



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Meeting Agenda Town Council



Tuesday, October 11, 2022

7:00 PM

Council Chambers - Room 110

7:00-7:05

A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

7:05-7:10

B. ANNOUNCEMENT OF UPCOMING MEETINGS

7:10-7:20

C. PUBLIC COMMENT

7:20-7:25

D. CONSENT AGENDA

1. [22-287](#) Approval of Minutes from the April 5 and April 12, 2022 Meetings
2. [22-275](#) Resolution to Modify the COVID-19 Mitigation Business Grant Program
PURPOSE: The purpose of this item is to modify the COVID-19 Mitigation Business Grant Program to provide a procedure for requesting a change in the use of grant funds.
3. **22-277** A Request to Set a Public Hearing for Consideration of a Minor Modification to the Perry Place Special Use Permit-A Project at 800 and 802 Merritt Mill Road

PURPOSE: The purpose of this agenda item is to request that Town Council adopt a resolution setting a public hearing date for consideration of a Minor Modification to the Special Use Permit-A for Perry Place at 800 and 802 Merritt Mill Road. The modification would allow NCDOT to complete right of way improvements within the Merritt Mill Road corridor in lieu of CASA doing so.
4. [22-282](#) Ordinance amending the Carrboro Town Code to comply with SB

300, SL 2021-138, and other statutory amendments

PURPOSE: The purpose of this agenda item is to approve amendments to the Town Code to be in compliance with SB 300, SL 2021-138, and other statutory amendments.

5. [22-276](#)

Appointment to Carrboro Northern Transition Area Advisory Committee

PURPOSE: The purpose of this agenda item is for the Town Council to make an appointment to the Northern Transition Area Advisory Committee and recommend the appointment to the Orange County Board of Commissioners.

6. [22-281](#)

Appointments to the Economic Sustainability Commission

PURPOSE: The purpose of this agenda item is for the Town Council to make appointments to the Economic Sustainability Commission.

7. [22-278](#)

Appointments to the Stormwater Advisory Commission

PURPOSE: The purpose of this agenda item is for the Town Council to make appointments to the Stormwater Advisory Commission.

8. [22-288](#)

Adoption of Policies for the Expenditure of American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt policies required for the expenditure of American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds (ARP/CSLFRF).

E. OTHER MATTERS

7:25-8:10

1. [22-289](#)

Adoption of Grant Project Ordinance for Expenditure of ARP/CSLFRF Funds

PURPOSE: The purpose of this agenda item is to present to the Town Council an allocation plan for expenditure of ARP/CSLFRF funds.

8:10-8:20

2. [22-279](#)

Appointments to the Environmental Advisory Board

PURPOSE: The purpose of this agenda item is for the Town Council to make appointments to the Environmental Advisory Board.

8:20-9:05

Council Work Session

3. [22-103](#) Council Work Session: Carrboro Cemeteries

PURPOSE: The purpose of this agenda item is to provide an update to the Town Council on the status of the two Town cemeteries - Westwood and the Old Carrboro Cemetery - and to seek input on the long-term operation and use of the two Town cemeteries.

F. MATTERS BY COUNCIL MEMBERS

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



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-287

Agenda #: 1.

Agenda Date: 10/11/2022

Category: Agendas

Approval of Minutes from the April 5 and April 12, 2022 Meetings



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-275

Agenda #: 2.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Resolution to Modify the COVID-19 Mitigation Business Grant Program

PURPOSE: The purpose of this item is to modify the COVID-19 Mitigation Business Grant Program to provide a procedure for requesting a change in the use of grant funds.

DEPARTMENT: Economic Development

CONTACT INFORMATION: Jon Hartman-Brown; JHartman-Brown@CarrboroNC.gov
<<mailto:JHartman-Brown@CarrboroNC.gov>>; 919-918-7319

INFORMATION: Town Council approved the original policy on September 15, 2021. Since the award and distribution of the grant funds, staff have received a request for a modification to an awardee's expenditure items. While the policy does address what an applicant must do to request a change, it does not address a procedure for making these changes on the Town's side.

This resolution will amend the policy adding section 3.3.1 entitled Procedure for Requesting Changes (page 2) to establish that the recipient must resubmit their budget expenditure form along with a statement explaining why the approved activities are no longer suitable and why the new activities are a more appropriate use of the funds. The request will go before the review committee for a recommendation to the Town Council.

FISCAL & STAFF IMPACT: No anticipated fiscal impacts. Staff impacts will be simply in the processing and preparing the proposed changes for committee and Council review.

RECOMMENDATION: Staff recommend approval of the resolution.

**A RESOLUTION MODIFYING THE COVID-19
MITIGATION BUSINESS GRANT PROGRAM
POLICY**

October 11, 2022

WHEREAS, the Carrboro Town Council allocated up to \$300,000 of funds from the American Recovery Plan Act to support the recovery of small businesses; and

WHEREAS, on September 15, 2021 the Carrboro Town Council approved the COVID-19 Mitigation Business Grant Policy to distribute the funds; and

WHEREAS, a grant recipient has requested a change to their grant application expenditures; and

WHEREAS, there is not a clear procedure established in the policy for making changes to a grant recipient's application expenditures.

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

- Section 1. Section 3.3.1 entitled "Procedure for Requesting Changes" and which states, "Recipients requesting a change in activities shall resubmit the application in Appendix A with the new grant activities being requested for approval. In addition to resubmitting the application, a statement explaining why the prior grant activities are longer suitable uses for the grant and why the new activities are a more appropriate use of these funds shall also be submitted. The submitted information shall be reviewed by the Carrboro COVID-19 Loan Review Committee and approved by the Town Council." shall be added to the COVID-19 Mitigation Business Grant Policy.
- 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

COVID-19 Mitigation Business Grant Policy

1. Application Requirements, Period, and Funding Acknowledgement

- 1.1. **Minimum application requirements.** Applicants must be an incorporated business that has been in existence prior to July 1, 2020 and have a physical location (including a home office) within the Carrboro Town limits. All grant award recipients will be required to enter into a Grant Agreement.
- 1.2. **ARPA funding requirements.** These funds are provided to the Town of Carrboro as a part of the American Rescue Plan Act. The American Rescue Plan Act requires that businesses receiving these funds must adequately demonstrate and document how these funds will be used by their business to mitigate the negative economic impacts from COVID-19. Additionally, they must be used in compliance with the U.S. Treasury's Interim Final Rules and Guidance on Coronavirus State and Local Fiscal Recovery Funds. Applicants that do not demonstrate a negative economic impact from the pandemic and how funds received will mitigate the negative economic impact, will not be considered for funding.
- 1.3. **Application Period.** Applications for this grant program will be accepted from September __, 2021 to October __, 2021. If all funds are not awarded after all grant applications are reviewed, a second round of grant applications may be accepted.
- 1.4. **Falsification.** Any information submitted in and a part of the grant application shall be true and accurate to the best of the business leadership's knowledge. Any falsification may result in the application being denied and the applicant barred from applying for this grant program in the future. If falsification is discovered after an award has been made, the applicant shall be required to return or repay the grant award.

2. Application Review and Prioritization

- 2.1. **Application.** The application for this program shall be attached and made a part of this policy as Appendix A.
- 2.2. **Review Committee.** The Carrboro COVID-19 Loan Review Committee will be assembled to review and prioritize all submitted applications meeting the minimum application requirements. The review committee will use the priorities identified in section 2.3 to award priority. Additionally, the Review Committee will utilize criteria in section 2.4 to evaluate how the use of these funds will mitigate the negative impact COVID-19 has had on the business. The committee shall submit applicants that they determine to be awarded to the Town Council for final approval.
- 2.3. **Priorities.** Grant applications will be evaluated and prioritized based on the following criteria.
 - Tourism Sector Business – 10 points

- Year-over-year revenue loss of 30 percent or greater for any 6-month period from April 2020 to April 2021 – 10 points
- BIPOC Business or Woman Business – 10 points
- A Certified Living Wage Employer – 6 points
- Locally owned business – 6 points
- Located in Carrboro for 5+ years – 4 points
- Businesses with 2 or fewer locations – 4 points
- Businesses within 500 feet of the proposed 203 Project – 4 points

2.4. **COVID-19 Impact Narrative.** Grant applications shall receive additional prioritization based on the extent to which grant funds in the particular situation will mitigate the negative economic impact on the business.

3. Eligible Uses of Grant Funds

3.1. **Grant Activities.** The grant awards may be utilized for costs related to the following activities.

- Marketing and advertising including but not limited to social media, print, radio, or television advertising, providing rewards for loyalty programs, or purchasing promotional marketing materials.
- Back rent and utilities including but not limited to overdue gas, water, electric, or internet utilities, overdue building or facility rents, or overdue property taxes.
- COVID-19 loan repayment including but not limited to private loans issued after April 1, 2020, business credit card debt acquired after April 1, 2020, loans issued by the Town, County, or State after April 1, 2020 (Federally issued PPP and EIDL loan repayment is not permitted).
- Training new under- or un-skilled employees including but not limited to the salary for an employee trainer to train new under- or un-skilled employees, or courses for training seminars for new under- or un-skilled employees related to the business type.
- Capital expenditures to adapt business to a post-COVID-19 environment including but not limited to equipment, building improvements, or outdoor dining enhancements.

3.2. **Maximum Grant Award.** The maximum grant award is \$20,000. No more than one grant may be awarded to any one-business entity.

3.3. **Change in Activities.** Applicant may not alter or change the approved activities without prior approval by the Town. Any unauthorized activities may result in the entire grant award being withdrawn and the applicant required to repay all funds to the Town.

3.3.1. **Procedure for Requesting Changes.** Recipients requesting a change in activities shall resubmit the application in Appendix A with the new grant activities being requested for approval. In addition to resubmitting the application, a statement explaining why the prior grant activities are no longer suitable uses for the grant and why the new activities are a more appropriate use of these funds shall also be submitted. The submitted information shall be

[reviewed by the Carrboro COVID-19 Loan Review Committee and approved by the Town Council.](#)

4. Reporting and Accountability

- 4.1. **Final Report.** A Final Report shall be submitted to the Town and all award funds expended no later than 1 year after the award being made. The Final Report must include copies of receipts, copies of checks, photos of items purchased or capital improvements made, a narrative of how the grant activities have mitigated the negative impacts that COVID-19 has had on the business.
 - 4.1.1. **Six Month Report.** If a Final Report has not be submitted within 6-months after the award is made, award recipients are required to provide a Six Month Report which shall include what activities funds have been expended and a short narrative explaining the status or delay in expending the full award funds.
- 4.2. **Failure.** Failure to provide a final report, spend the award funds within 1 year from the award date, or spending the award funds on unapproved activities not listed in the application will result in the unspent funding or the entire grant award being withdrawn and be required to be repaid to the Town.

5. Federal Funds Provisions

- 5.1. The following Federal provisions pursuant to 2 C.F.R. 200.326 and 200 C.F.R. Part 200, Appendix 2, apply or may apply: Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland 'Anti-Kickback' Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q); Federal Water Pollution Control Act (33 U.S. C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S. C. 1352); Procurement of Recovered materials (2 C.F.R. 200.322); and Record retention Requirements (2 C.F.R. 200.324).

6. Definitions

- 6.1. **BIPOC Business.** A business in which persons-of-color holds an ownership stake of no less than 51 percent.
- 6.2. **Business.** Any establishment engaged in the selling of goods or services for the purpose of generating a profit.
- 6.3. **Living Wage Business.** A business that possesses an active living wage certification from Orange County Living Wage or Durham Living Wage Project.
- 6.4. **Locally-owned Business.** A business in which persons holding a total of no less than 75 percent of ownership stake in the business have a primary residence located in Alamance, Caswell, Chatham, Durham, Orange, or Person County in North Carolina.
- 6.5. **Tourism Sector.** A restaurant, bar, brewery, hotel/motel, or entertainment venue.

6.6. Woman Businesses. A business in which women hold an ownership stake of no less than 51 percent.

Appendix A - COVID-19 Mitigation Business Grant Application

Business Name:

Address:

City:

State:

Zip Code:

Business Owner/CEO/CAO:

Contact Name (if different from above):

Phone Number:

Email:

APPLICATION REQUIREMENTS

Before continuing, please review the following application requirements and confirm below.

Minimum application requirements. Applicants must be an incorporated business or a non-profit organization or program that has been in existence prior to July 1, 2020 and have a physical location (including a home office) within the Carrboro Town limits. All grant award recipients will be required to enter into a Grant Agreement.

ARPA funding requirements. These funds are provided to the Town of Carrboro as a part of the American Rescue Plan Act. The American Rescue Plan Act requires that businesses receiving these funds must adequately demonstrate and document how these funds will be used by their business to mitigate the negative economic impacts from COVID-19. Additionally, they must be used in compliance with the U.S. Treasury's Interim Final Rules and Guidance on Coronavirus State and Local Fiscal Recovery Funds. Applicants that do not demonstrate a negative economic impact from the pandemic and how funds received will mitigate the negative economic impact, will not be considered for funding.

☐ **By checking this box, I confirm this business meets the requirements of this grant program.**

Grant Uses

Grant awards may be used for multiple grant activity categories, but the total maximum grant award can not exceed \$20,000. No more than one grant may be awarded to any one business entity. Please use the attached budget form to identify the grant use category, what projects will be completed, a short description, and the amount of the request.

- Marketing and advertising – examples include social media, print, radio, or television advertising, providing rewards for loyalty programs, or purchasing promotional marketing materials.

- Back rent and utilities – examples include overdue gas, water, electric, or internet utilities, overdue building or facility rents, or overdue property taxes.
- COVID-19 loan repayment – examples include private loans issued after April 1, 2020, business credit card debt acquired after April 1, 2020, loans issued by the Town, County, or State after April 1, 2020 (Federally issued PPP and EIDL loan repayment is not permitted).
- Capital improvements to adapt business to a post-COVID-19 environment – examples include equipment, enhance cleaning efforts, barriers or partitions, changes to enable social distancing, building improvements, or outdoor dining enhancements.
- Training new under- or un-skilled employees (*not to exceed 10 percent of the total grant request or \$1,500, whichever is greater*) – examples include the salary for an employee trainer to train new under- or un-skilled employees, or courses for training seminars for new under- or un-skilled employees related to the business type.

Negative Economic Impact Narrative

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

Additional Information

Please check the box and provide additional supporting documentation where applicable. Evidence may be requested if not provided with the application.

- ☐ Tourism Sector Business (restaurant, bar, brewery, hotel/motel, or entertainment venue)
- ☐ Average year-over-year revenue loss of 30 percent or greater for any 6-month period from April 2020 to April 2021 (please submit financial statement for the appropriate period)
- ☐ BIPOC Business or a Woman Business
- ☐ A Certified Living Wage Employer (Orange County Living Wage or Durham Living Wage Project, please submit a copy of your certification)
- ☐ Locally owned business (owner resides in Alamance, Caswell, Chatham, Durham, Orange, or Person County, NC, please submit copy of driver's license with DOB and license number marked out)
- ☐ Located in Carrboro for 5+ years *Year moved/started in Carrboro:*
- ☐ Businesses with 2 or fewer locations
- ☐ Businesses within 500 feet of the proposed 203 Project

Application Submission Statement

Be submitting this application and signing below, I agree that I am authorized to submit this application on behalf of the business listed in this application, that all of the information submitted in and with this application is truthful and accurate to the best of my knowledge, that **there is no intention at this time to close the business for a period of at least 2 years after the award has been granted**, and that the grant requests made in this application meet the minimum application requirements to the best of my knowledge.

Additionally, I understand that a Final Report shall be submitted and all award funds expended no later than 1 year after the award being made and that failure to alter or change the approved activities the funds are spend on without prior approval may result in the entire grant award being withdrawn and be required to be repaid to the Town.

I also agree to abide by the COVID-19 Mitigation Business Grant Policy, which regulates the administration of this grant.

Business Owner/CEO/COO/CAO

Date

Budget Form

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

GRANT CATEGORY	ACTIVITY	DESCRIPTION	TOTAL COST	GRANT REQUEST
Example: Back Rent & Utilities	Overdue back rent	Back rent for the building at 100 N. Main St. for April, May, and June 2021.	\$6,500.00	\$6,500.00
TOTAL GRANT REQUEST				



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-277

Agenda #: 3.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

A Request to Set a Public Hearing for Consideration of a Minor Modification to the Perry Place Special Use Permit-A Project at 800 and 802 Merritt Mill Road

PURPOSE: The purpose of this agenda item is to request that Town Council adopt a resolution setting a public hearing date for consideration of a Minor Modification to the Special Use Permit-A for Perry Place at 800 and 802 Merritt Mill Road. The modification would allow NCDOT to complete right of way improvements within the Merritt Mill Road corridor in lieu of CASA doing so.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@carrboronc.gov <<mailto:mroupe@carrboronc.gov>>

INFORMATION: On March 27, 2018, the Town Council approved a Special Use Permit-A for CASA to build a 48 unit affordable housing project at 800 and 802 Merritt Mill Road. Half of the units will be located in Chapel Hill and half will be located in Carrboro. Construction of the project is well underway and completion is expected in early 2023. Coordination between CASA and both towns continues as the project moves toward completion.

In recent discussions with NCDOT about upcoming right of way improvements to Merritt Mill Road, the towns realized that the work assigned to CASA through the approved permits may be duplicative with respect to work that NCDOT will be doing. More specifically, because Merritt Mill Road is scheduled to be resurfaced in the near future, both towns have engaged a consultant to conduct an operational analysis to determine if the cross section of the roadway can be changed to include bike lanes. Rather than have CASA do work that may potentially be modified by NCDOT soon thereafter, the towns began discussing with CASA applying for a permit modification to allow NCDOT to make the improvements instead of CASA. If approved as requested, CASA would realize a costs savings of approximately \$200,000, as referenced in their attached letter (Attachment B).

The terms of Chapel Hill's ordinance and permit for the project requires a public hearing. While a public hearing is not required in Carrboro, town staff is requesting that Carrboro Town Council set and hold a public hearing as well on the Minor Modification request for consistency between the two jurisdictions regarding how the request is being considered. A resolution is provided as Attachment A setting a public hearing date of October 18, 2022 for consideration of the request. Chapel Hill will open their public hearing for the matter the following night, October 19, 2022. Additional information about coordinating the decision date will be provided during the public hearing. As of now, the tentative decision date in Chapel Hill is November 16.

FISCAL & STAFF IMPACT: No fiscal or staff impacts are noted in relation to setting the public

hearing. The applicant is paying the applicable permitting fees associated with the hearing. The applicant has applied for fee waiver, which would be paid through the town's Affordable Housing Special Revenue Fund.

RECOMMENDATION: Town staff recommends that the Town Council adopt the attached resolution setting a public hearing date on October 18,2022 for consideration of the Minor Modification request.

The following resolution was introduced by Council Member _____ and duly seconded by Council Member _____.

**A RESOLUTION SETTING A PUBLIC HEARING DATE FOR A MINOR
MODIFICATION TO THE SPECIAL USE PERMIT-A ISSUED TO CASA FOR
CONSTRUCTION OF PERRY PLACE AT 800 AND 802 MERRITT MILL ROAD TO
ALLOW FOR NCDOT TO MAKE IMPROVEMENTS TO MERRITT MILL ROAD.**

WHEREAS, the Carrboro Town Council approved a Special Use Permit-A for the Perry Place Project at 800 and 802 Merritt Mill Road on March 27, 2018; and

WHEREAS, the Town of Carrboro desires to see developments constructed in the Town's jurisdiction in a responsible and marketable manner; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications, and

WHEREAS, approval of the request will allow NCDOT to complete upcoming improvements to the Merritt Mill Road right of way corridor instead of CASA completing improvements that may otherwise need to be modified soon thereafter.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that a public hearing is called for October 18, 2022 for consideration of the Minor Modification to the Perry Place Special Use Permit-A.

This the 11th day of October 2022.



September 29, 2022

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

Town of Carrboro
301 West Main Street
Carrboro, NC 27510

Re: Request for Major Modification (Special Use Permit 9778-93-2136)

Greetings,

CASA is requesting a modification to **Stipulation #8** and **Stipulation #9** in the approved Special Use Permit 9778-93-2136 related to the Merritt Mill East, Multi-Family Development, or Perry Place Apartments:

8. Curb and Pavement Transition Taper: It will be necessary to provide a minimum curb and pavement transition taper length of 50 feet for transitions to and from the bike lane prior to issuance of a Certificate of Occupancy.
9. Sidewalk and Bicycle Improvements: Prior to issuance of a Certificate of Occupancy, the developer shall construct 5-foot sidewalk and 5-foot bike lanes along the property frontage. That the design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation prior to issuance of the Zoning Compliance Permit.

It has come to CASA's attention that planning is underway for NCDOT improvements to Merritt Mill Road that includes Perry Place's property frontage. As a result, the requirements under Stipulation #8 related to providing a curb and pavement transition taper and Stipulation #9 involving the construction of a 5-foot sidewalk and 5-foot bike lane along the property frontage will be a duplicative effort for CASA to provide as owner/developer. NCDOT's approval timeline for improvements is scheduled to occur at the end of 2022 at the earliest, while CASA is currently anticipating certificate of occupancy for the entire project in early 2023.



The removal of Stipulation #8 and Stipulation #9 will save the project over \$200,000 in additional costs, which is critical to ensuring the success of Perry Place as an affordable tax credit project. Therefore, CASA is requesting a modified limited scope of review for a forthcoming Conditional Zoning District application. All other stipulations in our original approval remains the same.

CASA is grateful to both the Town of Chapel Hill and the Town of Carrboro for their continued support and collaboration on Perry Place. We appreciate the accommodation.

Sincerely,

MERRITT MILL APARTMENTS, LLC,
a North Carolina limited liability company

By: CASA, a North Carolina nonprofit corporation,
its Managing Member

A handwritten signature in black ink that reads "Jess Brandes". The signature is written in a cursive, flowing style.

Jess Brandes
Senior Director of Real Estate Development
CASA



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-282

Agenda #: 4.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Ordinance amending the Carrboro Town Code to comply with SB 300, SL 2021-138, and other statutory amendments

PURPOSE: The purpose of this agenda item is to approve amendments to the Town Code to be in compliance with SB 300, SL 2021-138, and other statutory amendments.

DEPARTMENT: Town Clerk / Town Attorney

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

INFORMATION: SB 300 placed certain limitations on the use of criminal penalties for violations of municipal ordinances. As a result, the Town Attorney drafted amendments to various sections of the Town Code to be compliant with SB 300, as well as amendments to comply with SL 2021-138 and other statutory amendments.

The proposed ordinance amending the Town Code to comply with SB 300, SL 2021-138, and other statutory amendments, is included as Attachment A.

Attachment B is a tracked changes document to various Town Code sections as it relates to the proposed amendments from Attachment A.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: It is recommended that Town Council adopt the ordinance amending the Town Code in various sections as presented.

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE TO
COMPLY WITH SB 300, SL 2021-138, AND OTHER STATUTORY AMENDMENTS
Ordinance No:

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 5-21 is amended as follows:

Existing subsection (a) is deleted, and existing subsections (b) and (b1) are redennominated as (a) and (b).

Section 2. Section 7-34 is amended as follows:

Existing subsection (a) is deleted. The first sentence of existing subsection (b) is rewritten to say, “A violation of this Article IV shall subject the violator to a civil penalty of \$25.00; and the second sentence is retained.

Existing subsections (b) through (e) are redennominated (a) through (d).

Section 3. Chapter 8 is amended as follows:

In “Subchapter I – Privilege License Tax” is deleted in its entirety, and existing subheading, “Subchapter II – Regulation and Licensing of Businesses,” is redennominated as “Subchapter I-Regulation of Licensing Businesses;” and existing ARTICLES V through XI are redennominated ARTICLES I through VII.

In “Subchapter II – Regulation and Licensing of Businesses,” existing section 8-45(a) is deleted and subsections (b) through (e) are renumbered (a) through (d); existing subsection (b) is rewritten to says, “A violation of Section 8-41 shall subject the offender to a civil penalty of twenty five dollars (\$25.00). If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt.”

Existing section 8-51 is deleted, and the section is labelled “Reserved”.

In existing subsection 8-80(a), the first sentence is deleted; and in existing subsection 8-80(b), the first sentence is rewritten to say, “A violation of sections 8-41, 8-52, 8-53, 8-61(a), and 8-62(a) and (b) shall subject the offender to a civil penalty of twenty-five dollars (\$25.00).”

In Subchapter III – Anti-Discrimination in Places or Public Accommodations and in Employment” existing subsections 8-84(a) and (b) are deleted, and the text of Section 8-84 is rewritten to say: “Any person, firm or corporation violating any provisions of this Article may be subject to an enforcement action brought by the Town under G.S. 160A-175(d) and (e) for an appropriate equitable remedy, including but not limited to a mandatory or prohibitory injunction commanding the offender to correct the conduct prohibited under this Article.”

Section 4. Chapter 10 Animal Control is amended to add a new Article V – PENALTIES FOR VIOLATION to read as follows:

Section 10-6 Penalties

The following penalties shall pertain to violations of this Ordinance.

- (a) Enforcement of this Ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes § 160A-175 (d) and (e).

- (b) A violation of this Ordinance may subject the offender to the civil penalties hereinafter set forth.

(1) The Orange County Animal Services Director (or designee) may issue to the known Owner or Keeper of any animal, or to any other violator of the provisions of this Ordinance, a ticket or citation giving notice of the alleged violation(s) and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. The following civil penalties shall be assessed for each violation of this Ordinance:

(i) Mistreatment of Animals (See Orange County Unified Animal Ordinance (UAO) Section 4-41) \$200.00. (ii) The civil penalty for a nuisance violation (UAO Section 4-45) shall be as follows:

Number of Prior Nuisance Violations	Amount
1	\$100.00
2	\$200.00
3 or more	\$400.00

(2) This civil penalty shall be paid to the Animal Services Director or his or her designee within 14 days of receipt. This civil penalty is in addition to any other fees, taxes, costs or fines imposed that are authorized by this Ordinance.

(3) In the event that the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the Owner or Keeper or other alleged violator of this Ordinance, and upon conviction, the Owner or Keeper shall be punished as provided by State law. Failure on the part of the Owner or Keeper of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of the Ordinance. Unless otherwise provided, the civil penalty for violation of this subsection is \$25.00, except where the original violation was for Failure to Vaccinate for Rabies in which case the civil Penalty for a violation of this subsection is \$100.00.

Section 10-7 Enforcement of the Display of Wild and Exotic Animals

Any person displaying or sponsoring a display of a wild or exotic animal at the date that the Orange County Unified Animal Control Ordinance (UAO) was adopted (Jan. 21, 2016) to prohibit such display shall comply with the UAO's prohibition on the display of wild or exotic animals within 30 days of the effective date of the UAO. (The Carrboro Town Council adopted a resolution authorizing enforcement of the UAO inside the Town limits.) No wild or exotic animals may be displayed that are not permitted by the United States Department of Agriculture nor shall any exotic or wild animal that has been designated a rabies vector species in North Carolina be displayed, except when approved by the Animal Services Director. Wild or Exotic animals designated as rabies vector species may only be displayed in a manner so as to not come into contact with the public.

(a) Investigations. The Orange County Animal Service Department shall investigate any complaints, reports, or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of the UAO to determine whether or not a violation has occurred.

(1) If the Orange County Animal Services Department determines that wild or exotic animals are being displayed in Orange County in violation of the UAO, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.

(2) The person against whom the warning is issued shall desist all activities in violation of the UAO as of the business day the written notice is given.

(b) Penalties.

(1) Reserved.

(2) Civil Penalty. —A person who violates any of the provisions of the UAO shall be subject to a civil penalty of \$250.00 per animal for each day of the violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty.

(3) Injunctive Relief.

a. Whenever the Orange County Animal Services Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate the UAO, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Section, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.

b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil penalty prescribed for violations of this Section.

Section 5. Section 11A-2 is amended to replace the reference to G.S. 160A-439 with “G.S. 160D-1119 et. seq.”

Section 6. Existing subsection 17-39(a) is deleted, and existing subsections (b) through (e) are redennominated (a) through(d).

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 8. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2022.

Ayes:

Noes:

Absent or Excused:

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Section 5-21 Penalties and Remedies

~~(a) A violation of any of the provisions of this chapter, other than those set forth in Article III, shall constitute a misdemeanor, punishable as provided in G.S. 14-4.~~

~~(b)~~ (a) A violation of any of the provisions of this chapter, other than Section 5-15, shall subject the offender to a civil penalty of \$25.00 for the first offense, \$50.00 for the second offense within a 30-day period, and \$100.00 for the third or any additional offense that occurs within any 30-day period. A violation of the provisions of Section 5-15 shall subject the offender to a civil penalty in the amount by which the contribution exceeds \$250.00. If a person fails to pay this penalty within 10 days after being cited for a violation, the Town may seek to recover the penalty by filing a civil action in the nature of debt.

~~(b1)~~ (b) A violation of the provisions of Article IV of this chapter shall subject the offender to a civil penalty of up to five thousand dollars (\$5,000.00). In determining the amount of the civil penalty assessment, the administrator shall consider the following factors, and the decision levying a civil penalty shall cite those factors deemed applicable:

- (1) The degree and extent of harm to the natural resources of the Town, to the public health, or to private property resulting from the violation;
- (2) The duration and gravity of the violation;
- (3) The cost to the violator or others of rectifying the damage;
- (4) The amount of money saved by the violator by noncompliance;
- (5) Whether the violation was committed willfully or intentionally, negligently, or as the result of an unforeseeable or unavoidable accident;
- (6) Whether the violator promptly ceased the violation upon notice by the Town and took whatever steps were reasonably possible to limit or correct any damage caused by the violation;
- (7) The prior record of the violator in complying or failing to comply with the provisions of Article IV of this chapter;
- (8) The cost to the Town of the enforcement procedures;

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(9) Whether the civil penalty is levied for a single day's violation or a single event or whether it is levied on a daily basis for a continuing violation, as authorized under subsection (d) below. Civil penalties levied on a daily basis may cumulatively exceed the \$5,000.00 cap set forth in this subsection.

Section 7-34 Penalties and Remedies

~~(a) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. 14-4: All sections of Article I and Article II; Section 7-17, 7-23(d), 7-24(c), and 7-25 of Article III; and 7-38(a), 7-389b) and 7-39 of Article V.~~

~~(b) A violation of any of the sections listed in subsection (a) as well as a violation of Section 7-32 shall also subject the offender to a civil penalty of \$25.00.~~ (a) A violation of this Article IV shall subject the violator to a civil penalty of \$25.00. If a person fails to pay this penalty within ten days after being cited for a violation, the Town may seek to recover the penalty by filing a civil action in the nature of debt.

~~(e)~~ (b) The Town may seek to enforce this chapter through any appropriate equitable action.

~~(d)~~ (c) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

~~(e)~~ (d) The Town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

CHAPTER 8

TRADES AND BUSINESSES

Subchapter I--Privilege License Tax

ARTICLE I--DEFINITIONS AND CONSTRUCTION

Section 8-1 _____ Definitions

Section 8-2 _____ Construction of this Subchapter

ARTICLE II--LEVY OF TAX

Section 8-3 _____ License and Payment of Tax Required

Section 8-4 _____ Exemptions

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Section 8-5 ————— License Tax Schedule

ARTICLE III — LICENSES

Section 8-6 ————— Licenses as Personal Privilege and Non-Assignable; Exception
Section 8-7 ————— License Year; When Tax Due and Payable
Section 8-8 ————— Separate Businesses; Multiple Businesses
Section 8-9 ————— New License Required Upon Alternation in Nature of Business
Section 8-10 ————— Application
Section 8-11 ————— Additional Information Required of Solicitors
Section 8-12 ————— Approval by Town Council, etc., and Compliance of Applicant with
Chapter Prerequisite to Issuance of License
Section 8-13 ————— Reasons for Refusal or Revocation of a License
Section 8-14 ————— Unqualified Applicants; Right to a Conference
Section 8-15 ————— Town Manager to Issue License; payment of Tax a Prerequisite
Section 8-16 ————— Amount of Tax Disputed
Section 8-17 ————— Revocation
Section 8-18 ————— Form and Contents; Town Manager to Keep Copy
Section 8-19 ————— Display
Section 8-20 ————— Duplicate Licenses
Section 8-21 ————— Record of Conferences
Section 8-22 ————— Providing Notice to an Applicant or Licensee
Section 8-23 ————— Exemptions from Tax Businesses Operated by Religious or
Charitable Organizations
Section 8-24 ————— Exemptions Limited to Those Provided for by Code and State Law
Section 8-25 ————— Revocation of Prior License for Late Payment of Tax; Refusal to
Issue New License Until Tax Paid
Section 8-26 ————— Each Day's Operation of Business Without License, After Tax Due
and Payable to Constitute Separate Offense

ARTICLE IV — ENFORCEMENT AND COLLECTIONS

Section 8-27 ————— Duty to Determine Whether Tax Due
Section 8-28 ————— Notice of Deficiency
Section 8-29 ————— Request for a Conference
Section 8-30 ————— Deficiency to Become Final
Section 8-31 ————— Conference Held
Section 8-32 ————— Collection of Deficiency
Section 8-33 ————— Appeals
Section 8-34 ————— Enforcement of Chapter
Section 8-35 through 8-39 Reserved

Sections 8-1 through 8-39 Reserved (amend 10/11/2022)

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Subchapter ~~H~~ **I - Regulation and **of** Licensing of Businesses**

ARTICLE ~~V~~ **I - INSULATION CONTRACTORS LICENSE**

Section 8-40	Administrator
Section 8-41	License Required
Section 8-42	License Application, Issuance, Duration, Revocation
Section 8-43	Appeals
Section 8-44	Bond Required
Section 8-45	Penalties and Remedies (amend 10/11/2022)
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ARTICLE ~~VI~~ **II - TAXICABS**

Section 8-50	Definitions
Section 8-51	Privilege License Required Reserved (amend 10/11/2022)
Section 8-52	Operator's Permit
Section 8-53	Taxicabs to Display Required Information
Section 8-54	Waiver of Certain Requirements
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ARTICLE ~~VII~~ **III - COMMERCIAL SOLICITATION**

Section 8-60	Definitions
Section 8-61	Commercial Solicitation Permit Required
Section 8-62	Application Requirements; Grounds for Denial
Sections 8-63 through 8-69	Reserved

ARTICLE ~~VIII~~ **IV - REGULATION OF SMOKING**

Section 8-70	Findings and Purpose
Section 8-71	Definitions
Section 8-72	Smoking Prohibited in Public Places
Section 8-73	Smoking in Eating Establishments
Section 8-74	Smoking in Places of Employment
Section 8-75	Signage
Section 8-76	Exclusions
Section 8-77	Enforcement

ARTICLE ~~IX~~ **V – TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY**

Section 8-78	Applicability
Section 8-78.1	Limitation on Fees for Towing from Private Property
Section 8-78.2	Report to Police Department
Section 8-78.3	Release Prior to Tow
Section 8-78.4	Signs Informing that Credit and Debit Cards Okay for Towing Fees
Section 8-79	Reserved

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ARTICLE ~~VI~~ - PENALTIES AND REMEDIES

Section 8-80

Penalties and Remedies (**amend. 10/11/2022**)

Subchapter III – Anti-discrimination in Place of Public Accommodations and in Employment
(Amend. 1/12/2021)

**ARTICLE ~~VI~~ VII– DISCRIMINATION PROHIBITED IN PLACED OF PUBLIC
ACCOMMODATIONS AND IN EMPLOYMENT**

Section 8-81

Definitions

Section 8-82

Discrimination in Places of Public Accommodations Prohibited

Section 8-83

Discrimination in Employment Prohibited

Section 8-84

Penalties and Enforcement (**amend. 10/11/2022**)

SUBCHAPTER I – PRIVILEGE LICENSE TAX

Article I

DEFINITIONS

Section 8-1—Definitions

For the purposes of this chapter, unless otherwise specifically provided or unless clearly required by the context, the following words or phrases shall have the meanings respectively ascribed to them by this section:

Agent means the person having authority to represent a manufacturer, producer or distributor of goods or services.

Business means any trade, occupation, profession or other activity engaged in by any person or entity or caused to be engaged in by any person or entity for gain, profit, benefit or advantage, direct or indirect, except that such term does not include occasional or isolated sales or transactions by a person or entity who does not hold themselves out as engaged in a business.

(1) A person “conducts a business” when that person engages in one act of any business. If a person or entity is (i) listed in the yellow pages of the telephone directory issued by a telephone system serving the Town, or (ii) listed on the internet or other forms of electronic media, as a business, or (iii) has taxable business valuation property listed in Orange County, that shall be prima facie evidence that the person is conducting a business.

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(2) A person or entity conducts a business “within the Town” when that person maintains a business location within the Town or when, either personally or

through agents, that person (i) solicits business within the Town, or (ii) picks up or delivers goods or services within the Town.

Electronic gaming operation means any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals (collectively the “machines”), to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina or any operations conducted by nonprofit organizations or entities.

Fiscal year means the period beginning with July 1 and ending on June 30 next following.

Gross receipts of the business means (i) for a business with its principal place of business within Carrboro’s corporate limits, total receipts from all sales of goods or services, and (ii) for businesses not having a principal place of business within Carrboro’s corporate limits, total receipts from sales or services generated within Carrboro’s corporate limits.

Town Manager means the duly appointed Town Manager of the Town of Carrboro or the Town Manager’s designee.

Section 8-2 — Construction of this Chapter

This chapter is enacted primarily for revenue purposes, and therefore it should be construed to require payment of the maximum tax permitted by its terms. A secondary purpose of this subchapter is to prevent the operation of covered businesses until the person or entity applying for the license has complied with certain Town ordinances. Issuance of a license pursuant to this subchapter does not excuse the licensee from compliance with any other ordinance or statute. This chapter does not prevent the Town from increasing or decreasing the amount of any license tax or regulating any business taxed.

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Article II

LEVY OF TAX

Section 8-3 License and Payment of Tax Required

Subject to Section 8-4, no person or entity may conduct any business within the Town until it has paid the tax required by this chapter and been issued a valid privilege license pursuant to this chapter. Privilege licenses shall be renewed, and privilege license tax shall be paid, annually in accordance with this Subchapter I.

Section 8-4 Exemptions

- (a) ~~If an individual conducts a business as a partner in a partnership or as an officer or employee of a corporation or as an employee or member of any other business entity, that individual is not required to obtain a privilege license or pay a privilege license tax. However, the partnership, corporation, or other business entity must obtain the license and pay the tax unless exempted by this section.~~
- (b) ~~Owners of real property who lease that property need not obtain a privilege license or pay a privilege license tax solely for acting as lessor of that property.~~
- (c) ~~A person who operates a business as a not for profit religious, educational, civic, patriotic, charitable, or fraternal organization, registered with the State of North Carolina is exempt from obtaining a privilege license and from paying a privilege license tax.~~
- (d) ~~Blind persons and persons who serve in the United States Armed Forces or the Merchant Marines are exempt from obtaining a privilege license and from paying any privilege license tax levied by this chapter to the extent formerly provided by G.S. 105-249 and G.S. 105-249.1 which have both been repealed.~~
- (e) ~~Persons or entities who pick up or deliver goods within the Town are not required to obtain a privilege license or pay a privilege license tax based solely on the pick up or delivery of goods as part of a transaction for the purchase and sale of such goods, where the purchaser and/or seller of such goods has a valid privilege license. (For example, a soft drink distributor not located in Carrboro may deliver a truck load of soft drinks to a grocery store in Carrboro without becoming liable to pay a privilege license tax or to obtain a privilege license because the grocery store in Carrboro does possess a privilege license and pays a privilege license tax.) Provided, however, that local courier services or delivery services who pick up and deliver goods for compensation, with a principal place of business within Carrboro's corporate limits shall be required to comply with the requirements of this Subchapter I.~~

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~~(f) This section does not apply to the businesses that are exempt by State law from obtaining a privilege license or paying a privilege license tax as provided by the indicated section of the General Statutes.~~

~~(g) Any business whose sole business activity within Carrboro's corporate limits is the sale or provision of goods or services at events conducted on Town-owned property shall be exempt from the requirements of this Subchapter I. Provided, however, that if such business conducts any other business within Carrboro's corporate limits it shall be subject to this Subchapter I with respect to revenues generated by such other business.~~

Section 8-5 — License Tax Schedule

~~(a) Subject to the provisions of subsections (b) and (c) of this section, all persons and entities conducting nonexempt business within the Town shall pay a privilege license tax in an amount based upon the annual gross receipts of that business during the previous year. The privilege license tax schedule shall be included in the Town Miscellaneous Fees and Charges Schedule and may be amended periodically by resolution of the Town Council, provided that amendments to the privilege license tax schedule shall become effective beginning the first fiscal year that occurs more than two months after the changes are adopted.~~

~~(2) If the business has been in operation for a period of least three months, but less than one year, on the date the privilege license application is due, then the amount of the tax shall be calculated by (i) estimating the annual gross receipts by dividing the actual gross receipts for the number of whole months the business has been in operation by that number of months, and multiplying that result by twelve, and (ii) determining the tax by using the estimated gross receipts in reference to the table set forth in subsection (a)1) above. (For example, if a business commences operation on March 1st and generates \$20,000 in gross receipts by June 30, the privilege license tax due would be calculated as follows: \$20,000 divided by 4 months (March, April, May, June) equals \$5,000, times 12 equals \$60,000; estimated gross receipts for privilege license tax purposes is \$60,000).~~

~~(3) If the business has not been in operation for at least three months on the date the privilege license application is due, or if the business is conducted or is intended to be conducted for not more than a total of ten days in any twelve-month period, then the amount of the privilege license tax shall be \$25.00.~~

~~(b) The businesses with rates fixed by state statute, incorporated within the Town's Miscellaneous Fees and Charges Schedule as "Schedule of Fees for Businesses Established by State Statute," shall pay a privilege license tax equal to the amount stated in the fee schedule. If substantially all the gross receipts of a business are derived from a single business activity that is subject to a rate fixed by the state, then that business shall~~

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pay a privilege license tax equal to the amount listed in the Schedule of Fees for Businesses Established by State Statute only. If only an insubstantial portion of a business's gross receipts are derived from a business activity whose rates are fixed in state statutes, then such business shall pay a privilege license tax as fixed by state statute plus an amount determined by application of the schedule established by subparagraph (a) to the gross receipts of the business minus the portion of its gross receipts derived from the business activity that is fixed by state statute. The privilege license fees, shall be maintained on file in the Town Clerk's office within the miscellaneous fees and charges schedules approved annually by the Town Council in connection with the annual budget ordinance.

(c) Notwithstanding the provisions of subsection (a) of this section, all persons and entities engaged in the business of an electronic gaming operation within the Town shall pay an annual privilege license tax in the amount of one thousand dollars (\$1,000) plus five hundred dollars (\$500.00) per electronic gaming machine used or stored as part of the electronic gaming operation.

Article III

LICENSES

Section 8-6 — Licenses as Personal Privilege and Non-Assignable; Exception

Every license issued under this chapter shall be a personal privilege and shall not be assignable; except, that when any business carried on at a fixed place designated in the license issued therefor is sold as a unit to any person or entity and the purchaser thereof is to carry on such business at the same place, the license for such business may be assigned to such purchaser who, upon delivery of such license properly assigned to the Town Manager, together with a written and signed statement that such business has been sold as a unit and that the purchaser is to carry on the same at the same place of business, shall be entitled to have a new and appropriate license issued to that person; provided, that any business requiring special approval from any local governmental entity shall not have such license issued until such special approval has been duly obtained from the proper authority.

Section 8-7 — License Year; When Tax Due and Payable

(a) The taxes levied by this chapter are levied as of July 1 for the fiscal year beginning with such day.

(b) In the case of businesses operating under a prior license, the license tax levied as of July 1 shall be due and payable not later than July 31. Payments made after July 31 shall be subject to a late payment penalty equal to five (5%) percent of the tax due or five dollars (\$5.00), whichever is greater.

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(c) ~~In the case of any business which is begun after July 1, the tax shall be due and payable before the business is begun.~~

Section 8-8 — Separate Businesses; Multiple Businesses

(a) ~~A separate license is required and a separate tax must be paid for each separate place of business operated within Carrboro's corporate limits by the licensee.~~

(b) ~~If two or more separate taxable businesses are operated at the same location by the same licensee, the Town Manager may issue one privilege license upon the payment of the total amount of taxes due for all businesses operated at the same time.~~

Section 8-9 — New License Required Upon Alteration in Nature of Business

~~When a license is issued to carry on a certain line of business and, after the issuance of such license, the licensee shall so change or alter the licensee's business as to bring it under a classification for which a higher license tax is required, the licensee shall, before making such change, deliver its license to the Town Manager, together with a written and signed statement as to the nature of such proposed change, and shall pay to the Town Manager the proper additional license tax. The Town Manager shall thereupon cancel the old license and shall issue to the licensee a new and appropriate license.~~

Section 8-10 — Application

(a) ~~Generally. Every application for a license required by this chapter shall be made in writing to the Department of Management Services upon a form provided by the Town. Such application shall be signed by either the applicant or its agent and shall furnish all the information as provided on the form.~~

(b) ~~Statement of gross receipts. When the amount of the tax to be paid depends on gross receipts, applicants for a license shall render to the Town Manager a sworn statement of the gross receipts of the business (as defined in Section 8-1), and upon an applicant's failure to render such a sworn statement, the amount of tax to be paid shall be \$200.~~

(c) ~~Confidentiality. To the extent permitted by law, all information regarding gross receipts furnished or secured under authority of this ordinance shall be kept in confidence by the Town Manager and used solely for the administration of this chapter. Provided that summaries of the information may be shared with other Town officials for purposes of research, analysis, and budgetary matters.~~

Section 8-11 — Additional Information Required of Solicitors

~~In addition to the information furnished by applicants on the application form as provided in section 8-10, every solicitor subject to the provisions of Article VII of this Subchapter I, who applies for a license shall furnish to the Town Manager the name and address of the person~~

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whom they represent, together with a description of the goods or services which they offer for sale. No license shall be issued to any solicitor who does not provide such additional information.

Section 8-12 Approval by Town Council, etc., and Compliance of Applicant with Chapter Prerequisite to Issuance of License

The Town Manager shall not issue any license when the application therefor is refused by the Town Council or by any local government board, commission or official, in any case where the approval of the Town Council, or of such other local government board, commission or official, is required before business may commence, nor shall the Town Manager issue any license until the applicant therefor has complied with every provision of this chapter, including the execution and delivery of any bond required.

Section 8-13 Reasons for Refusal or Revocation of a License

The Town Manager shall refuse to issue a license, or shall revoke a license already issued, for any of the following reasons:

- (1) The applicant misrepresents a fact relevant to calculating the amount of tax due or the applicant's qualifications for a license.
- (2) The applicant refuses to provide information necessary to compute the amount of tax due.
- (3) The applicant has not obtained a certificate of occupancy or other state or local government approval required by law as a condition precedent to conducting business when required to do so by local ordinance.
- (4) The administrator charged with the enforcement of the following codes or ordinances has certified to the Town Manager that the applicant has been found to be in violation of the law enforced by the administrator and has either failed to appeal that determination within the time provided or has exhausted all administrative and judicial appeals: North Carolina State Building Code, Zoning Ordinance, Subdivision Ordinance, Chapter 11 or 12 of the Town Code.

Section 8-14 Unqualified Applicants; Right to a Conference

- (a) If, after receipt of the completed application, the Town Manager believes that a reason exists to deny a license under Section 8-13, the Town Manager shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the Town Manager shall, pursuant to Section 8-22, give the applicant a written statement of the reasons for refusing the license. The applicant may, within ten days after receipt of such statement, request a conference to discuss the denial. Such request shall specify why the application should not have been denied. The Town Manager shall arrange the

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conference within a reasonable time, not to exceed thirty days after receipt of the request for a conference.

(b) If the Town Manager denies a license application, the applicant may reapply for a license at any time thereafter. If the reason for which the application was initially denied no longer exists, and if no other reason exists to deny to issue a license, the Town Manager shall issue the license pursuant to Section 8-15.

Section 8-15 Town Manager to Issue License; Payment of Tax a Prerequisite

If, after receipt of the completed application, the Town Manager believes that no reason exists to deny a license under Section 8-13, the Town Manager shall determine the amount of tax due and notify the applicant of that amount. The Town Manager shall not issue a license until the tax is paid.

Section 8-16 Amount of Tax Disputed

If the applicant disputes the amount of tax the Town Manager determines to be due, the applicant may either refuse to pay the tax and request a conference with the Town Manager to discuss the determination, or pay the amount and request a conference to discuss the applicant's right for a refund. If a conference is requested, the Town Manager shall arrange it in a reasonable time, not to exceed thirty days after receipt of the request for a conference. However, if the applicant refuses to pay the tax in the amount calculated by the Town Manager, no license shall be issued and the applicant shall not conduct business within Carrboro's corporate limits until the proper tax is paid.

Section 8-17 Revocation

(a) The Town Manager shall revoke a license if reason exists to revoke it as set forth in Section 8-13. The Town Manager may also revoke a license to operate a motor vehicle towing business within the Town if the Town Manager concludes that the licensee has violated the provisions of Article IX of this chapter. Before the Town Manager may revoke a license, the Town Manager shall give the licensee ten (10) days advance written notice of the grounds for revocation, pursuant to Section 8-22. The licensee may, within ten days after the day on which the notice is served, request in writing a conference with the Town Manager. The request shall specify the reasons why the license should not be revoked. The Town Manager shall arrange the conference within a reasonable time, not to exceed thirty days. The licensee may continue to operate its business until the conference is conducted.

(b) If the licensee fails to request a conference within ten days after the day on which notice is served, the Town Manager shall revoke the license. If the licensee requests a conference, the Town Manager may not revoke the license until after the conference.

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(c) If the Town Manager revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists, and if no other reason exists to deny a license, the Town Manager shall issue the license pursuant to Section 8-15; provided that, if a licensee has violated the provisions of Article IX of this chapter, a new or renewal license may not be issued for a period of three months after the effective date of the revocation.

Section 8-18 Form and Contents; Town Manager to Keep Copy

Every license issued shall show on the face thereof the name of the licensee, the nature of the business and the location thereof (provided such business has a fixed location), the time for which issued, the amount of the tax and the penalty, if any, paid. Any license requiring the approval of the Town Council, or of any other local government board, commission or official, shall indicate such approval on its face. The Town Manager shall keep an exact copy of each license issued, including the approval of the Town Council or of any board, commission or official endorsed on the face of the same.

Section 8-19 Display

Every license must be prominently displayed at the place of business of the licensee named therein or, if such licensee has no fixed place for doing business, such licensee must keep such license wherever such business is being operated and in a place where it can be seen at any time by an official to inspect the same.

Section 8-20 Duplicate Licenses

The Town Manager shall, when requested, issue duplicate licenses when such evidence as the Town Manager may require is presented to show that the original has been lost or destroyed. The fee fixed by the Town Council from time to time shall be paid for each duplicate license so issued.

Section 8-21 Record of Conferences

The Town Manager shall maintain for three years a written record of each conference held pursuant to this article. The record shall contain the applicant's or licensee's name, a copy of the applicant's or licensee's written request for a conference, the date of the conference, and a brief statement of the issues discussed and the result reached. A copy of this record shall be served upon the applicant or licensee in the manner provided by Section 8-22. After three years the Town Manager may dispose the record pursuant to G.S. 121-5.

Section 8-22 Providing Notice to an Applicant or Licensee

Whenever this chapter requires the Town Manager to provide a written statement or notice to an applicant or a licensee, the Town Manager may do so in any one of three ways:

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- (1) ~~By personally delivering the statement or notice to the applicant or licensee.~~
- (2) ~~By mailing the statement or notice by registered or certified mail, return receipt requested, to the address specified for that purpose in the licensee application.~~
- (3) ~~By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service or process under Rule 4, North Carolina Rules of Civil Procedure.~~

Section 8-23 Exemptions from Tax—Businesses Operated by Religious or Charitable Organizations

~~The license taxes levied by this chapter shall not apply to any business operated by any strictly religious or charitable not for profit organization registered with the State of North Carolina Secretary of State when the proceeds of such business are for the exclusive benefit of such organization.~~

Section 8-24 Exemptions Limited to Those Provided for by Code and State Law

~~Except as provided by section 8-4, 8-23, in the Town's Miscellaneous Fees and Charges Schedule, or as otherwise provided by State law, no business conducted within Carrboro's limits shall be exempt from the payment of the license taxes levied by this chapter.~~

Section 8-25 Revocation of Prior License for Late Payment of Tax; Refusal to Issue New License until Tax Paid

~~The privilege license tax is due each year. If a business fails to pay the privilege license tax when due, its license shall not be renewed, and no new privilege license shall be issued to the licensee for any business conducted within Carrboro's corporate limits by that licensee, until all past due privilege license taxes owed by the licensee are paid.~~

Section 8-26 Each Day's Operation of Business Without License, After Tax Due and Payable, to Constitute Separate Offense

~~Each day any person operates any business after the license tax therefore, as levied by this chapter, becomes due and payable, without paying such tax and securing a license for such business, shall constitute a separate offense.~~

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Article IV

ENFORCEMENT AND COLLECTIONS

Section 8-27 — Duty to Determine Whether Tax Due

(a) ~~Each person has the duty to determine whether the business that person conducts is subject to taxation under this Subchapter I, and if so, whether the tax has been paid for the current tax year.~~

(b) ~~If the Town Manager has reason to believe that a person is conducting a business in the town in violation of this Subchapter I, the Town Manager shall conduct an investigation to determine the person's tax liability.~~

Section 8-28 — Notice of Deficiency

~~If the Town Manager determines that a person has not paid the full amount of tax due under this ordinance, either for the current license year or for a prior license year, the Town Manager shall give the person written notice of the deficiency, pursuant to Section 8-22. The notice of deficiency shall specify: the total amount of tax due; the section of this chapter upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the manner and time period in which the person may respond to the notice of deficiency; and the consequences to the person if that person fails to respond as specified.~~

Section 8-29 — Request for a Conference

~~A person who receives a notice of deficiency pursuant to Section 8-28 may, within ten days after the day on which notice is served, request in writing a conference. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives notice of deficiency may object on the following grounds:~~

- ~~(1) That the tax due has already been paid.~~
- ~~(2) That the Town Manager miscalculated the amount of tax due.~~
- ~~(3) That the Town Manager based the Town Manager's calculation on incorrect or insufficient information concerning either the nature of amount of business conducted.~~

Section 8-30 — Deficiency to Become Final

~~If the taxpayer fails to request a conference pursuant to Section 8-29, the Town Manager's determination of deficiency becomes final and the Town Manager shall proceed to collect the deficiency.~~

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Section 8-31—Conference Held

If the taxpayer requests a conference, the Town Manager shall not proceed to collect the deficiency until the Town Manager hears the taxpayer's objections and determines that the deficiency should become final. The Town Manager shall maintain for three years records of each conference held pursuant to ~~Section 8-29~~, in accordance with the requirements of ~~Section 8-21~~.

Section 8-32—Collection of Deficiency

(a) The Town Manager may use any one, or a combination, of the following methods to collect a deficiency:

- ~~(1) Criminal prosecution in accordance with subsection 8-34(a).~~
- ~~(2) Civil penalties in accordance with subsection 8-34(b).~~
- ~~(3) Equitable relief in accordance with subsection 8-34(c).~~
- ~~(4) The remedies of levy and sale and attachment and garnishment in accordance with G.S. 160A-207.~~
- ~~(5) The remedies of levy and sale of real and personal property of the taxpayer within the city in accordance with the provision of G.S. 105-109.~~

~~(b) Any person who commences or continues to conduct a business taxed under this chapter without payment of the tax is liable for the additional tax of five percent of the privilege license tax due, but in no event less than Five Dollars (\$5.00), each thirty days that the privilege license tax remains delinquent.~~

Section 8-33—Appeals

~~(a) Subject to the provision of this section, a person may appeal to the Privilege License Tax Review Board a decision by the Town Manager:~~

- ~~(1) That an applicant is not entitled to a privilege license;~~
- ~~(2) That a licensee's privilege license should be revoked;~~
- ~~(3) Concerning the amount of tax owed by an applicant;~~
- ~~(4) That a person has not paid the amount of tax due for current license year or any prior years.~~

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(b) ~~An appeal may be taken only if the applicant has properly pursued and exhausted the applicant's right to have a conference with the Town Manager on any of the matters specified in subsection (a).~~

(c) ~~An appeal is taken by filing with the Town Manager a written notice of appeal. This notice of appeal must be filed not later than ten days after the appellant is served with the record of the conference as provided in Section 8-22 or 8-31.~~

(d) ~~The Privilege License Tax Review Board shall hear and decide the appeal within thirty days after notice of appeal is filed, unless the hearing is continued for good cause. The appellant shall be given at least five working days' notice of the date and time of hearing and shall be served with a written copy of the board's decision following the hearing. The burden of establishing the correctness of the Town Manager's decision shall be on the Town Manager.~~

(e) ~~The Privilege License Tax Review Board shall consist of the Mayor and the members of the Town Council, sitting ex officio. The board may choose its own chairperson and adopt its own rules of procedure, except that three members shall constitute a quorum and decisions shall be made by a majority of those present and voting.~~

Section 8-34 Enforcement of Chapter

(a) ~~A violation of Section 8-3 constitutes a misdemeanor punishable as provided in G.S. 14-4. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve a person of their liability for taxes imposed under this chapter.~~

(b) ~~A violation of Section 8-3 shall subject the offender to a civil penalty as provided for in G.S. 105-236. A violation of Section 8-19 shall subject the offender to a civil penalty of ten dollars (\$10.00). If the offender does not pay the penalty within ten days after the offender has been cited for a violation, the Town may attempt to recover the penalty by filing a civil action in the nature of debt. Payment of this civil penalty does not relieve a person of their liability for taxes imposed under this chapter.~~

(c) ~~The Town may seek appropriate equitable relief from a court of competent jurisdiction to prevent or redress violations of this chapter.~~

(d) ~~Each day that a violation of Section 8-3 of 8-19 exists after the person has been notified of the violation shall constitute a separate and distinct offense.~~

(e) ~~This chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.~~

Sections 8-35 through 8-39 Reserved

Sections 8-1 through 8-39 Reserved

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SUBCHAPTER II – REGULATION AND LICENSING OF BUSINESSES
SUBCHAPTER I - REGULATION OF LICENSING BUSINESSES

~~Article V~~ **ARTICLE I**

INSULATION CONTRACTORS LICENSE

Section 8-40 Administrator

As used in this article, the term “administrator” means the Town building inspector or any other person designated by the Town Manager to perform the functions assigned by this article to the administrator.

Section 8-41 License Required

(a) Subject to subsection (b), no person may, for a consideration, install, alter, or restore within the Town any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements without a license issued pursuant to this article.

(b) Subsection (a) shall not apply to:

- (1) General contractors licensed under Chapter 87 of the General Statutes; or
- (2) Persons working under the supervision of a registered architect or professional engineer; or
- (3) An owner working upon their own building.

Section 8-42 License Application, Issuance, Duration, Revocation

(a) Application for license under this article shall be made to the administrator on a form provided by the administrator and shall contain at least the following information:

- (1) The name and principal business address of the applicant;
- (2) The name, address, date of birth, and social security number of
 - a. The applicant, if an individual.
 - b. Each partner, if the applicant is a partnership.
 - c. Each corporate officer, if the applicant is a corporation.

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- (3) A complete record of the convictions of a felony or a crime involving dishonesty, fraud, or deceit by the applicant or any employee, partner, or officer of the applicant, whether in this state or any other jurisdiction;
 - (4) A complete record of the circumstances under which a license of the applicant (or any employee, partner or officer thereof) to do the type of work authorized by the license issued pursuant to this article has been suspended or revoked within the past three years.
- (b) The application shall be accompanied by a fee of \$10.00.
- (c) The administrator shall issue the license within fifteen days after receiving the completed application, unless the administrator finds that the applicant or any employee, partner, or officer thereof:
- (1) Has been convicted within the last three years of a felony or a crime involving dishonesty, fraud, or deceit, whether in this state or any other jurisdiction; or
 - (2) Within the last three years has been refused a license to do the work authorized by the licensing provision of this article, or has had such a license suspended or revoked by any local, state, or federal agency and such agency has not subsequently granted or restored the license; or
 - (3) Has knowingly made a false statement in the application; or
 - (4) Has failed to post the bond or other security required by Section 8-44.
- (d) Licenses issued pursuant to this article shall be valid for an annual period running from July 1st until the following June 30th. Renewal of such licenses shall be pursuant to the same procedures and requirements set forth for initial issuance.
- (e) A license may be revoked by the administrator, after notifying the licensee and giving the licensee an opportunity to be heard, upon a showing that any of the grounds for denying a license (as set forth in subsection (c)) then exist.

