

Town of Carrboro

301 W. Main St., Carrboro, NC 27510



Meeting Agenda - Final

Tuesday, September 19, 2023

7:00 PM

Council Chambers - Room 110

Town Council

7:00-7:05**A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS****7:05-7:10****B. ANNOUNCEMENT OF UPCOMING MEETINGS****7:10-7:30****C. PUBLIC COMMENT****7:30-7:40****D. CONSENT AGENDA**

1. [23-249](#) Approval of Minutes: October 11 (correction), November 1, November 15 & December 6, 2022

2. [23-245](#) Appointments to the Greenways Commission

PURPOSE: The purpose of this agenda item is to request that the Town Council consider appointments to the Greenways Commission.

Attachments: [A- Resolution Making Appointment to Greenways Commission 9.19.2023](#)
[B- Advisory Boards & Commissions Recruitment- Racial Equity Lens \(FINAL\)](#)
[C- Greenways Comm Justin Frye & Lori McLamb Combined App & Chair Reports](#)
[D- Greenways Commission Information Matrix 9.19.23 TC](#)

3. [23-246](#) Appointment to the Carrboro Tourism Development Authority (CTDA)

PURPOSE: The purpose of this agenda item is to request that the Town Council consider an appointment to the Carrboro Tourism Development Authority (CTDA).

Attachments: [A- Resolution Making CTDA Appointment 9.19.23](#)
[B- Advisory Boards & Commissions Recruitment- Racial Equity Lens \(FINAL\)](#)
[C- Huru Price TDA Application & Chair Form](#)
[D- CTDA Information Matrix 9.19.23 TC](#)

4. [23-244](#) Resolution to Authorize the Town Manager to Execute a Contract for the Site Assessment of Town-Owned Property
PURPOSE: The purpose of this agenda item is to request that the Town Council authorize the Town Manager to execute a contract for the site assessment of identified town-owned land for possible affordable housing use.
Attachments: [A- Resolution](#)
[B- Pocket Questions](#)
5. [23-242](#) Capital Project Ordinance for Three Signalized Pedestrian Crossings along NC 54 at the following locations: Westbrook Drive, Abbey Lane, and the entrance drives to the Kingswood and Laurel Ridge apartment complexes

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt a capital improvement project ordinance for the Town's participation in the construction of three signalized pedestrian crossings along NC 54 (TIP# BL-0044).
Attachments: [A - Draft Grant Project Ordinance \(BL-0044\)](#)
[B - Pocket Questions \(BL-0044 CIP Ordinance\) 09-19-2023](#)
6. [23-241](#) Grant Project Ordinance for Safe Routes to School Grant

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt a grant project ordinance for the Safe Routes to School Non-Infrastructure Grant
Attachments: [A - SRTS Grant Project Ordinance](#)
[B - Pocket Questions - SRTS Grant Project Ordinance 09-19-2023](#)
7. [23-233](#) Stormwater Infrastructure Grant Opportunity
PURPOSE: The purpose of this item is to request that the Town Council approve a planning grant application to the North Carolina Division of Water Infrastructure Local Assistance for Stormwater Infrastructure Investments program.
Attachments: [A - LASII Grant Resolution](#)
[B - LASII Grant Race & Equity Pocket Questions](#)
[C - LASII Grant Opportunity Memo](#)
[D - LASII SWAC Recommendation](#)

8. [23-239](#) Request-to-Set Legislative Public Hearing for Text Amendment Relating to Density in PUDs

PURPOSE: The purpose of this agenda item is to request that the Town Council consider setting a public hearing on a text amendment to the Land Use Ordinance relating to residential density in a Planned Unit Development (PUD). A resolution setting a public hearing for October 24, 2023 has been provided.

Attachments: [A- Resolution for Text Amend-PUD Density](#)
[B - Draft ordinance - LUO amendment PUD density 8-31-23](#)
[C - PQ - RTS-Text Amendment PUD 09-19-2023](#)

9. [23-243](#) Resolution Adopting Changes to Town of Carrboro Position Classification and Pay Plan

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt the proposed changes to the Town of Carrboro Position Classification and Pay Plan to align job two titles and positions with the needs of the organization.

Attachments: [A- Pay Plan Changes Resolution 09192023](#)
[B- Race and Equity Pocket Questions 09192023](#)

10. [23-248](#) Request to Submit a T-Mobile Grant to Refresh the Town's Free Public Wi-Fi

PURPOSE: The purpose of this agenda item is to request that the Town Council authorize the submittal of a T-Mobile grant application. If awarded, the funds will be used to refresh various critical public Wi-Fi infrastructure allowing for Wi-Fi 6/6E connectivity which offers greater bandwidth, higher speeds, and supports a greater number of Wi-Fi users.

Attachments: [A - Race and Equity Pocket Questions 09192023](#)
[B. TMobile Resolution](#)

E. OTHER MATTERS

7:40-8:10

1. [23-240](#) Westwood Cemetery Master Plan

PURPOSE: The purpose of this agenda item is to request that the Town Council approve the revised Westwood Cemetery Master Plan.

Attachments: [A - Westwood Cemetery Master Plan](#)
[B - Resolution](#)
[C- Racial Equity Pocket Questions](#)

8:10-8:25

2. [23-210](#) Presentation on Gas-Powered Landscaping Equipment

PURPOSE: The purpose of this agenda item is to provide a presentation of staff findings on potential code amendments for banning gas-powered landscape equipment in Carrboro to reduce environmental and noise pollution.

Attachments: [A - Legal Opinion](#)
 [B - Pocket Questions](#)
 [C- Landscape Equipment Code Amendment Presentation](#)

F. **MATTERS BY COUNCIL MEMBERS**

- G. **CLOSED SESSION 143-318.11(A)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.**



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301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-249

Agenda Date: 9/19/2023
In Control: Town Council
Version: 1

File Type: Agendas

Approval of Minutes: October 11 (correction), November 1, November 15 & December 6, 2022



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Appointments to the Greenways Commission

PURPOSE: The purpose of this agenda item is to request that the Town Council consider appointments to the Greenways Commission.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Wesley Barker, Town Clerk, wbarker@carrboronc.gov
<<mailto:wbarker@carrboronc.gov>>, 919-918-7309

COUNCIL DIRECTION:

☒ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

The Town Council follows its adopted Advisory Board Recruitment and Appointment Policy that was adopted on 11-21-2017. Text amendments to this policy were approved by the Town Council on 12-1-2020 and 4-13-2021, respectively, to the section entitled "Composition" which related to expanding the racial and ethnic diversity on advisory boards and commissions. It should be noted that the Advisory Board Recruitment and Appointment Policy has been evaluated using the Racial Equity Lens tool and was completed in May 2023. The completed Racial Equity Lens is included as Attachment B. It should be noted that because the Racial Equity Lens is complete, pocket questions are not required for this agenda item.

INFORMATION: The Greenways Commission is comprised of six (6) in-town members appointed by Town Council. Currently, there are three (3) vacancies on the Commission which has created a quorum issue. Applications were received from Justin Frye and Lori McLamb and they both have attended a meeting of the Commission. The chair has submitted a Recommendation Chair Form for both applicants. Applications and chair forms for Justin Frye and Lori McLamb are included as Attachment C. A matrix is included as Attachment D.

FISCAL IMPACT: N/A

RECOMMENDATION: The Town Clerk recommends that the Town Council review and consider appointing both Justin Frye and Lori McLamb to the Greenways Commission to alleviate quorum concerns (Attachment A). By making these appointments, it ensures the Greenways Commission can continue to successfully meet and conduct business.

A RESOLUTION MAKING APPOINTMENT(S) TO THE
GREENWAYS COMMISSION

Section 1. The Carrboro Town Council hereby appoints the following applicant(s) to the Greenways Commission:

Seat Designation	Appointee	Term Expiration
In-Town Member	Lori McLamb	2/2026
In-Town Member	Justin Frye	2/2026

Section 2. This resolution shall become effective upon adoption.

This the 19th day of September 2023.

APPENDIX D. RACIAL EQUITY ASSESSMENT LENS

One Orange - Let's Get REAL on Racial Equity

RACIAL EQUITY ASSESSMENT (REAL)

Goal: When we achieve racial equity, race will no longer predict opportunities, outcomes, or the distribution of resources for residents of Orange County, North Carolina, particularly for communities of color. Therefore, it is important to evaluate initiatives and demonstrate how it aligns with the County's and/or Town's racial equity goals.

FAQs:

What is the purpose of conducting this assessment? Conduct this assessment to measure how communities of color are affected by short- and long-term governmental decisions. It should be used by decision makers to evaluate new and existing initiatives. The word "initiative" is broadly used to cover policies, practices, processes, procedures, services, projects, and the like.

Who should use this assessment? Elected officials, boards, commissions, staff, community partners, and stakeholders to answer and evaluate "who, what, when, where, why, and how" through a racial equity assessment lens.

When should the assessment be conducted? Each jurisdiction will determine when the assessment should be conducted. Once that decision is made, orientation on the assessment shall be provided to all relevant staff and/or stakeholders.

How do I conduct the assessment? The assessment is a worksheet that prompts users to consider the intention of the initiative and how it impacts communities of color. The assessment should generate discussion and analysis that helps government align its initiatives with the racial equity goal stated above. There is not a "correct" answer to the questions. The completion of the assessment has value based on its merit. Please answer each question under every step, to the best of your group's ability. Be as specific as possible. This worksheet is designed to help you fill in as many details as possible.

How do I get a copy of the lens? The Racial Equity Assessment Lens is included within this document below.

Racial Equity Assessment Lens (REAL)

NAME OF INITIATIVE PROGRAM/PROJECT	New or Existing?	Who is Conducting the Assessment?
Advisory Board & Commission Recruitment Process	Existing	Clerk's Office

ORIGIN AND DESCRIPTION

- For New initiatives – Why this initiative and why now?
- For existing initiatives- include background information and milestone dates

The process for appointments to town advisory boards and commissions are typically completed in February-March of each year, for expiring and vacant terms, leading up to the consideration by Town Council. The Clerk's office works with staff liaisons and advisory board chairs on applications received and/or eligible member reappointments. These recruitment efforts follow the current advisory board recruitment and appointment policy. The Advisory Board Recruitment & Appointment Policy was initially adopted on 11-21-2017. Since then, several text amendments to this policy have been discussed and adopted by the Town Council on 12-1-2020 and 4-13-2021, respectively. These amendments have been within the section entitled "Composition" on page 2 of the policy, which details expanding the racial and ethnic diversity on advisory boards and commissions (full policy attached at the end of this document). As the policy currently states, consideration of advisory board appointments should not be brought forth to Town Council for consideration unless a diverse applicant pool is present. The exception to this rule is if any advisory board or commission is experiencing issues with achieving a quorum due to multiple vacancies, which prevents the board or commission from conducting business.

Processes for advisory board & commission recruitments also follow this policy. Vacancies occur throughout the year on all boards and commissions, and appointments are made by Council at various times outside of February-March as needed. The main recruitment efforts begin in late fall of each year leading up to February-March and includes creation & production of marketing materials for distribution, announcements on website/social media, "word of mouth" recruitment and recruitment assistance from the Town Council. The Clerk's office helps coordinate these recruitment materials & announcements with assistance by the Communications & Engagement Dept. The Clerk's office also notifies Town Council of any issues of diverse applicant pools for advisory boards and commissions and requests their assistance on recruitment, per the policy. As the applicants are submitted, the Clerk's office fields these to the appropriate staff liaison & chair and keeps record of the applications received. Further, the Clerk's office maintains a roster of current members and applicants, bringing forward applicants to Council for consideration following the policy.

DESIRED RESULTS

What specific results/outcomes are intended for the community or organization? (How will this initiative achieve this goal? Is anything being created, removed, incentivized, mandated, allowed, or assigned by this initiative?)

To recruit advisory board and commission members from all areas of Carrboro, representing every neighborhood if possible. For the members of these advisory boards and commissions to be more diverse in the future than they have been in the past. Continued work to enhance participation in boards and commissions by possibly offering incentives including stipends, childcare and transportation options. Also, offerings of virtual and hybrid meeting options to allow more ways members can attend meetings. Town Council will hold a work session to discuss advisory board and commission statuses, possible incentives, board combinations who share similar duties, and more efficient appointment processes.

To continue outreach and communication efforts for advisory board recruitment by continuing to utilize social media platforms, inclusion on town e-news and website postings. Additionally, continue to advertise using the Town Information Centers, printed Town calendars, Rec & Parks publications, Carrboro in Motion events and Carrboro Day event to ensure all recruitment efforts are not solely through the internet. A new effort could be to work with local businesses/Carrboro Business Alliance to place flyers inside downtown businesses for advertisement and recruitment. **Advertise on local radio stations – WCOM and WCHL.**

The current policy already calls for a diverse applicant pool before appointments are to be made by Council unless a quorum issue exception exists.

What policies are relevant to this initiative? How do racial and social inequities impact these areas? What does this proposal have the ability to impact? Consider topics and subtopics related to what you are trying to achieve, i.e., business, and economic development, labor and workforce development and retention, the judiciary, public safety, housing, education, health, transportation, environment, human services, youth, recreation, and COVID-19.

Topic/Issue	Baseline Data and Racial Disparities	Historical Root Causes of Disparities
For example, rather than write “education” below, list “attendance, school discipline, and commutes.”	What does available data or research say about this issue? What disparities already exist within this issue?	What caused the numbers to look like they do today? Were the causes in the distant past and/or more recent? Were they purposeful or unintentional?
Representation on Advisory Boards	The available data shows that many of the Town’s Advisory Boards do not have a diverse racial makeup.	Recruitment efforts in the past have relied on advertising (hanging posters, social media, etc.) and word of mouth to groups of people that may align with only a certain neighborhood(s) or demographic. These are mainstream, accepted practices in most communities that have been the same for many years. This has been unintentional. Lack feeling of inclusivity and belonging.
Recruitment efforts	In the past (prior to the 4-13-21 amendments to the recruitment policy), the recruitment efforts have not been widespread or varied. There	This has been unintentional. It could possibly have been purposeful in a way to limit participation of some groups; however, it is hard to

	was a limited effort and just utilizing “low-hanging fruit” only, with just a few methods used such as posting online and small promotions.	determine. Since amendments were made to the policy by Council, and the Communications & Engagement office has been created, more consistent, fair recruitment efforts have been made.
Member attendance issues	There are identified barriers to attendance such as lack of childcare, transportation, scheduled meeting times and limitations on technology to attend virtual meetings. This information has been relayed via advisory board members to the staff liaisons.	This has been unintentional. There historically seems to be issues with all advisory board and commission seats being full due to transient residents, personal issues that arise such a change in job schedules that cause resignations or absence, and issues with lack of childcare, transportation to meetings or limitations with virtual participation. Additionally, due to COVID and all virtual meetings taking place, once in-person meetings were being held again, some members indicated they would rather remain virtual for more accommodating purposes, which has resulted in some resignations.

What is the specific desired result statement –

The desire is to create a diverse and fair recruitment process and have options that appeal to all demographics with solutions to common barriers e.g., **meeting schedule**, childcare/transportation options, member stipends, and that there are multiple ways of advertising opportunities that range from print to digital to interpersonal to keep interest levels high and at the forefront.

DEMOGRAPHICS (be as specific as possible)

<ul style="list-style-type: none"> Who is this initiative focused on? (Neighborhoods, geographic areas, racial groups, income groups, etc.) What data can you provide to describe the target population? What data is missing? <p>Consider groups based on race, earnings, education, geography, occupation, age, gender identity, sexual identity, religion, immigration status, etc. Consider atypical groupings.</p>		
	BENEFITTING INDIVIDUALS OR GROUPS	BURDENED INDIVIDUALS OR GROUPS

Funded initiatives -currently there is no funding with this initiative. A possible solution to help with Advisory Board recruitment and retention is to offer stipends and/or childcare options/transportation stipends for members. Town Council will be discussing at an upcoming work session. Follow-up- At the work session, Council expressed interest in stipends, following Chapel Hill's model, and directed staff to complete some additional research & report back to Council.		
If the new initiative is funded	Racial and ethnically diverse communities would benefit from more representation on advisory boards. Having diverse advisory boards will be more likely to recognize, create and promote initiatives that benefit the areas that are likely to be underrepresented traditionally.	n/a
Existing initiative is funded	n/a	n/a
Non funded initiatives		
If the new initiative is not funded	Those who can afford childcare and/or transportation could still be an advisory board member and attend meetings with little to no issue. Further, those who can afford childcare and transportation, most likely has easier access to use digital means to attend meetings & receive news on recruitment efforts. Advisory board initiatives may proceed that further benefit these groups or individuals because they have a means to attend and participate in meetings with less hardships.	Potentially qualified advisory board members are not able to participate due to lack of childcare or not being able to afford childcare or transportation to attend meetings. Further, these potential members may not have adequate access to internet and could miss out on recruitment efforts, which is why it is important to promote in non-digital ways. This could leave a gap in the voice at the table of/for a particular demographic. As a result, an advisory board may create or proceed with initiatives that further isolate or alienate certain demographics or people who aren't at the table.
If the existing initiative is no longer funded	n/a	n/a
COMMUNITY ENGAGEMENT List the individuals or groups who will potentially benefit the most or be burdened the most by this Initiative.		

<ul style="list-style-type: none"> • How have you involved community members in developing this initiative? • Have you involved those directly impacted? • How have you addressed the concerns raised by community members? Especially those directly impacted. • Going forward, how do you plan to include voices of those most impacted / burdened? How? Please note if they are: (1) Already involved in the drafting of the process; (2) What is your first step in involving them; or (3) Why you are not involving them in the process. 	
Individual or Group	<p>Already Involved, First Step to Involve, or reason for No Involvement</p> <p>Citizens (traditionally involved on boards and commissions and have immediate access to information)</p> <p>Add Citizens (not traditionally involved)</p>
	<p>An Advisory Board and Commissions application is available for interested applicants. Information about each advisory board/commission is available for interested applicants (citizens) to review for interest. Advisory Board and Commissions recruitment efforts are published in Rec & Parks publications, featured in Carrboro news, emails, social media platforms, printed materials available at town Hall and public events (e.g., Carrboro Day, Carrboro in Motion, Town Information Centers).</p> <hr/> <hr/>
	<p>Going forward, based on the Council work session about advisory board and commissions, if new initiatives are implemented, outreach and engagement information will be updated and announced on all platforms. The work session surrounding advisory board and commissions will give Town Council an opportunity to hear from staff liaisons on ongoing issues and discuss incentives to recruit new, diverse members, and retain members. Also, going forward, creation of ongoing educational measures to show the important roles these boards & commissions play in government decisions will be beneficial.</p> <p><i>Some citizens can be burdened by this if they have a distrust in government or have had an experience(s) of not being heard by their local government or have been directly impacted by an action(s) of government (which could have stemmed from elected officials adopted items recommended by advisory boards, who are there to advise the elected officials). Additionally, citizens may be afraid of not being accepted if they tried to participate, so they just don't apply at all. A lack of education of what important purposes advisory boards & commissions serve to the local government may also prevent qualified citizens from applying. (add to the suggested category above?)</i></p>
<p>Who else from the community should be involved in designing, governing, or executing the initiative? Please note if they are: (1) Already involved in the drafting process; (2) What is your first step involving them; or (3) Why you are not involving them in the process.</p>	

Individual or Group	Already Involved, First Step to Involve, or reason for No Involvement	
Town Council / Staff Liaisons	Staff liaisons comments received by Clerk’s office can be relayed to Town Council and addressed at a Council work session as needed to discuss/address issues. Staff liaisons can report to Council at these work sessions to address ongoing concerns. A standing quarterly meeting of all advisory board liaisons would be beneficial to gather & share feedback.	
Citizen Involvement (suggestion)	Citizen Survey- poll/survey citizens what the barriers are for participating or not on boards/commissions. See what other disconnections may be with advisory board participation. Include this into the citizen survey, or conduct a special survey by posting on website, including in town news emails, at in person events and at Town Hall.	
Benefits		
<ul style="list-style-type: none">Which area(s) of the County/Town could be impacted by this Initiative?Share any relevant data (link to jurisdictional map and/or information)Consider differences such as towns, density between residential, commercial, rural, and suburban, access to resources, transit, geography, and proximity to health care services.		
AREA	HOW AREA WOULD BENEFIT	HOW AREA WOULD BE BURDENED
Lower income	More outreach options would benefit these communities, including educational methods about advisory board/commission roles & their importance and stipend offerings.	Not being “plugged in” to town functions. Less access to internet & items posted solely online. Outreach would need to be extended past online only.
Communities of color / lower income	Offering incentives such as stipends and childcare/transportation stipends to allow participation in meetings. Also, education on the roles boards play and importance.	Fear of getting involved due to their particular demographics. Feelings of not being heard, or distrust of government based on past experiences, which may deter interest, even with incentives offered.

