



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

# Town of Carrboro

## Meeting Minutes Board of Aldermen

Tuesday, June 4, 2019

7:00 PM

Board Chambers - Room 110

**Present:** Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade

**Also Present:** David Andrews, Town Manager; Cathy Dorando, Town Clerk; Nick Herman, Town Attorney

\*\*\*\*\*

### POETRY READING, RESOLUTIONS, PROCLAMATIONS & ACKNOWLEDGEMENTS

Fred Joiner, the Town's Poet Laureate, read a poem entitled, "Cedar" by Anastasia Renee.

\*\*\*\*\*

### PROCLAMATION – GUN VIOLENCE AWARENESS DAY

Mayor Lavelle proclaimed June 7, 2019 as "Gun Violence Awareness Day" and the weekend of June 7-9 as "Wear Orange Weekend" in the Town of Carrboro and presented a copy of the proclamation to representatives of Moms Demand Action for Gun Sense in America.

\*\*\*\*\*

### PROCLAMATION – PRIDE MONTH AND RECOGNITION OF 50<sup>TH</sup> ANNIVERSARY OF STONEWALL

Mayor Lavelle also noted that she issued a Proclamation on June 1 after the Pride Piper March during the Carrboro Farmer's Market recognizing Pride Month and the 50<sup>th</sup> anniversary of Stonewall.

\*\*\*\*\*

### PROCLAMATION – HONORING THE STATE CHAMPION CARRBORO JAGUAR WOMEN'S SOCCER TEAM

Mayor Lavelle proclaimed June 5, 2019 as "Carrboro Jaguars Women's Soccer Day" in the Town of Carrboro and presented the team and coaches with a copy of the proclamation.

\*\*\*\*\*

**BETSEY BERTRAM – HOMETOWN HERO WCHL**

Alderman Haven-O'Donnell noted that Betsey Bertram, owner of Townsend and Bertram, is today's WCHL Hometown Hero.

\*\*\*\*\*

**APPROVAL OF THE MAY 14<sup>TH</sup> AND MAY 21<sup>ST</sup>, 2019 MEETING MINUTES**

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS, TO APPROVE THE MINUTES OF MAY 14, 2019 AND MAY 21, 2019, AS AMENDED. VOTE: AFFIRMATIVE ALL.**

\*\*\*\*\*

**REQUEST TO CONSIDER AUTHORIZING THE TOWN MANAGER TO APPROVE BIDS, SELECT A CONTRACTOR AND AWARD A CONTRACT FOR MORGAN CREEK GREENWAY PHASE 1 CONSTRUCTION AND CONSTRUCTION ENGINEERING AND INSPECTION SERVICES (CEI) FOR PHASE I OF THE MORGAN CREEK GREENWAY**

The purpose of this agenda item was for the Board of Aldermen to consider authorizing the Town Manager to approve bids, select a contractor and award a contract for the construction of Phase 1 of the Morgan Creek Greenway and to select and award a contract with a consulting engineering firm for CEI services for the same greenway project.

Alderman Foushee asked for information on the selection process for contractors and how bids are advertised and contractors selected. David Andrews stated that he will provide that information to her.

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following resolution be approved:**

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPROVE BIDS,  
SELECT  
A CONTRACTOR AND AWARD A CONTRACT FOR MORGAN CREEK  
GREENWAY PHASE 1 CONSTRUCTION AND CONSTRUCTION  
ENGINEERING AND INSPECTION (CEI) SERVICES FOR PHASE 1 OF THE  
MORGAN CREEK GREENWAY

WHEREAS, The Carrboro Board of Aldermen has adopted Capital Improvement Project Ordinance for the construction of Phase 1 of the Morgan Creek Greenway (TIP# EL-4828A), and has appropriated \$1,567,500 for this project; and,

WHEREAS, the Town of Carrboro has initiated a municipal agreement with the North Carolina Department of Transportation for the design and construction of Phase 1 of the Morgan Creek Greenway; and,

WHEREAS, the Town has advertised the project with a bid opening scheduled for June 25, 2019; and

WHEREAS, the Town has prepared a Request for Letters of Interest to select the most qualified engineering firm for CEI services to deliver the project; and

WHEREAS, federal and state law requires that negotiations be conducted with the selected firm to establish a fair and reasonable price for the contract; and

WHEREAS, NCDOT policy requires an audit of a firm's contract proposal prior to the beginning of negotiations.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to approve bids, select a contractor and award a contract for:

- (a) Morgan Creek Greenway Phase 1 Construction; and
- (b) Construction Engineering and Inspections services for Phase 1 of the Morgan Creek Greenway, not to exceed 20% of construction contract.

