

# **Town of Carrboro**

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



## **Meeting Agenda - Final**

**Tuesday, April 9, 2024**

**7:00 PM**

**Council Chambers - Room 110**

**Town Council**

**7:00-7:15****A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS****Poetry Month Proclamation****Food Waste Prevention Month Proclamation****7:15-7:20****B. ANNOUNCEMENT OF UPCOMING MEETINGS****7:20-7:30****C. PUBLIC COMMENT****7:30-7:40****D. CONSENT AGENDA**

1. [24-066](#) Request to Set Legislative Public Hearing for Conditional Rezoning

**PURPOSE:** The Town has received a petition to rezone property at 400 North Greensboro Street from CT to B-1G-CZ for the development of a three-story multi-family residential project. The Town Council must receive public comment before considering this request. A resolution setting a public hearing for the rezoning has been provided.

**Attachments:** [A - Resolution Request to Set](#)  
[B - Draft Zoning Ordinance](#)  
[C - B1gcZ\\_VicinityMap](#)  
[D - Narrative & Petition for Change of Zoning Form - 400 NG - SM](#)  
[Signed](#)  
[E - Plans 400-CRZ-FULL](#)  
[F - Scanned sign in sheet](#)  
[G - LUO ART IX & XX](#)  
[H - Pocket Questions](#)



2. [24-069](#) Award American Recovery Plan Act (ARPA) Funding to Nonprofit Organizations

**PURPOSE:** This agenda item seeks Town Council approval to award funding to nonprofits serving Carrboro residents who have been negatively impacted by the COVID-19.

**Attachments:** [A - Resolution](#)

[B - Original ARPA Budget Ordinance #4](#)

[C - Updated ARPA Summaries - March 2023-2024](#)

[D - Funding Recommendations](#)

[E - Pocket Questions - ARPA Funding](#)

3. [24-075](#) 2024 SAPFO Annual Report - Technical Advisory Committee

**PURPOSE:** The purpose of this agenda item is to provide the Town Council with the 2024 Annual Report on the Schools Adequate Public Facilities Ordinance (SAPFO). The Orange County Board of Commissioners has referred the draft report for information.

**Attachments:** [A - 2024 SAPFOTAC Transmittal](#)

[B - 2024 SAPFOTAC Annual Report - DRAFT](#)

[C - CAPS Memo 2024](#)

[D - Pocket Questions](#)

**7:40-8:50**

**E. OTHER MATTERS**

1. [24-068](#) Adopt the Language Access Plan and Authorize Receipt of a Grant

**PURPOSE:** To request that the Town Council adopt the Language Access Plan and authorize the Town Manager to amend the Memorandum of Agreement (MOA) with UNC-Chapel Hill and receive a \$25,000 grant from the Building Integrated Communities Program at the Institute for the Study of the Americas at UNC-Chapel Hill to fund the plan's first-year implementation.

**Attachments:** [A - Town of Carrboro Language Access Plan](#)

[B - MOA with UNC-Chapel Hill Building Integrated Communities Program](#)

[C - Resolution to Adopt the Language Access Plan](#)

[D - Resolution to Amend the MOA with BIC-UNC-Chapel Hill](#)

[E - Racial Equity Assessment Lens](#)

2.     [24-025](#)     Resolution Adopting a Rewrite of the Town Policy

**PURPOSE:** To adopt a rewrite of the Town Policy for Memorials and Donations Located on Town Property.

**Attachments:**   [A - Resolution for Memorials and Donations Located on Town Property](#)  
                          [B - Town Policy for Memorials and Donations Located on Town Property](#)  
                          [C - Town Policy and Application Form for Monuments Located on Town Property\(2019\)](#)  
                          [D - Application for a Memorial-Donation Located on Town Property](#)  
                          [E - Pocket Questions for Town Policy Rewrite](#)

3.     [24-064](#)     Memorandum of Understanding Creating the Intergovernmental Climate Council of Orange County

**PURPOSE:** The purpose of this agenda item is to request that the Town Council consider the attached resolution to authorize the Mayor to enter a Memorandum of Understanding (MOU) with the Town of Chapel Hill, Town of Hillsborough, and Orange County that creates an Intergovernmental Climate Council of Orange County.

**Attachments:**   [A - Resolution](#)  
                          [B - Orange County Climate Council MOU](#)  
                          [C - Racial Equity Pocket Questions - OCCC MOU](#)

**8:50-9:00**

**F.       MATTERS BY COUNCIL MEMBERS**



## Agenda Item Abstract

**File Number:** 24-066

**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

Request to Set Legislative Public Hearing for Conditional Rezoning

**PURPOSE:** The Town has received a petition to rezone property at 400 North Greensboro Street from CT to B-1G-CZ for the development of a three-story multi-family residential project. The Town Council must receive public comment before considering this request. A resolution setting a public hearing for the rezoning has been provided.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon, Planning & Transportation Administrator, 919-918-7325, cmoon@carrboronc.gov; Patricia McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov; Nick Herman, Town Attorney, 919-929-3905, herman@broughlawfirm.com

**COUNCIL DIRECTION:**

☒ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

Setting a public hearing for a map amendment is a required step in accordance with North Carolina state statutes and Town Regulations. Pocket questions relating to the process for legislative public hearings are included as Attachment H.

**INFORMATION:** The Town has received a petition from Sam Mitchell of Bison Lodge, LLC, to rezone the 0.37-acre property at 400 North Greensboro Street from CT (Corporate Town, Residential 40,000 square feet per dwelling unit) to B-1G-CZ (General Business, Residential 2,000 square feet per dwelling unit) for the purpose of constructing a multi-family residential development. The proposal is for a new three-story brick building containing seven units and associated common areas. The project will involve the removal of the existing house on the property. A vicinity map of the property is provided for information (*Attachment C*).

Materials submitted by the applicant and his agent, Jim Spencer Architect, include a brief project narrative, the petition for change of zoning with answers to the four-part question seven addressing consistency with the comprehensive plan (*Attachment D*), site plans and building elevations (*Attachment E*). The applicants held a neighborhood information meeting on April 27, 2022 (*Attachment F*), a pre-application requirement.

A draft rezoning ordinance has been provided with a draft list of conditions (*Attachment B*). It is anticipated that the conditions will be modified during the joint review and public hearing process. The final list of conditions must be mutually agreed upon by the Town and the applicants. Should the Council approve the rezoning, the applicant would follow with an application for a Special Use Permit-B.

The Town Council must receive public comment before acting on a map amendment. Excerpts from the Land

Use Ordinance include Article IX, Zoning Districts, and Article XX, Amendments: Section 15-322 of Article XX describes the role of the Planning Board and other advisory boards in reviewing amendments (*Attachment G*). Responses to the pocket questions relating to the amendment process have been provided (*Attachment H*). A report on the specifics of the project will be provided as part of the public hearing materials.

A resolution is provided for the Town Council to set a public hearing for May 21, 2024. Once comments have been received and discussion has occurred, the Town Council would proceed with considering action on the requested map amendment.

**Action on the resolution of consistency is needed first, followed by action on the ordinance.**

**FISCAL IMPACT:** The petitioner has submitted materials and fees, as applicable for reviewing and processing these requests, including providing envelopes to the mailed notice for the rezoning. Staff time will be necessary for public notice and agenda preparation for advisory board review and public hearings.

**RECOMMENDATION:** Staff recommends that the Town Council consider (*Attachment A*) - setting a public hearing for the map amendment and referring the petition for change of zoning to the Planning Board and other advisory boards as appropriate.

**..end**

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CONDITIONAL  
DISTRICT REZONING AT 400 NORTH GREENSBORO STREET

**WHEREAS** the Carrboro Town Council seeks to provide ample opportunities for the public to comment on proposed projects; and

**WHEREAS** an application has been received for a Conditional District Rezoning for the property located at 400 North Greensboro Street; and

**WHEREAS** the application includes a petition to rezone a single parcel of property that may be identified by Orange County PIN Number (9778-87-6328) from CT to B-1G, Conditional.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Town Council that the Council call a public hearing on May 21, 2024, to discuss the rezoning petition.

**BE IT FURTHER RESOLVED** that the rezoning petition is referred to the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

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

This is the 9<sup>th</sup> day of April in the year 2024.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE  
APPROXIMATELY 0.37 ACRES OF PROPERTY KNOWN AS 400 NORTH  
GREENSBORO STREET FROM CT (CORPORATE TOWN) TO B-1G-CZ (GENERAL  
BUSINESS, CONDITIONAL)

\*\*Draft 03-22-2024\*\*

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That the property being described on Orange County Tax Maps as Chapel Hill Township, 400 North Greensboro Street (PIN 9778-87-6328) encompassing approximately 0.37 acres as shown on the accompanying map titled “Rezoning Exhibit CT to B-1G-CZ” is hereby rezoned from CT (Corporate Town) to B-1G-CZ (General Business, Conditional) subject to the following conditions:

1. The Concept Plan labeled “\_\_\_\_\_ – 400 North Greensboro Street Conditional Rezoning,” dated \_\_\_\_\_ is approved and incorporated herein to indicate all potential land uses, the general location of the building and parking areas, vehicular and bicycle-pedestrian access points, stormwater management features, areas of preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a special use permit is requested for the development. Those features and issues include, but are not necessarily limited to, the location of EV charging stations, open space and recreation facilities, sidewalk facilities along North Greensboro Street, and all other elements necessary to determine compliance with the Land Use Ordinance.
2. The residential density of the project shall be capped at a maximum of seven (7) dwelling units, comprising of use classifications 1.331 (multi-family apartments with maximum 20% units with > 3 bedrooms/du) and 1.332 (multi-family apartments with no bedroom limits).
3. The project shall contain features that exceed the Town’s standards for at least three of the following provisions: water conservation, energy conservation, on-site energy production, provisions for affordable housing, alternate transportation, and provisions for public art/outdoor amenities and stormwater management that exceeds the Town’s standards.
4. The applicant shall provide a payment in lieu of providing 15% affordable housing units for the project.
5. The project shall include the components necessary for EV vehicle charging and E-bike charging; at least 50% of bicycle parking shall be covered.
6. The applicant will commit to never enclosing the rooftop pergola.
7. The applicant shall agree to dedicate additional right-of-way to Parker Street; consideration of the installation of a sidewalk along Parker Street shall be deferred to the special use permit process.

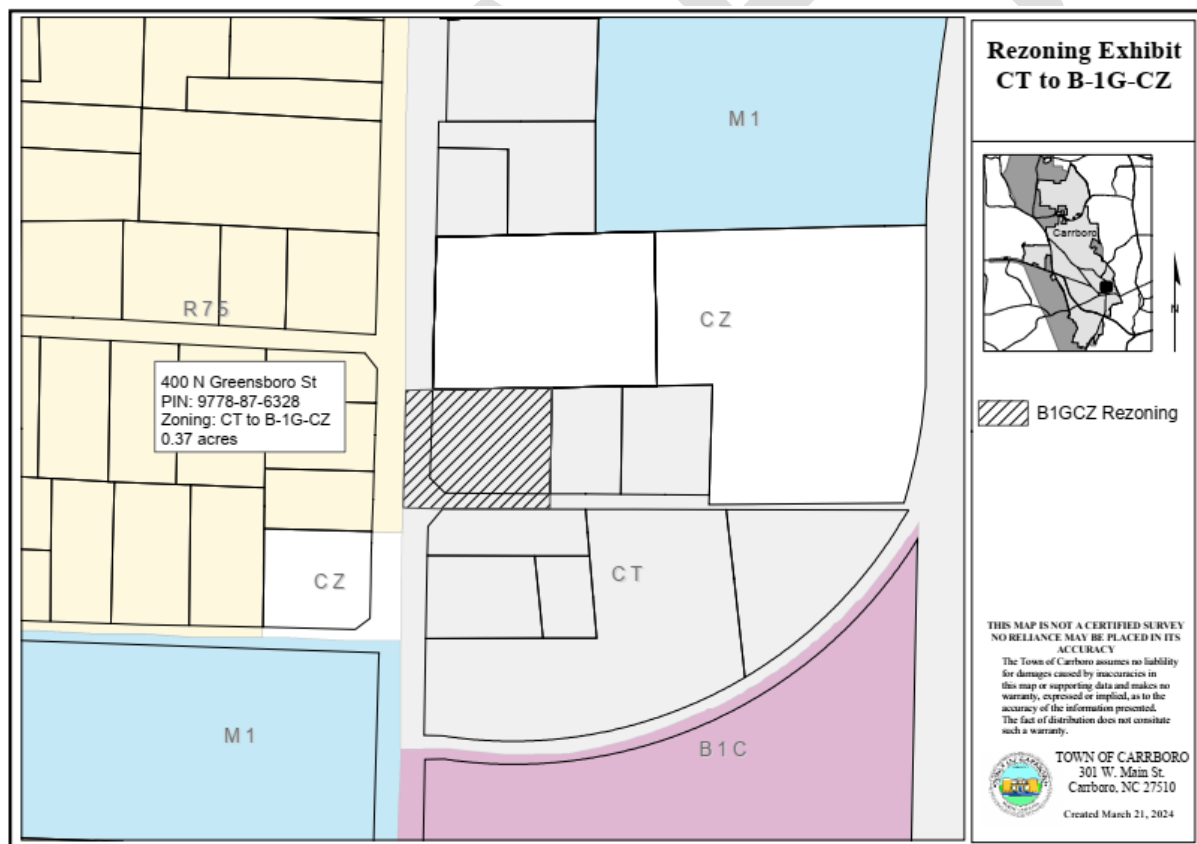
SECTION 2. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this \_\_\_\_ day of \_\_\_\_\_ 2024:

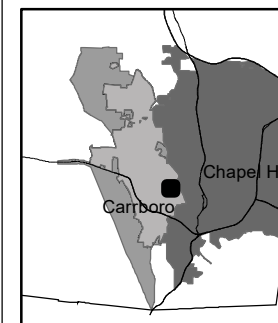
AYES:

NOTES:

ABSENT OR EXCUSED:



# Proposed B-1G-CZ Rezoning



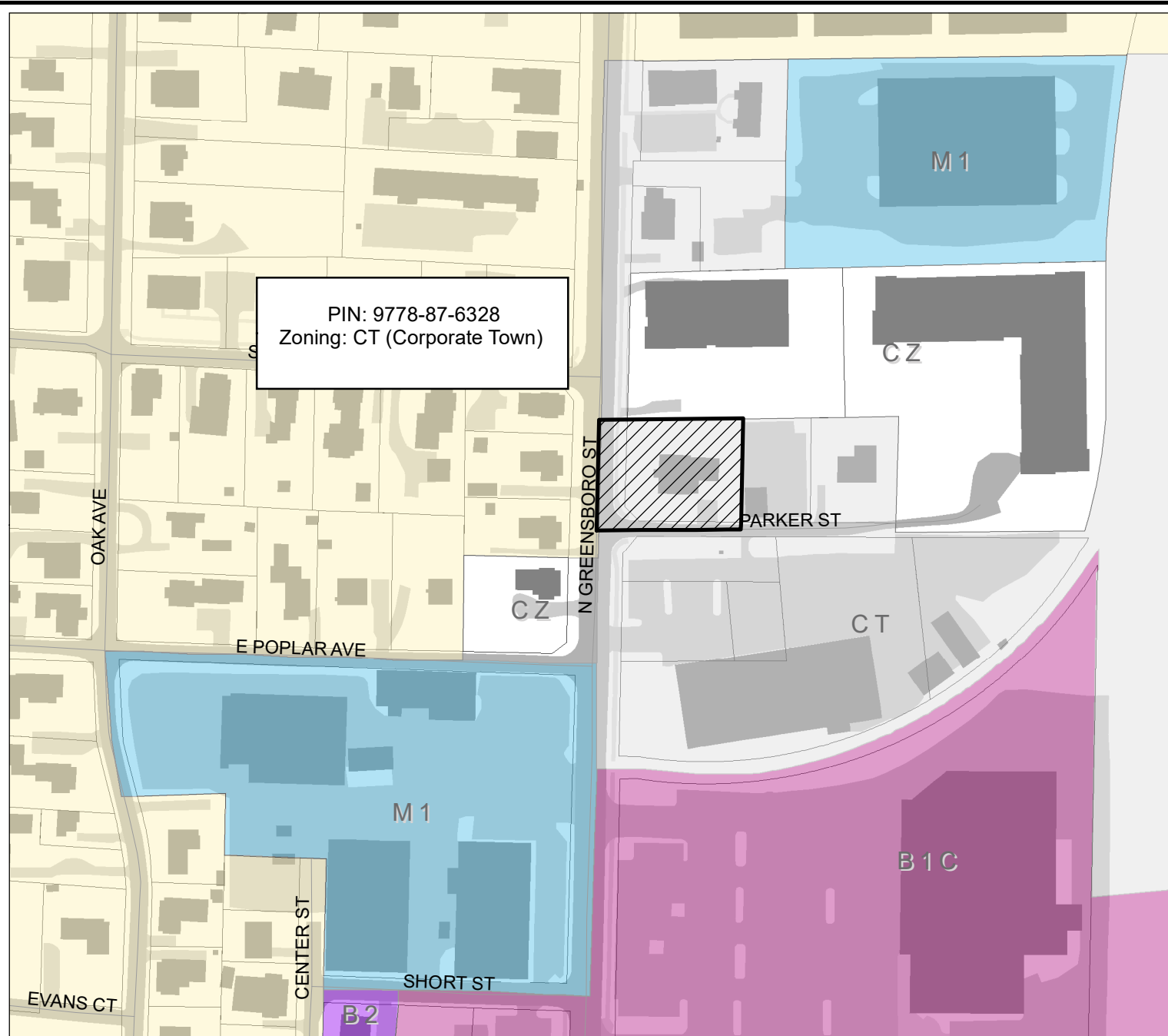
**THIS MAP IS NOT A CERTIFIED SURVEY  
NO RELIANCE MAY BE PLACED IN ITS  
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



**TOWN OF CARRBORO**  
301 W. Main St.  
Carrboro, NC 27510

Created Sep. 15, 2023







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

August 31, 2023

## **Conditional Zoning Submittal Narrative/Potential Conditions**

### **Summary**

Sam Mitchell and partners propose a conditional rezoning and construction of a new building on the lot at 400 North Greensboro Street in Carrboro. The existing zoning is CT, with adjacent zoning lots of CT, B1-G CZ, and R75. The proposed building is a multifamily owner-occupied three-story building with minimal on-site parking to its rear (east) and other exterior improvements. We have listed below specific categories related to the proposed rezoning and our approach to each. Please also find attached the Owner's answers to Question 7 of the rezoning petition application. Thank you for your consideration and we look forward to moving this project forward.

### **Zoning**

After discussions with town staff, this application proposes rezoning the lot from CT to B-1-G CZ. This zone fits with the town's new comprehensive plan goals of increased density and mixed residential and commercial projects downtown.

### **Appendix I – Storm Water Control**

It is likely that no storm water on site treatment would be required for the parcel is the net increase in impervious is less than 5,000 square feet. However, it has been discussed with staff and the owners are committed to some on-site storm water control measures. Our current proposal is for a combination of pervious pavers and on-site rain garden features. Details will follow, but our commitment is that the project will detain the post-development runoff to the pre-development runoff levels for the 25-year storm.

### **Table 15-178 and Appendix D – Parking**

B-1-G presumptive, 1.330 apartments 1.5 per unit; ground level retail or convertible space 8.100 – 1 per 100 square feet

We anticipate a potential change in the minimum parking standards for the town during this process. However, the owners would like to minimize their parking on site regardless of the presumptive requirements. The current proposal is for eleven parking spaces (ten regular plus one accessible).

**15-178 – Downtown Architectural Standards**

Rezoning to B1-G CZ would require compliance or alternate approval. The current proposal would meet these requirements.

Primary Entry articulated by recess or awning; Glazing primary façade 60% ground, 40% overall; 20% shade free area; parking area shading/shielding; maximum 45' building bay articulation; exterior materials exclusions.

**15-181 – Lot Size**

The proposed building/lot meets this requirement, the site is approximately 15,955 square feet. B1-G CZ requires 3,000 sf for residential, otherwise no limit)

**15-182 – Density/Unit Count**

The current lot (if rezoned to B1-G CZ supports 5 units at the roughly 16,000 square feet on the lot. The proposal is for seven (7) units. We plan to meet the requirements of section 15-141.4 (k) to achieve this higher density. Current plans call for meeting the provisions of at least three of:

- ~ Storm water management
- ~ Water conservation
- ~ Energy conservation
- ~ On site energy production
- ~ Provisions for affordable housing
- ~ Alternate transportation
- ~ Provisions for public art/outdoor amenities

Details will be presented during the rezoning and SUP processes.

**15-182.4 – Affordable Units**

Owners plan to offer a payment in lieu for affordable housing due to small unit count.

**15-183 – Lot width**

B1-G no minimum required

**15-184 – Setbacks**

Current proposal will meet requirements of this section.

B1-G – none required except for street (30' from street center line)

**15-185 – Height**

Proposal will meet requirements of this section.

B1-G– lot is adjacent to N. Greensboro (over 50' ROW) and Parker Street (16' ROW).

**15-185.1 – Downtown Neighborhood Protection Overlay (DNP)**

Proposal will meet the requirements of this section.

DNP buffer, but lot is not adjacent to residential except across the street. Review Article XII on this and setbacks. Front façade has 10' setback at two stories to meet this requirement.

### **Service Area**

Proposal is to use roll-out type recycling and refuse containers.

### **Article XIX – Tree Canopy/Screening/Landscaping**

Proposal will meet the requirements of this section, or will propose alternate compliance if street or other site trees must be removed due to construction activities. These are being reviewed by an arborist.

15% tree canopy required

Screening – may ask for some relief due to safety/openness of this urban location.

*Note: current landscaping on site plan is illustrative only. We are having existing site trees reviewed by an arborist and landscaping designed by David Swanson.*

### **Lighting/ Light Spill/ Performance Standards**

To be addressed in SUP process, plan is to meet standards.

### **Recreation Amenities/Open Space requirements**

Will meet requirements of Downtown Architectural Standards/amenities instead due to B-1-G CZ zoning.

Please let us know if you need additional information. We look forward to working through the approvals process on this exciting project for downtown Carrboro.

Regards,

A handwritten signature in black ink, appearing to read "Jim Spencer", followed by three vertical lines.

Jim Spencer, AIA, LEED BD+C  
Jim Spencer Architects, PA

# PETITION FOR CHANGE OF ZONING



Jim Spencer, AIA  
Jim Spencer Architects, PA

8.31.2023

**The Petitioner named above respectfully requests the Town Council of the Town of Carrboro to rezone the below-described property from CT to B-1-G C7 zoning classification. The Petitioner furthermore submits the following information in support of this petition.**

1. PETITIONER'S NAME Jim Spencer  
ADDRESS: PO Box 385, Carrboro, NC 27510  
TELEPHONE #:(919 ) 593-4150
2. INTEREST IN PROPERTY(IES):  
Architect/Petitioner for property owner  
\_\_\_\_\_
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS : 400 North Greensboro Street, at northeast corner of North Greensboro and Parker Streets in Carrboro.  
\_\_\_\_\_
4. DESCRIPTION OF INDIVIDUAL LOT SOUGHT TO BE REZONED:
- a. OWNER: Bison Lodge, LLC (Sam Mitchell, owner's representative)  
TAX MAP: PIN: 9778876328 BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE: .37 ac PARCEL: \_\_\_\_\_  
SUBDIVISION NAME: 1001 CHCOMM FRONTAGE: 107.95' DEPTH : 146.09'/147.4'  
EXISTING STRUCTURES AND USES:  
Vacant residence  
\_\_\_\_\_
- b. OWNER: \_\_\_\_\_  
TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE: \_\_\_\_\_ PARCEL: \_\_\_\_\_  
SUBDIVISION NAME: \_\_\_\_\_ FRONTAGE: \_\_\_\_\_ DEPTH : \_\_\_\_\_

**EXISTING STRUCTURES AND USES:**

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**c. OWNER:** \_\_\_\_\_

**TAX MAP:** \_\_\_\_\_ **BLOCK:** \_\_\_\_\_ **LOT:** \_\_\_\_\_ **ACREAGE:** \_\_\_\_\_ **PARCEL:** \_\_\_\_\_

**SUBDIVISION NAME:** \_\_\_\_\_ **FRONTAGE:** \_\_\_\_\_ **DEPTH:** \_\_\_\_\_

**EXISTING STRUCTURES AND USES:**

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**d. OWNER:** \_\_\_\_\_

**TAX MAP:** \_\_\_\_\_ **BLOCK:** \_\_\_\_\_ **LOT:** \_\_\_\_\_ **ACREAGE:** \_\_\_\_\_ **PARCEL:** \_\_\_\_\_

**SUBDIVISION NAME:** \_\_\_\_\_ **FRONTAGE:** \_\_\_\_\_ **DEPTH:** \_\_\_\_\_

**EXISTING STRUCTURES AND USES:**

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5. **NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.**

NAME	ADDRESS
See attached list and map	

6. **HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES X NO**  
**IF "YES", WHEN? 6/20/2006 estimated**

7. **PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:**

- (a) **How do the potential uses in the new district classification relate to the existing character of the area?**

See attached narrative for each question

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- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

See attached narrative for each question

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- (c) How will the proposed rezoning affect the value of nearby buildings?

See attached narrative for each question

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- (d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

See attached narrative for each question

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WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 31st DAY OF August, 20 23.

PETITIONER'S SIGNATURE:  

### PLEASE NOTE:

For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.



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

**Revised 3.21.24**  
**Conditional Rezoning Petition Application**  
**400 North Greensboro Street, Carrboro, North Carolina 27510**

**7). PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:**

**(a) How do the potential uses in the new district classification relate to the existing character of the area?**

Increased residential density on the property at 400 North Greensboro would align its use more closely with the intensity of use on neighboring properties. To the South are bustling commercial properties including Southern States, Harris Teeter, Carr Mill and Fitch Lumber, all of which are housed in large-scale buildings. Immediately to the North of the property is Shelton Station, a mixed-use development that includes a substantial mid-rise apartment building. A small apartment building, which the B-1-G CZ designation would allow, is a fitting use in the context of those neighboring properties.

This would be consistent with the development strategy stated in the new Carrboro Connects Comprehensive Plan which asks to "identify and consider additional density, where appropriate, to allow for housing or mixed-use development along N. Greensboro St." 400 North Greensboro is a property that is ideally located for greater density.

**b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?**

The property is situated at the northern end of a busy section of North Greensboro Street bracketed by larger buildings including The 203 Project to the South and Shelton Station to the North. 400 North Greensboro is a lot that is like a "missing tooth" in that area of greater density. At the same time, 400 North Greensboro is across the street from residential properties and at the northern edge of the area where Downtown Carrboro becomes decidedly more residential. Currently the site is occupied by a one-story, vacant single-family residence that is somewhat out of place amongst its larger neighbors. A multi-family building as allowed by the proposed B-1-G CZ zoning, could better match the massing of surrounding buildings and the use group with near neighbors.

A change of zone to B-1-G CZ would also fit with the Carrboro Connects Comprehensive Plan goal of promoting walkable, "15-minute neighborhoods". The additional residents of a multi-family residential building at 400 North Greensboro would contribute to the vibrancy of Downtown Carrboro.

**(c) How will the proposed rezoning affect the value of nearby buildings?**

The change of zoning to B-1-G CZ, which would allow for more smaller units, bringing more residents per acre to the property, will increase foot traffic to surrounding businesses. And, given that most of the nearby buildings hold commercial enterprises, more potential visitors to the businesses in those buildings should increase the value of those buildings. This is consistent with the goals of the Carrboro Connects Comprehensive Plan, which states:

“identify areas along key corridors in which a range of housing and economic development strategies can result in high-quality redevelopment opportunities that are walkable, transit-accessible, and near amenities such as parks, community services, and businesses.”

**(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?**

The Carrboro Connects Comprehensive Plan states the intention to “Use (zoning) Ordinance to identify opportunities to strategically support higher density levels in appropriate locations, and incentivize strategies that yield a higher number of residential units of smaller sizes”. As noted above, 400 North Greensboro is adjacent to and near other multi-family residential properties, and is a clear opportunity where B-1-G CZ rezoning would allow development a “higher number of residential units of smaller sizes” in a key location in Downtown Carrboro. This project fits closely the description of the goals of both the CT district and the B-1-G, to have more density in an attractive, complementary building. The rezoning of this site will simply provide more residential density per the goals of the new Carrboro Connects Comprehensive Plan.



# MITCHELL

400 N. GREENSBORO ST.  
CARRBORO, NC 27510


PIN: 9778876328



#	SECTION	EXISTING CT w/DNP OVERLAY	PROPOSED OPTIONS: B1-G, CRZ
	REGULATION		
15-146	PERMISSABLE USES	MULTI-FAMILY LIMITED TO ~14,375 SF	1.331; 1.332 (MF RES); FUTURE- 2.120; 3.110; 3.120; 3.220; 8.100; 8.200
15-178	DOWNTOWN ARCHITECTURAL STANDARDS	ARTICULATED ENTRIES GLAZING: 60% GROUND, 40% OVERALL, 20%	ARTICULATED ENTRIES GLAZING: 60% GROUND, 40% OVERALL, 20% SHADE FREE
15-181	LOT SIZE	40,000	3,000 SF RESIDENTIAL (OTHERWISE NO LIMIT)
15-182	RESIDENTIAL DENSITY	7,500	3,000
15-182.4	AFFORDABLE UNITS	15% COUNCIL GOAL	15% COUNCIL GOAL OR PAYEMENT IN LIEU
15-183	LOT WIDTH	100	NO MINIMUM
15-184	SETBACKS	(N/A WITH SURVEY EST. PROPERTY LINE) SRTEET ONLY, 30' CENTERLINE	(N/A WITH SURVEY EST. PROPERTY LINE) SRTEET ONLY, 30' CENTERLINE
15-185	BUILDING HEIGHT	(3) STORIES	ADJACENT TO N. GREENSBORO (OVER 50' ROW) & PARKER ST. (16' ROW) 3 STORIES
15-185.1	DNP BUFFER	BULDING LENGTH ALONG BOUNDARY <80% LOT OR 80' MAX	BULDING LENGTH ALONG BOUNDARY <80% LOT (86.4') OR 80' MAX, 10' STEP BACK FROM SECOND FLOOR FACADE
15-291	PARKING	2/DWELLING UNIT	1/BED, MAX 2/UNIT
	BICYCLE PARKING	1.5/UNIT	1.5/UNIT / 50% COVERED
15-250	SCREENING OF DUMPSTERS	REQUIRED IF CLEARLY VISIBLE	REQUIRED IF CLEARLY VISIBLE
15-308	SCREENING & TREES	"C" TYPE	(MULTI-FAMILY AS COMMERCIAL) = 15% CANOPY "C" TYPE
15-196	RECREATIONAL AREA POINTS		THIS ZONING REQUIRES DLA AND URBAN AMENITIES POINTS IN LIEU OF RA
15-198	OPEN SPACE		THIS ZONING REQUIRES DLA AND URBAN AMENITIES POINTS IN LIEU OF RA

NOTE REGARDING PARKING:  
APPLICANT ACKNOWLEDGES THAT FUTURE  
USE OF PORTIONS OF THE PROPERTY USED  
FOR COMMERCIAL USE WOULD REQUIRE  
COMPLIANCE WITH THE TOWN OF CARRBORO  
LAND USE ORDINANCE

SHEET LIST	
TITLE	#
COVER SHEET	CVR
EXISTING SURVEY	EC1
SITE LAYOUT PLAN	C3.1
GRADING & DRAINAGE	C3.2
UTILITY PLAN	C6.1
FLOOR PLATES	A1
ELEVATIONS	A2
PERSPECTIVES	A3
STRUCTURAL (RESERVED)	S
MECHANICAL (RESERVED)	M
PLUMBING (RESERVED)	P
ELECTRICAL (RESERVED)	E
FIRE ALARM (RESERVED)	FA



**JIM SPENCER ARCHITECTS, PA**

109-A BREWER LANE  
CARRBORO, NC 27510

919.960.6690  
JSPENCERJSA@GMAIL.COM

**OWNER**

MITCHELL

SAM MITCHELL  
BISON LODGE, LLC  
50 ELM STREET, SECOND FLOOR  
NEW HAVEN, CT 06510

sam@mitchellstudio.net  
203-668-7746

**STRUCTURAL ENGINEER**

JAMES CZAR, PE  
SARMIRAN, PLLC  
PO BOX 1378  
HILLSBOROUGH, NC 27278

jczar@sarmiran.com  
919-880-9492

**MEP**

NAME  
ADDRESS  
PHONE  
EMAIL

**SITE & CIVIL**

MICHAEL FIOCCO  
CIVIL CONSULTANTS, INC  
3708 LYCKAN PARKWAY, SUITE 201  
DURHAM, NC 27707

michael.fiocco@civil-consultants.com  
919-599-6696

**GENERAL CONTRACTOR**

NAME  
ADDRESS  
PHONE  
EMAIL

**CONDITIONAL  
REZONING  
APPLICATION**

DATE: 2ND REVISION 2024.03.21









JIM SPENCER ARCHITECTS, PA

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919.960.6680  
SPENCERJSA@GMAIL.COM

MITCHELL

400 N. GREENSBORO ST.  
CARRBORO, NC 27510

IN: 9778876328

# CONDITIONAL REZONING APPLICATION

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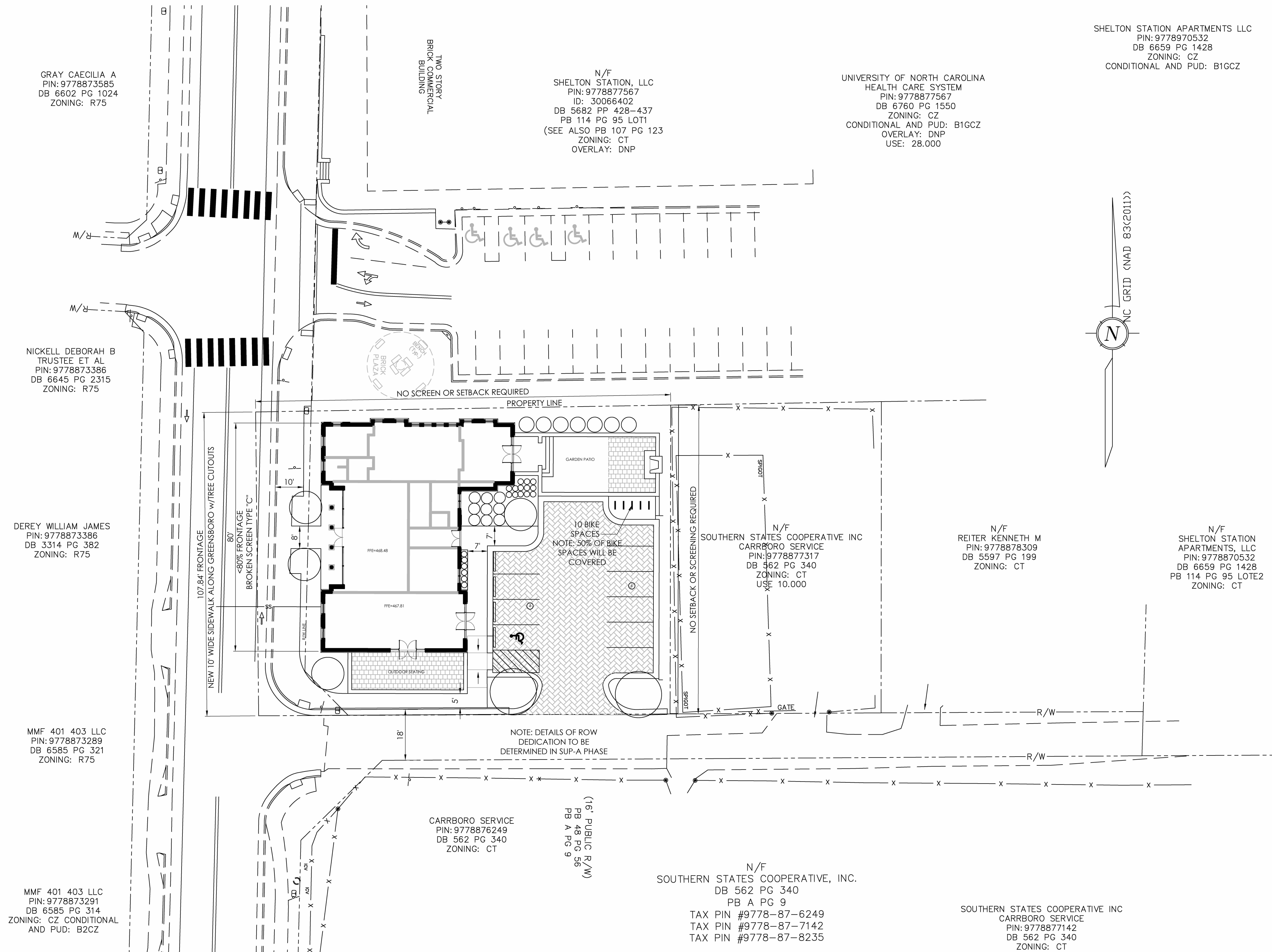
DATE: 2024.03.20

DRAWN BY: CIVIL/JSA

CHECKED BY: JSA

## SITE LAYOUT PLAN

## C3.1



① SITE PLAN  
1" = 20'-0"

**400 GREENSBORO STREET**  
CARRBORO, NORTH CAROLINA  
**GRADING & DRAINAGE PLAN**

REV.	DATE	DESCRIPTION
1ST REVISION	2023.12.07	TOWN OF CARRBORO COMMENTS 1
2ND REVISION	2024.03.20	TOWN OF CARRBORO COMMENTS 2
DATE:	AUGUST 31, 2023	

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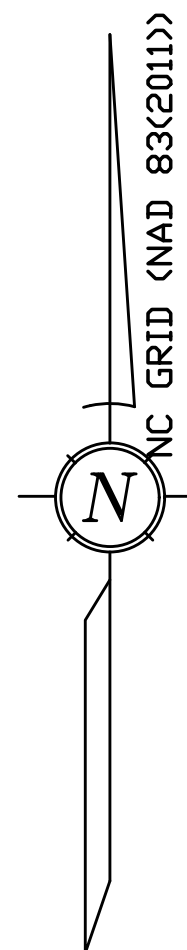
SHEET NO.

**C3.2**

SHELTON STATION APARTMENTS LLC  
PIN: 9778970532  
DB 6659 PG 1428  
ZONING: CZ  
CONDITIONAL AND PUD: B1GCZ

UNIVERSITY OF NORTH CAROLINA  
HEALTH CARE SYSTEM  
PIN: 9778877567  
DB 6760 PG 1550  
ZONING: CZ  
CONDITIONAL AND PUD: B1GCZ  
OVERLAY: DNP  
USE: 28.000

N/F  
SHELTON STATION, LLC  
PIN: 9778877567  
ID: 30066402  
DB 5682 PP 428-437  
PB 114 PG 95 LOT1  
(SEE ALSO PB 107 PG 123  
ZONING: CT  
OVERLAY: DNP

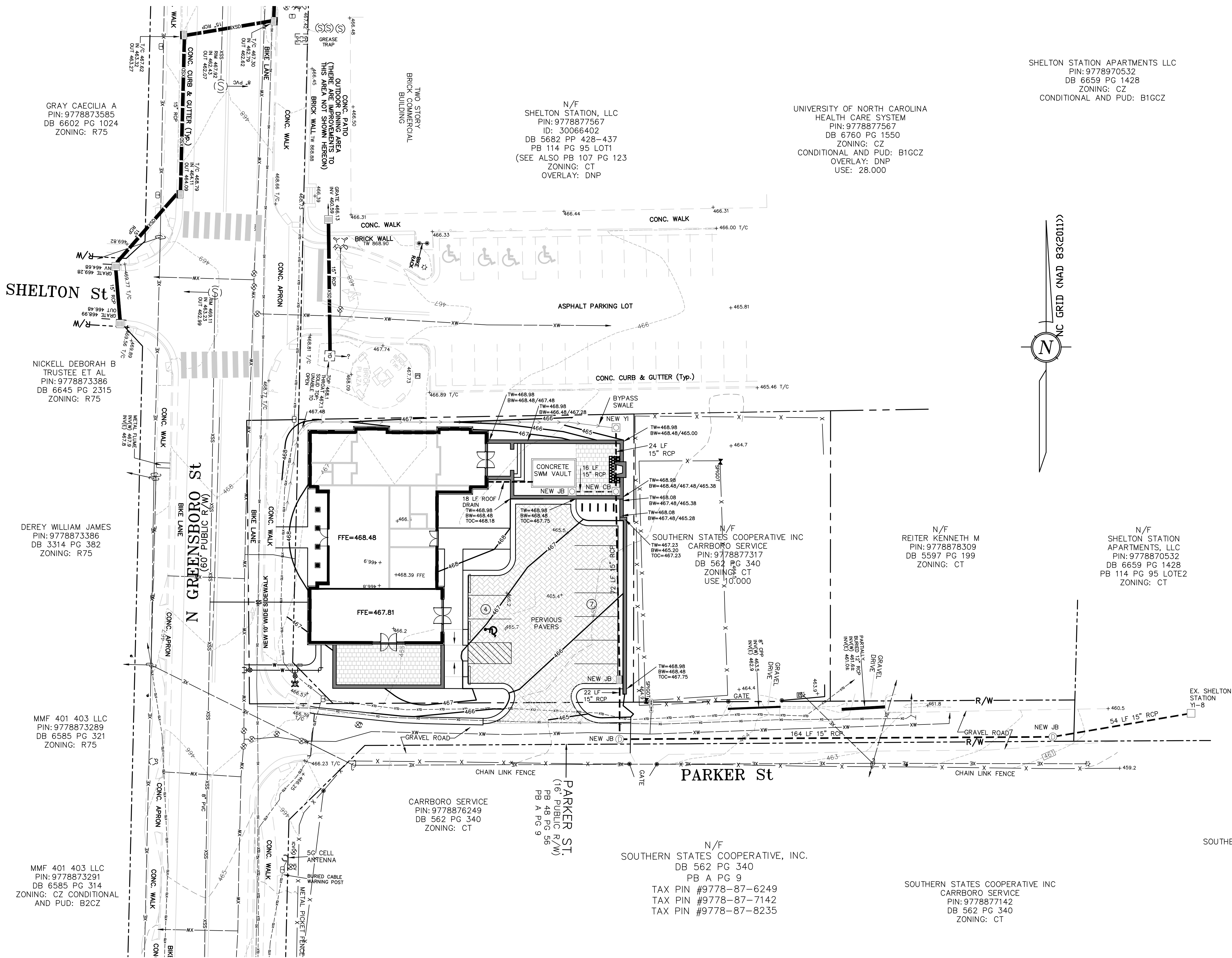
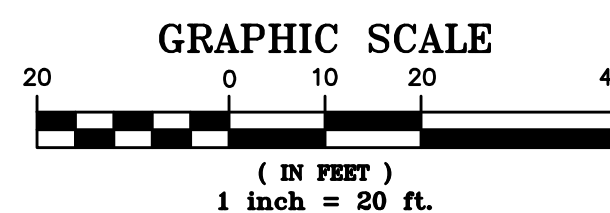


NOTE FOR CONDITIONAL ZONING APPLICATION:  
THIS PLAN IS ILLUSTRATIVE OF THE GRADING AND DRAINAGE FOR THE SITE - IT DOES NOT REFLECT THE FINAL CONFIGURATION OF THE PARKER STREET ENTRY AND PARKING - SEE SHEET C3.1 FOR SITE PLAN

**CONDITIONAL ZONING  
DRAWING SET**



Know what's below.  
Call before you dig.  
(Or call: 1-800-632-4949)



SOUTHERN STATES COOPERATIVE INC  
CARRBORO SERVICE  
PIN: 9778879235  
DB 562 PG 340  
ZONING: CT

SOUTHERN STATES COOPERATIVE INC  
CARRBORO SERVICE  
PIN: 9778877142  
DB 562 PG 340  
ZONING: CT

N/F  
SOUTHERN STATES COOPERATIVE, INC.  
DB 562 PG 340  
PB A PG 9  
TAX PIN #9778-87-6249  
TAX PIN #9778-87-7142  
TAX PIN #9778-87-8235

CARRBORO SERVICE  
PIN: 9778876249  
DB 562 PG 340  
ZONING: CT

PARKER ST.  
(16' PUBLIC R/W)  
PB A PG 9

N/F  
SHELTON STATION APARTMENTS, LLC  
PIN: 9778878309  
DB 5597 PG 199  
ZONING: CT

N/F  
REITER KENNETH M  
PIN: 9778878309  
DB 5597 PG 199  
ZONING: CT

N/F  
SOUTHERN STATES COOPERATIVE INC  
CARRBORO SERVICE  
PIN: 9778877317  
DB 562 PG 340  
ZONING: CT  
USE 10'000

FFE=468.48  
FFE=467.81  
4468.39 FFE  
18 LF ROOF DRAIN  
TW=468.98  
BW=468.48  
TOC=468.18  
18 LF 15" RCP  
TW=468.98  
BW=468.48  
TOC=467.75  
CONCRETE SWM VAULT  
NEW Y1  
NEW Y2  
NEW Y3  
NEW Y4  
NEW Y5  
NEW Y6  
NEW Y7  
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NEW Y98  
NEW Y99  
NEW Y100

GRAY CAECILIA A  
PIN: 9778873585  
DB 6602 PG 1024  
ZONING: R75

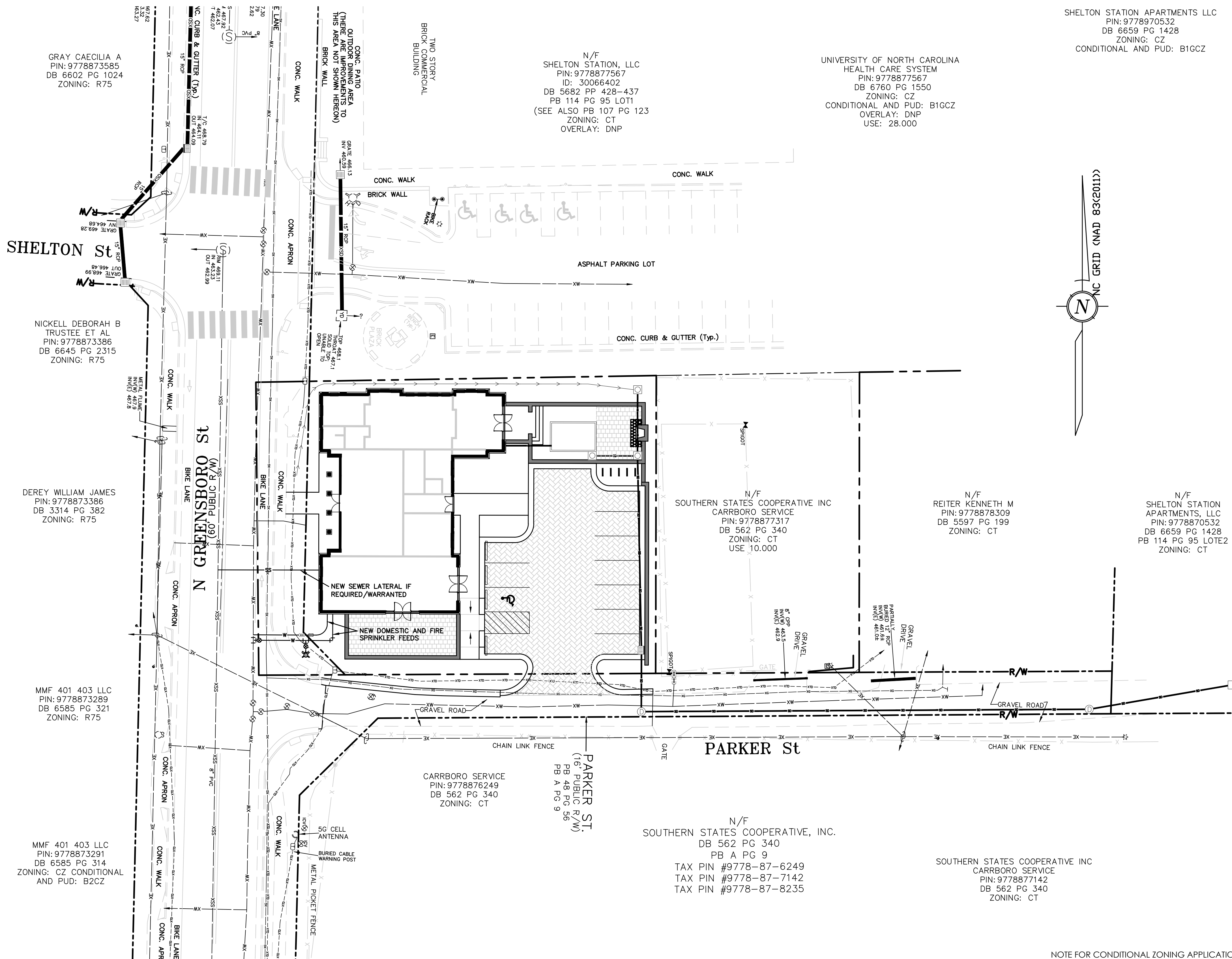
NICKELL DEBORAH B  
TRUSTEE ET AL  
PIN: 9778873386  
DB 6645 PG 2315  
ZONING: R75

DEREY WILLIAM JAMES  
PIN: 9778873386  
DB 3314 PG 382  
ZONING: R75

MMF 401 403 LLC  
PIN: 9778873289  
DB 6585 PG 321  
ZONING: R75

MMF 401 403 LLC  
PIN: 9778873291  
DB 6585 PG 314  
ZONING: CZ CONDITIONAL  
AND PUD: B2CZ





SHELTON STATION APARTMENTS LLC  
PIN: 9778970532  
DB 6659 PG 1428  
ZONING: CZ  
CONDITIONAL AND PUD: B1GCZ

N/F  
SHELTON STATION, LLC  
PIN: 9778877567  
ID: 30066402  
DB 5682 PP 428-437  
PB 114 PG 95 LOT1  
(SEE ALSO PB 107 PG 123  
ZONING: CT  
OVERLAY: DNP

UNIVERSITY OF NORTH CAROLINA  
HEALTH CARE SYSTEM  
PIN: 9778877567  
DB 6760 PG 1550  
ZONING: CZ  
CONDITIONAL AND PUD: B1GCZ  
OVERLAY: DNP  
USE: 28.000

N/F  
SOUTHERN STATES COOPERATIVE INC  
CARRBORO SERVICE  
PIN: 9778877317  
DB 562 PG 340  
ZONING: CT  
USE 10.000

N/F  
REITER KENNETH M  
PIN: 9778878309  
DB 5597 PG 199  
ZONING: CT

N/F  
SHELTON STATION  
APARTMENTS, LLC  
PIN: 9778870532  
DB 6659 PG 1428  
PB 114 PG 95 LOTE2  
ZONING: CT

CARRBORO SERVICE  
PIN: 9778876249  
DB 562 PG 340  
ZONING: CT

N/F  
SOUTHERN STATES COOPERATIVE, INC.  
DB 562 PG 340  
PB A PG 9  
TAX PIN #9778-87-6249  
TAX PIN #9778-87-7142  
TAX PIN #9778-87-8235

SOUTHERN STATES COOPERATIVE INC  
CARRBORO SERVICE  
PIN: 9778877142  
DB 562 PG 340  
ZONING: CT

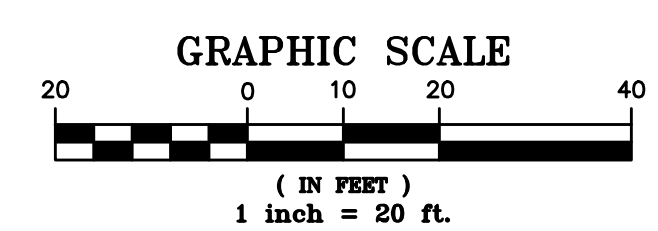
NOTE FOR CONDITIONAL ZONING APPLICATION ROUND 2:  
APPLICANT ACKNOWLEDGES THE FOLLOWING NOTES FROM  
OWASA REGARDING THE DEVELOPMENT:

1. EXISTING WATER LINE WILL BE IDENTIFIED ON THE FINAL UTILITY PLAN AND MUST BE ABANDONED AT THE MAIN. NEW WATER METER/VAULT MUST HAVE EASEMENT IF IN THE RIGHT-OF-WAY.
2. EXISTING SEWER LINE MUST BE CAMERED AND APPROVED FOR USE IF PROPOSED FOR NEW BUILDING. IF NEW SEWER IS PROPOSED, EXISTING SEWER MUST BE ABANDONED AT THE MAIN.