Section 8-43 Appeals

If one administrator refuses to issue a license or revokes a license, the applicant or licensee may appeal this decision to the Board of Adjustment. The burden of justifying the refusal or revocation shall be on the administrator. The decision of the administrator may be reversed by a majority vote of those present at the hearing (assuming a quorum is present).

Section 8-44 Bond Required

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Before a license may be issued to an applicant, the applicant shall post with the Town a license bond or other sufficient security in the amount of one thousand dollars (\$1,000.00), in a form approved by the Town Attorney, conditioned upon the applicant's complying during the term of the applicant's license with the provisions of this ordinance and with the terms of any building permit issued to install insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code.

Section 8-45 Penalties and Remedies

~~(a)~~ A violation of Section 8-41 shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

~~(b)~~ (a) A violation of Section 8-41 shall ~~also~~ subject the offender to a civil penalty of twenty-five dollars (\$25.00). If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt.

~~(c)~~ (b) Each day that a violation continues after notification that such violation exists shall constitute a separate offense for purposes of the penalties and remedies specified in this section.

~~(d)~~ (c) This article may be enforced by any appropriate equitable action.

~~(e)~~ (d) This ordinance may be enforced by any one, all, or any combination of the remedies authorized by this section.

Sections 8-46 through 8-49 Reserved

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~~Article VI~~ ARTICLE II

TAXICABS

Section 8-50 Definitions

Unless otherwise specifically provided or unless otherwise clearly required by the context, the following words and phrases shall have the meaning indicated when used in this article.

- (1) *Administrator*. The chief of police or any other person designated by the Town Manager to perform the responsibilities assigned by this chapter to the administrator.
- (2) *Conduct a taxicab business*. A person conducts a taxicab business when that person operates one or more taxicabs.
- (3) *Taxicab*. A motor vehicle that transports passengers for hire and has a capacity of not more than nine passengers.

Section 8-51 ~~Privilege License Required~~

~~(a) No person may conduct a taxicab business having a permanent office, headquarters, or similar place of business within the Town unless and until such person satisfies the requirements of this article and has been issued a privilege license under Subchapter I of this chapter.~~

~~(b) The privilege license to operate a taxicab business shall not be issued unless and until the applicant:~~

- ~~_____ (1) Pays to the Town the sum of fifteen dollars for each vehicle operated as a taxicab, as authorized by G.S. 20-97; and~~
- ~~_____ (2) Presents sufficient proof of financial responsibility (i.e., a certificate of liability insurance) as required by G.S. 20-280; and~~
- ~~_____ (3) Demonstrates that all drivers of all taxicabs operated by the business have been issued an operator's permit pursuant to Section 8-52.~~

~~(c) A privilege license issued under this section may be revoked, in accordance with the procedures in Subchapter I of this chapter, for any reason that would have justified denial of the license.~~

Section 8-51 Reserved

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Section 8-52 Operator's Permit

- (a) No person may operate a motor vehicle as a taxicab without a taxicab operator's permit issued by the administrator in accordance with this section.
- (b) An applicant for a taxicab operator's permit shall be required to furnish to the administrator, on forms prescribed by the Town or otherwise, information deemed reasonably necessary by the administrator to determine whether the permit should be issued according to the criteria set forth in subsection (c).
- (c) The taxicab operator's permit shall be issued unless the administrator determines that the permit should be refused for one of the following reasons:
- (1) Conviction of a felony against this State, or conviction of any offense against another state which would have been a felony if committed in this State;
 - (2) Violation of any federal or state law relating to the use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;
 - (3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;
 - (4) Violation of any federal or State law relating to prostitution; or
 - (5) Habitual violation of traffic laws or ordinances.
- (d) The taxicab operator's permit may be revoked by the administrator for any reason that would have justified denial of the permit as specified in subsection (c). Before revocation, the administrator shall notify the permit holder of the administrator's intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the administrator shall notify the permit holder in writing of the administrator's decision and the reasons therefor.

Section 8-53 Taxicabs to Display Required Information

Any person who conducts a taxicab business, as well as the driver of any taxicab, shall be responsible for ensuring that the following items are displayed within the taxi so as to be visible to passengers:

- (1) The taxicab operator's permit required by Section 8-52;
- (2) A photograph of the driver; and

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(3) The schedule of fares.

Section 8-54 Waiver of Certain Requirements

(a) Notwithstanding the other provisions of this article, a privilege license may be issued to an applicant who does not comply with the provisions of Subdivisions 8-51(b)(2) and (3) if the applicant has received a privilege license from another local government where the headquarters of such applicant lies and, in the opinion of the police chief, the requirements of the foregoing subdivisions are thereby rendered superfluous.

(b) The police chief may waive the requirements of Section 8-52 with respect to any taxicab operators employed by a taxicab business that is licensed by another municipality if the police chief finds that such other municipality employs procedures adequate to ensure that persons who could not receive operators' permits under Section 8-53 are also prohibited from operating taxicabs by such other municipality.

Sections 8-55 through 8-59 Reserved

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~~Article VII~~ **ARTICLE III**

COMMERCIAL SOLICITATION

Section 8-60 Definitions

Unless otherwise specifically provided or unless clearly required by the context, the following words and phrases shall have the meaning indicated when used in this article:

- (1) *Administrator*. The Chief of Police of the Carrboro Police Department, or the Chief's designee.
- (2) *Door-To-Door Salesperson or Solicitor*. Any person who, for themselves or as an agent for any other person or entity not otherwise exempt from this Article, without prior appointment with the occupants thereof, travels from dwelling to dwelling or place to place selling or offering for sale or taking orders for the sale of any services, goods, wares magazines, periodicals, or other merchandise of any kind.
- (3) *Itinerant merchant*. A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot, or other location in a county and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.
- (4) *Peddler*. A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.

Section 8-61 Commercial Solicitation Permit Required

- (a) Pursuant to authority granted by, *inter alia*, General Statutes 160A-178, and for the purpose of protecting the public from fraudulent, unfair or unsafe practices of some individuals or entities engaged in door-to-door commercial solicitation, the Town has adopted the following regulations. Peddlers, solicitors, and itinerant merchants doing business inside the Town limits shall be required to secure a permit issued by the Commercial Solicitation Administrator prior to the sale of goods.
- (b) A permit issued under this article shall be valid for the period specified in the permit, which period shall be the period the permittee intends to conduct business within the Town. Permits may be issued for a period of up to sixty (60) consecutive calendar days, with one renewal period of up to sixty (60) additional, consecutive days.

Section 8-62 Application Requirements; Grounds for Denial

- (a) To obtain the permit required by Section 8-61 above, a permit applicant shall:

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- (1) Provide a government-issued form of photographic identification;
- (2) Submit to the administrator the applicant's name, address, telephone number, photograph, and social security number;
- (3) Submit the name, address, and telephone number, taxpayer identification number and/or employer identification number, of any company, firm, organization, or person for whom the applicant is acting as an agent or employee;
- (4) State the type of service(s) or product(s) being sold or offered;
- (5) State the time period (not to exceed sixty [60] consecutive calendar days) for which the permit is sought;
- (6) Provide a statement of whether the applicant has been convicted of any misdemeanor or felony in any jurisdiction in any state in the past ten [10] years, and if so, provide details for each conviction;
- (7) State the applicant's date of birth, place of birth, height, weight, eye color, hair color and/or other unique identifying information (scars, tattoos, etc.); and
- (8) Pay the permit application fee and security deposit in such amount(s) as may be established by the Town.

(b) Upon receipt of a complete application, the administrator shall conduct a criminal background check through the North Carolina State Bureau of Investigation's Division of Criminal Investigation Network and shall otherwise investigate the applicant's background based on the following criteria:

- (1) For all applicants, a "NC Only – Criminal/Investigative Name Inquiry," shall be conducted.
- (2) For applicants that present an out-of-state identification, an additional "Out-of-State Name Query," from the applicant's state of origin shall be conducted.

Information obtained through this process shall be prima facie evident that the applicant possesses a documented criminal history.

(c) The administrator shall issue the permit requested under this article unless the administrator finds that:

- (1) Within the preceding ten years (for felonies) or five years (for misdemeanors), the applicant has been convicted of a Class A, B, C, D, E, F, or H felony as

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defined by G.S. 14-1. (or its equivalent from the applicant's state of origin), or of any crime involving moral turpitude, or other crimes of like nature; or

(2) The applicant is not in fact a legitimate agent or employee of the company, firm, organization, or person that the applicant purports to represent; or

(3) Any of the information provided by the applicant pursuant to subparagraph (a) above is false or incorrect; or

(4) The applicant has had a permit revoked within one year prior to the date of application.

(d) Upon completion of the investigation, the administrator shall forthwith either (i) issue the permit or (ii) deny the permit and provide the applicant with a written statement of the reasons for denial.

(e) An applicant to whom a commercial solicitation permit has been issued shall have such permit on their person, available for display, at all times while engaging in commercial solicitation activities.

Section 8-62.1 Revocation of Permit

(a) If after a permit has been issued, the administrator (i) finds that any of the information provided pursuant to Section 8-62(a)(2), (a)(3), (a)(4), (a)(6) or (a)(7), is incorrect, or (ii) makes any finding described in Section 8-62(c)(1) through (3) above, or (iii) determines that it is in the interest of public health or safety to do so, the administrator shall revoke the permit.

(b) If the administrator determines that a permit should be revoked, the administrator shall give the permittee written notice of such determination, which notice shall state the reason(s) for revocation. Such revocation shall become effective two (2) days after the date such written notice is given.

(c) The permittee may request a conference with the administrator in writing. Such request for a conference shall be made within ten (10) days of permittee's receipt of the notice of revocation. If the permittee fails to request a conference, the administrator's determination shall become final.

(d) If the permittee requests a conference, the administrator shall conduct the conference within five (5) business days of the request. The administrator shall notify the permittee in writing of the administrator's determination on the permittee's revocation conference within two (2) business days after completion of the conference.

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(e) The permittee may appeal the administrator's written determination to the Town Council by submitting a written notice of appeal to the administrator with a copy to the Town Clerk, within five (5) business days of the administrator's written determination.

(f) The Town Council shall hear and decide the appeal within thirty (30) days after the Notice of Appeal is filed, unless the hearing is continued for good cause. The permittee/applicant shall be given at least five (5) business days' notice of the date and time of hearing and shall be served with a written copy of the Council's decision following the hearing. The burden of establishing the correctness of the administrator's decision to revoke the permit shall be on the administrator.

(g) Unless the administrator expressly suspends or delays enforcement of the permit revocation, the permit revocation shall be effective during any appeal.

(h) If the permittee fails to request a conference with the administrator pursuant to subparagraph (c) above, then the administrator's revocation determination becomes final.

Section 8-63 Exemptions

The permit requirements of this Article shall not apply to:

- (1) Delivery of goods or services which have been ordered before delivery;
- (2) Circulation of petitions for signatures or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters;
- (3) Lawful promotion or expression of views concerning political, social, religious and other matters;
- (4) The solicitation of contributions or pledges thereof for bona fide nonprofit organizations;
- (5) The sale or delivery of goods to a business establishment.

Sections 8-64 through 8-69 reserved

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~~Article VIII~~ **ARTICLE IV**

REGULATION OF SMOKING

Section 8-70 Findings and Purpose

(a) The Town Council finds that:

(1) Exposure to environmental tobacco smoke (ETS) is a hazard to the public health. Scientific and medical evidence exists which documents this hazard including the 1992 report of the US Environmental Protection Agency on “Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders” which classified ETS as a Class A carcinogen and as one of the few agents known to cause cancer in people; and

(2) Studies have found that breathing ETS is a cause of disease, including lung cancer, in healthy nonsmokers. At special risk are children, elderly people, individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

(b) The purpose of this article is to protect and promote the public health and welfare by regulating smoking in public places, eating establishments, and places of employment to minimize the public's exposure to ETS. In fulfilling this purpose, this article recognizes that where individual needs conflict, the need to breathe smoke-free air shall have priority.

Section 8-71 Definitions

The following words and phrases shall have the meaning indicated when used in this article.

(1) “*Art/Entertainment Facility*” includes, but is not limited to, “theaters” meaning any enclosed facility engaged in the business of exhibiting motion pictures, plays or performances to an audience; concert halls, art galleries, auditoriums, indoor recreational areas, libraries, and museums.

(2) “*Eating Establishment*” means an establishment open to the public which is engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises. Eating establishments shall include businesses that are referred to as restaurants, cafeterias, or cafes. Eating establishments shall also include lunch stands, drink stands, grills, bars, lounges, snack bars, fast-food businesses, and other establishments (such as drugstores) which have a lunch counter or other section where food is sold to be eaten on the premises.

(3) “*Educational Facility*” means any public or private facility that is used for the principal purpose of providing instruction or training in a trade, craft, business, skill, or athletic or sports activity; or of providing child care; or primary, secondary, or higher education.

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- (4) “*Employee*” means any person who is employed by any employer for compensation, direct or indirect.
- (5) “*Employer*” means any person, business, partnership, corporation, or non-profit entity, who employs the services of one or more individual persons.
- (6) “*Enclosed Area*” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, or similar structures.
- (7) “*Health Care Facility*” means any facility associated with the rendition of health care, including, but not limited to, laboratories, hospitals, public and private health care facilities.
- (8) “*Place of Employment*” means any enclosed area where an employee is engaged to work for an employer, except that:
- a. A private residence is not a “place of employment” unless it is used as a licensed childcare facility, licensed health care facility, or domiciliary home.
 - b. The dining area of an eating establishment is not a “place of employment.”
- (9) “*Private Club*” means an establishment which maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member’s guest, and is not profit oriented.
- (10) “*Private Residence*” includes a resident’s room within a rest home or long-term care facility, a dormitory room, or a rooming house, or homeless shelter as long as the room is not shared by a non-smoker.
- (11) “*Public place or area*” means any enclosed area to which the public is invited or in which the public is generally permitted. The term does not include private residences, places generally restricted to employees, private offices, or other areas not generally available to the public except when accompanied by a person in charge of such premises or one who is employed by such person.
- (12) “*Smoking*” means inhaling, exhaling, burning, or carrying any lighted cigar, lighted cigarette, or other lighted tobacco product in any manner or in any form.
- (13) “*Sports Facility*” means an enclosed sports facility including, but not limited to, sports pavilions, bowling alleys, gymnasiums, health spas, swimming pools, roller and ice skating rinks, where members of the general public assemble either to engage in or witness physical exercise or events.

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Section 8-72 Smoking Prohibited In Public Places

(a) Smoking is prohibited within the enclosed areas of public places. Such public places include, but are not limited to, the following:

- (1) Elevators
- (2) Public rest rooms
- (3) Polling places
- (4) Lobbies, hallways, and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- (5) Busses and taxicabs
- (6) Public areas of art/entertainment facilities.
- (7) Public areas of retail stores, shopping malls, service establishments, offices, and other businesses or commercial facilities.
- (8) Public areas of sports facilities.
- (9) Public areas of health care facilities.
- (10) Public areas of educational facilities, including classrooms, gymnasiums, auditoriums, and other common areas.

(b) The smoking ban set forth in subsection (a) shall not apply to eating establishments of those areas within places of employment that are not generally open to the public.

Section 8-73 Smoking in Eating Establishments

Smoking is prohibited in all enclosed areas of restaurants and bars, except as provided in G.S. 130A-496(b).

Section 8-74 Smoking in Places of Employment

- (a) Employers shall make reasonable efforts to provide a smoke-free environment for nonsmoking employees. Each employer shall have the right to designate any place of employment as a nonsmoking place of employment.
- (b) Employers may define designated smoking areas for employees within their places of employment in accordance with this article. Effective July 1, 1995, any and all smoking

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areas in places of employment, other than individual, enclosed offices, must be (i) outside of the facility, or (ii) serviced by a separate and adequate heating, ventilation, and air conditioning (HVAC) system according to current standards established by American Society of Heating, Refrigeration, and Air Conditioning Engineers so as to provide a smoke-free environment for nonsmoking employees in enclosed buildings.

Section 8-75 Signage

(a) The owner of every public place or eating establishment where smoking is prohibited under the provisions of Sections 8-72 and 8-73 shall ensure that signs are conspicuously posted at the entrance to or within such places to give reasonable notice of the smoking ban to persons entering or occupying such places. Such signs shall have letters at least one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

(b) No person may remove or deface any placard required to be erected by or under the authority of this section.

Section 8-76 Exclusions

The provision of this article shall not apply to those places listed in G.S. 130A-498(b1) and as defined in G.S. 130A-492.

Section 8-77 Enforcement

(a) The proprietor, employer, or other person in charge of an eating establishment, public place or place of employment where smoking is regulated shall make reasonable efforts to prevent smoking in nonsmoking areas.

(b) No person may engage in smoking in violation of the provisions of this article. However, a violation of the provision of this article shall not subject the violator to the penalties set forth in Section 8-80 unless the violation occurs in an area where signs have been posted in accordance with Section 8-75 or the violator persists in smoking after having been informed by any person that smoking is unlawful in the location in question.

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~~Article IX~~ ARTICLE V

TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

Section 8-78 Applicability

The provisions of this article shall apply only to persons who are engaged in the business of towing motor vehicles, and only when such persons tow a motor vehicle from private property at the request of a person who is not the owner or operator of the motor vehicle that is towed.

Section 8-78.1 Limitation on Fees for Towing from Private Property

The towing or storage firm must accept payment by major credit and debit cards in addition to cash for all fees charged for services regulated by this article (including fees charged under Section 8-78.3). A refusal by a towing operator to accept payment by a major credit or debit card shall constitute a waiver by such operator of any entitlement to receive payment of such fee the towing or storage firm must provide a receipt for each payment at the time the payment is made.

Section 8-78.2 Report to Police Department

Within thirty (30) minutes after a vehicle has been placed at a storage site pursuant to this Article, the tow truck operator who removed the vehicle shall report by telephone to the Carrboro Police Department that the vehicle has been removed, a license tag number and description of the vehicle, and its present location.

Section 8-78.3 Release Prior to Tow

If, prior to the tow truck and vehicle having left the private property at which the vehicle was parked, the owner or operator or other person able to move the vehicle returns to the property, the tow truck operator shall release the vehicle to that person. No fee may be charged unless the vehicle has been attached to the tow truck prior to the arrival of the person.

Section 8-78.4 Signs Informing that Credit and Debit Cards Okay for Towing Fees

(a) Subject to subsection (b) of this section, no person may charge a fee for towing a motor vehicle from privately owned parking lots or areas unless the property from which the vehicle is towed contains signs that (i) (in accordance with Section 8-4(b) of the Town Charter) warn that vehicles parked on that property in violation of applicable parking restrictions will be towed at the owner's expense, and (ii) state towing operators are required by Town ordinance to accept payment by major credit and debit cards for vehicle towing and storage services.

(b) The limitations of subsection (a) of this section shall not apply to the towing of motor vehicles from (i) a driveway or parking area that is manifestly designed to serve up to

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four dwelling units on a single lot, or (ii) any other area on private property that is manifestly not designed or intended for the parking of motor vehicles.

Section 8-79 Reserved

~~ARTICLE X~~ **ARTICLE VI**

PENALTIES AND REMEDIES

Section 8-80 Penalties and Remedies.

- (a) ~~A violation of the following sections of Subchapter II shall constitute a misdemeanor, punishable as provided in G.S.14-4: 8-41, 8-51(a), 8-52, 8-53, 8-61(a), 8-62(a) and (b), 8-63 through 8-66, and 8-78 through 8-78.4. A violation of sections 8-70 through 8-77 is punishable as provided for in G.S. 130A-498(c1).~~
- (b) ~~A violation of the provisions listed in subsection (a), other than Sections 8-78 through 8-78.4, shall also subject the offender to a civil penalty of twenty five dollars (\$25.00).~~ **A violation of sections 8-41, 8-52, 8-53, 8-61(a), and 8-62(a) and (b) shall subject the offender to a civil penalty of twenty-five dollars (\$25.00) .** A violation of the provisions of Sections 8-78 through 8-78.4 shall subject the offender to a civil penalty of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred fifty dollars (\$250.00) for each subsequent offense. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt.
- (c) Each day that a violation continues after notification that such violation exists shall constitute a separate offense for purposes of the penalties and remedies in this section.
- (d) This subchapter may be enforced by any appropriate equitable action.
- (e) This subchapter may be enforced by any one, all, or any combination of the remedies authorized by this section.

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Subchapter III. Anti-discrimination in Places of Public Accommodations and in Employment

~~ARTICLE XI~~ **ARTICLE VII**
(Amend. 1/12/2021, 10/11/2022)

**DISCRIMINATION PROHIBITED IN PLACES OF PUBLIC ACCOMMODATIONS
AND IN EMPLOYMENT**

Section 8-81 Definitions.

The following definitions apply to this Article:

- (1) "Discrimination" means any difference in treatment based on race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability.
- (2) "Employer" includes any person employing one or more persons within the Town of Carrboro and any person acting in the interest of an employer, directly or indirectly.
- (3) "Gender identity or expression" means having or being perceived as having gender-related identity, expression, appearance, or behavior, whether or not that identity, expression, appearance, or behavior is different from that traditionally associated with the sex assigned to that individual at birth.
- (4) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, unincorporated organizations, fiduciaries, and other organized groups of persons
- (5) "Place of public accommodation" includes, but is not limited to, any place, facility, store, other establishment, hotel, or motel, which supplies goods or services on the premises to the public or which solicits or accepts the patronage or trade of any person.
- (6) "Pregnancy" includes, but is not limited to, pregnancy, childbirth, or any medical condition related to pregnancy or childbirth.

Section 8-82 Discrimination in Places of Public Accommodations Prohibited.

It shall be unlawful for any proprietor or their employer, keeper, or manager in a place of public accommodation to deny any person, except for reasons applicable alike to all persons, regardless of race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability the full enjoyment of the accommodations, advantages, facilities or privileges thereof.

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Section 8-83 Discrimination in Employment Prohibited.

It shall be unlawful for any employer, because of the race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, or disability of any person to refuse to hire or otherwise discriminate against that person with respect to hire, tenure, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

Section 8-84 Penalties and Enforcement.

~~(a) Any person, firm, or corporation violating any provisions of this Article shall, under G.S. 14-4(a), be guilty of a Class 3 misdemeanor and shall be fined five hundred dollars (\$500.00). Each and every day during which such discrimination continues shall be deemed a separate offense.~~

~~(b) In addition to, or in lieu of the remedy provided in subsection (a), any person, firm, or corporation violating any provisions of this Article may be subject to an enforcement action brought by the Town under G.S. 160A-175(d) and (e) for an appropriate equitable remedy, including but not limited to a mandatory or prohibitory injunction commanding the defendant to correct the conduct prohibited under this Article.~~

Any person, firm or corporation violating any provisions of this Article may be subject to an enforcement action brought by the Town under G.S. 160A-175(d) and (e) for an appropriate equitable remedy, including but not limited to a mandatory or prohibitory injunction commanding the offender to correct the conduct prohibited under this Article.

SCHEDULE A

SCHEDULE OF EXEMPT BUSINESSES

Amusements - manufacturing, selling, leasing or distributing moving picture films. (G.S. 105-36).

Attorneys, physicians, land surveyors, engineers, architects, photographers, real estate brokers, accountants, morticians, and similar professionals. (G.S. 105-41).

Private detective services. (G.S. 105-42).

Alarm system businesses. (G. S. 105-51.1).

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Persons engaged in the business of reporting the financial standing of persons, firms, and corporations. (G.S. 105-57).

Persons operating, maintaining, or placing on location music machines. (G.S. 105-65).

Operators or distributors of merchandise dispensing machines. (G.S. 105-65.1).

Installment paper dealers. (G.S. 105-83).

Wholesale distributors of motor fuels. (G.S. 105-99).

Certain cooperative associations. (G.S. 105-102.1).

Banks. (G.S. 105-102.3).

Dealers in office machines, home appliances, burglar alarms, smoke alarms or other warning devices. [G.S. 105-102.5(e)]

Businesses that sell or lease computers [G.S. 105-102.5)

Soft drink manufacturers and bottlers. [G.S. 105-113.50(a)]

Railroads. (G.S. 105-115).

Utility companies (electrical power, gas, water, and sewer). (G.S. 105-116).

Telephone companies. (G.S. 105-120).

Bus companies. (G.S. 105-120.1).

Insurance companies and associations. (G.S. 105-228.10).

Building and loan associations. (G.S. 105-228.25).

CHAPTER 10

ANIMAL CONTROL

On January 21, 2016 the Orange County Board of County Commissioners adopted a Unified Animal Control Ordinance with an effective date of March 1, 2016. The Carrboro Town Council has adopted a resolution authorizing the enforcement of the Unified Animal Control Ordinance in Carrboro's corporate limits with the exception of the sections below. As to matters covered by the sections below, the provisions apply in Carrboro's corporate limits. Otherwise, the Orange County Unified Animal Control Ordinance (UAO) applies in Carrboro.

ARTICLE I – DEFINITIONS

Section 10-1 Definitions

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ARTICLE II – TAXATION AND TAGS

Section 10-2 Privilege Tax on Dogs and Cats

ARTICLE III – LIVESTOCK AND WILD ANIMALS

Section 10-3 Permits

Section 10-4 Feeding of Deer Prohibited

ARTICLE IV – REGULATION AND CONTROL

Section 10-5 Dogs Prohibited Within Farmers Market

Section 10-5.1 Dog Owners Required to Remove Feces Deposited by Dogs

Section 10-5.2 Tethering of Dogs Generally Prohibited

ARTICLE V- PENALITIES FOR VIOLATION (Amend. Added 10/11/2022)

Section 10-6 Penalties

Section 10-7 Enforcement of the Display of Wild and Exotic Animals

Section 10-6 Penalties

The following penalties shall pertain to violations of this Ordinance.

(a) Enforcement of this Ordinance may include any appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to North Carolina General Statutes § 160A-175 (d) and (e).

(b) A violation of this Ordinance may subject the offender to the civil penalties hereinafter set forth.

(1) The Orange County Animal Services Director (or designee) may issue to the known Owner or Keeper of any animal, or to any other violator of the provisions of this Ordinance, a ticket or citation giving notice of the alleged violation(s) and of the civil penalty imposed. Tickets or citations so issued may be delivered in person or mailed by first class mail to the person charged if that person cannot readily be found. The following civil penalties shall be assessed for each violation of this Ordinance:

(i) Mistreatment of Animals (See Orange County Unified Animal Ordinance (UAO) Section 4-41) \$200.00. (ii) The civil penalty for a nuisance violation (UAO Section 4-45) shall be as follows:

Number of Prior Nuisance Violations	Amount
1	\$100.00
2	\$200.00
3 or more	\$400.00

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(2) This civil penalty shall be paid to the Animal Services Director or his or her designee within 14 days of receipt. This civil penalty is in addition to any other fees, taxes, costs or fines imposed that are authorized by this Ordinance.

(3) In the event that the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty, and/or a criminal summons may be issued against the Owner or Keeper or other alleged violator of this Ordinance, and upon conviction, the Owner or Keeper shall be punished as provided by State law. Failure on the part of the Owner or Keeper of an animal or other alleged violator to pay the applicable civil penalty within the time period prescribed is unlawful and a violation of the Ordinance. Unless otherwise provided, the civil penalty for violation of this subsection is \$25.00, except where the original violation was for Failure to Vaccinate for Rabies in which case the civil Penalty for a violation of this subsection is \$100.00.

Section 10-7 Enforcement of the Display of Wild and Exotic Animals

Any person displaying or sponsoring a display of a wild or exotic animal at the date that the Orange County Unified Animal Control Ordinance (UAO) was adopted (Jan. 21, 2016) to prohibit such display shall comply with the UAO's prohibition on the display of wild or exotic animals within 30 days of the effective date of the UAO. (The Carrboro Town Council adopted a resolution authorizing enforcement of the UAO inside the Town limits.) No wild or exotic animals may be displayed that are not permitted by the United States Department of Agriculture nor shall any exotic or wild animal that has been designated a rabies vector species in North Carolina be displayed, except when approved by the Animal Services Director. Wild or Exotic animals designated as rabies vector species may only be displayed in a manner so as to not come into contact with the public.

(a) Investigations. The Orange County Animal Service Department shall investigate any complaints, reports, or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of the UAO to determine whether or not a violation has occurred.

(1) If the Orange County Animal Services Department determines that wild or exotic animals are being displayed in Orange County in violation of the UAO, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.

(2) The person against whom the warning is issued shall desist all activities in violation of the UAO as of the business day the written notice is given.

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(b) Penalties.

(1) Reserved.

(2) Civil Penalty. —A person who violates any of the provisions of the UAO shall be subject to a civil penalty of \$250.00 per animal for each day of the violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 14 days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty.

(3) Injunctive Relief.

a. Whenever the Orange County Animal Services Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate the UAO, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Section, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.

b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil penalty prescribed for violations of this Section.

CHAPTER 11A

**TOWN OF CARRBORO VACANT NONRESIDENTIAL
BUILDING ORDINANCE**

Section 11A-2 Purpose

In order to protect the health, safety and welfare of the Town and its residents and citizens including but not limited to owners of vacant nonresidential buildings or structures, it is the

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purpose of this ordinance to establish minimum standards of maintenance, sanitation, and safety relating to vacant nonresidential buildings or structures, as expressly authorized by ~~G.S. § 160A-439~~ **G.S. 160D-1119 et. seq.** This ordinance provides for the repair, closing or demolition of vacant nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare. **(Amend 10/11/2022)**

Section 17-39 Penalties and Remedies for Violations **(amend. 10/11/2022)**

~~(a) Pursuant to G.S. § 14-4, violations of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Chapter or who fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) and in addition shall pay all court costs and expenses in the case.~~

~~(b)~~ **(a)** Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of one hundred dollars (\$100.00).

~~(c)~~ **(b)** Each day any violation continues after notification that such violation exists by the Inspector shall be considered a separate offense.

~~(d)~~ **(c)** If the offender fails to pay this penalty or take an appeal to the Board of Adjustment within fifteen (15) days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt.

~~(e)~~ **(d)** This ordinance may also be enforced by any appropriate equitable action.



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-276

Agenda #: 5.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Appointment to Carrboro Northern Transition Area Advisory Committee

PURPOSE: The purpose of this agenda item is for the Town Council to make an appointment to the Northern Transition Area Advisory Committee and recommend the appointment to the Orange County Board of Commissioners.

DEPARTMENT: Town Clerk

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

INFORMATION: The Northern Transition Area Advisory Committee currently has one vacant seat that needs appointment. This vacancy was a result of the resignation of Deborah Rich in October 2021.

Section 15-27 (a) and (b) of the Town Code reads, (a) There shall be a Northern Transition Area Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the Town Council. If the Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the Town Council requesting that they be made, the Town Council may make them. All members shall be residents of the Northern Transition Area. (b) Members of the committee shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed.

One application was received from Jennifer Conrad, who meets the NTAAC membership criteria. Jennifer's application is attached along with the chair form (Attachment B).

Due to the small size of this committee makeup, in the event more than 1 member is absent, achieving a quorum could be difficult. As a result, having a fully appointed board is important.

A current matrix of the NTAAC is included (Attachment C) along with an email from the NTAAC chair requesting this seat be filled (Attachment D).

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: It is recommended that the Council consider appointing Jennifer

Conrad to the NTAAC and approving the attached resolution (Attachment A). If approved, the Town Clerk will send the Orange County Board of Commissioners a copy of the resolution requesting that the Orange County seat be filled.

**A RESOLUTION MAKING AN APPOINTMENT TO THE
NORTHERN TRANSITION AREA ADVISORY COMMITTEE**

Section 1. The Carrboro Town Council hereby appoints the following applicant to the Northern Transition Area Advisory Committee:

Seat Designation	Appointee	Term Expiration
Orange County Representative	Jennifer Conrad	10/11/2025

Section 2. The Town of Carrboro Town Council requests that the Orange County Board of Commissioners appoint/reappoint Jennifer Conrad to a three-year term on the Northern Area Transition Advisory Committee.

Section 3. This resolution shall become effective upon adoption.

This the 11th day of October 2022.

Wesley Barker

From: noreply@civicplus.com
Sent: Tuesday, October 4, 2022 4:44 PM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

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

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:	Yes
10. If no, briefly explain:	<i>Field not completed.</i>
11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.	Occupation, Experience, or Special Skills
If other, please explain:	This applicant has showed active interest in our area for many years. She has come forth in earnest with a strong desire to help our area meet its goals. She is especially talented in communications and outreach and holds an appointment at UNC business school where she has proven professionalism and a strong understanding of working and communicating and facilitating cooperation among various neighbors in our diverse neighborhood

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Advisory Board Application - Submission #6133

Date Submitted: 2/4/2022

First Name*

Jennifer

Last Name*

Conrad

Date*

2/4/2022

Select today's date

Address1*

1002 Karen Woods Rd.

Address2

City*

Chapel Hill

State

NC

Zip*

27516

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

No

Please select Yes or No.

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

Northern Transition Area

Telephone (111)-111-1111*

9192710667

Please enter your primary contact phone number.

Email Address*

j_conrad@unc.edu

Enter your primary email address.

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

What Year Were You Born?*

1959

Race*

White

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

Non-Hispanic White

Occupation*

Professor

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

23 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

18 years in NTA

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

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

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

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

Other (advisory board not listed):

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

****Employer/Self Employed**

UNC-Chapel Hill

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

Advisory Board Preference*

Northern Transition Area

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

Number of Years Employed

37 years

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

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

N/A

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

I have not participated in community activities in Carrboro. I have served on the board of non-profit organizations, such as Chapel Hill Day Care Center.

Please enter the requested information.

Relevant Experience:*

I have served in administrative roles at the business school and boards at the University.

Reasons You Wish to be Appointed*

As a resident of the Northern Transition Area, I would appreciate being more informed about activities there, and participating in the conversation between Carrboro and the residents here.

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

Diversity of opinion and experience leads to better discussions and better decision-making.

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

No

If yes, which one(s)?

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Membership Information Matrix

Northern Transition Area Advisory Committee (NTAAC)

Attachment C

Name	Address	Year of Birth	Race (as noted by applicant)	Ethnicity (if noted by applicant)	Sex	Occupation/Expertise Content	Appointed Date
CURRENT MEMBERS							
Lisa Brown	1006 Karen Woods Rd.	1968	Caucasian		Female	Physical Therapist	6/15/2021
Meg McGurk	108 Dublin Rd.	1973	Caucasian		Female	Executive Director	2/25/2020
Edward Witkin (Orange Co. Rep.)	420 Britton Dr.	1960	Caucasian		Male	Solar Energy Design/Install	5/14/2020
Anahid Vrana (Orange Co. Rep.)	8217 Old NC 86	1951	Caucasian		Female	Art Consultant/Morehead House BB Mgr	10/5/2021
VACANT (Orange Co. Rep.)							
APPLICANTS							
Jennifer Conrad	1002 Karen Woods Rd.	1959	Caucasian	Non-Hispanic White	Female	Professor	

Wesley Barker

From: Martin Roupe
Sent: Wednesday, August 31, 2022 2:37 PM
To: Wesley Barker
Subject: FW: NTAAC June 2, 2022, Meeting Cancellation Notice & Update about Jennifer Conrad

Follow Up Flag: Follow up
Flag Status: Flagged

FYI see below. Let me know if we need to discuss.

Thanks,
Marty

From: Martin Roupe
Sent: Wednesday, August 31, 2022 2:36 PM
To: 'Anahid Vrana' <anahid.vrana@gmail.com>; Meg McGurk <mamzar@gmail.com>; Ed Witkin <ewitkin@gmail.com>; Lisa B <downtownlb@gmail.com>; Susan Romaine <sromaine@carrboronc.gov>
Subject: RE: NTAAC June 2, 2022, Meeting Cancellation Notice & Update about Jennifer Conrad

Thanks for the message, Anahid. I'll forward it to the Town Clerk now, I know he has been working on getting an item on Council's calendar for consideration of appointments.

Marty

From: Anahid Vrana <anahid.vrana@gmail.com>
Sent: Wednesday, August 31, 2022 2:20 PM
To: Martin Roupe <mroupe@carrboronc.gov>; Meg McGurk <mamzar@gmail.com>; Ed Witkin <ewitkin@gmail.com>; Lisa B <downtownlb@gmail.com>; Susan Romaine <sromaine@carrboronc.gov>
Subject: Re: NTAAC June 2, 2022, Meeting Cancellation Notice & Update about Jennifer Conrad

Hi Marty,

Hope you and the rest of our committee have had a nice summer.

Just a follow up. I see we have a cancellation for the September 1st meeting, which is fine, but I want to be sure we can finalize Jennifer Conrad's application. We really need to have her on board soon so that once we get rolling this Fall her application will be finalized. We have been fortunate to have her willingness to participate. As you well know we have had very little interest from our community in serving on this board and finally we have a very capable and willing party and we cannot seem to get her processed. I know you understand our frustration and I know the process is not under your control, but I hope you can act as our liaison and see that her application gets approved. Thank you very much for your efforts with this.

Respectfully,

Anahid

Anahid Vrana
www.ArtandPlacement.com
919.215.0329

From: Martin Roupe <mroupe@carrboronc.gov>

Date: Friday, May 27, 2022 at 6:06 PM

To: Meg McGurk <mamzar@gmail.com>, Ed Witkin <ewitkin@gmail.com>, Lisa Brown <downtownlb@gmail.com>, Susan Romaine <sromaine@carrboronc.gov>, Anahid Vrana <anahid.vrana@gmail.com>

Subject: NTAAC June 2, 2022, Meeting Cancellation Notice & Update about Jennifer Conrad

All,

We have a really busy Joint Review session next week, but all of the items are in town, not in the northern transition area, so I need to cancel next week's meeting. I look forward to reconvening with each of you soon for the next meeting. Meanwhile, please enjoy both the holiday weekend in front of us and the extended break from the committee meetings.

Also, I've spoken to Town Clerk Wesley Barker about Jennifer Conrad's application status. The Mayor has been unavailable this week, but Wesley noted that he has a meeting with the Mayor this next week to discuss the status of several advisory board applicants, and that he should be able to provide a more substantive update about Jennifer's application after that meeting.

Here's the cancellation notice for the record:

<http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/4103?html=true>

Thanks as always for your service and have a good weekend,
Marty

Town of Carrboro, NC Website - <https://www.carrboronc.gov>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-281

Agenda #: 6.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Appointments to the Economic Sustainability Commission

PURPOSE: The purpose of this agenda item is for the Town Council to make appointments to the Economic Sustainability Commission.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Wesley Barker, Town Clerk, wbarker@carrboronc.gov <<mailto:wbarker@carrboronc.gov>>, 919-918-7309, Jon Hartman-Brown, Economic Development Director, jhartman-brown@carrboronc.gov <<mailto:jhartman-brown@carrboronc.gov>>

INFORMATION: The Economic Sustainability Commission (ESC) currently has several vacancies. These vacancies have resulted in this Commission being unable to occasionally achieve a quorum to meet.

There have been several new applications received for the ESC. New applicants Courtney McWilliams and Sheila Dalton have both attended an ESC meeting and a chair form has been submitted.

The other new applicants have not yet attended a meeting or met with the chair, per the Recruitment and Appointment Policy. These applicants have been invited to attend the next ESC meeting on October 12th, 2022. Once these applicants attend a meeting and/or meet with the chair, and the chair submits the chair form, more considerations for appointments will be brought forth to the Council.

A resolution of appointment for Courtney McWilliams and Sheila Dalton is included as Attachment A.

The applications and completed chair forms for Courtney McWilliams and Sheila Dalton are included as Attachment B.

A current matrix of the ESC is included as Attachment C.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Due to the potential for a quorum issue currently, it is recommended Town Council go ahead and appoint Courtnei McWilliams and Sheila Dalton to the Economic Sustainability Commission (ESC) with the understanding that more ESC appointment considerations are forthcoming at a future Council meeting.

**A RESOLUTION MAKING AN APPOINTMENT TO THE
ECONOMIC SUSTAINABILITY COMMISSION (ESC)**

Section 1. The Carrboro Town Council hereby appoints the following to the Economic Sustainability Commission:

Appointee	Term Expiration
Courtnei McWilliams	2/2026
Sheila Dalton	2/2026

Section 2. This resolution shall become effective upon adoption.

This the 11th day of October 2022.

Wesley Barker

From: noreply@civicplus.com
Sent: Monday, October 3, 2022 9:12 AM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

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

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

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Advisory Board Application - Submission #6571

Date Submitted: 6/20/2022

First Name*

Courtnei

Last Name*

McWilliams

Date*

6/15/2022

Select today's date

Address1*

201 North Carolina 54

Address2

512

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9196495040

Please enter your primary contact phone number.

Email Address*

courtneimcwilliams@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1992

Race*

Black

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

Mixed Ethnicity

Occupation*

Branding and Marketing Consultant

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

11 months

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

11 months

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

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

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

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

Advisory Board Preference*

Economic Sustainability Commission

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

Other (advisory board not listed):

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

**Employer/Self Employed

Self Employed

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

Number of Years Employed

Three years

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Volunteered on the Jonah Garson for NC House campaign from October 2021-May 2022.

Please enter the requested information.

Relevant Experience:*

As a small business owner for the past three years, as well as someone who has been employed by other small businesses prior to, I am interested in continuing to see the growth of this community.

Reasons You Wish to be Appointed*

I would enjoy being a part of seeing the growth of Carrboro and its citizens.

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

In order for us to serve all of the communities that make up Carrboro, those communities need to be represented by groups that make decisions that affect the citizens of Carrboro.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Wesley Barker

From: noreply@civicplus.com
Sent: Monday, October 3, 2022 9:08 AM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

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

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

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Advisory Board Application - Submission #6872

Date Submitted: 9/15/2022

First Name*

Sheila

Last Name*

Dalton

Date*

9/15/2022

Select today's date

Address1*

301 Hillsborough Rd

Address2

Apt D

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

No

Telephone (111)-111-1111*

9192607465

Please enter your primary contact phone number.

Email Address*

info@nealsdeli.com

Enter your primary email address.

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

What Year Were You Born?*

1971

Race*

Caucasian

Please enter your race.

Sex*

F

Please enter your sex.

Ethnicity*

White

Occupation*

Small Business Owner

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

29 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

20

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

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

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

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

Advisory Board Preference*

Economic Sustainability Commission

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

Other (advisory board not listed):

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

**Employer/Self Employed

Neal's Deli

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

Number of Years Employed

14

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Carrboro Business Alliance (CBA) Leadership Council - Member CBA Policy Committee - Member CBA Diversity, Equity, and Inclusion Committee - Member TrailHead Trail Runners - Member McDougal and Culbreth MTB Teams - Sponsor Little River Trail Runs - Sponsor Philosopher's Way Trail Runs - Sponsor McDougal and Chapel Hill High XC Teams - Volunteer

Please enter the requested information.

Relevant Experience:*

I have owned Neal's Deli in Carrboro for 14 years which was a recipient of the Town of Carrboro Revolving Loan. I was the first full time manager at the Carrboro Farmers' Market, 2004-2008. I have lived in Carrboro since 2002. I have raised 2 children in Carrboro that attend our public schools. I also started a new business in 2021, Youtrition, a nutrition coaching service with an office at the Wellness Alliance.

Reasons You Wish to be Appointed*

I believe with my years of experience as a small business owner in Carrboro, along with my time as the CFM manager, and my 25+ years professional experience in the local foods supply chain, my perspective on economic sustainability would bring a thoughtful and wise perspective to the committee. I would like to help craft recommendations for the Town Council as well as, and maybe most importantly, use my ears and heart to listen to our community members' needs.

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

By having diverse backgrounds at the table, we can come to an inclusive, holistic proposal concerning items on our agenda. By modeling this in our committee, the hope would be that our recommendations would truly reflect Carrboro's population that ultimately has an equitable impact on our community.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Membership Information Matrix

Economic Sustainability Commision (ESC)

Attachment C

Name	Address	Year of Birth	Race (as noted by applicant)	Ethnicity (if noted)	Sex	Occupation/Expertise Content	Membership Type
CURRENT MEMBERS							
Soteria Shepperson	901 W. Main St.	1986	African American		Female	Activist, Entrepreneur, Race and Equity Action and Leade	Business Owner
John "Jack" Moracco	213 Cobblestone Dr.	1976	White		Male	Business Owner	Resident
Jim Porto	107 Watters Rd.	1969	White		Male	Homemaker	Resident- Downtown
David Jesse	1543 Pathway Dr.	1966	White		Male	Landlord	Resident
VACANT							Business Owner
VACANT							Business Owner
VACANT							At Large
VACANT							At Large
VACANT							At Large
VACANT							Arts Committee Liaison
APPLICANTS on File							
Courtnei McWilliams	201 NC 54, #512	1992	Black	Mixed	Female	Branding & Marketing Consultant	At Large
Sheila Dalton	301 Hillsborough Rd., Apt D	1971	White	White	Female	Small Business Owner	Business Owner
Nadia Taylor	401 NC 54, Apt I-9, Carrboro	1992	Black	African American	Female	Chef	At Large / Resident
Kenyatta Clark	300 S. Camellia St., #406, Chap	1986	Black	Black	Female	Risk Management	At Large/ Resident
Scott Powell	115 Bruton Dr., Chapel Hill	1995	White	Non-Hispanic or Latino	Male	Research Assistant	At Large / Resident
*Applicant has attended ESC Meeting and/or met with Chair							



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-278

Agenda #: 7.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Appointments to the Stormwater Advisory Commission

PURPOSE: The purpose of this agenda item is for the Town Council to make appointments to the Stormwater Advisory Commission.

DEPARTMENT: Town Clerk

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

INFORMATION: The Stormwater Advisory Commission currently has vacancies due to recent resignations of Aja Kelleher and Robert Dickson. Additionally, Lauren Joca moved outside of the Carrboro limits and is no longer eligible to serve. These resignations have resulted in this Commission being unable to achieve a quorum and currently is unable to meet.

There have been two applications received for the Commission, Gordon Chadwick and Terry Krauss who have interest in serving and have attended a Commission meeting.

One other applicant has submitted an application, but has not yet attended a meeting or met with the chair, per the Recruitment and Appointment Policy. Additional recruitment efforts are still underway.

According to the Town's Advisory Board Recruitment and Appointment Policy under the Composition section, it states: "If the advisory board must have appointments due to membership numbers resulting in lack of quorum, the Town Clerk shall bring forth applications regardless of the racial and ethnic diversity of applicants and request that Town Council make the appointments."

<https://www.carrboronc.gov/DocumentCenter/View/5358/Town-of-Carrboro-Advisory-Board-Recruitment-and-Appointment-Policy->>

If approved, a resolution of appointment is attached as Attachment A.

The application and completed chair forms for Gordon Chadwick and Terry Krauss are included as Attachment B.

A matrix of the Commission is included as Attachment C.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Due to the quorum issue, it is recommended Town Council make appointments to the Stormwater Advisory Commission, which would then give the Commission a quorum to be able to hold meetings.

**A RESOLUTION MAKING AN APPOINTMENT TO THE
STORMWATER ADVISORY COMMITTEE**

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

Seat Designation	Appointee	Term Expiration
Member		10/2025
Member		10/2025

Section 2. This resolution shall become effective upon adoption.

This the 11th day of October 2022.

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #5631

Date Submitted: 6/16/2021

Advisory Board Name:*

Stormwater Advisory Commission

Chair Name*

Jeanette O'Connor

Applicant First Name:*

Gordon

Applicant Last Name:

Chadwick

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☒

Yes

☐

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☐

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒ Yes
- ☐ No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☐ Diversity
- ☐ Occupation, Experience, or Special Skills
- ☐ Other

If other, please explain:

Print

Advisory Board Application - Submission #5481

Date Submitted: 6/4/2021

First Name*

Gordon

Last Name*

Chadwick

Date*

6/4/2021

Select today's date

Address1*

100 James Street

Address2

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

No

Telephone (111)-111-1111*

5044320651

Please enter your primary contact phone number.

Email Address*

gchadwick10@gmail.com

Enter your primary email address.

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

Current Age*

6/12/1988

Race*

Whitw

Please enter your race.

Sex*

Male

Please enter your sex.

Ethnicity*

White

Occupation*

UX Researcher

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

6 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

6 years

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

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

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

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

Other (advisory board not listed):

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

****Employer/Self Employed**

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

Advisory Board Preference*

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

Number of Years Employed

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Please enter the requested information.

Relevant Experience:*

I have been involved in Upper Tom's Creek Watershed flooding and stormwater discussions for the past 3 years. This has included attending the town's meetings, doing background research, and being in contact frequently with Randy Dodd. I'm very familiar with the history and challenges of this neighborhood in particular but my research has prepared me to begin thinking about other neighborhoods as well. As a member of other organizations (Information Science student org at UNC-CH and RTP A11y), I've helped plan and run meetings. In my professional life, I frequently synthesize and present information to stakeholders.

Reasons You Wish to be Appointed*

As a member of one of Carrboro's most water-threatened neighborhoods, I'd add a key voice to greenway and stormwater discussions. I particularly understand and empathize with the feelings of people whose properties are threatened by stormwater. Also, as someone who is concerned about climate change, I am deeply concerned about how Carrboro will manage increased stormwater in the future. I believe that Carrboro should adopt the most progressive and cutting edge stormwater practices that it can. Our town should set an example for other small towns to follow.

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

I believe it's very important to include diverse voices in local politics. Often, it seems that marginalized and disadvantaged communities are left out of key discussions which leads to solutions that serve the most privileged. I believe it will be important for the town's boards and commissions to seek out and encourage engagement from diverse voices when tackling stormwater and greenway issues.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Wesley Barker

From: noreply@civicplus.com
Sent: Thursday, October 6, 2022 3:55 PM
To: Wesley Barker; Mary Bryant
Subject: Online Form Submittal: Advisory Board Chair Report (Complete One Per Applicant)

Advisory Board Chair Report (Complete One Per Applicant)

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

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

Yes

10. If no, briefly explain:

Field not completed.

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

Field not completed.

If other, please explain:

Field not completed.

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

Print

Advisory Board Application - Submission #6702

Date Submitted: 7/14/2022

First Name*

Terry

Last Name*

krauss

Date*

9/1/1953

Select today's date

Address1*

201 morningside drive

Address2

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

No

Telephone (111)-111-1111*

9199713201

Please enter your primary contact phone number.

Email Address*

terrykrauss201@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1953

Race*

human

Please enter your race.

Sex*

m

Please enter your sex.

Ethnicity*

caucasian

Occupation*

retired

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

30 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

30 years

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

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

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

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

Advisory Board Preference*

stormwater

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

Other (advisory board not listed):

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

****Employer/Self Employed**

retired

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

Number of Years Employed

self employed

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

North Carolina Coastal Federation, National Park Volunteer In Parks, Coastal Riverwatch, Everytown for Gun Safety, Moms Demand Action 13 years ago led the petition to reduce reckless driving in neighborhood by installing stop signs and speed tables.

Please enter the requested information.

Relevant Experience:*

Live at the lowest point of Webbwood neighborhood for 20 years, observing numerous flooding events during heavy rain which increased since 2015. An engineer Duke 1975 with decent understanding of hydraulics/water flow.

Reasons You Wish to be Appointed*

Many conversations with fellow residents about the issue, the frustration among affected neighborhoods is very prevalent, most folks are discouraged with the town's response when asked for help on this. I want to dig in to this more and improve my perspective. This would include Webbwood, Spring Valley, Bolin Creek, and other neighborhoods whose residents I've talked with. there is a lot of confusion.

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

There is only one race, the human race. What else needs to be said? My oldest daughter married a native of Mexico who entered the country via the desert crossing, twice. My grand daughter bi cultural. It's part of my life.

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

If yes, which one(s)?

No

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Membership Information Matrix Stormwater Advisory Commission

Attachment C

Name	Address	Year of Birth	Race (as noted by applicant)	Ethnicity (if noted by applicant)	Sex	Occupation/Expertise Content	Appointed Date
CURRENT MEMBERS							
Jeanette O'Connor (chair)	103 Mulberry Street, Carrboro, NC 27510	1982	White		Female	Landscaper	6/22/2021
Michael Paul	702 Bolin Creek Drive, Carrboro, NC 27510	1968	White		Male	Consulting Specialist	6/22/2021
John Cox (vice chair)	107 Yeargen Place, Chapel Hill, NC 27516	1950	Caucasian		Male	Engineer, Retired	6/22/2021
VACANT							
VACANT							
VACANT							
VACANT							
APPLICANTS							
Gordon Chadwick*	100 James St., Carrboro, NC 27510	1988	White	White	Male	UX Researcher	
Terry Krauss*	201 Morningside Dr., Carrboro, NC 27510	1953	Human	Caucasian	Male	Retired	
Deanna Hardesty	705 W. Main St., Apt C, Carrboro, NC 27510	1994	White		Female	Hydrologist	
*Applicants have attended meeting and/or met with Chair							



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-288

Agenda #: 8.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Adoption of Policies for the Expenditure of American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds

PURPOSE: The purpose of this agenda item is to request that the Town Council adopt policies required for the expenditure of American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds (ARP/CSLFRF).

DEPARTMENT: Town Manager, Finance

CONTACT INFORMATION: Richard White, Town Manager, 919.918.7315; Arche McAdoo, Finance Director, 919.918.7439

INFORMATION: The American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds (ARP/CSLFRF) requires grant recipients to adopt policies related to the expenditure of these funds. These policies are necessary for compliance with U. S. Treasury Final Rule, Compliance and Reporting Guidance, Uniform Guidance on Grants (UG), and other federal rules and regulation. Forms and/or checklists are attached to each policy to assist the Town with documentation of compliance and decision making.

Templates developed by the UNC School of Government (SOG) have been modified to apply to Carrboro. Due to the total number of pages (100 plus), the policies have been compiled into one document rather than presenting them individually. The following policies are presented to the Town Council consideration and adoption:

1. Eligible Projects
2. Allowable Costs and Cost Principles
3. Program Income
4. Record Keeping
5. Property Management
6. Subaward and Monitoring
7. Conflict of Interest

In addition to the above policies, the Grant Agreement requires recipients to comply with other federal statutes and regulations related to Civil Rights, Hatch Act, and Protection of Whistleblowers.

FISCAL & STAFF IMPACT: The Town has received its full allocation of \$6,753,198.84 of ARP/CSLFR Funds.

RECOMMENDATION: Staff recommends that the Town Council adopt the attached resolution

adopting the policies required for the expenditure of ARP/CSLFRF grant funds.

ATTACHMENT A

RESOLUTION ADOPTING REQUIRED POLICES FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN/CORONAVIRUS STATE AND LOCAL FISCAL RECOVER FUNDS (CSLFRF)

WHEREAS the Town of Carrboro has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS U.S. Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

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

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS U.S. Treasury has issued a [Compliance and Reporting Guidance Version 4.0 \(June 10, 2022\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 7 that: “Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.”

BE IT RESOLVED that the Town of Carrboro Town Council hereby

1. Adopts and enacts the following policies for the ARP/CSLFRF expenditures:

ARPA 2022-01	Eligible Project Policy
ARPA 2022-02	Allowable Costs and Cost Principles
ARPA 2022-03	Program Income
ARPA 2022-04	Recordkeeping
ARPA 2022-05	Property Management
ARPA 2022-06	Subaward and Monitoring
ARPA 2022-07	Conflict of Interest

2. These policies are effective October 11, 2022 and shall remain in effect until December 31, 2026 or until all funds have been spent or returned to the U.S. Treasury.
3. The U.S. Treasury may amend its rules and guidance from time to time; and the Town's Finance Officer may modify these policies as required by any Treasury amendments.
4. Grant awards and contracts less than \$60,000 may be approved by the Town Manager per Section 3-1(b)(9)(i) of the Town Code as amended. Awards and contracts \$60.0000 and over shall be approved by the Town Council.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this ____ day of October 2022

Ayes:

Noes:

Absent or Excused:

TOWN OF CARRBORO

ADOPTED POLICIES

**FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021,
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
(ARP/CSLFRF)**

Effective October 11, 2022

TOWN MANAGER
Richard J. White III, ICMA-CM

CHIEF FINANCIAL OFFICER
Arche L. McAdoo

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2022-02	Allowable Costs and Cost Principles	8
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PURPOSE AND OVERVIEW

The American Rescue Plan Act (ARPA) signed into law on March 11, 2021, which provides Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) to state and local governments to assist with pandemic rescue and recovery efforts. The Town of Carrboro has received \$6,753,198.84 to assist with recovery efforts.

The U.S. Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible uses of these funds. The use of these funds is subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#), and requires the governing board to adopt certain policies and procedures to comply with the UG, rules adopted by U. S. Treasury, and other federal rules and regulations.

In compiling these policies we used the policy templates developed by the UNC School of Governments as our guide.

ARPA POLICY No. 2022-01

ELIGIBLE PROJECTS FOR THE EXPENDITURE ARPA CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY TOWN OF CARRBORO

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds.

WHEREAS the Town of Carrboro has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS U.S. Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

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

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS U.S. Treasury has issued a [Compliance and Reporting Guidance Version 4.0 \(June 10, 2022\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 7 that:

“Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.”

BE IT RESOLVED that the Town of Carrboro Town Council hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

U.S. Treasury issued its [Final Rule](#) regarding use of ARPA funds on January 6, 2022 to be effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by U.S. Department of the Treasury in its [Interim Final Rule](#) or the [Final Rule](#).) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Funds used consistently with the Interim Final Rule while in effect will be in compliance with the ARP/CSLFRF. Treasury will not take action to enforce the interim final rule to the extent that a use of funds is consistent with the terms of the final rule regardless of when the SLFRF funds were used. Local governments must obligate ARP/CSLFRF funds no later than December 31, 2024, and all funds must be spent no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026, will result in forfeiture of unspent ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

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

II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and U.S. Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds **may not be used** for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.).
2. To borrow money or make debt service payments.
3. To replenish rainy day funds or fund other financial reserves.
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the local government to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.).
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19.
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Carrboro and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

III. PROCEDURES FOR PROJECT APPROVAL

The following are the procedures for ARP/CSLFRF project approvals. All Town of Carrboro employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the U.S Treasury Compliance and Reporting Guidance.)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARP funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
 - d. Proposed budget, broken down by cost item, in accordance with the Town of Carrboro's Allowable Cost Policy.

- e. A project implementation plan and estimated timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully spent by December 31, 2026.)
2. Requests for funding must be in writing using the Town's *ARPA Project Request and Eligibility Determination Form* and submitted to the Town's Designated Official for approval.
 3. All requests will be reviewed by Town Attorney for ARP/CSLFRF compliance and by the Chief Financial Officer for allowable costs and other financial review.
 4. No ARP/CSLFRF may be obligated or spent before final written approval by the Carrboro Town Council and adoption of a project ordinance by the Town Council.
 5. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal, if necessary.
 6. Following approval, employees responsible for implementing the project must conform the actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget or project ordinance amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Chief Finance Officer immediately upon knowledge of events that may cause a delay.
 7. The Designated Town Official must collect and document the required information for each Expenditure Category, for purposes of completing the required Project and Expenditure reports.
 8. The Chief Finance Officer must retain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

ARPA POLICY No. 2022-02

ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF ARPA CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the Uniform Grant Guidance (UG).

WHEREAS the Town of Carrboro (Town) has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

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

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) provides, in relevant part:

Allowable Costs/Cost Principles. As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-Federal cost share or match were prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARP/CSLFRF award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of ARP/CSLFRF award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award.

BE IT RESOLVED that the governing board of the Town of Carrboro hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are:

- (a) the costs must be reasonable.
- (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF);
- (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and
- (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items.

Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with Town Department Directors and Chief Financial Officer, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to Chief Financial Officer. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

1. **Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.

- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Carrboro or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to Town of Carrboro its employees, the public at large, and the federal government.
- Whether Town of Carrboro significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

- 2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

3. **Be authorized and not prohibited under state or local laws or regulations.**
4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of Carrboro**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

III. SELECTED ITEMS OF COST

The UG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Chief Financial Officer is responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. Finance Department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, Town regulations, and program-specific rules may deem a cost as unallowable, and Town personnel must follow those non-federal rules as well. **Exhibit A identifies and summarizes the Selected Items of Cost.**

IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Direct costs are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe

benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

Indirect costs are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Carrboro may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

§ 200.444 General costs of government.

- (a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in [§ 200.475](#)). Unallowable costs include:
 - (1) Salaries and expenses of the Office of the Governor of a [state](#) or the chief executive of a [local government](#) or the chief executive of an [Indian tribe](#);
 - (2) Salaries and other expenses of a [state](#) legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
 - (3) Costs of the judicial branch of a government;
 - (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in [§ 200.435](#)); and
 - (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For **Indian tribes** and Councils of Governments (COGs) (see definition for *Local government* in [§ 200.1](#) of this part), up to 50% of salaries and expenses directly attributable to managing and operating **Federal programs** by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

NOTE: Expenditure of ARP/CSLFRF FUNDS in the Revenue Replacement are explicitly authorized in the Final Rule to be spent on General Government Services.

§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

- (a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.
- (b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:
 - (1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and
 - (2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.
- (c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

§ 200.417 INTERAGENCY SERVICE.