The combined total of these two contracts shall not exceed the total project construction budget of \$1,142,343.

A copy of this resolution shall be provided to the Town's Chief Financial Officer within five (5) days of adoption.

**This the 4th day of June, 2019.**

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

**Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade**

\*\*\*\*\*

**RECOGNITION OF DONATION TO THE CARRBORO POLICE DEPARTMENT BY UNIVERSITY FORD OF CHAPEL HILL**

The purpose of this item was to recognize the generous donation from University Ford of Chapel Hill of the use of a fifteen-passenger van.

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following resolution be approved:**

**A RESOLUTION OF APPRECIATION TO UNIVERSITY FORD FOR THEIR DONATION**

WHEREAS, University Ford of Chapel Hill has graciously offered to donate the use of a 15 passenger van by waiving the rental fee of \$516 to the Carrboro Police Department for use during the police summer camp held June 17 – 21, 2019; and

WHEREAS, this donation will allow the police department's staff to transport participants of the camp safely to different education venues.

WHEREAS, donation of this van will help the Carrboro Police Department continue the goal of education and positive interactions with the public;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that:

- a) On behalf of the Town of Carrboro and its residents, the Board of Aldermen hereby expresses its sincere thanks and gratitude to University Ford of Chapel hill for its generous donation.
- b) The resolution shall be entered into the official minutes of the Board of Aldermen and a copy thereof shall be delivered to University of Chapel Hill.
- c) This resolution shall become effective upon adoption.

**This the 4th day of June, 2019.**

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

**Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade**

\*\*\*\*\*

**STORMWATER UTILITY MONTHLY REPORT**

The purpose of this item was to provide the first monthly update regarding Stormwater Utility projects and initiatives.

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS, TO RECEIVE THE REPORT. VOTE: AFFIRMATIVE ALL.**

\*\*\*\*\*

**ECONOMIC DEVELOPMENT REPORT FOR THE MONTH OF JUNE**

The purpose of this agenda item was to update the Board on economic development activity within the Town.

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS, TO RECEIVE THE REPORT. VOTE: AFFIRMATIVE ALL.**

\*\*\*\*\*

**PROPOSED AMENDMENTS TO CHAPTER 4 (PERSONNEL POLICY) OF THE TOWN CODE RELATED TO HOLIDAY COMPENSATION FOR SHIFT EMPLOYEES, COMPENSATORY TIME, AND PERSONAL TIME OFF**

The purpose of this item was to amend Chapter 4 Personnel Policy of the Town Code sections 4-52, 4-73, and 4-74.

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following ordinance be approved:**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN CODE TO REVISE HOLIDAY COMPENSATION FOR SHIFT PERSONNEL**  
Ordinance No. 17/2018-19

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1: Article VII of Chapter 4 of the Carrboro Town Code is amended by deleting all current existing provisions of Section 4-52 Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel and replaced with the following provisions as follows:

**Section 4-52 Holidays: Compensation for Public Safety Shift Personnel** (Amend. 07/01/2019)

Sworn shift police and fire personnel, whether on duty or not, shall receive pay for all eleven Town holidays as the holidays occur. Sworn shift police officers shall receive pay at straight time for the number of hours equivalent to a regularly scheduled shift, i.e. 8.4 hours or 12 hours. Shift fire personnel shall receive pay for the holidays at 11 hours of straight time per holiday. Compensatory time shall not be awarded or accrued for holiday compensation when shift personnel are required to work on a holiday. No holiday compensation for hours worked shall be accrued by an employee.

Because the Town continues to operate emergency services seven days a week, twenty-four hours per day, public safety personnel working a shift may be required to work on scheduled holidays. When shift public safety personnel are required to work on a scheduled holiday, the employee shall receive regular pay for all hours actually worked.

Holiday pay shall not be factored into overtime pay; however, in accordance with the Fair Labor Standards Act (FLSA), all hours actually worked shall be factored into overtime calculations, including those hours worked on scheduled holidays.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon July 1, 2019 for shift police personnel and January 1, 2020 for shift fire personnel<sup>1</sup>.

1. Shift fire personnel currently receive all holiday hours at January 1; therefore, this calendar year, some firefighters have used all or most of their available hours.