## CONDITIONAL ZONING DRAWING SET



Know what's below.  
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**civil consultants**  
LAND PLANNERS & CIVIL ENGINEERS  
WWW.CIVIL-CONSULTANTS.COM  
300 LUCKMAN PARKWAY • SUITE 201 • DURHAM, NC 27707  
919.486.1030  
LIC. #C-1030

## 400 NORTH GREENSBORO CARRBORO, NORTH CAROLINA UTILITY PLAN

REV.	DATE	DESCRIPTION
1ST REVISION	2023.12.07	TOWN OF CARRBORO COMMENTS 1
2ND REVISION	2024.03.20	TOWN OF CARRBORO COMMENTS 2
DATE:	AUGUST 31, 2023	

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SHEET NO.  
**C6.1**



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JSPENCERJSA@GMAIL.COM

MITCHELL

400 N. GREENSBORO ST.  
CARRBORO, NC 27510

PIN: 9778876328

CONDITIONAL  
REZONING  
APPLICATION

No.	Description	Date

DATE: 2023.08.21

DRAWN BY: JSA

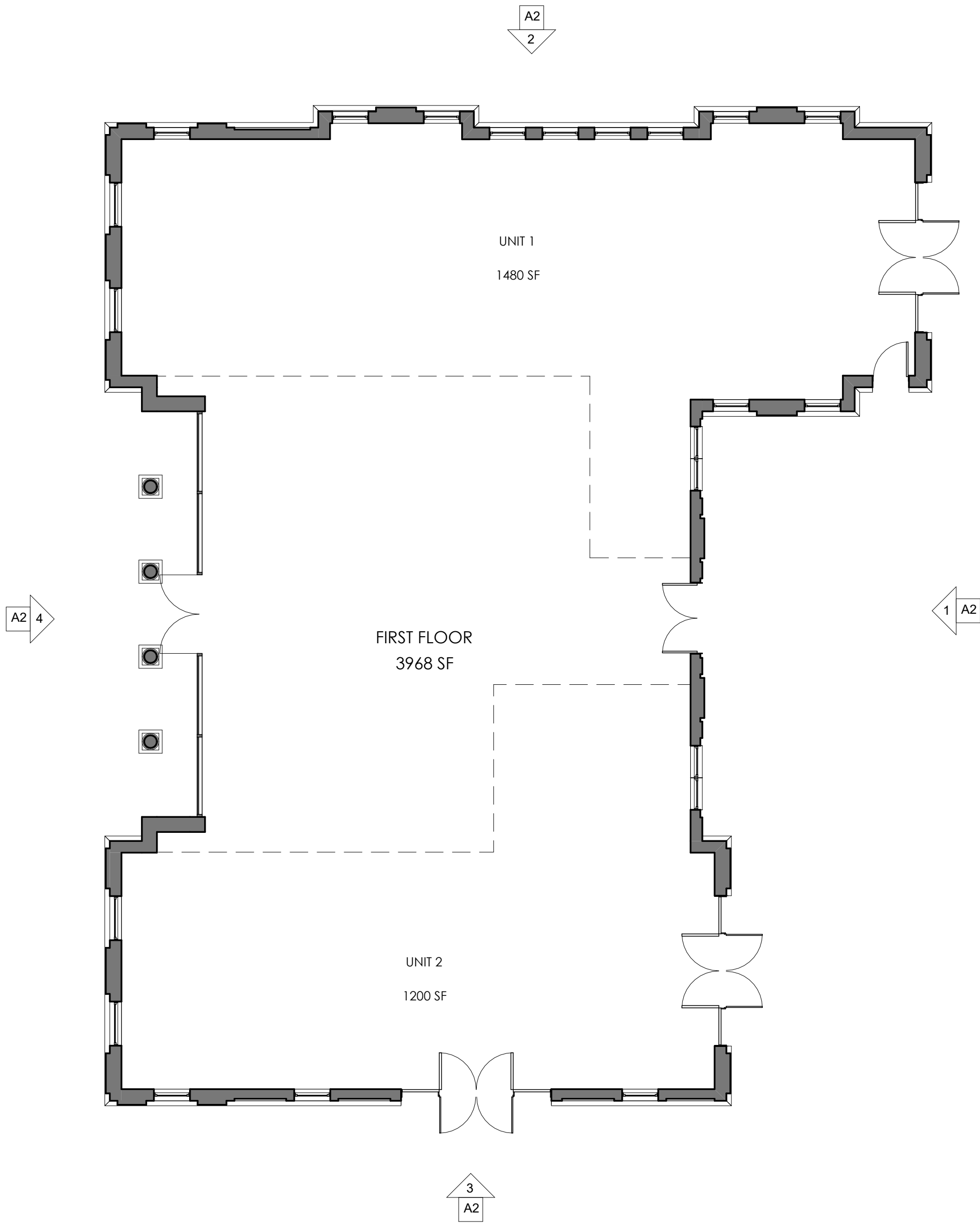
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1ST REVISION 2023.12.07

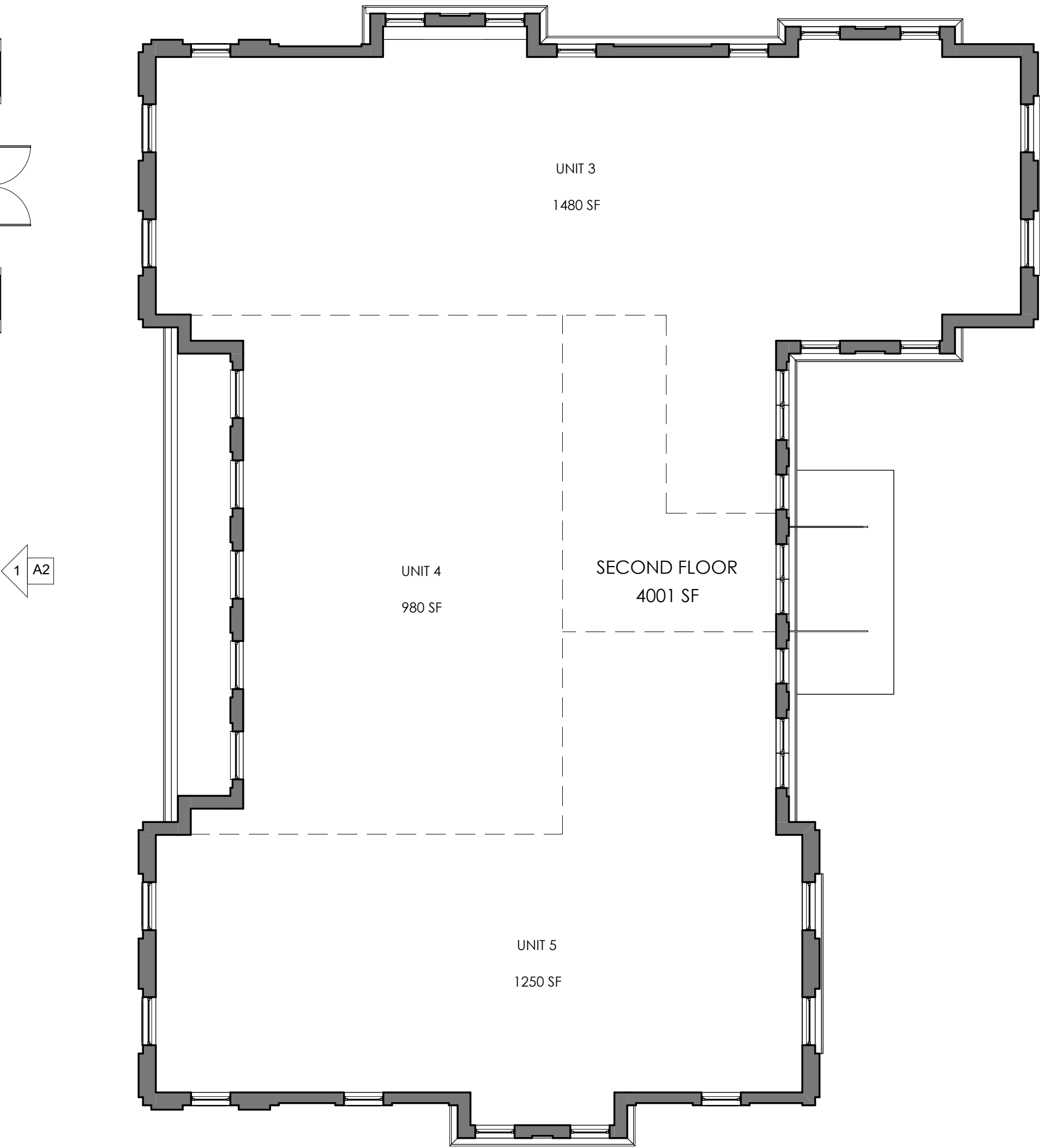
2ND REVISION 2024.03.20

FLOOR PLATES

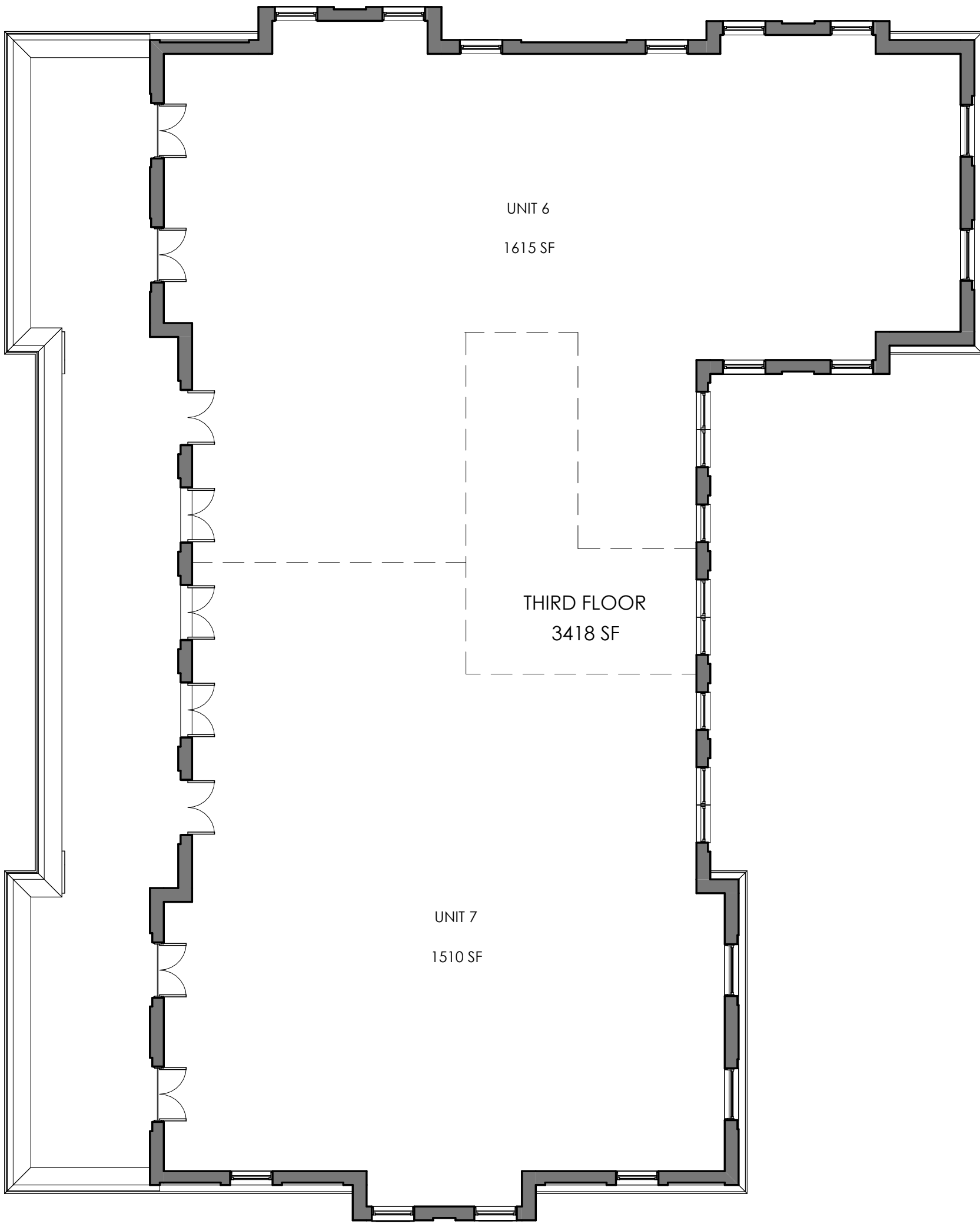
A1



1 FIRST FLOOR  
1/8" = 1'-0"



2 SECOND FLOOR  
1/8" = 1'-0"



3 THRID FLOOR  
1/8" = 1'-0"

INTERIOR AREA & UNITS BY LEVEL

LEVEL	AREA	UNITS
FIRST FLOOR	3,968 SF	2
SECOND FLOOR	4,001 SF	3
THIRD FLOOR	3,418 SF	2
TOTAL	11,387 SF	





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MITCHELL

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CARRBORO, NC 27510

PIN: 9778876328

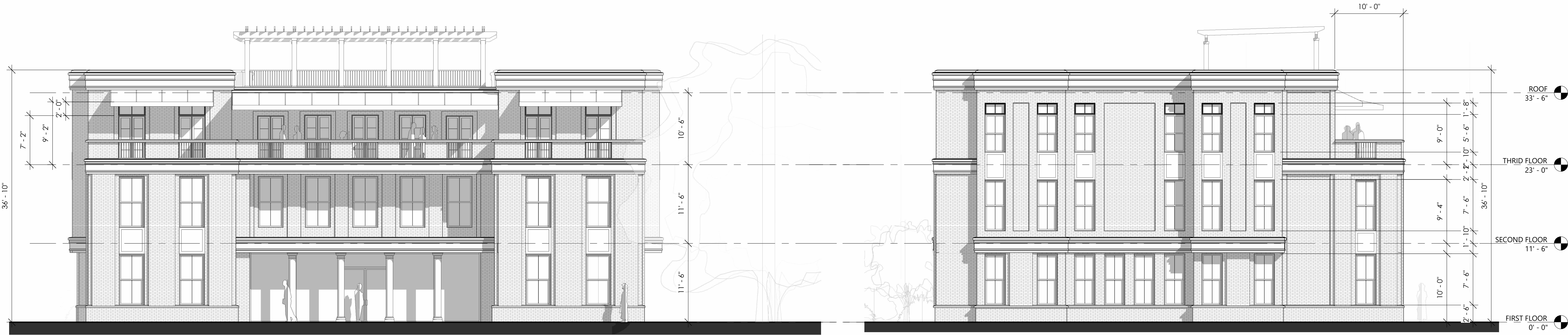
CONDITIONAL  
REZONING  
APPLICATION

No.	Description	Date

DATE:	2023.08.21
DRAWN BY:	JSA
CHECKED BY:	JCS
1ST REVISION	2023.12.07
2ND REVISION	2024.03.20

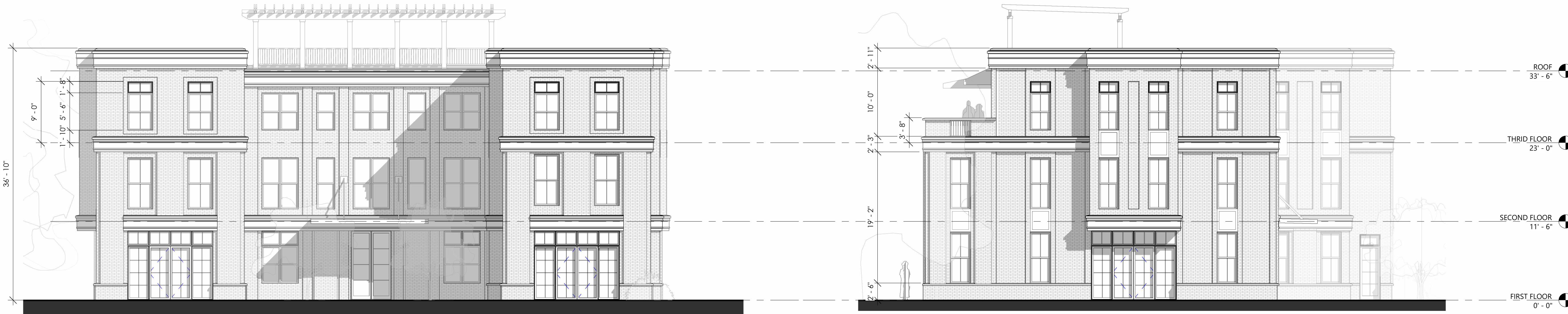
ELEVATIONS

A2



④ WEST ELEVATION  
1/8" = 1'-0"

② NORTH ELEVATION  
1/8" = 1'-0"



① EAST ELEVATION  
1/8" = 1'-0"

③ SOUTH ELEVATION  
1/8" = 1'-0"





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CARRBORO, NC 27510  
PIN: 9778876328

CONDITIONAL  
REZONING  
APPLICATION

No.	Description	Date

DATE: 2023.08.21  
DRAWN BY: J.SA  
CHECKED BY: Checker  
1ST REVISION 2023.12.07  
2ND REVISION 2024.03.20

PERSPECTIVES

A3



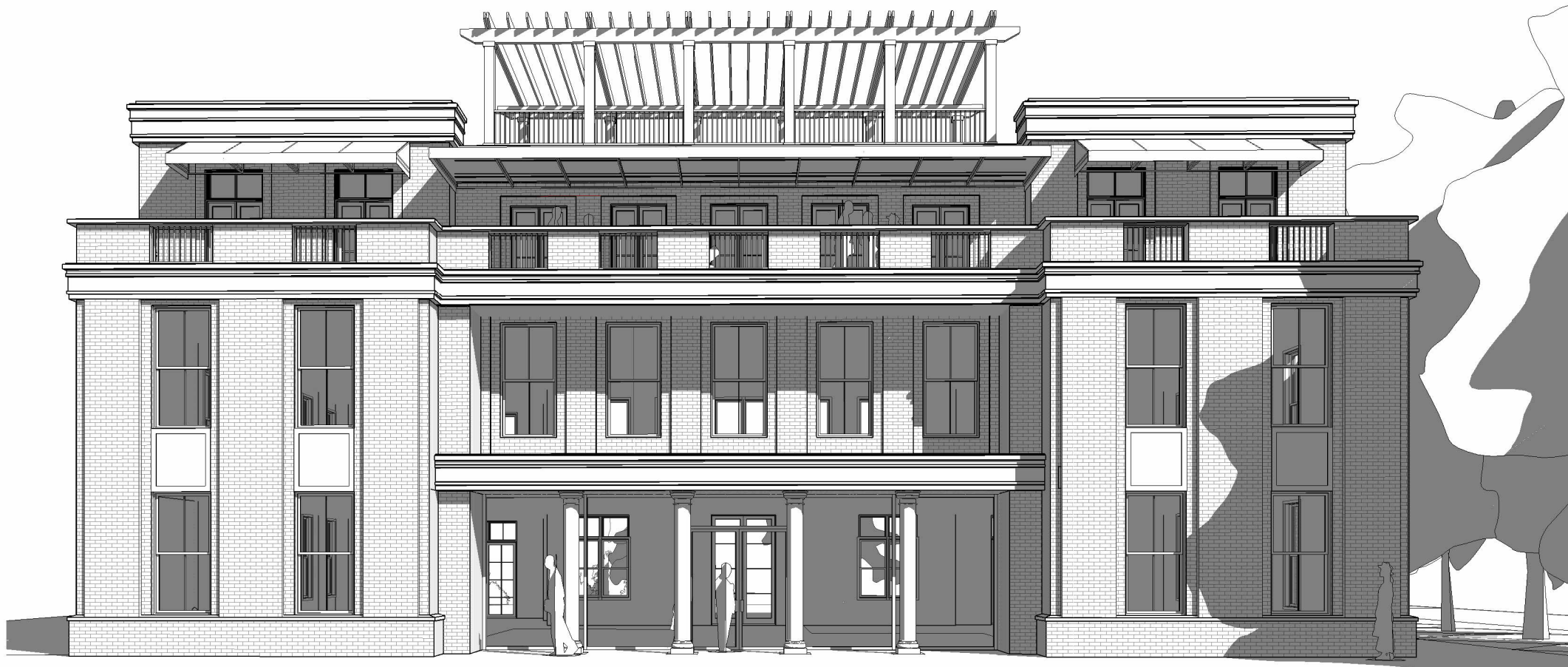
1 AERIAL



4 FRONT PERSPECTIVE



2 EAST ENTRANCE



3 FRONT FACADE



**NEIGHBORHOOD INFORMATION MEETING April 27, 2022 – PROPOSED REZONING FOR  
400 NORTH GREENSBORO STREET**

NAME **(PLEASE PRINT)**	ADDRESS, PHONE & EMAIL **(PLEASE PRINT)**
1. Carolyn Klamn	606 W Greensboro St, Unit A3 816-888-1521 cklamn55@gmail.com
2. Katie McIntyre	606 N Greensboro St Unit A3 660-734-4304
3. Nancy Lovas	506 N Greensboro St Apt 44 404 966 1948 nan.lov2010@gmail.com
4. Abby Cover	605 N Greensboro St. Apt 1 acover@unc.edu
5. David Margolis	430 N Greensboro #419
6. Susan Cohen	109 Shelton St. cleistes2000@yahoo.com
7.	
8.	
9.	
10.	
11.	
12.	
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20.	

## ARTICLE IX

### ZONING DISTRICTS AND ZONING MAP

#### PART I. ZONING DISTRICTS

##### **Section 15-135 Residential Districts Established.**

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **(AMENDED 5/12/81; 12/7/83; 2/4/86)**

(b) The WR (watershed residential) district is also established. All land within this district is located within the University Lake Watershed, and while this district is designed to achieve the objectives identified in subsection (a), it is also intended to protect the community water supply by allowing residential development of the land within the University Lake Watershed only at reduced density levels. **(AMENDED 12/7/83; 05/15/90)**

(c) The R-R (rural residential) district is designed to accommodate the residential and related uses as well as several additional uses that would be appropriate in the more sparsely populated areas of the town's joint planning transition area or extraterritorial planning area, but that would be inappropriate within the more intensively developed residential zones. **(AMENDED 11/14/88)**

(d) The R-S.I.R. (suitable for intensive residential) zone is designed (i) to encourage high density residential development that is compatible with the housing element of the town's Comprehensive Plan, and (ii) to locate this high density development in areas most suitable for it, thereby reducing pressure for growth in less desirable locations and reducing urban sprawl. Land in this zone is deemed especially suitable for intensive residential development because of (i) the availability of police, fire, and sanitation service at low marginal cost due to existing service patterns, (ii) the availability of public water and sewer service, (iii) the ample road system serving the area, (iv) the compatibility of existing development in the area with high density residential development, and (v) the compatibility of high density residential development with environmental concerns, especially water quality. Developers are encouraged to construct housing that is consistent with the town's housing objectives through density bonuses, as set forth in Section 15-182.1.

(e) The R-S.I.R.-2 zoning district is designed to serve essentially the same purposes as the R-S.I.R. zone, but the maximum density allowed in the R-S.I.R.-2 district is less than that permitted in the R-S.I.R. district (see Section 15-182.1). Except as otherwise specifically provided in this chapter, all regulations and standards applicable to the R-S.I.R. district are also applicable to the R-S.I.R.-2 district. **(AMENDED 11/10/81)**

(f) **REPEALED 12/7/83**

**Section 15-135.1 Conservation District. (AMENDED 12/7/83)**

There is hereby established a conservation (C) district. The purpose of this district is to protect the public health, safety, and welfare by severely restricting development within and adjacent to certain lakes, ponds, watercourses, streams, creeks, drainage areas, floodplains, wetlands, and other flood-prone areas within the University Lake Watershed. The limited development allowed within a conservation district not only minimizes the danger to the community water supply from the more intensive development of this land but also allows this land to act as a natural buffer between more intensively developed areas and the watercourses contained within a conservation district. (AMENDED 12/7/83)

**Section 15-136 Commercial Districts Established. (AMENDED 2/4/86; 5/28/02)**

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

- (1) **B-1(C) TOWN CENTER BUSINESS.** This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. (AMENDED 6/09/98)
- (2) **B-1(G) GENERAL BUSINESS.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. (AMENDED 12/08/92; 6/09/98; 6/20/06)
- (2.1) **(EAT) RESTAURANT DISTRICT OVERLAY.** This overlay district is designed to accommodate on-premises (inside and outside) dining 8.100 and 8.200 restaurant uses in the B-1(g) General Business district. Because of the B-1(g) district's close proximity to established residential single-family neighborhoods, the EAT overlay is restricted to properties a minimum distance of one property width from abutting residential zones and is limited in the types of night uses permitted. In addition, emphasis is given to the existing restrictions in the B-1(g) district and the ability of the permit-issuing authority to limit hours of operation where such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Use of property within the overlay district for 8.100 and 8.200 purposes shall require the issuance of a special use permit-A. (AMENDED 03/21/95)
- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and

proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: **(AMENDED 9/06/88; 6/20/06).**

- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
  - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
- (4) **B-3 NEIGHBORHOOD BUSINESS.** This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 3/7/2006)**
  - (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.
  - (6) **B-5 WATERSHED COMMERCIAL.** This district is designed to accommodate commercial uses within the University Lake Watershed area without adversely affecting the community water supply.
  - (7) **CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this

district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged. **(AMENDED 6/20/06)**

- (8) **B-3-T TRANSITION AREA BUSINESS.** This district is designed to accommodate commercial needs arising in the town's more rural neighborhoods, especially in the joint planning transition areas, and which are more appropriately dealt with at the neighborhood level than at a community or regional level. To insure compatibility between B-3-T areas and their associated rural neighborhoods, no B-3-T district shall be greater than five acres, and no areas shall be zoned B-3-T if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 11/14/88)**
- (9) **O OFFICE.** This district is intended to provide locations for low intensity office and institutional uses. This district is designed for parcels three (3) acres or less in size. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use. In order to assure compatibility of residential conversions or new office construction with existing and future residential development, specific performance measures to mitigate negative impacts of office development will be required. Any development within the Office (O) district shall comply with the following requirements:
- a. Type A screening will be required between any non-residential use and adjacent properties, except for openings necessary to allow pedestrian movement between the office or institutional use and adjacent properties;
  - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets, unless doing so would adversely affect adjoining residential properties;
  - c. Whenever a new building is erected in this district, (i) the exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood, or fabricated residential lap siding made of hardboard, vinyl, or aluminum); (ii) the pitch of the roof shall have a minimum vertical rise of one foot for every five feet of horizontal run; provided that this requirement shall not apply to lots that have frontage on any street where, within the same block as the property in question, at least 75% of the buildings (in place on April 16, 1991) that front along the same side of the street do not have roofs that comply with this pitched roof standard; and (iii) windows shall be of a type commonly used in single-family residences;

- d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 4/16/91)**
- (10) **O/A OFFICE/ASSEMBLY.** This district is intended to provide for office, administrative, professional, research, and specialized manufacturing (such as light assembly and processing) activities in close proximity to an arterial street. This district is intended to provide employment near residential areas; therefore, the required development standards are intended to be compatible to adjacent residential uses and provide a park-like setting for employment. It is strongly encouraged that development in the Office/Assembly zoning district be designed so that employees may easily utilize alternative forms of transportation (such riding buses, cycling or walking) to commute to their place of employment. Any development within the Office/Assembly (O/A) district shall comply with the following requirements: **(AMENDED 5/25/99; 5/28/02)**
- a. No area less than five contiguous acres may be zoned as an Office/Assembly district;
  - b. The performance standards (Article XI, Part I) applicable to 4.000 classification uses in business zones shall govern uses in an Office/Assembly zone;
  - c. As shown in Section 15-308, Table of Screening Requirements, screening will be required between non-residential uses in the Office/Assembly district and adjacent residential properties;
  - d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 4/16/91)**
  - e. Not more than 25 percent of the total building gross floor constructed within the proposed district may be used for uses permissible within this district that fall within the 2.000 classification.

- (11) **O/A CU OFFICE/ASSEMBLY CONDITIONAL USE.** **(REPEALED 6/22/21)**

**Section 15-136.1 Historic Rogers Road Districts Established.** **(AMENDED 6/18/2019; 2/9/21)**

- (a) The Historic Rogers Road districts, HR-R (residential) and HR-CC (community commercial), are established to implement the goals and recommendations of the *Mapping Our*

issued concurrently with the establishment of the district shall be deemed a valid 'special use permit-A.' (AMENDED 5/25/04; 4/28/15; 10/23/18 AMENDED)

**Section 15-141.4 Conditional Zoning Districts.** (AMENDED 5/27/08; REWRITTEN 6/22/21)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the conventional use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, O/A-CZ, M-1-CZ, M-2-CZ, M-3-CZ (AMENDED 4/27/10; 6/23/15; 10/23/18)

There may also be established a HR-CC-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to the provisions of subsections (k), (l), and (n), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the conventional use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (f) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). (AMENDED 10/23/18)

- (1) Property that is zoned B-4-CZ may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) 1 in addition to other uses permissible in the B-4 district, subject to a special use permit-A, and the following: (i) not more than 25% of the total land area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

*Art. IX ZONING DISTRICTS AND ZONING MAP*

- (2) Except as otherwise provided in this section, the uses that are permissible within a M-3-CZ district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zone M-1-CZ (i.e. excluding specific conditions made applicable to any property zoned M-1-CZ) with the addition of use 3.230.
- (3) Property that is zoned O/A-CZ shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in part I of Article XI), except as follows:
  - a. No area less than four contiguous acres and no more than a total of twenty-five (25) acres may be rezoned to the O/A-CZ.
  - b. Uses within the O/A-CZ district shall be limited to those where loading and unloading occurs during daylight hours only.
  - c. Buildings within the O/A-CZ district shall comply with the following standards:
    - 1. Exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood or fabricated residential lap siding made of hardboard or vinyl).
    - 2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
    - 3. Windows shall be of a scale and proportion typically of single-family residences.

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The rezoning petition for a VMU district, described in subsection 15-141.2(g)(1), shall include a master plan as a condition of the approval.  
**(AMENDED 10/25/16)**

(e) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height.  
**(AMENDED 10/25/16)**

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:



*Art. IX ZONING DISTRICTS AND ZONING MAP*

- a. Will not substantially injure the value of adjoining or abutting property; and
- b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
- c. Will be in general conformity with the Comprehensive Plan, Land Use Plan, long range transportation plans, and other plans officially adopted by the Council. **(AMENDED 3/22/16, 10/25/16)**

- (2) All relative provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d) and (f). **(AMENDED 10/25/16)**

(f) The specific conditions proposed by the petitioner or the Town may be modified by the planning staff, advisory boards or Town Council as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the Town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the requirements of this chapter, or the impacts reasonably expected to be generated by the development or use of the site.

(g) Except as allowed under minor modifications below, all changes to conditional zoning districts are major amendments and shall follow the same process as for the original approval as described in this section and in Article XX. Changes to conditional zoning districts may also require amendments or modifications to associated special use permits, zoning permits or sign permits for the development as pursuant to Section 15-64.

- (1) Minor modifications in conditional zoning districts may be reviewed and approved administratively subject to the following limitations:

The minor modification:

*Art. IX ZONING DISTRICTS AND ZONING MAP*

- a. Does not involve a change in uses permitted or the density overall of the development permitted;
- b. Is a limited minor change that does not have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as, without limitation, a minor adjustment to internal road or parking configuration, a minor adjustment to building location, or a minor adjustment to internal tree screening or other landscaping, or a minor adjustment to utility location;
- c. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
- d. Meets all other applicable conditions of the rezoning; and
- e. Meets all other ordinance requirements.

- (2) For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for a minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved changes shall only be applicable to those properties who owners petition for the change.

(h) A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination as provided for in subsection 15-93.1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

(i) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding conventional use district would ordinarily require (according to the Table of Permissible Uses), i.e. a special use permit-A, special use permit-B, or zoning permit.

(j) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district and M-3-CZ zoning district shall require the issuance of a special use permit-A. **(AMENDED 10/23/18)**

(k) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Town Council may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation,

*Art. IX ZONING DISTRICTS AND ZONING MAP*

energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the North Carolina Stormwater Nitrogen and Phosphorus (SNAP) Tool.
- (2) Energy performance in building requirements to meet one or more of the following.
  - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
  - b. “Designed to Earn the Energy Star” rating.
  - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard measured from the regional (or country) average for that building type.
  - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
  - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
  - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
  - g. Specific energy saving features, including but not limited to the following, are encouraged.
    - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
    - ii. Insulation beyond minimum standards;
    - iii. Use of energy efficient motors/HVAC;
    - iv. Use of energy efficient lighting;
    - v. Use of energy efficient appliances
    - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
    - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”

*Art. IX ZONING DISTRICTS AND ZONING MAP*

- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips.
- (9) Inclusion of at least one (1) parking space for car sharing vehicles.
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.
- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(l) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (k) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). **(AMENDED 11/9/11)**

(m) For property that is zoned B-4-CZ, the Town Council may approve a special use permit-A that authorizes the tract to be divided into two or more lots, so long as (i) the application for the special use permit-A contains sufficient information to allow the Town Council to approve (and the Council does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e. The subdivision and development of such lot(s) require no further review by the Council); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Council. (Amended 10/23/18)

- (1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a special use permit-A for the entire tract does not provide sufficient information to allow development approval of such lots by the Council, the Council shall specify (by way

of a condition upon the special use permit-A) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Council shall consider the extent to which the initial special use permit-A imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Council's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Council. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.

- (2) Except as provided in subdivision (1) above, the provisions of Section 15-64 and Subsection 15-141.4 shall apply to proposed changes to a special use permit-A issued in connection with a B-4-CZ rezoning.

(n) For property that is zoned M-3-CZ, pursuant to subsection 15-141.4(c)(2) the following provisions shall apply.

- (1) If the Town Council concludes that a proposed development of property zoned M-3- CZ will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Council may approve a special use permit-A that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on-site energy production and energy conservation; creation of new and innovative light manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.
- (2) The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the

development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Council may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

### **Performance Measures**

<b>Site and Building Element Categories</b>	<b>Examples of Performance Measures</b>
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8 percent from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation improvement and Alternative transportation enhancement	3) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips 4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit 5) Construction of substantially improved site entrance, intersection
On-site energy production and energy conservation	6) Meets or exceeds standards for LEED Gold certification 7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property 8) Use of harvested rainwater for toilet flushing 9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations 10) Use of low emissivity (low-e <sup>2</sup> ) windows along south-facing and west-facing building elevations

*Art. IX ZONING DISTRICTS AND ZONING MAP*

	<p>11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater</p> <p>12) Use of geothermal heat system to serve the entire complex</p> <p>13) Use of LED fixtures for parking and street lights</p> <p>14) Meets the Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030</p>
Creation of new and innovative light manufacturing operations	<p>15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers</p> <p>16) Incorporates technologies to reduce production waste by 50 percent or more</p>
The provision of public art and/or provision of outdoor amenities for public use	<p>17) Outdoor amenities such as major public art</p> <p>18) Amphitheatre or outdoor theater, outdoor congregating/gathering area</p> <p>19) Outdoor eating facilities</p> <p>20) Outdoor tables with game surfaces, etc.</p>

- (3) In approving a special use permit-A for a development of infill property zoned M-3-CZ, the Council may allow deviations from the otherwise applicable standards relating to public streets as follows:
- a. The Council may approve a curb and gutter street having a right-of-way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if the development provides a separate ten-foot wide paved bike path or shared-use path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.
  - b. The Council may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.

- c. The Council may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316.

**Section 15-141.5 Site Specific, Flexible Zoning District. (AMENDED 6/21/16)**

(a) A site specific, flexible zoning district (FLX) may be established in accordance with the provisions of this section. The purpose of such a district is to establish detailed standards for alternative possibilities for the development of a specific tract of land, thereby facilitating the development of that property according to the demands of the market, but in a way that is consistent with sound planning and the promotion of the public health, safety, and welfare.

(b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be, as a whole, owned by or under control or option to be purchased by one or more individuals or entities, (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, (iv) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract. As used herein, the term "site specific planning study" shall mean a collaborative programmatic and design study for the site performed either by, or with the participation of the Town and input from one or more workshops, which shall result in a narrative report and conceptual master plan describing in general terms how the site might be developed and how the conceptual master plan corresponds to and addresses applicable components of all town plans for the area, and applicable conditions, and (v) be located in an area that is subject to an adopted small area plan.

- (1) If the Town receives a request for FLX zoning for a tract that has not been the subject of a site specific planning study as described in Subsection (b)(iv) above, the Planning Director shall present to the Town Council a proposal for undertaking such a study before accepting a formal application for the rezoning. If the Town Council accepts the proposal, the site specific planning study shall proceed as described in the following subsections, or as otherwise directed by the Council.
  - a. The site specific planning study shall be structured as a charrette of a minimum of one day in duration, or more as determined by the Council.
  - b. The Town shall contract a design professional, with no ties to the applicant, to conduct the charrette. The Town may also contract with a qualified facilitator to oversee the charrette process and final reports prepared from the charrette process.
  - c. Participation shall include representatives from advisory boards, neighbors, and members of the public.
  - d. Notice of the date of the charrette will be mailed to residents and property owners within 1000 feet of the subject property, published in the newspaper as well and any other means the Town deems suitable.
- (2) Findings from the site specific planning study report, or narrative, and site plan(s) shall be presented to the Town Council. Subsequent requests for



*Art. IX ZONING DISTRICTS AND ZONING MAP*

FLX zoning shall demonstrate compliance with the findings from the site specific planning study.

- (3) If more than five years have elapsed since the findings from the site specific planning study were presented to the Council and the circumstances relating to the study have substantially changed, the Council may request an update to the study before accepting a request for FLX zoning. Examples of substantial changes in circumstances include but are not limited to: annexation, some or all of the tracts has been subject to a rezoning, unrelated to the FLX district, that increases residential density or changes the types of uses, (i.e. residential to commercial), development on surrounding properties has changed the character or capacity of existing infrastructure.
- (c) A FLX zoning district shall address the following:
- (1) The types of uses that are permissible within the FLX district, along with a maximum (and if applicable, a minimum) percentage of the gross land area that will be devoted to each such use. The description of uses may be in reference to the use classification numbers set forth in the Table of Permissible Uses, or the uses may otherwise be described. The district regulations may also establish density or intensity limitations (expressed in terms of a maximum and/or, if applicable, a minimum number of dwelling units or square feet of building floor area, and applicable ratios, if any if different types of uses within the district).
  - (2) The dimensional restrictions (building height, minimum lot size, setbacks) that shall apply throughout the district. Different restrictions may apply to different portions of the district, depending on the uses located therein. The dimensional restrictions may be described by reference to those applicable within particular zoning districts, or otherwise.
  - (3) Any limitations on the areas within the district where particular types of uses may be allowed.
  - (4) Any architectural standards that will apply to all or designated portions of the district.
  - (5) Any limitations on the timing or sequence of development of various portions of the district.
  - (6) The location of entrances to and exits from the tract zoned FLX.
  - (7) The manner in which the development of the property will comply with the stormwater requirements set forth in Article XVI, Part II. All developed lots within the district shall be subject to these standards, regardless of the amount of land disturbance, but the FLX district may allow the necessary

*Art. IX ZONING DISTRICTS AND ZONING MAP*

stormwater treatment facilities to be constructed to meet these standards on a lot by lot basis, or some other basis that provides effective and efficient treatment for all new construction.

- (8) Any limitations on the location or design of parking lots and facilities.
- (9) Specifications and standards for the internal circulation system serving vehicular and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town.
- (10) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.
- (10A) A traffic impact analysis of the FLX zone, including a phase plan or schedule of improvements along with a description of thresholds to require improvements.
- (11) The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.

(d) Development of any lot within a FLX zoning district shall require a zoning permit (and a sign permit if applicable), but not a special use permit.

(e) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any FLX district established pursuant to this section. In the case of conflict, the provisions of this ordinance or of the specific FLX district ordinance for the tract shall apply.

(f) A text amendment establishing a FLX district as well as a map amendment applying such district to a particular tract shall be initiated and processed in accordance with the following provisions:

- (1) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Town Council, identifying the subject property and explaining why the property is a good candidate for FLX zoning. This written request shall include or attach (i) relevant documents (i.e. narrative, and site plan(s) and a list of proposed conditions which may be in the form of written statements, graphic illustrations, or any combination thereof) that describe the results of the site specific planning process referred to in subsection (b)(iv) above, and (ii) an explanation as to why and how the proposed district is consistent with the Northern Study Area Plan, or if the property is not located within the Northern Study Area, such other plans or policies as may be applicable. The Council may, in its

*Art. IX ZONING DISTRICTS AND ZONING MAP*

discretion, summarily deny the request or direct the town attorney and planning staff to work with the property owner to develop an ordinance pursuant to this section that establishes an appropriate FLX district and that applies this district to such property.

- (2) Once an ordinance has been drafted as provided in subdivision (f)(1), such ordinance shall be processed in accordance with the provisions of Article XX of this chapter applicable to ordinance amendments initiated by the town administration, except that (i) a preliminary draft of the ordinance, including a concept plan shall be presented to the planning board, Transportation Advisory Board, Environmental Advisory Board, Appearance Commission, Economic Sustainability Commission, and Northern Transition Area Advisory Committee (and other advisory boards to which the Town Council may refer the draft) prior to the ordinance being referred to the Town Council to establish a date for the legally required public hearing on the ordinance; (ii) at the time the Town Council directs that an ordinance be drafted in accordance with subsection (f)(1) above, the Council may establish such additional processes as deemed necessary to ensure that the public has an adequate opportunity for input into the proposed FLX district, and (iii) no property shall be rezoned FLX without the consent of the property owner (which consent may be withdrawn at any time before the adoption of the ordinance establishing the FLX district). The text and the map amendment may be processed simultaneously.
- (3) Amendments to a FLX district shall be initiated and processed in the same manner as the initial ordinance, except that, if the planning staff determines that a proposed amendment has no substantial impact on neighboring properties, the general public, or those intended to occupy the site zoned FLX, the staff may forward the requested amendment to the Council as provided in subsection 15-321(c)(2). In such case, the Council may (i) decline to call for a public hearing on the proposed amendment, thereby rejecting it; (ii) establish a date for a public hearing on the proposed amendment in accordance with the procedures applicable to any other zoning amendment; or (iii) direct that additional processes be followed to obtain additional public input on the proposal before setting a date for the legally required public hearing.

(g) Property within a FLX district may be subdivided according to the provisions of this chapter applicable to minor subdivisions, even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.

**PART II. ZONING MAP****Section 15-142 Official Zoning Map.**

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

(b) The Official Zoning Map dated April 1973 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 15-143.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further authorization or action is required so long as no district boundaries are changed in this process.

**Section 15-143 Amendments to Official Zoning Map. (AMENDED 4/27/10; 10/26/10; 9/24/13)**

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XX.

(b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendments to the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.

**Section 15-143.4 Downtown Neighborhood Protection Overlay District. (AMENDED 8/23/05)**

(a) There is hereby created a Downtown Neighborhood Protection (DNP) Overlay District. The purpose of this district is to establish special height, setback, and design requirements applicable to lots in certain commercially zoned downtown areas where such lots abut or are directly across the street from residentially zoned properties.

(b) Because the DNP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district except as those regulations are modified or superseded by the requirements of the DNP district. The requirements of the DNP district are set forth in Section 15-185.1 of this chapter.

**Section 15-143.5 Lloyd/Broad Overlay District. (AMENDED 6/26/2018)**

*Art. IX ZONING DISTRICTS AND ZONING MAP*

(a) There is hereby created a Lloyd/Broad Overlay District. The purpose of this district is to protect and preserve the character of the district and to establish special height, setback, mass and parking requirements applicable to lots within the district.

(b) Because the Lloyd/Broad Overlay District is an overlay district, properties within this district are subject to the regulations applicable to the underlying zoning district, except as those regulations are modified or superseded by the requirements of this district which are set forth in Section 15-185.2 of this Chapter.

**Section 15-144 through 15-145 Reserved.**

## ARTICLE XX

### AMENDMENTS

#### **Section 15-320 Amendments in General.**

(a) Amendments to the text of this chapter or to the zoning map or to the comprehensive plan may be made in accordance with the provisions of this article, or in the case of non-substantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 9/01/87; 6/22/21)**

(b) The term “major map amendment” shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as “minor map amendments.”