<p>If you mentioned communities of color in the table of above, how might this Initiative negatively impact them?</p> <ul style="list-style-type: none"> • Not being plugged into the community due to the neighborhood they live in, or their neighborhood does not have an active HOA (or the like) that shares information with residents. • Feeling of disconnect with government or distrust of government. • Fear of getting involved due to past experiences that affected them personally, affected their friends/family and/or affected their neighborhood. • Feeling of not being heard if they are the minority on a board. • Lack of awareness of offerings due to limitations of internet, digital presence. • Unable to participate due to childcare or transportation issues. • Unable to participate due to work hours or obligations that aren't the "normal working hours." 		
<p>If you mentioned people with low incomes in the table above, how might this Initiative negatively impact them? There could be technology disadvantages such as less internet capabilities in general. Without access to these devices, residents may be unaware of opportunities available and/or can't participate on Zoom, Teams, YouTube, etc., and there may be a basic lack of awareness of government functions in general. They may miss out on the new incentives being offered if promotions are solely posted online.</p> <p>Lower income residents may be unable to secure childcare or transportation to attend meetings. Additionally, these residents may hold jobs that have undesirable hours that prevents them from attending regularly scheduled meetings, even if they had childcare and transportation.</p> <p>Lower income communities typically are subject to less options than larger income communities, or neighborhoods, and historically aren't as "plugged in" to their local government, or community.</p>		
<p>IMPACTS Considering the Section above when filling out the table below on unintended consequences.</p>		
<ul style="list-style-type: none"> • What are the unintended consequences of this Initiative? Investigate if there have been other Initiatives of this type. If yes, what is known about the effect of these Initiatives, especially of different racial groups? • What can be done to mitigate any negative impacts? • Are there any challenges that need to overcome? How? • Share any relevant data. 		

Type	Potential Unintended Consequence	Mitigation Strategies to Prevent Consequences and Advance Racial Equity
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SOCIAL Consider native and long term residents, rural residents, transit, trust in government, education, etc.	People of color and other demographics may not trust government's outreach. They may feel that it needs to be broader in its reach. They may feel that the outreach is targeted to one set demographic or neighborhoods of "higher significance."	There could be additional outreach measures added to community outreach and expand the forms of public relations to those other than digital platforms. Council has worked to enhance and promote diverse applicants to advisory boards by amending the advisory board recruitment & appointment policy several times and not making appointments to boards until a diverse pool is achieved (unless there is a quorum issue).
ECONOMIC Consider wages, competition, tourism, unemployment, small businesses, etc.	If stipends were to be made available for advisory board members, it would need to be in an equitable fashion across all boards and consistent (e.g., option to opt-in or out of stipend)	Stipends could be provided for Advisory Board members which could be used for childcare needs and transportation. Public transit vouchers could be given as well.
HEALTH Consider impacts on pollution, health access, existing health disparities, etc.	N/a	N/a
ENVIRONMENT Consider impacts on pollution, natural resources, transit, etc.	N/a	N/a
OTHER Consider how a resident might interact with this measure "start to finish." Think through the best- and worst-case scenarios	N/a	N/a

Is your initiative realistic, adequate resources to ensure successful implementation? **Yes.** Council will discuss and make some decisions toward the proposed new initiatives including stipends, and budgeting for adequate funding if this is a direction Council decides to enhance advisory board participation/recruitment. Additional educational outreach is also a realistic initiative.

What challenges should be overcome? Outreach and promotion. If new initiatives are put into place, it will be important to ensure efforts are being made to spread the word and educate residents to encourage new and continued participation. **How?** Work with Communications & Engagement Dept. to develop or enhance promotional materials and outreach in various formats. Also, discuss with advisory board liaisons at quarterly meetings in a round table setting to brainstorm continued & new outreach methods.

Share any relevant data?

ACCOUNTABILITY

How will the impact of the initiative be measured? Council is updated, per current advisory board recruitment policy, by Clerk's office if diverse applicants aren't being received, to aid in public relations. Clerk's office would continue to monitor the demographics of the applicants and keep Council updated, as well as work with staff liaisons on advisory board concerns. Council & staff liaisons receive an applicant matrix when certain appointments need to be made. If new incentives are created for advisory board members, data should reflect if more applications are received from more diverse applicants and if member retention improves.

What success indicators or progress benchmarks are incorporated in the proposed Initiative? (Provide indicators/benchmarks/metrics) If a diverse applicant pool isn't achieved, appointments can't be made which holds up the work of the boards/commissions from operating. If new incentives are created for advisory board members, data should reflect if more applications are received from more diverse applicants and if member retention improves.

What is missing? What will happen if these metrics are met and what will happen if they are not met? With more applicants, especially diverse applicants, advisory board appointments can be made quicker, which results in work of the boards staying on track and it is not held up due to a lack of quorums. The opposite would happen with a continued lack of diverse applicants, which would stall the work of the boards which often need to be discussed at this level before going forward to Town Council for final action.

In what way does this Initiative deeply consider the experience of the residents it will impact? The initiative wants a diverse member makeup of the Town's Advisory Boards and Commissions from Town residents in all demographics, neighborhoods, ethnicities & race. (Recommendations/decisions reflected of Carrboro population)

How will you share your results with your leadership and other funders? Applicants have been and will continue to be shared with the Council and a matrix of applicants are presented when considering appointments to the Boards & Commissions (continuing to follow the current Advisory Board Recruitment & Appointment Policy). If stipend or other incentives are enacted, Council can be provided status updates every so often on how it's working and if it is making an impact on participation and diverse applicant numbers. Clerk's office to conduct quarterly or bi-annual check-in meetings with advisory board staff liaisons to gather feedback, concerns, and share information.

How will you share results with community members and stakeholders? Any advisory board policy changes and appointments are made in open Town Council sessions that are open to the public and they are all part of the public record. Council meetings are broadcast online and on the local cable tv channel. Meeting videos are also easily found on the Town's website. Also, inquiries can be made to the Town Clerk's office about appointments. Town Council updates are provided via the Communication & Engagement office as well.

How will you acquire feedback from community members and stakeholders and incorporate findings? The Clerk's office will report to the Council on any lack of diverse applicants on advisory boards. Suggestion to add a section onto the Carrboro citizen survey and/or website (or community events) which will ask for

feedback from citizens on advisory boards participation- find out what their limitations are for participating to further gather information on possible continued recruitment efforts & new initiatives.

RECOMMENDATIONS

- Continue adhering to the Advisory Board Recruitment & Appointment Policy as written (or as amended in the future).
- Continue to broaden outreach and recruitment of Advisory Board/Commissions outside of digital means.
- Place recruitment emphasis on sectors of community where there are more people of color and lower income.
- Explore stipend or pay for Advisory Board members for attending meetings, for childcare and/or transportation needs. **Also consider meeting schedule.** Town Council work session will be held to address various advisory board topics and more recommendations may transpire from the Council.
- Include questions on citizen survey on advisory board participation and seek what limitations may exist.

SIGNATURES OF ASSESSOR(S):

Wesley Barker, Town Clerk Mary Bryant, Deputy Town Clerk

DATE REVIEWED BY CORE TEAM:

4/10/23

RECOMMENDATIONS/**FEEDBACK** – CORE TEAM:

This analysis of Advisory Board Recruitment and Appointment is thoughtful and comprehensive. The description of the process is complete, and there is a detailed list of barriers to communities of color. The recommendation to work with local businesses for advertisement and recruitment is excellent.

The Advisory Board System is complex. We suggest looking at the system as a whole including “recruitment”, “appointment” and “service including board roles/missions and terms.” These processes are interrelated. For example, a barrier to recruitment may be that the lengths of service, about three years, which may be considered a longtime commitment to some residents.

We would like to see additional attachments – primarily data showing the demographic makeup of existing boards. The Town will not know about our progress to diversify boards and commissions without creating an excellent tracking system. This may require assistance from GIS or other data-professionals. It would be important to also show a geographic representation of membership residences across town. We should create a dashboard that is publicly available for review, at the forefront - perhaps on a central webpage. Can we set some goals and track progress for the next five years?

Can we consider an exit survey for board members?

Advisory boards and commissions need to consider meeting dates/times.

Do we have a definition of “diverse applicant pool” within the policy? We use the term frequently – but it’s not defined. Is it reflective of the town population or is there another measurement?
Reviewing the calendar for the appointment process, we’re wondering whether the February month for term expirations could be an issue. If the calendar was shifted so that recruitment took place at the beginning of the school year (August or September), would that be helpful to residents?

Regarding the note about funding for the initiative (stipends, child care, etc.), please also include funding for recruitment/advertising. Many clubs and marketing initiatives offer bonuses for existing members who bring in new members. Could we test something like that?

The Citizens Academy is often considered a recruitment method for advisory boards. How does this play into the analysis?

Thoughtful. I thought there were an abundance of ideas related to improving the process and getting real results. – Savannah Allred

DATE REVIEWED BY RACIAL EQUITY COMMISSION:

5/10/2023

RECOMMENDATIONS/Feedback from RACIAL EQUITY COMMISSION:

Remove obstacles from participating.

Advertise board and commission vacancies using multiple platforms – radio stations – WCOM, newspapers (?), kiosks/information centers, drop off locations that community members frequent, cybrary , churches and UNC.

Set goals to fill seats with diverse voices on every board and commission.

Spend time in the community and share information along with other important services, etc.

Information should be in different languages.

Is it possible to have a “hotline” where people can call in to find out about vacancies and other information items?

What is the Town of Chapel Hill doing to fill the seats with representatives that look like us?

Can meetings be held throughout Town and not in one place all the time? In community?

How about virtual opportunities for those that don’t have internet access?

Consider providing childcare for members and transportation to and from meetings (pickup stops).

Could be a great part-time job for someone. Rent or use a town van.

Offer opportunities for community members to experience serving on a board or commission.

Provide training for new members about protocol, etc.

Be creative and welcoming to all members of the community.

How can the Town build a sense of community and belonging for everyone?

Town of Carrboro Advisory Board Recruitment and Appointment Policy

11-21-2017,12-4-2018,12-1-20,3-16-21

Contents

<u>TOWN OF CARRBORO TOWN COUNCIL Recruitment and Appointment Policy</u>	14
<u>Adoption: 11/2017</u>	14
<u>Purpose</u>	14
<u>Composition</u>	14
<u>Authority</u>	15
<u>Periodic Review</u>	15
<u>APPOINTMENTS TO AUTHORITIES</u>	16
<u>Advisory Board Appointment Method</u>	17
<u>Voting Method</u>	17
<u>Terms</u>	17
<u>Attendance</u>	18
<u>Resignations</u>	18

TOWN OF CARRBORO TOWN COUNCIL Recruitment and Appointment Policy

Adoption: 11/21/2017, Amended 12-4-2018, 4-13-21

Purpose

The purpose of this policy is to establish a policy and procedures whereby the Town Council will make appointments to public advisory boards, committees, commissions, councils, and taskforces (hereinafter “boards”). The Board shall also establish a policy and procedures whereby the Board makes appointments to public authorities that have Carrboro representatives or are Town of Carrboro Authorities.

Composition

The Town of Carrboro Town Council shall appoint all voting and non-voting members to boards. The Town Council shall endeavor to appoint members who represent the ethnic, cultural, demographic, and geographic diversity of the community. The Town Council has a goal of promoting racial and ethnic diversity on advisory boards. To the extent possible, the Town Clerk will bring forth applications that will expand the racial and ethnic composition of the existing advisory board. If no applications exist that will expand the racial or ethnic diversity of the advisory board, the Town Clerk shall notify the Town Council of the lack of racially or ethnically diverse applicants and at such time request that the Town Council work to recruit additional applicants. If the advisory board must have appointments due to membership numbers resulting in a lack of quorum, the Town Clerk shall bring forth applications regardless of the

racial and ethnic diversity of applicants and request that the Town Council make the appointments. The Town Council should consider the following when making appointments:

- Address
- Neighborhood/Geographic location
- Date of Birth
- Length of Residence in Carrboro
- Gender
- Race
- Ethnicity
- Occupation
- Advisory Board Service
- Experience/Skill Set/Expertise
- Community Activities/Involvement/Organizations

Authority

The North Carolina General Statutes, the Town of Carrboro Charter, the Town of Carrboro Town Code and the Town of Carrboro Land Use Ordinance provide the enabling legislation for the Town's Boards.

Periodic Review

This policy may be changed or adjusted as deemed necessary by the Board. The Town Clerk shall review the policy and make sure the policy is up-to-date.

Recruitment and Appointment Process

- a. Prior to the annual February term expirations, and when midterm vacancies occur, the Town Clerk will advertise that the town is accepting applications for upcoming openings on advisory boards and commissions.
- b. Applications will be taken until all seats are filled. Applications received after the seat(s) have been filled will be placed on file by the Town Clerk and held for future vacancies for a period of 12 months. If vacancies exist on other boards, the Town Clerk will let the applicant know of those vacancies. If interested, applicants will be encouraged to apply. Midterm vacancies shall be filled from applications on file without special advertising efforts unless requested by the Town Council.
- c. All new candidates must complete an application to be considered for appointment.
- d. Currently serving advisory board members, whose first full terms are expiring in February, will be contacted by the Town Clerk and asked if they would like to be considered for reappointment. If so, no new application is needed from the member. The Town Clerk shall report to the Board Chair that the member wishes to be reappointed. The Chair shall provide the recommendation/review form for the current member to the Town Council , just as with new applicants.
- e. The Town Clerk will notify all applicants of receipt of his/her application.

- f. The Town Clerk shall forward copies of applications to the advisory board chairs as soon as possible after receiving an application.
- g. Each chair shall contact each applicant and invite them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. (Chairs should contact Town staff in the event of a language barrier.) The chairs shall also talk with the applicants about their interest in serving on the advisory board. Board chairs may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission. If applicants do not attend a meeting after two phone calls or emails, then the Chair shall notify the Town Clerk of that fact and said application will be removed from further consideration.
- h. The chair of each board shall submit a Review Form to the Town Clerk within one week of the applicant's attendance at a meeting. If a meeting is not planned, the chair shall provide a Review Form to the Town Clerk within one week of a conversation with the applicant.
- i. Copies of all applications and recommendation forms received shall be forwarded to the Mayor and Town Council pursuant to the goals expressed in the Composition section above.
- j. If there are no applicants for the Board in question, the Chair may contact applicants that have applied for other boards. Board chairs should contact the Town Clerk to obtain these applications.
- k. If a Chair Form has not been received from board chairs within three weeks after being forwarded from the Town Clerk, the Town Clerk shall contact the chair and request a status report.
- l. By March 1, the Mayor and Town Council shall endeavor to make appointments to boards and commissions to fill annual expired terms.
- m. The Mayor and Town Council shall endeavor to make appointments to unexpired terms with vacant seats within one month of the Town Clerk receiving application(s).
- n. Appointments to unexpired terms of 12 or fewer months will be simultaneously appointed to the following 3-year term.
- o. As a presumptive policy, the Town Council will not appoint a person to serve on multiple advisory boards or commissions at the same time. However, the Council retains the discretion to make exceptions to this policy. (Amended 4-10-18)

APPOINTMENTS TO AUTHORITIES

The OWASA Board of Directors and Tourism Development Authority are considered "Authorities" under

NC General Statutes. The Town Council will consider applications for those authorities and be responsible for making appointments as they are directed per law. The Council may at times choose to interview applicants for the representative seats by any method that they choose. All appointments will be made in open session by the ballot procedures established in the policy.

Advisory Board Appointment Method

The Town Clerk shall provide an information matrix, related to composition information as shown above, for the Town Council to consider when there are more applications than open seats available. The Town Council may also request further information from the Town Clerk as it desires.

Unless the Town Council agrees by majority vote or consensus to follow another procedure, the Council shall use the following procedure to appoint individuals to various subordinate boards and offices:

Voting Method

- a. The Town Clerk will provide a ballot listing the names of all applicants presented in the agenda packet to each Council Member.
- b. Prior to voting, the Council shall open the floor for discussion of the applications.
- c. Each Council Member shall sign their name to the ballot and indicate their choice in candidate(s) by marking next to the candidate(s) name.
- d. Each Council Member will vote only for the number of candidates that there are vacant seats to fill.
- e. The Clerk shall collect the ballots and announce the candidate(s) receiving the highest number of votes and indicate the position that each candidate has been appointed to fill.
- f. The Town Clerk shall then read into the record the names of the candidates receiving the highest number of votes. The Town Council shall then make appointments per motion and second. The minutes shall indicate fully the written and verbal voting record of each Council Member.

Terms (Amended 12-4-18)

- a. Members are appointed to staggering three-year terms on all advisory boards that expire annually in February. The Carrboro Tourism Development Authority members are appointed to one-year terms that expire annually in January.
- b. Members are limited to two full terms. After completing two full terms, a member must take off one year before applying for re-appointment to the advisory board. However, a board member may apply to serve on another advisory board if he/she desires. The Town Council may make exceptions to this rule under the following circumstances:
 1. To retain diversity on an advisory board;
 2. A lack of applicants.

Attendance

- a. The chair or staff liaison of each board or commission shall notify the Town Clerk on an as needed basis if there are members that are presenting attendance problems.
- b. Unless the chair waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than 30% of the meetings during a 12-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 10 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 requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

Resignations

- a. Resignations must be submitted in writing via email to the chair, the staff liaison, or the Town Clerk. If the resignation is submitted to the chair or the staff liaison they should forward the resignation to the Town Clerk as soon as possible.

Wesley Barker

From: noreply@civicplus.com
Sent: Wednesday, January 11, 2023 11:20 AM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Justin
Last Name	Frye
Date	1/11/2023
Address1	101 Todd St Apt B
Address2	<i>Field not completed.</i>
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	Unsure
Telephone (111)-111-1111	3046410539
Email Address	justinfrye2013@gmail.com
The demographic information provided below is of interest because your elected officials want the Town's advisory boards to reflect the diversity of the Town. Diversity of the applicant pool is a priority of the Board.	
What Year Were You Born?	1991
Race	Caucasian
Sex	male
Ethnicity	<i>Field not completed.</i>

Occupation	physician assistant
Are you a registered Orange County Voter?	Yes
Length of Residence in Orange County	6 years
Length of Residence in the Town of Carrboro	2 years
I wish to be considered for appointment to the following committee/board(s) (Select no more than two (2)):	Appearance Commission/NPDC, Greenways Commission
Advisory Board Preference	Greenways commission
Other (advisory board not listed):	<i>Field not completed.</i>
**Employer/Self Employed	n/a
Number of Years Employed	n/a
** Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.	n/a
Community Activities/Organizational Memberships	None, other than my community HOA
Relevant Experience:	Most of my experience is in health service, leadership development (mostly during undergraduate studies), and general community service-related work, but for the last 4-5 years I've developed a strong interest in urban planning especially as it relates to parks and greenways.
Reasons You Wish to be Appointed	While I have no professional credentials directly related to this position, I am a motivated individual and proud resident of Carrboro and the greater Triangle community who is passionate about greenways and outdoor spaces. Greenways are a special community asset; they have the power to connect communities like few other assets can.
We believe as a Town and as a Town Council that	It is important for appointed or elected positions to be diverse as a whole, not only to accurately represent the constituent

racial equity and diversity and inclusion are important. Please tell us your thoughts about this and why they are important not only in advisory board/commission work but also in all facets of local government and community work.

community, but also to engage and empower folks who have been marginalized or previously excluded. This is particularly relevant to this commission (for example, non white individuals who are runners or cyclists who would use greenways historically have not been appropriately engaged in infrastructure and planning discussions).

Have you ever served on any Town of Carrboro Committee or Board?

No

If yes, which one(s)?

Field not completed.

Are you currently serving on a Town Board or Committee?

No

If yes, are you applying for a third consecutive term?

