Town of Carrboro

Meeting Agenda

Board of Aldermen

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

Tuesday, November 1, 2016 | **7:30 PM** | **OWASA Community Room**

7:30-7:35

A. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

7:35-7:40

B ANNOUNCEMENT OF UPCOMING MEETINGS

7:40-7:50

C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:50-8:00

D. CONSENT AGENDA

1. 16-325 Approval of Previous Meeting Minutes of October 18, 2016 and October 25, 2016

2. 16-326 Approve Award of Bid for Town Commons Renovation Project

PURPOSE: The purpose of this item is to approve award of bid for Town Commons Renovation Project

Attachments: Attachment A - Town Commons Redesign Award of Construction Contract 11-1-16

E. PUBLIC HEARING

8:00-8:10

1. 16-321 Continuation of Public Hearing on Town Code Amendment to Establish Vacant Nonresidential Building Ordinance

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to continue its consideration of public comment and a draft ordinance that establishes Town Code requirements related to the condition of vacant, nonresidential buildings.

Attachments: Attachment A: Draft Vacant Nonresidential building ordinance 10-27-2016
Attachment B: Draft letter of notification to property owner

8:10-9:15

2. 16-322 Continuation of Public Hearings on the Proposed Rezoning and Associated Land Use Ordinance Text Amendments for the Lloyd Farm development proposal.

PURPOSE: Continuation of the public hearings on the proposed rezoning at 700 Old Fayetteville Road from R-10, R-20 and B-4 to B-4-CZ and the associated text amendments for the Lloyd Farm development proposal. Draft ordinances for the Land Use Ordinance map and text amendments have been prepared.

Attachments: Attachment A-1 - Consistency Resolution to Approve Text Amendment
Attachment A-2 - Consistency Resolution to Deny Text Amendment
Attachment B - Draft LUO Text Amendment
Attachment C-1 - Consistency Resolution to Approve Rezoning
Attachment C-2 - Consistency Resolution to Deny Rezoning
Attachment D - Lloyd Farm Draft Rezoning Ordinance & Map
Attachment E - 160442 Lloyd Farm Review - Exec Summary

F. OTHER MATTERS

9:15-9:30

1. 16-327 **Discussion of Greene Tract**

PURPOSE: The purpose of this agenda item is support a Board discussion of the Greene Tract in preparation the November 17th Assembly of Governments meeting.

Attachments: Attachment A: Solid Waste Management Agreement - Town of Carrboro and Orange County - Chapel Hill - Hillsborough.pdf
Attachment B: Mapping Communitys Future -2016.05.23

Attachment C: Board of Aldermen Meeting Minutes 3-5-13

Attachment D: Board of Commissioners Resolution 10-18-16

9:30-10:00

2. 16-323 Follow-up report on activity for the area of Davie Road and Jones Ferry Road.

PURPOSE: At the Board of Alderman meeting on October 18, 2016, the Board received comments from citizens concerning the behavior of individuals at the intersection of Davie Road and Jones Ferry Road. After hearing the comments, The Board members directed staff to provide information on what is occurring at the corner, and possible solutions.

Attachments: Attachment A Calls for Service

Attachment B Enforcement Action

Attachment C Proposed signage

Attachment D Resolution

G. MATTERS BY BOARD MEMBERS

H. MATTERS BY TOWN MANAGER

I. MATTERS BY TOWN ATTORNEY

J. MATTERS BY TOWN CLERK

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Agenda Item Abstract

File Number: 16-326

Agenda Date: 11/1/2016

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:
Approve Award of Bid for Town Commons Renovation Project

PURPOSE: The purpose of this item is to approve award of bid for Town Commons Renovation Project
DEPARTMENT: Public Works

CONTACT INFORMATION: JD Freeman 918-7427

INFORMATION: Bids will be opened for the Town Commons Renovation project on October 31, 2016. After review, staff will provide a recommended firm to the Board for approval. The name of the company will be provided prior to the November 1, 2016 Board of Aldermen meeting.

The selected bidder will be chosen based on evaluation of price and history of performing similar work. The design engineer and Town staff will have evaluated the winning bid to ensure accuracy.

FISCAL & STAFF IMPACT: Town staff will be involved in project management and capital funds are appropriated per Ordinance No. 3/2016-17 in the amount of $1,070,090 inclusive of design, construction and contingency.

RECOMMENDATION: Staff recommends that the Board approve the attached resolution.

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A RESOLUTION AWARDING A CONTRACT FOR THE PROJECT KNOWN AS THE TOWN COMMONS RENOVATION PROJECT

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

Section 1. The contract for the Town Commons Renovation Project is awarded to [NAME TO BE SUPPLIED BY 11/1/2016] and any change orders with in the budgeted amount.

Section 2. The resolution shall become effective upon adoption.

Town of Carrboro

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Agenda Item Abstract

File Number: 16-321

Agenda Date: 11/1/2016 **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:
Continuation of Public Hearing on Town Code Amendment to Establish Vacant Nonresidential Building Ordinance

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to continue its consideration of public comment and a draft ordinance that establishes Town Code requirements related to the condition of vacant, nonresidential buildings.

DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire-- 919-918-7327 - pmcguire@townofcarrboro.org <mailto:pmcguire@townofcarrboro.org>; Robert Hornik -919-929-3905 - hornik@broughlawfirm.com

INFORMATION: A public hearing on this matter was opened on Tuesday, October 25, 2016. Agenda materials are available at <https://carrboro.legistar.com/LegislationDetail.aspx?ID=2864989&GUID=975B6702-AE1E-427D-B1D9-D6EF9438AEF8&Options=&Search>=.

The Board of Aldermen received comments from David Rooks, on behalf of property owner Calvin Mellot. Mr. Rooks suggested revisions to the definitions of the terms 'vacant' and 'active use.' Board members identified other revisions, requested the draft ordinance be updated to clarify terms and to make other grammatical and typographic changes, and continued the public hearing to November 1. A draft ordinance that amends the Town Code to include a new Section 11A and responds to the direction for changes has been prepared (*Attachment A*).

Staff has prepared a draft letter that would be used to notify property owners of concerns, request permission to inspect, and inform owners of the type of actions that would ensue if violations of the ordinance provisions were found (*Attachment B*). The Code Enforcement Supervisor has been identified as the staff member who would likely be designated by the Town Manager as the administrator of these ordinance provisions.

FISCAL & STAFF IMPACT: Investigation and enforcement activities associated with adoption of the draft ordinance involve staff, Town Attorney, and nominal costs associated with notice.

Agenda Date: 11/1/2016 **File Type:**Agendas

In Control: Board of Aldermen

Version: 1

RECOMMENDATION: Staff recommends that the Board of Aldermen consider adoption of the draft ordinance that establishes vacant, nonresidential building requirements in the Town Code (*Attachment A*).

TOWN OF CARRBORO VACANT NONRESIDENTIAL BUILDING ORDINANCE

Sec. 11A-1. - Title. This ordinance shall be known and may be cited and referred to as the "Town of Carrboro Vacant Nonresidential Building Ordinance."

Sec. 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 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. 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.

Sec. 11A-3. - Definitions. The following words and phrases shall have the meanings set forth herein unless the context clearly indicates otherwise:

Administrator means the Town officer designated to administer and enforce this ordinance.

Agent means any person, firm or corporation who is responsible for the management, maintenance, operation, renting, leasing or sale of any property, or who makes application for or seeks a permit or certificate on behalf of the owner of any property or who in any other way represents the owner of the property in any particular case.

Bathroom means a heated enclosed space with privacy containing a toilet with access to a lavatory (either within enclosed space or specifically accessible by enclosed space).

Building means the primary structure (or structures) on a lot designed to be used as a place for the shelter or enclosure of persons, animals or property of any kind.

Nonresidential means any building or structure or portion of a building or structure designed or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, or permanent living space or sleeping space for one or more human beings.

Owner shall mean any person who alone, jointly, or severally with others:

(1) Shall have title in fee simple to, or hold mortgage or deed of trust in, any nonresidential building or structure, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any nonresidential building or structure as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and of rules and

regulations adopted pursuant thereto, to the same extent as if such person were the owner.

Parties in interest mean all individuals, associations and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

Premises means any lot or parcel of land inclusive of any building or improvements located thereon.

Structure means, in addition to its ordinary meaning, anything constructed, regardless of where it was constructed.

Vacant means not occupied for or in active use for any purpose intended or allowed by the owner of the building or structure.

Vacant industrial warehouse means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

Vacant manufacturing facility means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

Sec. 11A-4. - Applicability and compliance.

(a) This ordinance shall apply to all nonresidential buildings or structures which now are, or may become, vacant, and which are now in existence or which may be built within the corporate limits of the Town.

(b) Every vacant nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this ordinance, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this ordinance, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This ordinance establishes minimum standards for all vacant nonresidential buildings or structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure contained therein.

Sec. 11A-5. - Maintenance standards for vacant nonresidential buildings and structures.

(a) *Space and use standards.*

(1) The floor and walls, if in contact with the earth, are waterproof and dampproof in accordance with the state building code requirements. Such waterproofing and dampproofing shall be between the floor or wall finish and the ground.

(2) Access. Access shall be provided to all rooms within a vacant nonresidential building or structure such that reasonable exit is available if necessitated by circumstances.

(3) Doors. Doors shall be provided at all doorways leading to bathrooms.

(b) *Entrances and exits.*

(1) All entrances and exits must meet the standards set forth in the state building code.

(2) Doors providing entrance and exit for any nonresidential building or structure shall have locking devices capable of being operated from the inside and outside of the nonresidential building or structure, even if vacant or intended by the owner to be vacant.

(3) Safe, continuous and unobstructed exit shall be provided from the interior of the building or structure to the exterior at street or grade level.

(4) Platforms and steps shall be provided, where appropriate, to serve exits and shall be maintained in a safe condition.

(c) *Light and ventilation standards.* Window frames and glass shall be reasonably weathertight, with no cracked or broken glass. If, in the opinion of the administrator or his or her designee, certain cracked glass does not present a danger or hazard, a waiver of this provision may be granted. Windows shall at all times remain operable consistent with the windows' design.

(d) *Lighting of halls and stairs.* Every enclosed area shall be adequately lighted at all times with fixtures with conveniently located light switches controlling the lighting system which provides the illumination required therein and which may be turned on when needed. This provision may be waived by the administrator.

(e) *Heating.* Heating facilities. Every nonresidential building or structure shall have an operational heating unit appropriate for the use of the nonresidential building or structure.

(f) *General requirements relating to safety and maintenance.*

(1) *Good repair and safe condition.* Every nonresidential building or structure and all parts thereof designed or intended used or occupied as an enclosed area shall be kept in good repair, in safe condition and fit for any use to which it may be put. The roof and walls of all such buildings or structures shall be maintained so as not to leak; and all means of draining water therefrom shall be maintained as to prevent dampness in the walls, ceiling or crawl space or basement.

(2) *Quality of materials and workmanship.* Material used in making any repairs shall be of a quality suitable for the purpose and of a kind normally used by a contractor or tradesman to accomplish such a repair. Such repair shall be accomplished in a manner that is in accordance with the accepted standards and practices of the trade.

(g) *Structural standards.*

(1) *Foundation.*

a. Every nonresidential building or structure unit shall be situated on firm ground. Foundation drainage shall be provided and maintained so as to prevent standing water.

b. Footings shall be sound with adequate bearing.

c. All elements of the foundation, including structural members and masonry, shall be in good repair.

d. No piers shall be used for support in which the plumb line from top center falls outside the middle one-third of the base of the pier. (A plumb bob held firmly against the top of the pier and hanging down the side wall indicates the vertical alignment).

e. No isolated masonry piers exceeding in height ten times the least dimension of pier shall be permitted.

f. A crawl space access hole having a door shall be provided to any under-floor space in all nonresidential buildings or structures.

(2) *Walls, exterior.*

a. All exterior surfaces shall be structurally sound, waterproof, weatherproof and vermin proof.

b. All exterior finishes shall be weathertight with no holes, cracks or rotted boards which permit outside air or water to penetrate rooms.

c. All structure or load bearing walls, exterior or interior, shall not be bowed or out of plumb and shall be structurally sound.

d. Studs shall provide sufficient support for sheathing or exterior finish.

(3) *Roofs.*

a. Roofing shall be provided to prevent the entrance of moisture and shall be maintained by renewal, repair, waterproofing or other suitable means.

b. Gutters and downspouts, if installed, shall be provided to properly collect, conduct and discharge the water from the roof and away from the structure.

c. Roofs shall be supported and no rafters shall be rotted, broken, sagging or have improperly supported ends.

d. Attics shall have ventilation that allows the movement of air to dissipate excessive heat build-up. Heat buildup is excessive if it causes deterioration of any structural member or roofing material.

e. Sheathing shall not be rotted, loose or sagging excessively.

f. Roof covering shall not be loose, nor have holes or leaks.

g. Flashing shall be provided at walls and chimneys and shall be installed in accordance with the state building code.

h. Soffits shall be maintained in a weathertight condition and shall not be rotted, loose or sagging.

(4) *Porches.* Porches, balconies or raised floor surfaces located more than 30 inches above the floor or grade below shall have guardrails not less than 42 inches in height. Such guardrails shall not be rotted, broken or termite damaged.

(5) *Stairs and steps.*

a. Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.

b. Handrails having minimum and maximum heights of 30 inches and 38 inches respectively, measured vertically from the nose of the treads, shall be provided on at least one side of stairways of four or more risers.

c. No flight of stairs shall be settled out of its intended position or pulled away from supporting or adjacent members.

d. Stairs shall be strongly supported and supports shall not be rotting, sagging or deteriorated.

e. Stairs shall be plumb, level and treads shall be uniform in width and risers uniform in height, sound and securely fastened to structure. A slight uniform tilt of the treads to aid in the runoff of water is permissible for exterior steps.

f. Every stairway, including inside stairs and rails, porches, decks and appurtenances thereto shall be kept in sound condition and good repair.

g. Platforms and steps shall be provided to serve exits and shall be maintained in a safe condition.

(6) *Ceilings.*

a. Joists and supporting members shall provide sufficient support for the ceiling.

b. No holes or cracks which permit outside air to penetrate rooms shall be permitted.

c. There shall be no loose plaster, boards, sheetrock, or ceiling finish. Any materials used in the repair of the ceiling shall be of a material that is similar in texture and appearance to the original material. This provision does not prohibit the replacement of the entire ceiling; provided that the material used is contiguous over the entire ceiling area within the affected room.

d. Ceilings shall be maintained free of holes, cracks or loose or deteriorated materials.

e. All ceilings shall be kept clean and free of any flaking, loose or peeling paint and paper.

(7) *Walls, interior.*

a. Interior finish shall be free of holes and excessive cracks which:

1. Permit outside air or moisture to penetrate rooms; or
2. Contain loose or flaking materials.

b. All walls, woodwork, doors and windows shall be kept clean and free of any flaking, loose or peeling paint.

c. There shall be no loose plaster, boards, or other loose wall materials.

d. Cardboard, newspaper or other highly combustible or improper wall finish is prohibited.

e. Studs shall provide sufficient support for interior wall.

f. Doors must fit the opening in which they are hung and be equipped with hardware that allows for their opening and closing.

(8) *Floors.*

a. Broken, overloaded, excessively decayed or sagging structural floor members are prohibited.

b. Structural floor members shall be supported on foundation walls and piers that are not deteriorated and perform the function for which they were intended.

c. Floor joists shall be supported on structural bearing members and shall not be made structurally unsound by deterioration.

d. Flooring shall be reasonably smooth, not rotten or worn through, and without holes or excessive cracks which permit outside air to penetrate rooms.

e. Flooring shall not be loose.

f. Split, splintered or badly worn floor boards shall be repaired or replaced.

g. Floors in contact with soil shall be paved either with concrete not less than three inches thick or with other masonry not less than four inches thick, which shall be sealed tightly to the foundation walls.

h. All bathroom, laundry and kitchen floors shall be constructed and maintained so as to be impervious to water by covering with a waterproof nonabsorbent material.

Examples of this type of material include asphalt tile, ceramic tile, linoleum tile or sheet, rubber tile, terrazzo, vinyl tile, vinyl plastic tile or sheet, finished wood, parquet, masonry, polyurethane. Certain absorbent materials covered with a waterproof finish shall also be permitted. Porch and deck-type enamel paints shall be prohibited due to their nondurable nature. The administrator can approve other types of waterproof nonabsorbent materials that meet the criteria of this section.

(h) *Property maintenance.*

(1) *Structures.* Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.

(2) *Open areas.*

a. Surface and subsurface water shall be appropriately drained from open areas to protect structures and to prevent development of stagnant ponds.

b. Fences and all accessory structures, either attached to or detached from the primary nonresidential building or structure, shall be maintained in a safe and substantial condition. Accessory structures shall include, but are not limited to, sheds, storage buildings, carports, and garages.

i) *Electrical standards.* Electrical service. Every enclosed area shall be supplied with adequate electric service, of at least 100 amp service which shall be properly installed and connected

to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the Town.

(j) *Plumbing standards.*

(1) *General.*

a. Every nonresidential building or structure shall be connected to public water supply and/or sanitary sewer system where they are available; unless a private water supply and sanitary sewer system for each nonresidential building or structure is approved by the county health department. This provision may be waived by the administrator.

b. All plumbing, water closets and other plumbing fixtures in every nonresidential building or structure shall be installed and maintained in good working condition and repair and in accordance with the requirements of this ordinance and the state plumbing code. All plumbing shall be so maintained and used as to prevent contamination of the water supply through cross connections or back siphoning.

d. All fixtures shall be in proper working condition with no leaks existing.

e. No fixtures shall be cracked, broken or badly chipped.

f. All water piping shall be protected from freezing by proper installation in enclosed or concealed areas or by such other means as approved by a Town plumbing inspector.

g. Access to all bathrooms shall be through a weathertight and heated area.

(2) *Water heating unit.* Every enclosed area shall have supplied a water heating unit which has been listed by a testing agency and is properly installed, operated and maintained in safe and good working condition and is properly connected to the bathtub or shower, sink and lavatory basin, as required in this ordinance and the state plumbing code. Such water heating unit shall be capable of automatically heating water to a temperature of 120 degrees Fahrenheit and capable of meeting normal demands at every required outlet, even though the enclosed areas' heating unit is not in operation. All gas-fired water heaters shall be vented to the outside.

(3) *Bathroom.* Every enclosed area shall have access to a bathroom in good working condition which shall be properly connected to the public sanitary sewer or to an approved sewage disposal system. The lavatory basin shall be properly connected to both hot and cold water lines, and the water closet shall be properly connected to a cold water line.

(k) *Painting.* All exterior surfaces of buildings and structures, not inherently resistant to deterioration, shall be treated with a protective coating, such as paint or other suitable preservative, with sufficient frequency to prevent deterioration. All such portions shall be cleaned and free of flaking, loose or defective surfacing materials prior to painting or coating. All interior loose or peeling wall covering or paint shall be removed and the exposed surface shall be placed in a smooth and sanitary condition. No paint shall be used for interior painting of any enclosed area unless the paint is free from any lead pigment.

(l) *Fire and safety standards.*

(1) *Fireproofing and fire protection.*

(2) *Fire extinguishing equipment.* All fire extinguishing equipment required by the state fire code shall be provided and maintained in an operable condition.

(3) *Smoke detectors.* Enclosed areas shall be equipped with a smoke detector (battery operated or 110 volt) which has been listed by a testing agency (such as Underwriters Laboratories). All smoke detectors shall be located on or near the ceiling of the room wherein it is located and shall be installed in accordance with the manufacturer's instructions and maintained in proper working condition.

(4) *Abandoned iceboxes.* The doors shall be removed from all iceboxes, refrigerators and other large air-tight containers which are abandoned and which are accessible to children, unless the door or lock can be released or opened from the inside.

(m) *Awnings.* All canopies, metal awnings, stairways, porches, fire escapes, standpipes, exhaust ducts, air conditioners, and similar overhanging extensions shall be maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, so as to be safe to use and kept in sound condition and in good repair.

(n) *Other dangerous conditions prohibited.* Any combination of conditions which in the judgment of the administrator renders any nonresidential building or structure dangerous or injurious to the health, safety, or general welfare of owners, occupants or members of the general public.

Sec. 11A-6. - Designation of the administrator as public officer. The administrator is hereby designated as the public officer pursuant to G.S. 160A-439.

Sec. 11A-7. - Powers of the administrator. The administrator is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance, including the following powers:

(a) To investigate nonresidential buildings and structures in the Town to determine whether they have been properly maintained in compliance with the minimum standards established by this ordinance so that the health, safety and/or welfare of the occupants or members of the general public are not jeopardized;

(b) To administer oaths and affirmations, examine witnesses and receive evidence;

(c) To enter upon premises for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession;

(d) To appoint and fix duties of such officers, agents, and employees as the administrator deems necessary to carry out the purposes of this ordinance; and

(e) To delegate any of his or her functions and powers under this ordinance to other officers and agents.

Sec. 11A-8. - Inspections. For the purpose of making inspections, the administrator is hereby authorized to enter, examine, and survey at all reasonable times, any vacant nonresidential building or structure as defined in this ordinance. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

In addition, the administrator may adopt a periodic inspection program, subject to the council's approval, to provide for the routine inspection of all nonresidential buildings or structures as defined in this ordinance.

Sec. 11A-9. - Procedure for enforcement.

(a) *Preliminary investigation.* Whenever it appears to the administrator that any nonresidential building or structure is, or has been, vacant and has not been properly maintained so that the health, safety and/or welfare of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this ordinance, the administrator shall undertake a preliminary investigation.

(b) *Complaint and hearing.* If the preliminary investigation discloses evidence of a violation of the minimum standards established by this ordinance, the administrator shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that a hearing will be held before the administrator at a place within the Town, not less than ten days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the administrator.

(c) *Procedure after hearing; issuance of order.*

(1) If, after notice and hearing, the administrator determines that the vacant nonresidential building or structure has been maintained in that the property meets the minimum standards established by this ordinance, the administrator shall state in writing findings of fact in support of that determination and shall

issue and cause to be served upon the owner thereof a copy of said determination and the matter shall be closed.

(2) If, after notice and hearing, the administrator determines that the vacant nonresidential building or structure has not been properly maintained so that the health, safety and/or welfare of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this ordinance, the administrator shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order in accordance with the provisions of either subsections (c)(3) or (c)(4) and subject to the limitations set forth in this ordinance.

(3) If the administrator determines that the cost of repair, alteration, or improvement of the vacant nonresidential building or structure would not exceed 50 percent of its then current value, then the administrator shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:

a. Repair, alter, or improve the vacant nonresidential building or structure in order to bring it into compliance with the minimum standards established by this ordinance, or

b. Vacate and Close the nonresidential building or structure for any use.

(4) If the administrator determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would exceed 50 percent of its then current value, then the administrator shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:

a. Remove or demolish the vacant nonresidential building or structure, or

b. Repair, alter or improve the vacant nonresidential building or structure to bring it into compliance with the minimum standards established by this ordinance.

(d) *Failure to comply with order; adoption of ordinance by Board of Aldermen*

(1) If the owner fails to comply with an order to either:

a. Repair, alter, or improve the vacant nonresidential building or structure, or

b. Vacate and Close the vacant nonresidential building or structure, the administrator may request that Board of Aldermen adopt an ordinance ordering the administrator to cause such vacant nonresidential building or structure to be repaired, altered, or improved in order to bring it into compliance with the minimum standards established by this ordinance or to

be closed for any use. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following the Board of Aldermen adoption of an ordinance, the administrator may cause the building or structure to be either repaired or closed for any use. The administrator may cause to be posted on the main entrance of any vacant nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a class 3 misdemeanor.

(2) If the owner fails to comply with an order to either:

a. Remove or demolish the vacant nonresidential building or structure, or

b. Repair, alter, or improve the vacant nonresidential building or structure, the administrator may request that the Board of Aldermen adopt an ordinance ordering the administrator to cause such vacant nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with this ordinance. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following the Board of Alderman adoption of an ordinance, the administrator may cause the building or structure to be removed or demolished.

Sec. 11A-10. - Limitations on orders and ordinances—Historic landmark or historic district.

Notwithstanding any other provision of this ordinance, if the vacant nonresidential building or structure is designated as a local historic landmark, listed in the national register of historic places, or located in a locally designated historic district or in a historic district listed in the national register of historic places and the Board of Aldermen determines, after a public hearing, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, an order issued by the administrator pursuant to this ordinance and an ordinance approved by Board of Aldermen pursuant to this ordinance may only require that the vacant nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this ordinance.

Sec. 11A-11. - Same—Vacant manufacturing facility or vacant industrial warehouse.

Notwithstanding any other provision of this ordinance, an order issued by the administrator pursuant to this ordinance and an ordinance approved by the Board of Aldermen pursuant to this

ordinance may not require repairs, alterations, or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

Sec. 11A-12. - Limitation on enforcement of complaint or order—Approved renovation plan.

(a) If the owner of the vacant nonresidential building or structure is served with complaint or order due to exterior and interior violations on such vacant nonresidential building or structure and if such owner repairs the exterior violations and secures the vacant nonresidential building or structure within an agreed upon timeframe, then administrator may suspend the enforcement of this ordinance for a period of up to two years from date of issuance of complaint or order if:

    (1) Owner presents proof that owner is actively seeking to sell the property upon commercially reasonable terms. Such proof includes posting a sign in a conspicuous place on the premises indicating such nonresidential building or structure and premises is for sale or lease or other evidence that such building or structure is being actively marketed for sale or lease upon commercially reasonable terms; and

    (2) Owner states that purpose of not repairing interior is to allow a new owner or tenant to upfit or renovate the interior of the building or structure.

(b) When the owner secures the vacant nonresidential building or structure pursuant to this section, the administrator may require the owner to take reasonable measures to ensure that the building or structure in its closed state is in a safe and sanitary condition. Such measures include but are not limited to requiring the owner to keep boarded**,** if any, windows free of graffiti.

However, the administrator may reinstate the enforcement of the provisions of this ordinance at any time if the vacant nonresidential building or structure is no longer secure, other exterior violations appear or if the vacant nonresidential building or structure has conditions or a change of circumstances that make it dangerous and injurious to public health, safety and welfare.

Sec. 11A-13. - Vacated and closed nonresidential buildings or structures; abandonment of intent to repair.

(a) If the Board of Aldermen has adopted an ordinance or the administrator has issued an order requiring the vacant nonresidential building or structure to be repaired or vacated and closed and such building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, then if the Board of Aldermen finds that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that it would continue to

deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area, then the Board of Aldermen may, after the expiration of the two-year period, adopt an ordinance and serve such ordinance on the owner, setting forth the following:

(1) When the cost to repair is less than or equal to 50 percent of the nonresidential building or structure's current value, the ordinance shall require that the owner either:

a. Demolish and remove the nonresidential building or structure within 90 days, or

b. Repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this ordinance within 90 days; or

(2) When the cost to repair exceeds 50 percent of the nonresidential building or structure's current value, the ordinance shall require that the owner demolish and remove the nonresidential building or structure within 90 days.

(b) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before Board of Aldermen may take action under this section.

(c) If the owner fails to comply with the requirements of the ordinance, the administrator shall demolish and remove the nonresidential building or structure.

Sec. 11A-14. - Methods of service of complaints and orders.

(a) Complaints or orders issued by the administrator under this ordinance shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(b) If the identifies of any owner or the whereabouts of persons are unknown and cannot be ascertained by the administrator in the exercise of reasonable diligence, and the administrator makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the Town at least once no later than the time at which

personal service would be required under the provisions of this ordinance. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Sec. 11A-15. - Notice of lis pendens.

Upon issuance of a complaint and notice of hearing or order, a notice of lis pendens with a copy of the complaint and notice of hearing or order attached thereto may be filed in the office of the clerk of Superior Court of Orange County or the county where the property is located. The notice of lis pendens and a copy of the complaint and notice or order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the complaint and notice or order shall be binding upon the successors and assigns of the owners of and parties in interest in the nonresidential building or structure. A copy of the notice of lis pendens shall be served upon the owners and parties in interest in the nonresidential building or structure at the time of filing. The administrator may cancel the notice of lis pendens if the action in which the complaint and notice or order was issued has been settled, discontinued, or abated.

Sec. 11A-16. - Costs, lien on premises.

(a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority as, and be collected as a lien for special assessment provided in G.S. ch. 160A, art. 10.

(b) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the administrator shall be a lien on any other real property of the owner located within the Town limits except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(c) If the nonresidential building or structure is removed or demolished by the administrator, the administrator shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 11A-17. - Temporary injunction remedy for aggrieved person and certiorari review.

(a) Any person aggrieved by an order issued by the administrator or a decision rendered by the Board of Aldermen may petition the superior court for an injunction restraining the administrator from carrying out the order or decision. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. A hearing on the petition shall be as provided in G.S. 160A-446(f).

(b) Certiorari review. Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

Sec. 11A-18. - Conflict with other provisions.

In the event any provision, standard or requirement of this ordinance is found to be in conflict with any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the Town shall prevail.

Sec. 11A-19. - Violations; penalty; fee; remedies.

(a) It shall be unlawful for the owner of any vacant nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the same, or to close or remove or demolish the same, upon order of the administrator duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner or agent of the owner in charge of such vacant nonresidential building or structure with respect to which an order has been issued pursuant to this ordinance, to occupy or permit the occupancy of the same in a dilapidated or deteriorated condition found to be unfit for any use in violation of such order for its repair, alteration or improvement or its vacation, closing or demolition, and each day that such unlawful occupancy continues after the expiration of the time prescribed in the order to repair, alter, improve, vacate, close or demolish such nonresidential building or structure shall constitute a separate and distinct offense.