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. section 143-214.5. Copies of all amendments to section 15-266 shall be sent to the Department of Environmental Quality (DEQ), Division of Water Resources and the Environmental Management Commission (EMC). **(AMENDED 10/15/96; 6/22/21)**

#### **Section 15-321 Initiation of Amendments.**

(a) Whenever a request to amend this chapter is initiated by the Town Council, the planning board, the board of adjustment, other town advisory board, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Town Council so that a date for a public hearing may be set.

(b) Any other person may also petition the Council to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant. If a change in zoning district classification to a less dense development density is proposed, the name, address, phone number and signature of all property owners consent to the application is required. Applications for down-zoning shall not be considered unless all the property owners consent to the application. **(AMENDED 6/22/21)**

*Art. XX AMENDMENTS*

- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.
- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
- (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.

(b1) If a change in zoning district classification is proposed, the petitioner shall hold at least one neighborhood information meeting on the application. A mailing is required in accordance with the standards in 15-323(c). **(AMENDED 6/22/21)**

(c) Upon receipt of a petition as provided in (b), the planning staff shall either:

- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
- (2) Forward the petition to the Council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Council may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance. In accordance with G.S. 160D-601(d), petitions for proposed map changes that would result in a downzoning of property shall only be initiated by the owners of the property or the Town. (See subsection (b)(1) above.) **(AMENDED 6/22/21)**

**Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments.**

(a) If the Council sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues, and may refer the amendment to the affordable housing advisory commission if the amendment involves an affordable housing issue, and may refer the amendment to the economic sustainability commission if the amendment

*Art. XX AMENDMENTS*

involves an economic development issue or any other board if the amendment involves an issue of which the board has expertise.(**AMENDED 9/19/95; REWRITTEN 2/25/14; AMENDED 6/25/19; 6/22/21**).

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans, or other applicable plans officially adopted by the Town Council. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Town Council may proceed in its consideration of the amendment without the planning board report. (**AMENDED 10/24/06; 6/22/21**)

(c) A comment by the planning board that a proposed amendment is inconsistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Town Council, and the Town Council is not bound by the recommendations of the planning board. (**AMENDED 10/24/06; 6/22/21**)

(d) A member of the planning board and any other advisory committee that provides direct advice to the Town Council (i.e. it does not report to the planning board) shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (**AMENDED 10/24/06; 6/22/21**)

### **Section 15-323 Hearing Required: Notice.**

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. section 160D-601(a), which provides that the date of publication is not counted but the date of the hearing is. (**AMENDED 6/22/21**)

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is abutting the property rezoned by the amendment, including property separated by a street right of way, railroad or other transportation corridor and any other property that is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term “owners” shall mean the persons shown as owners on Orange County’s computerized land records system. The planning staff



*Art. XX AMENDMENTS*

shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. If the rezoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. The staff member mailing such notices shall certify to the council that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 4/15/97; 3/26/02; 6/22/21)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. section 160D-602(b), but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06; 6/22/21)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way at least 10 but not more than 25 days prior to the date of the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons. **(AMENDED 6/22/21)**

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.

*Art. XX AMENDMENTS*

- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Council's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Town Council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Town Council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. section 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. section 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a town-initiated zoning map amendment. **(AMENDED 11/24/09)**

**Section 15-324 Council Action on Amendments.** **(AMENDED 10/24/06)**

(a) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 2-15 of the Town Code.

(d) When adopting or rejecting any zoning or text amendment, the Council shall adopt a statement describing whether the action is consistent or inconsistent with an adopted comprehensive plan, which shall not be subject to judicial review. **(AMENDED 2/6/2018;**

**REWRITTEN 6/22/21)**

- (1) If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required.
- (2) A plan amendment and zoning amendment may be considered concurrently.
- (3) If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the Council’s statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(d1) When adopting or rejecting any petition for a zoning map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the statement on reasonableness may address the overall rezoning.

(e) A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (See also Carrboro Town Code Section 2-35). **(REWRITTEN 6/22/21)**

**Section 15-325 Ultimate Issue Before Council on Amendments.**

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Council is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional zoning district, the Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more

*Art. XX AMENDMENTS*

appropriate than the range of uses in the existing classification. (AMENDED 05/25/99; 05/27/08)

- (2) The Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

**Section 15-326 Citizen Comments on Zoning Map and Text Amendments.** (AMENDED 10/24/06, REWRITTEN 12/6/16; 6/22/21).

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning regulation including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the Clerk of the Town Council at least two (2) business days prior to the proposed vote on such change, the Clerk to the Council shall deliver such written statement to the Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. section 160D-705 or any other statute, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Council shall not disqualify any member of the Council from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Council determines that such statements are admissible under the N.C. Rules of Evidence in the proceeding. (Amended 12-6-16; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

## **Race and Equity Pocket Questions**

**Title and purpose of this initiative:** Legislative Public Hearings for Map Amendment for a Conditional Rezoning at 400 North Greensboro Street and Associated Text Amendment. The Town has received a petition to amend the zoning classification for the property at 1400 North Greensboro Street from CT to B-1G-CZ for the development of a three-story multi-family residential project. The application includes a request for a text amendment to allow for a reduction in the canopy cover requirement based on certain criteria. Draft ordinances for the requested map amendment and text amendment have been prepared. The Town Council must receive public input before reaching a decision on this request.

**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) can reduce participation, especially by those who don't learn about these types of processes and/or are unable to participate in meetings. Decisions may be made without considering these points of view.

### **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 requires that these types of legislative decisions occur in a public form and that the community can comment before a decision is made. Beneficiaries include those who are able/available to and do participate in these ways and those who support or see no negative effects from the changes.

### **What are the root causes of inequity?**

Structural racism in government decisions, particularly those relating to land use, as well as residents' personal experiences with government, can further alienate those that may find it difficult to attend meetings—like working individuals and families—and contribute to a reticence by historically marginalized people to speak in a public setting. Disparate access to quality education, which in turn affects economic outcomes, as well as historical barriers to government for community members of color can lead to undue burden.

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

Changes to land use regulations and rezonings 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 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. Next, the completed lens will be submitted to the staff core team and Racial Equity Commission for 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:** 24-069

**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

Award American Recovery Plan Act (ARPA) Funding to Nonprofit Organizations

**PURPOSE:** This agenda item seeks Town Council approval to award funding to nonprofits serving Carrboro residents who have been negatively impacted by the COVID-19.

**DEPARTMENT:** Housing and Community Services

**CONTACT INFORMATION:** Anne-Marie Vanaman, Housing and Community Services Director, 919.918.7321 amvanaman@carrboronc.gov and Bret Greene, Finance Director 919.918.7439 bgreene@carrboronc.gov and Tyler Haugle, Housing and Community Services Coordinator, 919.918.7438 thaugle@carrboronc.gov

**COUNCIL DIRECTION:**

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

The Town Council approved ARPA funding for housing and community services initiatives on October 11, 2022 - Grant Ordinance #4 Fiscal Year 2022-2023 (Attachment B). Specifically, \$503,500 was allocated for nonprofit organizations serving Carrboro residents.

**INFORMATION:** On December 15, 2022, the Town issued a call for applications from nonprofit agencies who serve Carrboro residents in the areas of health, education, and livelihood and who were significantly impacted by COVID-19. The Town allocated \$503,500 in ARPA funding for this purpose. The Town received eighteen (18) applications for a total of \$2,419,831.

After staff reviewed the applications for compliance and eligibility, four (4) applications were removed from consideration. Additionally, one (1) agency withdrew their application from consideration, leaving a total of thirteen (13) eligible for consideration. See Attachment C for a summary of the projects. The Human Services Advisory Commission (HSAC) evaluated the applications and scored them.

Staff then ranked the applications based on the following factors: HSAC score, equity score, number of residents served, number of BIPOC residents served, and cost per person. Staff then developed criteria to determine funding recommendations. Attachment D provides funding recommendations totaling \$503,500.

**FISCAL IMPACT:** \$503,500 was provided through Grant Ordinance #4 Fiscal Year 2022-2023. All allocated funds for this use will be expended.

**RECOMMENDATION:** Staff recommends approval of the resolution (Attachment A) to fund eight (8) nonprofit providers of health and human services.

## **RESOLUTION AWARDING AMERICAN RECOVERY PLAN ACT (ARPA) FUNDING TO NONPROFIT ORGANIZATIONS**

WHEREAS, on October 11, 2022, the Carrboro Town Council allocated \$503,500 of funding from the American Recovery Plan Act to support nonprofit organization serving Carrboro residents; and

WHEREAS, on December 15, 2022, the town issued a call for applications from nonprofit agencies who serve Carrboro residents in the areas of health, education and livelihood and who were significantly impacted by COVID-19; and

WHEREAS, the Town Council has adopted certain policies and procedures required to comply with the Uniform Guidance, U. S. Treasury rules and directives, and other federal rules and regulations; and,

WHEREAS staff received eighteen (18) applications totaling \$2,419,831 and after review determined that thirteen (13) met eligibility requirements; and

WHEREAS the Human Services Advisory Commission (HSAC) evaluated and scored the applications and staff ranked the applications based on the HSAC score, equity score, number of Carrboro residents served, number of BIPOC residents served, and cost per person. Staff then developed criteria to determine funding recommendations for eight (8) nonprofit organizations.

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

Section 1. Funding be granted to nonprofits listed as follows:

<b>Nonprofit Organization</b>	<b>Funding Award</b>
Refugee Community Partnership	\$53,550
Planned Parenthood	20,400
TABLE	99,566
Grow Your World	150,000
Meals on Wheels	45,523
Club Nova - Employment	25,136
Diaper Bank	83,451
Club Nova – Young Adult Program	25,874
<b>Total</b>	<b>\$503,500</b>

Section 2. ARPA/CSLFRF funds shall only be used for eligible activities as specified in U.S. Treasury rules and directives.

Section 3. The use of ARPA/CSLFRF funds by recipients shall comply with Town adopted policies and procedures, Uniform Guidance (2 CFR Part 200), U.S. Treasury rules and directives, and other federal rules and regulations.



Section 4. This resolution is effective immediately and a copy of this resolution shall be forwarded to the town's Finance Director within five (5) days of approval.

This the 9<sup>th</sup> day of April 2024.

**A motion was made by Council Member Posada, seconded by Council Member Romaine that the following ordinance be approved:**

**GRANT PROJECT ORDINANCE FOR THE TOWN OF CARRBORO  
AMERICAN RESCUE PLAN ACT OF 2021:  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

**Ordinance No: 4 / FY 22-23**

**BE IT ORDAINED** by the Town Council of the Town of Carrboro, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** This ordinance is to establish a budget for a project(s) to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Carrboro (Town) has received a total allocation is \$6,753,198.84.

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**Section 2:** The Town has elected to take the standard allowance to replace lost public sector revenue (Revenue Replacement), as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

**Section 3:** The following amounts are appropriated for the project(s) and authorized for government services expenditure:

<b>Project Description</b>	<b>Appropriation of ARP/CSLFRF Funds</b>	<b>Total by Department</b>	<b>% of Total</b>
<b>Economic Development</b>		<b>\$976,522</b>	<b>14%</b>
Small Business Grants	\$326,522		
Disparity Study	\$300,000		
Small Business Grants - Part II	\$150,000		
Minority Business Training	\$200,000		
<b>Recreation, Parks &amp; Cultural</b>		<b>\$496,650</b>	<b>7%</b>
Recreation Facilities Maintenance & Repair	\$100,000		
Horse Shoe Pits - Anderson Park	\$114,400		
Baldwin Park Renovation	\$227,000		
Artist Support - 2 Murals	\$24,000		
Music Festival Performer Honoraria FY 2023-24	\$31,250		
<b>Public Safety - Fire &amp; Rescue</b>		<b>\$131,298</b>	<b>2%</b>
Cardiac Monitor	\$50,000		
Defibrillators	\$3,000		
LUCAS Chest Compression System	\$40,000		
Medical Bags and Supplies	\$7,100		
Radio Update Services	\$31,198		
<b>Public Safety - Police</b>		<b>\$231,450</b>	<b>3%</b>
Deescalation Training System and Equipment	\$40,000		
Mental Health Crisis Counselor Pilot Program	\$70,000		
Community Safety Task Force Recommendations	\$75,000		
Radio Update Services	\$46,450		
<b>Information Technology</b>		<b>\$800,000</b>	<b>12%</b>
Fiber Optic Network - S. Merritt Mill Rd	\$300,000		
Broadband Consultant for Internet Access to Affordable Housing	\$350,000		
Council Room Broadcasting for Hybrid Meetings	\$150,000		
<b>Public Works</b>		<b>\$525,000</b>	<b>8%</b>
Relocation of Underground Fuel Tanks	\$475,000		
Pave Fitch Lumber Parking Lot	\$40,000		
Pave Butler Parking Lot	\$10,000		

<b>Planning, Zoning and Inspections</b>		<b>\$778,178</b>	<b>12%</b>
<b>ROW acquisition for S. Greensboro Street Sidewalk (QCT)</b>	<b>\$50,000</b>		
<b>Barnes Street Bus Shelter and amenities (QCT)</b>	<b>\$100,000</b>		
<b>Carrboro Bike and Pedestrian Plan Implementation</b>	<b>\$200,178</b>		
<b>Bike Fix-It Stations (2)</b>	<b>\$15,000</b>		
<b>Design and construct 10-foot side path to connect South Greensboro sidewalk (Old Pittsboro to Carr Street) to 203 Project (QCT)</b>	<b>\$200,000</b>		
<b>Homestead Road Crossing - Bike Plan Priority 1 (partial)</b>	<b>\$113,000</b>		
<b>Design and install Rectangle Rapid Flashing Beacon on Hillsborough Street to improve access to McDougal Elementary School (Bike Plan)</b>	<b>\$100,000</b>		
<b>Housing and Community Services</b>		<b>\$2,554,100</b>	<b>38%</b>
<b>Human Services (Non-Profits)</b>	<b>\$503,500</b>		
<b>LMI Home Energy Efficiency Renovations</b>	<b>\$500,000</b>		
<b>Emergency Housing Assistance</b>	<b>\$500,000</b>		
<b>OWASA Water Bill Debt</b>	<b>\$50,600</b>		
<b>Affordable Housing Units</b>	<b>\$1,000,000</b>		
<b>General Administration</b>		<b>\$260,000</b>	<b>4%</b>
<b>Grants Manager</b>	<b>\$75,000</b>		
<b>Orange County Veteran Memorial Phase III</b>	<b>\$10,000</b>		
<b>Racial Equity Commission Recommendations</b>	<b>\$75,000</b>		
<b>Community Engagement - Digital Signage</b>	<b>\$100,000</b>		
<b>Unassigned</b>			
<b>TOTAL</b>	<b>\$6,753,199</b>	<b>\$6,753,199</b>	<b>100%</b>

**Section 4:** The following revenues are anticipated to be available to complete the project:

<b>ARP/CSLFRF Funds:</b>	\$6,753,198.84
<b>General Fund Transfer:</b>	\$ 0
<b>Total:</b>	<b>\$6,753,198.84</b>

**Section 5:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town's Uniform Guidance Allowable Costs and Cost Principles Policy.

**Section 6:** The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

**Section 7:** Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

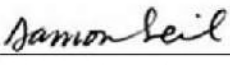
**Section 8:** This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

This the 11<sup>th</sup> day of October in the year 2022.

**The motion carried unanimously by the following vote:**

**Ayes:** Mayor Damon Seils, Council Member Susan Romaine, Council Member Barbara Foushee, Council Member Randee Haven-O'Donnell, Council Member Danny Nowell, Council Member Eliazar Posada, and Council Member Sammy Slade.



  
Damon Seils, Mayor

ATTEST:

  
Wesley M. Barker, Town Clerk

ID	Agency	Amount Requested	Project	Brief Project Description
40116	Planned Parenthood South Atlantic	\$ 27,200	Carrboro Family Planning Patient Subsidies at Chapel Hill Health Center	Subsidized family planning serviced for qualified, low-income residents
40214	Refugee Community Partnership	\$ 63,000	Connected Communities: Multilingual Benefits Navigator for LEP Refugee and Migrant Residents	Deploy trained interpreters and resource navigators from refugee and migrant communities to provide culturally appropriate accompaniment and language support to LEP residents as they apply for public benefits and interact with institutions
40216	Meals on Wheels	\$ 54,943	Meal Delivery + Check-In	Sustain increased service levels and expand outreach to identify unserved/underserved older adults
40230	United Way of the Greater Triangle	\$ 249,946	Driving Affordable Housing from within the Community	In partnership with EMPOWERment and Community Empowerment Fund: supporting the jump from affordable rental housing to affordable home ownership and building an Affordable Housing Blueprint to put into action
40217	Club Nova	\$ 50,273	Club Nova Employment Program	Rebuild longstanding Employment Program to address existing and pandemic-related job loss, discrimination in workforce practices, and economic hardship for individuals living with serious mental illness (SMI)

40218	Diaper Bank of NC	\$ 162,769	Meeting Hygiene Needs in Carrboro's Underserved Communities	Provide free hygiene supplies to 2 Carrboro-based community partners for distribution to low-income households
40227	Hope Renovations	\$ 197,023	Mitigating COVID-19 Through Workforce Development	Training women and gender minorities for living-wage jobs in construction industry
40112	Club Nova	\$ 51,749	Club Nova Young Adults Initiative	Establish services with robust outreach to young adults with mental illness
40235	Kidzu Children's Museum	\$ 50,084	Kidzu for All at Kidzu Children's Museum	Provide underserved/underrpresented populations multiple ways to visit museum at free/reduced cost
40223	TABLE	\$ 175,000	Equitable Expansion	Equitably exapnd programs to serve 200 more children in need of food access
40221	Grow Your World	\$ 232,818	Youth Community Space	Providing community with youth drop-in center and space for other youth-serving orgs to meet/serve youth
40231	Voices Together	\$ 52,169	Little Voices	Adapts proprietary music therapy model for young children, ages 3-5, help them expand language and socialization skills and express emotions

40111	WCOM	\$ 90,000	Communication for Carrboro Community	Working with Carrboro's ARPA project amangers for Health and for each of the ARP/CSLFRF Categories, as well as Carrboro officials, to jointly create Community radio and Community TV spot audio and video announcements that will be aired regularly
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Treasury Category	Treasury Category Goal	Align with Human Services Goal?	Score (Max = 42)	Est. # of Residents Served	Cost Per Person	Est. # of BIPOC Served	Equity Score (Max = 15)
1. Public Health	1.6 Medical Expenses (including Alternative Care Facilities)	Yes - health and livelihood of residents	39.7	110	\$247.27	66	8
3. Services to Disproportionately Impacted Communities	3.14 Social Determinants of Health: Community Health Workers or Benefits Navigators	Yes - health and livelihood of residents	36.7	240	\$262.50	240	15
3. Services to Disproportionately Impacted Communities	2.1 Household Assistance: Food Programs	Yes - health and livelihood of residents	36.2	65	\$845.28	18	
3. Services to Disproportionately Impacted Communities	3.12 Housing Support: Other Housing Assistance	Yes - livelihood of residents	34.5	30	\$8,331.53		13
2. Negative Economic Impacts	2.7 Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)	Yes - education and livelihood of residents	33	30	\$1,675.77	7	13

2. Negative Economic Impacts	2.10 Aid to Nonprofit Organizations	Yes - health and livelihood of residents	32	117	\$1,391.18	88	12
2. Negative Economic Impacts	2.7 Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)	Yes - education and livelihood of residents	31	10	\$19,702.30	4	12
1. Public Health	1.10 Mental Health Services	Yes - Behavioral health of residents	30.5	27	\$1,916.62	8	12
2. Negative Economic Impacts	3.5 Education Assistance: Other	Yes - education	30.3	63	\$794.98		11
3. Services to Disproportionately Impacted Communities	2.1 Household Assistance: Food Programs	Yes - health and livelihood of residents	30	360	\$486.11	313	10
2. Negative Economic Impacts	2.10 Aid to Nonprofit Organizations	Yes - I think it would address all parts	27	80	\$2,910.23	62	14
2. Negative Economic Impacts	3.1 Education Assistance: Early Learning	Yes - health and education of residents	25	120	GOAL: \$434.74 / BASED ON PAST NUMBERS: \$10,433.80		10

1. Public Health	1.12 Other Public Health Services	They make the argument that it is for Health and I guess it can be but it is a stretch	23				
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Nonprofit	ARPA Funds Allocated	Request	Recommended	Comments (Human Services Commission)	Additional Information (Staff)
	\$ 503,500				
1- Refugee Community Partnership		\$ 63,000	\$ 53,550	Covid impact could have been more explicitly stated since refugees were highly impacted.	
2- Planned Parenthood South Atlantic		\$ 27,200	\$ 20,400	Covid impact clear; infrastructure already in place to provide services; direct benefit to low-income Carrboro residents.	
3- TABLE		\$ 130,000	\$ 99,566	Little comment provided - Program seems expensive although community kitchen would be a good addition.	Original request was \$175,000. However, most of the funding needed for the commercial kitchen has been secured. Reduced request by \$45,000, the budgeted amount for the kitchen.

			Data supports youth mental health crisis. No research highlighted that linked community centers with improved mental health. Many outcomes seem to be outside scope of program. Strong community partners and capacity to staff programs. Helpful programming for youth.	Staff checked in with the organization since the property is on the market - Primary interest is to use 901 West Main St. as a youth-centered community programming space, and ARPA funds are needed to make modifications to the property for this use. Property has been on the market after the coffee shop closed and because the timeline for the ARPA funding decision was uncertain. If ARPA funding is received, the property would be taken off the market. The requested amount supports compensation, program costs, and capital improvements.
4- Grow Your World	\$ 232,818	\$ 150,000		
5 - Meals on Wheels	\$ 54,943	\$ 45,523	Addresses critical need; wanted more detail on implementation plan, particularly working with partners.	
6 - Club Nova - Employment	\$ 50,273	\$ 25,136	Strong implementation plan; needed more detail on the role of partners.	
7 - Diaper Bank	\$ 162,769	\$ 83,451	Project timeline not as specific as it could be; strong collaboration with partners; project relatively easy to implement; wanted citations for provided data.	

8 - Club Nova - Young Adult program	\$ 51,749	\$ 25,874	Covid not explicitly addressed sufficiently - although evidence exists of the negative effects of Covid on mental health. Metrics for outcomes rely on estimates.	
9 - Hope Renovations	\$ 197,023	\$ -	Did not articulate how target population will be reached; expensive program to benefit very few individuals; unlikely to have significant community impact; unclear how funds for subcontractors would be used.	
10 - Kidzu Children's Museum	\$ 50,084	\$ -	Provided no evidence of population impact, assumption-based. No evidence project will reduce learning loss. Outcome metrics measure satisfaction, not learning loss outcomes.	Demographic data incomplete.
11 - United Way	\$ 249,946	\$ -	Lack of local data identifying impacted Carrboro residents; intended outcome unclear; role of United Way is unclear; no direct impact to residents; expensive project projected to reach very few.	The Town has already allocated \$2M for affordable housing initiatives. Demographic data incomplete.
12 - Voices Together	\$ 52,169	\$ -	Insufficient metrics provided or information on how outcomes would be assessed; no clear data on how many Carrboro children would benefit.	Demographic data incomplete.
13 - WCOM	\$ 90,000	\$ -	Request didn't address negative Covid impact on the community or Covid-related outcomes; little detail aside from the project budget. Demographic data insufficient.	Demographic data incomplete.
<b>Total</b>	<b>\$ 503,500</b>	<b>\$ 1,348,974</b>	<b>\$ 503,500</b>	

**Rankings based on: (1) Human Services Advisory Commission Score; (2) Equity Score; (3) # Individuals Served; (4) # BIPOC individuals served; (5) Cost Per Person.**

**Maximum Grant \$150,000.**

After applying funding level criteria, a balance of \$6,198 remained. Staff reallocated the balance evenly between 3 agencies providing food or hygiene products directly to individuals and families. Recent public hearings for Carrboro Human Services funding are finding the ability to afford food and necessary but expensive hygiene products is becoming more difficult due to inflation and rent increases.

Recommendation Level 1	Ranked 1-5 = 75% of the requested amount up to the maximum	Additional % based on the three highest Equity Scores: 15 = 10%    14 = 5%    13 = 2.5%
Recommendation Level 2	Ranked 6-8 = 50% of the requested amount up to the maximum	Additional % based on the three highest Equity Scores: 15 = 10%    14 = 5%    13 = 2.5%
Recommendation Level 3	Ranked 9-13 = no funding.	N/A

## **Race and Equity Pocket Questions**

**Title and purpose of this initiative:** ARPA Nonprofit Agency Funding Recommendations

**Department:** Housing and Community Services

### **What are the racial and equity impacts?**

During the Covid-19 pandemic, new systemic issues and barriers were created, and already existing ones compounded. BIPOC, low-income people, disabled people, and women faced increasing hardships because of the pandemic.<sup>1</sup> The percentage of Americans living at or below the poverty line increased by a whole percentage point in 2020 to 11.4% -- that's over three million Americans who fell below the poverty line beginning in 2020. People situated at the lowest end of the socio-economic scale were disproportionately impacted by the Covid-19 recession.<sup>2</sup> Many people faced reduced work hours, furloughs, and layoffs, heightening already present financial struggles. Data from the Bureau of Labor Statistics (BLS) shows that BIPOC, specifically Black and Latino workers, as well as adult women, lost jobs at much faster rates during the pandemic compared to white males in the country.<sup>3</sup> Oftentimes, these income struggles resulted in loss of housing and struggles to afford other basic needs, especially for people already experiencing economic hardship prior to the onset of the pandemic. Social safety net programs meant to support folks through such turmoil, were overwhelmed by need. Programs were ill-equipped to deal with many of the factors created by the pandemic, such as mass unemployment, and were thus unable to serve all eligible applicants, or eligible applicants were forced to wait lengthy periods before receiving services.<sup>4</sup> The healthcare system was overwrought with Covid-19 cases<sup>5</sup>, making it difficult for people with disabilities to access necessary services and maintain necessary routines.<sup>6</sup> Additionally, people with illnesses related to chronic pain or compromised immune systems were often more likely to contract and suffer severely from Covid-19.<sup>7</sup>

ARPA funds can be used to support the alleviation of such hardships created and compounded by the pandemic. This alleviation can be done through programmatic support from non-profit agencies. Many local agencies are attempting to create or bolster existing programs that support those already marginalized groups who were most impacted by Covid-19. From providing needed healthcare products, to food provisions, to supportive employment services, non-profits

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<sup>1</sup> [The impact of the COVID-19 pandemic on marginalized populations in the United States: A research agenda - PMC \(nih.gov\)](#)

<sup>2</sup> [How did COVID-19 affect poverty rates in the United States? | World Economic Forum \(weforum.org\)](#)

<sup>3</sup> [Who has been most affected by COVID-19? | World Economic Forum \(weforum.org\)](#)

<sup>4</sup> [The social safety net: The gaps that COVID-19 spotlights | Brookings](#)

<sup>5</sup> [What has the pandemic revealed about the US health care system — and what needs to change? | MIT News | Massachusetts Institute of Technology](#)

<sup>6</sup> [Research Findings: COVID-19 Impact on People with Disabilities \(acl.gov\)](#)

<sup>7</sup> [What immunocompromised patients should know about the COVID-19 vaccines - UChicago Medicine](#)





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are directly addressing the systemic public health and economic struggles created and/or compounded by the Covid-19 pandemic. The following nonprofit funding recommendations will support in this alleviation.

### **Who is or will experience community burden?**

If approved, organizations may face increased financial burden or capacity struggles in the pursuance of their projects.

If not approved, up to 900 Carrboro residents facing hardship due to the COVID-19 pandemic could be left without access to crucial support services. These vital services, provided by partner agencies, play a key role in alleviating the ongoing struggles created and compounded by the pandemic.

### **Who is or will experience community benefit?**

Those most affected by the Covid-19 Pandemic, largely BIPOC, low-income people, disabled people, and women, will experience community benefit. They will be able to pursue supportive services through these agencies that will assist them in various aspects of their life, whether that be through providing healthcare supplies, food, or employment services.

### **What are the root causes of inequity?**

American political, social, and financial systems have worked to actively marginalize many different groups. This has often come in the form of denying rights or access to systems and institutions that greatly benefit one's livelihood, education, and health. For hundreds of years, intentional actions have been taken to deny humanity, wealth and equitable education and employment for BIPOC, women, and disabled people, creating cycles of poverty and social marginalization. This has resulted in large disparities in educational opportunity, wealth and asset accumulation, and social mobility. Disparities have been created and widened through government sponsored intentional racism and marginalization in the form of enslavement, forced displacement and loss of homeland of indigenous peoples, Jim Crow era policy, redlining, restrictive zoning ordinances, predatory and barrier-ridden lending practices, the American Credit System, over-policing of communities of color, the lack of protections for disabled people, the lack of rent control in NC, and white power structures' lack of willingness to address, and explicit desire to maintain, racial disparities.

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

Agencies that did not receive funding may not be able to pursue their projects that are meant to provide supportive services for those most impacted by Covid-19.



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

The department continues to engage with jurisdictional peers and community partners to advance health and human services in the community and to address racial and other inequities in these vital services under the guidance of the One Orange Countywide Racial Equity Framework and the Town's Office of Race and Equity. Since this department was formed our work has been increasingly focused on racial disparities in the areas of health, education, housing, and livelihood. The department's funding review process heavily emphasizes equity, specifically racial equity, by assessing the internal racial demographics and equity work of organizations, as well as the populations they are serving. These characteristics play a large role in the department's staff recommendations for funding.



## Agenda Item Abstract

File Number: 24-075

**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

**File Type:** Agendas

2024 SAPFO Annual Report - Technical Advisory Committee

**PURPOSE:** The purpose of this agenda item is to provide the Town Council with the 2024 Annual Report on the Schools Adequate Public Facilities Ordinance (SAPFO). The Orange County Board of Commissioners has referred the draft report for information.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Trish McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov

**COUNCIL DIRECTION:**

☒ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

The Town of Carrboro entered a Memorandum of Understanding (MOU) with the Chapel Hill-Carrboro City Schools, Town of Chapel Hill, and Orange County in July 2003. The MOU participants committed to developing a capital improvement plan for the construction of schools so that overall school membership did not exceed specified levels of building capacity. The Towns also established requirements for certificates of adequate schools as part of residential developments that required special use permits. Racial equity pocket questions are included as *Attachment D*.

**INFORMATION:** The Orange County Board of County Commissioners has referred the 2024 Draft Annual Technical Advisory Report on the Schools Adequate Public Facilities Ordinance (SAPFO) for information. A letter from Commission Chair Jamezetta Bedford with an executive summary of the major elements of the report and the February 20, 2024, agenda abstract is included in *Attachment A*.

The information notes that studies are underway this year to evaluate the processes for monitoring student population and facility needs, with reports expected to be provided to the Board of County Commissioners this year that may include recommendations for changing the SAPFO reporting and related processes.

The SAPFO applies to both the Chapel Hill-Carrboro City School system and the Orange County School system. The Orange County Board of County Commissioners is scheduled to accept the report on April 11.

The full report is attached (*Attachment B*) and may also be found on Orange County's Planning Department website at the following link: <https://www.orangecountync.gov/DocumentCenter/View/26975/2024-SAPFOTAC-Annual-Report---DRAFT-for-Posting?bidId=>.

A memo updating on Certificates of Adequate Public Schools (CAPS) that have been provided to residential projects in Carrboro is included as *Attachment C*.

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**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

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**File Type:** Agendas

**FISCAL IMPACT:** There are none noted with receiving this report.

**RECOMMENDATION:** The Town Manager recommends that the Carrboro Town Council receive the report.

JAMEZETTA BEDFORD, CHAIR  
SALLY GREENE, VICE-CHAIR  
AMY FOWLER  
JEAN HAMILTON  
EARL MCKEE  
PHYLLIS PORTIE-ASCOTT  
ANNA RICHARDS

**Orange County Board of Commissioners**  
**Post Office Box 8181**  
**300 West Tryon Street**  
**Hillsborough, North Carolina 27278**



February 21, 2024

Jessica Anderson, Mayor  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

Anne Purcell, Chair  
Orange County Board of Education  
200 E. King Street  
Hillsborough, NC 27278

Barbara Foushee, Mayor  
Town of Carrboro  
301 W. Main Street  
Carrboro, NC 27510

George Griffin, Chair  
Chapel Hill - Carrboro Board of Education  
750 Merritt Mill Road  
Chapel Hill, NC 27516

Mark Bell, Mayor  
Town of Hillsborough  
P.O. Box 429  
Hillsborough, NC 27278

Subject: Schools Adequate Public Facilities Ordinance Technical Advisory Committee  
(SAPFOTAC) Annual Report

Dear Sir or Madam:

This letter is to update you on the status of the 2024 Annual SAPFOTAC Report. In accordance with the SAPFO Memoranda of Understanding (MOU), the Board of County Commissioners (BOCC) approved the November 15, 2023 actual membership and capacity numbers for Orange County Schools and Chapel Hill - Carrboro City Schools at its meeting on December 4, 2023.

The SAPFOTAC, comprised of representatives of both school systems and the Planning Directors of the County and Towns, has produced the 2024 Annual Report. Per the SAPFO MOU, the annual technical report contains information on Levels of Service, Building Capacity, Membership Date, Capital Investment Plan, Student Membership Projection Methodology, Student Membership Projections, Student Membership Growth Rate, Student/Housing Generation Rate, and the SAPFO Process. Enclosed for your use are copies of the 2024 Executive Summary and the February 20, 2024 BOCC meeting agenda item abstract when the BOCC received the draft report.


The full draft SAPFOTAC report is available on the Orange County Planning Department website in the Long-Range & Comprehensive Planning section at the following link:

<http://www.orangecountync.gov/3031/Long-Range-Comprehensive-Planning>

The 2024 Annual SAPFOTAC Report is scheduled to be certified by the BOCC at a regular meeting in April 2024. If you have any comments pertaining to the report, please forward them to Cy Stober, Orange County Planning and Inspections Director, 919-245-2575 or [dstober@orangecountync.gov](mailto:dstober@orangecountync.gov), no later than 5:00 p.m. on **March 29, 2024**. Any comments received will be part of our agenda package in April.

Please share this information and the 2024 SAPFOTAC report with your respective boards.

Sincerely,



Jamezetta Bedford  
Chair  
Board of Orange County Commissioners

Enclosures

cc: Bonnie Hammersley, Orange County Manager  
Travis Myren, Deputy Orange County Manager  
Marie Parker, Interim Manager, Town of Carrboro  
Chris Blue, Interim Manager, Town of Chapel Hill  
Eric Peterson, Manager, Town of Hillsborough  
Nyah Hamlett, Superintendent, Chapel Hill-Carrboro City Schools  
Al Ciarochi, Deputy Superintendent for Operations, Chapel Hill-Carrboro City Schools  
Andre Stewart, Chief Operations Officer, Chapel Hill-Carrboro City Schools  
Quamesha Whitted-Miller, Director of Student Enrollment, Chapel Hill-Carrboro City Schools  
Jim Merrill, Interim Superintendent, Orange County Schools  
Dwane Foster, Chief Operations Officer, Orange County Schools  
Trish McGuire, Planning Director, Town of Carrboro  
Britany Waddell, Planning and Development Services Director, Town of Chapel Hill  
Shannan Campbell, Planning and Economic Development Manager, Town of Hillsborough

## 2024 SAPFOTAC Executive Summary

### I. Base Memorandum of Understanding

#### A. Level of Service .....(No Change).....Pg. 1

	<i>Chapel Hill/Carrboro School District</i>	<i>Orange County School District</i>
<i>Elementary</i>	105%	105%
<i>Middle</i>	107%	107%
<i>High</i>	110%	110%

#### B. Building Capacity and Membership .....(Change).....Pg. 2

	<i>Chapel Hill/Carrboro School District</i>			<i>Orange County School District</i>		
	Capacity	Membership	Change from Prior Year	Capacity	Membership	Change from Prior Year
<i>Elementary</i>	5664	4575	- 82	3361	3055	- 4
<i>Middle</i>	2944	2716	- 82	2166	1579	-19
<i>High</i>	3975	3974	+24	2939	2382	-105

#### C. Membership Date – November 15.....(No Change).....Pg. 18

### II. Annual Update to SAPFO System

#### A. Capital Investment Plan (CIP) .....(No Change).....Pg. 19

#### B. Student Membership Projection Methodology .....(No Change).....Pg. 20 The average of 3, 5, and 10-year history/cohort survival, linear and arithmetic projection models.

#### C. Student Membership Projections .....(Change).....Pg. 30

#### Analysis of 5 Years of Projections for 202-2024 School Year – Chapel Hill/Carrboro City Schools

(The first column for each year includes the student membership projection made for 2023-2024 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An “L” indicates the projection was low compared to the actual, whereas an “H” indicates the projection was high compared to the actual.)

		Year Projection Made for 2023-2024 Membership									
	Actual 2023 Membership	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023	
<b>Elementary</b>	4575	5498	H923	5367	H792	4708	H133	4582	L7	4581	H6
<b>Middle</b>	2716	2943	H227	2992	H276	2830	H114	2742	H26	2710	L6
<b>High</b>	3974	4037	H63	4085	H111	3915	L59	3908	L66	3914	H60

### Analysis of 5 Years of Projections for 2023-2024 School Year – Orange County Schools

(The first column for each year includes the student membership projection made for 2023-2024 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An “L” indicates the projection was low compared to the actual, whereas an “H” indicates the projection was high compared to the actual.)

		Year Projection Made for 2023-2024 Membership									
	Actual 2023 Membership	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023	
Elementary	3055	3321	H266	3320	H265	2994	L61	3000	L55	3063	H8
Middle	1579	1710	H131	1713	H134	1611	H32	1622	H43	1588	H9
High	2382	2426	H44	2433	H51	2367	L15	2508	H126	2446	H64

#### D. Student Membership Growth Rate .....(Change).....Pg. 37

Projected Average Annual Growth Rate Over Next 10 Years										
		Chapel Hill/Carrboro School District					Orange County School District			
Year Projection Made:		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2019-2020	2020-2021	2021-2022	2022-2023
Elementary		0.65%	-0.23%	-0.88%	-0.47%	-1.14%	0.84%	-0.02%	-0.04%	0.26%
Middle		-0.07%	-1.50%	-2.10%	-1.77%	-1.96%	0.37%	-0.67%	-0.72%	-0.15%
High		0.03%	-1.44%	-2.15%	-2.09%	-1.83%	0.21%	-0.98%	-1.06%	0.98%

#### E. Student / Housing Generation Rate .....(No Change).....Pg. 40

## SCHOOL ADEQUATE PUBLIC FACILITIES ORDINANCE STATUS

(Based on future year Student Membership Projections)

### CHAPEL HILL/CARRBORO SCHOOL DISTRICT

#### Elementary School Level

- Does not currently exceed 105% LOS standard (current LOS is 80.8%).
- The projected growth rate at this level is expected to increase but remain negative over the next 10 years (average -1.14% per year compared to an average of -1.89% over the past 10 years).
- Projections are not showing a need for an additional Elementary School in the 10-year projection period.

#### Middle School Level

- Does not currently exceed 107% LOS standard (current LOS is 92.3%).
- The projected growth rate at this level is expected to decrease and remain negative over the next 10 years (average -1.96% compared to an average of -0.48% over the past 10 years).
- Projections are not showing a need for an additional Middle School in the 10-year projection period.

#### High School Level

- Does not currently exceed the 110% LOS standard (current LOS is 100.0%).
- The projected growth rate at this level is expected to decrease and be negative over the next 10 years (average -1.83% compared to +0.56% over the past 10 years).



- C. Projections are not showing a need to expand Carrboro High School from the initial capacity of 800 students to the ultimate capacity of 1,200 students in the 10-year projection period.

## **ORANGE COUNTY SCHOOL DISTRICT**

### **Elementary School Level**

- A. Does not currently exceed 105% LOS standard (current LOS is 90.9%).  
 B. The projected growth rate at this level is expected to increase but remain negative over the next 10 years (average -0.14% compared to -1.13% over the past 10 years).  
 C. Projections are not showing a need for an additional Elementary School in the 10-year projection period.

### **Middle School Level**

- A. Does not currently exceed 107% LOS standard (current LOS is 72.9%).  
 B. The projected growth rate at this level is expected to increase but remain negative over the next 10 years (average -0.44% compared to -0.98% over the past 10 years).  
 C. Projections are not showing a need for an additional Middle School in the 10-year projection period.

### **High School Level**

- A. Does not currently exceed 110% LOS standard (current LOS is 81.0%).  
 B. The projected growth rate at this level is expected to decrease and remain negative over the next 10 years (average -0.91% compared to -0.13% over the past 10 years).  
 C. Projections are not showing a need for additional High School in the 10-year projection period.

## **ADDITIONAL INFORMATION**

### **Pre-K Students**

In recent years, Pre-K enrollment has been a topic of discussion with both school districts. At this time, SAPFO has not been amended to include Pre-K in the membership and capacity numbers. However, Pre-K numbers and impacts continue to be monitored by the SAPFOTAC. Pre-K students for each district is as follows:

	<b>Chapel Hill-Carrboro City Schools</b>	<b>Orange County Schools</b>
<b>School Year</b>	<b>Number of Students</b>	<b>Number of Students</b>
<b>2019-20</b>	267	144
<b>2020-21</b>	208 (-59)	86 (-58)
<b>2021-22</b>	222 (+14)	125 (+39)
<b>2022-23</b>	295 (+73)	101 (-24)
<b>2023-24</b>	250 (-45)	91 (-10)

### Charter and Private Schools

Currently, there are two Charter Schools located in the Town of Hillsborough. Charter student membership for these two schools is as follows:

	Eno River Academy	The Expedition School
School Year	Number of Students	Number of Students
2017-18	542	326
2018-19	655 (+113)	355 (+29)
2019-20	715 (+60)	365 (+10)
2020-21	747 (+32)	365*
2021-22	751 (+4)	
2022-23	777 (+26)	
2023-24	805 (+28)	362 (-3)
<i>*The Expedition School reached full capacity of 365 students in 2019-20</i>		

Charter and private schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not included in future projections. SAPFO projections are used for projecting only public school capacity/construction needs. However, the SAPFO Technical Advisory Committee does monitor charter and private schools and their effect on student enrollment in both school districts. If a charter or private school were to close and a spike were to be realized in school enrollment, the student projections would likely accelerate the need for additional capacity in future years, but likely still within an appropriate time for CIP planning. Charter Schools are also monitored by the Department of Public Instruction (DPI) which provides pupil information, based on data received from Charter Schools located in Orange County, to the County for funding purposes. The County budgeted for charter schools as follows:

	Chapel Hill-Carrboro City Schools	Orange County Schools
Fiscal Year	Number of Students	Number of Students
2017-18	162	617
2018-19	155 (-7)	769 (+152)
2019-20	169 (+14)	843 (+74)
2020-21	166 (-3)	885 (+42)
2021-22	156 (-10)	919 (+34)
2022-23	205 (+49)	951 (+32)
2023-24	210 (+5)	999 (+48)

Although charter and private schools numbers are not collected for SAPFO purposes, impacts due to enrollment at these schools are accounted for in SAPFO process with the annual reporting of student membership and growth rates contained in the 10-year student projections.

### Future Residential Development

Proposed growth is not included in the SAPFO projection system until actual students begin enrollment. The Certificate of Adequate Public Schools (CAPS) test is conducted during the approval process at a certain stage. Once students are enrolled in a school year, through annual reporting of student membership numbers, 10-year student projections can be updated to display

future capacity needs in time to efficiently plan for future school capacity/construction requests. The SAPFOTAC continue to monitor and evaluate the demand and growth of residential development throughout Orange County as well as its effect on student membership rates. Below is a list of larger residential projects and the potential number of students from these projects which may have an impact in the short term. Please note, the City of Mebane is not a party to the SAPFO agreement and therefore does not require that CAPS (Certificate of Adequate Public Schools) be issued prior to development approvals. As a result, the expected number of students is based on unit type and bedroom count estimates.

Residential Project	Jurisdiction	Proposed Total Units Remaining	Expected Number of Students
<b>Jade Creek</b>	Carrboro	72	Elementary: 19 Middle: 13 High: 12
<b>Weavers Grove</b>	Chapel Hill	235	Elementary: 44 Middle: 18 High: 20
<b>Park Apartments</b>	Chapel Hill	283	Elementary: 19 Middle: 7 High: 9
<b>Trinity Court Affordable Housing</b>	Chapel Hill	54	Elementary: 7 Middle: 3 High: 4
<b>Columbia Street Annex</b>	Chapel Hill	59	Elementary: 9 Middle: 3 High: 3
<b>101-111 Erwin Road</b>	Chapel Hill	52	Elementary: 21 Middle: 10 High: 9
<b>710 N Estes Townhomes</b>	Chapel Hill	107	Elementary: 21 Middle: 10 High: 9
<b>Stanat's Place</b>	Chapel Hill	47	Elementary: 12 Middle: 4 High: 4
<b>Aura Blue Hill</b>	Chapel Hill	301	Elementary: 21 Middle: 8 High: 11
<b>Calyx (Glen Lennox)</b>	Chapel Hill	291	Elementary: 18 Middle: 6 High: 9
<b>Collins Ridge Phase 1</b>	Hillsborough	672	Elementary: 84 Middle: 45 High: 57

<b>Residential Project</b>	<b>Jurisdiction</b>	<b>Proposed Total Units Remaining</b>	<b>Expected Number of Students</b>
<b>Persimmon at Cates Creek</b>	Hillsborough	346	Elementary: 22 Middle: 11 High: 15
<b>Stagecoach Corner</b>	Mebane	35	Elementary: 9 Middle: 5 High: 6
<b>Bowman Place</b>	Mebane	67	Elementary: 15 Middle: 7 High: 8
<b>The Townes of Oakwood Square</b>	Mebane	58	Elementary: 3 Middle: 2 High: 3
<b>Tupelo Junction I</b>	Mebane	157	Elementary: 38 Middle: 19 High: 20
<b>Tupelo Junction II</b>	Mebane	207	Elementary: 56 Middle: 27 High: 35
<b>Oakwood Subdivision</b>	Mebane	409	Elementary: 110 Middle: 53 High: 70
<b>11th Street Apartments</b>	Mebane	48	Elementary: 10 Middle: 4 High: 5
<b>Oak Grove Trails</b>	Mebane	51	Elementary: 3 Middle: 2 High: 2
<b>Meadows</b>	Mebane	17	Elementary: 3 Middle: 2 High: 2
<b>Meadowstone</b>	Mebane	147	Elementary: 8 Middle: 5 High: 6
<b>Edenview</b>	Orange County (OCS)	38	Elementary: 10 Middle: 5 High: 7

The SAPFOTAC also monitors projects that have not reached the stage of the development process when CAPS are issued. Therefore, student estimates are not yet available. The following is a list of projects for which rezoning has been approved:

<b>Residential Project</b>	<b>Jurisdiction</b>	<b>Expected Number of Units</b>
<b>Newbury</b>	Carrboro	38-44
<b>South Green</b>	Carrboro	63
<b>Hillmont</b>	Chapel Hill	500
<b>Gateway</b>	Chapel Hill	388
<b>St Paul Village</b>	Chapel Hill	350
<b>Chapel Hill Crossing</b>	Chapel Hill	290-344
<b>101 E Rosemary St</b>	Chapel Hill	150
<b>South Creek</b>	Chapel Hill	688-815
<b>Jay St Affordable Housing</b>	Chapel Hill	48
<b>Homestead Road Tri-Point</b>	Chapel Hill	119

### **School Renovation and Expansion**

The Schools Adequate Public Facilities Ordinance (SAPFO) student projections illustrate when the adopted level of service capacities are forecasted to be met and/or exceeded in anticipation of Capital Improvement Plan (CIP) planning and the construction of a new school. Both school districts continue planning efforts to renovate and expand existing facilities to address school capacity needs in a more feasible way. Additional capacity resulting from school renovations and expansions will be added to the projection models in stages, once funding is approved, versus the addition of greater capacity when a new school is constructed and completed. The renovation and expansion to existing facilities may delay construction of new schools further into the future, depending on how and how much capacity is added to the system. Decisions on the timing of reconstruction (i.e. capacity additions) funding would be directly linked to the SAPFO model at the appropriate time.