No

If yes, please describe how you meet one, or more, of the following exceptions noted below.

n/a

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Wesley Barker

From: noreply@civicplus.com
Sent: Tuesday, April 11, 2023 11:37 AM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Name:	Greenways Commission
Chair Name	Jeff Summerlin-Long
Applicant First Name:	Justin
Applicant Last Name:	Frye
1. Has the applicant previously served on this or another advisory board?	No
2. If yes, how many total years have they served?	<i>Field not completed.</i>
3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?	No
4. Is the applicant already serving on this advisory board and completed their two full terms?	No
5. Is the applicant applying for a special or expert seat on the advisory board?	No
6. If yes, which seat?	<i>Field not completed.</i>
7. Did the applicant attend an advisory board meeting?	No
8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?	Yes

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:	Yes
<hr/>	
10. If no, briefly explain:	<i>Field not completed.</i>
<hr/>	
11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.	Diversity, Occupation, Experience, or Special Skills
<hr/>	
If other, please explain:	<i>Field not completed.</i>
<hr/>	

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Print

Advisory Board Application - Submission #6685

Date Submitted: 7/7/2022

First Name*

Lori

Last Name*

McLamb

Date*

7/7/2022

Select today's date

Address1*

102 Legends Way

Address2

City*

Chapel Hill

State

NC

Zip*

27516

Is this address located within the corporate limits of the Town of Carrboro?*

Yes

Please select Yes or No.

Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?*

Northern Transition Area

Telephone (111)-111-1111*

9043863677

Please enter your primary contact phone number.

Email Address*

MclambLori@gmail.com

Enter your primary email address.

The demographic information provided below is of interest because your elected officials want the Town's advisory boards to reflect the diversity of the Town. Diversity of the applicant pool is a priority of the Board.

What Year Were You Born?*

1971

Race*

White

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

White

Occupation*

Physician Assistant

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

12 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

12 years

How long have you been a resident of the Town of Carrboro?

I wish to be considered for appointment to the following committee/board(s) (Select no more than two (2)):

- | | |
|---|---|
| <input type="checkbox"/> Affordable Housing Advisory Commission | <input checked="" type="checkbox"/> Greenways Commission |
| <input type="checkbox"/> Appearance Commission/NPDC | <input checked="" type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> OWASA Board of Directors |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Climate Action Team | <input type="checkbox"/> Racial Equity Commission |
| <input checked="" type="checkbox"/> Community Safety Task Force | <input type="checkbox"/> Recreation and Parks Commission |
| <input type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> Stormwater Advisory Commission |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Tourism Development Authority* |
| <input type="checkbox"/> Human Services Commission | <input type="checkbox"/> Transportation Advisory Board |

Please note that membership is limited to one advisory board at a time. You shall not be considered for appointment to another board unless you resign before filing an application or you are in the last six months of your current term.

Advisory Board Preference*

Community Safety Task Force

Please indicate your preference by typing your first choice.
Please limit your selection above to two boards).

Other (advisory board not listed):

Greenways Commission

Please indicate by typing the advisory board that you are applying for.

****Clerk emailed applicant and is also interested in Greenways Commission. (ref 1-31-23 email)**

**Employer/Self Employed

currently in between jobs

Please enter your employment information. This is a requirement for application for the Tourism Development Authority.

Number of Years Employed

N/A

Enter the number of years you have been employed at the organization listed to the left.

** Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.

N/A

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Iâ€™ve been an active organizer and supporter of the Walk/Bike to School Day. Iâ€™ve worked with the community and schools as a trained instructor for Stop the Bleed. I am actively involved with the IFC and Club Nova as a volunteer and supporter.

Please enter the requested information.

Relevant Experience:*

I served as a Carrboro Police Officer for over 7 years. I was and am an avid cyclist. I have been my neighborhood coordinator for holiday fundraising events over the last 6 years. I have volunteered for and am a regular supporter of PORCH,

Reasons You Wish to be Appointed*

My interest in being appointed to the Community Safety Task Force is because I have a unique perspective as a mother who moved here from Jacksonville, Florida for a safe place to raise our children but also as a police officer who knows this community well.

We believe as a Town and as a Town Council that racial equity and diversity and inclusion are important. Please tell us your thoughts about this and why they are important not only in advisory board/commission work but also in all facets of local government and community work.*

Iâ€™ve received a lot of racial equity training over the years. I feel it is important to openly discuss perceived and real bias or even overt racism because the core values in this country have deteriorated over the last 4-5 years and we can not allow racial inequity to become normalized.

Have you ever served on any Town of Carrboro Committee or Board?*

If yes, which one(s)?

No

Are you currently serving on a Town Board or Committee?*

☐ Yes

☒ No

If yes, are you applying for a third consecutive term?*

☐ Yes

☒ No

If yes, please describe how you meet one, or more, of the following exceptions noted below.

After completing two full terms, a member must take off one year before applying for re-appointment to the same advisory board. However, a board member may apply to serve on another advisory board if he/she desires. The Board of Aldermen may make exceptions to this rule under the following circumstances: 1. To retain diversity on an advisory board; 2. A lack of applicants.

Wesley Barker

From: noreply@civicplus.com
Sent: Friday, September 1, 2023 2:15 PM
To: Wesley Barker; mbryant@carrboronc.gov
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Name:	Greenways Commission
Chair Name	Jeff Summerlin-Long
Applicant First Name:	Lori
Applicant Last Name:	McLamb
1. Has the applicant previously served on this or another advisory board?	No
2. If yes, how many total years have they served?	<i>Field not completed.</i>
3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?	No
4. Is the applicant already serving on this advisory board and completed their two full terms?	No
5. Is the applicant applying for a special or expert seat on the advisory board?	No
6. If yes, which seat?	<i>Field not completed.</i>
7. Did the applicant attend an advisory board meeting?	Yes
8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?	<i>Field not completed.</i>

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:	Yes
<hr/>	
10. If no, briefly explain:	<i>Field not completed.</i>
<hr/>	
11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.	Occupation, Experience, or Special Skills
<hr/>	
If other, please explain:	<i>Field not completed.</i>
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Membership Information Matrix

Greenways Commission

Last Name	First Name	Address	Year of Birth	Race (as noted by applicant)	Ethnicity (as noted by applicant)	Sex	Occupation/Expertise Content	Appointed Date
CURRENT MEMBERS								
Summerlin-Long	Jeff	1011 Brendan Ct.	Not provided	White	Not provided	Male	Professor	2/19/2019
West	Alyson	901 N. Greensboro St., Apt. D	1970	White	Not provided	Female	Researcher	2/23/2021
Morovati	Meredith	108 Weathervane Dr.	Not provided	White	Not provided	Female	Non-Profit Executive/Business Development	2/23/2021
VACANT								
VACANT								
VACANT								
APPLICANTS								
McLamb	Lori	102 Legends Way	1971	White	Non-Hispanic	Female	Physician Assistant, Cyclist	
Frye	Justin	101 Todd St., Apt. B	1991	White	Non-Hispanic	Male	Physician Assistant	



Agenda Item Abstract

File Number: 23-246

Agenda Date: 9/19/2023

File Type: Agendas

In Control: Town Council

Version: 1

Appointment to the Carrboro Tourism Development Authority (CTDA)

PURPOSE: The purpose of this agenda item is to request that the Town Council consider an appointment to the Carrboro Tourism Development Authority (CTDA).

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Wesley Barker, Town Clerk, wbarker@carrboronc.gov
<<mailto:wbarker@carrboronc.gov>>, 919-918-7309

COUNCIL DIRECTION:

☒ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

The Town Council follows the Advisory Board Recruitment and Appointment Policy which was adopted on 11-21-2017. Text amendments to this policy were approved by the Town Council on 12-1-2020 and 4-13-2021, respectively, to the section entitled “Composition” which related to expanding the racial and ethnic diversity on advisory boards and commissions. It should be noted that the Advisory Board Recruitment and Appointment Policy has been evaluated using the Racial Equity Lens tool which was finalized in May 2023. A copy of this completed lens is attached again here as Attachment B.

The CTDA appointments fall under the section entitled “Appointments to Authorities” within the Advisory Board Recruitment and Appointment Policy which states the following: “The OWASA Board of Directors and Tourism Development Authority are considered “Authorities” under N.C. General Statutes. The Town Council will consider applications for those authorities and be responsible for making appointments as they are directed per law. The Town Council may at times choose to interview applicants for the representative seats by any method that they choose. All appointments will be made in open session by the ballot procedures established in the policy.”

INFORMATION: The CTDA was established by Chapter 8A in the Carrboro Town Code entitled Hotel and Motel Room Occupancy Tax.

Section 8A-5 within Chapter 8A is entitled Carrboro Tourism Development Authority: Appointment and Membership and states the following:

(a) The Carrboro Tourism Development Authority (CTDA) is hereby created, which shall be a public authority under the Local Government Budget and Fiscal Control Act.

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

(c) Subject to subsection (d), members shall be appointed for terms of one year. The initial terms of all appointees shall expire on January 31 of the year that follows the initial appointments. Subsequent terms shall run from February 1 of one year to January 31 of the following year. Vacancies shall be filled for the remainder of the unexpired term. Members may be appointed to successive terms without limitation.

(d) Members shall serve at the pleasure of the Town Council and may be removed by the Council at any time with or without cause.

(e) Members shall serve without compensation.”

Currently, the CTDA has two active members, Marlin Fludd, and Bridget Pemberton-Smith. Both Marlin Fludd and Bridget Pemberton-Smith were appointed on May 2, 2023.

Marlin Fludd serves as a CTDA member who is affiliated with a business that collects occupancy tax within the town. Bridget Pemberton-Smith serves as a CTDA member who is currently active in the promotion of travel and tourism in the Town.

The CTDA has one additional seat available, which is vacant. A quorum of two (2) members is needed to conduct business of the CTDA. With only two current appointed members, it is possible a quorum could not be met to conduct business and presents an issue in the event of a tie.

An application was received by Huru Price, who has met with the CTDA chair. Mr. Price meets the CTDA criteria as he promotes travel and tourism within the Town. His application and the chair report are attached in Attachment C.

A current matrix of the CTDA can be found in Attachment D.

FISCAL IMPACT: N/A

RECOMMENDATION: The Town Clerk recommends that the Town Council review and consider appointing Huru Price to the CTDA to ensure the CTDA can maintain a quorum and be able to meet to conduct business (Attachment A).

A RESOLUTION MAKING APPOINTMENTS TO THE CARRBORO TOURISM
DEVELOPMENT AUTHORITY (CTDA)

Section 1. The Carrboro Town Council hereby appoints the following to the CTDA for a term to expire in January 2024:

Appointee	Term Expiration
Huru Price	1/2024

Section 2. This resolution is effective immediately upon adoption.

This the 19th day of September, 2023.

APPENDIX D. RACIAL EQUITY ASSESSMENT LENS

One Orange - Let's Get REAL on Racial Equity

RACIAL EQUITY ASSESSMENT (REAL)

Goal: When we achieve racial equity, race will no longer predict opportunities, outcomes, or the distribution of resources for residents of Orange County, North Carolina, particularly for communities of color. Therefore, it is important to evaluate initiatives and demonstrate how it aligns with the County's and/or Town's racial equity goals.

FAQs:

What is the purpose of conducting this assessment? Conduct this assessment to measure how communities of color are affected by short- and long-term governmental decisions. It should be used by decision makers to evaluate new and existing initiatives. The word "initiative" is broadly used to cover policies, practices, processes, procedures, services, projects, and the like.

Who should use this assessment? Elected officials, boards, commissions, staff, community partners, and stakeholders to answer and evaluate "who, what, when, where, why, and how" through a racial equity assessment lens.

When should the assessment be conducted? Each jurisdiction will determine when the assessment should be conducted. Once that decision is made, orientation on the assessment shall be provided to all relevant staff and/or stakeholders.

How do I conduct the assessment? The assessment is a worksheet that prompts users to consider the intention of the initiative and how it impacts communities of color. The assessment should generate discussion and analysis that helps government align its initiatives with the racial equity goal stated above. There is not a "correct" answer to the questions. The completion of the assessment has value based on its merit. Please answer each question under every step, to the best of your group's ability. Be as specific as possible. This worksheet is designed to help you fill in as many details as possible.

How do I get a copy of the lens? The Racial Equity Assessment Lens is included within this document below.

Racial Equity Assessment Lens (REAL)

NAME OF INITIATIVE PROGRAM/PROJECT	New or Existing?	Who is Conducting the Assessment?
Advisory Board & Commission Recruitment Process	Existing	Clerk's Office

ORIGIN AND DESCRIPTION

- For New initiatives – Why this initiative and why now?
- For existing initiatives- include background information and milestone dates

The process for appointments to town advisory boards and commissions are typically completed in February-March of each year, for expiring and vacant terms, leading up to the consideration by Town Council. The Clerk's office works with staff liaisons and advisory board chairs on applications received and/or eligible member reappointments. These recruitment efforts follow the current advisory board recruitment and appointment policy. The Advisory Board Recruitment & Appointment Policy was initially adopted on 11-21-2017. Since then, several text amendments to this policy have been discussed and adopted by the Town Council on 12-1-2020 and 4-13-2021, respectively. These amendments have been within the section entitled "Composition" on page 2 of the policy, which details expanding the racial and ethnic diversity on advisory boards and commissions (full policy attached at the end of this document). As the policy currently states, consideration of advisory board appointments should not be brought forth to Town Council for consideration unless a diverse applicant pool is present. The exception to this rule is if any advisory board or commission is experiencing issues with achieving a quorum due to multiple vacancies, which prevents the board or commission from conducting business.

Processes for advisory board & commission recruitments also follow this policy. Vacancies occur throughout the year on all boards and commissions, and appointments are made by Council at various times outside of February-March as needed. The main recruitment efforts begin in late fall of each year leading up to February-March and includes creation & production of marketing materials for distribution, announcements on website/social media, "word of mouth" recruitment and recruitment assistance from the Town Council. The Clerk's office helps coordinate these recruitment materials & announcements with assistance by the Communications & Engagement Dept. The Clerk's office also notifies Town Council of any issues of diverse applicant pools for advisory boards and commissions and requests their assistance on recruitment, per the policy. As the applicants are submitted, the Clerk's office fields these to the appropriate staff liaison & chair and keeps record of the applications received. Further, the Clerk's office maintains a roster of current members and applicants, bringing forward applicants to Council for consideration following the policy.

DESIRED RESULTS

What specific results/outcomes are intended for the community or organization? (How will this initiative achieve this goal? Is anything being created, removed, incentivized, mandated, allowed, or assigned by this initiative?)

To recruit advisory board and commission members from all areas of Carrboro, representing every neighborhood if possible. For the members of these advisory boards and commissions to be more diverse in the future than they have been in the past. Continued work to enhance participation in boards and commissions by possibly offering incentives including stipends, childcare and transportation options. Also, offerings of virtual and hybrid meeting options to allow more ways members can attend meetings. Town Council will hold a work session to discuss advisory board and commission statuses, possible incentives, board combinations who share similar duties, and more efficient appointment processes.

To continue outreach and communication efforts for advisory board recruitment by continuing to utilize social media platforms, inclusion on town e-news and website postings. Additionally, continue to advertise using the Town Information Centers, printed Town calendars, Rec & Parks publications, Carrboro in Motion events and Carrboro Day event to ensure all recruitment efforts are not solely through the internet. A new effort could be to work with local businesses/Carrboro Business Alliance to place flyers inside downtown businesses for advertisement and recruitment. **Advertise on local radio stations – WCOM and WCHL.**

The current policy already calls for a diverse applicant pool before appointments are to be made by Council unless a quorum issue exception exists.

What policies are relevant to this initiative? How do racial and social inequities impact these areas? What does this proposal have the ability to impact? Consider topics and subtopics related to what you are trying to achieve, i.e., business, and economic development, labor and workforce development and retention, the judiciary, public safety, housing, education, health, transportation, environment, human services, youth, recreation, and COVID-19.

Topic/Issue	Baseline Data and Racial Disparities	Historical Root Causes of Disparities
For example, rather than write “education” below, list “attendance, school discipline, and commutes.”	What does available data or research say about this issue? What disparities already exist within this issue?	What caused the numbers to look like they do today? Were the causes in the distant past and/or more recent? Were they purposeful or unintentional?
Representation on Advisory Boards	The available data shows that many of the Town’s Advisory Boards do not have a diverse racial makeup.	Recruitment efforts in the past have relied on advertising (hanging posters, social media, etc.) and word of mouth to groups of people that may align with only a certain neighborhood(s) or demographic. These are mainstream, accepted practices in most communities that have been the same for many years. This has been unintentional. Lack feeling of inclusivity and belonging.
Recruitment efforts	In the past (prior to the 4-13-21 amendments to the recruitment policy), the recruitment efforts have not been widespread or varied. There	This has been unintentional. It could possibly have been purposeful in a way to limit participation of some groups; however, it is hard to

	was a limited effort and just utilizing “low-hanging fruit” only, with just a few methods used such as posting online and small promotions.	determine. Since amendments were made to the policy by Council, and the Communications & Engagement office has been created, more consistent, fair recruitment efforts have been made.
Member attendance issues	There are identified barriers to attendance such as lack of childcare, transportation, scheduled meeting times and limitations on technology to attend virtual meetings. This information has been relayed via advisory board members to the staff liaisons.	This has been unintentional. There historically seems to be issues with all advisory board and commission seats being full due to transient residents, personal issues that arise such a change in job schedules that cause resignations or absence, and issues with lack of childcare, transportation to meetings or limitations with virtual participation. Additionally, due to COVID and all virtual meetings taking place, once in-person meetings were being held again, some members indicated they would rather remain virtual for more accommodating purposes, which has resulted in some resignations.

What is the specific desired result statement –

The desire is to create a diverse and fair recruitment process and have options that appeal to all demographics with solutions to common barriers e.g., **meeting schedule**, childcare/transportation options, member stipends, and that there are multiple ways of advertising opportunities that range from print to digital to interpersonal to keep interest levels high and at the forefront.

DEMOGRAPHICS (be as specific as possible)

<ul style="list-style-type: none"> Who is this initiative focused on? (Neighborhoods, geographic areas, racial groups, income groups, etc.) What data can you provide to describe the target population? What data is missing? <p>Consider groups based on race, earnings, education, geography, occupation, age, gender identity, sexual identity, religion, immigration status, etc. Consider atypical groupings.</p>		
	BENEFITTING INDIVIDUALS OR GROUPS	BURDENED INDIVIDUALS OR GROUPS

Funded initiatives -currently there is no funding with this initiative. A possible solution to help with Advisory Board recruitment and retention is to offer stipends and/or childcare options/transportation stipends for members. Town Council will be discussing at an upcoming work session. Follow-up- At the work session, Council expressed interest in stipends, following Chapel Hill's model, and directed staff to complete some additional research & report back to Council.		
If the new initiative is funded	Racial and ethnically diverse communities would benefit from more representation on advisory boards. Having diverse advisory boards will be more likely to recognize, create and promote initiatives that benefit the areas that are likely to be underrepresented traditionally.	n/a
Existing initiative is funded	n/a	n/a
Non funded initiatives		
If the new initiative is not funded	Those who can afford childcare and/or transportation could still be an advisory board member and attend meetings with little to no issue. Further, those who can afford childcare and transportation, most likely has easier access to use digital means to attend meetings & receive news on recruitment efforts. Advisory board initiatives may proceed that further benefit these groups or individuals because they have a means to attend and participate in meetings with less hardships.	Potentially qualified advisory board members are not able to participate due to lack of childcare or not being able to afford childcare or transportation to attend meetings. Further, these potential members may not have adequate access to internet and could miss out on recruitment efforts, which is why it is important to promote in non-digital ways. This could leave a gap in the voice at the table of/for a particular demographic. As a result, an advisory board may create or proceed with initiatives that further isolate or alienate certain demographics or people who aren't at the table.
If the existing initiative is no longer funded	n/a	n/a
COMMUNITY ENGAGEMENT List the individuals or groups who will potentially benefit the most or be burdened the most by this Initiative.		

