



# Town of Carrboro

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

## Meeting Agenda Town Council



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Tuesday, April 19, 2022

7:00 PM

Council Chambers-Room 110

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7:00-7:05

**A. ROLL CALL**

7:05-7:10

**B. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND  
ACKNOWLEDGEMENTS**

7:10-7:15

**C. ANNOUNCEMENT OF UPCOMING MEETINGS**

7:15-7:25

**D. PUBLIC COMMENT**

*Comments are limited to three minutes per speaker.*

7:25-7:35

**E. CONSENT AGENDA**

1. [22-31](#) Fire Department Monthly Report  
**PURPOSE:** To provide the Town Council a monthly overview of calls for service.  
**Attachments:** [Attachment A - March 2022 Monthly Report](#)
2. [22-125](#) Stormwater Utility Monthly Report  
**PURPOSE:** The purpose of this item is to provide the monthly update regarding Stormwater Utility projects and initiatives.  
**Attachments:** [April 2022 Stormwater Report](#)
3. [22-127](#) Economic Development Monthly Report  
**PURPOSE:** The purpose of this item is to provide a regular monthly activities and status report.

**Attachments:** [Attachment A - March Monthly Report](#)

4. [22-81](#)

Police Department Monthly Reports

**PURPOSE:** The purpose of this item is to provide a brief overview of calls for service for the month of March.

**Attachments:** [March 2022 Monthly Report](#)

5. [22-35](#)

A Request to Adopt a Resolution to Award a Service Sidearm to a Retiring Police Officer

**PURPOSE:** Police Officer Doug Koehler will retire from the Town of Carrboro Police Department on May 1, 2022 after approximately 6 years of service with the Town and 31.5 years of total law enforcement service. The Police Department would like to award Officer Koehler his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Town Council is requested to adopt by resolution Town staff's recommendation to award the service side arm to Officer Doug Koehler.

**Attachments:** [Koehler Resolution 2022](#)

6. [22-100](#)

FY 2021-22 Third Quarter Budget Status Report

**PURPOSE:** The purpose of this item is to provide a budget status report to Town Council for all funds.

**Attachments:** [Attachment A - Third Qtr Budget Status Report - All Funds](#)

7. [22-128](#)

Resolution to Award American Recovery Plan Act COVID-19 Mitigation Business Grants

**PURPOSE:** To approve businesses and funding amounts as recommended by the COVID Grant Review Committee.

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

**7:35-7:50**

**F. PUBLIC HEARING**

1. [22-123](#)

Public Hearing on Text Amendment to the Land Use Ordinance Relating to Setbacks

**PURPOSE:** The purpose of this agenda item is for the Town Council to consider a proposed amendment to the Land Use Ordinance relating to the setback provisions for steps and associated landings. A draft ordinance has been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

**Attachments:** [A - Consistency Resolution 04-19-2022.pdf](#)  
[B - Draft LUO Ordinance Building Setbacks 4-13-2022.pdf](#)  
[C - Setback Comparison Table.pdf](#)  
[D - LUO Section 15-184 \(Setbacks\).pdf](#)  
[E - Comments-Combined.pdf](#)

**7:50-8:00**

**G. MATTERS BY COUNCIL MEMBERS**

1. [22-133](#) Finance Performance Indicator of Concern Letter for FY 2021 Audit  
**PURPOSE:** The purpose of this agenda item is to brief Town Council on a Finance Performance Indicator of Concern Letter from the Local Government Commission related to the FY 2021 Audit  
**Attachments:** [Resolution Regarding FPICL](#)  
[Letter to LGC re FPIC](#)



# Town of Carrboro

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301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:**22-31

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Fire Department Monthly Report

**PURPOSE:** To provide the Town Council a monthly overview of calls for service.

**DEPARTMENT:** Fire Department

**CONTACT INFORMATION:** Chief David Schmidt, (919) 918-7349

**INFORMATION:** This report will provide information on Fire Department calls for service that occurred in Carrboro, South Orange Fire District, and neighboring jurisdictions.

**FISCAL & STAFF IMPACT:** N/A

**RECOMMENDATION:** Staff recommends the report be received and accepted.



# Carrboro Fire Rescue Monthly Report

## MARCH 2022

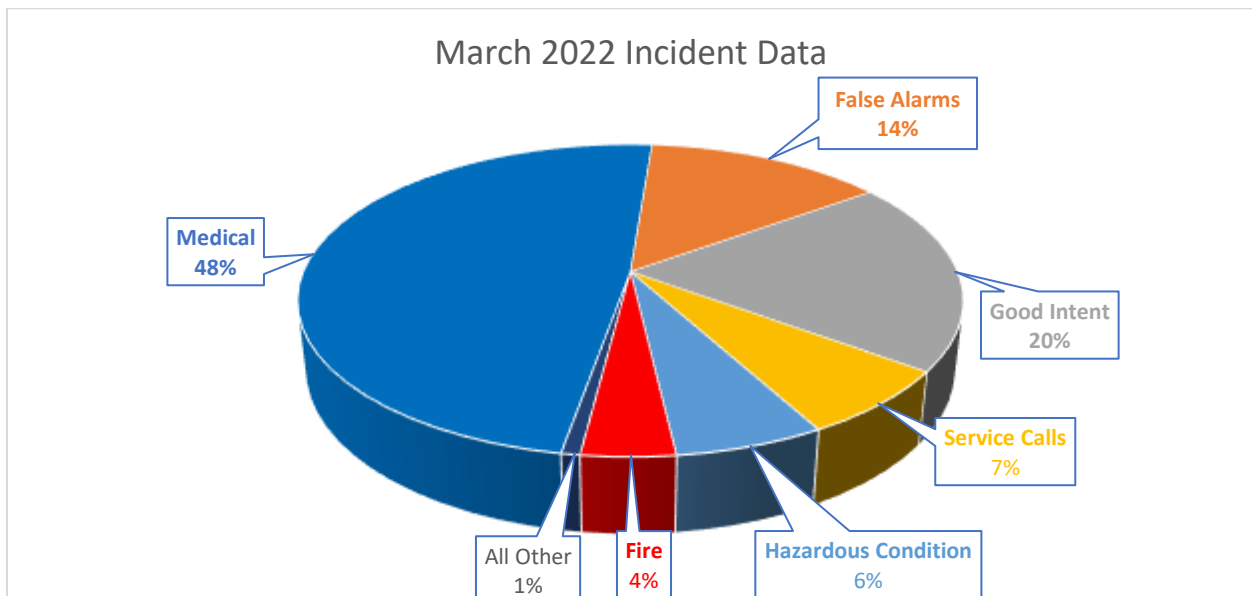


### Purpose:

The purpose of this monthly report is to keep the Town of Carrboro Council Members informed on the activities of the Fire Rescue Department. As this format has changed from previous tabular data reports, the format of this report will undergo changes as we seek to find the ideal format to communicate our information. It is also envisioned that sections in this report may change each month, based on the significance of events occurring within the Fire Rescue Department. The volume of the information will also likely change as the level of detail may be able to decrease as the Council becomes more aware of items and the need may switch to more of an update. Input will also be key into what information is deemed valuable. Information such as incident data will likely remain in each month as it demonstrates metrics about the Fire Rescue Department.

### Operations:

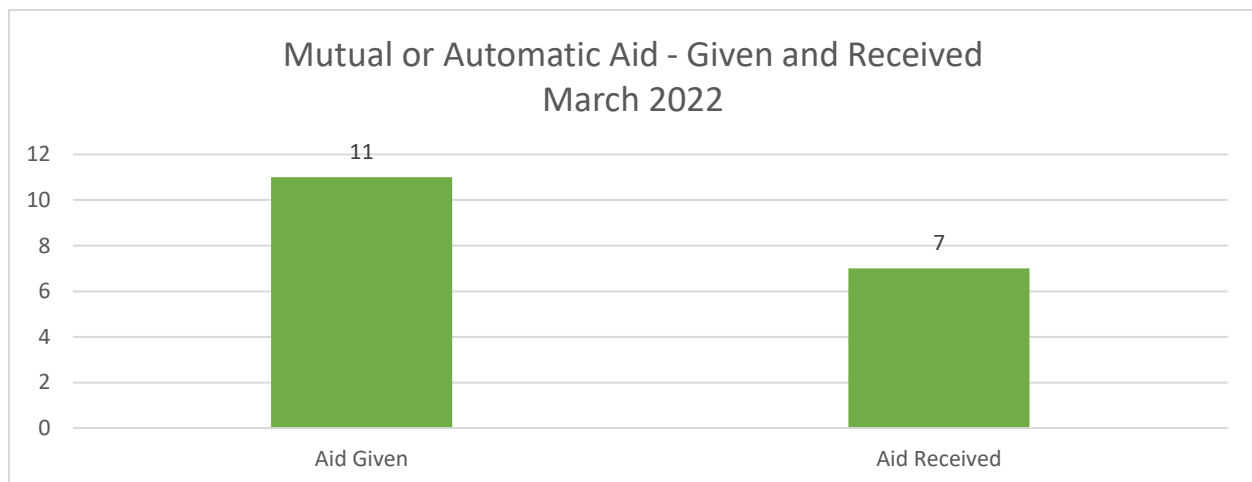
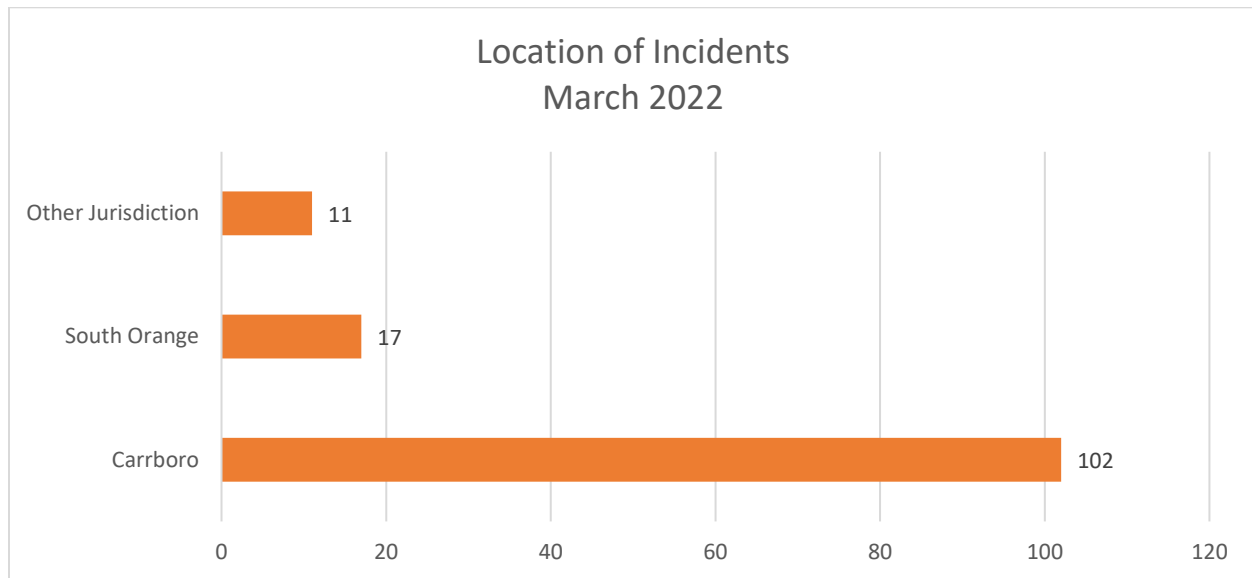
The Fire-Rescue Department responded to 130 calls for service in March, which was a 9.2% increase over March 2021. This amount of the increase continues to be due to the impact on COVID and calls for service during 2021. The following charts depict a breakdown in our types of calls as well as the amount of time we provided aid to a neighboring fire department and the amount of time we received the aid.