**This the 4th day of June, 2019.**

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

**Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade**

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following ordinance be approved:**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CARRBORO TOWN  
CODE TO CHANGE PETTY AND PARENTAL SCHOOL LEAVE TO  
PERSONAL TIME OFF  
Ordinance No. 18/2018-19**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1: Article VII of Chapter 4 of the Carrboro Town Code is amended by eliminating Sections 4-73 Petty Leave and adding amended Section 4-73 Personal Time Off:

**Section 4-73 Personal Time Off**

Effective July 1, 2019, permanent employees shall be granted eighteen (18) hours per year of personal time off over and above sick leave and annual leave with pay. Personal time off under Section 4-73 is separate from Town closures due to adverse weather. (See Section 4-36 Adverse Weather, Rev. 11/15.)

Personal time off must be requested through supervisors and may be taken in the same manner as sick and annual leave. Personal time off shall accrue biweekly at a rate of .6923 hours per pay period beginning on January 1<sup>st</sup> of each calendar year. Employees may not carry over unused personal time off from year to year. Any unused personal time off not taken by December 31<sup>st</sup> shall be lost.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective July 1, 2019.

**This the 4th day of June, 2019.**

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

**Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade**

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following ordinance be approved:**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE  
CARRBORO TOWN CODE TO INCLUDE A COMPENSATORY  
TIME PROVISION**

Ordinance No. 19/201819

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1: Article VII of Chapter 4 of the Carrboro Town Code is amended by eliminating the current provisions of Parental School Leave and inserting provisions related to Compensatory Time:

**Section 4-74 Compensatory Time**

As necessitated to ensure Town operations, non-exempt employees may, at times, be required to work more than their regularly scheduled hours. According to the Fair Labor Standards Act, local governments may elect to award compensatory time in lieu of overtime pay. 29 U.S.C.A. § 207 (o) (1).

Effective July 1, 2019, non-exempt, non-public safety employees may accrue up to a maximum of forty (40) hours of compensatory time per calendar year. Non-exempt, public safety employees may accrue up to a maximum of one hundred (100) hours of compensatory time per calendar year. Exempt employees are not eligible for overtime pay and may not earn compensatory time.

All non-exempt employees must use any earned compensatory time before taking any other earned leave, including annual leave (vacation), personal time off, and/or sick leave. Compensatory time in excess of the allowed maximum shall not be accumulative beyond the end of each calendar year. Any unused compensatory time in excess of the allowed maximum as of December 31<sup>st</sup> may be paid out in a lump sum by January 31<sup>st</sup> following the end of the calendar year.

The Town Manager may grant a one-time exception to the maximum compensatory time accrual for an employee or class of employees if so doing would be in the best interest of the Town. In order to reduce instances of overtime work and compensatory time earnings, all Department Heads and supervisors are expected to adjust employee work schedules during periods of heavy workloads.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective July 1, 2019.

**This the 4th day of June, 2019.**

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

**Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade**

\*\*\*\*\*

**REPORT FROM THE HUMAN SERVICES ADVISORY BOARD OF THE 2019  
HUMAN SERVICES APPLICATION PROCESS**

The purpose of this item was to update the Board on the findings for the changes to the application process in 2019 and the comments by the Human Services Advisory Board for the 2020 process.

**MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO RECEIVE THE REPORT. VOTE: AFFIRMATIVE ALL.**

\*\*\*\*\*

**INDEPENDENT AUDIT CONTRACT FOR FY ENDING JUNE 30, 2019**

The purpose of this item was to award the contract for the Town’s annual independent audit for the fiscal year ending June 30, 2019.

**A motion was made by Alderman Gist, seconded by Alderman Seils, that the following resolution be approved:**

**A RESOLUTION AWARDING THE CONTRACT FOR INDEPENDENT AUDIT  
FOR  
FISCAL YEAR ENDING JUNE 30, 2019**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1. The audit contract for the fiscal year ending June 30, 2019 is awarded to Dixon Hughes Goodman LLP for a total cost not to exceed \$60,590.00.

Section 2. The Mayor is authorized to sign the Audit Contract and Letter of Engagement as required by the North Carolina Local Government Commission.

Section 3. This resolution shall become effective upon adoption.

**This the 4th day of June, 2019.**

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

**Aye: Mayor Lydia Lavelle, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O’Donnell, Alderman Damon Seils, Alderman Sammy Slade**

\*\*\*\*\*

**TRANSPORTATION PROJECTS UPDATE**

The purpose of this agenda item was to provide the Board of Aldermen with an update on the progress of current transportation projects around town.

