



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, February 6, 2018

7:30 PM

Board Chambers - Room 110

7:30-7:40

A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. [17-410](#) Charges Issued to Recently Appointed Board Volunteers
PURPOSE:

7:40-7:45

B. ANNOUNCEMENT OF UPCOMING MEETINGS

7:45-7:50

C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:50-8:00

D. CONSENT AGENDA

1. [17-411](#) Approval of Previous Minutes of January 16, 2018

PURPOSE:

2. [17-402](#) Consideration Amending an Affordable Housing Funding Request
for Critical Home Repairs

PURPOSE: The purpose of this item is for the Board to consider amending
approval of a request for home repair funds from Habitat for Humanity of Orange
County.

Attachments: [Attachement A - Funding Request](#)
[Attachment B - Eligibility Analysis](#)
[Attachment C - Board Resolution](#)

3. [17-405](#) Request for a CUP Permit Extension for the Hilton Garden Inn hotel proposed for 390 E. Main Street

PURPOSE: The Board is asked to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Hilton Garden Inn CUP. Town staff recommends approval of the request.

Attachments: [Attachment A - Extension Resolution](#)
[Attachment B- Permit and documents](#)

4. [17-401](#) Request to Set the Public Hearing for Mixed Use Building at 1001 Homestead Road

PURPOSE: Parker Louis, LCC, has submitted an application for a Conditional Use Permit for a Mixed Use Building within the B-3 zoned portion of the Planned Unit Development for Claremont South Subdivision, Phase 4 located at 1001 Homestead Road. This agenda item sets a public hearing for the conditional use permit request on February 27th, 2018.

Attachments: [Attachment A - Resolution for Public Hearing](#)
[Attachment B - Vicinity Map](#)

5. [17-409](#) Amendment to Capital Project Ordinance for the Morgan Creek Greenway and Authorization for Contract Amendment

PURPOSE: The purpose of this item is to provide the Board of Aldermen with an opportunity to consider appropriating \$250,000 from the Bond Fund to the Morgan Creek Greenway project for design and contingency and authorize an amendment for design and engineering services.

Attachments: [Attachment A - Capital Project Ordinance Amendment](#)

6. [17-404](#) Rescheduling Continuation of Public Hearing on Land Use Ordinance Amendments Relating to Tree Protection, Shade Trees, Canopy Coverage and Replacement Standards

PURPOSE: The purpose of this item is for the Board of Aldermen to continue the public hearing on text amendments to the Land Use Ordinance relating to the provisions in Article XIX, Screening and Trees, and the associated appendices to March 27th.

Attachments: [Attachment A - Resolution](#)

7. [17-403](#) Consideration of Land Use Ordinance Amendment Relating to Consistency

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider adoption of an amendment to the text of the Land Use Ordinance relating to consistency for map and text amendments.

Attachments: [Attachment A - Resolution of Consistency](#)
[Attachment B - Draft Ordinance 11-16-17](#)
[Attachment C - Excerpt from LUO ART-XX with tracking](#)
[Attachment D - Excerpt from S131v7](#)
[Attachment E - Comments from PB & OC](#)

E. OTHER MATTERS

8:00-8:15

1. [17-406](#) Public Works Winter Storm Inga Report

PURPOSE: The purpose of this item is to update the board on recent snow and ice removal activities during the Winter Storm Inga event, review the current ice and snow removal plan, and acknowledge Town staff

Attachments: [Attachment A](#)
[Attachment B](#)

8:15-8:55

2. [17-398](#) Project Status Update for the 203 S. Greensboro Project

PURPOSE: The purpose of this item is to provide the Board of Aldermen with an opportunity to receive an update on the 203 S. Greensboro project.

Attachments: [Attachment A - Development Agreement](#)

8:55-9:15

3. [17-408](#) Concept Plan for Affordable Commercial - Development Potential of Old 86 - Town Owned Property

PURPOSE: The purpose of the agenda item is to update the Board on information and gather feedback from the Board of a proposal by staff to develop town-owned property for affordable commercial flex-space.

Attachments: [Attachment 1 - Preliminary Concept](#)

[Attachment 2 - Proposed Permitting Schedules](#)

[Attachment 3 - Neighbor Comments](#)

9:15-9:30

4. [17-397](#) Town of Carrboro Martin Luther King Jr Celebration Discussion

PURPOSE: The purpose of this item is for the Board of Aldermen to have a discussion about an annual Martin Luther King Jr Celebration in Carrboro.

F. MATTERS BY BOARD MEMBERS

G. MATTERS BY TOWN MANAGER

H. MATTERS BY TOWN ATTORNEY

I. MATTERS BY TOWN CLERK



Town of Carrboro

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

Agenda Item Abstract

File Number:17-402

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration Amending an Affordable Housing Funding Request for Critical Home Repairs

PURPOSE: The purpose of this item is for the Board to consider amending approval of a request for home repair funds from Habitat for Humanity of Orange County.

DEPARTMENT: Town Manager's Office

CONTACT INFORMATION: Julie Eckenrode, 919-918-7308, jeckenrode@townofcarrboro.org
Annette Lafferty, 919-918-7319 alafferty@townofcarrboro.org <<mailto:alafferty@townofcarrboro.org>>

INFORMATION: Habitat for Humanity of Orange County is requesting a previous grant of \$1,200 to be amended to \$1800 for repairs at the home of 116 Eugene Street in Carrboro. The repairs to be performed include:

- Replacing a section of shingles on the side of the home due to a leak in the roof

The complete request for funding can be found in Attachment A.

Town staff has evaluated this request and determined that it meets all eligibility analysis criteria. A full analysis of eligibility can be found in Attachment B.

If the Board chooses to amend this request, it may do so by passing the resolution in Attachment C.

FISCAL & STAFF IMPACT: Habitat for Humanity is requesting a grant of \$1,800 to come out of the Affordable Housing Fund.

RECOMMENDATION: Staff recommends the Board consider approving the resolution in Attachment C.



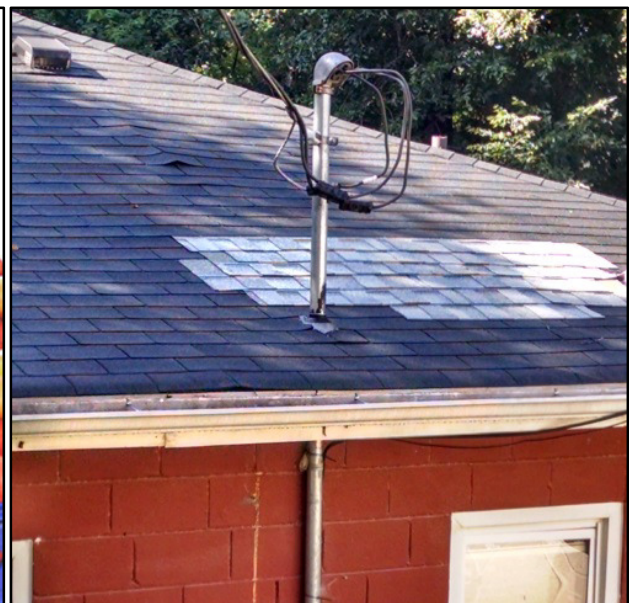
88 Vilcom Center Drive, Suite L110
Chapel Hill, NC 27514
P (919) 932-7077, F (919) 932-7079
www.orangehabitat.org
development@orangehabitat.org

Habitat for Humanity of Orange County respectfully requests a grant of \$1,800 from the Town of Carrboro's Affordable Housing Special Revenue Fund. These funds will be used to repair the home located at 116 Eugene Street in Carrboro. Work to be performed includes:

- Replacing a section of shingles on the side of the home due to a leak in the roof

This project meets the Fund's criteria of eligible uses under "i. To provide for emergency home repairs and the maintenance of properties in the affordable housing stock that are falling into disrepair." Through its Home Preservation program, Habitat seeks to do just that. Recipients of this program own affordable homes. But living on a low or fixed income can make it difficult to keep up with both critical repairs and preventative maintenance. In order to preserve affordable housing stock, Habitat offers low-cost repairs to homeowners in Orange County. Recipients pay a small fee calculated on a sliding scale, and volunteer on the project as able. If the work allows it, volunteers from the community will also help complete the project. Since 2009, Habitat has completed 101 repair projects in Orange County.

Mr. Donnie Riggsbee is 61 years old and lives in a part of Carrboro called Tin Top. Several generations of his family have lived in the house on Eugene Street, and he has lived there his entire life. He comes from a large family of twelve siblings, three of whom are deceased. Mr. Riggsbee has commented that his late sister would appreciate the work, and he keeps a sign with the names of his late parents in the front yard. Mr. Riggsbee is doing his best to preserve the home on a fixed income. He has held many different jobs during his lifetime. His favorite was the four years he spent as a nurse's aide – he really enjoyed caring for the elderly. Mr. Riggsbee has diabetes, and had a health scare a few years ago with a mild heart attack. His health care regimen includes exercising a few days a week at the Wellness Center. His passion for the elderly persists, and he has befriended many of the more senior members there. Mr. Riggsbee has a dog named Casper, and is a huge Tar Heel fan. He is incredibly warm and friendly with a great sense of humor—it is nearly impossible not to smile when you talk with him! He is extremely grateful for the opportunity to partner with Habitat to repair his home.





Affordable Housing Fund Application Eligibility Analysis:
Habitat for Humanity of Orange County

9-26-17

Application Procedures:

Application Procedure	Procedure Met
1) A complete description of the project, including the proposed location;	✓
2) A discussion of how the project meets the criteria of eligible uses and eligible beneficiaries	✓
3) Who the ultimate beneficiaries will be or are intended to be;	✓
4) If appropriate, documented income data for the intended recipients.	✓

AH Fund Eligibility Criteria:

Criteria	Requirement	This Application	Criteria Met
1. Who May Apply	Nonprofit or Individual	Habitat for Humanity of Orange County	✓
2. Eligible Use	Meet the goal of the fund: 1. Established Eligible Use 2. Goal/Strategy of AH Plan	Eligible Use i. To provide for emergency home repairs and the maintenance of properties in the affordable housing stock that are falling into disrepair.	✓
3. Eligible Beneficiary	1. Home located in Carrboro 2. Owner or occupant of the property after acquisition 3. House to have an anticipated life of at least 20 years 4. Household income of 115%, priority given to households at 80% of AMI	1. Home located at 116 Eugene St in Carrboro 2. The current homeowner will remain the owner 3. House has an anticipated life of greater than 20 years 4. Less than 80% AMI priority met	✓

A RESOLUTION AMENDING A REQUEST FOR GRANT FUNDS FROM THE AFFORDABLE
HOUSING SPECIAL REVENUE FUND TO MAKE CRITICAL HOME REPAIRS
02-06-2018

WHEREAS, the Board of Aldermen on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Board can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Special Revenue Fund was also designed to provide critical home repair for Carrboro residents without the means to do them on their own; and

WHEREAS, Habitat for Humanity of Orange County has requested funding from the Affordable Housing Special Revenue Fund for repairs at the home located at 116 Eugene St.; and

WHEREAS, the request for \$1200 approved by the Board on November 14, 2017 is now amended to \$1800; and

WHEREAS, Town Staff has reviewed the request and determined that it meets the criteria set forth in the Affordable Housing Special Revenue Fund and the Affordable Housing Goals and Strategies; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board of Aldermen approves an additional \$600 grant to Habitat for Humanity of Orange County for Critical Home Repairs for a total amount of \$1,800.

Section 2. The Board of Aldermen authorizes the Town Manager to develop and execute an agreement as necessary to carry out the Board's action.

Section 3. The Town Clerk will forward a copy of this resolution within 5 days of its approval to the Finance Officer.

Section 4. The resolution is hereby effective upon adoption.

This 6th day of February 2018.



Town of Carrboro

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

Agenda Item Abstract

File Number: 17-405

Agenda Date: 2/6/2018

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request for a CUP Permit Extension for the Hilton Garden Inn hotel proposed for 390 E. Main Street

PURPOSE: The Board is asked to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Hilton Garden Inn CUP. Town staff recommends approval of the request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Jeff Kleaveland, 919-918-7332

INFORMATION: Laura Van Sant, on behalf of Main Street Partners, LLC, has requested a two year extension of the date on which a previously issued Conditional Use Permit (CUP) will otherwise expire (Attachment B-1 & 2). The current expiration date is March 8, 2018 (Attachment B-3) based on the Board of Aldermen's original approval date of March 8, 2016. If this item is approved the new expiration date will be March 8, 2020.

The permit allows for the creation of a five-story hotel located on 390 E. Main Street (PIN 9778968060).

Permit extensions are regulated by Section 15-62 of the LUO (Attachment B-11). Also attached is a permit extension (Attachment B-13) worksheet; this is only needed if the Board chooses to pull the item from the consent agenda and discuss. Otherwise, the Board may simply approve the resolution approving the request (Attachment A-1)

Regarding construction, the applicant has finished the first round of construction plan review. They have tentatively expressed the goal of breaking ground sometime this spring.

Prior to construction authorization, the applicant will be required to hold a neighborhood pre-construction meeting whereby the construction management plan (as submitted during CUP permitting) will again be reviewed and modified as needed.

FISCAL & STAFF IMPACT: The applicant has paid the applicable fee associated with this request. No other impact is noted.

Agenda Date: 2/6/2018

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Version: 1

RECOMMENDATION: Town staff recommends that the Board of Aldermen adopt the attached resolution (Attachment A) approving the permit extension request. The new expiration date for the permit will be March 8, 2020.

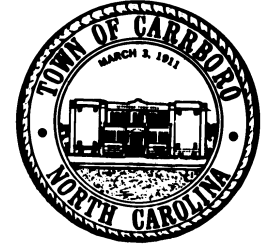
**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A
CUP WOULD OTHERWISE EXPIRE FOR THE 390 E. MAIN STREET, HILTON GARDEN INN
HOTEL CUP**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the 390 E. Main Street, Hilton Garden Inn Hotel Conditional Use Permit on March 8, 2016; and

WHEREAS, the expiration date for this permit is March 8th, 2018; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the 390 E. Main Street, Hilton Garden Inn Hotel Conditional Use Permit is hereby extended by two years to March 8th, 2020.

TOWN OF CARRBORO**LAND USE PERMIT APPLICATION****DATE:** 1/31/18**FEE:** \$350

APPLICANT: Main Street Properties of Chapel Hill LLC		OWNER: same	
ADDRESS PO Box 2152		ADDRESS:	
CITY/STATE/ZIP Chapel Hill, NC 27515		CITY/STATE/ZIP	
TELEPHONE/EMAIL: PHONE: 919-923-4343 EMAIL: laura@300eastmain.com		TELEPHONE/EMAIL: PHONE: EMAIL:	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: owner		PIN: 9778-96-8060	
PROPERTY ADDRESS: 390 E. Main St.		PROPOSED LAND USE & USE CLASSIFICATION:	
PRESENT LAND USE & USE CLASSIFICATION:		LOT AREA: 0.96 Acres Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): B-1(C) (conditional use)			
# OF BUILDINGS TO REMAIN		# OF BUILDINGS PROPOSED	
EXISTING GROSS FLOOR AREA OF BUILDING(S) square feet	GROSS FLOOR AREA (of proposed BUILDING / proposed ADDITION) square feet	AMOUNT OF IMPERVIOUS SURFACE / proposed square feet	

NAME OF PROJECT/DEVELOPMENT: _____

TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 38
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38
CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 37 (also see "Building Permit Review – Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 38
VARIANCE	4, 5, 10, 20, 29, 34, 38, Attachment A
APPEAL	4, 5, 38, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT: LCV **DATE:** 1/31/18**OWNER:** _____ **DATE:** _____



1/31/18

Marty Roupe
Development Review Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

Dear Marty:

This letter serves as a request for a two-year extension of the conditional-use permit for the Hilton Garden Inn at 390 E. Main St.

Main Street Properties of Chapel Hill LLC is proceeding with due diligence and in good faith toward using the property in accordance with the CUP. Construction plans for the HGI are currently under review by the Town of Carrboro, with the hope that construction will commence later this year.

Should you need additional information, please contact me at 919-923-4343 or laura@300eastmain.com.

Yours truly,

Laura Van Sant
Member



FILED Mark Chilton
Register of Deeds, Orange Co, NC
Recording Fee: \$26.00
NC Real Estate TX: \$.00

aw

PREPARED BY AND RETURN TO: TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510
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**ORANGE COUNTY
NORTH CAROLINA**

**TOWN OF CARRBORO
CONDITIONAL USE PERMIT, MAJOR MODIFICATION**
(Formerly The Butler Mixed-Use Building)

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Main Street Properties, LLC, of Chapel Hill, NC.
OWNERS: Main Street Properties, LLC, of Chapel Hill, NC.
PROPERTY LOCATION (Street Address): 390 E. Main Street
TAX MAP, BLOCK, LOT(S): 9778968060 <i>SLB</i>
PROPOSED USE OF PROPERTY: Construction of a five-story hotel.
CARRBORO LAND USE ORDINANCE USE CATEGORY: Hotel Use #34.100
MEETING DATES: January 26, 2016, February 23, 2016 and March 8, 2016

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.



3. Prior to issuance of a certificate of occupancy the applicant will provide a Public Bike Path Easement for the portion of the Libba Cotton bike path that encroaches on the subject property.
4. That the retaining wall that fronts the bike way is at least 18" tall and has mounted on it a railing such that the total height of the wall and railing or fence is at least 48".
5. That the applicant provide at some location along the length of the proposed 5' sidewalk along the northern frontage of the hotel a concrete pad/turnout sufficient for a wheelchair. Said pad/turnout shall meet ADA requirements.
6. That the Board of Aldermen hereby finds that the maximum parking space demand estimate of up to 157 parking spaces for the hotel is sufficient to serve the needs of the proposed hotel based upon the applicant's parking analysis and narrative justifying the arrangement based upon their joint-use parking experience with the *300 E. Main St. CUP* parking inventory as well as the site's proximity to bus lines, bicycle lanes and existing pedestrian facilities. Furthermore, the Board finds that 39 parking spaces are provided on-site while the remaining 118 are located on the adjacent *300 E. Main St. CUP* property and are considered satellite spaces. Said satellite spaces shall be allocated by the required modification of the *300 E. Main Street CUP*.
7. That the Board of Aldermen hereby finds that the existing truck loading and unloading areas on the adjacent property are sufficient to accommodate delivery operations for the hotel in a safe and convenient manner based upon information provided by the applicant. Prior to construction plan approval, said areas shall be provided with a recorded easement granting the hotel the right to use them in this manner.
8. That prior to construction plan approval and the issuance of a certificate of occupancy, the applicant provide evidence from NCDEQ that they have a plan approved by NCDEQ in place to satisfy all applicable provisions of the applicant's Brownfield Agreement with NCDEQ prior to or during construction of the hotel facility.
9. Prior to construction plan approval, that the applicant revise their landscape plan to include plants that are known to benefit pollinator insects per the recommendations of the NC Cooperative Extension and the Xerces Society. Said plans shall exclude those that are considered invasive per Appendix E of the Land Use Ordinance.
10. That the Landscape Plan of the project be revised to include the plantings on the roof deck of the building's first level as shown on the "exterior renderings" of the proposed hotel on sheet A3.3 (dated 2/12/16) from the plan set presented to the Board of Aldermen.
11. That the requirement of the standard Type A screening requirement between the hotel and the parking deck expansion be waived per the applicant's written waiver request letter.
12. That the applicant record on a plat landscape easements on the *300 East Main Street CUP* property sufficient to plant the six additional canopy trees needed to satisfy the tree canopy and shading requirements of the LUO.
13. The Board of Aldermen finds it acceptable for the applicant to use a Filterra Biofiltration/Bioretenention System stormwater device, whose NCDEQ approval is still pending, to manage and treat stormwater runoff during the interim surface-parking phase. If the Filterra is not sooner listed as an approved device by NCDEQ, the applicant's right to use the Filterra for the interim surface parking phase will expire three years after the issuance of a Certificate of Occupancy for the hotel and applicant will then either direct the relevant stormwater into its existing approved system under the existing parking deck or replace the Filterra with an alternate NCDEQ approved device subject to the Town's approval.
14. That, prior to construction plan approval, the applicant provide evidence explaining how operation and maintenance responsibilities of the stormwater system will be shared by the owners of the subject property and the adjacent *300 East Main St. CUP* properties.
15. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
16. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation



- shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
17. That, prior to issuance of a CO, a final plat, or the certification of a stormwater BMP, the Town may require a performance security to be posted for a period of two years per the provisions of Section 15-263(i).
 18. That, prior to construction plan approval, the applicant obtain the required permissions and authorization from OWASA as they pertain to the proposed sewer system.
 19. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
 20. That prior to construction plan approval the applicant demonstrate compliance with the outdoor lighting provisions of Section 15-242 and 243 of the LUO for the outdoor fixtures associated with the interim parking lot.
 21. That, prior to issuance of the building permit for the parking deck expansion, the applicant must demonstrate that structurally and dimensionally sufficient secondary emergency access to the hotel is provided to the extent reasonably required by the Fire Department. This access shall require the review and approval of the Fire Department.
 22. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
 23. That the project be phased such that Phase A, beginning immediately will include the construction of the hotel, interim parking, and required stormwater BMPs. Phase B will begin by or before a five year period following the issuance of a certificate of occupancy of the new hotel.
 24. That the Board hereby grants a deviation in the glazing requirements of Section 15-178 allowing 42% ground floor and 36.9% overall glazing due to the location of the building with respect to Main Street as described in the Appearance Commission's recommendation dated October 1st, 2015.
 25. That prior to building permit approval and the issuance of a certificate of occupancy, the client demonstrate that the plans and the completed building incorporate the building design and performance measures described by the applicant's responses to the EAB's *Green and Sustainable Buildings Checklist*. These measures include, but are not limited to, reducing energy consumption by 20% from the standard model (ASHRAE/IESNA Standard 90.1-2004), using 30% materials with recycled content (per ISO 14021), using low-emitting materials for paints, adhesives, and materials, and, using high-albedo roofing materials. Such efforts will be in accordance with the standards referenced by the applicant in Attachment Q (attached herein) of the Board's agenda materials. The high-albedo roofing material shall exceed the EPA's Energy Star requirements, be listed with the Cool Roof Rating Council and be compliant with California's Title 24 Energy Efficiency Building Standards.
 26. That prior to construction plan approval, the applicant submit materials to satisfy the Construction Management Plan provisions of Section 15-49(c1).
 27. That proposed signage for Hilton Garden Inn must be presented to the Board of Aldermen for review prior to approval.
 28. The developer proposes to use the existing parking garage that is part of the *300 East Main St. CUP* (herein referred to as the "Property") to accommodate some of the parking requirements related to the construction of a 5-story Hilton Hotel at 390 E. Main Street. As a condition of approval of the modified Conditional Use Permit for 390 E. Main Street for the construction of a 5-story Hilton Hotel, the developer shall, within ninety (90) days of approval of the modified conditional use permit, cause a study to be conducted by a qualified professional of the actual usage of parking at the existing *300 East Main Street CUP* parking garage and at the existing surface parking (together referred to as the "On-site Parking") at the Property. A report of the parking study shall be delivered to the Town within 150 days of approval of a modified Conditional Use Permit for 390 E. Main Street. If the results of such study show that the existing parking capacity of the On-site Parking is insufficient to meet the peak demand for parking generated by the existing uses at the Property, then the developer shall be required to present to the Town a plan demonstrating how the developer will provide additional parking or take other steps to meet the demand for parking generated by the existing uses at the Property and the hotel prior to the issuance of a building permit for the hotel.
 29. The developer shall execute an option agreement to extend the existing parking lease and agreement with the Town in accordance with the Board of Alderman's resolution of March 8th, 2016 that authorizes this option agreement.



30. That the bike path connection at west side of the property must be paved and accessible to the public in the form of a ramp without utilizing steps.
31. That the applicant shall involve a LEED accredited professional with the ongoing design of the project and will use as many green building techniques as possible in their plans (for example: low impact design and development, resource efficiency, energy efficiency, water conservation and reuse, indoor environmental quality, homeowner education, etc.) and that the applicant shall utilize the LEED Green and Sustainable Buildings Checklist as a means of quantifying its contribution to sustainability.
32. That the following applicant responses to Town Environmental Checklists from the original agenda item material labeled "Attachment Q" and are to be included as conditions of this permit:

Construction activity pollution prevention

Yes, the architectural design team is committed to preventing pollution of the air with dust and particulate matter in accordance with the US EPA Construction General Permit and the National Pollution Discharge Elimination Program.

