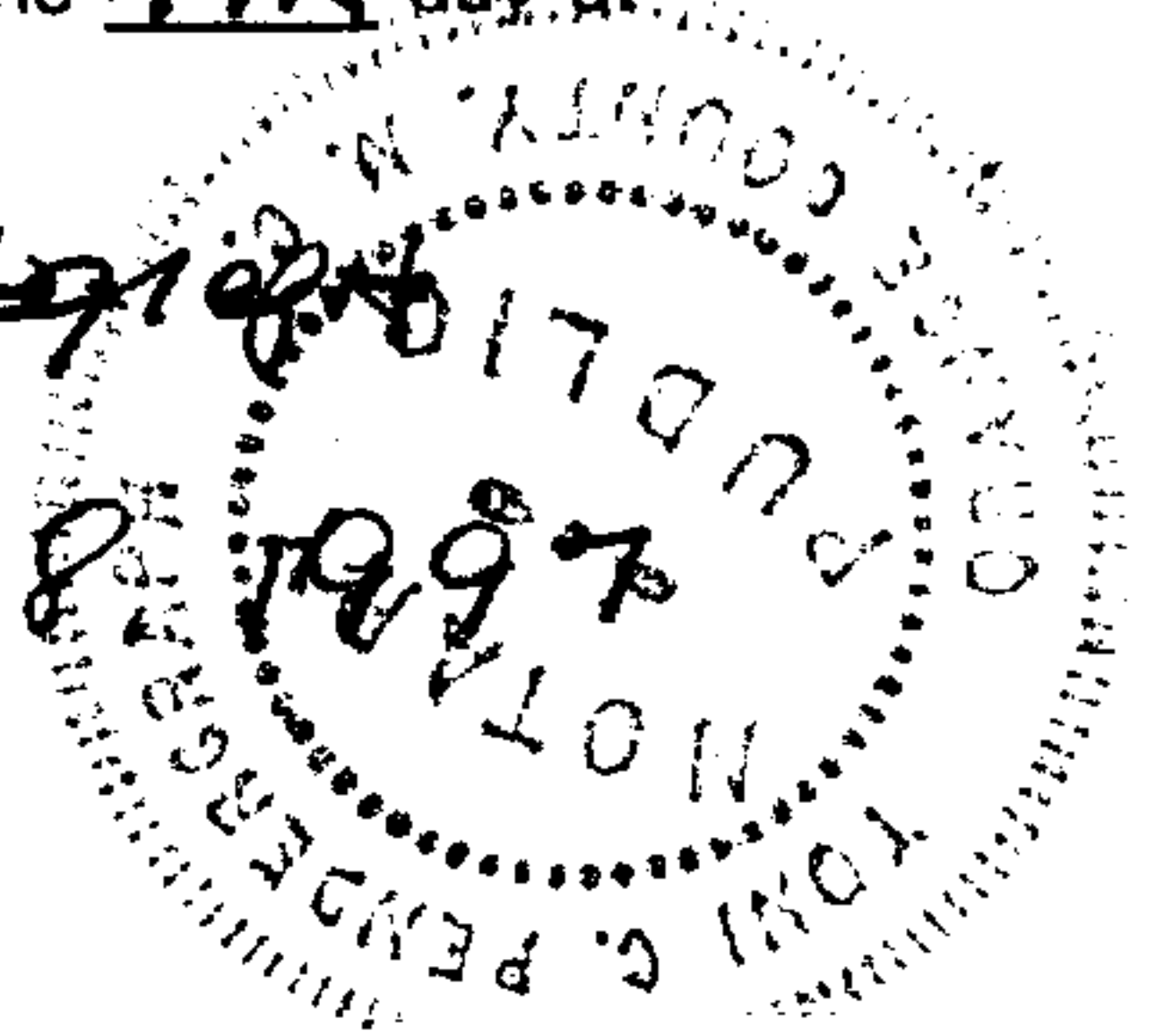
STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, Ioni C. Pendergraph, a Notary Public for said County  
and State, do hereby certify that Kenneth S. Brown \*  
Peter M. J. Riccardi and Ralph D. Karpino  
personally appeared before me this day and acknowledged  
the due execution of the foregoing instrument. \*\*

Witness my hand and official seal, this the 4th day of  
August, 1995.

Ioni C. Pendergraph  
Notary Public

My commission expires: July 8, 1997



### NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of \_\_\_\_\_

James E. Spivey and Ioni C. Pendergraph

~~A Notary~~ (or Notaries) Public of the designated Governmental units is (are) certified to be correct. Filed for registration

this the 8th day of August 19 95, at 9:56:26 o'clock, A.M.

in Record Book 1376 Page 520.

Return: \_\_\_\_\_

Betty June Hayes, Register of Deeds

By: Priscilla D. Mize  
~~Assistant~~ Deputy  
Register of Deeds



MAPS

- I. MAP OF TOTAL PROPOSED BOUNDARY
- II. MAP OF SOUTHERN BOUNDARY
- III. MAP OF SOUTHERN BOUNDARY (CULBRETH ROAD AREA)
- IV. MAP OF NORTHERN BOUNDARY
- V. JOINT PLANNING AGREEMENT LAND USE MAP

MAP I

PROPOSED E.T.J./  
ANNEXATION AGREEMENT  
BOUNDARY BETWEEN  
CARRBORO AND CHAPEL HILL

TOTAL PROPOSED BOUNDARY

5/24/95

NO CHANGE TO THE NORTHERN LINE:  
E.T.J./ANNEXATION BOUNDARY  
TO FOLLOW EXISTING E.T.J. AND  
JOINT PLANNING AREA BOUNDARIES.

This map is not a certified survey and no  
reliance may be placed in its accuracy.

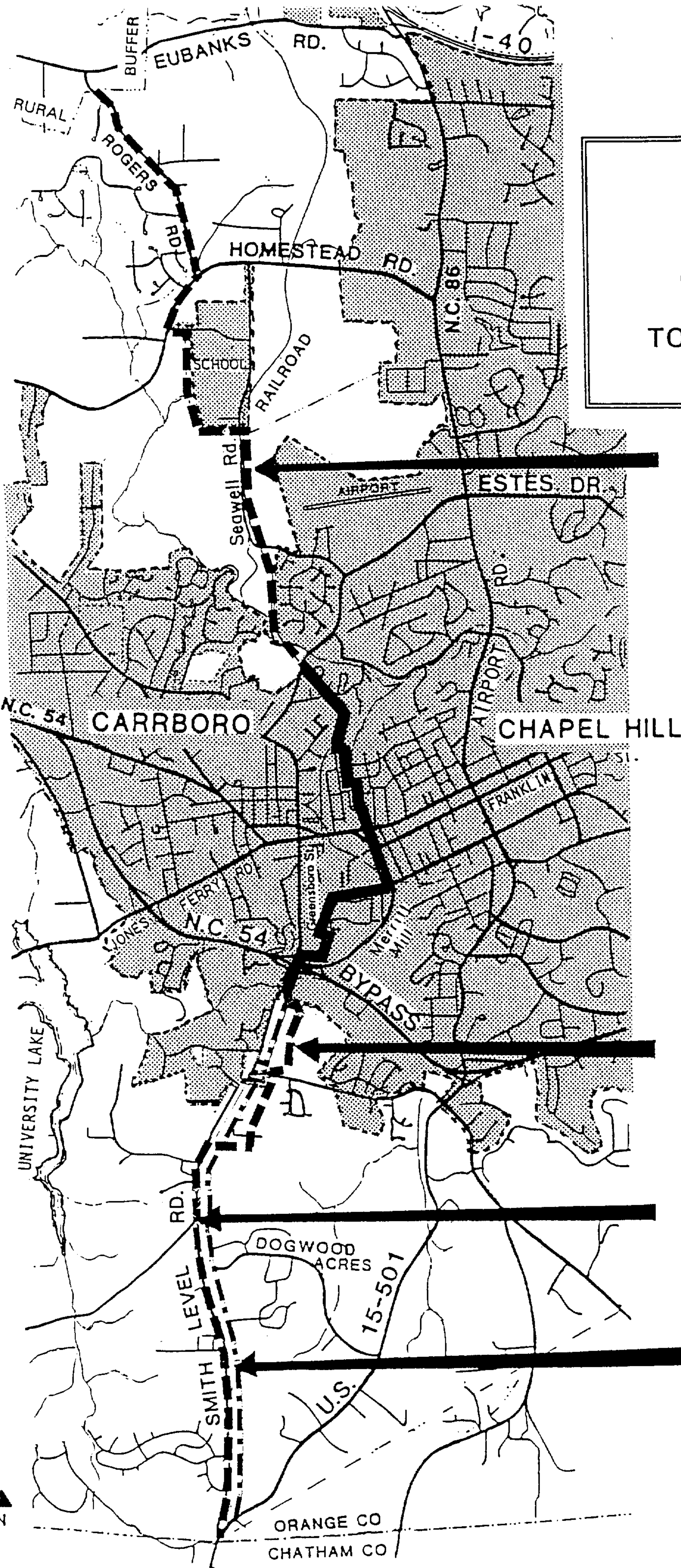
*Robert G. Wilson, Jr.*  
Robert G. Wilson, Jr., Long Range Planner