Zach Hallock, the Town’s Transportation Planner, provided the staff report.

Alderman Gist stated that she has concerns with the Estes/Greensboro Roundabout construction schedule and how that may coincide with the beginning of classes at UNC or beginning of school. Zach Hallock stated that staff has not received a construction schedule but that her concern will be noted.

Alderman Gist stated that she walks or rides the bus for work daily. In her experience, during the UNC school year, the J and CW route buses are packed full and thus, not always available. While the Chapel Hill Transit buses are full, the GoTriangle buses are almost empty. She expressed disappointment that short-range transit planning has been pushed off to 2020. She stated that she would like to be able to take a bus to University Place on a Saturday in a convenient way.

Alderman Seils provided an update on Alderman Gist’s peak-time ridership concerns and stated that a working group has been created to discuss a possible partnership between GoTriangle and Chapel Hill Transit that could address some of the peak-time ridership. He stated that the some changes will be available this coming August but that the goal is to implement the Chapel Hill Transit Short Range Plan in August 2020.

Mayor Lavelle stated that in conjunction with approved traffic calming measures, there was a speed bump that was supposed to be placed on Tallyho Trail after the Rogers

Road sewer project was completed and asked that Zach look into this.

Alderman Slade asked about next steps after the Triangle J Counsel of Governments (TJCOG) transportation demand survey. Zach Hallock responded that the survey is intended to be data distributed back to employers for them to decide how to use it in implementing their own TDM programs. He stated that the point of presenting the town employees survey results is a snapshot of what we can start thinking about. Alderman Slade stated that he would like for the town to follow-up on the Town's employee opportunities because the town can serve as a model for other employers in the downtown. He expressed an interest for seeking further resources from TJCOG.

Alderman Seils stated that both the law and state policies provide stumbling blocks to the implementation of many of the transportation projects. He suggested that staff determine what the restraints to our projects are so that if they are administrative in nature, conversations can be had with NCDOT about the Town's priorities to try and influence change.

Alderman Haven-O'Donnell stated that it would be helpful to receive a monthly update on transportation projects similar to the stormwater and economic development reports. She stated that during the Lloyd Farm discussions, conversations were had regarding turning Carol Street into a one-way or cul-de-sac. She asked when that may happen. Zach Hallock stated that information regarding changes to Carol Street must happen after conversations with the residents. He stated that after he looks at data, he will have further information for the Board of Aldermen to review.

Alderman Slade stated that he would like to hear back about car sharing such as Zipcar for downtown Carrboro.

\*\*\*\*\*

**FOLLOW-UP FROM REVIEW OF PRELIMINARY DRAFT ORDINANCE AND MASTER PLAN TO REZONE PROPERTY AT OLD NC 86 AND EUBANKS ROAD TO A SITE SPECIFIC, FLEXIBLE ZONING (FLX) DISTRICT**

The purpose of this item was to provide the Board with follow-up information from the April 9, 2019 meeting regarding the preliminary materials for the Site Specific, Flexible Zoning (FLX) District proposed for the property at the corner of Eubanks Road and Old NC 86.

Tina Moon, the Town's Planning Administrator, provided the staff report.

Allen Weekly, a biologist and ecologist, stated that the Meadow Flats area is a significant and unique natural area. He stated that it was designated as a significant natural area in 1988 and that while that is not a legal status, it is significant. It has been designated a nationally significant area as well and one of only three in Orange County. He stated that Duke University registered it as a natural area in 2004 and has made a pledge to conserve the area. He asked that the Board consider these as they move forward and consider plans.

Alderman Foushee asked Mr. Weekly how much land he is referring to. He stated that it is an area on the east side of Old 86 and then it also extends onto private property to the south. He questioned if impacts on the private property would impact the natural area.

Sonia Desai stated that this place is an exceptional area that is noted in the Facilitated Small Area Plan for Carrboro's Northern Study Area. She stated that there is missing ecological information in the plans and that this information could be received from Dr. Peter White. She asked the Board to approve experts to work with staff to develop the appropriate review of the ecological footprint and impacts to the area. She asked that a soil survey be provided and that the rezoning be put on hold.

Steve Hall stated that he was one of the original co-authors of a natural inventory and designating the Meadow Flats area in 2004. He spoke to the solitude of the area and



stated that this area has one of the lowest levels of human intrusion in the state and allows researchers to leave sampling equipment in the area without concern of tampering by passersby. He stated that it is one of the quietest and darkest places in Orange County.