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

V. COST ALLOWABILITY REVIEW PROCESS

PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, the Chief Financial Officer must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Chief Financial Officer for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the Chief Financial Officer must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the Chief Financial Officer will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the Governing Board, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Accounts Payable staff in the Finance Department must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Chief Financial Officer will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Accounts Payable staff in the Finance Department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Accounts Payable staff in the Finance Department must proceed through the local government's normal disbursement process.

- If any cost item is deemed unallowable, the Finance Department will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Chief Financial Officer may in the Officer's discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town's governing board must approve any allocation of other funds for this purpose.
- The Finance Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

VI. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable

Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages, and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions

Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency

Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowable and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions

Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

ARPA POLICY NO. 2022-03

PROGRAM INCOME RELATED TO THE EXPENDITURE OF ARPA CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, the Town of Carrboro has received an allocation of funds from the Coronavirus “State Fiscal Recovery Fund”, or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF”) established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (“ARPA”).

WHEREAS, the Town shall comply with the terms of ARPA, and the U.S. Department of Treasury’s (“Treasury”) federal regulations governing the spending of CSLFRF funds, including the [Final Rule](#), and Treasury’s regulations governing expenditures of CSLFRF funds, including the [Award Terms and Conditions](#), [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds \(together the “Federal regulations”\)](#), and [any additional guidance Treasury has issued or may issue governing the spending of CSLFRF funds](#).

WHEREAS, the Town of Carrboro shall comply with the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part § 200](#) (the “Uniform Guidance”); and

WHEREAS, the Town shall account for program income per the requirements set forth in the UG, including, but not limited to, [2 C.F.R. § 200.307](#), and as stipulated in [Compliance and Reporting Guidance for the State and Local Recovery Funds](#), which provides: “*Recipients of CSLFRF funds should calculate, document, and record the organization’s program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.*”¹

Now, therefore, be it **RESOLVED**, That the governing board of the Town of Carrboro hereby adopts and enacts the following policies and procedures for the use of program income earned from the expenditure of CSLFRF funds pursuant to the ARP/CSLFRF award.

I. PURPOSE AND SCOPE

The Town enacts the following procedures for its use of program income earned from the expenditure of CSLFRF funds to ensure compliance with the UG, including, but not limited to, 2 C.F.R. § 200.307, the ARP/CSLFRF award, and all applicable Federal regulations governing the use of program income. The Town agrees to administer program income according to the requirements set forth in this policy and as required by the Federal regulations and State law.

¹ Compliance and Reporting Guidance, p. 9.

The responsibility for following this policy lies with the Chief Financial Officer, who is charged with the administration and financial oversight of the ARP/CSLFRF award. Questions on the use and/or reporting of program income should be directed to the Chief Financial Officer.

II. DEFINITIONS²

- a. *ARP/CLSFRRF award* means the Federal program governing the use of Coronavirus State and Local Fiscal Recovery Funds as provided in the [Assistance Listing](#) and as administered by the U.S. Department of Treasury pursuant to the American Rescue Plan Act of 2021 (“ARPA”), Pub. L. No. 117-2 (Mar. 11, 2021).
- b. *CSLFRF funds* means the portion of Federal financial assistance from the Coronavirus State Fiscal Recovery Funds and Coronavirus Local Fiscal Recovery Funds (collectively “CSLFRF”) awarded to the Town of Carrboro pursuant to ARPA.
- c. *Federal award* means the Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in § 200.101. The Federal award is the instrument setting forth the terms and conditions of the grant agreement, cooperative agreement, or other agreement for assistance.
- d. *Federal awarding agency* means the Federal agency that provides a Federal award directly to a non-Federal entity.
- e. *Federal financial assistance* means the assistance that non-Federal entities receive or administer in the form of grants, cooperative agreements, non-cash contributions, direct appropriations, food commodities, or other financial assistance, including loans.
- f. *Federal program* means all Federal awards which are assigned a single Assistance Listings Number.
- g. *Non-Federal entity* means a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.
- h. *Period of performance* means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. The period of performance for the ARP/CSLFRF award ends December 31, 2026.
- i. *Program income* means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in [§ § 200.307\(f\)](#).

² Excluding the first two, the definitions in this section are found in 2 C.F.R. 200.1.

III. PROGRAM INCOME OVERVIEW

For purposes of this policy, program income is the gross income earned by the Town that is directly generated by a supported activity or earned as a result of the ARP/CSLFRF award during the period of performance, which closes December 31, 2026. 2 CFR 200.1.

Program income includes, but is not limited to, the following sources of income:

- The collection of fees for services performed.
- Payments for the use or rental of real or personal property.
- The sale of commodities or items fabricated under the Federal award.
- The payment of principal and interest on loans made under the Federal award.

Program income does not include fees or revenue from the following:

- The use of rebates, credits, discounts, and interest earned on any of them.
- Governmental revenues, such as taxes, special assessments, levies, or fines.
- Proceeds from the sale of real property, equipment, or supplies.³

IV. USE OF PROGRAM INCOME

Program income earned pursuant to expenditures of ARP/CSLFRF is the property of US Treasury and shall be accounted for in one of three ways pursuant to [2 C.F.R. § 200.307\(e\)](#).

Deduction Method: Program income must be deducted from total allowable costs to determine net allowable costs. Program income shall be used to reduce Treasury's obligation under the ARP/CSLFRF award rather than to increase the funds committed to a project. Program income shall be used for current costs. The Town shall track and account for program income during the period of performance and shall reimburse Treasury, as required. 2 C.F.R. § 200.307(e)(1).

Addition Method: With prior approval, program income may be added to the total amount of the ARP/CSLFRF award, thereby increasing the total amount of the award. Program income must be expended on an eligible project or program. 2 C.F.R. § 200.307(e)(2). Pursuant to the terms of the ARP/CSLFRF award, the repayment of principal and interest on loans made with ARP/CSLFRF funds that will mature or be forgiven on or before December 31, 2026, may be accounted for using the addition method (see Section VI).

Matching or Cost Sharing Method: With prior approval, program income may be used to meet the cost sharing or matching requirement of the Federal award. The amount of the Federal award shall not change.⁴ 2 C.F.R. § 200.307(e)(3).

³ 2 C.F.R. 200.1 and 2 C.F.R. 200.307 each define and limit the sources of program income.

⁴ The Final Rule provides that a non-Federal entity may expend up to the amount of its reduction in revenue due to the pandemic to meet the non-federal cost-share or matching requirements of other federal programs. However, the Final Rule does not mention whether *program income* may be used to

Unless the ARP/CSLFRF award otherwise stipulates, or the Town has received prior approval, the Town **shall apply the deduction method** to account for the use of program income.

V. ALLOCATION OF PROGRAM INCOME

The Town shall only expend program income on costs that are reasonable, allocable, and allowable under the terms of the ARP/CSLFRF award.⁵ To adhere to these requirements, the Town shall comply with the cost principles included in 2 C.F.R. § 200, as outlined in the Town's allowable cost policy. The Town shall allocate program income to the ARP/CSLFRF award in proportion to the pro rata share of the total funding (e.g., if ARP/CSLFRF funds cover half of a project's cost, with general revenue covering the other half, the unit shall allocate 50% of any program income earned to the ARP/CSLFRF award and account for its use pursuant to § 200.307).

VI. REPAYMENT OF PRINCIPAL AND INTEREST ON LOANS MADE WITH ARP/CSLFRF FUNDS

Treasury expects that a significant share of loans made with ARP/CSLFRF funds will be repaid. Accordingly, it has issued guidance on how to appropriately account for the repayment of principal and interest. The Town agrees to appropriately account for the return of loan funds according to the ARP/CSLFRF award terms, as follows:

- **For Loans that mature or are forgiven on or before December 31, 2026:** The Town of Carrboro may add the repayment of principal and interest (program income) to the ARP/CSLFRF award. When the loan is made, the Town of Carrboro shall report the principal of the loan as an expense. The Town of Carrboro shall expend the repayment of principal only on eligible uses and is subject to restrictions on the timing of the use of ARP/CSLFRF funds pursuant to the ARP/CSLFRF award. Interest payments received prior to the end of the period of performance will be considered **an addition** to the total award and may be used for any purpose that is an eligible use. *The Town is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) in accounting for the use of program income.*⁶
- **For Loans with maturities longer than December 31, 2026:** The Town is not required to separately account for the repayment of principal and interest on loans that will mature after the ARP/CSLFRF award's period of performance. The Town may use ARP/CSLFRF for only the projected cost of the loan. The Town may estimate the subsidy cost of the loan, which equals the expected cash flows associated with the loan discounted at the Town's cost of funding. The cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by

meet cost-sharing or matching requirements. A non-Federal entity should not allocate program income to cost share or matching requirements unless it receives prior approval from Treasury.

⁵ 2 C.F.R. § § 200.404, 408.

⁶ [Final Rule](#), p. 4436

the Town or (ii) recently issued by a unit of state, local, or Tribal government similar to the Town. If the Town has adopted the Current Expected Credit Loss (CECL) standard, it may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. The Town may measure projected losses either once, at the time the loan is extended, or annually over the covered period. *Under either approach, the Town is not subject to restrictions under 2 CFR 200.307(e)(1) (the deduction method) and need not separately track repayment of principal or interest.*⁷

- **Revolving Loan Funds:** The Town shall treat the contribution of ARP/CSLFRF funds to a revolving loan fund according to approach described above for loans with maturities longer than December 31, 2026.⁸ The Town may contribute ARP/CSLFRF funds to a revolving loan only if the loan is determined to be for eligible use and the ARP/CSLFRF funds contributed represent the projected cost of loans made over the life of the revolving loan fund.

VII. ADDITIONAL PROGRAM INCOME REQUIREMENTS

- (a) **Identifying, Documenting, Reporting, and Tracking.** To ensure compliance with the requirements of program income as outlined by the Federal regulations, the terms and conditions of the ASP/CSLFRF award, and the requirements set forth herein, each department shall identify potential sources of program income and properly report the program income for the period in which it was earned and dispersed.

Program income shall be accounted for separately. The Town shall not comingle program income earned from programs supported by ARP/CSLFRF funds with the general award of ARP/CSLFRF funds the Town received from Treasury. Any costs associated with generating program income revenue shall be charged as expenditures to the ARP/CSLFRF award.

- (b) **Program Income Earned After the Period of Performance.** The Town shall have no obligation to report program income earned after the period of performance (December 31, 2026). However, the Town shall report program income expended after the period of performance if that program income was earned on or before December 31, 2026.
- (c) **Subawards.** The Town agrees to ensure that any subrecipient of ARP/CSLFRF funds abides by the award of the terms and conditions of this policy and is aware that the subrecipient is responsible for accounting for and reporting program income to the Town on a monthly basis.
- (d) **Compliance with State law.** Program income shall not be expended for purposes prohibited under State law.

⁷(See question 4.11 in [Treasury's Interim Final Rule FAQ document](#).)

⁸See question 4.11 in [Treasury's Interim Final Rule FAQ document](#).)

- (e) **Subject to Audit.** The Town recognizes that its use of program income may be audited and reviewed for compliance with Federal laws and regulations, State law, and the terms of the ARP/CSLFRF award.

VIII. IMPLEMENTATION OF POLICY

The Chief Financial Officer will adopt procedures to identify potential program income during the project eligibility and allowable cost review, document actual program income, and follow the requirements in this policy related to the treatment of program income.

ARPA POLICY NO. 2022-04

**RECORDKEEPING
RELATED TO THE EXPENDITURE OF ARPA CORONAVIRUS STATE AND
LOCAL FISCAL RECOVERY FUNDS**

Recordkeeping and Annual Project and Expenditure Reports. [Section VIII, Reporting, Interim Final Rule, and 9.2 Treasury FAQs 6/17/2021]

What records must be kept by governments receiving payment?

“A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.”

Financial records and supporting documents related to the award must be retained for a period of 5 years after all funds have been spent or returned to Treasury, whichever is later. This includes those that demonstrate the award funds were used for eligible purposes in accordance with ARPA, Treasury’s regulations implementing those sections, and Treasury’s guidance on eligible uses of funds.

Annual Project and Expenditure Reports

Non-entitlement units of local government must file Annual Project and Expenditure Report with Treasury by October 31. The initial annual Project and Expenditure report will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury thereafter by October 31, 2021.

Annual Project and Expenditure Reports are to include:

Financial data, information on contracts and sub-awards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of award funds.

The reports will include the same general data as those submitted by recipients of the Coronavirus Relief Fund (e.g. obligations, expenditures, contracts, grants, and sub-awards). Some modifications will be made to expenditure categories and the addition of data elements related to specific eligible uses.

Treasury will provide further guidance and instructions on the reporting requirements for program at a later date.

ARPA POLICY NO. 2022-05

**PROPERTY MANAGEMENT
RELATED TO THE EXPENDITURE OF ARPA CORONAVIRUS STATE AND
LOCAL FISCAL RECOVERY FUNDS**

WHEREAS the Town of Carrboro has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

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

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (v4.1 June 2022) provides, in relevant part:

Equipment and Real Property Management. Any purchase of equipment or real property with ARP/SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property acquired under this program must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment or real property acquired using ARP/SLFRF funds shall vest in the non-Federal entity. Any acquisition and maintenance of equipment or real property must also be in compliance with relevant laws and regulations.

WHEREAS Subpart D of the UG dictates title, use, management, and disposal of real property, equipment, and supplies acquired in whole or in part with ARP/CSLFRF funds;

BE IT RESOLVED that the governing board of the Town of Carrboro hereby adopts and enacts the following UG Property Management Policy for the expenditure of ARP/CSLFRF funds.

I. POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart D, details post award requirements related to property management of property acquired or updated, in whole or in part, with funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF).

2 CFR 200.311 through 2 CFR 200.316, as modified by [US Treasury ARP/CSLFRF Final Rule FAQs 13.15 & 13.16](#), detail property standards related to the expenditure of ARP/CLSFRF funds. The Town of Carrboro, hereinafter Town shall adhere to all applicable property standards, as detailed below. **Note that pursuant to ARP/CSLFRF Final Rule FAQ 13.15, the Uniform Guidance property standards do not apply to real property, equipment, or supplies purchased or improved with Revenue Replacement ARP/CSLFRF funds.**

II. DEFINITIONS

The definitions in 2 CFR 200.1 apply to this policy, including the following:

Computing devices: machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. See also the definitions of supplies and information technology systems in this section.

Equipment: tangible [personal property](#) (including information technology systems) having a useful life of more than one year and a per-unit [acquisition cost](#) which equals or exceeds the lesser of the capitalization level established by the Town for financial statement purposes, or \$5,000.

Information technology systems: computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources. See also the definitions of computing devices and equipment in this section.

Intangible property: property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and

other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

Personal property: property other than [real property](#). It may be tangible, having physical existence, or intangible.

Property: [real property](#) or [personal property](#).

Real property: land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment.

Supplies: all tangible [personal property](#) other than those described in the definition of equipment in this section. A computing device is a supply if the [acquisition cost](#) is less than the lesser of the capitalization level established by the local government for financial statement purposes or \$5,000, regardless of the length of its useful life. See also the definitions of computing devices and equipment in this section.

III. REAL PROPERTY

Title to Real Property: Title to real property acquired or improved with ARP/CSLFRF funds vests with the Town (2 CFR 200.311(a)).

Use of Real Property: During the period of performance of the ARP/CSLFRF award, the Town may use real property purchased or improved with ARP/CSLFRF funds for a purpose other than the purpose for which it was purchased or improved if such other purpose is also consistent with the ARP/CSLFRF eligible use requirements.

If the Town changes the use of the real property to an ineligible use or sells the real property prior to the end of the period of performance, then it must follow the disposition procedures detailed in the Disposition of Real Property section below.

After the period of performance of the ARP/CSLFRF award, the Town must use the real property consistent with the purpose for which it was purchased or improved or for any other eligible purpose in the same category as the purpose reported to US Treasury as of the final reporting period, as set forth in the table below:

Category	Use Requirements
Public Health and Assistance to Households and Individuals	Property, supplies, or equipment last reported as being used to respond to the public health impacts of the public health emergency, as outlined in 31 CFR 35.6(b)(3)(i), or being used for the provision of services to households provided in 31 CFR 35.6(b)(3)(ii)(A), are authorized to fulfill any eligible use of funds provided in these subparagraphs of the Final Rule.
Assistance to Small Businesses, Nonprofits, and Impacted Industries	Property, supplies, or equipment last reported as being used for the provision of services to small businesses, nonprofits, and impacted industries outlined in 31 CFR 35.6(b)(3)(ii)(B)-(D) are authorized to fulfill any eligible use of funds outlined in the public health and negative economic impacts eligible use category.
Water, Sewer, or Broadband Infrastructure	Property, supplies, or equipment last reported as being used to make investments in water, sewer, or broadband infrastructure pursuant to 31 CFR 35.6(e) are authorized to fulfill any eligible use of funds outlined in the water, sewer, and broadband infrastructure eligible use category.
Government Services/Revenue Loss	N/A
Premium Pay	N/A

If the real property's use shifts outside the parameters of the eligible purpose according to this table above after the period of performance, then the Town (and any subrecipients) must follow the disposition procedures in the Disposition of Real Property section below. The Town is responsible for being able to substantiate its determination on whether the use of the real property is authorized and maintain a record of that determination in accordance with the requirements set forth in the financial assistance agreement accepted in connection with the ARP/CSLFRF award.

The Town is not required to seek or obtain the approval of U.S. Treasury prior to changing the use within the parameters of these authorized purposes.

Insurance of Real Property: The Town must provide the equivalent insurance coverage for real property acquired or improved with ARP/CSLFRF funds as provided to property owned by the Town. 2 CFR 200.310.

No Encumbrance of Real Property: The Town may not encumber the real property unless authorized by US Treasury. 2 CFR 200.311(b).

Disposition of Real Property: If the Town changes the use of real property to an ineligible use or sells the asset during the period of performance of the ARP/CSLFRF award or changes the use of the asset outside the eligible category after the period of performance ends, then the Town must obtain disposition instructions from U.S. Treasury. The instructions must provide for one of the following alternatives:

1. The Town retains title after compensating U.S. Treasury. The amount paid to U.S. Treasury will be computed by applying U.S. Treasury's percentage of participation in the cost of the original purchase (and costs of any improvements) to the fair market value of the property. However, in those situations where the Town is disposing of real property acquired or improved with ARP/CSLFRF funds and acquiring replacement real property under the ARP/CSLFRF, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.
2. The Town sells the property and compensates US Treasury. The amount due to US Treasury will be calculated by applying US Treasury's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the ARP/CSLFRF award has not been closed out, the net proceeds from sale may be offset against the original cost of the property. When the Town is directed to sell property, sales procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.
3. The Town transfers title to US Treasury or to a third party designated/approved by US Treasury. The Town is entitled to be paid an amount calculated by applying the Town's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property. 2 CFR 200.311(c).

IV. EQUIPMENT

Title to Equipment: Title to equipment acquired or improved with ARP/CSLFRF funds vests with the Town. 2 CFR 200.313(a).

Use of Equipment: During the period of performance of the ARP/CSLFRF award, the Town may use equipment purchased or improved with ARP/CSLFRF funds for a purpose

other than the purpose for which it was purchased or improved if such other purpose is also consistent with the ARP/CSLFRF eligible use requirements.

If the Town changes the use of equipment to an ineligible use or sells the equipment prior to the end of the period of performance, then it must follow the disposition procedures detailed in the Disposition of Equipment section below.

After the period of performance of the ARP/CSLFRF award, the Town must use equipment consistent with the purpose for which it was purchased or improved or for any other eligible purpose in the same category as the purpose reported to US Treasury as of the final reporting period, as set forth in the table below:

Category	Use Requirements
Public Health and Assistance to Households and Individuals	Property, supplies, or equipment last reported as being used to respond to the public health impacts of the public health emergency, as outlined in 31 CFR 35.6(b)(3)(i) or being used for the provision of services to households provided in 31 CFR 35.6(b)(3)(ii)(A), are authorized to fulfill any eligible use of funds provided in these subparagraphs of the Final Rule.
Assistance to Small Businesses, Nonprofits, and Impacted Industries	Property, supplies, or equipment last reported as being used for the provision of services to small businesses, nonprofits, and impacted industries outlined in 31 CFR 35.6(b)(3)(ii)(B)-(D) are authorized to fulfill any eligible use of funds outlined in the public health and negative economic impacts eligible use category.
Water, Sewer, or Broadband Infrastructure	Property, supplies, or equipment last reported as being used to make investments in water, sewer, or broadband infrastructure pursuant to 31 CFR 35.6(e) are authorized to fulfill any eligible use of funds outlined in the water, sewer, and broadband infrastructure eligible use category.
Government Services/Revenue Loss	N/A
Premium Pay	N/A

If the equipment's use shifts outside the parameters of the eligible purpose according to the table above after the period of performance, then the Town (and any subrecipients) must follow the disposition procedures in the Disposition of Equipment section below.

The Town is responsible for being able to substantiate its determination on whether the use of equipment is authorized and maintain a record of that determination in accordance with the requirements set forth in the financial assistance agreement accepted in connection with the ARP/CSLFRF award.

The Town is not required to seek or obtain the approval of US Treasury prior to changing the use within the parameters of these authorized purposes.

During the time that equipment is used on the project for which it was acquired, the Town must also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the project for which it was originally acquired. First preference for other use must be given to other programs or projects supported by US Treasury and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally funded programs or projects is also permissible. User fees should be considered if appropriate. 2 CFR 200.313(c)(2).

Noncompetition: The Town must not use equipment acquired with the ARP/CSLFRF funds to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains an interest in the equipment. 2 CFR 200.313(c)(3).

No Encumbrance: The Town may not encumber the equipment without approval of U.S. Treasury. The Town may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. 2 CFR 200.313(c)(4).

Management of Equipment: The Town will manage equipment (including replacement equipment) acquired in whole or in part with ARP/CSLF funds according to the following requirements.

1. The Town will maintain sufficient records that include
 - a) a description of the property,
 - b) a serial number or other identification number,
 - c) the source of funding for the property (including the Federal Award Identification Number (FAIN)),
 - d) who holds title,
 - e) the acquisition date,
 - f) cost of the property,
 - g) percentage of Federal participation in the project costs for the Federal award under which the property was acquired,
 - h) the location, use and condition of the property, and
 - i) any ultimate disposition data including the date of disposal and sale price of the property.

2. The Town will conduct a physical inventory of the property and reconcile results with its property records at least once every two years.
3. The Town will develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft will be investigated by the Town.
4. The Town will develop and implement adequate maintenance procedures to keep the property in good condition.
5. If the Town is authorized or required to sell the property, it will establish proper sales procedures to ensure the highest possible return, in accordance with state and federal law.

Insurance of Equipment: The Town must provide the equivalent insurance coverage for equipment acquired or improved with ARP/CSLFRF funds as provided to property owned by the Town. 2 CFR 200.310.

Disposition of Equipment: If the Town changes the use of the equipment to an ineligible use or sells the equipment during the period of performance of the ARP/CSLFRF award or changes the use of the equipment outside the eligible category after the period of performance ends, then the Town may either make the equipment available for use in other activities funded by a Federal agency, with priority given to activities funded by US Treasury, dispose of the equipment according to instructions from US Treasury, or follow the procedures below. 2 CFR 200.313(e).

1. Equipment with a per-item fair market value of less than \$5,000 may be retained, sold or transferred by the Town, in accordance with state law, with no additional responsibility to US Treasury.
2. If no disposal instructions are received from US Treasury, equipment with a per-item fair market value of greater than \$5,000 may be retained or sold by the Town. The Town must establish proper sales procedures, in accordance with state law, to ensure the highest possible return. The Town must reimburse US Treasury for its federal share. Specifically, US Treasury is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the ARP/CSLFRF funding percentage of participation in the cost of the original purchase. If the equipment is sold, US Treasury may permit the Town to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
3. Equipment may be transferred to US Treasury or to a third-party designated by US Treasury in return for compensation to the Town for its attributable compensation for its attributable percentage of the current fair market value of the property.

V. SUPPLIES

Title to Supplies. Title to supplies acquired with ARP/CSLFRF funds vests with the Town upon acquisition. 2 CFR 200.314(a).

Use of Supplies: During the period of performance of the ARP/CSLFRF award, the Town may use supplies purchased or improved with ARP/CSLFRF funds for a purpose other than the purpose for which it was purchased or improved if such other purpose is also consistent with the ARP/CSLFRF eligible use requirements.

If the Town changes the use of supplies to an ineligible use or sells the supplies prior to the end of the period of performance, then it must follow the disposition procedures detailed in the Disposition of Supplies section below.

After the period of performance of the ARP/CSLFRF award, the Town must use supplies consistent with the purpose for which they were purchased or improved or for any other eligible purpose in the same category as the purpose reported to US Treasury as of the final reporting period, as set forth in the table below:

Category	Use Requirements
Public Health and Assistance to Households and Individuals	Property, supplies, or equipment last reported as being used to respond to the public health impacts of the public health emergency, as outlined in 31 CFR 35.6(b)(3)(i) or being used for the provision of services to households provided in 31 CFR 35.6(b)(3)(ii)(A), are authorized to fulfill any eligible use of funds provided in these subparagraphs of the Final Rule.
Assistance to Small Businesses, Nonprofits, and Impacted Industries	Property, supplies, or equipment last reported as being used for the provision of services to small businesses, nonprofits, and impacted industries outlined in 31 CFR 35.6(b)(3)(ii)(B)-(D) are authorized to fulfill any eligible use of funds outlined in the public health and negative economic impacts eligible use category.
Water, Sewer, or Broadband Infrastructure	Property, supplies, or equipment last reported as being used to make investments in water, sewer, or broadband infrastructure pursuant to 31 CFR 35.6(e) are authorized to fulfill any eligible use of funds outlined in the water, sewer, and broadband infrastructure eligible use category.
Government Services/Revenue Loss	N/A

Premium Pay	N/A
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If the supplies use shift outside the parameters of the eligible purpose according to the table above after the period of performance, then the Town (and any subrecipients) must follow the disposition procedures in the Disposition of Supplies section below.

The Town is responsible for being able to substantiate its determination on whether the use of supplies is authorized and maintain a record of that determination in accordance with the requirements set forth in the financial assistance agreement accepted in connection with the ARP/CSLFRF award.

The Town is not required to seek or obtain the approval of US Treasury prior to changing the use within the parameters of these authorized purposes.

Noncompetition. As long as the Federal Government retains an interest in the supplies, the Town must not use supplies acquired under the ARP/CSLFRF to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute. 2 CFR 200.314(b).

Disposition of Supplies. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project and the supplies are not needed for any other Federal award, the non-Federal entity must retain the supplies for use on other activities or sell them, but must, in either case, compensate the Federal Government for its share. The amount of compensation must be computed in the same manner as for equipment. 2 CFR 200.314(a).

VI. PROPERTY TRUST RELATIONSHIP

Real and personal property, equipment, and intangible property, that are acquired or improved with ARP/CSLFRF funds must be held in trust by the Town as trustee for the beneficiaries of the project or program under which the property was acquired or improved. US Treasury may require the Town to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. 2 CFR 200.316.

VII. IMPLEMENTATION OF POLICY

The Chief Financial Officer for the Town shall adopt procedures to track all property, equipment, and supplies (collectively, property) acquired or improved in whole or in part with ARP/CLSFRRF funds. At a minimum, those procedures must address the following:

- Ensure proper insurance of property

- Document proper use of property
- Working with the Town's Purchasing Coordinator, record and maintain required data records for equipment
- Conduct periodic inventories of equipment, at least every two years
- Create processes for replacement and disposition of property
- Establish other internal controls to safeguard and properly maintain property

This policy is effective upon adoption by the Carrboro Town Council.

ARPA Policy No. 2022-06

SUBAWARD & MONITORING FOR EXPENDITURE OF ARPA CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS the Town of Carrboro (Town) has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

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

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing \(21.027\)](#); and

WHEREAS the ARP/CSLFRF authorizes the Town to enter subaward agreements with subrecipients to assist the Town in carrying out the terms of the ARP/CSLFRF; and

WHEREAS if the Town enters into a subaward as a subrecipient, it acts as a pass-through entity, as described in 2 CFR 200.1; and

WHEREAS the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) (v.3.0 February 2022) provides, in relevant part:

Subrecipient Monitoring. SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for

use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

Next, your organization will need to *evaluate each subrecipient's risk of noncompliance* based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

Recipients should note that non-entitlement units of local government (NEUs) are not subrecipients under the SLFRF program. They are SLFRF recipients that will report directly to Treasury.

Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users to respond to the negative economic impacts of COVID-19 on these organizations. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

Separately or in addition, many recipients may choose to provide a subaward (e.g., via contract or grant) to other entities to provide services to other end—users. For example, a recipient may provide a grant to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the Recipient intends to provide, assistance to households experiencing homelessness, and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient.

Subrecipients are subject to audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements; and

WHEREAS Subpart D of the UG dictates subrecipient and award requirements for expenditure of ARP/CSLFRF funds; and

WHEREAS 2 CFR 200.332 states that:

All pass-through entities must:

- (h) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the required information at the time of the subaward. When some of the required information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward.
- (i) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.
- (j) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described by 2 CFR 200.208.
- (k) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.
- (l) Depending upon the pass-through entity's assessment of risk posed by the subrecipient, specific monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals.
- (m) Verify that every subrecipient is audited as required by 2 CFR 200, Subpart F when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR 200.501.
- (n) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- (o) Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR 200.339 and in program regulations.

BE IT RESOLVED that the governing board of the Town of Carrboro hereby adopts and enacts the following Subaward and Monitoring Policy for the expenditure of ARP/CSLFRF funds.

I. POLICY OVERVIEW

[Title 2 U.S. Code of Federal Regulations Part 200](#), (2 CFR 200) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart D, defines requirements of pass-through entities initiating subaward agreements with Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF).

The Town of Carrboro (hereinafter TOWN) shall adhere to all applicable subaward and monitoring requirements governing the use of ARP/CSLFRF. This policy establishes

procedures for classifying, making an award to, and monitoring a sub-recipient consistent with ARP/CSLFRF grant award terms and all applicable federal regulations in the UG. Responsibility for following these guidelines lies with the Town Manager and Chief Financial Officer who are charged with the administration and financial oversight of the ARP/CSLFRF.

II. DEFINITIONS

The definitions in 2 CFR 200.1 apply to this policy, including the following:

Contract: for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on subrecipient and contractor determinations, see [§ 200.331](#). See also the definition of *subaward* in this section.

Contractor: an entity that receives a contract as defined in this section.

Pass-through Entity: a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program. [THE TOWN IS THE PASS-THROUGH ENTITY IF IT AWARDS A SUBAWARD TO A SUBRECIPIENT.]

Recipient: an entity, usually but not limited to non-Federal entities that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Subaward: an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

III. SUBRECIPIENT CLASSIFICATION

The TOWN must make a *case-by-case determination* whether an agreement with another government entity or private entity, that is not a beneficiary, casts the party receiving the funds in the role of a subrecipient or contractor. 2 CFR 200.331.

A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the

classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

- (1) Determines who is eligible to receive what Federal assistance.
- (2) Has its performance measured in relation to whether objectives of a Federal program were met;
- (3) Has responsibility for programmatic decision-making.
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:

- (1) Provides the goods and services within normal business operations.
- (2) Provides similar goods or services to many different purchasers;
- (3) Normally operates in a competitive environment.
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and
- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the *substance of the relationship is more important than the form of the agreement*. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

The TOWN will use the above criteria to determine if an agreement involving the expenditure of ARP/CSLFRF is a contract or subaward. The Town's Chief Financial Officer will document the determination in the Subrecipient or Contractor Classification Checklist in Appendix 1. ([Appendix 1: Subrecipient or Contractor Classification Checklist](#).)

If the agreement involves a contractor relationship (including a contract for services), the TOWN must follow its UG Procurement Policy when entering into a contract.

If the agreement involves a subrecipient relationship, the TOWN must proceed to Sections IV. through VII. below.

IV. ASSESSMENT OF RISK

Before engaging in a subaward, the TOWN must evaluate a subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the

subaward to determine whether to award the subaward and the appropriate subrecipient monitoring.

The TOWN's Chief Financial Officer will conduct the risk assessment, which will include consideration of the following factors:

- (1) The subrecipient's prior experience with the same or similar subawards;
- (2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with 2 CFR 200 Subpart F and the extent to which the same or similar subaward has been audited as a major program.
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and
- (4) The extent and results of Federal awarding agency monitoring (*e.g.*, if the subrecipient also receives Federal awards directly from a Federal awarding agency). 2 CFR 200.332(b).

The results of the risk assessment must be documented in the Subrecipient Assessment of Risk form in Appendix 2 and will be used to dictate the types and degree of subrecipient monitoring. ([Appendix 2: Subrecipient Assessment of Risk](#))

The [TOWN](#) will assign an overall risk level to the subrecipient indicating the following:

Low Risk	Moderate Risk	High Risk
There is a low risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.	There is moderate risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.	There is high risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.

If a proposed subrecipient is deemed high risk, the Chief Financial Officer must provide written justification to proceed with the subaward. The justification must be approved by the Town Attorney.

V. SUBRECIPIENT MONITORING

The TOWN will develop and implement a *subrecipient monitoring plan* for the particular subaward based on the findings of the Subrecipient Assessment of Risk. According to 2 CFR 200.332(d), the monitoring plan must involve:

- (1) Reviewing financial and performance reports required by the pass-through entity.
- (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.
- (3) Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by 2 CFR [200.521](#).
- (4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (*e.g.*, has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section 2 CFR [200.513\(a\)\(3\)\(vii\)](#). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

The TOWN'S monitoring plan will vary based on the overall subrecipient risk assessment as low risk, medium risk, or high risk, detailed as follows:

Subrecipient Deemed Low Risk	Subrecipient Deemed Medium Risk	Subrecipient Deemed High Risk
<ul style="list-style-type: none"> • Payment validations (monthly) • Report reviews (quarterly) • Desk reviews (at least once per year and more frequently if requested by Town or subrecipient) • Onsite reviews (upon request of Town or subrecipient) 	<ul style="list-style-type: none"> • More detailed financial reporting • Payment validations (monthly) • Report reviews (bi-monthly) • Desk reviews (within 6 months of project start and every six months thereafter) • Onsite reviews (within 12 months of project start) 	<ul style="list-style-type: none"> • More detailed financial reporting • Compliance training (one-time) • Prior approvals for certain expenditures • Payment validations (monthly) • Report reviews (monthly) • Desk reviews (within 3 months of project start)

<ul style="list-style-type: none"> • Audit review (yearly) 	<p>start and annually thereafter, or more frequently as requested by Town or subrecipient</p> <ul style="list-style-type: none"> • Audit review (yearly) • Procedures engagement (if subrecipient not subject to Single Audit Act; yearly) 	<p>and at least quarterly thereafter)</p> <ul style="list-style-type: none"> • Onsite reviews (within 6 months of project start and bi-annually thereafter, or more frequently as requested by Town or subrecipient) • Audit review (yearly) • Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)
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Payment validation: All subrecipient documentation for project expenditures must be reviewed by the TOWN for compliance with subaward requirements. Any non-compliant expenditures will be denied and the subrecipient will be provided a reasonable description of the reason for denial and an opportunity to cure the deficiency. For a subrecipient on a reimbursement-based payment structure, the validation will occur before a reimbursement payment is approved. For a subrecipient that received an up-front payment, any funds found to have been expended in violation of the subaward requirements must be repaid to the TOWN.

Report review: A subrecipient must submit financial and performance reports, based on the schedule set forth in the subaward. The nature and scope of the reports will depend on the project and be spelled out in the subaward. The reports will be reviewed by Town program staff and Finance. Any deficiencies or other performance concerns will be addressed with the subrecipient in a timely manner and could trigger additional monitoring requirements or other interventions, as specified in the subaward.

Desk review: The TOWN will conduct a meeting to review the subrecipient's award administration capacity and financial management. The meeting may be held virtually or in person. Topics covered will depend on project scope and subrecipient risk assessment and may include governance, budgeting, accounting, internal controls, conflict of interest, personnel, procurement, inventory, and record keeping. The TOWN will produce a report which summarizes the results and any corrective actions if deemed necessary. The report will be shared in a timely manner with the subrecipient.

Onsite review: The TOWN will conduct an on-site meeting at the subrecipient's location to review the subrecipient's project performance and compliance. Topics covered will depend on project scope and subrecipient risk assessment and may include project procurement, data systems, activity and performance tracking,

project reporting, inventory, and software systems. The TOWN will produce a report which summarizes the results and any corrective actions deemed necessary. The report will be shared in a timely manner with the subrecipient.

Audit review: The TOWN must verify that every subrecipient is audited as required by [2 CFR 200 Subpart F](#) (Single Audit) when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR [200.501](#). The TOWN must obtain a copy of the subrecipient's Single Audit from the Federal Audit Clearinghouse (FAC). Within six months of the acceptance of the audit report by the FAC, the TOWN will issue a management decision for any audit findings related to the subaward. The decision will clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments, or take other action. (The decision will include reference numbers the auditor assigned to each finding.) The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the TOWN may request additional information or documentation from the auditee, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

Procedures engagement: Applicable only to subrecipients who are not subject to the Single Audit Act. An auditor will perform specific procedures and report on findings. The scope must be limited to the following compliance requirements: activities allowed or unallowed; allowable costs/cost principles; eligibility; and reporting. The review will be arranged and paid for by the TOWN. The TOWN will verify completion of the procedure's engagement. Within six months of the acceptance of the procedure's engagement report, the TOWN will issue a management decision for any findings related to the subaward. The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the TOWN may request additional information or documentation from the subrecipient, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

The specific monitoring plan for each subrecipient, including the type and frequency of reviews, will be detailed in the subaward agreement. For all requirements beyond those listed under the Low-Risk category above, the TOWN will notify the subrecipient of the following in the subaward:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

To implement the monitoring plan, Chief Financial Officer must perform periodic reviews and document findings in the Subrecipient Monitoring Form ([Appendix 3: Subrecipient Monitoring Form](#)).

VI. SUBRECIPIENT INTERVENTIONS

The TOWN may adjust specific subaward conditions as needed, in accordance with 2 CFR 200.208 and 2 CFR 200.339. If the TOWN determines that the subrecipient is not in compliance with the subaward, the TOWN may institute an intervention. The degree of the subrecipient's performance or compliance deficiency will determine the degree of intervention. All possible interventions must be indicated in the subaward agreement.

The TOWN must provide written notice to the subrecipient of any intervention within thirty days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after the TOWN otherwise learns of a subaward compliance or performance deficiency.

Pursuant to 2 CFR 200.208, the written notice must notify the subrecipient of the following related to the intervention:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

The following interventions may be imposed on a subrecipient, based on the level of the compliance or performance deficiency:

Level 1 Interventions. These interventions may be required for minor compliance or performance issues.

- (1) Subrecipient addresses specific internal control, documentation, financial management, compliance, or performance issues within a specified time period
- (2) More frequent or more thorough reporting by the subrecipient
- (3) More frequent monitoring by the TOWN
- (4) Required subrecipient technical assistance or training

Level 2 Interventions. These interventions may be required, in addition to Level 1 interventions, for more serious compliance or performance issues.

- (1) Restrictions on funding payment requests by subrecipient
- (2) Disallowing payments to subrecipient
- (3) Requiring repayment for disallowed cost items
- (4) Imposing probationary status on subrecipient

Level 3 Interventions. These interventions may be required, in addition to Level 1 and 2 interventions, for significant and/or persistent compliance or performance issues.

- (1) Temporary or indefinite funding suspension to subrecipient
- (2) Nonrenewal of funding to subrecipient in subsequent year
- (3) Terminate funding to subrecipient in the current year
- (4) Initiate legal action against subrecipient

VII. SUBAWARD AGREEMENT & EXECUTION

The subaward agreement will be drafted by the Town Attorney using the Subaward Agreement Template. Contract terms and conditions may vary based on several factors, including subrecipient risk assessment findings, as documented in the Subrecipient Assessment of Risk. After review by TOWN Program Staff and Chief Financial Officer, the Town Manager may fully execute the subaward agreement, subject to any required budget amendments by the TOWN's governing board, preaudit requirements, and other contract execution prerequisites set by the Town Council.

APPENDIX 1: Subrecipient or Contractor Classification Checklist

If the Town of Carrboro wishes to contract with another government entity or a private entity and use ARP/CSLFRF funds to pay for that contract, the TOWN must determine if the relationship with the outside entity is a contractor or subrecipient. To make this determination the TOWN must review the project proposal, budget classification, and other related proposal documents, as well as engage in discussions with key personnel about the nature of the proposed agreement. The determination of whether a proposed agreement involves a contractor or subrecipient relationship must be recorded on this form and maintained in the project file for the duration of the records retention period for ARP/CSLFRF records.

Instructions: Complete Sections one through three. The section with the greatest number of marked characteristics indicates the likely type of relationship. The substance of the relationship should be given greater consideration than the form of agreement between the TOWN and outside entity. In borderline cases, the TOWN may either provide a written justification for its determination in Section three or, if appropriate, restructure the agreement to more clearly define it as either a contractor or subrecipient relationship.

Name of Outside Entity:

Section 1 -- Brief Description of Nature of Proposed Agreement:

Section 1 -- Subrecipient. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship between the recipient and the subrecipient. Subrecipients may have one or more of the following characteristics:

☐ May determine who may be eligible to receive Federal assistance under the program guidelines.

For example: A subrecipient that identifies mentors and mentees under a mentoring program.

☐ Has its performance measured in relation to whether objectives of a Federal program were

met? The recipient will rely upon the subrecipient's data to submit its own performance data to Treasury.

☐ Has responsibility for programmatic decision making. *For example: If the recipient funds*

a subrecipient to develop (or improve) a particular program and the subrecipient will use

its own judgment, discretion, and expertise to develop all or part of the program.

☐ In accordance with its subaward agreement (which may be in the legal form of a contract),

the subrecipient uses the Federal funds to carry out a program for a public purpose specified

in authorizing statutes, as opposed to providing goods or services for the benefit of the

recipient. *For example: To provide crime- or criminal-justice-related services (and, in the*

case of crime victims, compensation) to individual members of the public, such as victims

of crime, or at-risk youth.

☐ The subrecipient will not earn a profit under the agreement.

☐ The subrecipient is required to contribute cash or in-kind match in support of the subaward.

Section 2 -- Contractor. A contract is for the purpose of obtaining goods and services for the recipient's own use and creates a procurement relationship between the recipient and the contractor. *Entities that include these characteristics are not subject to compliance requirements of the Federal program because of the agreement, though similar requirements may apply for other reasons.* A contractor relationship may have one or more of the following characteristics:

☐ Provides goods and services within normal business operations.

☐ Provides similar goods or services to many different purchasers.

☐ Normally operates in a competitive environment.

☐ Provides goods or services that are ancillary to the operation of the Federal program.

Examples include but are not limited to: Office equipment, supplies, software licenses, reference books, chemical reagents, cell phones, body-worn cameras, body armor, internet services, cell phone service, website hosting, copying/printing, lodging.

☐ The entity may earn a profit under the contract.

FINAL DETERMINATION:

☒ **Subrecipient**

☐ **Contractor**

Section 3 – Justification. In determining whether an agreement between a recipient and another non-Federal entity reflects a subrecipient or a contractor relationship, the substance of the relationship is more important than the form of the agreement. Considering the characteristics checked above, provide a written justification for the final determination of either a subrecipient or contractor relationship.

Explanation of Justification Determination:

--

Signature: _____ **Date:** _____

Print Name and Title: _____

APPENDIX 2: Subrecipient Risk Assessment

Subrecipient Information:

Subrecipient Name	[INSERT SUBRECIPIENT NAME, WHICH MUST MATCH THE NAME ASSOCIATED WITH ITS UNIQUE ENTITY IDENTIFIER]
Subrecipient Unique Entity Identifier:	[INSERT SUBRECIPIENT UNIQUE ENTITY IDENTIFIER]
Brief Description of Subaward Project and Role of Subrecipient:	[INSERT A BRIEF DESCRIPTION OF SUBAWARD PROJECT AND ROLE OF SUBRECIPIENT]
Name and Title of Subrecipient Personnel Providing Information for this Risk Assessment	[INSERT NAME AND TITLE OF SUBRECIPIENT PERSONNEL PROVIDIN INFO. FOR THIS RISK ASSESSMENT]

Choose an item.	Is the entity prohibited from receiving Federal funds due to suspension or debarment per the Excluded Parties List located in the System for Award Management (SAM)? (https://sam.gov/content/home)
Choose an item.	Is the entity in good standing with Town of Carrboro? Discuss with appropriate staff.
Choose an item.	Has Data Collection Form on Federal Audit Clearinghouse (FAC) been reviewed? (https://facweb.census.gov/uploadpdf.aspx)
If yes,	List Findings:

Risk Category	Rating Label	Comments
General Assessments		
1. Is the proposed subrecipient entity's (hereinafter "entity") facility, equipment, supplies, and staffing adequate for the needs of the award?	Choose an item.	
2. Has the entity adopted and implemented all required Uniform Guidance policies and procedures?	Choose an item.	
3. Has the entity adopted and implemented records retention, conflict of interest, and nondiscrimination policies, consistent with the ARP/CSLFRF award terms?	Choose an item.	
4. Is the entity properly licensed or certified by a recognized source (i.e., the Internal Revenue Service non-profit determination	Choose an item.	

letter, bonded and insured if performing construction-related activities, etc.)?		
5. Does the entity have a Code of Ethics policy which is provided to all associated employees?	Choose an item.	
6. Has the entity's management demonstrated a commitment to compliance with the subaward terms and all applicable laws and regulations?	Choose an item.	
Financial Management, Systems, & Personnel		
7. Does the entity have a financial management system that provides records that can identify the sources and application of funds for subaward funded activities?	Choose an item.	
8. Does the entity's financial management system provide for the control and accountability of project funds, property, and other assets?	Choose an item.	
9. What is the current staffing level of the entity?	Choose an item.	
10. Has there been any change in the entity's key staffing positions in the last 2 years?	Choose an item.	
11. What is the entity's staff's experience in performing stated activities in the proposed subaward?	Choose an item.	
12. Does the entity have a formal, written personnel policy that addresses: (a) Pay rates & benefits (b) Time & attendance (c) Leave (d) Discrimination (e) Nepotism (f) Conflict of Interest?	Choose an item.	
13. Does the entity have sufficient internal controls related to the subaward funds?	Choose an item.	
14. Does the entity have sufficient cash flow to carry out the subaward terms?	Choose an item.	
Experience with Other Federal Grants		
15. Has the entity previously done work for the federal government?	Choose an item.	If low or moderate (yes), list the last three agencies and award periods.
(a) If low or moderate (yes), what is the entity's past performance on meeting federal program outcomes and managing federal funds in compliance with federal regulations?	Choose an item.	
16. Is the entity experienced in managing federal funds of the scope of this proposed subaward?	Choose an item.	
17. Identify any monitoring interventions the entity is currently subject to related to other federal grant awards.	Choose an item.	

18. Does the entity maintain an inventory of federal government property that, at a minimum, identifies purchase date, cost, vendor, description, serial number, location, and ultimate disposition data?	Choose an item.	
Audits		
19. Does the entity have a designated federal cognizant audit agency?	Choose an item.	If low (yes), provide name of audit agency.
20. Has the entity completed a Single Audit in the past five years?	Choose an item.	If low or moderate (yes), provide a copy of the most recent audit and do not complete the rest of the Audit Section.
(a) If high (no) to 20., does the entity have annual financial statements that have been reviewed or audited by an independent audit firm?	Choose an item.	If yes, please provide a copy of the statements for the most current fiscal year. If no, please explain.
Indirect Rate Information		
21. Does the entity have a negotiated federal indirect/F&A rate? (Note: This question does not impacted weight of risk assessment)	Choose an item.	If yes, what is the rate? If no, indicate that de minimis 10% indirect rate will apply
Overall Risk Assessment		
22. Based on the overall assessment, does the reviewer anticipate any implementation problems with the proposed subaward?	Choose an item.	
23. What percentage of the entity's overall annual budget will this subaward comprise?	Choose an item.	
24. Considering all factors above, assess overall level of risk	Choose an item.	

Document any additional findings, mitigating factors, and recommendations here.

Assessment Completed By: _____ Date: _____

implementation and subaward compliance. The TOWN's project manager assigned to the subaward or chief financial officer must complete this report for each payment validation, report review, desk review, site review, and audit or procedures engagement review during the subaward term (and, as appropriate, after the expiration or termination of the subaward). Upon completion, and following review by TOWN PROGRAM AND FINANCE STAFF, the original will be filed in the subaward file. Any required

subrecipient corrective actions will be detailed in writing and provided to the subrecipient within thirty days of the completion of this report.

I. Subaward Overview (complete this section for all reviews)

STAFF INFORMATION

Reviewed conducted by:		Date:
Type (programmatic, financial, or both)		Date:
Review confirmed by:		Date:

SUBRECIPIENT INFORMATION

Subrecipient Name:	
Subrecipient Program Personnel (who participated in the review):	
Subrecipient Contact Phone Number:	
Subrecipient Fiscal/Audit Personnel (who participated in the review):	
Subrecipient Fiscal Contact Phone Number:	

GRANT REVIEW INFORMATION

Grant	Project #	Award \$	POP Begin	POP End	Review Period	
					Beginning Date	Ending Date

TYPE OF MONITORING

	Type of Monitoring	Date Completed	Comments
<input type="checkbox"/>	Payment Validation (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Report Review (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Audit or Procedures Engagement Review (Complete this column, but not the rest of the form.)		
<input type="checkbox"/>	Desk Review (If desk review, complete the rest of the form.)		
<input type="checkbox"/>	Onsite Review (If onsite review, complete the rest of the form.)		

II. **Desk and Onsite Reviews** (complete this section for desk and onsite reviews only)

PRE-MEETING NOTES

List any issues, concerns, or other specialty items for follow-up during review.

- 1.
- 2.

SUMMARY OF PROGRESS

Subrecipient must submit a written summary of the major workplan milestones during the review period at least one week prior to the review. The summary must address 1) number of clients served as compared with projections; 2) staffing; 3) activities undertaken; and 4) significant accomplishments. A copy of that summary will be appended to this written review report.

MONITORING OVERVIEW

PROGRAM IMPLEMENTATION

Indicate milestones met this quarter and identify milestones as scheduled to occur in the following quarter.

ACTIVITIES/PRODUCTS

Identify any reports or products that were submitted during the quarter, and identify those due the following quarter.

CORRECTIVE ACTIONS FROM PRIOR REVIEWS

Indicate actions taken in response to prior review issues.

ASSESSMENT OF QUALITY OF IMPLEMENTATION

Is the project being implemented on schedule? Are the activities impacting the goals and objectives as outlined in approved application?

ISSUES/PROBLEMS

Discuss significant new issues/problems with respect to projected milestones, audits, staffing, client flow, departures from approved goals, late reports, etc.

MONITORING SPECIFICS

(Complete all fields that are applicable to the subaward.)

Activity Goals	<input type="checkbox"/> N/A	Yes	No	N/A
Scope of Service, Number of People to be Served, and any Special Terms stated within the Subaward Agreement.				
1. Has there been a change in the activity goals, scope of service, number of people to be served or other special terms as indicated in the Agreement between the Subrecipient and the Recipient?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(a) If yes, was the Recipient informed of the change?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Did the activity conform to any additional or special terms as reflected in the Subaward Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the subrecipient providing the full scope of services as stated in the application and Subaward Agreement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Are the actual accomplishments at the time of this review the same as the planned accomplishments? Is the activity achieving the expected quantifiable levels of performance (number of persons served, achieving goals set for clients, etc.) reaching the intended client group?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the overall activity performance schedule being met in a timely manner (i.e. goal for number of clients served, expenditure of funds in timely manner, reporting requirements)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Did the activity operate within the approved budget as detailed in the Subaward Agreement? (i.e., budgetary line items both accurate and realistic for activity expenses; source and use of match funds accurate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Did the activity funding source change?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Was there a change in make-up or responsibility of staff for the activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Were invoices for reimbursement payments submitted with support documentation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Were reports outlined in the Subaward Agreement submitted on time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Comments			

General Compliance	Yes	No	N/A
Request a copy of all applicable policies and procedures required by the ARP/CSLFRF award terms and Uniform Guidance.			
11. Does the subrecipient have written policies and procedures to adequately administer the ARP/CSLFRF subaward?			
12. Does the subrecipient have a written conflict of interest policy for their employees?			
13. Are there sufficient internal controls in place to protect against waste, fraud and abuse of Federal funds (segregation of duties, etc.)?			
14. If program income will be generated by the subrecipient, have provisions been made to ensure that it is used in accordance with ARP/CSLFRF and Uniform Guidance requirements?			
What procedures does the subrecipient use to identify and account for federal property purchased with subaward funds?			
Does the subrecipient have adequate safeguards for preventing loss, damage, or theft of property held (inventory control, etc.)?			
Describe any technical assistance/training provided to subrecipient during the project period.			
General Comments			

Employee Reimbursement	<input type="checkbox"/> N/A	Yes	No	N/A
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Request a copy of the employee reimbursement policy, and/or have the subrecipient describe the procedure for approving and documenting expenses that are reimbursed.			
15. Are detailed receipts (i.e., receipts that do not merely show a total, but the detail of what was purchased) provided for reimbursement?			
16. Are reimbursements reviewed and approved by a supervisor or project manager prior to being submitted to the Fiscal Officer/Accounting Staff for payment?			
17. Does the subrecipient have a Reimbursement Policy?			
Examine two or more reimbursements that were paid out of the grant being monitored.			
18. Were the detailed receipts provided to support the amounts requested?			
19. Were the expenses in compliance with grant requirements/guidelines and UG?			
20. If reimbursed for training or conference expenses, was a certificate of attendance or completion, or agenda and brochure provided to support request for reimbursement?			
General Comments			

Equipment	<input type="checkbox"/> N/A	Yes	No	N/A
What is the purchasing procedure for equipment purchased with grant funds? Attach copies of relevant policies and of any purchasing documentation during the review period.				
How is equipment inventoried, insured, and managed? Attach copies of relevant policies and current inventory information.				
What is the procedure for transferring equipment purchased with grant funds to another entity? Attach copies of relevant policies and documentation for any transfers during review period.				
Request an inventory list, physical locate selected items, and examine items to ensure compliance.				
1. Were all transactions conducted in a manner providing full and open competition, and quotations obtained from an adequate number of sources?				
2. Has all equipment indicated as purchased actually been purchased?				
3. Was equipment purchased in accordance with required procurement rules/policies?				
4. Were additions and deletions to the equipment budget made and approved prior to the purchase/procurement dates?				
5. Does a detailed expenditure list indicate any equipment purchased that is not accounted for in the subaward budget?				
6. Is equipment purchased with subaward funds in prior years still in inventory and still being used for subaward purposes?				
7. Has the inventory been updated, and did it account for all items transferred to other entities?				
8. For equipment that was transferred, aside from normal office equipment, was the transferee properly trained on the equipment, and is there a record of that training?				
9. For equipment transferred to other entities; have they added it to their inventory records and is it maintained/used for intended purposes?				
General Comments				

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Financial Management	<input type="checkbox"/> N/A	Yes	No	N/A
What is the Accounting System for each grant program?				
1. Is there a separate accounting for all financial transactions for the subaward?				
2. Is a process in place to prevent co-mingling of funds?				
3. Does the accounting system prevent obligation or expenditure of funds outside the subaward's period of availability?				
4. Are accounting records supported by source documentation?				
5. Were any illegal transfers or unusual activities noted during a review of the subrecipient's fund activity reports?				
6. Does the system provide for prompt and timely recording and reporting of all financial transactions?				
7. Is proper Fiscal record retention being followed (through Dec. 31, 2031)?				
What is the process for approval and payment of expenditures and posting to the General Ledger?				
8. Are subaward costs identified as eligible prior to encumbering funds and placing an order?				
9. Were the applicable State/Federal suspension and debarment listings consulted prior to doing business with a vendor and/or contractor?				
10. Are all invoices reviewed by the project director for eligibility and marked 'okay to pay' prior to being submitted to the fiscal office or accounting staff for payment?				
11. Are disbursements fully support by invoices, requisitions, purchase orders, or similar documents?				
12. Are cancelled checks or warrants available for review?				
13. Were all subaward funds that were received disabused within the allowable timeframe?				
What is the reconciliation process, and how are errors or adjustments handled?				
14. Does the subrecipient perform routine reconciliations of its records against the General Ledger? By whom and how often?				
15. Does the subrecipient have sufficient internal controls related to reconciliations?				
16. Were actions taken to promptly correct any errors and/or resolve issues?				
General Comments				

Other Direct Costs	<input type="checkbox"/> N/A	Yes	No	N/A
How are rent, utilities, and other items allocated for the program?				
1. Are rent payments documented by a copy of the lease agreement, and canceled checks or receipts?				
2. Are receipts, bills, and invoices properly maintained?				
3. Is the actual rate and method being charged to the grant consistent with the rate and method approved in the budget?				
4. Are costs shared with other programs or funding sources? If yes, how are costs allocated?				

General Comments

Personnel/Direct Labor	<input type="checkbox"/> N/A	Yes	No	N/A
Describe the payroll process and who is paid by the subaward.				
1. Are personnel files maintained for each employee that include current job descriptions, performance and evaluations, and changes in pay rates?				
2. Are time sheets, activity reports, or payroll files available for review? These documents should clearly show the effort toward the subaward charged.				
3. Are individual employee time sheets and attendance records:				
• Prepared and signed by each employee for each pay period?				
• Reviewed and signed by each employee's supervisor?				
• Reconciled to the payroll master ledger?				
4. Are all authorized staff positions filled for the approved budget?				
5. Are staff salaries consistent with the approved budget?				
6. Are fringe benefits the same as what is listed in the approved budget?				
General Comments				

Reporting Requirements	<input type="checkbox"/> N/A	Yes	No	N/A
Subrecipients are required to report on progress toward implementing plans described in their application/proposal.				
1. Progress reports must be submitted based on approved work plan. Have all of the reports been submitted for this reporting period?				
2. Are there any outstanding data elements that must be tracked and reported by the subrecipient? If so, detail the plan for the subrecipient to comply with this requirement.				
Comments				

Supplies & Materials	<input type="checkbox"/> N/A	Yes	No	N/A
Explain the process of allocating supply costs to the subaward.				
1. Are purchases of supplies approved and well documented by quotes, invoices, or receipts?				
2. Are expenditures for supplies consistent with the approved budget?				
3. Is there a substantial supply inventory remaining at the project termination date?				
4. Were all transactions conducted in a manner providing full and open competition, and quotations obtained from an adequate number of sources?				
General Comments				

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Travel/Vehicle Mileage	<input type="checkbox"/> N/A	Yes	No	N/A
Request a copy of the subrecipient's travel policy or have them describe the procedure for approving and documenting travel expenses.				
1. Is employee travel approved in advance by a supervisor or project manager?				
2. Are travel expenditures documented with expenses reports and/or detailed receipts (i.e., receipts do not merely show total but detail of what was purchased)?				
3. Are travel expenditures appropriately supported within subaward guidelines and in the approved budget?				
4. Are mileage reimbursements supported by a mileage log or similar documentation?				
General Comments				

Single Audit Review	<input type="checkbox"/> N/A	Yes	No	N/A
Obtain a copy of the subrecipient's most recent audit from FAC. Attach it to this review form.				
1. Was the Major Programs' Compliance Opinion in the Summary of Auditor's Results in the Schedule of Findings qualified?				
2. Were there any findings and/or questioned costs for federal awards in the Schedule of Findings? Were any other operational issues such as the handling of assets, lack of policies and procedures, contract non-compliance, etc., which would impact Federal dollars received?				
3. Were past audit findings and/or questioned costs for federal awards satisfactorily resolved?				
4. Was any control issue identified which would impact the processing of Federal grant dollars (i.e., control weaknesses)?				
General Comments <i>(If yes response to questions 1, 2, and/or 4, then comment on the issues noted from the audit and how this was addressed during the onsite review).</i>				

[ADD OTHER RELEVANT REVIEW FIELDS HERE]

RECOMMENDED CHANGES AND/OR NEW MONITORING INTERVENTIONS

Please document any recommendations for financial, programmatic, or other changes. Indicate if further monitoring interventions are warranted.

APPENDIX 4: Subaward Agreement Template

[NOTE: THIS IS A VERY BASIC SUBAWARD AGREEMENT TEMPLATE FOR ARP/CSLFRF SUBAWARDS. SUBAWARD AGREEMENT TERMS AND CONDITIONS WILL VARY BASED ON SEVERAL FACTORS, INCLUDING THE NATURE OF THE PROJECT AND SUBRECIPIENT RISK ASSESSMENT FINDINGS. PLEASE CAREFULLY REVIEW AND AMEND THIS TEMPLATE TO ADDRESS THE SPECIFIC NATURE OF THE SUBAWARD.]