Stormwater

A bioretention area adjacent to the southern wall of the hotel will be constructed to treat the roof runoff for water quality and the overflow will be directed to an underground storage system to manage the peak flow runoff rates.

Heat island effect, non roof

Parking for the hotel will be in an underground parking garage which helps to eliminate the need for more surface parking. In addition trees will be planted adjacent to the street to the north of the hotel to provide shading for the asphalt.

Heat island effect, roof

The design at this time is for the roof to be white.

Light Pollution reduction

All lights for the project are to be building mounted at a height not to exceed 15 feet and to be full cutoff in design.

Water-efficient landscaping

A bioretention area will be planted with trees and shrubs designed to collect and treat roof runoff. Other plantings are native (i.e. dogwoods) to this climate and do not require supplemental watering.

Water use reduction

Our goal is to reduce water use by 20%

Optimized energy performance

We plan to demonstrate that based on ASHRAE/IESNA Standard 90.1-2004 that all of the energy costs within and associated with the building project are at least 20% less than the standard model.

Renewable energy

We do not have plans to implement renewable energy at this time.

Construction waste management

We are committed to the goal of recycling all materials as practical including cardboard, metal, brick, acoustical ceiling panels, concrete, plastics, clean wood, glass, gypsum wallboard, carpet, and insulation.

Recycled content

We are setting a goal of 30% use of materials with recycled content per ISO 14021.

Regional Materials

We plan to use 30% of all project building materials that have been extracted, harvested or recovered as well as manufactured within a 500 mile radius of the project site.

Rapidly renewable materials

We plan to utilize building materials and products that are made from plants that have a harvest cycle that is typically 10 years or shorter, for at least 2.5% of the value of the total building materials.

Certified wood

We are not planning to meet this goal at this time.

Low-emitting materials

The project will be constructed with the following:

- ☐ adhesives and sealants on the inside that comply with SCAQMD Rule 1168 for low or no VOC content,
- ☐ paints and coatings with GS-11 for walls and ceilings, GC-03, for anti-corrosive ferrous metal coatings; SCAQMD Rule 1113, for clear wood finishes, floor coatings, stains and shellacs,



- ☐ carpet systems that meet the Carpet and Rug Institute's Green Label Plus program. Carpet adhesives shall not exceed 50 f/L.
- ☐ Composite wood and ogrfiber products inside the building that do not include urea formaldehyde resins

Daylight and views

The design at this time will not achieve a minimum daylight illumination level of 25 footcandles at 30 inches above the floor in 75% of all regularly occupied areas.

Exhibit #36**Response to Sustainability Checklist**

(please use Vision 2020 ID number below to relate response to checklist)

1.11 This project supports the development of greenways dedicated to public use along easements as there exists a bikeway along the southern boundary that is partially located on the project site. In addition a connector from the private street onto the bikeway will be constructed which will connect the bikeway to the 300 East Main St. CUP project and the Hilton Garden Inn project.

1.12 Not applicable because not parks or playfields are part of development.

1.45 This project will have a neighborhood meeting to encourage citizen participation in the planning of this project.

2.12 This project is not located in a sensitive area.

2.11 This project will remove what previously was a storage area for an automobile repair shop and replace it with an architecturally pleasing hotel which will provide accommodations and support space for people visiting Carrboro and for meetings. A bioretention stormwater feature and underground storage system will be installed to mitigate negative impacts to the stormwater system.

2.21 A bioretention area and semi-opaque screen will be provided between the railroad and adjacent multi-family use respectively, whereas there is no need for a buffer between this commercial use and the two commercial uses to the north and northeast. There are no trees per the town's criteria that will be removed on-site.

2.22 This project is clearly dense but due to the urban and commercial nature of the project there is limited open space.

2.23 The trees and shrubs that are proposed to be planted are from the Town's approved list or are non-invasive species.

2.31 The architectural design of the building is distinctive and interesting with multiple materials, much glazing and substantial shadow lines.

2.32 Not applicable since this isn't for single family or multi-family.

2.41 This project will be of similar size and height to the adjacent 300 East Main St. CUP Hotel and parking deck and will have access from Main Street and Boyd Street.

2.42 This project is utilizing an existing private street access to eliminate the need for any new streets as well as providing parking underneath the building reducing the need for surface parking with their associated heat island effect. This project will replace an unattractive view from the bikeway with a bioretention facility with its associated plantings.

2.43 This project will remove two utility poles and move the associated utilities underground. In addition this project will plant six trees adjacent to asphalt to help mitigate the adverse effects from heated pavement.

2.51 Noted.

2.52 Not applicable.

2.53 The project's load is within the capacity of the existing infrastructure.

3.1 A bioretention area and semi-opaque screen will be provided between the railroad and adjacent multi-family use respectively, whereas there is no need for a buffer between this commercial use and the two commercial uses to the north and northeast. There are no trees per the town's criteria that will be removed on-site.

3.2 This project is located in close proximity to the downtown and will help to enhance the social and economic aspect of the center of Carrboro.

3.21 The hotel project is building up and not out. In addition it is increasing the density of commercial development.

3.22 The design of this hotel structure is architecturally interesting and significant.

3.23 This hotel project will definitely provide enhanced lodging opportunities for the Town and provide meeting space and a supporting restaurant to attract patrons.

3.25 The lighting along the back of the Arts Center/Brewery/Cats Cradle will be improved as a result of this development.

3.27 Noted.

3.28 Not applicable since this isn't a residential development

3.31 Project is located close to existing shopping areas.



- 3.32 Our project is connected to the adjacent shopping areas by sidewalks.
- 3.5 Noted.
- 3.61 This project addresses this goal of economic diversity by providing a higher scale of lodging than presently exists in the downtown.
- 3.63 Currently this property is in a derelict condition. This project will therefore develop underutilized property in the downtown area.
- 4.11 Noted.
- 4.12 Not applicable as we have no roads connected to our development.
- 4.14 Noted.
- 4.15 Being a high density project it has the potential to support potential public transit routes (passenger rail).
- 4.21 With additional meeting space this project will provide support for special events.
- 4.31 The design of this project is sensitive to the adjacent bikeway and with the addition of a bikeway connector it will enhance its use.
- 4.32 Noted.
- 4.33 Noted.
- 4.41 Not applicable as we have no roads connected to our development.
- 4.51 A bikeway connector will be built as a part of this development.
- 4.52 A bikeway connector will be built as a part of this development.
- 4.61 Not applicable.
- 5.12 Not applicable.
- 5.13 Required recycling facilities will be provided.
- 5.21 Noted.
- 5.22 Stormwater features associated with this project are designed to help improve stormwater quality and quantity.
- 5.23 Stormwater features associated with this project are designed to help improve stormwater quality and quantity.
- 5.31 This project has the potential to enhance the adjacent railroad greenway by replacing an overgrown, unattractive and abandoned site with bioretention features as well as architecturally pleasing structure.
- 5.32 Not applicable to our site.
- 5.41 Noted.
- 5.51 Noted.
- 5.6 Not applicable to our site.
- 6.11 Not applicable to our site.
- 6.12 Not applicable to our site.
- 6.13 Not applicable to our site.
- 6.15 Noted.
- 6.16 Not applicable to our site.
- 6.17 Not applicable to our site.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.



NORTH CAROLINA
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

ATTEST:

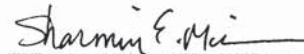
 (SEAL)
Town Clerk

BY 
Town Manager

I, Sharmine E. Mirman, a Notary Public in and for said County and State, do hereby certify that Catherine Dorando, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that David Andrews, Town Manager of said Town of Carrboro and Catherine Dorando, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 10th day of July, 20 17




Notary Public

NORTH CAROLINA
ORANGE COUNTY

We, Main Street Properties, LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit Modification. The undersigned representative for Main Street Properties, LLC does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

MAIN STREET PROPERTIES, LLC

By:

SHERMAN RICHARDSON MAN.
(Print name and title)

(Signature) [Signature]

NORTH CAROLINA
ORANGE COUNTY

I, Karina Aguilar, a Notary Public for said County and State, do hereby certify that Sherman Richardson representing Main Street Properties a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 7th day of July, 2017.

[Signature]
Notary Public

My Commission Expires: March 14, 2018

(Not valid until fully executed and recorded)

PREPARED BY AND RETURN TO: TOWN CLERK, TOWN OF CARRBORO, 301 W. MAIN STREET, CARRBORO, N.C. 27510

development and the requirements of this chapter that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

- (1) If the improvement is one required by this chapter then the developer may utilize the provisions of Subsections 15-60(a) or 15-60(c);
- (2) If the improvement is an amenity not required by this chapter or is provided in response to a condition imposed by the board, then the developer may utilize the provisions of Subsection 15-60(b).
- (3) Changes in phasing schedules may be made in the same manner as other permit modifications pursuant to the procedures set forth in Section 15-64.
(AMENDED 2/24/87)

Section 15-62 Expiration of Permits.

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within two years after the issuance of such permits: **(AMENDED 5/26/81)**

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 15-61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period (i) of one year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the

permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 15-63.

(c) The permit-issuing authority may extend for a period up to two years the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to two years upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit. **(AMENDED 06/23/15)**

(d) For purposes of this section, a permit within the jurisdiction of the Board of Aldermen or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place: **(AMENDED 11/10/81)**

- (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
- (2) The zoning administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under G.S. 15-46(c).

(e) Notwithstanding any of the provisions of Article VIII (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.

Section 15-63 Effect of Permit on Successors and Assigns.

(a) Zoning, special use, conditional use and sign permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

- (1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

TOWN OF CARRBORO

BOARD OF ALDERMEN



PERMIT EXTENSION WORKSHEET

I. FINDINGS REQUIRED BY SECTION 15-62(c)

- A. The permit has not yet expired.
- ☐ Yes
- ☐ No
- B. The permit recipient has proceeded with due diligence and in good faith.
- ☐ Yes
- ☐ No
- C. Conditions have not changed so substantially as to warrant a new application.
- ☐ Yes
- ☐ No

II. GRANTING THE PERMIT EXTENSION REQUEST

- ☐ The Permit Extension Request is granted, extending the expiration date of the previously issued Conditional Use Permit by a period of one year from the date on which it would otherwise expire.

III. DENYING THE PERMIT EXTENSION REQUEST

- ☐ The Permit Extension Request is denied because it fails to comply with the ordinance requirements set forth above in Section I.



Town of Carrboro

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

Agenda Item Abstract

File Number:17-401

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request to Set the Public Hearing for Mixed Use Building at 1001 Homestead Road

PURPOSE: Parker Louis, LCC, has submitted an application for a Conditional Use Permit for a Mixed Use Building within the B-3 zoned portion of the Planned Unit Development for Claremont South Subdivision, Phase 4 located at 1001 Homestead Road. This agenda item sets a public hearing for the conditional use permit request on February 27th, 2018.

DEPARTMENT: Planning

CONTACT INFORMATION: James Thomas

INFORMATION: The Conditional Use Permit, if approved, would allow the creation of a two story mixed use building with the first floor containing 6,797sf of office space and the 2nd floor containing 4,879sf and a total of four residential units. The subject property is zoned B-3 and is part of the Planned Unit Development for Claremont South Subdivision originally approved by the Board of Aldermen in April 2012. These parcel is identified by Orange County PIN 9779-37-0476. For a vicinity map, see Attachment B.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Town staff recommends that the Board adopt the attached resolution setting the public hearing for this project on February 27th, 2018 (Attachment A).

Attachment A

A RESOLUTION CALLING A PUBLIC HEARING ON MIXED USE BUILDING 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 mixed use building on the 1001 Homestead Road parcel identified by Orange County PIN 9779-37-0476.

NOW, THEREFORE BE RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on February 27th, 2018 to discuss the proposed MIXED USE CUP project.



BELLAMY WAY

CLARE

LARKIN

HOM



Town of Carrboro

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

Agenda Item Abstract

File Number: 17-409

Agenda Date: 2/6/2018

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Amendment to Capital Project Ordinance for the Morgan Creek Greenway and Authorization for Contract Amendment

PURPOSE: The purpose of this item is to provide the Board of Aldermen with an opportunity to consider appropriating \$250,000 from the Bond Fund to the Morgan Creek Greenway project for design and contingency and authorize an amendment for design and engineering services.

DEPARTMENT: Planning, Finance

CONTACT INFORMATION: Trish McGuire, pmcguire@townofcarrboro.org, 919-918-7327; Arche McAdoo, amcadoo@townofcarrboro.org, 919-918-7439

INFORMATION: Coulter, Jewell, Thames, Inc. (CJT) has been working with the Town on the completion of the project design. Flood impacts associated with trail crossings of Morgan Creek have added time and costs to the project. The attached ordinance (*Attachment A*) includes amendments to increase design costs by \$20,000 and to provide approximately 13 percent of the total project costs for contingency related to construction. The ordinance also authorizes the Town Manager to execute a contract amendment with CJT.

FISCAL & STAFF IMPACT: The fiscal impact of the recommended action is the allocation of \$250,000 in Bond funds from projects that were completed under budget.

RECOMMENDATION: It is recommended that the Board of Aldermen approve the amendment to the Morgan Creek Greenway Capital Project Ordinance transferring funds from the Bond Fund to the Morgan Creek Greenway project (*Attachment A*) and authorizing the Town Manager to execute a contract amendment with CJT.

**AMENDMENT TO MORGAN CREEK GREENWAY CAPITAL PROJECT
ORDINANCE**

Ordinance No. _____

WHEREAS, the Board of Aldermen on June 21, 2011 adopted the Morgan Creek Greenway Capital Improvement Project Ordinance No. 22/2010-11 and subsequently amended it on June 16, 2015 (Ordinance No. 19/204-15); and,

WHEREAS, the Town of Carrboro, has received additional federal funding through the North Carolina Department of Transportation (NCDOT) under the Federal TAPP Program for construction of the Morgan Creek Greenway; and,

WHEREAS, the Town has executed a Municipal Agreement with NCDOT to administer federal funding to design and construct the Morgan Creek Greenway; and,

WHEREAS, the Town as contracted with Coulter, Jewell, Thames, Inc. for design and engineering services; and,

WHEREAS, additional funding is needed for design and engineering services; and,

WHEREAS, a contingency fund needs to be established for this project;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

Section 1: Revenues for the Morgan Creek Greenway Capital Improvement Project No. 19/204-15 is hereby amended as follows:

	<u>Current</u> <u>Appropriation</u>	<u>Increase</u> <u>(Decrease)</u>	<u>New</u> <u>Appropriation</u>
Federal Funds	\$1,210,000.00	\$0.00	\$1,210,000.00
Bond Funds	<u>\$302,500.00</u>	<u>\$249,875.00</u>	\$552,375.00
Total	<u>\$1,512,500.00</u>	<u>\$249,875.00</u>	<u>\$1,762,375.00</u>

Section 2: The following amount is appropriated for this project and to be expended for the following:

	<u>Current</u> <u>Appropriation</u>	<u>Increase</u> <u>(Decrease)</u>	<u>New</u> <u>Appropriation</u>
Design and Engineering	\$ 350,000.00	\$ 20,000.00	\$ 370,000.00
Construction	1,162,500.00	-	1,162,500.00
Contingency	<u>-</u>	<u>229,875.00</u>	<u>229,875.00</u>
Total Appropriation	<u>\$ 1,512,500.00</u>	<u>\$ 249,875.00</u>	<u>\$ 1,762,375.00</u>

Section 3: Funds appropriated shall be available until all project activity is completed.

Section 4: The Town Manager is authorized to amend the existing contract with Coulter, Jewell, Thames, Inc. for additional engineering and design work.

Section 5: Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director and Planning Director.

This the 6th day of February, 2018.

The motion carried by the following vote:

Aye:

No:



Town of Carrboro

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

Agenda Item Abstract

File Number:17-404

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Rescheduling Continuation of Public Hearing on Land Use Ordinance Amendments Relating to Tree Protection, Shade Trees, Canopy Coverage and Replacement Standards

PURPOSE: The purpose of this item is for the Board of Aldermen to continue the public hearing on text amendments to the Land Use Ordinance relating to the provisions in Article XIX, Screening and Trees, and the associated appendices to March 27th.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Randy Dodd - 919-918-7341, Bob Hornik - 919-929-3905

INFORMATION: On January 23, 2018, the Board of Aldermen opened a public hearing to receive comments on an ordinance relating to tree protection and tree replacement that included new requirements for tree canopy coverage. (Agenda materials may be found at this link:

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=571457&GUID=3B57C796-9BE1-4D7A-89C0-630C365898B1&Options=&Search=>=.>)

After discussion, the Board voted to continue the hearing to receive comments from the members of the Environmental Advisory Board (EAB) who, due to inclement weather, had not yet finished their review. Board members requested that the EAB receive questions and comments as part of the materials for its review and that the Greenways Commission be given an opportunity to review the draft ordinance. Staff recommends scheduling the EAB's review after the Board has approved the meeting minutes from January 23rd. Staff is also reading through the draft ordinance in response to all Board comments, and if modifications are needed will bring the working draft back to the Planning Board for further input. Based on this timeline, staff recommends continuing the public hearing until March 27, 2018.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution (Attachment A) continuing the public hearing until March 27, 2018.

A RESOLUTION CONTINUING THE PUBLIC HEARING ON AN ORDINANCE
AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO
TREE PROTECTION, SHADING AND CANOPY REQUIREMENTS TO MARCH 27, 2018

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 PROVISIONS RELATING TO TREE PROTECTION, SHADING AND CANOPY REQUIREMENTS; and

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen continues the public hearing on the above described ordinance to March 27, 2018 to provide sufficient opportunity for advisory boards to complete their respective comments.

This is the 6th day of February 2018.



Town of Carrboro

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

Agenda Item Abstract

File Number:17-403

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration of Land Use Ordinance Amendment Relating to Consistency

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider adoption of an amendment to the text of the Land Use Ordinance relating to consistency for map and text amendments.

DEPARTMENT: Planning Department

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

INFORMATION: On January 23, 2018, the Board of Aldermen held a public hearing on a proposed text amendment to the Land Use Ordinance (LUO) relating to the adoption of a consistency statement for zoning map amendments and zoning text amendments. After discussion, the Board voted to continue the public hearing until February 6th, to provide the Planning Board with an opportunity to finalize its recommendation, which had been delayed by meeting cancelations due to inclement weather. (January 23rd meeting materials may be found at:

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=571457&GUID=3B57C796-9BE1-4D7A-89C0-630C365898B1&Options=&Search=>>.)

The amendment is being proposed to bring the LUO into conformity with recent state legislation. The draft ordinance expands the provisions under Section 15-324(d), Board Action on Amendments, to reflect this new legislation (*Attachment B*). Copies of existing ordinance provisions in Article XX- Amendments, with changes tracked, and an excerpt of Senate Bill 131 are included as *Attachments C and D*.

The draft ordinance was referred to Orange County and was presented to the Planning Board on December 4, 2017. The Planning Board completed its review on February 1, 2018. Comments from the Planning Board and Orange County are provided (*Attachment E*).

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen adopt the resolution finding consistency (*Attachment A*) and the draft ordinance (*Attachment B*).

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 TOWN OF CARRBORO LAND USE ORDINANCE TO COMPLY WITH NEW STATUTORY REQUIREMENT FOR ZONING CONSISTENCY STATEMENTS.

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

Section 1. The Board concludes that the above described amendment affirms the existing policy in Land Use Ordinance relating to consistency.

Section 2. The Board further concludes that the above described amendment which will conform the provisions of the Land Use Ordinance, with regard to map and text amendment consistency, to recent changes in state legislation, is in the public interest.

Section 3. This resolution becomes effective upon adoption.

This the 6th day of February 2018.

**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 TOWN OF CARRBORO LAND USE ORDINANCE TO COMPLY WITH NEW STATUTORY REQUIREMENT FOR ZONING CONSISTENCY STATEMENTS.

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 23th day of January 2018.

**AN ORDINANCE TO AMEND THE TOWN OF CARRBORO'S LAND USE
ORDINANCE TO COMPLY WITH NEW STATUTORY REQUIREMENTS FOR
ZONING CONSISTENCY STATEMENTS**

DRAFT 11-16-2017

BE IT HEREBY ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE
FOLLOWING:

Section 1. Subsection 15-324 (d) of the Carrboro Land Use Ordinance is revised to reflect the requirements of Session Law 2017-10 so that the entirety of the Section 15-324 Board Action on Amendments now reads as follows:

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

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

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.
- (4) The Board retains the right to find a zoning amendment to be consistent with any duly adopted plan, but to deny the zoning amendment request.

- (5) For the purposes of this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.
- (e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

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

Section 3. This ordinance is effective upon adoption.

ARTICLE XX

AMENDMENTS

Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

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

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

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

Section 15-321 Initiation of Amendments

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

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

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.

- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
 - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
 - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).
- (d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

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

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues and may refer the amendment to the environmental advisory board if the amendment involves community environment issues. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

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

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. **(AMENDED 10/24/06)**

Section 15-323 Hearing Required: Notice

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

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper

which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

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

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

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

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

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been

provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. (AMENDED 11/24/09)

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

Section 15-324 Board Action on Amendments (AMENDED 10/24/06)

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

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

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

~~(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.~~

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any

- additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.
- (4) The Board retains the right to find a zoning amendment to be consistent with any duly adopted plan, but to deny the zoning amendment request.
- (5) For the purposes of this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.

(e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

Section 15-325 Ultimate Issue Before Board on Amendments

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

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**
- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

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

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town

submits a written statement regarding a proposed amendment, modification or repeal to this Ordinance to the Clerk of the Board of Aldermen at least two (2) business days prior to the proposed vote on such change, the Clerk to the Board shall deliver such written statement to the Board. If the proposed change is the subject of a quasi-judicial proceeding under North Carolina General Statutes Section 160A-388 (such as conditional use rezoning in which the legislative rezoning is accompanied by or followed by a quasi-judicial conditional use permit process), the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Board determines that such statements are admissible in the proceeding. (Amended 12-6-16 ; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-10
SENATE BILL 131**

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. BUSINESS REGULATION

EMPLOYMENT STATUS OF FRANCHISES

SECTION 1.1. Article 2A of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-25.24A. Franchisee status.

Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purposes, including, but not limited to, this Article and Chapters 96, 97, and 105 of the General Statutes. For purposes of this section, "franchisee" and "franchisor" have the same definitions as set out in 16 C.F.R. § 436.1."

STREAMLINE MORTGAGE NOTICE REQUIREMENTS

SECTION 1.2. G.S. 45-91 reads as rewritten:

"§ 45-91. Assessment of fees; processing of payments; publication of statements.

A servicer must comply as to every home loan, regardless of whether the loan is considered in default or the borrower is in bankruptcy or the borrower has been in bankruptcy, with the following requirements:

- (1) Any fee that is incurred by a servicer shall be both:
 - a. Assessed within 45 days of the date on which the fee was incurred. Provided, however, that attorney or trustee fees and costs incurred as a result of a foreclosure action shall be assessed within 45 days of the date they are charged by either the attorney or trustee to the servicer.
 - b. Explained clearly and conspicuously in a statement mailed to the borrower at the borrower's last known address within 30 days after assessing the fee, provided the servicer shall not be required to take any action in violation of the provisions of the federal bankruptcy code. The servicer shall not be required to send such a statement for a fee ~~that: (i) results that either:~~
 1. Is otherwise included in a periodic statement sent to the borrower that meets the requirements of paragraphs (b), (c), and (d) of 12 C.F.R. § 1026.41.
 2. Results from a service that is affirmatively requested by the borrower, (ii) is paid for by the borrower at the time the service is provided, and (iii) is not charged to the borrower's loan account.
- (2) All amounts received by a servicer on a home loan at the address where the borrower has been instructed to make payments shall be accepted and



- credited, or treated as credited, within one business day of the date received, provided that the borrower has made the full contractual payment and has provided sufficient information to credit the account. If a servicer uses the scheduled method of accounting, any regularly scheduled payment made prior to the scheduled due date shall be credited no later than the due date. Provided, however, that if any payment is received and not credited, or treated as credited, the borrower shall be notified within 10 business days by mail at the borrower's last known address of the disposition of the payment, the reason the payment was not credited, or treated as credited to the account, and any actions necessary by the borrower to make the loan current.
- (2a) The notification required by subdivision (2) of this section is not necessary if
- (i) the servicer complies with the terms of any agreement or plan made with the borrower and has applied and credited payments received in the manner required, and
 - (ii) the servicer is applying and crediting payments to the borrower's account in compliance with all applicable State and federal laws, including bankruptcy laws, and if at least one of the following occurs:
 - a. The borrower has entered into a written loss mitigation, loan modification, or forbearance agreement with the servicer that itemizes all amounts due and specifies how payments will be applied and credited;
 - b. The borrower has elected to participate in an alternative payment plan, such as a biweekly payment plan, that specifies as part of a written agreement how payments will be applied and credited; or
 - c. The borrower is making payments pursuant to a bankruptcy plan.
- (3) Failure to charge the fee or provide the information within the allowable time and in the manner required under subdivision (1) of subsection (a) of this section constitutes a waiver of such fee.
- (4) All fees charged by a servicer must be otherwise permitted under applicable law and the contracts between the parties. Nothing herein is intended to permit the application of payments or method of charging interest which is less protective of the borrower than the contracts between the parties and other applicable law.
- (5) The obligations of mortgage servicers set forth in G.S. 53-244.110."