(c) Any person that fails to comply with any of the provisions of this ordinance shall be subject to a civil penalty in the amount of $300.00 for the first day of noncompliance and $50.00 for each day thereafter. This penalty may be recovered by the Town in a civil action in the nature of debt if the person does not pay the same within 30 days after the initial day of noncompliance.

(d) The owner of any vacant nonresidential building or structure who fails to repair or vacate and close it, or demolish or remove it, upon order of the administrator duly made and served as herein provided, within the time specified in such order, shall be subject to an administrative fee in an amount set by the Town council for

noncompliance. This fee allows the Town to recover some of its administrative costs incurred due to the owner's failure to comply with the administrator's order described herein.

(e) The violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable in accordance with section 1-9.

(f) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by G.S. 160A-175. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien.

10-27-16 DRAFT

<Date>

<Property Owner>

<Owner Address>

Re: Condition of Property <Orange County PIN> Located at <Address>

Dear <Property Owner>,

The Town of Carrboro has adopted a vacant, nonresidential buildings ordinance as Chapter 11A of the Carrboro Town Code, consistent with NCGS 160A-439, which provides for the Town's oversight of the conditions of such buildings in relation to the health, safety, and welfare of its citizens and residents.

Town staff have observed conditions at your property, and received numerous reports of such conditions from the community, that are not consistent with the standards of Town Code Chapter 11A and hereby requests permission to enter the property and conduct an inspection within 14 days of the receipt of this letter. The purpose of this inspection will be to determine whether the property has been properly maintained and whether the health, safety, and/or welfare of its occupants or the general public may be jeopardized by failure of this property to meet the minimum standards established by Chapter 11A.

If, after inspection, it is determined that the building does not meet the standards required by the ordinance, then as set forth in sections 11A-9 of the ordinance, a process will be initiated to further investigate the condition of the property and to determine what measures may be required to bring the building into compliance with the ordinance. You will have the opportunity to fully participate in that process as more particularly described in Section 11A-9.

If you have not granted permission for entry to the property by the date noted above, the Town will obtain an administrative search warrant in accordance with G.S. 15-27.2 to do so.

Please do not hesitate to contact me if you have questions. I look forward to receiving your permission to enter the property and working with you to resolve the conditions at <Property Address> that have led to its transmittal.

Sincerely,

<Name of Administrator>

<Title of Administrator>

Town of Carrboro

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

Agenda Item Abstract

File Number: 16-322

Agenda Date: 11/1/2016 **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:
Continuation of Public Hearings on the Proposed Rezoning and Associated Land Use Ordinance Text Amendments for the Lloyd Farm development proposal.

PURPOSE: Continuation of the public hearings on the proposed rezoning at 700 Old Fayetteville Road from R-10, R-20 and B-4 to B-4-CZ and the associated text amendments for the Lloyd Farm development proposal. Draft ordinances for the Land Use Ordinance map and text amendments have been prepared.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Marty Roupe - 919-918-7333, Patricia McGuire - 919-918-7327, Nick Herman - 919-929-3905

INFORMATION: On June 28, 2016, the Board of Aldermen opened two public hearings relating to the Lloyd Farm development: a petition for change of zoning and an application for associated text amendments. (Agenda materials for the meetings may be found at <https://carrboro.legistar.com/MeetingDetail.aspx?ID=456731&GUID=C6B5AC0D-605F-4CBF-A7E7-7BE4BBA20FE5&Options=info&Search>=). The Board continued the hearings to October 18th to receive information on certain aspects of the project, relating to traffic mitigation, stormwater management, affordable housing and economic projections. (Agenda materials are at: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=456738&GUID=358FB37A-DAC1-4A56-912F-89E7C7FE04BE&Options=&Search>=). At the close of the October meeting, the Board requested additional follow up relating to stormwater management and traffic pattern options.

Stormwater Maintenance at McDougle School and Lloyd Square

The Board adopted amendments to Section 15-263.1 regarding the maintenance of BMPs in June 2012. While developments approved before that date are not required to meet the same formal process for a final engineering inspection one year after BMP approval, it is the responsibility of all property owners to regularly inspect and maintain stormwater devices. As part of the Town's NPDES permit requirements, staff has catalogued existing BMPs and has begun inspections of these devices, starting with the school properties. The recent Tom's Creek neighborhood walkabouts led to the discovery of a faulty component of the detention pond at Lloyd Square, which has since been corrected. The Town had contacted Chapel Hill Carrboro City Schools' (CHCCS) officials on Saturday, October 8th during Hurricane Matthew and subsequently to follow up on concerns about stormwater overflowing from the detention pond that outlets towards Lisa Drive. The CHCCS facility's director has reported that overgrown vegetation has been removed from the pond and that

arrangements have been made to clean out the 24" pipe which controls the water level in the pond. Further information will be provided as it becomes available.

Traffic Pattern Options
Staff is working with Davenport, traffic engineering consultants, to follow up in more detail to responses to the questions that came up at the October 18th meeting, analyzing the impact of changing the traffic pattern on Carol Street to one-way or partially one-way. An executive summary of Davenport's analysis is provided (Attachment E). Staff is also reaching out to NCDOT to further pursue the potential for either a full two-way movement onto NC 54, or an alternative intersection design that could increase the capacity of that point of access for trips entering and leaving the site.

Staff has had a number of conversations with the applicant, with the Town's engineer, Sungate Design, and with Davenport, the transportation engineering consultant. Additional information will be available at the meeting.

Conditions for Approval
An important element of conditional zoning as a zoning mechanism is the incorporation of conditions that are binding to the project. Conditions must be mutually agreed upon by the Town and the applicant. Eighteen conditions are included as part of the draft ordinance for the rezoning (Attachment D). The four final conditions in the draft rezoning ordinance, 15, 16, 17, and 18, are italicized because they have not yet been fully agreed upon. The seventeenth condition was included in the October 18th agenda materials and resulted from staff evaluation during the summer break of the larger planning context for the proposed development and consideration of the possibility that conditions at the Lloyd Farm site and/or surrounding neighborhoods may change such that having additional access points would be beneficial - anticipated to be many years in the future. The Town has approved other development projects where a right-of-way is platted but the facility is either not constructed or is constructed for bike-ped use only (e.g. Claremont South and Cobblestone). The second part of Condition #17 indicates that Board of Aldermen approval would be required for the right of way to be improved/opened for vehicular use.

Staff is examining other potential conditions in response to Board and citizen questions and comments relating to stormwater management requirements, traffic mitigation and wildlife relocation (turtles), to discuss with the applicant on Monday, October 31st. A meeting with NCDOT staff, scheduled for that day as well, will focus on alternative intersection designs for the site entrance at NC 54.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The petitioner has submitted fees and materials for reviewing and processing this request, which includes public hearing notice and advisory board evaluation.

RECOMMENDATION: Staff recommends that the Board of Aldermen receive public comment, deliberate and consider adopting the resolutions provided. These include for the text amendments: Attachment A-1 finding consistency and Attachment B the draft ordinance; and for the rezoning to B-4-CZ: Attachment E-1

for consistency and Attachment F for the draft ordinance for the map amendment.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CU AND B-4-CZ DISTRICTS, TO ALLOW MULTI-FAMILY USES IN THE B-4-CU AND B-4-CZ DISTRICTS, TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CU AND B-4-CZ DISTRICTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020* particularly the following statements relating to Development, Economic Development and Housing:

2.1 Avoidance of Adverse Effects on Public Health and Safety

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.2 Downtown Vitality

3.28 Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it reduces the minimum lot size creating opportunities for more diverse housing options as part of conditional zoning, a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

This the 1st day of November 2016.

Attachment A-2

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CU AND B-4-CZ DISTRICTS, TO ALLOW MULTI-FAMILY USES IN THE B-4-CU AND B-4-CZ DISTRICTS, TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CU AND B-4-CZ DISTRICTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 1st day of November 2016.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CU AND B-4-CZ DISTRICTS, TO ALLOW MULTI-FAMILY USES IN THE B-4-CU AND B-4-CZ DISTRICTS, TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CU AND B-4-CZ DISTRICTS.

DRAFT 6-22-2016

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first sentence of Subsection 15-216(c) of the Carrboro Land Use Ordinance ("LUO") is amended to read:

"Subject to subsections (d), (d1), (e), and (f), collector streets and other streets not constructed according to the requirements of subsection (b) shall conform to the requirements of this subsection and the specifications referenced in Section 15-219."

Section 2. Section 15-216 of the LUO is amended by adding the following new Subsection (d1):

(d1) The Board may, for any development approved with a conditional use permit on property zoned B-4-CU or B-4-CZ, authorize a deviation from the standards set forth in subsection (b) and Appendix C relative to streets and sidewalks if the Board concludes that (i) the proposed streets and sidewalks would serve the functions they are designed to serve as well as or better than streets and sidewalks constructed in conformity with subsection (b) and Appendix C; and (ii) such streets and sidewalks will not impose on the town any undue or unreasonable costs or burdens relating to repairs and maintenance.

Section 3. Subsection 15-141.3(c) is amended to read as follows:

(c) Except as otherwise provided in this subsection, the uses permissible within a conditional zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this subsection.

(1) Property that is zoned B-4-CU may be developed for use classifications 1.322 (multi-family townhomes, no bedroom limits), 1.332 (multi-family apartments with no bedroom limits), 1.232 (duplex, no bedroom limit) and 1.242 (two family apartment, no bedroom limit) in addition to other uses permissible in the B-4 district, subject to a conditional use permit and the following: (i) not more than 25% of the area covered by the CUP in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved)

Section 4. Subsection 15-141.4(c) is amended to read as follows:

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

(1) Property that is zoned B-4-CZ may be developed for use classifications 1.322 (multi-family townhomes, no bedroom limits) and 1.332 (multi-family apartments with no bedroom limits) 1.232 (duplex, no bedroom limit) and 1.242 (two family apartment, no bedroom limit) in addition to other uses permissible in the B-4 district, subject to a conditional use permit, and the following: (i) not more than 25% of the area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved)

Section 5. Subsection 15-147 is amended by adding a new subsection (p) to read as follows:

(p) Notwithstanding the foregoing, use classifications 1.322 and 1.332 may only be permitted in the B-4-CU district, subject to subsection 15-141.3(c) and in the B-4-CZ zoning district, subject to a conditional use permit.

Section 6. Section 15-185 of the LUO (Building Height Limitations) is amended by adding a new subsection (h) to read as follows:

(h) Notwithstanding the remaining provisions of this section, the Board of Aldermen in approving a conditional use permit for a multi-family apartment building within the B-4-CU or the B-4-CZ zoning districts, may allow the maximum building height authorized in subsection (a)(2) of this section to be increased by one foot for every ten feet the building is set back from the otherwise applicable setback line, up to a maximum height of 65 feet, if the Board of Aldermen finds that (i) at least one full story of the building is devoted to parking, and (ii) the building is designed and constructed in relation to the contours of the site in such a manner as to minimize the visual impact of the additional height on adjoining properties.

Section 7. Subsection 15-141.3(d) is amended to read:

(d) Subject to subsection<u>(s)</u> (f) and (g), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of

Permissible Uses) a zoning permit, special use permit, or conditional use permit.

Section 8. Subsection 15-141.4 is amended by inserting a new subsection (f) to read as shown below. The existing subsections (f) and (g) to be retained in full and renumbered accordingly as subsections (g) and (h).

(f) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district shall require the issuance of a conditional use permit.

Section 9 Section 15-141.3 is amended by adding a new subsection (g) to read as follows:

(g) If a tract is rezoned to a B-4-CU zoning district, the Board of Aldermen may, in connection with that rezoning, approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e, the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board.

(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CU.

(2) Except as provided in subsection (1), the provisions of Section 15-64 and Subsection 15-141.3 shall apply to proposed changes to a CUP issued in connection with a B-4-CU rezoning.

Section 10. Section 15-141.4 is amended by adding a new subsection (i) to read as follows:

(i) For property that is zoned B-4-CZ, the Board of Aldermen may approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to

approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e, the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board.

(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.

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

Section 11. All provisions any town ordinance in conflict with this ordinance are repealed.

Section 12. This ordinance shall become effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 40 ACRES OF THE PROPERTY KNOWN AS 700 OLD FAYETTEVILLE ROAD FROM R-10 AND R-10 AND B-4 TO B-4-CZ, AND FROM R-10 TO R-10-CZ AND R-20 TO R-20-CZ.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020* particularly the following statements relating to Development, Economic Development and Housing:

2.0 DEVELOPMENT

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.0 ECONOMIC DEVELOPMENT

With the population of Carrboro expected to increase during the Vision2020 period, additional commercial development should be anticipated both downtown and in peripheral areas. Carrboro should seek to reduce the tax burden on single-family owners by increasing the percentage of commercial space in town.

3.1 Nature of Development

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

3.3 New Commercial Growth

Opportunities for new commercial growth exist primarily in four areas: downtown, across from the Carrboro Plaza Shopping Center, within the commercial core of a village mixed-use development, and within new office/assembly conditional use developments. The latter two options are most obviously appropriate in the transition area, but may be approved throughout the town's jurisdiction.

3.312 All shopping centers should be connected to residential areas with increased pedestrian access.

4.5 New Development

4.51 The town should continue to require developers to install sidewalks and bicycle paths in new developments.

4.52 New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrians and bicycles, given the added load to the infrastructure and anticipated use of facilities.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

6.16 With our growing population of senior citizens, the town should support the creation of more housing that allows our senior citizens to interact fully with the larger community. Senior access to public transit will become an increasingly important concern.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it uses a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses

Section 3. This resolution becomes effective upon adoption.

This the 1st day of November 2016.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 40 ACRES OF THE PROPERTY KNOWN AS 700 OLD FAYETTEVILLE ROAD FROM R-10 AND R-10 AND B-4 TO B-4-CZ, AND FROM R-10 TO R-10-CZ AND R-20 TO R-20-CZ.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 1st day of November 2016.

Attachment D

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 35.4 ACRES OF LAND KNOWN AS 700 OLD FAYETTEVILLE ROAD FROM R-10 AND B-4 to B-4 CZ AND 4.6 ACRES OF LAND FROM R-10 AND R-20 TO R-10 CZ AND R-20 CZ

DRAFT 10-28-2016

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

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

That property being described on Orange County Tax Maps by parcel identification numbers shown below shall be rezoned as noted and subject to the following conditions:

PIN	Existing Zoning	Proposed Zoning	Acreage
9779-09-7922	R-10	B-4-CZ	10.18
9778-19-6618	R-10	B-4-CZ	8.61
9778-19-6618	B-4	B-4-CZ	16.61
9779-10-7351	R-10	R-10-CZ	3.73
9779-20-0449	R-20	R-20-CZ	0.94

1. The Concept Plan labeled "Lloyd Farm Carrboro, North Carolina Rezoning Site Plan," dated February 10, 2016" is approved and incorporated herein to indicate all potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle-pedestrian access points, general circulation patterns, stormwater management features, setbacks, preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a conditional use permit is requested for the development. Those features and issues include, but are not necessarily limited to, traffic improvements at the entrance on Old Fayetteville Road and NC Hwy 54, required parking, and approval of associated text amendments to the Carrboro Land Use Ordinance.

2. The residential density of the project shall be capped at a maximum of 250 dwelling units, comprising of a combination of use classifications 1.232 (duplex, no bedroom limit), 1.242 (two family apartment, no bedroom limit), 1.322 (multi-family townhomes, no bedroom limits), and 1.332 (multi-family apartments with no bedroom limits).

3. The residential portions of the development containing use classification 1.332 shall be designed and constructed for a 55 and older community and as such may include certain dining, health and wellness related amenities not typically included in a multi-family complex intended for the general population.

4. Prior to the issuance of a certificate of occupancy for the residential portion of the development, the applicant shall submit a payment of $743,057 to the Town of Carrboro in lieu of providing affordable housing on site. The applicant may reduce the amount of the payment by the number of any affordable units provided within the project.

5. Two parcels, (PIN 9779-10-7351 and PIN 9779-20-0449), comprising approximately 4.6 acres of the 40- acre assemblage shall be dedicated to the Town of Carrboro.

6. The conditional use permit plans shall be designed such that the meandering multi-use path alongside the internal road shall be constructed with a pavement width of 10-feet.

7. $15,000 shall be provided to the Town of Carrboro to conduct a neighborhood-level traffic calming study of the Plantation Acres, Plantation Acres Extension, and R.S. Lloyd subdivisions, known collectively as

the "Plantation Acres" neighborhood and/or to pay for the installation of traffic calming devices or other improvements.

8. The development shall include the design and installation of a visual and physical barrier between the southern boundaries of the lots on Carol Street and the commercial uses and associated vehicle accommodation areas constructed as part of the development. In addition to preserved trees, physical barriers and/or vegetative materials that will satisfy a Type A screening requirement shall be installed. The visual barrier shall be designed to retain portions of the existing wooded areas immediately adjacent to the northern property line and may additionally consist of such features as, but not necessarily limited to, a berm, landscaping or fencing, or a combination of such features.

9. The conditional use permit application shall include a timeline for the installation of stormwater features as well as the schedule for converting erosion control features into permanently maintained BMPS.

10. All commercial buildings shall display a uniformed architectural design in terms of materials and detailing, consisting predominately of brick in a traditional color. As it pertains to the level of detail and finish, all principal buildings on the site including not be limited to, the grocery store, the two commercial buildings facing the grocery store, and the residential tower, shall consist of four primary elevations, rather than a façade and secondary or rear elevations.

11. Deliveries to retail tenants shall be restricted to the hours of 6 am to 10 pm on weekdays and 7 am to 10 pm on weekends.

12. Trash/recycling collections shall be limited to the hours of 7:30 am and 10:00 pm, and not after 9:00 pm whenever possible

13. Landscaping maintenance shall be limited to the hours of 7 am to 6 pm or sunset, whichever is earlier, Monday through Saturday and 12 pm to 6 pm or sunset, whichever is earlier, on Sundays.

14. The greenspace area shown on the site plan at the southwest corner of the site shall not be developed but shall remain as open greenspace in perpetuity.

15. *The conditional use permit plans shall be designed to allow for the Town's future construction of a side path along NC Hwy 54, as per the Town's preliminary plans for bike and pedestrian access to Anderson Park and parts west. The side path project must be designed so as to not encroach into the parking areas along the southern edge of the developed portion of the site.*

16. *The applicant shall demonstrate compliance with the provisions of Article XVI, Part II, of the LUO, Stormwater Management, as part of the conditional use permit application.*

17. *To ensure sufficient access points to the development should conditions change in the future, the applicant shall delineate and dedicate right-of-way to James Street and possibly to Lisa Drive; the reserved rights of way shall not be improved or opened for vehicle use except with Town Board approval.*

18. *In advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for and develop and implement a strategy to relocate turtles currently residing in the ponds.*

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

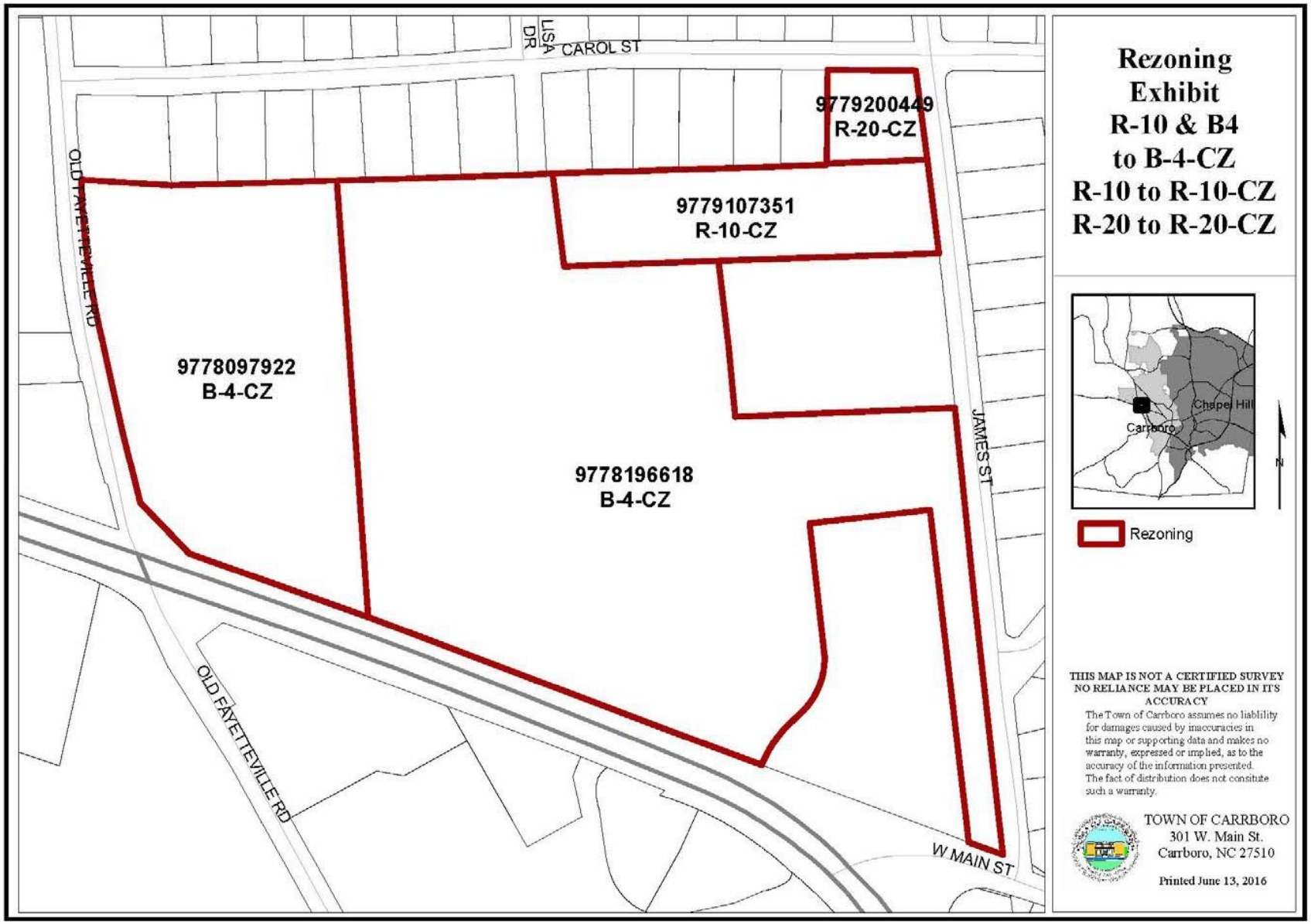
SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted, this the_____day of_____2016.

AYES:
NOES:
ABSENT OR EXCUSED:

Location Map: Rezoning Exhibit

Attachment D



Attachment E

DAVENPORT

October 28, 2016

Christina R. Moon, AICP, CZO
Planning Administrator
Town of Carrboro
Planning Department
301 W. Main St.
Carrboro, NC 27510
Phone: 919-918-7325
cmoon@townofcarrboro.org

RE: Lloyd Farm Review, Carrboro, NC – Executive Summary
(DAVENPORT Project Number 160442)

Dear Ms. Moon:

The following is an executive summary of the Lloyd Farm TIA review. A transportation impact analysis (TIA) was recently completed (by others) for the proposed Lloyd Farm development in Carrboro, NC. Most recently, the applicant submitted an updated TIA dated October 2016. The revised TIA provides updated traffic count data, growth rates, revised trip distribution, and proposes a standard unsignalized intersection at the proposed site access on Old Fayetteville Road (previously proposed as a roundabout).

DAVENPORT was tasked by the Town of Carrboro to provide an independent analysis and review of the assumptions, site trip distribution, and traffic calming along nearby residential streets. Below is a summary of the findings and requested information.

TIA Review

Site Trip Generation

As part of the review, DAVENPORT estimated the anticipated trip generation associated with the site. Trips were projecting using TripGen 2013 software, based on the 9th Edition of ITE Trip Generation Manual. DAVENPORT's trip generation estimate yields additional trips compared to the trip generation estimate provided in the October 2016 TIA, except for the AM peak. An additional 144 trips were estimated during the PM peak hour, and 4 less trips were estimated during the AM peak.

Site Trip Distribution

As requested, the site trip distribution was reviewed as a part of this effort. The site trips were distributed based on the existing traffic patterns and engineering judgment. In general, DAVENPORT estimated a similar site trip distribution in comparison to the October 2016 TIA. A few differences are noted below:

- The October 2016 TIA did not assign any westbound right turning site traffic at the intersection of NC 54 at Old Fayetteville Road. DAVENPORT's trip distribution estimate included westbound right turning site traffic at this intersection.
- The October 2016 TIA assigned entering and exiting site trips at the Post Office Driveway on James Street. This would require site traffic to cut through the post office parking lot. This cut through traffic was not assumed in DAVENPORT's trip distribution estimate.

Results and Recommendations

The future build scenario for the PM peak hour was analyzed utilizing the trip generation and distribution estimated by DAVENPORT. Analysis was conducted using Synchro/SimTraffic Version 9.0.

Per the analysis results, LOS F and significant queuing is anticipated on the westbound approach of the Site Drive on Old Fayetteville Road during the PM peak. Furthermore, LOS E is expected at the intersection of NC 54 at Old Fayetteville Road with the addition of site traffic and with the improvements proposed in the October 2016 TIA. The following additional improvements could be considered to help offset delay:

NC 54 at Old Fayetteville Road:

- Addition of a westbound right turn lane on NC 54.
- Extension of the dual southbound left turn lanes to the Site Drive.

Old Fayetteville Road at Site Drive:

- Two full westbound exiting lanes.

It should be noted that although these improvements help improve the operation of these intersections, issues with delay and queuing are still expected based on analysis results. As such, other improvement alternatives were considered.

Other improvements:

- Consider a full access on NC 54 – potentially configured as a signalized continuous green T-intersection. A continuous green T-intersection would allow the eastbound through traffic on NC 54 to remain free without stopping. It can be configured for a shorter, half-cycle length to allow left turning traffic in and out of the site while providing additional green time to the westbound through traffic on NC 54.

  Full, signalized access on NC 54 has the ability to alleviate the onsite queuing and delay that is anticipated. Exiting site traffic can directly access NC 54, as opposed to waiting for a gap to turn left from the Site Drive onto Old Fayetteville Road. This access would also help reduce the potential for cut-through traffic on nearby residential roadways with direct access on NC 54.

- Consider an additional access point, such as on James Street, to provide a relief valve and further disperse site traffic.

The feasibility of the above improvements has not been fully assessed and these are offered as conceptual recommendations for consideration. Any additional improvements would require further coordination with the developer, NCDOT, and the Town of Carrboro, as appropriate.

Traffic Calming Strategies

Per the request of the Town, potential traffic calming measures were assessed along the adjacent residential roadways.

The Institute of Transportation Engineers (ITE) defines traffic calming as "the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users." In general, the goals of traffic calming are to apply physical measures to slow motorized traffic and decrease volumes, use self-enforcing measures instead of regulatory, reduce cut-thru traffic, and enhance the safety of all users.

Traffic calming measures can range from more intrusive methods, such as full or partial road closures, to less intrusive methods. Each measure has benefits and disadvantages. Appropriate application and design is key to achieve the desired traffic calming effect.

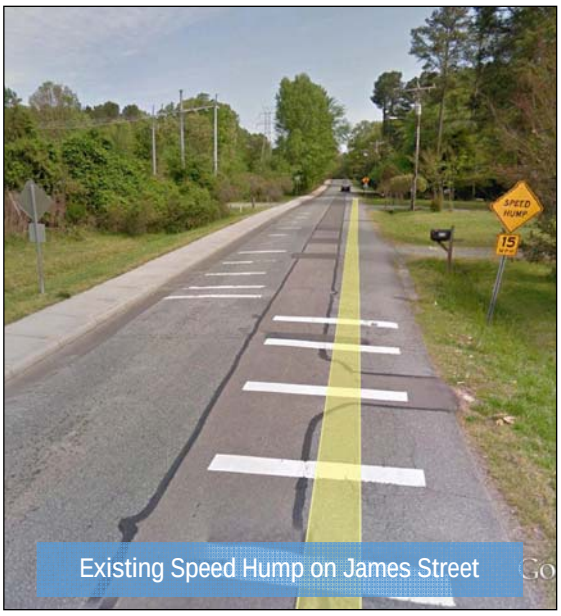
The Town of Carrboro has a traffic calming policy in place which dictates various stages that would be implemented to control the speed of traffic, if a problem is posed. The Town's "Residential Traffic Management Plan for Speed and Traffic Control" identifies two stages of traffic calming.