# Carrboro Fire Rescue Monthly Report

## MARCH 2022



### Operations / Health & Safety:

Currently Carrboro firefighters need to carry a portable radio and pager around the station so they can be alerted for incoming calls. The first problem with this arrangement is that their portable radio battery is depleted and may stop working during an emergency incident. The second problem is the documented impact on health and safety of firefighters being startled by loud alarm tones (notification for a call). There are numerous documented short and long-term negative health effects on firefighters that are exposed to this type of loud notification. These include cardiac related issues as well as autonomic nervous system issues related to cortisol levels.



# Carrboro Fire Rescue Monthly Report

## MARCH 2022



The department began to address the first issue (portable radios) by the installation of ceiling speakers in both stations. This will allow firefighters to hear radio traffic via the base radio and not have to use portable radios. The second issue has been partially addressed by reducing the decibels of the current alert tones to notify us of a call. We are working to implement a ramped or crescendo tone as well as installing colored LED lighting in multiple rooms in both stations. The LED lights will help get firefighters attention that there is an incoming call and will help reduce the overall audio level because of the visual indicators provided by the lights. We anticipate wrapping up the project in April as we still have a few technological hurdles to overcome.

### **Budget/Finance:**

As inflation continues to impact all our medical supplies, an opportunity presented itself to discuss and update the pricing we pay for oxygen. After confirming pricing with a competitor, we were able to reduce our costs with our current vendor by approximately \$2,000 per year.

We currently pay for several different medical supplies, including medication, but do not have the opportunity to recover costs when they're utilized on a medical incident. After discussing options, we are working with Orange County on the rollout of a program called Operative IQ. The program is utilized to track and replace medical supplies and is only utilized by Orange County EMS, so we will be the first fire department to operate in their inventory system. Based on the results of the rollout, Orange County may offer it to other fire departments in the County. This program has resulted in changing the forms of supplies we carry, so that Orange County can replace them. One final item we addressed was the inventory carried in our medical bags. After reviewing data over the last several years, we are making modifications to what we carry. This will result in lower costs due to not carrying as much as well not having to dispose of as many things due to expiration.

### **Training:**

Personnel continue working on training as we completed nearly 1000 hours (991 ½) of training during March with more than several hundred training instances. A large portion of the hours continues to come from the probationary firefighter task book that our seven probationary firefighters are working on.

In-person training opportunities are beginning to open up which will help broaden the firefighters experience level. There will be an in-person car seat technician class in April, a mandatory job requirement that we have not been able to send firefighters to for more than two years. We are also in the planning phases of our lesson plans for training with our new Tanker, which will arrive in April.



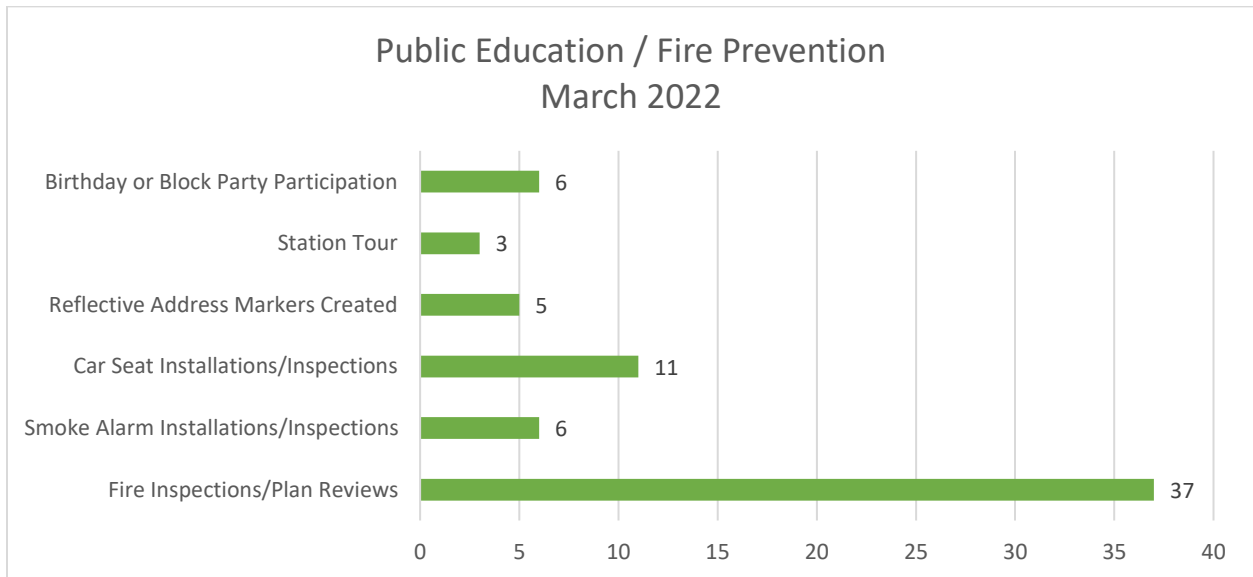
# Carrboro Fire Rescue Monthly Report

## MARCH 2022



### Fire Prevention / Public Education:

COVID continues to limit our public education and fire prevention activities. However, we were able to host a couple station tours by staying outside the building. While this is not ideal, it still enables us to interact with community. As the curve in the COVID trend continues to flatten, we look forward for the opportunity to conduct in person public education as well as open up our Saturday morning car seat clinic again.







# Town of Carrboro

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## Agenda Item Abstract

**File Number:**22-125

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

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### **TITLE:**

Stormwater Utility Monthly Report

**PURPOSE:** The purpose of this item is to provide the monthly update regarding Stormwater Utility projects and initiatives.

**DEPARTMENT:** Public Works

**CONTACT INFORMATION:** Randy Dodd, Stormwater Utility Manager, 919 918-7341

**INFORMATION:** The report identifies 8 separate projects and initiatives that Stormwater staff are currently involved in. These are specific efforts, some time-limited and others part of ongoing stormwater program development, that are above and beyond the baseline workload that includes but is not limited to: complying with two EPA/State NPDES permits; program administration; responding to requests for support and community outreach; stormwater system inspection and maintenance; reviewing development plans; stream determinations/buffer reviews; and illicit discharge response and pollution prevention.

**FISCAL & STAFF IMPACT:** There is no fiscal impact associated with this update.

**RECOMMENDATION:** It is recommended that the Council receive the staff report.

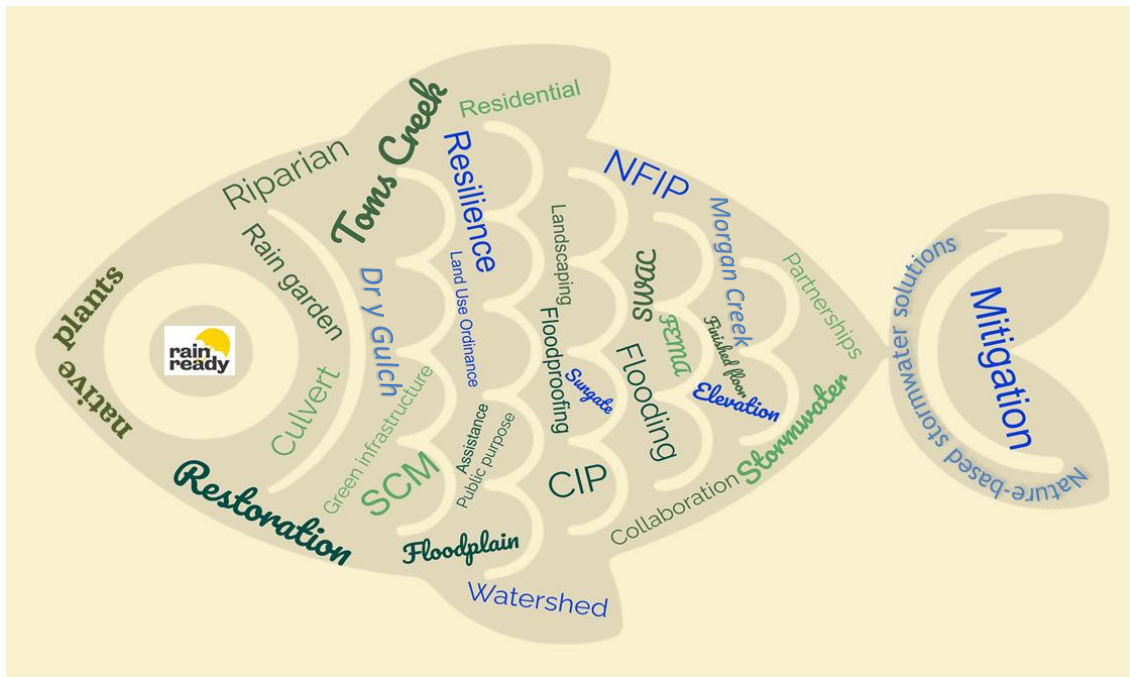
# STORMWATER UTILITY MONTHLY REPORT

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## PART 1: WATER QUANTITY DRIVEN WORK

### 1. Flood Resilience Framework



**Project Description:** The purpose of this project is to draft a new Flood Resilience Framework to help guide community scale risk reduction and mitigation efforts.

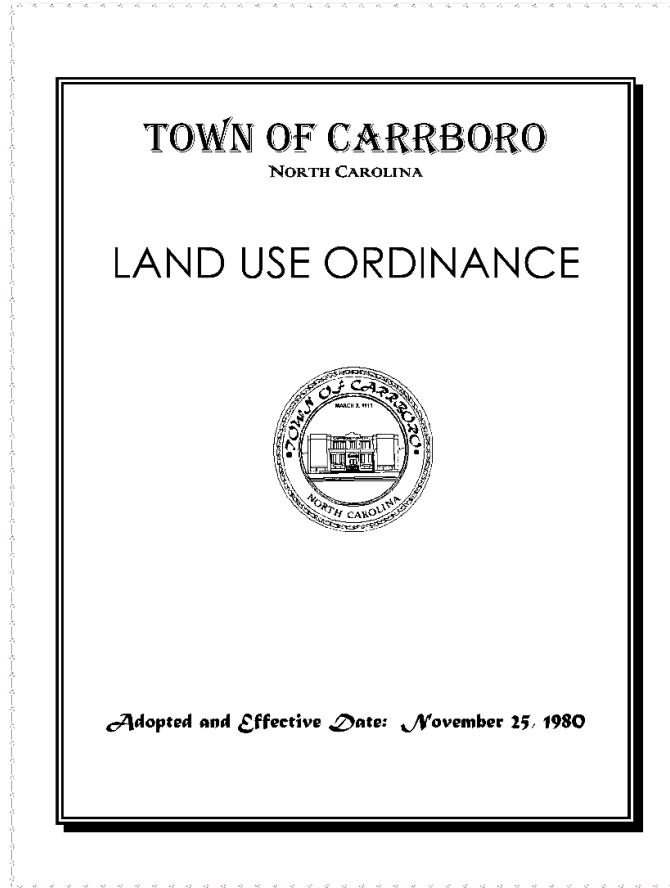
**Project Background:** Carrboro and many other communities face water related challenges that are significant and complex. We are trying to simultaneously manage: the flooding effects of more frequent and intense storms with more in store due to climate change; the challenges of historical and future land use and development; and the impacts to both residents and local aquatic ecosystems. There is a growing recognition that this multi-faceted problem requires a multi-faceted solution.