### **2023 Woolpert Facilities Capital Needs Assessment and Operations Research and Education Laboratory (ORED) Student Projections**

In 2023, Orange County contracted with Woolpert, Inc. to conduct a Facilities Capital Needs Assessment on all schools within both districts. Part of the assessment included calculating capacity at each school. At the Elementary level, two capacity calculations were completed: one that excluded space used by Pre-K programs and one that did not account for Pre-K usage. Woolpert, Inc. has presented its findings and discussions regarding the results are on-going. Also in 2023, each school district contracted with NC State's Operations Research and Education Laboratory (ORED) to complete a "Land Use Study" and student membership projections. ORED's projection model includes a forecasting component whereas the SAPFO model is mathematically based using historical data and accepted projection methodologies. Discussions regarding the results of the study are on-going.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** February 20, 2024

**Action Agenda  
Item No. 8-b**

**SUBJECT:** Schools Adequate Public Facilities Ordinance (SAPFO) – Receipt and Transmittal of 2024 Annual Technical Advisory Committee Report

**DEPARTMENT:** Planning and Inspections

**ATTACHMENT(S):**

1. SAPFO Partners Transmittal Letter
2. Draft 2024 SAPFOTAC Annual Report and Larger Scale Projection Worksheets

**INFORMATION CONTACT:**

Perdita Holtz, Deputy Director, 919-245-2578  
Cy Stober, Director, 919-245-2575

**PURPOSE:** To receive the 2024 Annual Report of the SAPFO Technical Advisory Committee (SAPFOTAC) and transmit it to the SAPFO partners for comments before certification in April.

**NOTE:** School Capacity Capital Investment Plan (CIP) Needs Analysis projects no new school system capacity needs in the next 10 years for elementary, middle, and high school levels for both Orange County Schools (OCS) and Chapel Hill-Carrboro City Schools (CHCCS).

**BACKGROUND:**

**1. OREd/Woolpert Alternative Projection and Capacity Assessments**

Over the past year, the County and school districts have researched alternative student enrollment projection and capacity assessments through the Operational Research and Education Laboratory (OREd) and Woolpert, Inc. consultants respectively. These alternative assessments were presented to the Board for review at the January 16, 2024 Board meeting. These assessments are not currently utilized through the SAPFO processes, but also recognize no projected new school system capacity needs in the next 10 years. The County will run these alternative assessments in parallel to the current SAPFO projections and capacity figures for the next year. The possibility of amending the SAPFO program to utilize the alternative student enrollment projection methodology and capacity assessments is expected to be reviewed this calendar year, with possible implementation before the next cycle of SAPFO analysis.

**2. Annual Report**

Each year since 2004, the SAPFOTAC Report is updated to reflect changing conditions of student membership and school capacity. This information is analyzed and used to project future school construction needs based on adopted level of service standards. There are two steps to the full report to keep the SAPFO system calibrated: Student Membership and Capacity is certified in the fall; and then the full annual report is produced the following winter/spring. At the December 4, 2023 BOCC meeting, the Board approved the November 15, 2023 actual Student Membership and Capacity numbers (i.e. first part) for both OCS and CHCCS. A draft of the full annual SAPFOTAC Report (Attachment 2) is complete and has been reviewed by the SAPFOTAC members.

### 3. SAPFOTAC

The SAPFOTAC is comprised of representatives of both school systems, the Planning Directors of the County and Towns, and County Finance staff. It is tasked to produce an annual report for the governing boards of each SAPFO partner outlining changes in actual membership, capacity, student projections, and their collective impacts on the Capital Investment Plan (CIP) and the future issuance of Certificates of Adequate Public Schools (CAPS). The CAPS are a requirement for new residential developments and reflect the capacity of the applicable school system to absorb the new students generated by the development project. Orange County's Planning Staff compiles the report, holds a meeting discussing the various aspects with the SAPFOTAC, and then prepares a draft report that is reviewed by the SAPFOTAC (Attachment 2).

### 4. Membership Data

CHCCS membership decreased in total by 140 students from the previous year:

- 82 Elementary School
- 82 Middle School
- + 24 High School

OCS membership decreased in total by 128 students from the previous year:

- 4 Elementary School
- 19 Middle School
- 105 High School

### 5. Capacity Data

There were no changes to school capacities this year.

### 6. Capacity Information

#### SAPFO vs. DPI

The SAPFO is a local ordinance, independent of State Department of Public Instruction (DPI) projections and rules regarding class size. The SAPFO, for instance, does not count temporary modular classrooms as fulfilling the capacity level of service outlined in the SAPFO interlocal Memorandum of Understanding (MOU). The MOU limits capacity analysis to 'bricks and mortar' structures instead of temporary facilities, and also requires its own set of future student projections to identify long-term capital school construction needs. However, the County did phase in DPI's smaller class size mandates in previous years, which decreased capacity. Decisions would have to be made if new changes at the State level affecting class size should, or should not, be reflected in the County's SAPFO.

### 6. Student Projection Analysis

#### CHCCS

Student membership projections show an overall decrease in membership at all levels within the 10-year planning period. Projections are shown on page 36 of the report.

#### OCS

Student membership projections show a flat membership projection at the Elementary level over the next 10 years, with decreases in the near-term followed by increases in later years. At the Middle and High School levels, the projections show an overall decrease in membership within the 10-year planning period. Projections are shown on page 35 of the report.

## 7. School Capacity CIP Needs Analysis

### CHCCS

Projected needs:

Elementary School	Projections show no needs in the next 10 years
Middle School	Projections show no needs in the next 10 years
High School	Projections show no needs in the next 10 years

### OCS

Projected needs:

Elementary School	Projections show no needs in the next 10 years
Middle School	Projections show no needs in the next 10 years
High School	Projections show no needs in the next 10 years

## 8. Student Generation Rates

The updated student generation rates were approved on May 19, 2015 and are shown in Attachment II.E.1 of the report. Updated rates began to be used for CAPS issuances in the fall of 2015 and are based on an inventory of recently built units from January 1, 2004 to December 31, 2013.

## 9. Access to Full Report

The draft SAPFOTAC report will be posted on the Orange County Planning & Inspections Department's website. A letter ([Attachment 1](#)) and the Executive Summary of the report will be sent to all SAPFO partners after this BOCC meeting advising them of the availability of the draft report and inviting comment.

## 10. Additional Information

### Mebane

The City of Mebane is not a SAPFO partner and does not utilize CAPS in its residential development review. However, County staff corresponds with Mebane annually in much the same way it does with SAPFO signatory communities, and Mebane has continually provided its residential growth figures, as represented by certificates of occupancy as well as projected residential growth estimates. These figures are reflected in the Annual Report, including the Executive Summary.

### Pre-K Enrollment

SAPFO does not include Pre-K in its membership and capacity numbers. In recent years, however, Pre-K enrollment has been a topic of discussion for both school districts. Pre-K membership enrollment for both districts is contained in the Executive Summary of the report.

### Charter Schools

Charter and private schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not formally monitored or included in future projections. However, the SAPFOTAC monitors charter and private schools and their effect on student enrollment upon both school districts. Additional information regarding charter school enrollment is contained in the Executive Summary.



**FINANCIAL IMPACT:** Current student growth projections do not show capacity needs for additional schools in either the CHCCS District or OCS District during the 10-year projection period.

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

**RECOMMENDATION(S):** The Manager recommends the Board:

1. Receive the 2024 SAPFOTAC Annual Report; and
2. Authorize the Chair to sign the transmittal letter to SAPFO partners contained in Attachment 1.

**ORANGE COUNTY, NC**  
**SCHOOLS ADEQUATE PUBLIC**  
**FACILITIES ORDINANCE**

**PREPARED BY A STAFF COMMITTEE: PLANNING DIRECTORS,  
SCHOOL REPRESENTATIVES, TECHNICAL ADVISORY COMMITTEE  
(SAPFOTAC)**

**(PURSUANT TO PROVISIONS OF A MEMORANDUM OF  
UNDERSTANDING ADOPTED IN 2002 & 2003)  
(ORDINANCES ADOPTED IN JULY 2003)**

**Annual Report  
2024  
(BASED ON NOVEMBER 2023 DATA)**

**CERTIFIED BY THE BOCC ON XXX, 2024**

## **Table of Contents**

<b>2024 SAPFOTAC Executive Summary .....</b>	<b>i</b>
<b>Introduction.....</b>	<b>viii</b>
<b>Schools Adequate Public Facilities Ordinance Partners.....</b>	<b>ix</b>
<b>Planning Directors/School Representatives Technical Advisory Committee.....</b>	<b>x</b>
<b>I. Base Memorandum of Understanding .....</b>	<b>1</b>
<b>A. Level of Service .....</b>	<b>1</b>
<b>B. Building Capacity and Membership .....</b>	<b>2</b>
Attachment I.B.1 Orange County School Capacity (Elementary, Middle, & High) (2022-23) .....	6
Attachment I.B.2 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High) (2022-23) .....	9
Attachment I.B.3 Orange County School Capacity (Elementary, Middle, & High) (2023-24) .....	12
Attachment I.B.4 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High) (2023-24) .....	15
<b>C. Membership Date.....</b>	<b>18</b>
<b>II. Annual Update to Schools Adequate Public Facilities Ordinance System .....</b>	<b>19</b>
<b>A. Capital Investment Plan (CIP) .....</b>	<b>19</b>
<b>B. Student Membership Projection Methodology .....</b>	<b>20</b>
Attachment II.B.1 – Student Membership Projection Descriptions .....	21
Attachment II.B.2 – Student Membership Projection Models Performance Analysis (2022-23) .....	22
Attachment II.B.3 – Student Membership Projection Models Performance Analysis (2023-24) .....	26
<b>C. Student Membership Projections .....</b>	<b>30</b>
Attachment II.C.1 – Orange County Student Projections (Elementary, Middle, & High) (2022-23) .....	33
Attachment II.C.2 – Chapel Hill-Carrboro Student Projections (Elementary, Middle, & High) (2022-23) .....	34
Attachment II.C.3 – Orange County Student Projections (Elementary, Middle, & High) (2023-24) .....	35
Attachment II.C.4 – Chapel Hill-Carrboro Student Projections (Elementary, Middle, & High) (2023-24) .....	36
<b>D. Student Membership Growth Rate .....</b>	<b>37</b>
Attachment II.D.1 – Orange County and Chapel Hill-Carrboro City Student Growth Rates (Chart dates from 2023-2033 based on 11/15/22 membership numbers) (2022-23) .....	38
Attachment II.D.2 – Orange County and Chapel Hill-Carrboro City Student Growth Rates (Chart dates from 2024-2034 based on 11/15/23 membership numbers) (2023-24) .....	39
<b>E. Student / Housing Generation Rate .....</b>	<b>40</b>
Attachment II.E.1 – Current Student Generation Rates (2015) .....	42
<b>III. Flowchart of Schools Adequate Public Facilities Ordinance Process .....</b>	<b>43</b>
<b>A. Capital Investment Plan (CIP) (Process 1) .....</b>	<b>43</b>
Attachment III.A.1 – Process 1 Capital Improvement Plan .....	44
<b>B. Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) Update (Process 2) .....</b>	<b>45</b>
Attachment III.B.1 – Process 2 Certificate of Adequate Public Schools (CAPS) Allocation .....	47

## 2024 SAPFOTAC Executive Summary

### I. Base Memorandum of Understanding

#### A. Level of Service .....(No Change).....Pg. 1

	<i>Chapel Hill/Carrboro School District</i>	<i>Orange County School District</i>
<i>Elementary</i>	105%	105%
<i>Middle</i>	107%	107%
<i>High</i>	110%	110%

#### B. Building Capacity and Membership .....(Change).....Pg. 2

	<i>Chapel Hill/Carrboro School District</i>			<i>Orange County School District</i>		
	Capacity	Membership	Change from Prior Year	Capacity	Membership	Change from Prior Year
<i>Elementary</i>	5664	4575	- 82	3361	3055	- 4
<i>Middle</i>	2944	2716	- 82	2166	1579	-19
<i>High</i>	3975	3974	+24	2939	2382	-105

#### C. Membership Date – November 15.....(No Change).....Pg. 18

### II. Annual Update to SAPFO System

#### A. Capital Investment Plan (CIP) .....(No Change).....Pg. 19

#### B. Student Membership Projection Methodology .....(No Change).....Pg. 20 The average of 3, 5, and 10-year history/cohort survival, linear and arithmetic projection models.

#### C. Student Membership Projections .....(Change).....Pg. 30

#### Analysis of 5 Years of Projections for 202-2024 School Year – Chapel Hill/Carrboro City Schools

(The first column for each year includes the student membership projection made for 2023-2024 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An “L” indicates the projection was low compared to the actual, whereas an “H” indicates the projection was high compared to the actual.)

		Year Projection Made for 2023-2024 Membership									
	Actual 2023 Membership	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023	
<b>Elementary</b>	4575	5498	H923	5367	H792	4708	H133	4582	L7	4581	H6
<b>Middle</b>	2716	2943	H227	2992	H276	2830	H114	2742	H26	2710	L6
<b>High</b>	3974	4037	H63	4085	H111	3915	L59	3908	L66	3914	H60

### Analysis of 5 Years of Projections for 2023-2024 School Year – Orange County Schools

(The first column for each year includes the student membership projection made for 2023-2024 in that given year. The second column for each year includes the number of students the projection was off compared to actual membership. An “L” indicates the projection was low compared to the actual, whereas an “H” indicates the projection was high compared to the actual.)

		Year Projection Made for 2023-2024 Membership									
	Actual 2023 Membership	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023	
Elementary	3055	3321	H266	3320	H265	2994	L61	3000	L55	3063	H8
Middle	1579	1710	H131	1713	H134	1611	H32	1622	H43	1588	H9
High	2382	2426	H44	2433	H51	2367	L15	2508	H126	2446	H64

#### D. Student Membership Growth Rate .....(Change).....Pg. 37

Projected Average Annual Growth Rate Over Next 10 Years										
Chapel Hill/Carrboro School District						Orange County School District				
Year Projection Made:	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Elementary	0.65%	-0.23%	-0.88%	-0.47%	-1.14%	0.84%	-0.02%	-0.04%	0.26%	-0.14%
Middle	-0.07%	-1.50%	-2.10%	-1.77%	-1.96%	0.37%	-0.67%	-0.72%	-0.15%	-0.44%
High	0.03%	-1.44%	-2.15%	-2.09%	-1.83%	0.21%	-0.98%	-1.06%	0.98%	-0.91%

#### E. Student / Housing Generation Rate .....(No Change).....Pg. 40

## SCHOOL ADEQUATE PUBLIC FACILITIES ORDINANCE STATUS

(Based on future year Student Membership Projections)

### CHAPEL HILL/CARRBORO SCHOOL DISTRICT

#### Elementary School Level

- Does not currently exceed 105% LOS standard (current LOS is 80.8%).
- The projected growth rate at this level is expected to increase but remain negative over the next 10 years (average -1.14% per year compared to an average of -1.89% over the past 10 years).
- Projections are not showing a need for an additional Elementary School in the 10-year projection period.

#### Middle School Level

- Does not currently exceed 107% LOS standard (current LOS is 92.3%).
- The projected growth rate at this level is expected to decrease and remain negative over the next 10 years (average -1.96% compared to an average of -0.48% over the past 10 years).
- Projections are not showing a need for an additional Middle School in the 10-year projection period.

#### High School Level

- Does not currently exceed the 110% LOS standard (current LOS is 100.0%).
- The projected growth rate at this level is expected to decrease and be negative over the next 10 years (average -1.83% compared to +0.56% over the past 10 years).

- C. Projections are not showing a need to expand Carrboro High School from the initial capacity of 800 students to the ultimate capacity of 1,200 students in the 10-year projection period.

## **ORANGE COUNTY SCHOOL DISTRICT**

### **Elementary School Level**

- A. Does not currently exceed 105% LOS standard (current LOS is 90.9%).
- B. The projected growth rate at this level is expected to increase but remain negative over the next 10 years (average -0.14% compared to -1.13% over the past 10 years).
- C. Projections are not showing a need for an additional Elementary School in the 10-year projection period.

### **Middle School Level**

- A. Does not currently exceed 107% LOS standard (current LOS is 72.9%).
- B. The projected growth rate at this level is expected to increase but remain negative over the next 10 years (average -0.44% compared to -0.98% over the past 10 years).
- C. Projections are not showing a need for an additional Middle School in the 10-year projection period.

### **High School Level**

- A. Does not currently exceed 110% LOS standard (current LOS is 81.0%).
- B. The projected growth rate at this level is expected to decrease and remain negative over the next 10 years (average -0.91% compared to -0.13% over the past 10 years).
- C. Projections are not showing a need for additional High School in the 10-year projection period.

## **ADDITIONAL INFORMATION**

### **Pre-K Students**

In recent years, Pre-K enrollment has been a topic of discussion with both school districts. At this time, SAPFO has not been amended to include Pre-K in the membership and capacity numbers. However, Pre-K numbers and impacts continue to be monitored by the SAPFOTAC. Pre-K students for each district is as follows:

	<b>Chapel Hill-Carrboro City Schools</b>	<b>Orange County Schools</b>
<b>School Year</b>	<b>Number of Students</b>	<b>Number of Students</b>
<b>2019-20</b>	267	144
<b>2020-21</b>	208 (-59)	86 (-58)
<b>2021-22</b>	222 (+14)	125 (+39)
<b>2022-23</b>	295 (+73)	101 (-24)
<b>2023-24</b>	250 (-45)	91 (-10)

### Charter and Private Schools

Currently, there are two Charter Schools located in the Town of Hillsborough. Charter student membership for these two schools is as follows:

	<b>Eno River Academy</b>	<b>The Expedition School</b>
<b>School Year</b>	<b>Number of Students</b>	<b>Number of Students</b>
<b>2017-18</b>	542	326
<b>2018-19</b>	655 (+113)	355 (+29)
<b>2019-20</b>	715 (+60)	365 (+10)
<b>2020-21</b>	747 (+32)	365*
<b>2021-22</b>	751 (+4)	
<b>2022-23</b>	777 (+26)	
<b>2023-24</b>	805 (+28)	362 (-3)
<i>*The Expedition School reached full capacity of 365 students in 2019-20</i>		

Charter and private schools are not included as part of the SAPFO Annual Report and, as a result, their membership and capacity numbers are not included in future projections. SAPFO projections are used for projecting only public school capacity/construction needs. However, the SAPFO Technical Advisory Committee does monitor charter and private schools and their effect on student enrollment in both school districts. If a charter or private school were to close and a spike were to be realized in school enrollment, the student projections would likely accelerate the need for additional capacity in future years, but likely still within an appropriate time for CIP planning. Charter Schools are also monitored by the Department of Public Instruction (DPI) which provides pupil information, based on data received from Charter Schools located in Orange County, to the County for funding purposes. The County budgeted for charter schools as follows:

	<b>Chapel Hill-Carrboro City Schools</b>	<b>Orange County Schools</b>
<b>Fiscal Year</b>	<b>Number of Students</b>	<b>Number of Students</b>
<b>2017-18</b>	162	617
<b>2018-19</b>	155 (-7)	769 (+152)
<b>2019-20</b>	169 (+14)	843 (+74)
<b>2020-21</b>	166 (-3)	885 (+42)
<b>2021-22</b>	156 (-10)	919 (+34)
<b>2022-23</b>	205 (+49)	951 (+32)
<b>2023-24</b>	210 (+5)	999 (+48)

Although charter and private schools numbers are not collected for SAPFO purposes, impacts due to enrollment at these schools are accounted for in SAPFO process with the annual reporting of student membership and growth rates contained in the 10-year student projections.

### Future Residential Development

Proposed growth is not included in the SAPFO projection system until actual students begin enrollment. The Certificate of Adequate Public Schools (CAPS) test is conducted during the approval process at a certain stage. Once students are enrolled in a school year, through annual reporting of student membership numbers, 10-year student projections can be updated to display

future capacity needs in time to efficiently plan for future school capacity/construction requests. The SAPFOTAC continue to monitor and evaluate the demand and growth of residential development throughout Orange County as well as its effect on student membership rates. Below is a list of larger residential projects and the potential number of students from these projects which may have an impact in the short term. Please note, the City of Mebane is not a party to the SAPFO agreement and therefore does not require that CAPS (Certificate of Adequate Public Schools) be issued prior to development approvals. As a result, the expected number of students is based on unit type and bedroom count estimates.

<b>Residential Project</b>	<b>Jurisdiction</b>	<b>Proposed Total Units Remaining</b>	<b>Expected Number of Students</b>
<b>Jade Creek</b>	Carrboro	72	Elementary: 19 Middle: 13 High: 12
<b>Weavers Grove</b>	Chapel Hill	235	Elementary: 44 Middle: 18 High: 20
<b>Park Apartments</b>	Chapel Hill	283	Elementary: 19 Middle: 7 High: 9
<b>Trinity Court Affordable Housing</b>	Chapel Hill	54	Elementary: 7 Middle: 3 High: 4
<b>Columbia Street Annex</b>	Chapel Hill	59	Elementary: 9 Middle: 3 High: 3
<b>101-111 Erwin Road</b>	Chapel Hill	52	Elementary: 21 Middle: 10 High: 9
<b>710 N Estes Townhomes</b>	Chapel Hill	107	Elementary: 21 Middle: 10 High: 9
<b>Stanat's Place</b>	Chapel Hill	47	Elementary: 12 Middle: 4 High: 4
<b>Aura Blue Hill</b>	Chapel Hill	301	Elementary: 21 Middle: 8 High: 11
<b>Calyx (Glen Lennox)</b>	Chapel Hill	291	Elementary: 18 Middle: 6 High: 9
<b>Collins Ridge Phase 1</b>	Hillsborough	672	Elementary: 84 Middle: 45 High: 57



<b>Residential Project</b>	<b>Jurisdiction</b>	<b>Proposed Total Units Remaining</b>	<b>Expected Number of Students</b>
<b>Persimmon at Cates Creek</b>	Hillsborough	346	Elementary: 22 Middle: 11 High: 15
<b>Stagecoach Corner</b>	Mebane	35	Elementary: 9 Middle: 5 High: 6
<b>Bowman Place</b>	Mebane	67	Elementary: 15 Middle: 7 High: 8
<b>The Townes of Oakwood Square</b>	Mebane	58	Elementary: 3 Middle: 2 High: 3
<b>Tupelo Junction I</b>	Mebane	157	Elementary: 38 Middle: 19 High: 20
<b>Tupelo Junction II</b>	Mebane	207	Elementary: 56 Middle: 27 High: 35
<b>Oakwood Subdivision</b>	Mebane	409	Elementary: 110 Middle: 53 High: 70
<b>11th Street Apartments</b>	Mebane	48	Elementary: 10 Middle: 4 High: 5
<b>Oak Grove Trails</b>	Mebane	51	Elementary: 3 Middle: 2 High: 2
<b>Meadows</b>	Mebane	17	Elementary: 3 Middle: 2 High: 2
<b>Meadowstone</b>	Mebane	147	Elementary: 8 Middle: 5 High: 6
<b>Edenvue</b>	Orange County (OCS)	38	Elementary: 10 Middle: 5 High: 7

The SAPFOTAC also monitors projects that have not reached the stage of the development process when CAPS are issued. Therefore, student estimates are not yet available. The following is a list of projects for which rezoning has been approved:

<b>Residential Project</b>	<b>Jurisdiction</b>	<b>Expected Number of Units</b>
<b>Newbury</b>	Carrboro	38-44
<b>South Green</b>	Carrboro	63
<b>Hillmont</b>	Chapel Hill	500
<b>Gateway</b>	Chapel Hill	388
<b>St Paul Village</b>	Chapel Hill	350
<b>Chapel Hill Crossing</b>	Chapel Hill	290-344
<b>101 E Rosemary St</b>	Chapel Hill	150
<b>South Creek</b>	Chapel Hill	688-815
<b>Jay St Affordable Housing</b>	Chapel Hill	48
<b>Homestead Road Tri-Point</b>	Chapel Hill	119

### **School Renovation and Expansion**

The Schools Adequate Public Facilities Ordinance (SAPFO) student projections illustrate when the adopted level of service capacities are forecasted to be met and/or exceeded in anticipation of Capital Improvement Plan (CIP) planning and the construction of a new school. Both school districts continue planning efforts to renovate and expand existing facilities to address school capacity needs in a more feasible way. Additional capacity resulting from school renovations and expansions will be added to the projection models in stages, once funding is approved, versus the addition of greater capacity when a new school is constructed and completed. The renovation and expansion to existing facilities may delay construction of new schools further into the future, depending on how and how much capacity is added to the system. Decisions on the timing of reconstruction (i.e. capacity additions) funding would be directly linked to the SAPFO model at the appropriate time.

### **2023 Woolpert Facilities Capital Needs Assessment and Operations Research and Education Laboratory (ORED) Student Projections**

In 2023, Orange County contracted with Woolpert, Inc. to conduct a Facilities Capital Needs Assessment on all schools within both districts. Part of the assessment included calculating capacity at each school. At the Elementary level, two capacity calculations were completed: one that excluded space used by Pre-K programs and one that did not account for Pre-K usage. Woolpert, Inc. has presented its findings and discussions regarding the results are on-going. Also in 2023, each school district contracted with NC State's Operations Research and Education Laboratory (ORED) to complete a "Land Use Study" and student membership projections. ORED's projection model includes a forecasting component whereas the SAPFO model is mathematically based using historical data and accepted projection methodologies. Discussions regarding the results of the study are on-going.

## **Orange County, NC School Adequate Public Facilities Ordinance**

### **Introduction**

The Schools Adequate Public Facilities Ordinance (SAPFO) and its Memorandum of Understanding are ordinances and agreements, respectively. Supporting documents are anticipated to be dynamic to incorporate the annual changing conditions of membership, capacity and student projections that may affect School Capital Investment Plan (CIP) timing. This formal annual report will be forthcoming to all of the Schools Adequate Public Facilities Ordinance partners each year as new information is available.

This updated information is used in the schools capital needs process of the Capital Investment Plan (Process 1) and within elements of the Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) spreadsheet system (Process 2).

This report and any comments from the Schools Adequate Public Facilities Ordinance partners will be considered in the first half of each year by the Board of County Commissioners at a regular or special meeting. The various elements of the report are then “certified” and formally considered in the process of the upcoming Capital Investment Plan. The Certificate of Adequate Public Schools system is updated after November 15 when data is received from the school districts with actual membership and pre-certified capacity (i.e. CIP capacity or prior “joint action” capacity changes).

The Schools Adequate Public Facilities Ordinance and Memorandum of Understanding have dynamic aspects. The derivation of the baseline and update to the variables will continue in the future as a variety of school related issues are fine-tuned by technical and policy groups.

The primary facet of this report includes the creation of mathematical projections for student memberships by school levels (Elementary, Middle and High) and by School Districts (Chapel Hill/Carrboro and Orange County). This information is found in Section II, Subsections B, C, D, and E.

In summary, this report serves as an update to the dynamic conditions of student membership and school capacity which affect future projected needs considered in Capital Investment Planning.

Interested parties may make their comments known to the Board of County Commissioners prior to their review of the report and school CIP completion or ask questions of the SAPFOTAC members.

**Schools Adequate Public Facilities Ordinance Partners**

**Annual Report as Outlined in**

**Schools Adequate Public Facilities Ordinance Memorandum**

**of Understanding (SAPFO MOU)**

**Section 1d**

**Respectfully Submitted to Schools Adequate Public Facilities**

**Ordinance Partners**

<b>Chapel Hill-Carrboro City School District SAPFO</b>	<b>Orange County School District SAPFO</b>
Board of County Commissioners	Board of County Commissioners
Carrboro Town Council	Hillsborough Board of Commissioners
Chapel Hill Town Council	
Chapel Hill-Carrboro School Board	Orange County School Board

**Planning Directors/School Representatives  
Technical Advisory Committee  
(aka SAPFOTAC)**

Town of Carrboro  
Trish McGuire, Planning Director  
301 West Main Street  
Carrboro, NC 27510

Town of Chapel Hill  
Britany Waddell, Planning Director  
405 Martin Luther King, Jr. Blvd.  
Chapel Hill, North Carolina 27514

Town of Hillsborough  
Shannan Campbell, Planning and Economic Development Manager  
P.O. Box 429  
Hillsborough, NC 27278

Orange County  
Cy Stober, Planning Director  
Perdita Holtz, Deputy Planning Director, Long-Range Planning  
Kirk Vaughn, Budget Director  
131 W. Margaret Lane  
P.O. Box 8181  
Hillsborough, NC 27278

Orange County School District  
Jim Merrill, Interim Superintendent  
200 E. King Street  
Hillsborough, NC 27278

Chapel Hill-Carrboro City School District  
Nyah Hamlett, Superintendent  
750 Merritt Mill Road  
Chapel Hill, NC 2751

## I. Base Memorandum of Understanding

### A. Level of Service

1. **Responsible Entity for Suggesting Change** – Change can only be effectuated by amendment to Memorandum of Understanding (MOU) by all SAPFO partners.
2. **Definition** – Level of Service (LOS) means the amount (level) of students that can be accommodated (served) at a certain school system grade group [i.e., Elementary level (K-5), Middle Level (6-8), High School Level (9-12)].

#### 3. *Standard for:*

Chapel Hill-Carrboro City School District		
Elementary	Middle	High School
105%	107%	110%

#### *Standard for:*

Orange County School District		
Elementary	Middle	High School
105%	107%	110%

#### 4. *Analysis of Existing Conditions:*

##### Chapel Hill-Carrboro City School District

These standards are acceptable at this time.

#### *Analysis of Existing Conditions:*

##### Orange County School District

These standards are acceptable at this time.

#### 5. *Recommendation:*

##### Chapel Hill-Carrboro City School District

No change from above standard.

#### *Recommendation:*

##### Orange County School District

No change from above standard.

## B. Building Capacity and Membership

1. **Responsible Entity for Suggesting Change** – The Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) will receive requested changes that are CIP related and adopted in the prior year. CIP capacity changes will be updated along with actual membership received in November of each year. Other changes will be sent to a ‘Joint Action Committee’ of the BOCC and Board of Education, as noted in the MOU, who will make recommendations and forward changes (on the specific forms with justification) to the full Board of County Commissioners for review and action. These non-CIP changes would be updated in the upcoming November CAPS system recalibration and included in the SAPFOTAC report.
2. **Definition** – For purposes of this Memorandum, "building capacity" will be determined by reference to State guidelines and the School District guidelines (consistent with CIP School Construction Guidelines/policies developed by the School District and the Board of County Commissioners) and will be determined by a joint action of the School Board and the Orange County Board of Commissioners. As used herein the term "building capacity" refers to permanent buildings. Mobile classrooms and other temporary student accommodating classroom spaces are not permanent buildings and may not be counted in determining the school districts building capacity.

### 3. **Standard for:**

#### **Chapel Hill-Carrboro City School District**

The original certified capacity for each of the schools was certified by the respective superintendent and incorporated in the initialization of the CAPS system (Chapel Hill-Carrboro School District April 29, 2002 - Base) Capacity changes were made each year as follows:

**2003:** Increase of 619 at Rashkis Elementary.  
**2004:** No changes at Elementary, Middle, or High School levels.

### **Standard for:**

#### **Orange County School District**

The original certified capacity for each of the schools was certified by the respective superintendent and incorporated in the initialization of the CAPS system (Orange County School District April 30, 2002 - Base) Capacity changes were made each year as follows:

**2003:** No net increase in capacity at Elementary level. No changes at Middle School level.  
 Increase of 1,000 at Cedar Ridge High School.

*Section I*

**2005:** No changes at Elementary, Middle, or High School levels.

**2006:** No changes at Elementary, Middle, or High School levels.

**2007:** An increase of 800 at the High School level with the opening of Carrboro High School.

**2008:** An increase of 323 at the Elementary School level due to the opening of Morris Grove Elementary School and the implementation of the 1:21 class size ratio in grades K-3

**2009:** No changes at Elementary, Middle, or High School levels.

**2010:** An increase in capacity of 40 students at the High School level with Phoenix Academy High School becoming official high school within the district

**2011:** No changes at Elementary, Middle, or High School levels.

**2012:** No changes at Elementary, Middle, or High School levels.

**2013:** An increase in capacity of 585 students due to the opening of Northside Elementary School.

**2014:** An increase in capacity of 104 students due to the opening of the Culbreth Middle School addition.

**2015:** No changes at Elementary, Middle, or High School levels.

**2016:** No changes at Elementary, Middle, or High School levels.

**2004:** No net increase in capacity at Elementary level. No changes at Middle or High School levels.

**2005:** An increase in capacity of 100 at Hillsborough Elementary with the completion of renovations.

**2006:** An increase in capacity of 700 at the Middle School level with the completion of Gravelly Hill Middle School and an increase of 15 at the High School level with the temporary location of Partnership Academy Alternative School. An increase of 2 at the Elementary level due to a change in the capacity calculation for each grade at each school.

**2007:** No changes at Elementary, Middle, or High School levels.

**2008:** A decrease of 228 at the Elementary School level due to the implementation of the 1:21 class size ratio in grades K-3 and an increase of 25 at the High School level with the completion of the new Partnership Academy Alternative School.

**2009:** No changes at Elementary, Middle, or High School levels.

**2010:** No changes at Elementary, Middle, or High School levels.

**2011:** No changes at Elementary, Middle, or High School levels.

**2012:** No changes at Elementary or Middle School levels. A decrease of 119 at High School level as a result of a N.C. Department of Public Instruction (DPI) study.



*Section I*

**2017:** A decrease in capacity of 165 students due to the implementation of the 1:20 class size ratio in grades K-3.

**2018:** No changes at Elementary, Middle or High School levels.

**2019:** No changes at Elementary, Middle, or High School levels.

**2020:** Increase of 100 seats at the High School level due to renovations at Chapel Hill High School. No changes at Elementary or Middle School levels.

**2021:** No changes at Elementary, Middle, or High School levels.

**2022:** No changes at Elementary, Middle, or High School levels.

**2023:** No changes at Elementary, Middle, or High School levels.

**2013:** No changes at Elementary, Middle, or High School levels.

**2014:** No changes at Elementary, Middle, or High School levels.

**2015:** No changes at Elementary, Middle, or High School levels.

**2016:** No changes at Elementary, Middle, or High School levels.

**2017:** A decrease in capacity of 333 students due to the implementation of the 1:20 class size ratio in grades K-3.

**2018:** No changes at Elementary, Middle, or High School levels.

**2019:** No changes at Elementary, Middle, or High School levels.

**2020:** No changes at the Elementary, Middle, or High School levels.

**2021:** Increase of 500 seats at the High School level due to the Cedar Ridge High School addition. No changes at Elementary or Middle School levels.

**2022:** No changes at Elementary, Middle, or High School levels.

**2023:** No changes at Elementary, Middle, or High School levels.

#### **4. Analysis of Existing Conditions:**

##### **Chapel Hill-Carrboro City School District**

The Schools Facilities Task Force developed a system to calculate capacity. Any changes year to year will be monitored, reviewed, and

#### **Analysis of Existing Conditions:**

##### **Orange County School District**

The Schools Facilities Task Force developed a system to calculate capacity. Any changes year to year will be monitored, reviewed, and recorded by

*Section I*

recorded by the SAPFOTAC on approved forms distributed to SAPFO partners and certified upon approval by the Board of County Commissioners each year. The requested 2023-2024 capacity is noted on Attachment I.B.4

**5. Recommendation:****Chapel Hill-Carrboro City School District**

Accept school capacities at all levels, as reported by CHCCS and shown in Attachment I.B.4.

the SAPFOTAC on approved forms distributed to SAPFO partners and certified upon approval by the Board of County Commissioners each year. The requested 2023-2024 capacity is noted on Attachment I.B.3

**Recommendation:****Orange County School District**

Accept school capacities at all levels, as reported by OCS and shown in Attachment I.B.3.

### Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

**School District:** Orange County Schools

**SAPFO CAPS Year:** November 15, 2022 - November 14, 2023

**Capacity and Membership Submittal Date:** November 15, 2022

Elementary School	Square Feet	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
River Park	70,812	565	565	502	502	502		561	111.8%
Central	52,492	455	455	428	428	428		296	69.2%
Efland Cheeks	64,316	497	497	455	455	455		522	114.7%
Grady Brown	74,016	544	544	490	490	490		415	84.7%
Hillsborough	51,106	471	471	420	420	420		428	101.9%
New Hope	100,164	586	586	526	526	526		528	100.4%
Pathways	85,282	576	576	540	540	540		309	57.2%
<b>Total</b>	<b>498,188</b>	<b>3,694</b>	<b>3,694</b>	<b>3,361</b>	<b>3,361</b>	<b>3,361</b>		<b>3,059</b>	<b>91.0%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

Monique Felder  
Monique Felder (Nov 23, 2022 09:11 EST)

Nov 23, 2022

Superintendent

Date

James H. R. Bedford  
BOCC Chair

Date

## Section I

**Attachment I.B.1 Orange County School Capacity (Elementary, Middle, & High)**  
 (2022-23)  
 (Page 2 of 3)

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and  
Change Request Form**

**School District:** Orange County Schools

**SAPFO CAPS Year:** November 15, 2022 - November 14, 2023

**Capacity and Membership Submittal Date:** November 15, 2022

Middle School	Square Feet	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
A.L. Stanback	136,000	740	740	740	740	740		644	87.0%
Orange Middle	107,620	726	726	726	726	726		524	72.2%
Gravelly Hill	123,000	700	700	700	700	700		430	61.4%
<b>Total</b>	<b>366,620</b>	<b>2,166</b>	<b>2,166</b>	<b>2,166</b>	<b>2,166</b>	<b>2,166</b>		<b>1,598</b>	<b>73.8%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

Monique Felder  
 Monique Felder (Nov 23, 2022 09:11 EST)

Superintendent

Nov 23, 2022

Date

Janeth R. Bedford  
 BOCC Chair

Date

## Section I

## Attachment I.B.1 Orange County School Capacity (Elementary, Middle, &amp; High)

(2022-23)

(Page 3 of 3)

### Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Orange County Schools

SAPFO CAPS Year: November 15, 2022 - November 14, 2023

Capacity and Membership Submittal Date: November 15, 2022

High School	Square Feet	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Cedar Ridge	256,900	1,000	1,000	1,000	1,500	1,500	*	1,111	74.1%
Orange	213,509	1,399	1,399	1,399	1,399	1,399		1,342	95.9%
Partnership	6,600	40	40	40	40	40		34	85.0%
<b>Total</b>	<b>477,009</b>	<b>2,439</b>	<b>2,439</b>	<b>2,439</b>	<b>2,939</b>	<b>2,939</b>		<b>2,487</b>	<b>84.6%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:** 2021-22 addition to Cedar Ridge added 50,000 square feet and 500 seats.

**Capacity and Membership Certification:**

Monique Felder  
Monique Felder (Nov 23, 2022 03:11 EST)

Nov 23, 2022

Superintendent

Date

James R. Bedford  
BOCC Chair

Date



Section 1 Attachment I.B.2 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High)  
(2022-23)  
(Page 1 of 3)

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form**

School District: Chapel Hill-Carrboro City Schools

SAPFO CAPS Year: November 15, 2022 - November 14, 2023

Capacity and Membership Submittal Date: November 15, 2022

Elementary School	Square Feet	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Carrboro	60,832	533	518	518	518	518		484	93.4%
Ephesus	66,952	448	436	436	436	436		355	81.4%
Estes Hills	56,299	527	516	516	516	516		332	64.3%
FP Graham	66,689	538	522	522	522	522		513	98.3%
Glenwood	50,764	423	412	412	412	412		430	104.4%
McDougle	98,000	564	548	548	548	548		474	86.5%
Morris Grove	90,221	585	568	568	568	568		427	75.2%
Northside	99,500	585	568	568	568	568		373	65.7%
Rashkis	95,729	585	568	568	568	568		421	74.1%
Scroggs	90,980	575	558	558	558	558		379	67.9%
Seawell	52,896	466	450	450	450	450		469	104.2%
<b>Total</b>	<b>828,862</b>	<b>5,829</b>	<b>5,664</b>	<b>5,664</b>	<b>5,664</b>	<b>5,664</b>		<b>4,657</b>	<b>82.2%</b>

**Special Note(s):** 1 For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/8/22  
Superintendent Date

  
BOCC Chair Date

Section I Attachment I.B.2 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High)  
(2022-23)  
(Page 2 of 3)

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form**

School District: Chapel Hill-Carrboro City Schools

SAPFO CAPS Year: November 15, 2022 - November 14, 2023

Capacity and Membership Submittal Date: November 15, 2022

Middle School	Square Feet	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Culbreth	122,467	774	774	774	774	774		658	85%
McDougle	136,221	732	732	732	732	732		756	103%
Phillips	109,498	706	706	706	706	706		614	87%
Smith	128,764	732	732	732	732	732		770	105%
<b>Total</b>	<b>496,950</b>	<b>2,944</b>	<b>2,944</b>	<b>2,944</b>	<b>2,944</b>	<b>2,944</b>		<b>2,798</b>	<b>95.0%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/18/22  
Superintendent Date

  
BOCC Chair Date

Section I Attachment I.B.2 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High)  
(2022-23)  
(Page 3 of 3)

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form**

School District: Chapel Hill-Carrboro City Schools

SAPFO CAPS Year: November 15, 2022 - November 14, 2023

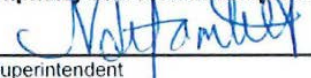
Capacity and Membership Submittal Date: November 15, 2022

High School	Square Feet	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Carrboro	148,023	800	800	800	800	800		864	108%
Chapel Hill	241,111	1,520	1,520	1,620	1,620	1,620		1,601	99%
East Chapel Hill	259,869	1,515	1,515	1,515	1,515	1,515		1,446	95%
Phoenix Acad.	5,207	40	40	40	40	40		39	98%
<b>Total</b>	<b>654,210</b>	<b>3,875</b>	<b>3,875</b>	<b>3,975</b>	<b>3,975</b>	<b>3,975</b>		<b>3,950</b>	<b>99.4%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/18/22  
Superintendent Date

  
BOCC Chair Date



## Section II

**Attachment I.B.3 Orange County School Capacity (Elementary, Middle, & High)**  
 (2023-24)  
 (Page 1 of 3)

O I H E K - 2023-077; 8-9; 12/4/23

Attachment 1

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and  
Change Request Form**

School District: Orange County Schools  
 SAPFO CAPS Year: November 15, 2023 - November 14, 2024  
 Capacity and Membership Submittal Date: November 15, 2023

Elementary School	Square Feet	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	2023-2024 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Central	52,492	455	428	428	428	428		291	68.0%
Efland Cheeks	64,316	497	455	455	455	455		526	115.6%
Grady Brown	74,016	544	490	490	490	490		406	82.9%
Hillsborough	51,106	471	420	420	420	420		437	104.0%
New Hope	100,164	586	526	526	526	526		527	100.2%
Pathways	85,282	576	540	540	540	540		312	57.8%
River Park	70,812	565	502	502	502	502		556	110.8%
<b>Total</b>	<b>498,188</b>	<b>3,694</b>	<b>3,361</b>	<b>3,361</b>	<b>3,361</b>	<b>3,361</b>		<b>3,055</b>	<b>90.9%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/27/23  
 Superintendent Date

 12/4/23  
 BOCC Chair Date

## Section II

**Attachment I.B.3 Orange County School Capacity (Elementary, Middle, & High)**  
 (2023-24)  
 (Page 2 of 3)

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and  
Change Request Form**

School District: Orange County Schools

SAPFO CAPS Year: November 15, 2023 - November 14, 2024

Capacity and Membership Submittal Date: November 15, 2023

Middle School	Square Feet	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	2023-2024 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
A.L. Stanback	136,000	740	740	740	740	740		633	85.5%
Orange Middle	107,620	726	726	726	726	726		535	73.7%
Gravelly Hill	123,000	700	700	700	700	700		411	58.7%
<b>Total</b>	<b>366,620</b>	<b>2,166</b>	<b>2,166</b>	<b>2,166</b>	<b>2,166</b>	<b>2,166</b>		<b>1,579</b>	<b>72.9%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/27/23  
 Superintendent Date

  
 BOCC Chair Date

014112-2023-071, 8-g; 12/4/23

James B. Beggs 12/4/23  
BOCC Chair Date

## Section II

**Attachment I.B.4 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High)**  
 (2023-24)  
 (Page 1 of 3)

OTHER 2023-078; 8-g;  
 12/4/23

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and  
 Change Request Form**

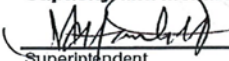
School District: Chapel Hill-Carrboro City Schools  
 SAPFO CAPS Year: November 15, 2023 - November 14, 2024  
 Capacity and Membership Submittal Date: November 15, 2023

Elementary School	Square Feet	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	2023-2024 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Carrboro	60,832	518	518	518	518	518		488	94.2%
Ephesus	66,952	436	436	436	436	436		355	81.4%
Estes Hills	56,299	516	516	516	516	516		339	65.7%
FP Graham	66,689	522	522	522	522	522		509	97.5%
Glenwood	50,764	412	412	412	412	412		411	99.8%
McDougle	98,000	548	548	548	548	548		466	85.0%
Morris Grove	90,221	568	568	568	568	568		397	69.9%
Northside	99,500	568	568	568	568	568		373	65.7%
Rashkis	95,729	568	568	568	568	568		425	74.8%
Scroggs	90,980	558	558	558	558	558		382	68.5%
Seawell	52,896	450	450	450	450	450		430	95.6%
<b>Total</b>	<b>828,862</b>	<b>5,664</b>	<b>5,664</b>	<b>5,664</b>	<b>5,664</b>	<b>5,664</b>		<b>4,575</b>	<b>80.8%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/16/23  
 Superintendent Date

 12/4/23  
 BOCC Chair Date





## Section II

**Attachment I.B.4 Chapel Hill-Carrboro City School Capacity (Elementary, Middle, & High)**  
 (2023-24)  
 (Page 3 of 3)

CTHEK-2023-018; 8-g; 12/4/23

**Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and  
Change Request Form**

School District: Chapel Hill-Carrboro City Schools  
 SAPFO CAPS Year: November 15, 2023 - November 14, 2024  
 Capacity and Membership Submittal Date: November 15, 2023


High School	Square Feet	2019-2020 Requested Capacity	2020-2021 Requested Capacity	2021-2022 Requested Capacity	2022-2023 Requested Capacity	2023-2024 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Carrboro	148,023	800	800	800	800	800		885	111%
Chapel Hill	241,111	1,520	1,520	1,620	1,620	1,620		1,642	101%
East Chapel Hill	259,869	1,515	1,515	1,515	1,515	1,515		1,412	93%
Phoenix Acad.	5,207	40	40	40	40	40		35	88%
<b>Total</b>	<b>654,210</b>	<b>3,875</b>	<b>3,875</b>	<b>3,975</b>	<b>3,975</b>	<b>3,975</b>		<b>3,974</b>	<b>100.0%</b>

**Special Note(s):** 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

**Justification:**

**Capacity and Membership Certification:**

 11/16/23  
 Superintendent Date

 12/4/23  
 BOCC Chair Date

## Section II

**C. Membership Date**

1. ***Responsible Entity for Suggesting Change*** – Change can be effectuated only by amendment to Memorandum of Understanding (MOU) by all SAPFO partners. The Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) may advise if a change in date would improve the reporting or timeliness of the report.
2. ***Definition*** – The date at which student membership is calculated. This date is updated each year and also serves as the basis for projections along with the history from previous years. “For purposes of this Memorandum, the term "school membership" means the actual number of students attending school as of November 15 of each year. The figure is determined by considering the number of students enrolled (i.e. registered, regardless of whether a student is no longer attending school) and making adjustments for withdrawals, dropouts, deaths, retentions and promotions. Students who are merely absent from class on the date membership is determined as a result of sickness or some other temporary reason are included in school membership figures. Each year the School District shall transmit its school membership to the parties to this agreement no later than five (5) school days after November 15.
3. ***Standard for:***

<b>Chapel Hill-Carrboro City School District</b> November 15 of each year	<b>Standard for:</b> <b>Orange County School District</b> November 15 of each year
--	--
4. ***Analysis of Existing Conditions:***  
This can be analyzed in the future years to determine if it is an exemplary date.
5. ***Recommendation:***

<b>Chapel Hill-Carrboro City School District</b> No change at this time.	<b>Recommendation:</b> <b>Orange County School District</b> No change at this time.
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## II. Annual Update to Schools Adequate Public Facilities Ordinance System

### A. Capital Investment Plan (CIP)

1. ***Responsible Entity for Suggesting Change*** – The updating of this section will be conducted by the Board of County Commissioners (BOCC) after review of the CIP requests from the School Districts. Action regarding CIP programs usually occurs during the BOCC budget Public Hearing process in the winter and spring of each year. The development of the CIP considers the conditions noted in the SAPFOTAC report released in the same CIP development year including LOS (level of service), capacity, and membership projections.
2. ***Definition*** – The process and resultant program to determine school needs and provide funding for new school facilities through a variety of funding mechanisms.
3. ***Standard for:***

<b>Chapel Hill-Carrboro City School District</b>	<b>Orange County School District</b>
Not Applicable	Not Applicable
4. ***Analysis of Existing Conditions:***  
 The MOU outlines a system of implementing the SAPFO, including issuing Certificates of Adequate Public Schools (CAPS) to new development if capacity is available. The Requests for CAPS will be evaluated using the most recently adopted Capital Investment Plan. A new Capital Investment Plan is currently under development for approval prior to June 30, 2024.
5. ***Recommendation:***  
 Not subject to staff review



## Section II

## B. Student Membership Projection Methodology

1. ***Responsible Entity for Suggesting Change*** – This section is reviewed and recommended by the Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) to the BOCC for change, if necessary.
2. ***Definition*** – The method(s) by which student memberships are calculated for future years to determine total membership at each combined school level (Elementary, Middle, and High School) which take into consideration historical membership totals at a specific time (November 15) in the school year. These methods are also known as ‘models’.