- Stage 1 involves education and enforcement measures and does involve any physical changes to the roadway.
- Stage 2 uses physical modifications to the roadway such as the following:
    - Bulbouts / Curb Extensions
    - Center island medians
    - Chicanes
    - Landscape treatments
    - Mid-block chokers
    - Neighborhood traffic circles
    - Pedestrian refuge islands
    - Raised crosswalks
    - Realigned intersections
    - Roundabouts
    - Sidewalks
    - Speed humps
    - Speed tables

Existing Traffic Calming Measures

The nearby residential roadways currently employ the following traffic calming measures that may help reduce or prevent future cut-through traffic:

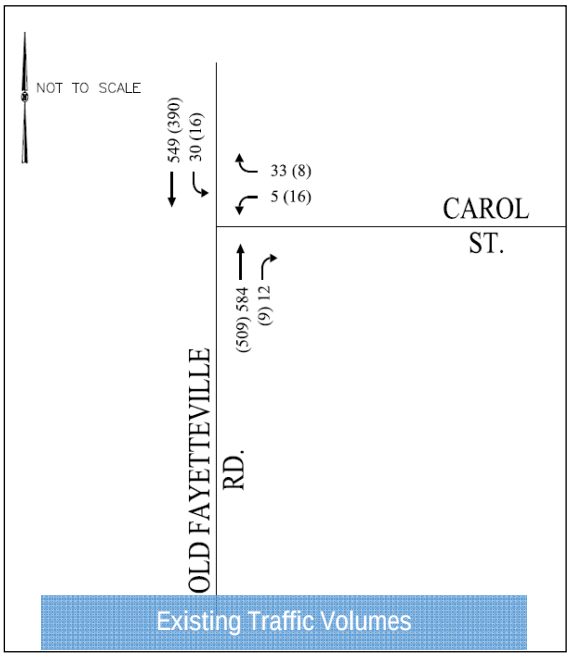
- Existing 'DRIVE SLOWLY, WE [HEART] LOVE OUR CHILDREN' sign posted at the intersection facing Carol at James Street shows drivers the street requires caution when driving. This sign could also be posted at Old Fayetteville Road.
- Existing speed hump sign and 15 Mile per Hour sign with raised pavement markings perpendicular to the road alert motorists to drive alert and with caution. This is currently where the transmission lines cross James Street (see picture below).
- 'STOP' pavement markings exist before the stop bar at James Street and Lorraine Street and alert motorists to stop and drive with caution.



Existing Speed Hump on James Street

Conversion of Carol Street to One-Way Travel

As requested by the Town of Carrboro, the conversion, or partial conversion, of Carol Street to one-way travel was assessed. This scenario involves converting Carol Street to westbound only travel for either the segment from Old Fayetteville Road to Lisa Street, or for just the first few houses east of Old Fayetteville Road.



In this scenario, northbound right turning traffic and southbound left turning traffic from Old Fayetteville Road onto Carol Street would be prohibited. Currently, there are 12 northbound right turns from Old Fayetteville Road onto Carol Street during the AM peak, and 30 southbound left turns. The image to the left shows a screenshot of the Existing Traffic volumes from the October 2016 TIA.

This traffic would be rerouted to either James Street via W. Main Street to the south, or via Hillsborough Road to the north. While this volume of rerouted traffic is not anticipated to have a significant or adverse impact on the surrounding roadway network, it will increase traffic volumes to affected intersections as well as increase travel time and distance for the rerouted traffic. Approximately up to one (1) additional mile in travel distance can be expected for some of the rerouted traffic.

The map on the following page depicts the travel patterns under this scenario.

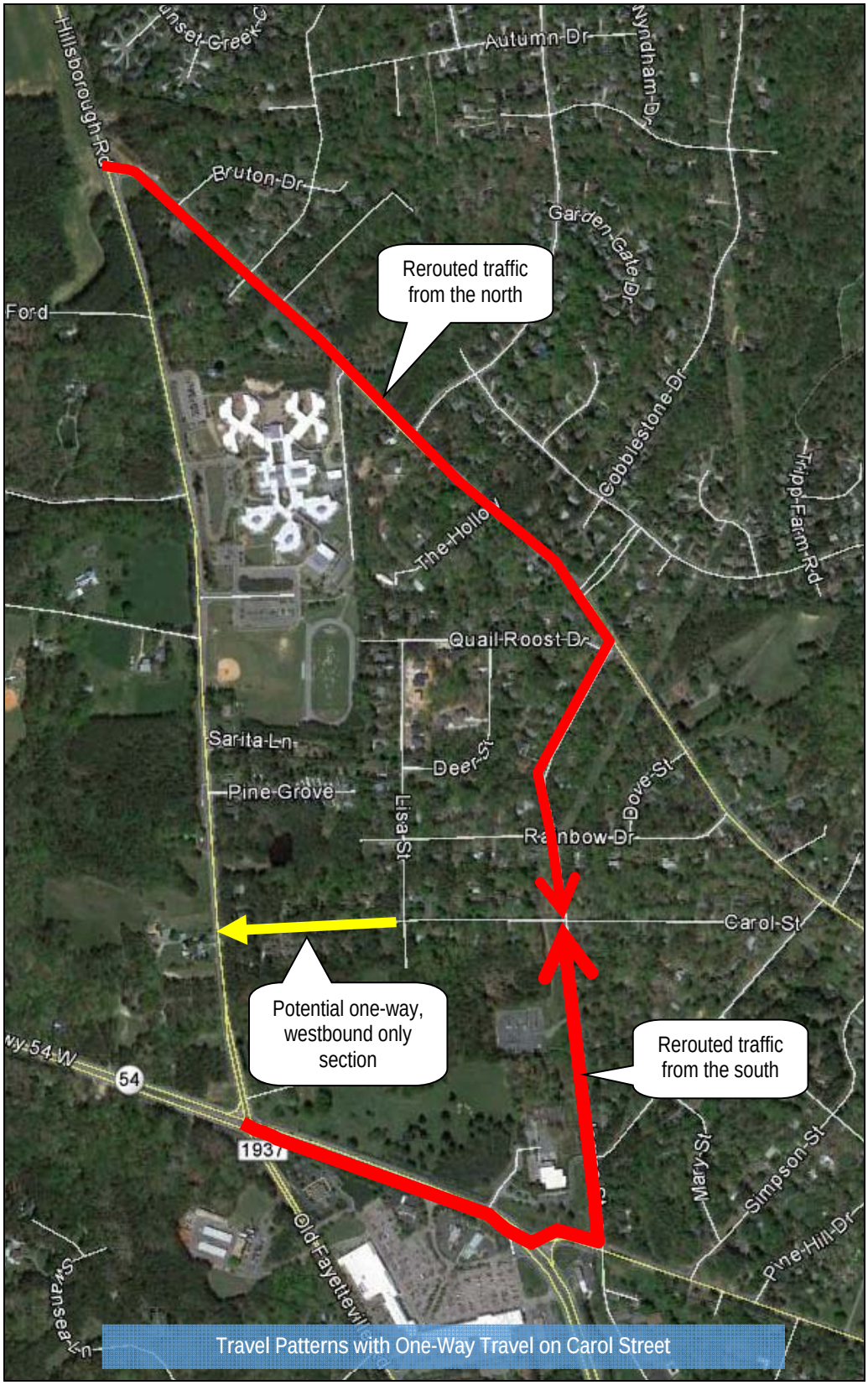
The following advantages are noted with a one-way, westbound section in place on Carol Street:

- Reduced traffic volumes on Carol Street
- Reduction in cut-through traffic on Carol Street
- Benefit to pedestrians and bicyclists with less vehicular traffic, and only one direction of oncoming traffic

The following disadvantages are noted:

- Potential impacts to bus routes (both school and Chapel Hill Transit)
- Potential impact to emergency response
- Impacts to the street network connectivity
- Additional travel time and distance for rerouted traffic

In general, a well-connected street network can improve the distribution of traffic, reduce the need to widen roads, provide motorists with multiple route choices, improve emergency response, reduce travel time and distance. Converting Carol Street to a one-way roadway would reduce the connectivity of the roadway network. As such, the pros and cons of the potential one-way conversion should be fully vetted with the Town and stakeholders if pursued.



Travel Patterns with One-Way Travel on Carol Street

Additional Traffic Calming Measures to Consider

Due to the presence of McDougal Middle School in the immediate area, traffic control strategies for school areas were also included in this review.

The following are potential future traffic calming techniques that can be considered:

- Use 'Private Drive' or 'Road Closed to Thru Traffic' (MUTCD, R11-4) sign(s) on Carol Street at the intersection of Old Fayetteville Road as per the MUTCD.
- Consider use of school zone traffic control (signage and pedestrian accommodations) at the intersection of Old Fayetteville Road and Carol Street to inform motorists this is a slow zone with reduced speed limit and increased pedestrian and bicyclist activity.
- Post reduced speed limit signs along Carol Street due to school.
- Install objects (flexible delineators or chicanes) in median on Carol and/or James Street and apply obstruction pavement markings to effectively narrow the roadway.
- Install 'STOP' pavement markings before stop bar at Lisa Drive and James Street on Carol Street as similar to those currently installed on James Street at Lorraine Street.
- Install speed hump or raised pavement markings (perpendicular to roadway) with reduced speed sign similar to those currently on James Street at approximately where the transmission lines crosses the roadway. A heavy beaded pavement marking rumble strip (240 mil) may be preferred over a hump due to ride ability.

Considering all these measures, the ones which are in context with existing surroundings should be considered first. These include the speed hump/raised pavement markings, installing the 'STOP' pavement markings before the stop bars where indicated and adding another 'drive slow' sign at Old Fayetteville Road as these currently exist along James Street. Implementation of traffic calming measures should be coordinated with the Town and stakeholders, as appropriate.

Pedestrians & Bike Amenities

As requested by the Town, a review was conducted for the adjacent residential roadways for pedestrian and bicycle accommodations. Sharrows are currently provided on Carol Street, as well as bike lanes on Old Fayetteville Road. Sidewalks currently exist along James Street which consists of a curb and gutter type section to provide drainage and safety.

Due to the lack or right of way and the existing roadway typical section on Carol Street, it is anticipated that there may be challenges involved with the construction of sidewalks along Carol Street to meet safety and operational standards for drainage and meet clear zone requirements and retain much of the natural landscape (yards, trees and vegetation) at the same time. For these reasons, the construction of sidewalks along Carol Street would require further evaluation and coordination with the Town and stakeholders, as appropriate.

Conclusion

This review was provided at the request of the Town of Carrboro to provide an independent review of the TIA completed by others for the Lloyd Farm development, as well as provide recommendations for traffic calming and bike/pedestrian accommodations.

Based upon the independent review of the October 2016 TIA, varying LOS and queuing results were obtained for some of the study intersections. In particular, LOS and queuing issues are expected at the intersections of NC 54 at Old Fayetteville Road, and Old Fayetteville Road at Site Drive in future build conditions. Conceptual improvement recommendations were offered as a part of this letter for further consideration. Any additional improvements would require further coordination with the developer, NCDOT, and the Town of Carrboro, as appropriate.

Traffic calming measures were reviewed along the adjacent residential roadways. Measures that are in context with existing surroundings should be considered first. These include the speed hump/raised pavement markings, installing the 'STOP' pavement markings before the stop bars where indicated and adding another 'drive slow' sign at Old Fayetteville Road as these currently exist along James Street. Implementation of traffic calming measures should be coordinated with the Town and stakeholders, as appropriate.

Additionally, the conversion of Carol Street to one-way travel was assessed. The following advantages are noted with a one-way, westbound section in place on Carol Street:

- Reduced traffic volumes on Carol Street
- Reduction in cut-through traffic on Carol Street
- Benefit to pedestrians and bicyclists with less vehicular traffic, and only one direction of oncoming traffic

The following disadvantages are noted:

- Potential impacts to bus routes (both school and Chapel Hill Transit)
- Potential impact to emergency response
- Impacts to the street network connectivity
- Additional travel time and distance for rerouted traffic

Finally, pedestrian and bicycle accommodations were assessed. While some pedestrian and bicycle accommodations are already in place in the study area, a sidewalk along Carol Street is not currently provided. Due to potential construction issues with a sidewalk along this corridor, this improvement would require further evaluation and coordination with the Town and stakeholders, as appropriate.

Please contact me if you have any questions.

Sincerely,

Scott Clark

Scott Clark, PE
Triangle Regional Office Manager
Director of Design

Town of Carrboro

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

Agenda Item Abstract

File Number: 16-327

Agenda Date: 11/1/2016 **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Discussion of Greene Tract

PURPOSE: The purpose of this agenda item is support a Board discussion of the Greene Tract in preparation the November 17th Assembly of Governments meeting.

DEPARTMENT: Planning
CONTACT INFORMATION: Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org <mailto:pmcguire@townofcarrboro.org>

INFORMATION:

The Greene Tract, an approximately 164-acre parcel, was purchased jointly by Orange County and the Towns of Chapel Hill and Carrboro in 1984 for use as a potential future landfill. In 1999, an interlocal agreement was enacted that transferred ownership of approximately 104 acres to joint ownership and left the remaining 60 acres as an asset of the Solid Waste Fund following the decision to pursue other options for solid waste management when the Eubanks Road landfill was closed. The interlocal agreement for solid waste management outlined the manner in which the owners would decide on the disposition of the property held in joint ownership (*Attachment A)*.

Over the past two years, engineering design and outreach activities for the Rogers Road sewer construction project have been ongoing. In addition, planning activities for the area and for the Greene Tract have been underway. The recently completed *Mapping Our Community's Future* effort (*Attachment B)*, and a staff assessment of the Greene Tract's environmental and historical features are expected to be included as discussion items at the upcoming Assembly of Governments meeting (November 17th).

The Board of Aldermen has discussed the disposition of the Greene tract on a number of occasions starting in December 2001. More recently, the Board of Aldermen discussed the property in March 2013 related to the work of the Historic Rogers Road Neighborhood Task Force and adopted an updated resolution; related

materials may be reviewed at the following links:

- Agenda materials, including background information - <https://carrboro.legistar.com/LegislationDetail.aspx?ID=1306854&GUID=DC9C53FB-B73D-4327-=
- Minutes - *Attachment C* (see pages 8-9)

The Orange County Board of County Commissioners has discussed the Greene Tract on two occasions this fall, September 8th and October 18th:

- September 8 agenda materials, including background information- <http://server3.co.orange.nc.us:8088/weblink8/0/doc/42513/Page1.aspx>
- October 18 agenda materials - <http://server3.co.orange.nc.us:8088/weblink8/0/doc/43264/Page1.aspx>

On October 18th, the Board of County Commissioners adopted a resolution to designate the 60 acres north of the Greene Tract as a 'headwaters preserve' (*Attachment D*) for use as publicly-accessible open space and to specify related actions. During the October 27 meeting of staff working together on the Rogers Road sewer project, Town of Chapel Hill staff noted that the Greene Tract was mentioned during the Chapel Hill Council's October 19th worksession on housing and community development.

This discussion has been scheduled to allow all members of the Board of Aldermen to review background materials related to the Greene Tract and revise and/or clarify the Town's wishes related to disposition of the Greene Tract and in advance of the November 17th Assembly of Governments meeting.

FISCAL IMPACT:

Any fiscal impact will vary based on specified follow-up actions.

RECOMMENDATION:

The staff recommends that the Board of Aldermen consider and discuss the materials and identify any action and/or comments in relation to upcoming Assembly of Governments meeting.

Agreement for Solid Waste Management

To establish a comprehensive approach to solid waste management issues, and in consideration of the promises made to one another in this Agreement, Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough hereby agree as follows:

1. The County will assume solid waste management responsibility as follows:

Operate the System. The County will operate the System for the benefit of the County, the Towns and the persons and organizations within their jurisdictions. The County will establish and enforce reasonable rules and regulations governing the operation and use of the System, operate the System in an efficient and economical manner and maintain the properties constituting the System in good repair and in sound operating condition.

Provide solid waste disposal facilities. The County will provide System Management Facilities suitable for the disposition of Solid Waste by the County, the Towns and the persons and organizations within their jurisdictions. The existing landfill, as well as any successor System Management Facility, will be designated to accept solid waste generated exclusively by residents, businesses and institutions located in Orange County and that portion of Chapel Hill located within Durham County, North Carolina.

Determine policy. The County will have the ongoing authority and responsibility in its discretion (1) to administer and operate the System in accordance with the Solid Waste Management Plan and Policies and (2) to determine and modify the Solid Waste Management Plan and Policies from time to time. The Parties affirm on the date of this Agreement their commitment to the solid waste reduction goals set out in the Integrated Solid Waste Management Plan. The County agrees to consult with the other Parties and the Advisory Board, frequently and consistently, to determine their views on the Solid Waste Management Plan and Policies and possible changes thereto.

Take on employees. All of the System Employees will be transferred to the County and become County employees subject to the supervision of the County Manager in the same fashion as other County employees.

The Parties acknowledge that it is an important objective of this Agreement that the current total compensation package for System Employees be maintained at a substantially equivalent level through their transfer to the County, although the combination of salary and benefits for any employee may change. The Parties recognize that all components of compensation to System Employees after the transfer will be subject to changes in salaries and benefits in the same fashion as

other County employees. The County and Chapel Hill will develop a detailed schedule comparing the total pre-transfer and post-transfer compensation for each System Employee. Chapel Hill will send a copy of the completed schedule to Carrboro.

Acquire System assets. The County will acquire all right, title and interest to all Existing System Assets. Title to the Greene Tract, however, shall not be conveyed to the County pursuant to this paragraph; Part 5 is and shall be the only portion of this Agreement affecting the state of the title to the Greene Tract.

Assume System liabilities. The County will assume all liabilities, including environmental liabilities, related to the ownership of the System, including, to the extent permitted by law, all liabilities related to the ownership of Existing System Assets which have accrued or which may accrue prior to the Transfer Date.

The Parties, however, shall retain their individual liability, if any, under environmental laws and otherwise, related to their respective use of the System both before and after the Transfer Date (as, for example, any liability arising from their delivering, or causing to be delivered, Solid Waste to System Management Facilities). The Parties acknowledge that the County's assumption of liabilities as described in the preceding paragraph shall not limit, and is not intended to limit, the ability of any governmental authority to impose, or to seek to impose, environmental or other liability directly on a Party (as, for example, any liability accruing to the current owners of the Existing System Assets as a result of their status as owners prior to the Transfer Date). The County will not assume, and by this Agreement does not assume, any indebtedness of Carrboro or Chapel Hill.

Acquire property. The County shall acquire real and personal property as it deems appropriate for System purposes. There shall be no restrictions on the County's acquisition of additional acreage at the existing landfill. The County states its current intention not to acquire, and its recommendation that future County Governing Boards not acquire, any of the properties known as the Blackwood and Nunn properties for System purposes.

Provide for compliance with law. The County will comply, or cause there to be compliance, with all applicable laws, orders, rules, regulations and requirements of any governmental authority relating to the System. The County will also be generally responsible for solid waste reporting, planning, regulatory compliance and similar matters. Nothing in this Agreement, however, shall prevent the County from contesting in good faith the applicability or validity of any such law or other requirement, so long as the County's failure to comply with the same during the period of such contest will not materially impair the System's operation or revenue-producing capability.

Make reports. The County will make, or cause to be made, any reports or audits relating to the System as may be required by law. The County, as often as may reasonably be requested, will furnish such other information as the County may have reasonably available concerning the System or its operation as the Advisory Board or any Party may reasonably request. The County, which the Parties have designated as a local lead agency, and the Towns will cooperate in preparing and submitting any reports or solid waste plans that a Party may be required to file with governmental authorities, such as the State's Division of Waste Management.

Approve budget. The County will approve the 1999-2000 System operating budget together with Chapel Hill.

Effective date. The County will assume solid waste management responsibility the day following the effective date of the zoning of the property described in Exhibit E which makes solid waste management uses, not including burial of mixed solid waste or construction and demolition waste, a permitted use under the Chapel Hill Development Code/Ordinance, as provided in Part 5 of this Agreement, so long as that date is at least 180 days after the execution and delivery of this Agreement by the current owners of the System and so long as the Greene Tract Owners have agreed on the boundaries of the property described in Exhibit E. The date the County assumes solid waste management responsibility is the effective date of this Agreement. Provided, however, the effective date of this Agreement will be January 1, 2000 so long as this Agreement is executed by and delivered to the current owners of the System on or before September 7, 1999, the zoning change described above and in Part 5 of this Agreement is adopted by the Town of Chapel Hill on or before January 1, 2000 and is effective on or before January 1, 2000 and the Greene Tract Owners have, on or before January 1, 2000, agreed on the boundaries of the property described in Exhibit E. The Parties shall take actions provided for in this Agreement, or which may otherwise be necessary or appropriate, in a timely fashion to permit the County's assumption of solid waste responsibility on the effective date.

2. The Parties will deliver Solid Waste and County Recyclables to the System.

The County and the Towns all agree to deliver, or cause to be delivered, to System Management Facilities for disposal or processing, respectively, all Solid Waste and County Recyclables under their respective control. This delivery obligation includes (without limitation) all Solid Waste and County Recyclables collected by any Party's employees, Solid waste collection contractors, solid waste collection licensees or solid waste collection franchisees. There is no such obligation to deliver Other Recyclables. All Solid Waste and County Recyclables delivered to System Management Facilities, or to County employees, solid waste collection contractors, solid waste collection licensees or solid waste collection franchisees, or properly placed in a designated container at a convenience center, will be County property upon such delivery.

The County will have the right to refuse to accept for disposal at System Management Facilities any material or substance which the County reasonably determines is barred from such disposal by the Solid Waste Management Plan and Policies, by any applicable law or regulation or by the restrictions of any permit. Notwithstanding the provisions of the previous paragraph, the County shall in no event be deemed the owner of any such barred substance without its express consent.

If at any time a material that previously qualified as Other Recyclables begins to be processed by the County for recycling and therefore becomes County Recyclables, then any Party theretofore processing such material as Other Recyclables shall begin to process such material as County Recyclables upon the expiration of any contract for disposal of the material as Other Recyclables that may be in effect at the time of the material's change in status.

3. Solid waste collection and transportation decisions will remain each Party's prerogative.

The Parties in all events retain the right to determine their own systems and procedures for the collection of Solid Waste and related matters, provided that such systems and procedures shall be reasonably designed to be consistent and compatible with the appropriate Solid Waste Management Plan and Policies.

4. The County will operate the System as an enterprise operation, and will have discretion to set rates, fees and charges.

The Parties agree that the long-term success of the arrangement for solid waste management provided for in this Agreement requires that the Parties remain committed partners. The Parties agree that their goal of reducing solid waste must be achieved in a manner that guards the economic viability of the System's current and future operations. At the same time, the Parties acknowledge that the County is not expected to use its general funds to underwrite overall solid waste management activities. Therefore, the County, the Towns and the persons and organizations within their jurisdictions all must bear appropriate proportional shares of the costs of providing for current and future operations of the solid waste management enterprise. The Parties agree that the County, as part of its responsibility for solid waste management, must retain broad flexibility to implement and adjust rates, fees and other charges, as provided below, in order to generate sufficient resources through the System to carry out the requirements of the Solid Waste Management Plan and Policies. The Parties agree that the County is ultimately responsible for balancing the available resources and the demands on the System, and that the County must therefore have sufficient authority to adjust either the resources or the System demands, or both, to achieve the balance. Part 1 of this Agreement provides for the County's authority over the Solid Waste Management Plan and Policies. This Part 4 provides for the County's authority over the available resources.

System will be operated as an enterprise fund. The County will segregate for accounting purposes all the System's accounts, moneys and investments. The County will provide for the System's assets, liabilities and results of operations to be presented in the County's annual audit as a separate enterprise fund, in accordance with generally accepted accounting principles. The County will annually adopt a separate budget for the System in accordance with the County's usual budgetary process. The County will keep accurate records and accounts of all items of costs and of all expenditures relating to the System, and of the System Revenues collected and the application of System Revenues. Such records and accounts will be open to any Party's inspection at any reasonable time upon reasonable notice.

System will be operated on a self-supporting basis. The County will establish and maintain a system of rates, fees and charges for the use of, and for the services provided by, the System which is reasonably designed to pay in full all the costs (and only the costs) of carrying out the County's responsibilities under this Agreement and the Solid Waste Management Plan and Policies, including, without limitation, (1) costs of disposing of Solid Waste, (2) costs of collecting, processing and disposing of County Recyclables, (3) to the extent permitted by law, costs of providing public benefits determined to be provided pursuant to Part 6, and (4) costs of solid waste reduction activities. Subject only to the specific limitations set forth in this Agreement, the County may revise any rates, fees and charges at any time and as often as it shall deem appropriate.

Limitations on Material Financial Changes. Notwithstanding any other provision of this Agreement, the County shall not put into effect any Material Financial Change unless the County first obtains the consent of all Parties. It will be each Town's obligation to determine whether any change or proposed change to the Solid Waste Management Plan and Policies is a Material Financial Change with respect to such Town within ten Business Days of receiving notice of the change or proposed change, and to notify the County within five additional Business Days if the Town determines that such change or proposed change is a Material Financial Change. The provisions of this paragraph are independent of the further provisions of this Part 4 concerning rates, fees and charges.

Mixed Solid Waste Tipping Fee. (1) The County may increase the Mixed Solid Waste Tipping Fee from time to time in its discretion with at least 30 days' notice of the increase to all other Parties. The County may not, however, increase the Mixed Solid Waste Tipping Fee during or at the beginning of any Fiscal Year to a fee that exceeds the Mixed Solid Waste Tipping Fee in effect at the end of the preceding Fiscal Year by more than 10%, without the prior consent of all the other Parties. Further, the Parties intend and agree that the County shall endeavor to adjust the Mixed Solid Waste Tipping Fee only annually, with changes becoming effective only at the beginning of a Fiscal Year.

(2) The County may decrease the Mixed Solid Waste Tipping Fee from time to time in its discretion, without prior notice to or action by any other Party. The County will promptly notify the other Parties of any decrease in the Mixed Solid Waste Tipping Fee.

Governmental Fees. (1) If the County determines that it is or may be advisable to create and impose any Governmental Fee, then the County will give at least 30 days' notice of the proposed Governmental Fee to the other Parties. A Governmental Fee may then be imposed only if the creation and imposition of such Governmental Fee is subsequently approved by the County and at least one other of the largest two (by population) local government Parties. A new Governmental Fee will take effect at the end of the notice period or, if later, the date of the last Governing Body approval necessary for it to take effect.

(2) The County may increase any individual Governmental Fee from time to time in its discretion with at least 30 days' notice of the increase to all other Parties. The County may not, however, increase any individual Governmental Fee during or at the beginning of any Fiscal Year to a fee that exceeds the fee in effect at the end of the preceding Fiscal Year by more than 10%, without the prior consent of all the other Parties. The Parties intend and agree that the County shall endeavor to adjust any and all Governmental Fees only annually, with changes becoming effective only at the beginning of a Fiscal Year.

(3) The County may decrease any Governmental Fee from time to time in its discretion, without prior notice to or action by any other Party. The County will promptly notify the other Parties of any decrease in any Governmental Fee.

Other fees. (1) This section applies to rates, fees or charges that the County may create or change, other than the Mixed Solid Waste Tipping Fee and Governmental Fees. This section applies to any County proposal to create, increase or decrease an availability fee. This section does not apply to any proposal to impose or change any special district tax related to the System; instead, the generally applicable law shall govern any such proposal. The Parties note that North Carolina law currently requires a Town's consent to include any area within that Town's jurisdiction within a special taxing district, but that the County controls the rate of any special district tax in its discretion.

(2) If the County determines that it is or may be advisable to create, increase or decrease any rate, fee or charge covered by this section, then the County will give at least 30 days' notice of the proposed change to the other Parties, and the County will request that the Advisory Board consider the proposed change. If the Advisory Board recommends that the change be approved, then the change may take effect if the County subsequently approves it. If the Advisory Board recommends that the change not be approved, then the change may take effect only if the County and at least one other Party subsequently

approve the change. A change will take effect at the end of the notice period or, if later, the date of the last Governing Body approval necessary for it to take effect.

(3) Notwithstanding any other provision of this Agreement, the County may at any time, and from time to time in its discretion, create, increase or decrease any minor fees for the disposal of certain classes of Solid Waste (such as fees for the disposal of yard waste or clean wood waste) and minor charges for the sale of goods (such as, for example, mulch, scrap tires, or clean wood waste). A fee or charge shall be considered "minor" for the purposes of this paragraph if the fee or charge produced less than 1% of the System's total revenue for the last preceding Fiscal Year for which audited financial statements are available.

Time limit on fee change approvals. Any approvals given by a Party, pursuant to the approval requirements of this Part 4, to the imposition or increase of any fee will be of no further effect after 90 days from the date of the action granting approval (or after such shorter or longer period as may be made part of the action granting approval), if the imposition or increase so approved has not by such time received all approvals required for its effectiveness.

Use of System Revenues only for System: no requirement that County use general funds for System purposes. The County will use System Revenues solely to carry out the Solid Waste Management Plan and Policies and solely for the benefit of the System, including (1) to pay costs of disposing of Solid Waste, (2) to pay costs of collecting, processing and disposing of Recyclables, (3) to the extent permitted by law, to pay costs of providing public benefits determined to be provided pursuant to Part 6, and (4) to pay costs of solid waste reduction activities. The County will not use System Revenues to pay costs of collecting Solid Waste in unincorporated areas of the County. The County will in no event be required to use assets or funds other than those of the System to fulfill its obligations under this Agreement other than its obligations under Part 2.

Reservation of County's rights. Notwithstanding any provision of the Solid Waste Management Plan and Policies or this Agreement to the contrary, the County will in all events be entitled to operate the System and all its facilities, and may adjust any and all rates, fees and charges, as it may in its reasonable discretion deem reasonably necessary (1) to comply with any requirements of any applicable law or regulation or any court order, administrative decree or similar order of any judicial or regulatory authority, (2) to comply with the requirements of any contracts, instruments or other agreements at any time securing Outstanding System Debt, or (3) to pay costs of remediating any adverse environmental conditions at any time existing with respect to the System.

5. **The Greene Tract will remain a landfill asset. Sixty acres of the Greene Tract will be reserved for solid waste management purposes, and the three owners will work together to determine the ultimate use of the remainder.**

The Parties agree that the Greene Tract remains a landfill asset.

Chapel Hill, Carrboro and the County (the "Greene Tract Owners") will transfer to the County title to that portion of the Greene Tract described on Exhibit E, which contains approximately sixty acres. The County may use the property described on Exhibit E for System purposes. The County states its current intention not to bury mixed solid waste or construction and demolition waste on any portion of the Greene Tract. The County states its recommendation to future County Governing Boards that the County make no such burial.