Brooke Massa, a representative of the NC Wildlife Commission, stated that she was asked by several advisory board members to come speak to the Board about the Meadow Flats area. She stated that she has not been to the Zinn property but that she has examined the wildlife value in the Duke Forest side of the Meadow Flats area. She stated that there are ephemeral wetlands and provide critical habitat for many amphibian species. She stated that there are also rocks and streams that provide a main source of habitat for species and drinking water for many people. She stated that it is important to keep the natural habitats connected. She stated that she offers her expertise to staff and left her contact information with the Clerk.

Liz Dyer stated that she thought it was too soon to move toward rezoning because of the natural significant of the Meadow Flats land. She stated that impacts must be known before a rezoning is approved.

Lisa Brown read a letter from John Gant to the Board and provided a copy of the letter to the Clerk. In his letter, he asked for the Board to consider development impacts prior to approving the rezoning. He asked that the Board reconsider developing this area that it is known that it would have an impact on the natural area. She also read a letter from Josef Woodman on Karen Woods road in which he expressed concern for development in the proposed rezoning area. Lisa Brown stated that she had emailed the Board as well and that the transportation impacts must be weighed before this rezoning is approved. She stated that she would love to be able to bike into town from her home but that the road makes it impossible and suggested that the Board consider making that more accessible. She stated that maintaining character and integrating a development should be weighed.

Johnny Randall, the Conservation Director at the NC Botanical Garden, stated that the State of NC has a Clean Water Management Trust Fund and he suggested that the Town of Carrboro consider purchasing the property through a grant rather than allowing it to be developed. He offered his assistance in writing the grant.

Terri Buckner, a member of the Affordable Housing Advisory Commission, stated that she went to review the area with an eye for affordable housing and then came back with her mind on the environmental sensitivity and importance in the area. She stated that the NSA report stated that a wetland is mentioned and that it will be protected. She stated that she is unsure of how far the wetlands extend onto the Zinn's property and asked that the Board put the zoning agreement on hold until it is determined.

Ken Moore, a resident of Old Fayetteville Road, asked about the details of June 25<sup>th</sup> and if this item would be a public hearing on that date. The Board stated that it will be a request to set a public hearing on June 25<sup>th</sup> and there will be additional time for public input.

Amy Jeroloman, the chair of the Northern Transition Area Advisory Committee, stated that her committee has not received the checklist regarding how the draft ordinance and the master plan are realizing the DAD report. She stated that she has stopped their meetings because they are unable to have the meetings without this information. She stated that the traffic study was completed during the week of Good Friday and that the data may be skewed because of less traffic with the schools being closed. She stated that the map change seems to have lost the Meadow Flats area. She requested information be sent to the NTAAC as soon as possible so they may review the information in a timely fashion.

Johnny Randall came back to the podium to state that he made his comments as a private citizen and not as an employee of the Botanical Garden or the University of Chapel Hill.

Omar Zinn, the applicant, stated that in 2012 they had the environmental consulting group, ECS, analyze the 12 acre Roberson Tract. This study found that the wetlands area is significantly different than what is shown in GIS data. In 2018, the Army Corp of Engineers reviewed the wetlands area and did show some growth. He stated that these are independent analyzations of the wetlands and that they are verifying findings again currently. He stated that a traffic study was completed during work days, school days, operational times and all people that drive their children to Morris Grove were included. He explained that the traffic study has been provided to NCDOT and they have yet to provide their analysis of the data and reiterated that it is not being withheld from the public or staff. He stated that they have been working on this project for eight years and have been patient with the Town. He stated that the National Heritage Inventory is not a regulatory body and that they are willing to meet and exceed the requirements of the Town of Carrboro's Land Use Ordinance. He stated that the development will be along one of the Town's primary transportation corridors and meets many goals of the Town's various planning documents including Vision2020 and the DAD Small Area Plan. He stated that he would be interested in walking Meadow Flats but no one has invited him. He stated that they are looking forward to moving forward.

Alderman Slade asked Omar Zinn if the Wetlands Analysis is something he can make available per the request of one of the speakers, Omar expressed that he could make it available after the results from the Army Corp of Engineers is received. Alderman Slade wished that some of the information shared by environmentalist experts that night could have been accounted for from the beginning of this process. He pointed out that most of the DAD maps show the north-east corner as a wetland and that the latest maps significantly diverge from the original understanding because they no longer are showing a wetland in the northeast corner. He expressed a concern that the Army Corp of engineers may not register some of the sensitive areas and attributes that some of the environmental experts that spoke have said there are. He expressed interest in understanding the difference between values that the Army Corp of Engineers goes by vs. values as expressed by many of the environmental experts that spoke.