<ul style="list-style-type: none"> • How have you involved community members in developing this initiative? • Have you involved those directly impacted? • How have you addressed the concerns raised by community members? Especially those directly impacted. • Going forward, how do you plan to include voices of those most impacted / burdened? How? Please note if they are: (1) Already involved in the drafting of the process; (2) What is your first step in involving them; or (3) Why you are not involving them in the process. 	
Individual or Group	<p>Already Involved, First Step to Involve, or reason for No Involvement</p>
<p>Citizens (traditionally involved on boards and commissions and have immediate access to information)</p>	<p>An Advisory Board and Commissions application is available for interested applicants. Information about each advisory board/commission is available for interested applicants (citizens) to review for interest. Advisory Board and Commissions recruitment efforts are published in Rec & Parks publications, featured in Carrboro news, emails, social media platforms, printed materials available at town Hall and public events (e.g., Carrboro Day, Carrboro in Motion, Town Information Centers).</p>
<p>Add Citizens (not traditionally involved)</p>	<hr/> <hr/>
	<p>Going forward, based on the Council work session about advisory board and commissions, if new initiatives are implemented, outreach and engagement information will be updated and announced on all platforms. The work session surrounding advisory board and commissions will give Town Council an opportunity to hear from staff liaisons on ongoing issues and discuss incentives to recruit new, diverse members, and retain members. Also, going forward, creation of ongoing educational measures to show the important roles these boards & commissions play in government decisions will be beneficial.</p> <p><i>Some citizens can be burdened by this if they have a distrust in government or have had an experience(s) of not being heard by their local government or have been directly impacted by an action(s) of government (which could have stemmed from elected officials adopted items recommended by advisory boards, who are there to advise the elected officials). Additionally, citizens may be afraid of not being accepted if they tried to participate, so they just don't apply at all. A lack of education of what important purposes advisory boards & commissions serve to the local government may also prevent qualified citizens from applying. (add to the suggested category above?)</i></p>
<p>Who else from the community should be involved in designing, governing, or executing the initiative? Please note if they are: (1) Already involved in the drafting process; (2) What is your first step involving them; or (3) Why you are not involving them in the process.</p>	

Individual or Group	Already Involved, First Step to Involve, or reason for No Involvement	
Town Council / Staff Liaisons	Staff liaisons comments received by Clerk’s office can be relayed to Town Council and addressed at a Council work session as needed to discuss/address issues. Staff liaisons can report to Council at these work sessions to address ongoing concerns. A standing quarterly meeting of all advisory board liaisons would be beneficial to gather & share feedback.	
Citizen Involvement (suggestion)	Citizen Survey- poll/survey citizens what the barriers are for participating or not on boards/commissions. See what other disconnections may be with advisory board participation. Include this into the citizen survey, or conduct a special survey by posting on website, including in town news emails, at in person events and at Town Hall.	
Benefits <ul style="list-style-type: none">• Which area(s) of the County/Town could be impacted by this Initiative?• Share any relevant data (link to jurisdictional map and/or information)• Consider differences such as towns, density between residential, commercial, rural, and suburban, access to resources, transit, geography, and proximity to health care services.		
AREA	HOW AREA WOULD BENEFIT	HOW AREA WOULD BE BURDENED
Lower income	More outreach options would benefit these communities, including educational methods about advisory board/commission roles & their importance and stipend offerings.	Not being “plugged in” to town functions. Less access to internet & items posted solely online. Outreach would need to be extended past online only.
Communities of color / lower income	Offering incentives such as stipends and childcare/transportation stipends to allow participation in meetings. Also, education on the roles boards play and importance.	Fear of getting involved due to their particular demographics. Feelings of not being heard, or distrust of government based on past experiences, which may deter interest, even with incentives offered.

<p>If you mentioned communities of color in the table of above, how might this Initiative negatively impact them?</p> <ul style="list-style-type: none"> • Not being plugged into the community due to the neighborhood they live in, or their neighborhood does not have an active HOA (or the like) that shares information with residents. • Feeling of disconnect with government or distrust of government. • Fear of getting involved due to past experiences that affected them personally, affected their friends/family and/or affected their neighborhood. • Feeling of not being heard if they are the minority on a board. • Lack of awareness of offerings due to limitations of internet, digital presence. • Unable to participate due to childcare or transportation issues. • Unable to participate due to work hours or obligations that aren't the "normal working hours." 		
<p>If you mentioned people with low incomes in the table above, how might this Initiative negatively impact them? There could be technology disadvantages such as less internet capabilities in general. Without access to these devices, residents may be unaware of opportunities available and/or can't participate on Zoom, Teams, YouTube, etc., and there may be a basic lack of awareness of government functions in general. They may miss out on the new incentives being offered if promotions are solely posted online.</p> <p>Lower income residents may be unable to secure childcare or transportation to attend meetings. Additionally, these residents may hold jobs that have undesirable hours that prevents them from attending regularly scheduled meetings, even if they had childcare and transportation.</p> <p>Lower income communities typically are subject to less options than larger income communities, or neighborhoods, and historically aren't as "plugged in" to their local government, or community.</p>		
<p>IMPACTS Considering the Section above when filling out the table below on unintended consequences.</p>		
<ul style="list-style-type: none"> • What are the unintended consequences of this Initiative? Investigate if there have been other Initiatives of this type. If yes, what is known about the effect of these Initiatives, especially of different racial groups? • What can be done to mitigate any negative impacts? • Are there any challenges that need to overcome? How? • Share any relevant data. 		

Type	Potential Unintended Consequence	Mitigation Strategies to Prevent Consequences and Advance Racial Equity
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SOCIAL Consider native and long term residents, rural residents, transit, trust in government, education, etc.	People of color and other demographics may not trust government's outreach. They may feel that it needs to be broader in its reach. They may feel that the outreach is targeted to one set demographic or neighborhoods of "higher significance."	There could be additional outreach measures added to community outreach and expand the forms of public relations to those other than digital platforms. Council has worked to enhance and promote diverse applicants to advisory boards by amending the advisory board recruitment & appointment policy several times and not making appointments to boards until a diverse pool is achieved (unless there is a quorum issue).
ECONOMIC Consider wages, competition, tourism, unemployment, small businesses, etc.	If stipends were to be made available for advisory board members, it would need to be in an equitable fashion across all boards and consistent (e.g., option to opt-in or out of stipend)	Stipends could be provided for Advisory Board members which could be used for childcare needs and transportation. Public transit vouchers could be given as well.
HEALTH Consider impacts on pollution, health access, existing health disparities, etc.	N/a	N/a
ENVIRONMENT Consider impacts on pollution, natural resources, transit, etc.	N/a	N/a
OTHER Consider how a resident might interact with this measure "start to finish." Think through the best- and worst-case scenarios	N/a	N/a

Is your initiative realistic, adequate resources to ensure successful implementation? **Yes.** Council will discuss and make some decisions toward the proposed new initiatives including stipends, and budgeting for adequate funding if this is a direction Council decides to enhance advisory board participation/recruitment. Additional educational outreach is also a realistic initiative.

What challenges should be overcome? Outreach and promotion. If new initiatives are put into place, it will be important to ensure efforts are being made to spread the word and educate residents to encourage new and continued participation. **How?** Work with Communications & Engagement Dept. to develop or enhance promotional materials and outreach in various formats. Also, discuss with advisory board liaisons at quarterly meetings in a round table setting to brainstorm continued & new outreach methods.

Share any relevant data?

ACCOUNTABILITY

How will the impact of the initiative be measured? Council is updated, per current advisory board recruitment policy, by Clerk's office if diverse applicants aren't being received, to aid in public relations. Clerk's office would continue to monitor the demographics of the applicants and keep Council updated, as well as work with staff liaisons on advisory board concerns. Council & staff liaisons receive an applicant matrix when certain appointments need to be made. If new incentives are created for advisory board members, data should reflect if more applications are received from more diverse applicants and if member retention improves.

What success indicators or progress benchmarks are incorporated in the proposed Initiative? (Provide indicators/benchmarks/metrics) If a diverse applicant pool isn't achieved, appointments can't be made which holds up the work of the boards/commissions from operating. If new incentives are created for advisory board members, data should reflect if more applications are received from more diverse applicants and if member retention improves.

What is missing? What will happen if these metrics are met and what will happen if they are not met? With more applicants, especially diverse applicants, advisory board appointments can be made quicker, which results in work of the boards staying on track and it is not held up due to a lack of quorums. The opposite would happen with a continued lack of diverse applicants, which would stall the work of the boards which often need to be discussed at this level before going forward to Town Council for final action.

In what way does this Initiative deeply consider the experience of the residents it will impact? The initiative wants a diverse member makeup of the Town's Advisory Boards and Commissions from Town residents in all demographics, neighborhoods, ethnicities & race. (Recommendations/decisions reflected of Carrboro population)

How will you share your results with your leadership and other funders? Applicants have been and will continue to be shared with the Council and a matrix of applicants are presented when considering appointments to the Boards & Commissions (continuing to follow the current Advisory Board Recruitment & Appointment Policy). If stipend or other incentives are enacted, Council can be provided status updates every so often on how it's working and if it is making an impact on participation and diverse applicant numbers. Clerk's office to conduct quarterly or bi-annual check-in meetings with advisory board staff liaisons to gather feedback, concerns, and share information.

How will you share results with community members and stakeholders? Any advisory board policy changes and appointments are made in open Town Council sessions that are open to the public and they are all part of the public record. Council meetings are broadcast online and on the local cable tv channel. Meeting videos are also easily found on the Town's website. Also, inquiries can be made to the Town Clerk's office about appointments. Town Council updates are provided via the Communication & Engagement office as well.

How will you acquire feedback from community members and stakeholders and incorporate findings? The Clerk's office will report to the Council on any lack of diverse applicants on advisory boards. Suggestion to add a section onto the Carrboro citizen survey and/or website (or community events) which will ask for

feedback from citizens on advisory boards participation- find out what their limitations are for participating to further gather information on possible continued recruitment efforts & new initiatives.

RECOMMENDATIONS

- Continue adhering to the Advisory Board Recruitment & Appointment Policy as written (or as amended in the future).
- Continue to broaden outreach and recruitment of Advisory Board/Commissions outside of digital means.
- Place recruitment emphasis on sectors of community where there are more people of color and lower income.
- Explore stipend or pay for Advisory Board members for attending meetings, for childcare and/or transportation needs. **Also consider meeting schedule.** Town Council work session will be held to address various advisory board topics and more recommendations may transpire from the Council.
- Include questions on citizen survey on advisory board participation and seek what limitations may exist.

SIGNATURES OF ASSESSOR(S):

Wesley Barker, Town Clerk Mary Bryant, Deputy Town Clerk

DATE REVIEWED BY CORE TEAM:

4/10/23

RECOMMENDATIONS/**FEEDBACK** – CORE TEAM:

This analysis of Advisory Board Recruitment and Appointment is thoughtful and comprehensive. The description of the process is complete, and there is a detailed list of barriers to communities of color. The recommendation to work with local businesses for advertisement and recruitment is excellent.

The Advisory Board System is complex. We suggest looking at the system as a whole including “recruitment”, “appointment” and “service including board roles/missions and terms.” These processes are interrelated. For example, a barrier to recruitment may be that the lengths of service, about three years, which may be considered a longtime commitment to some residents.

We would like to see additional attachments – primarily data showing the demographic makeup of existing boards. The Town will not know about our progress to diversify boards and commissions without creating an excellent tracking system. This may require assistance from GIS or other data-professionals. It would be important to also show a geographic representation of membership residences across town. We should create a dashboard that is publicly available for review, at the forefront - perhaps on a central webpage. Can we set some goals and track progress for the next five years?

Can we consider an exit survey for board members?

Advisory boards and commissions need to consider meeting dates/times.

Do we have a definition of “diverse applicant pool” within the policy? We use the term frequently – but it’s not defined. Is it reflective of the town population or is there another measurement?
Reviewing the calendar for the appointment process, we’re wondering whether the February month for term expirations could be an issue. If the calendar was shifted so that recruitment took place at the beginning of the school year (August or September), would that be helpful to residents?

Regarding the note about funding for the initiative (stipends, child care, etc.), please also include funding for recruitment/advertising. Many clubs and marketing initiatives offer bonuses for existing members who bring in new members. Could we test something like that?

The Citizens Academy is often considered a recruitment method for advisory boards. How does this play into the analysis?

Thoughtful. I thought there were an abundance of ideas related to improving the process and getting real results. – Savannah Allred

DATE REVIEWED BY RACIAL EQUITY COMMISSION:

5/10/2023

RECOMMENDATIONS/Feedback from RACIAL EQUITY COMMISSION:

Remove obstacles from participating.

Advertise board and commission vacancies using multiple platforms – radio stations – WCOM, newspapers (?), kiosks/information centers, drop off locations that community members frequent, cybrary , churches and UNC.

Set goals to fill seats with diverse voices on every board and commission.

Spend time in the community and share information along with other important services, etc.

Information should be in different languages.

Is it possible to have a “hotline” where people can call in to find out about vacancies and other information items?

What is the Town of Chapel Hill doing to fill the seats with representatives that look like us?

Can meetings be held throughout Town and not in one place all the time? In community?

How about virtual opportunities for those that don’t have internet access?

Consider providing childcare for members and transportation to and from meetings (pickup stops).

Could be a great part-time job for someone. Rent or use a town van.

Offer opportunities for community members to experience serving on a board or commission.

Provide training for new members about protocol, etc.

Be creative and welcoming to all members of the community.

How can the Town build a sense of community and belonging for everyone?

Town of Carrboro Advisory Board Recruitment and Appointment Policy

11-21-2017,12-4-2018,12-1-20,3-16-21

Contents

<u>TOWN OF CARRBORO TOWN COUNCIL Recruitment and Appointment Policy</u>	14
<u>Adoption: 11/2017</u>	14
<u>Purpose</u>	14
<u>Composition</u>	14
<u>Authority</u>	15
<u>Periodic Review</u>	15
<u>APPOINTMENTS TO AUTHORITIES</u>	16
<u>Advisory Board Appointment Method</u>	17
<u>Voting Method</u>	17
<u>Terms</u>	17
<u>Attendance</u>	18
<u>Resignations</u>	18

TOWN OF CARRBORO TOWN COUNCIL Recruitment and Appointment Policy

Adoption: 11/21/2017, Amended 12-4-2018, 4-13-21

Purpose

The purpose of this policy is to establish a policy and procedures whereby the Town Council will make appointments to public advisory boards, committees, commissions, councils, and taskforces (hereinafter “boards”). The Board shall also establish a policy and procedures whereby the Board makes appointments to public authorities that have Carrboro representatives or are Town of Carrboro Authorities.

Composition

The Town of Carrboro Town Council shall appoint all voting and non-voting members to boards. The Town Council shall endeavor to appoint members who represent the ethnic, cultural, demographic, and geographic diversity of the community. The Town Council has a goal of promoting racial and ethnic diversity on advisory boards. To the extent possible, the Town Clerk will bring forth applications that will expand the racial and ethnic composition of the existing advisory board. If no applications exist that will expand the racial or ethnic diversity of the advisory board, the Town Clerk shall notify the Town Council of the lack of racially or ethnically diverse applicants and at such time request that the Town Council work to recruit additional applicants. If the advisory board must have appointments due to membership numbers resulting in a lack of quorum, the Town Clerk shall bring forth applications regardless of the

racial and ethnic diversity of applicants and request that the Town Council make the appointments. The Town Council should consider the following when making appointments:

- Address
- Neighborhood/Geographic location
- Date of Birth
- Length of Residence in Carrboro
- Gender
- Race
- Ethnicity
- Occupation
- Advisory Board Service
- Experience/Skill Set/Expertise
- Community Activities/Involvement/Organizations

Authority

The North Carolina General Statutes, the Town of Carrboro Charter, the Town of Carrboro Town Code and the Town of Carrboro Land Use Ordinance provide the enabling legislation for the Town's Boards.

Periodic Review

This policy may be changed or adjusted as deemed necessary by the Board. The Town Clerk shall review the policy and make sure the policy is up-to-date.

Recruitment and Appointment Process

- a. Prior to the annual February term expirations, and when midterm vacancies occur, the Town Clerk will advertise that the town is accepting applications for upcoming openings on advisory boards and commissions.
- b. Applications will be taken until all seats are filled. Applications received after the seat(s) have been filled will be placed on file by the Town Clerk and held for future vacancies for a period of 12 months. If vacancies exist on other boards, the Town Clerk will let the applicant know of those vacancies. If interested, applicants will be encouraged to apply. Midterm vacancies shall be filled from applications on file without special advertising efforts unless requested by the Town Council.
- c. All new candidates must complete an application to be considered for appointment.
- d. Currently serving advisory board members, whose first full terms are expiring in February, will be contacted by the Town Clerk and asked if they would like to be considered for reappointment. If so, no new application is needed from the member. The Town Clerk shall report to the Board Chair that the member wishes to be reappointed. The Chair shall provide the recommendation/review form for the current member to the Town Council , just as with new applicants.
- e. The Town Clerk will notify all applicants of receipt of his/her application.

- f. The Town Clerk shall forward copies of applications to the advisory board chairs as soon as possible after receiving an application.
- g. Each chair shall contact each applicant and invite them to at least one meeting of their board so they may understand the responsibilities of the board and the necessary time commitment. (Chairs should contact Town staff in the event of a language barrier.) The chairs shall also talk with the applicants about their interest in serving on the advisory board. Board chairs may meet personally with applicants if a meeting of their board is not anticipated within 30 days following receipt of the applicant's request for appointment. This would be in lieu of having the applicant attend a meeting of that board or commission. If applicants do not attend a meeting after two phone calls or emails, then the Chair shall notify the Town Clerk of that fact and said application will be removed from further consideration.
- h. The chair of each board shall submit a Review Form to the Town Clerk within one week of the applicant's attendance at a meeting. If a meeting is not planned, the chair shall provide a Review Form to the Town Clerk within one week of a conversation with the applicant.
- i. Copies of all applications and recommendation forms received shall be forwarded to the Mayor and Town Council pursuant to the goals expressed in the Composition section above.
- j. If there are no applicants for the Board in question, the Chair may contact applicants that have applied for other boards. Board chairs should contact the Town Clerk to obtain these applications.
- k. If a Chair Form has not been received from board chairs within three weeks after being forwarded from the Town Clerk, the Town Clerk shall contact the chair and request a status report.
- l. By March 1, the Mayor and Town Council shall endeavor to make appointments to boards and commissions to fill annual expired terms.
- m. The Mayor and Town Council shall endeavor to make appointments to unexpired terms with vacant seats within one month of the Town Clerk receiving application(s).
- n. Appointments to unexpired terms of 12 or fewer months will be simultaneously appointed to the following 3-year term.
- o. As a presumptive policy, the Town Council will not appoint a person to serve on multiple advisory boards or commissions at the same time. However, the Council retains the discretion to make exceptions to this policy. (Amended 4-10-18)

APPOINTMENTS TO AUTHORITIES

The OWASA Board of Directors and Tourism Development Authority are considered "Authorities" under

NC General Statutes. The Town Council will consider applications for those authorities and be responsible for making appointments as they are directed per law. The Council may at times choose to interview applicants for the representative seats by any method that they choose. All appointments will be made in open session by the ballot procedures established in the policy.

Advisory Board Appointment Method

The Town Clerk shall provide an information matrix, related to composition information as shown above, for the Town Council to consider when there are more applications than open seats available. The Town Council may also request further information from the Town Clerk as it desires.

Unless the Town Council agrees by majority vote or consensus to follow another procedure, the Council shall use the following procedure to appoint individuals to various subordinate boards and offices:

Voting Method

- a. The Town Clerk will provide a ballot listing the names of all applicants presented in the agenda packet to each Council Member.
- b. Prior to voting, the Council shall open the floor for discussion of the applications.
- c. Each Council Member shall sign their name to the ballot and indicate their choice in candidate(s) by marking next to the candidate(s) name.
- d. Each Council Member will vote only for the number of candidates that there are vacant seats to fill.
- e. The Clerk shall collect the ballots and announce the candidate(s) receiving the highest number of votes and indicate the position that each candidate has been appointed to fill.
- f. The Town Clerk shall then read into the record the names of the candidates receiving the highest number of votes. The Town Council shall then make appointments per motion and second. The minutes shall indicate fully the written and verbal voting record of each Council Member.

Terms (Amended 12-4-18)

- a. Members are appointed to staggering three-year terms on all advisory boards that expire annually in February. The Carrboro Tourism Development Authority members are appointed to one-year terms that expire annually in January.
- b. Members are limited to two full terms. After completing two full terms, a member must take off one year before applying for re-appointment to the advisory board. However, a board member may apply to serve on another advisory board if he/she desires. The Town Council may make exceptions to this rule under the following circumstances:
 1. To retain diversity on an advisory board;
 2. A lack of applicants.

Attendance

- a. The chair or staff liaison of each board or commission shall notify the Town Clerk on an as needed basis if there are members that are presenting attendance problems.
- b. Unless the chair waives the requirement, members shall be removed if they are absent from three consecutive meetings or if they miss more than 30% of the meetings during a 12-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 10 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 requirement should be waived, the Town Clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

Resignations

- a. Resignations must be submitted in writing via email to the chair, the staff liaison, or the Town Clerk. If the resignation is submitted to the chair or the staff liaison they should forward the resignation to the Town Clerk as soon as possible.