The deed to this property will include a restriction prohibiting the use of the property described on Exhibit E for burying mixed solid waste or construction and demolition waste. This restriction becomes effective at the same time that the zoning change described in the next paragraph is effective; and it will remain effective so long as zoning remains effective which allows solid waste management uses, other than burial of mixed solid waste or construction and demolition waste, as permitted uses as described in the next paragraph.

Chapel Hill agrees to commence, and states its current intent to complete, the process to make solid waste management uses not including burial of mixed solid waste or construction and demolition waste, but expressly including, but not limited to, a solid waste transfer facility and a materials recovery facility, uses of the Exhibit E property "permitted" uses under The Chapel Hill Development Code/Ordinance, subject only to staff level site plan and similar reviews and not subject to special use or similar processes. Chapel Hill agrees to provide the other Parties with a plan, including a planned schedule of reviews and approvals, to process the zoning change described in this paragraph.

The Parties agree that nothing that they have agreed to herein constitutes an agreement on the part of Chapel Hill to zone the Exhibit E property in a particular way. It is instead, an agreement that if the Exhibit E property is zoned a particular way one event will follow and if the Exhibit E property is not zoned in a particular way another event will follow.

The Greene Tract Owners agree to bargain together in good faith and with all due diligence, and to use their respective best efforts, to determine an ultimate use or disposition of the remainder of the Greene Tract as soon as possible and in any event by December 31, 2001, or two years after the effective date, whichever is later. During this "bargaining period," no Greene Tract Owner shall make any use of the remaining portion of the Greene Tract without the consent of the other Greene Tract Owners.

The Greene Tract Owners agree that among the issues to be addressed in the bargaining process are (1) the specific future uses, or ranges of use, to be made of the remainder of the Greene Tract (including issues of devoting different portions to different uses, devoting portions to public uses and the possibility of making portions available for sale or private use), and (2) whether to impose specific use restrictions, either through deed restrictions or through governmental regulation. The Greene Tract Owners agree that during the "bargaining period" each should provide opportunity for public comment on possible or proposed uses or dispositions.

During the "bargaining period," no Greene Tract Owner shall (1) file any legal action or proceeding to force any sale or division of the Greene Tract, or (2) enter into any agreement to sell, mortgage or otherwise transfer all or any part of its ownership interest in the Greene Tract, in either case without the consent of the other Greene Tract Owners. To the extent permitted by law, Chapel Hill agrees not to initiate any proceeding to rezone any portion of the Greene Tract during the "bargaining period," without the consent of the other Greene Tract Owners. Execution and delivery of this Agreement by the Greene Tract Owners constitutes consent of the Greene Tract Owners for Chapel Hill to rezone the Exhibit E property as described in this Part 5. Chapel Hill states its current intent to accommodate any agreed-upon future uses or range of uses of the remainder of the Greene Tract in its Development Code/Ordinances and states its recommendation to future Chapel Hill Governing Boards to the same effect.

After the "bargaining period" is completed, namely, the day after the last day of the bargaining period, no Greene Tract Owner shall (1) file any legal action or proceeding to force any sale or division of the Greene Tract, or (2) enter into any agreement to sell, mortgage or otherwise transfer all or any part of its ownership interest in the Greene Tract, in either case without giving the other Greene Tract Owners at least 60 days' prior notice of such filing or entering into an agreement. In addition, after the "bargaining period" is completed, any Greene Tract Owner may give 60 days' prior notice of an election to be no longer bound by the above restrictions pertaining to the uses of and whether to impose use restrictions on the remainder of the Greene Tract, and such election shall be effective at the end of the notice period.

The Parties agree that any non System use of any portion of the remainder of the Greene Tract or any disposition of any portion of the remainder of the Greene Tract shall result in payment to the County of the Reimbursement Amount for deposit in the System enterprise fund.

6. **The County will finance community benefits from System funds to the extent legally permissible.**

The Parties will cooperate to provide public benefits to the community of residents and property owners in the neighborhood of the existing landfill.

The Parties note the expected forthcoming report of the Landfill Community Benefits Committee that has been studying the question of community benefits. Upon the release of the report, each Party shall provide for its Governing Board to discuss the working group's proposal for community benefits, and shall provide for such legal and other staff analysis of the proposed list as it may deem appropriate (especially including legal analysis concerning the use of System funds to pay the costs of such benefits). After each Party has completed its own analysis, the Parties shall work together, diligently and in good faith, to reach an agreement as to community benefits to be provided. The process of determining community benefits shall continue to include participation by persons belonging to the relevant community. Final determinations of the public benefits to be provided, the sources of financing and the mechanisms for providing the benefits, however, shall be made only by further agreement of all the Parties.

The Parties state their preference that benefits be financed from System funds to the extent permitted by law. To the extent permitted by law and by generally accepted accounting principles, to the extent determined by the Parties and notwithstanding any other provision of this Agreement, the costs of providing public benefits as described in this Part 6 may be treated as an expense of the System and may be paid from System Revenues.

The public benefits contemplated by this Section are to be considered as separate and distinct from any compensation determined to be owed for any "taking" of an interest in property as determined by State or federal law.

7. The parties will establish an advisory board.

The Parties hereby establish the Orange County Solid Waste Management Advisory Board to advise the County's Governing Board on matters related to the System and the Solid Waste Management Plan and Policies. The Advisory Board shall meet for the first time not later than November 1, 1999, on the call of the members appointed by the County.

The Parties will continue to work through the existing Landfill Owners' Group ("LOG") on matters of solid waste management policy and operations until the Advisory Board begins to meet. The LOG shall continue to operate by consensus, but the Parties intend that the LOG shall make no recommendations for major financial commitments until it dissolves or is replaced by the Advisory Board.

Each Party shall appoint two members to the Advisory Board. Exhibit C sets forth details concerning the Advisory Board's responsibilities and the procedures that it shall follow, and also sets forth the Parties' agreement as to the appointment and terms of office of Advisory Board members.

If at any time the University of North Carolina agrees to comply with the provisions of Part 2 with respect to its facilities and operations in Orange County, then the Parties agree that the University, through its President, shall be entitled to appoint to the Advisory Board one voting member, having one vote. Any initial University member shall serve for a term ending on the third June 30 following the member's appointment, and any succeeding University member shall serve for a three-year term (with there being no limits on the reappointment of University members). The limitations in Exhibit C excluding employees of Parties from serving on the Advisory Board do not apply to the University or University members. The Parties agree to enter into a supplement or amendment to this agreement to include provisions reasonably necessary or appropriate to provide for the University's participation on the Advisory Board in such circumstances.

[Exhibit A contains certain definitions that apply to this Agreement. Exhibit B contains certain additional provisions of this Agreement.]

[The remainder of this page has been left blank intentionally.]

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed in its corporate name by its duly authorized officers.

ATTEST: (SEAL) **ORANGE COUNTY, NORTH CAROLINA**

Clerk, Board of Commissioners

By: Alice M. Gordon
Chair, Board of Commissioners

ATTEST: **TOWN OF CARRBORO, NORTH CAROLINA**

Town Clerk

By: Michael R. Nelson
Mayor

ATTEST: **TOWN OF CHAPEL HILL, NORTH CAROLINA**

Town Clerk

By: Rosemary I. Waldorf
Mayor

ATTEST: (SEAL) **TOWN OF HILLSBOROUGH, NORTH CAROLINA**

Town Clerk

By: Thomas W. Johnson Sr.
Mayor

Exhibits -

A. Definitions
B. Additional provisions
C. Regarding the Advisory Board
D. Legal description of Greene Tract
E. Legal description of Greene Tract portion to be devoted to solid waste

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Alice M. Gordon and Beverly A. Blythe personally came before me this day and acknowledged that they are the Chair and Clerk, respectively, of the Board of Commissioners of Orange County, North Carolina, and that by authority duly given and as the act of Orange County, North Carolina, the foregoing instrument was signed in the County's name by such Chair, sealed with its corporate seal and attested by such Clerk.

WITNESS my hand and official stamp or seal, this 29 day of September 1999.
[SEAL]

Kathleen C. Baker
Notary Public

My commission expires: 10-3-03

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Michael R. Nelson and Sarah C. Williamson personally came before me this day and acknowledged that they are the Mayor and Town Clerk, respectively, of the Town of Carrboro, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Mayor, sealed with its corporate seal and attested by such Town Clerk.

WITNESS my hand and official stamp or seal, this 5th day of April, 2000.
[SEAL]

JAMES E. SPIVEY NOTARY PUBLIC ORANGE COUNTY, N.C.

James E. Spivey
Notary Public

My commission expires: 11/08/2000

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Rosemary T. Waldorf and Jane A. Smith personally came before me this day and acknowledged that they are the Mayor and Town Clerk, respectively, of the Town of Chapel Hill, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Mayor, sealed with its corporate seal and attested by such Town Clerk.

WITNESS my hand and official stamp or seal, this 5th day of April, 2000.
[SEAL]

Sandra K. Coon NOTARY PUBLIC Orange County, NC

Sandra K. Coon
Notary Public

My commission expires: 01/05/2005

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Horace N. Johnson and Donna Ambrister personally came before me this day and acknowledged that they are the Mayor and Town Clerk, respectively, of the Town of Hillsborough, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Mayor, sealed with its corporate seal and

attested by such Town Clerk.

WITNESS my hand and official stamp or seal, this 12th day of April, ~~1999~~ 2000.

[SEAL]

Sherry S. Carter
Notary Public

My commission expires: 7-10-04

Exhibit A - Definitions

For all purposes of this Agreement, the following terms have the following meanings, unless the context clearly indicates otherwise.

"Advisory Board" means the Orange County Solid Waste Management Advisory Board created pursuant to Part 7.

"Agreement" means this Agreement for Solid Waste Management, as it may be duly amended and supplemented from time to time.

"Business Day" means any day other than a day on which national banks are required or authorized to close.

"Carrboro" means the Town of Carrboro, North Carolina.

"Chapel Hill" means the Town of Chapel Hill, North Carolina.

"County" means Orange County, North Carolina.

"County Manager" means the County's chief administrative officer.

"County Recyclables" means all materials processed by the County for recycling and not disposed of at System Management Facilities, as the same may be established and amended from time to time under the Solid Waste Management Plan and Policies.

"Existing System Assets" means all System assets as of the Transfer Date, including, without limitation, the existing landfill, all other land and buildings, all equipment, including rolling stock, all licenses, permits and other governmental authorizations, all contracts, all customer records, all bank and other business records, and all cash and investments, including the capital reserve account currently maintained by Chapel Hill on behalf of the Landfill Owners' Group.

"Fiscal Year" means the County's fiscal year beginning July 1, or such other fiscal year as the County may lawfully establish.

"Governing Board" means, for any Party, its governing board of elected officials, as such governing board may be constituted from time to time.

"Governmental Fee" will mean any fee related to activities of the System that is imposed directly and solely on the Parties themselves, other than the Mixed Solid Waste Tipping Fee. A possible example of such a fee could be a fee imposed by the County on all the Parties related to the County's providing of processing for County Recyclables through the System.

"Greene Tract" means thc parcel of land comprising approximately 169 acres lying south of Eubanks Road described in Plat Book 14, Page 143 and Plat Book 15, Page 138, Orange County Registry, as more specifically described in Exhibit D.

"Hillsborough" means the Town of Hillsborough, North Carolina.

"Integrated Solid Waste Management Plan" means the report submitted pursuant to law to State authorities that described the long-term plan for solid waste management, which the County, as designated lead agency, filed on behalf of the County and the Towns. The Parties have approved this Plan and adopted its framework by resolutions adopted (a) by Carrboro on June 24, 1997, (b) by Chapel Hill on June 9, 1997, (c) by Hillsborough on June 17, 1997, and (d) by the County on June 30, 1997.

"Material Financial Change" means a change, or series of related changes, made by the County to the Solid Waste Management Plan and Policies that, in the determination of any Town (provided that the Advisory Board must verify such determination if so requested by the County), would have the effect of increasing by more than 15% the direct monetary cost to such Town of all its solid waste management activities (such as solid waste collection), when comparing (a) the expected cost of such activities for the first full Fiscal Year following the effective date of the change or changes in question to (b) the total cost for the Fiscal Year most recently completed prior to the effective date.

"Mixed Solid Waste Tipping Fee" means the fee of that name assessed for disposing mixed solid waste at the existing landfill, any successor to that fee, or any other fee assessed for the use of System Management Facilities related to the disposition of Solid Waste (such as a fee imposed for the use of a transfer station or materials recovery facility).

"Other Recyclables" means materials which would otherwise constitute Solid Waste, but which are to be delivered to some other entity and processed for recycling. For any material to constitute Other Recyclables, however, the entity to which the material is to be delivered must represent that such materials are intended to be processed for use in new products. Material will not constitute Other Recyclables, for example, if the entity to which it is to be delivered intends to re-deliver the material to some other disposal facility (such as a landfill or incinerator), whether or not such material is intended to be subject to further processing before disposal.

"Parties" means, collectively, the County and the Towns, and ***"Party"*** means any one of them individually.

"Reimbursement Amount" means, (1) in the case of disposition to a North Carolina local government that is also a Party, so long as that government devotes the transferred portion to public purposes, (a) $608,823, being the original purchase price of the Greene Tract, multiplied (b) by a fraction, the numerator of which is the number of whole acres of the Greene Tract being disposed and the denominator of which is 169, plus (c) uncompounded interest on the product of (a) and (b) at the annual rate of 6.00% from March 30, 1984, to the effective date of any disposition, and (2) in the case of any other disposition, the greater of either (a) the Reimbursement Amount to a North Carolina local government that is also a Party, or (b) the net proceeds of a sale after the costs of the sale are paid.

"Solid Waste" means all materials accepted by the County for disposal at System Management Facilities, as the same may be established and amended from time to time under the Solid Waste Management Plan and Policies (subject to the provisions of Part 2 which authorize the County to refuse to accept for disposal any material or substance which the County reasonably determines is barred from such disposal by any applicable law or regulation or the restrictions of any permit), other than County Recyclables.

"Solid Waste Management Plan and Policies" means, the combination of (a) the Integrated Solid Waste Management Plan, and all future modifications of that Plan, which is the report submitted pursuant to law to State authorities describing the long-term plan for solid waste management, which the County, as designated lead agency, files on behalf of the County and the Towns, and (b) the Solid Waste Management Policies, which are, collectively, all policies related to the System and coordinated solid waste management for the County, the towns and the persons and organizations in their jurisdictions, as the same may exist from time to time (including all such policies in effect as of the date of this Agreement). The term "Solid Waste Management Plan and Policies" thereby encompasses all policy choices, as in effect from time to time, related to the management and operation of the System.

"State" means the State of North Carolina.

"System" means all assets, including both real and personal property, used from time to time in the conduct of the functions of collecting and processing County Recyclables, reducing solid waste, disposing of Solid Waste and mulching, composting and re-using Solid Waste, and includes both (a) the Existing System Assets and (b) all moneys and investments related to such functions.

"System Debt" means all obligations for payments of principal and interest with respect to borrowed money incurred or assumed by the County in connection with the ownership or operation of the System, without regard to the form of the transaction, and specifically including leases or similar financing agreements which are required to be capitalized in accordance with generally accepted accounting principles. System Debt is ***"Outstanding"*** at all times after it is issued or contracted until it is paid.

"System Employees" means employees of Chapel Hill directly engaged in carrying out System business (but expressly not including employees of Chapel Hill's sanitation department).

"System Management Facilities" means those assets of the System used to provide (a) final disposal of solid waste, including construction and demolition waste, such as landfills, or (b) any other handling or processing of materials placed in the custody of the System, such as transfer stations, materials recovery facilities or facilities for cleaning, sorting or other processing of recyclable material.

"System Revenues" means all amounts derived by the County from the imposition of rates, fees and charges for the use of, and for the services furnished by, the System.

"Towns" means, collectively, Carrboro, Chapel Hill and Hillsborough.

"Transfer Date" means the effective date.

Exhibit B -Additional Provisions

Amendments. This Agreement may be modified or amended only by written amendments that are approved and signed on behalf of all the Parties.

Notices.

(a) All notices or other communications required or permitted by this Agreement must be in writing.

(b) Any notice or other communication will be deemed given (i) on the date delivered by hand or (ii) on the date it is received by mail, as evidenced by the date shown on a United States mail registered mail receipt, in any case addressed as follows:

If to the County, as follows:

Orange County
Attn: County Manager
200 South Cameron St.
Hillsborough, NC 27278

If to Carrboro, as follows:

Town of Carrboro
Attn: Town Manager
301 West Main St.
Carrboro, NC 27510

If to Chapel Hill, as follows:

Town of Chapel Hill
Attn: Town Manager
306 North Columbia St.
Chapel Hill, NC 27516

If to Hillsborough, as follows:

Town of Hillsborough
Attn: Town Manager
137 North Churton St.
Hillsborough, NC 27278

(c) Any Party may designate a different address for communications by notice given under this Section to each other Party.

(d) Whenever in this Agreement the giving of notice is required, the giving of such notice may be waived in writing by the Party entitled to receive such notice, and in any such case the giving or receipt of such notice will not be a condition precedent to the validity of any action taken in reliance upon such waiver. When this Agreement requires that

notice be given to more than one Party, the effective date of the notice will be the last date on which notice is deemed given to any required Party.

No Third-Party Beneficiaries. Nothing expressed or implied in this Agreement will give any person other than the Parties any rights to enforce any provision of this Agreement. There are no intended third-party beneficiaries of this Agreement.

Survival of Covenants. All covenants, representations and warranties made by the Parties in this Agreement shall survive the delivery of this Agreement.

Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

Entire Contract. This Agreement, including the Exhibits, constitutes the entire agreement between the Parties with respect to its subject matter.

Counterparts. This Agreement may be signed in several counterparts, including separate counterparts. Each will be an original, but all of them together constitute the same instrument.

Recordable Form. As this Agreement limits the Parties' rights to dispose of their respective ownership interests in the Greene Tract, any Party may cause this Agreement to be filed in the real property records in the office of the Register of Deeds of Orange County.

Withdrawal. Any Party may withdraw from this Agreement (and thereby cease to be a Party to this Agreement) upon notice given to all the other Parties and subject to the following additional provisions:

(a) A withdrawal may be effective only upon the beginning of a Fiscal Year. A Town may withdraw only with at least one year's notice. The County may withdraw only with at least two years' notice.

(b) No withdrawal will relieve a Party of its obligations under Part 2 so long as there is System Debt Outstanding; provided, however, that System Debt first issued or contracted after the date a Party gives notice of withdrawal will be disregarded for the purposes of this paragraph.

(c) No withdrawal will relieve any Party of its individual liability, if any, under environmental laws or otherwise, related to its respective use or ownership of the System which may accrue or which has accrued prior to the effective date of such Party's withdrawal.

Actions by a Party. Any references to approvals or other actions by any Party will be deemed to be references to actions taken by the Party's Governing Board or taken pursuant to express, specific direction given by the Party's Governing Board.

Agreed-Upon Procedures. The terms, conditions and procedures for transferring employees and assets to the County as provided for by Part 1, and for transferring the property described on Exhibit E to the County as provided for by Part 5, in all cases shall be as agreed upon by the County, Carrboro and Chapel Hill.

Effective Date; Term. This Agreement shall take effect as provided in Part 1. This Agreement will continue in effect so long as there are at least two Parties to the Agreement.

Exhibit C - Regarding the Advisory Board

Responsibilities. The Advisory Board's responsibilities shall include the following:

(a) To recommend programs, policies, expansions and reductions of services, and other matters related to the operation of the System;

(b) To suggest amendments to the Solid Waste Management Plan and Policies;

(c) To provide advice to the County Manager for use in the County Manager's developing the proposed annual budget for the System, to review the budget for the System as proposed by the County Manager to the County's Governing Board, and to provide recommendations to the County's Governing Board for the approval or amendment of the proposed budget;

(d) To receive and interpret for the County public input concerning the System and the Solid Waste Management Plan and Policies;

(e) To further such mission and goals for the System as the County may adopt from time to time;

(f) To provide promptly to the County's Governing Body a recommendation concerning any proposal for a change to rates, fees and charges forwarded to the Advisory Board pursuant to this Agreement; and

(g) Such other matters as any Governing Board or the County Manager may request.

Members; Terms. (a) Each Governing Board will appoint two members to the Advisory Board as soon as practicable after the date of the execution and delivery of this Agreement. Each Party will notify all the other Parties of its appointments within ten Business Days after making such appointments.

(b) Advisory Board members will serve staggered three-year terms. To provide for the staggered terms of the members, the initial appointments by the Parties will be for the following terms:

	Member A	Member B
County	2 years	3 years
Carrboro	2 years	3 years
Chapel Hill	1 year	3 years
Hillsborough	1 year	2 years

(c) The first year of the term of each initial member of the Advisory Board shall be deemed to expire on June 30, 2000. Thereafter, each year of the term of an Advisory Board member will run from July 1 through the subsequent June 30, but each member shall continue to serve until such member's successor has been duly appointed and qualified for office.

(d) Each Party may select and appoint Advisory Board members in its discretion, except that no employee of a Party may be appointed as an Advisory Board member. This Agreement in no way requires that any member be an elected official of the appointing Party. Any elected official of a Party appointed to the Advisory Board will be deemed to be serving on the Advisory Board as a part of the individual's duties of office, and will not be considered to be serving in a separate office. Any elected official of a Party appointed to the Advisory Board will cease to be a member of the Advisory Board upon such individual's cessation of service as an elected official of such Party (whether or not such member's successor will be been appointed and qualified for office), but such Party may reappoint such individual to the Advisory Board. Each member of the Advisory Board (including elected officials) serves at the pleasure of the appointing Party, and may be removed at any time by the appointing Party, with or without cause.

(e) The Governing Board that appointed the person who vacated the Advisory Board seat will fill any vacancy on the Advisory Board. In the case of a vacancy created during the term of a member, the appointment to fill the vacancy will be made for the remaining portion of the term in order to preserve the staggered-term pattern.

Procedures. The Advisory Board may adopt its own rules of procedure not inconsistent with the provisions of this Agreement and not inconsistent with the policies and procedures governing the various boards and commissions of the Governing Board of the County as those policies and procedures exist now and as they may be amended from time to time by resolution of the Governing Board of the County. The Advisory Board's proposed rules and procedures shall be presented to the Governing Board of the County for review and shall not be effective until approved by the Governing Board of the County, but the Advisory Board's procedures shall include the following provisions:

(a) Each member of the Advisory Board will have one vote, except that in the event of the absence of a member, the other member appointed by the same Party as the absent member will be entitled to cast two votes. Any University member appointed pursuant to Part 7 shall have only one vote, and that vote shall not be cast in the member's absence.

(b) A number of affirmative votes equal to a majority of the authorized number of Advisory Board members will be necessary to take any action.

(c) The Advisory Board's presiding officer will vote as a member of the Advisory Board, but will have no additional or tie-breaking vote.

(d) Representatives of a Party that has given notice of its withdrawal from this Agreement will have no vote on any matters that will affect the System beyond the effective date of such Party's withdrawal, and as to any such matters such members will not be deemed to be within the authorized number of Advisory Board members for the purposes of subsection (b) above.

Exhibit D - Legal Description of the Greene Tract

Exhibit E - Legal Description of the Portion of the Greene Tract To Be Devoted to Solid Waste Management Purposes

Agreement to Amend the Agreement
for Solid Waste Management

Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough hereby agree to amend the "Agreement for Solid Waste Management."

1. By deleting the paragraph identified as "**Acquire property.**" in Part 1 and replacing it with the following:

> **Acquire property.** The County shall acquire real and personal property as it deems appropriate for System purposes. There shall be no restrictions on the County's acquisition of additional acreage at the existing landfill. The Parties acknowledge and support the County's position that as operator of solid waste operations, it may, despite diligent efforts to explore alternatives, settle upon the area on and proximate to the existing closed landfill site on Eubanks Road as the location for additional solid waste facilities. The County states its current intention not to acquire, and its recommendation that future County Governing Boards not acquire, any of the properties known as the Blackwood and Nunn properties for System purposes.

2. By deleting the paragraph identified as "**Effective date.**" in Part 1 and replacing it with the following:

> **Effective date.** The County will assume solid waste management responsibility on the first day of the second Orange County employee pay period that follows the last completed of the following two events: (1) the approval by the governing board of and the execution of the Agreement to Amend the Agreement for Solid Waste Management by the current owners of the System; (2) Agreement on the boundaries of the property described in Exhibit E by the Greene Tract Owners. The date the County assumes solid waste management responsibility is the effective date of this Agreement. The Parties shall take actions provided for in this Agreement, or which may otherwise be necessary or appropriate, in a timely fashion to permit the County's assumption of solid waste responsibility on the effective date.

3. By deleting Part 5 and replacing it with the following:

5. The Greene Tract will remain a landfill asset. Sixty acres of the Greene Tract will be reserved for System

purposes, and the three owners will work together to determine the ultimate use of the remainder.

The Parties agree that the Greene Tract remains a landfill asset.

Chapel Hill, Carrboro and the County (the "Greene Tract Owners") will transfer to the County title to that portion of the Greene Tract described on Exhibit E, which contains approximately sixty acres. The County may use the property described on Exhibit E for System purposes. The County states its current intention not to bury mixed solid waste or construction and demolition waste on any portion of the Greene Tract. The County states its recommendation to future County Governing Boards that the County make no such burial. The deed to this property will include a restriction prohibiting the use of the property described on Exhibit E for burying mixed solid waste or construction and demolition waste.

The Greene Tract Owners agree to bargain together in good faith and with all due diligence, and to use their respective best efforts, to determine an ultimate use or disposition of the remainder of the Greene Tract as soon as possible and in any event by December 31, 2001, or two years after the effective date, whichever is later. During this "bargaining period," no Greene Tract Owner shall make any use of the remaining portion of the Greene Tract without the consent of the other Greene Tract Owners.

The Greene Tract Owners agree that among the issues to be addressed in the bargaining process are (1) the specific future uses, or ranges of use, to be made of the remainder of the Greene Tract (including issues of devoting different portions to different uses, devoting portions to public uses and the possibility of making portions available for sale or private use), and (2) whether to impose specific use restrictions, either through deed restrictions or through governmental regulation. The Greene Tract Owners agree that during the "bargaining period" each should provide opportunity for public comment on possible or proposed uses or dispositions.

During the "bargaining period," no Greene Tract Owner shall (1) file any legal action or proceeding to force any sale or division of the Greene Tract, or (2) enter into any agreement to sell, mortgage or otherwise transfer all or any part of its ownership interest in the Greene Tract,

in either case without the consent of the other Greene Tract Owners. To the extent permitted by law, Chapel Hill agrees not to initiate any proceeding to rezone any portion of the Greene Tract during the "bargaining period," without the consent of the other Greene Tract Owners. Chapel Hill states its current intent to accommodate any agreed-upon future uses or range of uses of the remainder of the Greene Tract in its Development Code/Ordinances and states its recommendation to future Chapel Hill Governing Boards to the same effect.

After the "bargaining period" is completed, namely, the day after the last day of the bargaining period, no Greene Tract Owner shall (1) file any legal action or proceeding to force any sale or division of the Greene Tract, or (2) enter into any agreement to sell, mortgage or otherwise transfer all or any part of its ownership interest in the Greene Tract, in either case without giving the other Greene Tract Owners at least 60 days' prior notice of such filing or entering into an agreement. In addition, after the "bargaining period" is completed, any Greene Tract Owner may give 60 days' prior notice of an election to be no longer bound by the above restrictions pertaining to the uses of and whether to impose use restrictions on the remainder of the Greene Tract, and such election shall be effective at the end of the notice period.

The Parties agree that any non System use of any portion of the remainder of the Greene Tract or any disposition of any portion of the remainder of the Greene Tract shall result in payment to the County of the Reimbursement Amount for deposit in the System enterprise fund.

4. By replacing the date in the first paragraph of Part 7 with the following: "one month after the effective date of this Agreement."

5. By amending subsection (c) of the "Members; Terms" provision of Exhibit C to the Agreement to read as follows:

(c) The first year of the term of each initial member of the Advisory Board shall be deemed to expire on June 30, 2001. Thereafter, each year of the term of an Advisory Board member will run from July 1 through the subsequent June 30, but each member shall continue to serve until such member's successor has been duly appointed and qualified for office.

IN WITNESS WHEREOF, Orange County has caused this Agreement to Amend the Agreement for Solid Waste Management to be executed in its corporate name by its duly authorized officers.

3-14-2000
Date Approved by
Governing Board

ATTEST: **ORANGE COUNTY, NORTH CAROLINA**

Beverly A. Blythe
Clerk, Board of Commissioners

By: Moses Carey Jr.
Chair, Board of Commissioners

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Moses Carey, Jr. and Beverly A. Blythe personally came before me this day and acknowledged that they are the Chair and Clerk, respectively, of the Board of Commissioners of Orange County, North Carolina, and that by authority duly given and as the act of Orange County, North Carolina, the foregoing instrument was signed in the County's name by such Chair, sealed with its corporate seal and attested by such Clerk.

WITNESS my hand and official stamp or seal, this 24 day of March, 2000.
[SEAL]

Lisa S. Gammon
Notary Public

My commission expires: 12-19-03

LISA S. GAMMON
NOTARY
PUBLIC
ORANGE COUNTY, NC

IN WITNESS WHEREOF, the Town of Carrboro has caused this Agreement to Amend the Agreement for Solid Waste Management to be executed in its corporate name by its duly authorized officers.