3. ***Standard for:***

**Chapel Hill-Carrboro City School District**
***Standard for:***
**Orange County School District**

Presently, the average of five models is being used: namely 3, 5, and 10-year history/cohort survival methods, Orange County Planning Department Linear Wave, and Tischler Linear methods. Attachment II.B.1 includes a description of each model.

4. ***Analysis of Existing Conditions:***

Performance of the models is monitored each year. The value of a projection model is in its prediction of school level capacities at least three years in advance of capacity shortfalls so the annual Capital Investment Plan (CIP) updates can respond proactively with siting, design, and construction. Attachment II.B.1 includes a description of each model. Attachment II.B.3 shows the performance of the models for the 2023-24 school year from the prior year projection.

5. ***Recommendation:***

Analysis on the accuracy of the results is showing fairly accurate results, particularly for the average of all five models/ Orange County Schools has lower enrollment numbers than 10 years ago at all three school levels (Elementary, Middle, and High). Chapel Hill-Carrboro City Schools has lower enrollment numbers than 10 years ago at the Elementary and Middle levels while the High School level has experienced enrollment growth over the past 10 years. The historic growth rate is recorded by the models, but projected future growth is more difficult to accurately quantify. In all areas of the county, proposed growth is not included in the SAPFO projection system until actual students are enrolled. The system is updated in November of each year, becoming part of the historical projection base.

## Section II

## Attachment II.B.I – Student Membership Projection Descriptions

## STUDENT MEMBERSHIP PROJECTIONS

PROJECTION TYPE	DESCRIPTION / CHARACTERISTICS	FORMULA	ASSUMPTIONS
Tischler Linear (OCS & CHCCS)	Mathematical formula, straight line projection	$y = ((c^x)b^x) + b$ y=projected population; c=historical annual change; b=base year; x= projection years	Historical growth is reflected in projected growth
OCP Linear Wave (OCS)	Mathematical linear with percent variation among school levels; reflects progressing waves of membership	$BYM + (BYI + 5(n)) = EYM$ $EYM * \%SL = EYM/SL$ BYM= base year 2nd month membership; BYI=year student membership increment base; EYM=ensuing year membership; n=projection year; %SL=% of total membership per school level (i.e. elementary, middle, high); EYM/SL=ensuing year member by school level	Base year growth reflects 10-year average; increase in BYI of 5 every other year reflects increases in housing growth; reflects buildout constraints
OCP Linear Wave (CHCCS)	Mathematical linear with percent variation among school levels; reflects progressing waves of membership	$BYM + (BYI - 15(n)) = EYM$ $EYM * \%SL = EYM/SL$ BYM= base year 2nd month membership; BYI=year student membership increment base; EYM=ensuing year membership; n=projection year; %SL=% of total membership per school level (i.e. elementary, middle, high); EYM/SL=ensuing year member by school level	Base year growth reflects 10-year average; decrease in BYI of 15 until school year 2010-2011 reflects decreases in housing growth; reflects buildout constraints
3-Year Cohort (OCS & CHCCS)	Mathematical formula that computes the average advancement rate over the previous 3 years for each grade level and then uses each rate to calculate projected membership by school level; an assumed kindergarten membership is based on birth records and/or historical growth rates	$K_n = K_{n-1} + (K_{n-1} * 0.01)$ n=1 $a = (\sum G_n / g_{n-1}) / 3$ n=3 $b = g_{n-1} (a)$ K=kindergarten membership; n=given school year; G=given grade's membership(other than kindergarten); g= previous grade's membership; a=average advancement rate; b=projected membership	Assumes a 1% annual growth rate for the kindergarten grade level; assumes the same percentage of students in each grade level graduate to the next level each year
5 year Cohort (OCS & CHCCS)	Mathematical formula that computes the average advancement rate over the previous 5 years for each grade level and then uses each rate to calculate projected membership by school level; an assumed kindergarten membership is based on birth records and/or historical growth rates	$K_n = K_{n-1} + (K_{n-1} * 0.01)$ n=1 $a = (\sum G_n / g_{n-1}) / 5$ n=5 $b = g_{n-1} (a)$ K=kindergarten membership; n=given school year; G=given grade's membership(other than kindergarten); g= previous grade's membership; a=average advancement rate; b=projected membership	Assumes a 1% annual growth rate for the kindergarten grade level; assumes the same percentage of students in each grade level graduate to the next level each year
10 year Cohort (OCS & CHCCS)	Mathematical formula that computes the average advancement rate over the previous 10 years for each grade level and then uses each rate to calculate projected membership by school level; an assumed kindergarten membership is based on birth records and/or historical growth rates	$K_n = K_{n-1} + (K_{n-1} * 0.01)$ n=1 $a = (\sum G_n / g_{n-1}) / 10$ n=10 $b = g_{n-1} (a)$ K=kindergarten membership; n=given school year; G=given grade's membership(other than kindergarten); g= previous grade's membership; a=average advancement rate; b=projected membership	Assumes a 1% annual growth rate for the kindergarten grade level; assumes the same percentage of students in each grade level graduate to the next level each year

Section II Attachment II.B.2 – Student Membership Projection Models Performance Analysis (2022-23)  
(Page 1 of 4)

**Orange County School District  
School Membership 2022-2023 School Year (November 15, 2022)**

	11/15/21 Actual 2021-22	2022 Report Projection for 2022-23	11/15/22 Actual 2022-23	Change between actual Nov 2021 - Nov 2022
<b>Elementary</b>	<b>3023</b>		<b>3059</b>	<b>+ 36</b>
<b>Model</b>			<b>Projection is</b>	
T		3012	L47	
OCP		3015	L44	
10C		2997	L62	
5C		2995	L64	
3C		2983	L76	
<b>Average</b>		<b>3000</b>	<b>L59</b>	
	<b>11/15/21</b>		<b>11/15/22</b>	
<b>Middle</b>	<b>1656</b>		<b>1598</b>	<b>- 58</b>
<b>Model</b>			<b>Projection is</b>	
T		1650	H52	
OCP		1652	H54	
10C		1613	H15	
5C		1598	0	
3C		1597	L1	
<b>Average</b>		<b>1622</b>	<b>H24</b>	
	<b>11/15/21</b>		<b>11/15/22</b>	
<b>High</b>	<b>2472</b>		<b>2487</b>	<b>+15</b>
<b>Model</b>			<b>Projection is</b>	
T		2436	L51	
OCP		2469	L18	
10C		2526	H39	
5C		2527	H40	
3C		2554	H67	
<b>Average</b>		<b>2508</b>	<b>H21</b>	
<b>Totals</b>	<b>11/15/21</b>		<b>11/15/22</b>	
Elementary	3023		3059	
Middle	1656		1598	
High	<u>2472</u>		<u>2487</u>	
<b>Total</b>	<b>7151</b>		<b>7144</b>	<b>-7</b>
<b>Model</b>			<b>Projection is</b>	
T		7098	L46	
OCP		7136	L8	
10C		7136	L8	
5C		7120	L24	
3C		7134	L10	
<b>Average</b>		<b>7130</b>	<b>L14</b>	

H means High  
L means Low

**Orange County School District  
 School Membership 2022-2023 School Year (November 15, 2022)**

**Statistical Findings**

<i>PROJECTION TYPE ABBREVIATIONS</i>	
'TISCHLER' LINEAR (T)	10-YEAR COHORT (10C)
ORANGE COUNTY PLANNING (OCP)	5-YEAR COHORT (5C)
	3-YEAR COHORT (3C)

**Elementary School Level**

- Projections were low, ranging from 44 students to 76 students below actual membership. On average, the projections were 59 students below actual membership.
- The membership actually increased by 36 students between November 15, 2021 and November 14, 2022.

**Middle School Level**

- Projections were mixed, ranging from 1 student below to 54 students above actual membership. On average, the projections were 24 students above actual membership.
- The membership actually decreased by 58 students between November 15, 2021 and November 14, 2022.

**High School Level**

- Projections were mixed, ranging from 51 students below to 67 students above actual membership. On average, the projections were 21 students above actual membership.
- The membership actually increased by 15 students between November 15, 2021 and November 14, 2022.

**TOTAL**

- The totals of all school level projections were all low, ranging from 8 to 46 students below actual membership. On average, the projections were 14 students below actual membership.
- The membership decreased in total by 7 students, which is the sum of +36 at Elementary, -58 at Middle, and +15 at High.

## Section II Attachment II.B.2 – Student Membership Projection Models Performance Analysis (2022-23)

(Page 3 of 4)

**Chapel Hill-Carrboro City School District**  
**School Membership 2022-2023 School Year (November 15, 2022)**

	11/15/21 Actual 2021-22	2022 Report Projection for 2022-23	11/15/22 Actual 2022-23	Change between actual Nov 2021 - Nov 2022
<b>Elementary</b>	<b>4738</b>		<b>4657</b>	<b>- 81</b>
<b>Model</b>			<b>Projection is</b>	
T		4710	H53	
OCP		4619	L38	
10C		4557	L100	
5C		4526	L131	
3C		4496	L161	
<b>Average</b>		<b>4582</b>	<b>L75</b>	
	11/15/21		11/15/22	
<b>Middle</b>	<b>2802</b>		<b>2798</b>	<b>- 4</b>
<b>Model</b>			<b>Projection is</b>	
T		2786	L12	
OCP		2753	L45	
10C		2736	L62	
5C		2729	L69	
3C		2709	L89	
<b>Average</b>		<b>2742</b>	<b>L56</b>	
	11/15/21		11/15/22	
<b>High</b>	<b>3940</b>		<b>3950</b>	<b>+ 10</b>
<b>Model</b>			<b>Projection is</b>	
T		3917	L33	
OCP		3840	L110	
10C		3918	L32	
5C		3940	L10	
3C		3924	L26	
<b>Average</b>		<b>3908</b>	<b>L42</b>	
<b>Totals</b>	<b>11/15/21</b>		<b>11/15/22</b>	
Elementary	4738		4657	
Middle	2802		2798	
High	<u>3940</u>		<u>3950</u>	
<b>Total</b>	<b>11,480</b>		<b>11,405</b>	<b>- 75</b>
<b>Model</b>			<b>Projection is</b>	
T		11,413	H8	
OCP		11,212	L193	
10C		11,211	L194	
5C		11,195	L210	
3C		11,129	L276	
<b>Average</b>		<b>11,232</b>	<b>L173</b>	

H means High  
L means Low

**Chapel Hill-Carrboro City School District  
School Membership 2022-2023 School Year (November 15, 2022)**

**Statistical Findings**

<i>PROJECTION TYPE ABBREVIATIONS</i>	
'TISCHLER' LINEAR (T)	10-YEAR COHORT (10C)
ORANGE COUNTY PLANNING (OCP)	5-YEAR COHORT (5C)
	3-YEAR COHORT (3C)

**Elementary School Level**

- Projections were mixed ranging from 161 students below to 53 students above actual membership. On average, the projections were 75 students below the actual membership.
- The actual membership decreased by 81 students between November 15, 2021 and November 14, 2022.

**Middle School Level**

- Projections were low, ranging from 12 students to 89 students above below membership. On average, the projections were 56 students below the actual membership.
- The actual membership decreased by 4 students between November 15, 2021 and November 14, 2022.

**High School Level**

- Projections were low, ranging from 10 students to 110 students below actual membership. On average, the projections were 42 students below actual membership.
- The actual membership increased by 10 students between November 15, 2021 and November 14, 2022.

**TOTAL**

- The totals of all school level projections were mixed, ranging from 276 students below to 8 students above actual membership. On average, the projections were 173 students below the actual membership.
- The membership decreased in total by 75 students, which is the sum of -81 at Elementary, -4 at Middle, and +10 at High.

## Section II

**Orange County School District**  
**School Membership 2023-2024 School Year (November 15, 2023)**

	11/15/22 Actual 2022-23	2023 Report Projection for 2023-24	11/15/23 Actual 2023-24	Change between actual Nov 2021 - Nov 2022
<b>Elementary</b>	<b>3059</b>		<b>3055</b>	<b>- 4</b>
<b>Model</b>			<b>Projection is</b>	
T		3038	L17	
OCP		3040	L15	
10C		3083	H28	
5C		3088	H33	
3C		3066	H11	
<b>Average</b>		<b>3063</b>	<b>H8</b>	
	<b>11/15/22</b>		<b>11/15/23</b>	
<b>Middle</b>	<b>1598</b>		<b>1579</b>	<b>-19</b>
<b>Model</b>			<b>Projection is</b>	
T		1587	H8	
OCP		1648	H69	
10C		1576	L3	
5C		1563	L16	
3C		1568	L11	
<b>Average</b>		<b>1588</b>	<b>H9</b>	
	<b>11/15/22</b>		<b>11/15/23</b>	
<b>High</b>	<b>2487</b>		<b>2382</b>	<b>-105</b>
<b>Model</b>			<b>Projection is</b>	
T		2470	H88	
OCP		2415	H33	
10C		2445	H63	
5C		2452	H70	
3C		2451	H69	
<b>Average</b>		<b>2446</b>	<b>H64</b>	
<b>Totals</b>	<b>11/15/22</b>		<b>11/15/23</b>	
Elementary	3059		3055	
Middle	1598		1579	
High	2487		2382	
<b>Total</b>	<b>7144</b>		<b>7016</b>	<b>-128</b>
<b>Model</b>			<b>Projection is</b>	
T		7095	H79	
OCP		7103	H87	
10C		7104	H88	
5C		7103	H87	
3C		7085	H69	
<b>Average</b>		<b>7097</b>	<b>H81</b>	

H means High L means Low

**Orange County School District  
School Membership 2023-2024 School Year (November 15, 2023)**

**Statistical Findings**

<i>PROJECTION TYPE ABBREVIATIONS</i>	
'TISCHLER' LINEAR (T)	10-YEAR COHORT (10C)
ORANGE COUNTY PLANNING (OCP)	5-YEAR COHORT (5C)
	3-YEAR COHORT (3C)

**Elementary School Level**

- Projections were mixed, ranging from 17 students below to 33 students above actual membership. On average, the projections were 9 students above actual membership.
- The membership actually decreased by 4 students between November 15, 2022 and November 14, 2023.

**Middle School Level**

- Projections were mixed, ranging from 3 students below to 69 students above actual membership. On average, the projections were 9 students above actual membership.
- The membership actually decreased by 19 students between November 15, 2022 and November 14, 2023.

**High School Level**

- Projections were high, ranging from 33 students to 88 students above actual membership. On average, the projections were 64 students above actual membership.
- The membership actually decreased by 105 students between November 15, 2022 and November 14, 2023.

**TOTAL**

- The totals of all school level projections were all high, ranging from 69 to 88 students above actual membership. On average, the projections were 81 students above actual membership.
- The membership decreased in total by 128 students, which is the sum of -4 at Elementary, -19 at Middle, and -105 at High.



Section II

**Chapel Hill-Carrboro City School District**  
**School Membership 2023-2024 School Year (November 15, 2023)**

	11/15/22 Actual 2022-23	2023 Report Projection for 2023-24	11/15/23 Actual 2023-24	Change between actual Nov 2022 - Nov 2023
<b>Elementary</b>	<b>4657</b>		<b>4575</b>	<b>- 82</b>
<b>Model</b>			<b>Projection is</b>	
T		4624	H49	
OCP		4588	H13	
10C		4582	H7	
5C		4561	L14	
3C		4550	L25	
<b>Average</b>		<b>4581</b>	<b>H6</b>	
	<b>11/15/22</b>		<b>11/15/23</b>	
<b>Middle</b>	<b>2798</b>		<b>2716</b>	<b>- 82</b>
<b>Model</b>			<b>Projection is</b>	
T		2778	H62	
OCP		2742	H26	
10C		2685	L31	
5C		2683	L33	
3C		2660	L56	
<b>Average</b>		<b>2710</b>	<b>L6</b>	
	<b>11/15/22</b>		<b>11/15/23</b>	
<b>High</b>	<b>3950</b>		<b>3974</b>	<b>+ 24</b>
<b>Model</b>			<b>Projection is</b>	
T		3922	L52	
OCP		3860	L114	
10C		3923	L51	
5C		3938	L36	
3C		3925	L49	
<b>Average</b>		<b>3914</b>	<b>L60</b>	
<b>Totals</b>	<b>11/15/22</b>		<b>11/15/23</b>	
Elementary	4657		4575	
Middle	2798		2716	
High	3950		3974	
<b>Total</b>	<b>11,405</b>		<b>11,265</b>	<b>- 140</b>
<b>Model</b>			<b>Projection is</b>	
T		11,324	H59	
OCP		11,190	L75	
10C		11,190	L75	
5C		11,182	L83	
3C		11,135	L130	
<b>Average</b>		<b>11,205</b>	<b>L60</b>	

H means High L means Low

**Chapel Hill-Carrboro City School District  
School Membership 2023-2024 School Year (November 15, 2023)**

**Statistical Findings**

<i>PROJECTION TYPE ABBREVIATIONS</i>	
'TISCHLER' LINEAR (T) ORANGE COUNTY PLANNING (OCP)	10-YEAR COHORT (10C) 5-YEAR COHORT (5C) 3-YEAR COHORT (3C)

**Elementary School Level**

- Projections were mixed ranging from 25 students below to 49 students above actual membership. On average, the projections were 6 students above the actual membership.
- The actual membership decreased by 82 students between November 15, 2022 and November 14, 2023.

**Middle School Level**

- Projections were mixed, ranging from 56 students below to 62 students above actual membership. On average, the projections were 6 students below the actual membership.
- The actual membership decreased by 82 students between November 15, 2022 and November 14, 2023.

**High School Level**

- Projections were low, ranging from 36 students to 114 students below actual membership. On average, the projections were 60 students below actual membership.
- The actual membership increased by 24 students between November 15, 2022 and November 14, 2023.

**TOTAL**

- The totals of all school level projections were mixed, ranging from 130 students below to 59 students above actual membership. On average, the projections were 60 students below the actual membership.
- The membership decreased in total by 140 students, which is the sum of -82 at Elementary, -82 at Middle, and +24 at High.

## Section II

**C. Student Membership Projections**

1. **Responsible Entity for Suggesting Change** – The updating of this section will be conducted by the Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) and referred to the BOCC for annual report certifications. Projections will be distributed to SAPFO partners for review and comments to the BOCC prior to certification.
2. **Definition** – The result of the average of the five student projection models represented by 10 year numerical membership projections by school level (Elementary, Middle, and High) for each school district (Chapel Hill-Carrboro City School District and Orange County School District).
3. **Standard for:**

<b>Chapel Hill-Carrboro City School District</b> The 5 model average discussed in Section II.B (Student Projection Methodology). See Attachment II.C.4	<b>Standard for:</b> <b>Orange County School District</b> The 5 model average discussed in Section II.B (Student Projection Methodology). See Attachment II.C.3
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4. **Analysis of Existing Conditions**

The membership figures and percentage growth on the attachments show a decrease and negative growth rate for all three school levels for both districts in the 10-year projection period. Attachment II.C.3 and Attachment II.C.4 show year-by-year percent growth and projected level of service (LOS). The projection models were updated using current (November 15, 2023) memberships. Ten years of student membership were projected thereafter.

**Chapel Hill-Carrboro City School District****Elementary**

The previous year (2022-23) projections for November 2023 at this level were overestimated by 6 students. The actual membership decreased by 82 students. Over the past ten years, this level has experienced a decrease in nine out of ten school years, including this year. Growth rates during the past ten years have ranged from -8.76% to +1.20%. The district's eleventh elementary school, Northside Elementary School, opened in 2013. Capacity was decreased in 2017-18 due to changes in class size averages for kindergarten to third grade by the North Carolina State Legislature. The need for an additional elementary school is not anticipated in the 10-year projection period.

*Section II***Middle**

The previous year (2022-23) projections for November 2023 for this level were underestimated by 6 students. The actual membership decreased by 82 students. Over the past ten years, this level has shown varying increases and decreases. Growth rates during this time period have ranged from -4.17% to +3.78%. Capacity was increased in 2014-15 with the opening of the Culbreth Middle School science wing. The need for an additional middle school is not anticipated in the 10-year projection period.

**High School**

The previous year (2022-23) projections for November 2023 for this level were underestimated by 60 students. The actual membership increased by 24 students. Over the past ten years, this level has shown varying increases and decreases. Growth rates during this time period have ranged from -0.90 to +4.39%. The need for additional high school capacity at Carrboro High School is not anticipated in the 10-year projection period.

**Orange County School District****Elementary**

The previous year (2022-23) projections for November 2023 at this level were overestimated by 9 students. Actual membership decreased by 4 students. Over the past ten years, this level experienced varying increases and decreases. Growth rates during this period have ranged from -5.72% to +1.81%. Capacity was decreased in 2017-18 due to changes in class size averages for kindergarten to third grade by the North Carolina State Legislature. The need for an additional Elementary School is not anticipated in the 10-year projection period.

**Middle**

The previous year (2022-23) projections for November 2023 for this level were overestimated by 9 students. The actual membership decreased by 19 students. Over the past ten years, this level has experienced varying increases and decreases. Growth rates during this period have ranged from -6.18% to +2.83%. The need for an additional Middle School is not anticipated in the 10-year projection period.

**High School**

The previous year (2022-23) projections for November 2023 for this level were overestimated by 64 students. The actual membership decreased by 105 students. Over the past ten years, this level has experienced varying increases and decreases. Growth rates during this period ranged from -4.22% to +3.35%. In 2012-13 capacity decreased by 119 at Orange High School as a

*Section II*

result of a N.C. Department of Public Instruction (DPI) study. The need for an additional high school is not anticipated in the 10-year projection period.

**5. Recommendation:**

Use statistics as noted in 3 above

[illegible]

capacity decrease due to change in class size ratios per House Bill 13 (K-12 average class size ratios are 1:20 as directed by State legislative action)

[illegible]

	(est-1)	(est-2)	(est-3)	(est-4)
	79.6%	79.8%	82.1%	81.4%
				76.4%

[illegible]

Orange High capacity decreased, per DFI study

Cedar Ridge High School adding 500 seats.

## CHCCS Student Projections (1) (4)

[illegible]

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## CHCCS Student Projections (1)

[illegible][illegible]

## CHCCS Student Projections (1)

[illegible][illegible]



Capacity decrease due to change in class size ratios per House Bill 13 (if average class size ratios are 1:20 as directed by State legislative action)

Middle

School Year





## Section II

**D. Student Membership Growth Rate**

1. **Responsible Entity for Suggesting Change** – The updating of this section will be conducted by the Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) each year and referred to the BOCC for annual report certification. Projections will be distributed to SAPFO partners for review and comments to the BOCC prior to certification.
2. **Definition** – The annual percentage growth rate calculated from the projections resulting from the average of the five models represented by 10-year numerical membership projections by school level for each school district. This does not represent the year-by-year growth rate that may be positive or negative, but rather the average of the annual anticipated growth rates over the next 10 years.

3. **Standard for:****Chapel Hill-Carrboro City School District**

See Attachment II.D.2

4. **Analysis of Existing Conditions:****Chapel Hill-Carrboro City School District**

The membership figures and percentage growth on the attachments show a decline in student membership at each school level within the system. Projected Average Annual Growth Rate over next ten years:

School Level	Year Projection Made				
	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
<b>Elementary</b>	0.65%	-0.23%	-0.88%	-0.47%	-1.14
<b>Middle</b>	-0.07%	-1.50%	-2.10%	-1.77%	-1.96
<b>High</b>	0.03%	-1.44%	-2.15%	-2.09%	-1.83

5. **Recommendation:****Chapel Hill-Carrboro City School District**

Use statistics as noted.

**Standard for:****Orange County School District**

See Attachment II.D.2

**Analysis of Existing Conditions:****Orange County School District**

The membership figures and percentage growth on the attachments show a decline in student membership at each school level within the system. Projected Average Annual Growth Rate over next ten years:

School Level	Year Projection Made				
	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
<b>Elementary</b>	0.84%	-0.02%	-0.04%	0.26%	-0.14
<b>Middle</b>	0.37%	-0.67%	-0.72%	-0.15%	-0.44
<b>High</b>	0.21%	-0.98%	-1.06%	0.98%	-0.91

**Recommendation:****Orange County School District**

Use statistics as noted.

## Section II

**Attachment II.D.1 – Orange County and Chapel Hill-Carrboro City Student Growth Rates (Chart dates from 2023-2033 based on 11/15/22 membership numbers) (2022-23)**

2022-2023

**Orange County Student Projections**

## Elementary

School Year	2022-2023 (actual)	2023- 2024	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033
Membership	3,059	3,063	3,044	3,025	3,037	3,051	3,068	3,085	3,105	3,121	3,138
Average % Increase		0.13%	-0.64%	-0.60%	0.38%	0.48%	0.55%	0.57%	0.64%	0.52%	0.55%

## Middle

School Year	2022-2023 (actual)	2023- 2024	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033
Membership	1,598	1,588	1,578	1,584	1,584	1,565	1,544	1,551	1,556	1,564	1,574
Average % Increase		-0.60%	-0.65%	0.38%	-0.02%	-1.20%	-1.33%	0.44%	0.31%	0.52%	0.64%

## High School

School Year	2022-2023 (actual)	2023- 2024	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033
Membership	2,487	2,446	2,420	2,352	2,291	2,299	2,293	2,278	2,287	2,268	2,254
Average % Increase		-1.63%	-1.08%	-2.79%	-2.62%	0.33%	-0.24%	-0.64%	0.38%	-0.84%	-0.62%

**Chapel Hill/Carrboro Student Projections**

## Elementary

School Year	2022-2023 (actual)	2023- 2024	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033
Membership	4,657	4,581	4,495	4,410	4,370	4,374	4,384	4,394	4,411	4,426	4,439
Average % Increase		-1.63%	-1.87%	-1.90%	-0.89%	0.08%	0.24%	0.22%	0.39%	0.33%	0.30%

## Middle

School Year	2022-2023 (actual)	2023- 2024	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033
Membership	2,798	2,710	2,631	2,577	2,538	2,452	2,360	2,319	2,322	2,331	2,338
Average % Increase		-3.16%	-2.89%	-2.06%	-1.54%	-3.37%	-3.76%	-1.74%	0.13%	0.39%	0.32%

## High School

School Year	2022-2023 (actual)	2023- 2024	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033
Membership	3,950	3,914	3,862	3,797	3,676	3,596	3,524	3,430	3,356	3,273	3,197
Average % Increase		-0.92%	-1.33%	-1.66%	-3.19%	-2.19%	-1.99%	-2.68%	-2.14%	-2.48%	-2.31%

2023-2024

## Orange County Student Projections

## Elementary

School Year	2023-2024 (actual)	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033	2033- 2034
Membership	3,055	3,011	2,985	2,970	2,964	2,950	2,961	2,975	2,985	2,996	3,012
Average % Increase	-0.13%	-1.44%	-0.85%	-0.49%	-0.21%	-0.50%	0.38%	0.50%	0.34%	0.36%	0.52%

## Middle

School Year	2023-2024 (actual)	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033	2033- 2034
Membership	1,579	1,572	1,586	1,593	1,562	1,539	1,524	1,516	1,497	1,502	1,509
Average % Increase	-1.19%	-0.42%	0.88%	0.43%	-1.92%	-1.47%	-0.98%	-0.56%	-1.25%	0.34%	0.51%

## High School

School Year	2023-2024 (actual)	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033	2033- 2034
Membership	2,382	2,377	2,306	2,259	2,270	2,268	2,250	2,251	2,229	2,184	2,172
Average % Increase	-4.22%	-0.23%	-2.95%	-2.04%	0.48%	-0.11%	-0.77%	0.06%	-1.00%	-2.01%	-0.55%

## Chapel Hill/Carrboro Student Projections

## Elementary

School Year	2023-2024 (actual)	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033	2033- 2034
Membership	4,575	4,436	4,291	4,191	4,134	4,049	4,048	4,053	4,057	4,064	4,074
Average % Increase	-1.76%	-3.03%	-3.28%	-2.32%	-1.38%	-2.05%	-0.02%	0.13%	0.10%	0.16%	0.25%

## Middle

School Year	2023-2024 (actual)	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033	2033- 2034
Membership	2,716	2,669	2,619	2,590	2,504	2,459	2,359	2,305	2,220	2,222	2,226
Average % Increase	-2.93%	-1.72%	-1.88%	-1.10%	-3.34%	-1.79%	-4.04%	-2.29%	-3.69%	0.07%	0.18%

## High School

School Year	2023-2024 (actual)	2024- 2025	2025- 2026	2026- 2027	2027- 2028	2028- 2029	2029- 2030	2030- 2031	2031- 2032	2032- 2033	2033- 2034
Membership	3,974	3,926	3,904	3,805	3,741	3,681	3,602	3,531	3,476	3,347	3,249
Average % Increase	0.61%	-1.20%	-0.55%	-2.54%	-1.69%	-1.61%	-2.15%	-1.98%	-1.55%	-3.72%	-2.90%

## Section II

**E. Student / Housing Generation Rate**

1. **Responsible Entity for Suggesting Change** – The updating of this section will be conducted by Planning Directors, School Representatives, and Technical Advisory Committee (SAPFOTAC) and referred to the BOCC for certification.  
Projections will be distributed to SAPFO partners for review and comments to the BOCC prior to certification.
2. **Definition** – Student generation rate refers to the number of public school students per housing unit constructed in each school district, as defined in the Student Generation Rate Study completed by TisherBise on October 28, 2014. Housing units include single-family detached, single family attached/duplex, multifamily, and manufactured homes.
3. **Standard for:**  

<b>Chapel Hill-Carrboro City School District</b> See Attachment II.E.1	<b>Standard for:</b> <b>Orange County School District</b> See Attachment II.E.1
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4. **Analysis of Existing Conditions:**

At the January 2014 SAPFOTAC meeting, members discussed the increased number of students generated in both school districts from new development, particularly multifamily housing. The SAPFOTAC recommended further evaluation of the adopted Student Generation Rates and the impacts the number of bedrooms a particular housing type may have on student generation rates. As a result, Orange County entered into a contract with TischlerBise to update the student generation rate analysis. The new student generation rates were approved on May 19, 2015 and are shown in Attachment II.E.1. New rates from the 2014 Student Generation Rates for Orange County Schools and Chapel Hill-Carrboro School District Report are based on an inventory of recently built units from January 1, 2004 to December 31, 2013.

It should be noted that students are generated from new housing as well as from existing housing where new families have moved in. The CAPS system estimates new development impacts and associated student generation, but it is important to understand that student increases are a composite of both of these factors. This effect can be dramatic and can vary greatly between areas and districts where either new

*Section II*

housing is dominant or new families move into a large inventory of existing housing stock.

**5. *Recommendation:***

No change at this time.

## Section II

## Attachment II.E.1 – Current Student Generation Rates (2015)

## TischlerBise Student Generation Rates – 2014

Chapel Hill/Carrboro Schools				
	0-3 Bedrooms	4 Bedrooms	5+ Bedrooms	Weighted Average
Single-Family Detached	0.61	0.84	1.13	0.84
	0-2 Bedrooms	3+ Bedrooms		Weighted Average
Single-Family Attached	0.27	0.42		0.38
Multifamily/Other	0.11	0.47		0.18
Manufactured Home	0.268	0.86		0.78
Weight Average for Chapel Hill/Carrboro School District				0.49

Orange County Schools				
	0-3 Bedrooms	4 Bedrooms	5+ Bedrooms	Weighted Average
Single-Family Detached	0.35	0.57	0.57	0.44
	0-2 Bedrooms	3+ Bedrooms		Weighted Average
Single-Family Attached	0.07	0.17		0.15
Multifamily/Other	0.08	0.67		0.17
Manufactured Home	0.67	0.47		0.52
Weight Average for Orange County School District				0.37

Source: Student Generation Rates for Orange County School District and Chapel Hill-Carrboro School District, TischlerBise, October 28, 2014  
Revised May 7, 2015



*Section II*

### **III. Flowchart of Schools Adequate Public Facilities Ordinance Process**

Abstract: The Schools Adequate Public Facilities Ordinance process has two distinct components:

#### **A. Capital Investment Plan (CIP) (Process 1)**

Timeframe: In November of each year, Student Membership and Building Capacity is transmitted from the school districts to the Orange County Board of Commissioners for consideration and approval and used in the following years CIP (e.g. November 15, 2023 membership numbers used to develop a CIP to be considered for adoption in June 2024).

#### **Process Framework**

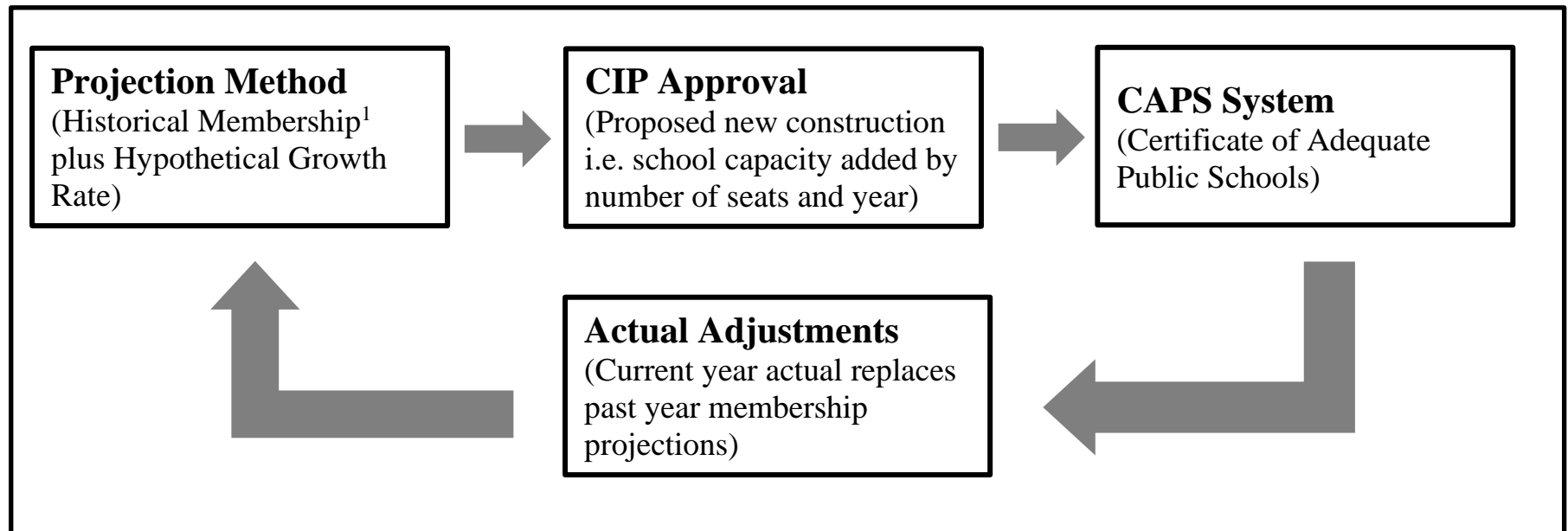
1. SAPFOTAC projects future student membership from historical data, current membership and hypothetical growth rates from established methodologies.
2. School Districts and BOCC compare projections to existing capacity and proposed Capital Investment Plan.
3. SAPFOTAC forwards data and projections to all SAPFO partners.
4. School Districts develop Capital Investment Plan Needs Assessment during this process
5. The Capital Investment Plan work sessions and Public Hearings are conducted by the BOCC in the spring of each year.
6. The adoption of CIP that sets forth monies and timeframe for school construction (future capacity) by BOCC.



## Section III

# School Adequate Public Facilities Ordinance

## Process 1 - Capital Investment Planning (CIP)



<sup>1</sup>Historical Membership is a product of students generated from: (1) pre-existing/approved undeveloped lots where new housing is built, (2) existing housing stock with new families/children, and (3) newly approved housing development (in the future this component will be known as CAPS approved development).

<sup>2</sup>The only part of the CAPS System (i.e., computer spreadsheet subdivision tracking) that receives data from the Process 1 CIP includes the actual membership (November 15 of preceding CIP year) and new school capacity amount (seats) in a specific year pursuant to the CIP.

*Section III*

## **B. Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) Update (Process 2)**

Timeframe: The CAPS system is updated approximately November 15 of each year when the school districts report actual membership and ‘pre-certified’ capacity, whether it is CIP associated or prior ‘joint action’ agreement. ‘Joint action’ determinations of changes in capacity due to State rules or other non-construction related items are anticipated to be done prior to the November 15 capacity and membership reporting date. This update may reflect the Board of County Commissioners action on the earlier year Capital Investment Plan (CIP) as it affects capacity and addition of new actual fall membership. The Schools Adequate Public Facilities Ordinance Certificate of Adequate Public Schools (CAPS) stays in effect until the following year – (e.g.: November 15, 2005 to November 14, 2006).

New development is originally logged for a certain year. As the CAPS system is updated, each CAPS projection year is ‘absorbed’ by the actual estimate of a given year. Later year CAPS projections of the same development remain in the future year CAPS system accordingly. For example, if a 50-lot subdivision is issued a CAPS, 15 lots may be assigned to “Year 1,” 10 lots to “Year 2,” 10 lots to “Year 3,” 10 lots to “Year 4,” and 5 lots to “Year 5.” When “Year 1” is updated, the students generated from the 15 lots are absorbed by the actual estimate. The students generated in “Years 2, 3, 4, and 5” are held in the CAPS system and added to the appropriate year when the CAPS system is updated.

The City of Mebane is not a party to the SAPFO and does not require that CAPS be issued prior to approving development activities. Increasing development within this area of the county has the potential to encumber a significant portion of the available capacity within the Orange County School District. Although the SAPFO system is not formally regulated in Mebane, staff monitors development activity and when students enter the school system, their enrollment is calculated and used in future school projection needs.

Please note that the two processes (CIP and CAPS) are on separate, but parallel tracks. However, the CIP does create a crossover of capacity information between the two processes. For example, the SAPFO system for both school districts that will be established / initiated /

*Section III*

certified each year in November and is based on prior year created and/or planned CIP capacity and current school year membership. The SAPFOTAC report including new current year membership and projections are to be used for upcoming CIP development as noted in Process 1.

**CIP Process 1** (for CIP 2024 - 2034)

November 2022 – June 2023 (using 2023 SAPFOTAC Report)

**SAPFO CAPS Process 2** (for SAPFO System 2024 – 2025)

November 2023 - November 2024

# School Adequate Public Facilities Ordinance

## Process 2 - Certificate of Adequate Public Schools (CAPS) Allocation

2024 CAPS system is effective November 15, 2023 through November 14, 2024.

The system is updated with new membership, CIP capacity changes, and any other BOCC/School District joint action approved capacity prior to November 15, 2023. This information is received within 5 days of November 15 and posted within the next 15 days. This CAPS system recalibration is retroactive to November 15, 2023.

### CAPS Allocation System

1. Certified Capacity
2. LOS Capacity
3. Actual Membership
4. Year Start Available Capacity
5. Ongoing Current Available Capacity (includes available capacity decreases from approved CAPS development by year)
6. CAPS approved development
  - a. Total units
  - b. Single Family<sup>1</sup>
  - c. Other Housing<sup>1</sup>

### CAPS System<sup>2</sup>

$$AC = SC - (ADM + ND1 + ND2 + \dots)$$

$AC \geq 0$  - Issue CAPS

$AC < 0$  - Defer CAPS to later date

<sup>1</sup> Student Generation Rates from CAPS housing type create future membership estimate. Please note that this CAPS membership future estimate is different than the projection based on historical data and projection models used in the CIP process 1. This estimate only captures new development impact, which is the component that the SAPFO can regulate.

<sup>2</sup> AC – Available Capacity - Starts at Annual Update Capacity and reduces as CAPS approved development is entered into the system.  
 SC – Certified School Level Capacity  
 ADM – Average Daily Membership  
 ND – New Development; ND1 means first approved CAPS approved development



**To:** Patricia J. McGuire, Planning Director

**From:** Marty Roupe, Development Review Administrator

**Date:** March 28, 2024

**Subject:** Status of CAPS Issuance for Residential Projects

<b>Projects (Permit and Approval Date)</b>	<b>Density Bonus Units</b>	<b>CAPS Issued (Applies to projects after 6-24-03)</b>	<b>Construction Status</b>
Ballentine (SUP-A 6/26/07)	18	3-6-08	All but 18 homes completed
Claremont AIS (SUP-A 11/22/05)	12	12-16-05	All homes completed
Claremont South (SUP-A 3/17/09)	16 and 0	7-23-09 and 3-20-12	All homes completed
Legends at Lake Hogan Farms (CUP 8/22/06)	10	11/22/06	All homes completed
Litchfield AIS (SUP-A 6/22/10)	6	7/22/10	Permit expired, project not constructed
Lloyd Harbor AIS (SUP-A 6/26/07)	2	5/16/10	All homes completed
The Butler (SUP-A 8/26/08)	5	8/11/11	Permit expired, project not constructed
Veridia (SUP-A 4/26/11)	0	No	Permit still active, project not yet constructed
Shelton Station (SUP-A 4/2/13)	57	12/6/12	All homes completed
Inara Court (SUP-B 2/15/17)	0	10/6/16	All homes completed
610 Homestead Road (SUP-B 12/21/16)	0	10/6/16	All homes completed
716 Homestead Road (SUP-B 9/20/17)	0	7/18/17	All homes completed
Perry Place, CASA Affordable Housing (SUP-A 3/27/18)	0	9/21/17	All homes completed
Sanderway AIS (SUP-A 3/5/19)	0	11/7/19	Under construction now
Kentfield AIS (SUP-A 9/17/19)	0	12/19/19	Under construction now
Jade Creek AIS (SUP-A June 27, 2023)	0	12/15/22	Permit still active, project not yet constructed



## **Race and Equity Pocket Questions**

**Title and purpose of this initiative:** Receiving the 2024 Annual Report on the Schools Adequate Public Facilities Ordinance (SAPFO) from the Technical Advisory Committee. To provide the Town Council with the 2024 Annual Report on the SAPFO. The Orange County Board of Commissioners has referred the draft report for information.

**Department:** Planning

### **What are the racial and equity impacts?**

This technical report relates to a long-standing agreement and process for local governments and the Chapel Hill-Carrboro City School district in southern Orange County to maintain the adequacy of K-12 instructional building capacity for students in the district. The inequity of K-12 educational outcomes and the persistent challenges in life beyond primary and secondary education for students of color in the United States is well-documented. The Chapel Hill-Carrboro City School system is recognized for its high achievement in test scores, graduation rates, and college advancement. At the same time, the experience, and outcomes among students of color is vastly different. This gap is documented most recently in the Southern Coalition for Social Justice report card, the focus of which is the school-to-prison pipeline, found here The Chapel Hill-Carrboro City 2021-2022 Racial Equity Report Cards - Southern Coalition for Social Justice, as well as the 2015 report by the Campaign for Racial Equity in our Schools, Microsoft Word - Excellence with Equity Report- Final10-23-15.docx (wordpress.com).

### **Who is or will experience community burden?**

Students and their families for whom sufficient building capacity is not provided. The community, which in experiencing disparities, does not reach its full potential. The SAPFO does not account for Pre-K classes in evaluating capacity. Pre-K programs have been developed and included in the CHCCS to assist with improving outcomes for students by earlier participation in classroom experiences.

### **Who is or will experience community benefit?**

Students and their families, for whom there is sufficient space and capacity for educational experiences.

### **What are the root causes of inequity?**

Past structural racism has affected the number of teachers of color in schools. A lack of teachers whose race matches that of students can affect achievement and success. The Excellence with Equity report discusses power differential between white families, staff/faculty and students, and those of color (particularly Black families) in the CHCCS school system, including tracking into gifted, honors, and AP classes that disproportionately advantage white students. The report details stereotyping that plays a role in lowered academic expectations, fewer advanced academic and non-academic opportunities, and disproportionately harsh discipline for students of color. Racial disparities in educational attainment and household income that affect mobility can limit options for families in shifting from assignments if students experience negative and detrimental conditions.

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

The Schools Adequate Facilities processes and reporting were developed to ensure that sufficient capacity existed for required areas of educational instruction. The capacity requirements have changed over time, both by the Department of Public Instruction at the state level and within the local school district. By not incorporating, for example, the Pre-K classrooms within the calculation of adequate facilities, the process may miss its desired result and may prevent the identification and prioritization of needs for space to serve educational programming. Based on the extent of disparities and conditions experienced by students of color, the consideration of building capacity needs can evaluate, in part, whether changes to the built environment are needed to provide safe and appropriate learning environments.

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

The department will continue to review and modify the ways in which planning processes are scoped and carried out. The department will work to prevent and remove requirements that result in new or perpetuate existing disparities based on race. The department will continue to evaluate the environmental justice and equity tools used in these processes for selecting and proceeding with projects and programs in relation to the racial equity lens.



## Agenda Item Abstract

File Number: 24-068

**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

**File Type:** Other Matters

Adopt the Language Access Plan and Authorize Receipt of a Grant

**PURPOSE:** To request that the Town Council adopt the Language Access Plan and authorize the Town Manager to amend the Memorandum of Agreement (MOA) with UNC-Chapel Hill and receive a \$25,000 grant from the Building Integrated Communities Program at the Institute for the Study of the Americas at UNC-Chapel Hill to fund the plan's first-year implementation.

**DEPARTMENT:** Communication & Engagement

**CONTACT INFORMATION:** Catherine Lazorko, Communication & Engagement Director, 919-918-7314 or [clazorko@carrboronc.gov](mailto:clazorko@carrboronc.gov)

### COUNCIL DIRECTION:

☒ Race/Equity ☐ Climate ☒ Comprehensive Plan ☐ Other

In 2020, the Town adopted the [Inclusive Carrboro Communications and Community Engagement Plan](https://townofcarrboro.org/DocumentCenter/View/10525/Inclusive-Carrboro-Communications-and-Community-Engagemen) <https://townofcarrboro.org/DocumentCenter/View/10525/Inclusive-Carrboro-Communications-and-Community-Engagemen>, recognizing that effective communication between local government and residents is essential in building equitable community relationships, supporting public health and safety, and fostering civic participation. The Plan identifies the need for the Town to increase engagement with underrepresented communities, which include immigrant and refugee residents who moved to North Carolina to work, join families, and seek a better life. The Plan identifies the need to provide meaningful language access to Town information, services, meetings, and leadership opportunities for residents who have limited proficiency (LEP) in the English language.

In addition to the Inclusive Carrboro Communications and Community Engagement Plan, the Town has adopted the following plans and resolutions that also emphasize the need for language access:

- Carrboro Connects 2022-2042 Comprehensive Plan, adopted in June of 2022
- Race & Equity Action Plan: Weaving Equity into Town Governance, adopted in November of 2023
- Resolution in Support of Immigrant Communities (March 19, 2024)

(The REAL for the Language Access Plan is included as Attachment E. Note that recommendations provided are being addressed within the complete REAL.)

**INFORMATION:** To improve communication and engagement with immigrant and refugee residents, the Town of Carrboro has worked with the [Building Integrated Communities](https://migration.unc.edu/building-integrated-communities/) <https://migration.unc.edu/building-integrated-communities/> Program (BIC) at the Institute for the Study of the Americas at UNC-Chapel Hill to identify strategies and policies for a Town of Carrboro Language Access Plan (Attachment A). This partnership, which includes residents and community-based organizations, including the [Refugee Community Partnership](#)



<https://www.refugeecommunitypartnership.org/> (RCP), began in May 2023 and continues today.