CLARIFY PRIVATE DRINKING WATER WELL PERMITTING REQUIREMENTS

SECTION 1.3.(a) G.S. 87-97 reads as rewritten:

"§ 87-97. Permitting, inspection, and testing of private drinking water wells.

(a) **Mandatory Local Well Programs.** – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. The local health department shall be the exclusive authority for the permitting of wells and well systems as described in G.S. 143-138(b17)(2). Local health departments shall administer the program and enforce the minimum well construction, permitting, inspection, repair, and testing requirements set out in this Article and rules adopted pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be constructed or repaired and operated in compliance with the requirements set out in this Article and rules adopted pursuant to this Article.

(a1) **Use of Standard Forms.** – Local well programs shall use the standard forms created by the Department for all required submittals and shall not create their own forms.

(b) **Permit Required.** – Except for those wells required to be permitted by the Environmental Management Commission pursuant to G.S. 87-88, no person shall:

- (1) Construct or assist in the construction of a private drinking water well unless a construction permit has been obtained from the local health department.
- (2) Repair or assist in the repair of a private drinking water well unless a repair permit has been obtained from the local health department, except that a permit shall not be required for the repair or replacement of a pump or tank.

(b1) ~~Permit to Include Authorization for Piping and Electrical Inspections.~~ – When a permit is issued under this section, the local health department shall be responsible for notifying the appropriate building inspector of the issuance of the well permit. The appropriate building inspector may request from the local health department the opportunity to inspect the activities authorized by the permit. The inspection must be performed prior to the final inspection performed by the local health department, and the well contractor shall not be required to be onsite for the inspection by the building inspector. If an inspection by a building inspector after the final inspection has been performed by the local health department is determined to be necessary for the protection of public health, safety, or welfare, the local building inspections department shall be responsible for (i) the additional costs for the inspection and related activities necessary for the inspection and (ii) any damages to the well system caused during the inspection.

(b2) Permit to Include Authorization for Piping and Electrical. – A permit issued under this section shall also be deemed to include authorization for all of the following:

- (1) The installation, construction, maintenance, or repair of electrical wiring, devices, appliances, or equipment by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch.
- (2) The installation, construction, maintenance, or repair of water pipes by a person certified as a well contractor under Article 7A of this Chapter when running water pipes from the well to the water tank.
- (3) The installation of both water pipes and electrical wiring in a single ditch by a person certified as a well contractor under Article 7A of this Chapter when running electrical wires from the well pump to the pressure switch and water pipes from the well to the water tank. The ditch shall be as deep as the minimum cover requirements for either electrical wiring or water pipes, whichever is greater.

This subsection shall not be interpreted to prohibit any person licensed by an independent occupational licensing board from performing any authorized services within the scope of practice of the person's license.

...."

SECTION 1.3.(b) G.S. 143-138 is amended by adding a new subsection to read:
"§ 143-138. North Carolina State Building Code.

...

(b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance, and Repair. – No permit shall be required under the Code or any local variant approved under subsection (e) of this section for the electrical and plumbing activities associated with the installation, construction, maintenance, or repair of a private drinking water well when all of the following apply:

- (1) The work is performed by a contractor certified under Article 7A of Chapter 87 of the General Statutes under the terms of a permit issued by the local health department pursuant to G.S. 87-97.
- (2) The scope of work includes only the connection or disconnection of a well system to either the plumbing served by the well system or the electrical service that serves the well system. For purposes of this subsection, a well system includes the well, the pressure tank, the pressure switch, and all

plumbing and electrical equipment in the well and between the well, pressure tank, and pressure switch.

...."

EXEMPT CERTAIN BUILDING CODE CLASSIFICATIONS FROM ENERGY EFFICIENCY STANDARDS

SECTION 1.4. G.S. 143-138 is amended by adding a new subsection to read:

"(b18) Exclusion From Energy Efficiency Code Requirements for Certain Use and Occupancy Classifications. – The Council shall provide for an exemption from any requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012 North Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent amendments to the Building Code and Energy Conservation Code, for the following use and occupancy classifications pursuant to Chapter 3 of the 2012 North Carolina Building Code: Section 306, Factory Group F; Section 311, Storage Group S; and Section 312, Utility and Miscellaneous Group U. This exclusion shall apply to the entire floor area of any structure for which the primary use or occupancy is listed herein."

PART II. STATE AND LOCAL GOVERNMENT REGULATION

WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND UTILITIES COMMISSION PRIVATE IDENTIFYING INFORMATION

SECTION 2.1.(a) G.S. 143-254.5 reads as rewritten:

"§ 143-254.5. Disclosure of personal identifying information.

Social security numbers and identifying information obtained by the Commission shall be treated as provided in G.S. 132-1.10. For purposes of this section, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

SECTION 2.1.(b) G.S. 143B-289.52(h) reads as rewritten:

"§ 143B-289.52. Marine Fisheries Commission – powers and duties.

...

(h) Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, "identifying information" also includes a person's mailing address, residence address, e-mail address, Commission-issued customer identification number, date of birth, and telephone number."

SECTION 2.1.(c) Chapter 132 of the General Statutes is amended by adding a new section to read:

"§ 132-1.14. Personally identifiable information of public utility customers.

(a) Except as otherwise provided in this section, a public record, as defined by G.S. 132-1, does not include personally identifiable information obtained by the Public Staff of the Utilities Commission from customers requesting assistance from the Public Staff regarding rate or service disputes with a public utility, as defined by G.S. 62-3(23).

(b) The Public Staff may disclose personally identifiable information of a customer to the public utility involved in the matter for the purpose of investigating such disputes.

(c) Such personally identifiable information is a public record to the extent disclosed by the customer in a complaint filed with the Commission pursuant to G.S. 62-73.

(d) For purposes of this section, "personally identifiable information" means the customer's name, physical address, e-mail address, telephone number, and public utility account number."

SECTION 2.1.(d) This section becomes effective October 1, 2017.

WATER AND SEWER BILLING BY LESSORS

SECTION 2.2.(a) G.S. 42-42.1 reads as rewritten:

"§ 42-42.1. Water and electricity conservation.

(a) For the purpose of encouraging water and electricity conservation, pursuant to a written rental agreement, a landlord may charge for the cost of providing water or sewer service to tenants ~~who occupy the same contiguous premises~~ pursuant to G.S. 62-110(g) or electric service pursuant to G.S. 62-110(h).

(b) The landlord may not disconnect or terminate the tenant's electric service or water or sewer services due to the tenant's nonpayment of the amount due for electric service or water or sewer services."

SECTION 2.2.(b) G.S. 62-110(g) reads as rewritten:

"(g) In addition to the authority to issue a certificate of public convenience and necessity and establish rates otherwise granted in this Chapter, for the purpose of encouraging water conservation, the Commission may, consistent with the public interest, adopt procedures that allow a lessor to charge for the costs of providing water or sewer service to persons who occupy the ~~same contiguous leased~~ premises. The following provisions shall apply:

- (1) All charges for water or sewer service shall be based on the user's metered consumption of water, which shall be determined by metered measurement of all water consumed. The rate charged by the lessor shall not exceed the unit consumption rate charged by the supplier of the service.
- (1a) If the ~~contiguous leased~~ premises were are contiguous dwelling units built prior to ~~1989-1989~~, and the lessor determines that the measurement of the tenant's total water usage is impractical or not economical, the lessor may allocate the cost for water and sewer service to the tenant using equipment that measures the tenant's hot water usage. In that case, each tenant shall be billed a percentage of the landlord's water and sewer costs for water usage in the dwelling units based upon the hot water used in the tenant's dwelling unit. The percentage of total water usage allocated for each dwelling unit shall be equal to that dwelling unit's individually submetered hot water usage divided by all submetered hot water usage in all dwelling units. The following conditions apply to billing for water and sewer service under this subdivision:
 - a. A lessor shall not utilize a ratio utility billing system or other allocation billing system that does not rely on individually submetered hot water usage to determine the allocation of water and sewer costs.
 - b. The lessor shall not include in a tenant's bill the cost of water and sewer service used in common areas or water loss due to leaks in the lessor's water mains. A lessor shall not bill or attempt to collect for excess water usage resulting from a plumbing malfunction or other condition that is not known to the tenant or that has been reported to the lessor.
 - c. All equipment used to measure water usage shall comply with guidelines promulgated by the American Water Works Association.
 - d. The lessor shall maintain records for a minimum of 12 months that demonstrate how each tenant's allocated costs were calculated for water and sewer service. Upon advanced written notice to the lessor, a tenant may inspect the records during reasonable business hours.
 - e. Bills for water and sewer service sent by the lessor to the tenant shall contain all the following information:

1. The amount of water and sewer services allocated to the tenant during the billing period.
 2. The method used to determine the amount of water and sewer services allocated to the tenant.
 3. Beginning and ending dates for the billing period.
 4. The past-due date, which shall not be less than 25 days after the bill is mailed.
 5. A local or toll-free telephone number and address that the tenant can use to obtain more information about the bill.
- (2) The lessor may charge a reasonable administrative fee for providing water or sewer service not to exceed the maximum administrative fee authorized by the Commission.
- (3) The Commission shall ~~issue-adopt~~ rules to ~~define contiguous premises and to implement this subsection. In issuing the rule to define contiguous premises, the Commission shall consider contiguous premises where manufactured homes, as defined in G.S. 143-145(7), or spaces for manufactured homes are rented.~~
- (4) The Commission shall develop an application that lessors must submit for authority to charge for water or sewer service. The form shall include all of the following:
- a. A description of the applicant and the property to be served.
 - b. A description of the proposed billing method and billing statements.
 - c. The schedule of rates charged to the applicant by the supplier.
 - d. The schedule of rates the applicant proposes to charge the applicant's customers.
 - e. The administrative fee proposed to be charged by the applicant.
 - f. The name of and contact information for the applicant and its agents.
 - g. The name of and contact information for the supplying water or sewer system.
 - h. Any additional information that the Commission may require.
- (4a) The Commission shall develop an application that lessors must submit for authority to charge for water or sewer service at single-family homes that allows the applicant to serve multiple homes in the State subject to single Commission approval. The form shall include all of the following:
- a. A description of the applicant and a listing of the address of all the properties to be served, which shall be updated annually with the Commission.
 - b. A description of the proposed billing method and billing statements.
 - c. The administrative fee proposed to be charged by the applicant.
 - d. The name and contact information for the applicant and its agents.
 - e. Any additional information the Commission may require.
- (5) The Commission shall approve or disapprove an application within 30 days of the filing of a completed application with the Commission. If the Commission has not issued an order disapproving a completed application within 30 days, the application shall be deemed approved.
- (6) A provider of water or sewer service under this subsection may increase the rate for service so long as the rate does not exceed the unit consumption rate charged by the supplier of the service. A provider of water or sewer service under this subsection may change the administrative fee so long as the administrative fee does not exceed the maximum administrative fee authorized by the Commission. In order to change the rate or administrative

fee, the provider shall file a notice of revised schedule of rates and fees with the Commission. The Commission may prescribe the form by which the provider files a notice of a revised schedule of rates and fees under this subsection. The form shall include all of the following:

- a. The current schedule of the unit consumption rates charged by the provider.
 - b. The schedule of rates charged by the supplier to the provider that the provider proposes to pass through to the provider's customers.
 - c. The schedule of the unit consumption rates proposed to be charged by the provider.
 - d. The current administrative fee charged by the provider, if applicable.
 - e. The administrative fee proposed to be charged by the provider.
- (7) A notification of revised schedule of rates and fees shall be presumed valid and shall be allowed to become effective upon 14 days notice to the Commission, unless otherwise suspended or disapproved by order issued within 14 days after filing.
 - (8) Notwithstanding any other provision of this Chapter, the Commission shall determine the extent to which the services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates that may be charged for the services. Nothing in this subsection shall be construed to alter the rights, obligations, or remedies of persons providing water or sewer services and their customers under any other provision of law.
 - (9) A provider of water or sewer service under this subsection shall not be required to file annual reports pursuant to G.S. 62-36 or to furnish a bond pursuant to G.S. 62-110.3."

CLARIFY THAT RECYCLING PROGRAMS BY LOCAL SCHOOL BOARDS MUST COMPLY WITH G.S. 160A-327

SECTION 2.3. G.S. 115C-47(41) reads as rewritten:

"(41) To Encourage Recycling in Public Schools. – Local boards of education shall encourage recycling in public schools and may develop and implement recycling programs at public schools. Local boards of education shall comply with G.S. 160A-327."

REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT

SECTION 2.4.(a) G.S. 153A-341 reads as rewritten:

"§ 153A-341. Purposes in view.

- (a) Zoning regulations shall be made in accordance with a comprehensive plan.
- (b) Prior to adopting or rejecting any zoning amendment, the governing board shall ~~adopt a statement~~ one of the following statements which shall not be subject to judicial review:
 - (1) A statement approving the zoning amendment and describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. The
 - (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
 - (3) A statement approving the zoning amendment and containing at least all of the following:

- a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
- b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
- c. Why the action was reasonable and in the public interest.

(c) Prior to consideration by the governing board of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board of county commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

(d) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with reasonable consideration to expansion and development of any cities within the county, so as to provide for their orderly growth and development.

(e) As used in this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable."

SECTION 2.4.(b) G.S. 153A-349.13 reads as rewritten:

"§ 153A-349.13. Relationship of agreement to building or housing code; comprehensive plan amendment.

(a) A development agreement adopted pursuant to this Chapter shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the local government's planning, zoning, or subdivision regulations.

(b) When the governing board approves the rezoning of any property associated with a development agreement adopted pursuant to this Chapter, the provisions of G.S. 153A-341 apply."

SECTION 2.4.(c) G.S. 160A-383 reads as rewritten:

"§ 160A-383. Purposes in view.

(a) Zoning regulations shall be made in accordance with a comprehensive plan. ~~When~~

(b) Prior to adopting or rejecting any zoning amendment, the governing board shall also approve a statement adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing whether its action is consistent its consistency with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be is reasonable and in the public interest. That statement is not subject to judicial review. The

- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

(c) Prior to consideration by the governing board of the proposed zoning amendment, the planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

(d) Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

(e) As used in this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable."

SECTION 2.4.(d) G.S. 160A-400.32 reads as rewritten:

"§ 160A-400.32. Relationship of agreement to building or housing code; comprehensive plan amendment.

(a) A development agreement adopted pursuant to this Chapter shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the local government's planning, zoning, or subdivision regulations.

(b) When the governing board approves the rezoning of any property associated with a development agreement adopted pursuant to this Chapter, the provisions of G.S. 160A-383 apply."

SECTION 2.4.(e) Nothing in this section shall repeal, modify, or amend any prior or subsequent local act giving authority to a governing board to delegate zoning decisions to a planning board, planning agency, or planning commission.

SECTION 2.4.(f) This section becomes effective October 1, 2017, and applies to proposed zoning amendment applications filed on or after that date.

PARENT PARCEL/SUBDIVISION CLARIFICATION

SECTION 2.5.(a) G.S. 153A-335 reads as rewritten:

"§ 153A-335. "Subdivision" defined.

TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 1, 2018

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO
CONSISTENCY

Motion was made by Foushee and seconded by Poulton that the Planning Board of the Town of Carrboro recommends that the Board of Aldermen approve the draft ordinance.

VOTE:

AYES: (7) Clinton, Poulton, Foushee, Adamson, Tiemann, Rosser, Gaylord-Miles

ABSENT/EXCUSED: (1) Rivera

NOES: (0)

ABSTENTIONS: (1) Whittemore (remote participation)

Associated Findings

By a unanimous show of hands, the Planning Board of the Town of Carrboro membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Foushee and seconded by Poulton that the Planning Board of the Town of Carrboro finds the proposed text amendment affirms the existing policy in Land Use Ordinance relating to consistency.

Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment, which will conform the provisions of the Land Use Ordinance, with regard to map and text amendment consistency, to recent changes in state legislation, is in the public interest.

VOTE:

AYES: (7) Clinton, Poulton, Foushee, Adamson, Tiemann, Rosser, Gaylord-Miles

ABSENT/EXCUSED: (1) Rivera

NOES: (0)

ABSTENTIONS: (1) Whittemore (remote participation)

AYES: ()

C. F. Poulton
(Chair)

2/1/2018
(Date)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



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



TRANSMITTAL DELIVERED VIA EMAIL

January 3, 2018

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

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us December 19, 2017 and proposed for town public hearing on January 23, 2018:

- *An Ordinance Amending Town of Carrboro Land Use Ordinance Provisions Relating to Tree Protection, Shading and Canopy Requirements.*
- *An Ordinance to Amend the Town of Carrboro's Land Use Ordinance to Comply with New Statutory Requirements for Zoning Consistency Statements.*

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

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

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator



Town of Carrboro

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

Agenda Item Abstract

File Number:17-406

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Works Winter Storm Inga Report

PURPOSE: The purpose of this item is to update the board on recent snow and ice removal activities during the Winter Storm Inga event, review the current ice and snow removal plan, and acknowledge Town staff

DEPARTMENT: Public Works

CONTACT INFORMATION: Joe Guckavan, 919-918-7427

INFORMATION:

1. Snow Policy-Contact information has been updated on the 2018 Winter Weather Plan.
2. Data concerning the recent Winter Storm Inga.
3. We are continuing to work on effective and timely ways to communicate to the public during a storm event.
 - a. FAQ's on the Public Works website
 - b. Exploring the practicality of technology to keep citizens updated. Including after event reporting.
4. Thank you to the leaders who worked so diligently during the many hours of the storm to assure the public was safe.
 - a. Chris Cates, Public Works Superintendent
 - b. Chris Clark, Solid Waste Supervisor
 - c. Kevin Wright, Construction Inspector
 - d. Bobby Horton, Landscape/Grounds Crew Leader

FISCAL & STAFF IMPACT:

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

RECOMMENDATION:

Town of Carrboro

Public Works Department



Winter Weather Plan
2017-2018

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I. Scope

The Public Works Department is primarily responsible for responding and reducing winter weather related roadway hazards associated with accumulations of ice or snow on roadway surfaces of Town maintained streets, facilities, designated bike paths and sidewalks, and parking lots. Streets are prioritized based on high traffic volumes, Transit routes, essential services and proximity to schools.

Direct supervision of hazard reduction and snow removal operations is the assigned responsibility of the Director of Public Works and/or the Shift A & B Supervisors.

The roadway hazard reduction program is designed to effectively utilize and commit available town personnel and equipment resources as determined, and when deemed necessary, to be supplemented by local contractor forces and equipment when deemed essential.

The type of response, personnel, and equipment to be used and depth of commitment will be dependent on the type and severity of the winter storm and the known or anticipated future weather conditions. Response actions to specific conditions will be recommended by the Shift A & B Supervisors and approved by the Director of Public Works and/or the Town Manager.

II. Execution

The Winter Weather Plan is executed when directed by the Director of Public Works and/or the Shift A & B Supervisors.

III. Headquarters

The Headquarters for the Winter Weather Operations is at the Public Works Facility located at 100 Public Works Drive (off of Smith Level Road).

* **Public Works Administration** – Office – 919-918-7425

* **Public Works Director** – Office – 919-918-7427/Cell – 984-363-5624

* **Chris Clark, Shift A Supervisor** – Office – 919-918-7432/Cell – 919-805-0106

* **David Jantzen – Shift B Supervisor** – Office – 919-918-7431/Cell – 919-805-0109

* **Fleet Maintenance** – 919-918-7429/Supervisor Cell – 919-805-1426

Central Communications (Orange County Emergency Management Services (EMS) (911) or 732-5063

POLICE Department OFFICE

- Patrol Room – 919-918-7404 or 7403

- Main Office – 919-918-7397

POLICE Department:

- Capt. Cornell Lamb – 919-883-8393

- Capt. Chris Attack – 919-883-8394

- Chief Walter Horton – 919-883-8396

Shift 1–Lt. Strowd: 919-883-8381, Sgt. Hobby: 919-883-7708 **Shift 2**–Lt. Peloquin: 919-883-8383, Sgt. Walker: 919-883-8390 **Shift 3**–Lt. Westbrook: 919-883-8397, Sgt. Daniels: 919-883-8386

Shift 4–Lt. Webster: 919-883-8395, Sgt. Tripp 919-883-8392

FIRE Department (911) or 919- 732-5063

- **Station #1 Main Office** – 919-918-7347

- Fire Chief – Office: 919-918-7349/Cell: 919-883-8342

- Fire Marshall/Interim Deputy Chief – Office: 919-918-7352/Cell: 919-883-8345

- Carrboro Command Center – 919-918-7363

- PW EOC Desk – 919-918-4469

- Lieutenant Office – 919-918-7353
- **Station # 2** – Capt. Office – 919-913-2941 – Watch Room: 919-913-2940 or 919-913-2950
- Engine 1 Officer – 919-883-8365
- Engine 2 Officer – 919-883-7118
- Ladder 3 Officer – 919-883-7646

IV. Personnel

The Director of Public Works is responsible for designating personnel to specific job responsibilities for the implementation of the winter weather plan.

The *(DPW will designate for FY 2016-17)*_____ will submit in writing each November a Personnel/Job Responsibility Listing to the Director of Public Works.

The listing will include home telephone numbers for essential personnel listed. Upon approval by the Director of Public Works, the Personnel/Job Responsibility Listing shall replace **Appendix A** (pages 11-13) of the Winter Weather Plan.

The job responsibility categories for the implementation of the Winter Weather Plan are:

A/B. * **Appendix A** list essential personnel designated for the implementation, coordination, and direct supervision of the winter weather plan and the direct supervision of the crews responsible for ice and snow removal of the Town streets.

Personnel designated can operate on 12-hour shifts removing ice/snow from Town maintained streets, facilities, designated bike paths and sidewalks, and parking lots.

C/D. Personnel designated for the implementation of ice/snow removal operations for sidewalks, steps and parking lots at the Town Hall(W. Main St.), Fire Department-TH, Fire Station #2 (Homestead Rd.), Century Center, Police Department and Public Works facilities(off of Smith Level Rd.).

Personnel designated to assist in the removal of ice and snow from Bus Stops and clearing of immediate sidewalk area to facilitate access to Transit Buses for sheltered Bus Stop locations and designated Town Maintained sidewalk locations. Ex. Central Business District, etc.

REFER to **Appendix K (page 34) for Facility Snow/Ice Treatment Plan**

E/F. Personnel designated to supervise/assist with the installation of snow equipment, such as tire chains, snow tires and to conduct the repair and maintenance of required ice/snow removal equipment and/or vehicles.

* The names of the personnel designated to these job responsibility categories along with their home telephone numbers are indicated in **Appendix A**.

V. Personnel Administrative Procedures

All Division supervisors shall maintain an event daily record of personnel hours worked, what duties they performed, expenses and what resources were utilized. This includes facility generator hours ran and servicing of the units should there be a loss of power to town facilities. All hours, duties, expenses and resources committed to the winter weather event shall be recorded and a copy submitted to the Director of Public Works..

Upon execution of the Winter Weather plan, all Division Supervisors or his delegated representative shall begin a log of the following, but not limited to:

- Weather Reports
- Personnel notified to work
- Personnel reporting to work and hours worked included what they did
- Pieces of equipment mobilized
- Quantity of sand/salt utilized
- Quantity of ice melt used at facilities
- Damage to private or Town property
- Vehicle or Equipment repairs
- Removal of stranded vehicles interfering with snow removal
- Generator hours ran by each facility generator, if ran. Include any portable units utilized
- Notifying, record keeping and directing Contractor Resources

The date and time of each entry shall be indicated. A summary of the log's data along with an accounting of snow/ice removal expenditures shall be submitted in "report form" to the Director of Public Works by all Division Supervisors.

Personnel reporting for duty shall report directly to the Shift Supervisor or his delegated representative for their orientation of specific duties for the work shift. Each driver or equipment operator will be issued a clipboard with an Ice/Snow Removal Log attached. Weather conditions and a driver's checklist of maintenance items are recorded on this log. The driver's checklist is updated every two (2-4) hours. The Ice/Snow Removal Log shall be turned in to the Shift Supervisor at the end of the employee's shift. See **Appendix C (pages 17-18)** for the Ice/Snow Removal Log form.