3-28-2000
Date Approved by
Governing Board

ATTEST: (SEAL) **TOWN OF CARRBORO, NORTH CAROLINA**

Sarah C. Williamson
Town Clerk

By: Michael R. Nelson
Mayor

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Michael Nelson and Sarah C. Williamson personally came before me this day and acknowledged that they are the Mayor and Town Clerk, respectively, of the Town of Carrboro, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Mayor, sealed with its corporate seal and attested by such Town Clerk.

WITNESS my hand and official stamp or seal, this 5th day of April 2000.

[SEAL]

James E Spivey
Notary Public

My commission expires: 11/08/2000

IN WITNESS WHEREOF, the Town of Chapel Hill has caused this Agreement to Amend the Agreement for Solid Waste Management to be executed in its corporate name by its duly authorized officers.

3-27-00
Date Approved by Governing Board

ATTEST:

TOWN OF CHAPEL HILL, NORTH CAROLINA

Joyce A. Smith
Town Clerk

By: Rosemary I. Waldorf
Mayor

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, Joyce A. Smith, a Notary Public of such County and State, certify that Rosemary I. Waldorf and Joyce A. Smith personally came before me this day and acknowledged that they are the Mayor and Town Clerk, respectively, of the Town of Chapel Hill, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Mayor, sealed with its corporate seal and attested by such Town Clerk.

WITNESS my hand and official stamp or seal, this 5th day of April, ~~1999~~ 2000.

[SEAL]

Sandra K. Cook
NOTARY PUBLIC
Orange County, NC

Sandra K. Cook
Notary Public

My commission expires: 01/05/2005

IN WITNESS WHEREOF, the Town of Hillsborough has caused this Agreement to Amend the Agreement for Solid Waste Management to be executed in its corporate name by its duly authorized officers.

04-10-2000
Date Approved by
Governing Board

ATTEST: **(SEAL)** **TOWN OF HILLSBOROUGH, NORTH CAROLINA**

Donna F. Armbrister
Town Clerk

By: Horace H. Johnson Sr.
Mayor

STATE OF NORTH CAROLINA; ORANGE COUNTY

I, a Notary Public of such County and State, certify that Horace H. Johnson and Donna Armbrister personally came before me this day and acknowledged that they are the Mayor and Town Clerk, respectively, of the Town of Hillsborough, North Carolina, and that by authority duly given and as the act of such Town, the foregoing instrument was signed in the Town's name by such Mayor, sealed with its corporate seal and attested by such Town Clerk.

WITNESS my hand and official stamp or seal, this 12th day of April, 2000 ~~1999~~.

[SEAL]

Sherry S. Carter
Notary Public

My commission expires: 7-10-04

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Rogers Road:
Mapping our Community's Future

MAY 2016

The compilation of an intensive 9 month planning effort with community stakeholders to create a shared vision for Rogers Road development for the next 10 years & beyond

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Executive Summary

In July, 2015, Orange County and the Towns of Chapel Hill & Carrboro requested that the Jackson Center and RENA (Rogers-Eubanks Neighborhood Association) partner to facilitate a proactive community planning effort in the Rogers-Eubanks Neighborhood as sewer design and implementation makes progress.

Partners proceeded to collaborate following the "Community-First" organizing model, which involves community members as principal actors in assessing and determining the course of future planning. Extensive collaboration and consultation led to four goals for future development: **retain** long-term residents, **connect** us with each other and the larger community, **preserve** diversity for the future, and **respect** the natural environment. These in turn yielded a refined sense of charge and detailed recommendations. The collaborating partners are confident that the plans reflect a uniquely inclusive and informed process.

This document was created to be a guiding and a working reference for invested community members and government partners in dialogue about next steps and specific plans. Key to its success is the following set of principles, elaborated at the end of the document:

- → **Follow** the four stipulated priorities for future development
- → **Ensure** accountability for collaborative action
- → **Maintain** open and consistent communication
- → **Support** community-first planning

Primary Partners and Collaborators

RENA

In 2007, the socially cohesive and culturally rich Rogers-Eubanks community founded the Rogers Eubanks Neighborhood Association (RENA) to formalize a long-term ad hoc community alliance and movement. As a community organizing group, RENA needed a place to gather to provide a location for sharing of community resources and development programs. RENA organized social justice, service, and faith-based organizations in Orange County to form the Coalition to End Environmental Racism (CEER). This group works to create community-driven events, which bring residents of the impacted communities together for the education of the wider community (citizens and local government officials) about critical issues of environmental health and justice. RENA also seeks and strongly values partnerships with local universities, and has been engaged in four projects with partners at the Gillings School of Global Public Health at the University of North Carolina at Chapel Hill (UNC). RENA has successfully organized the neighborhood in victories to close the landfill, secure a community center, provide services for all neighborhood children, and secure water and sewer for the Historic Rogers Road community, among many other successes and victories.

Robert Campbell, David Caldwell, Larry Caldwell, Rose Caldwell, and Jasmine McClain are the lead RENA members on this planning effort.

The Jackson Center

The Jackson Center is a public history and community development center located at the gateway to the historic Northside of Chapel Hill, North Carolina. The mission of the Jackson Center is to honor, renew, and build community in the Northside and Pine Knolls neighborhoods of Chapel Hill/Carrboro. We want to make sure that the histories we hear, and the values and visions on which they are built, make a difference in communities now and for generations to come. Our work is rooted in oral history listening and realized along three primary lines of creative community development: organizing and advocacy for livable neighborhoods, youth and education, and celebration and connection. In 2011, the Jackson Center organized a coalition of dozens of organizations and hundreds of residents in an effort that led to the passage of a historic moratorium on development and community plan for Northside. This plan dramatically changed zoning and increased support for neighborhood efforts. Between 2012-2015, the Jackson Center played a critical role in planning efforts that led to UNC's $3 million land bank loan to Self Help Credit Union, which is helping to create dozens of affordable housing units and facilitating neighbors' control over land decisions. The Jackson Center has partnered with RENA, Orange County, Chapel Hill, and Carrboro on community engagement and planning efforts from 2014-2016.
Hudson Vaughan and George Barrett are the lead Jackson Center staff on this project. Stephanie Barnes-Simms, a community planner and Executive Vice President of Self Help, serves as technical assistance to the Jackson Center on this project.

Tim Stallmann

Tim Stallmann is a freelance cartographer based in Durham, NC. His work focuses on using maps as tools to build community power around racial, economic and environmental justice. Tim has worked with the Jackson Center since its founding, and has also participated in the 2014 community survey project that produced *Historic and Vibrant Rogers Road.* His maps and his collaborations with the Counter-Cartographies Collective, of which he is a founding member, have been widely published and exhibited. Tim holds a Masters degrees in Mathematics and Geography from Duke University & UNC-CH, respectively. In addition to consulting, he also teaches map-making at the Center for Documentary Studies at Duke University. For more of his work, see www.tim-maps.com.

Community Unity Board

The Community Unity Board is a group of neighborhood leaders from all across the Rogers Road neighborhood. The Board was originally formed in 2013-2014 to bring together residents of all of the sub-neighborhoods of Rogers-Eubanks in ongoing dialogue and partnership. RENA & the Jackson Center re-initiated this board for this specific planning effort, inviting residents from various sub-neighborhoods to take a stake in Rogers Road's future and to be in ongoing dialogue with their neighbors. This group of nearly 20 residents, most of whom have been actively engaged in ongoing community efforts in Rogers Road, took part in 9 intensive meetings over the course of the last seven months and several additional consulting sessions and interviews.

Background and Process

For the last 9 months, a core of neighborhood residents and other key stakeholders have gathered for *intensive* dialogue about our hopes and fears for our community, the strengths and struggles of our history, and the diverse visions we have for the future of the Historic Rogers Road Community. We initially planned to participate in four intensive meetings over four months. In order to reach a variety of stakeholders and ensure sufficient discussion depth, we adapted this strategy to nine sessions focused on creating, reviewing, and strategizing together.

Neighbors in a discussion about land control and conservation.

Many of the primary stakeholders have participated in planning efforts for decades. Throughout the process in Rogers Road, we faced a great challenge together: the collective feeling - and reality among constituents - that planning efforts in Rogers Road have consistently fallen short on implementation. We discussed questions like: What is the point of this effort? Will the three governments respect our visions and actually help us achieve them? Will sewer really happen or is this process a trick to focus us on development instead? Will this just become another plan shelved for people to reference in their articles about the struggles of Rogers Road?

While some of these questions remain, our dialogue about these questions led us to clarify our common understanding and our group's charge for moving forward. Our focus and group charge for the effort was *to work together to create:*

- A collective answer to the question of what would we like to see from any future development in the form of a crisp list of easy to explain priorities that we can remember.
- A map of our vision for future development/improvements. We are working on being able to describe both what we want and where we would like to see it happen
- A specific action plan that describes how we achieve our aspirations, including specific action steps, with "gives and gets," or realistic trade-offs, for neighbors, local governments, and developers

We used the model of Community-First Planning that that the Jackson Center developed for use in the ongoing Northside Neighborhood Initiative. This model is built on an intensive set of communication and organizing tools that bring neighbors and other stakeholders into active and realistic planning discussions focused on change that enhances community and regional goals. Unlike external, top-down, or selective representative processes, Community-First Planning features broad-based participation developed on the ground in direct communication with residents and stakeholders, "reverse-consultancy" leadership (funding for on-site existing community leaders as primary consultants), and a direction-setting group that remains accountable to community interests. Accordingly, RENA and the Jackson Center worked for

several months to identify major stakeholders, sub-neighborhood representatives, and neighbors who could bring an array of visions and opinions into dialogue with one another. We ultimately invited 19 people to participate in ongoing meetings together and asked them to take the ongoing questions back into their sub-neighborhoods to more intensively reach stakeholders who may not attend. We then conducted over a dozen additional interviews to incorporate perspectives of residents who were not able to be part of the stakeholder team. Because of Rogers Road's long history of neighborhood leadership and action, our process engages the strengths and struggles of history first and continually. Creative communication strategies are a central part of our work: we find ways to reach people the ways they best receive contact. We develop clear "gives and gets" strategy framework. We believe that discussing the benefits and challenges openly is the best way for communities to mobilize for movement forward, and we believe in building this infrastructure in a way that it can be utilized well beyond our active role.

Neighbors workshopping summary recommendations at an early meeting.

This is not the first effort at a plan for the Rogers Road neighborhood. As mentioned above, the neighborhood has long experienced marginalization from the political and planning process. Conventional decision-making has been for and about neighbors rather than with and by neighbors. We entered into this process well aware of the history of racial exclusion, and always with the nagging fear that the results of our efforts would be more of the same exclusion. In spite of that fear, we were willing to complete this Community-First planning effort because of the following:

- The assurance that sewer infrastructure would continue to move forward for Historic Rogers Road residents, and that a community effort was an important step in preparation for development speculation that might result with this new infrastructure
- The understanding that this effort would help guide future conversations about land use planning and development approvals, especially in the Greene Tract and on the Chapel Hill side of the neighborhood, given the recent change to an ETJ and concerns about future zoning decisions in Chapel Hill without prior input
- The desire to "get ahead" of the rising development pressure, given the growing concern in the neighborhood about what is happening all around the fringes of Rogers Road, especially the significant rise of new subdivision and townhouse developments on Homestead and Eubanks Rd
- The hope that we could create a guiding document together that would be immediately useful for us as residents and community partners

Part of how we approach planning is to engage differences and to value a diversity of community opinions, not to try to get rid of it or find absolute consensus. The materials and recommendations in this document do not "represent" all of Rogers Road. This process has engaged a wonderfully diverse set of neighbors in ongoing dialogue and sought to create a document that elaborates on shared visions; it includes differences and nuances that have enriched the discussions.

Summary Recommendations

These summary recommendations were created through a review of historical documents and processes and several Community Unity Board meetings. Once the Unity Board established a draft, this list of priorities was shared widely for feedback and revision: with their sub-neighborhoods, on the community listserv, through the community newspaper, and in individual interviews. The following is the result:

"We want development that we are a part of, not the victim of." -David Caldwell

We want development that…

Retains families who have lived here for decades/generations

- Supports owners in maintaining their homes and mitigating rising cost of living
- Creates economic opportunity for people living here
- Provides opportunities and services for elders to age in place/in the neighborhood

Connects us with each other and the larger community

- Improves bus service & roads, pathways, and sidewalks to connect us to key places and to one another
- Ensures new development opens to and connects with the existing community, avoiding internal fragmentation
- Promotes intercultural connection and multi-culturalism

Preserves socioeconomic & cultural diversity for the future

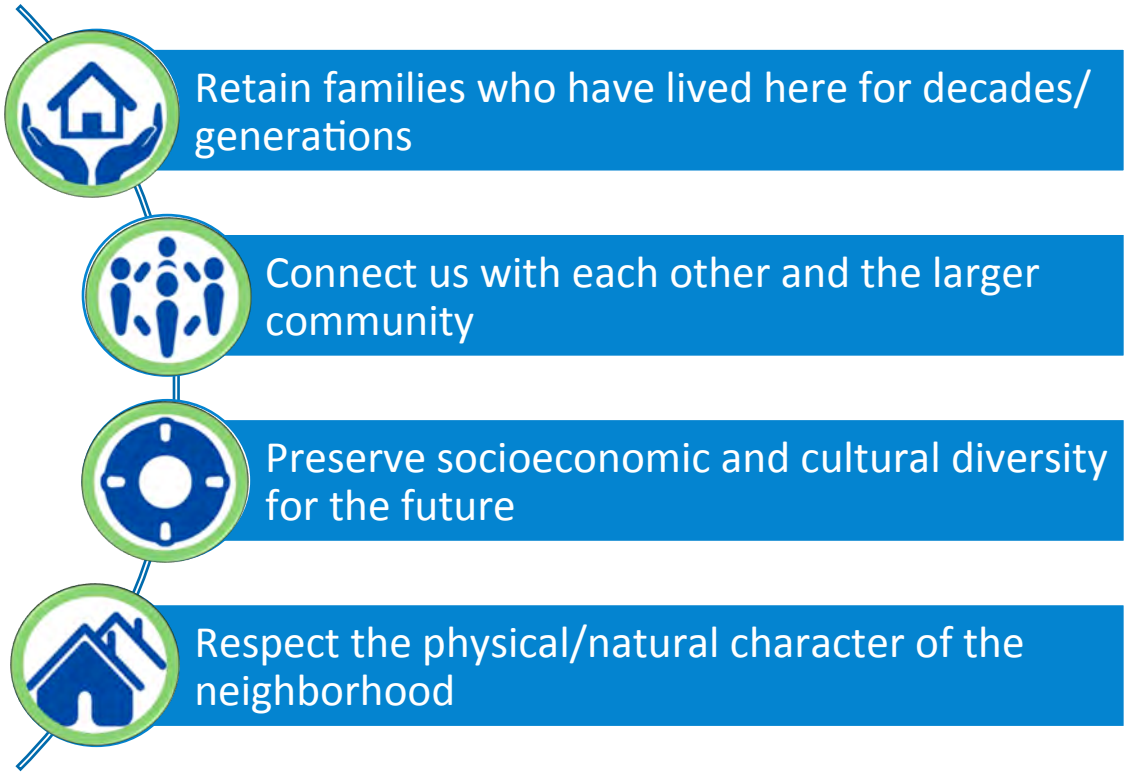
- Prioritizes the creation of diverse affordable home options
- Expands the community center and provides additional services for neighborhood children
- Ensures access to essential social and retail services
- Provides space for smaller local businesses to start-up and serve the local community

Respects the physical/natural character of the neighborhood

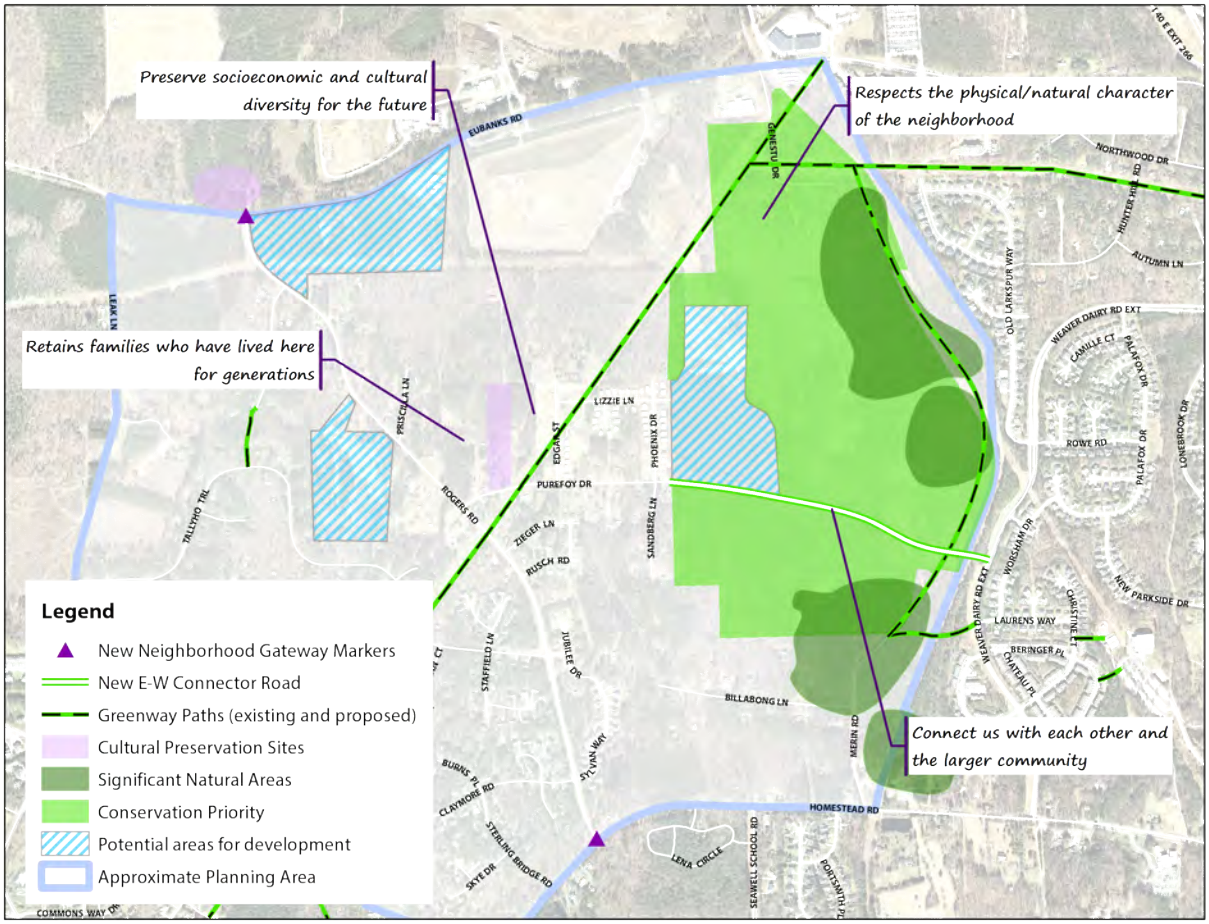
- Balances land conservation with density to reduce suburban sprawl
- Minimizes disruption to the natural landscape & opens environment to people's use and enjoyment
- Promotes design that fits into the character and fabric of the existing community
- Honors history and contributions of neighborhood in tangible ways

Detailed Recommendations

This section, organized into four guiding principles, provides specific suggestions and recommendations on ways that the Towns & County, neighborhood residents, and any future developers can realize the goals identified by Rogers Road residents.



Overview Map



Retain families who have lived here for decades/generations

Support homeowners in maintaining their homes and mitigating rising cost of living

Develop and fund home repair programs, especially to improve in-home accessibility for long-time residents. In the 2014 survey of the Historic 86 parcels, over 65% of households in the Historic Rogers Road area reported a need for some home repair support, including but not limited to: essential repairs of leaking roofs, broken HVAC systems, $500 utility bills due to a lack of weatherization, and increasingly inaccessible houses for those who are aging and disabled. Given the scope of need, Rogers Road would be a great focus area for a targeted home repair effort by an organization like Habitat or Rebuilding Together, with support from the County and/or Towns. This effort should be proactive and utilize RENA's existing database of home repair needs.

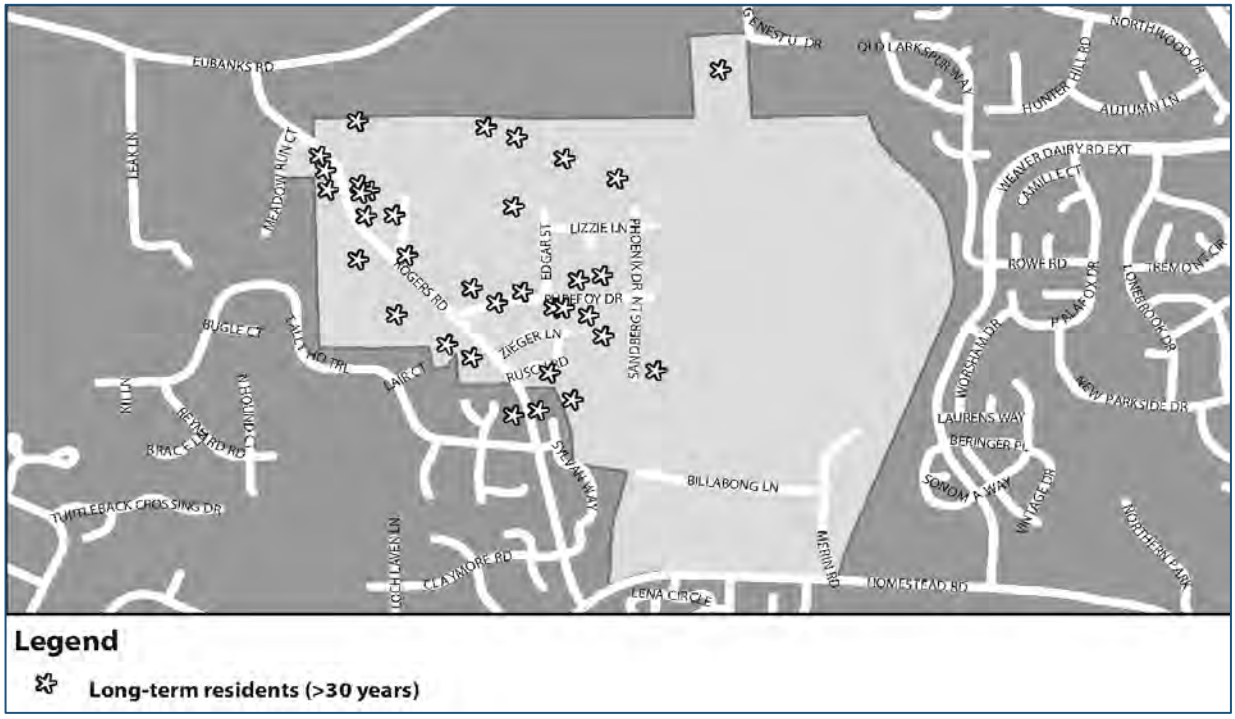
The County and Towns should create a unified fund for home repairs in Rogers Road so that neighbors' ability to get repairs is not dependent on where the house is located within the neighborhood. Currently, Rogers Road is split between Carrboro and Chapel Hill's ETJ, leaving the community in the middle of CDBG and other funding efforts. The County could take the lead to host a unified fund to address the challenge of the multiple jurisdictions.

Strengthen community organizing infrastructure by supporting the Rogers Road Community Center, especially to increase volunteer networks and provide sustainable presence in neighborhood. The Rogers Road Community Center has been a hub of action, but it needs regular operating support to continue to thrive.

Create property tax mitigation program for long-term neighbors to offset rising taxes as result of development. Durham is currently working on a proposal to offset the rise in taxes for elderly, low-income residents over a period of time due to rising property values. Given the potential of development speculation, a similar program should be implemented to limit the drastic increase in taxes that could result from development pressure, both for elderly low-income residents and their heirs. The County could also lead a proactive effort to ensure residents who qualify for the Homestead Exemption have this important tax exemption.

Support efforts to prevent land loss. Across the country, historically African American communities are losing land at a rapidly accelerating pace through investor speculation, heirs' property complications, and policies of exclusion. We are already beginning to partner with the Black Family Land Trust, Conservation Trust, and Center for Civil Rights to assist us, protecting land rights and use for future generations.

Create economic opportunity for people living here	**Utilize existing skills and leadership of residents.** We, residents of Rogers Road, have a vast array of skills and experience: in engineering, business and non-profit management, construction, nursing, elder care, and more. Any jobs created through building and development should utilize existing skills and leadership of residents. **Provide opportunity for community business ownership and management in new business spaces, especially any on publicly-owned land**. Not all of us are interested in area retail, but all support the idea that, if there were to be any small, mixed use spaces, these spaces should be designed and structured in a way that provide true accessibility for community ownership and management. **Consider updating zoning and signage restrictions to give more flexibility to community-owned businesses.** Current zoning allows for some home-based businesses but restricts signage. Zoning and signage regulations should reflect the benefit that small, community-owned commercial spaces can bring to the neighborhood.
Provide opportunities and services for elders to age in place/in the neighborhood	**Pursue a proactive effort for public-private partnership with model senior living, especially with Piedmont Health.** Senior housing, independent but supportive, is a huge priority. The partner would need to be a provider/developer committed to serving neighborhood residents and affordable spaces, not simply high-end senior needs. **Ensure zoning allows for elder development or services that increase livability and accessibility of these long-term neighbors.** This is the one form of housing that residents, even those that were wary of any increase in density, were interested in finding a way to support. **Support location of a community-health facility in the community.** St. Paul's Village already has a proposed community-health center planned in partnership with Piedmont. Increased support from the governments to make this possible in the near future would be beneficial to all parties.



Legend

Long-term residents (>30 years)

Development Do's	Development Don'ts
Senior housing: single story, primarily independent units (see design feel document); additional safety and accessibility needed if more than one story Community-commercial spaces near senior housing Housing for veterans and homes accessible to people with disabilities Co-housing model for shared services among community Community-health clinic Requirement of community benefits agreement for new development that includes tangible ways the new development will support neighborhood retention strategies	Development that will significantly raise area taxes without creating a tax mitigation plan in advance Development of new affordable units without significant investment in the repair of existing homes

Connect[1] us with each other and the larger community

Improve bus service & roads, pathways, and sidewalks to connect us to key places and to one another

Build a new road into the Greene tract from the East, preferably one that utilizes existing pathways or clearings. New development on the tract – even just for recreational use – will increase traffic into the neighborhood, largely from the MLK Boulevard corridor. Purefoy Drive is not suited to handling through-traffic into the Greene tract at this level, nor should it be. Expanding this road without connection to the other side would endanger the neighborhood patterns, safety, and feel. The best design for a new road would connect Purefoy Drive on the West with Weaver Dairy Extension on the East, a route that passes through Town and County-owned land exclusively (except for the railroad crossing). An alternate route would be a North-South connector from Eubanks into the Greene tract.

Improve bus service to the neighborhood that connects with Timberlyne and employment centers. Chapel Hill Transit is already taking some steps in this direction, following on the heels of organizing by RENA and Justice United. The routes could still be improved to connect to essential retail services and employment centers.

