



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, January 15, 2019

7:00 PM

Board Chambers - Room 110

7:00-7:05

A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

7:05-7:10

B. ANNOUNCEMENT OF UPCOMING MEETINGS

7:10-7:20

C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:20-7:30

D. CONSENT AGENDA

1. [19-27](#) Approval of October 23 and December 4, 2018 Meeting Minutes
2. [19-20](#) A Resolution Making Appointments to the Environmental Advisory Board

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

Attachments: [Attachment A - Appointment Resolution](#)
[Attachment B - Environmental Advisory Board Chair Forms and Applications.pdf](#)

3. [19-15](#) Consideration of a Recommendation from the Affordable Housing Advisory Commission Regarding a Funding Request from Community Home Trust

PURPOSE: The purpose of this item is for the Board to consider approving the Affordable Housing Advisory Commission (AHAC) recommendation to fund \$30,000 for Community Home Trust (CHT) to offset costs related to maintenance of properties in the affordable housing stock that are falling into disrepair.

Attachments: [Attachment A - Resolution Approving Recommendation](#)
[Attachment B - AHAC Recommendation 12192018](#)
[Attachment C - Funding request CHT Dec2018](#)
[Attachment D - Eligibility Analysis CHT Request 01092019](#)

4. [19-23](#) Referral of Projects to Affordable Housing Advisory Committee Ahead of Affordable Housing Review Meetings with Board of Aldermen

PURPOSE: The Board of Aldermen is asked to approve a resolution which refers development projects that must participate in an Affordable Housing Review Meeting to the Affordable Housing Advisory Committee for review and consideration before the meeting with the Board of Aldermen takes place.

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

5. [19-24](#) Consider Approval of a Marketing Agreement with WCHL Radio.

PURPOSE: The purpose of this item is to update the Board on staff's efforts to expand communications strategies to increase our reach to the public with town information, news and events

Attachments: [Attachment 1 - 97.9 The Hill and Town of Carrboro Partnership Agreement 2019](#)

6. [19-25](#) A Request for a Minor Modification to the Winmore VMU Conditional Use Permit to Terminate Piano Street Before the Property Line

PURPOSE: The Board of Aldermen is asked to consider approving a Minor Modification to the Conditional Use Permit for Winmore VMU to allow the developer to terminate Piano Street before it reaches the northern property line. A resolution approving the modification is attached.

Attachments: [Attachment A - Resolution](#)
[Attachment B - Letter from Applicant](#)

E. OTHER MATTERS**7:30-7:40**

1. [19-21](#) A Resolution Making Appointments to the Carrboro Tourism Development Authority and Selecting a Chair Person

PURPOSE: The purpose of this item is for the Board of Aldermen to consider appointing a member to the Carrboro Tourism Development Authority (CTDA) and to select a chair person.

Attachments: [Attachment A - A Resolution Making an Appointment to the Carrboro Tourism Development Authority](#)
[Attachment B - Carrboro Tourism Development Authority Applications](#)

7:40-8:00

2. [19-22](#) Stormwater Utility Update

PURPOSE: The purpose of this agenda item is to provide an update on Stormwater Utility activities in the second half of 2018.

Attachments: [Attachment A - Resolution](#)
[Stormwater Utility Update Memo](#)

8:00-8:30

3. [19-26](#) Review of Current Regulations Pertaining to Noise

PURPOSE: The Board of Aldermen is asked to receive a presentation on current regulations pertaining to noise and provide any necessary feedback or direction on possible changes and / or additional outreach efforts regarding the topic.

Attachments: [Attachment A - Noise Ordinance](#)
[Attachment B - Supplementary Use Regulations Excerpt](#)

8:30-9:00

4. [18-06](#) Bicycle Plan Update

PURPOSE: The purpose of this agenda item is to provide the Board the latest information on the schedule and scope of the bicycle plan update as well as the proposed steering committee members.

Attachments: [Attachment A - Resolution](#)
[Attachment B - Bike Plan Schedule](#)
[Attachment C - Steering Committee Members](#)

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: 19-27

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

Approval of October 23 and December 4, 2018 Meeting Minutes



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-20

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

A Resolution Making Appointments to the Environmental Advisory Board

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

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando, 919-918-7309

INFORMATION: The Environmental Advisory Board (EAB) currently has four vacant seats eligible for appointment. The EAB is having a difficult time making quorum with the large number of vacancies and has requested that the Board make these appointments prior to the annual February bulk appointment process. There are no additional applications for the EAB to review at this time. Tim Turner is the current chair of the Environmental Advisory Board and provided the forms for the Board's review.