Alderman Haven-O'Donnell stated that there are things that are coming to light now that were not available when earlier decisions were made. She stated that she recommends that the Board make a field trip to go see the area.

Alderman Chaney asked Omar Zinn if he can imagine a project that might more closely match the northeast quadrant shown in the DAD team designs. He stated that there was not an accurate wetlands assessment that had been created prior to the DAD design charrette and that the designs would have been different with the information that he has now. He explained that if the plan is modified it would be at the cost of single-family housing.

Chad Huffman, the engineer for the developer, stated that there would be quantity and quality stormwater control measures required for the development and showed the designs of the bioretention cells. He explained that the changes in the information and design process that is natural in developing land. He explained that stormwater would capture runoff before it leaves the site.

Rob Crook, from the floor, asked about technology and the way it works. Chad explained that water runs through a design that replicates a natural soil that helps scrub a nutrient rich water and then is released into the storm drainage network. He stated that water is retained at different time intervals and those are based on many factors including the design of the system and the impact of the storm.

Alderman Haven-O'Donnell asked how the bioretention ponds are compatible with wetlands. Chad Huffman stated that he was speculating but that he would assume that they would reach a level of equilibrium. In regards to environmental impact, he was not able to provide a specific comment on how they choose habitat. Alderman Haven-O'Donnell asked if an environmentalist could provide information on the wildlife impact.

Alderman Foushee asked if a pump station would be required for sewer and Omar Zinn responded that it would not.

Alderman Chaney stated that if new information is going to come if the NTAAC can seek to reschedule their July 4<sup>th</sup> meeting to a later date so that they can review any new information.

Alderman Seils stated that staff's update was meant to provide the Board with information requested from previous meetings and that some of that information will be received prior to the Board making any decisions. He stated that this process was designed to be an iterative one and that is where we are in the process.

Alderman Slade asked for staff to look at what the county does with primary constraints specifically with wetlands, looking at other ways of sensitive to natural areas that are worthy of preservation; going beyond the metric of what the Army Corp. of Engineers uses by considering alternatives such as the Natural Heritage Program designation. He also expressed interest for the town to consider taking on environmental analysis as Chapel Hill has done for some of its developments. He asked for the town to consider exploring models for how to get at some of the concerns heard tonight. He stated that he is thankful for the citizens and experts that spoke tonight and encouraged them to keep in touch with the Board. He asked for more information on the gabbro rock, including how far it extends.

Alderman Haven-O'Donnell stated that she would like to walk the site and several board members agreed. She asked for an expert in the audience to respond as to if a bioretention pond is adjacent to the wetlands how that will affect the wildlife.

Mayor Lavelle asked that a site visit be coordinated with staff, Omar Zinn, and interested board members.

Steve Hall, speaking as a wildlife expert and responding to Alderman Haven-O'Donnell's request, stated that there is a geology map that shows the extent of the gabbro rock and it goes all the way down to Eubanks and across. He stated that this is an impervious rock formation and also forms an impervious clay. He stated that if the bioretention ponds are built on gabbro rock, they will not work. If the ponds do not work, it will flow into Duke Forest and the Four-Toed Salamanders, a very delicate and rare species, will be impacted by the runoff and chemicals. If the retention ponds are not built on gabbro rock, they would work as designed.

The Board is scheduled to see the next iteration of the FLX proposal—conceptual master plan and text amendment on June 25<sup>th</sup> as part of a request to set a public hearing for the early fall. Staff would anticipate holding a second public drop-in session over the summer or in early September and bringing the item to the joint advisory board meeting on September 5<sup>th</sup>. Staff will look for a location in the vicinity of the site, such as the Morris Grove Elementary School to hold the drop-in session.

Mayor Lavelle asked if there were any objections to continuing on the proposed schedule as presented. There were none. There was a consensus from the Board to continue with the proposed schedule as presented.

Alderman Chaney asked the attorney to provide guidance on precedent that the Board would set if they create conditions around informal regulations related to the significant natural area and any precedent that may set.

Alderman Gist stated that she agrees with Alderman Chaney and that consistency should be applied to all projects. She asked that this be the only item for discussion and public hearing on September 24, 2019.

\*\*\*\*\*

**ADJOURNMENT**

**MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN FOUSHEE, TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL**

---

**Town Clerk**

---

**Mayor**