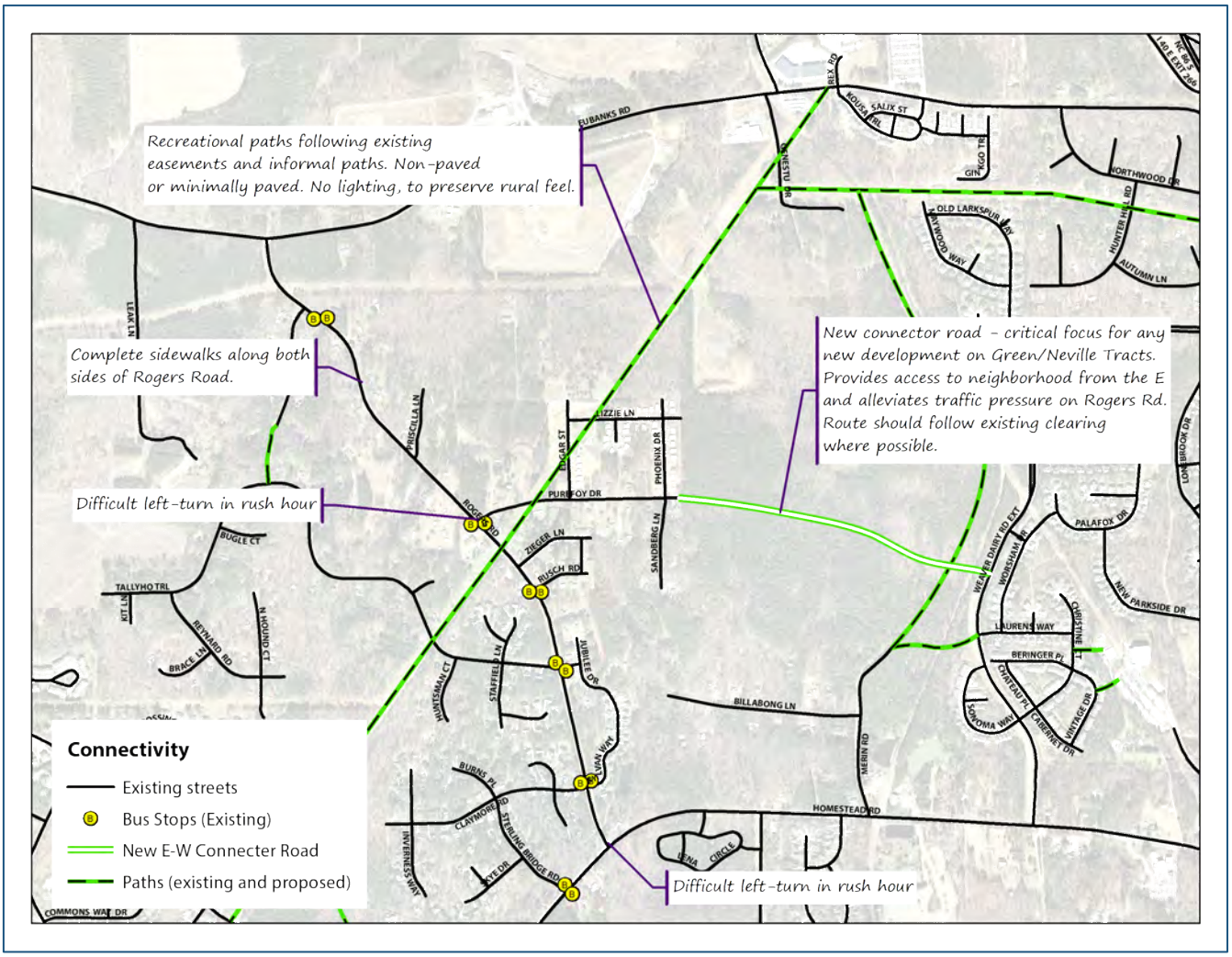
Add bus shelters at the bus stops along Rogers Road. Currently, young children and elderly neighbors stand by the curb signs without any shelter from the rain or a bench to rest upon. Adding attractive bus shelters would improve safety, increase ridership, and improve aesthetics of Rogers Road. *This should be an immediate action in the near future.*

Create greenway and walking path improvements throughout the neighborhood. Residents recommended using existing utility easements as walking paths. These would ideally be unpaved and minimally improved to retain the rural feel of the neighborhood, but officially designating these as paths and adding signage would increase recreational opportunities for residents as well as aiding privacy since folks who are walking through the neighborhood would use walking paths rather than cutting through residential lots. Ideally, greenway improvements would allow pedestrian access – on walking paths or sidewalks the

[1] **Connectivity:** Connection is often limited to physical infrastructure. A new subdivision is sometimes considered "connected" if it ties into the main road and has access to Weaver Dairy, for example. The term here means more integration of spaces: connection that is physical, social, and cultural. Connectivity prioritizes historic Rogers Road residents and requires integration of new development into the existing fabric of the community.

	whole way – from the neighborhood to Timberlyne and the MLK Boulevard area. Easements and existing pathways on Greene Tract should be made into walking trails or greenways that provide a walking loop through natural areas accessible to neighbors. Improve sidewalks. Complete sidewalks on both sides of Rogers Road – this would improve walking access to bus stops and the community center and help keep children out of the road. Additional sidewalks should be networked with greenways to provide full range of connections through the neighborhood. Increase traffic enforcement in the neighborhood. The blinking speed sign works well on Rogers Road but there is still a need for more police presence and speed reduction mechanisms on Rogers and Purefoy. Consider adding traffic lights at the intersections of Rogers Road and Merin Road with Homestead Road. These intersections are difficult left-turns that are part of the daily commute of residents. Traffic lights or other measures to improve traffic flow would help safety and convenience. The Merin Road and Homestead intersection, unfortunately, presents some difficulties because of the railroad tracks immediately adjacent; we recognize that a traffic light may not be feasible there.
Ensure new development opens to and connects with the existing community, avoiding internal fragmentation	Require that new development have clear physical integration with existing neighborhood, increasing connection instead of segmenting it. The physical integration of Phoenix Place was a good example of this. The new Burch Kove development is a development that does NOT promote this kind of integration. Ensure that any new development does not build walls/barriers; limit culs-de-sac where connection is possible. Rogers Road is a diverse and inclusive community, and we believe structures have the power to connect or divide us. Several years ago, there was a proposal to redevelop one of the large heirs property into a subdivision with a wall surrounding it and a set of culs-de-sac for the center of the development. This kind of exclusion should not be possible in future development. Development should show clear integration with the existing fabric of the community and indicate ways it will enhance social connectivity. In our meetings, we discussed the problems of the social integration of Winmore and how residents of the affordable housing development within it are limited in their use of common facilities and do not feel connected or

	welcome in the high-end space. Any new development in Rogers Road should be fully integrated and not create exclusive benefits for its own residents but instead contribute to community improvements and accessible recreation spaces.
Promote intercultural connection and multi-culturalism	Increase space for community gatherings and support intercultural festivals and community events. We have always been a community of celebration. As our community has grown, we have continued to find ways to extend our festivals and community events to all who reside in Rogers Road and have a stake in its future. Add multi-lingual sign welcoming people to the neighborhood in the many languages of our community. Our community is one of the most ethnically diverse in the whole County. Signage should reflect and support this diversity in the major languages of our community. *This should be an immediate action item, integrated with the building of neighborhood gateways.* Provide opportunities for multicultural businesses in any community-commercial spaces. This would take proactive engagement with the diverse groups of people who call Rogers Road home and would help make any such businesses successful. Provide educational opportunities about the community's history. RENA has partnered with UNC to document our oral histories. These efforts can be expanded, sustained, and given space to be brought into dialogue with the broader community.



In our meetings, residents associated connectivity with both positive and negative aspects. Road connectivity, done poorly, could come with the cost of increased traffic, and detract from the rural feel of Rogers Road, which is one of the assets all neighbors valued. One resident, in a mapping activity, drew a bicyclist riding down Eubanks Road and "biking right on past our neighborhood;" this illustration showcased the desire of many residents' to keep the community feel of the neighborhood rather than add numbers of new outsiders using the land for recreation. For the most part, residents framed connectivity improvements as an if-then situation: if there were new development on the Greene tract area, then new road connections would be necessary so that Rogers Road doesn't become overburdened.

Development Do's	Development Don'ts
"When government builds something, there must be egress and access."-Mr. Stroud. Extension of Purefoy Dr. into Greene Tract, connecting to Weaver Dairy Extension Extension of services. Ex. Buses Trails on existing pathways. Access to green spaces and nature, adding trails and greenways	Retail along Purefoy Dr without a road connection east. Development that would require the widening of Purefoy Drive. Development without expansion of road through Greene Tract. Fear of development if Purefoy remains the only point of access. GATES or WALLS! Fear of a closed community! Development should NOT make the original residents feel unwelcome in their own neighborhood.

Preserve socioeconomic and cultural diversity for the future

Prioritize the creation of quality affordable homes

Maintain the level of socio-economic diversity of the existing community within any new residential buildings. This would require a higher percentage of affordable units than currently required for affordability (upwards of 25%). It would also necessitate a significant percentage of units accessible to households below 50% AMI.

Create affordable homes[2] for families. These homes should be accessible to 50% AMI, primarily with 3 br/2bth, and integrated with any market homes

Require median home price on a development to be accessible to the median income of the community. To maintain the socio-economic diversity, new development must provide a similar mix of housing accessible to a range of residents

Provide co-housing options for working class and elderly, with shared common spaces to decrease costs. Most co-housing models are primarily aimed for middle-upper income households, but the model could be for shared common spaces and modest density in Rogers Road should be primarily in the service of the elderly and working class

Consider requiring a community impact or racial equity impact study as part of the evaluation process for new development in the neighborhood. Development decisions should consider what impact the new development will have on the community as a whole.

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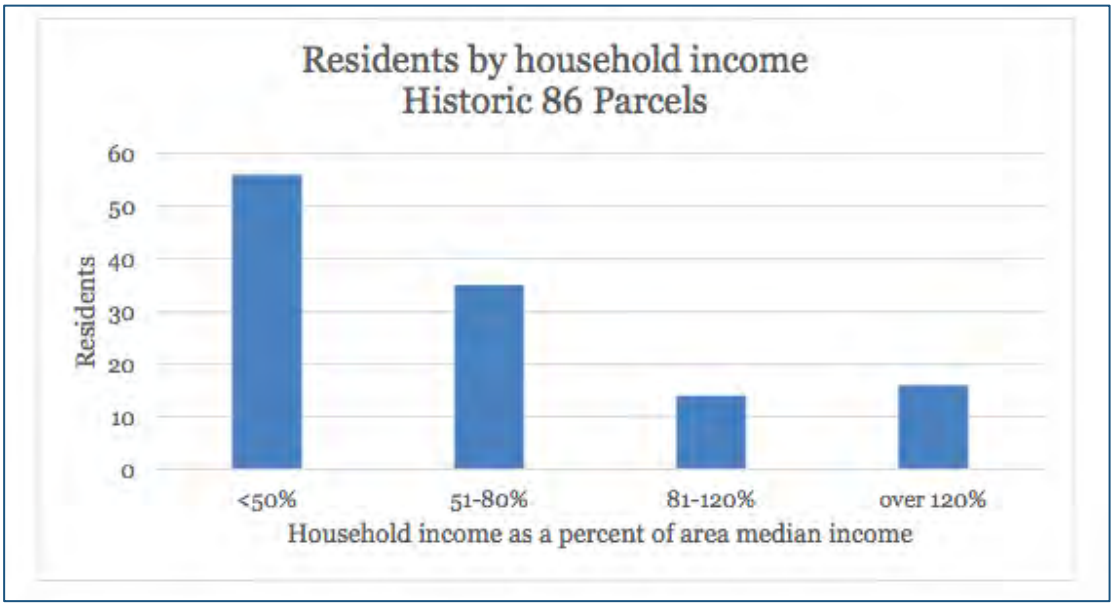
[2] **Affordable Homes:** There is a difference between affordable housing and affordable homes, and "homes" is used purposefully here. Affordable homes necessitate a certain quality, wholeness, and connection with the community around them. Rogers Road has been home to generations of residents (indeed, over 80% of residents have historic ties to the community). Whatever new housing is built in the neighborhood must be suited for families (3 bedroom, 2 bath as the primary model, with a smaller model for elder housing) and also be integrated into the fabric of the existing community. A next generation of residents should want to live in these homes. Also, the standards for affordability used in new development should further the existing socio-economic diversity in the neighborhood (including a significant percentage of households earning below 50% AMI) – which will necessitate more careful and creative approaches than the standard 60-80% AMI metric.

Expand community center and provide additional services for neighborhood children	**Add a wing to the community center or additional space in new school or other development to provide space as community grows.** If new development is approved, it should contribute significantly to the growth of shared community spaces, either financially or by creating spaces accessible to all. The development of a new school should also have to provide significant community space and benefits. **Increase services for children that serve both neighborhood children and provide job opportunities for residents.** There is a great need for affordable daycares and spaces of recreation for high school age children. We have also heard talk for years of the possibility of a neighborhood school. Any actual proposal for a school should be planned in close dialogue with us and other neighbors, in order to address concerns about impact, equity, and connection to the community. Any services should utilize the wealth of educational leadership and teaching experience in the neighborhood. **Provide public park and recreation space.** Currently, the only outdoor park is located within the Habitat community and is not a public space. This park should be made more accessible; additional land in the Greene Tract should also be preserved for public park use.
Ensure access to essential social and retail services, with a priority on community-commercial[3]	**Provide distinctive areas within walking distance that can serve community commercial.** Many of us would love to be able to walk to get essentials. Our maps show a few distinctive spaces accessible to the community in which this kind of commercial may be appropriate if economically viable. **Partner with agencies that have a track record in managing and operating community-based commercial.** Who owns and manages any commercial will be critical to its success. If any retail is included on the Greene Tract, then the governments should be careful in partnering with trusted partners and maintaining some control over these spaces, consistent with community development principles.

[3] **Community Commercial:** While there are a range of opinions about the presence of retail and commercial generally in the neighborhood, there was strong support for the existence of modest, community commercial spaces that allow for small, local businesses to serve the community. Examples given have included hair salons and barbershops, small ethnic restaurants, hardware store outposts, community health clinics, small outdoor markets, and kiosk-size spaces for short-term use (such as flower shops) to support entrepreneurship. We use the phrasing "community commercial" here to highlight that the goal is to serve the neighborhood, provide employment opportunities, and ensure that affordable commercial space is available long in the future. Meeting those goals will likely necessitate a different model from traditional commercial retail, either involving a nonprofit developer, subsidies, or both.

	Create an economic development strategy that encourages the recruitment of businesses that will provide access to essentials. We discussed the desire for beauty salons and barbershops, ethnic restaurants, convenient stores, and small hardware stores. A strategy should promote and enable the right kind of community-connected economic development for the location, traffic flow, and population. **Provide connections to job training and living wage jobs.** Our young people have endless potential. New development, especially on the Greene Tract, should provide a diverse set of job trainings and living wage jobs that will help strengthen our community
Provide space for smaller local businesses to start-up and serve the neighborhood	**Create smaller and more affordable business spaces, to keep costs lower and provide diverse opportunities.** One example of this would be to allow for market-style kiosks for people to rent for shorter-term leases. Another example would be to create 4-6 small retail shops together on the right corridors. Smaller individualized business spaces allow for a more affordable entry needed for many local businesses to succeed. **Provide special zoning for small community-based businesses and a wider range of home-based businesses.** Current zoning does not allow for small, community-based businesses and limits home-based businesses significantly. We have marked locations in which this might be viable on the included maps. **Ease signage regulations for churches and community-based businesses to have visible signage.** The signage restrictions in Chapel Hill and Carrboro make it difficult for home-based businesses and churches to have decent signage.



Development Do's	Development Don'ts
Community commercial. Limit to 3-4 shops. Ex. Barbershops, Beauty supplies, family owned business. Affordable Homes: Workforce, teachers, early career, and seniors. Affordability defined as who can access housing. Daycares, parks, and community center expansion: spaces for neighborhood children Diversity of housing: not one housing type. Variety in design. Connects to the variety of housing that exists within the neighborhood. Single-family style for affordable housing	Development catered to one demographic Large-scale commercial. Big businesses (Supercenters) a consistent fear. Ex. Timberlyne borders on being too large for this community; Walmart/Target are way too large. Development that provides destination retail or attracts large amounts of people from outside of the community (would add too much traffic). Gathering space with only one point of access

Respect the history and physical/natural character of the neighborhood

Balance land conservation[4] with modest density to reduce suburban sprawl	**Respect identified areas of land conservation through conservation easements and other appropriate protections.** Currently, areas with a priority of conservation are not formally protected. Conservation easements for large parts of the Greene Tract and for heirs property (where owners desire them) could help achieve some of the long-term hopes of maintaining large portions of the natural surroundings. **Designate specific areas for modest density, to increase diversity of opportunity.** We do not want the suburban sprawl taking place on the fringes of Rogers Road. Designated areas for modest density, crafted carefully, could increase diversity of opportunity & affordability, limit land disturbance, and support the mixed community so many of us desire.
Minimize disruption to natural landscape & opens environment to people's use and enjoyment	**Maintain a wooded buffer on the eastern edge of the Sandberg Lane portion of the neighborhood.** Residents along this gravel road have long enjoyed the privacy that comes from their sparsely-developed neighborhood, and any new development in the Greene Tract should not infringe on that. **Ensure that large parts (80%) of the Greene tract are permanently preserved as open, natural, space.** We, and many other community members, have long used the Greene tract for recreation, education, enjoyment and even as a food supply. This vacant land is a unique opportunity for residents, working with local government and groups such as the Black Family Land Trust and the Conservation

[4] **Conservation:** The undeveloped land in Rogers Road is not vacant: to the contrary it has a wealth of value for residents of Rogers Road and surrounding communities. For generations this land has played an important role as a site for recreation, for gathering food, and for contemplation. Conservation on the tract should acknowledge and build on this cultural value without disturbing the rural feel of the area – not creating a sectioned-off or walled-off part of the community, but keeping large portions of these lands open for enjoyment and connection to the natural world, while protecting this special environment. Promoting "development that we are a part of, not the victim of" means honoring, preserving and amplifying the cultural and natural assets held by the Rogers Road community. This community aim is detailed under the rubric of conservation. However, as the glossary discusses, conservation in this context has a much broader meaning than the strictly environmental preservation, which has often been a strong consideration in planning decisions for Chapel Hill, Carrboro and Orange County.

	Trust for North Carolina to devise an innovative conservation plan which centers the value of the land to the area's Black residents. Already, residents have identified a few areas for special conservation priority, which are sketched on the map, but more field-work is needed to specifically identify their boundaries. Limit how much clearing of land is possible. Some developments have limited the clear cutting of land and ensured a large portion of existing trees remain. This would be our preference. Additionally, some development possible in the Greene Tract could be shifted north to the Neville Tract to utilize existing cleared land and allow for increased conservation of woodlands and wetlands.
Honor history[5] and contributions of neighborhood in tangible ways	Add gateway markers on the northern and southern ends of Rogers Road to honor the neighborhood and celebrate those intersections as entrances to a culturally significant, historically African-American neighborhood. Some of Orange County's most well-known brick and rock masons are connected to the Historic Rogers Road community. These and other legacies should be honored. Identify & preserve slave graves and other historically significant sites. Marked as cultural preservation sites in previous planning efforts, these historic areas have still been overlooked. The graves of enslaved Africans are sacred sites and need to be identified and honored with markers and continued preservation. If these graves cannot be found, a memorial should be created in their honor. These efforts should include neighborhood leadership throughout the entire process: both in deciding how to identify and research these sites in a culturally sensitive way and in deciding how best to honor them. St. Paul's church is exploring some ways to do this with respect to sites on land they own. Add signage that identifies this as "Historic Rogers Road" and Integrate community-specific historical markers throughout the neighborhood. Rogers Road community has a rich history, which is rooted in place, but often not immediately visible to passersby or visitors to the neighborhood. Marking this history can be a way of preserving it for the future.

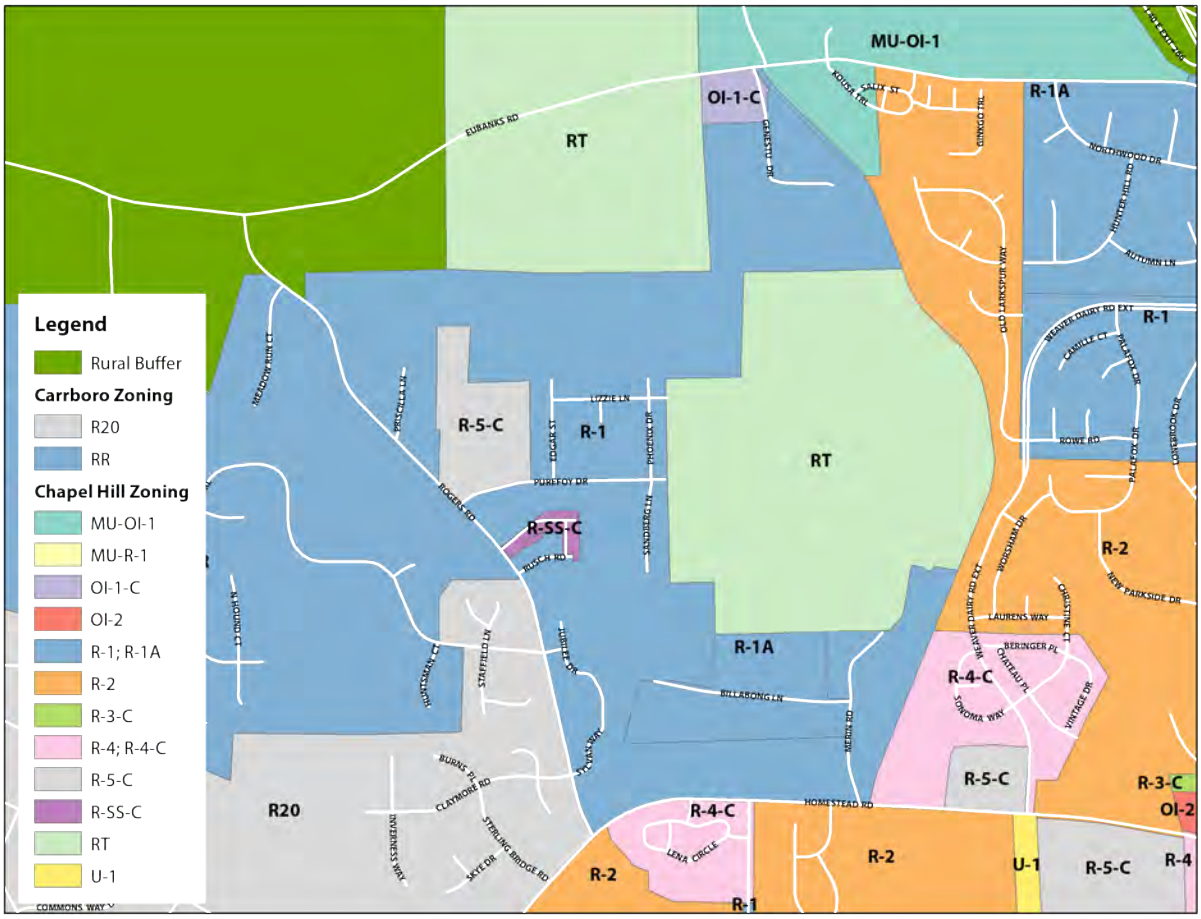
[5] Honors history: Honoring history in tangible ways refers to more than just physical markers, signage, and history exhibits, although these are important. It also means that any development must show alignment with community goals and be something historic Rogers Road residents take pride in.

Preserves diversity: To continue to promote and ensure the existing diversity into the future; to further the remarkable socioeconomic and cultural diversity that is already present in Rogers Road.

Development Do's	Development Dont's
"Preservation means leaving it the way it is, but making it also accessible to the public." - Carl Purefoy Gradual Process. Integrated design. Greene Tract: High priority for preservation. Dense development - not too much. Infuse with existing characteristics of natural environment. Development on Neville Tract instead of southwest area of Greene Tract. Utilize the existing clearing on the Neville Tract to preserve more wetland and forest Development accompanied by buffers. Development consistent with historic vision and existing neighborhood character (including height, diversity of building materials & types) Community Markers: Historical markers. Preservation of slave graves. Cherry Orchard. Requirement of community impact study for any major development before approval Privacy: "Being able to go out in your bathrobe without being watched"- Ms. Reid	Businesses that interfere with surrounding homeowners. Fear of strangers invading property. Development that destroys community feel. Removal of the historic community & existing street names. Fear that new development will seek to wipe out historical names. Block flow of streams and water run-off. Fear of flood areas during intense rainstorms. Removal of significant woods in the Greene Tract Large multi-story housing developments. This takes away from the family feel. (ex. Greenbridge) Mini-mansions Large amounts of artificial lights Suburban sprawl. (Burch Kove, Homestead). 3+ floors for housing

Tools for Action

A. Zoning

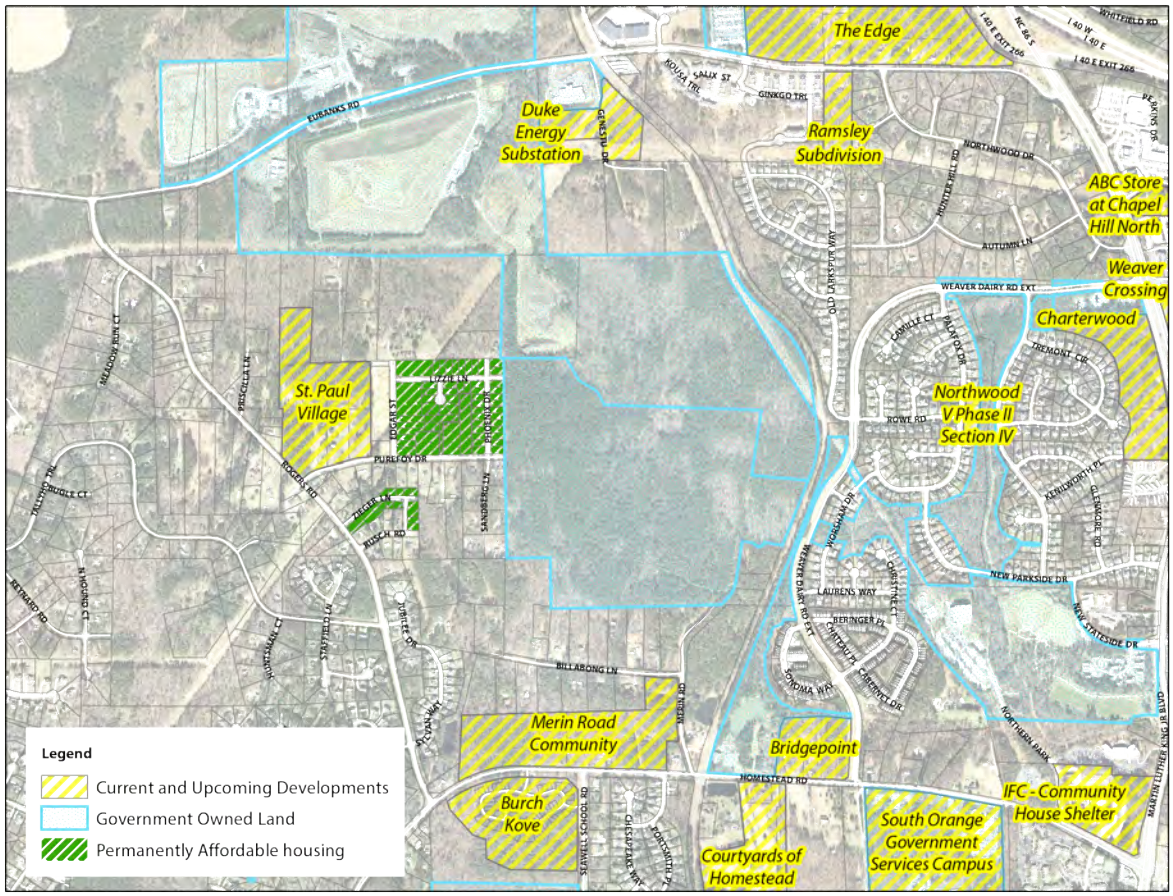


As the map above shows, the Rogers Road neighborhood is mostly zoned Chapel Hill R-1/R-1A or Carrboro RR, zoning classes which allow up to 3 units per acre and lot sizes as low as 17,000 square feet. This existing zoning allows development-by-right of a kind that is potentially inappropriate for the community. The upcoming Merin Road development on the neighborhood's outskirts – which conforms with the density of R-1 but has lower lot sizes – matches pretty well with what residents described as one of their worst fears for new development in the neighborhood (the others being mini-mansions and monolithic mixed-use developments like Greenbridge or Meadowmont). Residential areas should be zoned in a way which imposes more specific limits than R-1 or RR on both square footage and density, (perhaps a minimum lot size of 30,000 square feet) by default, but which increases neighborhood input throughout the development review process and allows for exceptions with the neighborhood's approval. On the Chapel Hill side, this could potentially be done through a Neighborhood Conservation District.

The Greene Tract is currently zoned in a way (RT) which would allow for development matching residents worst fears – in this case an expanded landfill (albeit with a special use permit requirement). Conservation of the Greene Tract will likely need to take place through conservation easements rather than zoning.

B. Land Use

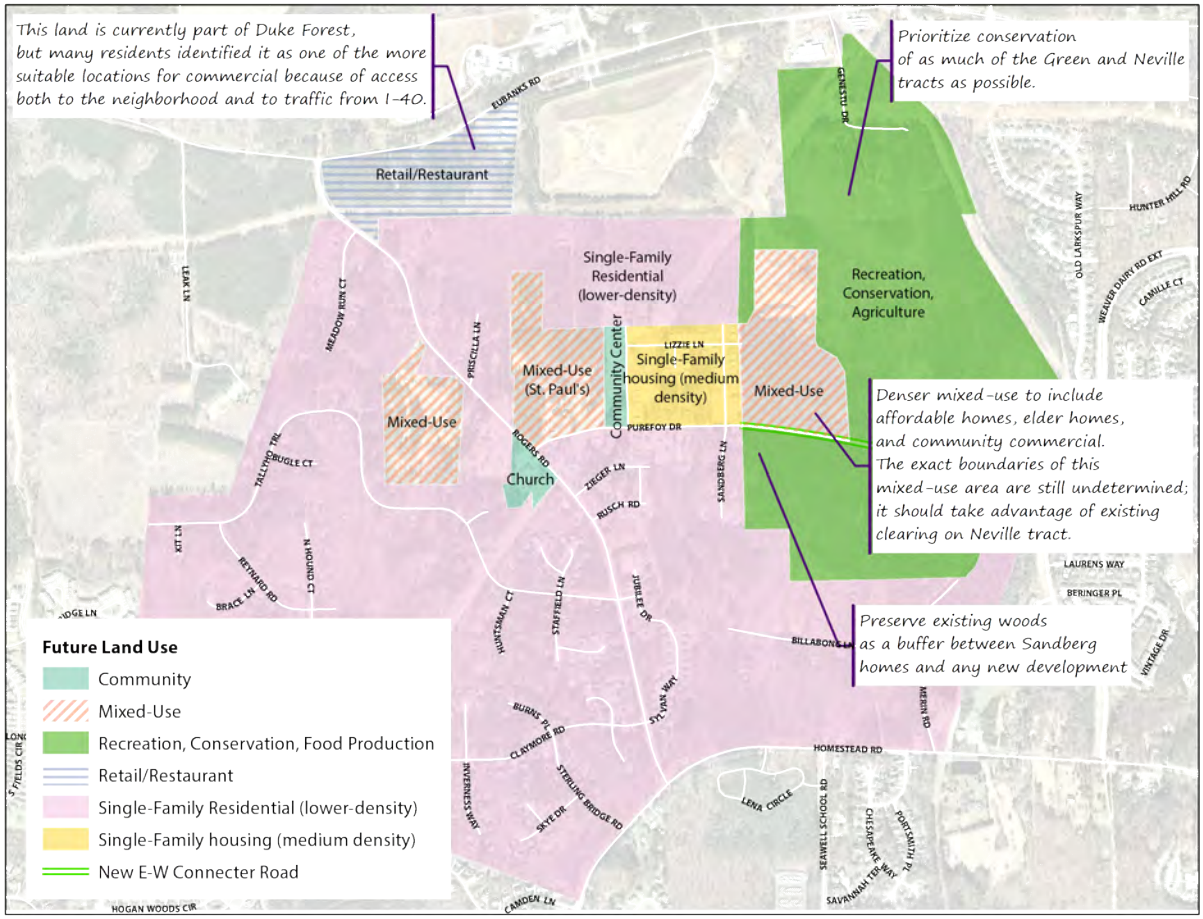
The Rogers Road neighborhood is already surrounded by new development (see map below), and the development pressure will only increase once OWASA finishes providing sewer service. Therefore, one of the main charges of our discussion was identifying place-based desires for future development and land use in the neighborhood. Some of these are discussed in more detail in the Do's and Don'ts section of the report.