PROPOSED E.T.J./ANNEXATION  
BOUNDARY: TO SHIFT EAST TO  
FOLLOW PROPERTY LINES AND  
RAVINE (SEE MAP III).

PROPOSED E.T.J./ANNEXATION  
BOUNDARY: CENTERLINE OF  
SMITH LEVEL ROAD TO U.S.  
15-501

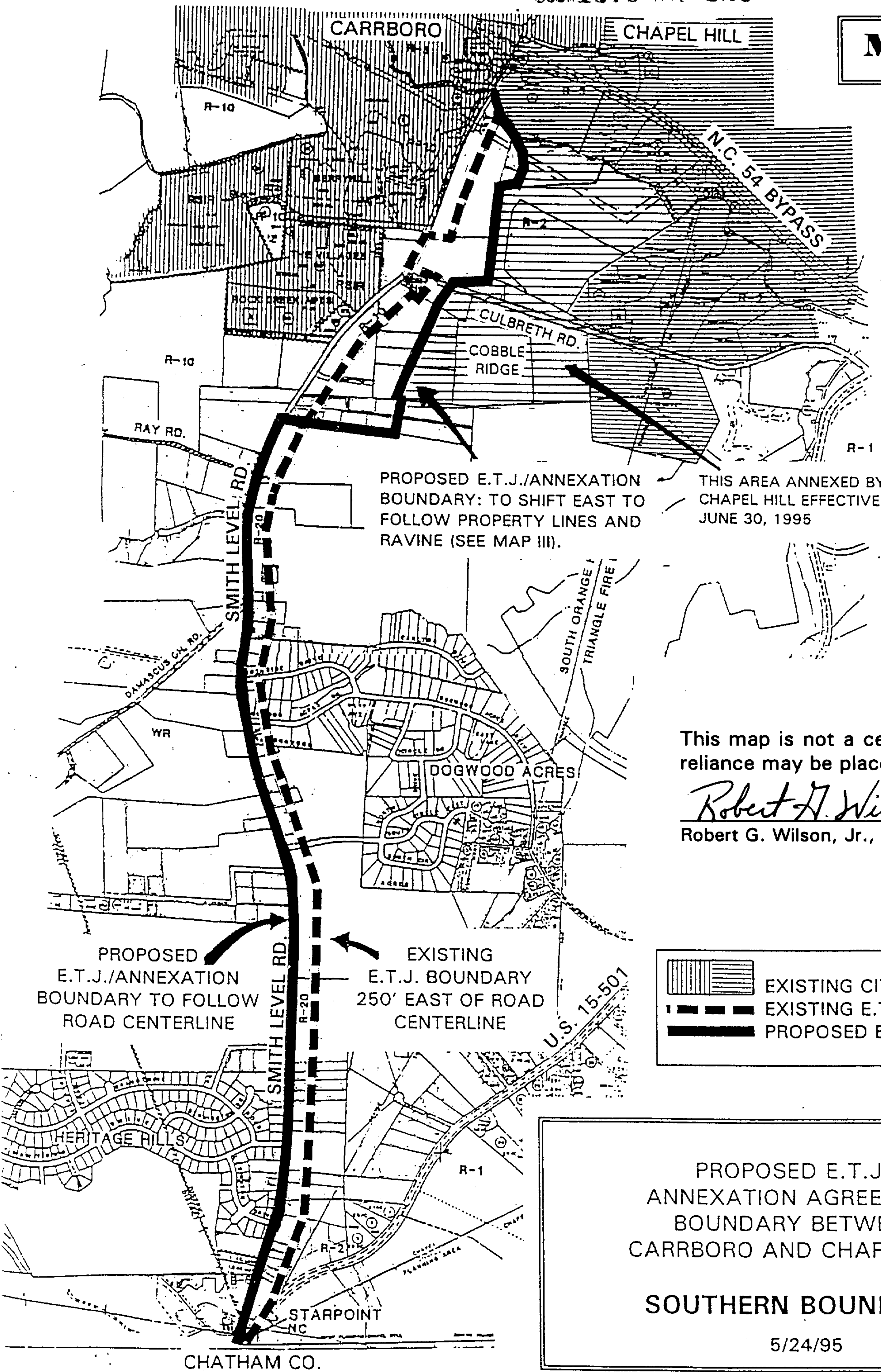
EXISTING E.T.J. BOUNDARY:  
250' EAST OF THE CENTERLINE  
OF SMITH LEVEL ROAD.

- EXISTING CITY LIMITS LINE
- EXISTING E.T.J. BOUNDARY
- PROPOSED E.T.J. BOUNDARY





**MAP II**



This map is not a certified survey and no reliance may be placed in its accuracy.