VI. Equipment to be utilized

Unit #	Make	Description	Attachments	Primary Use
501	2007 International	single axle dump truck Diesel – 33,000 GVR 10 CY	Brine tanks - 360 gals Monroe V-box – 5.8 CY 10' plow	Apply brine, Spread Salt/sand and plowing
502	2009 Freightliner	single axle dump truck Diesel – 38,000 GVR 10 CY	Brine tanks - 360 gals Monroe V-box – 5.8 CY 10' plow	Apply brine, Spread Salt/sand and plowing
33	2006 International	single axle dump truck Diesel – 33,000 GVR 10 CY	Swenson V-box – 5.8 CY 10' plow	Spread Salt/sand and plowing

503	2009 F-450	Diesel – dual wheel pick-up GVR Front – 7000 lbs. GVR Rear- 12,000 lbs.	8’ Hiniker plow (if not mounted on 503)	Spread Salt/sand and plowing
41	2006 Ford F350	Diesel – Ext. cab 4 x 4	Hiniker V-box 1.5 CY 8’ Hiniker plow	Plowing
60	2002 Case 580SM	Diesel -18,000 lbs. – 94 hp. 4 x 4 –loader/backhoe 1 CY front loader bucket		Load salt/sand Snow removal
61	2005 JCB 215	Diesel -18,223 lbs. – 100 hp. 4 x 4 – loader/backhoe 1 CY front loader bucket		Load salt/sand Snow removal
64	2000 John Deere 4600	Diesel - loader/backhoe .25 CY front loader bucket		Snow Removal
500	2007 Lee Boy 685B	Diesel - Motor grader		Plowing
611	2016 Ventrac 4500Y	Diesel – multi-use tractor	4’ plow	Plowing – parking, bike paths, and sidewalks
805	2011 Freightliner Boom Truck	Diesel – GVWR 35,000 lbs.		Debris loading and hauling

Salt Brine Application – rate of 40 gals. Per 12’ width lane mile @1300 rpm (20 MPH)

- Units #501 and #502 – dual tank capacity is 360 gals each unit
- Monroe controller - MC-30 – Set Liquid rate of #9
- Capacity to treat 9 lane miles if continuously applied rather than spot treatment
- Brine applied to Priority Route 1 in Areas 1 and 2 and designated town facilities

Salt and Sand Application Settings – rate of 400 lbs. per lane mile at @1300 rpm (20 MPH)

- Units #501, #502 and #33 – capacity is @ 6 CY each unit
- Units #501 and #502 – Monroe spreader/controller – MC-30 – Set Spreader to #3, set Spinner to # 4 – spreader door opening of 1 1/2”
- Unit #33 – Swenson spreader - dial controller on floor – Set Auger to #3, set Spinner to #4 – spreader door opening setting of 1.5” to 2”

Note: When cleaning or emptying materials from Spreader units, the Spreader, Auger and Spinner speeds can be adjusted up to increase rate of emptying out the hoppers. Return all settings to their respective application rate settings when complete with emptying of materials from V-boxes. Refer to V-Box Brine System and Winterizing Checklist for further instructions. (Appendix I)

Spreader chute deflectors – side panels of chute deflectors **must be checked and adjusted** to make sure the salt and sand is being applied properly without wasting materials. Discharge chute deflectors should be set to distribute materials within an 8-10’ width for travel lane applications or width of plow truck.

Definition:

- Lane Mile – 1 mile in length and average lane width of 12’
- Center Line Mile – centerline length of a roadway from its beginning to end

Contractual Services and Equipment

Upon authorization by the Director of Public Works or the Street Superintendent, contractual services may be utilized. Contractual equipment shall include but is not limited to one motor grader and one rubber tired loader.

VII. General Policies

The Public Works Department will monitor local weather forecasts during periods of problematic winter weather. The responsibility for obtaining weather reports shall be that of the Shift Supervisors and Director of Public Works.

U.S. Weather Bureau – 919-515-8225 – recording of local forecast

www.accuweather.com – local weather website

<http://www.wral.com/weather/> - local weather website

<http://www.nationalweatherservice.com/>

NOAA – winter weather forecast definitions

ADVISORY: The NWS issues a Winter Weather Advisory when it expects conditions to cause significant inconveniences and may be hazardous.

WATCH: The NWS issues a Winter Storm Watch when severe winter conditions, such as heavy snow and/or ice, may affect your area but the location and timing are still uncertain. A Winter Storm Watch is issued 12 to 36 hours in advance of a potential severe storm.

WARNING: The NWS issues a Winter Storm Warning when 4 or more inches of snow or sleet are expected in the next 12 hours, or 6 or more inches in 24 hours, or ¼ inch or more of ice accumulation is expected.

Anytime prevailing weather conditions or forecasts indicate roads and/or bridges may become hazardous due to ice or snow, Public Works personnel as designated in Appendix A will be mobilized when directed by the Director of Public Works.

When hazardous conditions develop during non-working hours, the Orange County Emergency Communications Center (911) or the Police Department will contact the Director of Public Works or the Shift Supervisor who will then notify the appropriate personnel to report to duty. All Standby employees are to contact the Shift Supervisor by telephone or in person should the Standby employee observe winter weather conditions necessitating reporting for duty.

Based on the type and severity of the weather conditions, the Director of Public Works will ensure that such preparations as the following, but not limited to, are completed:

- Initiate Salt Brine pre-treatment of designated roadways dependent upon weather forecast.
- Sand/salt spreaders are mounted and prepared for operation.
- Plows and chains are attached to plow trucks and other equipment made ready as deemed necessary
- Fueling to maximum capacity, maintenance and operational inspection of all necessary equipment including radio and cell phone communications.
- Inventory and determine readiness state of essential tools (Ex: chain saws), spare parts, and supplies. Prepare re-supply orders if needed.
- Notification of additional crews to remove trees or fallen limbs and/or to assist with various aspects of the winter weather operations

1. Anti – Icing – Salt Brine Pretreatment

Based on the type and severity of the weather conditions forecasted, the Director of Public Works will determine the application of salt brine pre-treatment for designated roadways. Salt brine is not applied when the storm is forecasted to start out as a rain event, as the rain will wash the brine off of the roadways. When a determination is made to apply salt brine, it is applied to hills, bridges, overpasses, and emergency service areas within 24-48 hours of the beginning of a storm.

2. Ice

During moderate icing conditions, two (2) or more trucks will begin sanding or salting of major thoroughfares, intersections, hills, curves, and bridges.

3. Snow Policies

Snow should be at least two (2") inches deep and falling and/or additional accumulation forecasted prior to snowplow operations beginning. Major emphasis is placed on arterial/collector streets, hills, and approaches to emergency facilities with secondary priority given to local residential streets. Snow will be removed generally by plowing from the center of the street toward the curb or the extreme edge of the pavement. If snow accumulations become so great as to require hauling, the snow stockpiles will be disposed of at Anderson Community Park and/or at other snow dumping areas so designated by the Director of Public Works.

4. Sidewalk Snow Removal from Town Designated Sidewalks (sidewalk locations are identified within Appendix E (page 26))

Sidewalk snow removal will not begin until:

1. All other snow removal operations are fully staffed for 12 hour rotating shifts and in progress
2. When sufficient personnel and resources are available to begin sidewalk snow removal

VIII. State Maintained Roads - Ice/Snow Removal Policies

The *North Carolina Department of Transportation* is responsible for ice and snow removal for the following streets located within the municipal limits of the Town:

Estes Drive Extension	SR 1780
S. Greensboro Street	SR 1919
N. Greensboro Street	SR 1972
Hillsborough Road	SR 1009
Highway 54 Bypass	SR 1010
Homestead Road	SR 1777
Jones Ferry Road	SR 1005
Main Street (54 Business)	SR 1010
Merritt Mill Road	SR 1927
Old Fayetteville Road	SR 1107/1037
Rogers Rd.	SR 1729
Smith Level Road	SR 1919

Because of the critical nature of certain Department of Transportation maintained streets, Town forces will also make an effort to provide ice and snow removal control measures to these streets. The areas of mutual concern are:

Estes Drive	from North Greensboro Street to the railroad tracks
North Greensboro St.	from Main Street to Hillsborough Road (Bus Route-J)
South Greensboro St.	from Hwy. 54 Bypass to Main Street (Bus Route - J)
Hillsborough Road	from Main Street to Old Fayetteville Road

Highway 54 Bypass	from Old Fayetteville Road to the Public Works Facility (Bus Route - J)
Homestead Road - from Calvander to Rogers Road – Bridge between Stratford and High School Rd.	
Jones Ferry Road	from Old Fayetteville Road to Main Street (Bus Route - J)
Main Street	from Hwy. 54 Bypass to Merritt Mill Road (Bus Route - J)
Merritt Mill Rd.	from Main Street to Rosemary Street
Old Fayetteville Rd. - from Hillsborough Road to Jones Ferry Road (across to University Lake Rd.) (Bus Route –J)	
Smith Level Rd.	from Hwy. 54 Bypass to Rock Creek Road (Bus Route - J)

*** It should be emphasized that although Town forces will make an effort to provide ice and snow removal to these Department of Transportation roadways, the ultimate responsibility for these operations will remain with the North Carolina Department of Transportation.*

IX. Private Property

Reference Town Code Section 7-6 Snow and Ice Removal – *(BOA Amended November 24, 2015)*

“Every occupant of any building used for commercial purposes, the owner of any building used for multi-family residential purposes (i.e., more than 2 dwelling units) in front of which there is (a) a sidewalk paved with stone, brick, asphalt or cement, or (b) a paved parking area intended for the use of customers, employees or residents, shall clear snow, ice or other similar obstruction from the sidewalk and/or paved parking area at the earliest possible time and as soon as the weather permits.”

Ice and snow removed by the property owner or occupant shall not be pushed, dumped, or put in any way within the right of way of a public street to cause a hazard.

X. Priorities

Operations to reduce the hazards of severe winter weather conditions will be performed in accordance with the *following priorities*:

1. Appendix B – Priority 1 & 2 Route Listing to clear or reduce hazards on major arterial streets and collector streets in order to pass:
 - a. Emergency vehicles
 - b. Public Transit Buses.....*Top Priority being Route J*
 - c. General traffic

Vehicles being equipped with snow tires, chains or other equipment designed for icy roadway conditions.

*** To assure optimum usability of all streets, especially by emergency vehicles and ice/snow removal equipment, stranded vehicles or vehicles left in such a manner to prohibit, snow/ice removal operations, usability of travel lanes or an obstruction presenting a safety hazard may be considered for removal. Contact*

Public Works On-duty Supervisor or Dir. of Public Works for assistance with contacting the Police Dept. for vehicle removal consideration. Provide accurate location (street address, intersection or street) and description (model, year, make, color and License Plate number).

- a. Clear roadway and driveway approaches to the Town Hall and Century Center facilities, priority being the Fire Station (1&2), Police Department, and the South Orange County Rescue facility. Fire Station # 2 - Homestead Rd.
3. Clear residential streets unless blocked by vehicles. (Appendix D – Town Maintained Street System)
2. Town Facilities - Clear sidewalks, steps, and parking lots to the Town Hall-Fire Station #1; Fire Station #2; Century Center-Police Dept. & Parks and Rec.; Public Works facilities and Town maintained public transit bus shelters. (Appendix E page 26)(Appendix K pages 34-35 Facility Treatment Plan)
4. Town maintained sidewalk locations. Refer to Appendix E(list of sidewalks by BOA)

The priority listing of streets to be cleared is contained in Appendix B (pages 14-16). Listing of all Town Maintained Streets is contained in Appendix D (pages 19-25).

XI. Media Releases

Information to the newspapers and/or radio stations and/or television stations pertaining to ice/snow removal efforts or rescheduling of public works functions such as refuse collection, will come from the Director of Public Works.

APPENDIX A

PERSONNEL/JOB RESPONSIBILITY LISTING

A. Direct Supervision of the Winter Weather Plan

Direct supervision of the crews responsible for ice and snow removal from the Town streets

Joseph Guckavan, Jr., PE
P Cell-484-895-5253

Director of Public Works
Office: 919-918-7427/ W Cell: 984-363-5624

Team A- Shift Supervisor

Chris Cates
Home: 919-563-0740
P Cell: 919-637-6652

Public Works Superintendent
Office: 919-918-7433/ W Cell: 919-805-0105

Team B-Shift Supervisor

Chris Clark
Home: P Cell - 617-823-4032

Solid Waste Supervisor
Office: 919-918-7433/ W Cell: 919-805-0105

Bobby Horton
W Cell: 919-805-0110

Landscape/Grounds Crew Leader
Office: 919-918-7431

Gary Watkins
W Cell: 919-417-3318

Central Services Supervisor
Office: 919-918-7430

B. Crew members responsible for ice and snow removal from the locations stated in "C" of Appendix A. Ice and snow removal from the above locations will be primarily conducted during daylight hours.

Employee Name	Contact #
David Scott	919-805-1136/919-260-0381
Doris Hartenfels	919-918-2002
Lee Barrett	919-898-4602/919-356-5331
Sherman Bradsher	919-414-5266
Trevor Alexander	PCell-336-675-5725

C. Supervise and assist mechanics with:

- Repair and maintenance of ice and snow removal equipment; chain saws, etc.
- Putting on tire chains when deemed necessary

Vacant Fleet Maintenance Supervisor 919-918-7429 Office/919-805-1426 W cell

Mechanics:

Ronald Eddins	Mechanic	cell: 919-353-1890
Dustin Cook	Mechanic	cell: 336-213-2032

- D.** Public Works Dispatch or Fire Department Emergency Operations Center – When deemed necessary, personnel will be designated by Director of Public Works to serve in these positions.

APPENDIX B

ICE/SNOW REMOVAL FROM TOWN STREETS
PRIORITY LISTING – AREA 1 & 2 – Priority 1 and 2

Area 1-Priority I
Smith Level (HWY 54 to Rock Haven Rd.)
Rock Haven Rd
Tar Hill Dr.
BPW Club Rd
Merritt Mill Rd (S. Greensboro to City Limits at HWY 54 off ramp at Merritt Mill)
S. & N. Greensboro St. (Hwy 54 to Hillsborough Rd.)
Estes Dr. Ext. (Greensboro to RR tracks)
Weaver St
Roberson St
W. Rosemary St.(Main to Merritt Mill)
Merritt Mill Rd.(Rosemary to Main)
Boyd St. (Main St. to parking deck entrance)
Main St. (Merritt Mill to NC 54) NCDOT Priority – Bare pavement route
High St
Hillsborough Rd.(Main to Old Fayetteville Rd.)
Old Fayetteville Rd. (Hillsborough Rd. – cross Hwy 54 and cross Jones Ferry Rd. to Park & Ride Lot at Berryhill Dr.)
Berryhill Dr. (from Park n Ride lot to Westbrook Dr.)
Westbrook Dr. (Berryhill to NC 54)
Carol St. (Old Fayetteville to Hillsborough Rd.)
Jones Ferry Rd. (Old Fayetteville Rd. to Main St.)
W. Poplar Ave. (Old Fayetteville to Main St.)
Davie Rd. (Jones Ferry to Main St.)
Town Hall (Main access drives and include parking spaces nearest to building – plow away from the building)
Bim St
Laurel Ave
Fidelity

Upon evaluation of roadway conditions and weather forecasted, remaining streets and cul-de-sacs will be addressed

Area 1-Priority II
Willow Oak Ln. (Smith Level to Manor Ridge)
Manor Ridge (entire length)
Orchard Lane (Manor Ridge to Smith Level)
Renee Lynne Court (off of Rock Haven Rd.)
Culbreth Rd. (Smith Level to Rossburn Way)
Rossburn Way (Culbreth Rd. to end City Limits at Bixley Dr.)
Old Pittsboro Rd
Abbey Ln (NC 54 to culdesac)
Sweetbay Place (from Roberson St. to Purple Leaf to Wannamaker)
Brewer Ln. (from Main St. to Hargraves to Wesley to Eugene St.)
Lloyd St. (from Main St. to Hill St. to Broad St. to Cobb to Fowler to Starlite Dr. to Sunset Dr. up to Rosemary St.)
Laurel Ave – South side of J. Ferry
Barnes St. (from Jones Ferry to King St. to Prince St. to Queen St.)
E. Poplar Ave. Shelton St., Oak Ave., Lindsay St., Ashe St. and Elm St.
Pleasant Dr.
Hilcrest St. (unpaved street off of Estes Dr.)
Pine St.
Oak St.
Hanna St.
Bel Arbor Ln.; Woods Walk Lane; and Rock Point Ct.
Gary Rd.
Keith St.
Lynn Dr.
Oleander Dr.
James St.
Lorraine St.
Simpson St.

Upon evaluation of roadway conditions and weather forecasted, remaining streets and cul-de-sacs will be addressed

2017-2018 Winter Weather Plan

Area 2-Priority I
Bolin Forest Dr. (Greensboro to Bolin Creek Dr.)
Bolin Creek Dr. (Bolin Forest Dr. to Milrock Ct.)
Bolin Creek Dr. (Bolin Forest Dr. to Wild Oak Lane)
Wild Oak Lane (Bolin Creek Dr. to Pathway Dr.)
Pathway Dr. (entire length)
Morningside Dr. to Springvalley Dr. to Waterside Dr.
Parkview Dr. to Cobblestone Dr. to Rockgarden to Cates Farm Rd.
Cates Farm Rd (Hillsborough to Autumn Dr.)
Autumn Dr. (Cates Farm to Stratford Dr.)
Stratford Dr. (Autumn to Homestead Rd.)
Tramore Dr. (Stratford to Colfax Ct.)
Homestead Rd. (only from Lake Hogan Farm Rd. to Rogers Rd.)
Rogers Rd. (Homestead Rd. to Meadow Run Ct.)
Tallyho Trail (Rogers Rd. to end)
Claymore Rd. (Rogers Rd. to end)
Sterling Bridge Rd.(Claymore to Homestead)
Fire Station #2
Winmore Ave. (Homestead Rd. to Camella St.)
Camella St. (Winmore Ave. to Claremont Dr.)
Claremont (Camella St. to Homestead Rd.)
Camella St. (Claremont to Jewell Dr.)
Jewell Dr. (Camella St. to Winmore Ave.)
Lake Hogan Farm Rd.
Long Meadow Rd
Hogan Hills Rd
Hogan Woods Circle to Commons Way to Lake Hogan Farm Rd.
Barrington Hills Rd.(Hillsborough to Autumn Dr.)
Bruton Dr. (Barrington Hills Rd. to Hillsborough Rd.)
Farm House Dr. (Old 86 to Buckeye Ct.)
Sunset Creek Circle (Farm House Dr. to Farm House Dr.)

Upon evaluation of roadway conditions and weather forecasted, remaining streets and cul-de-sacs will be addressed

APPENDIX C

ICE/SNOW REMOVAL LOG

Date	Shift Beginning	Temperature	Accumulation	Weather Conditions
____ month				____ Snow
____ day	_____ a.m.			____ Sleet
____ year	_____ p.m.	____ degrees	____ inches	____ Freezing Rain

Truck/Equipment Number # _____ Mileage/Hours: _____

Comments:

Operator/Driver: _____

Time Checked	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.
Shovel							
Flashlight							
Safety Vest							
De-Icer/scrapper							
PW Radio Unit							

Time Checked	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.
Engine Oil							
Radiator							
Brake Fluid							
Windshield Wipers							
Heater/Defroster							
Tires							
Tire or Drop Down Chains							

Refer to Reverse Side for Additional Items to Check and Reporting Sand and Salt Loaded into V-Boxes

Time Checked	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.
Lighting Systems							
Flashers/Strobes							
Spreader and Plow	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.	Hr.
Hydraulic Fluid Level							
Greased Units							
Plow-blade wear; Attachment pins/welds/etc. <small>*indicate if blade replaced</small>							
Loader Buckets of:							
Sand							
Salt							
Comments: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>							

Appendix D

Town Maintained Street System	
<u>STREET NAME</u>	<u>MILEAGE</u>
Abbey Lane	0.13
Aberdeen Court	0.08
Alabama Avenue	0.14
Amber Court	0.10
Arbor Creek Court	0.06
Ashe Street	0.13
Atterbury Street	0.09
Autumn Drive	0.33
B Street (unpaved)	0.05
Balmoral Place	0.04
Barnes Street	0.25
Barington Hills Road	0.26
Bayview	0.11
Beechwood Drive	0.06
Bel Arbor Lane	0.13
Berryhill Drive	0.34
Bert Street (unpaved)	0.09
Bike Alley (unpaved)	0.03
Bim Street	0.21
Blackwood Drive	0.08
Blocker Road	0.03
Blueridge Road	0.48
Bolin Creek Drive	0.48
Bolin Forest Drive	0.30
BPW Club Road	0.61
Brace Lane	0.10
Brendan Ct.	0.06
Brewer Lane	0.15
Broad Street	0.28
Bruton Drive	0.18
Buckeye Lane	0.05
Buck Taylor Trail	0.11
Bugle Ct.	0.07
Burns Place	0.09
Calumet Court	0.07

Camden Lane	0.27
Canton Court	0.06
Carol Street	0.59
Carr Street	0.21
Cates Farm Road	0.54
Cathy Road	0.14
Center Street	0.07
Cheek Street	0.28
Cheswick Court	0.13
Claymore Road	0.32
Cobb Street	0.06
Cobblestone Drive	0.41
Cobblestone Place	0.05
Colfax Drive	0.06
Colson Street (unpaved)	0.08
Commons Way	0.21
Creekview Circle	0.20
Crest Drive	0.06
Dairy Court	0.08
Dairy Glenn Road	0.13
Davie Road	0.59
Della Street	0.18
Deer Street (unpaved)	0.20
Dillard Street (unpaved)	0.15
Dove Street (unpaved)	0.11
Downing Court	0.06
Drayton Court	0.03
East Winmore Avenue	0.44
Ellsworth Place	0.14
Elm Street	0.19
Eugene Street	0.09
Estes Drive Extension (state maintained)	
Fairfield Court	0.04
Farm House Drive	0.20
Fidelity Street	0.37
Fowler Street	0.10
Franklin Street (state maintained)	
Garden Gate Drive	0.14
Gary Road	0.20
Gateridge Place	0.04

Glosson Circle	0.12
Gloucester Court	0.04
Golston Avenue (unpaved)	0.09
Gracewood Place	0.03
Hanford Road	0.13
Hanna Street	0.22
Hargraves Street	0.16
Harvest Court	0.04
High Street	0.23
Hill Street	0.06
Hillcrest Avenue (unpaved)	0.12
Hillsborough Road (state maintained)	
Hillview Street	0.11
Hogan Glenn Ct.	0.08
Hogan Hills Road	0.51
Hogan Ridge Court	0.12
Hogan Woods Circle	0.70
Homestead Road (state maintained)	
Hunter Place (unpaved)	0.05
Huntsman Ct.	0.11
Inverness Way	0.14
James Street	0.64
Jasmine Court	0.06
Jewell Drive	0.16
John Martin Court	0.03
Jones Ferry Road (state maintained)	
Juniper Court	0.04
Kay Street	0.11
Keith Street	0.11
Kiley Street	0.07
King Street	0.12
Kit Lane	0.05
Lair Court	0.05
Lake Hogan Farm Road	0.99
Lake Manor Road	0.33
Lake Ridge Place	0.10
Laughing Bird Lane (unpaved)	0.06
Laurel Avenue	0.34

Legends Way	0.30
Lilac Drive	0.12
Lindsay Street	0.37
Lisa Drive	0.29
Lloyd Street	0.30
Loch Laven Lane	0.09
Long Meadows Road	0.73
Lorraine Street	0.36
Lucas Lane	0.20
Lynn Drive	0.14
Main Street (state maintained)	
West Main Street (state maintained)	
Manor Ridge Court	0.03
Manor Ridge Drive	0.48
Maple Avenue	0.23
Mary Street	0.05
Meadow Run Court	0.21
Merritt Street	0.05
Micheal's Way	0.05
Millrock Court	0.03
Milton Drive	0.16
Misty Pines Place	0.04
Morgan Hill Court	0.08
Morningside Drive	0.33
Mulberry Street	0.08
NC 54 (state maintained)	
NC 54 Bypass (state maintained)	
Neville Drive (unpaved)	0.06
North Camellia Street	0.11
North Fields Circle	0.28
North Greensboro St. (state maintained)	
North Hawick Ct	0.08
North Hound Court	0.15
Oak Avenue	0.59
Oak Street	0.32
Oak Glen Place	0.02
Oak Spring Court	0.04
Old Cemetery Road (unpaved)	0.04
Old Hillsborough Road (state maintained)	
Old Pittsboro Road	0.43