The process for creating a language access plan builds on a 2023 language access capacity assessment of Town of Carrboro employees, demographic research to identify community languages and data on immigration, and extensive community engagement from 2017-2020 in surrounding Orange County that led to the [Chapel Hill Language Access Plan](#)

<https://www.townofchapelhill.org/home/showpublisheddocument/44433/637093323620030000>.

In Carrboro, a Town Staff BIC Team met monthly between May 2023 and March 2024 to discuss language access best practices, identify community priorities for language access services, analyze demographic data and information on the Town's existing language access capacity, and to decide on priorities for the Town of Carrboro Language Access Plan. The Town Staff BIC Team represented the following departments: Communication & Engagement; Race and Equity; Housing & Community Services; Human Resources; and Economic Development.

### **Languages other than English**

Carrboro residents speak many languages other than English. Around 15.6% of Carrboro residents speak a language other than English, with Spanish being the most spoken followed by Chinese, including Mandarin and Cantonese. Some of the top languages spoken by refugees in Carrboro are not explicitly specified by the Census Bureau to protect their privacy, but community partners, based on their work with community members in Carrboro, have reported that Karen, Burmese, and Arabic are commonly spoken.

Speakers of non-English languages demonstrate various levels of English-language proficiency. In total, around 6.5% of Carrboro residents speak English less than "very well," according to data from the U.S. Census. Given that Spanish, Chinese, Korean, Karen, Burmese, and Arabic are the languages that are most spoken and have higher proportions of individuals who report speaking English less than "very well", these are the languages that will appear in translated notices of available language services that are available to Town residents at no cost.

### **The Policies of the Language Access Plan (LAP) are as follows:**

- The Town will offer translation and interpretation for its programs, activities, services, and resources free of charge.
- The Town will translate vital documents and emergency communications into the Town's identified community languages.
- The Town will support multilingual staff to provide in-language services or to interpret and translate as part of their job duties.
- The Town will provide interpretation and translation for meetings and one-on-one interactions on request.
- The Town commits to using competent, trained, and culturally sensitive translators and interpreters, including the use of qualified multilingual employees.
- The Town will notify individuals who prefer a language other than English of their right to language assistance services at no charge.
- The Town will provide periodic staff training and new employee orientation on its Language Access Plan.
- The Town will update its LAP periodically based on language service needs and resources.

- The Town will prepare an annual compliance report that documents language access services provided.
- Department liaisons will document usage and requests for language access services and prepare a summary report of which services have been used, for which languages, and in what context.
- The Town will accept and respond to all language access complaints in community members' preferred languages.

### **Implementation of the Language Access Plan**

The Language Access Plan outlines procedures to carry out the policies of the Language Access Plan. The Town will regularly review and refine the procedures and develop new procedures as needed to better serve community members who prefer to speak languages other than English and to support staff in providing language services.

Working closely with the Communications Team (with representation from all Town departments), Communication and Engagement staff will assist with fulfilling interpretation and translation requests, utilizing contracts with several language services providers who can provide both translation and interpretation services.

### **Costs of Providing Language Access**

In May 2023, the Town of Carrboro was selected to participate in the Building Integrated Communities Program (BIC). As part of its successful grant application, the Town has benefited from a yearlong partnership to develop its Language Access Plan, as well as a \$6,000 grant received in September 2023 and another \$6,000 grant anticipated in spring 2024. In addition to these grant funds, BIC has identified Carrboro to receive an additional \$25,000 grant to be used to implement its Language Access Plan in its first year. The grant is contingent upon required adoption of the Language Access Plan. The UNC team will also need to approve the funding proposal and amend the Memorandum of Agreement (Attachment B) before funds are distributed. Also eligible for a \$25,000 grant is the Refugee Community Partnership (RCP), which has been serving the Town as a community partner in developing a language access and providing community outreach.

The Town and RCP are each preparing plans for use of grant funds from UNC-Chapel Hill. Town BIC Staff propose to use the grant funding toward first year implementation of the Language Access Plan and develop an annual budget for language access services based on its experiences in the first year.

**FISCAL IMPACT:** Assisting with the costs of the first year of implementation of the Language Access Plan, the Town of Carrboro is eligible to receive a \$25,000 grant from the UNC Building Integrated Communities Program.

**RECOMMENDATION:** It is recommended that the Town Council consider the resolution to adopt the Language Access Plan (Attachment C) and approve the attached resolution (Attachment D) to authorize the Town Manager to amend the Memorandum of Agreement (MOA) with UNC-Chapel Hill and receive a \$25,000 grant from the Building Integrated Communities Program at the Institute for the Study of the Americas at UNC-Chapel Hill to fund the first-year implementation of the Language Access Plan in Carrboro.



# LANGUAGE ACCESS PLAN



TOWN OF CARRBORO • NC



CONSTRUYENDO  
COMUNIDADES  
BUILDING INTEGRADAS  
INTEGRATED  
COMMUNITIES

PREPARED BY THE CARRBORO  
BUILDING INTEGRATED  
COMMUNITIES PARTNERSHIP

## Table of Contents

INTRODUCTION.....	2
WHY IS LANGUAGE ACCESS IMPORTANT?.....	2
WHAT IS THE FEDERAL MANDATE FOR LANGUAGE ACCESS? .....	2
BACKGROUND ON THE TOWN OF CARRBORO’S LANGUAGE ACCESS PLAN .....	3
DEFINITIONS .....	4
ASSESSMENT.....	7
FOUR-FACTOR ANALYSIS .....	7
<i>Factor 1: Number or proportion of LEP individuals in the community</i> .....	7
<i>Factor 2: Frequency with which LEP individuals come in contact with Town programs or services</i> .....	10
<i>Factor 3: The nature and importance of the recipient’s program, activity, or service</i> .....	10
<i>Factor 4: Resources available to the recipient and costs</i> .....	11
SUMMARY OF FINDINGS FROM THE TOWN OF CARRBORO DEPARTMENTAL LANGUAGE ACCESS SURVEY .....	11
SUMMARY OF COMMUNITY PRIORITIES IDENTIFIED IN MONTHLY CARRBORO BIC MEETINGS .....	12
LANGUAGE ACCESS POLICIES.....	13
GENERAL STATEMENT OF POLICY.....	13
1. POLICIES FOR TRANSLATION AND INTERPRETATION .....	13
2. POLICIES FOR NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES .....	15
3. POLICIES FOR STAFF TRAINING .....	15
4. POLICIES FOR LANGUAGE ACCESS SERVICES ASSESSMENT AND ANALYSIS .....	15
5. POLICIES FOR LANGUAGE ACCESS REPORTING, MONITORING, AND COMPLIANCE.....	16
LANGUAGE ACCESS PROCEDURES .....	17
PROCEDURES FOR DETERMINING THE NEED FOR LANGUAGE ASSISTANCE .....	17
PROCEDURES FOR REQUESTING TRANSLATION OR INTERPRETATION SERVICES .....	18
PROCEDURES FOR IDENTIFYING VITAL DOCUMENTS AND INFORMATION .....	19
PROCEDURES FOR NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES .....	20
PROCEDURES FOR STAFF TRAINING AND ORIENTATION ON THE TOWN’S LANGUAGE ACCESS PLAN.....	20
PROCEDURES FOR MONITORING AND UPDATING THE LANGUAGE ACCESS PLAN.....	21
PROCEDURES FOR FILING AND RESOLVING COMPLAINTS ABOUT LANGUAGE SERVICES.....	21
LANGUAGE ACCESS IMPLEMENTATION PLAN.....	23
APPENDICES.....	25
APPENDIX {A}: CARRBORO DEMOGRAPHIC REPORT .....	25
APPENDIX {B}: TOWN OF CARRBORO LANGUAGE ACCESS CAPACITY SURVEY – QUESTIONNAIRE.....	29
APPENDIX {C}: SUMMARY OF TOWN OF CARRBORO DEPARTMENTAL LANGUAGE ACCESS CAPACITY SURVEY RESULTS .....	32
APPENDIX {D}: CARRBORO’S BUILDING INTEGRATED COMMUNITIES COLLABORATORS.....	39



## Introduction

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### Why is language access important?

The Town of Carrboro is dedicated to creating a vibrant and inclusive community. In 2020, the Town adopted the [Inclusive Carrboro Communications and Community Engagement Plan](#), recognizing that effective communication between local government and residents is essential in building equitable community relationships, supporting public health and safety, and fostering civic participation. The Plan identifies the need for the Town to increase engagement with underrepresented communities, which include immigrant and refugee residents who moved to North Carolina to work, join families, and seek a better life. The Plan identifies the need to provide meaningful language access to Town information, services, meetings, and leadership opportunities for residents who have limited proficiency (LEP) in the English language – an estimated 6.5% of Carrboro residents.<sup>1</sup> In addition to the Inclusive Carrboro Communications and Community Engagement Plan, the Town has adopted the following that also emphasize the need for language access:

- Carrboro Connects 2022-2042 Comprehensive Plan, adopted in June of 2022
- Weaving Equity into Town Governance, adopted in November of 2023
- Resolution in Support of Immigrant Communities in Carrboro, passed in March of 2024

To work towards the above goals, the Town of Carrboro's Language Access Plan (LAP) establishes policies and procedures to ensure that residents with limited English proficiency have meaningful access to Town services, information, and civic opportunities. The LAP is comprehensive, applying to all Town departments and services, unless otherwise indicated. The Town of Carrboro's LAP will help local government staff:

- understand what to do when a community member with limited English proficiency needs language assistance,
- improve accessibility to civic engagement opportunities and Town services and resources, and
- ensure that the Town complies with federal laws and policies.

### What is the federal mandate for language access?

Federal laws and policies guarantee people access to written, verbal, or visual materials or services in their preferred languages.<sup>2</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C §§ 2000d - 2000d-7 (Title VI) and its regulations provide that no person –on the ground of race, color, or national origin – is excluded from, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.<sup>3</sup> Other federal laws and regulations also have a similar prohibition on race, color,

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<sup>1</sup> U.S. Census Bureau, "Language Spoken at Home for the Population 5 Years and Over 2022," 2018-2022 *American Community Survey 5-Year Estimates* (C16001), <https://data.census.gov/table?q=carrboro%20C16001>.

<sup>2</sup> Julia Haskins, "Moving From Language Access to Justice," de Beaumont Foundation, June 1, 2022, <https://debeaumont.org/news/2022/moving-from-language-access-to-justice/>.

<sup>3</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C §§ 2000d - 2000d-7, <https://www.justice.gov/crt/fcs/TitleVI>

and national origin discrimination. Executive Order 13166, issued in 2000, required federal agencies to issue Title VI guidance to recipients of federal financial assistance.<sup>4</sup>

### Background on the Town of Carrboro's Language Access Plan

In 2023-2024, the Town of Carrboro worked with the [Building Integrated Communities](#) Program (BIC) at the [Institute for the Study of the Americas](#) at UNC-Chapel Hill and with local residents and community-based organizations, including the [Refugee Community Partnership](#) (RCP), to identify strategies and policies. This process builds on a 2023 language assessment of Town employees and extensive community engagement from 2017-2020 in surrounding Orange County that led to the [Chapel Hill Language Access Plan](#). Carrboro's Building Integrated Communities (Carrboro BIC) team met monthly between May 2023 and March 2024 to discuss language access best practices, identify community priorities for language access services, analyze demographic data and information on the Town's existing language access capacity, and to decide on priorities for the Town's Language Access Plan. The Carrboro BIC team consisted of the following members:

#### Town of Carrboro Staff:

- Anita Jones-McNair, Chief Race and Equity Officer, Town Manager's Office
- Anne-Marie Vanaman, Director, Housing & Community Services
- Catherine Lazorko, Director, Communication & Engagement
- Evelyn Greene, Communication & Engagement Specialist, Communication & Engagement
- Jon Hartman-Brown, Director, Economic Development
- Joshua Ward, Human Resources Analyst, Human Resources
- Kannu Taylor, Race and Equity Manager, Town Manager's Office
- Malia Summey, Administrative Assistant, Housing & Community Services

#### Refugee Community Partnership:

- Daniella Runyambo, Co-Executive Director, Programs & Community Impact
- Lama M, Collective Care Manager
- Meagan Clawar, Co-Executive Director, Finance & Operations
- Madison Hayes, Co-Executive Director, Development & Communications

#### University of North Carolina-Chapel Hill, Institute for the Study of the Americas:

- Brianna Gilmore, Program Associate
- Emily Spangenberg, Bilingual Program Coordinator
- Hannah Gill, Associate Director of the Institute for the Study of the Americas
- Susan Clifford, Language Access Coordinator

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<sup>4</sup> "Executive Order 13166 of August 11, 2000, Improving Access to Services for Persons with Limited English Proficiency." *Code of Federal Regulations*, title 3 (2000): 50120-50125.  
<https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/eolep.pdf>

## Definitions

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**Bilingual/Multilingual:** A person who is bilingual is fluent in two languages, and a person who is multilingual is fluent in two or more languages. Someone who is bilingual or multilingual may be able to perform their job duties in two or more languages, but they are not necessarily qualified to translate or interpret (see “**Qualified Interpreter or Translator**”).

**Born outside of the U.S or Foreign-born:** The U.S. Census Bureau uses the term “foreign-born” to refer to anyone who is not a U.S. citizen at birth. This includes naturalized U.S. citizens, non-citizen U.S. nationals, lawful permanent residents (immigrants), temporary migrants (such as foreign students), humanitarian migrants (such as refugees and asylees), and unauthorized migrants.<sup>5</sup>

**Born in the U.S or Native-born:** The U.S. Census Bureau uses the terms “native” and “native-born” to refer to anyone born in the United States, Puerto Rico, a U.S. Island Area (Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands), or abroad of a U.S. citizen parent or parents.<sup>6</sup>

**English Language Learner (ELL):** An alternative to “English as a Second Language (ESL)”, “ELL” is commonly used in educational settings to refer to students whose primary or preferred language(s) is not English. ELL, as opposed to ESL, also recognizes that students may speak more than one language other than English – in other words, that English is not always a “second” language.

**Immigrant:** Any person who is not a citizen or national of the United States who is present in the United States, except for those admitted specifically under non-immigrant categories. This definition includes those who entered the U.S. under an immigrant status and those that entered the U.S. without undergoing an inspection.<sup>7</sup>

**In-Language Services:** Job-related services that are provided directly in languages other than English, without the use or aid of an interpreter or translator.

**Interpretation:** The process of adapting oral speech from one language to oral speech in another language, either simultaneously or delayed (consecutive), without loss or change in meaning. An interpreter must be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the individual who speaks a language other than English.<sup>8</sup>

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<sup>5</sup> U.S. Census Bureau, “Frequently Asked Questions (FAQs) About Foreign Born,” <https://www.census.gov/topics/population/foreign-born/about/faq.html>.

<sup>6</sup> U.S. Census Bureau, “About the Foreign-Born Population,” <https://www.census.gov/topics/population/foreign-born/about.html>

<sup>7</sup> *Immigration and Nationality Act*, 8 U.S.C. §1101 “Definitions”, <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1101&num=0&edition=prelim>

<sup>8</sup> U.S. Department of Justice, “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs,” May 2011, 5. [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)



**Language Access:** Providing individuals with limited English proficiency (LEP) reasonable and meaningful access to the same services as individuals who speak English.<sup>9</sup> It also refers to the laws and policies that guarantee people access to written, verbal, or visual materials or services in their preferred languages.<sup>10</sup>

**Language Access Plan (LAP):** A set of policies, procedures, and implementation steps established to provide the most effective services for individuals who prefer to communicate in a language other than English.

**Limited English Proficiency (LEP):** The U.S. Census Bureau's term for individuals with limited ability to communicate (e.g. speak, read, write, or understand) effectively in English. According to the U.S. Census Bureau classification, an individual with LEP is anyone above the age of 5 who reported speaking English less than "very well". The Bureau's classifications are "very well", "well", "not well", and "not at all". The term "LEP" is deficit-focused; unless referring directly to Census data, this Plan uses "persons who speak a language other than English (LOTE)" as an alternative in most cases (see "**Languages Other Than English**").

**Languages Other Than English (LOTE):** An alternative to "Limited English Proficiency." The use of "LOTE" is an example of "asset-based language" that emphasizes language skills that individuals have, rather than focusing on level of proficiency in English.

**Meaningful Access:** According to the United States Department of Justice, "language assistance that results in accurate, timely, and effective communication at no cost to the individual with LEP needing assistance" and that is not significantly delayed, restricted, or inferior to access provided to individuals who are proficient in English.<sup>11</sup> The Town of Carrboro can provide meaningful access to programs, services, and information by proactively eliminating communication barriers and ensuring that any individual can effectively communicate with the Town in the individual's preferred language.

**Multilingual Staff:** A Town staff member who has a demonstrated and verified proficiency in both English and at least one other strategic language.

**Naturalized Citizen:** Naturalized citizens are foreign nationals who have become U.S. citizens after completing the requirements in the Immigration and Nationality Act.

**Preferred Language(s):** The language(s) in which a person feels most empowered to express themselves and understand information. An individual may prefer different languages for spoken, sign, and/or written communications, depending on the nature and context of information being exchanged. For example, a person may prefer to speak in Burmese during an appointment, but read detailed written information in Thai.

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<sup>9</sup> "Frequently Asked Questions on Legal Requirements to Provide Language Access Services," Migration Policy Institute, <https://www.migrationpolicy.org/programs/language%20access-translation-and-interpretation-policies-and-practices/frequently-asked>

<sup>10</sup> Haskins, 2022.

<sup>11</sup> United States Department of Justice, "Department of Justice Language Access Plan," <https://www.justice.gov/atj/departments-justice-language-access-plan#appendix>

**Qualified interpreter or translator:** “An individual who has been assessed for professional skills, demonstrates a high level of proficiency in at least two languages, and has the appropriate training and experience to interpret and/or translate with skill and accuracy while adhering to the National Code of Ethics and Standards of Practice.”<sup>12</sup> This is different than a certified interpreter or translator, who has taken additional steps to meet the requirements and pass the exams of a certifying body for their specific profession (e.g. Certified Medical Interpreter, Certified Court Interpreter, or Certified Translator).

**Refugee:** A person who has been forced to cross national boundaries due to war, violence, conflict, or persecution and cannot return home safely. Formal refugee status, which allows for permanent, legal settlement in a new country and the protection of rights under the 1951 UN Refugee Convention, can be granted under certain circumstances by the United Nations.<sup>13</sup>

**Safe Harbor Guideline:** Often used alongside the Four-factor Analysis, this guideline provides parameters for identifying strategic language groups in need of agency focus, particularly as they pertain to translation of vital documents. The Safe Harbor parameters are: 1) 5% or 1,000, whichever is less, of the population eligible to be served or likely to be affected or encountered, and 2) if there are fewer than 50 people in a language group that reaches the 5% trigger above, the recipient instead can provide translated written notice of the right to receive competent oral interpretation of vital documents, free of cost.<sup>14</sup>

**Sight Translation:** The process of transforming a written message in the source language into a spoken message in the target language, often at the time of contact with the individual who prefers to communicate in the target language.

**Title VI of the Civil Rights Act of 1964:** This federal law protects people from discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. Under Title VI, agencies must take reasonable steps to make their programs, services, and activities accessible to individuals who prefer to communicate in a language other than English.

**Translation:** The process of adapting written text in one language to written text in another language, with consistent and accurate meanings.

**Vital Documents:** Forms and informational materials published and maintained by local governments that are critical for communication, access to resources and services, and civic participation. Vital documents are generally considered priority documents for translation, since they are crucial for residents’ access to activities, services, programs, and other resources The Town offers.

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<sup>12</sup> “FAQs-Translators and Interpreters,” National Council on Interpreting in Health Care, accessed January 24, 2023, <https://www.ncihc.org/faq-translators-and-interpreters>.

<sup>13</sup> “What Is a Refugee? Definition and Meaning,” USA for UNHCR, accessed January 24, 2023, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>.

<sup>14</sup> U.S. Department of Justice, Civil Rights Division, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (June 12, 2002), <https://www.justice.gov/crt/doj-final-lep-guidance-signed-6-12-02>

## Assessment

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This section shares data that shaped the creation of the LAP, including demographic information about the Town of Carrboro and an assessment of the Town staff capacity to provide meaningful language access. Specifically, the assessment includes:

- 1) Demographic data from the U.S. Census and American Community Survey, the Orange County Health Department, the Chapel Hill-Carrboro School System, and the North Carolina Department of Health and Human Services. The demographic data identifies the non-English languages spoken by Carrboro residents and describes language proficiency in each language group.
- 2) A 2023 Town of Carrboro Departmental Language Access Survey, which the UNC BIC team distributed to all Town staff.
- 3) Input from immigrant and refugee community partners in monthly BIC team meetings from May 2023-March 2024.

The Carrboro BIC team analyzed assessment information and data using the four-factor analysis, a framework that the Civil Rights Division of the United States Department of Justice (DOJ) recommends as a starting point to identify priority areas for providing resources and services to facilitate language access.

### Four-Factor Analysis

According to DOJ guidance on language access planning,<sup>15</sup> four factors can help government agencies identify priority language access services and the available resources to provide them. The four factors are:

1. Number or proportion of LEP individuals<sup>16</sup> in the community
2. Frequency with which LEP individuals use Town services or communicate with employees
3. Nature and importance of the services
4. Resources available and costs

The four-factor analysis helps agencies prioritize languages for translations, for in-person interpretation, and to identify where resources are needed to facilitate language access across services. Conclusions from the four-factor analysis can shift over time with changes in community demographics and with changes in Town resources, staff capacity, and services. Therefore, it is important to regularly collect and analyze information about community demographics and Town staff's capacity to provide language services.

### Factor 1: Number or proportion of LEP individuals in the community

The first factor involves identifying the languages Carrboro residents speak and, among these languages, which ones have higher proportions of people who say they speak English less than "very well." This factor helps determine which languages to prioritize in securing interpretation and/or translation for the greatest number of Carrboro residents. The UNC team's research on community demographics related to languages other than English shows that Spanish, Chinese, Arabic, Korean, Karen, and Burmese are the

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<sup>15</sup> U.S. Department of Justice, 2002.

<sup>16</sup> While the BIC team generally prefers to note individuals' preference for "Languages Other Than English," we use the U.S. Census Bureau's terminology to refer specifically to its data ("LEP").

languages that are most spoken, and which have higher proportions of individuals who report speaking English less than “very well”.

**Table 1: Languages other than English spoken by LEP Carrboro residents**

Language	Estimated No. of LEP residents
Spanish	375
Chinese (incl. Mandarin, Cantonese)	320
Korean	80
Other Indo-European languages	55
Other Asian and Pacific Island Languages	50
Arabic	25

Source: ACS 2021 (5 year estimates); Table C16001

**Table 2: Chapel Hill-Carrboro City Schools languages other than English spoken at home**

Language	Count
Spanish	1,489
Chinese (incl. Mandarin, Cantonese)	355
Karen	179
Arabic (Egyptian)	114

Source: [Chapel Hill-Carrboro Town School online database](#), accessed May 2023

**Table 3: Languages other than English spoken by LEP Orange County residents**

Language	Estimated No. of LEP residents
Spanish	3,200
Chinese (incl. Mandarin, Cantonese)	1,242
Korean	420
Japanese	240
Burmese	200
Haitian	170
Arabic	150

Source: ACS 2021 (5 year estimates micro-data); PUMA 01400 Orange County

## Countries of Origin

Carrboro’s population is globally diverse. About **14%**, or 2,971 Town residents were born outside of the United States. Carrboro’s residents born outside of the U.S. come from several different countries<sup>17</sup>. The top five countries of origin are China (which the U.S. Census defines as including Hong Kong), El Salvador, France, United Kingdom, and Korea. Since 2005, around 1,190 refugees have arrived in Orange County; most come primarily from Burma/Myanmar, Cameroon, the Democratic Republic of Congo, El Salvador,

<sup>17</sup> U.S. Census Bureau, “Nativity by Citizenship Status,” *American Community Survey 5-Year Estimates* (SE: A06001).

Haiti, Iran, Iraq, Laos, Russia, and Syria.<sup>18</sup> Since 2016, at least 80 people with refugee status have resided in Carrboro at some point.<sup>19</sup>

### Languages other than English

Carrboro residents speak many languages other than English. Around **15.6%** of Carrboro residents speak a language other than English, with Spanish being the most spoken followed by Chinese, including Mandarin and Cantonese.<sup>20</sup> Some of the top languages spoken by refugees in Carrboro are not explicitly specified by the Census Bureau to protect their privacy, but community partners, based on their work with community members in Carrboro, have reported that Karen, Burmese, and Arabic are commonly spoken. These languages are also reflected in Chapel Hill-Carrboro City Schools' data on languages other than English spoken in students' homes.

### English language proficiency

Speakers of non-English languages demonstrate various levels of English language proficiency. In total, around **6.5%** of Carrboro residents speak English less than "very well". Around **41%** of residents born outside of the U.S. fall under the Census Bureau's limited English proficiency (LEP) designation. There are **1,329** English Language Learners in the Chapel Hill-Carrboro City Schools system for the 2022-2023 school year.<sup>21</sup>

Given that Spanish, Chinese, Korean, Karen, Burmese, and Arabic are the languages that are most spoken and have higher proportions of individuals who report speaking English less than "very well", these are the languages that will appear in translated notices of available language services that are available to Town residents at no cost. Town will focus on securing translation of vital documents and in-person interpretation for Spanish and identifying language service providers who can translate and interpret between English and Chinese, Korean, Karen, Burmese, and Arabic (see "Language Access Policies" and "Language Access Procedures" in this document). Interpretation and sight translation for languages listed here will also be available on request and, where possible, on demand.

See Appendix A for more on Carrboro's demographic data related to language, socioeconomic factors, and communications.

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<sup>18</sup> Town of Chapel Hill, *Town of Chapel Hill Language Access Plan*, Chapel Hill NC: 2019; Orange County Health Department, "2019 Annual Report," accessed June 4, 2023, <https://orangecountync.gov/ArchiveCenter/ViewFile/Item/480>; Orange County Health Department, "2020 Annual Report," accessed June 4, 2023, <https://orangecountync.gov/ArchiveCenter/ViewFile/Item/615>; Orange County Health Department, "2021 Annual Report," accessed June 4, 2023, <https://orangecountync.gov/ArchiveCenter/ViewFile/Item/599>.

<sup>19</sup> Jennifer Morillo, "Preferred Language and County of Origin of Recent Arrivals to Orange County" (email correspondence with Brianna Gilmore, April 25, 2023).

<sup>20</sup> U.S. Census Bureau, "Nativity by language spoken at home by ability to speak English for the population 5 years and over," *American Community Survey 5-year Estimates 2021 ACS* (B16005).

<sup>21</sup> North Carolina Department of Public Instruction, "Report to the North Carolina General Assembly: Headcount of English Learners," December 1, 2022, <https://webservices.ncleg.gov/ViewDocSiteFile/72507>

Factor 2: Frequency with which LEP individuals come in contact with Town programs or services

The second factor identifies the community languages that Town of Carrboro staff most frequently encounter on the job. This factor, combined with demographic data on community languages other than English, helps determine not only which languages to prioritize, but also the types of language services to prioritize, which Town departments have greater needs for language services, and how to focus staff resources and training on language access.

According to a Departmental Language Access Survey the BIC team distributed to Town employees in 2023, Spanish is the most frequently encountered language among Town of Carrboro staff. Half of the survey respondents – 25 out of 50 -- noted encountering Spanish on the job, and of those respondents, 19 said they encounter Spanish “frequently” or “very frequently.” Other languages that staff reported “frequently” encountering are Burmese, Japanese, and Korean. Less-frequently encountered languages include Chinese, French, German, Hebrew, Karen, Portuguese, Russian, and Vietnamese.

Staff that report encountering languages other than English “very frequently” or “frequently” are in the following departments:

- Communication & Engagement
- Fire & Rescue
- Planning, Zoning & Inspections
- Police
- Recreation, Parks & Cultural Resources
- Town Manager

Other departments whose staff reported encountering languages other than English less frequently include:

- Economic Development
- Housing & Community Services
- Human Resources
- Town Clerk

Of the departments that report encountering languages other than English, Recreation, Parks & Cultural Resources reported encountering the widest variety of languages other than English.

Departments across the Town did not report using a standardized data method to identify and track languages staff encounter on the job, and as a result, respondents’ answers may not reflect the actual frequency by which they encounter certain languages. For example, some respondents did not distinguish between Karen and Burmese when listing the languages they encounter on the job. Some responded with variations on “Karen/Burmese”, and they may encounter either of the two languages more or less frequently than reported.

Factor 3: The nature and importance of the recipient’s program, activity, or service

The third factor helps identify which programs, activities, or services most benefit residents or have the greatest impact on their quality of life. The Town of Carrboro provides many important services, including emergency response, connections to housing-related and other vital resources, community

outreach and engagement, permitting and zoning, recreational opportunities, and financial assistance applications. The Town is committed to providing language access across programs that facilitate public health, safety and meaningful access to services and participation in civic life, including translation of vital documents and interpretation at public meetings and community engagement events.

#### Factor 4: Resources available to the recipient and costs

Funding is allocated annually for language services, namely contracting with language services providers for translation and interpretation. Additionally, funding to support the Town's advisory boards and commissions can currently be used toward supporting language access for meetings, encouraging a more diverse membership. The Town of Carrboro and the Refugee Community Partnership are also eligible for implementation funding from Building Integrated Communities at UNC-Chapel Hill after adoption of the Language Access Plan in 2024 to support implementation of the Town's language access goals over the next year.

In addition to monetary resources, the following resources are available to facilitate language access in Carrboro:

- The Town recently purchased a new transmitter for its set of interpretation equipment. Fifteen headsets are available, along with the new transmitter, for community members and organizations to rent free of charge.
- Police, Fire & Rescue, Housing & Community Services, Communication & Engagement, and Planning, Zoning & Inspections reported contracting with language service providers for interpretation and/or translation needs.
- The Police and Fire & Rescue departments have staff who use Spanish on the job frequently – at least once a week. Other departments noted the availability of staff who occasionally use their Spanish language skills on the job (Planning, Zoning, & Inspections; Recreation, Parks & Cultural Resources; Communication & Engagement).

#### Summary of findings from the Town of Carrboro Departmental Language Access Survey

In addition to the findings mentioned in the four-factor analysis outlined above, some of the key findings from the 2023 Town of Carrboro Departmental Language Access Survey are:

- The Communication & Engagement Department, the Fire & Rescue Department, the Planning, Zoning & Inspections Department, the Police Department, and the Recreation, Parks & Cultural Resources Department reported having staff who speak at least some Spanish and use their Spanish language skills on the job. No departments reported using a standardized tool to assess employees' proficiency in languages other than English, nor do they offer a stipend or pay incentive for using languages other than English on the job.
- Some respondents mentioned the use of Google Translate or similar machine translation programs to communicate with residents who speak languages other than English. Machine translation can be a useful tool, but it is recommended that machine translations or interpretations be edited by a qualified language service provider to ensure accuracy.
- Some respondents also mentioned the use of residents' family members or self-provided interpreters in interactions. Professional interpretation standards advise the sole use of trained and vetted interpreters instead. The Town will commit to notifying residents of their right to



interpretation free of charge and to training staff members on how to secure professional, qualified interpreters.

- Three departments reported receiving federal funding: ARPA, CARES Act, Community Development Block Grant-COVID (CDBG-CV), HUD, and unspecified “others” (Communication & Engagement, Economic Development, and Housing & Community Services)
- There is currently no standardized method of tracking requests for or use of language services across departments, nor is there a standardized method for identification of languages other than English that staff encounter on the job.

For more detailed information and results from the Town of Carrboro’s Departmental Language Access Survey, see Appendices B & C at the end of this Plan.

### Summary of Community Priorities Identified in Monthly Carrboro BIC Meetings

During monthly Carrboro BIC meetings, the team discussed community priorities and best practices for engaging multilingual, immigrant, and/or refugee community members along with general best practices for providing language access. The following list synthesizes top priorities and language access recommendations that Refugee Community Partnership leaders and Orange County Housing Department staff shared:

- Continue to build relationships with community leaders and organizations who work with migrant, refugee, and other community members who prefer to speak languages other than English. Many community leaders, especially among migrant and refugee residents, are familiar with working with governments in their home countries and can play important liaison roles in the U.S.
- Identify and use communication channels that community members already know and use. For example, many community members do not use email and prefer to use platforms like WhatsApp and Facebook to communicate and find information. RCP has emphasized that audio messages and videos that can be disseminated over social media or on messaging platforms in community languages are very effective. Flyers and other printed materials are also generally preferred over email.
- Consider the context of outreach materials and other communications, and that public services or systems might not be familiar to all residents if they do not have a reference from other places they have lived for comparison. One team member shared the example of a flyer for a public library being unclear to some community members not because they didn’t understand the translation of the flyer, but because they weren’t familiar with public libraries.
- Interpretation or audio messages may be in higher demand than translation of written materials for communicating some information. In general, in-person interaction is valued, goes a long way in building trust and relationships, and considers differences in literacy levels.
- It is important to set up a consistent and reliable language access infrastructure to build trust with community members. If people know reliable systems are in place, they are more likely to use them and engage.

## Language Access Policies

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Language Access Policies establish the Town's commitment to language access and how the Town provides meaningful access to services, programs, and processes for residents who prefer to communicate in a language other than English. These policies follow guidance outlined in the U.S. Department of Justice's [\*Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs\*](#)<sup>22</sup> and the Migration Policy Institute's [\*A Framework for Language Access\*](#).<sup>23</sup>

### General Statement of Policy

It is the policy of the Town of Carrboro to ensure that no person shall, on the ground of race, color, national origin, limited English proficiency, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs and activities, as provided by Title VI of the Civil Rights Act of 1964, Executive Order 13166, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

The Town of Carrboro will provide timely meaningful access to all Town programs, resources, and services for any individuals who prefer to speak a language other than English. Staff will inform community members of their right to free language services and secure these services when they are needed.

### 1. Policies for Translation and Interpretation

#### **A. The Town will offer translation and interpretation for its programs, activities, services, and resources free of charge.**

- i. The Town will notify community members of their right to access interpretation and translation services free of charge to ensure their meaningful access to Town communications and information.
- ii. The Town will make its best effort to ensure timely access to translation and interpretation services.
- iii. Town staff will respond in a timely manner to written correspondence and phone calls in languages other than English by requesting the assistance of bilingual or multilingual employees or contract language service providers.
- iv. The Communication and Engagement Department will help staff determine what type of language service(s) they need for programs, materials, meetings, or events. This includes:
  - a. Simultaneous interpretation
  - b. Consecutive interpretation
  - c. Written translation
  - d. Sight translation
  - e. In-person, over-the-phone, or video interpretation
- v. The Town will encourage language access efforts in the community through its interpretation equipment lending program, available to community groups free of charge upon request.

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<sup>22</sup> U.S. Department of Justice, Civil Rights Division, Federal Coordination and Compliance Section, "Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs," May 2001, [https://www.lep.gov/sites/lep/files/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/sites/lep/files/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf).

<sup>23</sup> Jacob Hofstetter et al., *A Framework for Language Access: Key Features of U.S. State and Local Language Access Laws and Policies* (Washington, D.C.: Migration Policy Institute, 2021), [https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021\\_final.pdf](https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf)

- vi. The Town will coordinate language services for community advisory boards to encourage and facilitate diverse community representation.

**B. The Town will translate vital documents and emergency communications into its identified community languages.**

- i. Vital documents are those that are necessary to use or receive Town services, information, or programs. The Town will create and maintain an inventory of vital documents that are housed in a central location that is accessible to staff.
- ii. Translated vital documents will be available online or in hard copy upon request.
- iii. The Town will distribute key messages and urgent information during emergency situations in its most-spoken community languages with the highest proportion of speakers who are considered LEP in Census data.

**C. The Town will support multilingual staff to provide in-language services or to interpret and translate as part of their job duties.**

- i. The Town will coordinate language skills assessments to evaluate the proficiency of multilingual staff who speak the Town's community languages and are willing to use their language skills on the job.
- ii. If fluent in a community language other than English, staff will also be assessed for translation and/or interpretation skills, which is a prerequisite to using these skills on the job.
- iii. The Town will support ongoing training and skills development for multilingual employees who use their language skills as part of their job duties.

**D. The Town will provide interpretation and translation for meetings and one-on-one interactions on request.**

- i. Individuals may request interpretation for public meetings, small group meetings, or one-on-one interactions with Town staff, as well as the translation of any pertinent Town documents or written communications.
- ii. Public meeting notices will include statements in the Town's identified strategic languages announcing upon-request interpretation for public meetings.
- iii. Interpretation may be provided by in-person interpreters, video interpreters, telephonic interpreters, or qualified multilingual staff.

**E. The Town commits to using competent, trained, and culturally sensitive translators and interpreters, including the use of qualified multilingual employees.**

- i. The Town will use professional translators and interpreters, including qualified multilingual staff, who are trained in their field and follow professional practice standards and a code of ethics.
- ii. The Town commits to *not* using unqualified translators and interpreters to assist with language services. Examples of unqualified translators and interpreters include residents' family members or friends, or people under the age of 18.
- iii. Communication and Engagement staff will identify and maintain a network of qualified resources for language services, including a list of trained and qualified multilingual Town staff, and a list of vetted vendors for translation services, in-person interpretation services, and video and telephonic interpretation services. The list of vetted vendors will be available on the Town's intranet or provided via email upon request.

- iv. Translated materials and interpretation will be evaluated for accuracy. The Town will solicit input and feedback on the accuracy of translation and interpretation from community partners and leaders.

## 2. Policies for Notice of Availability of Language Assistance Services

### **A. The Town will notify individuals who prefer a language other than English of their right to language assistance services at no charge.**

- i. Staff will inform individuals of their right to language services at no charge.
- ii. The Communication and Engagement Department will create a written public notice, in the Town's identified community languages, informing residents about available language services, including how to request translation or interpretation services and how to submit a language access complaint.
- iii. Language assistance notices will be provided in a variety of ways, including, but not limited to:
  - Posters in Town reception areas and other points of entry at facilities
  - On the Town website
  - On Council and Advisory Board meeting agendas
  - Using a telephone voicemail menu in the Town's community languages
  - At Town Information Centers
  - Inside buses operated by Chapel Hill Transit
  - In recreational brochures and flyers

## 3. Policies for Staff Training

### **A. The Town will provide periodic staff training and new employee orientation on its Language Access Plan.**

- i. All staff will be trained in the policies and procedures in the LAP and the availability of language services and resources.
- ii. User guides for accessing services and effective communication techniques as well as tips on working with an interpreter will be available to all staff on the Town intranet in the Communication & Engagement folder.

## 4. Policies for Language Access Services Assessment and Analysis

### **A. The Town will update its LAP periodically based on language service needs and resources.**

- i. The Town's interdepartmental communication team will meet annually to assess its use and effectiveness.
- ii. The Town will evaluate the community need for language services by analyzing demographic data from the U.S. Census Bureau and seeking information from community stakeholders.
- iii. The Town will conduct an annual internal language access survey to evaluate staff language access use, resources, and needs.

5. Policies for Language Access Reporting, Monitoring, and Compliance

**A. The Town will prepare an annual compliance report that documents language access services provided.**

- i. Department liaisons will document usage and requests for language access services and prepare a summary report of which services have been used, for which languages, and in what context.

**B. The Town will accept and respond to all language access complaints in community members' preferred languages.**

- i. The Town will notify individuals who prefer a language other than English of their right to make a complaint of discrimination based on LEP status or a failure to adequately provide services.
- ii. The language access complaint process will be available in Town reception areas and on the Town's website.
- iii. Any person who believes to have been denied language access services may file a complaint to the Town by telephone message to the Language Access Line (919-918-7391), online form, or letter. The Communication & Engagement Department will review complaints.

## Language Access Procedures

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This section outlines key procedures that the Town of Carrboro will adopt to carry out the policies described in the previous section. The Town will regularly review and refine the procedures described below and develop new procedures as needed to better serve community members who prefer to speak languages other than English and to support staff in providing language services.

### Procedures for Determining the Need for Language Assistance

If an individual requests a translation or interpretation, a qualified multilingual employee or the Town's contracted service provider will provide language assistance. Staff will not rely solely on their own assessment of an individual's English proficiency to determine need for interpretation or translation and will follow the procedures outlined below.

#### *At point of first contact with an individual:*

- Town staff will take reasonable steps to identify an individual's preferred language and determine their need for language assistance. Staff can determine language assistance needs in several ways, including:
  - Noting the individual's stated language preference or by asking the individual for their preferred language.
  - Using "I Speak" language identification cards distributed to all public-facing staff.
  - Contacting a language service provider contracted by the Town.
  - Requesting the assistance of a multilingual employee.
- If the need for language assistance is identified or likely, staff should notify the individual of their right to interpretation at no charge. This should be done as early as possible in an interaction, including during the process of identifying the individual's preferred language.

#### *At public meetings, small group meetings, and one-on-one interactions:*

- Individuals may request language assistance for public meetings, small group meetings, or one-on-one interactions with Town staff, including interpretation of spoken words or translation of written content pertinent to the meeting.
- At the time of the request, Town staff will note the language preference of the individual requesting language services, where language assistance is needed, and other information needed for timely fulfillment of the request.
- Requests should be submitted as far in advance as possible to allow adequate time to arrange language assistance services in consultation with the Communication and Engagement department. Staff will take reasonable steps to provide access to language services. If the request is made later than the minimum time required, or if an individual who prefers a language other than English arrives to a meeting without providing notice, service may not be available.
- Town staff will take reasonable steps to promote the availability of interpretation services and relevant translated materials at public meetings.
  - The availability of free interpretation for public Council and Advisory Board meetings will be advertised in notices translated into community languages on meeting agendas. Notices will include instructions for requesting interpretation.
  - If a Town department is planning a public meeting where it is expected that many community members will participate, staff will secure appropriate language services in

- advance of the meeting. For these meetings, staff will advertise the availability of language services in multilingual outreach materials.
- Town staff will make reasonable efforts to disseminate notices of availability of interpretation and translation services through community members' preferred communication channels.
- To request interpretation for a public meeting, residents can call the Town's Language Access Line at 919-918-7391.

### Selection of Language Service Providers

The Town will aim to use the following order of priority when scheduling interpreters and translators:

- First, use trained and qualified multilingual Town staff.
- If Town staff are not available or if the requested meeting or written material requires highly specialized and/or technical knowledge, particularly if it is legal or medical in nature, staff will request a contracted interpreter or translator. The contract service provider should be certified in legal and/or medical interpretation. Preference will be given to in-person interpretation when possible.
- For interpretation: if neither of the above are available, use a telephonic or video remote interpretation service.
- For translation: preference is to use qualified staff or contracted translators. Staff will take reasonable steps to have qualified staff and/or contracted translators edit any text that is machine translated, such as through Google Translate or similar applications.

To request language assistance from bilingual or multilingual Town staff:

- The Town will maintain an accurate and current list showing the language, phone number and availability of bilingual staff who have been assessed for translation, interpretation, and in-language services.
- The list of qualified bilingual or multilingual staff will be available to all staff on the Town intranet.
- Departments can directly contact the appropriate bilingual staff member to interpret or translate, if an employee who speaks the needed language is available and qualified to provide the service.
- If no staff member is available or if the service needed is not one that a staff member is qualified or obligated to provide, the department will request a contract interpreter or translator in consultation with the Communication and Engagement Department. Legal, medical, or other highly specialized or sensitive content will be assigned to a contract language service provider.

### Procedures for Requesting Translation or Interpretation Services

Communication and Engagement staff will assist with fulfilling interpretation and translation requests. The Communication and Engagement Department has contracts with several language services providers who can provide both translation and interpretation services. An updated list of service providers and their contact information is available on the Town intranet in the Communication and Engagement folder. It can also be provided upon request by the Communication and Engagement Department.



### *Procedures for Requesting Translation*

- Community members can request translation of written materials through Town staff or by calling the Town's Language Access Line: 919-918-7391.
- Town staff can submit requests for translation of written materials through the Communication and Engagement Department. Town staff should allow as much time as possible to secure translation services. Longer documents and/or documents that use specialized language may take longer to translate.
- The Town will prioritize using trained and qualified multilingual staff for translation services when possible. If Town staff are not able or qualified to translate requested content, translation services will be secured through a contracted language service provider.

### *Procedures for Requesting Interpretation*

- The Town commits to not using residents' family, friends, or minors as interpreters, and staff will notify individuals who prefer to speak languages other than English of their right to an interpreter provided by the Town.
- Community members can request interpretation through Town staff or by calling the Town's Language Access Line: 919-918-7391.
- Town staff can submit requests for interpretation through the Communication and Engagement Department. Town staff should allow as much time as possible to secure interpretation services.
- Interpretation services will be provided in person using qualified multilingual staff when possible and suitable. If Town staff are not available, or if a meeting will run longer than an hour or require specialized vocabulary beyond staff knowledge or training, an in-person interpreter contracted through a language service provider is preferred.
- For on-demand services where a qualified multilingual staff member is not available or where it is not practical to ask a staff member, telephonic interpretation or video interpretation will be provided.

### *Procedures for Identifying Vital Documents and Information*

- The Town will prioritize translation of vital documents and information into Spanish and into other languages upon request or if staff anticipate a need for a particular language. "Vital" documents and information are those that are critical for communicating emergency messages; accessing Town programs, services, or benefits; that affect residents' quality of life; or that are required by law. Subject matter written on Town public websites may constitute vital documents or information. Documents that require a signature are generally considered vital.
  - Examples may include, but are not limited to:
    - Emergency messages
    - Key consent and complaint forms
    - Intake forms with the potential for important consequences
    - Written notices of eligibility criteria, rights, denial, loss, or decreases in benefits or services
    - Notices on right to and availability of free language services
    - Applications to participate in a Town program or activity
    - Applications to receive benefits or services
    - Short descriptions of departments or services

## Town of Carrboro Language Access Plan

- Town departments should follow procedures for requesting translation services through the Communication and Engagement Department to ensure timely availability of their respective vital documents.
- The Communication and Engagement Department will consider translation of documents that are not considered “vital” on a case-by-case basis. In some cases, sight translation by an interpreter or qualified multilingual staff member may be an appropriate substitute for full written translation of non-vital documents.
- The Town’s interdepartmental Communication Team will compile an inventory of vital documents and policies and procedures for document revisions, translations, and periodic review of what is considered vital. The Town will seek advice from department directors, public-facing staff, and community partner organizations in identifying vital documents.

### Procedures for Notice of Availability of Language Assistance Services

- Notices will be provided in a variety of ways including, but not limited to:
  - Flyers or posters in appropriate Town reception areas and other points of entry at facilities, including inside buses.
  - The Town website and social media.
  - Attachments to vital Town documents and select broadly distributed brochures/pamphlets.
  - Central Town telephone and voicemail messages.
  - Through community organizations and other stakeholders, who will inform Carrboro residents of their right to language access services provided free of charge.

### Procedures for Staff Training and Orientation on the Town’s Language Access Plan

The Town will provide training on language access policies and procedures to all staff upon hire and periodically throughout the duration of their employment. Language access training will be reviewed annually with the Plan and updated accordingly. Staff training may include:

- Overview of language service policies and procedures
- Resources available to support compliance with the Language Access Plan
- When language requests are appropriate to make of qualified multilingual staff, and when it is more appropriate to request from a contract language service provider
- Skill building on language access procedures (for example, how to respond to phone calls placed to the Town in languages other than English)
- Awareness of community priorities
- Familiarization with the LEP discrimination complaint process

#### *Additional specialized staff training*

Additional training may be provided for staff who have frequent interaction with residents who prefer a language other than English or who are multilingual and provide language services as part of their job. These trainings may include:

- Best practices for working with translators and interpreters
- Considerations for requesting language assistance from multilingual staff
- Ethical considerations for interpretation or translation

- Community demographics and priorities

#### Procedures for Monitoring and Updating the Language Access Plan

- Every fiscal year, the Town will prepare an annual compliance report monitoring the LAP. Staff's annual report will include review of data related to the number of residents who are LEP or speakers of languages other than English. Sources for these data may include:
  - Federal demographic data, such as the U.S. Census and American Community Survey
  - Local demographic data, such as language data from local schools, health service providers, and nonprofit organizations
  - Reporting on the Town's language assistance services, including preferred languages, the usage and cost of language services, and tracking of language assistance requests.
  - An internal language access survey sent to departments to evaluate language services use, resources, and needs
  - Feedback from residents and community-based organizations regarding the effectiveness and availability of language services in the Town
  - Reports from language service complaints
  - Review of the Town's language contract(s) with local vendors
  - Review of Town engagement and outreach on language access and assistance
- The Town will update the LAP as needed upon review of the data outlined above.