*Robert G. Wilson, Jr.*  
 Robert G. Wilson, Jr., Long Range Planner



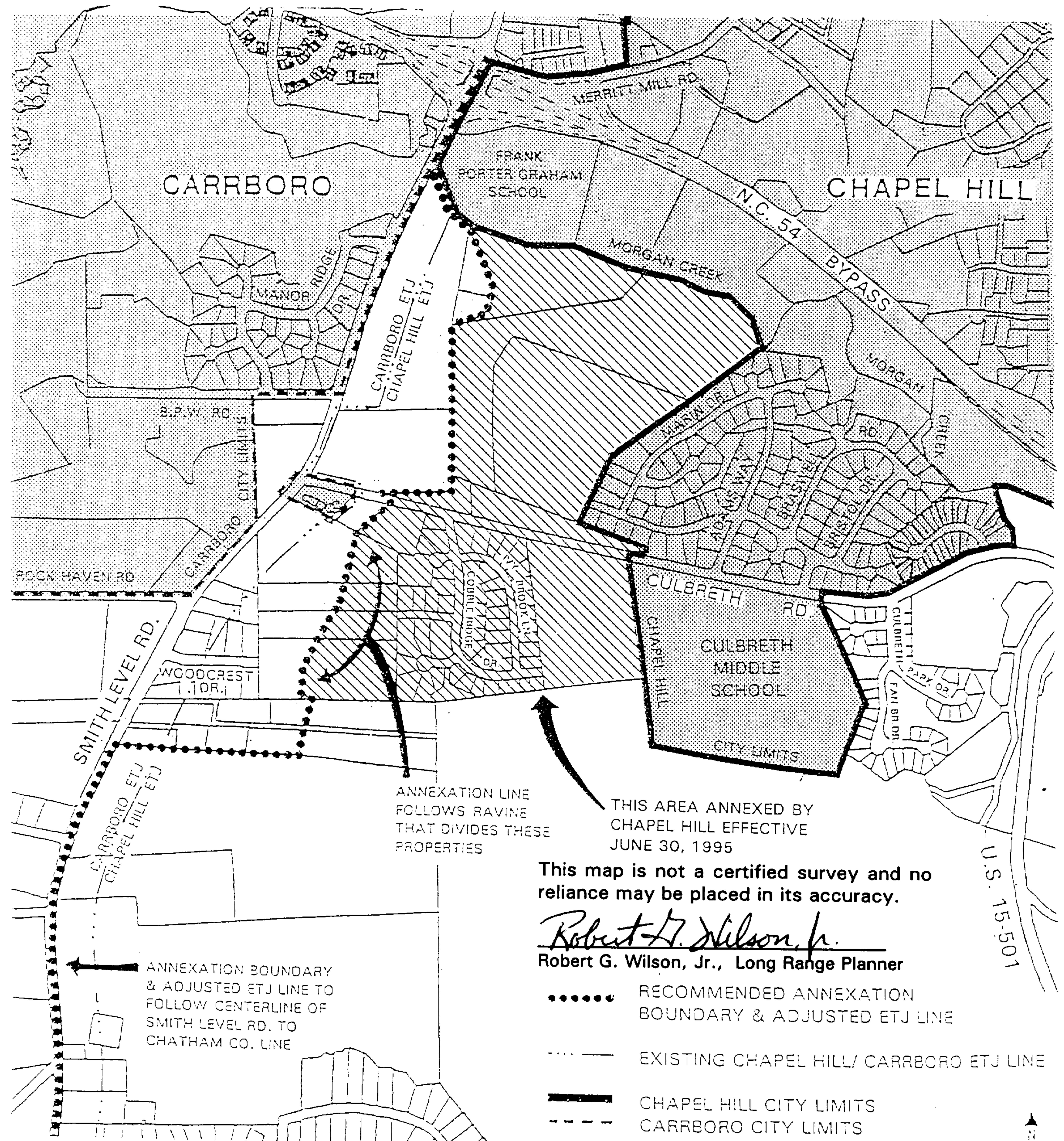
Chapel Hill/Carrboro  
Annexation Boundary Work Group

**MAP III**

5/24/95

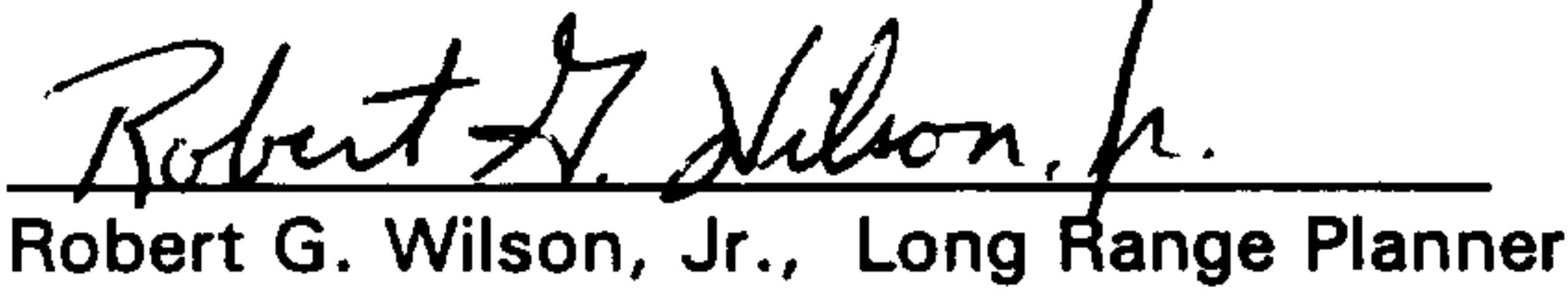
Recommended Annexation Boundary  
and Adjustment of the Existing  
Extraterritorial Planning Jurisdiction (ETJ) Line

March 6, 1995





## MAP IV



5/24/95



RURAL

BUFFER

ARTHUR WINTERS RD.

NEW HODE RD.

MT. SYDNEY RD.

DUKE FOREST

DUKE FOREST

WHITFIELD RD.

ROXBANKS RD.

WEAVER RD.

T-2

T-1

HOMESTEAD RD.

CHAPEL

HILL

N.C. 54

UNIVERSITY LAKE  
WATERSHED

CARRBORO

CARRBORO

FRANKLIN ST.

N.C. 54

UNIVERSITY LAKE

CHAPEL HILL

E.T.J.

ROUNDER RD.

SMITH LEVEL RD.

U.S. 15-501

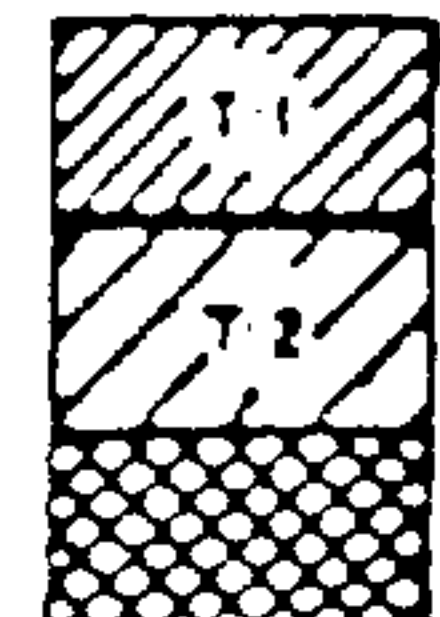
CHATHAM CO

ORANGE CO

DURHAM CO

This map is not a certified survey and no  
reliance may be placed in its accuracy.

*Robert G. Wilson, Jr.*  
Robert G. Wilson, Jr., Long Range Planner



Carrboro Transition Area 1  
Carrboro Transition Area 2

Chapel Hill Transition Area

..... Carrboro/Chapel Hill Joint  
Planning Boundary



Extraterritorial Jurisdiction  
(Existing)



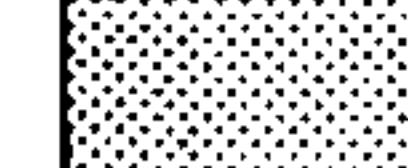
University Lake Watershed  
in Orange County  
University Lake Watershed  
in Carrboro E.T.J.



Chapel Hill/Carrboro Corporate  
Limits



Joint Courtesy Review Area



Rural Buffer

**MAP V**

1/1/1990





## Agenda Item Abstract

File Number: 23-90

**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

Bolin Creek Greenway, Phases 3 and 4- Review of a Draft Scope of Work for a Facilitated Community Engagement and Participation Process

**PURPOSE:** The purpose of this agenda item is to request that the Town Council consider a draft scope of work related to consultant services for a community engagement and participation process related to Phases 3 and 4 of the Bolin Creek Greenway

**DEPARTMENT:** Town Manager, Planning

**.Contact**

**CONTACT INFORMATION:** Richard White, Town Manager, [rwhite@carrboronc.gov](mailto:rwhite@carrboronc.gov), 919-918-7315; Trish McGuire, Planning Director, [pmcguire@carrboronc.gov](mailto:pmcguire@carrboronc.gov), 919-918-7327

### COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

In 2009, the Town Council adopted the Bolin Creek Greenway Conceptual Master Plan and specified action for implementation. Further action on Phases 3 and 4 was delayed pending a public participation process to examine the recommended and alternative alignments.