American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recover Funds Subaward Agreement
Between
Town of Carrboro, North Carolina
and
[NAME OF SUBRECIPIENT]

Article I. Overview.

Section 1.1. Parties. The parties to this agreement are TOWN OF CARRBORO], North Carolina, a body politic and political subdivision of the State of North Carolina ("**TOWN**") and [FULL LEGAL NAME OF SUBRECIPIENT], a North Carolina [SUBRECIPIENT ENTITY TYPE (EG., NON-PROFIT CORPORATION, FOR-PROFIT CORPORATION, GOVERNMENT ENTITY, ETC.)) ("**Subrecipient**").

Section 1.2. Definitions. The definitions in 2 CFR 200.1 are hereby incorporated into this Agreement.

Section 1.3. Roles. For the purposes of this Agreement, the **TOWN** serves as a pass-through entity.

Section 1.4. Source of Funding. This Agreement is funded by a portion of the [DOLLAR VALUE ALLOCATED TO LOCAL GOVERNMENT] allocated to the **TOWN** by the Coronavirus State Local Fiscal Recovery Fund created under section 603 of the American Rescue Plan Act of 2021 (ARP/CSLFRF).

Section 1.5. Purpose. The purpose of this Agreement is to establish the terms and conditions for a subaward allocated to the Subrecipient from the **TOWN**.

Section 1.6. Disclosures. Federal regulations, specifically 2 CFR 200.331(a)(1), require the **TOWN** to provide the Subrecipient with specific information about this subaward. All required information is listed in Exhibit A (**Subaward Data**).

Section 1.7. Term. This Agreement shall govern the performance of the parties for the period [**START DATE**] (the "Effective Date") through [**END DATE**] ("Expiration Date"), unless earlier terminated by either party in accordance with the terms of this Agreement ("Agreement Term").

Article II. Scope of Funded Activities.

Section 2.1. Scope of Services. Subrecipient shall perform all activities described in the scope of activities, attached hereto as Exhibit B (Approved Activities).

Section 2.2. Budget. Subrecipient shall perform the Approved Activities in accordance with the program budget as approved by the **TOWN** and attached hereto as Exhibit C (Approved Budget).

Section 2.3. Prior Approval for Changes. Subrecipient may not transfer allocated funds among cost categories within a budgeted program account without the prior written approval of the **TOWN**; nor shall Subrecipient make any changes, directly or indirectly, to program design, Approved Activities, or Approved Budget without the prior written approval of **TOWN**.

Article III. Compensation.

Section. 3.1. Payment of Funds. TOWN agrees to reimburse Subrecipient for costs actually incurred and paid by Subrecipient in accordance with the Approved Budget and for the performance of the Approved Activities under this Agreement in an amount not to exceed \$[] ("Total Agreement Funds"). The amount of Total Agreement Funds, however, is subject to adjustment by the TOWN if a substantial change is made in the Approved Activities that affects this Agreement or if this Agreement is terminated prior to the expiration of the Agreement. Program funds shall not be expended prior to the Effective Date or following the earlier of the Expiration Date or the last day of the Agreement Term. Costs incurred shall only be as necessary and allowable to carry out the purposes and activities of the Approved Activities and may not exceed the maximum limits set in the Approved Budget. Expenses charged against the Total Agreement Funds shall be incurred in accordance with this Agreement. [DRAFTING NOTE: THIS SECTION SHOULD BE RE-DRAFTED TO MATCH THE PROCESS THAT YOUR PARTICULAR LOCAL GOVERNMENT WILL FOLLOW TO MAKE REIMBURSEMENT PAYMENTS TO SUBRECIPIENTS. THE DEFAULT PAYMENT METHOD IS REIMBURSEMENT. IF THE NATURE OF THE SUBAWARD REQUIRES UP FRONT PAYMENTS TO THE SUBRECIPIENT, THIS SECTION WILL NEED TO BE REDRAFTED TO ACCOUNT FOR THOSE PAYMENTS AND THE POTENTIAL FOR CLAWBACK IF AN EXPENSE IS DETERMINED TO BE UNALLOWABLE.]

Section. 3.2. Invoices. On or before the twentieth (20th) day of each month and in any event no later than thirty (30) days after the earlier of the expiration or termination of this Agreement, Subrecipient shall submit invoices and associated receipts, in a format dictated by TOWN, for the most recent month ended, to TOWN's [NAME DEPARTMENT HERE AND INDICATE HOW SUBRECIPIENT MUST SUBMIT INFO (MAIL, EMAIL, ETC.)], setting forth actual expenditures of Subrecipient in accordance with this Agreement. Within ten (10) working days from the date it receives such invoice, TOWN may disapprove the requested reimbursement claim. If the reimbursement claim is so disapproved, TOWN shall notify Subrecipient as to the disapproval. A decision by TOWN to disapprove a reimbursement claim is final. There is no appeal process for subrecipient. If TOWN approves payment, then TOWN will disburse the funds without further notice. [DRAFTING NOTE: THIS SECTION SHOULD BE RE-DRAFTED TO MATCH THE PROCESS THAT YOUR PARTICULAR LOCAL GOVERNMENT WILL FOLLOW TO MAKE REIMBURSEMENT PAYMENTS TO SUBRECIPIENTS. THE DEFAULT PAYMENT METHOD IS REIMBURSEMENT. IF THE NATURE OF THE SUBAWARD REQUIRES UP FRONT PAYMENTS TO THE SUBRECIPIENT, THIS SECTION WILL NEED TO BE REDRAFTED TO ACCOUNT FOR THOSE PAYMENTS AND THE POTENTIAL FOR CLAWBACK IF AN EXPENSE IS DETERMINED TO BE UNALLOWABLE. LG SHOULD ALSO INDICATE HOW PAYMENTS WILL BE MADE – CHECK, ELECTRIC FUNDS TRANSFER, ETC.]

Section. 3.3. TOWN's Subaward Obligations Contingent on Federal Funding and Subrecipient Compliance. The payment of funds to Subrecipient under the terms of this Agreement shall be contingent on the receipt of such funds by TOWN from the ARP/CSLFRF and shall be subject to Subrecipient's continued eligibility to receive funds under the applicable provisions of state and federal laws. If the amount of funds that TOWN receives from the ARP/CSLFRF is reduced, TOWN may reduce the amount of funds awarded under this Agreement or terminate this Agreement. TOWN also may deny payment for Subrecipient's expenditures for Approved Activities where invoices or other reports are not submitted by the deadlines specified in this Agreement or for failure of Subrecipient to comply with the terms and conditions of this Agreement.

Article IV. Financial Accountability and Grant Administration.

Section. 4.1. Financial Management. Subrecipient shall maintain a financial management system and financial records related to all transactions with funds received pursuant to this Agreement and with any program income earned as a result of funds received pursuant to this Agreement. Subrecipient must administer funds received pursuant to this Agreement in accordance with all applicable federal and state requirements, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, as required by the ARP/CSLFRF Assistance Listing

(21.027). Subrecipient shall adopt such additional financial management procedures as may from time-to-time be prescribed by **TOWN** if required by applicable federal or state laws or regulations, or guidelines from US Department of Treasury. Subrecipient shall maintain detailed, itemized documentation and other necessary records of all income received and expenses incurred pursuant to this Agreement.

Section. 4.2. Limitations on Expenditures. **TOWN** shall only reimburse Subrecipient for documented expenditures incurred during the Agreement Term that are: (i) reasonable and necessary to carry out the scope of Approved Activities described in Exhibit B; (ii) documented by contracts or other evidence of liability consistent with the established **TOWN** and Subrecipient procedures; and (iii) incurred in accordance with all applicable requirements for the expenditure of funds payable under this Agreement. **TOWN** may not reimburse or otherwise compensate Subrecipient for any expenditures incurred or services provided prior to the Effective Date or following the earlier of the expiration or termination of this Agreement.

Section. 4.3. Indirect Cost Rate. The indirect cost rate, if any, indicated in Exhibit C (Approved Budget) shall apply to this Agreement. **[DRAFTER NOTE: IF THE SUBRECIPIENT HAS A NICRA WITH ANOTHER FEDERAL AGENCY THAT IS HIGHER THAN THE DE MINIMIS INDIRECT RATE OF 10%, YOU MUST USE THE SUBRECIPIENT'S NICRA TO CALCULATE ITS INDIRECT RATE. SEE 2 CFR 200.332(a)(4)(ii)]**

Section. 4.4. Financial and Other Reports. Subrecipient shall submit to **TOWN** such reports and back-up data as may be required by the Federal Government or **TOWN**, including such reports which enable **TOWN** to submit its own reports to the US Department of Treasury, in accordance with the following schedule, which may be amended from time to time:

REPORT

[INSERT APPLICABLE REPORT REQUIREMENTS HERE]

DEADLINE

[INSERT APPLICABLE DEADLINES]

[DRAFTER NOTE: REVIEW TREASURY PROJECT & EXPENDITURE REPORT AND RECOVERY PLAN DEADLINES AS A GUIDELINE FOR DEVELOPING TIMELINE. SEE TREASURY COMPLIANCE AND REPORTING GUIDANCE.]

This provision shall survive the expiration or termination of this Agreement with respect to any reports which the Subrecipient is required to submit to **TOWN** following the expiration or termination of this Agreement.

Section. 4.5. Improper Payments. Any item of expenditure by Subrecipient under the terms of this Agreement which is found by auditors, investigators, and other authorized representatives of the **TOWN**, the US Department of Treasury, the NC Department of State Treasurer, or other federal or state instrumentality to be improper, unallowable, in violation of federal or state law, or the terms of this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of Subrecipient, shall become Subrecipient's liability, and shall be paid solely by Subrecipient, immediately upon notification of such, from funds other than those provided by **TOWN** under this Agreement or any other agreements between **TOWN** and Subrecipient. This provision shall survive the expiration or termination of this Agreement.

Section. 4.6. Audits and Access to Records. Subrecipient certifies compliance with applicable provisions of 2 CFR 200.501-200.521, and continued compliance with these provisions during the term of this section. If Subrecipient is not required to have a Single Audit as defined by 200.501, US Department of Treasury requirements, or the Single Audit Act, then Subrecipient shall have a financial audit performed yearly by an independent Certified Public Accountant. Subrecipient shall provide notice of the completion of any required audits and will provide access to such audits and other financial information related to the

Agreement upon request. Subrecipient certifies that it will provide TOWN with notice of any adverse findings which impact this Agreement. This obligation extends for one year beyond the expiration or termination of this Agreement. [DRAFTER NOTE: BASED ON THE RISK ASSESSMENT OF THE SUBRECIPIENT, THE LOCAL GOVERNMENT MAY IMPOSE A MORE LIMITED PROCEDURES ENGAGEMENT REQUIREMENT ON A SUBRECIPIENT THAT IS NOT SUBJECT TO A SINGLE AUDIT. IF SO, THAT REQUIREMENT SHOULD BE SPELLED OUT HERE. THE LOCAL GOVERNMENT WILL ARRANGE FOR THE PROCEDURES ENGAGEMENT WITH THE AUDITOR AND PAY FOR IT. ARP/CSLFRF FUNDS MAY BE USED TO COVER THESE COSTS IF THE PROCEDURES ENGAGEMENT IS LIMITED TO ALLOWABLE COSTS UNDER THE UNIFORM GUIDANCE.]

Section. 4.7. Closeout. Final payment request(s) under this Agreement must be received by TOWN no later than thirty (30) days after the earlier of the Expiration Date or the last day of the Agreement Term. TOWN will not accept a payment request submitted after this date without prior authorization from TOWN. In consideration of the execution of this Agreement by TOWN, Subrecipient agrees that acceptance of final payment from TOWN will constitute an agreement by Subrecipient to release and forever discharge TOWN, its agents, employees, officers, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Subrecipient has at the time of acceptance of final payment or may thereafter have, arising out of, in connection with or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. The Subrecipient's obligations to TOWN under this Agreement shall not terminate until all closeout requirements are completed to the satisfaction of TOWN. Such requirements shall include submitting final reports to TOWN and providing any closeout-related information requested by TOWN by the deadlines specified by TOWN. This provision shall survive the expiration or termination of this Agreement.

Article V. Compliance with Grant Agreement and Applicable Laws.

Section. 5.1. General Compliance. Subrecipient shall perform all Approved Activities funded by this Agreement in accordance with this Agreement, the award agreement between TOWN and the US Department of Treasury, and all applicable federal, state and local requirements, including all applicable statutes, rules, regulations, executive orders, directives or other requirements. Such requirements may be different from Subrecipient's current policies and practices. TOWN may assist Subrecipient in complying with all applicable requirements. However, Subrecipient remains responsible for ensuring its compliance with all applicable requirements.

Section. 5.2. Expenditure Authority. This Agreement is subject to the laws, regulations, and guidance documents authorizing and implementing the ARP/CSLFRF grant, including, but not limited to, the following:

Authorizing Statute. Section 603 of the *Social Security Act* (42 U.S.C. 803), as added by section 9901(a) of the *American Rescue Plan Act of 2021* (Pub. L. No. 117-2).

Implementing Regulations. Subpart A of 31 CFR Part 35 (Coronavirus State and Local Fiscal Recovery Funds), as adopted in the *Coronavirus State and Local Fiscal Recovery Funds* interim final rule (86 FR 26786, applicable May 17, 2021 through March 31, 2022) and final rule (87 FR 4338, applicable January 27, 2022 through the end of the ARP/CSLFRF award term), and other subsequent regulations implementing Section 603 of the *Social Security Act* (42 U.S.C. 803).

Guidance Documents. Applicable guidance documents issued from time-to-time by the US Department of Treasury, including the currently applicable version of the *Compliance and Reporting Guidance: State and Local Fiscal Recovery Funds*.⁹

This Agreement is also subject to all applicable laws of the State of North Carolina.

Section. 5.3. Federal Grant Administration Requirements. Subrecipient shall comply with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, 2 CFR Part 200 (UG), as adopted by the Department of Treasury at 2 CFR Part 1000 and as set forth in the [Assistance Listing for ARP/CSLFRF \(21.027\)](#). These requirements dictate how Subrecipient must administer the subaward and how **TOWN** must oversee Subrecipient.

The applicable UG provisions are as follows:

[Subpart A, Acronyms and Definitions](#)

[Subpart B, General provisions](#)

[Subpart C, Pre-Federal Award Requirements and Contents of Federal Awards](#) (except 2 CFR 200.204, .205, .210, and .213)

[Subpart D, Post Federal; Award Requirements](#) (except 2 CFR 200.305(b)(8) & (9), .308, .309, and .320(c)(4))

[Subpart E, Cost Principles](#)

[Subpart F, Audit Requirements](#)

[2 CFR Part 25](#) (Universal Identifier & System for Award Management)

[2 CFR Part 170](#) (Reporting Subaward and Executive Compensation Information)

[2 CFR Part 180](#) (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement))

Subrecipient shall document compliance with UG requirements, including adoption and implementation of all required policies and procedures, within thirty (30) days of the execution of this Agreement and during all subsequent reviews during the term of the Agreement. **TOWN** may provide sample policies or other assistance to Subrecipient in meeting these compliance requirements. Regardless of **TOWN**'s assistance, it is the Subrecipient's responsibility to properly comply with all UG requirements. Failure to do so may result in termination of the Agreement by **TOWN**.

Section. 5.4. Procurement Requirements.

- (a) **Federal.** Consistent with UG compliance requirements, including the standards in 2 CFR 200.318 for the acquisition of property, equipment, supplies, or services required under this Agreement, Subrecipient shall adopt and enact procurement procedures. Subrecipient's documented procurement procedures must conform to the procurement standards identified in Subpart D of 2 CFR Part 200 (Procurement Standards). Such standards include, but are not limited to, the following:
 - 1. All procurement transactions for property or services shall be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320(1)-(3) and (5), which allows for non-competitive procurements only if either (1) the item is below the micro-purchase threshold; (2) the item is only available from a single source; (3) the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or (4) after solicitation of a number of sources, competition is determined inadequate.
 - 2. Subrecipient shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

⁹ <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

3. Subrecipient shall maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts in conformance with 2 CFR 200.318(c). Subrecipient shall immediately disclose in writing to **TOWN** any potential conflict of interest affecting the awarded funds in accordance with 2 CFR 200.112.
 4. Pursuant to 2 CFR 200.321, Subrecipient shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
 5. Subrecipient shall "maintain records sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price." 2 CFR 200.318(i).
- (b) **Local.** In addition to the requirements described in subsection (a), the Subrecipient shall comply with the following: **[NOTE: ADJUST THIS SECTION TO FIT YOUR LOCAL GOVERNMENT'S SPECIFIC REQUIREMENTS.]**
1. **Reporting.** Subrecipient shall document, in its quarterly report to **TOWN**, the status of all contracts executed in connection with this Agreement.
 2. **TOWN review of solicitations.** Except for micro-purchases made pursuant to 2 CFR 200.320(a)(1) or procurements by small purchase procedures pursuant to 2 CFR 200.320(a)(2), if Subrecipient proposes to enter into any contract for the performance of any of the Approved Activities under this Agreement, then the Subrecipient shall forward to **TOWN** a copy of any solicitation (whether competitive or non-competitive) at least fifteen (15) days prior to the publication or communication of the solicitation. **TOWN** will review the solicitation and provide comments, if any, to Subrecipient within three (3) business days. Failure to respond within three (3) business days does not constitute approval by the **TOWN**. Consistent with 2 CFR 200.324, **TOWN** will review the solicitation for compliance with applicable procurement standards. **TOWN's** review and comments shall not constitute a binding approval of the solicitation. Regardless of **TOWN's** review, Subrecipient remains bound by all applicable laws, regulations, and Agreement terms. If during its review **TOWN** identifies any deficiencies, then **TOWN** will communicate those deficiencies to Subrecipient as quickly as possible within the three (3) business day window outlined above.
 3. **TOWN review of contracts.** Except for micro-purchases pursuant to 2 CFR 200.320(a), if Subrecipient proposes to enter into any contracts for the performance of any of the Approved Activities under this Agreement, then Subrecipient shall forward to **TOWN** a copy of the written contract prior to contract execution. **TOWN** shall review the unexecuted contract for compliance with applicable requirements and provide comments, if any, to Subrecipient within three (3) business days. Failure to respond within three (3) business days does not constitute approval by the **TOWN**. Consistent with 2 C.F.R. §200.324, **TOWN** will review the unexecuted contract for compliance with the procurement standards outlined in 2 C.F.R. §§200.318 through 200.327 as well as Appendix II to 2 C.F.R. Part 200. **TOWN's** review and comments shall not constitute an approval of the contract. Regardless of **TOWN's** review, Subrecipient remains bound by all applicable laws, regulations, and Agreement terms. If during its review **TOWN** identifies any deficiencies, then **TOWN** will communicate those deficiencies to Subrecipient as soon as possible within the three (3) business day window outlined above. Subrecipient must correct the noted deficiencies before executing the contract.

- (c) **Mandatory Contract Provisions.** Subrecipient must include contract provisions required by UG and other state and federal laws and regulations, and as otherwise dictated by TOWN.
 [DRAFTER NOTE: CONSIDER WHETHER TO PROVIDE LIST OF REQUIRED CONTRACT PROVISIONS IN APPENDIX]

Section 5.5. Subawards. In executing this Agreement, Subrecipient may not enter a subaward without prior written approval from TOWN.

Section 5.6. Property Management. All real property acquired or improved, and equipment or supplies purchased in whole or in part with ARP/CSLFRF funds, must be used, insured, managed, and disposed of in accordance with 2 CFR 200.311 through 2 CFR 200.316. [NOTE: NEED MORE HERE ABOUT PROPERTY MANAGEMENT, APPLICATION OF UG REQUIREMENTS, VESTED OWNERSHIP, AND LOCAL GOVERNMENT APPROVALS]

Section 5.7 Program Income. If Subrecipient earns program income, as defined in 2 CFR 200.1 during the term of the subaward, it must segregate the gross proceeds of the program income and follow the provisions in 2 CFR 200.307. [NOTE: IF THE SUBAWARD ACTIVITY WILL INVOLVE THE GENERATION OF PROGRAM INCOME, YOU'LL NEED TO FLESH THIS SECTION OUT. SEE PROGRAM INCOME POLICY FOR MORE DETAILS]

Section. 5.8. Federal Restrictions on Lobbying. Subrecipient shall comply with the restrictions on lobbying in 31 CFR Part 21. Pursuant to this regulation, Subrecipient may not use any federal funds to pay any person to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement. Subrecipient shall certify in writing that Subrecipient has not made, and will not make, any payment prohibited by these requirements using the form provided in Exhibit D (Lobbying Certifications).

Section. 5.9. Universal Identifier and System for Award Management (SAM). Subrecipient shall obtain, and provide to the TOWN, a unique entity identifier assigned by the System for Award Management (SAM), which is accessible at www.sam.gov.

Section. 5.10. Equal Opportunity & Other Requirements. Subrecipient shall adopt and enact a nondiscrimination policy consistent with the requirements in this section.

Civil Rights Laws. Subrecipient shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d *et seq.*) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.

Fair Housing Laws. Subrecipient shall comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

Disability Protections. Subrecipient shall comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

Age Discrimination. Subrecipient shall comply with the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 *et seq.*), and Treasury's implementing regulations at 31 CFR Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

Americans with Disabilities Act. Subrecipient shall comply with Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Section. 5.11. Suspension and Debarment. Subrecipient shall comply with the Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR Part 180, as adopted by the U.S. Department of Treasury at 31 CFR Part 19. Subrecipient represents that neither it, nor any of its principals has been debarred, suspended, or otherwise determined ineligible to participate in federal assistance awards or contracts. Subrecipient further agrees that it will notify TOWN immediately if it or any of its principals is placed on the list of parties excluded from federal procurement or nonprocurement programs available at www.sam.gov.

Section. 5.12. Federal Funding Accountability and Transparency Act of 2006. Subrecipient shall provide TOWN with all information requested by TOWN to enable TOWN to comply with the reporting requirements of the *Federal Funding Accountability and Transparency Act of 2006* (31 U.S.C. 6101 note).

Section. 5.13. Licenses, Certifications, Permits, Accreditation. Subrecipient shall obtain and keep current any license, certification, permit, or accreditation required by federal, state, or local law and shall submit to TOWN proof of any licensure, certification, permit or accreditation upon request.

Section. 5.14. Publications. Any publications produced with funds from this Agreement shall display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [LOCAL GOVERNMENT NAME], North Carolina by the U.S. Department of the Treasury."

Section 5.15. Program for Enhancement of Contractor Employee Protections. Subrecipient is hereby notified that they are required to: inform its employees working on any federal award that they are subject to the whistleblower rights and remedies of the program; inform its employees in writing of employee whistleblower protections under 41 U.S.C §4712 in the predominant native language of the workforce; and include such requirements in any agreement made with a subcontractor or subgrantee.

Section 5.16. Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment. Pursuant to 2 CFR 200.216, Subrecipient shall not obligate or expend funds received under this Subaward to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

Section 5.17. Use of Name. Neither party to this Agreement shall use the other party's name, trademarks, or other logos in any publicity, advertising, or news release without the prior written approval of an authorized representative of that party. The parties agree that each party may use factual information regarding the existence and purpose of the relationship that is the subject of this Agreement for legitimate business purposes, to satisfy any reporting and funding obligations, or as required by applicable law or regulation without written permission from the other party. In any such statement, the relationship of the parties shall be accurately and appropriately described.

Section 5.18. Highest Compensated Officers. The names and total compensation of the five most highly compensated officers of Subrecipient shall be listed if the Subrecipient in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information

about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1) Code of 1986. If this requirement applies to Subrecipient, Subrecipient will submit the list of its five most highly compensated officers to TOWN within thirty (30) days of the execution of this Agreement and yearly thereafter during the Agreement term.

Section 5.19. Statement of Assurances. Subrecipient certifies compliance with SF 424B (Statement of Assurances – Non-Construction) and SF424D (Statement of Assurances – Construction). [NOTE: NEED TO CONFIRM WHETHER THIS SECTION IS REQUIRED.]

Section 5.20. Drug-free Workplace Requirements. [NOTE: NEED TO DETERMINE WHAT US TREASURY'S POLICY IS IMPLEMENTING 2 CFR 182]

Section 5.21. Stevens Amendments Requirements. Subrecipient shall identify that federal assistance funds were used to fund Approved Activities under this Agreement in any publicity and /or signage relating to the funded project or program.

[NOTE: ADD ANY ADDITIONAL SECTIONS REQUIRED BY STATE LAW OR GENERAL CONTRACT PRINCIPLES**]

Article VI. Cooperation in Monitoring and Evaluation.

Section. 6.1. TOWN Responsibilities. TOWN shall monitor, evaluate, and provide guidance and direction to Subrecipient in the conduct of Approved Activities performed under this Agreement. TOWN must determine whether Subrecipient has spent funds in accordance with applicable laws, regulations, including the federal audit requirements and agreements and shall monitor the activities of Subrecipient to ensure that Subrecipient has met such requirements. TOWN may require Subrecipient to take corrective action if deficiencies are found.

The type and degree of monitoring activities depends on the results of the Subrecipient Risk Assessment, as detailed in TOWN's Subaward and Monitoring Policy for the expenditure of ARP/CSLFRF funds, see Exhibit E (Subaward Policy). The following specific monitoring activities apply to this Agreement:

[NOTE: LIST APPROPRIATE MINIMUM MONITORING ACTIVITIES HERE – REFERENCE LISTS IN SUBAWARD POLICY. IF MEDIUM OR HIGH-RISK MONITORING APPLIES, ADD THE FOLLOWING DETAILED INFORMATION:

The nature of the additional requirements;

(2) The reason why the additional requirements are being imposed;

(3) The nature of the action needed to remove the additional requirement, if applicable;

(4) The time allowed for completing the actions if applicable; and

(5) The method for requesting reconsideration of the additional requirements imposed.]

Section. 6.2. Subrecipient Responsibilities.

- (a) **Cooperation with TOWN Oversight.** Subrecipient shall permit TOWN to carry out monitoring and evaluation activities, including any performance measurement system required by applicable law, regulation, funding sources guidelines or by the terms and conditions of the applicable grant award, and Subrecipient agrees to ensure, to the greatest extent possible, the cooperation of its agents, employees and board members in such monitoring and evaluation efforts. This provision shall survive the expiration or termination of this Agreement.
- (b) **Cooperation with Audits.** Subrecipient shall cooperate fully with any reviews or audits of the activities under this Agreement by authorized representatives of TOWN, the North Carolina State Auditor, the US Department of Treasury, and the US Government Accountability Office. Subrecipient agrees to ensure to the extent possible the cooperation of its agents, employees, and board members in any such reviews and audits. This provision shall survive the expiration or termination of this Agreement.

Section 6.3. Interventions. If TOWN determines that Subrecipient is not in compliance with this Agreement, TOWN may initiate an intervention, in accordance with 2 CFR 200.208 and 2 CFR 200.339. The degree of Subrecipient's performance or compliance deficiency will determine the degree of intervention. All possible interventions are listed below and will depend on the degree of deficiency in Subrecipient's performance or compliance deficiency.

If TOWN determines that an intervention is warranted, it shall provide written notice to Subrecipient of the intervention within thirty (30) days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after the TOWN otherwise learns of a compliance or performance deficiency related to the execution of this Agreement. The written notice shall notify Subrecipient of the following related to the intervention:

(1) The nature of the additional requirements;

(2) The reason why the additional requirements are being imposed;

(3) The nature of the action needed to remove the additional requirement, if applicable;

(4) The time allowed for completing the actions if applicable; and

(5) The method for requesting reconsideration of the additional requirements imposed.

TOWN may impose the following interventions on Subrecipient, based on the level of the compliance or performance deficiency that **TOWN** determines:

Level 1 Interventions. These interventions may be required for minor compliance or performance issues.

- (1) Subrecipient addresses specific internal control, documentation, financial management, compliance, or performance issues within a specified time period
- (2) More frequent or more thorough reporting by the Subrecipient
- (3) More frequent monitoring by the TOWN
- (4) Required Subrecipient technical assistance or training

Level 2 Interventions. These interventions may be required for more serious compliance or performance issues.

- (1) Restrictions on funding payment requests by Subrecipient
- (2) Disallowing payments to Subrecipient
- (3) Requiring repayment for disallowed cost items
- (4) Imposing probationary status on Subrecipient

Level 3 Interventions. These interventions may be required for significant and/or persistent compliance or performance issues.

- (1) Temporary or indefinite funding suspension to Subrecipient
- (2) Nonrenewal of funding to Subrecipient in subsequent year
- (3) Terminate funding to Subrecipient in the current year
- (4) Initiate legal action against Subrecipient

Interventions will remain in place until the underlying performance or compliance deficiency is addressed to the sole satisfaction of **[COUNTY/CITY/TOWN/VILLAGE.]**

Section 6.4. Records Retention and Access. Subrecipient shall maintain all records, books, papers and other documents related to its performance of Approved Activities under this Agreement (including without limitation personnel, property, financial and medical records) through at least December 31, 2031, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Agreement. Subrecipient shall make all records, books, papers and other documents that relate to this Agreement available at all reasonable times for inspection, review and audit by the authorized representatives of **TOWN**, the North Carolina State Auditor, the US Department of Treasury, the US Government Accountability Office, and any other authorized state or federal oversight office.

Section 6.5. Key Personnel. Subrecipient shall identify all personnel who will be involved in performing Approved Activities and otherwise administering the Agreement, including at least one project manager and one fiscal officer (Key Personnel). Subrecipient shall notify TOWN of any changes to these personnel within thirty (30) days of the change. Key personnel names, titles, and contact information are listed in Exhibit F (Key Personnel).

Article VII. Default and Termination.

Section. 7.1. Termination for Cause. TOWN may terminate this Agreement for cause after three days written notice. Cause may include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform on time, or failure to comply with any of the requirements of this Agreement.

Sec. 7.2. Termination Without Cause. TOWN may terminate this Agreement for any reason, in its sole discretion, by providing Subrecipient with thirty (30) days prior written notice.

Sec. 7.3. Termination by Mutual Agreement. TOWN and Subrecipient may agree to terminate this Agreement for their mutual convenience through a written amendment to this Agreement. The amendment will state the effective date of the termination and the procedures for proper closeout of the Agreement.

Sec. 7.4. Termination Procedures. If this Agreement is terminated, Subrecipient may not incur new obligations for the terminated portion of the Agreement after Subrecipient has received the notification of termination. Subrecipient must cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. Subrecipient shall not be relieved of liability to TOWN because of any breach of Agreement by Subrecipient. TOWN may, to the extent authorized by law, withhold payments to Subrecipient for the purpose of set-off until the exact amount of damages due TOWN from Subrecipient is determined.

Article VIII. General Conditions.

Section. 8.1. Indemnification. To the extent permitted by law, Subrecipient agrees to indemnify and hold harmless TOWN, and any of its officers, agents and employees, and the Federal Government from any claims of third parties arising out of any act or omission of Subrecipient in connection with the performance of this Agreement.

Section. 8.2. Insurance. Subrecipient must maintain insurance policies with minimum limits as follows:
[NOTE: INDICATE YOUR LOCAL GOVERNMENT'S INSURANCE REQUIREMENTS BELOW.]

Coverage

Minimum Limits

TOWN may require higher limits if warranted by the nature of this Agreement and the type of activities to be provided. The insurer must provide TOWN with a Certificate of Insurance reflecting the coverages required in this Section. All Certificates of Insurance shall reflect thirty (30) days written notice by the insurer in the event of cancellation, reduction, or other modification of coverage. In addition to this notice requirement, Subrecipient must provide TOWN prompt written notice of cancellation, reduction, or material modification of coverage of insurance. If Subrecipient fails to provide such notice, the Subrecipient assumes sole responsibility for all losses incurred by TOWN for which insurance would have provided coverage. The insurance policies must remain in effect during the term of this Agreement.

Subrecipient shall name TOWN as an additional insured except as to workers compensation insurance and it is required that coverage be placed with an "A" rated insurance company acceptable to TOWN. If Subrecipient fails at any time to maintain and keep in force the required insurance, TOWN may cancel and terminate the Agreement without notice.

Section. 8.3. Venue and Jurisdiction. TOWN and Subrecipient agree that they executed and performed this Agreement in **ORANGE COUNTY, North Carolina**. This Agreement will be governed by and construed in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement is the appropriate division of the North Carolina General Court of Justice in **ORANGE COUNTY, NORTH CAROLINA**. Such actions may not be commenced in, nor removed to, federal court unless required by law.

Section. 8.4. Nonwaiver. No action or failure to act by TOWN constitutes a waiver of any of its rights or remedies that arise out of this Agreement, nor shall such action or failure to act constitute approval of or acquiescence in a breach of this Agreement, except as specifically agreed in writing.

Section. 8.5. Limitation of TOWN Authority. Nothing contained in this Agreement may be deemed or construed to in any way stop, limit, or impair TOWN from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

Section. 8.6. Severability. If any provision of this Agreement is determined to be unenforceable in a judicial proceeding, the remainder of this Agreement will remain in full force and effect to the extent permitted by law.

Section. 8.7. Assignment. Subrecipient may not assign or delegate any of its rights or duties that arise out of this Agreement without TOWN's prior written consent. Unless TOWN otherwise agrees in writing, Subrecipient and all assigns are subject to all TOWN's defenses and are liable for all Subrecipient's duties that arise from this Agreement and all TOWN's claims that arise from this Agreement.

Section. 8.8. Integration. This Agreement contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed, or implied, between the parties, other than as set forth or referenced in this Agreement.

Section. 8.9. Notices. All notices and other communications required or permitted by this Agreement must be in writing and must be given either by personal delivery, approved carrier, email, or mail, addressed as follows:

- (a) If to the TOWN:
[ADDRESS HERE]
[EMAIL HERE]
- (b) If to the Subrecipient:
[ADDRESS HERE]
[EMAIL HERE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly constituted legal representatives and is effective as of the Effective Date.

[NOTE: INCLUDE SIGNATURE LINES AND ATTESTATIONS HERE]

Exhibit A: Subaward Data

Subrecipient Name	[Insert Subrecipient name, which must match the name associated with its unique entity identifier]
Subrecipient Unique Entity Identifier:	[Insert Subrecipient Unique Entity Identifier]
Federal Award Identification Number (FAIN):	[Insert Federal Award Identification #]
Federal Award Date of Award to the Recipient by the Federal Agency:	[Insert date]
Subaward Period of Performance Start Date:	[Insert date]
Subaward Period of Performance End Date:	[Insert date]
Amount of Federal Funds Obligated by this Action by the Pass-Through Entity to the Subrecipient:	[Insert Total Agreement Funds]
Total Amount of Federal Funds Obligated to the Subrecipient by the Pass-Through Entity Including the Current Obligation:	[If additional federal awards have been awarded to the Subrecipient, insert total amount, including the Total Agreement Funds specified above]
Total Amount of the Federal Award Committed to the Subrecipient by the Pass-Through Entity:	[Insert amount]
Federal Award Project Description:	[Insert description]
Name of Federal Awarding Agency:	Department of Treasury
Name of Pass-Through Entity:	[LOCAL GOVERNMENT NAME], North Carolina
Contact Information for [LOCAL GOVERNMENT NAME] Authorizing Official:	[Insert contact information]
Contact Information for City Project Manager:	[Insert contact information]
CFDA Number and Name:	21.027- Coronavirus State and Local Fiscal Recovery Funds
Identification of Whether Subaward is R&D:	Not R&D
Subrecipient Indirect Costs:	See <u>Exhibit C</u> – Approved Budget

Exhibit B: Approved Activities

[NOTE: DESCRIBE IN DETAIL WHAT THE SUBRECIPIENT WILL DO WITH THE MONEY]

Exhibit C: Approved Budget

Consult the **TOWN's** Allowable Costs and Cost Principles Policy and the ARP/CSLFRF Final Rule for specific directives and limitations on cost items.

REVENUES			Total Revenue
[LOCAL GOVERNMENT NAME] Coronavirus State and Local Fiscal Recovery Funds Awarded		\$	
Budget Cost Categories		OMB Uniform Guidance Federal Awards Reference 2 CFR 200	Total Expenditures
1.	Personnel (Salary and Wages)	\$	
2.	Fringe Benefits	\$	
3.	Travel	\$	
4.	Equipment	\$	
5.	Supplies	\$	
6.	Contractual Services and Subawards	\$	
7.	Consultant (Professional Service)	\$	
8.	Construction	\$	
9.	Occupancy (Rent and Utilities)	\$	
10.	Research and Development (R&D)	\$	
11.	Telecommunications	\$	
12.	Training and Education	\$	
13.	Direct Administrative Costs	\$	
14.	Miscellaneous Costs	\$	
a.	Advertising and public relations costs		
b.	Materials and supplies costs, including costs of computing devices		
15.	Add additional cost items as needed		
16.	Total Direct Costs (add lines 1-15)	\$	
17.	Total Indirect Costs		
	Rate %:	\$	
	Base*:		
18.	Total Costs Federal Grant Funds (Lines 16 and 17)	\$	
MUST EQUAL REVENUE TOTALS ABOVE			

* The Base is modified direct total costs (MTDC) of the subaward project. Pursuant to 2 CFR 200.68, MTDC means all direct salaries and wages, applicable fringe benefits, materials and [supplies](#), services, travel, and up to the first \$25,000 of each [subaward](#) (regardless of the [period of performance](#) of the [subawards](#) under the award). MTDC excludes [equipment](#), [capital expenditures](#), charges for patient care, rental costs, tuition remission, scholarships and fellowships, [participant support costs](#) and the portion of each [subaward](#) in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the [cognizant agency for indirect costs](#).

Exhibit D: Lobbying Certification

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Subrecipient's Authorized Official

Name and Title of Subrecipient's Authorized Official

Date

Exhibit E: Subaward Policy

[NOTE: APPEND THE TOWN'S SUBAWARD POLICY HERE.]

Exhibit F: Key Personnel

[NOTE: CREATE A CONTACT INFORMATION FORM HERE]

TOWN INFORMATION	
Administrative Address:	
Invoice Address:	
Project Manager Name:	
Project Manager Title:	
Project Manager Email:	
Project Manager Phone:	
Fiscal Officer Name:	Arche L. McAdoo
Fiscal Officer Title:	Chief Financial Officer
Fiscal Officer Email:	amcadoo@carrboronc.gov
Fiscal Officer Telephone:	919.918-7439
SUBRECIPIENT INFORMATION	
Administrative Address:	
Invoice Address:	
Project Manager Name:	
Project Manager Title:	
Project Manager Email:	
Project Manager Telephone:	
Fiscal Officer Name:	
Fiscal Officer Title:	
Fiscal Officer Email:	
Fiscal Officer Telephone:	

**CONFLICT OF INTEREST POLICY APPLICABLE TO CONTRACTS AND
SUBAWARDS SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE**

I. Scope of Policy

- a. Purpose of Policy. This Conflict-of-Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when Town of Carrboro (“*Town*”) enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. Application of Policy. This Policy shall apply when the Town (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means the individual identified in Section III(a) of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Town purchases property or services needed to carry out a program or project under a Federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.
- d. “*Covered Individual*” means a Public Officer, employee, or agent of the Town.

- e. “*Covered Nonprofit Organization*” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Town).
- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Town, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. “*Federal Financial Assistance*” means Federal financial assistance that the Town receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. “*Governing Board*” means the Town Council of the Town.
- i. “*Immediate Family Member*” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
- j. “*Involved in Making or Administering*” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking

action on the Contract or Subaward, whether or not the Public Official actually participates in that action.

- k. “*Pass-Through Entity*” means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- l. “*Public Officer*” means an individual who is elected or appointed to serve or represent the Town (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Town.
- m. “*Recipient*” means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Town) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.
- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

- s. “Town” has the meaning specified in Section I hereof.

III. COI Point of Contact.

- a. Appointment of COI Point of Contact. The Town Clerk in consultation with the Town Attorney of the Town, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that the Town Clerk, is unable to serve in such capacity, the Assistant/Deputy Town Clerk in consultation with the Town Attorney, shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the “*COI Point of Contact*”.
- b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Town involved in contracting on behalf of the Town. The Town shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section IV.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Town Involved in Making or Administering a Contract or Subaward on behalf of the Town shall not derive a Direct Benefit from such a Contract or Subaward.
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Town may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Town.
 - iii. G.S. § 14-234.3. If a member of the Governing Board of the Town serves as a director, officer, or governing board member of a Covered

Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Town and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Town and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

- iv. G.S. § 14-234.1. A Public Officer or employee of the Town shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. **Federal Standards.**

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.
 - 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.
 - 2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing

situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose and Disclosure Forms

- a. Each Covered Individual expected to be or involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.
- b. Prior to the Town's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.
- c. If the value of a proposed Contract or Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Town.

2. Identification Prior to Award of Contract or Subaward.

- a. Prior to the Town's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the Town.

3. Management Prior to Award of Contract or Subaward

- a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to the Town Manager and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:
 - i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Town is a Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Town is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Town; or
 - ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in writing document a justification supporting such rejection.
- b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Town may enter into the Contract or Subaward in accordance with the Town's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

- a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Town has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to the Town Manager and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Town shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

- a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4), the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:
 - i. if Town is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or
 - ii. if Town is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Town in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

Oversight of Subrecipient's Conflict of Interest Standards

- c. **Subrecipients of Town Must Adopt Conflict of Interest Policy.** Prior to the Town's execution of any Subaward for which the Town serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- d. **Obligation to Disclose Subrecipient Conflicts of Interest.** The COI Point of Contact shall ensure that the legal agreement under which the Town makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

V. Gift Standards

- a. **Federal Standard.** Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. **Exception.** Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. **Internal Reporting.** A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal

awarding agency or a Pass-Through Entity for which the Town is a Subrecipient.

VI. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Town.
- b. Disciplinary Actions for Contractors and Subcontractors. The Town shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.
- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Town shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Town, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

Adopted this the [___] day of [____], [_____].

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
<p>Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none">- Stock in a corporation.- Membership interest in a limited liability company.- Partnership interest in a general or limited partnership.- Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract.- Option to purchase any equity interest in a firm or organization.	<p>Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract.</p> <p>A position as a director or officer of the firm or organization, even if uncompensated.</p>
<p>Holder of any debt owed by a firm considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none">- Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment))- Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan).<ul style="list-style-type: none">o Holder of a judgment against the firm.	<p>A referral of business from a firm considered for a Contract or Subaward.</p>
<p>Supplier or contractor to a firm or organization considered for a Contract or Subaward.</p>	<p>Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).</p>

EXHIBIT B

COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The Town of Carrboro (“Town”) has adopted a Conflict-of-Interest Policy (“Policy”) that governs the Town’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [] as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Town.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Contract exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Town Manager and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Town) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step				
1	Identify the proposed Contract, counterparty, and the subject of the Contract.	<u>Name of Contract:</u> <hr/> <u>Name of Counterparty</u> <hr/> <u>Subject of Contract:</u> <hr/>		
2	Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.			
	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>	
3	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract. [If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]			
Any identified interest in Step 3 is a potential “real” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>	
4	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract. If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.			
Any identified interest in Step 4 is a potential “real” conflict of interest.	<u>Public Officials – Related Party</u>	<u>Employees – Related Party</u>	<u>Agents – Related Party</u>	

5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.		
Any identified interest in Step 5 is a potential “apparent” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT C

CONTRACT CONFLICT OF INTEREST DISCLOSURE FORM FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of Carrboro (“*Town*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Town’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [] as the “COI Point of Contact.”

The COI Point of Contact has identified you as an official, employee, or agent of the Town that may be involved in the selection, award, or administration of the following contract: _____ (the “*Contract*”). To safeguard the Town’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Contract. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

- a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Town) have a financial or other interest in a firm considered for this Contract or will such current or potential employer receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

- a. Does a current or potential employer (other than the Town) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- b. Will a current or potential employer (other than the Town) of any of your Immediate Family Members receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- c. Does a current or potential employer (other than the Town) of any partner of yours have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Town) of any partner of yours receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the appearance that you have a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the appearance that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the appearance that your current or potential employer (other than the Town) has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the appearance that any current or potential employer (other than the Town) of any of your Immediate Family Members has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Town) of any other partner has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

Sign Name: _____

Print Name: _____

Name of Employer _____

Job Title: _____

Date of Completion: _____

EXHIBIT D

COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT

The Town of Carrboro (“*Town*”) has adopted a Conflict-of-Interest Policy (“*Policy*”) that governs the Town’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [] as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Town.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict-of-Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to [] and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Town) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step			
1	Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.	<u>Name of Contract:</u> <hr/> <u>Name of Counterparty</u> <hr/> <u>Subject of Subaward:</u> <hr/>	
2	Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict-of-Interest Policy.		
	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>
3	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict-of-Interest Disclosure Form with the COI Point of Contact.]		
Any identified interest in Step 3 is a potential “real” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>
4	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds \$100,000, ensure that each Covered Individual files a Conflict-of-Interest Disclosure Form with the COI Point of Contact.		
Any identified interest in Step 4 is a potential “real” conflict of interest.	<u>Public Officials – Related Party</u>	<u>Employees – Related Party</u>	<u>Agents – Related Party</u>

5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.		
Any identified interest in Step 5 is a potential “apparent” conflict of interest.	<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT E

SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of Carrboro (“Town”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Town’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [_____] as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Town that may be involved in the selection, award, or administration of the following subaward: _____ (the “Subaward”). To safeguard the Town’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

- a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Town) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

- a. Does a current or potential employer (other than the Town) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- b. Will a current or potential employer (other than the Town) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- c. Does a current or potential employer (other than the Town) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Town) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the appearance that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the appearance that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the appearance that your current or potential employer (other than the Town) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the appearance that any current or potential employer (other than the Town) of any of your Immediate Family Members has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the appearance that any current or potential employer (other than the Town) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

Sign Name: _____

Print Name: _____

Name of Employer: _____

Job Title: _____

Date of Completion: _____



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-289

Agenda #: 1.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Adoption of Grant Project Ordinance for Expenditure of ARP/CSLFRF Funds

PURPOSE: The purpose of this agenda item is to present to the Town Council an allocation plan for expenditure of ARP/CSLFRF funds.

DEPARTMENT: Town Manager; Finance

CONTACT INFORMATION: Richard White, 919.918.7315; Arche McAdoo, 919.918.7439

INFORMATION: The initial grant project ordinance adopted on May 4, 2021, provided for the designation and accounting of these funds in the Special Revenue Fund. Amendment of the grant project ordinance on June 22, 2021, appropriated \$300,000 for Small Business Grants, \$224,795 for Premium Pay and \$1,834,730 for Revenue Replacement. In December 2021, the appropriation for Small Business Grants was increased to \$326,522 to fund more businesses. Due to the expenditure and reporting rules for premium pay, town staff concluded that it was not in the best interests of the Town to implement this program. The Small Business Grant program was implemented last year and to date has awarded \$326,522 to small businesses negatively impacted by the pandemic.

The proposed expenditure of ARP/CSLFRF is based on the work of the Town's ARPA Work Group. This Work Group was comprised of department directors and other staff members who reviewed the ARP/CSLFRF allowable activities and sought to align them with identified needs gained from interviews with nonprofits, BIPOC roundtables, community engagements, surveys, and other means. The Work Group used the following ARPA Guiding Principles that were presented to Council on October 19, 2021 to identify the proposed projects: Council Goals and Policy Alignment; Racial Equity and Inclusion; Environmental Justice; Invest in Resiliency and Build Capacity; Leverage Local and Regional Partnerships; and Use Existing Data and Outreach.

The Grant Project Ordinance (Attachment A) was present to the Council at its work session on September 20, 2022. The attached Grant Project Ordinance has been changed since the work session. The Town has received \$6.7 million for eligible costs incurred from March 3, 2021, through December 31, 2024. All monies must be incurred by December 31, 2024 and spent by December 31, 2026. (Note: A cost is incurred when it is legally obligated and expended when the amount is due for payment.)

Proposed expenditures include equipment, supplies and materials for public safety; maintenance and renovation of parks; in addition to the Small Business Grants, technical assistance for minority businesses and a disparity study; human services, energy efficiency renovations, emergency housing assistance, water bill debt assistance, and affordable housing. Expenditures are also proposed for the relocation of underground fuel tanks,

community engagement, technology, and assistance with grant administration. The utilization of these expenditures will be targeted to assist those individuals, agencies and businesses disproportionately impacted by the virus. Attachment B provides a brief summary of the projects listed in the Grant Project Ordinance.

One of the major expenditure groups under ARP/CSLFRF is Revenue Replacement for lost revenue growth. A local government may spend up to \$10 million or its entire allotment of ARP/CSLFRF funds, whichever is lower in this category without having to demonstrate any actual lost revenue growth. Revenue replacement funds may be spent on the “provision of government services, i. e., any service traditionally provided by a government, unless U. S. Treasury states otherwise. Using Revenue Replacement allows a local government to spend these funds for almost any purpose authorized by state law, with fewer compliance requirements and more streamlined reporting.

The Revenue Replacement category is the most flexible spending category with the fewest compliance requirements. Because of this, we recommend that the Town of Carrboro use its entire ARP/CSLFRF allotment under the Revenue Replacement category. The attached draft Grant Project Ordinance shows proposed allocation of ARP/CSLFRF funds by functional category as we do in the annual operating budget.

Use of ARP/CSLFRF funds under Revenue Replacement must be in compliance with the following:

- Award terms and conditions of the grant
- Eligible use as defined in the ARP/CSLFRF Final Rule.
- Costs incurred from March 3, 2021 through December 31, 2024.
- Reporting.
- Maintenance of and access to records.
- Conflicts of Interest
- Applicable laws and regulations.

The Town must also comply with the terms and conditions of the Grant Agreement which includes Civil rights, Hatch Act, and Protection of whistleblowers.

With the adoption of ARP/CSLFRF policies and approval of this grant project ordinance, Town staff can begin defining those internal processes we must employ to ensure these funds are spent in compliance with the Act, as well as documenting decisions made, and efforts undertaken to ensure compliance with the Act and rules. As established in ARPA Policy No. 2022-01, the following procedure for approval of ARP/CSLFRF projects will be as follows:

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the U.S Treasury Compliance and Reporting Guidance
<<https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting->
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARP funding should review the [Final Rule](#)
<<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>> and [Final Rule Overview](#)

<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf> prior to submitting a proposal.

- d. Proposed budget, broken down by cost item, in accordance with the Town of Carrboro's Allowable Cost Policy.
 - e. A project implementation plan and estimated timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully spent by December 31, 2026.)
2. Requests for funding must be in writing using the Town's *ARPA Project Request and Eligibility Determination Form* (Exhibit A) and submitted to the Town's Designated Official for approval.
 3. All requests will be reviewed by Town Attorney for ARP/CSLFRF compliance and by the Chief Financial Officer for allowable costs and other financial review.
 4. No ARP/CSLFRF may be obligated or spent before final written approval by the Carrboro Town Council and adoption of a project ordinance by the Town Council.
 5. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal, if necessary.
 6. Following approval, employees responsible for implementing the project must conform the actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget or project ordinance amendment before proceeding.
 7. Any delay in the projected project completion date shall be communicated to the Chief Finance Officer immediately upon knowledge of events that may cause a delay.
 8. The Designated Town Official must collect and document the required information for each Expenditure Category, for purposes of completing the required Project and Expenditure reports.
 9. The Chief Finance Officer must retain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Depending upon the ARP/CSLFRF category, the Town may establish additional criteria for approval of projects.

FISCAL & STAFF IMPACT: The Town has received an allocation of \$6.7 million.

RECOMMENDATION: Staff recommends that the Town Council adopt the attached grant project ordinance for the expenditures of ARP/CSLFRF funds.

ASP SLFRF PROPOSED SPENDING ALLOCATION 10-04-2022

Project Summary of Proposed ARP/SLFRF Expenditures

Total ARP/SLFRF Grant	\$ 6,753,198.84
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Project Description	Amount	Project Summary
Defibrillators	\$ 3,000	To purchase and install a defibrillator on one of the administrative vehicles. Quickly beginning chest compressions, in conjunction with rapid defibrillation has been shown to drastically improve patient outcomes experiencing cardiac arrest. The addition of a defibrillator to the administrative vehicle increases the access to a defibrillator.
LUCAS Chest Compression System	\$ 40,000	To purchase and install LUCAS chest compression devices to Engine-1 and Engine-2.. The LUCAS device provides continuous, uninterrupted compressions at the optimized heart rate and depth indicated by industry best practices and research for cardiac arrest.
Medical Bags and Supplies	\$ 7,100	To purchase updated medical bags for placement on the primary response apparatus. Current equipment is outdated, bulky, heavy, and presents the potential for injury to personnel. The new bags will streamline medical equipment system that will allow personnel to carry all necessary equipment in a safer and more efficient manner. Medical supplies include respirators and other personal protective equipment to protect personnel during responses involving COVID positive patients, and other communicable diseases.
Radio Update	\$ 31,198	Due to upcoming changes in the Voice Interoperability Project for Emergency Responders (VIPER) radio network all radios currently utilized by both the PD and the FRD are required to be updated to the Time Division Multiple Access (TDMA) standard. This update is mandatory, as this is the radio system the FRD and PD are required to use, and any radios that do not have this update will not be able to be utilized on the system. This purchase would fund the required upgrade for the FRD.
Public Safety - Police		
De-escalation Training System and Equipment	\$ 40,000	System and equipment will be utilized to train officers in critical skills such as de-escalation and communication.
Community Safety Taskforce Program Implementation	\$ 75,000	To provide funding for implementation of CSTF recommendations.
Mental Health Crisis Counselor Pilot Program	\$ 70,000	This position will support the police department's efforts to respond to some calls for service in a more holistic and multi-disciplinary way and allow for follow up care after incidents. The OC Criminal Justice Resource Department has applied for a two year DHHS grant that will cover expenses for a mental health position within each LE agency in OC. Date of notification of award of grant has passed and is still pending. If this grant is awarded, ARPA allocation will not be needed for this item.
Radio Update	\$ 46,450	Due to upcoming changes in the Voice Interoperability Project for Emergency Responders (VIPER) radio network all radios currently utilized by both the PD and the FRD are required to be updated to the Time Division Multiple Access (TDMA) standard. This update is mandatory, as this is the radio system the FRD and PD are required to use, and any radios that do not have this update will not be able to be utilized on the system. This purchase would fund the required upgrade for the PD.
Information Technology		

Project Description	Amount	Project Summary
Fiber Optic Network - S. Merritt Mill Rd.	\$ 300,000	Extend the Town's fiber optic network on S. Merritt Mill Rd. to the UNC Cogeneration Facility. This would provide a redundant path to the MCNC NCREN network for internet connectivity. Internet access is of critical importance to Town operations given the reliance on internet connectivity for many Town services and functions.
Consultant for Broadband Internet Access to Affordable Housing	\$ 350,000	Hire consultants to determine the optimal model to deliver broadband internet access by a fiber optic network to affordable housing in Carrboro and then to deliver a design for that network.
Council Room Broadcasting for Hybrid Meetings	\$ 150,000	Current Council Chambers broadcasting equipment is not capable of broadcasting a hybrid style Council meeting and is near end of life and is due for replacement. This would replace current broadcasting equipment to allow for hybrid style Council meetings. A hybrid style Council meeting is where Council Members and meeting participants are on site and are remote (such as through ZOOM or other) during the meeting.
Public Works		
Relocation of Underground Fuel Tanks	\$ 475,000	This relocation of the fuel depot, relocation and replacement of the Underground Storage Tanks (USTs) will be safer above ground in a non-flood prone elevation. Also, removal of existing Underground Storage Tanks.
Pave Fitch Lumber Parking Lot	\$ 40,000	Resurface parking lot and pavement markings
Pave Butler Parking Lot	\$ 10,000	Regrade and add gravel to the parking lot
Planning, Zoning and Inspections		
ROW acquisiton for S. Greensboro Street Sidewalk (QCT)	\$ 50,000	Sidewalk is currently in design phase and additional funds for ROW acquisition is needed.
Barnes Street Bus Shelter and amenities (QCT)	\$ 100,000	Enhanced bus shelter with bike share HUB
Bike Fix-It Stations (3)	\$ 45,000	Dr. Martin Luther King, Jr. Park, Barness Street and Willow Creek
Homestead Road Crossing - Bike Plan Priority 1 (partial)	\$ 113,000	This funding will complete one crossing of Homestead Road, which is a component of Priority Project #1 in the Bike Plan.
Design and construct 10-foot sidepath to connect South Greenboro sidewalk (Old Pittsboro to Carr Street) to 203 Project (QCT)	\$ 200,000	Will provide a safe bike/ped route for residents to use to get to 203 Project area for library, shopping and entertainment.
Design and install Rectangle Rapid Flashing Beacon on Hillsborough Street to improve access to McDougle Elementary School (SRTS)	\$ 100,000	This RRFB will improve access to McDougle Elementary School
Housing and Community Services		
Human Services	\$ 503,500	Grants to impacted nonprofit agencies and benefits for residents in the QCT negatively affected by the pandemic.
LMI Home Energy Efficiency Renovations	\$ 500,000	Proactive housing preservation and weatherization in QCT, and households most negatively impacted by the pandemic.

Project Summary of Proposed ARP/SLFRF Expenditures

Total ARP/SLFRF Grant	\$ 6,753,198.84
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Project Description	Amount	Project Summary
Emergency Housing Assistance	\$ 500,000	Assistance, such as rental payments, for residents in Qualified Census Tracts (QCT),and those most negatively affected by the pandemic.
OWASA Water Bill Debt	\$ 50,600	Assistance for individuals who had to defer payments during the pandemic and are now faced with large or delinquent accounts, or water turnoffs.
Affordable Housing Units	\$ 1,000,000	Transformational project(s) to create new units of affordable housing
General Administration	\$ -	
Grants Manager	\$ 75,000	This position will be responsible for helping to ensure Town meets all compliance and reporting requirements.
Orange County Veteran Memorial Phase III	\$ 10,000	Carrboro's contribution too Phase III
Racial Equity Commission Recommendations	\$ 75,000	
Community Engagement	\$ 100,000	Digital signage, a combination of variable message boards for vehicular traffic and pedestrian-scale LED screens, will improve the Town's information network and advance goals to connect with people who are not otherwise connected to traditional networks for public announcements.
Unassigned	\$ 170,178	
TOTAL	\$ 6,753,199	

\$ -

**Grant Project Ordinance for the Town of Carrboro American Rescue Plan Act of 2021:
Coronavirus State and Local Fiscal Recovery Funds**

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

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

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

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

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

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

Project Description	Appropriation of ARP/CSLFRF Funds	Total by Department	% of Total
Economic Development		\$976,522	14%
Small Business Grants	\$326,522		
Disparity Study	\$300,000		
Small Business Grants - Part II	\$150,000		

Minority Business Training	\$200,000		
Recreation, Parks & Cultural		\$496,650	7%
Recreation Facilities Maintenance & Repair	\$100,000		
Horse Shoe Pits - Anderson Park	\$114,400		
Baldwin Park Renovation	\$227,000		
Artist Support - 2 Murals	\$24,000		
Music Festival Performer Honoraria FY 2023-24	\$31,250		
Public Safety - Fire & Rescue		\$131,298	2%
Cardiac Monitor	\$50,000		
Defibrillators	\$3,000		
LUCAS Chest Compression System	\$40,000		
Medical Bags and Supplies	\$7,100		
Radio Update Services	\$31,198		
Public Safety - Police		\$231,450	3%
Deescalation Training System and Equipment	\$40,000		
Mental Health Crisis Counselor Pilot Program	\$70,000		
Community Safety Task Force Recommendations	\$75,000		
Radio Update Services	\$46,450		
Information Technology		\$800,000	12%
Fiber Optic Network - S. Merritt Mill Rd	\$300,000		
Broadband Consultant for Internet Access to Affordable Housing	\$350,000		
Council Room Broadcasting for Hybrid Meetings	\$150,000		
Public Works		\$525,000	8%
Relocation of Underground Fuel Tanks	\$475,000		
Pave Fitch Lumber Parking Lot	\$40,000		
Pave Butler Parking Lot	\$10,000		
Planning, Zoning and Inspections		\$608,000	9%
ROW acquisition for S. Greensboro Street Sidewalk (QCT)	\$50,000		
Barnes Street Bus Shelter and amenities (QCT)	\$100,000	\$-	
Bike Fix-It Stations (3)	\$45,000		

Design and construct 10-foot side path to connect South Greenboro sidewalk (Old Pittsboro to Carr Street) to 203 Project (QCT)	\$200,000		
Homestead Road Crossing - Bike Plan Priority 1 (partial)	\$113,000		
Design and install Rectangle Rapid Flashing Beacon on Hillsborough Street to improve access to McDougal Elementary School (Bike Plan)	\$100,000		
Housing and Community Services		\$2,554,100	38%
Human Services (Non-Profits)	\$503,500		
LMI Home Energy Efficiency Renovations	\$500,000		
Emergency Housing Assistance	\$500,000		
OWASA Water Bill Debt	\$50,600		
Affordable Housing Units	\$1,000,000		
General Administration	\$-	\$260,000	4%
Grants Manager	\$75,000		
Orange County Veteran Memorial Phase III	\$10,000		
Racial Equity Commission Recommendations	\$75,000		
Community Engagement - Digital Signage	\$100,000		
Unassigned	\$170,178	\$170,178	3%
TOTAL	\$6,753,199	\$6,753,199	100%

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

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

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

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

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

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

Town of Carrboro

Projects and Activities Considered, But Not Included

Department	Project Description	Amount	Explanation for Not Including
Economic Development	Old 86 Site Development/Entrepreneurial Kitchen	Unknown	Staff will be working on developing an RFP to better understand possible uses for the Old 86 site in the coming year. Staff have already had some early conversations with Piedmont Food Processing Center in Hillsborough about some of their needs and interest in expansion in Carrboro. There is an interest, but details need to be worked out.
Economic Development	Apprenticeships for retail/food service	Unknown	Staff are currently exploring this option with the Summer Apprenticeship Program staff offered by the Chamber this past summer. Assessing demand will also be a big component of ensuring it's success.
Economic Development	Support for the Arts Community	\$10,000-\$20,000	Town staff are already coordinating programming with Triangle Artworks for art-centric business training to help artists learn the business basics of their trade. I anticipate some of the funds to come from ARPA via the Minority Business Assistance (for BIPOC artists) and some from anticipated Article 46 Funds.
Economic Development	Non-traditional entrepreneurial enterprise	Less than \$5,000	Town staff are already in the process of coordinating a Holiday BIPOC Pop-up and will work to incorporate at least two pop-ups per year to help support non-traditional enterprises.
Economic Development	Minority business launch space	Est. \$96,000 per year (rent) Est. \$1 million (purchase)	Depending on how the Council would want to proceed with this item, this would be a large on-going expenditure or new program. There are some concerns as to how ARPA funds could be used for this since we would need to show the mitigation of a direct negative economic impact to the beneficiaries. Should Council proceed, staff would recommend we outsource the direct management of the space to avoid additional staffing.
Economic Development	Start-up incubator space	Est. \$96,000 per year (rent) Est. \$1 million (purchase)	Similar to the previous item, this could be a large on-going expenditure with questions about using ARPA funds to accomplish the activity. Also similar to the previous item, staff would recommend we utilizing existing organizations to operate such a facility with specialized staff and training.
Economic Development	Downtown Improvement District	Unknown	This is lengthy process that would require additional discussion in order to determine what services would be included, the boundaries of the district, management agencies, etc. Staff can certainly look into opportunities of developing such a district, but there may not likely be an up-front cost to the creation of the district.