**Status: Active.** In 2019, the Council directed staff to move forward with a pilot study due to the ongoing need to address flooding issues. The Town contracted with the Center for Neighborhood Technology (CNT), resulting in a “RainReady” report in May 2020. The Stormwater Advisory Commission received information on RainReady follow up work and provided review comments. Staff continue to pursue related follow up actions, with active work including but not limited to: drafting a town wide flood resilience framework; exploring obtaining contractual support with single family residential scale technical assistance/assessments; and compiling and publishing a directory of contractors available to provide assistance to residents. The other items (2-8) in this monthly report are also relevant.

**Fiscal and Staffing Considerations:** Any fiscal impact resulting from financial assistance to be provided as part of a new program will be determined through administrative and policy level review. This work has required and will continue to require a significant amount of staff time which would further increase if staff will be administering a new program.

**Additional Information:** Additional information is available from multiple Council agenda items from 2013-2019. A [project website](#) has been created with relevant historical and project related information.

## 2. Land Use Ordinance Stormwater Provisions Review



**Project Description:** Review of LUO stormwater provisions.

**Project Background:** At the April 16, 2019 meeting, the Council referred further review of the stormwater provisions in the LUO to staff and the Stormwater Advisory Commission in consideration of the flooding and drainage impacts being experienced and elevated risk for increasing impacts due to climate change.

**Status: On Hold.** This has been referred to Stormwater and Planning staff, Sungate Design, and the Stormwater Advisory Commission. Staff will begin researching and considering the scope of potential changes in the first half of 2022 and anticipate working with the SWAC in late 2022 or early 2023.

**Fiscal and Staffing Considerations:** There is no fiscal impact with reviewing and amending the LUO. There will be a staff impact with performing the review.

**Additional Information:**

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3919560&GUID=59CDD594-2973-4C2B-813C-738A1CF5707B&Options=&Search>

<http://www.townofcarrboro.org/DocumentCenter/View/698/Article-XVI-Floodways-Floodplains-Drainage-and-Erosion-PDF>

### 3. FEMA Hazard Mitigation Grant Program Applications (Acquisition and Elevation)



**Project Description:** The information presented below is for an acquisition project for 116 Carol Street, and a new elevation project for 100 James Street

**Project Background:** Following on Hurricane Florence and Tropical Storm Michael, FEMA announced new rounds of HMGP funding. In addition to the Lorraine Street properties discussed above, two additional homeowners at 116 Carol Street and 100 James Street (properties included in previous HMGP applications for acquisitions that did not move forward) have responded and were included in Letters of Interest submitted by the Town to the NC Department of Public Safety (NCDPS). Staff submitted applications for an acquisition project for 116 Carol Street and for elevation of the home at 100 James Street in 2019.

**Status: Applications in Review.** Application materials for the 116 Carol acquisition were submitted to the State in October 2019 under Hurricane Florence. Application materials for the 100 James Street elevation were submitted to the State in November 2019 under Tropical Storm Michael. Staff regularly check on the status, which has remained “pending obligation” since the applications were submitted. If approved, staff will follow up with pursuit of entering into (a) grant agreement(s) for one or both projects. Note that in late January, NCDPS staff informed staff that FEMA and NCDPS may be ready to move forward with the 116 Carol acquisition soon.

**Fiscal and Staffing Considerations:** If the Town can successfully enter into grant agreements (one for acquisition and one for elevation), costs for work covered by the grants will first be borne by the Town and then reimbursed to the Town with a combination of both Federal and State funds covering eligible costs, provided that all grant requirements are met. If the Town chooses to incur costs prior to entering into the agreement, these costs will not be reimbursable with grant funds. While there would be a significant staff impact to administer the grant funds, the staff capacity is sufficient to do so should FEMA decide to move forward.

**Additional Information:**

[https://www.fema.gov/media-library-data/1493317448449-b83f27544e36b7bf67913f964a56b15a/HMA\\_Homeowners\\_Guide\\_040717\\_508.pdf](https://www.fema.gov/media-library-data/1493317448449-b83f27544e36b7bf67913f964a56b15a/HMA_Homeowners_Guide_040717_508.pdf)



## ***PART 2: WATER QUALITY & FEDERAL/STATE REGULATORY DRIVEN WORK***

### **4. Stormwater Control Measure Maintenance and Inspection Program**



**Background:** SCMs (“Stormwater Control Measures”) treat runoff to reduce both water quantity and quality impacts. The Town’s Land Use Ordinance (LUO) requires stormwater management with SCMs as part of development projects. A ‘Post Construction Stormwater Program’ ensuring SCMs are properly regulated and maintained is also a requirement of the Town’s NPDES permit with EPA, as administered by the NCDEQ. In early 2020, the Council approved a rate increase to support the necessary capacity to expand program efforts in general, and specifically including SCM compliance oversight. Moving forward with a compliant and comprehensive Town wide SCM maintenance oversight program is also seen as an immediate and effective action that the Town can take for flood/climate change resilience since there are existing regulated SCMs for which performance can be improved with proper maintenance, and risks of poorer future performance can also be avoided through preventative maintenance.

**Status: Active.** Staff have been actively moving forward with the SCM maintenance and inspection program activities in recent months with goals of:

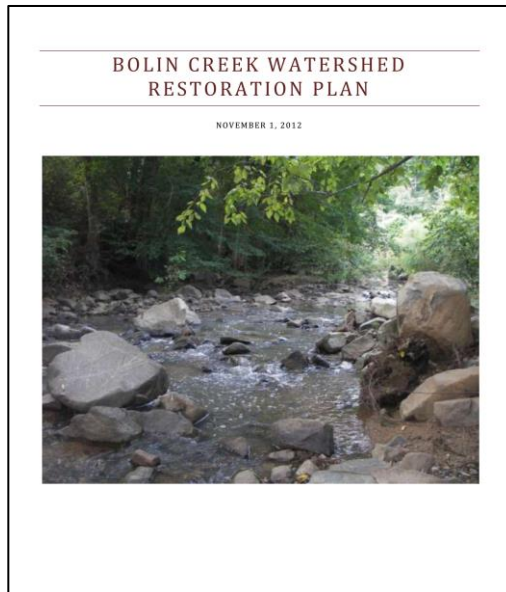
- 1) A letter being sent to all owners of Town permitted SCMs outlining their responsibilities and clear communications about the program and what will be happening going forward (initiated in November 2020).
- 2) All owners of Town permitted SCMs being required to initiate their own annual reporting of their maintenance and inspection efforts.
- 3) Stormwater staff committing to complete staff inspections of all Town permitted SCMs during the recently renewed 5-year NPDES permit cycle.

Staff have been reporting on activities to the Stormwater Advisory Commission. Stormwater staff have been and will continue to be working with property owners and their consultants to provide compliance assistance with maintenance and inspection activities. A total of 50 responsible entities have been contacted, representing 165 SCMs.

**Fiscal and Staffing Considerations:** This activity is requiring a significant amount of staff time.

**Additional Information:** <http://www.townofcarrboro.org/751/Maintenance-and-Inspection>

## 5. Bolin Creek Watershed Restoration Plan Implementation



**Regulatory Requirement:** The downstream extent of Bolin Creek in Carrboro, and into Chapel Hill, is on the state/federal list of impaired waters. Local actions are needed to improve water quality.

**Background:** Carrboro staff worked with Chapel Hill and other local, state, and federal agency staff in 2006 to create the Bolin Creek Watershed Restoration Team (BCWRT) because of the impaired waters listing. At the time, the Bolin Creek watershed was selected as one of only 7 watersheds in the state to receive focused state and federal assistance in preparing grant applications and leveraging other resources to remove Bolin Creek from the impaired waters list. The BCWRT's long term goal is to improve the health of Bolin Creek and its tributaries and remove it from the impaired waters list. This is an ambitious goal that will require a robust commitment for many years to come.

**Status: Active.** Between 2012 and 2020, watershed restoration plan implementation was inactive due to insufficient staff capacity and funding resources. In early spring, 2021, the Town Council approved and the Stormwater Advisory Commission reviewed the submittal of an EPA/NCDEQ 319 grant application with 3 HOAs in the Bolin Forest neighborhood and other partners to address an eroding gulley as a restoration and demonstration project. In January 2022, the Council approved accepting the grant agreement. Staff are moving forward with coordinating with project partners. In early March, survey work was completed to prepare for the engineering design work. An RFQ for engineering services has been released; responses are due on April 18.

**Fiscal and Staffing Considerations:** The application is based on the Town offering an in kind but not cash match for the grant. There will be a staff impact with grant administration.

**Additional Information:**

<https://townofcarrboro.org/280/Bolin-Creek-Watershed-Restoration>

## PART 3: WATER QUANTITY AND WATER QUALITY DRIVEN WORK

### 6. Stormwater Infrastructure Condition Assessment

STORMWATER CONVEYANCE CONDITION ASSESSMENT	
Excellent	No visible defects, new or near new condition, may still be under warranty if applicable
Good	Good condition, but no longer new, may have some slight defective or deteriorated component(s), but is overall functional
Adequate	Moderately deteriorated or defective component(s), but has not exceeded useful life.
Critical	Defective or deteriorated component(s) in need of replacement; exceeded useful life.
Failed	Failed/damaged components(s) or in need of immediate repair; well past useful life.

**Project Description:** The purpose of this project is to assess the condition of Town-maintained stormwater infrastructure to inform: life cycle asset management and program revenue needs; capital, smaller project, and repair and maintenance planning and prioritization; and coordination of stormwater infrastructure work with other right of way and facilities maintenance and improvement projects.

**Project Background:** The Town has pursued work to inventory the Town's stormwater infrastructure over the past 15-20 years. This infrastructure includes features such as inlets, catch basins, pipes, culverts, junction boxes, outlets, ditches and swales, energy dissipation, and Stormwater Control Measures. There was an initial effort that captured much of the inventory and the inventory has been updated as new development has been constructed. Most recently, Stormwater and GIS staff have collaborated to employ new hardware and software tools to facilitate the ongoing maintenance and improvement of the infrastructure inventory. However, a comprehensive condition of stormwater infrastructure does not currently exist.

**Status: Active.** Stormwater staff have begun planning for a phased approach to completing a comprehensive stormwater infrastructure condition assessment. This will require a phasing/prioritization of infrastructure types (e.g., age, material, size, closed/below ground or open/above ground system) and location and risks and impacts of disrepair/failure of infrastructure to assess over the next several years. The assessments will be more involved and expensive for closed (underground) systems. Staff will begin work as able in the remainder of FY 21/22 and have included this new initiative as part of the FY 22-23 operating budget submittal.

**Fiscal and Staffing Considerations:** This will require a combination of contracted services and Town staff work. It is premature to precisely estimate the cost and level of effort, although it is clear that this will be a significant undertaking.

**Additional Information:** As this work progresses, additional information will be provided on the Town's website.



## 7. Community Outreach and Engagement



**Project Description:** Staff continue to expand community outreach and engagement efforts.

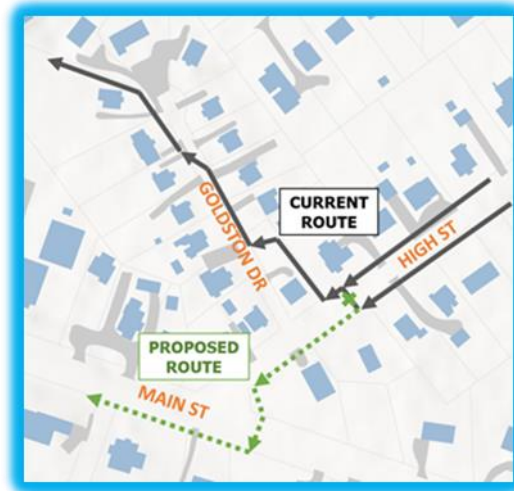
**Project Background:** Since the Stormwater Utility and Division were created in 2018, staff have developed and pursued a number of methods and means for community outreach and engagement. For example, staff created a Homeowners Manual and have shared it with residents via the website and with social media and virtual and in-person events. Staff have also collaborated with Chapel Hill for two annual Joint Stream Clean-ups. A variety of other specialized outreach materials and activities have been pursued such as “Tree Tags”, a virtual stream buffer restoration presentation, and an event at the dog park. Staff have provided one-on-one and neighborhood scale technical assistance to residents on topics such as roof disconnects, erosion control, riparian restoration, tree plantings, land records access, federal, state, and local permitting and assistance and more. Many online and print outreach materials have been created.