In its recent discussion of moving forward with community engagement, the Town Council has indicated that the process should, among other things, be premised on the Town's commitment to advancing racial equity and climate action, noting specifically the One Orange Racial Equity Framework, the Inclusive Carrboro Community Engagement Plan, and Carrboro Connects. Staff will complete Racial Equity Pocket questions for the final scope of work.

**.Information:** The topic was discussed intermittently between 2009 and 2019 when the Town Council decided to proceed with a public participation process. The Town Council described its interests for community engagement and participation during a February 14, 2023 Work Session. Staff has incorporated those interests in a draft scope of work for consultant services to assist with moving forward with community engagement and participation (Attachment A).

An anticipated schedule for proceeding with this work is shown below. Staff anticipate using a Request for Proposal (RFP) process to obtain the services needed for this work. Staff are also examining the on-call contractors recently selected by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). If there appears to be a good match between the project scope and qualifications of those on the on-call list, the Town could prepare a Request for Information (RFI) from those contractors and could select based on respondent proposals.

April 15, 2023 - RFP/RFI posted.

April 24, 2023 - Pre-submittal videoconference

May 1, 2023 - Deadline for receipt of questions

May 8, 2023 - Responses to questions published.

May 15, 2023 - Response submittal deadline

June 1, 2023 - Contract award

July 1, 2023 - Contract effective date

Development of the Conceptual Master Plan in 2008/2009 involved procuring professional services through the RFQ process due to the need for engineering/technical expertise related to preliminary engineering for the greenway. Federal transportation funds were used to cover 80 percent of the project and once the Town had identified a preferred contractor based on qualifications, the scope and project costs required review and approval from NCDOT. No federal funds have been designated for the community engagement and participation process described in this agenda item.

**FISCAL IMPACT:**

The community engagement process envisioned to achieve interests expressed by the Town Council is estimated to cost between \$125,000 to 150,000. Funds will need to be identified for this effort and authorization for contracting for services will be brought to the Town Council in a separate action.

**RECOMMENDATION:** The Town Manager recommends that the Town Council review and provide comments on the draft scope included as Attachment A.

# Facilitating Community Engagement and Participation for Phases 3 and 4 of the Bolin Creek Greenway Scope – DRAFTv.1

For Town Council review – March 28, 2023

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## Introduction

The Town of Carrboro is seeking assistance in a process that will engage the community in a topic that has been the source of significant controversy since 2010. The firm, individual or team will have experience in designing and implementing engagement with diverse and dynamic groups and individuals on complex and sometimes sensitive topics.

Bolin Creek Greenway, Phases 3 and 4, are two of five greenway segments identified in the *Town of Carrboro, NC Bolin Creek Greenway Conceptual Master Plan* [CMP, 2009; [Greenways | Carrboro, NC - Official Website \(townofcarrboro.org\)](#)]. Federal Transportation funds were provided through the NCDOT transportation improvements and prioritization processes. The Town solicited qualifications from firms to complete the conceptual plan in 2008. The Greenways Commission assisted with the review and recommended contracting with a consulting firm, Greenways, Inc. A general timeline of the major actions from the present to 2009 is included with other information in a Town Council worksession agenda item from February 14, 2023 at [Town of Carrboro - Meeting of Town Council on 2/14/2023 at 7:00 PM \(legistar.com\)](#).

## Project Purpose

The goal is to engage the community in determining its vision and expectations for consideration of Phases 3 and 4 of the Bolin Creek Greenway. To accomplish this, the Town wishes to engage a firm, individual or team to 1) assist with formulation of the engagement framework, 2) manage logistics for the process, including agendas, meeting/project deliverables, arrangements for presentations and activities, 3) identify any regulatory or related conditions that have changed and would preclude moving forward with the recommended and alternative alignments and 4) facilitate a meeting environment that is inclusive of all segments of the community and supportive of participants. As with all matters considered by the Town, the principal focus will be on advancing racial equity and inclusion and climate action.

## Overview of services

This scope is an example of what meets the Town's goals and objectives. Respondent selected to move forward in the selection process will need to plan for all the items included below. Upon selection, the respondent may propose additions and modifications to the scope as is deemed necessary or advisable and to incorporate their expertise in the final project delivery.

The scope of work for this project may include, but is not limited to the following components:

### Project Management

- Work with Town Manager and designated staff to design, prepare for and facilitate a community engagement and participation process to occur between \_\_\_\_ and \_\_\_\_.
- Coordinate and meet with designated staff bi-monthly during the project's timeline. Meetings can be held in-person or via telephone or videoconference.
- Attend meetings with other entities prescribed by Town of Carrboro, which may include elected officials and community members from Carrboro's Town limits, its extraterritorial jurisdiction and its Joint Planning Area planning jurisdiction, Chapel Hill Carrboro City Schools representatives, including especially all Carrboro residents, persons who run businesses or organizations in Carrboro, provide services in Carrboro, and persons who work in Carrboro.
- Prepare a detailed work plan and a schedule for accomplishing the entire scope of work including major milestones, check-ins with the Town, decision points, and final report.
  - Address/incorporate One Orange Racial Equity Framework principles throughout the project, and
  - Utilize as a starting point for communications, outreach and engagement, the Town's Inclusive Carrboro Communications and Community Engagement Plan; and
  - Incorporate vision and goals expressed in Carrboro Connects Town of Carrboro Comprehensive Plan 2022-2042 and the Community Climate Action Plan.
- Assist the Town with engaging with owners of property where the recommended and alternative alignments for Phases 3 and 4 are proposed; and
- Prepare necessary data collection, maps, graphics, and exhibits, except for materials the Town compiles or develops for outreach/engagement/public education, or similar. The Town of Carrboro will become the owner of all documents and materials at the end of the process. The consultant will furnish finished documents (i.e., PDFs) and as available, editable documents (i.e., Word docs), and CAD and GIS shapefiles, or similar.

- Make recommendations on how to monitor and track the diversity and representativeness of participation at each step in the process, as well as any performance metrics, including especially a monitoring system that might serve as a model and be utilized uniformly for all engagement efforts for others in the future.
- Make recommendations for how best to identify the different interests/stakeholders in the participation process and associated engagement strategies, if they vary, to maximize the collaboration of all participants.
- Make recommendations on how to identify relevant information related to the proposed greenway, behavioral and climate/environmental benefits, environmental challenges/considerations, and possible mitigation needs.
- Assist the Town in formulating and expanding its website-based “library,” developing fact sheets that can be accessed and used in various formats and languages.

### **Research and Analysis**

- Consultant will review all past meetings and materials where the project has been considered, including agendas, video, resolutions, and minutes.
  - Review of related emails, to be compiled and provided by the Town.
  - Review of previous situation assessment and outline of planned meeting facilitation
- Complete a review of the Bolin Creek Greenway Conceptual Master Plan to comprehend the work completed, the plan recommendations, the engagement processes and feedback, and plan adoption.
- Examine the alternative and recommended alignments and review for any changes that have occurred since plan adoption in 2009 related to these alignments that would present a major obstacle or preclude sections, or an entire alignment, from being considered as viable at this time. Information should include but is not limited to:
  - verifying current and expected use of the rail corridor and current and expected future use of the sewer easements; and
  - evaluating stream, stormwater management, and water quality regulations to determine if any options/portions of the alignments would not be feasible.
  - considering whether special flood hazard area or related conditions along the corridor would preclude crossings or the number of creek crossings, specifically in relation to neighborhood connections.