Town of Carrboro

Projects and Activities Considered, But Not Included

Recreation, Parks & Cultural	Downtown Basketball Court	750,000	Estimated cost does not include land. Estimated \$1,000,000-\$2,000,000 land cost depending on location in downtown area. No available land currently in downtown area. Facility not identified as priority in comp. plan. Future feasibility study planned for a community center that could include a gymnasium/court. Concern for project completion within ARPA expenditure timeframe.
Recreation, Parks & Cultural	Anderson Park Splash Pad	300,000	No connection to OWASA water system would required a well. Uncertain if well would work at the location and flow rate may be an issue, esp. with 3 wells at the park already. Well would require hourly monitoring and installation of a chlorination system. Amenity would only be available roughly May through September based on other area splash pad schedules. OWASA currently has no plans to extend a line to the park and this may come with a significant cost. Concern for project completion within ARPA expenditure timeframe.
Housing and Community Services	Community kitchen - food-security nonprofits collaboration	225,000	Commercial grade kitchen with walk-in refrigerator with room for additional freezers and refrigerators to be used collaboratively among food security nonprofits and could provide prepared frozen and refrigerated meals to community members. Possible location could be within TABLE on East Main St. Town staff currently gauging the interest of other nonprofits. Thus far, there does seem to be some initial interest and need for such a space. However, there are concerns about a restaurant/food rescue aspect. Cost indicated is a rough estimate for the kitchen and equipment in the TABLE space. Further discussions would be needed as there is no program, and any program would have additional costs.
Public Works	Libba Cotton and Sheatley Bike Paths	160,000	Other funding source available is Powell Bill funds.
Public Works	Purchase of three new emergency generators to replace the existing generators at the Century Center, Fire Station 1, and Public Works facility.	225,000	Other Staff Priorities
Public Works	This project will improve and stabilize a section of Morgan Creek which will have environmental/ecosystem, bicycle and pedestrian infrastructure, and recreational/community enjoyment benefits. There will also be downstream benefits from reduced streambank erosion and sediment delivery. This benefit will accrue to sensitive downstream riparian habitats and to the regional water supply (Jordan Lake)	325,000	Not shovel ready projects- unable to meet spending timeline.
Public Works	This project would improve indoor air quality through better management of the ventilation system.	225,000	Project gained other funding during the ARPA process
General Administration	Community Language Access Plan.	Unknown	Need to develop comprehensive plan and consider funding in General Fund operating budget since this will be a recurring cost.



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-279

Agenda #: 2.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Appointments to the Environmental Advisory Board

PURPOSE: The purpose of this agenda item is for the Town Council to make appointments to the Environmental Advisory Board.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Wesley Barker, wbarker@carrboronc.gov, 919-918-7309; Laura Janway, ljanway@carrboronc.gov, 919-918-7326

INFORMATION: The Environmental Advisory Board (EAB) is a seven member board. There are currently four seats vacant, with another member up for reappointment. Due to the current number of vacancies, EAB cannot meet quorum and is unable to meet.

New applications have been received from Hasan Abdullah, Fernanda Ortiz, Scott Powell, Jess Pusch, Greg Randolph, Riz Rashdi, Karen Stine, and Sarah Zelasky. All applications are included, along with the Chair Reports, as Attachment B. Please note, the Chair Reports were completed by Environmental Sustainability Coordinator and EAB staff liaison, Laura Janway, due to the fact the EAB currently does not have a designated chair in place. Laura has met individually with all these applicants.

Additionally, Namdi Brandon is a current member of EAB, and is eligible for (and interested in) reappointment to another three-year term. Namdi's original application, and chair form, is also included within Attachment B.

In accordance with the Town's Advisory Board Recruitment and Appointment Policy under the Voting Method section, Town Council will vote by ballot provided at the Council meeting. Council members will vote only for the number of candidates that there are vacant seats to fill. The Clerk will then tally the results following the vote.
[<https://www.carrboronc.gov/DocumentCenter/View/5358/Town-of-Carrboro-Advisory-Board-Recruitment-and-Appointment-Policy->](https://www.carrboronc.gov/DocumentCenter/View/5358/Town-of-Carrboro-Advisory-Board-Recruitment-and-Appointment-Policy->)

An information matrix is attached as Attachment C.

A resolution making appointments to the EAB is included as Attachment A.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: It is recommended that Town Council make appointments to the EAB via ballot method at the Town Council meeting and adopt the appointment resolution (Attachment A) of those applicants receiving the highest number of votes. It is also recommended that Namdi Brandon be reappointed.

**A RESOLUTION MAKING APPOINTMENT(S) TO THE
ENVIRONMENTAL ADVISORY BOARD (EAB)**

Section 1 The Carrboro Town Council hereby appoints the following applicant(s) to the Environmental Advisory Board:

Appointee	Term Expiration
	02/2024
	02/2024
	02/2025
	02/2025
	02/2025

Section 2. This resolution shall become effective upon adoption.

This the 11th day of October 2022.

Print

Advisory Board Application - Submission #4849

Date Submitted: 6/23/2020

First Name*

Namdi

Last Name*

Brandon

Date*

6/23/2020

Select today's date

Address1*

103 Riverbirch Pt

Address2

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone*

9196389608

Please enter your primary contact phone number.

Email Address*

namdi.brandon@gmail.com

Enter your primary email address.

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

Date of Birth*

7/16/1987

Please enter your Month/Day/Year of Birth

Race*

Black

Please enter your race.

Sex*

Male

Please enter your sex.

Occupation*

Mathematician

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

10

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

6

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

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

- | | |
|--|---|
| <input type="checkbox"/> Affordable Housing Advisory Commission | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Animal Control Board of Appeals | <input type="checkbox"/> OWASA Board of Directors |
| <input type="checkbox"/> Appearance Commission/NPDC | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Recreation and Parks Commission |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Safe Routes to School Implementation Committee |
| <input type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> Stormwater Advisory Commission |
| <input checked="" type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Tourism Development Authority* |
| <input type="checkbox"/> Human Services Commission | <input type="checkbox"/> Transportation Advisory Board |
| <input type="checkbox"/> Greenways Commission | |

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

Other (advisory board not listed):

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

****Employer/Self Employed**

CoVar Applied Technologies

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

Advisory Board Preference*

Environmental Advisory Board

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

Number of Years Employed

< 1

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

None

Please enter the requested information.

Relevant Experience:*

I worked as at a postdoc for four years at the Environmental Protection Agency as a mathematician/ scientist. I earned a PhD of Applied Mathematics from the University of Chapel Hill in 2015. I earned a bachelor's degree majoring in both math and physics from Tulane University in 2009.

Reasons You Wish to be Appointed*

I am interested in being part of the Environmental Advisory Board because environmental sustainability is of critical importance. As a mathematician, I know that my analytical skills will be useful to the Board when analyzing development proposals for renewable energy, water efficiency, materials efficiency, etc. Serving on the Board will be a wonderful opportunity to give back to the town of Carboro by helping ensure environmental sustainability for years to come.

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

If yes, which one(s)?

No

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6875

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Namdi

Applicant Last Name:

Brandon

1. Has the applicant previously served on this or another advisory board?*



Yes



No

2. If yes, how many total years have they served?

2

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?



Yes (Skip to Last Question)



No

4. Is the applicant already serving on this advisory board and completed their two full terms?



Yes



No

5. Is the applicant applying for a special or expert seat on the advisory board?*



Yes



No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*



Yes



No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?



Yes



No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☒
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #6303

Date Submitted: 4/11/2022

First Name*

Hasan

Last Name*

Abdullah

Date*

4/11/2022

Select today's date

Address1*

341 Rose Walk Lane

Address2

City*

Carrboro

State

North Carolina

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9196193916

Please enter your primary contact phone number.

Email Address*

hasan.a.abdullah@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1986

Race*

Pakistan

Please enter your race.

Sex*

Male

Please enter your sex.

Ethnicity*

Asian

Occupation*

Product Manager in Tech

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

24

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

20

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

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

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

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

Advisory Board Preference*

Environmental Advisory Board

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

Other (advisory board not listed):

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

**Employer/Self Employed

Pendo

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

Number of Years Employed

10

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

I am serving two Orange County board -- Orange County Economic Advisory Board, Orange County Affordable Housing Board. I am also active in the community organizing parent - children activities and volunteering my time for early childhood extracurricular enrichment.

Please enter the requested information.

Relevant Experience:*

In 2012, I was appointed by President Obama to serve in his Administration as an Economic Policy Advisor. From 2012-2016, I worked on President Obama's economic agenda at federal agencies such as the U.S. Small Business Administration, U.S. Department of Commerce, U.S. Export-Import Bank, and The White House National Economic Council. While in the U.S. Small Business Administration, I started a program, Boots to Business, which helped transitioning military veterans start their own company. I worked to create an entire 12-week entrepreneurship course that taught thousands of military veterans how to take an idea to securing funding and generating revenue. The program still exists today and is used by the Department of Veteran Affairs to teach military members entrepreneurship. Also, while working in the U.S. Small Business Administration, I helped increase access to small business loans and grants. Furthermore, during my 4 years in the Obama Administration, I spent time working at the U.S. Export Import Bank helping expand small business access to working capital loans so they could sell their products into global markets. From 2014-2015, I worked in the White House National Economic Council where I launched a new federal government office, SelectUSA, which helped international companies create factories and open locations in the United States thereby creating U.S. jobs. I helped companies like Lufthansa open a facility in Puerto Rico, Hankook Tire open a factory in South Carolina, and increased Walmart's supply chain in the United States. From my help starting SelectUSA, the office has created 50,000 U.S. jobs from businesses choosing to open offices and factories throughout the United States. I have also had a career as an entrepreneur, starting two companies, one in Orange County. In 2009, I started a bike-sharing company, WeCycles, in Chapel Hill, where I worked with the town to get the right permitting and access to resources. Starting WeCycles was not easy and was my motivation to get into the Obama Administration since I felt we can do much better to support local startups have access to resources and capital. To support my professional experiences, I have a wide-range of masters degrees that I think can help provide a unique perspective to the board. I received my undergrad degree in Economics at the University of North Carolina at Chapel Hill, a masters in public policy, a masters of business administration, and a masters in computer science.

Reasons You Wish to be Appointed*

I bring the perspective first of an entrepreneur as I started my first tech company in Carrboro. I believe that economic opportunities can solve some of the largest problems we face. I first sought to tackle a global problem on a local scale: climate change. In 2009, fresh out of undergrad at the University of North Carolina in Chapel Hill, I started my first company, Wecycles, based in Orange County. WeCycles was a company that would provide bike-sharing transit through a network of automated kiosks, reducing CO2 emissions by replacing cars for short-distance travel. I started in Carrboro / Chapel Hill, and was the second mover in the entire United States for a bike-sharing business. While the company did not succeed due to the Recession, through WeCycles, I learned the basics of running an organization, inspiring team members, building a local workforce, and engaging constituents. I vigorously lobbied the Chapel Hill Mayor and Town Council to invest in the project, and improve public biking infrastructure. However, the town was unwilling to support bike-sharing due to the project being well ahead of its time. As a 21 year-old in 2008, I realized right then and there that local government representatives hold considerable power and influence over economic growth in my town and towns and cities across America. The experience of starting my first company in 2009 in Carrboro sent me to public service so I could help improve economic opportunities for others. I started at the national scale as an Economic Policy Advisor for the Obama Administration in the White House. I am eager to bring my experience, as an entrepreneur and a national policy wonk to help my hometown of Carrboro.

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

I firmly believe, stand behind, and support diversity of backgrounds and viewpoints in government, community leadership positions, boards, etc. I myself have my own diverse background: My parents were born and raised in Karachi Pakistan. They got married in the late 70's, and hoping for a better life for their future children / family, they immigrated to Ireland to pursue education. After achieving education in the science field, in the early 80's, my parents applied to 300 universities across America hoping for just minimum wage research positions. 299 universities said no, only 1 said yes, and that was the University of North Carolina at Chapel Hill. I was born in Chapel Hill in 1986, and along with my two sisters, my parents raised us in Chapel Hill / Carrboro going not just paycheck to paycheck, but one credit debt to another credit card debt. I hope that by having diverse backgrounds at the table, and by encouraging and supporting diverse viewpoints, we can progress as a society and create a community that serves all.

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

If yes, which one(s)?

No 

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6862

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Hasan

Applicant Last Name:

Abdullah

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☒
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #5877

Date Submitted: 9/29/2021

First Name*

Fernanda

Last Name*

Ortiz

Date*

2/10/1983

Select today's date

Address1*

619 West Main Street

Address2

City*

Carrboro

State

North Carolina

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9198835772

Please enter your primary contact phone number.

Email Address*

mfortiz1@gmail.com

Enter your primary email address.

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

Current Age*

2/10/1983

Race*

White

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

Latin American / Ecuadorian

Occupation*

Architect /Mother

Please enter your occupation.

Are you a registered Orange County Voter?*

No

Please answer Yes or No

Length of Residence in Orange County*

2 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

2 years

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

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

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

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

Other (advisory board not listed):

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

****Employer/Self Employed**

Self Employed

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

Advisory Board Preference*

Climate Action Team

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

Number of Years Employed

7

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

None

Please enter the requested information.

Relevant Experience:*

I am an architect specialized in sustainable development and environmental design. I believe the town of Carrboro has the potential to become a world example in sustainable development and in the use of smart design and passive systems to reduce the impact we have as a town on global warming and climate change. There are many strategies that are simple and smart and can make a huge difference on the amount of pollution we produce.

Reasons You Wish to be Appointed*

My main concern as a mother and a citizen of the world is climate change. I think it is imperative to take positive action now. Participating in the Climate Action Team is a great step towards finding more people with the same concerns and working together to find a better way to move forward in our town without having such an enormous impact on the environment,

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

As a migrant I completely agree with this, the Town Council should reflect what the town is and wants and what we want is to be able to work together for a better future, our cultural differences should only help us enrich the discussion.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6863

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Fernanda

Applicant Last Name:

Ortiz

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☒
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #6760

Date Submitted: 8/9/2022

First Name*

Scott

Last Name*

Powell

Date*

8/9/2022

Select today's date

Address1*

115 bruton dr

Address2

City*

Chapel hill

State

nc

Zip*

27516

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9046546835

Please enter your primary contact phone number.

Email Address*

scpowell@unc.edu

Enter your primary email address.

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

What Year Were You Born?*

1995

Race*

white

Please enter your race.

Sex*

male

Please enter your sex.

Ethnicity*

non-hispanic or latino

Occupation*

Research Assistant

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

2 months

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

2 months

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

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

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

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

Advisory Board Preference*

Environmental Advisory Board

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

Other (advisory board not listed):

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

****Employer/Self Employed**

UNC-Chapel Hill

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

Number of Years Employed

1

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

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

n/a

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

I am a student at UNC's school of government. I am new so am just starting to get involved, visiting the farmer's market, meeting town residents and staff. I value public spaces, playing pickleball and tennis on public courts frequently. I will be attending town council meetings. Member of UNC's Pickleball Club

Please enter the requested information.

Relevant Experience:*

I have meaningful experience in project management (professionally through my work as Navigation Team Lead for a federal grantee) and communicating community priorities to elected officials (see link below). I have worked on anti-poverty issues, mostly revolving around housing instability, for the last 4-5 years. As such, I feel strongly that growth and development is seen through an equity lens, and that the most vulnerable residents are considered for economic opportunities. If I were on the Economic Sustainability Commission, I would work <https://www.news4jax.com/news/local/2022/02/09/young-adults-help-get-council-members-to-back-resolution-supporting-riverfront-park-development/>

Reasons You Wish to be Appointed*

Given the experience listed above, I feel strongly that growth and development are seen through an equity lens, and that the most vulnerable residents are considered for economic opportunities. If I were on the Economic Sustainability Commission, I would advocate for the triple bottom line sustainability principles. I wish to grow my understanding of how things work in Carrboro, too, and meet new people who are working to better their community.

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

I admire Carrboro’s commitment to this priority, lifting up the voices that have historically gone unheard, or flat out dismissed. I believe that many policy and decision-making failures are a direct or indirect result of who is in the room when decisions are made. I believe proper representation results in better policy-making and better decisions. 4 years ago, when I entered into work in the housing crisis, I knew this to be true intellectually, but in the 4 years since, it took on new levels of truth. I had two members on my team who had lived experience with homelessness (one white, one black). Once, one of them said to me, “hey, I really think we need to be doing this ___ differently. I know what it’s like to be on the other side of that, and it’s terrible.” Their courage allowed our team to change process to better serve our veterans in need. It’s also true that racial equity and inclusion in our staffing enabled us to serve the entire community best – the veterans of color walking through our doors saw representation among our service workers. Often times, team members reported to be that they believed the veteran was able to trust them in part due to their shared cultural and ethnic experiences. I’m encouraged to see the Town of Carrboro place an emphasis on this responsibility.

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

If yes, which one(s)?

No

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6864

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Scott

Applicant Last Name:

Powell

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☐
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #6854

Date Submitted: 9/13/2022

First Name*

Jessica

Last Name*

Pusch

Date*

9/13/2022

Select today's date

Address1*

106 Pleasant Dr.

Address2

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

3364041164

Please enter your primary contact phone number.

Email Address*

jpusch19@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1997

Race*

White

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

White

Occupation*

Environmentalist

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

1 year

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

1 year

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

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

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

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

Advisory Board Preference*

Environmental Advisory Board

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

Other (advisory board not listed):

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

**Employer/Self Employed

The Eddy Pub

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

Number of Years Employed

3

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Inter-Faith Council: Activate! Volunteer - I volunteer with this organization to increase voting and civic engagement and to advocate for community safety efforts. Durham People's Alliance - I served as a member of the Green New Deal for Durham Planning Group, attending regular meetings and reviewing implementation proposals. Showing Up for Racial Justice, The Triangle - I planned and coordinated virtual events with more than 300 attendees to address white supremacy and advocate for racial justice across the Triangle.

Please enter the requested information.

Relevant Experience:*

I started my environmentalist career at Greenpeace, an international environmental justice organization, as a Grassroots Organizing Intern. Following this, when I was 20 years old, I co-created and implemented a climate justice campaign that successfully lobbied the Greensboro City Council to pass a 100% renewable energy resolution. Following this, I completed my Bachelor's degree in Environmental Sustainability. Most recently, I supported international environmental philanthropies in creating more equitable grantmaking practices for environmental initiatives. Prior to this, I managed operations at The Haw River Canoe & Kayak Company and connected folks to the outdoors by leading day trips on the Haw River. I also worked for Chapel Hill-Carrboro City Schools for 2 years as the District School Garden Coordinator, connecting with 250 plus community members to increase sustainability and environmental efforts across the district.

Reasons You Wish to be Appointed*

I have a very multifaceted resume that has allowed me to be involved in all sides of environmental protection efforts. My degree in Environmental Sustainability, coupled with my diverse experiences, and my identity as a young, queer person, give me a unique and important perspective on my community. I would love to be appointed to the Environmental Advisory Board because I am passionate about our community's well-being and about the care of our planet, and I believe that my experience in environmental justice brings a necessary voice to the table.

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

I have been involved in social and environmental justice efforts for more than 5 years and have dedicated my career to this field. I believe firmly in being an activist and ally in racial equity, diversity, and inclusion, particularly as it relates to the environment. Low-income communities and communities of color are more primarily disinvested in and directly impacted by environmental injustice. I think it's crucial that these topics be at the forefront of our town's initiatives.

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

If yes, which one(s)?

No

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6867

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Jess

Applicant Last Name:

Pusch

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☐
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #6327

Date Submitted: 4/22/2022

First Name*

Greg

Last Name*

Randolph

Date*

4/22/2022

Select today's date

Address1*

1905 Pathway Dr.

Address2

City*

Chapel Hill

State

NC

Zip*

27516

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9195255576

Please enter your primary contact phone number.

Email Address*

greg.d.randolph@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1962

Race*

Caucasian

Please enter your race.

Sex*

Male

Please enter your sex.

Ethnicity*

White

Occupation*

Public Health Consultant

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

34

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

24

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

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

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

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

Advisory Board Preference*

Climate Action Team

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

Other (advisory board not listed):

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

**Employer/Self Employed

Self employed

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

Number of Years Employed

2

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Adjunct Professor, UNC Schools of Medicine and Public Health Fellow, American Academy of Pediatrics Board Member, Global Telehealth Network Ambassador™s Circle Member, The Carter Center

Please enter the requested information.

Relevant Experience:*

For the past 24 years I have assisted local, state and national organizations and multi sector partnerships with implementation and evaluation of evidence based and innovative strategies to improve health in their communities – as a faculty member at UNC, and more recently as an independent consultant. My expertise in quality improvement and implementation science, as well as measurement and evaluation could be very beneficial to the Climate Action Team. In addition, I am a recently retired general pediatrician with 30 years of experience as a public health physician. I believe that my knowledge and expertise related to the health impacts of climate change may also be beneficial to the team.

Reasons You Wish to be Appointed*

I have benefited greatly during my 24 years living in our wonderful community as a Carrboro resident. The first 22 years here, I was juggling raising a family and a very busy career at UNC. Since retiring from UNC a couple years ago, I feel a strong urge to give back to our community – serving on an advisory board for the town of Carrboro would be a great way to achieve that desire. I am very excited about the climate action team because climate change is my greatest concerns about our future. I have spent the last five or so years trying to learn as much as possible about climate change and how individuals and communities can prevent and mitigate the effects of climate change.

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

I strongly agree with the towns dedication to racial equity and diversity and inclusion. Equity issues will no doubt be critical for nearly all of the climate action team’s decisions as they will affect how land is used, how our community members input is considered, where resources or grants are spent, etc. Racial and ethnic communities have for too long been ignored in such decision making, and worse, often negatively impacted by such decisions by state and local governments. It is imperative for the town government and its committees view their work and decisions through an equity lens.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6866

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Greg

Applicant Last Name:

Randolph

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☐
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Advisory Board Application - Submission #5869

Date Submitted: 9/26/2021

First Name*

Riz

Last Name*

Rashdi

Date*

9/26/2021

Select today's date

Address1*

200 Autumn Drive

Address2

City*

Chapel Hill

State

NC

Zip*

27516

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9193026557

Please enter your primary contact phone number.

Email Address*

rizrashdi@gmail.com

Enter your primary email address.

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

Current Age*

12/1/1973

Race*

Brown

Please enter your race.

Sex*

Male

Please enter your sex.

Ethnicity*

Pakistani Muslim

Occupation*

Senior Systems Analyst

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

2 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

2 years

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

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

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

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

Other (advisory board not listed):

Climate Action Team

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

****Employer/Self Employed**

First Citizens Bank

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

Advisory Board Preference*

Climate Action Team

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

Number of Years Employed

1

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

San Diego Electric Car Ambassador

Please enter the requested information.

Relevant Experience:*

Driving electric cars for eleven years Steadfast and patient listener Great communicator Caring and kind Unifier and likeable

Reasons You Wish to be Appointed*

I want to give back to my new community. I grew up in Pakistan, Manhattan, and then Braggtown, Durham. We moved back to the area two years ago to raise our family.

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

Chapel Hill needs more diversity.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6865

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Riz

Applicant Last Name:

Rashdi

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on

the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☒
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #6772

Date Submitted: 8/15/2022

First Name*

Karen

Last Name*

Stine

Date*

8/15/2022

Select today's date

Address1*

259 Sweet Bay Place

Address2

City*

Carrboro

State

NC

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

3345311873

Please enter your primary contact phone number.

Email Address*

karenestine@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1956

Race*

White

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

White

Occupation*

Retired

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

9 months

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

4 months

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

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

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

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

Advisory Board Preference*

Environmental Advisory Board

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

Other (advisory board not listed):

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

**Employer/Self Employed

Retired

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

Number of Years Employed

0

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

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

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

I have only just retired and recently purchased a home in Carrboro, so I have not yet had much time to become involved in community activities here. I am, however, a longtime member of the Sierra Club, and have recently gotten involved with the New Hope Audubon society.

Please enter the requested information.

Relevant Experience:*

I have recently retired from a career as a professor of Biology and Environmental Science. My specific field of expertise is toxicology. I have also served in academic administration (as both a department chair and a dean), and have recently served as a conservation chair in my previous Sierra Club group.

Reasons You Wish to be Appointed*

I am looking for volunteer opportunities, and am particularly interested in working towards solutions to environmental problems at the local level. I also believe that I have both the technical knowledge and organizational experience to be of assistance on either of these two committees/boards.

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

I have spent the last several years of my career at a minority serving institution, and am committed to increasing the representation of underrepresented groups and opportunities for individuals from those groups.

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

If yes, which one(s)?

No

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

☐ Yes

☒ No

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

☐ Yes

☒ No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6869

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:

Karen

Applicant Last Name:

Stine

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒
- Yes
- ☐
- No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☐
- Diversity
- ☒
- Occupation, Experience, or Special Skills
- ☐
- Other

If other, please explain:

Print

Advisory Board Application - Submission #5987

Date Submitted: 11/1/2021

First Name*

Sarah

Last Name*

Zelasky

Date*

11/1/2021

Select today's date

Address1*

508 N Greensboro St

Address2

City*

Carrboro

State

North Carolina

Zip*

27510

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

Yes

Please select Yes or No.

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

Unsure

Telephone (111)-111-1111*

9198307190

Please enter your primary contact phone number.

Email Address*

sarah.zelasky@gmail.com

Enter your primary email address.

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

What Year Were You Born?*

1997

Race*

White

Please enter your race.

Sex*

Female

Please enter your sex.

Ethnicity*

Caucasian

Occupation*

Research Scientist

Please enter your occupation.

Are you a registered Orange County Voter?*

Yes

Please answer Yes or No

Length of Residence in Orange County*

5 years

How long have you been a resident of Orange County?

Length of Residence in the Town of Carrboro*

2

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

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

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

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

Other (advisory board not listed):

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

Advisory Board Preference*

Environmental Advisory Board (since Climate Action Team has no more vacancies)

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

****Employer/Self Employed**

Oak Ridge Associated Institutes (contracting agency for the US EPA)

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

Number of Years Employed

1.5

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

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

N/A

Required only for the Tourism Development Authority Application.

Community Activities/Organizational Memberships*

Volunteer at NC ReCYCLery non-profit bike co-op in Carrboro Volunteer at Toward Zero Waste waste-conscious non-profit in North Carolina Active participant in BuyNothing Chapelboro (North) group Alumni member of Harvard Climate Leaders Program Regular platelet donor at UNC Hospitals Blood Donation Center Foster for dogs at Second Chance Pet Adoptions (in Raleigh) and Australian Shepherds Furever (nationwide) Member of UNC-CH Climbing Club

Please enter the requested information.

Relevant Experience:*

*MS Environmental Health, Harvard T. H. Chan School of Public Health c/o 2020 *BSPH Environmental Health, UNC Gillings School of Public Health c/o 2018 *Member of Harvard Climate Leaders Program *Former Research Assistant at the Harvard Chan Center for Climate, Health, & the Global Environment (C-CHANGE) *Wrote Master's Thesis on On-Road Transportation Emissions, Their Social Costs, & Benefits from Reductions *Harvard courses taken specifically on Climate Change: Climate Solutions Living Lab (Harvard Law School), Green Politics & Public Policy, Economics of Climate Change and Environmental Policy (Harvard Kennedy School of Government), Social & Sustainable Innovation Driven by the Sustainable Development Goals, Human Health & Global Environmental Change, Environmental Leadership - taught by former EPA Administrator Gina McCarthy, Built Environment & Public Health (Harvard T. H. Chan School of Public Health), Climate Justice (Harvard Graduate School of Design) *Recent community projects: Partnered with CompostNow to begin large-scale food waste composting at UNC sororities, Partnered with Harvard Janitorial Services to begin composting paper towel waste from bathrooms at the Harvard T. H. Chan School of Public Health. *Recently self-educated on the Zero Waste movement and the potential carbon sequestration impacts of Regenerative Farming practices

Reasons You Wish to be Appointed*

Climate change is the most urgent world problem that we face today - everyday it goes unaddressed, the problem not only remains but it actually worsens as carbon emissions continue to increase. The consequences of climate change will impact every community, including Carrboro. Both our community culture and infrastructure need to improve so that our actions are not further contributing to the climate crisis and we are prepared to best serve our citizens through any of climate change's severe effects (flooding, droughts, etc). As a scientist who has strived to educate myself on multiple aspects of climate change and climate change solutions, I feel that it is my moral obligation to share my knowledge with others who have the power to make change. Though Carrboro is only one town, it is already an example to many other places of what a walkable, diverse, community-oriented town can be. As such, Carrboro should also be an environmentally-conscious leader and continuously strive towards zero fossil fuel emissions and no environmental pollution. I know that my experience and academic expertise on climate change and environmental actions can provide the Town Council with creative idea proposals for how to continuously improve the environmental and climate actions that we take.

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

Diversity is the key for well-thought-out policy solutions that truly are innovative and consider community culture. As a white upper-middle-class woman from a metropolitan area (Raleigh), it is important for me to understand the challenges facing poorer minority communities by listening to and working with individuals from these communities. Without working with diverse individuals who are different than me, I would not know whether my policy proposals would be accepted and well-liked by ALL residents, especially people who are different than myself. I recognize that not everyone has the same upbringing and life experience as myself, and that some climate solutions that may work for me might not work for everyone. I saw this firsthand when working with the Navajo Nation community as part of my EPA research on novel heating stoves for communities with high rates of asthma. When I first learned that indoor wood-burning stoves that heated Navajo homes were responsible for damaging lung effects, my first thought was to electrify each home's heating system so that there would be no indoor emissions. However, after discussing this possible solution with members of the Navajo Nation, the Navajo told my team that electricity is considered potentially dangerous in their Native culture and "to be used with caution" because it is derived from lightning. Had my team attempted to electrify all Navajo homes without first discussing the feasibility and public response that we could expect from this solution, we would not have understood why members of the community might be reluctant to use their new emission-free electric heating systems. This type of insider knowledge from diverse communities is invaluable to assessing the feasibility of community projects and policy ideas and creating solutions that work for ALL members of our communities. Everyone in our community has a different lived experience, and diversity in decision-making is crucial to creating successful policies. Also, as individuals in a position of power, it is not only our duty to provide opportunity for all, but to actively empower minorities to participate in government and community work. By utilizing racial equity tools and ensuring diversity in our work, Town Council can better serve its people.

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

If yes, which one(s)?

No

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

☐

Yes

☒

No

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

☐

Yes

☒

No

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

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

Print

Advisory Board Chair Report (Complete One Per Applicant) - Submission #6868

Date Submitted: 9/15/2022

Advisory Board Name:*

Environmental Advisory Board

Chair Name*

N/A - Staff - Laura Janway

Applicant First Name:*

Sarah

Applicant Last Name:

Zelasky

1. Has the applicant previously served on this or another advisory board?*

☐

Yes

☒

No

2. If yes, how many total years have they served?

This should be available on the application or by asking the applicant.

3. Is the applicant already serving on this advisory board and seeking reappointment to their second, full term?

☐

Yes (Skip to Last Question)

☒

No

4. Is the applicant already serving on this advisory board and completed their two full terms?

☐

Yes

☒

No

5. Is the applicant applying for a special or expert seat on the advisory board?*

☐

Yes

☒

No

6. If yes, which seat?

7. Did the applicant attend an advisory board meeting?*

☐

Yes

☒

No

8. If applicant did not attend an advisory board meeting, did you contact them via phone or email?

☒

Yes

☐

No

9. Applicant has demonstrated a clear understanding of the time commitment, roles, and responsibilities of serving on the advisory board:

- ☒ Yes
- ☐ No

10. If no, briefly explain:

11. In addition to your comments above, please check other qualities that the applicant offers that would help the Advisory Board meet its goals for community representation. Please note that candidates who do not meet any of these qualities are still eligible for appointment. Please communicate any urgent needs and priorities for Advisory Board composition to your Town Council liaison.

- ☐ Diversity
- ☒ Occupation, Experience, or Special Skills
- ☐ Other

If other, please explain:

Membership Information Matrix

Environmetnal Advisory Board (EAB)

Name	Address	Year of Birth	Race (as noted by applicant)	Ethnicity (if noted by applicant)	Sex	Occupation/Expertise Content	Appointed Date
CURRENT MEMBERS							
Alfonso Blanco	191 Vibirnum Way	1978	White	Hispanic	Male	Occupational Facilitator	6/23/2020
Maria Julia Echart	501 NC 54 Bypass	1954	White		Female	Teacher	6/23/2020
Namdi Brandon*	103 Riverbirch Pt.	1987	Black		Male	Mathematician	9/1/2020
Vacant							
Vacant							
Vacant							
Vacant							
APPLICANTS							
<i>(Full info in applications)</i>							
Hasan Abdullah	341 Rose Walk Ln., Carrboro	1986	Pakistan	Asian	Male	Product Manager in Tech	
Fernanda Ortiz	619 W. Main St., Carrboro	1983	White	Latin American/Ecuadorian	Female	Architect/Mother	
Scott Powell	115 Bruton Dr., Chapel Hill	1995	White	Non-Hispanic or Latino	Male	Research Assistant	
Jessica Pusch	106 Pleasant Dr., Carrboro	1997	White	White	Female	Environmentalism	
Greg Randolph	1905 Pathway Dr., Chapel Hill	1962	Caucasian	White	Male	Public Health Consultant	
Riz Rashdi	200 Autumn Dr., Chapel Hill	1973	Brown	Pakistani Muslim	Male	Senior Systems Analyst	
Karen Stine	259 Sweet Bay Pl., Carrboro	1956	White	White	Female	Retired Professor of Biology & Environmental Science	
Sarah Zelasky	508 N. Greensboro St., Carrboro	1997	White	Caucasian	Female	Research Scientist	
Namdi Brandon*	103 Riverbirch Pt.	1987	Black		Male	Mathematician	9/1/2020

*Current EAB Member, eligible for reappointment



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Action Report

Town Council

File #: 22-103

Agenda #: 3.

Agenda Date: 10/11/2022

Category: Agendas

TITLE:

Council Work Session: Carrboro Cemeteries

PURPOSE: The purpose of this agenda item is to provide an update to the Town Council on the status of the two Town cemeteries - Westwood and the Old Carrboro Cemetery - and to seek input on the long-term operation and use of the two Town cemeteries.

DEPARTMENT: Public Works, Planning, Recreation, Parks and Cultural Resources

CONTACT INFORMATION: Ben Schmadeke, Capital Projects Manager, 919-918-7424, bschmadeke@carrboronc.gov <<mailto:bschmadeke@carrboronc.gov>>; Daniel Snipes, Interim Public Works Director, 919-918-7432, dsnipes@carrboronc.gov <<mailto:dsnipes@carrboronc.gov>>; Ben Berolzheimer, Associate Planner, 919-918-7330, bberolzheimer@carrboronc.gov <<mailto:bberolzheimer@carrboronc.gov>>; Charles Harrington, Interim Recreation, Parks & Cultural Resources Director, 919-918-7377, charrington@carrboronc.gov <<mailto:charrington@carrboronc.gov>>

INFORMATION: The Town owns and maintains two public cemeteries, the Old Carrboro Cemetery and Westwood Cemetery.

The Old Carrboro Cemetery is located at 110 Old Cemetery Road and dates to 1910. As of January 2022, the Old Carrboro Cemetery has sold out of all available plots.

The Westwood Cemetery, located at 401 Davie Road has been an active Town cemetery since 1948. This cemetery is divided into sections with approximately half of the space currently undeveloped and un-plotted. Approximately 100 plots remain in the developed portion of the property.

The sales rate for plots at both cemeteries has been increasing over the last several years. Westwood Cemetery is expected to sell out within the next two to three years based on the average sales rate of the last three years. Neighboring municipalities have sold out of conventional burial plots in recent years. A detailed report on Carrboro Cemeteries can be found in Attachment A.

The eastern, un-used area of Westwood Cemetery has been analyzed for cemetery development. At the Board of Aldermen's direction, Public Works procured the services of a consultant to investigate the soil suitability for burial plots and develop a concept plan for cemetery development. These findings are included in Attachment B: CVDA Draft Report on Westwood Cemetery.

Currently the Town Code does not allow for recreational activities to take place in any Cemetery. The Town Code on Cemetery Use is included as Attachment C.

A summary of references to Town Cemeteries included in the recently adopted Comprehensive Plan is included in Attachment D.

As the amount of remaining available plots in Carrboro decreases and discussion about the use of the undeveloped area of Westwood continues, the following topics are offered for the Council's consideration:

1. Meeting burial demand - does the Town continue to provide burial services once all available plots are sold? Does the Town explore alternative sites for a cemetery?
2. Future use of Westwood property - Does the Town further develop the Westwood property (reference Attachment E: Westwood Cemetery Zoning Staff Memo)?
3. Should the Town consider cemetery improvements (Fence, Trees, Amenities including benches, decorative lighting, ordinance change)?

Attachment A: Carrboro Cemetery Information

Attachment B: CVDA Draft Report on Westwood Cemetery

Attachment C: Town Code for Cemetery Use

Attachment D: Comprehensive Plan Summary for Town Cemeteries

Attachment E: Westwood Cemetery Zoning Staff Memo

FISCAL & STAFF IMPACT: Current routine maintenance costs for both cemeteries are approximately \$24,000 per year. The estimated cost to replace the Bradford Pear trees at Westwood (40 trees) is \$60,000. The estimated cost to replace the damaged fence at Old Carrboro Cemetery is \$35,000. If the Westwood Cemetery is fully developed, total revenue could be approximately \$5,500,000 with total construction costs of approximately \$1,696,991. Revenues are based on the modified fee structure and concept plan included in the CVDA Report.

RECOMMENDATION: N/A

Attachment A: Carrboro Cemetery Information

Westwood Cemetery is located on the corner of Fidelity St. and Davie Rd. It encompasses a total of 8.73 acres, of which 2.45 acres are currently plotted. Of the plotted area, about 5% (100/2216) of the plots remain unsold. The Cemetery is divided into four zones. Zones 1 and 2 are sold out, the remaining plots are located in Zone 3. The rest of the Town-owned acreage, Zone 4, is open space with wooded buffers, encompassing approximately 6 acres. In 2019 Public Works conducted a feasibility study of this area for cemetery development. The results of this study can be found in the draft CVDA report on the Westwood Cemetery.



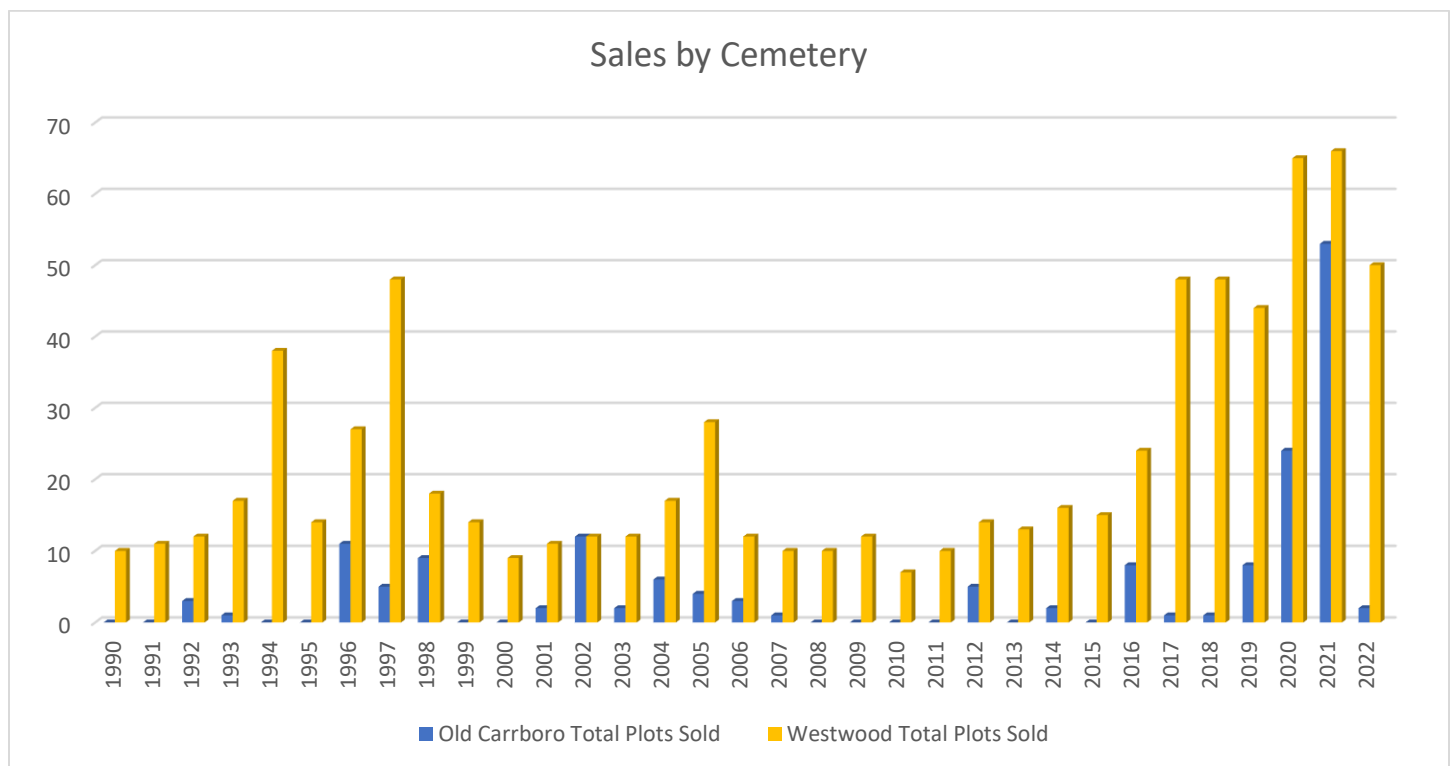
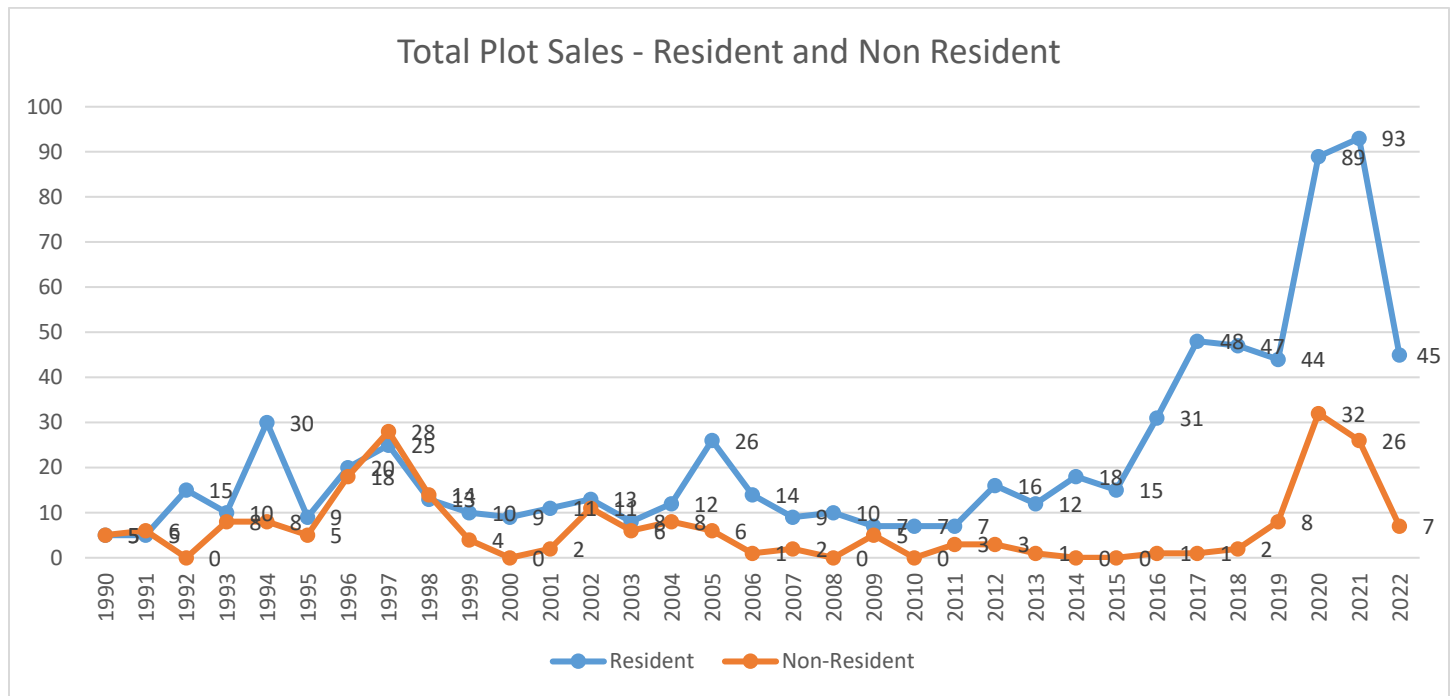
Old Carrboro Cemetery is located off the Libba Cotton Bike Path, adjacent to the new ArtsCenter and consists of 2.14 acres of land. In 2018, Carrboro Town Council approved Green Burials for Old Carrboro Cemetery. This cemetery sold out of plots in January 2022, in part due to the demand for Green Burial plots.



Green or natural burial is a method of interment with minimal environmental impact that aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and/or preservation of habitat. This method of interment does not require grave liners or vaults, encourages the use of biodegradable containers, and is intended to the natural decomposition of bodies. Burial depth is shallower than traditional burials – 3.5ft vs 5ft. (Source: Carrboro Town Code Chapter 13)

Burial Demand

The demand for burial plots has increased over the last five years. The increase in demand is attributed to the COVID-19 Pandemic, Chapel Hill selling out of traditional cemetery plots, and the increasing demand for Green Burials.



Market Evaluation

Public Works analyzed local cemetery availability and fee structures. The results are below.

<u>Municipal Cemeteries</u>	<u>Plots</u>		<u>In-Ground Cremations</u>		<u>Columbarium/Niches</u>		<u>Comments</u>
	<u>Resident Fee</u>	<u>Non-resident Fee</u>	<u>Resident Fee</u>	<u>Non-resident Fee</u>	<u>Resident Fee</u>	<u>Non-resident Fee</u>	
Carrboro	\$750	\$1,500	N/A	N/A	N/A	N/A	
Chapel Hill	Sold out	Sold out	Sold out	Sold out	\$1,000	\$1,000	Chapel Hill ran out of plots in 2017. They subsequently installed Columbariums due to community demand.
Hillsborough	Sold out	Sold out	Sold out	Sold out	N/A	N/A	
Burlington	\$750	\$750	\$750	\$750	\$1,000	\$1,350	Columbarium Double Niche \$1,500, and non-resident double niche \$2,500.
Durham	\$1,200 - \$1,400	\$1,200 - \$1,400	\$1,200 - \$1,400	\$1,200 - \$1,400	\$1,000	\$1,000	Standard Plots \$1,200, Premier Plots \$1,400, Standard Infant Plots \$600, and Premier Infant Plots \$700.
Graham	\$800	\$2,000	\$300	\$1,000	\$300	\$1,000	
Raleigh	\$1,493	\$1,493	\$1,493	\$1,493	N/A	N/A	Columbarium niches expected to be available within 2 years. Fee has not yet been determined.
Clayton	\$1,000	\$1,000	N/A	N/A	N/A	N/A	
<u>Private Cemeteries</u>							
Chapel Hill Memorial Gardens, Chapel Hill	Undisclosed	Undisclosed	Undisclosed	Undisclosed	Undisclosed	Undisclosed	Pricing information not given
Judea Reform Congregation, Carrboro	\$1,650 - \$5,775	\$1,650 - \$5,775	\$1,100 - \$3,850	\$1,100 - \$3,850	N/A	N/A	Member and Non-Member pricing
Markhum Memorial, Durham	\$1,295	\$1,295	\$648	\$648	N/A	N/A	Plus one-time Perpetual Care Fee of 10%
Historic Oakwood Cemetery, Raleigh	\$1,925	\$3,985	\$2,400	\$2,400	\$1,195	\$1,895	Plus one-time Perpetual Care Fee of 10%. \$1,250 columbarium fee for Veterans. Mausoleum niches available. Cremation Garden with marker \$2,400
Pinecrest Memorial Park, Clayton	\$2,425 - \$2,965	\$2,425 - \$2,965	\$2,425 - \$2,965	\$2,425 - \$2,965	\$2,245 - \$2,605	\$2,245 - \$2,605	Plus, one-time Perpetual Care Fee of 10%
Knollwood Cemetery, Clayton	\$895 - \$2,875	\$895 - \$2,875	\$895 - \$2,875	\$895 - \$2,875	\$1,345	\$1,345	Plus, one-time Perpetual Care Fee of 10%

The last time the Town increased plot prices was in 2006. Historical plot price increases are shown below.

Plots Prices/Increases:

- 1948 - \$16.67
- 1956- \$20/\$40
- 1973 - \$40/80
- 1980 - \$50/100
- 1984 - \$200/400
- 1997 - \$350/\$800
- 1998 - \$500/100
- 2006 - \$750/\$1,500

Operation, Maintenance, and Improvements

The Public Works Department maintains the cemetery grounds and manages all plot sales. Typically, staff will meet with customers at the cemetery to show them available plots for purchase. When internment is needed, staff marks out the plot and the funeral home completes the excavation and burial.

Public Works' routine maintenance program includes grounds maintenance, spoils management (excess dirt leftover from burials), and backfilling as needed. Public Works has also been working to address drainage issues.

Other minor improvement projects that fall outside of routine maintenance have been identified by Public Works and are listed below.

	Estimate of probable cost
Westwood Cemetery:	
Installation of three benches	\$3,000
Replacement of ~40 Bradford Pear trees	\$60,000
Installation of rain garden	\$12,000
Old Carrboro Cemetery:	
Fence replacement	\$35,000

DRAFT

Town of Carrboro

Westwood Cemetery Design Services

Prepared for the Town Council
Town of Carrboro, North Carolina



January 7, 2021

Consultant Team

Lead Consultant:

Peter R. Fernandez, RLA, ASLA, CLARB, Principal-in-Charge
Carter van Dyke Associates (CVDA)
40 Garden Alley
Doylestown, PA 18901-4325

Subconsultants:

Taylor Wiseman & Taylor (TWT)
2043 Energy Drive
Apex, NC 27502

Terracon Consultants, Inc.
2401 Brentwood Road
Raleigh, NC 27604

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Town of Carrboro

Westwood Cemetery Design Services

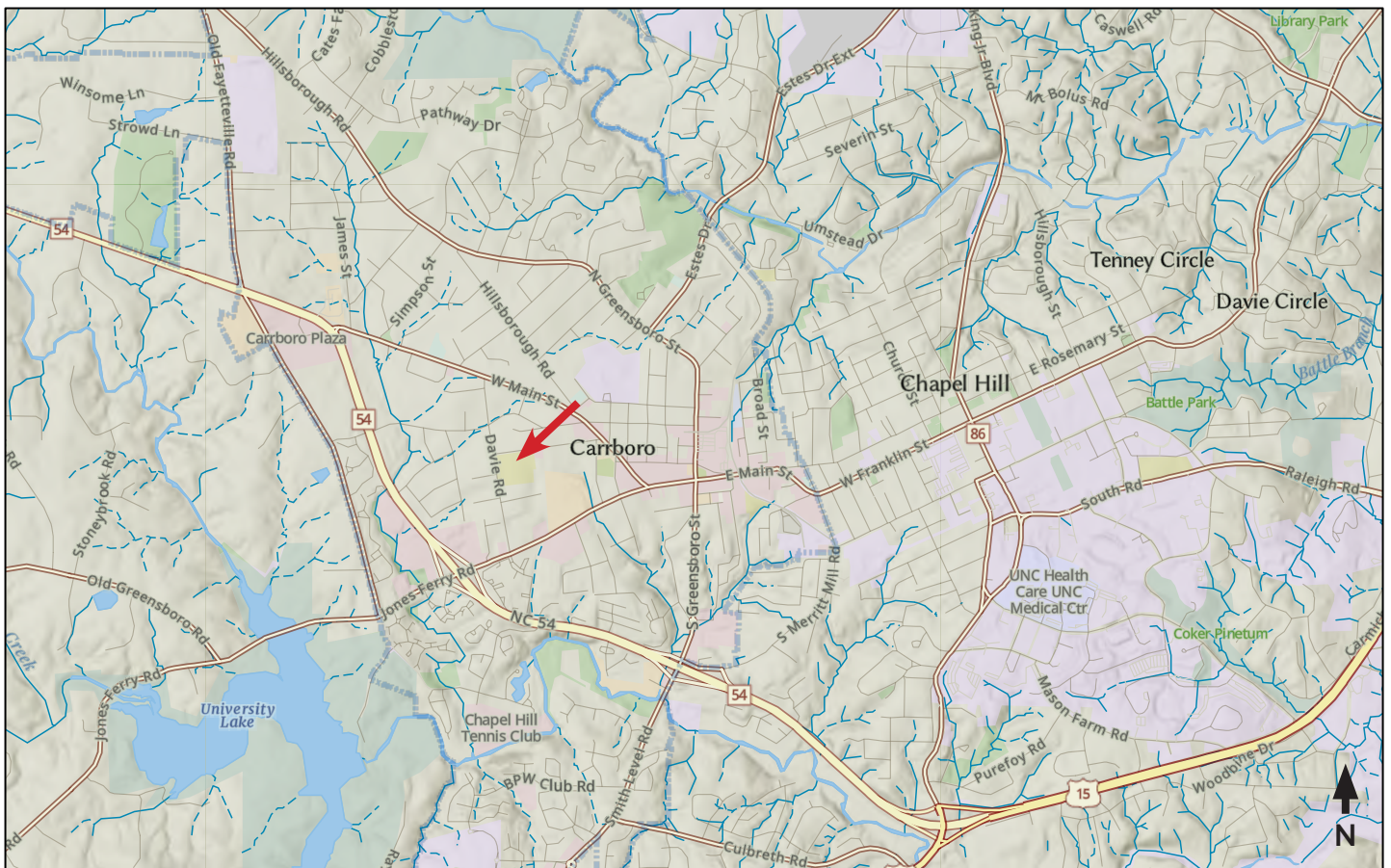


Figure 1 Regional context map. Red arrow indicates location of Westwood Cemetery. Not to scale. (<https://tocgis.ci.carrboro.nc.us/>)

Introduction and Background

a. Town of Carrboro

Carrboro, North Carolina, was first settled in 1882, and was originally known as West End, due to its relationship to the neighboring town of Chapel Hill. The Town was incorporated in 1911. It is named for Julian Shakespeare Carr, the owner of the textile mill that was the Town's dominant industry for its first fifty years. Carrboro is now a diverse municipality of over 20,000 residents, which supports a vibrant arts and cultural community and economy.

The Town's outdoor recreation facilities, parks, and greenways cover 110 acres. In addition, the Town owns two public cemeteries, maintained by the Public Works Department: Old Carrboro Cemetery, established around 1860, and Westwood Cemetery, established around 1933.

b. Westwood Cemetery

Westwood Cemetery is an active burial cemetery, owned and managed by the Town of Carrboro. The cemetery is located at 401 Davie Road, Carrboro, NC 27510, at the corner of Fidelity Street, in an R10 zoning district. The surrounding land use is primarily residential, though at the opposite end of the block Fidelity Street meets Main Street in the main business district. Currently only conventional casketed and cremains in a 4' by 12' plot are permitted.

The total land area is 8.73 acres. The cemetery is divided into four sections:

Zone 1: 1.18 acres and contains 860 plots, of which 10 plots are available

Zone 2: 1.05 acres and contains 608 plots, of which 16 are available

Zone 3: 0.5 acres and contains 763 plots, of which 302 are available (Note: Zone 3 is larger, however part of the section is within the tree line and the cul-de-sac.)

Zone 4: 2.4 acres of undeveloped land

The remaining 2.4 acres of the site is wooded.



Figure 2 Westwood Cemetery zones map. (Carrboro RFP)

c. Current Project

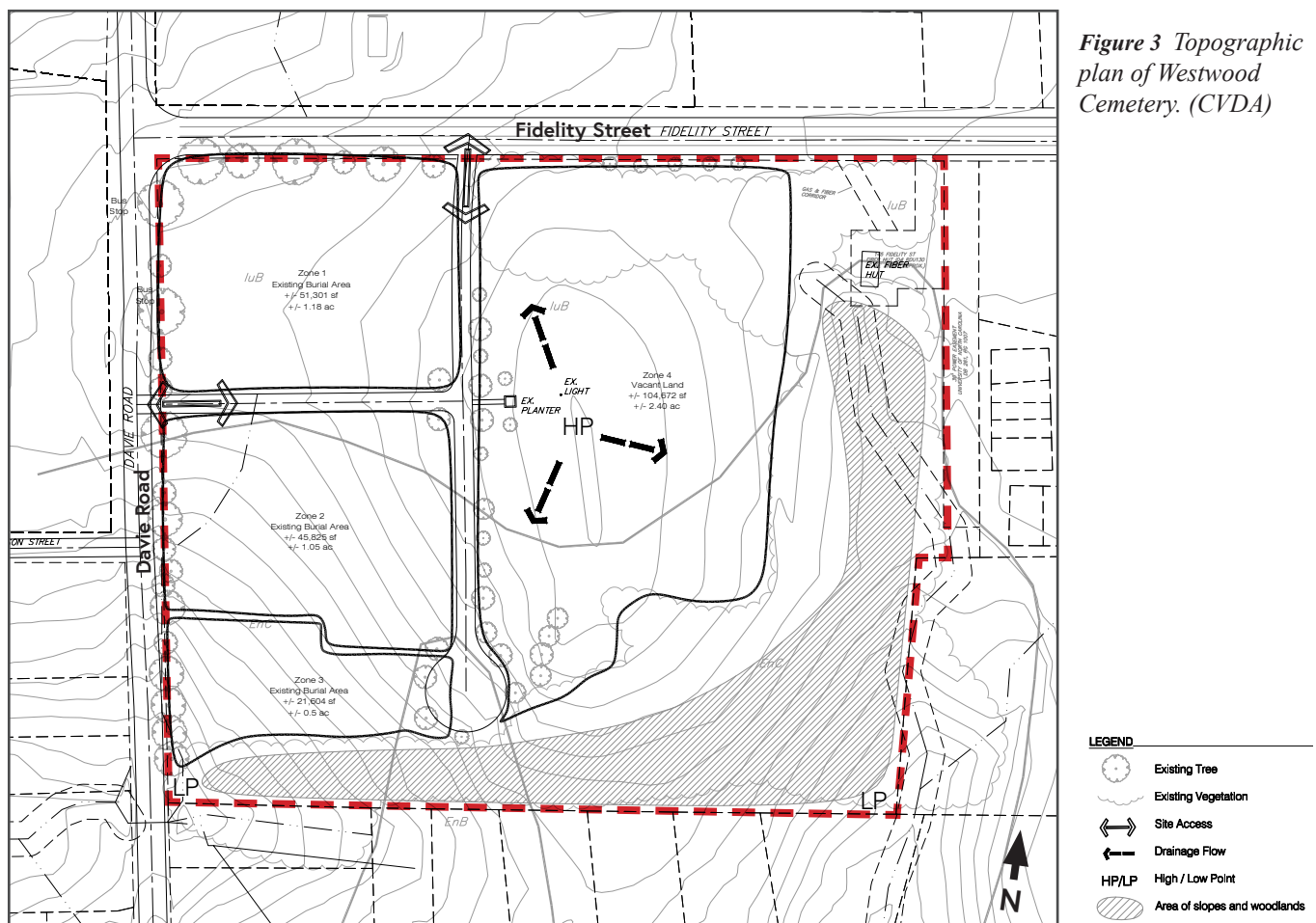
In July of 2020, the Town of Carrboro engaged a team led by Carter van Dyke Associates (CVDA) to develop a plan to guide future development and expansion of Westwood Cemetery.