**Status: Ongoing.** A significant recent event was [the First Annual Orange County Creek Week](#), March 12th through the 19th. This is a partnership between Orange County, UNC-CH, Chapel Hill, Carrboro, Hillsborough, and OWASA, and also part of broader regional efforts. Orange County has agreed to host a [permanent website](#) for the event that will contain links to resources, educational content, and a calendar for all partner events. Stormwater staff were present at Open Streets and plan to participate in Earth Day and Carrboro Day, and continue to work with the Town’s Communications Director to create new content to feed into newsflashes and weekly newsletters. New stormwater content is being created as part of the town wide website revamp to make pages more streamlined, easier to navigate, accessible, and more informative. Staff have also been working on a trash cart sticker to provide information on whom to contact with different Public Works related questions. Staff plan to continue to ramp up work with neighborhoods and the school system.

**Fiscal and Staffing Considerations:** This work is integrated into the ongoing work of staff and the operating budget; no new impact is anticipated.

**Additional Information:** As mentioned, more information will be available soon for the website revamp.

## 8. Stormwater Capital Projects



**Project Description:** Staff continue to plan for and implement stormwater capital projects.

**Project Background:** Since the Stormwater Utility and Division were created in 2018, a Stormwater section of the annually updated Capital Improvement Program has been included, and stormwater capital projects have been pursued. Two capital projects have been completed, a stream restoration at Public Works and a culvert replacement on Broad Street.

**Status: Ongoing.** There is one currently active and approved capital project funded by the Stormwater Enterprise Fund. It is for infrastructure improvements in the West Main Street vicinity. A construction bid was released in mid-March; bids are due on April 18th. This project will divert some of the runoff generated along High Street out to Main Street instead of the current conveyance route along Goldston Ave. and continuing through downstream private properties. Staff continue with future project planning and development work; recommendations have been passed on for the annual update to the Capital Improvement Program. The condition assessment work referenced in #6 is an important aspect of this work. Staff are also working to identify new green stormwater infrastructure opportunities for Town maintained rights of way and facilities.

**Fiscal and Staffing Considerations:** This work is integrated into the ongoing work of staff; no new impact is anticipated aside from the fiscal impact identified as part of future project approval.

**Additional Information:** Information on the Town's CIP is available at [this link](#). A [project webpage](#) has been created for the High Street project,



# Town of Carrboro

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## Agenda Item Abstract

**File Number:**22-127

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**Agenda Date:** 4/19/2022

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**In Control:** Board of Aldermen

**Version:** 1

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**TITLE:**

Economic Development Monthly Report

**PURPOSE:** The purpose of this item is to provide a regular monthly activities and status report.

**DEPARTMENT:** Economic Development

**CONTACT INFORMATION:** Jon Hartman-Brown - 919-391-7846 - JHartman-Brown@TownofCarrboro.org

**INFORMATION:** This is a monthly report of the economic development activities and status updates to the Town Council for informational purposes.

**FISCAL & STAFF IMPACT:** None.

**RECOMMENDATION:** Staff recommend accepting the monthly report.



## Economic Development Department

### Monthly Update Report – March 2022

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#### **ACTIVITY**

- **Attending CBA Marketing, Policy, and Leadership meetings**

I am currently attending CBA Marketing Committee, Policy Committee, and Leadership Council meetings to network with these business owners and find new ways the Department and the Tourism Development Authority can be a part of their initiatives. The 203 Project and Downtown Parking study have been the center of on-going concerns and discussions with the CBA and their respective committees.

- **Draft Parking Study Submitted, Staff Comments Returned**

Walker Parking Consultants submitted the draft copy of the Downtown Carrboro Parking Study mid-December. Staff have reviewed the parking study and sent a series of comments back to Walker to provide additional information and response. We anticipate a presentation and release to the Council on April 26<sup>th</sup>.

- **Business Alliance and ESC Mentor Program Under Development**

We are working to develop a new program for new businesses in Carrboro to be matched with a local business mentor. While this will be similar to SCORE's services, it will be less structured than SCORE's program and will primarily function as a networking opportunity for new start-ups. Both the CBA and the ESC are encouraged by this program and members are willing to participate. Progress on this program has been delayed due to the COVID-19 Mitigation Grant Program.

- **Wayfinding Program under Development for Downtown**

I have been working with Public Works and Communication staff regarding finalizing the development of a wayfinding program for downtown and particularly for public parking in downtown. We hope to have it included in the 2022-2023 CIP and Budget.

- **Inter-City Visit Meetings Underway for Fall 2022 Visit**

I have been working with the Chamber and other jurisdictions to meet and discuss options for moving forward with an Inter-City visit again this year since postponing the 2020 trip. At this point a potential trip to Blacksburg or Asheville coupled with another location look most likely.

- **All Business Briefing Being Scheduled for April**

In conjunction with the CBA, we will be hosting an All Business Briefing meeting inviting all businesses to join us for a 2 hour event providing an update on business activities in Carrboro. This event will also include networking opportunities and a "vendor hall" where businesses can make connections with our economic development partners at the Small Business Center @ Durham Tech. and Small Business and Technical Development Center @ UNC.

- **BIPOC Business Update**

Partnering with the Small Business Center at Durham Tech, we are hosting two new

entrepreneurship curriculum/training that are targeted toward BIPOC entrepreneurs. One will be for existing young (1-3 years old) businesses, and one for entrepreneurs with a business idea. Scholarships provided by Wells Fargo are available for those who may need them. The Town is supplying the hosting at YouthWorx for the classes. The classes will start mid-April running through the end of May.

## **PROJECTS**

- **Minority Business Roundtable – Implementation**

Current Status: BIPOC Business Roundtable being scheduled for Q2.

Next Steps: Continue to hold BIPOC Business Roundtable Meetings and develop a mentorship program.

Projected Completion: On-going. We anticipate these activities to continue and become a part of the economic development workflow process.

- **Economic Development Strategic Plan – Implementation of the Plan**

Current Status: The ESC has reviewed and accepted the draft goals and strategies that the Comprehensive Plan Taskforce and Teska have created.

Next Steps: ESC will begin the implementation and development of performance measures for their elements of the Comprehensive Plan.

Projected Completion: On-going

- **Downtown Parking Study – Presentation with Council Schedule for April 26th**

Current Status: Staff have provided comments back to Walker for their response and incorporation into the Study. A presentation is scheduled for April 26<sup>th</sup>.

Next Steps: Final review and acceptance by the Town Council.

Project Completion: April 2022

- **COVID-19 Mitigation Business Grants – Checks Issued, 2<sup>nd</sup> Round Coming**

Current Status: All checks from the first round of approvals have been sent.

Next Steps: Remaining funding approvals are scheduled to be reviewed on April 8.

Project Completion: June 2022

- **203 Project Parking Replacement**

Area	Spaces	Availability	Status	Completion
203 S. Greensboro (203 Project)	-100	24/7	--	
Dispute Settlement Center	+6	24/7	Not started	Q1 2022
CommunityWorx	+12	24/7	Not started	Q1 2022
309 N. Greensboro (Fitch)	+51	Evening & 24 hrs. Weekends	Agreement Under Review	Q1 2022
502B N. Greensboro (Fitch)	+20	24/7	Completed	
300 E. Main (behind ArtsCenter)	+62	Daytime	Completed	
<b>Net Change</b>	<b>+51</b>	<b>--</b>	<b>--</b>	



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**22-81

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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**TITLE:**

Police Department Monthly Reports

**PURPOSE:** The purpose of this item is to provide a brief overview of calls for service for the month of March.

**DEPARTMENT:** Police Department

**CONTACT INFORMATION:** Chief Chris Attack, 919-918-7407

**INFORMATION:** This report provides data on calls for service, traffic stops, citations, arrests, use of force, and traffic crashes.

**FISCAL & STAFF IMPACT:** N/A

**RECOMMENDATION:** Staff recommend that Council accept the report.



# CARRBORO POLICE DEPARTMENT

**Community • Accountability • Respect • Ethics**

## MARCH 2022

### Calls for Service

Calls for service are generated either by citizen complaints or by officers self-initiating. These calls range from a request for a vehicle unlock, to a suspicious person, to a traffic stop, to more serious criminal matters with all requiring the presence or response of an officer to resolve, correct or assist in that situation.

In March 2022, The Carrboro Police Department recorded 1316 calls for service as compared to 1412 in the same month the previous year (2021).

### Top 5 Calls for Service by Frequency

Type:	Number:	% of Total:
Miscellaneous Officer Initiated	463	35%
Traffic Stops	98	8%
Public Service	96	7%
Disturbance/Nuisance	78	6%
Alarms	71	5%
<b>Total for Top 5</b>	<b>806</b>	<b>61%</b>

Traffic Stops: In March 2022, Carrboro Police performed 96 traffic stops. As a result of those 96 stops, 45 citations were issued, 26 verbal warnings given, 21 written warnings issued, and 4 on-view arrests occurred.

Citations: In March 2022, Carrboro Police issued 61 citations. 21 were for speeding 15 mph or more, 5 each were for failing to stop for stopped bus & 2<sup>nd</sup> degree trespass, 4 each for driving while license revoked & no operator license, 2 each issued for driving left of center, fail to maintain lane, shoplifting, & no liability insurance. Lastly, others included selling/giving malt beverages < 21 years old, hit and run with property damage, fail to stop at red light, pass emergency vehicle, fail to obey traffic officer, open container in vehicle, and improper backing.

Arrests: In March 2022, the Carrboro Police Department made 23 on-view/custodial arrests. 21 charges were misdemeanor arrests: ranging from Assault on a Female, Simple Assault, DWI, 2<sup>nd</sup> Degree Trespass, to Illegally Carrying a Concealed Weapon. 2 were felonies: Kidnapping and Felony Drug Possession.

Incident Reports: There were 236 Incidents reported to the Carrboro Police Department for the month of March 2022, as compared to 216 in the same month from last year (2021).

Crashes: There were 33 traffic crashes in the month of March which included 1 fatality.