### **Community Engagement and Participation**

- Consultant will formulate the framework for and lead a comprehensive community engagement and participation strategy that allows for individual participation in different venues and formats using the Town’s Inclusive Carrboro Community



Engagement Plan. Community participation is the principal interest of this effort, particularly encouraging and ensuring participation from all community members who have interests in Phases 3 and 4 including the potential these phases provide for alternative recreational and educational experiences, for making alternative commuting travel choices for home-to-work and home-to-school journeys, and the relationship to the Town's commitments to advancing climate action and environmental resilience.

- The strategy shall include the following.
  - Methods to support, engage, and solicit input from all community members.
  - Methods to show support for participants, particularly those who have barriers to participation including transportation, childcare, limited digital access and language access.
  - Methods to ensure participation from community members who commute to schools in Carrboro, need additional mobility considerations, and/or may not have English as a first language.
  - All methods included in One Orange Racial Equity Framework and Inclusive Carrboro Communications and Community Engagement, both in-person and online, in varying locations and at varying times, for online tools, and the use of random sampling in polling, surveying, and voting. Please advise on a minimum and maximum number of each.
  - Methods to factor in when community participants provide input and interests multiple times using one or more venues or formats.
  - Descriptions and timelines for each community participation activity including purpose and goals, needed resources and anticipated staffing levels.



## Agenda Item Abstract

File Number: 23-91

**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

..Title

### Approval for Solar Photovoltaic (PV) Projects

**PURPOSE:** The purpose of this agenda item is to request that the Town Council consider awarding a contract to Eagle Solar and Light, LLC to install Solar PV on Town buildings including Fire Station 1, Public Works, and the 203 S. Greensboro St. Project.

**DEPARTMENT:** Public Works, Finance, Planning

**CONTACT INFORMATION:** Ben Schmadeke, Capital Projects Manager, 919-918-7424; Arche McAdoo, Finance Director, 919-918-7439; Laura Janway, Environmental Sustainability Coordinator, 919-918-7326

### COUNCIL DIRECTION:

☐ Race/Equity ☒ Climate ☒ Comprehensive Plan ☐ Other

These solar installations will address climate action and result in a direct reduction in the Town's Green House Gas (GHG) emissions. Solar installations on municipal buildings is a recommendation in the Town's Energy and Climate Protection Plan (Section 2.B.ii: Facility Energy Efficiency). The plan outlines a long-term goal to reduce 2010 levels of municipal greenhouse gas emissions 80% by 2030. The solar installations will reduce the Town's GHG emissions by 16%. Climate action is also one of the foundational themes of the Comprehensive Plan.

**INFORMATION:** On March 10, 2022, the Town received two responses to the Request for Proposals (RFP) for town-wide solar development. Proposals were received from Southern Energy Management and Eagle Solar & Light. Both firms' proposals were responsive and complete. A staff evaluation committee was formed across multiple departments and included Jon Hartman-Brown, Economic Development Director; Laura Janway, Environmental Sustainability Coordinator; Max Randall, Engineer I; and Cary McNallan, Deputy Finance Director. A subsequent interview was held with each firm. A summary of each firm's response is included in Attachment A: Solar RFP Results Memo.

Staff ultimately recommended contracting with Eagle Solar and Light for the following reasons:

1. More realistic methodology for calculating investment potential.
2. Use of a Carrboro-based minority owned business for project installation (Action Solar & Electric LLC - Amounts to approximately 10% of total project cost.)
3. Positive reference from OWASA
4. More competitive pricing

Upon further evaluation, Staff made the recommendation to pursue the following projects included in the RFP (see Attachment B: Town Solar Projects 120622):

1. 203 Project West Roof
2. Public Works
3. Fire Station 1

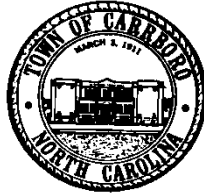
**FISCAL IMPACT:** Funding for the 203 Project West Roof is already included in the 203 Project Budget. A transfer of \$139,021 from Unassigned Fund Balance is required to fund the Public Works and Fire Station 1 projects.

Reference Attachment C for the purchase cost and investment summary of these projects. The Duke Energy Rebates have been reserved for the projects. The Orange County Sustainability Grant funding in the amount of \$72,142 has been secured for the 203 Project West Roof Solar. It is anticipated that further cash incentives will be pursued through the Inflation Reduction Act, however application instruction is still pending. The total cost of these projects amounts to \$393,974, not including incentives or energy payback.

**RECOMMENDATION:** The Town Manager recommends that the Town Council consider approving Attachment D, the resolution to award Eagle Solar & Light the above referenced projects and allocate funding for the Public Works and Fire Station 1 projects.

## Attachment A

### TOWN OF CARRBORO NORTH CAROLINA WWW.TOWNOFCARRBORO.ORG



#### MEMORANDUM

**TO:** Richard White III, Town Manager  
Arche McAdoo, Finance Director

**FROM:** Ben Schmadeke, Capital Projects Manager

**DATE:** April 20, 2022

**SUBJECT:** Solar RFP Results and Summary

On March 10, 2022, the Town received two responses to the Request for Proposals (RFP) for Town-wide solar development. Proposals were received from Southern Energy Management and Eagle Solar & Light. Both firms' proposals were responsive and complete. A staff evaluation committee was formed across multiple departments and included Jon Hartman-Brown, Laura Janway, Max Randall and Cary McNallan. A subsequent interview was held with each firm. A summary of each firm's response is included below.

#### **Southern Energy Management (SEM):**

SEM has been providing solar energy services in the Triangle since 2001. They are a certified B Corporation and certified WBE (women owned business enterprise) and self-perform all tasks associated with solar development and construction apart from fabrication of the structural steel canopy systems. SEM partners with the National Energy Improvement Fund (NEIF) to provide financing through a 15-year municipal tax-exempt lease purchase (TELP). At the time of the proposal, the interest rate for this program was 2.81%, however rates will likely be increasing this year.

A summary of SEM's proposal is included in Table 1 below.

Table 1

Total Annual kWh of all systems	535,990
Estimated Annual Savings (year 1)	\$34,009.90
30 Year Green House Gas equivalent (mt)	11,049
Purchase Price	\$1,299,100.00
Expected Duke Energy Rebate	\$223,353.29
Total Price if Financed	\$1,594,194.60

### **Eagle Solar & Light (Eagle Solar):**

Eagle Solar has been providing commercial solar services since 2016 and has been recognized by the North Carolina Sustainable Energy Association for leading the way to become the first licensed solar lessor in the state. For this project they have partnered with Action Solar & Electric, a Carrboro-based minority-owned business for installation. For the lease option, Eagle Solar has partnered with Sunwealth, a mission-driven financier that is also approved by the NC Utilities Commission to offer solar leases. The lease option proposed is a 30-year lease and structured so that the Duke Energy rebate pays for the down-payment and the projected energy savings pays for the annual lease payment, effectively making the installations cost neutral (with the exception of the two canopy systems which require a fabricated steel structure). Added benefits of the lease option are that operations and maintenance is covered by the lessor and system performance is guaranteed through the term of the lease. A fair market value purchase is offered anytime after year 7.

A summary Eagle Solar's proposal is included in Table 2 below.

**Table 2**

Total Annual kWh of all systems	557,119
Estimated Annual Savings (year 1)	\$34,426.00
30 Year Green House Gas equivalent (mt)	12,843
Purchase Price	\$1,229,909.00
Expected Duke Energy Rebate	\$222,000.00
Total Price if Financed (lease)	\$1,833,930.00

### **Conclusion:**

Both firms proposed approximately half of a megawatt of solar for the locations specified in the RFP. This amounts to approximately one sixth of the electricity used in Town buildings (including projected 203 Building usage).