It is important to highlight that discussions about future land use and development in the Rogers Road area take place in the context of intense development pressure. In many of our discussions about development, residents framed their comments in terms like "if we have to have new development, then …." The unfortunate history of Rogers Road is largely a history of development decisions being made for

rather than by the neighborhood's residents, and that legacy makes it hard to have real visionary conversations about what residents want. Probably the most important land use and zoning priority for Rogers Road is not any specific use or zoning class, but strengthening neighborhood decision-making and voice in any new development.

This map highlights future land use classes identified by residents for different areas of the neighborhood, described below in more detail.



Low-density residential

Historically, most of the neighborhood has been low-density single-family residential – lot sizes of 1 acre and above, with most houses below 2,000 square feet. More important than specific lot size, building size and density requirements, however, is that any new residential development in the historic neighborhood preserves the "neighborhood feel." This means:

- New homes which are affordable for homeowners and/or renters with incomes as low as 40 - 60% of AMI

- Individually-built homes which face the neighborhood and integrate into the existing landscape (rather than subdivisions or pocket neighborhoods)
- Houses which are open to the community, not fenced off

Mixed Use (Greene Tract)

Some residents are opposed to any development on the Greene Tract, whereas others see it as an opportunity for new building which serves the needs of the neighborhoods. In this report, we've identified an area on the western side of the tract, neighboring the existing Phoenix Place development, as the best area for development if the tract is to be developed at all. The Phoenix Place Habitat development, with lot sizes between 7,000 and 7,500 square feet, is the most-densely developed area in the neighborhood, and residents identified that density as about the maximum appropriate density for Greene Tract development as well. Those residents who did support development supported somewhat denser mixed-use development here, incorporating neighborhood commercial, senior housing, affordable housing, and new community spaces to serve neighborhood teenagers and/or seniors.

Mixed Use (Buddha, LLC land west of Rogers Road)

This was another area which was less-controversially identified as a potential site for denser mixed-use development. In contrast to the Greene Tract, where a village center feel would be more appropriate, residents preferred a shopping plaza-style development here, which could incorporate small retail establishments serving the neighborhood (examples include a convenience store, hardware store, barber shop or beauty salon) as well as offices and potentially a police or fire substation. Another option for this area would be a senior housing development.

C. Design Feel

We used dozens of examples of each development type mentioned in the strategies above from cities and towns around the country, and Unity Board members responded to the "fit" of these examples for Rogers Road. These photographic examples were not meant as development proposals or to get a clear architectural design but to try to understand general vision and feel of what residents meant when discussing "senior housing," "mixed-use," and "modest-density affordable housing." The following few pages show highlighted examples from these discussions.

Senior Housing

Residents expressed the desire to prioritize senior housing throughout the discussions of any future development, particularly affordable, independent units for seniors who hope to age within the community. We showed a set of photographs of a range of senior housing developments across the country, asking which felt like it fit most into the "fabric" of Rogers Road.

A few common themes among the examples that residents thought had the best "fit": they were single story, independent units that could be attached but opened to the existing community. Several people mentioned the Town of Chapel Hill's senior housing on South Roberson or Habitat's senior housing duplexes on Rusch Road as positive examples locally of senior housing of the right scale and design.

Generally considered to "fit"

This example was the most popular, partly because residents overwhelmingly support single-story senior housing. Residents liked the scale, individual units for seniors, small yards and stoops. Some thought it looked too much like public housing, though, and thought a true fit would be better designed

Mixed responses

This photograph had a mixture of responses. Those who liked it mostly commented on the design and scale. Most who did not commented on the institutional look and inward facing courtyard that did not seem to fit in with Rogers Road rural feel.

Absolute "NO!"

Pictures like this one that were multi-story nursing or assisted living facilities were not considered a fit, mostly because of the scale, the institutional look, and the feeling that it didn't fit as well with the rural feel and independent living most seniors here want to see promoted in the community.

Higher Density Residential with Significant Affordable Component

Affordable homes are an important component of any future development in Rogers Road. But how these are designed, integrated into and connected to the community is critical. Participants responded to photographs of a mixture of mid to higher density residential development that included all or significant percentages of affordable housing as defined by HUD. Discussion about these responses made the following clear:

- Residents are interested in affordable homes, not just affordable housing, and preferred the scale of existing Habitat homes or the photograph on the top below best (1 to 1.5 stories were by far most popular) because they were "family-friendly"
- Any increase in density must still fit into the fabric, and most photographs of planned developments do not fit into the natural feel of the neighborhood
- Most participants did not like the "apartment" feel, and preferred either detached homes or carefully integrated single-story attached units

Generally considered to "fit"

The photograph of a co-housing development to the right received the most positive "feel" of the more than dozen photographs (just over 60%), mostly because of the scale and better integration of natural surroundings.

Mixed responses

Half of participants thought the example developments above could fit into the existing community. It seemed this was due more to the right scale of development rather than the actual design, as many commented on the desire for more unique units with more privacy.

Absolute "NO!"

Pictures like the ones below and to the right received unanimous "no," again, mostly because of the scale. The examples on the top were considered too suburban and the one on the bottom was considered too urban and institutional.

Mixed Use and Retail

Many participants, though not all, welcomed the idea of Community Commercial/Retail on a few specific sites if economically feasible. While participants expressed a range of opinions on whether this could work, most were interested in the possibility of small-scale retail spaces that were walkable. We explored the meaning of this with a range of photographs of commercial and mixed use. Common themes: 1) No more than 2 stories, 2) 4-6 shops max, 3) integrated into the design fabric of the community

More than 50% considered a "fit"

The photos below received just a bit more than half of respondents who felt like these examples could fit in, mostly because of the scale and the integration into residential community life.

Mixed responses

Around 50% found the structures in the photos below could fit in. Comments on the left photograph suggested that the retail spaces were small enough to include a range of options but many did not like the "strip-mall" feel of the parking. The right photo was one of the only mixed-use that did not receive overwhelming "no", likely because of the smaller scale.

Absolute "NO!"

Pictures like the below received unanimous dislike: too urban, too large, or too suburban.

Principles for Future Action

Support a community owned process that the community is “a part of, not the victim of.”

A. Follow the stipulated priorities for future development

The priorities identified in this report should be considered the platform for development in Rogers Road. Rather than a step-by-step guide to development, this planning process established a guiding list of crisp and clear priorities for the future.

B. Ensure accountability

One of the main concerns we heard throughout the process was “Even if we do all this work, how are we going to ensure that the powers that be (local governments and developers) will listen?”. Decades of broken promises and countless, so-called community processes have left an accountability gap between the residents of Rogers Road and the Towns and County. Rebuilding trust will come through sustained efforts to increase accountability.

As resident Marian Peppers puts it, “Tell the town to fix it. Just fix it.”

C. Maintain open and consistent communication

During our process, we learned about a concurrent meeting among campaigning county commissioners regarding future development of the Greene Tract. Neither RENA leaders nor residents were asked for input; their perspectives were not engaged in discussion. This is the kind of failure of coordinated communication processes that leads to breakdown. To ensure planning that is effective for all concerned, residents of Rogers Road should be involved in all related conversations out of the gate. The absence of community members builds further distrust between residents and local municipalities. Conversations involving decision-making bodies would aid in building a bridge of trust between local municipalities and Rogers Road residents, with the ultimate goal of "win-win." Any future action should reflect direct and immediate integration of perspectives of RENA leaders and residents.

D. Support Community-First Planning

Community-First planning came through honest and tense dialogue with the long term and historic residents or Rogers Road. The community is dynamic, with diverse opinions that work to create complicated plans. At the end of the process, we could not say with one voice, for example, “Rogers Road wants a small scale commercial development to happen in the Greene Tract.” The process did not, at this stage, produce consensus but it did engage points of view that may otherwise have been buried under external assumptions about "the" community's point of view.

Often, even community-oriented developers justify taking action without more input by saying that community members are tired of more meetings, or don't have time for process. This is simply not the case in the Rogers Road neighborhood. Given appropriate planning for availability and direct communication strategies, residents tirelessly showed up to meeting after meeting, and have been doing so for over 30 years. Needs and desires in the neighborhood are highly contextual, and change over time. This document is testament to the value of inclusive, honest, ongoing dialogue. However, it represents a starting point only for a development process that must continue to engage residents in determining the future of the Historic Rogers Road Neighborhood.

Rogers Road has the necessary resources for effective Community-First planning. The Community Unity Board is expanding. Members have consistently brought over 20 residents to community meetings, and organized in-home conversations with the neighbors on their street. RENA has produced a monthly Baja Newsletter via the work of the RENA interns. Neighbors have been able to articulate their diverse place-based hopes for various potential spaces for development.

The Town of Chapel Hill, the Town of Carrboro, and Orange County have a unique opportunity to proceed on development planning in coordination with residents that will meet municipal, county, and community goals and set a model for development that is directly responsive not only to the history but to the vision of its constituents.

Appendices

Appendix A. List of Unity Board Members/Participants

David Bellin* (Tallyho)

David Caldwell* (RENA, Rogers Road)

Larry Caldwell* (RENA intern, Rusch Rd)

Rose Caldwell* (RENA, Rogers Road)

Robert Campbell* (RENA, Purefoy Dr.)

Sally Council* (Billabong neighborhood)

Rev. Lisa Fischbeck (Church of the Advocate)

Jasmine McClain* (RENA intern, Rogers Rd)

Rev. Thomas Nixon (St. Paul's)

Marion Peppers* (Phoenix Place)

Tim Peppers* (Rogers Rd)

Carl Purefoy, Sr.* (Purefoy Dr)

Karen Reid* (Sandberg Ln)

Jimmy Rogers* (Edgar/Purefoy)

Nancy Rogers* (Edgar/Purefoy)

Shirley Sharpe* (Rogers Road)

Jeannie Stroud* (Rogers Road)

Laura Wenzel* (Tallyho neighborhood)

Bishop Ila McMillan* (Faith Tabernacle)

*indicates a neighborhood resident

List of Additional Participants/Interviewees/Neighborhood Consultants

Larry Reid* (Sandberg)

Linda Allen (Rogers Road)

Malwood Revels* (Sandberg)

Quiana Phillips* (Phoenix Pl)

Ebi Joelin * (Billabong)

Burnice Hackney (St. Paul)

Lillie Brown* (Rogers Road)

Beverly Ferreiro* (Billabong)

Georgia Revels* (Sandberg)

Leander Stroud* (Rogers Rd)

Courtney Gray* (Purefoy)

Tracy Kulhman* (Tallyho)

List of Facilitators

Stephane Barnes-Simms (Jackson Center)

George Barrett (Jackson Center)

Tim Stallmann (Jackson Center)

Hudson Vaughan (Jackson Center)

RENA leaders already mentioned also helped facilitate*

List of Additional Panelists/Guests:

Mayme Webb-Bledsoe, Duke Durham Partnership

Ebonie Alexander, Black Family Landtrust

Melanie Allen, NC Conservation Trust

Appendix B. Glossary of Terms

Affordable Homes

There is a difference between affordable housing and affordable homes, and "homes" is used purposefully here. Affordable homes necessitate a certain quality, wholeness, and connection with the community around them. Rogers Road has been home to generations of residents (indeed, over 80% of residents have historic ties to the community). Whatever new housing is built in the neighborhood must be suited for families (3 bedroom, 2 bath as the primary model, with a smaller model for elder housing) and also be integrated into the fabric of the existing community, ideally attracting and retaining subsequent generations of historic Rogers Road residents. Also, the standards for affordability used in new development should further the existing socio-economic diversity in the neighborhood (including a significant percentage of households earning below 50% AMI) – which will necessitate more careful and creative approaches than the standard 60-80% AMI metric.

Community Commercial

While there are a range of opinions about the presence of retail and commercial generally in the neighborhood, there was strong support for the existence of modest, community commercial spaces that allow for small, local businesses to serve the community. Examples given have included hair salons and barbershops, small ethnic restaurants, hardware store outposts & maker spaces, community health clinics, small outdoor markets, and kiosk-size spaces for short-term use (such as flower shops) to support entrepreneurship. We use the phrasing "community commercial" here to highlight that the goal is to serve the neighborhood, provide employment opportunities, and ensure that affordable commercial space is available long in the future. Meeting those goals will likely necessitate a different model from traditional commercial retail, either involving a nonprofit developer, subsidies, or both.

Connectivity

Connection, in the planning world, is often limited to physical infrastructure. A new subdivision is sometimes considered "connected" if it ties into the main road and has access to Weaver Dairy, for example. The term here means more integration of spaces: connection that is physical, social, and cultural. Connectivity prioritizes historic Rogers Road residents and requires integration of new development into the existing fabric of the community.

Conservation

The undeveloped land in Rogers Road is not vacant; to the contrary it has a wealth of value for residents of Rogers Road and surrounding communities. For generations this land has played an important role as a site for recreation, for fruit orchards, and for contemplation. Conservation on the tract should acknowledge and build on this cultural value without disturbing the rural feel of the area – not creating a sectioned-off or walled-off part of the community, but keeping large portions of these lands open for enjoyment and connection to the natural world, while protecting this special environment.

Honors history

Honoring history in tangible ways refers to more than just physical markers, signage, and history exhibits, although these are important. It also means that any development must show alignment with community goals and be something historic Rogers Road residents take pride in.

Preserves diversity

To continue to promote and ensure the existing diversity into the future; to further the remarkable socioeconomic and cultural diversity that is already present in Rogers Road.

Appendix C: Timeline

Timeline of Community Planning Work	
Pre-process interviews and review: In the first month, RENA and the Jackson Center worked together to review past plans, including the Small Area Plan & the various Task Force reports. We devised questions for the planning departments and key stakeholders and completed several small group interviews, to better understand what the gaps were in previous efforts and what common priorities and themes had been identified as starting points for community discussion. We identified leaders from the sub-neighborhoods and other major stakeholders to invite to the Unity Board, and sent out invitations. Unity Board members include neighbors from sub-neighborhoods including Historic Rogers Road, Billabong, TallyHo, Meadow Run, Phoenix Place, Rusch Rd, and Sandberg areas, and leaders from St. Paul, Church of the Advocate, and Faith Tabernacle.	August 15- September 30
Unity Board Meeting 1: The group reviewed the proposed process and charge. We shared visions for the future of Rogers Road 10 years from now and began discussing priorities identified from past planning efforts and what had changed since that time. We had dialogue about the struggle of past processes to move toward implementation and began discussing sets of questions to help this effort move forward comprehensively.	October 8
Unity Board Meeting 2: The group developed a draft of priorities for future development based on the themes from the shared visions and from the previous plans. Three small groups participated in a rotation activity into categories of past priorities, updating them, challenging them, and mapping vision into strategy.	October 22
Unity Board Meeting 3: The group began to geographically map answers to questions set forth from the priorities for future development that began to elaborate on the “what” and “where.”	November 7
Unity Board Meeting 4: The group critiqued the existing work to date, finalized the priorities for any future development, and worked on mapping questions related to the priorities.	November 22

Unity Board Meeting 5: We identified the major parcels of undeveloped land or large tracts with the most likelihood of future development. The group explored hopes and fears specifically for those identified parcels and how it connected with the overall visions for the neighborhood.	January 16
Interviews Round 1: We developed a set of questions for individuals to respond particularly with their hopes and fears related to large undeveloped tracts of land and conducted interviews with participants of the Unity Board.	Jan. 16- Feb. 11
Unity Board Meeting 6: We reviewed all work to date and focused on the points in which there were the most differences in the interviews. We created an outreach plan and an approach to begin moving toward a final strategy document.	February 11
Interviews Round 2: We interviewed additional neighbors from sub-neighborhoods with the questions focused on major areas of undeveloped land and the design feel document, to make sure these conversations were taking place more broadly.	Feb. 11-March 15
Community Panel Discussion: Tools & Strategies. Four organizations - Black Family Land Trust, NC Conservation Trust, The Duke-Durham Partnership, and RENA discussed models and tools historically African American communities have used to influence land use and development; what experiences from across the state might assist Rogers Road in the preservation of its diversity; and what strategies might be used to pursue the priorities laid out by community members. Over 30 neighbors attended.	March 15
Unity Board Meeting 7: We met to review the final draft of the document. Residents gave feedback page by page. At the end of the meeting, residents in attendance decided unanimously to move forward with the document pending suggested changes.	April 26
Unity Board Review: The final draft was distributed to all primary participants for one last round of edits. RENA and the Jackson Center incorporated suggestions and finalized the document.	April 26-May 20

Appendix D. Meeting Flyer Example

Preserving the Future of Rogers Rd

Panel Discussion

- ✓ What models and tools have historically African American communities used to influence land use and development in their communities?
- ✓ What experiences from across the state might assist Rogers Road in the preservation of our diverse neighborhood?
- ✓ What strategies might we use to limit suburban sprawl happening around us?

Come join this discussion in which leaders from across the state of North Carolina will share their experience and engage in a dialogue with neighbors as we work to preserve the future of Rogers Road.

Panelists:

- ❖ Ebonie Alexander, Executive Director: **Black Family Land Trust**
- ❖ Mayme Webb-Bledsoe, Neighborhood Coordinator: **Duke-Durham Partnership**
- ❖ Melanie Allen, Diversity Program Director: **Conservation Trust for North Carolina**
- ❖ Minister Robert Campbell, **NAACP President & Rogers Road Community Leader**

March 15th at 6 pm, RENA Community Center

Refreshments will be served.

RENA Community Center: 101 Edgar Street, Chapel Hill, NC 27516 919-918-2822

References

Final Report. Rogers Road Small Area Plan Task Force, 2008.

Historic and Vibrant Rogers Road. Rogers-Eubanks Neighborhood Association and Marian Cheek Jackson Center, 2012.

Rogers Road. Emily Eidenier Pearce in collaboration with Rogers-Eubanks Neighborhood Association, 2008.

Present:
Mayor Mark Chilton, Alderman Jacquelyn Gist, Alderman Michelle Johnson, Alderman Lydia Lavelle and Alderman Sammy Slade

Absent:
Alderman Randee Haven-O'Donnell

Also present: Town Manager David Andrews, Town Attorney Mike Brough, Town Clerk Catherine Wilson

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A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

Katherine Dydak, a current urban planning graduate student at UNC, invited the Board to attend the Smart Math of Mixed Use Development event on March 21, 2013 at 6:30 p.m. The parking lot is available for parking after 5:30 p.m. Alderman Gist asked that the item be placed on the Town's website and sent to the Town Clerk for distribution to the Town's advisory boards.

Alderman Lavelle requested that the Town receive a copy of the presentation if it is recorded.

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B. RESOLUTIONS AND PROCLAMATIONS

EARTH HOUR PROCLAMATION

Mayor Chilton proclaimed March 23rd, 2013, 8:30 pm as “Earth Hour" in Carrboro.

****

A RESOLUTION IN SUPPORT OF THE UNITING AMERICAN FAMILIES ACT (HR 519/S 296) AND THE INCLUSION OF LGBT FAMILIES IN COMPREHENSIVE IMMIGRATION REFORM

A motion was made by Alderman Lavelle, seconded by Alderman Gist, that this resolution be approved.

Resolution in Support of the
Uniting American Families Act (HR 519/S 296)
and the Inclusion of LGBT Families in Comprehensive Immigration Reform

WHEREAS, a driving goal under U.S. immigration law is family unification and the ability of families and individuals to reside legally in the U.S., engaging fully in our country's rich civil traditions and form of government; and,

WHEREAS, the Town of Carrboro celebrates and respects all immigrant groups and all families, including gay and lesbian families; and,

WHEREAS, current U.S. immigration law discriminates against a U.S. citizen or lawful permanent resident and his or her foreign-born partner by not allowing the sponsorship of the foreign partner for immigration benefits, although an opposite-sex couple would have the right to do so; and,

WHEREAS, this form of discrimination and unfair treatment under the law has devastating and life-altering consequences for same-sex partners; and,

WHEREAS, the inability to sponsor a same-sex partner leaves the couple with the following limited options: choosing to remain in a costly long-distance international relationship; choosing to live abroad in the foreign partner's country, if allowable; seeking a visa, independent of the partnership, for the foreign-born partner, creating a limited duration of legal stay; choosing to allow the foreign-born partner to remain undocumented or allow a visa to lapse, creating daily uncertainty and fear of deportation; or terminating the relationship; and,

WHEREAS, the limited legal options for same-sex partners to keep their relationship unified exacts an enormous emotional, financial, and mental toll, disproportionate to opposite-sex couples in bi-national relationships; and,

WHEREAS, beyond the personal challenges to same-sex couples, the Town of Carrboro and the entire country risk a great loss of talent should the foreign partner and/or the U.S. citizen or lawful permanent resident be forced to depart the U.S. to keep the relationship whole in another country; and,

WHEREAS, currently pending in the U.S. Congress is the Uniting American Families Act (H.R. 519/S.296), reintroduced by Representative Jerrold Nadler (D-NY-10) and Senator Patrick Leahy (D-VT). The purpose of this bill is "to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships"; and,

WHEREAS, the Uniting American Families Act would allow same-sex relationships to be treated no differently from opposite sex relationships and all legal requirements of qualifying under the statute and proving the good faith nature of their relationship would remain; and,

WHEREAS, the Uniting American Families Act would bring U.S. immigration law in line with the 31 other countries that already recognize same sex partnerships for immigration purposes, including Australia, Austria, Belgium, Brazil, Canada, Czech Republic, Denmark, Finland, France, Germany, Iceland, Ireland, Israel, the Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom; and,

WHEREAS, the Town of Carrboro fully supports the measures of Congress to allow gay and lesbian partners to access immigration benefits in an equal and fair manner, equivalent to opposite sex partners who currently enjoy such legal rights;

NOW THEREFORE BE IT RESOLVED that we, the members of the Carrboro Board of Aldermen, do hereby express our strong support for the passage of the Uniting American Families Act, and its inclusion in comprehensive immigration reform legislation, or other laws that will end discrimination for

bi-national same-sex partners under the immigration laws and will allow gay and lesbian residents of the State of North Carolina fair and equal access to immigration benefits through their permanent partnerships.

BE IT FURTHER RESOLVED that copies of this resolution be prepared and sent to U.S. Senator Kay Hagan; U.S. Senator Richard Burr, U.S. Representative David Price; Speaker of the House of Representatives John Boehner; Leader of the Senate Harry Reid, and Vice-President of the U.S. and President of the U.S. Senate Joseph Biden.

The motion carried by the following vote:

Aye: - Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

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C. CHARGES ISSUED

The Town Clerk issued charges to the following recent advisory board appointees:
1. Paul Daughtry
2. Will McInerny
3. Steven Canady
4.Gabe Riven
5. Andrea Tanner

****

D. CONSENT AGENDA

APPROVAL OF PREVIOUS MEETING MINUTES

The purpose of this item was to adopt the previous meeting minutes for February 19th and February 26th, 2013.

A motion was made by Alderman Slade, seconded by Alderman Lavelle, that the minutes be approved. The motion carried by the following vote:

Aye: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

****

REQUEST TO MAKE AN APPOINTMENT TO THE RECREATION AND PARKS

The purpose of this item was for the Mayor and Board to consider making an appointment to the Recreation and Parks Commission.

A motion was made by Alderman Slade, seconded by Alderman Lavelle, that this Resolution be approved.

A RESOLUTION MAKING AN APPOINTMENT TO THE
RECREATION AND PARKS COMMISSION

WHEREAS**,** three at-large seats on the Recreation and Parks Commission have expiring terms.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES;

Section 1. The Board of Aldermen hereby appoints the following applicants and recommended representatives to the Recreation and Parks Commission:

Seat Designation	Appointee	Term Expiration
Out-of-Town	Eric Allman	2/1/2016

Section 2. This resolution shall become effective upon adoption.

The motion carried by the following vote:

Aye: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

****

RECOGNITION OF RECEIPT OF DISTINGUISHED BUDGET PRESENTATION AWARD FROM GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)

The purpose of this item was for the Board of Aldermen to consider the attached resolution recognizing the Town's receipt of the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for the FY12-13 Budget.

A motion was made by Alderman Lavelle, seconded by Alderman Johnson, that this resolution be approved.

A RESOLUTION RECOGNIZING RECEIPT OF THE DISTINGUISHED BUDGET PRESENTATION AWARD FROM GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)

WHEREAS, The Government Finance Officers Association (GFOA) has notified the Town that the FY12-13 Budget has received the Distinguished Budget Presentation Award; and

WHEREAS, this award reflects the commitment of the Board of Aldermen and Town staff to meeting the highest principles in governmental budgeting; and

WHEREAS, in order to receive this award, the Town had to satisfy nationally recognized guidelines for effective budget presentation, including an assessment of how the Town's budget serves as a policy document, a financial plan, an operations guide and a communications device; and

WHEREAS, The Town's budget was rated proficient in all four broad categories and the fourteen (14) criteria within those categories; and

WHEREAS, Carrboro is one of 1,328 entities in the country to receive this award during this rating period, and one of 26 municipalities in North Carolina; and

WHEREAS, This is the 10th year in a row the Town has received this award.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen hereby recognizes the receipt of the Distinguished Budget Presentation Award and thanks Town Staff, particularly the Management Services Department, for their efforts.

The motion carried by the following vote:

Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

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REQUEST TO SET THE PUBLIC HEARING FOR THE SHELTON STATION CONDITIONAL USE PERMIT REQUEST

Belmont Sayre, LLC as represented by Coulter, Jewell and Thames, submitted an application for the construction of a mixed-use commercial/residential development located adjacent to and including 402 N. Greensboro Street. The Conditional Use Permit, if approved, would allow the creation of a four story multi-family residential building with 94 dwelling units and a two-story, 22,706 square foot of commercial building with associated infrastructure. The applicants requested that the Board set the public hearing date for the conditional use permit request on March 21st, 2013.

Alderman Gist requested that the applicant be informed that the Board desires to see good neighbor issues fully addressed at the time of the public hearing.

A motion was made by Alderman Gist, seconded by Alderman Lavelle, that this resolution be approved.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED SHELTON STATION CONDITIONAL USE PERMIT REQUEST

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a Conditional Use Permit authorizing a commercial/residential mixed-use development on the N. Greensboro Street parcels identified by Orange County PINs 9778877556, 9778877448, 9778879369 & 9778970512.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on March 21st, 2013 to discuss the proposed Shelton Station CUP project.

The motion carried by the following vote:

Ayes: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

****

408 LLOYD STREET SEWER EASEMENT GRANTING FOR 308 BROAD STREET SEWER SERVICE

Mr. Clarence Payne, owner of the property at 307 Broad Street (PIN 9778975675), as represented by Wayne Hadler, attorney, requested that the Town grant a 10' private sewer lateral easement across Town property located at 408 Lloyd Street (PIN 9778974626) to provide access to OWASA sewer services.

A motion was made by Alderman Slade, seconded by Alderman Lavelle, that this resolution be approved.

RESOLUTION OF THE TOWN OF CARRBORO BOARD OF ALDERMEN AUTHORIZING THE GRANTING OF A 10' PRIVATE SEWER EASEMENT ON THE TOWN-OWNED PROPERTY AT 408 LLOYD STREET TO THE OWNER OF THE PROPERTY AT 307 BROAD STREET

WHEREAS, the Town of Carrboro is the owner of the real property known as 408 Lloyd Street in Carrboro (Orange County PIN 9778974626); and

WHEREAS, the Town has become aware that a residence located on an adjoining parcel, 307 Broad Street (Orange County PIN 9778975675) does not have direct access to OWASA sewer services; and

WHEREAS, the owner of the adjoining parcel has requested that the Town grant them an easement to access the OWASA sewer service located on the Town property; and

NOW, THEREFORE, be it resolved by the Town of Carrboro Board of Aldermen that:
The Town Board of Aldermen authorizes the granting of a sewer service easement per the intent of the plat and profile prepared by Freehold Land Surveys, Inc. and dated October 23, 2012 subject to the following condition;

- That prior to recording of the easement plat that the previously approved recombination of the 408 and 410 Lloyd Street properties is recorded.

The motion carried by the following vote:
Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

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E. OTHER MATTERS

UPDATE ON THE WATCH FOR ME NC PEDESTRIAN AND BICYCLE SAFETY CAMPAIGN

The Board received an update on Watch for Me NC, a regional pedestrian safety campaign led by the NCDOT Division of Bicycle and Pedestrian Transportation, and considered a resolution establishing

Town participation in year two of the campaign, which will focus on both pedestrian and bicyclist safety.

Jeff Brubaker, the Town's Transportation Planner, made the presentation to the Board.

Alderman Gist stated that she also wants to see an effort on educating bikers and pedestrians on their responsibilities.

A motion was made by Alderman Gist, seconded by Alderman Johnson, that this resolution be approved.