Oleander Road	0.24
Orchard Lane	0.10
Orchard Lane Court	0.03
Orlando Place	0.08
Painted Turtle Lane	0.08
Palomar Point	0.03
Parker Street (unpaved)	0.07
Parkview Drive	0.08
Pathway Drive	1.17
Phillips Square	0.07
Phipps Street	0.15
Piano Street	0.05
Pine Street	0.32
Pine Hill Drive	0.17
Pleasant Drive	0.23
Poplar Avenue (East)	0.38
Poplar Avenue (West)	0.87
Prince Street	0.21
Public Works Drive (state maintained)	
Purple Leaf Place	0.15
Quail Roost Drive	0.21
Queen Street	0.06
Rainbow Drive	0.15
Rainbow Drive (unpaved)	0.18
Rand Road	0.09
Randolph Court	0.05
Raven Lane	0.06
Red Sunset Place	0.07
Redfoot Run Road	0.08
Reagan Meade Lane	0.05
Renee Lynne Court	0.12
Reynard Road	0.23
Richard Dixon Court	0.02
Richland Court	0.04
River Creek Place	0.03
Roberson Street	0.17
Robert Hunt Drive	0.49
Roberts Street (unpaved)	0.08
Rock Haven Road	0.42
Rock Spring Court	0.14

Rockgarden Drive	0.29
Rocky Point Court	0.03
Rogers Rd. (state maintained)	
Roger Cook Circle	0.01
Rosemary Street	0.09
Rossburn Way	0.29
Ruskin Drive	0.10
S. Fields Circle	0.28
Shadow Ridge Place	0.29
Sharp Street	0.10
Shelton Street	0.50
Short Street	0.05
Simpson Street	0.41
Skye Drive	0.14
South Camellia Street	0.15
South Greensboro St. (state maintained)	
South Hawick Ct.	0.09
South Hound Court	0.07
Spring Valley Road	0.50
Stable Drive	0.21
Staffield Lane	0.18
Starlight Drive	0.13
Sterling Bridge Road	0.21
Stratford Drive	0.52
Strowd Ln. – unpaved - (state maintained)	
Sudbury Lane	0.14
Sue Ann Court	0.09
Suffolk Place	0.14
Sunset Creek Circle	0.39
Sunset Drive	0.02
Sunset Ridge Lane	0.07
Sweet Bay Place	0.28
Tallyho Trail	1.06
Tanglewood Lane	0.06
Tar Hill Drive	0.22
Teagan Court	0.05
Towne Ridge Lane	0.02
Todd Street	
Tramore Drive	0.52
Tripp Farm Road	0.17
Turtleback Crossing	0.31

Wannamaker Place	0.05
Waterside Drive	0.42
Watters Road (unpaved)	0.22
Waverly Forest Lane	0.10
Weathervane Drive	0.13
Weaver Street	0.37
Webb Road	0.05
Wesley Street	0.04
Winmore Avenue	0.16
Westbrook Drive	0.22
Westview Drive	0.25
Westwood Cemetery Road	0.69
Whispering Oak Court	0.03
Whitmore Circle	0.07
Wild Oak Lane	0.16
William White Court	0.02
Williams Street	0.15
Willow Oak Lane	0.04
Winsome Lane	0.83
Woods Walk Court	0.07
Wrenn Place	0.03
Wyndham Drive	0.38
Yeargan Place	0.09
	FY 2015
CARRBORO STREETS - PAVED	44.49
CARRBORO STREETS -	
UNPAVED	1.68
TOTAL MILEAGE	46.17

Appendix E

The following locations will be addressed dependent upon progress with addressing Town maintained street conditions:

Listing of Town Maintained Public Parking Lots

S. Greensboro St. – (mixed unpaved and paved (concrete/asphalt) – corner of Roberson and Greensboro St.
106 -108 E. Main St. – (unpaved lot) - from Nations Bank to ACME lot across from S. Orange Rescue
Roberson St. – (unpaved lot) – corner of Roberson and E. Main St.
Sunset Dr. – (unpaved lot) – corner of Sunset and Rosemary St.
304 W. Weaver St. – unpaved lot by Sparrow and Sons Plumbing
Laurel Ave. – unpaved lot – 103 Laurel Ave.

Bike Paths

Libba Cotton Bikeway (runs from Roberson to Merritt Mill Rd.)
Roberson Bike Path (runs from Eugene St. to Purple Leaf Place)
Frances Shetley Bikeway (runs from Shelton/Elm intersection to N. Greensboro/Estes intersection)
PTA Bike Path (runs from Jones Ferry/W. Main St. intersection to W. Carr St.)
Horne Hollow Bike Path (runs from Autumn Dr. to end pavement)

Park and Ride Lots

Jones Ferry – off S. Old Fayetteville Rd. – future W. Berryhill Dr.
Carrboro Plaza – off N. Old Fayetteville Rd. at rear of Carrboro Plaza Shopping Center (south east corner)

Designated Town Maintained Public Sidewalks

(Board of Alderman approved November 24, 2015) – approximately 11 miles of sidewalk

NOTE: Sidewalk clearing will be addressed when sufficient personnel and resources are available to begin sidewalk snow removal.

Priority 1 - Central Business District – sidewalks on **both sides** of street unless indicated otherwise

Total 3.12 miles

Main St. (Hillsborough Rd. to Merritt Mill Rd.) – 1.73 mile
W. Rosemary St. (Main to Merritt Mill Rd.) - .14 mile
Weaver St. (Main to Main) - .67 mile
Greensboro St. (E. Carr St. to Parker Ave.) - .58 mile

The following town maintained sidewalks will be addressed after completing the Central Business District as personnel and resources permit. Total 6.73 miles

Jones Ferry Rd. (Main St. to Old Fayetteville Rd.) – both sides
Main St. (Hillsborough Rd. to NC 54)
Greensboro St. (Parker Ave. to Hillsborough Rd.) – both sides
Hillsborough Rd. (Main St. to Old Fayetteville Rd.) – one side

Old Fayetteville Rd. (Hillsborough to NC 54)

Board of Alderman Nov. 24, 2015 - requested Public Works to consider and evaluate adding 1.5 miles:

W. Poplar Ave. (Main to NC 54) – one side - .75 mile

Smith Level Rd. (Rock Haven to Merritt Mill Rd.- including Morgan Creek Bridge –
east side of roadway -.75 mile

APPENDIX F

Streets not yet maintained by the Town

Streets on this listing are **NOT** to be treated or plowed unless directed by the Director of Public Works

Ballentine Subdivision (north side of Lake Hogan Farms Sub. off of Hogan Hills Rd.) –

Private/Not Accepted by Town 2015 (Dairy Glenn Rd.; Avas Loop; Tucker Pond Dr.) – final surface in place/outstanding Street Acceptance Package including absence of approved Sungate as-built plans

Claremont South Ph. 4 & 5 (south side of Homestead Rd. across from Claremont Dr.) –

Private/Not Accepted by Town 2015 (Bellamy Lane; Claremont Dr.; Larkin Lane;) as of Nov. 2015 – final surface not applied/manholes & valves are raised

Hogan Farms Subdivision

Towne Ridge Lane (portion is Private – stop at End Maintenance sign)

Lake Manor Rd. – (reference private drive off of end of town cul-de-sac)

APPENDIX G

SAFETY PROCEDURES

I. CONDITIONS WHICH WARRANT SCHEDULING THE ACTIVITY

Any time the prevailing weather conditions or forecasts indicate highways and/or bridges may become slippery and/or obstructed by snow and ice, maintenance forces will be mobilized in accordance with prescribed plans and policies.

II. SAFETY PROCEDURES

The purpose of snow and ice removal is to provide for the safe travel of motorists. In doing this, maintenance forces should endeavor to protect themselves as well as the traveling public by following proper safety procedures.

1. All equipment should be checked before, during and after each storm to insure the operational status of lights, brakes, windshield wipers, exhaust systems, tires, chains, steering, and other preventive maintenance items.
2. Operators should resist the urge to “get the job done in a hurry”.
3. Operators should obey all traffic laws while performing snow and ice removal duties.
4. Town personnel should provide assistance to stranded motorists when at all possible. Operators should use their best judgment when aiding stranded motorist. The Town maintenance vehicle should be kept clear of the travel way whenever possible while providing assistance. At no time is it permissible to allow persons other than Town personnel to be transported in the Town vehicle. At no time is it permissible to tow, push or to provide mechanical assistance. It is permissible to communicate a request for medical or mechanical assistance by radio to the shift supervisor or base.
5. During extended storm periods, supervisors should take measures to avoid extreme fatigue among operators. When it becomes obvious that storms will continue for long periods of time, steps should be taken to divide maintenance forces into 12-hour shifts for surveillance of the roadways. If necessary, all available personnel resources within the Public Works Department may be utilized by the Director of Public Works.
6. All personnel should wear appropriate personal protection equipment; such as, but not limited to: steel toed work shoes, reflective safety vest, gloves, safety glasses, ear protection, hard hat, etc.
7. Due to the probability of hazardous conditions, all personnel should exercise extreme caution while conducting their work assignments. (Ex. Slips, trips and falls; hazardous driving conditions; inclement weather conditions, etc.)

APPENDIX H

GENERAL OPERATING PROCEDURES

I. APPLICATION OF DE-ICING CHEMICALS

Deicing chemicals can enhance the safe movement of traffic during adverse winter weather. In order that full advantage may be taken of chemical applications, the following actions should be taken:

1. Brine application, spreader trucks and operators should be mobilized prior to the commencement of frozen precipitation. Motor grader and plow operators may be mobilized after precipitation has begun.
2. Bridges should be treated early. Normally, bridges will freeze before the roadway and prompt treatment of bridge decks will avoid many accidents.
3. Early treatments of busy intersections and interchanges will help to keep traffic moving and avoid accidents.
4. Once chemicals have been applied, always allow sufficient time before plowing (See following section “Plowing Snow and Ice”)
5. Stay aware of anticipated changes in weather conditions. Operators should be informed as soon as information on “new” weather is received. Often times, materials can be saved if weather conditions are improving or a needed “jump” on additional snow can be gained as the weather is worsening.

CHEMICAL APPLICATION METHODS are:

1. Two-Lane Facility - Spread salt near the center of the roadway.
2. Super-elevated Curves - spread salt on the high side to allow brine to flow across the roadway.
3. Four-Lane Divided Facility (Roof-type Crown) - Spread salt from the center of the road.
4. Four-Lane Divided Facility (Slope from Median) - Spread salt from the left-hand except where super-elevated curves dictate otherwise.
5. Multi-Lane Facilities - Spread salt on the high side and work down the slope by making sufficient passes to cover all travel lanes.
6. Operators should “play the wind” when applying chemicals during strong winds in order to put salt where it will do the most good.

II. PLOWING SNOW AND ICE

Snow occurs when water vapor in an air mass is cooled below freezing. The density of snow varies. Some storms produce “wet” snow, others “dry” snow. Wet or heavy snow seals to the pavement quickly under traffic and, normally, requires chemical treatment before plowing. Dry or powdery snow can usually be plowed away if the plowing operations begin soon enough. Dry snow occurs during very cold weather conditions (below 25F or -4C) and as long as the pavement remains dry, plowing operations can keep the surface of the road clear.

The secret is to know when to plow and once chemicals have been applied, the operator can tell when to plow by watching the passing traffic. As long as the slush is soft and fans out behind the tires of passing vehicles, the salt is working, but when the slush begins to stiffen and is thrown directly to the rear of the tires, it is time to plow and spread more chemicals. Never apply chemicals followed immediately by plowing operations. Salt is of no benefit on the shoulder of the road.

Snow will generally be removed by plowing from the center of the street toward the curb or the extreme edge of the pavement. It is important that plowing patterns conform to the needs and physical characteristics of the individual location. (Ex. When there is on-street parking, it may be necessary to plow snow to one side of the roadway or street.) Pavement obstructions such as railroad tracks, curbs, speed humps, traffic circles, raised button delineators, rumble strips, and the like must be considered when establishing the plowing patterns. The most prevalent problem on Town streets is the lack of adequate area for storing snow. For this reason, specific plowing patterns for each street should be developed and the assigned operators thoroughly indoctrinated in the plowing sequence.

Other considerations and special attention should be given:

1. Drainage of melting snow.
2. Removal of windrows from ramps, entrances, and exits.
3. Loss of plow path width on sharp curves.
4. Sight distance when using intersection areas for snow storage.

III. USE OF ABRASIVES

The most prevalent and effective use of abrasives takes place when the temperature is 20F (-7C) or below and falling. This is due to the fact that direct chemical applications lose most of their effectiveness under these conditions and can sometimes create a hazard by virtue of the fact the weak brine solution created by the limited melting action will refreeze.

The purpose of abrasive application is to provide traction, and is not intended to remove snow and ice. Abrasives are to be applied only to ice and/or packed snow locations to improve vehicle traction.

IV. CLEAN UP AFTER A STORM

Immediately after a snow or ice storm and the pavement is bare, there still remains very much for maintenance forces to do.

1. Drainage structures, such as curb inlets should be cleared of obstructions so that melting snow will not be within a travel lane.
2. Tree limbs and other debris should be removed from the right-of-way as soon as possible.

Immediately after each storm, all equipment (v-boxes, snow plows, plow trucks, backhoes, motor grader, backhoe, etc.) should be inspected and scheduled for repairs as required. These preventative measures should include but not limited to:

1. Inspection of the internal auger/conveyor, spinner assembly, spreader pump, all hydraulic hoses and fittings.
2. Inspection of snow plows, motor grader and backhoe for blade or skid shoe wear, damage, missing pins, damage to hoses or electrical lines that need to be reported and followed up with to insure equipment is ready for the next storm event.
3. Inspection of all lighting systems, wiper blades, tire chains or drop down chains.
4. Inspect operator cab area to insure cab is clean and that first aid kits, safety triangles and fire extinguishers are secured and made ready as needed. Inspect flashlights for battery replacement.
5. Empty remaining sand/salt from V-boxes into Sand/salt storage facility. Thoroughly wash all units including the underbodies of the truck and V-boxes to remove salt and sand from equipment surfaces. Nuetro-wash or equivalent should be used during washing to neutralize salt corrosion of metal surfaces. When units are thoroughly dry, apply the appropriate protective coatings to conveyor/auger.

Note for Hiniker v-box: Do not pressure wash the electric motor at rear. Okay to wash with water. Do not use Lubra-seal coating for the Hiniker V-box as it will bond the conveyor or drive chain/cleats to the floor of the conveyor. Only a light SAE oil should be used to coat the conveyor or drive chain per Hiniker Operator's Manual. Refer to Hiniker manual.

6. Verify hydraulic tanks are filled to the prescribed level. Verify spinner motors have sufficient oil. Apply grease for all grease fitting wear points as shown within the Operator's Manual. Always wipe the grease fitting prior to injecting grease and when complete, wipe away all excess grease from grease fitting.
7. All hydraulic hose ends shall be capped and plugged to prevent debris or damage to hose ends.
8. All electrical line connections shall be capped and plugged to prevent debris or damage to hose ends. Coat the inside of the electrical line connections with dielectric grease prior to capping or plugging.

Appendix I

Brine System Cleaning and Winterizing Checklist

This list is based on the assumption that remaining brine has been fully emptied or pumped remaining brine from both V- box tanks into PW storage tanks and Brine application has been completed.

1. Flush out brine system with 200-300 gallons of clean water by cycling the brine application system as if you were spraying brine. Make sure to flush fill lines and pump connections by uncapping the lines and by turning on and off the appropriate valve (one at a time). The valves are located; one on the driver side of the unit to the left of the spinner with the connection pointing straight down labeled valve # 1 (see picture 1 below) and the other line connection is located on the passenger side of the truck to the right of the spinner and runs horizontal labeled valve #2 (see picture 2 below).
2. After the brine system has been thoroughly flushed, proceed with applying Nutra-Wash to the V-box unit following the manufacturers' instructions. Follow with pressure washing the entire truck body and V-Box to thoroughly remove all sand and residue from the truck and V-box unit with special attention given to underneath the dump bed and v-box including the conveyor, spinner head and deflectors to minimize the corrosive properties of salt.
3. After the unit has been thoroughly cleaned and flushed, open the petcock (**DO NOT REMOVE PETCOCK**) located on the bottom of the water pump to the left of the spinner near valve #1 and leave petcock open. Remove all line caps and make sure **all valves** are in the **open position**. Disconnect the feeder hose for the spray bar and drain any residual water. Make sure to secure the feeder hose so it does not drag the ground. Tag out unit until next use by hanging the **LOCK-OUT tag** on the ring at bottom of valve # 1 (see picture 1 below). At this point you are complete. Leave everything open unless otherwise instructed by Fleet Maintenance Supervisor to further winterize the system.

When preparing to apply brine to roadways, complete this checklist in reverse order.

Picture # 1 Valve # 1



Picture # 2 Fill Valve # 2



APPENDIX J

2017 WINTER WEATHER STANDBY SCHEDULE

TEAM A		TEAM B	
Shift Supervisor Chris Cates	Pcell: 336-583-1411 Wcell: 919-805-0106	Shift Supervisor Chris Clark	H-919-563-0740 /wcell:919-805-0105 Pcell:919-637-6652
Greg Carver	H-919-360-7638/wcell:919-805-0111	Brian Griffith	H-919-563-4542/pcell:919-697-1475
Floyd Alston	Wcell: 919-883-0109	Sherman Bradsher	Pcell:919-414-5266
Kirk Donaldson	Pcell: 704-620-5829	Kevin Wright	H-919-644-6841/wcell:919-883-8306
Ellis Kennedy	H: 336-376-6188/pcell: 336-512-6958	Jonathan Fuller	Pcell:336-459-8974
Brian Farrington	Pcell: 336-493-9396	Maurice Moore	Pcell:919-815-5446
Jimmie Carroll	Pcell:919-491-1849	Dillion Dispennette	Pcell:919-548-0159

Alternates	
Bobby Horton (Team A)	H-336-879-1031/pcell336-953-3710 Wcell -919-805-0110
John Garland (Team A)	Pcell - 919-724-1501
James Smith (Team B)	Pcell - 919-638-7336
Weldon Jenkins (Team B)	H-336-437-2644

Administration		Fleet Maintenance	
Joe Guckavan, <i>Director of Public Works</i>	Wcell-984-363-5624 Office: 919-918-7427	Woody Daniel, <i>Supervisor</i>	H-336-675-4645/wcell:805-1426 pcell:919-625-2117
Chris Cates, <i>Public Works Superintendent</i>	Pcell- 336-583-1411 Wcell:919-805-0106	Dustin Cook	Pcell- 336-213-2032
Public Works Department	919-918-7425 919-918-7432	Ronald Eddins	H-919-542-4207 pcell-919-353-1890

December

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

31

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5

 **A-TEAM**
 **B-TEAM**

APPENDIX K

Facility Snow/Ice Plan

Town Hall and the Fire Dept.

Bare ground solution may be applied as a pretreatment to reduce buildup of snow & ice on concrete or brick surfaces at all listed locations. Pretreatment will make shoveling easier after the storm.

Note: Do not apply if temp is above 35 degrees. (causes slippery surface)

- Use calcium chloride on concrete areas
- Use bag sand on brick steps

Treat sidewalks and steps around the town hall and fire dept. This includes the handicap ramp in front of town hall.

Century Center

- Use calcium chloride on concrete areas
- Use bag sand on brick steps.

Treat sidewalks around the building including the parking lot sidewalks along N.Greensboro & Weaver. St.

Note: Police dept. steps have a special coating on them. Use bare ground solution (35 degrees or lower) and bag sand on police dept. steps.

Fire station 2

- Use calcium chloride on sidewalks and in front of garage doors (ten feet out)
- Where accumulation is greater than 1" remove snow/ice accumulation from sidewalk/step surfaces before treatment.
- If snow accumulation is more significant, parking lots at both town hall and century center are to be cleared using the Ventrac V-Blade or Snow EX Broom.

- Watch for parking stops when clearing parking lots.
- When clearing parking lots do not pile snow on the building side of parking lots.
- Push or place snow/ice to the low side of the lots and preferably near a catch basin or curb inlet. Avoid blocking catch basins.

Only as requested or directed by the shift supervisor – assistance may be needed with cleaning of bus shelters.

Supplies are located inside the L&G fertilizer shed.

- Bare ground solution and sprayer.
- Calcium Chloride
- Bag Sand
- Snow and scoop shovels
- Applicator cups

Note: application rate will be listed on the bag or bucket for Bare Ground and Calcium Chloride.

PPE – Latex or water resistant gloves and safety glasses

Note: latex gloves can be worn under your work gloves to provide a water barrier.

January 2018

Winter Storm Inga--

Carrboro experienced the second winter weather event of the season. Winter Storm Inga brought nearly a foot of snow and sub-freezing temperatures to Carrboro. Public Works responded by pretreating the streets prior to the start of snowfall; removal of snow during and after the snowfall; treating and clearing the refrozen ice on the roadways, sidewalks and bike paths.

Public Works went into full force Tuesday Jan.16 pretreating streets with a brine solution that promotes melting. Crews began 24-hour work schedule Tuesday night and continued snow removal efforts through Monday. Each shift consisted of 3 pieces of equipment; truck 501, 502 and 33. Public works also utilized 4 Snow-Ex Brooms and 1 Ventrac machine for snow removal on sidewalks. During Winter Storm Inga Public Works:

- worked 500+ combined man hours;
 - Team A--6 Personnel
 - Team B--6 Personnel
- applied 1400+ gallons of brine;
- distributed 60 combined tons of salt and sand treatment;
- all trucks traveled a combined total of over 860+ miles during the length of the storm treating over 90 lane miles of roadway;
- cleared and treated 2 miles of bike paths;
- cleared and treated over 11 miles of town maintained sidewalks;
- Total estimated cost is \$26,648.00



Town of Carrboro

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

Agenda Item Abstract

File Number:17-398

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Project Status Update for the 203 S. Greensboro Project

PURPOSE: The purpose of this item is to provide the Board of Aldermen with an opportunity to receive an update on the 203 S. Greensboro project.

DEPARTMENT: Planning, Manager's Office, Town Attorney, Economic and Community Development

CONTACT INFORMATION: Trish McGuire, pmcguire@townofcarrboro.org <<mailto:pmcguire@townofcarrboro.org>>, 919-918-7327; David Andrews, dandrews@townofcarrboro.org, 919-918-7315; Bob Hornik, hornik@broughlawfirm.com <<mailto:hornik@broughlawfirm.com>>, 919-929-3905; Annette Lafferty, alafferty@townofcarrboro.org <<mailto:alafferty@townofcarrboro.org>>, 919-918-7319

INFORMATION: Work on this project has continued in earnest since the Board of Aldermen held a public hearing on concept plan options in September. Town and county staff continue to work together to support the project's advancement. A webpage with quick links to background information has been added to the Town's website, <<http://www.townofcarrboro.org/1127/203-S-Greensboro-Project>>. This agenda item seeks to update the Board of Aldermen on the status of the project, including project scope, the issues of temporary and long-term parking, development agreements and potential building users. Information on these topics is provided below.

Project Scope

Currently anticipated uses. The project concept provides for the possible co-location of several principle uses including Town offices (specifically those needed for the Recreation and Parks Department), the planned Orange County Southern Branch Library, and the ArtsCenter. Additional supplemental and related potential uses include a Virtual Justice Center, an initiative of North Carolina Central University School of Law (<<http://law.nccu.edu/technology/virtual-justice-project-2/virtual-justice-project/>>), a seed library (<<http://seedlibrarian.com/>>), WCOM radio (<<http://wcomfm.org/>>), and a teen center.

The Town and Orange County executed a Development Agreement on December 4, 2017 (*Attachment A*). The Town Attorney is in the process of drafting separate development agreements with the ArtsCenter and others, and a lease agreement for WCOM. The ArtsCenter has nearly completed its capital campaign feasibility study. A decision regarding participation in the 203 S. Greensboro project is anticipated when the Board of Directors meets on February 13th.

Long-term parking. A parking deck containing between 280 and 300 spaces is included in the concept plan to

provide for the parking generated by the new uses on the property, and to replace and augment the existing surface spaces currently located on this property. The development agreements with other property owners seek to provide opportunities for distributing the project parking, rather than concentrating it on the 203 S. Greensboro property.