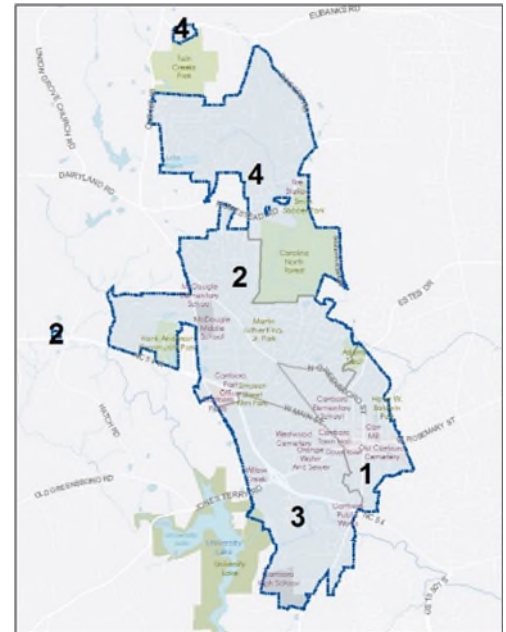


## Calls for Service by Area:

\*\*includes cancelled events\*\*

### March 2022

AREA: 1-4	NUMBER OF CALLS	PERCENT OF TOTAL:
Area 1	507	33.2%
Area 2	271	17.8%
Area 3	669	43.9%
Area 4	78	5.1%
<b>Total</b>	<b>1525</b>	<b>100%</b>



### March Items of Significance:

- Carrboro Officers served 4 involuntary commitment orders and provided transport for 7 voluntary commitments. All individuals were taken to UNC Hospital for evaluation.
- March 19<sup>th</sup> – vehicle occupants shooting at another vehicle on NC 54 – under investigation
- March 22<sup>nd</sup> - Smith Level Rd Domestic Violence incident – armed suspect arrested and charged with Kidnapping, 1<sup>st</sup> Degree Burglary, Assault on a Female, Assault by Pointing Gun, and Resist, Delay, Obstruct - \$75,000 bond





# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**22-35

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

A Request to Adopt a Resolution to Award a Service Sidearm to a Retiring Police Officer

**PURPOSE:** Police Officer Doug Koehler will retire from the Town of Carrboro Police Department on May 1, 2022 after approximately 6 years of service with the Town and 31.5 years of total law enforcement service. The Police Department would like to award Officer Koehler his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Town Council is requested to adopt by resolution Town staff's recommendation to award the service side arm to Officer Doug Koehler.

**DEPARTMENT:** Police

**CONTACT INFORMATION:** Chief Chris Atack, 919-918-7407

**INFORMATION:** As a certified law enforcement officer within the State of North Carolina, Officer Koehler has the right under NCGS 20-187.2 to request that he be allowed to purchase his on-duty handgun from the Town. He has made such a request. The Council has traditionally awarded service sidearm to retiring officers free of charge. Based upon the action taken by the Town Council for previous retiring police officers, Town staff recommends that the Town Council award Officer Koehler his service side arm.

**FISCAL & STAFF IMPACT:** The value of the handgun is \$250.

**RECOMMENDATION:** Staff recommends that the Council approve the attached resolution.

**ATTACHMENT A**

**A RESOLUTION AWARDING A SERVICE SIDE ARM TO RETIRING POLICE  
OFFICER  
Draft Resolution No.**

**WHEREAS**, Police Officer Doug Koehler is retiring from the Town of Carrboro Police Department on May 1, 2022, after approximately thirty-one years of total service; and

**WHEREAS**, Officer Koehler has demonstrated his dedication to duty and to the citizens of the Town of Carrboro; and

**WHEREAS**, North Carolina General Statute 20-187.2 allows the governing body of a law enforcement agency to award to a retiring member, upon request, the service side arm of the retiring member;

**NOW, THEREFORE, BE IT RESOLVED** by the Carrboro Town Council that the Council members adopt this resolution awarding the service side arm to Officer Doug Koehler.

This is the 19<sup>th</sup> day of April 2022.



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**22-100

**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

FY 2021-22 Third Quarter Budget Status Report

**PURPOSE:** The purpose of this item is to provide a budget status report to Town Council for all funds.

**DEPARTMENT:** Finance

**CONTACT INFORMATION:** Arche McAdoo, Finance Director, 919-918-7439; Cary McNallan, Deputy Finance Director, 919-918-7301

**INFORMATION:** To engage in electronic payments, the Local Government Commission requires the Finance Officer to provide the Governing Board a budget status report by fund, at least quarterly, and is to include: budgeted accounts, actual revenues collected, payments made, amounts encumbered (including electronic obligations), and the amount of the unobligated budget.

Attachment A provides a summary budget status report as of March 31, 2022, for the General Fund, Special Revenue Funds, Capital Projects Funds, and Enterprise Funds.

Highlights of the General Fund, the Town's operating fund, through the third quarter include: a) collection of over 90% of the Town's revenue budget; and only 63% of the Town expenditure budget has been spent.

#### Percent of Revenue Budget Collected through March 31, 2022

Ad Valorem Taxes	109.7%
Local Sales Taxes	66.0%
Other Taxes/Licenses	71.1%
Hotel Occupancy Tax	104.5%
Intergovernmental	44.1%
Permit & Fees	60.1%
Other Revenues	77.7%
Fund Balance Appropriated	0.0%
Total Revenues	90.8%

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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For local sales tax revenues and other taxes collected by the State, there is a three-month lag period between the collection and distribution of revenues to localities.

Operating expenditures at this time of the year usually remain steady with a one-month lag between the actual date of service and payment of invoices.

**FISCAL & STAFF IMPACT:** There is no fiscal impact associated with this report.

**RECOMMENDATION:** That the Town Council receive the FY 2021-22 third quarter budget status report.

**Town of Carrboro, NC**  
*General Fund Budget Status Report*

*Period Ended:* **March 31, 2022**  
*Unaudited amounts*

<u>Description</u>	<u>FY22 Revised Budget</u>	<u>FY22 July-Mar Actual</u>	<u>FY22 YTD Encumb</u>	<u>FY22 Budget Balance</u>
<b><u>Revenues:</u></b>				
Ad Valorem Taxes	\$ 14,063,175	\$ 15,428,591		\$ 1,365,416
Local Sales Taxes	4,895,670	3,231,129		(1,664,541)
Other Taxes/Licenses	1,454,496	1,034,086		(420,410)
Hotel Occupancy Tax	103,093	107,737		4,644
Intergovernmental	1,578,398	695,335		(883,063)
Permit & Fees	1,238,860	744,443		(494,417)
Other Revenues	464,389	360,919		(103,470)
<b>Total Revenues</b>	<b>\$ 23,798,081</b>	<b>\$ 21,602,241</b>	<b>\$ -</b>	<b>\$ (2,195,840)</b>
 Transfers In	 2,400,563	 80,421		 (2,320,142)
<b>Total Revenues &amp; Operating Trfs In</b>	<b>26,198,644</b>	<b>21,682,662</b>	<b>-</b>	<b>(4,515,982)</b>
<b><u>Expenditures:</u></b>				
General Government	6,357,277	4,154,511	172,834	2,029,932
Public Safety	7,273,065	5,090,403	161,052	2,021,610
Planning	1,776,043	949,365	63,416	763,261
Transportation	2,011,768	1,248,005	-	763,763
Public Works	4,139,197	2,482,918	314,296	1,341,984
Recreation, Parks, & Cultural Res	1,909,149	1,119,029	117,819	672,301
Non-Departmental	818,245	-	-	818,245
Debt Service	876,790	826,054	-	50,736
<b>Total Expenditures</b>	<b>25,161,533</b>	<b>15,870,285</b>	<b>829,417</b>	<b>8,461,831</b>
 Transfers Out	 1,037,110	 766,810	 -	 270,300
<b>Total Expenditures &amp; Oper Trfs</b>	<b>26,198,644</b>	<b>16,637,096</b>	<b>829,417</b>	<b>8,732,131</b>
<b>Net Sources over (under) Uses</b>	<b>-</b>	<b>5,045,567</b>	<b>(829,417)</b>	<b>4,216,149</b>

**Special Revenue Funds****Budget Status Report****Period Ending March 31, 2022***Unaudited amounts*

<b><u>Revenues and Transfers In</u></b>					
	<b>Carryover from Prior Year</b>	<b>FY 2022 Budget Appropriation</b>	<b>Total Revenue Budget</b>	<b>FY22 Actual Revenues</b>	<b>Revenue Budget Balance</b>
<b><u>Special Revenue Funds</u></b>					
ARPA-Negative Economic Impacts	300,000	26,522	326,522	326,522	-
ARPA-Premium Pay	224,795	-	224,795	-	(224,795)
ARPA-Revenue Replacement	1,834,730	-	1,834,730	-	(1,834,730)
ARPA-Unallocated	3,840,475	526,677	4,367,152	3,051,847	(1,315,305)
American Rescue Plan Act Totals	6,200,000	553,199	6,753,199	3,378,369	(3,374,830)
Affordable Housing	(80,063)	420,551	340,488	390,145	49,657
Grants Administration	1,414,746	(8)	1,414,738	683,246	(731,492)
Powell Bill	-	786,810	786,810	875,501	88,691
Emergency Loan	-	59,621	59,621	35,601	(24,020)
Energy Efficiency Revolving Loan	-	15,773	15,773	6,646	(9,127)
Revolving Loan Fund	-	12,087	12,087	12,087	-
<b>Total Revenues</b>	<b>7,534,683</b>	<b>1,848,033</b>	<b>9,382,716</b>	<b>5,381,595</b>	<b>- (4,001,121)</b>

<b><u>Expenditures and Transfers Out</u></b>						
	<b>Carryover from Prior Year</b>	<b>FY 2022 Budget Appropriation</b>	<b>Total Expenditure Budget</b>	<b>FY22 Actual Expenses</b>	<b>FY22 Encumbrances</b>	<b>Expense Budget Balance</b>
<b><u>Special Revenue Funds</u></b>						
ARPA-Negative Economic Impacts	300,000	26,522	326,522	264,722	-	61,800
ARPA-Premium Pay	224,795	-	224,795	-	-	224,795
ARPA-Revenue Replacement	1,834,730	-	1,834,730	-	-	1,834,730
ARPA-Unallocated	3,840,475	526,677	4,367,152	-	-	4,367,152
American Rescue Plan Act Totals	6,200,000	553,199	6,753,199	264,722	-	6,488,477
Affordable Housing	198,044	420,551	618,595	151,461	129,930	337,204
Grants Administration	1,275,794	(8)	1,275,786	532,313	226,811	516,662
Powell Bill	-	786,810	786,810	284,061	362,889	139,860
Emergency Loan	164,921	59,621	224,542	-	-	224,542
Energy Efficiency Revolving Loan	133,690	15,773	149,463	-	-	149,463
Revolving Loan Fund	223,300	12,087	235,387	-	-	235,387
<b>Total Expenditures</b>	<b>8,195,749</b>	<b>1,848,033</b>	<b>10,043,782</b>	<b>1,232,557</b>	<b>719,630</b>	<b>8,091,595</b>

**Revenues Over (Under) Expenses****4,149,038**

\* The revenue and expenditure budgets as appropriated for the current fiscal year are balanced; however, due to amounts carried over from prior years, the revised revenue and expenditure budgets may not balance due to the timing of revenue receipts and when expenditures are made.

**Capital Project Funds*****Budget Status Report******Period Ending March 31, 2022****Unaudited amounts***Revenues and Transfers In**

	Carryover from Prior Year	FY 2022 Budget Appropriation	Total Revenue Budget	FY22 Actual Revenues	Revenue Budget Balance
<b><u>Capital Project Funds</u></b>					
Bond	3,934,494	-	3,934,494	80,903	(3,853,591)
Capital Projects	27,158,215	1,515,000	28,673,215	711,141	(27,962,074)
Other Funds	-	200	200	305	105
<b>Total Revenues</b>	<b>31,092,709</b>	<b>1,515,200</b>	<b>32,607,909</b>	<b>792,348</b>	<b>(31,815,561)</b>

**Expenditures and Transfers Out**

	Carryover from Prior Year	FY 2022 Budget Appropriation	Total Expenditure Budget	FY22 Actual Expenses	FY22 Encumbrances	Expense Budget Balance
<b><u>Capital Project Funds</u></b>						
Bond	3,728,990	-	3,728,990	78,181	424,402	3,226,407
Capital Projects	28,004,245	1,515,000	29,519,245	1,150,864	2,405,779	25,962,602
Other Funds	-	200	200	-	-	200
<b>Total Expenditures</b>	<b>31,733,235</b>	<b>1,515,200</b>	<b>33,248,435</b>	<b>1,229,045</b>	<b>2,830,181</b>	<b>29,189,209</b>

\*

\*

**Revenues Over (Under) Expenses****(436,697)**

\* The revenue and expenditure budgets as appropriated for the current fiscal year are balanced; however, due to amounts carried over from prior years, the revised revenue and expenditure budgets may not balance due to the timing of revenue receipts and when expenditures are made.