Both firm's offer viable finance options. The cashflow simulations completed by each firm vary due to different rates used for system degradation and utility cost increases. SEM used an annual system degradation factor of 0.5% and an annual utility increase factor of 3% when projecting cashflow in their proposal. SEM also assumed that a better \$/kWh rate structure can be obtained from Duke Energy. Eagle Solar uses more conservative rates of 0.6% annual degradation and 2.5% annual utility increases and uses the current utility rate structure that the Town has with Duke. A reconciled cashflow simulation using Eagle Solar's more conservative rates for both firms is included in Attachment B.

Using the reconciled cashflows in Attachment B and a Net Present Value (NPV) factor of 3.75%, the 30-year investment for each vendor and finance strategy is shown in Table 3 below.

**Table 3 – All locations**

<b>Vendor</b>	<b>NPV Financing Option</b>	<b>NPV Purchase Option</b>
<b>Eagle Solar</b>	(\$324,756.00)	(\$259,922.00)
<b>SEM</b>	(\$234,217.00)	(\$329,884.00)

Removing the two canopy systems (203 Parking Deck and Anderson Park) from the project significantly reduces the cost per kilowatt of solar for the total project and thereby improves the cashflow. For the non-canopy projects, using a NPV factor of 3.75%, the 30-year investment for each vendor and finance strategy is shown in table 4 below.

Table 4 – No Canopies

<b>Vendor</b>	<b>NPV Financing Option</b>	<b>NPV Purchase Option</b>
<b>Eagle Solar</b>	\$26,199.00	\$57,888.00
<b>SEM</b>	\$44,595.00	\$10,665.00

Attachments:

1. Attachment A: Bid Tabulation
2. Attachment B: Reconciled Cashflows

Sincerely,



Ben Schmadeke  
Capital Projects Manager

**Attachment A: Bid Tabulation**

	203 Building		203 Solar Canopy		Fire Station		Public Works		Century Center		Anderson Park		Total	
	Eagle Solar	SEM	Eagle Solar	SEM	Eagle Solar	SEM	Eagle Solar	SEM	Eagle Solar	SEM	Eagle Solar	SEM	Eagle Solar	SEM
kW DC	88	73.43	174	178.89	57	61.86	26	38.72	36	35.6	29.52	24.03	410.52	412.53
kW AC	86.40	72.09	150	154.2	50	54.3	25	37.2	34.60	34.2	25	20	371	372.37
Annual kWh Production	116051	96870	243600	235000	70453	75190	37433	52340	48254	45250	41328	31340	557119	535990
Estimated Annual Savings	\$5,803.00	\$4,843.50	\$16,386.00	\$16,450.00	\$3,523.00	\$3,759.50	\$2,995.00	\$4,187.20	\$2,413.00	\$2,262.50	\$3,306.00	\$2,507.20	\$34,426.00	\$34,009.90
30 Year GHG equivalent (mt)	2667	2025	5621	5010	1626	1465	863	889	1113	1039	953	620	12843	11049
Cash Purchase														
Purchase Price (sales tax included)	(\$176,791.00)	(\$178,000.00)	(\$656,629.00)	(\$712,000.00)	(\$111,755.00)	(\$120,000.00)	(\$62,541.00)	(\$84,700.00)	(\$80,471.00)	(\$75,700.00)	(\$141,722.00)	(\$128,700.00)	(\$1,229,909.00)	(\$1,299,100.00)
Expected Duke Energy Rebate	\$64,800.00	\$54,071.18	\$75,000.00	\$75,000.00	\$37,500.00	\$40,697.37	\$18,750.00	\$27,923.08	\$25,950.00	\$25,661.67	\$0.00	\$0.00	\$222,000.00	\$223,353.29
Net Cost	(\$111,991.00)	(\$123,928.82)	(\$581,629.00)	(\$637,000.00)	(\$74,255.00)	(\$79,302.63)	(\$43,791.00)	(\$56,776.92)	(\$54,521.00)	(\$50,038.33)	(\$141,722.00)	(\$128,700.00)	(\$1,007,909.00)	(\$1,075,746.71)

## Attachment B: Reconciled Cashflows

### Solar Projects for the Town of Carrboro

*Project Cost and Financing Summary by Vendor*

<b>All Projects (30 Years)</b>								NPV*	NPV*
<b>Vendor</b>	<b>Proj Cost</b>	<b>P&amp;I Pymts</b>	<b>Energy Savings</b>	<b>Rebates</b>	<b>O&amp;M</b>	<b>Financing Option Cashflow</b>	<b>Purchase Option Cashflow</b>	<b>Financing Option Cashflow</b>	<b>Purchase Option Cashflow</b>
Eagle Solar	(1,229,909)	(1,883,930)	1,402,201	222,000	(72,874)	(259,729)	321,418	(324,756)	(259,922)
SEM	(1,299,100)	(1,594,195)	1,355,706	239,400	(72,874)	(71,963)	223,132	(234,217)	(329,884)

\*NPV factor of 3.75%

### Solar Projects for the Town of Carrboro

*Project Cost and Financing Summary by Vendor*

<b>All Non-Canopy Projects (30 Years)</b>								NPV*	NPV*
<b>Vendor</b>	<b>Proj Cost</b>	<b>P&amp;I Pymts</b>	<b>Energy Savings</b>	<b>Rebates</b>	<b>O&amp;M</b>	<b>Financing Option Cashflow</b>	<b>Purchase Option Cashflow</b>	<b>Financing Option Cashflow</b>	<b>Purchase Option Cashflow</b>
Eagle Solar	(431,558)	(599,930)	587,024	147,000	(35,000)	134,094	267,466	26,199	57,888
SEM	(458,400)	(562,696)	599,781	164,400	(35,000)	166,485	270,781	44,595	10,665

\*NPV factor of 3.75%



## Attachment B



### Notice of Proposed Administrative Action

December 6, 2022

To: Mayor and Council Members:

From: Richard J. White III, Town Manager

Subject: Potential Town Solar Projects

The purpose of this document is to provide the Town Council with an update on staff's efforts to explore installing solar systems on or at Town facilities and to request that Council Members indicate support for staff to enter in to interconnection agreements by **Noon on December 8th**.

#### Background

In an effort to determine the potential cost to include solar energy in the 203 Project, staff issued a Request for Proposals (RFP) on February 6, 2022 that included five town facilities to assess solar potential and take advantage of an economy of scale. Laura Janway, Environmental Sustainability Coordinator, reported on the completion and publication of the RFP to the Town Council on February 8, 2022 as part of a quarterly Climate Action Implementation Update.

On March 10, 2022, the Town received two responses to the RFP for solar development. Proposals were received from Southern Energy Management (SEM) and Eagle Solar & Light. Both firms' proposals were responsive and complete. A staff evaluation committee was formed across multiple departments and included Ben Schmadeke, Capital Projects Manager; Jon Hartman-Brown, Economic Development Director; Laura Janway, Environmental Sustainability Coordinator; Max Randall, Engineer; and Cary McNallan, Deputy Finance Director. A subsequent interview was held with each firm.

The cashflow simulations completed by each firm vary due to different rates used for system degradation and utility cost increases. SEM used an annual system degradation factor of 0.5% and an annual utility increase factor of 3% when projecting cashflow in their proposal. SEM also assumed that a better \$/kWh rate structure can be obtained from Duke Energy. Eagle Solar & Light used more conservative rates of 0.6% annual degradation and 2.5% annual utility increases and used the current utility rate structure that the Town has with Duke. Staff recommends contracting with Eagle Solar & Light for the following reasons:

1. More realistic methodology for calculating investment potential

2. Use of Carrboro-based minority owned business for project installation (Action Solar & Electric LLC)
3. Positive reference from OWASA
4. More competitive pricing

Based on the RFP responses, the chart below summarizes Eagle Solar's cost of each project, estimated energy production, estimated incentives, and simple payback. This assumes financing the projects with a 15-year term at 3% interest rate (actual interest rates would be determined through the public market).