#### Procedures for Filing and Resolving Complaints about Language Services

Title VI ensures that no person—on the grounds of race, color, or national origin—be excluded from, denied benefits of, or be subjected to discrimination under any services receiving federal financial assistance. Any person who believes they have been mistreated by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the Town of Carrboro. The person or organization filing the complaint may complain on behalf of another person or group.

##### *Filing Complaints*

- Any person who believes that they were denied Language Access services may file a complaint to the Town by telephone message, online form, or letter in their preferred language.
  - Complaints may be filed by telephone by calling the Town of Carrboro Language Access Line: 919-918-7391.
  - Complaints may be filed by filling out a form online.
  - Complaints may be filed in writing in letter directed to the attention of the Communication & Engagement Department at 301 W. Main St. Carrboro, NC 27510.
- Complaints should describe as completely as possible the claimed discrimination, including the following information:
  - Name, address, and telephone number of the complainant
  - The circumstances, individuals involved, and other details of the complaint
  - Signature and date

##### *Investigation Process*

- The Communication & Engagement Department will review complaints and forward them to the appropriate department director or supervisor for further action.

## Town of Carrboro Language Access Plan

- The Communication & Engagement Department will coordinate communication back to complainants, in their preferred language, with the results of any actions or investigations taken.

## Language Access Implementation Plan

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The Language Access Implementation Plan outlines immediate goals to enact the Policies and Procedures outlined above. After considering the elements of the four-factor analysis described in the Assessment section of this document, and after weighing community priorities and current Town resources for language access, the implementation plan is organized around the following strategic goals:

- **Goal #1: Increase availability of written translations of vital documents and information, starting with Spanish.**
  - Create a notice of availability of language access services to advertise around Town and on Town communications and meeting agendas. The statement will be translated into Spanish, Chinese, Burmese, Karen, Korean, and Arabic and will include information on the Language Access Line and how to request interpretation and translation.
  - Identify qualified translators who can edit machine translations of sections of the Town's website that provide vital information. This will help verify the accuracy and readability of automated translations.
  - Translate identified vital information and documents on the Town's website and make digital and hard copy translations of documents available.
  - Develop a style guide and word bank of frequently used terms and phrases unique to Carrboro's services to ensure accuracy and consistency in written translations.
- **Goal #2: Develop an internal language access committee to put language access structures in place. The Town's Communication Team will function as the inaugural committee to accomplish the following:**
  - Identify vital documents and information for members' respective departments, as well as other frequently used or frequently requested information for translation.
  - Develop a system to track language access data across departments, including data on languages encountered, number and type of language access requests received, and which providers fulfilled requests for services, and cost of services.
  - Work with RCP to pilot dissemination of Town information through The Hive, RCP's communication platform.
  - Work with RCP to facilitate input and ongoing feedback from refugee and migrant residents on language access services as they become available.
  - Develop an internal system to provide staff with information on existing language access services, how to access them, and how to notify residents of available services and their rights to them.
  - Help determine future language access priorities by sharing information on best practices for reaching and communicating with community members who speak languages other than English, identifying gaps in services, and noting what colleagues need to serve the community most effectively.
  - The Communication and Engagement Department will develop budgeting and invoicing processes for payment of language services.
- **Goal #3: Increase availability of interpretation at public events and meetings.**
  - Identify service providers for Town's community languages and create guidance for residents and Town employees to request interpretation. This guidance will include how far in advance interpreters need to be booked, how many interpreters may be needed

for the event/meeting, the type and quantity of interpretation equipment to use, and other considerations.

- Determine priority areas for interpretation (for example, at Town Council meetings, certain events, in certain departments, public hearings, etc.) through consultation with RCP members, other community organizations, and the Communication Team.
- **Goal #4: Strengthen recruitment, support, and management of multilingual staff members to provide quality in-person language services.**
  - Identify departments or positions that are most likely to engage or respond to community members who speak languages other than English. Determine whether there are already staff who speak the Town's identified languages in those departments or roles, and if not, develop a plan to recruit staff who do.
  - Develop language for job postings to indicate that people who are fluent in community languages other than English are encouraged to apply.
  - Determine a compensation structure for multilingual employees who provide in-language services and/or who interpret or translate as part of their job duties.
  - Develop a language assessment tool with a local language service provider to identify the skills that multilingual staff are qualified to use as part of their job. (For example, providing in-language services plus interpretation, only providing in-language services, ability to translate, etc.)
  - Develop parameters and responsibilities for multilingual staff members with the Human Resources Department and other department directors.

## Appendices

### Appendix {A}: Carrboro Demographic Report

#### Immigrants and Refugees

**Population:** From 2017-2021, the total population of the Town of Carrboro was about 21,237 people. About 2,971, or 14%, of Town residents were born outside of the U.S.<sup>24</sup> Since 1990, the number of Carrboro residents born outside of the U.S. has steadily increased with 20% entering the country before 1990 and the majority, 34%, entering the country in 2010 or later.<sup>25</sup>



**Country of Origin:** Carrboro's residents born outside of the U.S. come from several different countries. Below, the top ten countries of origin are listed in Table 1. Overall, local trends in the growth of both Latin American and Asian immigrant populations in Carrboro mirror recent immigration patterns that exist statewide. Over the last decade, there has been a decrease in immigrants from Mexico accompanied by an increase in immigrants from Central America, specifically from El Salvador, Guatemala, and Honduras.<sup>26</sup> Around 60% of Carrboro's foreign-born residents are naturalized citizens.<sup>27</sup> A small minority of residents from Latin America speak indigenous languages.

**Table 1: Top 10 countries of origin for Carrboro residents born outside the U.S.**

Country of Origin	Population Estimate	Percentage of residents not born in the U.S.
China (incl. Hong Kong and Taiwan)	583	19.6%
El Salvador	184	6.2%
France	160	5.4%
U.K.	154	5.2%
Korea	134	4.5%
Mexico	127	4.3%
India	101	3.4%
Colombia	92	3.1%
Germany	72	2.4%
Pakistan	72	2.4%

Source: ACS 2021 (5 year estimates), Table A07001

Since 2005, around 1,190 refugees have directly arrived/resettled in Orange County; most come primarily from Burma/Myanmar, Cameroon, the Democratic Republic of Congo, El Salvador, Haiti, Iran, Iraq, Laos, Russia, and Syria.<sup>28</sup> Since 2016, at least 80 refugees have resided in Carrboro.<sup>29</sup> These estimated numbers do not reflect migration patterns in and out of Carrboro and Orange County.

<sup>24</sup> 2021 ACS (5 yr. estimates). Table SE:A06001: Nativity by Citizenship Status. U.S. Census Bureau.

<sup>25</sup> 2021 ACS (5 yr. estimates). Table SE:A10058: Year of Entry of Foreign-born population. U.S. Census Bureau.

<sup>26</sup> Ruiz Soto, A. G., Bottone, R., Waters, J., Williams, S., Louie, A., & Wang, Y. (2021, November). Charting a New Regional Course of Action: The Complex Motivations and Costs of Central American Migration Executive Summary. Washington D.C.; Migration Policy Institute.

<sup>27</sup> 2021 ACS (5 yr. estimates). Table SE:A06001

<sup>28</sup> Town of Chapel Hill(2019, November 13). Town of Chapel Hill Language Access Plan. Chapel Hill. Health Department, 2019 Annual Report (2019); 2020 Annual Report (2020); 2021 Annual Report (2021). Retrieved June 4, 2023, from <https://orangecountync.gov/ArchiveCenter/ViewFile/Item/480>, <https://orangecountync.gov/ArchiveCenter/ViewFile/Item/615>, <https://orangecountync.gov/ArchiveCenter/ViewFile/Item/599>, Orange County Health Annual Reports from 2019, 2020, 2021.

<sup>29</sup> Morillo, Jennifer. "Preferred Language and County of Origin of Recent Arrivals to Orange County." Received by Brianna Gilmore, April 25, 2023.



## English Language Ability



**15.6%** of Carrboro residents speak a language other than English, with Spanish being the most spoken followed by Chinese, including Mandarin and Cantonese.<sup>30</sup> The top languages spoken among the immigrant and refugee communities of Carrboro shown in Table 2

largely correlate to the languages spoken in the countries listed in Table 1. Among the top 10 countries of origin, 3 of the countries, El Salvador, Mexico, and Colombia, are predominantly Spanish speaking, which likely accounts for the large population of Spanish speakers in addition to 2<sup>nd</sup> and 3<sup>rd</sup> generation immigrants from Latin America.

**Table 2: Speakers of languages other than English in Carrboro**

Non-English Language	Estimated No. of Speakers	Percent of Total Population
Spanish or Spanish Creole	1,327	6.5%
Chinese (Incl. Mandarin, Cantonese)	601	3%
Other Indo-European Languages	328	1.6%
Other Asian and Pacific Island Languages	191	0.9%
Other and Unspecified Languages	184	0.9%
French, Haitian, or Cajun	172	0.8%
Korean	104	0.5%
Tagalog (Incl. Filipino)	69	0.3%
Vietnamese	59	0.3%
Russian, Polish, or Other Slavic Languages	55	0.3%
Arabic	51	0.3%
German or Other West Germanic Languages	35	0.2%

Source: ACS 2021 (5 year estimates); Table C16001

Examples of Asian and Pacific Island languages spoken in the U.S. include Hmong, Urdu, Bengali, Iloko, Nepali, and Burmese. Examples of “other” Indo-European languages spoken by in the U.S. include Gujarati, Portuguese, Polish, Hindi, and Persian. Speakers of non-English languages demonstrate various levels of English-language proficiency. Table 3 shows the self-rated English-speaking ability of residents who speak a language other than English. Around 41% of residents born outside of the U.S. fall under the limited English proficiency (LEP) designation. Residents born outside of the U.S. who speak Asian and Pacific Island languages constitute the largest number of limited English proficient residents with approximately 438 residents. In total, around 6.5% of Carrboro residents speak English less than “very well”.<sup>31</sup>

<sup>30</sup> ACS21\_5yr: B16005. Nativity By Language Spoken At Home By Ability To Speak English For The Population 5 Years And Over.

<sup>31</sup> Morillo. April 25, 2023.

**Table 3: Languages other than English spoken by LEP Carrboro residents**

Language	Estimated No. of LEP residents
Spanish	375
Chinese (incl. Mandarin, Cantonese)	320
Korean	80
Other Indo-European languages	55
Other Asian and Pacific Island Languages	50
Arabic	25

Source: ACS 2021 (5 year estimates); Table C16001

**Table 4: Languages other than English spoken by LEP Orange County residents**

Language	Estimated No. of LEP residents
Spanish	3,200
Chinese (incl. Mandarin, Cantonese)	1,242
Korean	420
Japanese	240
Burmese	200
Haitian	170
Arabic	150

Source: ACS 2021 (5 year estimates micro-data); PUMA 01400 Orange County

## Education



Carrboro has a higher percentage (42% overall) of residents 25 and older with a graduate or professional degree than the North Carolina average (12%).<sup>32</sup> Carrboro residents born abroad also have a comparatively high level of education. Among Orange County residents born outside of the United States, 41% have a graduate or professional degree compared to the 33% of residents born in the U.S.<sup>33</sup> These education levels likely reflect the global recruiting practices of institutions of higher education and companies in the Triangle area. However, populations born outside of the U.S. have lower *general* educational attainment than populations born in the U.S. In particular, high school graduation rates for immigrants and refugees are comparatively low.<sup>8</sup> Local school systems can provide data regarding their multi-lingual or English Language Learner (ELL) programs. There are **1,329** English Language Learners in the Chapel Hill-Carrboro Town School system.<sup>34</sup>

**Table 5: Chapel Hill-Carrboro City Schools languages other than English spoken at home**

Language	Count
Spanish	1,489
Chinese	355
Karen	179
Arabic/Egyptian	114

Source: [Chapel Hill-Carrboro Town School online database](#), accessed May 2023

<sup>32</sup> ACS (5yr estimates: 2017-2021) Table S1501: Educational Attainment, U.S. Census Bureau.

<sup>33</sup> ACS (5yr estimates: 2017-2021) Table S0501: Selected Characteristics of the Native and Foreign-born populations, U.S. Census Bureau

<sup>34</sup> Headcount of English Learners Report to the NC General Assembly, December 2022

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## Appendix {B}: Town of Carrboro Language Access Capacity Survey – Questionnaire

Carrboro's Building Integrated Communities (BIC) team requests your help gathering information about how your department communicates with residents who speak languages other than English. Over the next year, the Carrboro BIC team will create a Language Access Plan to make Town communications and interactions accessible to all residents of Carrboro in their preferred languages. Thank you in advance for filling out this survey. Your responses will help us develop the Language Access Plan. For questions, please contact Emily Spangenberg, Bilingual Program Coordinator for BIC: [espangen@email.unc.edu](mailto:espangen@email.unc.edu)

**\*Underlined and bold-font questions** were sent to department directors only.

### Section 1: Multilingual Employees and Staff Policies

- Do you speak any languages other than English?
- Do you use a language other than English as part of your job duties?
- Were you hired for bilingual or multilingual skills as part of your job description?
- How often do you use a language other than English as part of your job?
- Has your department assessed your proficiency in any language other than English?
- Describe how your department has assessed your skills or proficiency in any language other than English.
- Do you receive a stipend or an incentive for using a language other than English as part of your job duties?
- Describe the stipend or incentive
- How did you first start to receive the stipend or incentive?
- Have you completed any training or certification programs to translate or interpret between English and any other language?
- **Do you have staff in your department who speak languages other than English?**
- **To the best of your knowledge, how many staff members speak languages other than English, and which languages?**
- **Do any of the staff in your department use a language other than English as part of their job duties?**
- **How many staff members, and which languages?**
- **Were they hired with bilingual or multilingual skills as part of their job description?**
- **How often do they use this language (or languages) as part of their job?**
- **Does your department have a procedure to assess their proficiency in languages other than English?**
- **Describe the procedure or assessment used to determine staff proficiency in languages other than English.**
- **Does your department offer a stipend or incentive to employees who are fluent in a language other than English and who use that language as part of their job?**
- **Describe how an employee begins to receive the stipend or incentive.**
- Does your department provide staff training on how to interact with or assist community members who speak languages other than English?
- Please briefly describe the training.

## Section 2: Interactions with the Public & Customers Who Speak Languages Other than English

- What non-English languages do you most frequently encounter in your interactions with community members as part of your job, and how often do you encounter them? (Almost never, Not frequently, Frequently, Very Frequently)
- **To your knowledge, what non-English languages do staff most encounter in your department, and how often do staff encounter them? (Almost never, Not frequently, Frequently, Very Frequently)**
- Does your department have a method or procedure to determine your clients' or customers' preferred languages?
- How do you determine your clients' or customers' preferred languages?
- Does your department use a data collection method to record or track the preferred languages of your clients or customers?
- Please describe the data collection method you use.

## Section 3: Language Assistance Services and Policies

- **Does your department currently offer communications in languages other than English? If yes, please list them to the best of your knowledge, along with the languages that are available.**
- **Does your department currently provide translated written forms, applications, or other documents necessary to access Town services?**
- Does your department provide any of the following when staff interact with community members who speak languages other than English? Select all that apply.
  - Over-the-phone (telephonic) interpreter
  - Video interpreter
  - Staff member(s) trained as an interpreter
  - Staff member(s) trained as a translator
  - Bilingual or multilingual staff members (not trained or not sure if trained as interpreter/translator)
  - Interpretation or translation with contract language service organization
  - Other
  - I'm not sure
  - We currently do not provide any of these services
- **How does your department identify a need for translation or interpretation?**
- **How does your department most often use translation services or interpretation services?**
- **Does your department provide any of the following regarding the availability, use, or quality of language services? Select all that apply.**
  - **A language access coordinator who arranges interpretation and/or translation**
  - **Translated signs or notifications on how to submit a language access complaint (regarding accessibility or quality)**
  - **A way to track language services costs**
  - **A written language access plan and/or policy**

- Other
- I'm not sure
- We currently do not have any of these

#### Section 4: Additional Questions

- Does your department receive any type of federal funding? (If yes, please name the source)
- Do you provide a portion of these federal funds to any outside organizations (e.g. through grants to nonprofits or payments to subcontractors)?
- Do you have any other comments or information you'd like to share regarding language services in your department?
- Would you like to be informed about the progress of Carrboro's language access plan?

## Appendix {C}: Summary of Town of Carrboro Departmental Language Access Capacity Survey Results

**Background and Purpose:** In 2023, the Carrboro Building Integrated Communities (BIC) Team gathered information from each Town department to learn about their current need and use of language access services by distributing an online departmental language access survey. The survey asked employees about their departments' policies and procedures for facilitating language access, current language services available to them, and about current bilingual staff who use language skills as part of their job duties. The survey was divided into four sections:

1. Multilingual Employees & Staff Policies
2. Interactions with the Public & Customers Who Speak Languages Other than English
3. Language Assistance Services & Policies
4. Additional Questions – on federal funding (for department heads or directors only) and open-ended question for comments on departmental language access services (all respondents)

Responses have informed the development and implementation of the Town of Carrboro's Language Access Plan. A summary of key findings and more detailed breakdowns of responses in each section follow.

### Surveyed Departments and Staff:

Surveyed departments: Staff in 100% of the Town's 13 departments participated in the Language Access Survey. The survey was distributed to all department directors or managers and all employees within each department. The response rate to the survey was about 29% (50 respondents out of a total of 175 Town employees), and 12 department directors or senior managers completed the survey on behalf of their departments.

#### **Responding Departments**

Town Manager

Town Clerk

Communication and Engagement

Economic Development

Finance

Fire-Rescue

Housing and Community Services

Human Resources

Information Technology

Planning, Zoning & Inspections

Police

Public Works

Recreation, Parks & Cultural  
Resources

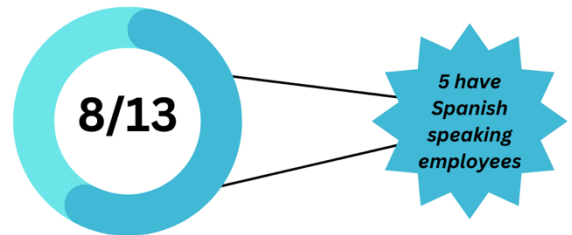


## Section 1: Multilingual Employees and Staff Policies

**Slightly more than half of the Town's departments have staff who speak a language other than English. Five of these departments have staff who use Spanish on the job at least sometimes.<sup>35</sup>**

- Eight of the Town's 13 departments report having staff members who speak a language other than English.
- Languages spoken include: Spanish, French, Italian, Swedish, Tagalog. Spanish is the most-commonly spoken language other than English in Carrboro (see Demographic Report in Appendix A).
  - **Spanish** is the only one of these languages that employees reportedly use on the job at least occasionally (Communication & Engagement; Fire-Rescue; Planning, Zoning & Inspections; Police; Recreation, Parks & Cultural Resources).
  - Employees in the **Fire-Rescue and Police** departments reportedly **use Spanish most frequently** on the job ("at least once a week" or "every day").
  - The survey did not capture respondents' fluency levels in languages other than English, so information presented here does not necessarily note fully bilingual staff.

### Carrboro Departments with Multilingual Employees



**The Town does not currently recruit specifically for skills in languages other than English, nor do departments report providing compensation for or assessment of skills in languages other than English.**

- To their knowledge, none of the employees who use a language other than English on the job reported having been hired specifically for their language skills.
- No department reported offering additional monetary compensation to employees who speak languages other than English and use those skills on the job.
- None of the employees who speak a language other than English on the job reported having completed an assessment or evaluation of their proficiency in other languages to use their language skills as part of their job duties.

**The Town's emergency services departments provide training to their employees on how to communicate with or otherwise assist community members who speak languages other than English.**

- Fire & Rescue and the Police Departments note providing training on how to use Language Line, which provides remote interpretation support.
- Fire & Rescue and the Police Department also provide training and print resources on commonly used phrases or questions in their respective fields. The Police Department noted this these phrases are available in Spanish.
- Planning, Zoning & Inspections notes that staff can sign up for training through CHICLE, but that training would be outside of standard work hours.

<sup>35</sup> These results reflect a combination of self-reporting and department directors reporting on behalf of staff in their departments. The survey did not ask about levels of proficiency or fluency in languages, so these results do not necessarily show the number of fully bilingual or multilingual staff. The survey did not ask about respondents' preferred languages.

## Section 2: Interactions with the Public and Customers Who Speak Languages Other than English

**Spanish is the language that staff report encountering most frequently on the job**, with half of respondents noting they encounter the language “very frequently” or “frequently.” Other languages that staff report encountering **frequently** are **Burmese, Japanese, and Korean**.

**Recreation, Parks & Cultural Resources** reported encountering the **widest variety of languages**.

**Departments that most frequently encounter languages other than English are: Communication and Engagement; Fire & Rescue; Planning, Zoning & Inspections; Police; Recreation, Parks & Cultural Resources; and the Town Manager’s office - about half of the Town’s departments.**

Most respondents noted that their departments **do not use a standardized method to identify community members’ preferred languages, to identify a need for interpretation or translation, or to collect data to track languages that staff encounter**. Those that collect data or identify needs for language services do so **mostly on an ad hoc basis**.

- Communications & Engagement provides demographic surveys at events.
- Planning, Zoning & Inspections conducts demographic surveys and asks community members to note their preferred languages during community engagement events. Staff note that they do not usually clean, organize, or otherwise present these data.
- Staff in Housing & Community Services note tracking language services costs.
- Some departments note using Google Translate or relying on community members to translate, interpret, or help identify languages.

The graphics below summarize which languages staff encounter and how often departments encounter each language.

## Frequency of Languages Encountered by Department

Blue text/not italicized - NOT frequently

Green text/ italicized- Frequently

### Recreation, Parks, & Cultural Resources

*Spanish*

*Burmese*

*Korean*

*Japanese*

Chinese

Karen

Hebrew

Portuguese

Russian

### Fire & Rescue

*Spanish*

*Karen*

Korean

Chinese

German

Burmese

Vietnamese

### Public Works

Spanish

Burmese

Karen

Arabic

German

### Police

*Spanish*

*Burmese*

*Karen*

Chinese

### Communication & Engagement

French

*Spanish*

Karen

Burmese

### Planning, Zoning & Inspections

*Spanish*

Burmese

Karen

### Town Manager

*Spanish*

*Burmese*

### Human Resources

Spanish

Karen

### Housing & Community Services

Spanish

### Information Technology

Spanish

### Town Clerk

Spanish

### Economic Development

Spanish

### Section 3: Language Assistance Services & Policies

Most departments do not report a standardized method or procedure for requesting interpretation or translation when needed. **Staff in about half of the departments note reaching out to colleagues who are multilingual, but not necessarily trained or assessed for interpretation or translation skills.** This represents the most used language resource. Only the Police Department notes having a certified translator or interpreter on staff.

**Just under half of the Town's departments have access to interpretation or translation through a contract language service organization.**

The following table summarizes the resources that staff report using to communicate with community members who speak languages other than English:

<b>Resources available to staff to communicate with community members who speak LOTE</b>	<b>Departments reporting service/method</b>
Staff members who are certified translators or interpreters	Police
Staff members who are multilingual, but not certified translators or interpreters (or not sure if multilingual colleagues are certified)	Communication & Engagement Fire & Rescue Planning, Zoning & Inspections Police Recreation, Parks & Cultural Resources Town Clerk Town Manager
Interpretation or translation with a contract language service organization	Communication & Engagement <ul style="list-style-type: none"> <li>• CHICLE, El Centro Hispano</li> </ul> Fire & Rescue <ul style="list-style-type: none"> <li>• Language Line via Orange County Emergency Services</li> </ul> Police <ul style="list-style-type: none"> <li>• Language Line</li> </ul> Planning, Zoning & Inspection Town Manager
Over-the-phone interpretation	Fire & Rescue Police
* Community members/family members	Fire & Rescue
* Google Translate	Economic Development Fire & Rescue
* Other Apps and/or Interpretation Technology	Communication & Engagement Police
<b>* Recommended best practices are to use qualified interpreters and/or translators; a language access plan will help staff avoid using family and/or community members and unvetted automatic or machine translations.</b>	

Town departments note they are **already regularly providing the following communications or other language services for community members** who speak languages other than English:

<div><b>Fire and Rescue</b></div> <div><div>Job postings in English, Spanish, Karen, and Burmese</div><div>Language Line (through Orange County Emergency Services)</div></div>	<div><b>Economic Development</b></div> <div><div>Occasionally provided when doing targeted outreach to Latinx or BIPOC audiences</div><div>Partner organizations help get the word out and/or provide assistance to community members who speak LOTE</div></div>	<div><b>Housing &amp; Community Services</b></div> <div><div>Flyers in Spanish, Burmese, Karen (including shared materials from Orange County)</div><div>Contract with language services for outreach and community events</div></div>	<div><b>Police</b></div> <div><div>Materials such as Miranda Rights form, Other rights forms, Consent to search forms translated into Spanish</div><div>Language Line; officers who are bilingual in English and Spanish translate and/or interpret</div></div>	
<div><b>Communication and Engagement</b></div> <div><div>Some flyers and signage are translated; Online forms that are not PDFs are translated via Google Translate</div></div>	<div><b>Human Resources</b></div> <div><div>Translated signs and notifications on how to submit a language access complaint</div></div>	<div><b>Public Works</b></div> <div><div>Some printed materials about stormwater management</div></div>	<div><b>Town Clerk</b></div> <div><div>Working on making translated agendas and advisory board materials and applications available on request</div></div>	<div><b>Town Manager</b></div> <div><div>Some application forms are translated into Spanish or Burmese</div></div>

## Section 4: Additional Questions – Federal Funding (for department directors only) and Open-Ended Question for Comments on Departmental Language Access Services (for all respondents)

**Three departments – Communication & Engagement, Economic Development, and Housing and Community Services – reported receiving federal funding.** All three departments also noted that they provide a portion of these federal funds to organizations outside of the Town.

- Communications and Engagement notes having received ARPA, HUD, and other funds.
- Economic Development notes having received ARPA funds.
- Housing & Community Services notes having received CARES Act and Community Development Block Grant-COVID funds.

**This section also asked all respondents the following question: “Do you have any other comments or information you'd like to share regarding language services in your department?” Responses are included below. Any potentially identifying information has been redacted.**

- I think it is very important that we have some of our written publications be translated to Spanish. I also think we need at least 1 staff person who can translate English to Spanish and vice versa.
- The language access plan is very important for our department. We are looking forward to assisting as we move forward with the plan.
- [My department] works with the public and contractors that [do not] always understand English. Therefore an app on our cells phone would be great.
- A translation app on the town's phone would be great. Or a Spanish version of our permitting program for the citizens portal. On the Admin side have it show up as English.
- We are interested in having our outreach material translated into several different languages for our residents.
- On our...Emergency Forms we do ask what language is spoken if other than English. This is to help me and other staff communicate with families and children.
- We need better systems. When and how to do provide translated materials and/or interpretation services. Needs to be streamlined and needs to be cost effective. Need a better way to communicate on the website.
- I personally purchased a set of earbuds which actively translate basically any language, and often specific dialects, instead of relying on other means.
- We need Spanish-speaking employees or to provide some department/role-specific language helps to, or classes for, staff in Spanish, and if possible, other languages we encounter.
- It is difficult to have our documents translated into Spanish. It depends on what any given leadership sees as a priority at the time. I believe this is because it currently comes out of dept. budget which is limited. However, we have been able to get [one of our documents] translated into Spanish but not every time we make an update in the English version.
- I believe all of our signage, including directional signs, should be translated into Spanish.

## Appendix {D}: Carrboro's Building Integrated Communities Collaborators

Carrboro's Building Integrated Communities (BIC) team consisted of representatives from the Town of Carrboro, the Refugee Community Partnership, and UNC-Chapel Hill's Institute for the Study of the Americas:

### Town of Carrboro Staff:

- Anita Jones-McNair, Chief Race and Equity Officer, Town Manager's Office
- Anne-Marie Vanaman, Director, Housing & Community Services
- Catherine Lazorko, Director, Communication & Engagement
- Evelyn Greene, Communication & Engagement Specialist, Communication & Engagement
- Jon Hartman-Brown, Director, Economic Development
- Joshua Ward, Human Resources Analyst, Human Resources
- Kannu Taylor, Race and Equity Manager, Town Manager's Office
- Malia Summey, Administrative Assistant, Housing & Community Services

### Refugee Community Partnership:

- Daniella Runyambo, Co-Executive Director, Programs & Community Impact
- Lama M, Collective Care Manager
- Meagan Clawar, Co-Executive Director, Finance & Operations
- Madison Hayes, Co-Executive Director, Development & Communications

### University of North Carolina-Chapel Hill, Institute for the Study of the Americas:

- Brianna Gilmore, Program Associate
- Emily Spangenberg, Bilingual Program Coordinator
- Hannah Gill, Associate Director of the Institute for the Study of the Americas
- Susan Clifford, Language Access Coordinator

Special thanks to the following people who provided valuable insights on community languages, helped define implementation goals for the Town of Carrboro's Language Access Plan, or shared expertise on engagement with community members who prefer to speak languages other than English:

- Andreina Malki, UNC-Chapel Hill
- Brett Greene, Town of Carrboro
- Councilmember Eliazar Posada, Town of Carrboro
- Diane Villwock, Chapel Hill-Carrboro City Schools
- Gini Bell, Refugee Community Partnership
- Huda Muhnaia, Refugee Community Partnership
- Jennifer Morrillo, Orange County Health Department
- Mariela Hernandez, Orange County Housing Department
- Rose Gao, Chapel Hill-Carrboro City Schools
- Sandra Pereira, Chapel Hill-Carrboro City Schools
- Sofia Godoy, UNC-Chapel Hill



## MEMORANDUM OF AGREEMENT FOR BUILDING INTEGRATED COMMUNITIES

This Building Integrated Communities Memorandum of Agreement (“MOA”) is made by and between the government of the Town of Carrboro (“Agency”), the community organization, Refugee Community Partnership Inc. (“Community”) and The University of North Carolina at Chapel Hill for its Institute for the Study of the Americas (“University”). Agency, Community, and University may be individually referred to as a “Party” or collectively as the “Parties.”

This MOA details the requirements for participation in the Building Integrated Communities Partnership program (“Program”).

**1. Background and Purpose:** The Program is a community planning and leadership initiative that partners with North Carolina local governments to create inclusive practices and policies for residents born in other countries. Local governments and community stakeholders work together to improve communication, public safety, mobility, entrepreneurship, and leadership of immigrant and refugee residents. The Agency must collaborate with a Community that has a 501(c)(3) designation from the Internal Revenue Service. The Agency and Community will, together, form a core team of participants (“Team”). During the Term of the MOA, the Team will work through a process to:

- a. Learn about promising practices related to language access and immigrant integration;
- b. Develop a written language access plan (“Plan”);
- c. Present the Plan to appropriate local authority for approval; and
- d. Implement at least one (1) recommendations from the Plan.

**2. MOA Term.** The MOA will begin on the date of the last Party’s signature (“Effective Date”) and will end on May 31, 2025, unless terminated earlier in accordance with this MOA.

**3. Requirements, Services, and Deliverables:** The following details each Party’s requirements, and each Party is expected to complete all requirements in accordance with the MOA:

**a. The University:**

- i. Plan and facilitate monthly Team meetings and/or workshops to support the creation of a Language Access Plan. The meetings and workshops may be collectively referred to as Events.
- ii. Provide the Community and Agency with Event content (meeting agendas, expert speakers, supplemental materials, and/or Zoom links, as appropriate).
- iii. Support Agency participants in collating and analyzing responses to an internal survey to assess multilingual communication capacity.
- iv. Support Team with drafting and editing Plan, as appropriate.
- v. Provide Spanish language interpretation during Events at no cost to the Community or Agency. Community and/or Agency must request interpretation services at least two (2) weeks in advance of the Event. Requests may be made

via e-mail. Any language interpretation needs in addition to Spanish or in meetings outside of monthly University-facilitated Events should be secured by the Agency.

**b. Agency:**

**i. Participation:**

1. Identify staff members to participate on the Team and attend monthly Team meetings.
2. Ensure a representative of as many departments of local government as possible participate.
3. One Team member should be the designated person who handles public communications for the Agency.
4. Team members must regularly attend monthly Team meetings and complete the required supplemental activities to accomplish all objectives and fulfill the MOA requirements (e.g., share internal staff language surveys; develop a Language Access Plan; present Plan to appropriate officials to secure approval; and support the implementation of the Plan within local government.)

**ii. Communication:**

1. Ensure efficient communications, including but not limited to scheduling meetings to ensure the successful completion of the Events and accomplishment of the Program's objectives.
2. Determine preferred communication methods for both Agency team members and Community team members to encourage inclusive communication.
3. Create a dedicated web page to share regular updates on Team progress, translated into at least one community language. This dedicated space for updates should be created as soon as possible after the Team is assembled.

**iii. Survey:** Disseminate a survey to all Agency departments to assess multilingual communication capacity. University will assist with collection and analysis of responses.

**iv. Plan and Implementation:**

1. Develop a draft Plan by December 15, 2023.
2. Finalize the Plan by February 1, 2024.
3. Schedule a presentation to approving council and/or local government manager and secure approval for the Plan by April 1, 2024.
4. Implement at least one (1) recommendation from the Plan by June

28, 2024.

- v. **Costs of MOA:** Unless otherwise stated in the MOA, Agency is responsible for all costs associated with its responsibilities.

c. **Community:**

i. **Participation:**

1. Identify a dedicated group of at least two (2) staff members to participate on the Team, so that at least one (1) member can regularly attend monthly Team meetings.
2. Team member(s) must prepare all required materials in advance of each Event and complete supplemental activities to accomplish all objectives and fulfill the MOA requirements (e.g., support local government Team members with drafting of Plan; present Plan to appropriate officials to secure approval; and support the implementation of Plans within local government and in the community, as appropriate.)
3. Assist with community outreach and convene community members as needed to accomplish Team objectives.

ii. **Communication:**

1. Ensure efficient communications, including but not limited to scheduling meetings to ensure the successful accomplishment of Team objectives.
2. Share and disseminate Agency information and opportunities to community stakeholders.

iii. **Plan and Implementation:**

1. Ensure at least one staff member attends every Event held to develop the Team's Plan.
2. Contribute to drafting of Plan, to be finalized by February 1, 2024.
3. Support Agency team members in presenting Plan to approving council and/or local government manager.

- iv. **Designation:** Continuously maintain a 501(c)(3) designation, in accordance with the Internal Revenue Code.

4. **Compensation:** Both Agency and Community will each receive a total grant of TWELVE THOUSAND DOLLARS AND 00/100 (\$12,000) during the course of the Program.

- a. Agency and Community must submit the following in order to receive grant payment(s):
  - i. Completed and signed W-9;
  - ii. UNC's Direct Deposit Form for Vendors or, in the alternate, the Community may request to receive a check in lieu of direct deposit;
  - iii. UNC's Vendor Master File Record Data Form; and
  - iv. For Community Only: Proof of 501(c)(3) status.
- b. Grant payments will be disbursed according to the following schedule. Any changes to

this schedule will be memorialized in an amendment to the MOA:

- i. **On or about September 1, 2023**, the University will process the first grant payment of SIX THOUSAND DOLLARS AND 00/100 (\$6,000) each to Community and Agency, for a total payout of TWELVE THOUSAND DOLLARS AND 00/100 (\$12,000). The following conditions must be met by the Community and Agency to receive the first grant payment:
  1. Execute this MOA and return it to the University.
  2. Complete all required paperwork to receive grant payments from the University.
  3. Assemble a core Team that will work together to meet Program goals and submit the names, titles, and contact information for each core Team member no later than July 31, 2023.
  4. Work in good faith with the University to draft and submit a work plan for completing Program milestones.
  5. Attend monthly Team meetings on language access best practices.
  6. For Agency: disseminate and complete internal Agency staff language capacity survey.
  7. The University, Agency, and Community will create a report to track monthly progress toward Program milestones, which is required before receiving second grant payment.
- ii. **On or about March 1, 2024**, the University will process the second grant payment of SIX THOUSAND DOLLARS AND 00/100 (\$6,000) each to Community and Agency, for a total payout of TWELVE THOUSAND DOLLARS AND 00/100 (\$12,000) each.
  1. The funds will pay for the costs associated with completing the Program milestones and drafting a Plan.
  2. Program milestones include but are not limited to convening Team for monthly meetings to determine community needs and workshop language access best practices; communicating with the public about program milestones; and finalizing a Plan to present to Town Council for approval.
- iii. All funds must be applied toward Program costs and cannot include any of the following ineligible expenses:
  1. Alcohol and entertainment
  2. Any expense not directly supporting the Plan
  3. Bad debt
  4. Costs incurred prior to the Effective Date of the MOA
  5. Goods or services for personal use
  6. Equipment or other capital expenses
  7. Indirect costs in excess of 10% of the total budget
  8. Lobbying
  9. Mortgage payments

- 10. Any other cost prohibited by the funder.
- iv. In addition to all other reporting requirements under this MOA, Community and Agency will submit an annual spending report detailing its use of funds in accordance with University and funding requirements.
- c. Agency and Community are each eligible for a one-time grant of up to TWENTY-FIVE THOUSAND DOLLARS AND 00/100 (\$25,000) to continue implementing the Plan. All of the following conditions must be met to be eligible to receive the one-time grant. Grants are not guaranteed and shall be distributed at the University's sole discretion. All the following conditions must be met to be eligible to receive the one-time grant:
  - i. Team members must be present at and participate in all monthly events or coordinate with their respective staff to have a representative attend in their place.
  - ii. For Agency: Successful completion of an internal language capacity assessment.
  - iii. Successful creation of a Plan, including a line-item budget and narrative detailing use of the grant. Budget and narrative should be finalized by June 28, 2024.
  - iv. Approval of the Plan by appropriate Agency authorities.
  - v. Successful implementation of at least one (1) recommendation from the Plan by June 28, 2024.

**5. Terms and Conditions:** The Parties agree to the following:

- 
- a. **Access to Persons and Records.** During, and after the term hereof during the relevant period required for retention of records by State law (N.C. Gen. Stat. §§ 121-5 and 132-1 *et seq.*, typically five years), the State Auditor and UNC's internal auditors shall have access to persons and records related to this MOA to verify accounts and data affecting fees or performance under this MOA, as provided in N.C. Gen. Stat. § 143-49(9), § 147-64.7. However, if any audit, litigation, or other action arising out of or related in any way to this MOA is commenced before the end of the retention of records period, the records shall be retained for one (1) year after all issues arising out of the action are finally resolved or until the end of the record retentions period, whichever is later.
  - b. **Amendments.** This MOA may not be amended orally or by performance. Any amendment, in order to be effective, must be made in written form and signed by duly authorized representatives of each of the Parties.
  - c. **Assignment.** This MOA may not be assigned or delegated by any Party without the prior written consent of the other Parties.
  - d. **Availability of Funds.** Any and all payments to the Agency and Community shall be dependent upon and subject to the availability of funds granted to UNC for the purpose set forth in this MOA.
  - e. **Compliance with Laws.** Each Party shall comply with all laws, ordinances, codes, rules, regulations, policies, and licensing requirements that are applicable to the conduct of its business and performance in accordance with this MOA, including those of federal, state, and local agencies having jurisdiction and/or authority. Notwithstanding the foregoing



sentence, Community will maintain its 501(c)(3) designation in accordance with the Internal Revenue Code and will immediately notify UNC and the Agency if such designation is conditioned, restricted, or revoked in any way. If Community's designation is conditioned, restricted, or revoked in any way, UNC may, in its sole discretion, terminate this MOA immediately.

- f. **Confidentiality.** The Parties expressly agree that this MOA is governed by Chapter 132 Public Records of the North Carolina General Statutes. No confidential, protected, or sensitive data governed under applicable federal or State law, including but not limited to HIPAA, FERPA, NC Identity Theft Act, or PCI-DSS shall be shared under this MOA.
- g. **Debarment.** The Parties continually represent they are not currently under sanction, exclusion, or investigation (civil or criminal by a federal or state enforcement, regulatory, administrative, or licensing agency) or otherwise ineligible for federal or state program participation and are not currently listed on North Carolina or any other state or federal debarment databases (e.g., Office of Inspector General and System for Award Management).
- h. **Entire Agreement.** This MOA constitutes the entire agreement between the Parties concerning the subject matter hereof. All prior agreements, discussions, representations, warranties, and covenants are contained herein. There are no warranties, representations, covenants, or agreements, expressed or implied, between the Parties except those set forth in this MOA.
- i. **Force Majeure.** No Party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, flood, power failures, acts or threats of war, acts or threats of terrorism, hostile foreign action, nuclear explosion, riot, strike, civil insurrection, pandemic, epidemic, quarantine, acts or regulations of public or University officials including measures to limit the spread of contagious disease, governmental acts, orders, or restrictions, national, regional, or local emergency, severely inclement weather, interruption or delay of transportation service, earthquake, hurricane, tornado, or other catastrophic natural event or Act of God; provided that such Party uses reasonable efforts, under the circumstances, to promptly notify the other Parties of the cause of such delay and to resume performance as soon as possible in light of the circumstances giving rise to the force majeure event.
- j. **Governing Law.** The place of this MOA, its situs and forum, shall be North Carolina, where all matters, whether sounding in contract or tort, relating to its validity, construction, interpretation, and enforcement shall be determined. This MOA is made under and shall be governed and construed in accordance with the laws of the State of North Carolina, without regard to its conflict of laws rules. The exclusive venue for any judicial action or proceeding arising out of or relating to this MOA shall be the state or federal courts located in the State of North Carolina.
- k. **Headings and Numbers.** The headings contained herein are not material parts of the

Agreement and should not be used to construe the meaning thereof. The singular of any word or phrase shall be read to include the plural and vice-versa.

- l. **Indemnification.** The Community shall indemnify, defend, and hold harmless UNC and Agency, their respective trustees, officers, employees, and agents (collectively, "Indemnitees") from and against any and all damages, costs, liabilities, losses, and expenses incurred by Indemnitees arising from or related to (i) this MOA; (ii) a breach of this MOA by the Community; or (iii) any misconduct or acts of negligence by the Community or its employees or agents in the performance of this MOA.
- m. **Independent Contractors.** The Parties and their respective employees, officers and executives, and subcontractors, if any, shall be independent contractors and not employees or agents of the University. This Agreement shall not operate as a joint venture, partnership, trust, agency, or any other business relationship.
- n. **Insurance.** The Parties shall maintain Worker's Compensation insurance as required by law. Additionally, the Parties shall assess its own risks and maintain, at a minimum, (i) Commercial Liability insurance, and (ii) Automobile Liability coverage, if applicable. Agency and Community shall provide Certificates of Insurance to UNC upon request. Agency is permitted to satisfy the aforementioned insurance requirements by a self-insured retention and/or excess liability policy.
- o. **Non-Discrimination.** The Parties shall not discriminate based on race, religion, sex, age, national origin, disability, or sexual orientation.
- p. **Notices and Liaisons.** The following persons shall serve as a liaison and points of contact for issues concerning work under this MOA. The identified persons may be changed at any time by a Party notifying the other Parties in writing; this notice may be provided by e-mail.
- q. All notices, unless otherwise stated in the MOA, shall be sent via e-mail and either (i) personal delivery or (ii) delivery by a national courier (e.g., FedEx, UPS, DHL) with tracking service.

**FOR UNC:**

Dr. Hannah Gill  
Associate Director  
Institute for the Study of the Americas  
CB# 3205, UNC-Chapel Hill  
Chapel Hill, NC 27599-3205  
919- 962-5453  
[hgill@email.unc.edu](mailto:hgill@email.unc.edu)

**COPY TO:**

The University of North Carolina at Chapel Hill  
Office of University Counsel  
123 W. Franklin Street  
Suite 600A  
Chapel Hill, NC 27599



**FOR AGENCY:**

Catherine Lazorko  
 Communication & Engagement Director  
 919-265-7516  
 clazorko@carrboronc.gov

301 W. Main St.  
 Carrboro, NC 27510

**FOR COMMUNITY:**

Meagan Clawar  
 Co-Executive Director, Operations & Finance  
 919-590-5910  
 meagan@refugeecommunitypartnership.org

PO Box 461  
 Carrboro NC 27510

**A. Publicity and Use of Names.**

- 1) The Agency and Community shall not appropriate or use the existence of this MOA or the names, logos, photographs, images, property, service marks, or trademarks of UNC or the State of North Carolina as a part of any marketing, advertising, endorsement, promotion, or otherwise, without express prior written approval of the University. Requests to use the University's names, logos, photographs, images, property, service marks, or trademarks should be directed to UNC's Office of Trademarks and Licensing (<http://www.licensing.unc.edu>). If UNC grants express prior written consent to use the University's names, logos, photographs, images, property, service marks, or trademarks, for marketing, advertising, endorsement, promotion, or otherwise, UNC shall have the right to reject any such use proposed by the Supplier which in the University's sole discretion violates UNC's standards of advertising or is inconsistent with UNC's role and reputation as a public institution of higher education.
- 2) No Party shall use the name and/or logo of the funder, the Blue Cross NC Foundation without its prior written approval. All requests to use the name and/or logo of the Blue Cross NC Foundation shall be made to UNC through the contacts detailed in the NOTICES provision of this MOA.

- B. **Record Retention.** Records related to this MOA shall be retained for five (5) years following its expiration or termination for any reason. If any federal or state regulation requires records be retained for a longer period, that retention period shall govern. If any litigation, claim, audit, or other civil or criminal action (collectively, "Actions") related to performance under this MOA commences before the retention period has completed, all records relevant to the Actions must be maintained until the Actions are resolved.
- C. **Severability.** In the event that a court of competent jurisdiction holds that a provision or requirement of this MOA violates any applicable law, each such provision or requirement shall be enforced only to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this MOA shall remain in full force and effect. All promises, requirement, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable federal or State statute, including statutes of repose or limitation.
- D. **Sovereign Immunity.** Notwithstanding any other term or provision in this MOA, nothing herein is intended nor shall be interpreted as waiving any claim or defense based on the principle of sovereign

immunity or other State or federal constitutional provision or principle that otherwise would be available to UNC under applicable law.

- E. **Subcontracting.** The Community may subcontract performance of this MOA to third parties only with the express prior written consent of the University. Community remains solely responsible for the performance of its subcontractors. Subcontractors, if any, shall adhere to the same obligations and standards required of Community under this MOA, and the terms and conditions of this MOA shall be specifically incorporated into any agreements with subcontractors relating thereto.
- F. **Survival.** All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein that by their sense and context are intended to survive the contract expiration or termination date shall so survive, unless specifically provided otherwise herein, or unless superseded by applicable Federal or State of North Carolina statutes of limitation.
- G. **Suspension.** UNC will have the right to suspend performance of this MOA at any time by providing written notice to the Parties and specifying the dates of the suspension. In the event the MOA is suspended for any reason, UNC, in its sole discretion, shall determine if any dollars are owed to the other Parties or, in the alternate, if any dollars are owed to UNC from the other Parties as of the date of the suspension.
- H. **Termination.**

1) **Termination for Convenience.** At any time during the Term, any Party may terminate the MOA by giving the other Parties thirty (30) days prior written notice.

2) **Termination for Cause.**

- a. If the Agency and/or Community fail to fulfill any of its obligations under this MOA ("Breach"), UNC will provide written notice of the Breach to the Parties with an opportunity to cure by a date certain.
- b. If the Breaching Party has not cured the Breach in accordance with the written notice and the date specified, UNC shall have the right to terminate the MOA. Termination will be provided in writing and specify the date of termination.

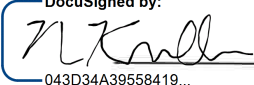
3) **Mutual Termination.** At any time during the Term of this MOA, the Parties may mutually agree to terminate.

4) **Effect of Termination.** If the MOA is terminated for any reason, UNC, in its sole discretion, shall determine if any dollars are owed to the Community or Agency from UNC or if a refund is owed from the Community or Agency to UNC. UNC will provide notice of payment owed or refund due to the applicable Party. Dollars owed to the Community or Agency from UNC or dollars owed to UNC from the Community or Agency will be paid within thirty (30) days of the date of UNC's notice to the Community or Agency.

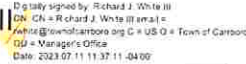
- I. **Waiver.** Notwithstanding any other language or provision in this MOA, nothing is intended or shall be interpreted as a waiver of any right, remedy, default, or breach otherwise available to UNC. A waiver of any right, remedy, default, or breach on any one occasion or instance shall not constitute or be interpreted as a waiver of that or any other right or remedy on any other occasion or instance.