Wesley Barker

From: noreply@civicplus.com
Sent: Friday, May 12, 2023 7:48 AM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Huru
Last Name	Price
Date	5/12/2023
Address1	401 NC 54
Address2	Apt. E-16
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	Unsure
Telephone (111)-111-1111	9848959079
Email Address	yohuru@yahoo.com
The demographic information provided below is of interest because your elected officials want the Town's advisory boards to reflect the diversity of the Town. Diversity of the applicant pool is a priority of the Board.	
What Year Were You Born?	1974
Race	African American
Sex	Male
Ethnicity	Field not completed.

Occupation	Manager
Are you a registered Orange County Voter?	Yes
Length of Residence in Orange County	25 years
Length of Residence in the Town of Carrboro	18
I wish to be considered for appointment to the following committee/board(s) (Select no more than two (2)):	Tourism Development Authority*
Advisory Board Preference	Tourism Development Authority
Other (advisory board not listed):	<i>Field not completed.</i>
**Employer/Self Employed	Amante Pizza
Number of Years Employed	20
** Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.	<p>Working at the Cat's Cradle for over 10 years, I have a front row seat to the promotion of the area via a live open-space venue that has hosted many events, both local and widely known, ranging from music to comedy, film, books, etc. I have worked for and on the CFF for nearly a decade. The Carrboro Film Fest has "brought the world" to Carrboro through film. Showcasing the talent of local, national and international filmmakers to people in the area.</p> <p>In 2020 I volunteered on the Graham st. Mini Con sponsored and hosted by The Baxter. The Mini Con was a convention, gathering artists that worked not only in the comic book community but also in the fields of television and film, music and gaming.</p>
Community Activities/Organizational Memberships	<p>WCOM radio DJ</p> <p>Carrboro Film Fest</p> <p>The Mini Con at The Baxter</p>
Relevant Experience:	I have lived in the Carrboro area for many years now, working at Amante Pizza, Cats Cradle and Visit Video. That location of 300 E. Main st. is very popular for people visiting the area, not just from out of town but even the adjoining area of UNC-Chapel Hill.

I have also served on the Carrboro Film Fest, volunteering for 3 years and then on the artistic board for the past 5 years.

Reasons You Wish to be Appointed

Having been a local resident for years, I would like to help to help in the positive promotion of our area. This is something that helps not only visitors but local residents, through monetary spending and investment in local businesses, exposing the community to different cultures and ideas and uplifting the general outlook of the area, as a whole.

We believe as a Town and as a Town Council that racial equity and diversity and inclusion are important. Please tell us your thoughts about this and why they are important not only in advisory board/commission work but also in all facets of local government and community work.

It's not just important but fundamental/ essential. Even IF the area was totally composed of a population composed of near identical cultural, ideological and biological backgrounds, there would STILL be a need of different people to provide different perspectives... Different points of view on any given situation. This idea is magnified with any increase in citizen number or 'difference.'

Have you ever served on any Town of Carrboro Committee or Board?

No

If yes, which one(s)?

Field not completed.

Are you currently serving on a Town Board or Committee?

No

If yes, are you applying for a third consecutive term?

No

If yes, please describe how you meet one, or more, of the following exceptions noted below.

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

Wesley Barker

From: noreply@civicplus.com
Sent: Thursday, August 31, 2023 2:52 PM
To: Wesley Barker; mbryant@carrboronc.gov
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Name:	Tourism Development Authority
Chair Name	Marlin Fludd (Jon Hartman-Brown)
Applicant First Name:	Huru
Applicant Last Name:	Price
1. Has the applicant previously served on this or another advisory board?	No
2. If yes, how many total years have they served?	<i>Field not completed.</i>
3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?	No
4. Is the applicant already serving on this advisory board and completed their two full terms?	No
5. Is the applicant applying for a special or expert seat on the advisory board?	Yes
6. If yes, which seat?	active in the promotion of travel and tourism in the town
7. Did the applicant attend an advisory board meeting?	No
8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?	Yes

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:	Yes
<hr/>	
10. If no, briefly explain:	<i>Field not completed.</i>
<hr/>	
11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.	Diversity, Occupation, Experience, or Special Skills
<hr/>	
If other, please explain:	<i>Field not completed.</i>
<hr/>	

Email not displaying correctly? [View it in your browser.](#)

Membership Information Matrix

Carrboro Tourism Development Authority (CTDA)

Last Name	First Name	Address	Year of Birth	Race (as noted by applicant)	Ethnicity (as noted by applicant)	Sex	Occupation/Expertise Content	Appointed Date
CURRENT MEMBERS								
Fludd	Marlin	370 E. Main St., Unit 100	1978	Black	Not provided	Male	Hotelier	5/2/2023
Pemberton-Smith	Bridget	408 Ridgecrest Dr.	1969	White	Not provided	Female	Art Therapist	5/2/2023
VACANT								
APPLICANTS								
Price	Huru	401 NC 54, Apt E-16	1974	African-American	Non provided	Male	Manager	



Agenda Item Abstract

File Number: 23-244

Agenda Date: 9/19/2023

File Type: Agendas

In Control: Town Council

Version: 1

Resolution to Authorize the Town Manager to Execute a Contract for the Site Assessment of Town-Owned Property

PURPOSE: The purpose of this agenda item is to request that the Town Council authorize the Town Manager to execute a contract for the site assessment of identified town-owned land for possible affordable housing use.

DEPARTMENT: Housing and Community Services, Finance

CONTACT INFORMATION: Anne-Marie Vanaman, Interim Director, amvanaman@carrboronc.gov <<mailto:amvanaman@carrboronc.gov>>, (919) 918-7321; Arche McAdoo, Finance Director, 919-918-7439, amcadoo@carrboronc.gov <<mailto:amcadoo@carrboronc.gov>>

COUNCIL DIRECTION:

☒ Race/Equity ☐ Climate ☒ Comprehensive Plan ☐ Other

On February 8, 2022 <<https://carrboro.legistar.com/LegislationDetail.aspx?ID=5447172&GUID=709E6924-5CA2-4E5F-8178-CE516C36ABC8&Options=&Search=>>>, the Town Council approved a strategy for utilizing town-owned land to create affordable housing. Three parcels located on Pathway Drive and one parcel on Crest Street were identified for conducting a site assessment to determine the feasibility of residential development. This site assessment is an activity in support of Goal 3 in the Affordable Housing chapter of the Comprehensive Plan: Diversify and expand a variety of housing options throughout Carrboro using a mixture of affordable housing types. Specifically, it addresses one of the Plan's Affordable Housing Priority Projects: Strategy 3.4 A (Identify existing town-owned lands that can be conveyed to affordable housing developers. Review all town-owned land not needed for public facilities to determine suitability for affordable housing and determine value of land in consideration of provision of public benefits.)

Race and Equity is one of two pillars underpinning Carrboro's Comprehensive Plan. Noting that historic discrimination in housing practices negatively impacts people of color, Carrboro's affordable housing strategies and projects have been designed to advance race and equity in the town. Pocket questions are included as Attachment B.

INFORMATION: The Town received two responses to the Request for Qualifications (RFQ) #2023-425-2 for a site assessment of town-owned land located on Pathway Drive and Crest Street. These proposals were submitted by Summit Design and Engineering Services and ECLS Global. Staff from the Planning, Housing and Community Services, and Public Works Departments, including Trish McGuire (Planning Director), Ben Schmadeke (Capital Projects Manager), Randy Dodd (Stormwater Utility Manager), Cary McNallan (Deputy Finance Director), Max Randall (Public Works Engineer), and Anne-Marie Vanaman (Housing and Community Services Interim Director), evaluated the firms using a scoring rubric created from the evaluation criteria outlined in the RFQ. Summit Design and Engineering received the highest average score from the staff review team and were invited to submit a full proposal. Summit has outlined a 90-day timeframe to complete the assessment. The Town's dedicated [webpage](https://www.townofcarrboro.org/2681/Creating-Affordable-Housing---Town-Owned) <<https://www.townofcarrboro.org/2681/Creating-Affordable-Housing---Town-Owned>> will be updated with a timeline for the assessment once available.

The assessment will include the following components: 1. Preliminary Visual Site Assessment; 2. Property Survey; 3. Geotechnical Investigation and Evaluation; 4. Environmental Assessment; 5. Stormwater Assessment; 6. Public Involvement.

FISCAL IMPACT: The cost of Summit Design and Engineering performing the site assessment is estimated to be \$81,544. The Affordable Housing Special Revenue Fund (AHSRF) has allocated funding, not to exceed \$100,000, for this project in the FY 2023-2024 budget. Pre-development work, such as a site assessment, is one of the eligible uses of the AHSRF.

RECOMMENDATION: The Town Manager recommends that the Town Council approve the attached resolution (Attachment A) to authorize the Town Manager to execute a contract with Summit Design and Engineering for site assessment services of four parcels of town-owned land for possible affordable housing use.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT
FOR THE SITE ASSESSMENT OF TOWN-OWNED PROPERTY

WHEREAS, the Town of Carrboro's Comprehensive Plan outlines a goal of diversifying and expanding a variety of housing options throughout Carrboro using a mixture of affordable housing types; and

WHEREAS the Town's Comprehensive Plan identifies Project 3.4A a priority project for implementation; and

WHEREAS, four town-owned parcels located on Pathway Drive and Crest Street have been identified for site assessment services to determine the feasibility for possible affordable housing development; and

WHEREAS, Summit Design and Engineering Services was chosen through a Request for Qualifications (RFQ) procurement process as the most qualified and responsible firm to provide the site assessment; and,

WHEREAS, the Affordable Housing Special Revenue Fund budget for FY 2023-2024 has allocated up to \$100,000 for the site assessment of these parcels;

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

Authorizes the Town Manager to enter into an agreement at a cost of \$81,544 with Summit Design and Engineering Services for the site assessment of four town-owned parcels to determine the feasibility of affordable housing development.

This the 19th day of September in 2023.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Resolution to Authorize the Town Manager to Execute a Contract for the Site Assessment of Town-Owned Property. The purpose of this agenda item is to request that the Town Council authorize the Town Manager to execute a contract for the site assessment of identified town-owned land for possible affordable housing use.

Department: Housing and Community Services, Finance

What are the Racial and Equity impacts? The purpose of the site assessment is to determine the feasibility of developing four town-owned parcels for affordable housing use. Exploring the feasibility of utilizing town-owned land (that is not needed for public facilities) to create affordable housing is one strategy to increase rental and ownership housing that is affordable to households earning 80% of the Area Median Income or less.

Reviewing 2023 data provided by the NC Housing Coalition, 30% of Orange County's residents are housing cost-burdened, including 52% of households who rent their home. BIPOC households are disproportionately affected by housing hardship. The highest impacted populations in Orange County are: Other (54%), Hispanic (50%), Black Non-Hispanic (42%), Asian (33%), White (30%) and Native American (29%). (ACS 2018 5-year Estimates)

Who is or will experience community burden? The company not selected to conduct the site assessment will not receive business from the town. Staff ensured that all procurement procedures were followed throughout the process which includes goals for utilizing for minority and women-owned businesses. In this instance, neither a minority nor a women-owned business submitted a response. Town staff will have additional workload throughout the duration of the site assessment as they will meet with the selected firm and will aid the firm with collecting information. The neighbors surrounding the area in which the site assessment is being conducted may be burdened by temporary increased activity in their area.

Who is or will experience community benefit? The town and community members will benefit from the expertise of Summit Design and Engineering Services by receiving information that determines the feasibility of residential development on four parcels of town-owned land, information that is necessary to understand if the parcels are, or are not, suitable for advancing the town's affordable housing goals. Summit Design and Engineering Services will benefit by contracting with the town for their services.

What are the root causes of inequity? Root causes of affordable housing inequities are poverty (caused by intentional actions to deny wealth and inequitable access to education), as well as

policies & practices: government-sponsored intentional racism such as redlining; additional housing practices that create barriers such as restrictive zoning ordinances; a lack of NC statutes permitting rent control; and white power structures' lack of willingness to address disparities.

What might be the unintended consequences of this action or strategy? The funding for the site assessment will be drawn from the Affordable Housing Special Revenue Fund (AHSRF). The assessment is an eligible use of affordable housing funds; however, its cost reduces the amount of funds available for other affordable housing projects that could directly benefit Black and other historically marginalized and low-income communities. The results of the assessment could show that residential development is not feasible; therefore, AHSRF funds will have been spent that do not result in affordable housing.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? In the FY 2023-2024 AHSRF budget, the funding amount typically allocated for critical repairs and weatherization was reduced in order to support the cost of the site assessment. Critical repairs and weatherization will utilize ARPA funding allocated for this use instead.



Agenda Item Abstract

File Number: 23-242

Agenda Date: 9/19/2023
In Control: Town Council
Version: 1

File Type: Agendas

Capital Project Ordinance for Three Signalized Pedestrian Crossings along NC 54 at the following locations: Westbrook Drive, Abbey Lane, and the entrance drives to the Kingswood and Laurel Ridge apartment complexes

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt a capital improvement project ordinance for the Town's participation in the construction of three signalized pedestrian crossings along NC 54 (TIP# BL-0044).

DEPARTMENT: Planning and Finance

CONTACT INFORMATION: Christina Moon, Planning Administrator, 919-918-7325, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>; Patricia McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov <<mailto:pmcguire@carrboronc.gov>> <<mailto:pmcguire@carrboronc.gov>>; Arche McAdoo, Finance Director, 919-918-7439; AMcAdoo@carrboronc.gov <<mailto:AMcAdoo@carrboronc.gov>>; Langston Ramseur, Deputy Finance Director, 919-918-7345, lrामseur@carrboronc.gov <<mailto:lrामseur@carrboronc.gov>>

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

Pedestrian activated signals were identified in the NC 54 Pedestrian and Bicycle Safety Study (2019) to improve safe access to transit stops along the NC 54 corridor.

INFORMATION: On June 27, 2023, the Town Council approved a resolution to authorize the Town Manager to enter into a municipal agreement with NCDOT for the design and construction of three signalize pedestrian activated signals along NC 54 with high ridership and where pedestrians frequently cross the highway to access a bus stop: Westbrook Drive, Abbey Lane and the entrance drives to the Kingswood and Laurel Ridge apartments. Westbrook Drive and Abbey Lane are in Carrboro, the Kingswood and Laurel Ridge entrance drives are located directly across from one another, just east of Smith Level Road in Chapel Hill. Agenda materials from the June meeting may be found here: [Town of Carrboro - Meeting of Town Council on 6/27/2023 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=1088377&GUID=4FDECFA8-65D3-4AE7-8BEF-D219A8A67524&Options=&Search=>) <<https://carrboro.legistar.com/MeetingDetail.aspx?ID=1088377&GUID=4FDECFA8-65D3-4AE7-8BEF-D219A8A67524&Options=&Search=>>>.

The project is a collaboration between NCDOT, the Town of Chapel Hill, and the Town of Carrboro. NCDOT is managing design and construction, and handling the administration of federal funds. The original project budget is shown in the table below (Table 1). NCDOT contributed state safety funds. The Town of Chapel Hill contributed a portion of its local discretionary funds (federal STBGDA) and Chapel Hill funds toward the local match. The Town of Chapel Hill also contributed Regional Flexible Funds (federal STBG-Competitive) requested for this project. The Town of Carrboro is contributing \$150,000 toward the local match for the federal funding. Orange County Transit funds have been allocated to the Town of Carrboro to cover the full \$150,000 for Town's local match, no additional Town funds are needed. State Spot Safety funds can be used

toward the local match for federal funds if needed.

Table 1.

Phase	Fund source	2022	2023	Totals
PE	Spot Safety (State)	\$175,000.00		\$175,000.00
\$175,000				
ROW	Spot Safety (State)	\$35,000.00	\$50,000.00	\$85,000.00
\$85,000				
Construction	Spot Safety (State)		\$140,000.00	\$140,000.00
\$1,310,500	Chapel Hill Local Discretionary STBGDA (Fed)		\$170,000.00	\$170,000.00
(est. is \$1,118,000)	Chapel Hill Local Match		\$42,500.00	\$42,500.00
	Chapel Hill & Carrboro STBG-Competitive (Fed)		\$808,000.00	\$808,000.00
	Carrboro (OC Transit Plan) for Local Match		\$150,000.00	\$150,000.00
Totals		\$210,000.00	\$1,360,500.00	\$1,570,500.00

Project design is completed. NCDOT is ready to let the project once the municipal agreements with the Towns are executed. The purpose of this agenda item is to adopt a capital improvement project ordinance for the Town's participation toward the costs for construction. Once the municipal agreement is executed, the Town will provide payment in the amount of \$150,000 to NCDOT. The Town will then seek reimbursement for Orange County Transit Funds for the full \$150,000 in the next reimbursement period. Since this is not a locally administrated project (LAP), no other involvement by the Town is needed. It is expected that construction would begin in early 2024 depending on response to the bid. The project should not impact traffic along NC 54; temporary impacts at the entrances to the side roads (Westbrook Drive, Abbey Lane, Kingswood & Laurel Ridge apartments) are expected to be minimal.

FISCAL IMPACT: The original estimated cost of project was \$1,570,500. NCDOT has spent approximately \$100,000 for design and anticipates a construction cost of \$1,410,000.

As noted above, NCDOT will let the project, award the contract, and manage construction. Therefore NCDOT's bid process and construction management will determine the final costs associated with the project.

The municipal agreement between NCDOT and the Town identifies the Town of Carrboro's fixed participation in the project as \$150,000; Orange County Transit Funds have been allocated to cover the full \$150,000.

RECOMMENDATION: The Town Manager recommends that the Town Council adopt the Capital Improvement Project Ordinance provided (Attachment A).

**PEDESTRIAN SIGNALS AND RELATED STREET SAFETY IMPROVEMENTS FOR
LOCATIONS ALONG NC 54 CAPITAL IMPROVEMENT PROJECT ORDINANCE NO.**

WHEREAS, the North Carolina Department of Transportation (NCDOT) has programmed a TIP Project (BL-0044) for the design and construction of pedestrian signals and related safety improvements at three locations along NC 54: Westbrook Drive, Abbey Lane and the intersection at the entrance drives to the Kingswood and Laurel Ridge apartments; and,

WHEREAS, the anticipated cost of the project is \$1,570,500.00; and,

WHEREAS, NCDOT has agreed to manage the design and construction of the project, including the administration of any federal funds allocated to the project; and,

WHEREAS, the Town Council has approved and authorized the Town Manager to execute a Municipal Agreement with NCDOT whereby the Town of Carrboro (Town) will pay NCDOT \$150,000 for its participation in project costs; and,

WHEREAS, the Town has received an allocation of \$150,000 of Orange County Transit Plan revenues for the project.

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO THAT:

1. The pedestrian signals and related safety improvements along NC 54 at the following locations: Westbrook Drive, Abbey Lane and the entrance drives to the Kingswood and Laurel Ridge apartments are hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro for the Town's participation in the Project:

Orange County Transit Funds	<u>\$150,000.00</u>
Total Carrboro Revenues	\$150,000.00

3. The following amount is appropriated for this project to be expended in the following manner:

Construction	<u>\$150,000.00</u>
Total Appropriation	\$150,000.00

4. The NCDOT will administer and carryout this project in accordance with the attached Municipal agreement entered into by the Town and NCDOT.
5. Within five (5) days after this project ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: The purpose of this agenda item is to adopt a Capital Project Ordinance for the construction of three signalized pedestrian activated crossings along NC 54 (TIP# BL-0044).

Department: Planning and Finance

What are the Racial and Equity impacts? BIPOC populations are more likely to face barriers to accessing reliable transportation. Chapel Hill Transit operates fare free transit service throughout the Chapel Hill-Carrboro community, including the numerous multi-family housing complexes along the NC 54 corridor; but crossing NC 54 is dangerous, particularly at night. The 2019 Pedestrian and Bicycle Safety Study recommended new signalized crossings at these three locations along the corridor that align with high ridership bus stops. It should be noted that the apartments along the North side of NC 54 are located within a qualified census tract (QCT); the median income is \$57,479 (more than 50% of the households in this area make less than the median income for Carrboro \$76,599). The installation of three pedestrian activated signals at the entrances of Westbrook Drive, Abbey Lane/ Royal Park Apartments, and the Kingwoods and Laurel Ridge apartments, will significantly improve safety at those locations, where residents regularly cross NC 54 to access bus stops.