	Public Works	203 Building West Roof	Fire Station	Century Center	203 Parking Deck Canopy	Anderson Park Canopy	Total
kW DC (size)	26	88	57	36	174	30	411
Estimated Annual Savings	\$2,995	\$5,803	\$3,523	\$2,413	\$16,386	\$3,306	\$34,426
Cash Purchase Price	(\$62,541)	(\$176,791)	(\$111,755)	(\$80,471)	(\$656,629)	(\$141,722)	(\$1,229,909)
3% Interest on 15 Year Term Financing	(\$15,200)	(\$42,968)	(\$27,161)	(\$19,558)	(\$159,592)	(\$34,445)	(\$298,924)
Interconnection Request	(\$3,700)	(\$3,700)	(\$3,700)	(\$3,700)	(\$3,700)	(\$3,700)	(\$22,200)
Expected Duke Energy Rebate	\$18,750	\$64,800	\$37,500	\$25,950	\$75,000	\$0	\$222,000
IRA 15% Direct Payment	\$9,381	\$26,519	\$16,763	\$12,071	\$98,494	\$21,258	\$184,486
Net Cost	(\$53,310)	(\$132,140)	(\$88,353)	(\$65,708)	(\$646,427)	(\$158,609)	(\$1,144,547)
Simple Payback (years)	18	23	25	27	39	48	33

### Discussion

The expected lifespan of a photovoltaic system (PV) system is approximately 30 years. Installations with a payback of less than 30 years would have a positive cashflow.

The Town has executed an interconnection agreement with Eagle Solar & Light for the 203 Project west rooftop. The estimated project cost is \$176,791, which is currently included in the 203 Project budget, including \$40,000 from an Orange County grant fund. The Town has applied for an additional \$74,243 in Orange County grant funds.

The Town could move forward with an interconnection agreement for any of these projects for a nonrefundable fee of \$3,700 each which would reserve the Duke Energy utility rebate. Per Eagle Solar & Light, the Town would then have about three months to identify funds to purchase the system and then one year to install it to meet the Duke rebate timeline.

The six systems listed in the chart above combined would reduce municipal greenhouse gas emissions by 21%, advancing the Town's Energy and Climate Protection Plan goal 25%.

### Financing Options

The total cost noted in the table (before any incentives) is \$1,229,909 which would need to be financed. Rather than committing to any vendor financing, Bond Counsel and Financial Advisor have recommended going to the marketplace in view of the rate that the Town received for the 203 Project. The interconnection cost is \$3,700 per project which is nonrefundable for each solar project that does not proceed.

Considering the recent 203 Project financing, interest in renovating town facilities, and funding other capital projects, staff proposed moving forward with solar on west roof of the 203 Project and consider the other projects as part of the upcoming fiscal year Capital Improvement Plan development process as noted in the September 8, 2022 *Council – Manager Update*.

There are no funds in the FY23 Budget to pay for these installations. Financing options, whether lease or purchase, would require Local Government Commission approval. The direct payment provisions in the *Inflation Reduction Act* for local governments (30% payment for cash purchase; 15% payment for financing) will be available for the next ten years through 2033. While set to expire on December 31, 2022, there is a possibility that Duke will open the rebate period for a week or two in January 2023.

### Staff Recommendation

In addition to the 203 Project West Roof installation, staff have identified the Public Works and Fire Station 1 systems to be the most viable projects from a financial and practical standpoint. The canopy-mounted systems over the parking areas on the 203 Project parking deck and Anderson Park lot do not have a positive return on investment over the 30-year expected lifespan of the solar installations. The Century Center project would be complicated by a planned future renovation and roof replacement. The Fire Station 1 apparatus bay roof was installed in 2020 with a solar compatible roof system and the Public Works solar installation would be mounted on the metal roof of the equipment pole barn. Additionally, the Public Works and Fire Station 1 projects have good returns on investment.

### Request for Action

**Please let me know by Noon on December 8<sup>th</sup> if you support staff moving forward with executing interconnections agreements for the Public Works and Fire Station 1 installations at a nonrefundable cost of \$3,700 each.** The interconnection agreement for the 203 Project West Roof has already been completed.

**Attachment C**  
**Solar Projects Investment Summary**  
**March 28, 2023**

<b>Carrboro</b>	<i>203 Building</i>	<i>Fire Station</i>	<i>Public Works</i>
<i>Size kW DC:</i>	103.7	40	11.5
<i>Size KW AC</i>	100	34.6	10
<i>Annual kWh production:</i>	137,125	48,379	16,415
<i>Estimated Annual Savings</i>	\$10,970	\$2,506	\$1,477
<i>Estimated Reduction in Green House Gas (GHG) Emissions in metric tons over 20 years</i>	2148	758	258
<b>Cash Purchase</b>			
<i>Purchase Price (sales tax included)</i>	(\$254,953)	(\$94,342)	(\$44,679)
<i>Duke Energy Rebate</i>	\$75,000	\$25,950	\$7,500
<i>Direct Pay</i>	\$76,486	\$28,303	\$13,404
<i>Net Cost</i>	(\$103,467)	(\$40,089)	(\$23,775)
<i>30 Year NPV estimate (3% discount rate)</i>	\$145,533	\$9,995	\$4,985

**A RESOLUTION FOR AWARDING THE CONTRACT FOR SOLAR PHOTOVOLTAIC  
(PV) PROJECTS**

WHEREAS, the Town received responses to the Request for Proposals (RFP) for Town-wide solar development from Eagle Solar & Light and Southern Energy Management; and,

WHEREAS, staff have recommended Eagle Solar & Light as the most responsive, responsible firm; and,

WHEREAS, staff have further recommended that the following solar development projects be pursued:

1. 203 S. Greensboro St West Roof
2. Fire Station 1
3. Public Works; and,

WHEREAS, funding has been allocated for the 203 S. Greensboro St West Roof project in the 203 Project budget with additional Orange County Sustainability grant funding awarded; and,

WHEREAS, funding for the Fire Station 1 and Public Works Projects is set forth in this resolution,

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Carrboro authorizes a contract award not to exceed \$393,974 to Eagle Solar & Light for the following solar installation projects:

<b>Solar Project</b>	<b>Total Cost Not to Exceed</b>	<b>Estimated Start Date</b>	<b>Estimated Completion Date</b>
Public Works Turn-key Solar	\$44,679.00	2023-09-01	2023-10-01
Fire Station 1 Turn-key Solar	\$94,342.00	2023-10-01	2023-11-01
203 Project West Roof Turn-key Solar	\$254,953.00	2023-11-01	2024-02-01
Total	\$393,974		

The Town Manager is authorized to negotiate and enter into a contract with Eagle Solar and Light for the installation of the above solar projects provided the contract amount does not exceed the amount for each project noted above.

The Town Manager is also authorized to transfer unassigned fund balance to Climate Action budget in an amount not to exceed \$139,021 to complete the Public Works and Fire Station 1 solar projects.

Funds to complete the 203 Project West Roof Solar project have been included in the 203 Capital Project construction budget with additional Orange County Sustainability grant funding awarded.

This the 28<sup>th</sup> day of March in 2023.

**1. What are the racial impacts?**

Historically marginalized communities suffer and will suffer disproportionately larger impacts due to climate disruption. By pursuing renewable electricity for Town buildings, the Town will reduce its greenhouse gas emissions by 16%, showing a commitment to reducing climate disruption and lessening the burden that historically disadvantaged groups will face as a result of greenhouse gas emissions. Increasing the Town's use of renewable energy will reduce its reliance on electricity and the fossil fuels used in its generation. This will improve air quality, which also has a disproportionate impact on the health of marginalized communities, especially children.