6. **Execution:** This MOA is accepted and agreed to by each Party, as indicated by the signature of each Party's authorized representative below.

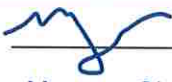
THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

By:    
043D34A39558419...  
Printed Name: Nathan Knuffman  
Title: Vice Chancellor Finance & Operations  
Date: 7/25/2023 | 11:16 AM EDT

INSERT AGENCY NAME

By: Richard J. White III   
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

INSERT COMMUNITY NAME

By:    
Printed Name: Meagan Clawar  
Title: Co-Executive Director, Operations & Finance  
Date: 6/14/2023

## ATTACHMENT C

### A RESOLUTION TO ADOPT THE TOWN OF CARRBORO LANGUAGE ACCESS PLAN

WHEREAS, in 2020, the Town adopted the Inclusive Carrboro Communications and Community Engagement Plan, recognizing that effective communication between local government and residents is essential in building equitable community relationships, supporting public health and safety, and fostering civic participation.; and

WHEREAS, the Inclusive Carrboro Communications and Community Engagement Plan identifies the need for the Town to increase engagement with underrepresented communities, which include immigrant and refugee residents who moved to North Carolina to work, join families, and seek a better life; and

WHEREAS, the Inclusive Carrboro Plan identifies the need to provide meaningful language access to Town information, services, meetings, and leadership opportunities for residents who have limited proficiency (LEP) in the English language; and

WHEREAS, the Inclusive Carrboro Plan identifies the need to provide meaningful language access to Town information, services, meetings, and leadership opportunities for residents who have limited proficiency (LEP) in the English language; and

WHEREAS, in addition to the Inclusive Carrboro Communications and Community Engagement Plan, the Town has adopted the Carrboro Connects 2022-2042 Comprehensive Plan and the Race & Equity Action Plan: Weaving Equity into Town Governance, and the Resolution in Support of Immigrant Communities in Carrboro, which all emphasize the need for language access;

WHEREAS, in addition to these plans, the Town Council has established Racial Equity Initiatives as a Council Priority and strives to better serve the community and advance language access efforts that make the Town a more welcoming and inclusive place for all;

NOW, THEREFORE, The Town Council of the Town of Carrboro hereby adopts the Town of Carrboro Language Access Plan. The resolution is effective upon adoption. This 9th day of April, 2024.

## ATTACHMENT D

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AMEND THE MEMORANDUM OF AGREEMENT (MOA) WITH UNC-CHAPEL HILL AND RECEIVE A GRANT FROM THE BUILDING INTEGRATED COMMUNITIES PROGRAM AT THE INSTITUTE FOR THE STUDY OF THE AMERICAS AT UNC-CHAPEL HILL

WHEREAS, the Town of Carrboro entered a Memorandum of Agreement (MOA) to work toward completion of Language Access Plan with UNC-Chapel Hill and community partner the Refugee Community Partnership in July 2023; and

WHEREAS, the Town of Carrboro is eligible for additional grant funds totaling \$25,000 and the Refugee Community Partnership is eligible for additional grants funds of \$25,000, upon completion and adoption of the Language Access Plan; to implement the language access policies;

NOW, THEREFORE, The Town Council of the Town of Carrboro hereby authorizes the Town Manager to amend the Memorandum of Agreement (MOA) with UNC-Chapel Hill and receive a Grant from the Building Integrated Communities Program (BIC) at the Institute for the Study of the Americas at UNC-Chapel Hill. The resolution is effective upon adoption. This 9th day of April, 2024.



## Racial Equity Assessment Lens (REAL)

NAME OF INITIATIVE PROGRAM/PROJECT: [Language Access Plan](#)

Department: [Communications and Engagement](#)

### ORIGIN AND DESCRIPTION

The Town of Carrboro announced its partnership with the Building Integrated Communities (BIC) initiative at the UNC-Chapel Hill Institute for the Study of the Americas in May 2023, following submission of a successful grant application.

From 2023-2024, the Town of Carrboro worked with the BIC Program at the Institute for the Study of the Americas at UNC-Chapel Hill and with local residents and community-based organizations, including the [Refugee Community Partnership \(RCP\)](#), to identify strategies and policies. This process builds on a 2023 language assessment of Town employees and extensive community engagement from 2017-2020 in surrounding Orange County that led to the [Chapel Hill Language Access Plan](#). Carrboro's Building Integrated Communities (Carrboro BIC) team met monthly between May 2023 and May 2024 (this date hasn't happened yet) to discuss language access best practices, identify community priorities for language access services, analyze demographic data and information on the Town's existing language access capacity, and to decide on priorities for the Town's Language Access Plan.

The Town of Carrboro recognizes that its residents speak a variety of languages. As part of the Town's commitment to effectively communicate with all members of the public, it is working to reduce the communication gap for residents who speak a language other than English through its Language Access Plan (LAP). The Town aims to better serve the community and advance language access efforts that make the Town a more welcoming and inclusive place for all.

The LAP also serves as a tool to ensure compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance, including a local government and its departments, from discriminating based on race, color, or national origin in the provision of any program or activity. The federal government interprets discrimination based upon national origin to include failure to ensure LEP individuals can effectively participate in, or benefit from, federally assisted programs. Through the LAP, the Town is conveying its commitment to supporting its residents' language access rights by setting policies and procedures in place that will help them engage and participate in local government.

What is the specific desired result statement –

We will improve community engagement and other opportunities by respecting and accepting the use of languages other than English in civic discourse and encouraging residents to access services and participate in local issues using their preferred language.

### BENEFITTING INDIVIDUALS OR GROUPS

1. Even though government services are available to everyone, the language barrier can deter individuals from seeking assistance, participating in community offerings and feeling a sense of belonging in the community in which they live. The result is unequal access to government



services, with a significant population receiving mediocre services — or none at all. A Language Access Plan will help provide more equitable services. When someone inquires about government services, they receive adequate language support from the start, no matter what language they speak.

2. The LAP will help staff understand their roles and responsibilities with respect to overcoming language barriers for LEP individuals. The plan is a management document that outlines how the Town has or will define language assistance tasks, set deadlines and priorities, assign responsibility, and allocate the resources necessary to come into or maintain compliance with language access requirements.

## BURDENED INDIVIDUALS OR GROUPS

1. There are no known negative impacts of the LAP to communities of color. There may be a negative impact to those languages other than the top 3 languages.
2. Town Employees – training, creating effective systems and costs.

Type	Potential Unintended Consequence	Mitigation Strategies to Prevent Consequences and Advance Racial Equity
<b>SOCIAL</b> Consider native and long-term residents, rural residents, transit, trust in government, education, etc.	The following list an intended consequence, and the negative impact of barriers to language access  Reports have shown that language access in government correlates to <u>improvement in faith to the law</u> and government. By “deepening relationships between public officials, the communities they represent, and the voters who elect them, effective language assistance efforts increase faith and trust in government.” Increased involvement will support our democracy and society.	Providing language access for Town programs and services through the Town’s Language Access Plan.
<b>ECONOMIC</b> Consider wages, competition, tourism, unemployment, small businesses, etc.	The lack of meaningful language access can serve as a significant barrier to accessing and maintaining housing. For example, tenants may not understand the terms of their lease or house rules that apply, or may face a subsidy termination hearing without access to an interpreter. Housing providers may also refuse to rent to or otherwise discriminate against LEP applicants or tenants due to the languages they speak.	Providing language access for Town programs and services through the Town’s Language Access Plan.



<b>HEALTH</b> Consider impacts on pollution, health access, existing health disparities, etc.	Language and associated health literacy are powerful social determinants of health. Studies during the COVID-19 pandemic have demonstrated that language access was associated with clinical outcomes, resulting in certain language groups suffering from increased morbidity and mortality.	Providing language access for Town programs and services through the Town's Language Access Plan.
<b>ENVIRONMENT</b> Consider impacts on pollution, natural resources, transit, etc.	The dissemination of accurate and timely climate information is crucial for raising awareness and facilitating informed decision-making. However, a significant obstacle persists: the language barrier. The reliance on dominant languages for the distribution of climate and environmental information poses challenges for accessibility, understanding, and participation, ultimately affecting global efforts to combat climate change.	Providing language access for Town programs and services through the Town's Language Access Plan.
<b>OTHER</b> Consider how a resident might interact with this measure "start to finish." Think through the best- and worst-case scenarios		

## RECOMMENDATIONS

1. Include an acronym guide somewhere in the language access plan.
2. The REAL may present an opportunity to acknowledge and be transparent while maintaining the high-level in the LAP. For example, on pages 4 and 5, when mentioning the rollout for community members and organizations, an extra couple of sentences could add some detail that acknowledges "...the Town has applied for \$25,000 for plan implementation. Strategies and procedures, while not specifically programmed, have been a regular part of the discussion and include tools such as..."
3. For pp. 5 & 6 (benefits/burdens/unintended consequences – there are a lot of great impacts identified across these sections. Some of the identified impacts may be better suited shifted around – for example, the unintended consequence for the "economic" category has language that could be parsed out into a benefit and a burden, and the associated unintended consequence may be "...that HOAs, property management companies, property owners and other similar stakeholders may not immediately uptake the tool," or "...that the tools are not easy to find on the primarily English or google-translated webpage" etc.
4. Add resources for the community to utilize. This could be in the document or also could be shared through the C&E web page. It was also suggested that the resources include english classes (in case this is something that the person would like to pursue), although the main focus is serving people in the language in which they speak.
5. I thought that this lens was really well written and reflected the data that was included in the Language Access Plan and appendices.

6. Include in the information/plan that grant funding will come in phases as well as from other partnerships. If it is not possible to give a timeline for training of staff, would it be possible to indicate which phase of the grant would include this item? This could also apply to other important items in the Language Access Plan.



## Agenda Item Abstract

**File Number:** 24-025

**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

**File Type:** Other Matters

Resolution Adopting a Rewrite of the Town Policy

**PURPOSE:** To adopt a rewrite of the Town Policy for Memorials and Donations Located on Town Property.

**DEPARTMENT:** Public Works

**CONTACT INFORMATION:** Kevin Belanger, P.E., Public Works Director; 919-918-7427, [kbelanger@carrboronc.gov](mailto:kbelanger@carrboronc.gov); JG Ferguson, Director Recreation, Parks & Cultural Resources, [jgferguson@carrboronc.gov](mailto:jgferguson@carrboronc.gov)

**COUNCIL DIRECTION:**

☒ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

The Town has an established policy regarding the location, planting, erecting, or construction of items such as monuments, trees, shrubs, benches, or other construction on Town-owned or leased property to commemorate or memorialize any person, place, or event. Under policy, proposals are presented to the Town Council for consideration. This policy rewrite standardizes guidelines and procedures for the installation and care of donated improvements, either because of monetary or physical property donation; and fulfills goals outlined in the Comprehensive Plan “to develop policies and programs to bring equity and opportunities to its community” by reducing barriers for BIPOC and low-income residents’ participation.

**INFORMATION:** The Town Policy for monuments was adopted by the Town Council on June 7, 2005, to implement a “uniform methodology” to establish monuments on Town property. The policy includes guidelines to consider when reviewing potential monuments. Since adoption, the Town Council has approved the installation of eight (8) monuments on Town property.

In September 2019, at the request of the Town Council, the policy was updated to include the following Guideline for Review of Proposal for Monuments:

- c) Whether the person, place, or event to be commemorated or memorialized has negatively affected the liberties, livelihoods, and/or civil or human rights of any person, intentionally or unintentionally, such that the commemorative import of the memorial or commemoration is inconsistent with the values of the Town and its citizenry.

The goal of the rewritten policy is to encourage donations while maintaining appealing aesthetic impacts as well as mitigate the on-going maintenance costs by standardizing guidelines and procedures for the installation and care of donated improvements.

Notable changes in this draft policy include:

1. Elimination of Origination of Proposals for Monuments. Applications are no longer limited to a member

of the Town Council, an advisory board, or any Carrboro citizen or group of citizens.

2. Requires review and approval by the Recreation and Parks Commission.
3. Includes an equity component, contingent upon funding, to assist with the financial burden of the purchase and installation of a monument on Town property.

The rewritten policy is separated into the following ten (10) sections:

1. Purpose - outlines the purpose of the policy and provides examples of monuments.
2. Standards for New Donations - Addresses acquisition/ purchase of monuments, appearance and aesthetics, maintenance, repair, and cost.
3. Procedure for Making a Donation - Describes the procedure to make donations.
4. Criteria for Acceptance - Outlines criteria for acceptance including guidelines and approval by the Recreation and Park Commission. Three of the six guidelines in the existing policy are listed in this section, including the guideline added at the request of the Town Council in 2019. The three guidelines that were omitted are addressed in other sections of the new policy.
5. Donation Acknowledgement/Memorial Plaques - Standardizes the size and text on memorial plaques.
6. Monuments - Prohibits the installation of monuments resembling those typically found in cemeteries.
7. Other Donations - Addresses additional donations other than those specifically listed in the policy.
8. Conditions - Outlines installation and removal or relocation of monuments.
9. Maintenance and Repair - Addresses long-term maintenance, life cycle, and replacement of the monument.
10. Equity - Provides information regarding funding to assist with the financial burden associated with the purchase and installation of monuments on Town property.

See Attachment B - Town Policy for Memorials and Donations Located on Town Property (Draft Jan 2024) and Attachment C - Town Policy and Application Form for Monuments on Town Property (Updated 2019).

The “Application Form” portion in the existing policy was updated to reflect the new policy and separated into a stand-alone document. See Attachment D - Application for a Memorial/ Donation Located on Town Property (Draft Jan 2024)

The Policy was presented to the Recreation and Parks Commission during their March 11<sup>th</sup> 2024 meeting. The Recreation and Parks Commission voted to recommend Council approve the rewritten policy.

**FISCAL IMPACT:** Applicants are responsible for the cost of the monument and installation. The rewritten policy includes an equity component to assist with the financial burden associated with the purchase and installation of monuments. The funds, estimated at \$4,000, will be requested in Public Works FY25 budget. Additionally, there will be a staff impact associated managing the program.

**RECOMMENDATION:** Town staff recommends approval of the resolution to adopt the rewritten policy.

**A RESOLUTION ADOPTING A REWRITE OF  
THE TOWN POLICY FOR MEMORIALS AND  
DONATIONS LOCATED ON TOWN PROPERTY**

WHEREAS the Carrboro Town Council adopted the Town Policy and Application Form for Monuments on Town Property in June 2005 to implement a “uniform methodology” to establish monuments on Town property; and

WHEREAS, on June 7, 2022, the Carrboro Town Council approved the Carrboro Connects Comprehensive Plan; and

WHEREAS, the Carrboro Town Council has expressed a desire to remove barriers to racial equity and justice in Town policies and programs; and

WHEREAS a rewrite of the Town policy is necessary to remove certain equity barriers such as financial burdens; and

WHEREAS this policy has been presented to and reviewed by the Recreation and Parks Commission.

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

- Section 1. The Town Policy for Memorials and Donations Located on Town Property in Attachment C be adopted in its entirety and any previous or other policies in conflict with this policy be repealed.
- Section 2. Staff take appropriate steps to modify the program to conform this policy and its administration.
- Section 3. This resolution is effective immediately.

This the 9<sup>th</sup> day of April 2024.

## **OFFICIAL TOWN POLICY FOR MEMORIALS AND DONATIONS LOCATED ON TOWN PROPERTY**

### **1: PURPOSE**

The purpose of this policy is to establish guidelines, standards, and procedures for the installation and care of donated improvements, either as a result of monetary or physical property donation. These donations include but are **not** limited to the following items: park benches, bicycle racks, picnic tables, drinking fountains, trees, and other types of physical accessories. All donations are dependent on the specific needs of the Town of Carrboro. The Town wishes to encourage donations while maintaining appealing aesthetic impacts as well as mitigating the on-going maintenance costs. Standards established by this policy will apply to purchased equipment, installation techniques, donation acknowledgements, long-term care, and replacement of all donations made after the adoption of this policy.

### **2: STANDARDS FOR NEW DONATIONS**

**Acquisition or Purchase:** The Town and the community have a strong interest in ensuring that donated elements provided are of high quality in style, appearance, durability, and maintenance. Town employees will be responsible for the purchase and installation of all memorials and all other donated items.

**Appearance and Aesthetics:** The Town and community share an interest in providing the best appearance and aesthetic quality of public facilities. All donated elements should reflect the character of the park or facility and meet the current Town standard for the item in question. Elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

**Maintenance:** Donated elements, and/or their associated donation acknowledgements, become Town property. Accordingly, the Town has the duty to maintain the donation only for the expected life cycle of the donation. At the end of the donated item's life cycle, the Public Works Department will attempt to notify the donor, using the current contact information on file, to give them the opportunity to take further action. The Town may relocate a donation, if the need arises, to accommodate the needs of the Town.

**Repair:** The community has an interest in ensuring that all park and facility elements remain in a good and safe condition. Additionally, the Town wishes to see that all park and facility element short-term and long-term repair costs are minimal. All donated elements must be of high quality to ensure long life. All elements must also be resistant to weather conditions, wear and tear, and vandalism.

**Cost:** The Town has an interest ensuring that the donor covers the full cost of the purchase and installation during the expected life cycle of any donated elements. The Town also has an interest in ensuring that on-going maintenance costs do not negatively impact the resources available for maintenance of other Town facilities. Consequently, the Town will provide quality, durable and low-maintenance options to the donor to keep maintenance expenses low. The Applicant will be invoiced for the full cost of the memorial/donation. See Section 10: Equity, for information regarding funding assistance.

### **3: PROCEDURE FOR MAKING A DONATION**

The donor must contact the Public Works Department to determine whether a donation may be accepted based upon criteria contained in this policy. If a donation meets the Town's guidelines, the donor will be required to complete the *Application for a Memorial/Donation Located on Town Property*. The application is located on the Town's website. A printed copy of the application will be made available upon request. Payments for memorials/donations shall be made to the Town of Carrboro through the Finance Department.

**Notification:** It shall be the responsibility of the donor to provide the Town with a current address for purposes of notification regarding their donation. In the event of changes related to the status of their donation, the Public Works Department will send a certified letter to the donor's address on file to notify them of the changes related to their donation (i.e. a need to remove, relocate, or other conditions set forth in this policy.)

### **4: CRITERIA FOR ACCEPTANCE**

**Recreation Facilities:** The Town may accept the donation under the following circumstances: donation meets a true need of the facility, the donation does not interfere with the intended current or future use of the facility, and the donation does not require the relocation of other equipment or infrastructure.

**All Other Facilities:** The Town may accept the donation under the following circumstances: donation meets a true need of the facility as determined by the goals and vision of the facility or those established by the Town Council.

**Recreation and Parks Commission:** All applications for donations/memorials which meet the criteria above will be presented to Recreation and Parks Commission. In deciding whether to approve a proposed monument, the Commission shall consider the following:

- a) The general or local significance or prominence of the person, place, or event commemorated or memorialized.
- b) Whether the person, place, or event commemorated or memorialized is significant, important, or relevant to the public generally, as opposed to a small group of persons.



- c) Whether the person, place, or event to be commemorated or memorialized has negatively affected the liberties, livelihoods, and/or civil or human rights of any person, intentionally or unintentionally, such that the commemorative import of the memorial or commemoration is inconsistent with the values of the Town and its citizenry.

## **5: DONATION ACKNOWLEDGEMENT/MEMORIAL PLAQUES**

The donation of acknowledgements or memorial plaques will be utilized only in the cases of donation of benches, picnic tables, large play structures, trees, and drinking fountains. The type of donated item will determine the donation plaque and location of plaque installation. This includes material and size established by the Town of Carrboro and all text for donation plaques. Donation acknowledgements and memorial plaques, as approved by the Town, are to be purchased through a Town-approved vendor to ensure the highest quality, life, and durability.

Acknowledgements/memorials are limited to a maximum of three lines, and donors may choose from the following three acknowledgement/memorial options: "Donated by \_\_\_\_\_," "In memory of \_\_\_\_\_," or "Dedicated to \_\_\_\_\_."

Plaques shall meet the following requirements.

Plaques placed on benches, tables, bike racks, and drinking fountains shall be made of bronze and be no more than 32 square inches in size, and the text shall be limited to three (3) lines.

The first line shall be either; In Memory Of; Donated By; Dedicated To  
Name of person or donor  
Date(s) of donation or lifespan

Plaques associated with memorial trees, shrubs, structures, landscaping, or other object, shall be located within eight feet of the object, be no greater than ten inches (10") by twelve inches (12") in size, and made of bronze. The procedure for the plaque installation shall be to embed the plaque in a concrete base or mount it to a flat rock. If set in a lawn area the plaque shall be set flush so mowing equipment will not need to navigate around it. The proposed wording on the plaque shall require approval of the Town Council prior to installation.

## **6: MONUMENTS**

***Memorials, plaques, or any upright monument or monuments resembling those typically found in cemeteries may not be installed on any Town-owned property or facility.*** This includes, but is not limited to stones, plaques, pillars, and gardens. The Town Council has final approval on any donated monument.

## **7: OTHER DONATIONS**

There may be additional donations possible other than those expressly listed or contained within this policy. The Town may accept those donations with discretion and review by the Public Works Department as previously described.

## **8: CONDITIONS**

**Installation:** Town personnel will complete installation of donated elements, including any donor acknowledgement/memorial plaques. Installations will be scheduled at a time and date determined by the Public Works Department so as not to conflict with routine maintenance activities.

**Removal and/or Relocation:** The Town reserves the right to remove and/or relocate donated elements and their associated donation acknowledgments/memorial plaques, when they interfere with site safety, maintenance, construction activities, or vandalism. In accordance with previously stated procedure in this policy, the Town will attempt to send a certified letter to each identifiable donor notifying the donor of any action related to the disposition of the donation. In certain circumstances, such as safety or emergency situations, the notification may be made after the action is taken. In the event a donation must be permanently removed, the Town will seek an alternative location consistent with this policy. The Town is not responsible for the replacement or repair of any donated elements damaged or destroyed by vandalism or natural occurrences.

## **9: MAINTENANCE AND REPAIR**

The long-term care and maintenance of donated elements is important to both the donor and the Town. Periodic maintenance will be made on each donation to ensure that they remain in the highest quality. At the end of the donation's life-cycle term, the donor may choose to replace the donation with a like item at current value. The Town reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation or if the Town has not been able to contact the original donor.

## **10: EQUITY**

The Town has an interest in promoting Equity for all residents. If a resident would like to request a memorial but does not have the financial ability to pay for the item, they can file an application with the Public Works Department. The application will be reviewed in the same manner as all other applications. Those applications which would be approved after evaluation by Public Works, will be brought to the Recreation and Parks Commission. The Public Works Department will provide an estimated cost for each requested item to the Commission, and the amount in the budget for monuments. The Commission will select which items will be funded based on available funding in the budget. If no money is available in the current Budget, the item can be reviewed in the next fiscal year.



## **OFFICIAL TOWN POLICY AND APPLICATION FORM FOR MONUMENTS LOCATED ON TOWN PROPERTY**

### **POLICY FOR MONUMENTS LOCATED ON TOWN PROPERTY**

#### **1. Definitions**

For purposes of this policy, the term "monument" shall mean any plaque, statue, structure, tree, shrub, landscaping, or other object or thing constructed, erected, planted, or otherwise located on town-owned or leased property (and intended to remain on such property on a long-term basis) to commemorate or memorialize any person, place, or event. Historical markers erected by or with the authorization of the N.C. Department of Transportation within State maintained rights-of-way are exempted from this policy.

#### **2. Origination of Proposals for Monuments**

Proposals for the erection of a monument may come to the Town Council in any of the following ways:

- a) A member of the Town Council may suggest the monument.
- b) An advisory board may make such a recommendation.
- c) Any Carrboro citizen or group of citizens may request that a monument be erected. Such requests shall be submitted in writing and shall describe the type of monument requested, the proposed location, and the justification for the monument. The town may establish an application form that must be completed.

#### **3. Staff Review of Proposals for**

The Town Council may refer any request for the erection of a monument to the staff for an analysis of the extent to which the proposed monument is consistent with the guidelines established in Section 4 of this policy.

#### **4. Guidelines for Review of Proposals for Monuments**

In deciding whether to approve a proposed monument, the Town Council shall consider the following, in addition to any other matters that the Council deems relevant:

- a) The general or local significance or prominence of the person, place, or event commemorated or memorialized.
- b) Whether the person, place, or event commemorated or memorialized is significant, important, or relevant to the public generally, as opposed to a small group of persons.

TOWN POLICY AND APPLICATION  
FOR MONUMENTS LOCATED ON TOWN PROPERTY  
UPDATED 6/4/23

- c) Whether the person, place, or event to be commemorated or memorialized has negatively affected the liberties, livelihoods, and/or civil or human rights of any person, intentionally or unintentionally, such that the commemorative import of the memorial or commemoration is inconsistent with the values of the Town and its citizenry.
- d) Whether the monument's proposed location will be compatible with its surroundings.
- e) The enduring quality and character of the materials used to create the monument.
- f) The cost to the town of constructing, erecting, locating, and maintaining the monument.



## **APPLICATION FORM FOR A MONUMENT LOCATED ON CARRBOROTOWN PROPERTY**

*The Carrboro Town Council has the sole authority to approve the establishment, maintenance, and production of those things which merit designation as monuments for the use, education, and view of the general public in order to remind the citizens of this community, its visitors and tourists of the rich historic, cultural and natural heritage of the Town.*

*In order to adopt a uniform methodology, the Town Council has adopted the attached "Policy for Monuments Located on Town Property." This application provides the format for submittal of the information required by the policy.*

**Name(s) of Individual(s) or Group Making Application:**

**Contact Address:**

**Contact Telephone:**

**Contact Email:**

**This is a proposal to place a monument in honor of:**

\_\_\_\_\_ An individual \_\_\_\_\_ A place \_\_\_\_\_ An event

**Name and/or description of individual, place, or event to be memorialized:**

**Please include here any statement about his / her / its significance or contribution to the community and/or why you believe this monument should be established.**

TOWN POLICY AND APPLICATION  
FOR MONUMENTS LOCATED ON TOWN PROPERTY  
UPDATED 6/4/23

If the individual is living, do you have the person's permission to pursue the placement of this monument?

If the individual is living, please list their address and telephone number below:

If the individual is deceased, do you have the permission of the immediate family? (please list name and contact information of person(s) who gave permission as well as what their relationship to the deceased is).

**Describe the materials, size, and general nature of the proposed monument:** (If a photograph, drawing, or other rendering of the proposed monument is available, that may suffice.)

**Describe the proposed location of the monument, including any special significance of this location:** (A sketch showing the proposed location of the monument is helpful.)

**List any text that will be included as part of the monument, if applicable:**

**Describe any cost that would be incurred by the Town of Carrboro in the purchase, erection, or maintenance of the proposed monument:** (Beyond normal maintenance of the area where the monument will be located.)

**If the monument will require maintenance but the Town is not being asked to maintain it, who will provide for the maintenance of the monument?**

---

Signature of Person Submitting Application

---

Date

**COMPLETED APPLICATIONS SHOULD BE FORWARDED TO:**

TOWN CLERK'S OFFICE  
CARRBORO TOWN HALL  
301 WEST MAIN STREET  
CARRBORO, NC 27510





## APPLICATION FOR A MEMORIAL/DONATION LOCATED ON TOWN PROPERTY

Please review the [Town's Policy for Memorials and Donations Located on Town Property](#) prior to submitting this application. For questions, please contact Carrboro Public Works at 919-918-7428 or [pworks@carrboronc.gov](mailto:pworks@carrboronc.gov).

### Applicant's Information

Name(s): \_\_\_\_\_

\_\_\_\_\_

Primary Contact: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### Memorial/Donation Information

Memorial/Donation in Honor of:

☐ An individual    ☐ A place    ☐ An event    ☐ Other \_\_\_\_\_

Type of Memorial/Donation:

☐ Bicycle Fix-it Station    ☐ Drinking Fountain    ☐ Picnic Table

☐ Bicycle Rack    ☐ Park Bench    ☐ Tree

☐ Other (please describe): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Proposed Location (attach a sketch of the location if possible): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPLICATION FOR A MEMORIAL/  
DONATION LOCATED ON TOWN PROPERTY

Name and/or description of individual, place, or event to be memorialized: \_\_\_\_\_

Significance of the individual, place, or event; contribution to the community; and/or why the applicant believes the memorial/donation should be established:

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**Contact information for individual being memorialized (if applicable)**

If the individual is living, does the applicant have the individual's permission to pursue placement of a memorial/donation? ☐ Yes ☐ No If yes, please provide Individual's contact information.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

If the individual is deceased, does the applicant(s) have permission of the immediate family?  
☐ Yes ☐ No If yes, please provide contact information of person(s) who granted permission.

Name(s): \_\_\_\_\_

Relationship to Deceased: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

APPLICATION FOR A MEMORIAL/  
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**Memorial/Donation Plaques**

Memorial/donation plaques shall be made of bronze and the text shall be limited to 3 lines. Applicants may choose one of the below acknowledgements/memorial options and the two remaining lines may contain the name of person or donor and dates of donation or lifespan.

Please select one acknowledgements/memorial option below and complete the information as it will appear on the plaque.

☐ Donated by \_\_\_\_\_

☐ In memory of \_\_\_\_\_

☐ Dedicated to \_\_\_\_\_

Please complete the remaining two (2) lines as they will appear on the plaque:

Name of person or donor: \_\_\_\_\_

Date of donation or lifespan: \_\_\_\_\_

**Maintenance**

The long-term care and maintenance of donated elements is important to both the donor and the Town. Periodic maintenance, performed by Town employees, will be made on each donation to ensure that they remain in the highest quality.

**Costs**

The applicant is responsible for the cost of the purchase and installation of the memorial/donation. The Town will provide quality, durable and low-maintenance choices to the donor to keep maintenance expenses low. The Applicant will be invoiced for the full cost of the memorial/donation.

The Town has an interest in promoting Equity for all residents. If a resident would like to request a memorial but does not have the financial ability to pay for the item, they can file an application with the Public Works Department. The application will be reviewed in the same manner as all other applications. Those applications which would be approved after evaluation by Public Works, will be brought to the Recreation and Parks Commission.

**Signature**

\_\_\_\_\_  
Signature of Applicant (Primary Contact)

\_\_\_\_\_  
Date

Email completed application to [pworks@carrboronc.gov](mailto:pworks@carrboronc.gov) or mail completed application to Carrboro Public Works, 301 W. Main St., Carrboro, NC 27510.

## **Race and Equity Pocket Questions**

**Title and purpose of this initiative:** Town Policy for Memorials and Donations Located on Town Property

**Department:** Public Works

### **What are the racial and equity impacts?**

Access to opportunities for BIPOC communities to engage in Town programs are exacerbated by existing racial inequities. According to the National League of Cities, “existing municipal policies, programming, and protocols may be unintentionally exacerbating racial economic disparities. For some, access to the services or benefits the program provides may be the key barrier, either because of geographical location within the city or other barriers that may be preventing access for certain groups.”<sup>1</sup>

### **Who is or will experience community burden?**

The following may experience burden:

- Community members who may not have the financial means to honor an individual, a place, or an event and are not approved for funding assistance under Section 10 of the new policy.
- Community members with accessibility barriers and lack access to the monuments.
- Community members with language barriers as monument plaques are typically typed in English only.
- Community members who may have wanted to customize their monuments or plaques.
- Recreation and Parks Commission and Town employees may be burdened due to time involved.

### **Who is or will experience community benefit?**

This initiative will benefit:

- Community members who utilize the program and Town employees as the policy aims to mitigate the on-going time and expenses associated with maintenance of monuments by standardizing guidelines and procedures for the installation and care of donated improvements.
- Community members that are approved for funding assistance under Section 10 of the new policy.
- Community members who utilize monuments, such as park benches.

### **What are the root causes of inequity?**

Root causes of inequality can include “historical racial segregation, governmental policies, a stagnating minimum wage, outsourcing, globalization, changes in technology, and the waning power of labor unions.”<sup>2</sup>

Working individuals and families may find it difficult to attend public meetings when policies and projects are discussed. Structural racism in government decisions, as well as residents' personal experiences, can further contribute to a reticence by historically marginalized people to speak in a public setting. Some community members, especially those who are historically marginalized may not be aware of programs the Town offers.

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

Unintended consequences include:

- A negative perception of the monument policy; or individual, place, or event being memorialized.
- Potential negative perception of the program.
- Potential temporary disruptions such as access to an area or noise and other disturbances from construction activities during installation of approved monuments.
- Town funds used to pay for the purchase and installation of monuments may prevent funding of other programs and projects.

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

The Town will monitor feedback from community members to identify any currently unforeseen burdens or inequities and address those with corrective measures as needed.

1. "How Prioritizing Racial Equity Can Build Family Wealth." *National League of Cities*, 12 Apr. 2023, [www.nlc.org/article/2023/04/12/how-prioritizing-racial-equity-can-build-family-wealth/](http://www.nlc.org/article/2023/04/12/how-prioritizing-racial-equity-can-build-family-wealth/). Accessed 15 Mar. 2024.
2. Johnston, Matthew. "A Brief History of Income Inequality in the United States." *Investopedia*, 20 May 2022, [www.investopedia.com/articles/investing/110215/brief-history-income-inequality-united-states.asp](https://www.investopedia.com/articles/investing/110215/brief-history-income-inequality-united-states.asp).



## Agenda Item Abstract

**File Number:** 24-064

**Agenda Date:** 4/9/2024  
**In Control:** Town Council  
**Version:** 1

**File Type:** Other Matters

Memorandum of Understanding Creating the Intergovernmental Climate Council of Orange County

**PURPOSE:** The purpose of this agenda item is to request that the Town Council consider the attached resolution to authorize the Mayor to enter a Memorandum of Understanding (MOU) with the Town of Chapel Hill, Town of Hillsborough, and Orange County that creates an Intergovernmental Climate Council of Orange County.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Laura Janway, Environmental Sustainability Coordinator, [ljanway@townofcarrboro.org](mailto:ljanway@townofcarrboro.org), (919) 918-7326; Patricia McGuire, Planning Director, [pmcguire@townofcarrboro.org](mailto:pmcguire@townofcarrboro.org), (919) 918-7327

**COUNCIL DIRECTION:**

☒ Race/Equity ☒ Climate ☒ Comprehensive Plan ☐ Other

The purpose of this MOU is to bring together public officials from local governments and other organizations in a formal way with staff to share information related to the impacts of climate change and the mitigation of those impacts in Orange County. The MOU addresses Community Integration Recommendation #2 from its Community Climate Action Plan, which recommends expanding public partnerships to consider climate action more explicitly.

The MOU will create a formal group that will work to address one of the foundational themes of the Carrboro Connects Comprehensive Plan, climate action.

The Town's work to address climate action will benefit historically marginalized communities, who suffer and will suffer disproportionately larger impacts due to climate disruption. Racial Equity Pocket Questions are provided as Attachment C.

**INFORMATION:** The Orange County Climate Council began as an informal Climate Change Committee composed of four elected officials. The Committee provided a report to the Assembly of Governments meeting in January 2019 where the concept of establishing a more formal committee structure was discussed. Following this meeting, each jurisdiction took different approaches to their appointments to the Climate Council. At this point, there was no formulating document and no structure or agreement in place. Orange County provided staff and organized meetings. Staff from all participating local governments attended as well.

In December 2021, the Climate Council submitted a letter to the Mayors, Chair, and Managers requesting a process to develop a memorandum of understanding (MOU) that would govern the work of the Climate

Council moving forward.

As a result, the Board of Commissioners created a Climate Council Review Subcommittee to review the Climate Council. Based on feedback from current and former Climate Council members, the subcommittee recognized the value of an intergovernmental group focused on information sharing and collaboration. The subcommittee recommended using the Intergovernmental Parks Work Group (IPWG) as a model for the Climate Council moving forward and that the participating jurisdictions create an MOU to formulate/manage the new Climate Council.

At the April 26, 2022 Orange County Board of Commissioners meeting, the Board voted to suspend the Climate Council and asked staff to draft an MOU for a restructured Climate Council based on the organization of the IPWG. Staff from Carrboro, Hillsborough, Chapel Hill, and Orange County worked to draft the attached MOU (Attachment B).

The Chapel Hill Town Council authorized the Chapel Hill Mayor to enter the MOU on February 22, 2023.

The Hillsborough Town Council authorized the Hillsborough Mayor to enter the MOU on March 13, 2023.

The Carrboro Town Council considered a resolution to authorize the Mayor to enter into the MOU at the [April 18, 2023 <https://carrboro.legistar.com/LegislationDetail.aspx?ID=6172356&GUID=478143D8-9F42-49A0-A556-6A01681F06DC&Options=&Search=>](https://carrboro.legistar.com/LegislationDetail.aspx?ID=6172356&GUID=478143D8-9F42-49A0-A556-6A01681F06DC&Options=&Search=>) Town Council meeting. The Council considered requesting that the other parties to the MOU amend the agreement as follows:

- Consider representation from other community organizations to further the diversity of board membership
- Consider meeting more frequently

A draft letter summarizing these comments was prepared. Communication of the comments to the other parties has not been able to be verified.

The Orange County Board of Commissioners authorized the their Chair to enter the MOU on June 20, 2023.

All three current parties to the MOU plan to move forward to hold a meeting of the Orange County Climate Council in May 2024.

**FISCAL IMPACT:** Orange County staff will be responsible for administration, agenda preparation, meeting coordination, and meeting notes with support from other Town staff. Town staff will attend the two meetings of the Intergovernmental Climate Council each year.

**RECOMMENDATION:** The Town Manager recommends that the Town Council consider the attached resolution (Attachment A) authorizing the Mayor to enter a Memorandum of Understanding with the Town of Chapel Hill, Town of Hillsborough, and Orange County to create the Intergovernmental Climate Council of Orange County.



A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A  
MEMORANDUM OF UNDERSTANDING (MOU) WITH THE TOWN OF CHAPEL  
HILL, TOWN OF HILLSBOROUGH, AND ORANGE COUNTY TO CREATE THE  
INTERGOVERNMENTAL CLIMATE COUNCIL OF ORANGE COUNTY

WHEREAS, the Town of Carrboro, the Town of Chapel Hill, the Town of Hillsborough, and Orange County jointly desire to formally recognize and maintain a mutually beneficial and collaborative environment surrounding climate action; and

WHEREAS, the Town of Carrboro has been implementing the municipal Energy and Climate Protection Plan (ECPP) since its adoption in May 28, 2014; and

WHEREAS, the Town of Carrboro has been implementing the Community Climate Action Plan (CCAP) since the plan was adopted on January 24, 2017; and

WHEREAS, in January of 2019, at the Assembly of Governments meeting, the County and Towns of Carrboro, Chapel Hill, and Hillsborough discussed the creation of a climate committee;

WHEREAS, in the fall of 2019, a climate council was formed by the County and Towns and began meeting;

WHEREAS, the County and Towns agree that there is an opportunity to clarify the purpose and function of the climate council by formally establishing an Intergovernmental Climate Council; and

WHEREAS, the County and Towns developed the attached Memorandum of Understanding that describes the charge, goals, terms, membership, meetings, staffing and responsibilities of an Intergovernmental Climate Council of Orange County; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Council authorizes the Mayor to enter into a Memorandum of Understanding (MOU) to create the Intergovernmental Climate Council of Orange County.

This 9<sup>th</sup> day of April, 2024.

# Memorandum of Understanding Creating the Intergovernmental Climate Council of Orange County

**THIS MEMORANDUM OF UNDERSTANDING (“MOU”)** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 between and among the Towns of Carrboro, Chapel Hill, and Hillsborough, North Carolina, municipal corporations in Orange County, North Carolina (hereinafter referred to collectively as the “Towns”), and Orange County, a political subdivision of the State of North Carolina (hereinafter referred to as the “County”), for the purpose of creating a joint climate council to explore climate change issues in and their impact on Orange County and its residents. (County and Towns may be referred to individually as “Party” and collectively as the “Parties”).

The Parties also acknowledge that the University of North Carolina – Chapel Hill, UNC Healthcare, the Orange Water and Sewer Authority, Orange County Schools, Chapel Hill Carrboro City Schools, North Carolina Cooperative Extension, Durham Technical Community College, and The Chamber for a Greater Chapel Hill Carrboro Partnership for Sustainable Community are important member entities (stakeholders) in the County and the Towns and though not parties to this MOU, the Parties acknowledge the vital role they play and further acknowledge their intention to invite full participation by these member entities with respect to the issues covered by this MOU.

The purpose of this MOU is to foster the cooperation and collaboration between the County and the Towns, which has proved so successful on many issues and topics, to provide flexibility to explore the impacts of climate change and the mitigation of those impacts in Orange County. This collaborative agreement is established and maintained based on the cooperative trust among the Parties that is essential to the effective implementation of this MOU.

## **WITNESSETH**

**WHEREAS**, the County, and Towns are public bodies, politic and corporate, under the laws of the State of North Carolina and are vested with the power and authority by Article 20 of North Carolina General Statutes Chapter 160A to enter into this MOU; and

**WHEREAS**, at the January 29, 2019 Assembly of Governments, the County and Towns discussed the formation of a climate committee to explore issues related to climate change; and

**WHEREAS**, a climate council was subsequently created with input from the Parties and began meeting in the Fall of 2019; and

**WHEREAS**, the County and Towns determined that the climate council’s purpose and function were unclear and jointly desired to formally establish an Intergovernmental Climate Council (the “Council”) and impart to it a clear charge and purpose.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises and obligations set forth herein, the receipt and sufficiency of which is hereby acknowledged, the County and Towns agree as follows:

### **1. Charge and Goals of the Council**

The charge/goals of the Council are to coordinate on climate related issues and opportunities. More specifically, the Council shall:

- Exchange information on climate justice, climate change mitigation, resiliency, and adaptation;
- Maintain and update an inventory of climate change initiatives of the entities represented on the Council that can be used to advance climate action plan strategies;
- Promote communication between the Towns and the County on future opportunities and collaborative efforts;
- Provide informational updates on the Climate Action Plans of the entities represented on the Council;
- Share public education and outreach opportunities conducted by the entities.

### **2. Term and Termination**

**This MOU shall continue in full force and effect until such time as it is terminated by mutual agreement of the Parties or until such time as two or more of the Parties withdraw from participation. A Party may withdraw from participation upon thirty (30) days written notice to the other Parties. Upon withdrawal by a Party, that Party shall have no further responsibilities or obligations under this MOU and that Party's appointees shall no longer have membership on the Council.**

### **3. Membership**

The Council shall have 16 members, as follows:

<i>Organization Representatives</i>	<i># of Positions</i>
Orange County Board of Commissioners	1
Orange County Commission for the Environment Representative	1
Hillsborough Board of Commissioners	1
Hillsborough Parks and Recreation Board Representative	1
Carrboro Town Council	1

Carrboro Climate Action Team	1
Chapel Hill Town Council	1
Chapel Hill Environmental Stewardship	
Advisory Board Representative	1
CHCCS Board Member	1
Orange County Schools Board Member	1
UNC Sustainability Lead	1
UNC Health Sustainability Lead	1
OWASA Sustainability Lead	1
NC Cooperative Extension Representative	1
Durham Tech Sustainability Lead	1
The Chamber for a Greater Chapel Hill Carrboro Partnership for a	
Sustainable Community Representative	1

Members may be removed and replaced at any time for any reason by the entity that appointed the member. If an elected and/or advisory board member's term ends, a new member shall be appointed by the entity. The Council shall select a meeting facilitator and co-facilitator. The Climate Council is inter-jurisdictional, providing information to elected boards on the areas listed in Section 1. It is not a formal advisory board and therefore not subject to voting and quorum requirements.

Advisory board and elected representatives from each Party to this Agreement shall be appointed by the elected board of that Party. All other member entities shall choose and appoint their own representative. The Managers of each local government will select the staff who will participate in the Council.

#### **4. Meetings and Nature**

The Council will meet two (2) times per year; Spring and Fall. The Council may meet remotely as authorized by the County Manager. A remote meeting is an official meeting, or any part thereof, with a majority or all of the members participating by simultaneous communication.

- a. Simultaneous communication is any communication by conference telephone, conference video, or other electronic means.

The Council is a public body and its meetings are subject to North Carolina Open Meetings Law and shall be open to the public to engage with concerns and ideas regarding climate change, climate justice and resiliency whether the meetings are conducted in person or remotely. The Council shall coordinate with the Clerk to the Board of Commissioners to notify the public of the means by which the public may access the remote meetings. All documents created by or for

the Council are presumed to be public records unless an exception to North Carolina Public Records Law applies.

### **5. Work of the Council and Staffing Arrangements**

The Council is a multi-jurisdictional entity and is not an advisory board to any of the Parties. Staffing for the Council shall be of a joint venture, including staff from :

- Orange County
- Town of Carrboro
- Town of Chapel Hill
- Town of Hillsborough

Orange County staff will be responsible for administration, agenda preparation, meeting coordination, and meeting notes with support from other Town staff.

The Council shall faithfully adhere to its charge and purpose, shall not have supervisory authority over any Town or County staff who may be assigned to provide assistance to the Council, shall not have authority to incur any costs on its own behalf or any costs to the County or Towns, and shall meet regularly, with County staff support, to pursue its charge and goals.

### **6. Responsibilities of the Towns and County**

The Towns and County shall:

- Provide meeting space and remote meeting capabilities for the meetings of the Council
- Provide staff assistance as described herein to support the Council
- Provide appointments to the Council as provided herein
- Continue to support the Council for the duration of their participation in this MOU

[SIGNATURE PAGE TO FOLLOW]

Wherefore the Parties hereto have set their hands and seals on the day and date first above recorded.

**CARRBORO**

\_\_\_\_\_  
Damon Seils, Mayor

\_\_\_\_\_  
Clerk-Attest

**CHAPEL HILL**

\_\_\_\_\_  
Pam Hemminger, Mayor

\_\_\_\_\_  
Clerk-Attest

**HILLSBOROUGH**

\_\_\_\_\_  
Jenn Weaver, Mayor

\_\_\_\_\_  
Clerk-Attest

**ORANGE COUNTY**

\_\_\_\_\_  
Jamezetta Bedford, Chair

\_\_\_\_\_  
Clerk-Attest



## **Race and Equity Pocket Questions**

**Title and purpose of this initiative:** Memorandum of Understanding (MOU) to create the Intergovernmental Orange County Climate Council

**Department:** Planning

### **What are the racial and equity impacts?**

The Orange County Climate Council (OCCC) is an intergovernmental group focused on climate action, information sharing and collaboration. Historically marginalized communities suffer and will suffer disproportionately larger impacts due to climate disruption. By facilitating communication and collective efforts, the Town will address emissions reduction within Carrboro and on a larger scale throughout the County. The Town's commitment to reducing climate disruption will lessen the burden that historically disadvantaged groups will face because of greenhouse gas emissions.

### **Who is or will experience community burden?**

The Orange County Climate Council is a public body. Its meetings are subject to North Carolina Open Meetings Law and will be open to the public. At the meetings, the public will receive information about how the Towns and County are addressing climate change, climate justice, and resiliency. The Towns and County will engage with the public on these topics and will provide updates to the full Council. Those who are unaware of the meetings may not have a chance to attend. The OCCC will coordinate with the Clerk to the Board of Commissioners to notify the public of how they may access all meetings.

### **Who is or will experience community benefit?**

All residents of Carrboro and Orange County will benefit from reduced greenhouse gas emissions.

### **What are the root causes of inequity?**

Historic and deliberate institutional policies at all levels of government and unintended consequences of "race-neutral" policies have created inequities for Black and other marginalized communities in employment, housing, generational wealth, and health outcomes. These inequities will only be exacerbated by ongoing climate disruption.

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

At the [4-18-23](#) Carrboro Town Council meeting, Council members considered the OCCC's potential lack of diverse representation and suggested that the non-governmental membership be expanded to include several organizations and students to offer diverse perspectives.

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

The overall purpose of the Council is to provide a formal structure through which the Towns and the County can communicate, exchange information, and coordinate on climate-related topics. One of the specific goals of the Council identified in the MOU is to share public education and outreach opportunities conducted by member entities. The Towns and County worked together to develop the [One Orange Racial Equity Framework](#) in 2022 and have all committed to addressing racial equity. Community engagement was identified as one of the five pillars of this document. Engagement is





integral to planning climate action initiatives as most are focused on education and helping community members and partners change behaviors. The Towns and County will utilize strategies identified in the Framework to guide community outreach moving forward.