CVDA is a landscape architecture and planning firm and has been providing cemetery planning and design for the past 27 years. CVDA is the prime consultant and has worked closely with locally based subconsultants to develop this report.

Taylor Wiseman & Taylor (TWT) is a civil engineering and survey firm, with offices in North Carolina, and has provided site analysis, focusing on site circulation, development costs, irrigation and site drainage. TWT assisted CVDA in the review of laws and codes.

Terracon, also with an office in North Carolina, provided geotechnical analysis, developing the geotechnical subsurface investigation for the site. Test borings assisted in determining the suitability of areas of the site for interments, and are used to determine the design of walls, walks and roads.

With the support of the subconsultants, CVDA has completed a statutory review, analyzed the existing site conditions, and provided a master plan for land use and landscaping, including expanded opportunities for burial options.



Statutory Review and Compliance

The Carrboro Town Code, Chapter 13 Cemeteries, addresses the general regulations, the designation and sale of lots and spaces, the installation and design of structures and memorial markers, and the nature of burials allowed within the two Town-owned and operated cemeteries, Westwood Cemetery and Old Carrboro Cemetery. Certain regulations (Sections 13-3, 13-4, 13-5 and 13-6) apply to all cemeteries within the Town borders. (See Appendix 1 on page 31 for Carrboro Town Code Chapter 13 Cemeteries.)

This plan for future development complies with existing code requirements or recommends revisions to accommodate proposed changes. For example, the code currently limits interments to conventional burials or burials of cremated ashes within a 4' by 12' burial space. This plan proposes creating additional burial options that will need to be addressed by revising language in the code. The Consultant Team suggests the following revisions to the Town Code be considered by Council.

a. Legal Compliance and Recommendations

Article I Definitions; Application

Section 13-1 (Definitions) should be expanded to include terms to describe new burial options, such as columbarium, niche, ossuary, and scattering garden, as well as the associated markers or memorial plaques. The definition of “Burial Space” may need to be revised to address dimensions and use.

Article III Designation of Sale of Cemetery Lots and Spaces

Section 13-11 (Cemetery Map Required) describes the requirement for an official map maintained by the clerk depicting the location and dimensions of all lots and spaces within a Town-owned cemetery.

The proposed addition of new burial options would require a revised map indicating additional conventional burial spaces, natural burial spaces, columbarium niches, an ossuary, and a scattering garden.

Subsection (a) refers to maintaining “adequate spacing” between natural burial lots or spaces. This spacing should be defined in the code.

Section 13-12 (Purchase of Burial Rights), subsection (d), limits the use of each burial space. A burial space is defined as “A parcel of ground within a cemetery lot having the dimensions of 4 feet by 12 feet, and the usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than

four cremation urns.”

With the proposed addition of new burial options, such as a columbarium, and ossuary, and a scattering garden, the definition of “burial space” should be revised. Double depth burial vaults had previously been discussed as an option, but due to the shallow depth to bedrock within the cemetery, this type of burial is not being proposed in the plan.

Article IV Mausoleums, Monuments, Markers, and Coping/Curbs or Fencing

Section 13-17 (Mausoleums) limits the erection of mausoleums, tombs, buildings, or other structures of any kind to lots designated on the plat and plan of the Town’s cemeteries to be used exclusively for that purpose.

The proposed construction of a columbarium and ossuary structure should be incorporated into the Town’s approved plan for the cemetery.



Figure 4 A typical grave site in Zone 2, with headstone monument and footstone markers. (CVDA)

Section 13-18 (Monuments) and **Section 13-19 (Markers)** define the type of memorial stones and plaques that can be installed in the ground to mark a conventional or natural burial.

Memorial markers for the new burial options should be considered. Columbaria often have uniform designs and a granite or bronze plaque on each of the niches. If scattering gardens and an ossuary are constructed, then a memorial wall would be included in the plan to allow memorial plaques to be attached.

Note: Coping/curbs and Fencing is not currently addressed in this Article.

Article V Burials

This Article only addresses conventional and natural burials. With the proposed addition of new burial options, details of columbarium and ossuary interments and scattering gardens should be included.

Section 13-21 (Interment or Disinterment), subsection (e), requires excess dirt that remains following an interment to be hauled away. Currently, a “spoils” pile exists to the east of the cul-de-sac in Zone 4, where excess soil from dug graves is piled. The spoils pile is unsightly and causes erosion and muddy runoff across the drive, as well as damage to turf areas. The code requirement for removal should be enforced.

In a natural burial, the entire volume of soil is returned to the grave, creating a slight mound, which naturally subsides with time and natural decomposition of the body. The soil is not necessarily hidden from sight, as

is required by current code.

Section 13-23 (Minimum Depth of Graves), subsection (a), requires graves be dug to a minimum depth of 5 feet for conventional burials and 3.5 feet for natural burials. The proposed master plan would conform to these requirements.

Subsection (b) allows for soil mounding in natural burials, but requires conventional graves to be filled and leveled with the surrounding area.

Section 13-24 (Grave Liner or Vault Required) requires a grave liner or vault to hold a casket for all graves, excluding natural burials. This section could be redefined to apply only to “conventional in-ground burials” to allow for natural burials, in-ground interment of a cremation urn or box, and above-ground structures.

Under this section, natural burials are only allowed in Old Carrboro Cemetery. This section should be revised to allow natural burials in Westwood Cemetery as well.

b. Review of Existing Cemetery Rules and Procedures

The Consultant Team recommends that the cemetery regulations be reviewed. Cemeteries were historically the first landscaped open spaces, and people would visit cemeteries for family outings and even picnics. While loitering may be prohibited, the Town may want to invite visitors in to enjoy the new site amenities, such as trails and benches. Regulations can be written to enforce a respectful atmosphere while also allowing some recreational use of the space.

Article II General Regulations

Section 13-4 (Disruptive Activity Prohibited) limits the use of any cemetery within the Town to activities consistent “with the use of a cemetery as a cemetery.” Subsections (b), (c), and (f) prohibit recreational access to or use of cemeteries, including driving or parking in a cemetery other than when attending a burial or visiting a grave, dog-walking, and picnicking, jogging, playing games, or other active and passive recreational activities.

With the proposed introduction of walking paths and benches into the cemetery, the Town can choose to invite people into the cemetery to enjoy the landscape and natural area, to pause to rest or contemplate, and to make use of an public green space within the town core. The Town could consider revising this section to allow some recreational access and activities within cemeteries, and to allow private cemeteries to impose more restrictive rules if desired.

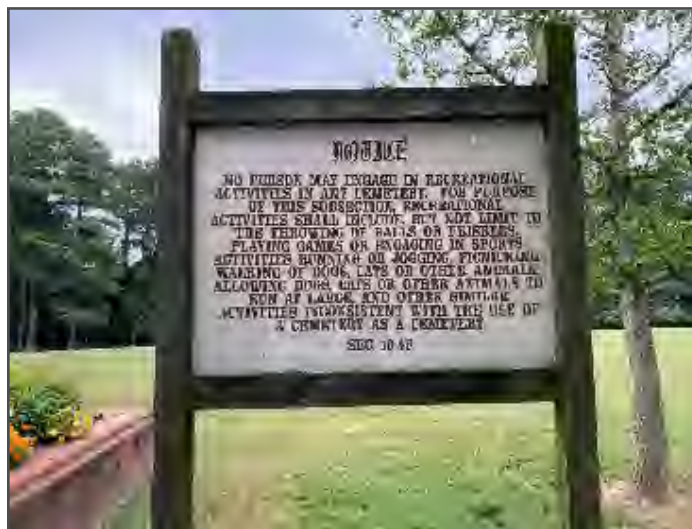


Figure 5 Sign posted in Westwood Cemetery, displaying the current rules against recreational activities. (CVDA)

Section 13-5 (Desecration of Public and Private Cemeteries) protects any cemetery within the Town from desecration from trash or litter and from damage to plants, landscaping, and ornaments.

Only one trash receptacle currently exists on the Westwood Cemetery grounds. Subsection (1) is unclear in its phrasing regarding the use of trash or recycling receptacles and could be revised to encourage their use and to discourage illegal littering and dumping. If more visitors are encouraged to use the cemetery, trash receptacles should be available to them. (Note: the subsections are numbered rather than lettered.)

Dumping is currently a problem along the southern property edge and should be addressed.

Section 13-8 (Trees, Plantings, Landscaping), subsection (a), limits planting, pruning, and removal of any plants in the Town-owned cemeteries to the administrator. The proposed introduction of natural burial sites and a scattering garden increases the complexity of landscaping in grave areas. Families of the deceased who are buried or whose ashes are scattered there may wish to have more direct influence in that landscaping by planting and tending to flowers or shrubs, for example. Subsection (a) could be revised to encourage or allow for more public interaction with plantings.

Site Analysis

a. Introduction

CVDA and subconsultants Terracon Consultants and TWT have completed a site analysis of Westwood Cemetery, reviewing geologic and hydrologic conditions, existing land use, vehicle and pedestrian circulation through the site, site amenities, drainage systems, and landscaping. Terracon's subsurface exploration and geotechnical engineering recommendations will guide future land use, earthwork, and the design and construction of foundations for structures.



Figure 6 Neighborhood context of Westwood Cemetery. (Google Earth)

b. Geotechnical Engineering Services

See Appendix 2 on page 43 for the complete Geotechnical Engineering Report by Terracon Consultants, Inc.

Terracon's geotechnical engineering report presents the results of our subsurface exploration and geotechnical engineering services performed for future site improvements of Westwood Cemetery located at 401 Davie Road in Carrboro, Orange County, North Carolina. The purpose of these services is to provide information and geotechnical engineering recommendations relative to:

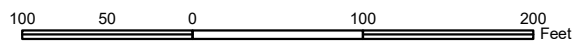
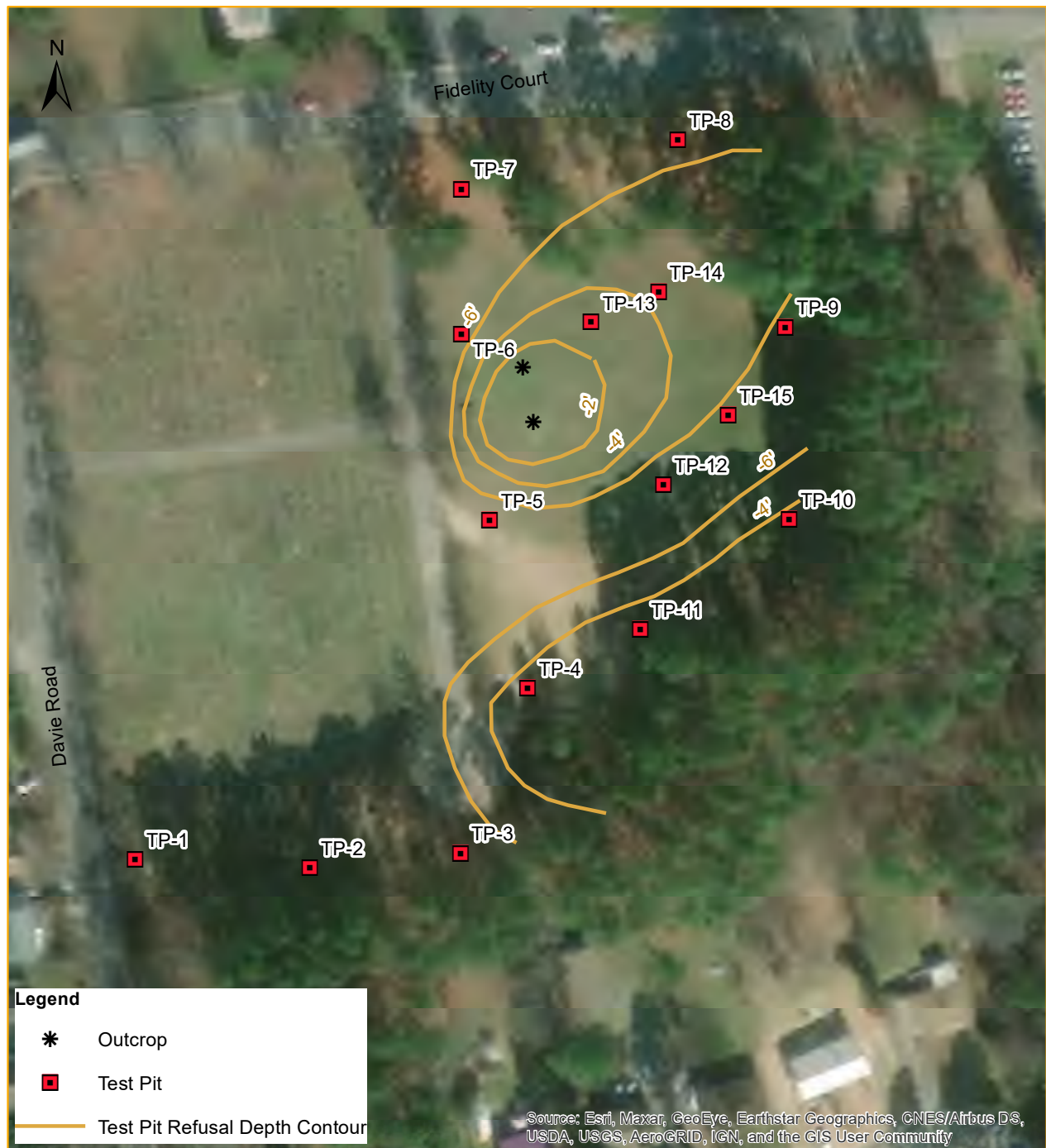
- Subsurface soil conditions
- Groundwater conditions
- Site preparation and earthwork
- Foundation design and construction

Fifteen test pits were excavated. (See Figure 7 on page 9, Exploration Plan.) Test pits TP-4, TP-10, TP-11, TP-13, and TP-14 encountered bedrock refusal at depths less than six feet. Shallow bedrock may limit available usable space for new interment sites. Two locations with granite outcrops were found in the central portion of the site. The majority of the ground surface is relatively flat; however perimeter areas slope moderately downward to the south and east.

EXECUTIVE SUMMARY

The following geotechnical considerations were identified:

- As observed at test pits TP-1, TP-3, and TP-11, a thin, discontinuous layer of existing silty/clayey sand fill is present at scattered locations across the site. Below existing fill (if present), native residual soils were found to consist of silty/clayey sand, which were observed to extend to depths of 3 feet to at least 8 feet below the existing ground surface.
- Test pit excavations encountered backhoe refusal, due to the presence of partially weathered rock (PWR) or intact bedrock, at eight of fifteen test pit locations. Surface contours indicating depth to backhoe refusal is shown on the Exploration Plan. Groundwater was not observed in test pit excavations. Further details regarding subsurface conditions are summarized in Geotechnical Characterization.
- Foundation support of possible small grade level structures, such as columbaria, or other small memorial structures, can be founded upon properly prepared subgrade consisting of soil (residual soils or structural fill), or properly prepared subgrade consisting of PWR/bedrock. The Shallow Foundations section addresses support of the small grade level structures on approved subgrade. Foundation subgrade for any structure should consist entirely of either type of subgrade, and not partially on soil subgrade and partially on PWR/bedrock subgrade. We recommend footing excavations to be inspected by Terracon for suitable preparation of bearing conditions.
- Support of foundations or new earthfill on or above existing fill materials is discussed in this report. However, even with the recommended construction procedures, there is an inherent risk to the owner that compressible fill or unsuitable material within or buried by the fill will not be discovered. This risk of unforeseen conditions cannot be eliminated without completely removing the existing fill, but can be reduced by following the recommendations contained in this report.



PM: MW	Project No. 70205044	 2401 Brentwood Drive, Suite 107 Raleigh, NC 27604 Phone: (919) 873-2211 Fax: (919) 873-9555	Exploration Plan - Aerial	EXHIBIT NO.
Drawn By: MW	Scale: 1 in = 100 ft		Westwood Cemetery	
Checked By: AAN	File Path:		401 Davie Road	
Approved By:	Date: 9/14/2020		Carrboro, North Carolina	

Figure 7 Terracon Test Pit Exploration Plan

To take advantage of the cost benefit of not removing the entire amount of undocumented fill, the owner must be willing to accept the risk associated with building over the undocumented fills following the recommended reworking of the material.

- Terracon should be retained during site earthwork to perform the necessary testing and observations during cut excavation, subgrade preparation, proof-rolling, placement and compaction of controlled fills, and backfilling of excavations to the planned subgrades.

c. Circulation and Access

The cemetery sits at the intersection of two local streets: Fidelity Street runs along the northern border of the cemetery, and Davie Road is the western border. To the south, the cemetery property borders residential backyards. To the east, the property borders a medical office and more residential properties. In the northeast corner of the property is a telecommunications structure and access easement.

Two internal cemetery drives south off of Fidelity Street and east off of Davie Road provide vehicle access. The two drives intersect, and the drive coming south from Fidelity Street extends almost to the property



Figure 8 Aerial view of Westwood Cemetery and existing features. (Google Earth)

line and ends in a cul-de-sac or turnaround that extends into Section 3 of the burial grids. The cemetery drives are paved with asphalt, with no curbs, and appear to be recently paved. The driveway entrances are paved differently, and should be consistent. Vehicle parking is available along the drives. The cemetery is bordered by sidewalks along Fidelity Street and Davie Road, but there are no sidewalks or walkways within the cemetery. A bus stop is located on the property across from the apartment complex at 400 Davie Road.



Figure 9 The main entrance to the cemetery, from Fidelity Street, looking south. The spoils pile is visible in the background. (Google)



Figure 10 The entrance to the cemetery from Davie Road, between Sections 1 and 2, showing recent asphalt patching, and the sidewalk and driveway apron. The driveway apron is not separated from the adjacent sidewalk and does not have curbing. The sidewalks do not continue into the cemetery. (CVDA)



Figure 11 Erosion and root damage are visible along the south side of the driveway apron at Davie Road, in Section 2, looking east. (CVDA)

The cemetery is not fenced. It is open to the adjacent streets, and existing trees are planted quite close to the property line. In some places, the tree roots have caused upheaval damage to the adjacent sidewalks. Town code allows graves to be dug as close as twelve inches to a property line.



Figure 12 Mature trees growing close to the road along the property line have damaged the sidewalk. (CVDA)

d. Spatial Organization, Site Furnishings, and Signage

CVDA visited the site and reviewed the existing amenities and furnishings. There is one monumental sign located on the east side of the Fidelity Street entrance. The sign is constructed with brick and has a granite inset, and there is some cracking in the mortar of the brick joints on top. The base of the sign is surrounded by a timber-edged planter, planted with annual flowers, and a small wooden retaining wall runs along the township sidewalk.



Figure 13 Sign and planter at Fidelity Street entrance, edged with timbers and planted with seasonal flowers. (CVDA)



Figure 14 Timber retaining wall along sidewalk. (CVDA)

The cemetery offers few amenities for visitors. There are no benches or informational signage. In the center of the site, there is a cluster of site furnishings: there is one trash receptacle, which is the Town of Carrboro standard metal drum with a dome top on a swivel. There is one “rules” sign posting the section of the Town of Carrboro code Section 13-4f. Adjacent to the rules sign is a light pole and a small raised brick planter with a water spigot.



Figure 15 (Top left) The only existing trash receptacle is a standard drum with dome lid. (CVDA)

Figure 16 (Top right) The sign posting cemetery regulations. (CVDA)

Figure 17 (Bottom left) The raised brick planter, with yard hydrant. (CVDA)

Figure 18 (Bottom right) The light pole, with planter and sign visible. (CVDA)

e. Wayfinding and Information, Directional Signage, and Interpretation

Other than the entrance sign and the sign stating the cemetery regulations, there is no existing wayfinding or informative signage. As development of the cemetery proceeds additional wayfinding and signage will be required. A mobile application could be used to facilitate grave location. The inventory of burial sites should be continually updated in the Township’s GIS mapping.

f. Drainage Systems

Currently there are two 12"x12" drain inlets along the internal drive that are connected and drain to the west to the underground stormwater system at Davie Road.

A drainage issue exists along Fidelity Street where street tree roots have pushed up the grade near the trees and have caused an area of ponding. There is a drain through the curb near this area, and a small inlet could be installed to connect to that pipe to drain the area.

Soil erosion occurs on-site due to the activities of funeral homes. The unpaved access path to the spoils disposal area has eroded and muddy run-off drains across the internal cul-de-sac drive and into the adjacent burial area.

One other item to note is the four observation wells found on site. The purpose and history of these wells isn't fully determined, but it is believed that the wells were installed to monitor for possible chemical leachate from a former dry cleaning business at 127 Fidelity Street, and that the wells were decommissioned in the late 1990s. The Township Planning or Public Works divisions may have permitting paperwork relating to these wells.

As part of the master planning for the cemetery, the Town should assess the need for professional engineering services to address drainage issues.



Figure 19 Interconnected drain inlets leading to the stormwater system at Davie Road. (CVDA)



Figure 20 On Fidelity Street, tree roots create a ponding issue that could be resolved by connecting an inlet to the existing drain pipe. (CVDA)



Figure 21 Loose soil in the spoils pile erodes in rain storms. This area was graded and cleaned up in November 2020. (CVDA)

g. Landscape

Vegetation

The existing landscaping is composed of Callery pear trees, red maples, crape myrtles and a few oak trees. Mature street trees line Fidelity Street and Davie Road and the north-south internal drive. The condition of many of the trees is poor, and they should be evaluated by an arborist to protect the safety of the public.



Figure 22 Heavy deer browse is evident in the woodland to the east in Zone 4. (CVDA)

The woodland areas to the east and south are composed of oak trees, southern yellow pine, a few hollies, and Callery pears that have seeded from existing on-site trees. Callery pears are a short-lived species and are considered invasive.

CVDA observes that the overall condition of the turf is marginal. The site is not currently irrigated.



Figure 23 Woodland is mostly open with no understory plants; excavated boulders from graves. (CVDA)



Figure 24 Existing mature pine trees near Fidelity Street in Zone 4. (CVDA)



Figure 25 Mature pear trees along interior drive along edge of Zone 4. (CVDA)



Figure 26 Contractor damage to the turf in Zone 4 and resulting erosion. (CVDA)



Figure 27 Bedrock is visible through the soil at the high point of the site. (TWT)



Figure 28 Tires and household trash in the woodlands in the south of the site. (CVDA)

Soils and Landforms

The site is located on a gentle hill, with the high point near the current location of the light post in the center of the site, in Zone 4. The land slopes downward moderately to the south, with low points in the southeast and southwest corners.

There are granite outcrops visible in the lawn in Zone 4, where the depth to bedrock is very shallow. Test pits excavated by Terracon encountered bedrock refusal at depths less than 6 feet in five locations. Excavated boulders have also been moved into the wooded areas around the edge of the property.

See Appendix 2: Geotechnical Engineering Report by Terracon Consultants, Inc., on page 43 for a detailed investigation of the physical properties of the site.

Burial Spoils Area

The funeral homes that dig the graves have been driving across the turf and piling spoils on site for years. The turf and cemetery sections have been damaged by this activity. Town Code Article V Section 13-21(e) states all excess dirt is to be hauled away and the turf leveled, other than in natural burial areas. The Department of Public Works is working to address this issue.

Dumping

Along the southern property line, there is evidence of dumping, which is prohibited according to Town Code Article II Section 13-5(1). Brush cuttings, lawn waste, and trash cover the ground in the woodland behind the residential properties.

Utilities

The Cemetery is serviced by an overhead electric line for the light pole in Section 4. There are no additional lights.

Currently there is one yard hydrant providing water in the cemetery, at the brick planter in the center of the site. This spigot will need to be relocated and upgraded when the cemetery is expanded.

Plan Options and Opportunities

a. Introduction

Through this process, the Township would like to explore the phased expansion and improvement of the Westwood Cemetery. Currently the burial options at the Cemetery are limited. It is the intent of the master plan to provide a range of burial options. Options would include: in-ground cremains, columbaria, an ossuary with memorial wall, a scattering garden, natural burial plots, and expansion of conventional burial plots. The proposed master plan would also expand public engagement and respectful recreation at the cemetery.

b. Land Use and Master Plan

The existing cemetery is under-utilized. To expand access and utility, it is recommended that a new loop roadway be installed. The new road would form a large “P” loop and eliminate the existing cul-de-sac. The center of the loop road would become a multi-functional area that could include columbaria, memorial

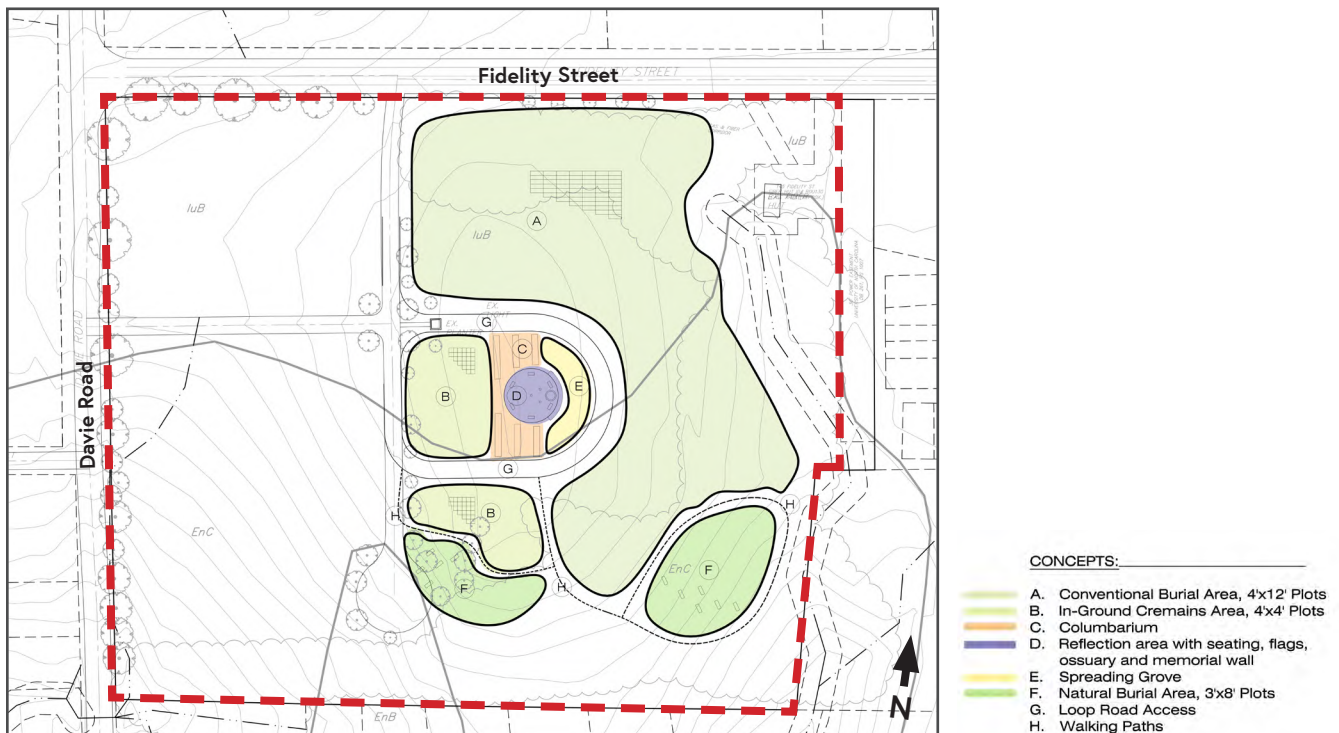


Figure 29 Concept Plan showing proposed land uses and site layout. (CVDA)

wall, in-ground cremains plots, scattering garden, and a ceremony space with benches and flagpoles. The space would be serviced with a yard hydrant and electrical. The ceremony space would be ADA-accessible and provide for cortege parking and wayfinding signage. This new space could also become the site for memorial services and functions on national holidays. A new sign system should be designed to identify the site as well as the burial sections.

c. New Facilities and Features

BURIAL OPTIONS

The space for conventional burial plots is diminishing and existing site features impact the number of available and potential plots. Issues such as depth to bedrock, site layout, and existing site conditions all impact the total number of potential plots. Therefore it is recommended that the Cemetery expand the types of burials permitted to include in-ground cremains, columbaria, a scattering garden with memorial wall, an ossuary, and natural burials in the undisturbed forested portions of the site.



Figure 30 An example of 4' by 4' burial plots for cremated remains. (CVDA)

In-Ground Cremains

Cremation urns are currently allowed to be interred in Westwood Cemetery under Town code, with four cremation urns allowed in one 4' by 12' burial space, with one monument per burial space. Individual in-ground cremation burial spaces require a small plot size (4' by 4') and the depth of the grave is much shallower, at 24 inches. The Town could choose to dedicate an area of shallow depth to bedrock to this type of burial. In Figure 29: Concept Plan on page 17, the areas labeled 'B' near the center of the site are proposed for 1,038 in-ground cremation burial spaces.

Natural Burial

Natural or "green" burial is a method of interment which allows for the natural decomposition of bodies. It does not include embalming bodies, does not require grave liners or vaults, and encourages the use of biodegradable burial containers or wrappings. Conservation of natural resources and habitats, reduction of carbon emissions, lower cost, and protection of worker health are often factors in choosing natural burial. According to the National Funeral Directors Association, nearly 54 percent of Americans are considering a green burial, and 72 percent of cemeteries are reporting increased demand. In October 2018, the Town Council approved natural burials in the Old Carrboro Cemetery and directed staff to prepare a plan to convert some of the un-plotted land in Westwood Cemetery to natural burials.

The carbon footprint of conventional burial is heaviest in the production and materials of the coffin, the concrete vault, and the transportation of materials and people to the cemetery. Natural burials avoid coffins and vaults, and the grave itself is smaller and shallower to dig.

By code, all burial spaces are currently required to be 4' by 12' but nationally green burial spaces can be as small as 3' by 8'. While conventional burial graves must be opened to a minimum depth of 5 feet under Town code, the required depth of the grave in a natural burial is 3.5 feet. Soil may be mounded on a natural grave, with the expectation that it will settle as natural decomposition occurs. Natural burials can be performed in wooded settings, as there is less disturbance of soil than in a conventional burial. The required grave

marker must be of stone and/or bronze and set on a footing of concrete.

In Figure 29: Concept Plan on page 17, the woodland areas labeled 'F' to the south of the site are proposed for 306 natural burial spaces, with asphalt and mulch paths to provide access. The Concept Plan allows for 4' by 12' burial spaces.



Figure 31 A natural burial site in the woods, accessed by a mulch path. (CVDA)



Figure 32 An example of a natural burial, with no casket or vault, and with the soil left visible during the funeral. (Green Burial Council)



Figure 33 The natural burial area in Old Carrboro Cemetery, with mounds of soil visible over newer graves. Burial spaces are 4' x 12' but can be 3' x 8'. (CVDA)

Scattering Garden

Cremated ashes may be scattered over a landscaped areas with perennial ground cover and lightly raked in. A plaque on a memorial wall or another type of marker displays the names of the deceased. Benches are often provided, and landscaping is well maintained. In Figure 29: Concept Plan on page 17, the landscaped area labeled ‘E’ in the center of the site is proposed for a scattering garden.



Figure 34 An example of a memorial marker in a cremation or scattering garden. (Dignity Memorial)

Ossuary and Memorial Wall

An ossuary is an underground chamber or vault for holding the cremated ashes of the deceased. A raised top with a removable section allows the ashes to be poured into the structure. The names of the deceased are memorialized on a plaque on a memorial wall. Benches are included in the design of the ossuary space. In Figure 29: Concept Plan on page 17, the central area labeled ‘D’ is proposed for a memorial wall and an ossuary. A flag pole and benches could be installed in this area to create a central gathering space for civic events, such as Veterans Day or Memorial Day.



Figure 35 A stone wall provides a backdrop for the ossuary. An open gathering place with flags and memorials is created. (CVDA)

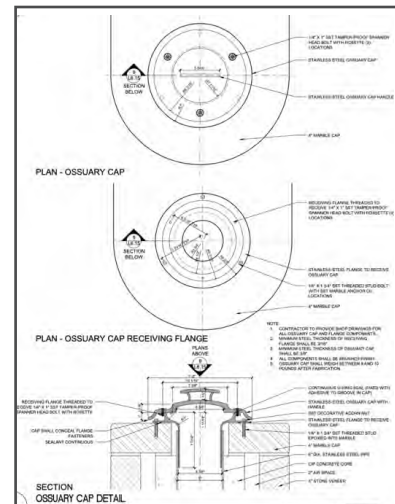


Figure 36 Construction details for an ossuary. (CVDA)

Columbaria

A columbarium is an above-ground vault that holds cremation urns. Usually formed of pre-cast concrete, the structure contains individual niches that can hold up to two or three urns. On the face of the structure, granite covers with plaques label each niche. The top, sides and back can be covered in granite. The structure can be single- or double-sided. In Figure 29: Concept Plan on page 17, the area labeled 'C' in the center of the site is proposed for six columbaria structures, accommodating 300 burial niches in Phase One, and 2400 niches at full build-out.



Figure 37 *Columbaria under construction, with pre-cast concrete niches visible. (CVDA)*



Figure 38 *An 80-niche columbarium, faced in granite, with bronze markers on niches. The granite niche covers are pre-drilled to accept bronze plaques. (CVDA)*



Figure 39 *Another style of columbarium. (CVDA)*

SITE FURNITURE

Additional monuments and commemorative features can be included to memorialize the dead and to allow contemplative space for visitors. Benches allow mourners to linger and create a welcoming environment.



Figure 40 Brick paving on a pedestrian path and a landscaped seating area. (CVDA)



Figure 41 Teak benches, with post lights and wall-mounted path lights. (CVDA)



Figure 42 Granite section marker. (CVDA)



Figure 43 Wayfinding signage. (CVDA)

New signage identifying sections of the cemetery assists visitors in finding graves. Interpretive or informational signage can provide the history of the site.

In the central area of the concept site plan, a gathering area with a flag pole, benches, and paving are proposed.

d. Planting Plan

CVDA suggests hiring a certified arborist to evaluate the health of the existing mature trees, and pruning or removing trees for public safety. Native tree species and crape myrtles to blend with existing trees will be chosen to replace removed or missing trees along the street and internal drives. Evergreens such as American Holly will create screening and year-round interest. A selection of flowering trees, including magnolias and crape myrtles, provide successive seasons of color. A detailed planting plan will be developed as part of the site planning process.

e. Irrigation Plan

Currently the Cemetery is not irrigated. It is questionable whether money is well spent to completely renovate the turf area and then install an irrigation system. The existing lawn hydrant should be relocated and upgraded as part of the site design, to provide a source of water for landscaped areas.

f. Financial Analysis

Westwood Cemetery is currently plotted to accommodate a total of 2,231 burial spaces, of which 328 are still available. Expanding the cemetery with new burial options in addition to new conventional burial plots will increase the capacity of the cemetery to serve the community into the future, as well as improve revenues for the cemetery. Based on geotechnical analysis of the site and an inventory of its existing features, CVDA has proposed a grid plan that provides for an additional 5,200 burials.

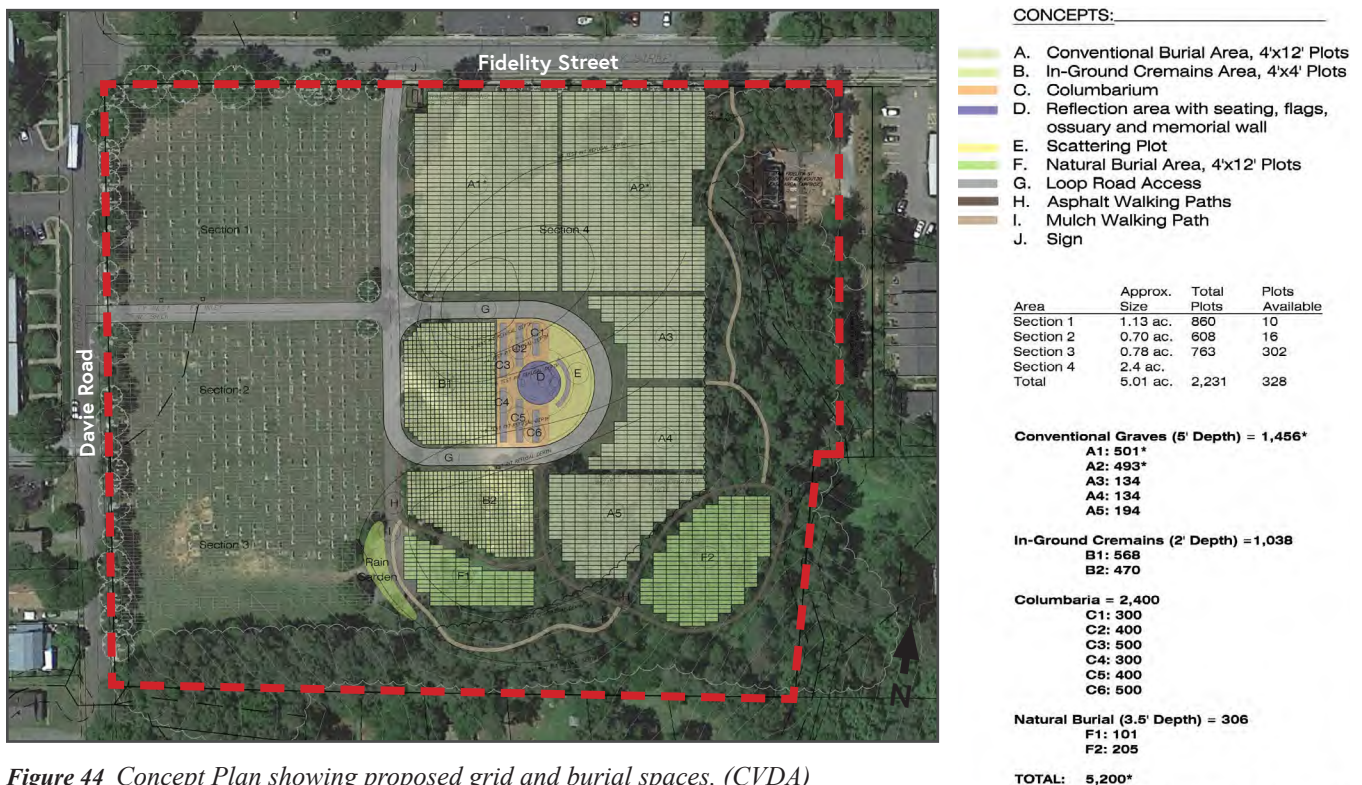


Figure 44 Concept Plan showing proposed grid and burial spaces. (CVDA)

The Consultant Team proposes to divide the project into two phases: Phase One and a complete build-out of the Master Plan. Phase One would include site work, including grading and earthwork, installation of the asphalt drive, a 5'-wide concrete sidewalk, asphalt path, and masonry memorial wall. (See Figure 46: Preliminary Partial Estimate of Probable Cost for TWT's estimate.) Phase One would also include construction of two double-sided columbaria structures, site furnishings, and a new entrance sign at Fidelity Street. The complete build-out of the Master Plan would follow, with more extensive site development and landscaping, as well as the construction of the remainder of the columbaria structures. (See Figure 45: Phased Cost Estimate for the total construction cost estimate.)

The Master Plan proposes areas for conventional burials and new burial options, with the yield of burial spaces for each type of burial option and the associated proposed sales price is outlined in Figure 47: Estimated Revenue Generation. Phase One as proposed could generate revenues of \$3,548,400, while construction costs are estimated at \$375,193. At full build-out of the Master Plan, revenue would be \$7,738,400, with total construction costs of \$1,696,991.

Revenue from plot sales from the previous fiscal years (July to June) are as follows:

FY 2021 - YTD [9/28/2020] - \$15,000

FY 2020 - \$85,500

FY 2019 - \$34,750

FY 2018 - \$49,600

This estimate does not include ongoing maintenance of the site. Currently the Town spends \$800 every two weeks on lawn mowing and trimming. Additional costs for landscape maintenance and lighting may be expected.

Westwood Cemetery Expansion - Phased Cost Estimate

CVDA / TWT

December 2020

	Master Plan				Phase One			
	qty	unit	unit price	total	qty	unit	unit price	total
Columbarium niches	2400	each	\$ 425.00	\$ 1,020,000.00	300	each	\$ 425.00	\$ 127,500.00
Benches	8	each	\$ 1,400.00	\$ 11,200.00	2	each	\$ 1,400.00	\$ 2,800.00
Signs	5	each	\$ 300.00	\$ 1,500.00	3	each	\$ 300.00	\$ 900.00
Ossuary	1	lump sum	\$ 12,000.00	\$ 12,000.00				
Flagpoles	3	lump sum	\$ 23,000.00	\$ 69,000.00				
Landscaping	1	lump sum	\$ 25,000.00	\$ 25,000.00				
Scatter garden curbing	280	linear feet	\$ 80.00	\$ 22,400.00				
Utility work - Water	1	lump sum	\$ 3,000.00	\$ 3,000.00				
Utility work - Electrical	1	lump sum	\$ 12,000.00	\$ 12,000.00				
Entrance sign - Fidelity St.	1	lump sum	\$ 5,000.00	\$ 5,000.00	1	lump sum	\$ 5,000.00	\$ 5,000.00
Subtotal				\$ 1,181,100.00				\$ 136,200.00
Contingency @ 15%			15%	\$ 177,165.00			15%	\$ 20,430.00
Construction Subtotal				\$ 1,358,265.00				\$ 156,630.00
Design fees @ 10%			10%	\$ 135,826.50			10%	\$ 15,663.00
Total				\$ 1,494,091.50				\$ 172,293.00
* Projected Costs - TWT				\$ 202,900.00				\$ 202,900.00
Total Costs - Phase One								\$ 375,193.00
Total Costs - Build-out				\$ 1,696,991.50				

* See TWT Preliminary Partial Estimate of Probable Cost

Figure 45 Estimated costs to expand Westwood Cemetery, with Phase One broken out, including TWT's initial site work construction estimate. (CVDA/TWT)

PRELIMINARY PARTIAL ESTIMATE OF PROBABLE COST¹

Westwood Cemetery - Cemetery Expansion

Town of Carrboro
Orange County, NC

Taylor Wiseman & Taylor

11/4/2020

	DESCRIPTION	UNITS	TOTAL QUANTITY	UNIT COST	EXTENDED COST
1	Demolition ²	LS	1	by Owner	-
2	Memorial Wall (Masonry w/ Brick Face)	SF	280	\$ 32.00	\$ 8,960.00
3	5' Concrete Sidewalk	SF	8,250	\$ 6.75	\$ 55,687.50
4	Asphalt Drive, 20-ft wide, ditch & shoulder Section ³	SY	1,222	\$ 28.00	\$ 34,222.22
5	Asphalt Path, 8-ft wide ⁴	SY	178	\$ 13.50	\$ 2,400.00
6	Earthwork Rough Grading ⁵	CY	5,556	\$ 1.85	\$ 10,277.78
7	Earthwork Fine Grading	CY	2,222	\$ 2.80	\$ 6,222.22
8	Undercut Unstable Soil	CY	75	\$ 50.00	\$ 3,750.00
9	Rock Excavation - Removal by Mechanical Means	CY	100	\$ 175.00	\$ 17,500.00
10	Sedimentation & Erosion Control	LS	1	\$ 7,500.00	\$ 7,500.00
11	Seeding & Mulching	AC	1.38	\$ 2,000.00	\$ 2,754.82
Estimated Construction Cost					\$ 149,300.00
Contingency @ 15%					\$ 22,400.00
Engineering Design Fees					\$ 18,700.00
Utility Relocation Allowance ²					-
Permitting Fees					\$ 1,500.00
Geotechnical Soils Eval. & CMT					\$ 11,000.00
ESTIMATED TOTAL PROJECT COST¹					\$ 202,900.00

NOTES:

¹ PRELIMINARY PARTIAL COST ESTIMATE. Costs are estimated for project bid in 2021, no adjustment for escalation between Fiscal Years is included. Additional Line items and Unit Prices to be provided by Landscape Architect.

² Demolition will be performed by the Town. No Allowance included for utility relocation; some electrical work may be needed for lighting circuit continuity with removed light pole.

³ Asphalt Roadway Section includes compacted subgrade, Compacted 8" Base, 3" Binder Course, and 2" Overlay with ditch and shoulder section.

⁴ Asphalt Path Section includes compacted subgrade, 2" Binder Course, 1" Overlay.

⁵ Assumes 2.5-ft average depth of earthwork across 60,000 SF for volume estimate.

Figure 46 Estimated initial construction costs for Phase One site work. (TWT)

Westwood Cemetery Expansion - Estimated Revenue Generation

CVDA

December 2020

	Master Plan			Phase One		
	Est. Sale Cost	Total Yield	Revenue / Build-out	Est. Sale Cost	Phase 1 Yield	Revenue / Phase 1
In-Ground Grave	\$ 1,200.00	1,456	\$ 1,747,200.00	\$ 1,200.00	1,456	\$ 1,747,200.00
In-Ground Cremain	\$ 800.00	1,038	\$ 830,400.00	\$ 800.00	1,038	\$ 830,400.00
Columbarium Niche	\$ 1,400.00	2,400	\$ 3,360,000.00	\$ 1,400.00	300	\$ 420,000.00
Natural Burial	\$ 1,800.00	306	\$ 550,800.00	\$ 1,800.00	306	\$ 550,800.00
Ossuary	\$ 500.00	2,000	\$ 1,000,000.00			
Scattering Garden	\$ 500.00	500	\$ 250,000.00			
Total			\$ 7,738,400.00			\$ 3,548,400.00
<i>Estimated Construction Cost Phase One</i>						<i>\$ 375,193.00</i>

Figure 47 Estimated revenue generation from expansion of Westwood Cemetery, including estimates of burial site numbers and sales costs.(CVDA)

Definition of Terms

Burial Space A parcel of ground within a cemetery, which can be allocated for the interment of one or more human bodies or cremation urns. Carrboro Code currently defines a space as “having the dimensions of 4 feet by 12 feet, and the usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns.”

Columbarium An above-ground structure or vault with niches that hold cremation urns.

Conventional Burial A method of interment in which an embalmed body is placed in a casket, and the casketed body is buried in a grave into which a burial vault has previously been placed, or entombed in an above-ground mausoleum.

Cremains The ashes that remain after the cremation of a body.

Marker An identifying plaque installed at ground level at a grave site, or installed on a memorial wall or stone at an columbarium, ossuary, or scattering garden.

Mausoleum A structure substantially exposed above ground used for the entombment of human bodies.

Monument A memorial stone or other structure installed at a grave site.

Natural Burial Also known as “Green burial.” A method of interment which allows for the natural decomposition of bodies. It does not include embalming bodies, does not require grave liners or vaults, and encourages the use of biodegradable burial containers or wrappings. Conservation of natural resources and habitats, reduction of carbon emissions, lower cost, and protection of worker health are often factors in choosing natural burial.

Ossuary A receptacle or vault for holding the ashes or bones of the dead, often of more than one person.

Scattering Garden A landscaped space where cremated ashes may be scattered.

Appendices

Appendix 1. Carrboro Town Code Chapter 13 Cemeteries

Appendix 2. Geotechnical Engineering Report by Terracon Consultants, Inc.

Appendix 3. Site Analysis Plans and Concept Master Plans

Appendix 1. Carrboro Town Code Chapter 13 Cemeteries

CHAPTER 13

CEMETERIES

Article I - Definitions; Application

Section 13-1 Definitions

Section 13-2 Application of Provisions

Article II - General Regulations

Section 13-3 Burial Only in Cemeteries

Section 13-4 Disruptive Activity Prohibited

Section 13-5 Desecration of Public and Private Cemeteries

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Article III - Designation and Sale of Cemetery Lots and Spaces

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Section 13-12 Purchase of Burial Rights

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Article IV - Mausoleums, Monuments, Markers and Coping/Curbs or Fencing

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Article VI - Penalties and Remedies

Section 13-26 Penalties and Remedies

Article I

DEFINITIONS; APPLICATION

Section 13-1 Definitions

Unless the context otherwise indicates, the following words shall have the meaning indicated when used in this chapter.

(1) Administrator: The person designated by the manager to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

(2) Burial Space: A parcel of ground within a cemetery lot having the dimensions of 4 feet by 12 feet, and the usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns. (Amend. 5/9/89, 1/21/92)

(3) Lot: A plot of ground within the town cemeteries consisting of not more than three (3) burial spaces, as shown on the official cemetery map. (Amend. 5/9/89)

(4) Marker: A plaque installed at ground level at the site of a grave to indicate the name, date of birth, and date of death of the person buried there.

(5) Mausoleum: A structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person.

(6) Monument: A memorial stone or other structure erected at a gravesite in remembrance of the dead.

(7) Natural Burial: A method of internment with minimal environmental impact and which aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and preservation of natural habitats. This method of internment does not include embalming of bodies, does not require grave liners or vaults, encourages the use of biodegradable burial containers, and is intended to the natural decomposition of bodies. Graves used for Natural Burials shall be maintained such that the grave's appearance shall be kept as consistent as practical with the surrounding graves. This burial method may also be referred to as "Green Burial" (Created 10/16/18)

Section 13-2. Application of Provisions

The following sections apply to all cemeteries within the town: Sections 13-3, 13-4, 13-5 and 13-6. The remaining sections of this chapter apply only to cemeteries owned or operated by the town.

Article II

GENERAL REGULATIONS

Section 13-3 Burial Only in Cemeteries

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery or a cemetery operated by a governmental entity or a private cemetery licensed or specifically exempted from licensing according to the North Carolina Cemetery Act (Article 9 of G.S. Chapter 65).

Section 13-4 Disruptive Activity Prohibited

(a) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic.

(b) No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of a cemetery as a cemetery.

(c) No person may take any dog, horse, or other animal into any cemetery or allow any animal to run at large therein. This provision shall not apply to seeing eye dogs when accompanied by a blind person. (Amend. 5/9/89)

(d) No person may intentionally disrupt any funeral service or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.

(e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within any cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

(f) No person may engage in recreational activities in any cemetery. For purposes of this subsection, recreational activities shall include, but not be limited to the throwing of balls or frisbees, playing games or engaging in sports activities, running or jogging, picnicking, walking dogs, cats or other animals, allowing dogs, cats, or other animals to run at large, and other similar activities inconsistent with the use of a cemetery as a cemetery. (Amend. 8/11/92)

Section 13-5 Desecration of Public and Private Cemeteries

As provided in G.S. 14-150.1, if any person shall willfully commit any of the acts set forth in the following subdivisions, he shall be guilty of a misdemeanor and shall be fined not more than one-hundred dollars (\$100.00) or imprisoned for not more than thirty days, or both, in the discretion of the court.

(1) Throwing, placing, or putting any refuse, garbage, trash, or articles of similar nature in or on a public or private cemetery where human bodies are interred.

(2) Destroying, removing, breaking, damaging, overturning, or polluting any flower, plant, shrub, or ornament located in any public or private cemetery where human bodies are interred without the express consent of the person in charge of said cemetery.

Provided nothing contained in this section shall preclude operators of such cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the care of such cemeteries.

Section 13-6 Removing or Defacing Monuments and Tombstones

As provided in G.S. 14-140, if any person shall, unlawfully and on purpose, remove from its place any monument of marble, stone, brass, wood, or other material, erected for the purpose of designating the spot where any dead body is interred, or for the purpose of preserving and perpetuating the memory, name, fame, birth, age or death of any person, whether situated in or out of the common burying ground, or shall unlawfully and on purpose break or deface such monument, or alter the letters, marks or inscription thereof, he shall be guilty of a misdemeanor. Provided that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of such cemeteries.

Section 13-7 Hours of Operation

(a) The town cemetery shall remain open to the public throughout the year from sunrise until sunset.

(b) No person may enter the town cemetery at any time other than the hours of operation established by subsection (a).

Section 13-8 Trees, Plantings, Landscaping

(a) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind except with the consent of and in accordance with the directions of the cemetery administrator.

(b) The cemetery administrator may enter any lot and remove or trim any tree, shrub, or other plant that encroaches upon any other lot or any walkway, or driveway, or other part of the cemetery.

(c) The cemetery administrator may remove from the cemetery all floral designs, flowers, weeds, or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(d) Artificial flowers used in floral decorations may be used in the cemetery but a limit of two months is established as a reasonable period for use of such decorations. After two months such arrangements will be removed and disposed of by the cemetery administrator.

Sections 13-9 through 13-10 Reserved

Article III

DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

Section 13-11 Cemetery Map Required

(a) There shall be maintained in the town clerk's office an official cemetery map which shall depict, as accurately as possible, the boundaries of the town cemetery and the location and dimension of all lots and spaces within the cemetery. Natural Burial spaces shall be clearly marked on the cemetery map and the cemetery map shall be amended from time to time in order to ensure that adequate spacing is maintained between Natural Burial lots or spaces. (Amended 10/16/18)

(b) Burial rights in all lots and spaces shall be sold in reference to the official cemetery map.

(c) There shall be maintained by the cemetery administrator an alphabetical list of purchasers of Certificates of Burial Rights and a numerical list of lots sold. (Amend. 5/9/89)

Section 13-12 Purchase of Burial Rights

(a) The town shall sell burial rights in cemetery lots and spaces in accordance with the provisions of this chapter and the schedule of fees set forth in the Miscellaneous Fees and Charges Schedule maintained in the office of the town clerk.

(b) Differential fees shall be charged according to whether the person intended to be buried in the space with respect to which a burial right is purchased is a bona fide resident of or owner of real property within the Town of Carrboro at the time such right is purchased. (Amend. 5/22/84, effective 6/1/84)

(c) (c) A Certificate of Burial Right shall be issued to the person who purchases a burial right. The certificate shall identify the purchaser, the specific lots or spaces to which the certificate applies, the names of the individuals intended to be buried in the spaces purchased, and whether the lots or spaces shall be used for traditional or natural burials. If spaces are intended to be reserved for unborn children or grandchildren of the purchaser, that fact shall be noted on the certificate and such offspring shall be deemed to have the same residency as their parents. If the cremated remains of more than one person are to be located on a single space, the names of all persons whose remains are intended to be located on the space shall be indicated on the certificate. (Amend. 12/11/84, 10/16/18)

(d) The usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns. (Amend. 5/9/89, 1/21/92)

Section 13-13 Rights of Owner of Certificate of Burial Right

(a) The Certificate of Burial Right transfers no property right to the certificate owner. The Certificate of Burial Right entitles the owner thereof (i.e., the purchaser) to use the designated spaces as a place of burial for the persons named on the certificate, subject to the terms and conditions of this ordinance and subject to the town's authority to operate, regulate, control, and abandon cemeteries. (Amend. 5/9/89)

(b) If the owner of a Certificate of Burial Right desires to change the designation of persons entitled to be buried in the spaces covered by the certificate, he or she may do so by surrendering the old certificate and obtaining a new certificate. Fees will be charged at the then current rate for the spaces being changed, but credit will be given for previous payments with respect to those spaces. In addition, the town will refund, without interest, any sums paid for spaces that the owner of a Certificate of Burial Right no longer wishes to reserve, upon surrender of the Certificate of Burial Right covering those spaces.

(c) Upon the death of the owner of a Certificate of Burial Right, all rights evidenced by such certificate shall pass to the owner's heirs, legatees, or devisees in the same manner as other interests in personal property.

Section 13-14 Speculation in Burial Rights Prohibited

(a) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange.

(b) No person may sell or exchange any burial right for a profit or gain.

Sections 13-15 through 13-16 Reserved

Article IV

MAUSOLEUMS, MONUMENTS, MARKERS, AND COPING/CURBS OR FENCING

Section 13-17 Mausoleums

No mausoleum, tomb, building, or other structure of any kind shall be erected on any lot within the town's cemeteries, except on lots which may be designated on the plat and plan of the town's cemeteries by the Board of Aldermen as lots to be used exclusively for mausoleums and tombs. (Amend. 5/9/89)

Section 13-18 Monuments (Amend. 5/9/89)

- (a) All monuments shall be bronze and/or stone.
- (b) All monuments shall be placed on a concrete apron which shall extend four (4) inches from each side of the base of the monument and which shall be flush with the ground in order to facilitate monument protection, stability and maintenance.
- (c) No monument may exceed four (4) feet in height.
- (d) The length for single burial space monuments shall not exceed twenty-eight (28) inches.
- (e) A double space monument shall be permitted on two (2) adjacent burial spaces, located side by side. The length for double space monuments shall not exceed seventy-six (76) inches. A double space monument shall be centered on the line between two (2) burial spaces.
- (f) A triple space monument shall be permitted on three (3) adjacent burial spaces, located side by side. The length for the triple space monument shall not exceed one hundred-twenty (120) inches. A triple space monument shall be centered on the second (middle) burial space.
- (g) The width of monuments shall not exceed sixteen (16) inches.
- (h) All monuments shall be placed at the head of the burial space(s) and positioned perpendicular to the burial space(s).
- (i) The foregoing provisions of this section shall not apply to monuments placed prior to the effective date of this section.

Section 13-19 Markers

- (a) All markers shall be of bronze and/or stone. (Amend. 5/9/89)
- (b) A head marker used in place of a monument shall be placed on a concrete apron which shall extend four (4) inches from each side of the base of the head marker and which shall be laid flush with the ground in order to facilitate head marker protection, stability, and maintenance. (Amend. 5/9/89)
- (c) A head marker used in place of a monument shall be laid flush with the ground, shall not exceed two (2) feet in length and one foot in width and shall be placed at the head of the grave, perpendicular to the burial space(s). Only one head marker shall be permitted on each burial space. (Amend. 5/9/89, 1/21/92)
- (d) A foot marker shall be laid flush with the ground, shall not exceed two (2) feet in length and one (1) foot in width and shall be placed at the foot of the grave, perpendicular to the burial space. Only one foot marker shall be permitted on each burial space. (Amend. 5/9/89, 1/21/92)

(e) The foregoing provisions of this section shall not apply to markers placed prior to the effective date of this section. (Amend. 5/9/89)

Section 13-20 Reserved

Section 13-20.1 Installation, Repair or Removal of Monuments (Amend. 5/9/89)

- (a) A monument or marker shall be placed at the burial site within one (1) year of the funeral.
- (b) Should any monument or marker in the town's cemeteries at any time become unsafe, unsightly, or in need of repair or resetting, the cemetery administrator shall notify the owner of the relevant Certificate of Burial Rights of such condition and shall request such person to make any needed repairs under the administrator's supervision.
- (c) Nothing in this section shall obligate the town to place, replace, or repair any monument or marker in the town's cemeteries.

Section 13-20.2 Monuments and Markers on Natural Burial Sites (Created 10/16/18)

Notwithstanding the foregoing provisions of Article IV, Monuments and Markers installed at graves used as Natural Burial sites shall be placed such that they will not be affected by natural sinking of topsoil resulting from the decomposition of the bodies.

Article V

BURIALS

Section 13-21 Interment or Disinterment (Amend. 5/9/89)

- (a) No person shall be interred or disinterred in the town's cemeteries without lawful authority and a written permit issued by the cemetery administrator.
- (b) Application for the permit authorized by this section shall be made at least ten (10) hours prior to the opening of the grave. This application shall be submitted in writing and shall designate the person to be buried.
- (c) No permit shall be issued when the person to be buried is not designated as the person to be buried in the relevant burial space on the current Certificate of Burial Rights maintained by the cemetery administrator. The permit required by this section shall be issued if the application contains the information specified in this section and if all fees and charges authorized by this chapter have been paid.
- (d) No person shall open any grave in a town cemetery other than a licensed funeral director or those employed by such funeral director under the supervision of the cemetery administrator.