**2. Who is or will this experience burden?**

Companies not selected to perform the solar installation will not be receiving business from the Town. Staff ensured that all Town procurement procedures were followed throughout the process. Staff released a Request for Proposals (RFP) for Town-wide solar development in February 2022. On March 10, 2022, the Town received two responses to the RFP. Proposals were received from Southern Energy Management and Eagle Solar & Light. Both firms' proposals were responsive and complete. A staff evaluation committee was formed across multiple departments and a subsequent interview was held with each firm in order to determine a path moving forward.

Installation of rooftop solar on Town buildings may result in temporary street closures and loss of parking spaces during the delivery of materials and site staging that would impact area residents and nearby businesses. Town staff may also be impacted due to potential temporary loss of parking spaces and temporary road closures.

**3. Who is or will this experience benefit?**

All residents of Carrboro, including historically marginalized and low-income communities, which suffer and will suffer greater impacts due to climate change, will benefit from improved air quality and reduced greenhouse gas emissions.

Eagle Solar and Light has partnered with Action Solar & Electric, a Carrboro-based minority-owned business, on this contract.

The Town will benefit by taking advantage of rebates from Duke Energy and one-time payments from the Federal government as a result of the Inflation Reduction Act. This will allow the Town to obtain solar PV systems for lower cost, maximizing reductions in greenhouse gas emissions while keeping Town funds available for other programs that may benefit historically marginalized communities and all residents.

In future years, the Town will spend less on electricity allowing Town funds that would normally have gone to Duke Energy to fund other Town programs.

**4. What are the root causes of inequity?**

Historic and deliberate institutional policies at all levels of government and unintended consequences of “race-neutral” policies have created inequities for Black and other marginalized communities in employment, housing, generational wealth and health outcomes. These inequities will only be exacerbated by ongoing climate disruption and continued business-as-usual electricity production and associated greenhouse gas emissions.

**5. What might be the unintended consequences of this action or strategy?**

Opportunity costs from using Town funds to install solar PV systems could prevent funding of other programs that would directly benefit our Black and other historically marginalized and low-income communities.

The Town will be responsible for operations and maintenance of the solar PV systems once installed and this could add expenses to the Town’s budget in some years which could prevent funding of other programs that would directly benefit our Black and other historically marginalized and low-income communities.



## Agenda Item Abstract

**File Number:** 23-103

**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

### Town Council 2022-2023 Retreat Follow-Up Report

**PURPOSE:** The purpose of this agenda item is to provide an update on the Carrboro Town Council Procedures Manual, Re-Confirm the 13 Key Strategic Areas and Deliverables, and discuss the development of the Town Manager and Town Clerk performance evaluation tools.

**DEPARTMENT:** Town Manager

**CONTACT INFORMATION:** Richard White, Town Manager; [rwhite@carrboronc.gov](mailto:rwhite@carrboronc.gov)  
<<mailto:rwhite@carrboronc.gov>>; 919.918.7315

**COUNCIL DIRECTION:**

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☐ Other

This agenda item relates to Chapter Ten: Public Services & Communications Section 1 in Carrboro Connects: To lead an organization that functions well internally and implements Council policies in a timely, effective, efficient, and friendly manner.

**INFORMATION:** The Town Council participated in three retreats on the following dates: August 27, 2022; December 10, 2022; and January 21, 2023.

At the December 10, 2022 retreat, the Town Council reviewed a draft version of the Carrboro Town Council Procedures Manual developed by Mayor Damon Seils with the assistance of Council Members Randee Haven-O'Donnell and Eliazar Posada. Mayor Seils has revised the document to reflect the feedback provided during the retreat and has shared the revised draft with Council Members for an additional round of feedback. The final draft will come back to the Town Council for adoption at an upcoming meeting after a review by the Chief Race and Equity Officer.

At the January 21, 2023, the Town Council sorted 170 projects into "Big Rocks" defined as projects having a major organizational lift in terms of time, impact, and resources and "Small Rocks" that are important efforts with less impact on time and resources. Projects were also placed in a third category labeled "Combined" for smaller rocks that could be combined into a larger effort. The 13 Key Strategic Areas and Deliverables (Attachment) are the results of that exercise. Staff will work on implementing these Key Strategic Areas and Deliverables over the next 12 - 18 months. The projects are aligned to strategic plan goal areas; rise to the level of council action and community impact; and typically included in a Manager's performance evaluation and other Annual Performance Reports.

On February 23, 2023, Mayor Seils, Council Member Haven-O'Donnell, and Town Manager Richard White attended the School of Government course entitled "LELA 201: Evaluating Manager and Board Performance" via Zoom to learn about developing a successful evaluation process.

**FISCAL IMPACT:** There are no fiscal impacts associated with this agenda item. Town staff will incorporate the 13 Key Strategic Areas and Deliverables in the FY24 Budget development process.



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**Agenda Date:** 3/28/2023  
**In Control:** Town Council  
**Version:** 1

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**File Type:** Agendas

**RECOMMENDATION:** The Town Manager recommends that the Town Council re-confirm the 13 Key Strategic Areas and Deliverables.

Twelve to Eighteen Months	
Key Strategic Area (Top Priorities in Green)	Deliverable(s)
Implement Race Equity Initiatives	Completion of the disparity study; presentation of recommendations to the Council
	Complete evaluation of town policies, practices, and procedures (every department with coordination by Race and Equity staff)
	Add space on agenda cover sheets for compliance with Council policies: race and equity, climate action plan, and Comprehensive Plan.
	Language access plan completed and adopted.
	Engagement plan to include all elements of the community, esp in budget processes
	Review hiring policies to hire more BIPOC employees.
Implement Community Action Climate Plan with funding	Fund Strategy 2.1 to implement. It's the means to prioritize and implement the rest of the plan. (Climate Action 10 year budget by year and benefits that could be produced if money is approved and spent)
	Be more intentional in Green Neighborhoods Plan. This is identified in Affordable housing plan.
	Weatherization of low-income homes
	Leverage federal and local funds
Zoning amendments (related to housing)	Amend zoning ordinance to allow greater density near transit (identified in the transit plan) and greenways
	Parking minimums for residential. Does this cover downtown, too (as identified in the small area plan)?
	Develop 1 or more small area plans
Connectivity, Bicycle, Pedestrian	Progress on 2020 Bike Plan (5 priorities identified) Includes \$10K fix-it stations
	Homestead Road crossing (through ARPA funds)
Implement the various projects of the Comp Plan	Access to green space within walking distance (Westwood Cemetery)
Safety Task Force Recommendations	Provide information on mental health support - Orange County two-year grant
	Offer committee more time, if needed to complete recommendations.
Move forward Affordable Housing	Complete initial assessment of town-owned properties
	Continue home weatherization.
	Develop RFP scope of work, requirements, etc. for \$1M ARPA affordable housing funds
Develop and achieve operational efficiencies (Chapter 10)	Technology to enhance service delivery and quality regarding inspections
	Review approval processes
	Respectful work environments
	Partner with customers to identify opportunities for streamlining
Adoption of the Strategic plan; Launch of Performance Management	Adopt Council Procedures Manual (from December 2022 retreat)
	Develop and adopt the strategic plan; launch plan for developing performance management system
	Evaluate Manager and Clerk
Town Building Renovations	Town Hall #1 Priority
SW and Infrastructure improvements	Street Tree Master Plan (also in Com Plan)
	Neighborhoods that suffer from flooding and erosion. SW incentive for businesses and households. Bring retrofit playbook for consideration.
Create and innovate economic development	Increase economic development strategies to strengthen BIPOC resiliency. This undergirds local living economy.
	Equitably support existing and attract new businesses.
	Implement Parking Study Recommendations
	Create equitable opportunities to obtain living wage jobs and careers.
203 Project	Completion of the 203 building.