**Enterprise Funds*****Budget Status Report******Period Ending March 31, 2022****Unaudited amounts*

<b><u>Revenues and Transfers In</u></b>					
	<b>Carryover from Prior Year</b>	<b>FY 2022 Budget Appropriation</b>	<b>Total Revenue Budget</b>	<b>FY22 Actual Revenues</b>	<b>Revenue Budget Balance</b>
<b><u>Enterprise Funds</u></b>					
Parking	-	290,500	290,500	20,013	(270,487)
Stormwater	(104,820)	1,003,352	898,532	1,000,843	102,311
<b>Total Revenues</b>	<b>(104,820)</b>	<b>1,293,852</b>	<b>1,189,032</b>	<b>1,020,856</b>	<b>-</b>
					<b>(168,176)</b>

<u>Expenditures and Transfers Out</u>						Expense Budget Balance
	Carryover from Prior Year	FY 2022 Budget Appropriation	Total Expenditure Budget	FY22 Actual Expenses	FY22 Encumbrances	
<u>Enterprise Funds</u>						
Parking	-	290,500	290,500	99,444	4,791	186,265
Stormwater **	268,741	1,003,352	1,272,093	349,822	58,960	863,311
Total Expenditures	268,741	1,293,852	1,562,593	449,266	63,751	1,049,576
	*		*			

**Operating Revenues Over (Under) Expenses****571,590**

\* The revenue and expenditure budgets as appropriated for the current fiscal year are balanced; however, due to amounts carried over from prior years, the revised revenue and expenditure budgets may not balance due to the timing of revenue receipts and when expenditures are made.

\*\* Includes Stormwater Operations and Capital Projects





# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**22-128

**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Resolution to Award American Recovery Plan Act COVID-19 Mitigation Business Grants

**PURPOSE:** To approve businesses and funding amounts as recommended by the COVID Grant Review Committee.

**DEPARTMENT:** Economic Development

**CONTACT INFORMATION:** Jon Hartman-Brown, Economic Development Director, 919-391-7846, JHartman-Brown@townofcarrboro.org

### INFORMATION:

**Background:** On June 22, 2021, the Town Council authorized up to \$300,000 to be provided to Carrboro small businesses to assist with the mitigation of the negative economic impacts caused by COVID-19. The Council approved a grant policy on September 15, 2021.

Thirty-five businesses submitted an application with a total request of \$346,522. Twenty percent of the applicants were BIPOC-owned businesses (target of 23 percent) and 55 percent were women-owned businesses (target of 33 percent). Two of the businesses did not meet the minimum qualifications of the program.

On December 14, 2021, Town Council approved providing \$264,722 in grants to 19 applicants and authorized the Town Manager to allocate an additional \$26,522 in ARPA funds to fully fund the remaining qualifying applicant requests.

The Council originally allocated \$300,000 to this program and then authorized the Town Manager to allocate an additional \$26,522 for fulfill all of the qualifying grant requests - totaling \$326,522 in allocations. Council awarded \$264,722 in grants in December. This round will award the remaining \$61,800 to fulfill all of the qualifying grant requests (which totaled \$326,522).

**Findings:** The COVID Grant Review Committee (hereafter "Committee") met on April 8 and recommended awarding \$61,800 to fund the remaining eight applicant's requests. The applications were reviewed based on points given as determined by the prioritization criteria in the policy.

**FISCAL & STAFF IMPACT:** \$61,800 of previously allocated ARPA funds.

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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**RECOMMENDATION:** The COVID Grant Review Committee recommends approval of the resolution.

**A RESOLUTION APPROVING AWARDS FOR  
THE COVID-19 MITIGATION BUSINESS GRANT  
PROGRAM**

**April 19, 2022**

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

**WHEREAS**, the Carrboro Town Council approved the COVID-19 Mitigation Business Grant policy to distribute the funds; and

**WHEREAS**, the COVID Loan/Grant Review Committee has met and reviewed all of the applications and made recommendations for awarding funds to the applicants; and

**WHEREAS**, the COVID Loan/Grant Review Committee recommended funding the remaining eight (8) businesses for a total of \$61,800;

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

- Section 1. Funding be granted to the applicants in accordance with the award recommended in Attachment A and the respective purposes listed in the applicant's budget form submitted with their application.
- Section 2. This resolution is effective immediately and a copy of this resolution shall be forwarded to the Town's Finance Officer.

---

Damon Seils, Mayor

ATTEST:

---

Wesley Barker, Town Clerk

**Attachment A - COVID-19 Mitigation Business Grant Award**  
**Recommendations**

<b>Applicant</b>	<b>BIPOC Owned</b>	<b>Woman Owned</b>	<b>Recommended Award</b>
Carolina Car Wash & Detail Inc	✓		\$ 10,000
Coronato Pizza			\$ 6,000
FIT Carrboro		✓	\$ 10,000
The Merch			\$ 10,000
Thirteen West LLC		✓	\$ 7,200
Twin House Music			\$ 8,000
Van Hook Enterprises Inc.			\$ 10,000
WomanCraft Fine Handcrafted Gifts, Inc.		✓	\$ 600



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**22-123

**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Public Hearing on Text Amendment to the Land Use Ordinance Relating to Setbacks

**PURPOSE:** The purpose of this agenda item is for the Town Council to consider a proposed amendment to the Land Use Ordinance relating to the setback provisions for steps and associated landings. A draft ordinance has been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon, Planning Administrator, 919-918-7325, [cmoon@carrboronc.gov](mailto:cmoon@carrboronc.gov) <<mailto:cmoon@carrboronc.gov>>; Marty Roupe, Development Review Administrator, 919-918-7333, [mroupe@carrboronc.gov](mailto:mroupe@carrboronc.gov) <<mailto:mroupe@carrboronc.gov>>; Nick Herman, Town Attorney, 919-929-3905, [gnherman@broughlawfirm.com](mailto:gnherman@broughlawfirm.com) <<mailto:gnherman@broughlawfirm.com>>

**INFORMATION:** Section 15-184 of the Land Use Ordinance (LUO) includes the requirements for building setbacks, the minimum distance between a structure and the property boundary line or right-of-way. The language in the subsection (a) is clear that the measurement is taken from “any portion of a building,” which includes porches, decks, steps or similar features.

There have been a few cases, over the years, where a deck or set of steps was constructed in a way that encroached into the setbacks and needed to be modified and/or relocated. In these cases, the feature may have been shown on a plot plan approved with a permit or may not have been shown at all.

Recently, the Zoning staff received and approved a site plan for a building permit application that did not show steps or a landing to a side entrance, only a sidewalk leading to a porch inset into the building itself. The finished floor elevation for the building was raised a few feet and in relation to the resulting topography necessitated some manner of bringing the grade to the entranceway. Suggestions from staff included either incorporating the needed steps within the building footprint itself or adding fill dirt to bring grade to the entrance on a slight slope, and then placing the sidewalk on a sloped grade, since the sidewalk is not subject to the setback requirements. The builder did not want to do either option, instead choosing to file an appeal to the Board of Adjustment regarding whether the steps and landing have to meet setbacks in accordance with the applicable LUO language. Staff discussed the matter and chose to bring forward a text amendment for consideration by the Council instead of placing the Board of Adjustment in what could be a broad policy making role by way of interpreting how much leeway the ordinance language does or does not have regarding the situation. The appellant agreed with this approach.

A draft ordinance has been prepared that, if adopted, would allow exterior steps and associated landings to encroach up to 50 percent of the building setbacks subject to certain criteria relating to the size and height of the stair unit (*Attachment B*). The draft ordinance has been revised since the March 1<sup>st</sup> Town Council meeting to limit the possible encroachment to the boundary line setbacks only and to reference the necessary fire code separation; these changes make the language more consistent with other sections of the LUO. As part of the discussion at the March 1<sup>st</sup> meeting, Council members asked staff about the purpose of setbacks and requested information about how other municipalities treat steps in relation to setbacks and upper story access. Information from staff's research is provided in an attached table and can be discussed in greater detail at the meeting (*Attachment C*). Also provided is an excerpt from Article XII, Density and Dimensional Requirements with the existing setback provisions (*Attachment D*).

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. The draft ordinance was referred to Orange County, and the Planning Board and Appearance Commission. Comments from Orange County and the Planning Board are provided (*Attachment E*). The item was presented to the Planning Board and the Appearance Commission at the April 7<sup>th</sup> Joint Review Board meeting, but the Appearance Commission did not retain a quorum to the break-out portion of the meeting to complete its comments. The commission is scheduled to continue its discussion on April 21<sup>st</sup>.

It should be noted that setbacks have a number of benefits including but not limited to fire separation (building code), a place for utilities and drainage, space for maintenance, natural light and air. As the Town seeks opportunities for increasing density, more diverse and/or affordable housing or more compact development, lots will likely become smaller and/or more narrow. Allowing certain building elements to encroach into a portion of the setbacks may be appropriate in some situations, to ensure that the building has more than one point of ingress/egress, so long as the encroachment is consistent with other regulations.

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

**RECOMMENDATION:** Staff recommends that the Town Council holds a public hearing to receive comment on the proposed text amendment, and consider adopting the resolution for consistency (*Attachment A*) and the draft ordinance (*Attachment B*).

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN COUNCIL'S  
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO  
LAND USE ORDINANCE (N.C. Gen. Stat. 160D-605)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: A LAND USE ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY SETBACK PROVISIONS RELATING TO STEPS.

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

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

\_\_\_\_\_ *Consistent* with the intent of the setback standards in the Land Use Ordinance and provisions in Carrboro Vision2020 for increasing density in a way that provides for balanced and controlled growth.

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

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

Changed circumstance(s):

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Amendment to current adopted plan:

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

The proposed text amendment is reasonable and consistent with the public health, safety and welfare, because it allows for some encroachment into the setback, subject to certain criteria, which ensures sufficient space for a second point of ingress/egress.

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

**Section 4. This resolution becomes effective upon adoption.**

Adopted by the Carrboro Town Council this 19<sup>th</sup> day of April 2022.



AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY  
SETBACK PROVISIONS RELATING TO STEPS

**\*\*DRAFT 4-11-2022\*\***

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-184(a) of the Carrboro Land Use Ordinance is revised by adding a new subdivision (6) that reads as follows:

(6) Notwithstanding the foregoing, exterior steps whether of masonry or wood construction may extend up to 50-percent into the building setback for the property boundary lines on residentially zoned lots so long as the height of the steps and associated landing are no taller than three feet above the finished grade as determined by Section 15-185(g)(1). The landing may be no larger than four feet in width by four feet in length, and the combined length of the landing and steps no longer than eight feet. The minimum separation from buildings on adjacent lots as required by the fire code must be maintained.

Section 2. This ordinance shall become effective upon adoption.