(e) Following the digging of a grave, the dirt shall be hidden from public view until after the funeral. Following the funeral, the dirt is to be replaced and sufficiently packed. All excess dirt is to be hauled away and the turf leveled.

Section 13-22 Records of Persons Buried Required

(a) The cemetery administrator shall keep complete and accurate records of the name, age, sex, date of death, and date of burial of every person buried in the town cemetery, as well as the particular space where such person is buried.

(b) The funeral director shall provide the cemetery administrator with a Death Information Certificate within ten (10) days of any burial. (Amend. 5/9/89)

Section 13-23 Minimum Depth of Graves

(a) All graves must be opened to a depth of at least five (5) feet to the bottom thereof. Notwithstanding the foregoing, graves intended for use for a Natural Burial shall be opened to a depth of three and a half (3.5) feet to the bottom thereof.
(Amend. 5/9/89, 10/16/18)

(b) All graves shall be level with the surrounding areas and no mounds shall be allowed. Notwithstanding the foregoing, graves intended for use for a Natural Burial may be covered with a mound and are not subject to the requirement that all graves shall be level with the surrounding areas, except to the extent that the grave's appearance shall be kept as consistent as practical with the surrounding graves. (Amend. 10/16/18)

(c) No grave in town cemeteries shall be dug nearer than twelve (12) inches to any property line. (Amend. 5/9/89)

Section 13-24 Grave Liner or Vault Required

Grave liners or vaults, composed of concrete or a substance of equivalent strength and durability, shall be required for all graves within the town cemetery. No person may bury or cause to be buried the body of any deceased person unless the casket is properly placed within a grave liner or vault. Notwithstanding the foregoing, the Natural Burials shall be permitted in the Old Carrboro Cemetery in conformance with this Chapter. (Amend. 12/11/84, 10/16/18)

Section 13-25 Reserved

Article VI

PENALTIES AND REMEDIES

Section 13-26 Penalties and Remedies

(a) A violation of any of the following provisions shall constitute a misdemeanor, punishable as provided in G.S. 14-4:

Sections 13-3, 13-4, 13-7, 13-8, 13-14, 13-17, 13-18, 12-19, 13- 20, 13-21, 13-23, 13-24 (Amend, 12/11/84, 5/9/89)

(b) Violations of any of the sections listed in subsection (a) shall also subject the offender to a civil penalty of twenty- five dollars (\$25.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(c) The town may seek to enforce this chapter through any appropriate equitable action.

(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

Appendix 2. Geotechnical Engineering Report by Terracon Consultants, Inc.



Geotechnical Engineering Report

**Proposed Westwood Cemetery Improvements
Carrboro, Orange County, North Carolina**

September 30, 2020

Terracon Project No. 70205044

Prepared for:

Carter Van Dyke Associates, Inc.
Doylestown, Pennsylvania

Prepared by:

Terracon Consultants, Inc.
Raleigh, North Carolina

Environmental



Facilities



Geotechnical



Materials

September 30, 2020

Carter Van Dyke Associates, Inc.
40 Garden Alley
Doylestown, Pennsylvania 18901



Attn: Mr. Peter R. Fernandez, President
P: (215) 345-5053 x129
E: peter@cvda.com

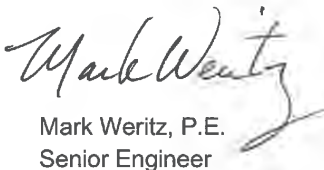
Re: Geotechnical Engineering Report
Proposed Westwood Cemetery Improvements
401 Davie Road
Carrboro, Orange County, North Carolina
Terracon Project No. 70205044

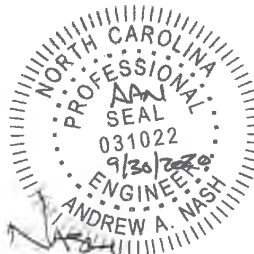
Dear Mr. Fernandez:

We have completed Geotechnical Engineering services for the above referenced project. This study was conducted in general accordance with Terracon Proposal No. P70205044 dated July 14, 2020. This report presents the findings of the subsurface exploration and provides geotechnical recommendations concerning site improvements for the cemetery.

We appreciate the opportunity to be of service to you on this project. If you have any questions concerning this report, or if we may be of further service, please contact us.

Sincerely,
Terracon Consultants, Inc.


Mark Weritz, P.E.
Senior Engineer


Andrew A. Nash, P.E.
Geotechnical Manager
Registered, NC 031022

Terracon Consultants, Inc. 2401 Brentwood Road Raleigh, North Carolina 27604
P [919] 873 2211 F [919] 873 9555 terracon.com North Carolina Registered F-0869

Environmental

Facilities

Geotechnical

Materials



REPORT TOPICS

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Note: This report was originally delivered in a web-based format. **Orange Bold** text in the report indicates a referenced section heading. The PDF version also includes hyperlinks which direct the reader to that section and clicking on the  logo will bring you back to this page. For more interactive features, please view your project online at client.terracon.com.

ATTACHMENTS

- EXPLORATION AND TESTING PROCEDURES
- SITE MAP AND EXPLORATION PLANS
- EXPLORATION RESULTS (Test Boring Logs, Laboratory Data, and GPR Results)
- SUPPORTING INFORMATION (General Notes and Unified Soil Classification System)

Responsive ■ Resourceful ■ Reliable

Geotechnical Engineering Report

Proposed Westwood Cemetery Improvements ■ Carrboro, Orange County, North Carolina
September 30, 2020 ■ Terracon Project No. 70205044



EXECUTIVE SUMMARY

The following geotechnical considerations were identified:

- As observed at test pits TP-1, TP-3, and TP-11, a thin, discontinuous layer of existing silty/clayey sand fill is present at scattered locations across the site. Below existing fill (if present), native residual soils were found to consist of silty/clayey sand, which were observed to extend to depths of 3 feet to at least 8 feet below the existing ground surface.
- Test pit excavations encountered backhoe refusal, due to the presence of partially weathered rock (PWR) or intact bedrock, at eight of fifteen test pit locations. Surface contours indicating depth to backhoe refusal is shown on the Exploration Plan. Groundwater was not observed in test pit excavations. Further details regarding subsurface conditions are summarized in **Geotechnical Characterization**.
- Foundation support of possible small grade level structures, such as columbariums, or other small memorial structures, can be founded upon properly prepared subgrade consisting of soil (residual soils or structural fill), or properly prepared subgrade consisting of PWR/bedrock. The **Shallow Foundations** section addresses support of the small grade level structures on approved subgrade. Foundation subgrade for any structure should consist entirely of either type of subgrade, and not partially on soil subgrade and partially on PWR/bedrock subgrade. We recommend footing excavations to be inspected by Terracon for suitable preparation of bearing conditions.
- Support of foundations or new earthfill on or above existing fill materials is discussed in this report. However, even with the recommended construction procedures, there is an inherent risk to the owner that compressible fill or unsuitable material within or buried by the fill will not be discovered. This risk of unforeseen conditions cannot be eliminated without completely removing the existing fill, but can be reduced by following the recommendations contained in this report. To take advantage of the cost benefit of not removing the entire amount of undocumented fill, the owner must be willing to accept the risk associated with building over the undocumented fills following the recommended reworking of the material.
- Terracon should be retained during site earthwork to perform the necessary testing and observations during cut excavation, subgrade preparation, proof-rolling, placement and compaction of controlled fills, and backfilling of excavations to the planned subgrades.
- The **General Comments** section provides a description of report limitations.

Geotechnical Engineering Report

Proposed Westwood Cemetery Improvements ■ Carrboro, Orange County, North Carolina
September 30, 2020 ■ Terracon Project No. 70205044



Geotechnical Engineering Report
Proposed Westwood Cemetery Improvements
401 Davie Road
Carrboro, Orange County, North Carolina
Terracon Project No. 70205044
September 30, 2020

INTRODUCTION

This report presents the results of our subsurface exploration and geotechnical engineering services performed for future site improvements of Westwood Cemetery located at 401 Davie Road in Carrboro, Orange County, North Carolina. The purpose of these services is to provide information and geotechnical engineering recommendations relative to:

- Subsurface soil conditions
- Groundwater conditions
- Site preparation and earthwork
- Foundation design and construction

The geotechnical engineering scope of services for this project included the excavation of fifteen test pits and geophysical exploration by ground penetrating radar (GPR).

Maps showing the site and exploration locations are shown in the **Site Map** and **Exploration Plan** sections, respectively. Results of the laboratory testing performed on soil samples obtained from the site during the field exploration are included on the boring and test pit logs in the **Exploration Results** section of this report.



Geotechnical Engineering Report

Proposed Westwood Cemetery Improvements ■ Carrboro, Orange County, North Carolina
 September 30, 2020 ■ Terracon Project No. 70205044

**SITE CONDITIONS**

The following description of site conditions is derived from our site visits in association with the field exploration and our review of publicly available geologic and topographic maps.

Item	Description
Location	401 Davie Road, Carrboro, North Carolina. The cemetery is an 8.7-acre parcel located at the southeast corner of the intersection of Davie Road and Fidelity Street. 35.911° latitude, -79.083° longitude
Existing Improvements	The northwestern and west-central portions of the cemetery are actively used and are occupied with grave sites. The Zone 3 area (0.5 acre-southwestern portion) and the Zone 4 area (2.4 acre-eastern portion) are currently inactive.
Current Ground Cover	Most of the ground surface is covered with grass turf. Some scattered mature trees are located around the cemetery perimeter. Granite outcrops are located within the central portion of the site.
Existing Topography	The majority of the ground surface is relatively flat; however, perimeter areas slope moderately downward to the south and east.

PROJECT DESCRIPTION**Project Information**

Our current understanding of the project conditions is as follows:

Item	Description
Project Description	Within Zones 3 and 4, we understand that the Town is considering layout of new interment sites, and possible construction of other memorial features. Shallow bedrock, however, may limit available usable space for new interment sites.
Proposed Structures or Improvements	New structures may include columbariums (small precast concrete memorial structures with urn niches) or other similar, but small memorial structures. New site features may include green burial areas (burial areas in ungraded wooded areas) or small cremains grave areas. New paths or walkways may also be included in new site features.
Finished Floor Elevation	Unknown
Maximum loads	Unknown, but wall loads are assumed to be less than 2 klf.
Maximum allowable movement	Total: 1-inch Differential: ½ inch over 50 feet

Geotechnical Engineering Report

Proposed Westwood Cemetery Improvements ■ Carrboro, Orange County, North Carolina
 September 30, 2020 ■ Terracon Project No. 70205044



Item	Description
Grading	Proposed grading has not been provided but is expected to be minimal. Site grading is assumed to include cut and fill depths of less than 2 feet. Grave excavations are anticipated to be 6 feet.

GEOTECHNICAL CHARACTERIZATION**Site Geology**

The project site is located in the Piedmont Physiographic Province, an area underlain by igneous and metamorphic bedrock. Residual soils in this area are the product of in-place physical and chemical weathering of native bedrock. The typical residual soil profile consists of clayey soils near the surface where soil weathering is more advanced, underlain by clayey/silty sands that generally become denser with depth to the top of parent bedrock. According to the *1985 Geologic Map of North Carolina*, bedrock at the site is described as foliated to massive granite. Granite outcrops are present in the central portion of project site.

Residual soils derived from in-place weathering of parental bedrock generally transition from soil to rock gradually over a vertical distance of a few feet to tens of feet. This transitional zone is termed “partially weathered rock (PWR),” which is defined for engineering purposes as residual bedrock material that can be drilled with soil drilling methods and exhibits standard penetration test values in excess of 100 blows per foot.

Subsurface Profile

We developed a general characterization of the subsurface soil and groundwater conditions based upon our review of the data and our understanding of the geologic setting and planned construction. The geotechnical characterization forms the basis of our geotechnical calculations and evaluation of site preparation, foundation options and pavement options. As noted in **General Comments**, the characterization is based upon widely spaced exploration points across the site, and variations are likely. The following table provides our geotechnical characterization.

Stratum	Approximate Depth to Bottom of Stratum	Material Description	Estimated Density
1	1.5 to 3.5 (Test Pits TP-1, TP-3, & TP-11)	Existing Fill: Silty Sand (SM) to Clayey Sand (SC)	loose to medium dense
2	3.0 to greater than 8.0	Silty Sand (SM) to Clayey Sand (SC)	medium dense to very dense (contains zones of PWR, cobbles & boulders)
3	Top of Unweathered Bedrock	Granite Bedrock	very hard

Geotechnical Engineering Report

Proposed Westwood Cemetery Improvements ■ Carrboro, Orange County, North Carolina
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Conditions encountered at each test pit location are indicated on individual logs in the attached **Exploration Results**. Stratification boundaries on logs represent the approximate location of changes in native soil types; in situ, the transition between materials may be gradual.

Groundwater Conditions

Test pit excavations were observed during excavation for the presence and level of groundwater. Groundwater was not observed in test pits during the time interval that excavations were open.

Groundwater level fluctuations occur due to seasonal variations in the amount of rainfall, runoff and other factors not evident at the time the test pits were performed. Therefore, groundwater levels during construction or at other times in the life of the structure may be higher or lower than the levels indicated on the boring logs. The possibility of groundwater level fluctuations should be considered when developing the design and construction plans for the project.

GEOTECHNICAL OVERVIEW

As observed at test pits TP-1, TP-3, and TP-11, a thin, discontinuous layer of existing silty/clayey sand fill is present at scattered locations across the site. Below existing fill (if present), native residual soils were found to consist of silty/clayey sand. Native residual soils were observed to extend to depths of 3 feet to at least 8 feet below the existing ground surface.

Test pit excavations encountered backhoe refusal at eight of fifteen test pit locations. Backhoe refusal (test pit refusal) was likely encountered at or near the interface between very dense soil and least dense PWR. Contours indicating depth to backhoe refusal is shown on the Exploration Plan. Groundwater was not observed in test pit excavations. Further details regarding subsurface conditions are summarized in **Geotechnical Characterization**.

The site was also explored by Ground Penetrating Radar (GPR), which is an exploration method that provides a continuous, high resolution graphical cross-section depicting variations in the electrical properties of the shallow subsurface. GPR results appeared to be affected by the presence of cobbles and boulders within the upper portion of the soil profile. The interpreted bedrock surface estimated by GPR methods, therefore, tends to be higher than what was observed in test pits. GPR results do confirm the absence of shallow bedrock in the southwest corner of the project site. Results of the GPR exploration, as interpreted by the geophysicist, are presented in the **Exploration Results**. Results of test pit information should be relied to be more accurate, or representative, than GPR results.

Foundation subgrade for possible small grade level structures, such as columbariums, or other small memorial structures, can be founded upon properly prepared subgrade consisting of residual soils, or properly prepared subgrade consisting of PWR/bedrock. The **Shallow Foundations** section addresses support of the small grade level structures on approved subgrade

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consisting of soil, or PWR/bedrock. Foundation subgrade for any structure should consist entirely of either type of subgrade, and not partially on soil subgrade and partially on PWR/bedrock subgrade. We recommend footing excavations to be inspected by Terracon for suitable preparation of bearing conditions.

Excavations for individual graves may encounter zones of PWR, granite boulders, or intact granitic bedrock. Excavation equipment larger than a Case 580N backhoe may be required to extend deeper into most PWR material, or excavate boulders. Rock excavation methods, such as hydraulic hammering, ripping, or drilling and blasting will be required to extend excavations into very dense PWR or intact granitic bedrock.

Placement of new structural fill, or preparation of foundation subgrade, should not be conducted on existing fill without proper exploration or evaluation by the geotechnical engineer. This risk of unforeseen conditions cannot be eliminated without completely removing existing fill, but can be reduced by following the recommendations contained in this report. To take advantage of the cost benefit of not removing the entire amount of undocumented fill, the owner must be willing to accept the risk associated with building over the undocumented fills following the recommended reworking of the material.

EARTHWORK

The following presents recommendations for development of specifications for site preparation, excavation, subgrade preparation and placement of engineered fills for the project. The recommendations presented for design and construction of earth-supported elements including shallow foundations are contingent upon following the recommendations outlined in this section.

Earthwork on the project should be observed and evaluated by Terracon personnel. The evaluation of earthwork should include observation of cut excavations and testing of engineered fill, and subgrade preparation.

Site Preparation

Prior to placing structural fill, existing vegetation, root mat, and other unwanted utilities, structures or materials should be removed. After site stripping, we recommend proof-rolling exposed soil in areas to receive fill or areas of earth cut. Proof-rolling should be performed with a minimum 10-ton truck. Proof-rolling operations should be observed by a representative of Terracon and should be performed after a suitable period of dry weather to avoid degrading an otherwise acceptable subgrade and to reduce the amount of remedial work required.

If the exposed soil surface exhibits excessive deflection, pumping, or rutting under the proof-rolling operation, we recommend over-excavation of soft/unstable soil and replacement with suitable compacted structural fill or crushed stone. The extent to which over-excavation and

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replacement will be required will likely be reduced if site preparation and earthwork are performed during warmer and drier periods of the year. Additional recommendations for site stabilization will depend on the location of the instability and should be provided by the Geotechnical Engineer based on observations at the time of construction.

Existing Fill

As noted in **Geotechnical Characterization**, test pits encountered existing fill up to a depth of 3.5 feet below existing grade at three of the fifteen test pit locations. Support of foundations or placement of new earth fill on or above existing fill soils is discussed in this report. However, even with the recommended construction procedures, there is an inherent risk for the owner that compressible fill or unsuitable material within or buried by the fill will not be discovered. This risk of unforeseen conditions cannot be eliminated without completely removing the existing fill, but can be reduced by recommendations contained in this report.

Excavation Conditions

We anticipate that most soil material can be excavated with conventional earth moving equipment. Large excavation equipment, or bedrock excavation methods, may be required for excavations to extend into moderately dense PWR, or intact bedrock. All temporary excavations that may be required during construction should comply with applicable local, state and federal safety regulations, including the current OSHA Excavation and Trench Safety Standards to provide stability and safe working conditions.

PWR was encountered at this site. Mass excavation of dense PWR may require excavation equipment with ripper teeth or may require blasting. If PWR and/or rock are encountered in open cut areas, the least dense PWR material can typically be excavated from open cuts by ripping with a single-tooth ripper pulled by a Caterpillar D-8 or equivalent bulldozer. Moderately dense to very dense PWR material and rock, if encountered, will likely require blasting or hydraulic hammers to effectively excavate. The PWR excavated at the site can be used as fill in other areas of the site only if the material is thoroughly processed with maximum particle sizes smaller than 3 inches, and thoroughly blended with soil to fill voids

Water was not observed in test pit excavations at times of excavation; however, dewatering of any excavations may be required during prolonged periods of wet weather. Most dewatering can be accomplished with sumps and pumps.

Fill Material Types

Engineered fill should consist of approved materials, free of organic material, debris and particles larger than about 3 inches. The maximum particle size criteria may be relaxed by the geotechnical engineer of record depending on construction techniques, material gradation, allowable lift

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thickness and observations during fill placement. Soil for use as engineered fill material should conform to the following specifications:

Fill Material ¹	USCS Classification	Acceptable Location for Placement
On-Site Soils or Imported Soils (min. 20% fines)	SM, SC, CL, ML	All locations and elevations
Sand / Gravel with less than 10% fines	GW/GP, SW/SP	NCDOT ABC – suitable beneath pavement sections and floor slabs

1. Controlled, compacted fill should consist of approved materials that are free of organic matter and debris. A sample of each material type should be submitted to the geotechnical engineer for evaluation.

Fill Compaction Requirements

Structural and general fill should meet the following compaction requirements.

Item	Description
Fill Lift Thickness	9-inches or less in loose thickness (4-inch to 6-inch lifts when hand-operated equipment is used).
Structural Fill Compaction Requirements¹	Minimum of 95% of the material's standard Proctor maximum dry density (ASTM D698). The top lift of engineered fill should be compacted to a minimum of 98% of the material's standard Proctor maximum dry density (ASTM D698).
General Fill Compaction Requirements¹	Minimum of 92% of the material's standard Proctor maximum dry density (ASTM D698).
Moisture Content	Within the range of -2% to +3% of optimum moisture content as determined by the standard Proctor test at the time of placement and compaction.

1. Engineered fill should be tested for moisture content and compaction during placement. If in-place density tests indicate the specified moisture or compaction limits have not been met, the area represented by the tests should be reworked and retested as required until the specified moisture and compaction requirements are achieved.

Grading and Drainage

Adequate positive drainage should be provided during construction and maintained throughout the life of site features. Surface water drainage should be controlled to prevent undermining of fill slopes and structures during and after construction. Exposed ground should be sloped and

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maintained at a minimum 5 percent away from site features for at least 10 feet beyond its perimeter.

Gutters and downspouts that drain water a minimum of 10 feet beyond the footprint of the proposed structures are recommended. This can be accomplished through the use of splash-blocks, downspout extensions, and flexible pipes that are designed to attach to the end of the downspout. Flexible pipe should only be used if it is daylighted in such a manner that it gravity-drains collected water. Splash-blocks should also be considered below hose bibs and water spigots.

It is recommended that all exposed earth slopes be seeded to provide protection against erosion as soon as possible after completion. Seeded slopes should be protected until the vegetation is established.

Earthwork Construction Considerations

Residual soils can be moisture sensitive and will lose strength and stability and will become difficult to adequately compact as their moisture content increases. Performing site earthwork between during dryer times of the year (typically between June and October) will likely reduce the potential for earthwork problems associated with wet soil.

Performing site preparation and earthwork at other times of the year increases the potential for having to perform remedial work on the subgrade soil. Construction traffic over wet subgrades should be avoided to the extent practical. The site should also be graded to prevent ponding of surface water on the prepared subgrades. If the subgrade should become, desiccated, saturated, or disturbed, the affected material should be removed or these materials should be scarified, moisture conditioned, and re-compacted. The use of lime treatment generally reduces the plasticity of clays and silts, makes them less susceptible to moisture fluctuations, and may make them more workable during wetter periods of the year.

Upon completion of filling and grading, care should be taken to maintain the subgrade moisture content prior to construction of floor slabs and pavements. Construction traffic over the completed subgrade should be avoided to the extent practical. The site should also be graded to prevent ponding of surface water on the prepared subgrades or in excavations. If the subgrade should become frozen, desiccated, saturated, or disturbed, the affected material should be removed or these materials should be scarified, moisture conditioned, and recompact prior to floor slab and pavement construction and observed by Terracon.

Surface water should not be allowed to pond and soak into the soil during construction. Construction staging should provide drainage of surface water and precipitation away from the building and pavement areas. Any water that collects over or adjacent to construction areas should be promptly removed, along with any softened or disturbed soils. Surface water control in

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the form of sloping surfaces, drainage ditches and trenches, and sump pits and pumps will be important to avoid ponding and associated delays due to precipitation and seepage.

All excavations should be sloped or braced as required by OSHA regulations to provide stability and safe working conditions. Temporary excavations will probably be required during grading operations. The grading contractor, by his contract, is usually responsible for designing and constructing stable, temporary excavations and should shore, slope or bench the sides of the excavations as required to maintain stability of both the excavation sides and bottom. All excavations should comply with applicable local, state and federal safety regulations, including the current Occupational Health and Safety Administration (OSHA) Excavation and Trench Safety Standards.

Construction site safety is the sole responsibility of the contractor who controls the means, methods and sequencing of construction operations. Under no circumstances shall the information provided herein be interpreted to mean that Terracon is assuming any responsibility for construction site safety or the contractor's activities; such responsibility shall neither be implied or inferred.

Construction Observation and Testing

Earthwork efforts should be monitored under the direction of the Geotechnical Engineer. Monitoring should include documentation of adequate removal of vegetation and topsoil, observation of cut excavations, proof-rolling and mitigation of areas delineated by the proof-roll to require mitigation.

Each lift of compacted fill should be tested, evaluated, and reworked as necessary until approved by the Geotechnical Engineer prior to placement of additional lifts. Each lift of fill should be tested for density and water content at a frequency indicated in this section.

In areas of foundation excavations, the bearing subgrade should be evaluated under the direction of the Geotechnical Engineer. In the event that unanticipated conditions are encountered, the Geotechnical Engineer should prescribe mitigation options.

In addition to the documentation of the essential parameters necessary for construction, the continuation of the Geotechnical Engineer into the construction phase of the project provides the continuity to maintain the Geotechnical Engineer's evaluation of subsurface conditions, including assessing variations and associated design changes.

SHALLOW FOUNDATIONS

Small ground level structures, such columbariums or other small memorial structures, with total wall loads less than 2 kips per foot, can be supported on shallow wall or spread footings bearing

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on residual soil, or backhoe refusal grade (PWR or intact granitic bedrock). If foundations are expected to bear on PWR or intact bedrock, some removal of PWR or intact bedrock may be required to prepare a level bearing surface. Removal of PWR or intact bedrock may require bedrock excavation methods as described in this report. Provided that foundation subgrade has been prepared in accordance with the requirements noted in **Earthwork**, the following design parameters are applicable for shallow foundations.

Foundation Design Recommendations

Description	Value
Net allowable soil bearing capacity, soil ¹	3,000 psf
Net allowable bearing capacity, PWR/bedrock (backhoe refusal grade) ¹	6,000 psf
Minimum embedment below lowest adjacent finished grade for frost protection and protective embedment ²	18 inches
Minimum width for continuous wall footings	16 inches
Minimum width for isolated column footings	24 inches
Approximate total settlement ³	Up to 1 inch
Estimated differential settlement ³	Less than L/500 along walls. Less than ½ inch over 50 feet between interior columns.
Passive Lateral Resistance	300 pcf (unfactored)
Coefficient of Friction	0.35 (unfactored)

1. The recommended net allowable bearing pressure is the pressure in excess of the minimum surrounding overburden pressure at the footing base elevation.
2. The footing embedment depth recommended exceeds the frost depth for the area. Footings should be embedded at least 12 inches to provide protective embedment.
3. The actual magnitude of settlement that will occur beneath the foundations would depend upon the variations within the subsurface soil profile, the structural loading conditions and the quality of the foundation excavation. The estimated total and differential settlements listed assume that the foundation related earthwork and the foundation design are completed in accordance with our recommendations.

The allowable foundation bearing pressures apply to dead loads plus design live load conditions. The design bearing pressure may be increased by one-third when considering total factored loads that include wind or seismic conditions. The weight of the foundation concrete below grade may be neglected in dead load computations.

Footings, foundations, and masonry walls should be reinforced as necessary to reduce the potential for distress caused by differential foundation movement. The use of control joints at openings or other discontinuities in masonry walls is recommended.

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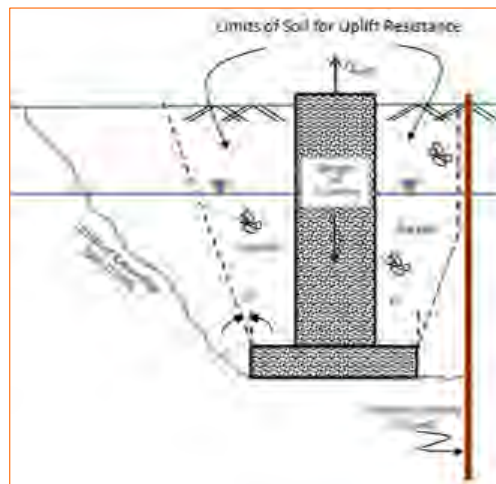


A representative of the geotechnical engineer should be retained at this time to carefully evaluate the foundation excavations through a combination of hand auger borings, dynamic cone penetrometer (DCP) testing, and probing. The materials within a depth of at least 4 feet below foundation bearing elevations should be evaluated. Soft, loose, or otherwise unsuitable materials, if encountered, should be over-excavated and replaced with compacted engineered fill. If the subsurface conditions encountered differ from those presented in this report, supplemental recommendations will be required.

If existing fill is found below the proposed foundation the hand auger and DCP should be extended to residual soils. In areas where existing fill remains under the proposed building the frequency of testing should be increased.

Design Parameters - Uplift Loads

Uplift resistance of spread footings can be developed from the effective weight of the footing and the overlying soils. As illustrated on the subsequent figure, the effective weight of the soil prism defined by diagonal planes extending up from the top of the perimeter of the foundation to the ground surface at an angle, θ , of 20 degrees from the vertical can be included in uplift resistance. The maximum allowable uplift capacity should be taken as a sum of the effective weight of soil plus the dead weight of the foundation, divided by an appropriate factor of safety. A maximum total unit weight of 115 pcf should be used for the backfill. This unit weight should be reduced to 53 pcf for portions of the backfill or natural soils below the groundwater elevation.



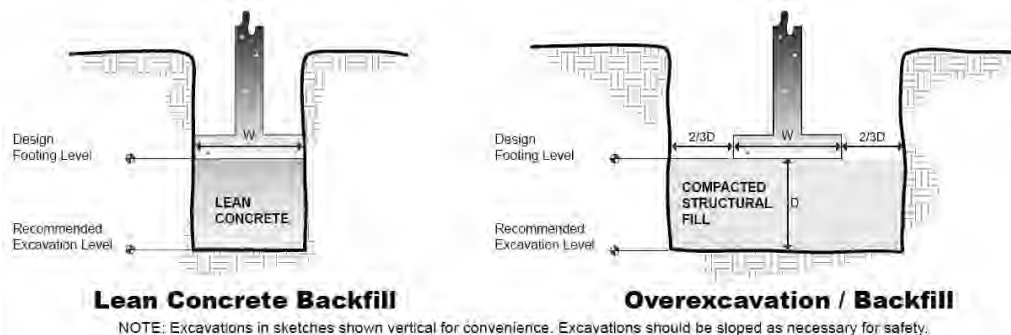
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**Foundation Construction Considerations**

As noted in **Earthwork**, the footing excavations should be evaluated under the direction of the Geotechnical Engineer. The base of all foundation excavations should be free of water and loose soil and rock prior to placing concrete. Concrete should be placed soon after excavating to reduce bearing soil disturbance. Should the soils at bearing level become excessively dry, disturbed, saturated, or frozen, the affected soil should be removed prior to placing concrete. We recommend placement of a lean concrete mud-mat over bearing soils if excavations must remain open over night, or for an extended period. It is recommended that the geotechnical engineer be retained to observe and test the soil foundation bearing materials.

If unsuitable bearing soils are encountered in footing excavations, excavations should be extended deeper to suitable soils and the footings could bear directly on these soils at the lower level or on lean concrete backfill placed in the excavations up to design foundation subgrade levels. The footings could also bear on properly compacted backfill extending down to the suitable soils. Overexcavation for compacted backfill placement below footings should extend laterally beyond all edges of the footings a distance equivalent to at least 8 inches per foot of overexcavation depth below footing base elevation. The overexcavation should then be backfilled up to the footing base elevation with well-graded granular material placed in lifts of 9 inches or less in loose thickness and compacted to at least 95 percent of the material's maximum standard Proctor dry density (ASTM D-698). Compacted crushed stone or compacted No. 57 stone could also be used. The overexcavation and backfill procedure is illustrated in the figure below.

**Construction Considerations**

On most project sites, site grading is generally accomplished early in the construction phase. However, as construction proceeds, the subgrade may be disturbed due to utility excavations, construction traffic, desiccation, rainfall, etc. Areas where unsuitable conditions are located should be repaired by removing and replacing the affected material with properly compacted fill. Subgrade

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areas should be moisture conditioned and properly compacted to the recommendations in this report immediately prior to placement of the crushed stone base and concrete, if required for construction.

GENERAL COMMENTS

As the project progresses, we address assumptions by incorporating information provided by the design team, if any. Revised project information that reflects actual conditions important to our services is reflected in the final report. The design team should collaborate with Terracon to confirm these assumptions and to prepare the final design plans and specifications. This facilitates the incorporation of our opinions related to implementation of our geotechnical recommendations. Any information conveyed prior to the final report is for informational purposes only and should not be considered or used for decision-making purposes.

Our analysis and opinions are based upon our understanding of the project, the geotechnical conditions in the area, and the data obtained from our site exploration. Natural variations will occur between exploration point locations or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. Terracon should be retained as the Geotechnical Engineer, where noted in the final report, to provide observation and testing services during pertinent construction phases. If variations appear, we can provide further evaluation and supplemental recommendations. If variations are noted in the absence of our observation and testing services on-site, we should be immediately notified so that we can provide evaluation and supplemental recommendations.

Our scope of services does not include either specifically or by implication any environmental or biological (e.g., mold, fungi, bacteria) assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be undertaken.

Our services and any correspondence or collaboration through this system are intended for the sole benefit and exclusive use of our client for specific application to the project discussed and are accomplished in accordance with generally accepted geotechnical engineering practices with no third party beneficiaries intended. Any third party access to services or correspondence is solely for information purposes to support the services provided by Terracon to our client. Reliance upon the services and any work product is limited to our client, and is not intended for third parties. Any use or reliance of the provided information by third parties is done solely at their own risk. No warranties, either express or implied, are intended or made.

Site characteristics as provided are for design purposes and not to estimate excavation cost. Any use of our report in that regard is done at the sole risk of the excavating cost estimator as there may be variations on the site that are not apparent in the data that could significantly impact excavation cost. Any parties charged with estimating excavation costs should seek their own site

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characterization for specific purposes to obtain the specific level of detail necessary for costing. Site safety, and cost estimating including, excavation support, and dewatering requirements/design are the responsibility of others. If changes in the nature, design, or location of the project are planned, our conclusions and recommendations shall not be considered valid unless we review the changes and either verify or modify our conclusions in writing.

ATTACHMENTS

EXPLORATION AND TESTING PROCEDURES

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EXPLORATION AND TESTING PROCEDURES

Field Exploration

Test Pits: Test pit exploration locations were measured in the field by GPS location. The locations of the test pits should be considered accurate only to the degree implied by the means and methods used to define them.

Test pits were excavated with a Case 510N backhoe, provided by the Town Carrboro. Samples of the soil encountered in test pits were obtained as grab samples. Soil samples were tagged for identification, sealed to reduce moisture loss, and taken to our laboratory for further examination, testing, and classification. Information provided on the test pit logs attached to this report includes soil descriptions, excavation depths, sampling intervals, and groundwater conditions. Test pits were backfilled with excavated soil material after the test pit was logged.

Initially, test pit logs were prepared in the field by a geotechnical engineer and include visual classification of the materials encountered during excavation. Final test pit logs, included in **Exploration Results**, represent the engineer's interpretation of the field logs and include modifications based on laboratory testing of selected samples.

Geophysics: The site was also explored by Ground Penetrating Radar (GPR). We conducted the GPR survey using a 350 MHz HS digital antenna and SIR-4000 Subsurface Interface Radar System made by Geophysical Survey Systems, Inc. (GSSI) to perform an upper profile geophysical survey. In general, field data collection was accomplished as referenced in ASTM D6432. Data was collected using a free-scan method, allowing for data to be interpreted in the field in real-time.

Ground penetrating radar is a method that provides a continuous, high resolution graphical cross-section depicting variations in the electrical properties of the shallow subsurface. The method involves repeatedly radiating an electromagnetic pulse (radar signal) into the ground from a transducer (antenna) as it moves along a traverse. Radar signals reflected by subsurface objects or horizons are detected by an antenna (typically the same one used to generate the signal) and sent to a control unit for processing. The control unit then converts the varying amplitude of the reflected radar signal as a function of time into a cross-sectional image showing signal amplitude as a function of distance and depth.

GPR responses is governed by two electrical properties; electrical conductivity and dielectric permittivity, also referred to as dielectric constant. Electrical conductivity is the ability of a material to conduct a charge when an electromagnetic field is applied. Electrical conductivity governs how far radar signals can propagate through the subsurface before becoming unstable. The higher the conductivity, the faster the signal attenuates. Consequently, conductivity also affects the strength of radar signals that are reflected from subsurface boundaries representing a change in

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permittivity. The greater the contrast the more energy that is reflected. Most earthen materials (soil and rock) and even artificial materials (e.g. concrete) have relatively low dielectric permittivity and therefore, are relatively transparent to electromagnetic energy. This means that only a portion of the radar signal incident upon a subsurface boundary is reflected back to the surface. On the other hand, when radar encounters an object composed of material that has very high permittivity, such as buried metal, most of the incident energy is reflected. Results of the GPR survey are as shown in **Exploration Results**.

Property Disturbance: We backfilled the test pit after completion. Our services did not include repair of the site beyond backfilling the test pits. Excess soil dispersed in the general vicinity of the test pit. Because backfill material often settles below the surface after a period, we recommend test pits are checked periodically and backfilled, if necessary.

Laboratory Testing

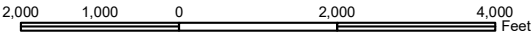
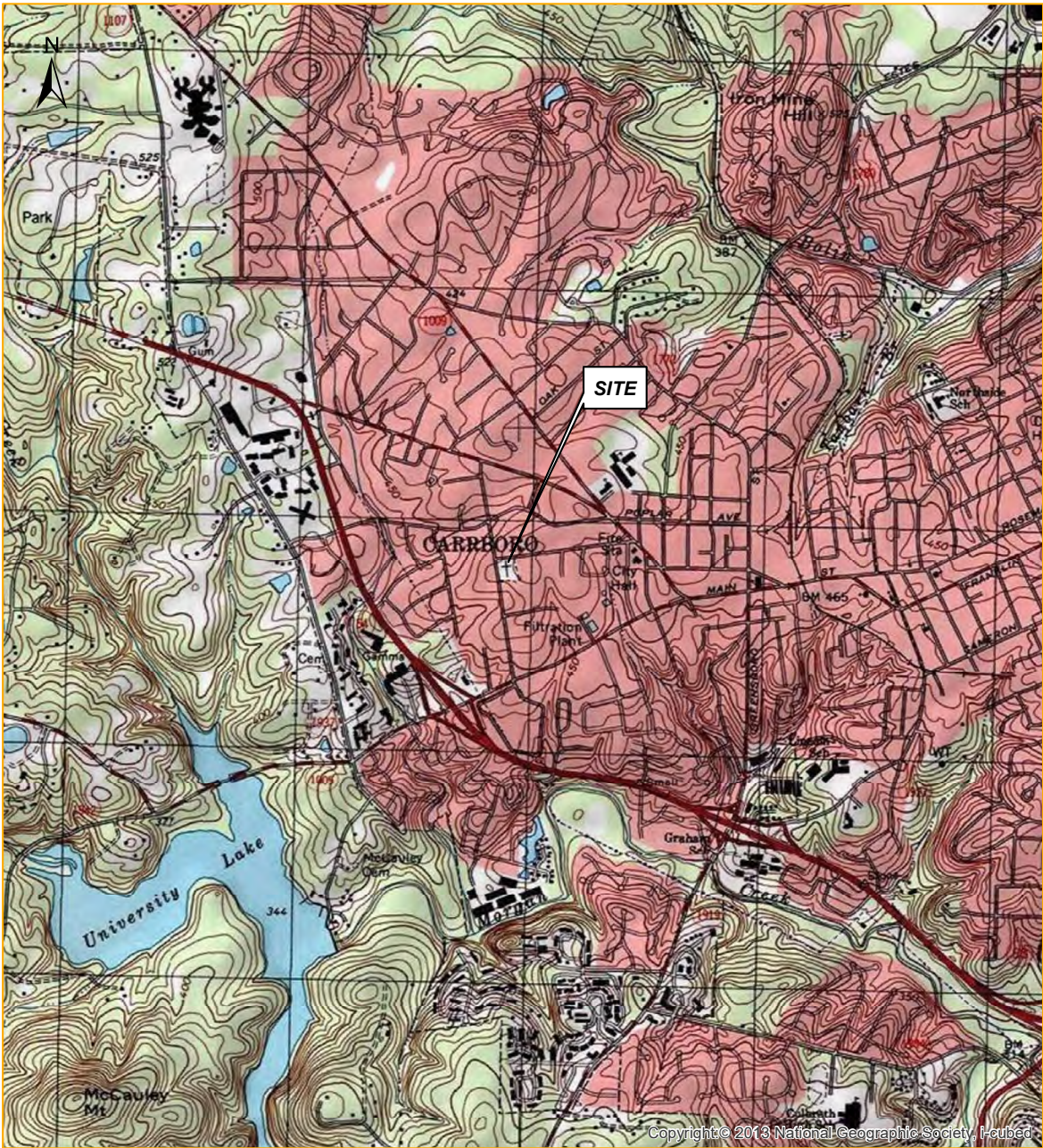
The project engineer reviews field data and assigns various laboratory tests to better understand the engineering properties of various soil strata. Procedural standards noted below are for reference to methodology in general. In some cases, local practices and professional judgement require method variations. Standards noted below include reference to other related standards. Such references are not necessarily applicable to describe the specific test performed.

- ASTM D2216 Standard Test Method of Determination of Water Content of Soil and Rock by Mass
- ASTM D2487 Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)
- ASTM D2488 Standard Practice of Description and Identification of Soils (Visual Manual Method)
- ASTM D422 Standard Test Method for Particle Size Analysis of Soils
- ASTM D4318 Standard Test Method for Liquid Limit, Plastic Limit and Plasticity Index of Soils

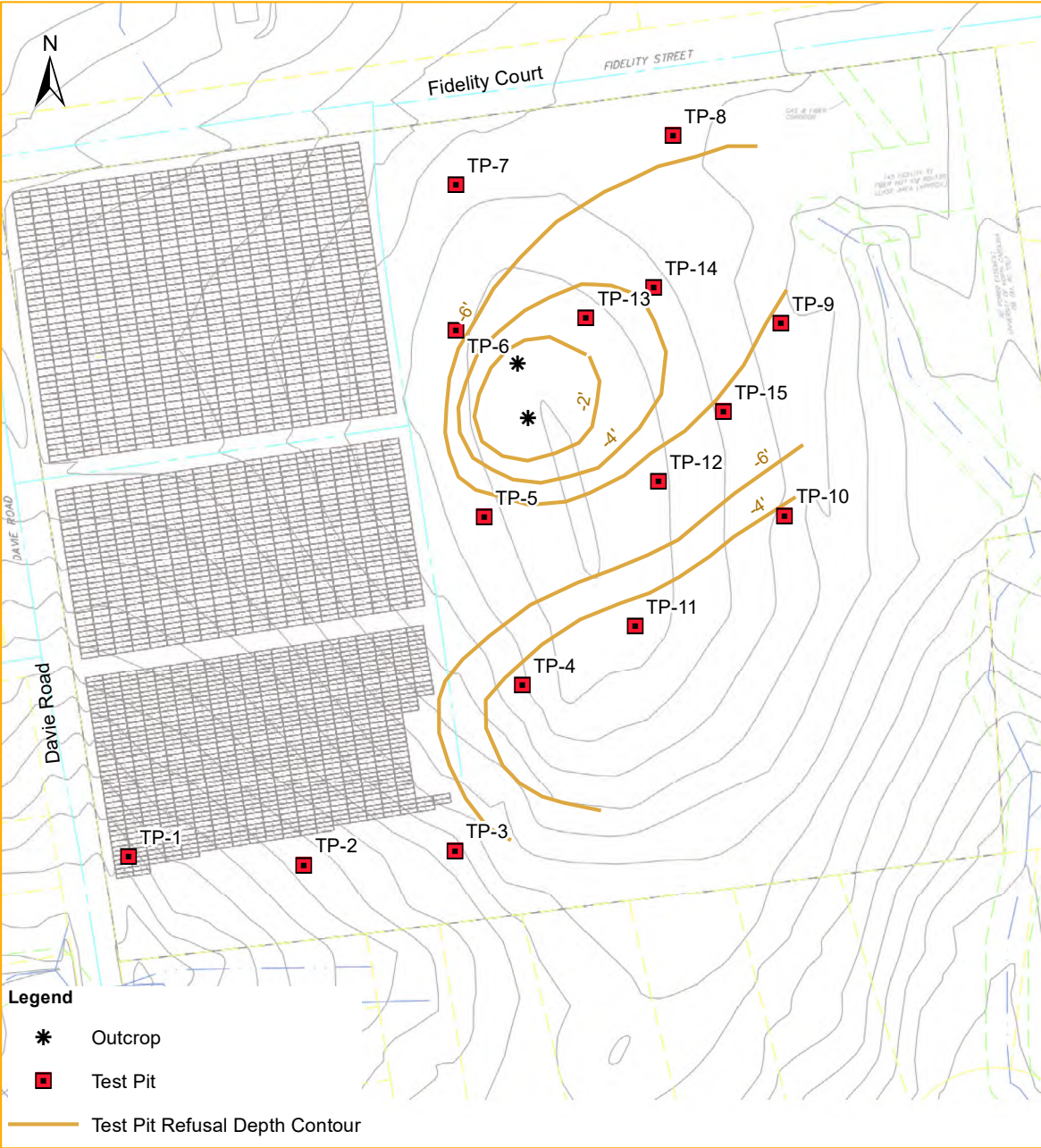
Our laboratory testing program often includes examination of soil samples by an engineer. Based on the material's texture and plasticity, we describe and classify soil samples in accordance with the Unified Soil Classification System (USCS). Laboratory test results are included in **Exploration Results**.

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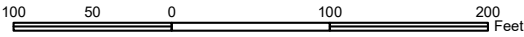
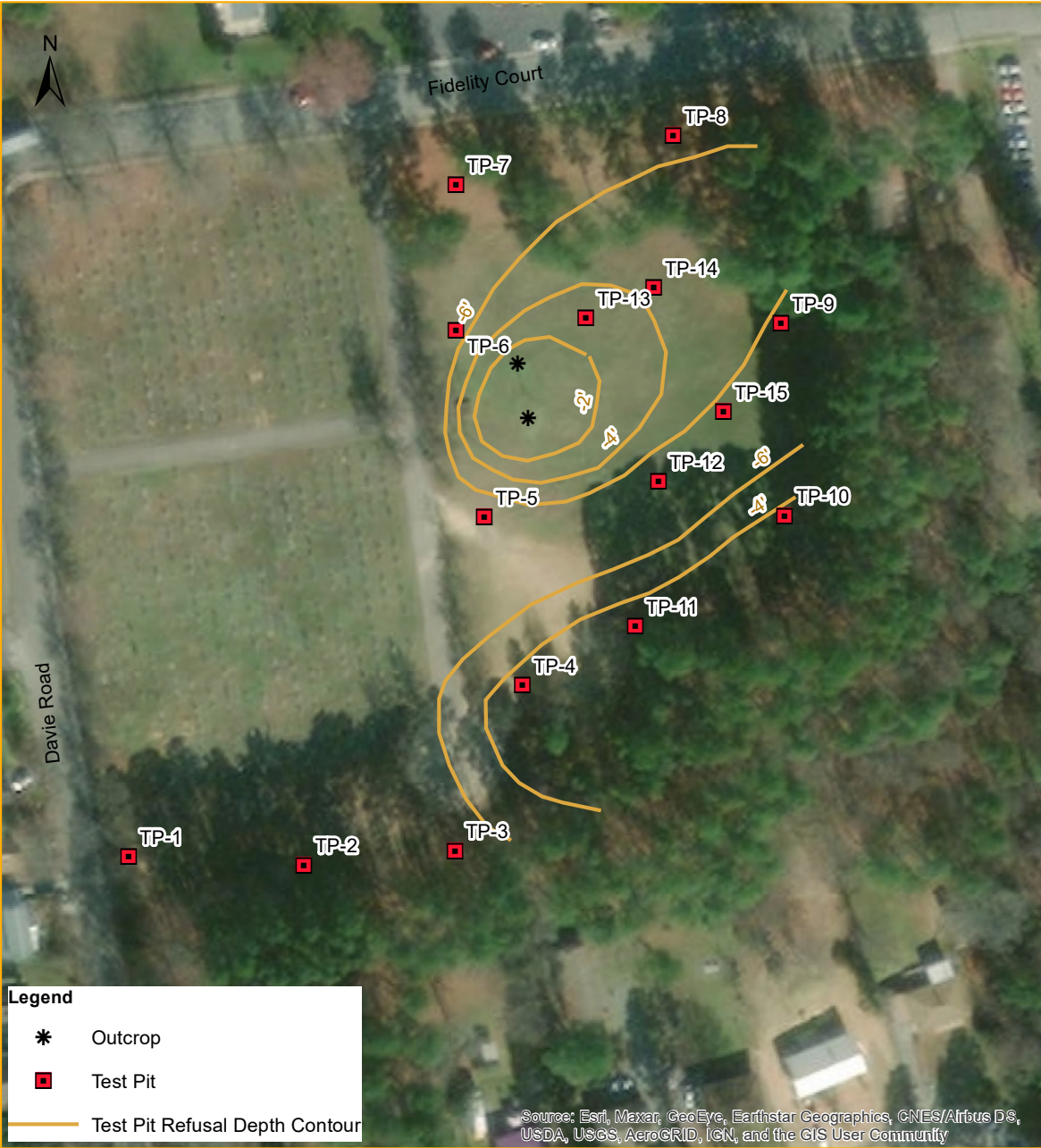
SITE MAP AND EXPLORATION PLANS



PM: MW	Project No. 70205044	<div>Terracon</div> <div>2401 Brentwood Drive, Suite 107 Raleigh, NC 27604 Phone: (919) 873-2211 Fax: (919) 873-9555</div>	Site Map	EXHIBIT NO.
Drawn By: MW	Scale: 1 in = 2,000 ft		Westwood Cemetery 401 Davie Road Carrboro, North Carolina	
Checked By: AAN	File Path:			
Approved By:	Date: 9/28/2020			





PM:	MW	Project No. 70205044		Exploration Plan		EXHIBIT NO.
Drawn By:	MW	Scale: 1 in = 100 ft		Westwood Cemetery 401 Davie Road Carrboro, North Carolina		
Checked By:	AAN	File Path:				
Approved By:		Date: 9/14/2020				
			2401 Brentwood Drive, Suite 107 Phone: (919) 873-2211	Raleigh, NC 27604 Fax: (919) 873-9555		

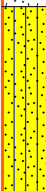




PM: MW	Project No. 70205044	 <small>2401 Brentwood Drive, Suite 107 Raleigh, NC 27604 Phone: (919) 873-2211 Fax: (919) 873-9555</small>	Exploration Plan - Aerial	EXHIBIT NO.
Drawn By: MW	Scale: 1 in = 100 ft		Westwood Cemetery 401 Davie Road Carrboro, North Carolina	
Checked By: AAN	File Path:			
Approved By:	Date: 9/14/2020			


EXPLORATION RESULTS

TEST PIT LOG NO. TP-1						Page 1 of 1		
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA					
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9102° Longitude: -79.0841°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
				5				
	FILL - SILTY SAND (SM) , orange brown to gray brown, moist, wood debris at 3 feet SILTY SAND (SM) , fine to coarse grained, orange brown to brown, moist, weathered rock fragments at 5 to 6.5 feet Terminated at 6.5 Feet							
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).			Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.					
WATER LEVEL OBSERVATIONS Groundwater not encountered			 2401 Brentwood Rd, Ste 107 Raleigh, NC			Boring Started: 08-25-2020		
						Boring Completed: 08-25-2020		
						Drill Rig: Case 580N Backhoe		
						Driller: Town of Carrboro		
						Project No.: 70205044		

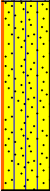

THIS BORING LOG IS NOT VALID IF SEPARATED FROM ORIGINAL REPORT. GEO SMART LOG-NO WELL 70205044 WESTWOOD CEMETERY.GPJ TERRACON.DATATEMPLATE.GDT 9/10/20

TEST PIT LOG NO. TP-2						Page 1 of 1		
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA					
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9102° Longitude: -79.0836°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
	0.5 TOPSOIL							
	 SILTY SAND (SM) , fine to coarse grained, orange brown to brown, moist							
	3.5 SILTY SAND (SM) , fine to coarse grained, light gray and rust brown, moist, weathered rock fragments							 9 23-20-3
6.5 Terminated at 6.5 Feet								
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).			Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.					
WATER LEVEL OBSERVATIONS Groundwater not encountered			 2401 Brentwood Rd, Ste 107 Raleigh, NC			Boring Started: 08-25-2020		
						Boring Completed: 08-25-2020		
						Drill Rig: Case 580N Backhoe		
						Driller: Town of Carrboro		
						Project No.: 70205044		


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TEST PIT LOG NO. TP-3						Page 1 of 1	
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC							
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9102° Longitude: -79.0833°		DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	
	LL-PL-PI						
	DEPTH						
	0.3 TOPSOIL						
	FILL - CLAYEY SAND (SC) , fine to coarse grained, brown and light gray, moist						
	2.2						
	SILTY SAND (SM) , fine to coarse grained, yellow brown, moist, weathered rock fragments at 5 to 6.5 feet						
	7.1						
	Terminated at 7.1 Feet						
Stratification lines are approximate. In-situ, the transition may be gradual.							
Advancement Method: Backhoe test pit		See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:			
Abandonment Method: Backfilled with excavated soil.		See Supporting Information for explanation of symbols and abbreviations.					
WATER LEVEL OBSERVATIONS		 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020		Boring Completed: 08-25-2020	
Groundwater not encountered				Drill Rig: Case 580N Backhoe		Driller: Town of Carrboro	
				Project No.: 70205044			


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TEST PIT LOG NO. TP-4						Page 1 of 1	
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC							
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9105° Longitude: -79.0831°		DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH						LL-PL-PI
	0.1' TOPSOIL SILTY SAND (SM) , fine to coarse grained, light gray and tan, moist, many rock fragments						
	3.0' Test Pit Refusal at 3 Feet						
Stratification lines are approximate. In-situ, the transition may be gradual.							
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS Groundwater not encountered			 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020		
					Boring Completed: 08-25-2020		
			Drill Rig: Case 580N Backhoe			Driller: Town of Carrboro	
			Project No.: 70205044				

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TEST PIT LOG NO. TP-5						Page 1 of 1	
PROJECT: Westwood Cemetery				CLIENT: Carter Van Dyke Associates Doylestown, PA			
SITE: 401 Davie Road Carrboro, NC							
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9109° Longitude: -79.0832°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)
	DEPTH						
	0.2 TOPSOIL						LL-PL-PI
	CLAYEY SAND (SC), fine to coarse grained, rust tan and light gray, moist, scattered rock fragments, cobbles and boulders						
				5			
	6.3 Terminated at 6.3 Feet						
Stratification lines are approximate. In-situ, the transition may be gradual.							
Advancement Method: Backhoe test pit				See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:	
Abandonment Method: Backfilled with excavated soil.				See Supporting Information for explanation of symbols and abbreviations.			
WATER LEVEL OBSERVATIONS							
Groundwater not encountered							
 2401 Brentwood Rd, Ste 107 Raleigh, NC				Boring Started: 08-25-2020		Boring Completed: 08-25-2020	
				Drill Rig: Case 580N Backhoe		Driller: Town of Carrboro	
				Project No.: 70205044			

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TEST PIT LOG NO. TP-6							Page 1 of 1	
PROJECT: Westwood Cemetery				CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9112° Longitude: -79.0833°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
<div style="background-color: yellow; border: 1px solid black; padding: 2px;"> 0.2 TOPSOIL CLAYEY SAND (SC), fine to coarse grained, tan brown and light gray, moist, rock fragments at 2 feet </div>				5				
8.0	Terminated at 8 Feet							
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit				See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.				See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS Groundwater not encountered				 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020 Boring Completed: 08-25-2020		
						Drill Rig: Case 580N Backhoe Driller: Town of Carrboro		
				Project No.: 70205044				


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TEST PIT LOG NO. TP-7						Page 1 of 1			
PROJECT: Westwood Cemetery				CLIENT: Carter Van Dyke Associates Doylestown, PA					
SITE: 401 Davie Road Carrboro, NC									
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9115° Longitude: -79.0833°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS	
	DEPTH							LL-PL-PI	
<div style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, yellow 2px, yellow 4px); border: 1px solid black; width: 100%; height: 100%;"></div>	0.2 TOPSOIL			5					
	CLAYEY SAND (SC) , fine to coarse grained, light rust brown and light gray, moist, scattered rock fragments, difficult excavation 4.5 to 6.8 feet								
	6.8 Terminated at 6.8 Feet								
Stratification lines are approximate. In-situ, the transition may be gradual.									
Advancement Method: Backhoe test pit				See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:			
Abandonment Method: Backfilled with excavated soil.				See Supporting Information for explanation of symbols and abbreviations.					
WATER LEVEL OBSERVATIONS Groundwater not encountered				 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020		Boring Completed: 08-25-2020	
				Drill Rig: Case 580N Backhoe		Driller: Town of Carrboro			
				Project No.: 70205044					

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TEST PIT LOG NO. TP-8						Page 1 of 1	
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC							
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9116° Longitude: -79.0828°		DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS LL-PL-PI
	DEPTH 0.3 TOPSOIL CLAYEY SAND (SC) , fine to coarse grained, light rust brown and light gray, moist, scattered rock fragments, difficult excavation 4.5 to 6.8 feet		5			18	39-20-19
	6.5 Terminated at 6.5 Feet						
Stratification lines are approximate. In-situ, the transition may be gradual.							
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS <i>Groundwater not encountered</i>			 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020 Boring Completed: 08-25-2020 Drill Rig: Case 580N Backhoe Driller: Town of Carrboro Project No.: 70205044		

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TEST PIT LOG NO. TP-9							Page 1 of 1	
PROJECT: Westwood Cemetery				CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9113° Longitude: -79.0825°			DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
	0.4 TOPSOIL							
	CLAYEY SAND (SC), fine to coarse grained, light rust brown and light gray, moist							
	3.0 CLAYEY SAND (SC) , fine to coarse grained, rust tan and light gray, moist to very moist, difficult excavation			5				
	6.0 Test Pit Refusal at 6 Feet							
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit				See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.				See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS						Boring Started: 08-25-2020		
Groundwater not encountered						Boring Completed: 08-25-2020		
						Drill Rig: Case 580N Backhoe		
				Project No.: 70205044		Driller: Town of Carrboro		

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TEST PIT LOG NO. TP-10						Page 1 of 1		
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA					
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9108° Longitude: -79.0825°			DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
	0.3	TOPSOIL						
		SILTY SAND (SM) , fine to coarse grained, brown						
	1.5	CLAYEY SAND (SC) , fine to coarse grained, rust tan and light gray, moist						
	4.8	Test Pit Refusal at 3.8 to 4.8 Feet						
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).			Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.					
WATER LEVEL OBSERVATIONS			 2401 Brentwood Rd, Ste 107 Raleigh, NC			Boring Started: 08-25-2020		
Groundwater not encountered						Boring Completed: 08-25-2020		
						Drill Rig: Case 580N Backhoe		
			Project No.: 70205044					

TEST PIT LOG NO. TP-11							Page 1 of 1	
PROJECT: Westwood Cemetery				CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9107° Longitude: -79.0828°			DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
	0.1' TOPSOIL							
	1.5' FILL - SILTY SAND (SM) , fine to coarse grained, brown, scattered metal and concrete debris							
	3.3' CLAYEY SAND (SC) , fine to coarse grained, rust brown and tan gray, moist							
Test Pit Refusal at 3.3 Feet								
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit				See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.				See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS Groundwater not encountered						Boring Started: 08-25-2020 Boring Completed: 08-25-2020 Drill Rig: Case 580N Backhoe Driller: Town of Carrboro Project No.: 70205044		



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TEST PIT LOG NO. TP-12						Page 1 of 1		
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA					
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9109° Longitude: -79.0828°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
<div style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, yellow 2px, yellow 4px); height: 200px; width: 100%;"></div>	0.2' TOPSOIL CLAYEY SAND (SC) , fine to coarse grained, tan brown and light gray, moist			5				
	8.0' Test Pit Refusal at 8 Feet							
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).			Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.					
WATER LEVEL OBSERVATIONS Groundwater not encountered			 2401 Brentwood Rd, Ste 107 Raleigh, NC			Boring Started: 08-25-2020		
						Boring Completed: 08-25-2020		
			Drill Rig: Case 580N Backhoe			Driller: Town of Carrboro		
			Project No.: 70205044					



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TEST PIT LOG NO. TP-13							Page 1 of 1	
PROJECT: Westwood Cemetery				CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC								
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9113° Longitude: -79.083°			DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH							LL-PL-PI
	0.4 TOPSOIL							
	CLAYEY SAND (SC), fine to coarse grained, red brown to tan, moist							
	3.5 Test Pit Refusal at 3.5 Feet							
Stratification lines are approximate. In-situ, the transition may be gradual.								
Advancement Method: Backhoe test pit				See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.				See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS				 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020		Boring Completed: 08-25-2020
Groundwater not encountered						Drill Rig: Case 580N Backhoe		Driller: Town of Carrboro
				Project No.: 70205044				