Who is or will experience community burden?

Residents living in close proximity to the signals may experience noise and inconveniences during construction. Access to driveways may be restricted during certain times. Access to the existing bus shelters may be modified. Transit riders and transit drivers may have to adjust the stop location slightly to avoid the construction zone. Access to the shoulder may be impacted for motor vehicles. The total project cost is more than \$1.5 million dollars, and includes funds from state and federal sources. The Town of Carrboro has funding earmarked in the Orange County Transit Plan to cover its portion of the project, so there will be no financial burden for Town residents.

Who is or will experience community benefit? Signals will significantly improve the safety at these three locations for residents crossing NC 54 to access transit service. The project includes the construction of a center pedestrian refuge island. Users will cross one side of the street with the signal to the pedestrian refuge island and then cross the other side of the street. Abbey Lane and Westbrook Drive will connect to the future Morgan Creek Greenway providing an off-road bike/ped facility to access University Lake and Carrboro High School. Over time, the Morgan Creek Greenway system in Carrboro-Chapel Hill will become a significant off-road bike/ped facility providing residents with better access to transit stops, schools, a larger greenway system, and a real opportunity to get to destinations by foot or by bicycle, scooter or wheelchair without having to maneuver among vehicular traffic.

What are the root causes of inequity? Working individuals and families may find it difficult to attend public meetings when transportation projects are discussed. Structural racism in government decisions, particularly those relating to transportation, as well as residents' personal experiences with government, can further contribute to a reticence by historically marginalized people to speak in a public setting.

What might be the unintended consequences of this action or strategy? The installation of signals does not eliminate the possibility of a safety hazard at the crossing point. Drivers and pedestrians will need to remain alert and pedestrians will need to wait for the signal to change before beginning to cross. It is possible at some residents, particularly children may become overly confident that all drivers will stop and run or walk into the roadway before it is safe.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? The Town could arrange for a ribbon cutting event with the Town of Chapel Hill and NCDOT with a demonstration of how to use the new signals. Written materials in English and Spanish with images of the pedestrian activation sequence and procedure for crossing the highway could be posted on apartment bulletin boards and shared via management and Nextdoor. The three crossings included in this project were identified in the 2019 NC 54 Safety Study due to the high ridership of the transit stops and number of pedestrians crossing NC 54 (<https://www.carrboronc.gov/722/Transit>). As funding becomes available, the Town will seek other opportunities to collaborate with NCDOT to install additional crossings along the corridor as recommended in reports <https://www.carrboronc.gov/719/Transportation>.



Agenda Item Abstract

File Number: 23-241

Agenda Date: 9/19/2023
In Control: Town Council
Version: 1

File Type: Agendas

Grant Project Ordinance for Safe Routes to School Grant

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt a grant project ordinance for the Safe Routes to School Non-Infrastructure Grant

DEPARTMENT: Planning and Finance

CONTACT INFORMATION: Christina Moon, Planning Administrator, 919-918-7325, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>; Patricia McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov; <<mailto:pmcguire@carrboronc.gov>>; Arche McAdoo, Finance Director, 919-918 7439, AMcAdoo@carrboronc.gov <<mailto:AMcAdoo@carrboronc.gov>>; Langston Ramseur, Deputy Finance Director, 919-918-7345, lrामseur@carrboronc.gov <<mailto:lrामseur@carrboronc.gov>>

COUNCIL DIRECTION:

☒ Race/Equity ☒ Climate ☐ Comprehensive Plan ☒ Other

This agenda item is necessary for the Town to enter into a municipal agreement with NCDOT to receive funding. Safe Routes to School is an important national program that promotes walking, biking, and rolling to school to encourage physical activity and healthy lifestyles at a young age, activities that further the Town's efforts toward Racial Equity and Climate Action.

INFORMATION: At the June 27, 2023 meeting, the Town Council approved a resolution to authorize the Town Manager to accept the award of a 2023 Safe Routes to School Non-Infrastructure grant and to enter into a municipal agreement with NCDOT ([Town of Carrboro - Meeting of Town Council on 6/27/2023 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=1088377&GUID=4FDECFAB-65D3-4AE7-8BEF-D219A8A67524&Options=&Search=>) <<https://carrboro.legistar.com/MeetingDetail.aspx?ID=1088377&GUID=4FDECFAB-65D3-4AE7-8BEF-D219A8A67524&Options=&Search=>>>. Funds from the grant will be used for consultant services to update the Town's adopted Safe Routes to School Strategic Action Plan to add Morris Grove Elementary School and McDougale Middle School to the plan, to update demographic information and to begin to conduct travel audits to inform possible walk/bike to school routes. The existing plan may be found here: <<https://www.carrboronc.gov/741/Safe-Routes-to-School>> <<http://www.carrboronc.gov/741/Safe-Routes-to-School>>). Carrboro staff will also continue to work with staff at the Town of Chapel Hill and the Chapel Hill Carrboro City School System (CHCS) to develop a district-wide Safe Routes to School program in the future.

The purpose of this agenda item is for the Council to approve a Grant Project Ordinance as required by Town policy to account for project deliverables and expenditures relating to a grant.

FISCAL IMPACT: The total project budget is \$89,349 of federal funds. No local match is required.

RECOMMENDATION: The Town Manager recommends that the Town Council adopt the Grant Project Ordinance provided (*Attachment A*).

**SAFE ROUTES TO SCHOOL NON-INFRASTRUCTURE
GRANT PROJECT ORDINANCE NO. _____**

WHEREAS, the Town of Carrboro (Town) has been awarded a Safe Routes to School Non-Infrastructure Grant from the North Carolina Department of Transportation Integrated Mobility Division; and,

WHEREAS, the grant award requires the Town to enter into a Municipal Agreement with NCDOT; and,

WHEREAS, the grant award is for \$89,349.00 and no local match is required, however, NCDOT may charge up to \$8,924.90 or 10% of the grant for administrative costs; and,

WHEREAS, the Town adopted a Safe Routes to School Strategic Action Plan in 2010; and

WHEREAS, the Town Council of the Town of Carrboro deems this activity to be a worthy and desirable undertaking.

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO THAT:

1. This grant is hereby accepted and authorized to update the Town's Safe Routes to School Strategic Action Plan; and is hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro to complete this Project:

NC Department of Transportation		\$ <u>89,349.00</u>
	Total Revenues	\$ 89,349.90

3. The following amount is appropriated for this project to be expended in the following manner:

Update of the Town's Safe Routes to School Strategic Action Plan		\$ 80,424.10
NCDOT Administration		\$ <u>8,924.90</u>
	Total Appropriation	\$ 89,349.00

4. The Town Manager is authorized to execute a grant contract and any other necessary documents for this award with the NC Department of Transportation.
5. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Grant Project Ordinance for Safe Routes to School Grant

Department: Planning & Finance

What are the Racial and Equity impacts? Racial disparity in education limit opportunities for students of color. Lack of representation on elected and appointed boards, particularly the local school board, and a perception of not being heard can make it difficult to feel welcome. Safe Routes to School (SRTS) is a national program that promotes the benefits of physical activity and healthy lifestyle choices by walking, biking or rolling to school along safe routes. Schools are encouraged to participate in activities such as walk, bike and roll to school days.

The Town adopted Safe Routes to School Strategic Action Plan in 2010, the plan only includes Carrboro Elementary and McDougle Elementary. The Town applied for NCDOT's FY23 SRTS Non-Infrastructure grant to bring in consultant services to assist with updating the plan to include Morris Grove Elementary School and McDougle Middle School and to update the demographic information for all four schools. It is the Town's intent for the planning effort and updated plan to be inclusive. SRTS programs typically focus on younger students and not high schools. This is a non-infrastructure grant. It does not provide funding for sidewalks/bike facilities, the purchase of bicycles or other forms of transportation services.

Who is or will experience community burden? It is anticipated that the Town would work with a consultant firm to develop an engagement component to updating the Safe Routes to School Strategic Action Plan, and work with the local schools to publicize meetings and/or other activities. It takes time to learn about Town initiatives to be able to fully participate. Shift workers and people who have limited time, transportation choices and/or young children may have difficulty learning about the Safe Routes to School Program, scheduled public meetings, and other opportunities to get involved. Language may also provide a barrier for some residents.

Who is or will experience community benefit? Students attending or planning to attend one of the four schools identified for inclusion in the updated Safe Routes to School Strategic Action Plan should experience benefit. Families who are already engaged in their local school, the PTA and/or the Town in general are most likely to be aware of the existing SRTS Plan and Implementation Committee, and may feel more comfortable getting involved in process. Biking/walking audits for safer routes to school may lessen some of the transportation barriers experienced by some community members. Families who live within walking/bike distance of one of the four local schools will likely benefit the most from the updated plan.

What are the root causes of inequity? Working individuals and families may find it difficult to attend public meetings, may be reticent to speak in a public setting and may have an overall

distrust in government, the Chapel Hill-Carrboro City School District and their child's local schools, based on personal experiences and/or examples of structural racism in education. While the Chapel Hill-Carrboro City School District is ranked as one of best school districts in the state, racial gaps in student achievement remain.

What might be the unintended consequences of this action or strategy? The updated plan may be limited in scope in that it focuses on the needs of only some of the school district, or residents in certain neighborhoods, particularly those most able to walk/bike to school based on proximity of their homes to their assigned school. With a number of local initiatives underway, residents may begin to experience fatigue from Town engagement efforts.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? One of the primary reasons for pursuing this grant is to collect updated demographic information about local students and their families. Understanding who is attending local student and gaining additional information about their needs—possible language barriers, mobility challenges, etc. will help guide the Town in partnership with the CHCSS to evaluate existing conditions and determine where change may be needed.



Agenda Item Abstract

File Number: 23-233

Agenda Date: 9/19/2023

File Type: Agendas

In Control: Town Council

Version: 1

Stormwater Infrastructure Grant Opportunity

PURPOSE: The purpose of this item is to request that the Town Council approve a planning grant application to the North Carolina Division of Water Infrastructure Local Assistance for Stormwater Infrastructure Investments program.

DEPARTMENT: Public Works

CONTACT INFORMATION: Randy Dodd, Stormwater Utility Manager, 919 918-7341; Kevin Belanger, Public Works Director, 919 918-7427; Arche McAdoo, Finance Director, 919 918-7300

COUNCIL DIRECTION:

☒ Race/Equity ☒ Climate ☒ Comprehensive Plan ☒ Other

Pursuing this grant will support the Council's direction and priorities related to race/equity, climate action, and stormwater. Pocket questions are included as Attachment B.

INFORMATION: Since the adoption of a rate structure in June 2018 to provide dedicated revenue to the Stormwater Utility through the Stormwater Enterprise Fund, the Stormwater program has been transitioning from a formative stage to an operational stage. While many studies have been pursued over many years that have helped guide the program's development, no "master" stormwater plan exists to provide for the comprehensive and long-range planning and management of the Town's 50 miles of stormwater infrastructure and to address community scale stormwater issues. Additional planning and design work is also needed to support efforts in areas of Town with older infrastructure and development and historically underrepresented residents. A new grant program (LASII) from the North Carolina Division of Water Infrastructure (NCDWI) is available to assist the Town in addressing these needs. Applications to this program are due by October 2nd and require adoption of a resolution by the Town Council. A resolution with the information requested by the NCDWI and more information about the LASII program and recommended grant application are provided in attachments.

If the NCDWI approves the application (notification expected in early 2024), staff will bring a grant ordinance for the project to the Town Council for review.

FISCAL IMPACT: The grant will provide up to \$400k of funding. This is the amount that will be included in the application. No local match is required. There will be some staff impact to apply for and manage the grant if awarded.

RECOMMENDATION: The Town Manager recommends that the Town Council adopt the attached resolution approving the grant application to the LASII program (Attachment A).

Attachment "A"

**A RESOLUTION SUPPORTING A LOCAL ASSISTANCE FOR STORMWATER
INFRASTRUCTURE IMPROVEMENTS GRANT APPLICATION**

WHEREAS, the Town of Carrboro has need for and intends to plan for and conduct a stormwater management planning study, and

WHEREAS, the North Carolina Division of Water Infrastructure is accepting proposals under the Local Assistance for Stormwater Infrastructure Improvements program and the Town of Carrboro intends to request State grant assistance under the program for the project.

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

Authorize staff to submit an application to pursue this opportunity; and

Affirms that the Town's Stormwater Utility and Stormwater Enterprise Fund exist and are supported by a rate schedule of fees and charges and other available funds which provides adequate funds for proper administration of the project and the work ensuing from the project; and,

That Richard White, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the project described above; and

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the Town of Carrboro will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

That Carrboro will adopt a Stormwater Management Plan as part of the completion of this project,

Adopted this the 19th day of September in the year 2023 at Carrboro, North Carolina.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Stormwater Planning. The purpose of this initiative is to pursue stormwater management planning.

Department: Public Works

What are the Racial and Equity impacts? The pursuit of stormwater planning will provide the opportunity to intentionally include and address race and equity as part of the plan’s development.

Who is or will experience community burden? To some extent, the entire community is currently burdened by the increasing frequency and intensity of heavy rainfall events and associated runoff, drainage, and flood related impacts. The past decade’s experience of this phenomenon has lent insight into the geography of the impact, i.e., where impacts tend to be more concentrated. These include the upper Toms Creek and Dry Gulch watersheds, older development near downtown, the Morgan Creek floodplain and associated Barred Owl, Webbwood, Quarterpath Trace, Bolin Forest, Lloyd-Broad, and Weatherhill Point neighborhoods, to name many of the more impacted areas. The master planning process is inherently intended to reduce the burden, and the Town and community will be able make decisions and set priorities through the plan’s development about how to best plan for and invest in stormwater improvements to maximize benefits and reduce burdens.

Who is or will experience community benefit? See above response.

What are the root causes of inequity? To the extent that racial/social inequities exist related to stormwater infrastructure, they could be associated with the correlation with older development and infrastructure not constructed to more recent standards that is also aging and likely in need of greater attention through maintenance, repair, rehabilitation, replacement, and retrofitting.

What might be the unintended consequences of this action or strategy? If this planning is pursued and implemented without careful attention to racial equity, it could result in resources not being equitably allocated.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? Should the grant be awarded and planning completed, racial equity will be clearly articulated as a priority in all aspects of the planning, per the Council’s direction. In the event that there are unforeseen or unintended burdens, inequities, or consequences during the development or future implementation of the plan, staff are committed to address these by directing the necessary resources for mitigation.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL PUBLIC WORKS DEPARTMENT

To: Richard White, Town Manager
Town Council

From: Randy Dodd, Stormwater Utility Manager

Through: Kevin Belanger, Public Works Director
Marie Parker, Assistant Town Manager

Cc: Arche McAdoo, Finance Director

Date: September 1, 2023

Subject: Local Assistance for Stormwater Infrastructure Improvements Grant Opportunity

Summary

The purpose of this memo is to provide background information as part of a recommendation to pursue a grant application from the NC Division of Water Infrastructure that will result in a comprehensive stormwater master plan for Carrboro and related products.

Information

Overview of Grant Opportunity

The North Carolina Division of Water Infrastructure (NCDWI) began administering the new Local Government Assistance for Infrastructure Investments (LASII) program in 2022. The program funds projects that will improve or create infrastructure for better managing stormwater quantity and quality. A new funding cycle was announced in August 2023 and proposals are due October 2nd. As defined in Session Law 2021-180 Section 12.14.(d), an eligible entity for a grant is a city or county that (i) documents a stormwater quality or quantity issue and (ii) demonstrates that it would experience a significant hardship raising the revenue necessary to finance stormwater management activities within its jurisdiction based on income and unemployment data, population trends, and any other data determined relevant by the NCDWI. A review of the NCDWI criteria indicates that Carrboro should be able to qualify.

What will a LASII grant fund?

Session Law 2021-180 Section 12.14.(e) provides for two types of grants from the Local Assistance for Stormwater Infrastructure Investments fund: construction grants and planning grants. Construction grants are available for the development and implementation of stormwater control measure (SCM), the rehabilitation of existing SCMs, the retrofitting of existing stormwater conveyances to provide SCMs for quantity and quality control purposes,

or the installation of innovative technologies or nature-based solutions. Planning grants are available for research or investigative studies, alternatives analyses, the preparation of engineering concept plans or engineering designs, and similar activities intended to help an eligible entity determine the best solutions for the entity's stormwater quality and/or quantity issue and to engineer and permit the solutions.

What is proposed in the application?

The purpose of this project is to pursue comprehensive stormwater management planning spanning master to project planning with requisite details to both comprehensively guide stormwater management efforts in Carrboro for the next decade and also identify immediately actionable implementation projects. The project will:

1. Integrate and synthesize about two decades of state and local water quality, watershed management and restoration, flood related, stormwater, and infrastructure studies and plans for Carrboro into the planning effort. The plan will identify and further articulate goals, strategies and actions to pursue comprehensively for Carrboro. Work will build on priorities identified in Carrboro's recently completed Comprehensive Plan which included a section devoted to Green Stormwater Infrastructure and Town Council identified strategic priorities related to stormwater as well as the pillars of Race and Equity and Climate Action that infuse all the Town's activities.
2. Include implementation details that identify all of the necessary elements for successfully pursuing the identified goals, strategies and actions including but not limited to: a funding and fiscal analysis (including updating the stormwater rate schedule); capital improvement, asset management, watershed, and concept plans; and development and preliminary design of priority projects.
3. Focus on nature-based stormwater solutions including but not limited to bioretention, wetlands, bioswales, regenerative stormwater conveyances, green streets, permeable pavement, stream bank repair and stabilization, and riparian, floodplain, and stream restoration. Include flood mitigation solutions in more flood prone areas.
4. Result in a townwide stormwater master plan and, for priority areas, an updated inventory and condition assessment and detailed watershed and concept plans and preliminary design for priority projects.
5. Include Town and community stakeholder outreach and engagement for all components.

The overall project location will operate at 3 scales. The comprehensive/master planning scale will be Carrboro's municipal limits. The "intermediate" scale and area for more detailed planning (40% of municipal limits) is the area defined by the Toms Creek and Dry Gulch watersheds, an unnamed tributary to Bolin Creek, and census blocks identified as containing underrepresented neighborhoods in NCDEQ's Community Mapping System. The third and most detailed scale will be site/project scale for preliminary design work once priority projects are identified. The above work is proposed to be pursued in large part through professional (engineering/planning/design) contractual services and community engagement over the course of 1-2 years (2024-25), if the grant is awarded.

Project beneficiaries will include the entire community as well as residents and property owners located in priority areas and in and downstream of project sites. This stretches into the entire upper New Hope Creek arm of Jordan Lake. Other communities will benefit from the project's example and from the innovative practices and projects that are piloted.

This opportunity is consistent with Council and Comprehensive Plan priorities and

specifically with work currently being pursued through the active infrastructure condition assessment, residential assistance pilot/program development and implementation of the 2012 Bolin Creek Watershed Restoration Plan and Stormwater Management Plan under the Town's NPDES Phase II permit. It is also a unique opportunity for federal/state assistance without a local match requirement.

Why is this particular grant project recommended?

This grant opportunity is recommended because it provides significant non-Town revenue to supplement the Stormwater Enterprise Fund which allows those funds to continue to focus on program operation and projects. It "fast tracks" the planning, engineering, and engagement efforts needed to accelerate progress on the actions and solutions needed to increase resilience and restore the land and ecosystems. It promises to be a solid guide for the program moving forward, prioritizes efforts, and provide community wide benefits.

How much grant funding is being proposed for the project? Are their match requirements?

LASII planning projects can fund up to \$400k; an application is being prepared to pursue this amount. A match is not required nor proposed. (Note that it is possible that NCDWI could indicate that only partial funding is available in which case the scope could be reduced and/or the Town could choose to provide match.)

What is the grant schedule?

- October 2, 2023: Grant application deadline
- Early 2024: Notice of award
- Mid 2024: Grant work begins.

Note also that as of the date of this memo, legislative appropriations for this program are pending; bills have been introduced but not approved. If the legislature does not appropriate funds during this review cycle but does by early 2024, then these applications will "roll over" and be considered in the spring 2024 review cycle.

Additional information about the grant opportunity, including the RFP, application, and review criteria is available at [this link](#).

Recommendation

Staff recommends that the Council adopt the resolution authorizing staff to submit the grant application for the project described above.