In relation to the question of parking demand in the downtown, staff has been requested to provide a list of businesses that do not meet the presumptive parking standards. Such a list has not been created or maintained previously. In 2015, an intern compiled information on satellite parking for use in the parking plan development. Staff is working to present at the meeting on February 6 an overview of parking associated with downtown businesses. Section 15-299, Special Provisions for Lots with Existing Buildings and Lots within Neighborhood Preservation Districts, establishes the parking requirements in these locations and recognizes satellite parking as a means of securing parking for those locations.

The cost implications of underground parking as shown in the final concept plan presentation was also requested. Jim Spencer provided the following information:

The costs of this type of construction might vary greatly depending on subsurface conditions and location of building above. Based on feedback from

experienced commercial contractors, we estimate this construction could

cost approximately \$130-135/square foot for one level of parking plus a

transfer platform of post-tensioned concrete to accommodate a building

above. For the 88-space parking tier shown on plans, this would translate

to approximately \$3,200,000. Of this number, approximately one-third

would be foundation and transfer slab associated primarily with the

building above (and not the parking).

Short-term Parking. Staff is working towards alternatives for short term parking during the construction phase of the project. Short-term parking opportunities may include 201 North Greensboro Street (CVS Vacant Lot), and 400 Roberson Street (Yaggy Lot) with the most promising lead at 103 Sunset Drive (Masonic Lodge). Concurrently, staff is working with other private property owners to secure parking spaces for town and other business employees. Some property owners are more likely to consider leasing spaces to an individual user as opposed to opening space for the general public. Therefore, the more employees that can be relocated will open additional town owned/leased parking to the public. For example, staff is working with White Oak Apartment complex to secure 30 parking spaces for town employees which would free more space for the

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public in Town Hall parking lot. Other alternatives being explored include shuttles from peripheral lots near the downtown.

Project Schedule

The current project schedule anticipates the design process getting underway in March of this year, following the design team interviews and selection by the Board of Aldermen (scheduled for February 13th). Permit issuance and construction plan completion would be expected in the winter of 2018/19 with a 12-15 month construction process concluding in the summer of 2020.

FISCAL & STAFF IMPACT: Fiscal and staff impacts to be determined in relation to discussion of the information provided.

RECOMMENDATION: It is recommended that the Board of Aldermen review and discuss the material in preparation for the design team presentations and interviews on February 13th.

**STATE OF NORTH CAROLINA
COUNTY OF ORANGE**

**DEVELOPMENT AGREEMENT REGARDING
SOUTH GREENSBORO STREET PROPERTY
BY AND BETWEEN
THE TOWN OF CARRBORO, NORTH CAROLINA
AND
THE COUNTY OF ORANGE, NORTH CAROLINA**

THIS DEVELOPMENT AGREEMENT (the "**Agreement**"), made and entered into this 4th day of December, 2017, by and between the **TOWN OF CARRBORO**, a North Carolina municipal corporation, hereafter referred to as the "**Town**", and **THE COUNTY OF ORANGE**, a North Carolina county, hereafter referred to as the "**County**". Collectively, the Town and the County are sometimes referred to in this Agreement as the "**Parties**".

W I T N E S E T H:

WHEREAS, the County and the Town have desired to investigate and pursue the development of an Orange County Southern Branch Library to be operated by the County and located in downtown Carrboro; and

WHEREAS, the Town owns an approximately 0.88 acre parcel of land in Carrboro known as 203 South Greensboro Street and identified by Orange County parcel identification Number 9778-85-7932 (hereinafter, the "**Property**", illustrated in Exhibit A) which the Town acquired in April 2013 for a purchase price of Six Hundred Thousand Dollars (\$600,000.00); and

WHEREAS, the Town has conducted facilities needs studies to determine and forecast the Town's current and future needs for facilities to house Town administrative operations and offices; and

WHEREAS, the Town and the County have each determined that they may each derive benefits for themselves and for the residents of the Town and the County if they can cooperatively plan and develop a facility (the "**Facility**") to house the Orange County Southern Branch Library and Town administrative offices, with potential for also accommodating other compatible uses if space and financing considerations make such collocation feasible; and

WHEREAS, the County and the Town desire to establish terms pursuant to which they will cooperatively proceed with the planning, financing and development of the Property for joint use as a County library and Town administrative offices, and associated parking garage/deck facilities (collectively, all proposed improvements to the Property may be referenced to as the "**Facilities**") and

WHEREAS, the Property is appropriately zoned for the use proposed for the project, except that, in order for the County and the Town to construct and operate the Facility at the Site,

certain zoning text amendments, administrative modifications and/or binding interpretations must be made pursuant to the Town's Land Use Ordinance so that all local government permits for the project can be issued; and

WHEREAS, the Town is authorized to enter into this contract pursuant to, *inter alia*, the North Carolina General Statutes ("N.C.G.S.") 160A-16, and the County is authorized to enter into this contract pursuant to, *inter alia*, North Carolina General Statutes 153A-11, *et seq.*, and the Town's Board of Aldermen and the County's Board of County Commissioners have each determined that it is in the best interests of their citizens to do so.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the County intending to be legally bound do hereby agree as follows:

ARTICLE I

Definitions

- (a) "Agreement" shall have the meaning set forth in the preamble.

"County" means Orange County, North Carolina.

"Common Area" means portions of the Facilities constructed on the Property (but not the land itself) that are necessary for the Parties to function as occupants of the space. Common areas include but are not limited to stairwells, emergency egress areas, building lobbies, elevator services, restroom facilities, and equipment rooms housing electric, mechanical and other building systems.

"Condominium" means the designation of portions of the Property for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, consistent with Chapter 47C of the North Carolina General Statutes.

"Condominium documents" means the declaration of covenants and restrictions governing the condominiums proposed for the Property, including the description and delegation of rights and obligations of the Town, the County and any other potential condominium owner regarding access to and use of parking spaces, common areas and other common elements described in such documents. These documents also include the organizational and operating documents that will guide the condominium association regarding the operation, maintenance, and other business associated with the Property.

"Development" means the planning, design and construction by the Town and the County of the Facilities on the Property.

"Development Permit" means a building permit, zoning permit, subdivision approval, special or conditional use permit, variance, or any other official action of Local Government having the effect of permitting the development of the

Property.

“Development Standards” means the standards for Development set forth in the Town’s Land Use Ordinance.

“Facility” or “Facilities” shall have the meaning set forth in the recitals.

“Governing Body” means, with respect to the Town, the Board of Aldermen, and with respect to the County, the Board of County Commissioners.

“Gross floor area” as used in this Agreement means the area of space within the building to be constructed on the Property occupied by each party to this Agreement, plus the proportional share of Common Areas attributable to each party (i.e., Common Areas shall be apportioned between the parties in proportion to the amount of “gross floor area” each occupies in the building). The proportion of “gross floor area” occupied by each party shall be finally calculated upon completion of the construction plans for the building and parking deck to be constructed on the Property, and a written schedule (following in principle the Elements of Value Exhibit C) signed by each party shall be attached to this Agreement as an Addendum at that time.

“Land Development Regulations” means the Town’s Land Use Ordinance (“LUO”) and/or those ordinances and regulations enacted by the Town for the regulation of any aspect of development and includes zoning, subdivision, or any other land development ordinances.

“Laws” means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by the Town affecting the development of the Property, and includes laws governing permitted uses of the property, density, design, and improvements.

“Local Government” shall mean the Town of Carrboro, North Carolina.

“N.C.G.S.” means the North Carolina General Statutes.

“NCDEQ” means the North Carolina Department of Environmental Quality.

“NCDOT” means the North Carolina Department of Transportation.

“Project” means the planning, design and construction of an approximately 65,000 gross square foot building, site improvements, and associated parking spaces and/or structure with adequate capacity for the Project. Project characteristics will include sustainable design and operation elements consistent with the adopted facility development principles of the Board of Orange County Commissioners attached as Exhibit B. The Parties also agree to incorporate the principles of value engineering during the design and construction process, thereby ensuring efficient design and use of both the initial construction capital

and ongoing operations capital. It is anticipated that upon completion of the Project, the parties may convert the Facilities to a condominium form of ownership to be governed by covenants adopted by mutual agreement of the Parties.

“Public facilities” means the major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

“Schematic Design Acceptance” means the point in time defined by the mutual acceptance of both the Town and County governing boards of the final Schematic Design offered by the Designer of the Project.

“Shared Areas” are areas exclusive to a condominium owner that may be reasonably offered for use by other Parties according to a mutual agreement.

“Town” means the Town of Carrboro, North Carolina.

“Upfit costs” means the cost of interior finishes of space in the building to be constructed on the Property such as, but not necessarily limited to, floor finishes and carpets, wall treatments, electric outlets and fixtures, plumbing fixtures, and furnishings.

ARTICLE II Description Of Development Agreement

- A. **Legal Description; Property Owners.** A map and the legal description of the Property are contained in Exhibit A. The Town is the owner of the Property.
- B. **Permitted Uses.** The uses permitted on the Property, including population densities and building types, intensities, placement on the Site and design, are controlled by the applicable zoning designation for the Property under the Town’s Land Use Ordinance (“*LUO*”).
- C. **Public Facilities.** The following public facilities will service the Development:
 - 1. **Off-Site Infrastructure:** The Property is served by public water and sanitary sewer (Orange Water and Sewer Authority). The Property is also served by public roads under NCDOT jurisdiction and Town jurisdiction, and by storm water services administered by the Town.
 - 2. **On-Site Infrastructure:** The Town and the County shall cooperate with respect to the design of the Facilities, including the planning and development of any onsite infrastructure necessary for the construction, use and operation of the Facilities at the Property in accordance with the terms of this Agreement.

- D. ***Development Standards.*** The Project shall be subject to the Town's policies and procedures regarding standards of development, as set forth in the Town's Land Use Ordinance.

ARTICLE III Parties' Responsibilities

- A. The Parties' agree to negotiate and enter into such other agreements as may be necessary or appropriate to facilitate the financing and construction of the Project. The Parties intend that upon substantial completion of construction, they may convert ownership of the Facilities to be constructed on the Property pursuant to this Agreement to a condominium form of ownership to be governed by mutually agreed upon covenants.
- B. The County and the Town, in accordance with applicable laws pertaining to public construction projects, will undertake to select a designer for the Project. The Town and the County will provide four (4) persons each to serve on the designer evaluation and recommendation Committee. The County elected Board will approve two preferred designers recommended by the Committee and will refer these designers to the Town elected Board for the final selection of the Designer. The Town and the County will work together with the selected designer to prepare the necessary local government permit application(s) for the Project. The design of the Facilities shall be mutually agreed upon by the Parties. The County and Town will bear the costs for the preparation of schematic design drawings in accordance with Article IV.A of this agreement. The Town will be responsible for contracting for the designer and related professional services providing preliminary information that inures to the design of the Project
- C. The Town, as Owner of the Property, will be primarily responsible for procuring all necessary development approvals for the Project to permit the Orange County Southern Branch Library on the Building's lower floors, the proposed uses on the upper floors as described herein and the required associated parking. The County will support the Town's efforts to secure the necessary permits.
- D. Provided the Town approves and issues all necessary development permits for the Project, the Parties will coordinate to complete construction drawings for the Project.
- E. The Town, in accordance with applicable laws pertaining to public construction projects, will enter into contract(s) for development of the construction documents for the Project.
- F. Upon approval of the construction documents and issuance of the necessary permits (the "Building Permit(s)"), the Town will at a time reasonably agreed between the Parties begin construction of the Project.

- G. The Parties will finance their respective shares of the Project costs according to Exhibit C – Elements of Value. The Town will arrange for construction financing of its proportional share of the Project costs (based on Exhibit C), subject to Local Government Commission approval of the financing plan. The County shall finance its proportionate share of the Project costs (based on Exhibit C) in such manner as may be determined by the County.
- H. The Town will contract with all necessary design, engineering and construction firms for any environmental remediation work required by NCDEQ. The Town is solely responsible for the cost of such environmental remediation work for remediation of any conditions existing on the Property at the time of or prior to the day and date first set out above.
- I. The Town will contract with professionals for the construction of the Project, using a legally permitted construction delivery method. Upon completion, the Facilities, including the Building and structured parking, shall be subject to a new condominium declaration with terms mutually agreed upon by the Town and the County, pursuant to which the County will acquire a fee simple condominium interest in the assigned parking areas and the Orange County Southern Branch Library.
- J. The Town will enter into a construction contract for the work.
- K. The Town has historically provided support for the McDougle branch library and the Cybrary. As part of the Project, the Town will provide, in lieu of its historical support of the McDougle branch library and the Cybrary, a single mode dark fiber optic continuous physical path consisting of a single strand of fiber connecting a County specified demarcation location inside the Branch Library to an MCNC NCREN point of presence located on the University of North Carolina Chapel Hill (UNCCH) campus. Use of this path by the County may be terminated by the Town with a minimum of six (6) months written notice to the County, but only in the event that UNCCH notifies the Town of UNCCH's intention to terminate its agreement with the Town pursuant to which the Town has access to the dark fiber path on the UNCCH campus. At the time of such termination, the parties agree to negotiate in good faith an agreement regarding the Town providing substitute service to the Library. The Town will also provide the County access to the Town's multi-strand dark fiber optic network giving the County potential interconnectivity to the University of North Carolina Chapel Hill campus, OWASA, CHCCS, Town of Chapel Hill and other locations within and near the Town. The Town will pay the capital cost of the infrastructure improvements necessary to provide access to the single mode dark fiber optic path described in this paragraph (estimated to be approximately \$70,000.00).
- L. The Parties agree that the Town shall have the right in its sole discretion to lease, or subdivide and convey title to, those portions of the Property and any

improvements thereon which are not conveyed to the County for use as parking spaces and the Orange County Southern Branch Library.

- M. As contemplated by this agreement, upon completion of construction the building and parking garage shall be converted to condominium ownership, with the Town and the County each owning condominium interests in building space and associated parking spaces. This includes parking spaces in any constructed parking structure and ground spaces. As part of the condominium arrangement, the parties will also have an undivided interest in the Common Areas designated on the final plans, and which Common Areas will be subject to the rules, rights and responsibilities established in the condominium documents. The parties agree that the conversion of spaces in the parking deck to condominium ownership will include in the condominium documents language establishing appropriate easements for ingress, egress and access to and between the public right-of-way and all parking spaces and establishing rules and regulations concerning use, management and maintenance of parking spaces. The parties agree that in the event on-site parking spaces are constructed as part of the project an adequate number of on-site parking spaces will be owned and paid for by the County shall be available for use by Library patrons during normal Library operating hours. This number of spaces will be determined during the permitting and design of the project. These spaces will be made available to the Town while the Library is closed. All parking spaces will be considered flexible in use by both the Town and County so as to not cause unreasonable restrictions supporting Facility use by either the Town or County. The parties understand and agree that the Town will police and enforce all parking rules and regulations for the Facility. Moreover, if either party decides in the future to consider converting their parking spaces to paid parking, they will, prior to making a final decision to convert their spaces to paid parking spaces, discuss the issue with the other party. Each party shall be responsible for managing their condominium units unless the parties mutually agree otherwise in writing. Each party has the right to protect and isolate its parking (e.g. gated parking for continued free parking during library hours should paid parking be otherwise established) for the Parties' sole use and interest.

ARTICLE IV

Allocation Of Project Costs

The Parties shall share in the costs of the Project as follows:

- A. Pre-development costs, site improvement costs, building design and construction costs, construction administration costs, financing costs, and contingency costs shall be shared by the parties in accordance with the Elements of Value attached as Exhibit C to this Agreement. The parties recognize and agree that some of these Values and the corresponding level of proportionality may not be finally established until after the majority of the design work is completed (and after this Agreement is executed). The parties acknowledge that Exhibit C represents their general understanding of the cost sharing; however, the parties agree to negotiate

in good faith the fair and equitable share of all costs associated with this project as soon as possible after the Schematic Design work is completed. If the parties are unable to come to an agreement within forty five (45) days after the Schematic Design Acceptance date (such date of completion to be established by written notice to the parties from the design professional) then either party may terminate this agreement by providing ten (10) days advance written notice to the other party of its intention to terminate this agreement. Upon such termination, each party shall be responsible for all costs it has incurred in connection with this project through the date of termination.

- B. The County shall pay the cost for the amount of parking deemed required to support the library facility within the total cost of constructing parking on the Property. The Town shall be responsible for the balance of the cost of constructing the parking for the Project. The intent is for the County to pay the cost for the parking spaces reasonably expected and determined to be associated with the Orange County Southern Branch Library use. Upon completion of the work and when the Facilities become operational, the County agrees that the parking spaces allocated for the Orange County Southern Branch Library use of the Property shall be available for public parking during hours when the library is closed.
- C. The parties will each be responsible for their own legal and financing expenses incurred in relation to the Project.

ARTICLE V

Term And Termination

This Agreement shall be effective upon the full execution of the Contracts and shall continue until completion of the Project unless earlier terminated as provided herein.

This Agreement shall terminate: (i) at any time by either party within forty five (45) days after the design professional has confirmed to the parties in writing that the Schematic Design for the building and parking deck on the Property is substantially completed as set forth in Article IV.A above, (ii) at any other time by mutual agreement of the Parties; or (iii) by the Town, upon the material breach by County of any provision contained herein which material breach remains uncured by County after the Town provides thirty (30) days advance written notice of said material breach to County, or (iv) by County, upon the material breach by the Town of any provision contained herein which material breach remains uncured by the Town after County provides thirty (30) days advance written notice of said material breach to the Town.

ARTICLE VI

Conditions Precedent And Contingencies

The Parties understand and agree that there are a number of conditions precedent and contingencies that will impact their ability to enter into the Contracts for the Project. At a

minimum, the Parties understand and agree that the following must be resolved to the County's and the Town's satisfaction:

- A. The Town obtaining all Permits, including zoning, conditional/special use permits, variances, subdivision plats, approvals, permits, easements and licenses for the Project and the Town grants all necessary Permits which allow for the County's proposed use of the Property.
- B. The County and the Town secure all necessary approvals from their respective governing Boards or Managers as delegated by their respective Boards to proceed with the Project at mutually agreed, predefined points during the project (for example: sizing and elements of exclusive, shared, and common area spaces, the selection of Designer, schematic design, construction method, etc.).
- C. The Town and the County are able to procure suitable financing for their respective components of the Project. The parties contemplate that upon completion of construction, the parties may divide the Facilities, or parts thereof, into condominium units to be owned by the County and the Town, respectively. The parties acknowledge that these contemplated financing agreements and transactions may be altered by mutual agreement of the Parties and are or may be subject to approval of the North Carolina Treasurer, Local Government Commission.
- D. The mutual negotiation and execution of an Environmental Indemnification Agreement whereby the Town will indemnify the County for any and all liability, loss, damage, cost and expense (including reasonable attorneys' fees and expenses) resulting from any "Hazardous Substance" (as defined below) existing on or under the Property or originating on the Property and migrating off-site in violation of applicable Environmental Laws, but only to the extent that the Hazardous Substance existed at the Property prior to the date of this Agreement. The Town shall not be liable with regard to any Hazardous Substances disposed of, placed, or otherwise existing on or under the Property because of the actions of the County. The County will likewise, and to the extent permitted by law, indemnify the Town for any and all liability, loss, damage, cost and expense (including reasonable attorneys' fees and expenses) resulting from any Hazardous Substances existing on or under the Property or originating on the Property and migrating off-site in violation of applicable Environmental Laws that are introduced or placed on the Property, or caused to migrate off the property, because of the actions of the County. Save and except any liability resulting from remediation required by NCDEQ which shall solely rest with the Town, neither Party shall be liable to the other for liabilities, losses, damages, costs or expenses resulting from the actions of third Parties after the date on which the County leases or otherwise acquires a legal interest in the Property.

“Hazardous Substances” shall mean: (a) those substances included within the definitions of any one or more of the terms “hazardous materials,” “hazardous wastes,” “hazardous substances,” “industrial wastes,” and “toxic pollutants,” as such terms are defined under the Environmental Laws, or any of them; (b) petroleum and petroleum products, including, without limitation, crude oil and any fractions thereof; (c) natural gas, synthetic gas and any mixtures thereof; (d) asbestos and or any material which contains any hydrated mineral silicate, including, without limitation, chrysotile, amosite, crocidolite, tremolite, anthophyllite and/or actinolite, whether friable or non-friable; (e) polychlorinated biphenyl (“PCBs”) or PCB-containing materials or fluids; (f) radon; (g) any other hazardous or radioactive substance, material, pollutant, contaminant or waste; and (h) any other substance with respect to which any Environmental Law or governmental authority requires environmental investigation, monitoring or remediation. As used herein, the term “Environmental Laws” shall mean all federal, state and local laws, statutes, ordinances and regulations, now or hereafter in effect, in each case as amended or supplemented from time to time, including, without limitation, all applicable judicial or administrative orders, applicable consent decrees and binding judgments relating to the regulation and protection of human health, safety, the environment and natural resources (including, without limitation, ambient air, surface, water, groundwater, wetlands, land surface or subsurface strata, wildlife, aquatic species and vegetation), including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601 *et. seq.*), the Hazardous Material Transportation Act, as amended (49 U.S.C. §§ 5101 *et. seq.*), the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. § 136 *et. seq.*), the Resource Conservation and Recovery Act, as amended (42 U.S.C. § 6901 *et seq.*), the Toxic Substances Control Act, as amended (15 U.S.C. § 2601 *et seq.*), the Clean Air Act, as amended (42 U.S.C. § 7401 *et. seq.*), the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251 *et. seq.*), the Safe Drinking Water Act, as amended (42 U.S.C. § 300f *et. seq.*), any state or local counterpart or equivalent of any of the foregoing, and any federal, state or local transfer of ownership notification or approval statutes. “Release” shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of any Hazardous Substances.

- E. The negotiation and completion of agreements and documents guiding the selection of designers and contractors, the timelines for the completion of various aspects of the design work, the methods and scheduling input, and other specific design and construction coordination necessary to ensure the successful completion of the Project.
- F. The negotiation and execution of this Agreement (wherein the Town and the County’s property interests in the Facilities may convert to condominium interests post-construction) under which the Parties shall have

the right to construct the improvements on the Property subject to the Parties' obligation to subject all improvements constructed on the Property to a condominium.

- G. Confirmation that adequate utilities services suitable for the proposed uses to be included within the Building are available for connection within a reasonable distance from the Property.
- H. The Town complying with all necessary requirements for contracting applicable to North Carolina local governments.
- I. All governmental and other third party consents and approvals shall be obtained; there shall be no significant pending or threatened litigation materially adversely affecting the Property.
- J. The Town understands and agrees that the provision of sufficient way-finding and other signage is necessary for the public to quickly and conveniently locate the Orange County Southern Branch Library. The Parties understand and agree that wayfinding signage for the Project is subject to regulation by the Town.
- K. The Parties under this Agreement (prior to the completion of construction) and as condominium unit owners (following the completion of construction) will agree to contribute pro rata to the common area maintenance and insurance provided by the Town as lessor and/or by any condominium owners association to be formed by the Parties, for the Project including a reasonable pro-rata contribution for maintenance of the sidewalks and other shared amenities at the Property. Because the Parties are exempt from paying ad valorem taxes, the typical procedure of apportioning each tenant a share of those taxes assessed against common areas is not applicable.
- L. During hours when the Library is not being used by the County, the County will agree to allow its parking spaces to be used by the public.
- M. The Town secures environmental regulatory approval from NCDEQ prior to the commencement of construction or provides reasonable security to cover the Town's environmental responsibilities until regulatory approval is obtained.
- N. Consistent with the scope of each Party's responsibilities hereunder, all necessary and appropriate construction and crane easements will be secured by the Town and County from all adjacent landowners.

ARTICLE VII

Representations And Warranties

The Town and the County each represent to the other to the best of their respective knowledge:

- A. The Town and the County have all requisite power and authority to execute this Agreement, and any other instruments required to be delivered by the Town or the County hereunder.
- B. The Town's and the County's entry into this Agreement will not violate any private restriction or agreement or, to the best of the Town's or the County's knowledge without investigation or inquiry, any applicable statute, ordinance, governmental restriction or regulation.
- C. During the Term, the Town will not execute or create any lease, contract, option, easement, covenant, condition, restriction, lien or encumbrance with respect to the Property or any portion thereof without the written consent of County unless the same is terminable upon no more than sixty (60) days written notice, or otherwise may be cleared on or before any Closing or Lease Commencement Date that may be contemplated in any Contract that may be entered into between the Town and the County, or that otherwise will be subordinated to the County's potential ground lease.
- D. There is no pending or threatened action, litigation, bankruptcy, condemnation, or other proceeding of any kind pending against the Town or the County which materially adversely affects the Property.
- E. No broker, finder or other intermediary is involved in the transaction contemplated by this Agreement, and that no brokerage fee or commission is due and payable by the Town or the County upon any lease or conveyance of the Property.
- F. The Town has not received written notice of any violations of any laws, ordinances or similar rules and regulations relating and/or applicable to the ownership, use and operation of the Property as it is now operated, and/or other licenses or permits, which remain uncured.
- G. No assessments or special assessments for public improvements or otherwise have been levied or are now affecting the Property.
- H. To the best of the Town's present knowledge, the Property is not within an area determined to be flood-prone under the Federal Flood Protection Act of 1973.