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TEST PIT LOG NO. TP-14						Page 1 of 1	
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA				
SITE: 401 Davie Road Carrboro, NC							
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9113° Longitude: -78.0828°		DEPTH (Ft.)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS
	DEPTH						LL-PL-PI
	0.4 TOPSOIL						
	CLAYEY SAND (SC) , fine to coarse grained, tan brown, moist, scattered cobbles and boulders						
	4.2 Test Pit Refusal at 4.2 Feet						
Stratification lines are approximate. In-situ, the transition may be gradual.							
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).		Notes:		
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.				
WATER LEVEL OBSERVATIONS Groundwater not encountered			 2401 Brentwood Rd, Ste 107 Raleigh, NC		Boring Started: 08-25-2020 Boring Completed: 08-25-2020 Drill Rig: Case 580N Backhoe Driller: Town of Carrboro		
			Project No.: 70205044				

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TEST PIT LOG NO. TP-15						Page 1 of 1			
PROJECT: Westwood Cemetery			CLIENT: Carter Van Dyke Associates Doylestown, PA						
SITE: 401 Davie Road Carrboro, NC									
GRAPHIC LOG	LOCATION See Exploration Plan Latitude: 35.9111° Longitude: -79.0826°			DEPTH (FL)	WATER LEVEL OBSERVATIONS	SAMPLE TYPE	WATER CONTENT (%)	ATTERBERG LIMITS	
	DEPTH							LL-PL-PI	
	0.4 TOPSOIL			5			14	30-19-11	
	CLAYEY SAND (SC) , fine to coarse grained, rust tan and light gray, moist, scattered cobbles and boulders								
	6.0 Test Pit Refusal at 6 Feet								
Stratification lines are approximate. In-situ, the transition may be gradual.									
Advancement Method: Backhoe test pit			See Exploration and Testing Procedures for a description of field and laboratory procedures used and additional data (if any).			Notes:			
Abandonment Method: Backfilled with excavated soil.			See Supporting Information for explanation of symbols and abbreviations.						
WATER LEVEL OBSERVATIONS			 2401 Brentwood Rd, Ste 107 Raleigh, NC			Boring Started: 08-25-2020		Boring Completed: 08-25-2020	
Groundwater not encountered						Drill Rig: Case 580N Backhoe		Driller: Town of Carrboro	
						Project No.: 70205044			

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ASTM D4318



Exploration Location Diagram

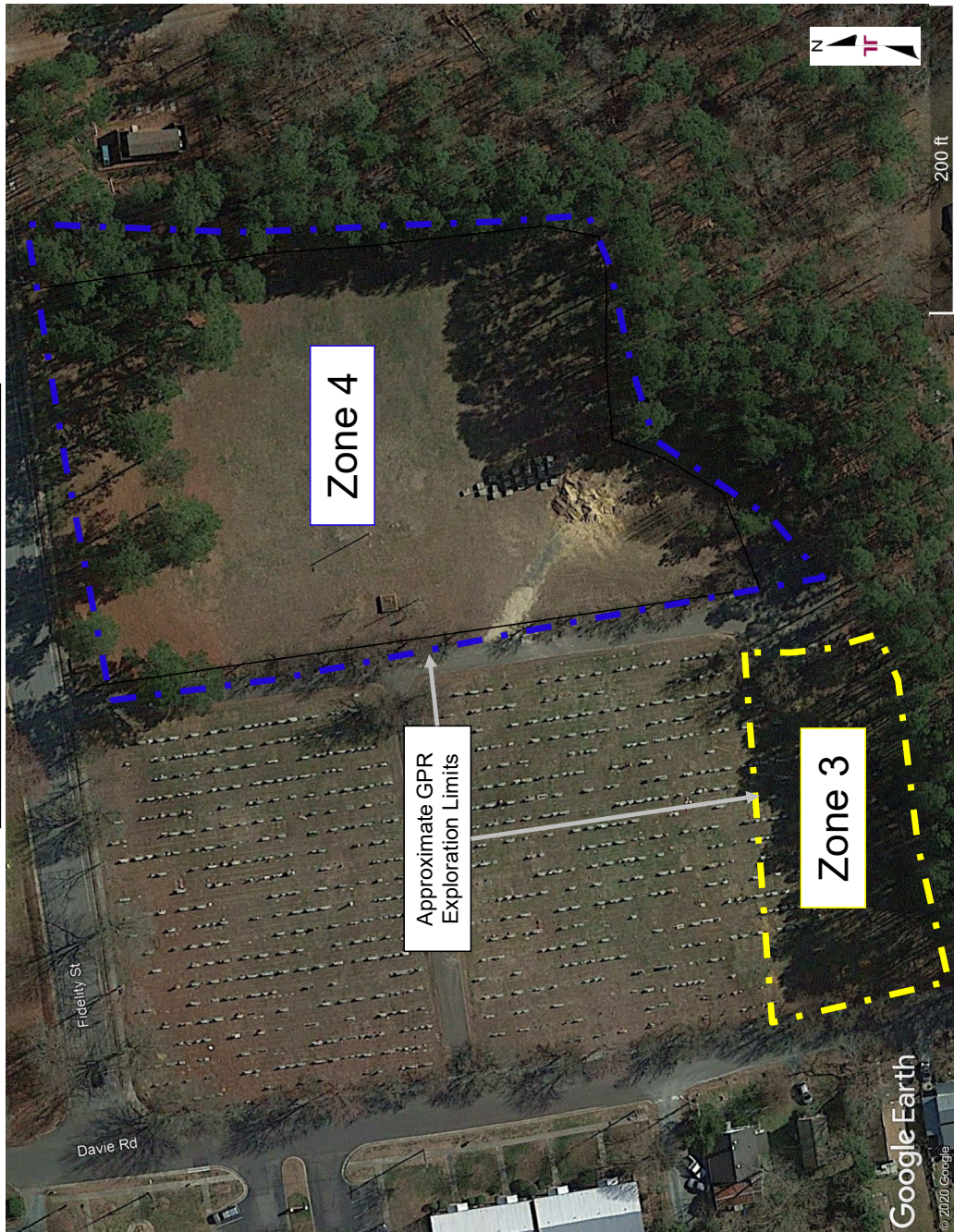
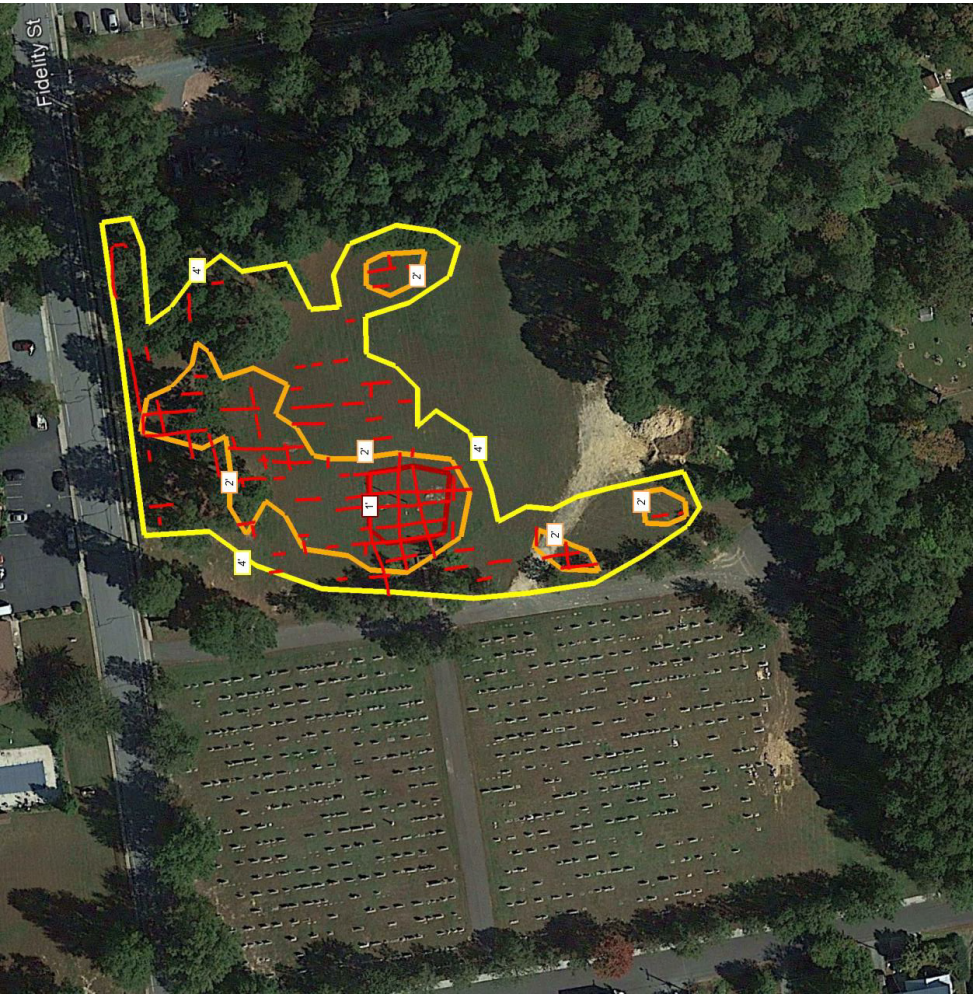
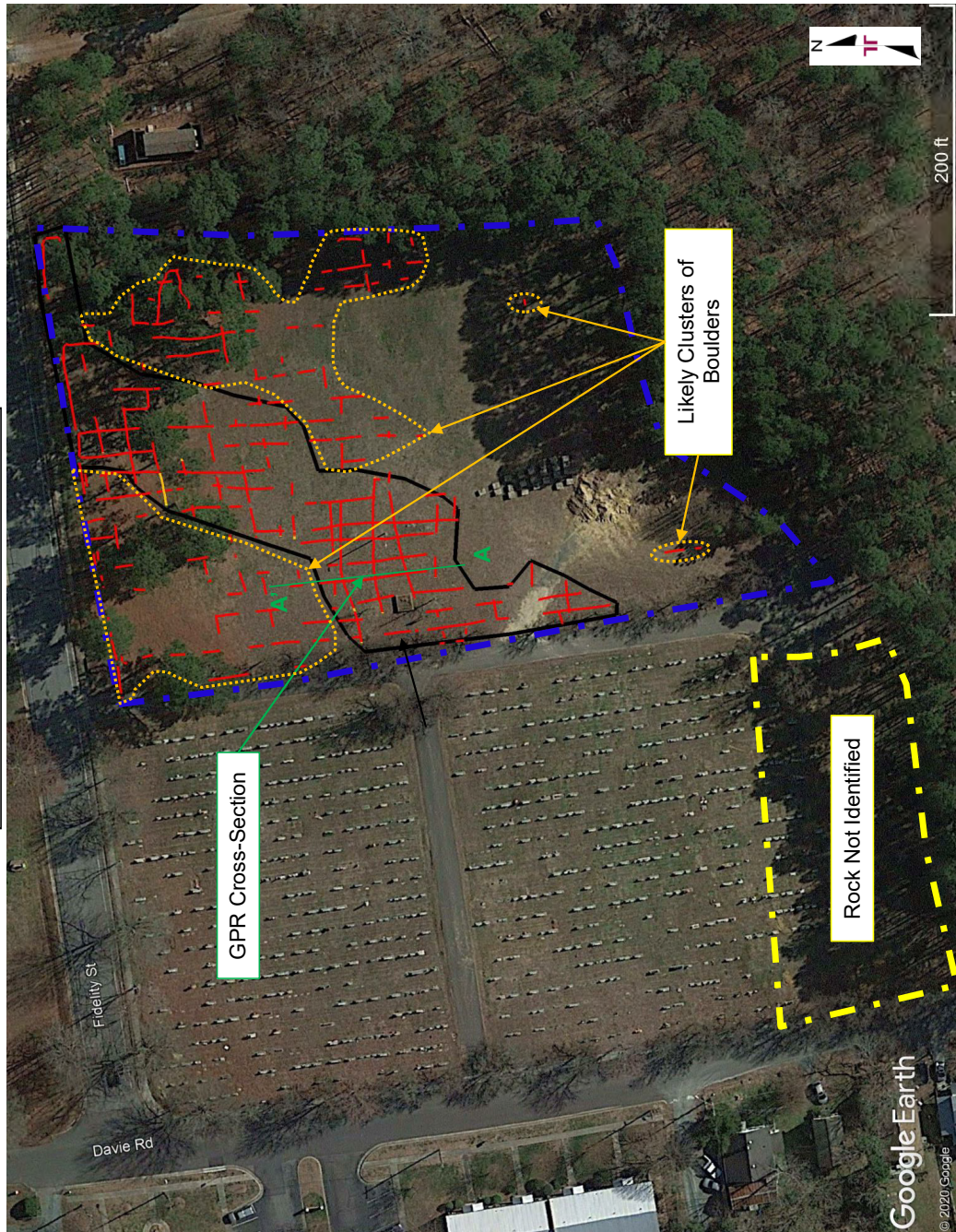


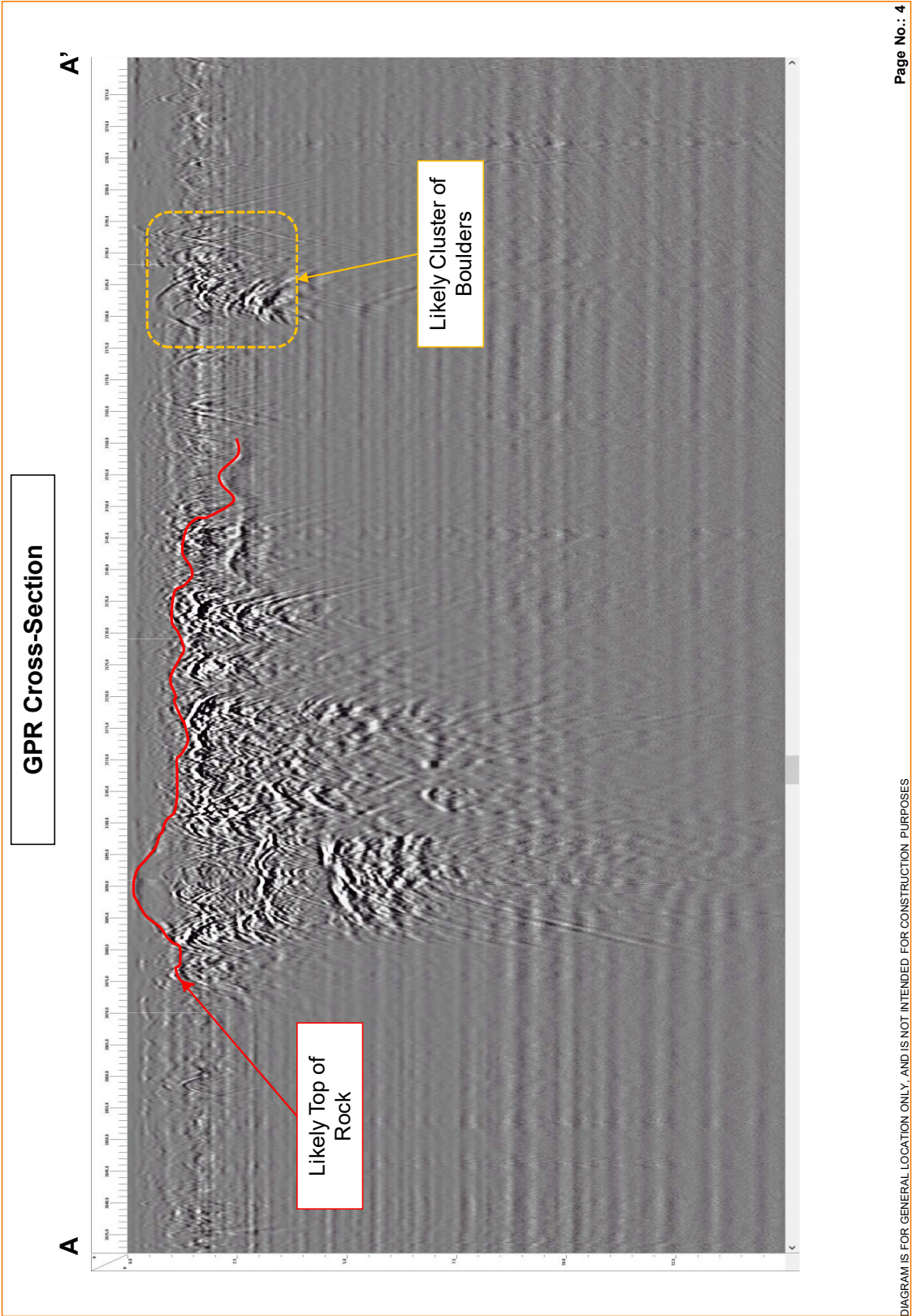
DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

Depth to Rock Contour Diagram
(Geophysicist Interpretation)



GPR Data Diagram









SUPPORTING INFORMATION

GENERAL NOTES

DESCRIPTION OF SYMBOLS AND ABBREVIATIONS

SAMPLING	 Split Spoon	WATER LEVEL		Water Initially Encountered	FIELD TESTS	N	Standard Penetration Test Resistance (Blows/Ft.)
				Water Level After a Specified Period of Time		(HP)	Hand Penetrometer
				Water Level After a Specified Period of Time		(T)	Torvane
			Water levels indicated on the soil boring logs are the levels measured in the borehole at the times indicated. Groundwater level variations will occur over time. In low permeability soils, accurate determination of groundwater levels is not possible with short term water level observations.			(DCP)	Dynamic Cone Penetrometer
						(PID)	Photo-Ionization Detector
						(OVA)	Organic Vapor Analyzer

DESCRIPTIVE SOIL CLASSIFICATION

Soil classification is based on the Unified Soil Classification System. Coarse Grained Soils have more than 50% of their dry weight retained on a #200 sieve; their principal descriptors are: boulders, cobbles, gravel or sand. Fine Grained Soils have less than 50% of their dry weight retained on a #200 sieve; they are principally described as clays if they are plastic, and silts if they are slightly plastic or non-plastic. Major constituents may be added as modifiers and minor constituents may be added according to the relative proportions based on grain size. In addition to gradation, coarse-grained soils are defined on the basis of their in-place relative density and fine-grained soils on the basis of their consistency.

LOCATION AND ELEVATION NOTES

Unless otherwise noted, Latitude and Longitude are approximately determined using a hand-held GPS device. The accuracy of such devices is variable. Surface elevation data annotated with +/- indicates that no actual topographical survey was conducted to confirm the surface elevation. Instead, the surface elevation was approximately determined from topographic maps of the area.

STRENGTH TERMS	RELATIVE DENSITY OF COARSE-GRAINED SOILS (More than 50% retained on No. 200 sieve.) Density determined by Standard Penetration Resistance		CONSISTENCY OF FINE-GRAINED SOILS (50% or more passing the No. 200 sieve.) Consistency determined by laboratory shear strength testing, field visual-manual procedures or standard penetration resistance		
	Descriptive Term (Density)	Standard Penetration or N-Value Blows/Ft.	Descriptive Term (Consistency)	Unconfined Compressive Strength Qu, (psf)	Standard Penetration or N-Value Blows/Ft.
	Very Loose	0 - 3	Very Soft	less than 500	0 - 1
	Loose	4 - 9	Soft	500 to 1,000	2 - 4
	Medium Dense	10 - 29	Medium Stiff	1,000 to 2,000	4 - 8
	Dense	30 - 50	Stiff	2,000 to 4,000	8 - 15
	Very Dense	> 50	Very Stiff	4,000 to 8,000	15 - 30
			Hard	> 8,000	> 30

RELATIVE PROPORTIONS OF SAND AND GRAVEL

Descriptive Term(s) of other constituents	Percent of Dry Weight
Trace	< 15
With	15 - 29
Modifier	> 30

GRAIN SIZE TERMINOLOGY

Major Component of Sample	Particle Size
Boulders	Over 12 in. (300 mm)
Cobbles	12 in. to 3 in. (300mm to 75mm)
Gravel	3 in. to #4 sieve (75mm to 4.75 mm)
Sand	#4 to #200 sieve (4.75mm to 0.075mm)
Silt or Clay	Passing #200 sieve (0.075mm)

RELATIVE PROPORTIONS OF FINES

Descriptive Term(s) of other constituents	Percent of Dry Weight
Trace	< 5
With	5 - 12
Modifier	> 12

PLASTICITY DESCRIPTION

Term	Plasticity Index
Non-plastic	0
Low	1 - 10
Medium	11 - 30
High	> 30

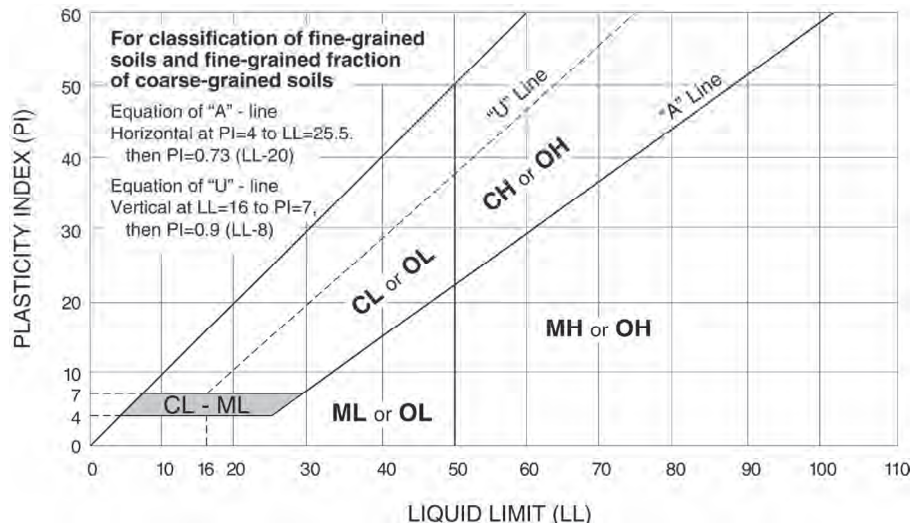
Terracon

UNIFIED SOIL CLASSIFICATION SYSTEM

Criteria for Assigning Group Symbols and Group Names Using Laboratory Tests ^A					Soil Classification	
					Group Symbol	Group Name ^B
Coarse Grained Soils: More than 50% retained on No. 200 sieve	Gravels: More than 50% of coarse fraction retained on No. 4 sieve	Clean Gravels: Less than 5% fines ^C	Cu ≥ 4 and 1 ≤ Cc ≤ 3 ^E	GW	Well-graded gravel ^F	
			Cu < 4 and/or 1 > Cc > 3 ^E	GP	Poorly graded gravel ^F	
		Gravels with Fines: More than 12% fines ^C	Fines classify as ML or MH	GM	Silty gravel ^{F,G, H}	
			Fines classify as CL or CH	GC	Clayey gravel ^{F,G,H}	
	Sands: 50% or more of coarse fraction passes No. 4 sieve	Clean Sands: Less than 5% fines ^D	Cu ≥ 6 and 1 ≤ Cc ≤ 3 ^E	SW	Well-graded sand ^I	
			Cu < 6 and/or 1 > Cc > 3 ^E	SP	Poorly graded sand ^I	
		Sands with Fines: More than 12% fines ^D	Fines classify as ML or MH	SM	Silty sand ^{G,H,I}	
			Fines Classify as CL or CH	SC	Clayey sand ^{G,H,I}	
Fine-Grained Soils: 50% or more passes the No. 200 sieve	Silts and Clays: Liquid limit less than 50	Inorganic:	PI > 7 and plots on or above "A" line ^J	CL	Lean clay ^{K,L,M}	
			PI < 4 or plots below "A" line ^J	ML	Silt ^{K,L,M}	
		Organic:	Liquid limit - oven dried	< 0.75	OL	Organic clay ^{K,L,M,N}
			Liquid limit - not dried			Organic silt ^{K,L,M,O}
	Silts and Clays: Liquid limit 50 or more	Inorganic:	PI plots on or above "A" line		CH	Fat clay ^{K,L,M}
			PI plots below "A" line		MH	Elastic Silt ^{K,L,M}
		Organic:	Liquid limit - oven dried	< 0.75	OH	Organic clay ^{K,L,M,P}
			Liquid limit - not dried			Organic silt ^{K,L,M,Q}
Highly organic soils:	Primarily organic matter, dark in color, and organic odor				PT	Peat

^A Based on the material passing the 3-in. (75-mm) sieve^B If field sample contained cobbles or boulders, or both, add "with cobbles or boulders, or both" to group name.^C Gravels with 5 to 12% fines require dual symbols: GW-GM well-graded gravel with silt, GW-GC well-graded gravel with clay, GP-GM poorly graded gravel with silt, GP-GC poorly graded gravel with clay.^D Sands with 5 to 12% fines require dual symbols: SW-SM well-graded sand with silt, SW-SC well-graded sand with clay, SP-SM poorly graded sand with silt, SP-SC poorly graded sand with clay

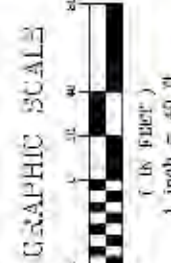
$$^E \quad Cu = D_{60}/D_{10} \quad Cc = \frac{(D_{30})^2}{D_{10} \times D_{60}}$$

^F If soil contains $\geq 15\%$ sand, add "with sand" to group name.^G If fines classify as CL-ML, use dual symbol GC-GM, or SC-SM.^H If fines are organic, add "with organic fines" to group name.^I If soil contains $\geq 15\%$ gravel, add "with gravel" to group name.^J If Atterberg limits plot in shaded area, soil is a CL-ML, silty clay.^K If soil contains 15 to 29% plus No. 200, add "with sand" or "with gravel," whichever is predominant.^L If soil contains $\geq 30\%$ plus No. 200 predominantly sand, add "sandy" to group name.^M If soil contains $\geq 30\%$ plus No. 200, predominantly gravel, add "gravelly" to group name.^N $PI \geq 4$ and plots on or above "A" line.^O $PI < 4$ or plots below "A" line.^P PI plots on or above "A" line.^Q PI plots below "A" line.

Appendix 3. Site Analysis Plans and Concept Master Plans



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



now what's below.
Call before you dig.

Soil information:
 Lnd. "C"on base - 2-6% slopes
 Lnd. "C"on base - 8-12% slopes
 Lnd. "C"on base - 13% slopes

NOTES:

1. Base information provided by Taylor V. Sotomayor (author).
2. Supplemental information gathered from:
 - (a) US Fish & Wildlife Service, Central NC, 28 Aug. 2020, www.fws.gov.
 - (b) Orange County GIS, 28 Aug. 2020, <https://giswebapp.orange-jacksonville.org/giswebapp/default.html>.
 - (c) Orange County Aerial, 28 Aug. 2020, <https://arcg.is/cnrgjv>.
 - (d) NOAA, Web Soil Survey, 28 Aug. 2020, websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
 - (e) FEMA Flood Map Services Center¹, FEMA Flood Map Service Center, 28 Aug. 2020, msc.fema.gov/.

Natural Burial (3.0' Deep) = 306
P1: 104
P2: 205

TOTAL: 5,200*

Columbaria = 2,400
C1: 300
C2: 400
C3: 500
C4: 300
C5: 400
C6: 500

In-Ground Cremines (2' Depth) = 1,039
 11: 888

Conventional Graves (Gr Depth) = 1.45E-

Age	Approx. Size	Total	Pets Available
Section 1	7.15 ac	2050	10
Section 2	0.70 ac	838	16
Section 3	0.78 ac	765	302
Section 4	2.4 ac	3,436	328
Total	10.03 ac	6,291	336

CONCEPTS:	
A.	Conventional Burial Area, 4'x12' Plots
B.	In-Ground Cremains Area, 4'x4' Plots
C.	Columbarium
D.	Reflection area with seating, flags, bursary and memorial wall
E.	Scattering Plot
F.	Natural Burial Area, 4'x12' Plots
G.	Loop Road Access
H.	Asphalt Walking Paths
I.	Mulch-Walking Paths
J.	Sign

Base Area: 0.73 total Acres

Site Address: 140 Fidelity Street, 401 Davis Road
Carroll, NC 27512

Landowner: The Town of Cambridge
403 West Main Street
Cambridge, NC 27540

SITE DATA:

Project Identification Number	97-0683(S)B
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SITE DATA:
Parcel Identification Number: 9778563356
Landowner: The Town of Carboro
301 West Main Street
Carboro, NC 27510
Site Address: 145 Fidelity Street / 401 Davie Road
Carboro, NC 27510
Orange County
Site Area: 8.73 Total Acres

CONCEPTS:

- A. Conventional Burial Area, 4x12' Plots
- B. In-Ground Cremains Area, 4x4' Plots
- C. Columbarium
- D. Reflection area with seating, flags, ossuary and memorial wall
- E. Scattering Plot - Phase 2
- F. Natural Burial Area, 4x12' Plots
- G. Loop Road Access
- H. Asphalt Walking Paths
- I. Mulch Walking Path
- J. Sign

Area	Approx. Size	Total Plots	Plots Available
Section 1	1.13 ac.	860	10
Section 2	0.70 ac.	508	16
Section 3	0.78 ac.	763	302
Section 4	2.4 ac.	2,231	328
Total	5.01 ac.	2,231	328

Conventional Graves (5' Depth) = 1,456*

- A1: 501*
- A2: 493*
- A3: 134
- Phase 2 A4: 134
- Phase 1 A5: 194

In-Ground Cremains (2' Depth) = 1,038

- Phase 1 B1: 568
- B2: 470

Columbaria = 2,400

- Phase 1 C1: 300
- Phase 2 C2: 400
- C3: 500
- C4: 300
- Phase 2 C5: 400
- Phase 1 C6: 500

Natural Burial (3.5' Depth) = 306

- Phase 1 F1: 101
- F2: 205

TOTAL: 5,200*

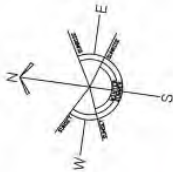
* Note: Some graves obstructed by existing trees or depth to bedrock. To be field determined.

NOTES:

- Base information provided by Taylor Wiseman Taylor.
- Supplemental information gathered from:
 - Google Earth, (n.d.). [Westwood Cemetery, Carboro, NC], 25 Aug. 2020. www.mapsgoogle.com
 - Orange County GIS, 25 Aug. 2020. gis.orangecountync.gov/orangecountygis/default.htm
 - Orange County Aries, 25 Aug. 2020. aries.co.orange.nc.us/Aries/
 - NCS. Web Soil Survey, 25 Aug. 2020. websoilsurvey.sc.egov.usda.gov/App/HorizonIndex.nx
 - "FEMA Flood Map Service Center." FEMA Flood Map Service Center, 25 Aug. 2020. msc.fema.gov

Soil Information:
Erb: Eron loam, 2-6% slopes
EnC: Eron loam, 6-12% slopes
IuB: Iredell-Urban land complex, 1-8% slopes

Flood Information:
Site is located in ZONE X, Area of Minimal Flood Hazard
FEMA Map 3710977800K, eff. 11/17/2017



GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



PROGRESS PRINT
FOR DISCUSSION
PURPOSES ONLY

CHAPTER 13

CEMETERIES

Article I - Definitions; Application

Section 13-1 Definitions

Section 13-2 Application of Provisions

Article II - General Regulations

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Section 13-4 Disruptive Activity Prohibited

Section 13-5 Desecration of Public and Private Cemeteries

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Article III - Designation and Sale of Cemetery Lots and Spaces

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Article VI - Penalties and Remedies

Section 13-26 Penalties and Remedies

Article I

DEFINITIONS; APPLICATION

Section 13-1 Definitions

Unless the context otherwise indicates, the following words shall have the meaning indicated when used in this chapter.

(1) Administrator: The person designated by the manager to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

(2) Burial Space: A parcel of ground within a cemetery lot having the dimensions of 4 feet by 12 feet, and the usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns. (Amend. 5/9/89, 1/21/92)

(3) Lot: A plot of ground within the town cemeteries consisting of not more than three (3) burial spaces, as shown on the official cemetery map. (Amend. 5/9/89)

(4) Marker: A plaque installed at ground level at the site of a grave to indicate the name, date of birth, and date of death of the person buried there.

(5) Mausoleum: A structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person.

(6) Monument: A memorial stone or other structure erected at a gravesite in remembrance of the dead.

(7) Natural Burial: A method of internment with minimal environmental impact and which aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and preservation of natural habitats. This method of internment does not include embalming of bodies, does not require grave liners or vaults, encourages the use of biodegradable burial containers, and is intended to the natural decomposition of bodies. Graves used for Natural Burials shall be maintained such that the grave's appearance shall be kept as consistent as practical with the surrounding graves. This burial method may also be referred to as "Green Burial" (Created 10/16/18)

Section 13-2. Application of Provisions

The following sections apply to all cemeteries within the town: Sections 13-3, 13-4, 13-5 and 13-6. The remaining sections of this chapter apply only to cemeteries owned or operated by the town.

Article II

GENERAL REGULATIONS

Section 13-3 Burial Only in Cemeteries

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery or a cemetery operated by a governmental entity or a private cemetery licensed or specifically exempted from licensing according to the North Carolina Cemetery Act (Article 9 of G.S. Chapter 65).

Section 13-4 Disruptive Activity Prohibited

(a) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic.

(b) No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of a cemetery as a cemetery.

(c) No person may take any dog, horse, or other animal into any cemetery or allow any animal to run at large therein. This provision shall not apply to seeing eye dogs when accompanied by a blind person. (Amend. 5/9/89)

(d) No person may intentionally disrupt any funeral service or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.

(e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial advertising within any cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

(f) No person may engage in recreational activities in any cemetery. For purposes of this subsection, recreational activities shall include, but not be limited to the throwing of balls or frisbees, playing games or engaging in sports activities, running or jogging, picnicking, walking dogs, cats or other animals, allowing dogs, cats, or other animals to run at large, and other similar activities inconsistent with the use of a cemetery as a cemetery. (Amend. 8/11/92)

Section 13-5 Desecration of Public and Private Cemeteries

As provided in G.S. 14-150.1, if any person shall willfully commit any of the acts set forth in the following subdivisions, he shall be guilty of a misdemeanor and shall be fined not more than one-hundred dollars (\$100.00) or imprisoned for not more than thirty days, or both, in the discretion of the court.

(1) Throwing, placing, or putting any refuse, garbage, trash, or articles of similar nature in or on a public or private cemetery where human bodies are interred.

(2) Destroying, removing, breaking, damaging, overturning, or polluting any flower, plant, shrub, or ornament located in any public or private cemetery where human bodies are interred without the express consent of the person in charge of said cemetery.

Provided nothing contained in this section shall preclude operators of such cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the care of such cemeteries.

Section 13-6 Removing or Defacing Monuments and Tombstones

As provided in G.S. 14-140, if any person shall, unlawfully and on purpose, remove from its place any monument of marble, stone, brass, wood, or other material, erected for the purpose of designating the spot where any dead body is interred, or for the purpose of preserving and perpetuating the memory, name, fame, birth, age or death of any person, whether situated in or out of the common burying ground, or shall unlawfully and on purpose break or deface such monument, or alter the letters, marks or inscription thereof, he shall be guilty of a misdemeanor. Provided that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of such cemeteries.

Section 13-7 Hours of Operation

(a) The town cemetery shall remain open to the public throughout the year from sunrise until sunset.

(b) No person may enter the town cemetery at any time other than the hours of operation established by subsection (a).

Section 13-8 Trees, Plantings, Landscaping

(a) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind except with the consent of and in accordance with the directions of the cemetery administrator.

(b) The cemetery administrator may enter any lot and remove or trim any tree, shrub, or other plant that encroaches upon any other lot or any walkway, or driveway, or other part of the cemetery.

(c) The cemetery administrator may remove from the cemetery all floral designs, flowers, weeds, or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(d) Artificial flowers used in floral decorations may be used in the cemetery but a limit of two months is established as a reasonable period for use of such decorations. After two months such arrangements will be removed and disposed of by the cemetery administrator.

Sections 13-9 through 13-10 Reserved

Article III

DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

Section 13-11 Cemetery Map Required

(a) There shall be maintained in the town clerk's office an official cemetery map which shall depict, as accurately as possible, the boundaries of the town cemetery and the location and dimension of all lots and spaces within the cemetery. Natural Burial spaces shall be clearly marked on the cemetery map and the cemetery map shall be amended from time to time in order to ensure that adequate spacing is maintained between Natural Burial lots or spaces. (Amended 10/16/18)

(b) Burial rights in all lots and spaces shall be sold in reference to the official cemetery map.

(c) There shall be maintained by the cemetery administrator an alphabetical list of purchasers of Certificates of Burial Rights and a numerical list of lots sold. (Amend. 5/9/89)

Section 13-12 Purchase of Burial Rights

(a) The town shall sell burial rights in cemetery lots and spaces in accordance with the provisions of this chapter and the schedule of fees set forth in the Miscellaneous Fees and Charges Schedule maintained in the office of the town clerk.

(b) Differential fees shall be charged according to whether the person intended to be buried in the space with respect to which a burial right is purchased is a bona fide resident of or owner of real property within the Town of Carrboro at the time such right is purchased. (Amend. 5/22/84, effective 6/1/84)

(c) (c) A Certificate of Burial Right shall be issued to the person who purchases a burial right. The certificate shall identify the purchaser, the specific lots or spaces to which the certificate applies, the names of the individuals intended to be buried in the spaces purchased, and whether the lots or spaces shall be used for traditional or natural burials. If spaces are intended to be reserved for unborn children or grandchildren of the purchaser, that fact shall be noted on the certificate and such offspring shall be deemed to have the same residency as their parents. If the cremated remains of more than one person are to be located on a single space, the names of all persons whose remains are intended to be located on the space shall be indicated on the certificate. (Amend. 12/11/84, 10/16/18)

(d) The usage of each burial space shall be limited to one of the following: (1) the interment of one human body; (2) the interment of one human body and one cremation urn; or (3) the interment of no more than four cremation urns. (Amend. 5/9/89, 1/21/92)

Section 13-13 Rights of Owner of Certificate of Burial Right

(a) The Certificate of Burial Right transfers no property right to the certificate owner. The Certificate of Burial Right entitles the owner thereof (i.e., the purchaser) to use the designated spaces as a place of burial for the persons named on the certificate, subject to the terms and conditions of this ordinance and subject to the town's authority to operate, regulate, control, and abandon cemeteries. (Amend. 5/9/89)

(b) If the owner of a Certificate of Burial Right desires to change the designation of persons entitled to be buried in the spaces covered by the certificate, he or she may do so by surrendering the old certificate and obtaining a new certificate. Fees will be charged at the then current rate for the spaces being changed, but credit will be given for previous payments with respect to those spaces. In addition, the town will refund, without interest, any sums paid for spaces that the owner of a Certificate of Burial Right no longer wishes to reserve, upon surrender of the Certificate of Burial Right covering those spaces.

(c) Upon the death of the owner of a Certificate of Burial Right, all rights evidenced by such certificate shall pass to the owner's heirs, legatees, or devisees in the same manner as other interests in personal property.

Section 13-14 Speculation in Burial Rights Prohibited

(a) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange.

(b) No person may sell or exchange any burial right for a profit or gain.

Sections 13-15 through 13-16 Reserved

Article IV

MAUSOLEUMS, MONUMENTS, MARKERS, AND COPING/CURBS OR FENCING

Section 13-17 Mausoleums

No mausoleum, tomb, building, or other structure of any kind shall be erected on any lot within the town's cemeteries, except on lots which may be designated on the plat and plan of the town's cemeteries by the Board of Aldermen as lots to be used exclusively for mausoleums and tombs. (Amend. 5/9/89)

Section 13-18 Monuments (Amend. 5/9/89)

- (a) All monuments shall be bronze and/or stone.
- (b) All monuments shall be placed on a concrete apron which shall extend four (4) inches from each side of the base of the monument and which shall be flush with the ground in order to facilitate monument protection, stability and maintenance.
- (c) No monument may exceed four (4) feet in height.
- (d) The length for single burial space monuments shall not exceed twenty-eight (28) inches.
- (e) A double space monument shall be permitted on two (2) adjacent burial spaces, located side by side. The length for double space monuments shall not exceed seventy-six (76) inches. A double space monument shall be centered on the line between two (2) burial spaces.
- (f) A triple space monument shall be permitted on three (3) adjacent burial spaces, located side by side. The length for the triple space monument shall not exceed one hundred-twenty (120) inches. A triple space monument shall be centered on the second (middle) burial space.
- (g) The width of monuments shall not exceed sixteen (16) inches.
- (h) All monuments shall be placed at the head of the burial space(s) and positioned perpendicular to the burial space(s).
- (i) The foregoing provisions of this section shall not apply to monuments placed prior to the effective date of this section.

Section 13-19 Markers

- (a) All markers shall be of bronze and/or stone. (Amend. 5/9/89)
- (b) A head marker used in place of a monument shall be placed on a concrete apron which shall extend four (4) inches from each side of the base of the head marker and which shall be laid flush with the ground in order to facilitate head marker protection, stability, and maintenance. (Amend. 5/9/89)
- (c) A head marker used in place of a monument shall be laid flush with the ground, shall not exceed two (2) feet in length and one foot in width and shall be placed at the head of the grave, perpendicular to the burial space(s). Only one head marker shall be permitted on each burial space. (Amend. 5/9/89, 1/21/92)
- (d) A foot marker shall be laid flush with the ground, shall not exceed two (2) feet in length and one (1) foot in width and shall be placed at the foot of the grave, perpendicular to the burial space. Only one foot marker shall be permitted on each burial space. (Amend. 5/9/89, 1/21/92)

(e) The foregoing provisions of this section shall not apply to markers placed prior to the effective date of this section. (Amend. 5/9/89)

Section 13-20 Reserved

Section 13-20.1 Installation, Repair or Removal of Monuments (Amend. 5/9/89)

- (a) A monument or marker shall be placed at the burial site within one (1) year of the funeral.
- (b) Should any monument or marker in the town's cemeteries at any time become unsafe, unsightly, or in need of repair or resetting, the cemetery administrator shall notify the owner of the relevant Certificate of Burial Rights of such condition and shall request such person to make any needed repairs under the administrator's supervision.
- (c) Nothing in this section shall obligate the town to place, replace, or repair any monument or marker in the town's cemeteries.

Section 13-20.2 Monuments and Markers on Natural Burial Sites (Created 10/16/18)

Notwithstanding the foregoing provisions of Article IV, Monuments and Markers installed at graves used as Natural Burial sites shall be placed such that they will not be affected by natural sinking of topsoil resulting from the decomposition of the bodies.

Article V

BURIALS

Section 13-21 Interment or Disinterment (Amend. 5/9/89)

- (a) No person shall be interred or disinterred in the town's cemeteries without lawful authority and a written permit issued by the cemetery administrator.
- (b) Application for the permit authorized by this section shall be made at least ten (10) hours prior to the opening of the grave. This application shall be submitted in writing and shall designate the person to be buried.
- (c) No permit shall be issued when the person to be buried is not designated as the person to be buried in the relevant burial space on the current Certificate of Burial Rights maintained by the cemetery administrator. The permit required by this section shall be issued if the application contains the information specified in this section and if all fees and charges authorized by this chapter have been paid.
- (d) No person shall open any grave in a town cemetery other than a licensed funeral director or those employed by such funeral director under the supervision of the cemetery administrator.

(e) Following the digging of a grave, the dirt shall be hidden from public view until after the funeral. Following the funeral, the dirt is to be replaced and sufficiently packed. All excess dirt is to be hauled away and the turf leveled.

Section 13-22 Records of Persons Buried Required

(a) The cemetery administrator shall keep complete and accurate records of the name, age, sex, date of death, and date of burial of every person buried in the town cemetery, as well as the particular space where such person is buried.

(b) The funeral director shall provide the cemetery administrator with a Death Information Certificate within ten (10) days of any burial. (Amend. 5/9/89)

Section 13-23 Minimum Depth of Graves

(a) All graves must be opened to a depth of at least five (5) feet to the bottom thereof. Notwithstanding the foregoing, graves intended for use for a Natural Burial shall be opened to a depth of three and a half (3.5) feet to the bottom thereof.
(Amend. 5/9/89, 10/16/18)

(b) All graves shall be level with the surrounding areas and no mounds shall be allowed. Notwithstanding the foregoing, graves intended for use for a Natural Burial may be covered with a mound and are not subject to the requirement that all graves shall be level with the surrounding areas, except to the extent that the grave's appearance shall be kept as consistent as practical with the surrounding graves. (Amend. 10/16/18)

(c) No grave in town cemeteries shall be dug nearer than twelve (12) inches to any property line. (Amend. 5/9/89)

Section 13-24 Grave Liner or Vault Required

Grave liners or vaults, composed of concrete or a substance of equivalent strength and durability, shall be required for all graves within the town cemetery. No person may bury or cause to be buried the body of any deceased person unless the casket is properly placed within a grave liner or vault. Notwithstanding the foregoing, the Natural Burials shall be permitted in the Old Carrboro Cemetery in conformance with this Chapter. (Amend. 12/11/84, 10/16/18)

Section 13-25 Reserved

Article VI

PENALTIES AND REMEDIES

Section 13-26 Penalties and Remedies

(a) A violation of any of the following provisions shall constitute a misdemeanor, punishable as provided in G.S. 14-4:

Sections 13-3, 13-4, 13-7, 13-8, 13-14, 13-17, 13-18, 12-19, 13- 20, 13-21, 13-23, 13-24 (Amend, 12/11/84, 5/9/89)

(b) Violations of any of the sections listed in subsection (a) shall also subject the offender to a civil penalty of twenty- five dollars (\$25.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(c) The town may seek to enforce this chapter through any appropriate equitable action.

(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

Attachment D
Summary of Westwood Cemetery Discussion from Carrboro Connects
August 2022

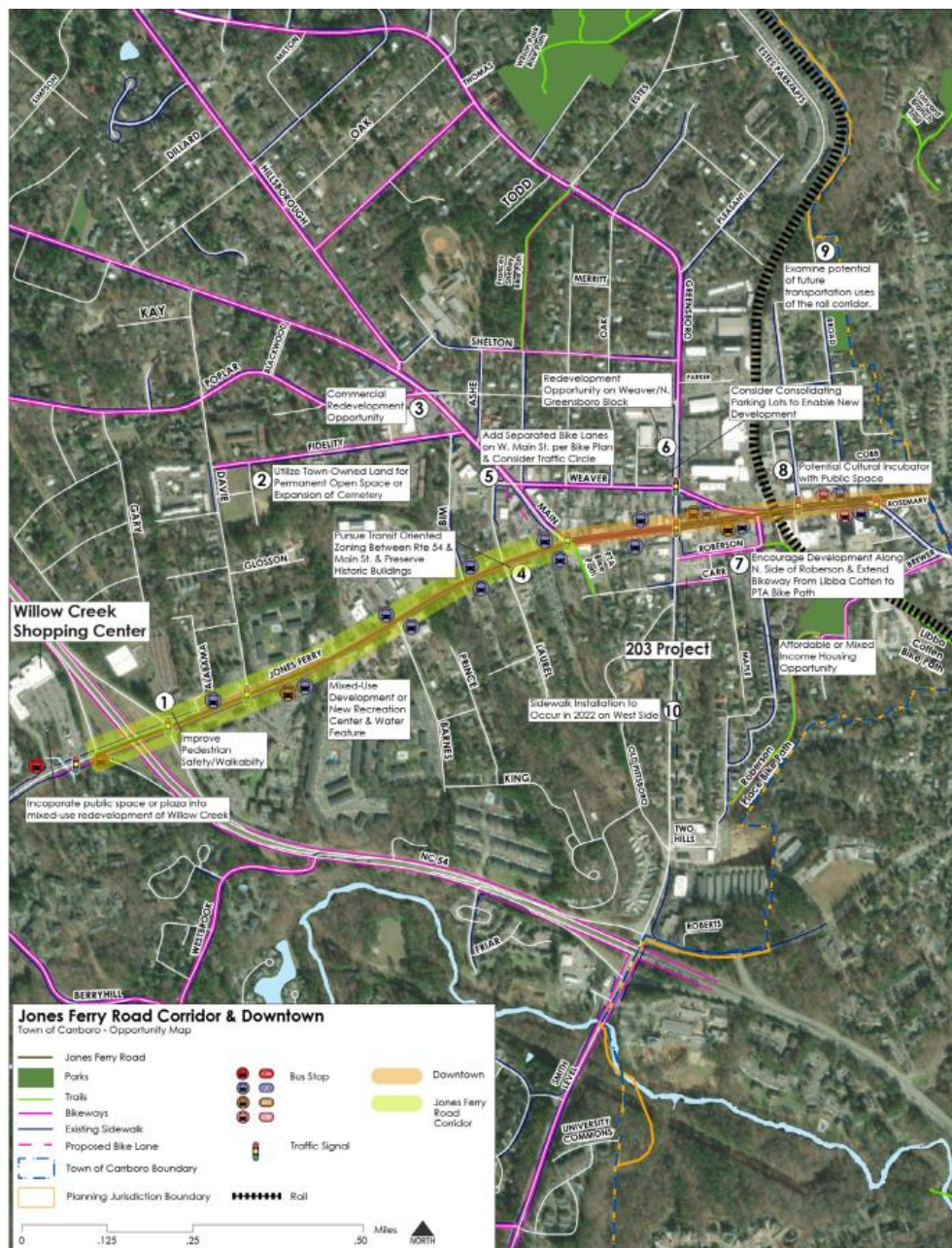
Brief Chronology

Date	Event	Description	Link
November 16, 2021	Public Hearing on Carrboro Connects	<p>3 public comments regarding preserving the Westwood Cemetery as open space.</p> <p>Brief discussion regarding Westwood Cemetery</p> <p>Resolution passed included: <i>"BE IT FURTHER RESOLVED that the Town Council asks staff to schedule a work session, look into cemetery space in other areas of town, consider a park that is still respectful to the existing cemetery, and include grave pricing with a sliding scale."</i></p>	<p>Agenda Item</p> <p>Queued YouTube Recording – Cemetery Discussion</p>
February 22, 2022	Public Hearing on Carrboro Connects	<p>5 public comments regarding preserving the Westwood Cemetery as open space. No additional discussion</p>	<p>Agenda Item</p> <p>Queued YouTube Recording – Public Comment</p>
March 8, 2022	Town Council Work Session	<p>Minor points of discussion with agreement that the topic of the cemetery is not for the comprehensive plan to decide but rather is a separate conversation. Recognizes that there are multiple perspectives. Decided to incorporate the following text into the plan: <i>"Through the Carrboro Connects engagement process there have been calls for converting the undeveloped portion of Westwood Cemetery into a park, while others wish to respect the historic legacy of the cemetery and allow its use as a cemetery to expand. This is an ongoing community issue to be explored further."</i></p>	<p>Agenda Item</p> <p>Queued YouTube Recording</p>
March 22, 2022	Town Council Work Session	<p>Some discussion regarding the redesignation of parks. This arose from the criteria for the siting of new parks that is provided in Carrboro Connects and the weighting of quality vs. quantity of parks.</p> <p>Additional Discussion regarding the use of the ParkServe map for parks access.</p>	<p>Agenda Item</p> <p>Queued YouTube Recording – Park Redesignation</p> <p>Queued YouTube Recording - ParkServe</p>

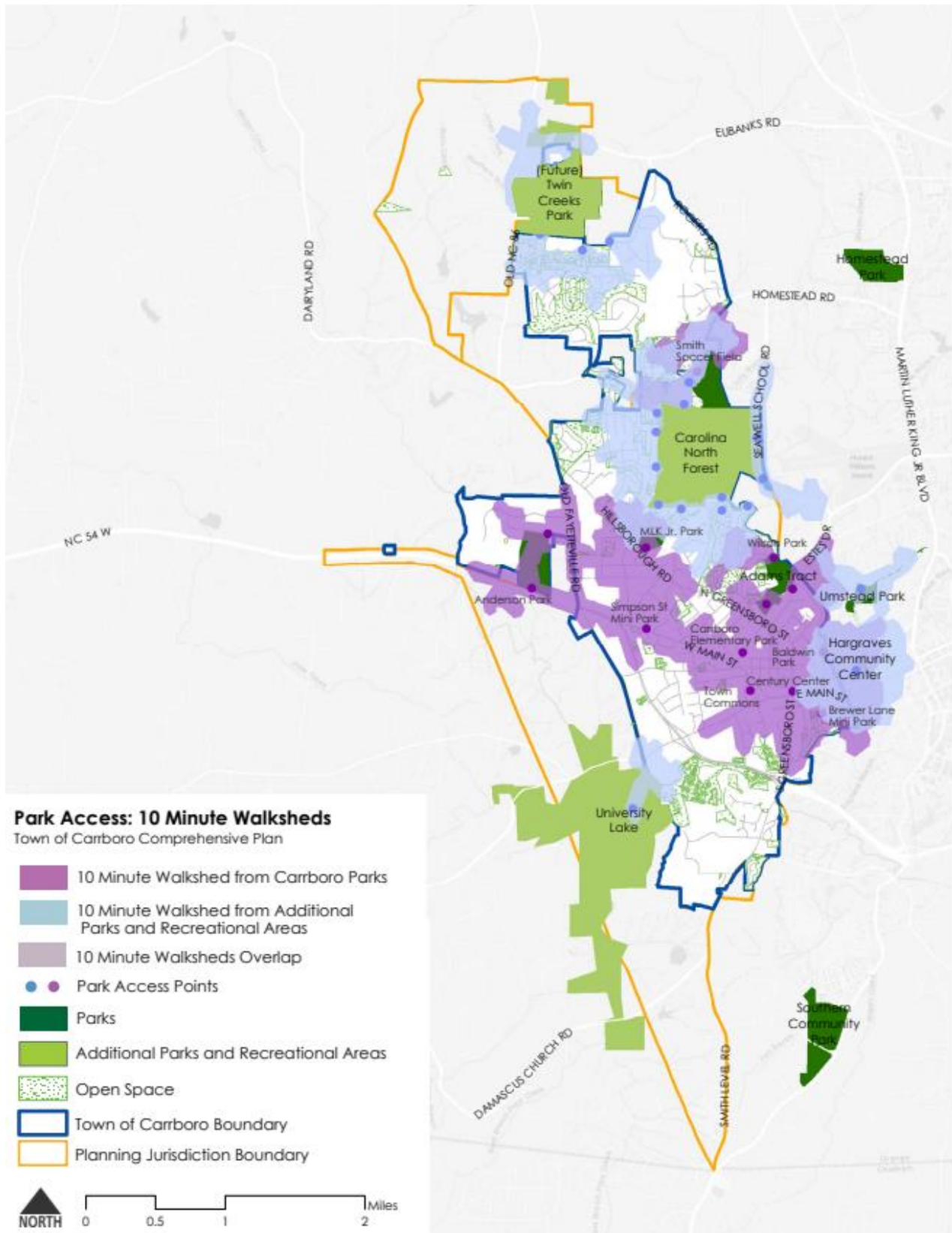
What's in the Plan

Three references to Westwood Cemetery in Carrboro Connects:

- RPCR Pg 119 - Park Access Note: "through the Carrboro Connects engagement process there have been calls for converting the undeveloped portion of Westwood Cemetery into a park, while others wish to respect the historic legacy of the cemetery and allow its use as a cemetery to expand. This is an ongoing community issue to be explored further."
- Land Use Pg 144 - opportunity - 2 - Proceed with the Westwood Cemetery planning process in a way that considers the needs and interests of residents for interment, open space, and other potential uses.
- Land Use Pg 145 – Map - "utilize town-owned land for permanent open space or expansion of the cemetery"



Comprehensive Plan
Park Access: 10 Minute Walkshed





ATTACHMENT E

TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

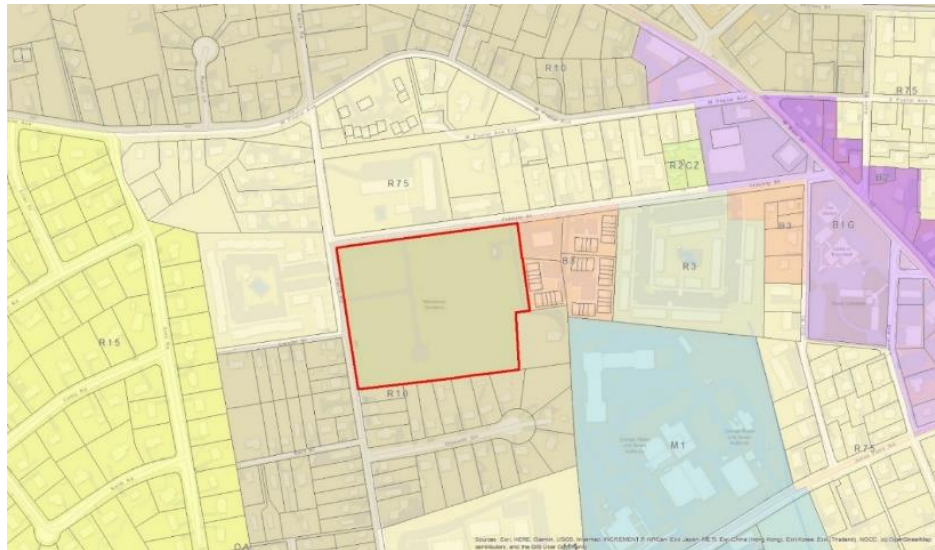
PLANNING DEPARTMENT

Date: September 30, 2022

Subject: Westwood Cemetery

PROPERTY DESCRIPTION AND LOCATION

The Westwood Cemetery is a single 8.7-acre parcel located at the corner of Fidelity Street and Davie Road within Carrboro's town limits. Orange Water and Sewer Authority, Fire Station #1, Carrboro Town Hall, and Carrboro Town Commons are located within approximately one-quarter mile of the property.



Vicinity map showing Westwood Cemetery and nearby Zoning

Zoning, Density and Dimensional Regulations

The Westwood Cemetery property is zoned R-10, a residential district with a minimum lot size/density requirement of 10,000 square feet per dwelling unit. Nearby zoning districts include R-7.5, B-3, R-15 and M-1. Density and dimensional requirements for adjacent properties are summarized below. Existing uses on the cemetery property and adjacent properties are also listed.

	Existing Zoning R-10	Adjacent Zoning R-7.5	Adjacent Zoning B-3
Density	10,00 per dwelling unit	7,500 per dwelling unit	15,000 per dwelling unit
Height	35 feet	35 feet	35 feet
Setbacks	25 r/w; 12 lot boundary	25 r/w; 10 lot boundary	35 r/w; 35 lot boundary
Existing Uses	21.100 Town-owned Cemetery; 15.750 Data Service Provider Facility; 1.100 Single Family Residences	1.300 Multi Family Residences (Townhomes and Apartments)	3.130 Physicians office; 1.320 Multi Family Townhomes

Summary of Permissible Uses /Development Options in R-10 Zoning District

See Article X, Section 15-146 for detailed list and permit requirements.

General Use Category	Example Types of Uses Permitted in R-10 District	General Use Category	Example Types of Uses Permitted in R-10 District
Residential (1.000)	Single family detached, Mobile Home, Duplex, Townhouse, Apartments Two-family residences, SRO, Group Homes, Adult Care homes, Temporary Residences, Home Occupation, and Homes for Treatment, Service and Supervision	Towers and Related Structures (18.000)	Towers& antennas 50ft tall or less, towers/antennas attached to another structure, wireless support structures
Educational, Cultural, Religious, Philanthropic, Social (5.000)	Elementary & Secondary Schools, Churches, Libraries	Cemetery (21.000)	Town-owned cemetery
Recreation (6.000)	Community Center Outdoor rec facilities (town-owned or not town-owned)	Day Care (22.000)	Child day care home, child day care facility, Senior citizens day care Class A & B
Emergency Services (13.000)	Police & Fire stations, Rescue Squad, Civil Defense	Temporary Structure or Parking (23.000)	Temporary structures located on same lot as activity generating need for structure
Agricultural, Silvicultural, Mining, Quarrying (14.000)	Agricultural (excluding livestock, silvicultural operations, Reclamation landfill	Subdivisions (26.000)	Major & Minor
Public/Semi-public Utility Facilities (15.000)	Data service provider facility, all other town-owned and or operated facilities	Combination Uses (27.000)	
Utility Facilities (17.000)	Neighborhood, community or regional facility services, underground electric/gas lines, other underground lines, solar array facility (Level 1)	Special Events (29.000)	
		Temporary Lodging (34.000)	Bed and Breakfast

Comparison of Uses, by General Category, in Existing Zoning District.

Additional Notes

Cemetery and Crematorium Land Use Category (21.000)

- Town-owned cemeteries (21.100) are permissible in all zoning districts except HR-R and HR-CC
- All other cemeteries (21.200) are permissible in R-R, M-1, M2, C, W-R, and B-5 districts
- Crematoriums (21.300) are permissible only in M-1 and M-2 districts

Note: a map of permissible areas for cemetery uses is available for reference

Approximately 2.64 acres of the Town's property are currently allocated to the cemetery use. 0.06 acres are under lease to Google for a data service provider facility, leaving approximately 6 acres to be considered for other uses. As a residential district, uses in the R-10 are limited to primarily residential uses, as well as other lower intensity civic, educational and childcare, and recreational uses. Residential density potential of the remaining acres is between 26 and 39 units, with the higher number possible if the residential density bonus for affordable housing was included.