TOWN OF CARRBORO

Stormwater Advisory Commission

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

SEPTEMBER 14, 2023

LASII Grant Application

Motion was made by Michael Paul and seconded by John Cox that the SWAC recommends that the Town submit a planning grant application to the North Carolina Division of Water Infrastructure under the Local Assistance for Stormwater Infrastructure Investments.

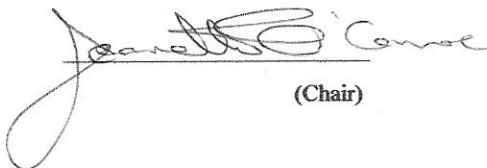
VOTE:

AYES: (6) (Jeannette O'Connor, Gordon Chadwick, Michael Paul, John Cox, Beth Vollins, Margaret Kurz)

NOES: ()

ABSTENTIONS: ()

ABSENT/EXCUSED: (1) (Deanna Hardesty)


(Chair)

9/14/23
(Date)



Agenda Item Abstract

File Number: 23-239

Agenda Date: 9/19/2023
In Control: Town Council
Version: 1

File Type: Agendas

Request-to-Set Legislative Public Hearing for Text Amendment Relating to Density in PUDs

PURPOSE: The purpose of this agenda item is to request that the Town Council consider setting a public hearing on a text amendment to the Land Use Ordinance relating to residential density in a Planned Unit Development (PUD). A resolution setting a public hearing for October 24, 2023 has been provided.

DEPARTMENT: Planning

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333, mrroupe@carrboronc.gov <<mailto:mrroupe@carrboronc.gov>> Patricia McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov <<mailto:pmcguire@carrboronc.gov>>; Christina Moon, Planning Administrator, 919-918-7325, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>;

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

Setting a public hearing for a text amendment to the Land Use Ordinance is a required step in accordance with North Carolina state statutes and Town regulations. Responses to the racial equity pocket questions relate to the legislative public hearing process necessary for the consideration of a text amendment.

INFORMATION: Section 15-139, of the Land Use Ordinance, outlines the provisions related to Planned Unit Developments (PUD). PUDs are zoning districts designed to combine the characteristics of at least two, or possibly three different zoning districts including residential, commercial and manufacturing/industrial. There are currently two Planned Unit Development (PUD) Districts in Town, one at the Ballentine neighborhood off Old NC 86 and the other at Claremont South off Homestead Road. Both are R-10/B-3 PUDs. In reviewing a request for additional dwelling units for the Claremont South B-3 area, staff determined that density was not available in the B-3 portion, but that significant density was available from the R-10 area, and that the minor modification approved in June 2021 allowed four more residential units than permissible by the land area. A mechanism to allow the transfer of residential density from one portion of a PUD to another portion of a PUD when both underlying base districts allow residential uses would address this instance and allow greater flexibility as PUDs are approved and built out in the future.

Section 15-321 of the Land Use Ordinance (LUO), Initiation of Amendments, subsection (c) provides for the Town staff to initiate amendments to the LUO when the proposed ordinance would benefit the general public interest. A draft ordinance has been prepared, that if adopted, would facilitate and allow for such residential density transfers (*Attachment B*).

If the text amendment is approved, the land use permit associated with a PUD would need to be modified if a change is requested after the original permit for the project is issued. Depending on the degree of change requested, the application would likely be processed as either a minor modification or major modification to the permit. The additional residences being built would increase the overall density of any particular project,

generally consistent with the town's desire to develop in an urban manner. A potential negative result would be a reduction in the area available for commercial uses within the commercial portion of the PUD.

The Town Council must receive public comment before taking action on the draft ordinance. Orange County and Planning Board review is also needed.

FISCAL IMPACT: There is no fiscal impact relating to setting a public hearing. Costs and staff time are associated with public hearing and advisory board review.

RECOMMENDATION: The Town Manager recommends that the Town Council consider the resolution (*Attachment A*) setting a public hearing for October 24, 2023, and referring the item to Orange County and the Planning Board.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO DENSITY IN PLANNED UNIT DEVELOPMENTS

WHEREAS, the Carrboro Town Council seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Town Council sets a public hearing on October 24, 2023, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance Relating to Density in Planned Unit Developments.”

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

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

☐

Appearance Commission

☐

Recreation and Parks Commission

☐

Transportation Advisory Board

☐

Northern Transition Area Advisory Committee

☐

Environmental Advisory Board

☐

Affordable Housing Advisory Commission

☐

Economic Sustainability Commission

☐

This is the 19th day of September year 2023.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE REGARDING
RESIDENTIAL DENSITY IN PLANNED UNIT DEVELOPMENTS

****DRAFT 8-31-23****

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-139 (Planned Unit Development District Established) of the Carrboro Land Use ordinance is amended by revising subdivision (b) to read as follows:

(b) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds, with the exception of residential density, per Section 15-182.5 (Residential Density in Planned Unit Developments).

Section 2. Article XII of the Land Use Ordinance is hereby amended by the addition of a new Section 15-182.5 (Residential Density in Planned Unit Developments) that reads as follows:

Section 15-182.5 Residential Density in Planned Unit Developments

Residential density within the required commercial element of a Planned Unit Development, as provided for in Section 15-139, shall be determined by i) the calculation of permissible density allowed for the selected zoning district (i.e., B-1(g), B-2, B-3, O, or O/A) and ii) the assignment of and transfer of up to 25 percent of residential density that is available to, but not utilized or permitted by a permit approving development of the residential element of the PUD. A change to the permit of the residential element of the PUD shall be considered a minor modification and will result in the reduction of available density for that element.

Section 3. This ordinance shall become effective upon adoption.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Request-to-Set Legislative Public Hearing for Text Amendment Relating to Density in PUDs

Department: Planning, Zoning and Inspections

What are the Racial and Equity impacts? Lack of representation on elected and appointed boards (advisory boards also provide comments for public hearings), and a perception of not being heard can make it difficult to feel welcome. Disparate access to quality education as well as historical barriers to government for community members of color can lead to undue burden.

Who is or will experience community burden? Shift workers and people who have limited time, transportation choices and/or children may have difficulty finding the time to learn about a proposal, attending meetings, understanding how and when to provide input, and to whom. It takes time to learn the development process and to obtain a comfort level to participate. Language may also provide a barrier for some residents.

Who is or will experience community benefit? The public hearing process is intended to provide a mechanism to provide information in a public forum. In the case of a proposed change to a land use regulation, a public hearing provides a public forum for an applicant (land owner or local government) to present information to members of the public and the decision-making entity (elected officials/board of adjustment). Hearings provide opportunities for public comment and allow for decisions to occur in a public setting for transparency. Public hearings for text amendments involve a legislative decision, one which allows for applicants and members of the community to engage with elected officials and voice support or concern for the matter under consideration. Residents who are already engaged with the Town and follow Council meeting agendas may feel comfortable reaching out to the Town or attending meetings to express opinions land use matters.

What are the root causes of inequity? Working individuals and families may find it difficult to attend public meetings, may be reticent to speak in a public setting and may have an overall distrust in government and governmental processes, based on personal experiences and/or examples of structural racism in government decisions, particularly those relating to land use.

What might be the unintended consequences of this action or strategy? Changes to land use regulations can affect land values and quality of life experiences for surrounding property owners and occupants in ways that can be beneficial and, albeit for some, less desirable. The public hearing process is intended to provide a way for developers and community members to learn about a proposal and provide input in a public setting. Even with published notice and social

media releases, some people may not learn of a proposed amendment to the Land Use Ordinance in time to provide input and/or feel that that they understand the project and/or approval process enough to fully participate. The Planning Department has completed the analysis for a REAL lens for the amendment process. The staff core team and Racial Equity Commission have not yet completed their review.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? Suggestions outlined in the REAL lens assessment involves options for better public engagement moving forward. Of note, this would involve efforts to go beyond what is required by state statute and the Land Use Ordinance.



Agenda Item Abstract

File Number: 23-243

Agenda Date: 9/19/2023

File Type: Agendas

In Control: Town Council

Version: 2

Resolution Adopting Changes to Town of Carrboro Position Classification and Pay Plan

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt the proposed changes to the Town of Carrboro Position Classification and Pay Plan to align job two titles and positions with the needs of the organization.

DEPARTMENT: Human Resources

CONTACT INFORMATION: Julie Eckenrode, jeckenrode@carrboronc.gov

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

In Chapter 10 of Carrboro Connects, one of Human Resources goals is to “Research and review pay and position classification policies and programs that support Council’s goals for competitive, living wages and that also provide employees with an affordable housing wage.” This request is in accordance with Town Code Chapter 4: Personnel Policy Article II - Position Classification Plan.

POSITION CLASSIFICATION PLAN

INFORMATION: The resolution proposes two changes to the position classification and pay plan. The first is to eliminate the position title Accounting & Grants Supervisor and reassign the position and create the job title of Comptroller. This change will allow for better oversight and efficiency in the Finance Department and responds to the Auditor’s report. The second request is to create the position of Fire Marshal and reassign one Battalion Chief position to Fire Marshal. Previously, fire marshal responsibilities have been attached to the Town’s Deputy Fire Chief job description. This change will allow for a single person to be dedicated to those responsibilities and allow the Deputy Fire Chief to focus more time on the Fire-Rescue Department operations.

FISCAL IMPACT: There is minimal fiscal and staff impact due to these changes. These changes will not increase the number of full-time positions.

RECOMMENDATION: The Town Manager recommends that the Town Council adopt the resolution.

RESOLUTION ADOPTING CHANGES TO TOWN OF CARRBORO POSITION
CLASSIFICATION AND PAY PLAN

WHEREAS, the Town Council has adopted a comprehensive Position Classification and Pay Plan for the Town of Carrboro;

WHEREAS, the Town Council has passed a budget for FY 2023-24 including a Position Classification and Pay Plan; and

WHEREAS, the proposed changes do not require a budget amendment, and no additional full-time equivalent (FTE) positions are being added.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Position Classification and Pay Plan is hereby modified as follows:

- a. Establish a Fire Marshal Position in Salary Grade 114.
- b. Establish a Comptroller position in Salary Grade 118.
- c. Eliminate the job title Accounting & Grants Supervisor (Salary Grade 116) from the Position Classification and Pay Plan.
- d. Move one (1) Accounting & Grants Supervisor position to one (1) Comptroller position.
- e. Move one (1) Battalion Chief position to one (1) Fire Marshal position.

Section 2. All other provisions of the Position Classification and Pay Plan remain unchanged.

Section 3. The Human Resources Director shall revise the Position Classification and Pay Plan to reflect the changes in Section 1.

Section 4. This resolution shall become effective September 20, 2023.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: RESOLUTION ADOPTING CHANGES TO TOWN OF CARRBORO POSITION CLASSIFICATION AND PAY PLAN

Department: Human Resources

What are the Racial and Equity impacts? Both positions will require an external recruitment process. The recruitment process aims to casts as wide net as possible to receive a diverse applicant pool and find highly qualified candidates for each position.

Who is or will experience community burden? The community-at-large may be burdened in terms of levels of customer service and efficiency when organizational structure does not match the needs of the organization.

Who is or will experience community benefit? The community will benefit from the efficiencies and expertise these two positions will provide within the Town's organizational structure.

What are the root causes of inequity? The GARE Core team has discussed root causes of inequity in hiring for a few years. Some root causes include unconscious bias (names that are generally associated with a particular race, for example) and systemic and structural racism related to education opportunities for BIPOC individuals and how that correlates with minimum job requirements.

What might be the unintended consequences of this action or strategy? Unintended consequences of this action may include reinforcing the aforementioned root causes of inequity. An example may include strict educational requirements for newly created job descriptions.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? Ways to mitigate burdens, inequities, and unintended consequences include using best practices for writing job descriptions including allowing for an educational requirement or years of experience, using a variety of advertising methods to try to attract diverse candidate pools, and periodically reviewing demographic data related to the Town's employee make-up.



Agenda Item Abstract

File Number: 23-248

Agenda Date: 9/19/2023

File Type: Agendas

In Control: Town Council

Version: 1

Request to Submit a T-Mobile Grant to Refresh the Town's Free Public Wi-Fi

PURPOSE: The purpose of this agenda item is to request that the Town Council authorize the submittal of a T-Mobile grant application. If awarded, the funds will be used to refresh various critical public Wi-Fi infrastructure allowing for Wi-Fi 6/6E connectivity which offers greater bandwidth, higher speeds, and supports a greater number of Wi-Fi users.

DEPARTMENT: Information Technology

CONTACT INFORMATION: Andy Vogel, IT Director - (919) 918-7305

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☐ Other

Allows Town to continue to serve residents at current levels with relevant and modern technology. Allows residents and visitors access to internet resources at no charge in many downtown public locations and all Town buildings.

INFORMATION: The Town would apply for a T-Mobile grant for \$50,000 to refresh Wi-Fi infrastructure used by the Town's free public Wi-Fi - SSID: TOCWIRELESS.NET. T-Mobile is "investing \$25M in 500 rural towns over 5 years to jumpstart projects and build stronger communities". T-Mobile is offering \$50K grants for shovel ready projects. Further details are available here (the web site):

<https://www.t-mobile.com/brand/hometown-grants> .

FISCAL IMPACT: No fiscal impact.

RECOMMENDATION: The Town Manager recommends that the Town Council authorize the submittal of the T-Mobile grant application and the acceptance of the grant, if awarded.

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: T-Mobile grant to provide technology refresh of the Town's Free Public Wi-Fi. Refresh infrastructure of free public Wi-Fi service allowing for greater bandwidth, faster speeds and larger number of users to connect.

Department: Information Technology

What are the Racial and Equity impacts? Historically disenfranchised communities, especially in terms of technology and digital services are not being addressed.

Who is or will experience community burden? Will not be directly addressing the historically disenfranchised communities and their typically lower level of usage of these types of modern digital services.

Who is or will experience community benefit? Present users of the Town's public Wi-Fi system.

What are the root causes of inequity? Historic socioeconomic inequalities between various communities.

What might be the unintended consequences of this action or strategy? Currently, the Town's free public Wi-Fi service is provided in public downtown spaces and Town buildings. This may increase inequities between those who can access the Town's free public Wi-Fi system and those who cannot access the Town's Wi-Fi system due to distance from services, not possessing a mobile wireless device or other difficulties.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? The Town is continually rethinking how best to serve the Town's various communities and address inequities. Historically, the Town has worked on various technology projects with the local public school system – CHCCS – addressing children at risk in our community, helping to hold technology events showcasing student projects and knowledge and with computer training courses for non-English speakers. Have assisted with various technology projects with the RENA Community Center. Provide connectivity for various UNC offices located in Carrboro back to the UNC campus (over Town of Carrboro operated fiber optic network) that support programs for autism and substance abuse. The town is always exploring new ways to partner and leverage existing technology.

A RESOLUTION TO AUTHORIZE THE SUBMITTAL OF A T-MOBILE GRANT APPLICATION AND THE ACCEPTANCE OF THE GRANT IF AWARDED

WHEREAS, the Town of Carrboro has need for maintaining and upgrading the Town’s free public downtown Wi-Fi infrastructure over time, and

WHEREAS, T-Mobile is offering a grant opportunity for \$50,000 for shovel ready projects that foster local connections, like technology upgrades, and build stronger communities and the Town intends to apply for the T-Mobile grant to refresh various critical public Wi-Fi infrastructure allowing for Wi-Fi 6/6E connectivity which offers greater bandwidth, higher speeds, and supports a greater number of Wi-Fi users.

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

Authorize staff to submit an application to pursue this opportunity.

Adopted this the 19th day of September in the year 2023 at Carrboro, North Carolina



Agenda Item Abstract

File Number: 23-240

Agenda Date: 9/19/2023
In Control: Town Council
Version: 1

File Type: Agendas

Westwood Cemetery Master Plan

PURPOSE: The purpose of this agenda item is to request that the Town Council approve the revised Westwood Cemetery Master Plan.

DEPARTMENT: Public Works

CONTACT INFORMATION: Ben Schmadeke. Capital Projects Manager, 919-918-7424,
bschmadeke@carrboronc.gov <<mailto:bschmadeke@carrboronc.gov>>

COUNCIL DIRECTION:

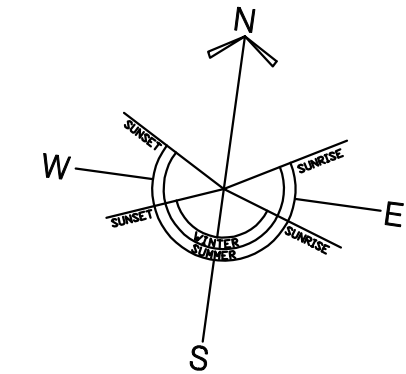
☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

The Town Council held two work sessions on the Westwood Cemetery over the past year - the first on October 11, 2022 and the second on June 15, 2023. The master plan presented herein reflects the direction provided by the Town Council from those work sessions.

INFORMATION: The Town Council most recently held a work session on June 15, 2023 to discuss the potential expansion of the Westwood Cemetery. A conceptual development plan was presented by staff at that time and a discussion was held on cemetery development limits, cemetery features, and the location of the cemetery access road. A revised master plan has been developed based on the comments from this work session and is included in Attachment A. This master plan incorporates cemetery improvements, additional areas for burial plots, diversified internment options and undeveloped greenspace. Upon the adoption of the plan, certain plots could be surveyed and staked out to be made available for purchase. Implementation of the entire master plan would be conducted in phases dictated by burial demand and the availability of funding. An amendment to Chapter 13 of the Town Code would be required to make provisions for the different internment options included in the master plan.

FISCAL IMPACT: The Town has budgeted \$100,000 of American Rescue Plan Act (ARPA) funds for development and improvement of the Westwood Cemetery. The cost to create the cemetery master plan design is \$11,460. The cost to construct the entire master plan is estimated to be \$630,000. The cost to survey and stake out plots to begin use of the expanded site is estimated to be \$15,000 (this work would not be contingent on constructing the entire development). Potential revenues from plot sales from the master plan would exceed \$1.5M.

RECOMMENDATION: The Town Manager recommends that the Town Council approve the Westwood Cemetery Master Plan (Attachment B).



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Terracon

Environmental ■ Constructive Materials ■ Facilities

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Issue Date: -

Revisions: -

[illegible]

Drawn/checked by: -/-



Westwood Cemetery

Prepared for the Town of Carrboro
45 Fidelity Street / 401 Davie Road
Carrboro, NC 27510; Orange County

Scale:
1" = 2'

$$1'' = 20' - 0''$$

Sheet No. 1 of

G-1 2



**Know what's below.
Call before you dig.**

A RESOLUTION FOR APPROVING THE WESTWOOD CEMETERY MASTER PLAN

WHEREAS, the Town Council has held two work sessions on the future use of the undeveloped area of Westwood Cemetery and provided comments on options for cemetery development; and,

WHEREAS, a Westwood Cemetery Master Plan has been created to incorporate cemetery improvements, additional areas for burial plots, diversified internment options, and undeveloped greenspace; and,

WHEREAS, the Master Plan will be implemented through a phased approach dictated by burial demand and the availability of funding;

THEREFORE, BE IT RESOLVED that the Carrboro Town Council approves the Westwood Cemetery Master Plan dated September 19, 2023 and authorizes staff to begin implementation of the plan.

This is the 19th day of September in the year 2023.

Attachment C

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Westwood Cemetery Master Plan: A development plan for the Westwood Cemetery

Department: Public Works

What are the Racial and Equity impacts? Records indicated the Westwood Cemetery was established in 1948. Cemeteries were segregated by race Black residents were not allowed to be buried in the cemetery until 1968. The Town does not track the race of cemetery plot purchasers or of those interred on the site. Chapel Hill and Hillsborough have no more plots available meaning Carrboro's Westwood Cemeteries is one of the few remaining locations that offer more affordable public burials in the area.

Nationally, it is reported that there has been a rising trend of cremations and other post-death practices. At the Westwood Cemetery, the cremated remains of up to three individuals are allowed within a single traditional burial plot. There remains a cultural component to traditional burials, and the visitation of burial sites that intersects race, place, and religion. Any changes to the use of the remaining unplotted area will need to consider the protection of the ongoing use of Westwood Cemetery, the dignity of funeral goers and subsequent visitors and all that accompanies this - grief and distress, honoring and celebrating lives passing on. Additional space for the cemetery use would allow for more diversity in post-death practices (natural burials, cremains, etc.)