ARTICLE VIII **Remedies And Dispute Resolution**

- A. ***Concerning Remedies.*** The exercise of a particular remedy does not preclude the exercise of any or all other available remedies herein except as provided

herein. No delay in the exercise of a remedy shall constitute a waiver of that remedy. Nothing in this Agreement is intended to relieve a party from its common law duty to mitigate damages.

- B. **Disputes.** The parties shall attempt in good faith to resolve any dispute, controversy or claim arising out of this Agreement between them by negotiations by those persons of the Town and the County who have authority to act and who will promptly meet for negotiations to attempt to settle the dispute.

ARTICLE IX

Miscellaneous

- A. **Assignment.** The rights under this Agreement may be transferred and assigned only upon the written consent of the non-assigning Party.
- B. **Fees and Expenses.** Except as may be specifically provided in this Agreement, each Party will be responsible for his or its own legal fees and expenses incurred in connection with the transactions contemplated by this Agreement.
- C. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. Any dispute regarding this Agreement shall be filed in a court of competent jurisdiction located in Orange County, NC.
- D. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same document. A signed copy of this Agreement delivered by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy.
- E. **Amendment.** This Agreement shall not be amended except by a written instrument executed by both the County and the Town.
- F. **No Third Party Beneficiaries.** Nothing contained in this Agreement shall be deemed to create a contractual relationship with, or a cause of action in favor of, any third party against the Town or the County.
- G. **Entire Agreement, Amendment; Construction.** This Agreement, together with the Exhibits attached hereto and all other agreements referred to herein or relating to the subject matter hereof, contains the entire agreement between the parties as to the subject matter referenced herein, and supersedes all prior agreements, understandings or undertakings (whether oral, written, electronic or otherwise) between the parties with respect to the subject matter hereof. No amendment may be made to this Agreement except with the prior written consent of all parties hereto. The section titles and headings herein are for convenience of reference

only and do not define, modify or limit any of the terms and provisions hereof. Article, Section and Exhibit references herein are to Articles, Sections and Exhibits of this Agreement unless otherwise noted. The use of words “include” or “including” in this Agreement shall be by way of example rather than by limitation. The use of the words “or,” “either” or “any” shall not be exclusive.

H. Representations and Warranties of the Parties. Each of the parties, and each person executing this Agreement on behalf thereof, represent and warrant, as applicable, that (1) such party or person has the full power and authority to enter into this Agreement and the agreements or instruments referred to herein, to execute them on behalf of the party indicated on the signature page thereof, and to perform the obligations hereunder and thereunder, (2) such party is acting on its own behalf and on behalf of its members, successors and assigns, (3) this Agreement and the other agreements referenced herein are the valid and binding obligations of such party, enforceable against it in accordance with their terms, (4) entering into this Agreement and the other agreements referenced herein does not conflict with any other agreements entered into by either party, and (5) the execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary corporate or governmental action on its part.

J. Exhibit List. The following exhibits are hereby incorporated by reference:

EXHIBIT A: Map Denoting Site, Legal Description of Site, Legal and Equitable Owners

EXHIBIT B Sustainable Design and Operations Elements Guidelines

EXHIBIT C Elements of Value

[signatures contained on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

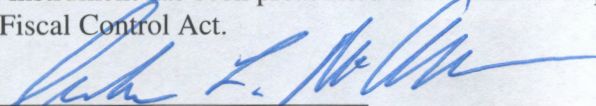
TOWN OF CARRBORO

BY: 
David Andrews, Town Manager

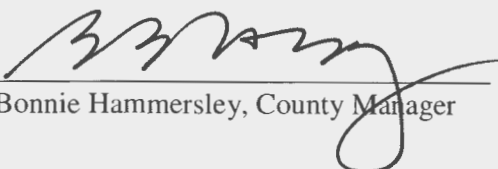
This document is sufficient as to form.


Town Attorney

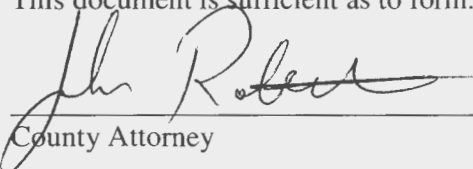
This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.


Finance Director

COUNTY OF ORANGE

BY: 
Bonnie Hammersley, County Manager

This document is sufficient as to form.


County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

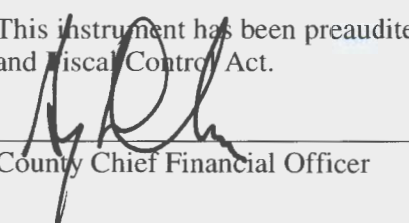

County Chief Financial Officer

Exhibit A - 203 S. Greensboro St.





20130410000065470 DEED
Bk:RB5582 Pg:486
04/10/2013 10:41:55 AM 1/4

FILED Deborah B. Brooks
Register of Deeds, Orange Co., NC
Recording Fee: \$26.00
NC Real Estate TX: \$1200.00

Prepared by: Ellis & Winters LLP (DLH), 1100 Crescent Green Drive, Suite 200, Cary, NC 27518
Return to: Grantee

Brief Description for the Index

203 S. Greensboro Street

STATE OF NORTH CAROLINA)

SPECIAL WARRANTY DEED

ORANGE COUNTY)

Excise Tax: \$1,200.00
Pin(s): 9778-85-7932 *to*

THIS DEED made this 10th day of April, 2013, by and between

GRANTOR

SunTrust Bank,
a Georgia banking corporation
whose mailing address is:
303 Peachtree Street, N.E., 36th Floor
Atlanta, GA 30308

GRANTEE

The Town of Carrboro,
a North Carolina municipal corporation
whose mailing address is:
301 W. Main Street,
Carrboro, NC 27510

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee, as used herein, shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid at and before the delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, transferred, conveyed and confirmed and by these presents does grant, bargain, sell, and convey unto the Grantee in fee simple, all that certain tract or parcel of land lying and being in Orange County, North Carolina, being more particularly described on



EXHIBIT A (the "Property") attached hereto and incorporated herein by reference.

The Property hereinabove described was acquired by Grantor by instrument recorded in Book 5517, Page 541, Orange County Registry.

The Property herein conveyed does not include the primary residence of Grantor.

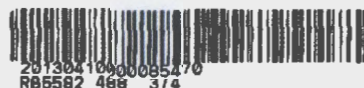
TO HAVE AND TO HOLD the aforesaid Property and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to title to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the Property is subject to the following exceptions: (i) the lien of real estate taxes, taxes imposed by special assessment and water, sewer, vault, public space and other public charges which are not yet due and payable, (ii) all applicable laws (including zoning, building ordinances and land use regulations), (iii) all easements, restrictions, covenants, agreements, conditions, and other matters of record, and (iv) all matters that may be revealed by a current and accurate survey or inspection of the Property.

Grantor makes no warranty or representation as to the condition of the Property or any improvements thereon, including without limitation, any latent or environmental defects in the Property or in any improvements thereon and the serviceability or fitness for a particular purpose of the Property or any improvements thereon, and Grantee accepts the Property and any improvements thereon "AS IS" without recourse against Grantor.

[Signature page follows.]



IN WITNESS WHEREOF, Grantor has caused this instrument to be signed in its name and delivered as of the date indicated on the first page of this Deed.

GRANTOR:

SunTrust Bank,
a Georgia banking corporation

By: _____

Name: Erica S. Henning

Title: Vice President

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Erica S. Henning.

Date: _____

4/5/2013

My Commission Expires:

8/31/2014

Print Name: _____

Notary Public

John Flynt

[Affix Notary Stamp or Seal]

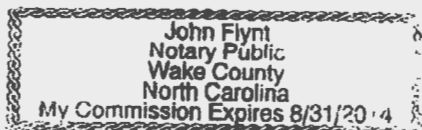


EXHIBIT A
(to Special Warranty Deed)



Legal Description of Property

All of that property consisting of 0.883 acres, surveyed as "Fakhoury Property" per Recombination Map of Fakhoury Property" surveyed by Kenneth Close, Inc. recorded in Book of Maps 94, Page 24, Orange County Registry, formerly identified as Tract 1 and Tract 2, now combined.

New Parcel # 9778-85-7932 from old Parcel #s 9778-85-5886 and 9778-85-6892

RECOMMENDATION FOR EIGHT SUBDIVISION
 THIS PLAT IS A RECOMMENDATION FOR EIGHT SUBDIVISION OF LAND, AND DOES NOT CONSTITUTE A GUARANTEE OF ANY KIND.
 DATE: 4/19/04
 BY: J. H. PEARSON, JR., REGISTERED SURVEYOR

FILED
 BOOK 94, PAGE 24
 APR 20 A.D. 03
 JOYCE H. PEARSON
 REGISTER OF DEEDS
 ORANGE, N.C.

VICINITY MAP NO SCALE

CERTIFICATE OF OWNERSHIP
 I, JOYCE H. PEARSON, JR., REGISTERED SURVEYOR, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE PLANNING JURISDICTION OF THE TOWN OF CHAPEL HILL, N.C. I HEREBY CERTIFY THAT I HAVE FULLY RESEARCHED THE INFORMATION HEREON.
 DATE: 04/19/04
 SIGNATURE: J. H. PEARSON, JR.

DRAWN BY: J. H. PEARSON, JR.
CHECKED BY: J. H. PEARSON, JR.

PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DATE OF EXECUTION OF THE FOREGOING INSTRUMENT:
 SIGNED BY: J. H. PEARSON, JR.
 DATE: 04/19/04

MY COMMISSION EXPIRES: 04-19-05

NOTARY PUBLIC
 MARK E. BLOD
 ORANGE COUNTY, N.C.

LEGEND
 (PT) - IRON PIPE FOUND
 (SS) - SPIKE SET
 (CP) - POWER POLE
 (CH) - OVERHEAD POWER LINES
 (AI) - AREA INLET
 (CB) - JUNCTION BOX
 (PB) - PHONE BOX
 (CC) - GAS CONNECTION
 (IP) - IRON PIPE SET
 (RC) - REINFORCED CONCRETE PIPE
 (SP) - SPLIT RAIL FENCE
 (CL) - CHAIN LINK FENCE

NOTES:
 1. RIGHT OF WAY INFORMATION PROVIDED BY TOWN OF CHAPEL HILL PLANNING DEPARTMENT.
 2. THE DISTANCES OF THE MAP ARE BASED UPON THE FOLLOWING:
 (a) DISTANCES MEASURED ALONG THE CENTERLINE OF THE ROAD.
 (b) DISTANCES MEASURED ALONG THE CENTERLINE OF THE ROAD.
 (c) DISTANCES MEASURED ALONG THE CENTERLINE OF THE ROAD.

SCALE IN FEET
 0' 15' 30' 45' 60'

REVISIONS

**RECOMMENDATION MAP OF
 FAKHOURY PROPERTY**

TOWNSHIP: CHAPEL HILL **COUNTY:** ORANGE

STATE: NORTH CAROLINA **DATE:** 97K-85-7432 2.4.01

ZONE: B1G **DATE:** 97K-85-7432 2.4.01

KENNETH CLOSS, INC.
 Land Surveying
 970 TRINITY ROAD - RALEIGH, NC 27607
 PHONE: (919)851-2344 FAX: (919)851-5201

SURVEY DATE: 11-19-03 **SURVEYED BY:** AR

SCALE: 1" = 30' **DRAWN BY:** SEP

CHECKED & CLOSURE BY: SEP/MG

16 X

Exhibit B – Sustainable Design and Operations Elements Guidelines

The Development Agreement recognizes the goals of Orange County and the Town of Carrboro to be guided by design and operations elements of the High Performance Building Standards developed by the Triangle J Council of Governments (“TJCOG”) in 2001. Orange County adopted this standard as part of its Space Development criteria in 2005.

These High Performance Building Standards were initially developed by a task force led by TJCOG, including representatives from Orange County, and design professionals within the Triangle Area. These published guidelines have been nationally recognized and formed the basis for the Leadership in Energy and Environmental Design (“LEED”) version II, established by the United States Green Building Council (“USGBC”). The standards are recognized for their innovation and quality of results related to sustainable, energy efficient, and resilient building outcomes.

Orange County and Carrboro recognize the current initiative to update these guidelines consistent with current benchmarks and advances in design and building science. Sustainable design, construction and operations methods will be evident within the design and build process and will be explicitly communicated throughout the development process.

EXHIBIT C**203 S. Greensboro Development Agreement
Elements of Value**

	All Town	All County	Share		Notes
			Equal	Proportional	
Land					
1 Property	x				
2 Existing environmental remediation, monitoring	x				
Adequate Structured Parking				x*	
Design/Testing/Permitting/Entitlements/Fees					
5 Preliminary vision planning			x		Includes discussions on level of finish, appearance, aesthetics
6 Zoning/Land Use application fees			x		
7 Utility/infrastructure analysis fees			x		
8 Utility/infrastructure impact fees			x		Includes geotechnical, environmental, cultural, traffic studies
9 Designer Fees for Carboro Planning Process/Approvals			x		
10 Preliminary site assessment fees			x		
11 Sustainability/Energy Modeling and Analysis Fees			x		High performance building standards analysis, cost-benefit analysis
12 Site/Civil/Landscape design, CA fees, design contingencies			x		
13 Building Shell, Core Area design, Construction Administration, design contingencies	x	x	x		Occupants pay for uplift costs
14 Occupant Uplift design, Construction Administration, design contingencies	x	x			
Site Topics					
15 De-construction			x		if necessary in design
16 Clearing, grading, erosion control			x		
17 Subsurface conditions/unstable soils			x		
18 Site stormwater management system			x		If separately metered, per condominium owner
19 Retaining wall / safety railing			x		
20 Onsite walkways, specialty surfacing			x		
21 Temporary staging / stockpiling areas			x		If separately metered, per condominium owner
22 Building Shell Utility services to identified demarcation points			x		
23 Utility connection fees			x		
24 Site lighting			x		All main systems to identified demarcations within exclusive occupant interior spaces
25 Shell marquis signage / exterior wayfinding signage			x		
26 Amenities / site furniture / bike parking			x		
27 Solid waste / recycling facilities			x		From site demarcation to Core & Common Area facilities
28 Bus stop / shelter / site considerations			x		
29 Sanitary lift station requirements (if necessary)			x		
30 Site construction contingencies			x		
Off-Site Topics					
26 Off site roadway or pedestrian improvements			x		Each party bears all costs of exclusive space needs
27 Off site building shell utility improvements (to property line)			x		
28 Off site Bicycle pathway considerations			x		
29 Off site construction material staging area costs			x		Branch systems include electrical, mechanical, plumbing, and fire protection within exclusive areas
30 Off site contingencies			x		
			x		
Shell, Core & Identified Common Area Construction					
30 Foundation System			x		From site demarcation to Core & Common Area facilities
31 Roof System, Building drainage leaders/surface drainage piping			x		
32 Core elevator, shaft and equipment			x		
33 Core & identified Common Area potable water service / backflow preventer				x*	Each party bears its own costs
34 Core & identified Common Area sanitary sewer service				x*	
35 Core & identified Common Area power transformer / service				x*	
36 Core & identified Common Area natural gas service				x*	Each party bears all costs of exclusive space needs
37 Core & identified Common Area fire protection shell components				x*	
38 Core & identified Common Area sustainable systems installation				x*	
39 Core & identified Common Area uplift construction				x*	Branch systems include electrical, mechanical, plumbing, and fire protection within exclusive areas
40 Core & identified Common Area security/access/AV/teledata				x*	
41 Core & identified Common Area furniture, fixtures, and equipment				x*	
42 Shell, Core & identified Common Area contingencies				x*	Each party bears its own costs
Exclusive Condominium Space Interiors					
43 Uplift branch building systems	x	x			Each party bears its own costs
44 Uplift (architectural components)	x	x			
45 Uplift security/access/AV/teledata	x	x			
46 Uplift furniture, fixtures, and equipment	x	x			Each party bears its own costs
47 Uplift contingencies	x	x			
	x	x			
Other Costs					
48 Legal Costs	x	x			Each party bears its own costs
49 Financing Costs	x	x			
	x	x			

The Parties agree as follows:

The Town's costs pursuant to this Agreement shall not exceed \$9,600,000.00 (Nine Million Six Hundred Thousand Dollars).
Any costs in excess of this amount must be authorized by the Town of Carboro Alderpersons through a written amendment to the Agreement.

The County's costs pursuant to this Agreement shall not exceed \$7,547,500.00 (Seven Million Five Hundred Forty Seven Thousand Five Hundred Dollars).
Any costs in excess of this amount must be authorized by the Orange County Board of Commissioners through a written amendment to the Agreement.

*proportional basis for these items is anticipated to be determined in the design phase as building elements and systems are more specifically known, with the cost sharing likely to be less than equal but more than on a proportional square footage basis.



Town of Carrboro

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

Agenda Item Abstract

File Number: 17-408

Agenda Date: 2/6/2018

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Concept Plan for Affordable Commercial - Development Potential of Old 86 - Town Owned Property

PURPOSE: The purpose of the agenda item is to update the Board on information and gather feedback from the Board of a proposal by staff to develop town-owned property for affordable commercial flex-space.

DEPARTMENT: Economic and Community Development

CONTACT INFORMATION: Annette Stone, AICP, ECD Director

INFORMATION: Available affordable space for flex warehouse/light manufacturing is very limited in Carrboro, therefore the Board of Aldermen directed staff to identify opportunities to lift barriers to develop this type of space. Availability and cost of land is a limiting factor affecting commercial development and the town's ability to attract or retain light manufacturing companies.

Town owned property, located approximately one mile north of Calvander was originally purchased by the town in 2001 for \$767,000 and was intended for a new public works facility. The town has now determined that this location is no longer needed for that purpose, therefore staff has begun studying the property for commercial development potential. Preliminary study reveals a building program of approximately 90,000 square feet of warehouse/flex commercial space is possible (see attachment 1).

Since last reported to the Board in October, staff has been studying options for a public process to appropriately rezone the property and to create a "shovel-ready" project for possible RFP. Options include 1) annexation of the property, applying for rezoning and moving through the Town's public planning process 2) apply for rezoning and move through a joint public planning process with Orange County. Attached is a timetable for two possible approaches for the Town to consider zoning for this project (see attachment 2). Staff is seeking direction from the Board on which approach to take.

The 22 acre parcel is currently zoned RR, Rural Residential. The property could be rezoned to an Office/Assembly district which would allow for light manufacturing low impact commercial uses that generate little or no customer trips. The Town's zoning staff have done a preliminary review of the project and is providing comments back to the ECD staff.

A survey of the business community and discussions with County Economic Development staff suggested

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

possible uses are small scale manufacturing i.e. furniture, hardware, metal-works, food processing including craft breweries, coffee roasters, food truck prep; service companies, plumbing and HVAC; tv/video/photography production; carpentry/woodworking. Staff routinely gets request for space from 500 sq ft up to 10,000 plus square feet.

So far, staff has had two meetings with neighbors. One at the Fire station on Homestead on May 11, 2017 and another meeting on site that was called by the neighborhood to discuss the project. Staff is providing notification via emails of the Board's discussions on this item. Neighbors are concerned about traffic, noise, lighting, and the rural character of the community (see attachment 3). In response to neighbor's concerns about traffic staff has been researching the opportunities for extension of Lake Hogan Farms Road. The Town is moving forward with removing barriers to development of this proposed road by securing environmental permits from the Army Corp of Engineers. However, a funding opportunity for extension of the road has not been identified.

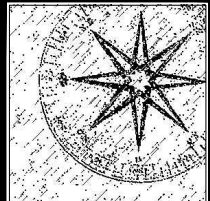
Staff's proposal at this time would be to work towards concept development through a public planning permitting process. Controls for development could be built into a zoning permit approvals making the project "shovel-ready". This approach could further reduce cost and effect affordability of the project.

FISCAL & STAFF IMPACT: Staff time involved in development review and zoning, neighborhood outreach and developing an RFP plus design and consultation fees.

RECOMMENDATION: Staff recommends the Board discuss the planning/zoning processes available to the Town and direct staff accordingly.

TOWN OF CARRBORO

concept plans for old 86 project



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OLD 86
PROJECT

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CHAPEL HILL,
NORTH CAROLINA
27516

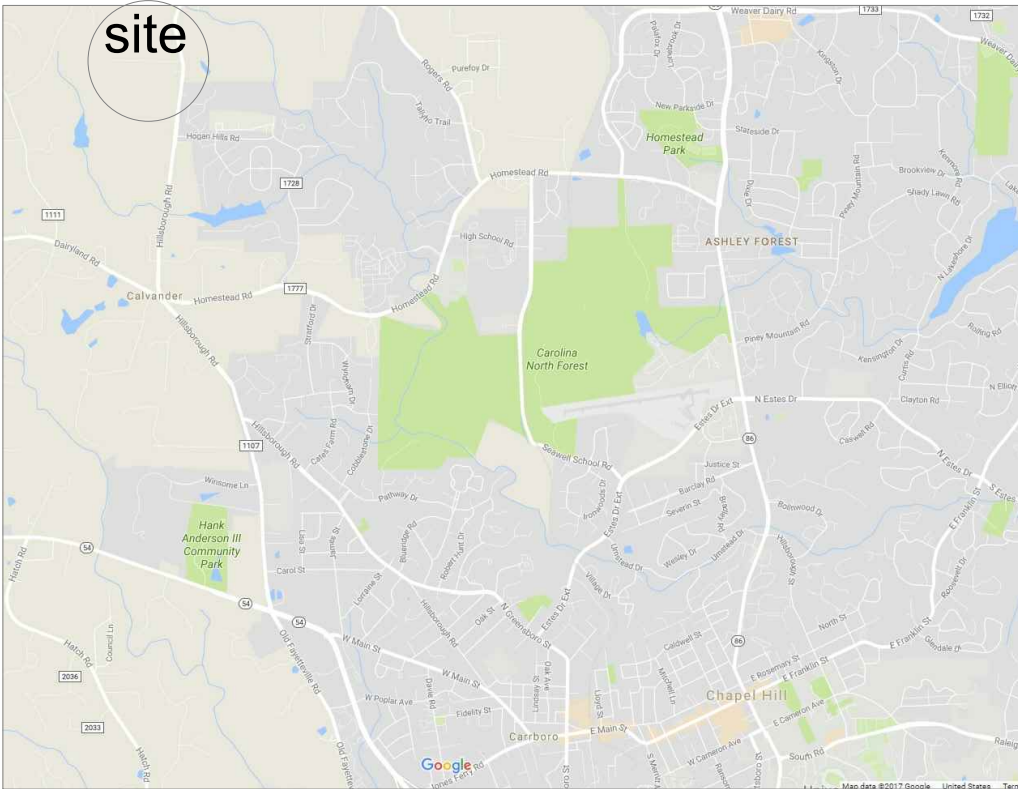
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	AUG. 22, 2017
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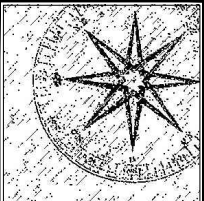




1
EC1

EXISTING SITE AERIAL

SCALE: 1:150



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Sheet Number



pre-engineered metal buildings
with added warmer materials and
scale elements

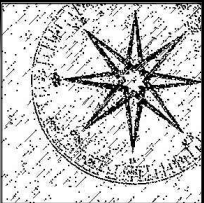


1

PRE

PRECEDENT BUILDINGS

SCALE: NTS



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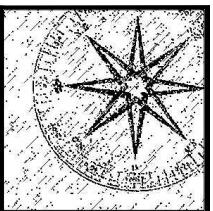
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1
SD1.1