Jurisdiction	Setback Provisions
City of Albemarle	Any part of the house that is structural and not flush with the ground. This would include roof eaves, stoops, decks and steps, but not patios and walkways. We typically don't include HVAC and mechanical equipment. (I have seen some places provide a 3' leeway for uncovered stoops, but we don't currently allow it. )
Town of Apex	Setbacks measured as the distance between the closer of either the nearest lot line or nearest street right-of-way line and the foundation of a building or structure along a line at right angles to the lot line. Where no minimum front, side, or rear setbacks are specified, the setback line shall be coterminous with the corresponding lot line. Appurtenances (including steps) allowed up to 3' into any required setback, provided that they are no closer than 3' to any ROW or property line, meet all applicable fire and building codes, and do not encroach into any required buffer. In addition to landscape features, attached accessory structures are allowed to encroach into required setbacks as follows. However, in no case shall any accessory structure be located closer than five (5) feet to a required buffer or other protected areas. See table 5.2.2B.4 for Permitted Encroachments into Required Setbacks. <a href="https://www.apexnc.org/">Unified Development Ordinance (apexnc.org)</a>
Brunswick County	Brunswick County includes them. Our UDO has a list of things that can be within the building setbacks and provides some relief for items such as steps and overhangs. Check out Section E. Permitted Obstruction in Required Yards, of the Brunswick County UDO ( <a href="https://www.brunswickcountync.gov/planning/udo/">https://www.brunswickcountync.gov/planning/udo/</a> ).
Town of Chapel Hill	There are three types of building setbacks – Front Side (Interior) Rear Front Street Street Right of Way Right of Way Property Line Rear Property Line 2. Front setbacks are measured from the edge of the nearest right-of-way line. 3. Side interior setbacks are measured from the side property line or the edge of the right-of-way where applicable. 4. Rear setbacks are measured from the rear property line or the edge of the right-of-way where applicable. 5. When the side interior or rear setback is 0 or 5 feet, the building or structure must be placed on the side or rear property line or be placed a minimum of 5 feet from the side or rear property line or the edge of the right-of-way line where applicable. 6. The Town Manager determines the application of front, side and rear setbacks to any irregularly shaped lot.
Cleveland County	We measure setbacks from the footprint of a structure, whether that be the house, deck, or anything else. We don't use overhang as a consideration unless it was something major and looked to encroach on another property but that rarely if ever happens.
City of Hendersonville	We measure from any part except for where we have specific allowed encroachments. We allow roof overhangs on the side and rear up to 3' to be exempt. We also allow for porches and balconies to be exempt up to 5' in certain zoning districts.
Town of Huntersville	Definitions are below, but the short answer is the setback is measured from the structure and if anything (deck, porch, etc.) is attached to the structure it must also adhere to the setback for the structure. However, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into (front) setback area up to 8 feet per Article 4 of the Zoning Ordinance for detached and attached houses.  Subordinate attached structures are allowed to encroach into the rear yard for single family homes per Article 8.8.9  .9 Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of its depth, and may consume up to 20% of its area. Attached garages accessed from rear alleys may extend into the required rear yard to within 3' of the alley right-of-way encroachment, and may consume up to 50% of its area.
Kitty Hawk	Kitty Hawk codes states that anything over 30" from grade must comply with the setback requirements with a few exceptions: -HVAC stands can encroach 5' into side yard setbacks -Uncovered front porches and steps can encroach 4' into front setbacks -Roof eaves or overhangs, firewalls, elevated bay windows, elevated fireplace projections, and light fixtures can encroach up to 2' into any setback
City of Lenoir	City of Lenoir measures from the property line to anything that adds to the building's footprint. So steps and decks, yes. If the applicant can show that the eaves or awning on the roof extend far out from the foundation, we wouldn't count that.
City of Mebane	We interpret our UDO as requiring us to measure from any structure needing a building permit; at-grade patios, pergolas, etc., are not included. This would include features outside the four walls of the primary structure. We have separate setbacks for accessory structure smaller than 12x12.
Town of Montreat	Historically, building setbacks are typically intended to separate primary building massing (i.e. main walls) from other buildings and/or to create light/air and fire-breaks between buildings. Setbacks are typically measured from property lines.
Perquimans County	We measure from any part of the structure, including porches, stairs, etc. Exceptions are specifically defined in the ordinance for lots with road frontage on 2 sides.
Town of Red Oak	Setback distances shall be measured from the road right-of-way line or property line to a point on the lot that is nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it, nor a building part allowed to encroach into a setback.
City of Roxboro	In Roxboro Our Ordinance states the setback is to the property line (which may or may not coincide with the ROW in some situations). Also, for the front setback, any part of the footprint is used to measure the distance, such as a porch, deck, step, etc.  In the rear and side yards, uncovered decks, porches, etc. are allowed to be up to 5' away from a property line, so we only consider the covered portion of the structure setback from the property line and uncovered items can be closer.
City of Wilson	We measure structures from the exterior of the building to the right-of-way or property line. We have some exceptions for porches, steps as noted in Chapter 4 of our UDO. <a href="https://www.WilsonNC.org/UDO">See Section 4.5.4 for Exceptions at www.WilsonNC.org/UDO</a> .

## ARTICLE XII

### DENSITY AND DIMENSIONAL REGULATIONS

#### **Section 15-184 Building Setback Requirements.**

- (a) Subject to Section 15-187 (Architecturally Integrated Subdivisions) and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below: **(AMENDED 1/22/85)**
- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
  - (2) As used in this section, the term “lot boundary line” refers to lot boundaries other than those that abut streets.
  - (3) As used in this section, the term “building” includes any substantial structure, which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
    - a. Gas pumps and overhead canopies or roofs.
    - b. Fences, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in height and are substantially opaque except that fences, walls or berms shall not be regarded as “buildings” within the meaning of this subsection if they are located along the rear lot line of lots that have street frontage along both the front and rear of such lots. **(AMENDED 5/19/98)**
    - c. Pergolas, except that a pergola will not be considered a “building” for purposes of this section if it consists merely of an insubstantial frame, no larger than 15 feet long on any side, presents itself visually more as a part of the landscape than as a building. **(AMENDED 10/22/13)**
    - d. Facilities that house and/or contain domesticated livestock except that the building setbacks for rabbits and fowl shall adhere to the requirements in Chapter 10, Article III, Domesticated Livestock and Wild Animals, of the Town Code. **(AMENDED 2/28/17)**
  - (4) Notwithstanding any other provision of this chapter, signs that do not meet the definition of freestanding signs may be erected on or affixed to structures (e.g., some fences) that are not subject to the setback requirements applicable

## Art. XII DENSITY AND DIMENSIONAL REGULATIONS

to buildings only if such signs are located such that they satisfy the setback requirements applicable to freestanding signs in the district where located. (AMENDED 5/26/81; 12/7/83; 2/4/86; 11/14/88; 5/15/90; 4/16/91; 1/16/01)

- (5) Notwithstanding the foregoing, the first three feet of roof overhang on a residential structure constructed in a residential zoning district is not considered a building for the purposes of this section and is not subject to the building setback requirements. (AMENDED 4/22/14; 10/22/19)

ZONE	Minimum Distance from Street Right of Way line		Minimum Distance from Street Centerline		Minimum Distance from Lot Boundary Line
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
<b>C</b>	25	12.5	55	42.5	20
<b>WR</b>	35	17.5	65	47.5	20
<b>RR</b>	40	20	70	50	20
<b>R-20</b>	40	20	70	50	20
<b>R-15</b>	35	17.5	55	47.5	20
<b>R-10</b>	25	12.5	55	42.5	12
<b>R-S.I.R.</b>	25	12.5	55	42.5	10
<b>R-7.5</b>	25	12.5	55	42.5	10
<b>R-3</b>	15	7.5	45	37.5	8
<b>B-1(c)</b>	--	--	30	--	--
<b>B-1(g)</b>	--	--	30	--	--
<b>B-2</b>	15	7.5	45	37.5	10
<b>B-3</b>	15	7.5	45	37.5	15
<b>B-3-T</b>	15	7.5	45	37.5	15
<b>B-4</b>	30	15	60	45	10
<b>CT</b>	--	--	30	--	--
<b>B-5</b>	40	20	70	50	20
<b>M-1</b>	--	--	30	--	--
<b>M-2</b>	--	--	30	--	--
<b>WM-3</b>	30	15	60	45	20
<b>O</b>	15	7.5	45	37.5	15
<b>O/A</b>	15	7.5	45	37.5	15
<b>R-2</b>	15	7.5	45	37.5	8, plus 2 feet for every additional foot above 35 feet in height
<b>HR-CC</b>	50	20	70	50	50/20 (50 from edge of HR-CC district as established on date of adoption 02/09/2021; otherwise 20)
<b>HR-R</b>	50	20	70	50	20

## Art. XII DENSITY AND DIMENSIONAL REGULATIONS

- (b) With respect to lots within the R-20 district that were in existence or had received preliminary plat approval by Orange County prior to November 14, 1988 and were outside the town's extraterritorial planning jurisdiction but that on or after that date became zoned R-20 as a result of the implementation of the Joint Planning Agreement:
  - (1) The minimum set back distance from the lot boundary line shall be 15 feet rather than the 20 feet indicated in the table set forth in subsection (a);
  - (2) On lots having frontage on more than one street, the building setback applicable to the street which the front of the principal building located on that lot faces shall be as set forth in subsection (a). The building setback from the other streets shall be 15 feet from the right-of-way line. **(AMENDED 4/25/89)**
- (c) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, then the lot in the nonresidential district shall be required to observe the property line setback requirements applicable to the adjoining residential lot.
- (d) Setback distances shall be measured from the property line or street centerline to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.). Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height. **(AMENDED 5/19/98)**
- (e) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:
  - (1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.
  - (2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Minimum Distance from Lot Boundary Line") shall be measured from the inside boundary of the traveled portion of the private road.
- (f) Notwithstanding any other provision of this section, on lots in residential zones used for residential purposes, a maximum of one accessory building may be located in the rear yard of such lot without regard to the setback requirements otherwise applicable to the rear lot boundary line if such accessory building does not exceed fifteen feet in height or contain more than 150 square feet of gross floor area. **(AMENDED 5/26/81)**
- (g) Reserved. **(REPEALED 3/24/09)**

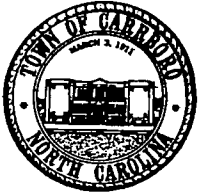
## Art. XII DENSITY AND DIMENSIONAL REGULATIONS

- (h) Reserved. **(REPEALED 3/24/09)**
- (i) Notwithstanding any other provision of this section, no setback requirement shall apply to bus shelters erected by or at the direction of the town. **(AMENDED 1/22/85)**
- (j) Notwithstanding any provision in (a), no minimum distance from a lot boundary line for buildings or freestanding signs shall be required from any railroad right-of-way or other railroad property being used principally as a track bed or corridor. **(AMENDED 2/4/86)**
- (k) In addition to the overall density restrictions of the underlying zone, each mobile home unit in any mobile home community (use classification 1.122 or 1.123) must be placed such that it is at least 10 feet in any direction from any other mobile home unit within the community, in order to reduce the likelihood of the spread of fire. **(AMENDED 10/20/87)**
- (l) Notwithstanding the provisions of subsections (a) or (b), properties located in Carrboro's Transition Area II, and zoned R-R shall be required to maintain a 100-foot undisturbed, naturally vegetated setback along any common boundary line with Properties in Orange County's planning jurisdiction that are designated both Rural Buffer and Public/Private Open Space on the Joint Planning Area Land Use Plan. No structures or associated clearing shall be permitted within this setback. Utilities and associated clearing shall be permitted within this setback only to the extent that no reasonable alternative exists. **(AMENDED 6/05/89)**
- (m) When the neighborhood preservation district commission determines that an application for a permit under this ordinance involves a proposed authentic restoration, new construction or reconstruction in the same location and in the original conformation of a structure within a neighborhood preservation district that has architectural or historic significance, but that such proposed restoration, construction or reconstruction cannot reasonably be accomplished in conformity with the setback requirements set forth in this section, the neighborhood preservation district commission may recommend, and the permit issuing authority may allow, a deviation from these requirements to the extent reasonably necessary to accommodate such restoration, construction or reconstruction. **(AMENDED 9/26/89)**
- (n) Signs erected in connection with elections or political campaigns, as described in subsection 15-273(a)(5), shall not be subject to the setback requirements of this section. However, as provided in subsection 15-273(a)(5), such signs may not be attached to any natural or human-made permanent structure located within a public right-of-way, including without limitation trees, utility poles, or traffic control signs. **(AMENDED 8/25/92)**
- (o) When the appearance commission determines that (i) any new construction or any repair, renovation, or reconstruction of a pre-existing building is proposed within

## Art. XII DENSITY AND DIMENSIONAL REGULATIONS

any commercial zoning district; and (ii) the appearance of the building would be substantially improved by the addition of or extension of an architectural feature; and (iii) the feature proposed by the appearance commission would violate the setback provisions of this section, then, subject to the following requirements, the commission may recommend, and upon such recommendation the applicant may amend their plans to propose and the permit issuing authority may authorize, an encroachment of such architectural feature into the required setback area.