Who is or will experience community burden? Residents who have expressed interests in using the area for a different purpose would feel burdened. The Town would be burdened with enforcement of use of the space and its continued obligation of management of the Cemetery property.

Who is or will experience community benefit? With the master development plan some residents in the short- and mid-term would have more space for traditional burials, in the long-term they would still be burdened when the site runs out of space. Others would benefit from the variety of interment methods the master plan envisioned. Continued and expanded use of the cemetery, if priced similarly to the fees charged at present, would continue the availability of more affordable public burials, until the cemetery filled up once more. A mix of burial options for traditional and other methods is expected to extend the timeline of demand for traditional burial sites, as those interested in burial or scattering of cremated remains having those options available. The master

plan's inclusion of passive recreational features, such as a walking trail, reflection wall can provide space for residents seeking areas for such recreation and would allow some who are currently using the undeveloped portion of the cemetery property in ways they have been doing so already.

What are the root causes of inequity? Root causes of inequity can be related to governmental actions like land use planning that overlooks the interests of historically Black communities/communities. As stated previously, segregation contributed to historical exclusion from Westwood (and thus give a racial significance to current and future access to the cemetery). On a national scale land use decisions have often sited multi-family and affordable housing near less suitable adjacent units, or without access to recreative spaces—Carrboro has had both an open space and recreation requirement for subdivisions and multi-family developments that aims to ensure recreational needs can be met through a combination of public and private areas, amenities, and programs.

What might be the unintended consequences of this action or strategy? Unintended consequences could be that residents who have been using the site for a different purpose would continue to do so, and the Town might have to mitigate this with some level of enforcement. Retention of the cemetery use also will require the Town to revisit the capacity issue later when the remaining area has been designated/plotted, and those plots are purchased.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? The Public Works Department will work with other Town departments on the following strategies:

- Include clear and easy to read signage outlining allowable uses at the Cemetery.
- Maintain and operate the cemetery in a manner that promotes passive recreation and peaceful reflection in the developed and undeveloped areas.
- Maintain the grounds and landscape to a high standard.
- Provide information to the community on cemetery expansion, burial options, plot availability, and fees.
- Ensure there are sufficient staff resources for all cemetery operations including property maintenance and customer service for plot sales and markings.



Agenda Item Abstract

File Number: 23-210

Agenda Date: 9/19/2023

File Type: Agendas

In Control: Town Council

Version: 1

Presentation on Gas-Powered Landscaping Equipment

PURPOSE: The purpose of this agenda item is to provide a presentation of staff findings on potential code amendments for banning gas-powered landscape equipment in Carrboro to reduce environmental and noise pollution.

DEPARTMENT: Town Manager's Office, Planning, Legal, Economic Development, and Police

CONTACT INFORMATION: Jon Hartman-Brown, JHartman-Brown@CarrboroNC.gov <mailto:JHartman-Brown@CarrboroNC.gov>; Zack Kier, ZKier@CarrboroNC.gov <mailto:ZKier@CarrboroNC.gov>.

COUNCIL DIRECTION:

☐ Race/Equity ☒ Climate ☐ Comprehensive Plan ☐ Other

This is a request by the Town Council to explore options towards banning gas-powered landscape equipment in Carrboro to reduce environmental and noise pollution.

INFORMATION: The Town Council has requested that staff explore opportunities to ban gas-powered landscape equipment in Carrboro to reduce environmental and noise pollution. A multi-departmental team has explored the topic. Staff will provide a summary of findings and options.

FISCAL IMPACT: There are no fiscal or staff impacts associated with this presentation.

RECOMMENDATION: Staff will provide the following recommended options: (1) expand and utilize existing noise ordinance to specifically include landscaping equipment; (2) create a new ordinance that will limit the decibel level of landscaping equipment; or (3) make no changes at this time.

MEMORANDUM

TO: The Carrboro Town Council

FROM: Nick Herman

SUBJECT: The Legality of Banning Gas-powered Leaf Blowers, and
General Options and Considerations for Regulating Such
Leaf Blowers and Other Landscaping Equipment

DATE: May 19 2023

I. SUMMARY

The Council has expressed interest in regulating gas-powered leaf blowers, particularly with two-stroke engines. Members of the public have expressed concern about the noise and pollution caused by this type of landscape-maintenance machinery. Some localities in other States (or at least one State itself, California) have sought to ban, at least partially, gas-powered leaf blowers, but the legality of such a ban by the Town must be considered under North Carolina law and not under the law of so-called “home rule” jurisdictions that have broader local regulatory authority than exists in our State. No North Carolina case, or analogous case, has addressed this issue.

This Memorandum concludes that, notwithstanding the salient policy considerations for banning gas-powered leaf blowers, a ban is not likely to be upheld by our courts. Nevertheless, the Town does have the power to enact reasonable time, manner, and place restrictions upon the use of such leaf blowers and other landscaping equipment.

II. GOVERNING LEGAL PRINCIPLES

A. The General Police Power

The Town’s ordinance-making power is limited to that conferred upon municipalities by the General Assembly pursuant to Article VII, Section 1 of the N.C. Constitution. Under G.S. 160A-174(a), the

Legislature has given the Town the general power to “define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens.” Under G.S. 160A-4, this power is to be broadly construed, so long as it is not exercised contrary to State or federal law or to the public policy of the State. Notably, the Legislature has specifically empowered municipalities to regulate noise (see G.S. 160A-184) and the emission of pollutants (see G.S. 160A-185).

B. Limitations on the General Police Power

The general police power, even as it is to be broadly construed, is constrained by other constitutional and statutory limitations. Under the “law of the land” clause of the N.C. Constitution, Article I, Section 1, the exercise of the police power is limited to “actions which have a *real or substantial relation* to the public health, morals, order, safety or general welfare.” This means that a regulation cannot impose an unreasonable interference with or burden upon private activity in relation to the public good. This limitation of reasonableness “is a matter resting in human judgment, ordinarily to be determined in light of all the relevant facts, circumstances, and conditions in each particular case.” *City of Winston-Salem v. Southern Ry. Co.*, 105 S.E.2d 37 (N.C. 1958).

Also, the constitutional guarantee of “equal protection” prescribes that police power regulations should apply equally to persons “similarly situated” unless there is a reasonable basis to make a regulatory distinction between persons similarly situated.

In addition to these constitutional limitations, under G.S. 160A-174(b) (2) and (5), the General Assembly has expressly said that an ordinance cannot be inconsistent with State or federal law, as where an “ordinance makes unlawful an act...or condition which is expressly made lawful by State or federal law,” or where an “ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation.” The latter limitation codifies the doctrine of “pre-emption,” which prescribes that an ordinance cannot regulate a matter that is expressly or impliedly intended to be regulated

by State or federal law to the exclusion of local regulation. *See Craig v. County of Chatham*, 565 S.E.2d 172 (N.C. 2002).

III. THE LEGALITY OF BANNING GAS-POWERED LEAF BLOWERS UNDER THE FOREGOING LEGAL PRINCIPLES.

As noted previously, G.S. 160A-184 specifically authorizes municipalities to “regulate, restrict, or prohibit the production or emission of noises...that tend to annoy, disturb, or frighten its citizens.” Under G.S. 160A-185, municipalities also have the power to “regulate, restrict, or prohibit the emission...of substances or effluents that tend to pollute or contaminate land...or air, rendering or tending to render it injurious to human health or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property,” provided, however, that “*any such ordinance shall be consistent with and supplementary to State and federal laws and regulations.*” Notwithstanding these grants of regulatory authority, they are still subject to the constitutional limitations on the police power discussed above.

Banning gas-powered leaf blowers based on noise is unlikely to be upheld under the foregoing legal principles when other commonly used gas-powered landscaping equipment, such as mowers, saws, and weed eaters, may generate a similar level of noise. This raises not only a potential “equal protection” problem, but also the contention that such a ban would be “unreasonable.”

Banning gas-powered leaf blowers based on air pollution is unlikely to be upheld on “pre-emption” grounds. The air emissions of landscape machinery, like gas-powered leaf blowers and other two-stroke engine machinery, are regulated by the EPA under the Clean Air Act. See 40 CFR Part 1054. As mentioned above, a municipal ordinance regulating emissions under G.S. 160A-185 cannot be inconsistent with federal regulations. Thus, a ban of such leaf blowers would arguably make unlawful an activity made lawful by federal law and be pre-empted by federal law. Moreover, such a ban is likely to lack a reasonable basis or pose equal protection problems, considering the air pollution occasioned by gas-powered mowers, chain saws, and string trimmers.

Finally, a ban on gas-powered leaf blowers raises important questions about regulatory “reasonableness” under the Town’s prevailing “racial equity” lens. To the extent commercial landscaping companies in the Town employ or are owned by minorities, those businesses could suffer a serious economic impact from the elimination of gas-powered leaf blowers. This is a relevant consideration not only in terms of a potential unreasonable interference with or burden upon landscaping businesses in general, but also upon minority landscaping businesses in particular.

IV. REGULATORY OPTIONS OTHER THAN A BAN ON GAS-POWERED LEAF BLOWERS AND FOR OTHER GAS-POWERED LANDSCAPING EQUIPMENT.

A. Regulation of Noise Under the Current Town Code

Section 5-12 of Article II of the current Town Code prohibits:

(4) The operation or use of any of the following tools, machinery, or equipment, when such operation or use takes place (i) outside of a fully enclosed structure; and (ii) within 300 feet of a residentially occupied structure that is not in the possession of the party responsible for the noise at issue; and (iii) after sunset on any day or before 7:00 a.m. on any day except Sunday and before 12:00 noon on Sunday. However, this prohibition shall not apply when work must take place on an emergency basis for health or safety reasons, or when work is undertaken within a public street right-of-way by (i) a utility pursuant to an encroachment agreement, (ii) the Town, or (iii) the North Carolina Department of Transportation.

- a. Earth moving or clearing power equipment.
- b. Chain saws, brush cutters, woodchippers, or similar equipment.
- c. Power saws.
- d. Power driven hammers or jackhammers.

B. Considerations for Potential Amendments to the Town Code to Regulate Gas-powered Leaf Blowers and Other Gas-powered Landscaping Equipment.

The following is a list of non-exclusive general considerations for amendments to the Town Code. The Council is encouraged, even as it is not required, to hold one or more public hearings and perhaps a work session when considering any amendments. The Council might consider extending non-ban regulations to other gas-powered landscaping equipment in addition to gas-powered leaf blowers because the impacts of both may be similar. However, the regulations can be different for different types of gas-powered landscaping equipment so long as there is a factually supported rational basis for making regulatory distinctions.

(1) A maximum decibel level could be established, measured off the property where the equipment is used at a prescribed number of feet from the location of use. (The City of Burlingame, California required, in a 2012 ordinance, that every leaf blower display a label that certifies that it operates at a noise level within the prescribed decibel limit, which presumptively establishes compliance with the ordinance, but the ordinance is silent about how this certification process was to be implemented).

(2) Permissible days of the week and hours could be established for the use of equipment in residential zoning districts and on non-residential properties that are contiguous to residentially zoned properties. These time limitations might vary between commercially-operated equipment and equipment used by residents.

(3) Equipment could be required to be operated with manufacturer emission and noise control features in proper working order.

(4) Under G.S. 160A-296, which empowers cities to have general authority and control over their streets, sidewalks, and public rights-of-way, a regulation could be established to prohibit the use of equipment in a way that causes debris to encroach upon or impair the use of public rights-of-way or public stormwater drainage facilities.

(5) If the factual record can clearly demonstrate that the use of gas-powered leaf blowers is only seasonable, a regulation might possibly establish more stringent limitations on the times such blowers could be used than the limitations placed on other gas-powered landscaping equipment that is commonly used year-round. The legality of such a regulation is, however, tenuous. It is mentioned here because, in *People v. Trollo*, 653 N.Y.S.2d 486 (1996), a local court of limited judicial precedent, the Justice Court of New York, Village of Scarsdale, upheld the Village's ordinance that prohibited the use of gas-powered blowers from June through September of each year on the ground that the objecting defendant failed to adequately show financial hardship upon landscapers, failed to show unreasonableness, and failed to show that alternatives to gas blowers were not viable. In essence, the defendant failed, from an evidentiary standpoint, to overcome the presumption of constitutionality ordinarily accorded to a local government's exercise of its police power. As previously mentioned, no North Carolina Court has addressed this type of regulation or decided a case that may be drawn upon as persuasive precedent on this issue. Thus, the *Trollo* decision will have little, if any, impact upon how a North Carolina appellate court would rule on the same issue.

(6) Regulations might provide for sensible exceptions, such as the use of equipment on golf courses or on public parks, or for equipment operated by the Town, among other examples.

(7) Enforcement of any new regulations could be governed by the civil penalties set forth in Section 5-21 of Chapter 5 of the Town Code.

As previously mentioned, the foregoing considerations are only intended to be illustrative and not exhaustive. The Town Staff may be able to provide the Council with other pertinent considerations.

In the end, the touchstone for the legality of regulating gas-powered leaf blowers and other similar landscaping equipment is "reasonableness"—where the regulations enacted do not, based on the totality of the facts and circumstances, unreasonably interfere with or burden private activity in relation to the public good to be accomplished

and do not apply unequally to persons similarly situated in the absence of a factually-supported reasonable basis for a difference in treatment. This “reasonableness” is best supported by a robust public record, through one or more public hearings and/or work sessions, that provides a credible factual rationale for the regulations enacted.

RE Pocket Questions

Landscaping Equipment Presentation Council Item

Title and Purpose of this initiative: Landscaping Equipment Noise

Department: Town Manager's Office

What are the racial and equity impacts?

In general, due to availability of resources households of color are more likely to have jobs which require shift work or it may be necessary to work multiple shifts resulting in limited times in which households of color Can perform home and yard maintenance.

Also, because of the low barrier of entry, lawn maintenance and landscaping businesses are easier for entrepreneurs of color to start with limited resources. Therefore, such a regulation could place a disproportionate financial burden on businesses of color as they modify their existing equipment or replace their equipment.

Who is or will experience community burden?

Populations most likely to experience burden from these regulations would be those who work various shifts in which their lawn maintenance work can only be accomplished outside of the regulated time periods. Additionally, small landscaping businesses and independent landscape contractors would receive significant financial expenditures in order to bring their equipment into compliance with the regulations. Similarly, businesses may also layoff or reduce some workers if they choose to stop doing businesses in Carrboro or if they have a higher financial burden resulting in lost household incomes.

Who is or will experience community benefit?

Populations most likely to experience benefit from these regulations would be households who are able to have available time in the afternoon, early evenings, or weekends to dedicate to lawn maintenance. This would also include households who have the financial ability to pay a contractor to perform lawn maintenance on their property.

Other populations to experience benefit would be those who live in more dense neighborhoods, as they would benefit from the reduced noise and odd times at which loud noises would be produced from this equipment.

What are the root causes of inequity?

The primary inequity with these regulations would be financial and placed on small landscaping businesses and households living in dense neighborhoods. Combined with racial impacts, the requirements to modify or purchase new equipment would fall hardest on BIPOC landscaping businesses who may already have limited resources.

It would also be more likely to fall on households of color who may be more likely to live in dense neighborhoods due to a lack of financial resources to afford larger lots. While there may be some benefit to more densely populated neighborhoods, there also remains the burden of having to replace their personal lawn care equipment which may be more costly than the louder, gas-run equivalent equipment.

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

An unintended consequence of this action could be to drive away local landscaping businesses as they will not be able to meet our new qualifications for quieter equipment. This action may also make it more difficult for new businesses to start or want to expand their businesses in town. It may also result in an increase in non-emergency police calls as residents attempt to report one another for violating the ordinance. Another unintended consequence could be that less landscaping will occur because people will not want to violate the ordinance. This could result in less maintained lawns. These less maintained lawns could appear different but may be better for pollinators and other wildlife.

How is your department planning to mitigate any burdens, inequities, and unintended consequences?

Should this ordinance be adopted, the Town has several options to mitigate burdens. The Town can launch an educational series on the effects of the new ordinance and work closely with businesses through the Chamber of Commerce to get the word out about these laws. The Town can see if there are grant opportunities that can be used to cover the costs of equipment replacement or muffler devices. The Town can also take a phased approach to implementing the ordinance to allow for businesses to have more time to come into compliance. The Town can conduct follow-up surveys to determine the effect that the ordinance is having on residents and businesses to determine if the ordinance should remain in effect, be amended, or be repealed.

Unintended consequences of implementation may result in refusal of compliance of households who do not or will not replaced their existing lawn care equipment. This could also result in smaller (and more likely to be businesses of color) landscaping businesses removing themselves from doing business in Carrboro, because they cannot afford to come into compliance. Along the same lines, this could result in making it harder for new landscaping businesses or independent contractors to start in Carrboro due to higher start-up costs.



GAS-POWERED LANDSCAPING EQUIPMENT PRESENTATION

Background

- Councilmembers directed staff to examine the possibility of banning gas-powered landscape equipment in Carrboro to reduce environmental and noise pollution
- A workgroup was formed to examine this possibility, including:
 - Economic Development
 - Police Department
 - Planning, Zoning, & Inspections
 - Public Works
 - Town Attorney
 - Town Manager's Office



Current Regulations

Chapter 5 (General Offences), Section 5-12(4) - prohibits the use of certain equipment after sunset or before 7:00am (except Sunday when the start time is Noon)

This specifically includes chain saws, brush cutters, wood-chippers, or similar power equipment.



Comparison to other Municipalities

- Chapel Hill is the only municipality in NC that specifically limits landscape equipment based on decibels
- Uses dB to restrict noises and may or may not exempt actions/items
 - Elkin
 - White Lake
- Features “unreasonably loud, disturbing, or unnecessary noise” clauses
 - High Point
 - Mocksville
 - Mount Airy
 - Beaufort County
 - Buncombe County



Chapel Hill Statute

- Chapter 11, Article III- Noise, Section 11-40.1 Regulations applicable to leaf blowers and other motorized agricultural and landscape maintenance equipment
- “Shall be operated only with all manufactured-supplied emission control devices and noise muffling equipment in proper working order”
- Lists certain zoning classifications and time zones
- “Equipment does not exceed 65 dBa when measured, off of the premises where the equipment is being used, at a distance of 50 feet from the location of use”
- Exceptions for golf courses



Enforcement Perspective

- Spoke with Chapel Hill Police Department - very few complaints and zero enforcement actions
- CHPD has one decibel measuring instrument that is calibrated by an external service provider each year
- Steady state noise (such as generators and landscaping equipment) is usually measured by the decibel meter
- Most of their enforcement does not get to the noise measuring stage and, instead, is handled by voluntary compliance



Legal Opinion

- A ban on gas-powered leaf blowers is not likely to be upheld by North Carolina courts
- A maximum decibel level could be established
- Permissible days of the week and hours could be established for the use of equipment in residential zoning districts and on non-residential properties contiguous to residentially zoned properties
- Equipment could be required to be operated with manufacturer emission and noise control features in proper working order
- Regulations might provide for sensible exceptions such as for equipment operated by the Town (upcoming Fleet Study will also include a plan to transition all landscaping equipment to alternative fuel options)



Carrboro Landscaping Business Survey

- Surveyed local lawn care companies (4)
- One stated that they would no longer do business in Carrboro
- All (4) stated that they do business in Chapel Hill even with the restrictions
- Half (2) stated that it would cost \$25,000 or more to upgrade their equipment to be in compliance
- Feedback from El Centro also expressed concerns:
 - restricting the times landscapers are able to work,
 - incurred costs of investing in new landscaping equipment,
 - encouraged education on compliance, and
 - that too restrictive regulations that may cause small companies and independent landscapers to no longer work in Carrboro.



Findings Summary

- Banning gas-powered landscaping equipment is not likely possible (legally).
- Placing limits on decibel levels and operational times may result in a similar outcome to banning gas-powered equipment (electric-powered is on average 10 decibels lower than gas-powered).
- Enforcement of decibel levels may prove to be difficult and would likely be complaint driven with limited enforceability.
 - Chapel Hill is the only city in NC to place a decibel ban on landscaping equipment.
 - \$200-\$500 per meter plus annual calibration.
- There may be negative impacts to landscaping businesses and low-income homeowners in order to come into compliance with time and decibel restrictions.



Options and Recommendations

- Expand and utilize existing noise ordinance to specifically include landscaping equipment.
 - Would require a simple Town Code amendment
- Create a new ordinance that will limit the decibel level of landscaping equipment.
 - Would require staff time to draft, and equipment purchases and training for enforcement
- Make no changes at this time.