SITE PLAN
SCALE: 1:150



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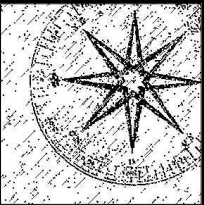
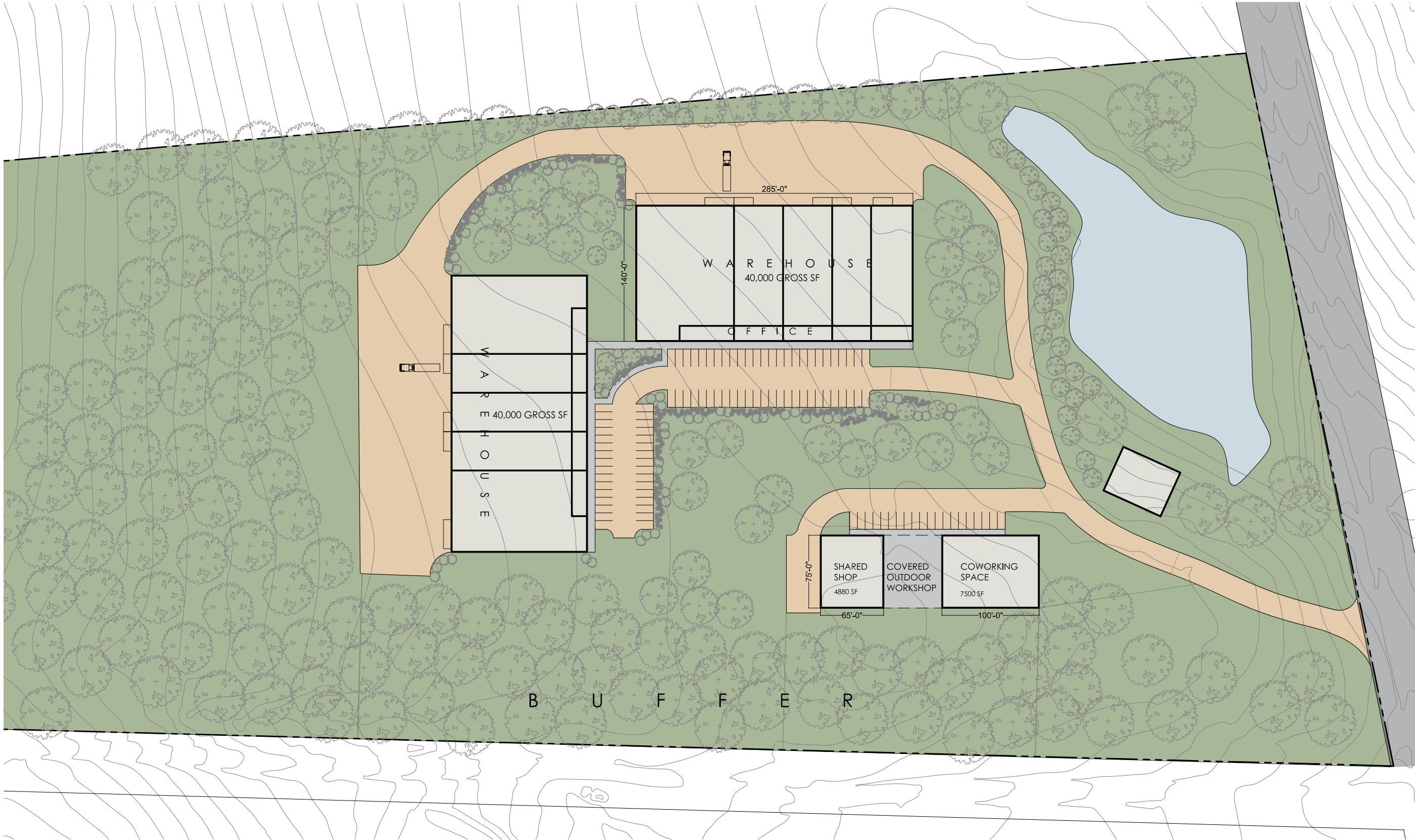
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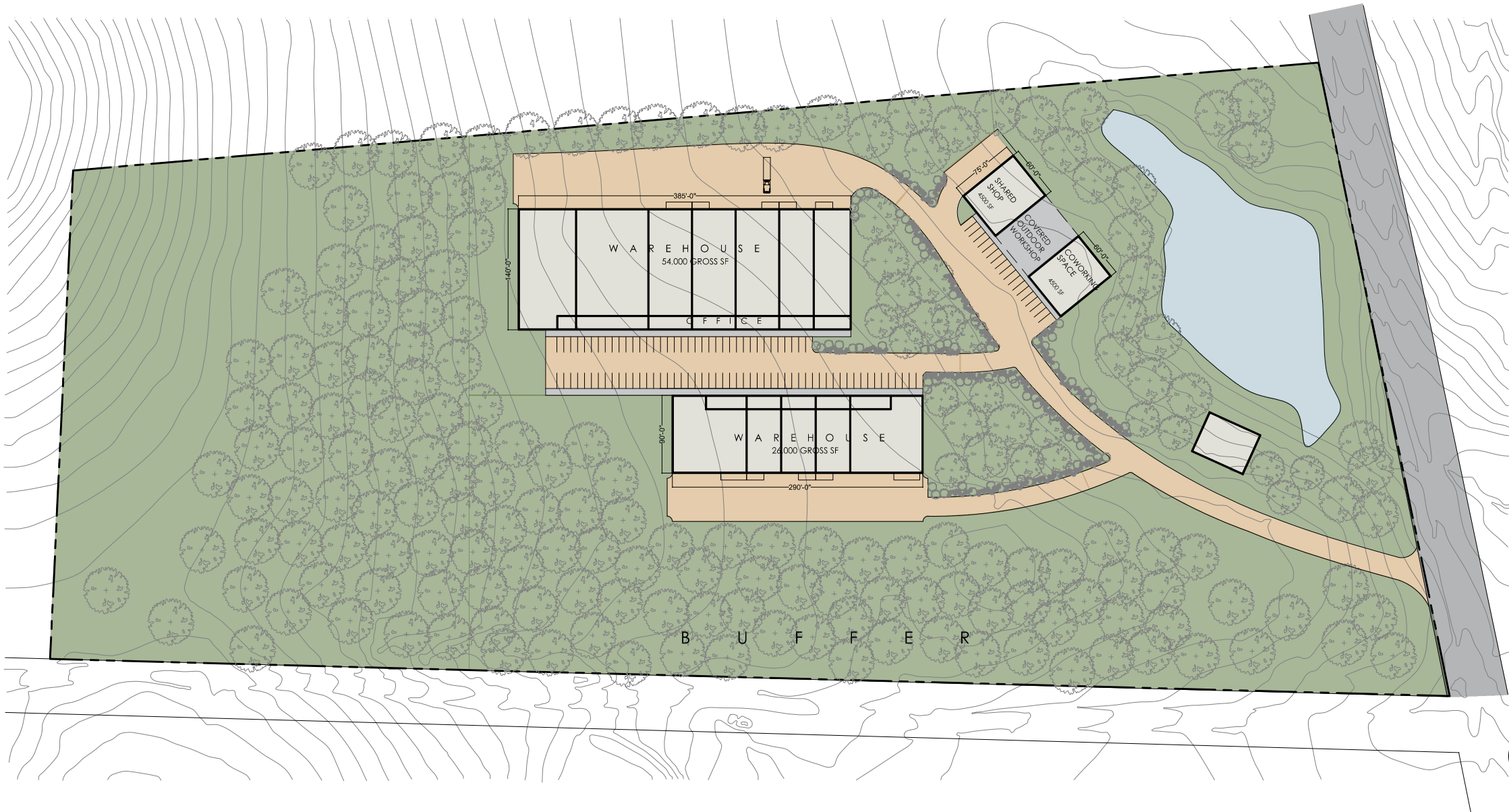
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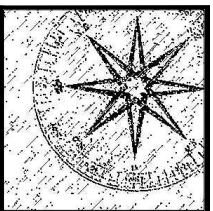
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SD1.1A

SITE PLAN
SCALE: 1:100



1
SD1.2 SITE PLAN - LAYOUT OPTION 2
SCALE: 1:150



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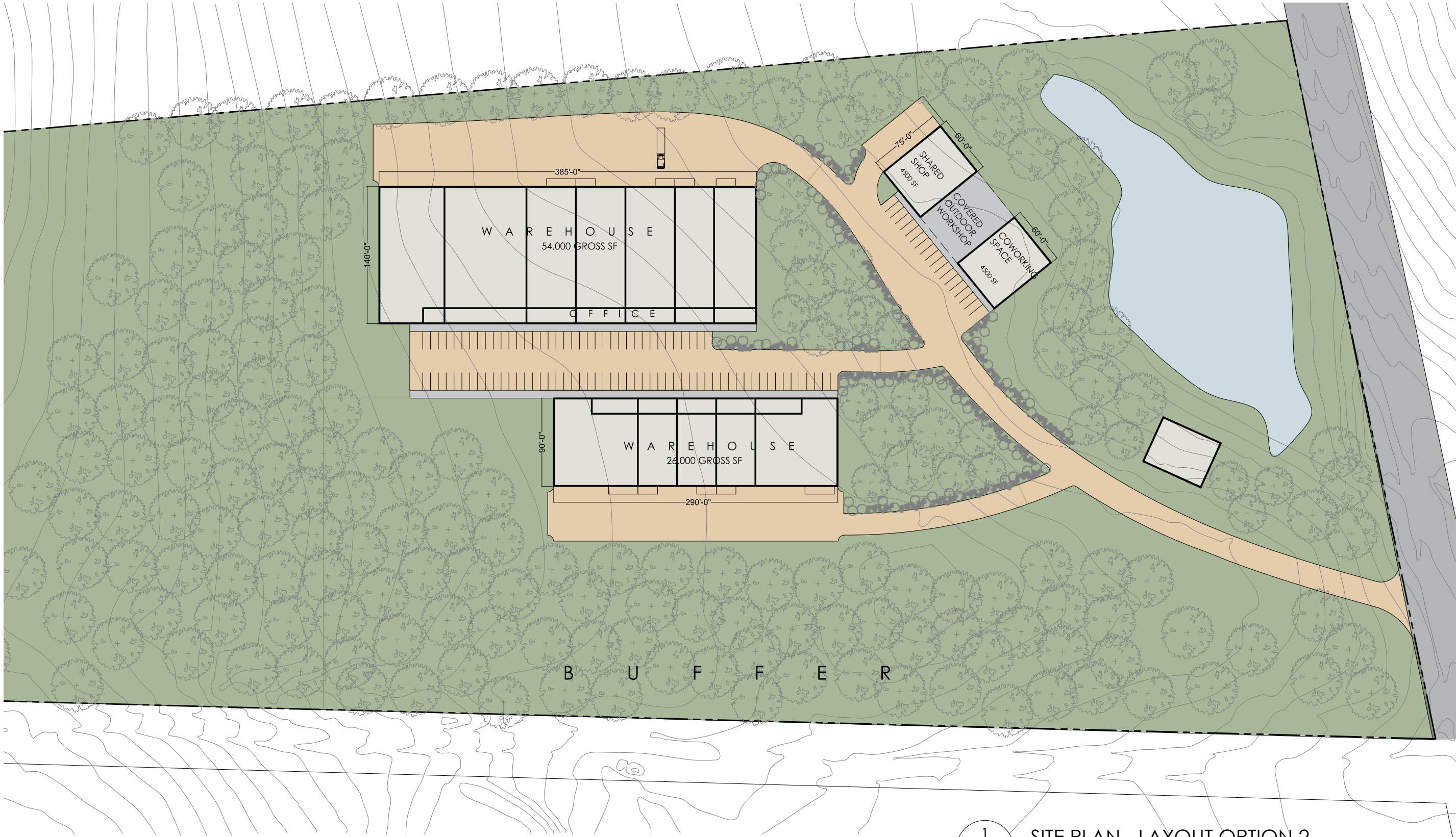
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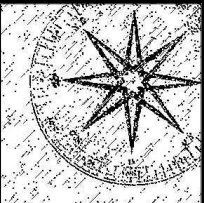
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SITE PLAN - LAYOUT OPTION 2

SCALE: 1:100



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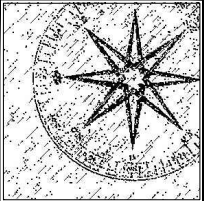
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1
A1

AERIAL VIEW FROM THE NORTHEAST

SCALE: NTS



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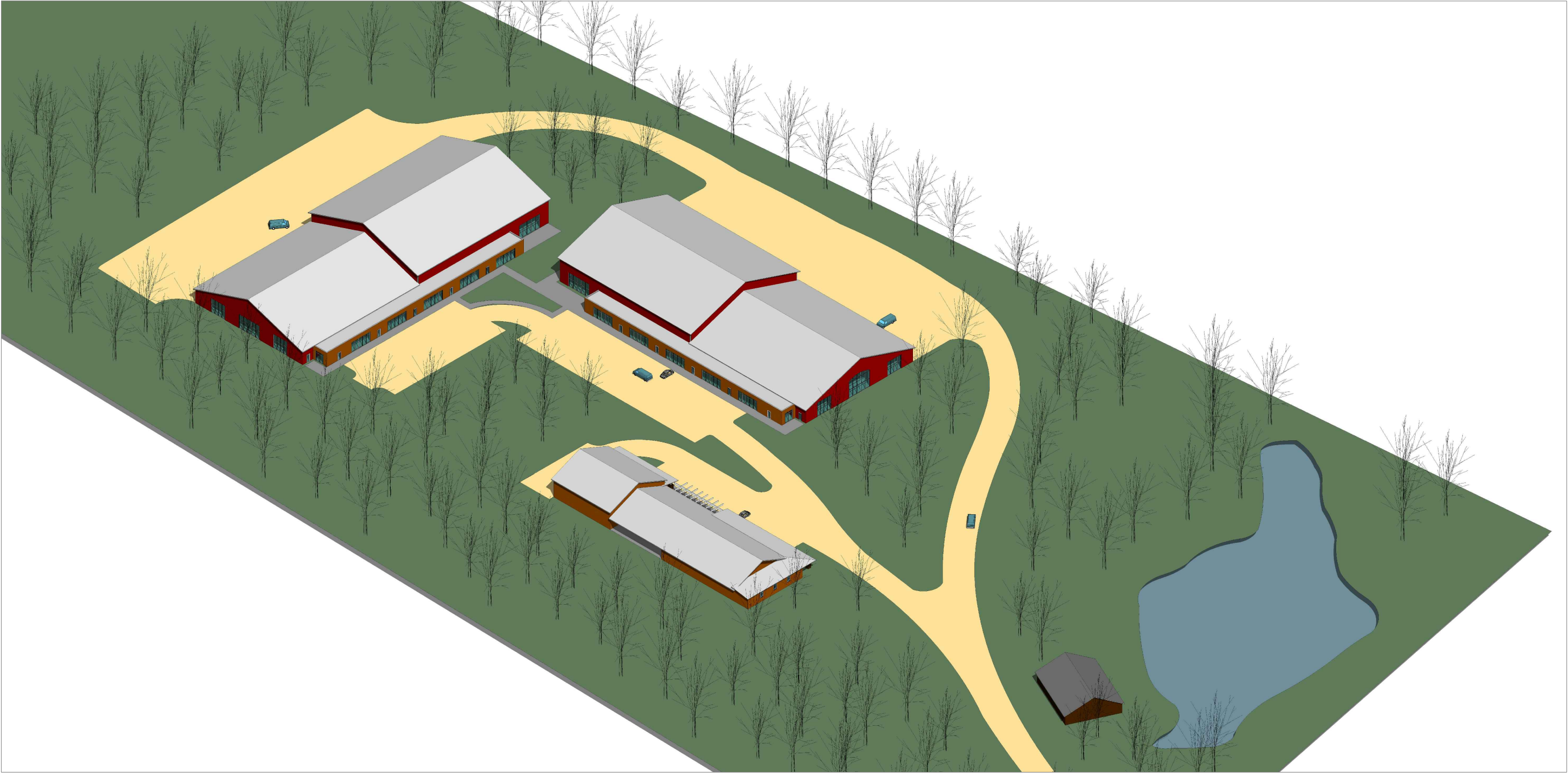
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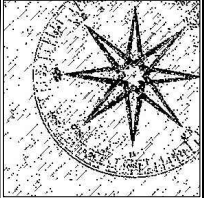
A1

Sheet Number



1
A2

AERIAL VIEW FROM THE SOUTHEAST
SCALE: NTS



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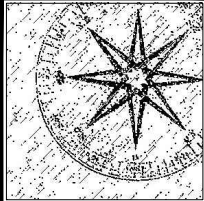
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1
A3

PERSPECTIVE VIEW

SCALE: NTS



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A3

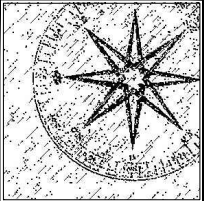
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A4

PERSPECTIVE VIEW

SCALE: NTS



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CONCEPT PLAN

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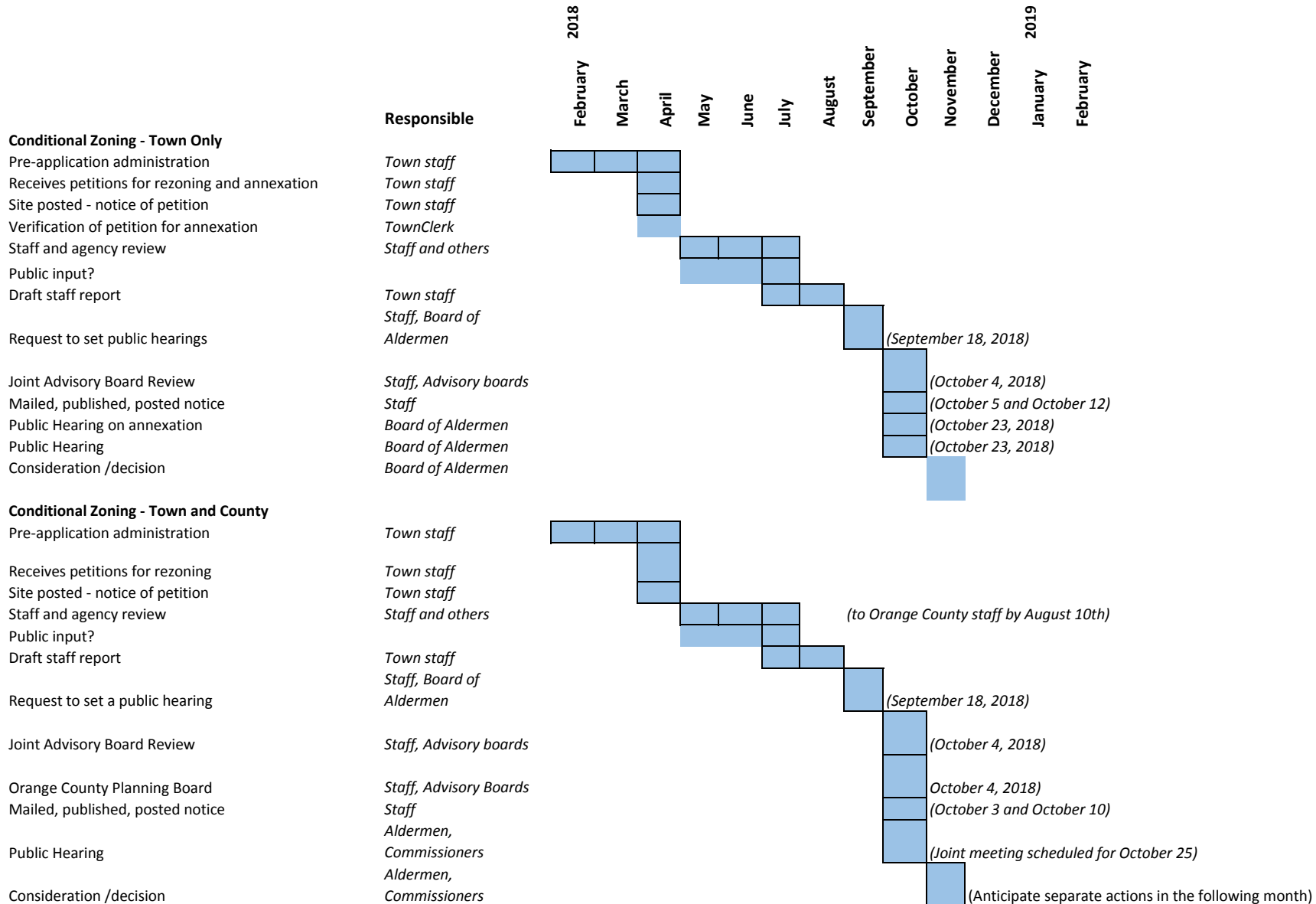
Sheet Title:

A4

Sheet Number

Conceptual Rezoning Process Options - Conditional Zoning (Town Only) and Conditional Zoning (Town and County)

hj



From the NTAAC

- Timing regarding a presentation and discussion with the NTAAC and community meeting
- Concerns over traffic and the delay in developing the connector road on the Twin Creeks park project.
- Cost/Benefit Analysis
- Have other sites been considered
- More clarity on light manufacturing uses
- Noise, night time use, what type of performance standards would there be
- Smaller scale buildings
- Community Outreach

From the community meeting

May 11, 2017 –

- O/A would be out of character for the area
- Scale of the buildings and large parking lots were a concern
- Has any other uses been considered for the property?
- Concern over uses
- Traffic on Old 86 and type of trucks that would utilize the site
- Concerned extension of sewer would encourage more development
- How cost effective and how would we measure outcomes
- Would the property be clear cut?
- There was an interest in extending natural gas that neighbors could access

Steve Brantley commented there were a number of businesses that he encounters that would be interested and could utilize space like this, including many for the County PFAT facility, furniture makers, metal working, pottery, etc.

Carrboro Plumbing was present offered insight to the need for this facility and they type of uses that she sees were she is located now and the types of traffic that it generates.

Several emails from the business community that were in favor and interested in this type of space.



Town of Carrboro

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

Agenda Item Abstract

File Number:17-397

Agenda Date: 2/6/2018

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Town of Carrboro Martin Luther King Jr Celebration Discussion

PURPOSE: The purpose of this item is for the Board of Aldermen to have a discussion about an annual Martin Luther King Jr Celebration in Carrboro.

DEPARTMENT: Town Manager Office

CONTACT INFORMATION: David Andrews - 919-918-7315 and Anita Jones-McNair - 919-918-7381.

INFORMATION: This agenda item provides the Board of Aldermen an opportunity to discuss having a Town of Carrboro Martin Luther King Jr Day celebration at Alderman Foushee's request.

Events that traditionally occur in the Carrboro/Chapel Hill during the holiday week include:

Sunday before the holiday -

University/Community Annual MLK Banquet and Award Presentation

Friday Center for Continuing Education 6:00 p.m. (reception at 5:00 p.m.)

Holiday Monday-

MLK Day of Service 5K: Voices. Presence. Community

Meet at UNC Campus Y 7:00 a.m. (registration at 6:00 a.m.)

The Chapel Hill-Carrboro and UNC-Chapel Hill chapters of the NAACP hosts three events:

1. Annual MLK Day Rally -9:15a.m. Peace and Justice Plaza, Franklin Street
2. March/Parade - 10:00 a.m. down Franklin
3. Worship Service - 11:15a First Baptist Church on Roberson Street

Agenda Date: 2/6/2018

File Type:Agendas

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Version: 1

Carolina R.O.C.T.S. (Rejuvenating Our Community Through Service) sponsors its annual Martin Luther King Jr. Day of Service. This opportunity allows individuals and groups to participate in projects at various locations in the Chapel Hill-Carrboro area. This event is co-sponsored by Fleet Feet, Carolina Dining Services, CHispa, and Diversity & Inclusion, along with the generous support of the Parents Council Grant program.

Tuesday

“He Was a Poem, He Was a Song” Celebration - Stone Center UNC -Stone Center

7:00 p.m. Community members, faculty, staff and students convene to explore Dr. King’s legacy through music, poetry, dance and spoken word.

Wednesday

Candlelight Vigil - Warriors of Freedom, Stone Center Amphitheater 5:00 p.m. (This vigil is designated for all the women that have lost their lives in the fight for equality. The walk begins at the amphitheater next to the Stone Center and ends at the Unsung Founders monument. Prior to beginning the walk, campus *a capella* groups perform. Also during that time is a moment of silence and people share their stories.)

Thursday

MLK Celebration Keynote Lecture & Awards Ceremony, Memorial Hall 7:00 p.m. (The lecture provides an opportunity to hear from national thought leaders on the importance of social justice, unity, action, and/or service. Additionally, the Keynote lecture program will include two special presentations: MLK Scholarships (awarded to a college junior) and MLK Unsung Hero Award (awarded to a UNC staff/faculty or department or a community/corporate entity).

FISCAL & STAFF IMPACT: None at this time.

RECOMMENDATION: The Board of Aldermen may decide to initiate a resolution that staff can prepare and bring back for approval on a consent agenda.