- (1) For purposes of this subsection, the term “architectural feature” includes any part of a building other than a building wall or mechanical appurtenance.
  - (2) The maximum encroachment that can be authorized under this subsection is two feet.
  - (3) The encroachment may be allowed when the appearance commission and permit issuing authority both conclude that authorization of the encroachment would result in a building that is more compatible with the surrounding neighborhood than would be the case if the encroachment were not allowed. **(AMENDED 11/09/93)**
- (p) Notwithstanding the other provisions of this section, in the historic district, no portion of any new dwelling unit on a flag lot may be located any closer than fifteen (15) feet from any property line or any closer than thirty (30) feet from any existing dwelling unit located on the lot from which the flag lot was created (see Section 15-175.10). **(AMENDED 11/21/95)**
- (q) Notwithstanding the other provisions of this section, the base of a use classification 18.200 tower shall be set back from a street right-of-way line and a lot boundary lane a distance that is not less than the height of the tower. **(AMENDED 2/18/97)**
- (r) Notwithstanding any provision in this section with respect to use classification 1.340, single-room occupancy buildings may be set back from a street right-of-way line a distance that is consistent with the setbacks of other nearby buildings that front the same street. **(AMENDED 1/11/00)**



## TOWN OF CARRBORO

## Planning Board

*301 West Main Street, Carrboro, North Carolina 27510*

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

THURSDAY, APRIL 7, 2022

**Land Use Ordinance Text Amendment to Modify Setback Provisions Relating to Steps**

Motion was made by Sinclair and seconded by Fray that the Planning Board of the Town of Carrboro recommends that the Town Council approve the draft ordinance, with the following comments:

The draft ordinance be revised to include ramps equally with steps and also to expand the landing permitted to five feet by five feet in size. We are requesting this modification even though the reasonable accommodations provision exists in order that the LUO be equitable for citizens of all abilities and not impose an additional regulatory burden on them.

**VOTE:**

AYES: (6) Poulton, Fray, Sinclair, Foushee, Clinton, Mangum

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (4) Gaylord-Miles, Posada, Amina, Tooloee

**Associated Findings**

By a unanimous show of hands, the Planning Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment or any close familial or business relationship to the applicant.

Motion was made by Fray and seconded by Mangum that the Planning Board of the Town of Carrboro finds the proposed amendment is consistent with the intent of the setback standards in the Land Use Ordinance, and Carrboro Vision2020 provisions for balanced and controlled growth.

Furthermore, the Planning Board of the Town of Carrboro finds that the text amendment is reasonable and in the public interest because it allows for some limited flexibility subject to specific criteria and while retaining the fire separation.

**VOTE:**

AYES: (6) Poulton, Fray, Sinclair, Foushee, Clinton, Mangum

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (4) Gaylord-Miles, Posada, Amina, Tooloee

BRAXTON FOUSHEE  
(Chair)

4/12/22  
(Date)



## ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
[www.orangecountync.gov](http://www.orangecountync.gov)



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



### TRANSMITTAL DELIVERED VIA EMAIL

March 31, 2022

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

### **SUBJECT: Joint Planning Review of Proposed Ordinance Amendments**

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on March 15, 2022 and proposed for town public hearing on April 19, 2022:

- *An Ordinance Amending the Carrboro Land Use Ordinance to Modify Setback Provisions Relating to Steps*

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

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

Sincerely,

A handwritten signature in black ink that reads "Perdita Holtz". The signature is written in a cursive style.

Perdita Holtz, AICP  
Planning Systems Coordinator



# Town of Carrboro

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

## Agenda Item Abstract

**File Number:**22-133

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Finance Performance Indicator of Concern Letter for FY 2021 Audit

**PURPOSE:** The purpose of this agenda item is to brief Town Council on a Finance Performance Indicator of Concern Letter from the Local Government Commission related to the FY 2021 Audit

**DEPARTMENT:** Finance

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**CONTACT INFORMATION:** Arche McAdoo, 919.918.7439

**INFORMATION:** On April 7, 2022 the Finance Officer received an e-mail from Joe Futima, Financial Analyst, State and Local Government Finance Division, Local Government Commission, inquiring about the Town's response to a Financial Performance Indicator of Concern Letter (FPICL) regarding the late submission of our audit for the Year Ending June 30, 2021. Before we can issue any debt, the Town must submit an adequate response and identify steps to prevent any recurrence.

The audit was due to the Local Government Commission on December 1, 2021, five months and one day from the fiscal year end; however, the audit was not filed until January 24, 2022. The reason for the late filing was because of the need for a single audit identified in late November 2021 by independent auditor's management review of the audit file due to errors in the preliminary Schedule of Expenditures of Federal and State Awards. Normally this Schedule would be reviewed by earlier in the audit process and before firm's management reviews audit files. The manager on the team assigned to our account left the firm immediately after the field visit work began in early September. We were under the impression that the audit was proceeding on schedule and the firm had made the necessary realignment of staff resources to get it completed on time.

Under 20 NCAC 03.0508, the independent auditor is required to notify the governing board and present, during their presentation, any *"significant deficiencies, material weaknesses, other findings or if the auditor determined that Financial Performance Indicators of Concern were identified based on information presented in the audited financial statements . . ."*.

In the presentation to the Carrboro Town Council on February 1, 2022 the independent auditor, Dixon Hughes Goodman, did not communicate any significant deficiencies, material weaknesses, other findings; nor, did the auditors identify any Financial Performance Indicators of Concern based on information presented in the

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**Agenda Date:** 4/19/2022

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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audited financial statements.

To prevent a recurrence of the late filing of financial statements, the Finance Officer shall review the Schedule of Expenditures of Federal and State Awards with the independent auditors prior to the start of yearend audit fieldwork; and the independent auditor shall communicate to the Finance Officer any required corrections in this Schedule prior to the start of yearend audit fieldwork. Additionally, we will a) seek to include financial penalty in future audit contracts for failure to file financial statements on time, and b) withhold final payment until financial statements have been filed and processed by the LGC.

In discussing this matter further with staff at the LGC, we need to submit a formal response by April 26 to keep our 203 Project financing application on schedule for the May 3<sup>rd</sup> meeting of the LGC. With their advice and direction, we have prepared the attached resolution for adoption by the Council to acknowledge and respond to the late submission.

**FISCAL & STAFF IMPACT:** None

**RECOMMENDATION:** We recommend adoption of the attached resolution and submission to the LGC.

**Resolution of the Carrboro Town Council's Acknowledgement and Response to Late Submission of FY 2021 Audit to the NC Local Government Commission**

WHEREAS, the Carrboro Town Council has been briefed by the Finance Officer on the submission of the Town's FY 2021 Audit to the North Carolina Local Government Commission (LGC) after December 1, 2021, the required due date for submission; and,

WHEREAS, the audit was filed late because of the need for a single audit identified in late November 2021 by independent auditor's management review of the audit file due to errors in the preliminary Schedule of Expenditures of Federal and State Awards; and,

WHEREAS, independent auditor is required by 20 NCAC 03.0508 to present to the governing board any Finance Performance Indicator(s) of Concern (FPICs); and,

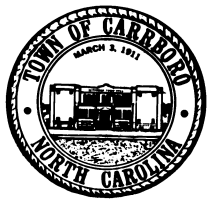
WHEREAS, the governing board is required to respond to any FPIC within 60 days after audit presentation by the independent auditor; and,

WHEREAS, the independent auditor in its presentation to the governing board on February 21, 2022 did not identify that a FPIC had been issued by the LGC; and,

WHEREAS, the Finance Officer has identified steps to prevent a recurrence of the late filing of financial statements.

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

1. The Carrboro Town Council acknowledges and accepts the FPIC issued by the LGC.
2. The financial statements for FY 2021 were in fact submitted to the LGC after the required deadline.
3. To prevent a recurrence of late filing of financial statements, the Finance Officer shall review the Schedule of Expenditures of Federal and State Awards with the independent auditors prior to the start of yearend audit fieldwork; and the independent auditor shall communicate to the Finance Officer any required corrections in this Schedule prior to the start of yearend audit fieldwork.
4. This resolution is effective immediately.



## TOWN OF CARRBORO

NORTH CAROLINA

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April 12, 2022

H. Jones Norris, Jr.  
Senior Accounting & Financial Management Advisor  
State and Local Government  
Finance Division  
3200 Atlantic Avenue  
Raleigh, NC 27604

Dear Mr. Norris:

RE: Finance Performance Indicator of Concern

On April 7, 2022 I received an e-mail from Joe Futima following up on our response to a Financial Performance Indicator of Concern Letter (PICL) regarding our audit for the Year Ending June 30, 2021. He reminded me that an adequate response is necessary before we can issue any debt.

This e-mail from Mr. Futima was a big surprise to me. This was the first I had heard we received a PICL. Our independent auditors in their presentation to the Town Council on February 1, 2022 did not mention any PICL that needed to be addressed by the Town. When I contacted the audit firm on April 8<sup>th</sup>, they expressed having no knowledge of this matter but agreed to look into it.

The manager on the team assigned to our account left the firm immediately after the field visit work began in early September, apparently without any notice. I was under the impression that the audit was proceeding on schedule and the firm had made the necessary realignment of staff resources to get it completed on time.

Our auditors reportedly submitted our audit to the LGC Portal on January 24, 2022. Our auditors advised us that we would need to amend the audit contract because of the lateness of the submission. Subsequently, we submitted the appropriate documents to our Town Council for an amendment, which they approved on February 1, 2022, the same day of the audit presentation to them.

As I understand 20 NCAC 03.0508, it is the independent auditor's responsibility to notify the governing board and present, during their presentation, any "*significant deficiencies, material weaknesses, other findings or if the auditor determined that Financial Performance Indicators of Concern were identified based on information presented in the audited financial statements . . .*".

In the presentation to the Carrboro Town Council on February 1, 2022 the auditor's did not communicate any significant deficiencies, material weaknesses, other findings; nor, did the auditors identify any Financial Performance Indicators of Concern based on information presented in the audited financial statements.

We do not agree that this is a Major Performance Indicator of Concern because:

1. This was not communicated by the independent auditors to the Chief Financial Officer;
2. Town Council was not advised of this during auditors' presentation;
3. There are not any instances of significant deficiencies, material weaknesses or other findings cited in the audit; and,
4. No management letter was issued to the Town by the independent auditors.

Given the above, we do not believe a response is required as stated in 20 NCAC 03. We, therefore, humbly request that this PICL be removed from our record.

Thank you for your consideration.

Sincerely,

Arche L. McAdoo  
Chief Finance Officer

cc: Mayor Damon Seils  
Richard J. White III, Town Manager  
John Frank, CPA, Dixon, Hughes, LLP