A RESOLUTION SUPPORTING THE PARTICIPATION IN THE WATCH FOR ME NC PEDESTRIAN/BICYCLE SAFETY CAMPAIGN IN COOPERATION WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, *Carrboro Vision 2020* states that the "safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential" (Policy 4.0); and

WHEREAS, the Comprehensive Bicycle Transportation Plan recommends, among other educational and enforcement activities, developing bicycle safety educational materials, enforcing unsafe behavior, producing education messages in distributions and media, and developing training sessions for local law enforcement (Ch. 4); and

WHEREAS, the Safe Routes to School Action Plan recommends starting a comprehensive motorist/pedestrian/bicyclist safety campaign (Ch. 5); and

WHEREAS, the Town of Carrboro recognizes the importance of educating pedestrians, bicyclists and drivers on how to share the road safely; and

WHEREAS, the North Carolina Department of Transportation is leading a pedestrian and bicycle safety campaign for the Triangle region, known as Watch for Me NC; and

WHEREAS, the North Carolina Department of Transportation is seeking commitment from Triangle-Area communities for involvement in the Watch for Me NC 2013 campaign; and

WHEREAS, the Watch for Me NC campaign would provide safety education for pedestrians, cyclists and drivers through various strategies; and provide training to officers to support enforcement activities and provide information for campaign evaluation.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen pledges, in cooperation with the North Carolina Department of Transportation, to participate in the 2013 Watch for Me NC campaign.

BE IT FURTHER RESOLVED that the Planning Department, Police Department, and other departments if directed by the Town Manager, are directed to coordinate with staff from other municipalities and stakeholders involved in the Watch for Me NC campaign as necessary to ensure successful participation.

The motion carried by the following vote:

Aye: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

****

DISCUSSION OF GREENE TRACT/ROGERS ROAD

The purpose of this agenda item was for a Board discussion of the Greene Tract in relation to the work of the Historic Rogers Road Neighborhood Task Force.

Trish McGuire, the Town's Planning Director, made the presentation to the Board.

A motion was made by Alderman Johnson, seconded by Alderman Slade, that this resolution be approved.

A RESOLUTION SPECIFYING BOARD OF ALDERMEN COMMENTS REGARDING DISPOSITION OF THE GREENE TRACT

WHEREAS, the Board of Aldermen participated in Historic Rogers Road Neighborhood Task Force Meetings and discussion of the Greene Tract at the December 6, 2012 Assembly of Governments; and

WHEREAS, the Board of Aldermen has previously adopted resolutions regarding the disposition of the Greene Tract; and

WHEREAS, possible alternative uses have been raised in discussions of the proposed utility district for the Rogers Road area and in relation to the Chapel Hill Small Area Plan for the Rogers Road area.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen specifies the following comments regarding uses of the Greene Tract

1. The Board of Aldermen is not interested in selling the Greene Tract in its entirety and supports open space and affordable housing uses, as desired and appropriate, with slight adjustments to the acreages previously specified in their 2002 resolution (85.9 open space/ 18.1 affordable housing) to allow for a public school site.

2. The Board stated their desire to see on the order of 60+ affordable housing units.

3. The Board supports conservation easements on open space areas.

4. The Board stated that some additional area should be reserved along the railroad right-of-way to accommodate future expansion of the rail corridor.

5. The Affordable Housing Taskforce should follow-up with professional community development corporation representatives to discuss the possibility of affordable housing and mixed use together.

The motion carried by the following vote:

Aye: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

****

UPDATE ON THE TOWN'S SOLID WASTE OPERATIONS AND REQUEST TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR A SOLID WASTE TRANSFER STATION

The purpose of this agenda item was to update the Board of Aldermen on the selection of a disposal site for municipal solid waste as a result of the Orange County Landfill closing on June 30, 2013.

A motion was made by Alderman Lavelle, seconded by Alderman Johnson, that this resolutoin be approved.

A RESOLUTION ACCEPTING THE TOWN'S SOLID WASTE OPERATIONS AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT FOR A SOLID WASTE TRANSFER STATION

Section 1. The Board of Aldermen hereby accepts the town staff report updating the Board of Aldermen about proposed changes to the Town's solid waste operations in response to the closing of the Orange County Landfill on June 30, 2013.

Section 2. The Board of Aldermen hereby authorizes the Town Manager to negotiate and execute an agreement with Waste Industries for use of a Solid Waste Transfer Station; and execute amendments to or modifications of the contract, if necessary or appropriate, provided that such amendments or modifications are consistent with the general intent and purpose for which the contract is made.

Section 3. This resolution shall become effective upon adoption.

The motion carried by the following vote:

Aye: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle and Alderman Slade

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ROSSBURN WAY TRAFFIC CALMING REQUEST FOLLOW-UP REPORT

A follow-up report on traffic calming on Rossburn Way was presented to the Board of Aldermen.

A motion was made by Alderman Lavelle, seconded by Alderman Slade, that this resolution be approved.

A RESOLUTION RELATING TO TRAFFIC CALMING MEASURES ON ROSSBURN WAY

WHEREAS, the Board of Aldermen adopted the Residential Traffic Management Plan (RTMP) in June of 1996 to provide "a process for identifying and addressing existing problems related to speeding, excessive volumes, and safety on town-maintained residential streets"; and,

WHEREAS, a valid traffic calming petition, in accordance with the RTMP, was received from residents of the Kent Woodlands neighborhood in November 2010; and,

WHEREAS, a traffic evaluation was completed, and the Transportation Advisory Board made a recommendation, both of which were presented to the Board of Aldermen on October 18, 2011; and,

WHEREAS, at this meeting, the Board of Aldermen adopted a resolution recommending Stage 1 traffic calming measures and directed that research on potential Stage 2 measures be completed and presented to the Transportation Advisory Board, Town of Chapel Hill, and neighborhood residents; and,

WHEREAS, the Transportation Advisory Board has reviewed the aforementioned Stage 2 research and options; received feedback from neighbors; and made a recommendation to the Board of Aldermen; and,

WHEREAS, enforcement and education have been implemented with Town staff, working with neighborhood residents;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board receives the traffic calming report on Rossburn Way.

BE IT FURTHER RESOLVED that:

1.That Stage 1 traffic calming measures continue to be pursued as necessary.

2.That the following Transportation Advisory Board recommendations be included:

1. The Transportation Advisory Board recommends to the Board of Aldermen that the Stage 1 measures continue to be implemented;
2. The TAB recommends that the Town communicate with the Police Department about conducting speed enforcement operations in the neighborhood between the times of 4:00 and 6:00 P.M., which is when the problem seems to be its worst;
3. The TAB has suggested to the neighbors that the license plate numbers of offenders be reported to the Police Department and that they ask the Police Department to follow up on those as anonymous reports;
4. The TAB has suggested that the neighbors invite the Police Department to speak at a neighborhood function about the speeding problem in the neighborhood;
5. After these actions have been done, the Town should evaluate speeds on that stretch of road

The motion carried by the following vote:

Aye: Mayor Chilton, Alderman Gist, Alderman Johnson, Alderman Lavelle, and Alderman Slade

****

<u>REQUEST TO SET PUBLIC HEARING FOR MAJOR MODIFICATION TO THE CLAREMONT SOUTH PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT</u>

Parker Louis, LLC submitted an application for a Major Modification to the Claremont South Planned

Unit Development Conditional Use Permit for the properties addressed as 1001 Homestead Road. Prior to reaching a decision on these requests, the Board of Aldermen must receive public input.

At the request of the applicant, this item was tabled.

****

H. MATTERS BY TOWN ATTORNEY

CLOSED SESSION - ATTORNEY CLIENT PRIVILEGE

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN JOHNSON TO ENTER INTO CLOSED SESSION. VOTE: AFFIRMATIVE ALL

****

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN LAVELLE TO ADJOURN THE MEETING AT 11:48PM. VOTE: AFFIRMATIVE ALL

RES-2016-064

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION

To Designate and Create the "Headwaters Nature Preserve"

WHEREAS, Orange County owns 60 acres of land south of Eubanks Road, west of Purefoy Drive, north of Homestead Road and west of the North Carolina Railroad on the north side of Chapel Hill; and

WHEREAS, the location of this property makes it conducive for public open space and low impact recreation – including trails, picnic tables and wildlife viewing areas – for the surrounding neighborhoods and the Rogers-Eubanks community; and

WHEREAS, the Orange County Board of County Commissioners of March, 2000 – citing the natural resources present on site - expressed an intention to keep this 60 acres of land undisturbed; and

WHEREAS, a 2002 master plan for the adjoining 104-acre Greene Tract reflected open space as an important and contiguous future land use, and recent planning efforts for the Greene Tract continue to show open space and low-impact recreation as a recommended part of the mix of future uses; and

WHEREAS, the Orange County Board of County Commissioners adopted an FY 2016-17 budget that included funds to reimburse the Solid Waste Enterprise Fund for this property; and

WHEREAS, on September 8, 2016 the Board expressed a desire to move forward with designation of the 60-acre suite for open space and low-impact recreation.

NOW, THEREFORE, BE IT RESOLVED:

That the Orange County Board of County Commissioners hereby designates this 60-acre property as the "Headwater Nature Preserve' and take the following actions:

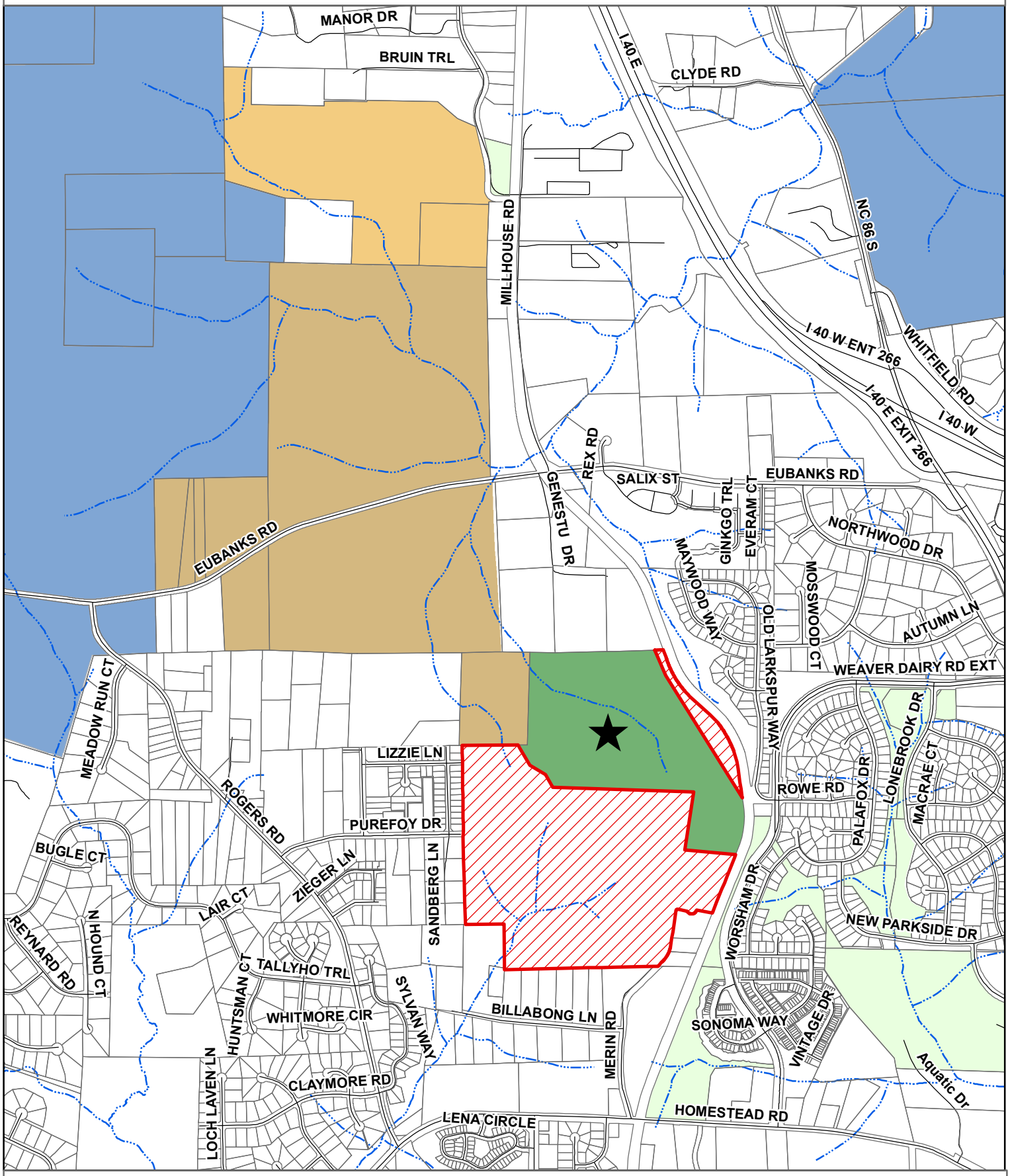
1. That this 60-acre property be assigned for use as publicly-accessible open space and low-impact recreation, with such usage to begin as soon as practical.
2. That this land be enrolled in the County's Lands Legacy Program, to be protected and conserved for this designated purposes.
3. That the County Manager and staff be directed to develop a plan for implementation.

This the 18th Day of October 2016.

Earl McKee

Earl McKee, Chair
Orange County Board of Commissioners

Headwaters Nature Preserve - Context Map



Headwaters Nature Preserve
Greene Tract (jointly-owned)
Parkland & Open Space owned by Orange County
Parkland & Open Space owned by Chapel Hill
Duke Forest
Orange County Solid Waste properties
Parcel boundary
Streets
Streams

1 inch = 1,277 feet

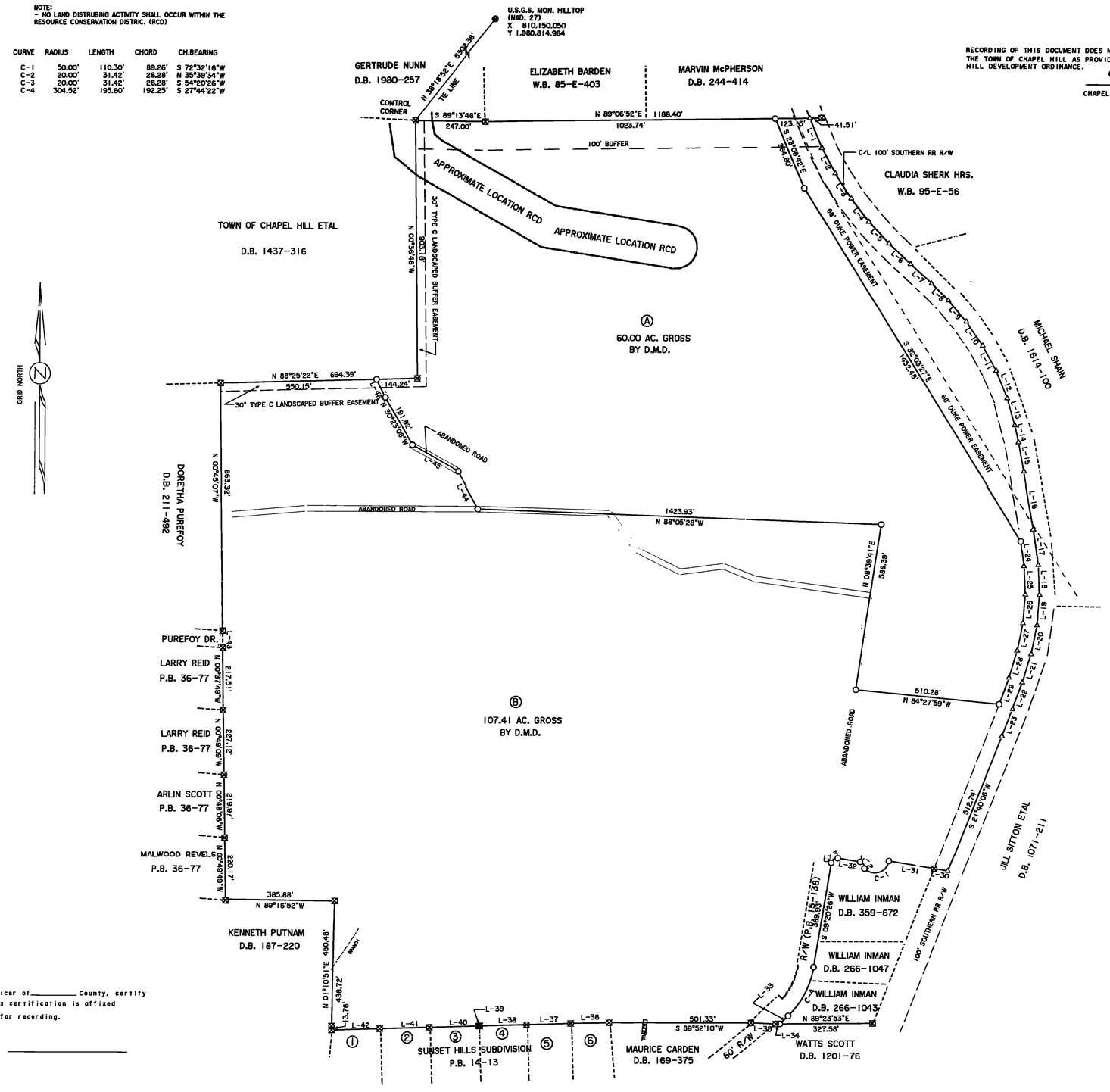
DEAPR
OC 220K O:\gishome\gisproj
\land_resource\HeadwatersNatPreserve.mxd
Land Records GIS Division
9/27/2016

Book 86 / 128

COURSE	BEARING	DISTANCE
L-1	S 22°21'58"E	112.17'
L-2	S 27°40'02"E	100.33'
L-3	S 32°53'06"E	104.98'
L-4	S 38°02'56"E	103.33'
L-5	S 43°08'00"E	104.04'
L-6	S 47°00'13"E	104.21'
L-7	S 47°37'50"E	101.24'
L-8	S 45°42'21"E	84.00'
L-9	S 40°21'27"E	98.72'
L-10	S 34°37'13"E	100.64'
L-11	S 28°43'11"E	100.39'
L-12	S 22°30'15"E	102.98'
L-13	S 16°25'20"E	99.39'
L-14	S 12°17'41"E	61.25'
L-15	S 10°32'04"E	102.64'
L-16	S 09°59'55"E	204.57'
L-17	S 08°11'01"E	125.23'
L-18	S 02°15'12"E	104.57'
L-19	S 04°29'32"W	107.07'
L-20	S 11°26'24"W	103.74'
L-21	S 17°18'53"W	103.66'
L-22	S 20°32'23"W	101.30'
L-23	S 21°31'15"W	100.98'
L-24	S 08°11'01"E	87.79'
L-25	S 02°15'12"E	99.04'
L-26	S 04°29'32"W	101.09'
L-27	S 11°26'24"W	98.14'
L-28	S 17°18'53"W	99.69'
L-29	S 20°32'23"W	99.46'
L-30	N 80°48'55"W	49.62'
L-31	N 80°48'55"W	162.48'
L-32	N 80°39'34"W	80.36'
L-33	S 46°08'26"W	41.07'
L-34	S 89°49'26"W	14.50'
L-35	N 87°47'27"W	86.87'
L-36	S 88°34'22"W	135.05'
L-37	S 88°16'37"W	154.85'
L-38	S 88°15'04"W	165.16'
L-39	S 88°37'51"W	4.77'
L-40	S 88°15'13"W	174.88'
L-41	S 88°13'52"W	174.94'
L-42	S 88°14'19"W	169.87'
L-43	N 00°46'50"W	60.11'
L-44	N 28°50'18"W	147.08'
L-45	N 60°28'18"W	187.09'
L-46	N 26°12'38"W	70.39'

NOTE:
- NO LAND DISTRUBING ACTIVITY SHALL OCCUR WITHIN THE RESOURCE CONSERVATION DISTRIC. (RCD)

CURVE	RADIUS	LENGTH	CHORD	CH.BEARING
C-1	50.00'	110.30'	89.26'	S 72°32'16"W
C-2	20.00'	31.42'	28.28'	N 35°39'34"W
C-3	20.00'	31.42'	28.28'	S 54°20'26"W
C-4	304.52'	195.60'	192.25'	S 27°44'22"W

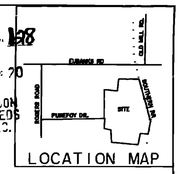


RECORDING OF THIS DOCUMENT DOES NOT REQUIRE SUBDIVISION APPROVAL OF THE TOWN OF CHAPEL HILL AS PROVIDED IN SECTION 17.2 OF THE CHAPEL HILL DEVELOPMENT ORDINANCE.

8/22/2000
CHAPEL HILL PLANNING DEPARTMENT

LEGEND:
- EXISTING IRON
- IRON SET
- MONUMENT
- COMPUTED POINT

FILED 86 128



OWNER'S CERTIFICATE OF DEDICATION

THE UNDERSIGNED OWNER HEREBY FREELY DEDICATES ALL RIGHTS OF WAY, EASEMENTS, PERPETUAL DEDICATION, USE, OWNERSHIP TO ANY PUBLIC OR PRIVATE UTILITY OR OTHER USE, WHICH IS SHOWN ON THE PLAT OF PRIVATE OWNERSHIP AS DEDICATED TO PUBLIC OR PRIVATE OWNERSHIP. THE DEDICATIONS, RIGHTS OF WAY OR EASEMENTS AND CONTROL OF SAID IMPROVEMENTS UNTIL THEY ARE ACCEPTED FOR MAINTENANCE AND CONTROL BY AN APPROPRIATE PUBLIC BODY, OR BY AN INCORPORATED OR ASSOCIATION OR PRIVATE OWNER'S ASSOCIATION OR SIMILAR LEGAL ENTITY.

OWNER: _____

STATE OF NORTH CAROLINA ORANGE COUNTY

I, _____, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF FOREGOING INSTRUMENT

WHITNESS MY HAND AND OFFICIAL SEAL, THIS THE _____ DAY OF _____ 1999.

SIGNED _____ DATED _____

MY COMMISSION EXPIRES _____

State of North Carolina
County of _____

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

I, Dale D. Faulkner, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 459, page 340); that the boundaries not surveyed are clearly indicated as drawn from information as noted; that the ratio of precision as calculated is 1:20000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 25 day of May, A.D., 2000

Surveyor: Dale D. Faulkner

Registration Number: L-2176

NORTH CAROLINA PROFESSIONAL SEAL L-2176 LAND SURVEYOR DALE D. FAULKNER

State of North Carolina
County of Orange

I, Tammy H Wood, Review Officer of Orange County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

Tammy H Wood
Review Officer
Orange County Land Records/GIS

Date of Certification: 9/28/00

T.M. 7-24--17A
P.I.N. 9870-84-3271
D.B. 459-340

9870-85-5283
9870-73-9888 2W

THIS SURVEY CREATES AN EXEMPT SUBDIVISION WITHIN THE AREA OF A MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

FINAL PLAT
EXEMPT SUBDIVISION
PROPERTY OF
TOWN OF CHAPEL HILL ETAL
CHAPEL HILL TWP. ORANGE CO.
NORTH CAROLINA
MAY 25, 2000 SCALE: 1"=200'

OWNER:
TOWN OF CHAPEL HILL ETAL
306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

200 0 200 400 600
GRAPHIC SCALE - FEET

DALE D. FAULKNER P.L.S. L-2176
3107 JONES FERRY ROAD
CHAPEL HILL, NORTH CAROLINA 27516
PHONE: 919-929-0150

Book 86/128

Town of Carrboro

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

Agenda Item Abstract

File Number: 16-323

Agenda Date: 11/1/2016 **File Type:** Agendas

In Control: Board of Aldermen

Version: 1

TITLE:
Follow-up report on activity for the area of Davie Road and Jones Ferry Road.

PURPOSE: At the Board of Alderman meeting on October 18, 2016, the Board received comments from citizens concerning the behavior of individuals at the intersection of Davie Road and Jones Ferry Road. After hearing the comments, The Board members directed staff to provide information on what is occurring at the corner, and possible solutions.

DEPARTMENT: Police

CONTACT INFORMATION: Chief Walter Horton 919-918-7397

INFORMATION: The intersection of Davie Road and Jones Ferry has historically has been a place where day laborers gather to seek employment. In 2007, a community meeting, and public hearing were held to address citizen complaints about behavior at the corner and throughout the neighborhood. The following problems were associated with the congregation at the corner, accumulation of trash; consumption of alcohol; public urination and defecation; trespassing and verbal harassment or intimidation of females in the area.

As a result of that meeting, the Board adopted an ordinance entitled "An Ordinance Amending the Town Code to Prohibit Persons from Remaining or Lingering within a Specified Area of the Town's Right of Way at the Intersection of Jones Ferry Road and Davie Street." The ordinance provided the stipulation that no person may stand, sit, recline, linger, or otherwise remain in the area during the hours of 11:00 a.m. and 5:00 a.m.

In 2011, questions about the constitutionality of the Ordinance were raised, and it was repealed in November 2011. Since then traffic and undesirable behavior have increased at the intersection of Davie Road and Jones Ferry. To organize the day labors and move them to a central location, El Centro Hispano created the Center for Employment and Leadership (CEL) in May of 2014. They have success with the CEL program, but still individuals chose to remain at the corner and seek employment.

On October 18, 2016, the Board Aldermen received public comment from citizens who live in the area about the continuing problems in the area, such as accumulation of trash; consumption of alcohol; public urination and defecation; trespassing and verbal harassment or intimidation of females in the area.

The Board then directed staff to provide information on law enforcement calls for service in the area, current

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enforcement practices, and possible solutions to the problems happening at the intersection of Davie Road and Jones Ferry Road.

Calls for Service for area

During January 1, 2016 - October 19, 2016, the Carrboro Police Department responded to 424 calls for service in area Davie Road and Jones Ferry Road, and the area immediately adjacent. A further breakdown of calls of interest is available in Attachment A.

Law Enforcement Action

During the period of January1, 2016 - October 19, 2016 the Carrboro Police took the following enforcement actions in the area of Davie Road and Jones Ferry Road, and the area immediately adjacent. These actions consisted of directed patrols, foot patrols, citations, and arrests. Please refer to Attachment B for a further Breakdown of these activities.

Proposed Solutions

Below are some possible solutions, which can be performed by the staff to decrease the problems in the area that the staff can perform.

1) Continue to work with El Centro Hispano to promote the Center for Employment (CEL) and Leadership. This could include placing signage in the area promoting CEL and encouraging contractors seeking workers to use CEL.

2) Identify wording placed on signs that discourage current behavior in the area, and have them installed in the right-of-way of Davie Road and Jones Ferry Road. The wording would be in English and Spanish. See Attachment C for sign examples.

3) Continue directed and foot patrols in the area.

4) Increased enforcement actions by allowing the Carrboro Police to adopt a no tolerance policy when dealing with violations that occur in this area. To include continuing directed and foot patrols, issuing citations and arresting those in violations of laws and ordinances.

Agenda Date: 11/1/2016 **File Type:**Agendas

In Control: Board of Aldermen

Version: 1

FISCAL & STAFF IMPACT: The Board's actions will determine fiscal and staff impact.

RECOMMENDATION: Staff Recommend the Board provided direction on how to proceed.

Attachment A

Calls for service January 1, 2016 – October 19, 2016

Adjacent Area

Break and Entering	0
Robbery	1
Disturbance	47
Trespassing	13
Larceny	16
Harassment	2
Public Consumption	0
Loitering	0
Public Urination/Defecation	0
Assault/Sexual Assault	6

Davie Road and Jones Ferry Road

Break and Entering	0
Robbery	1
Disturbance	42
Trespassing	12
Larceny	0
Harassment	1
Public Consumption	0
Loitering	0
Public Urination/Defecation	0
Assault/Sexual Assault	6

Attachment B

Law enforcement action January 1, 2016 – October 19, 2016

Adjacent Area

Directed Patrol	67
Foot Patrol	45
Citations	59
Arrest	10

Davie Road and Jones Ferry Road

Directed Patrol	61
Foot Patrol	44
Arrest	10
Citations by type	23
Public Urination/Defecation	0
Trespassing	2
Alcohol Violations	17
Town Ordinance violation	2
Poss. Of Marijuana/Paraphernalia	1
Simple Assault	1

Attachment C Proposed Signage

Option 1

The following actions are prohibited
and are subject to Citation or Arrest:

Open Containers and Public Consumption of alcohol
Public Urination
Littering
Drugs
Prostitution
Fighting

Help us keep our community safe and clean

Option 2

Help us keep our community safe and clean Please refrain from the following behaviors:

Open Containers or Public Consumption of alcohol
Public Urination
Littering
Drugs
Prostitution
Fighting
These offenses are subject to citations and/or arrest

Day Laborers seeking employment
please call 919-945-0132

Attachment D

A RESOLUTION PROVIDING DIRECTION TO THE CARRBORO POLICE DEPARTMENT REGARDING CITIZEN COMPLAINTS OF ACTIVITIES AT THE INTERSECTION OF JONES FERRY ROAD AND DAVIE ROAD

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT:

Section 1: The Carrboro Police Department is hereby requested to:

1. Increase enforcement actions in the area of Davie Road and Jones Ferry Road to include;

a. Continuing directed and foot patrols in the area and;

b. Issuing citations and making arrest for violations of law and;

c. Continue to explore other alternatives that could address the communities concerns with internal and external stakeholders.

Section 2: The Carrboro Police Department is directed to install a sign at the corner of Jones Ferry Road and Davie Road that shall read:

[INSERT TEXT APPROVED BY BOARD OF ALDERMEN]

Section 3. This resolution becomes effective upon adoption.