The attached resolution will Andrea Wood, Lindsay Gavin, and Sonia Desai to the EAB.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: It is recommended that the Mayor and Board adopt the attached resolution.

ATTACHMENT A

**A RESOLUTION MAKING APPOINTMENT(S) TO THE
ENVIRONMENTAL ADVISORY BOARD**

THE BOARD OF ALDERMEN HEREBY APPOINTS THE FOLLOWING APPLICANT(S)
TO THE ENVIRONMENTAL ADVISORY BOARD:

Seat Designation	Appointee	Term Expiration
Member	Sonia Desai	02/2022
Member	Lindsay Gavin	02/2022
Member	Andrea Wood	02/2021

Section 2. This resolution shall become effective upon adoption.

Catherine Dorando

From: noreply@civicplus.com
Sent: Saturday, December 15, 2018 10:08 AM
To: Catherine Dorando
Subject: Online Form Submittal: Advisory Board Chair Recommendation Form

Advisory Board Chair Recommendation Form

Advisory Board Name	Environmental Advisory Board
Your Name	Tim Turner
Applicant Name	Andrea Wood
Outstanding Qualifications	Long history of involvement in environmental and civic organizations.
How applicant compliments current board composition:	Broad experience and engagement in environmental and civic affairs, community organizing
Other comments:	Andrea's commitment to environmental and community concerns is evident.
Applicant Name	Lindsay Gavin
Outstanding Qualifications	BS in Biological Systems and Environmental Engineering. MPH in Environmental Health. Professional experience as and environmental engineer.
Other Comments:	Lindsay's technical expertise will make her a welcome addition to the EAB.
Applicant Name	<i>Field not completed.</i>
Outstanding Qualifications:	<i>Field not completed.</i>
Other Comments:	<i>Field not completed.</i>
Applicant Name	<i>Field not completed.</i>
Outstanding Qualifications:	<i>Field not completed.</i>
Other Comments:	<i>Field not completed.</i>
Applicant Name	<i>Field not completed.</i>

Outstanding
Qualifications:

Field not completed.

Other Comments:

Field not completed.

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Catherine Dorando

From: noreply@civicplus.com
Sent: Friday, January 04, 2019 5:43 PM
To: Catherine Dorando
Subject: Online Form Submittal: Advisory Board Chair Recommendation Form

Advisory Board Chair Recommendation Form

Advisory Board Name	Environmental Advisory Board
Your Name	Tim Turner
Applicant Name	Sonia Desai
Outstanding Qualifications	Community volunteer
How applicant compliments current board composition:	Sonia has made connections with the Rogers-Eubanks community. Her participation in the EAB will help us to better represent diverse populations in the community
Other comments:	Field not completed.
Applicant Name	Field not completed.
Outstanding Qualifications	Field not completed.
Other Comments:	Field not completed.
Applicant Name	Field not completed.
Outstanding Qualifications:	Field not completed.
Other Comments:	Field not completed.
Applicant Name	Field not completed.
Outstanding Qualifications:	Field not completed.
Other Comments:	105 Sudbury Ln
Applicant Name	105 Sudbury Ln
Outstanding Qualifications:	105 Sudbury Ln

Other Comments:

105 Sudbury Ln

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Catherine Dorando

From: noreply@civicplus.com
Sent: Sunday, October 07, 2018 9:35 PM
To: Catherine Dorando; Rebecca Buzzard; Julie Eckenrode
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Sonia
Last Name	Desai
Date	10/7/2018
Address1	105 Dairy Ct
Address2	<i>Field not completed.</i>
City	Chapel Hill
State	<i>Field not completed.</i>
Zip	27516
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	Planning Jurisdiction
Telephone	9193600563
Email Address	Sonyde1@gmail.com
Date of Birth	12/10/1991
Race	Unreported
Sex	Female
Occupation	Preschool Teacher Assistant
Are you a registered	Yes

Orange County Voter?

Length of Residence in Orange County	18 years
Length of Residence in the Town of Carrboro	8 years
I wish to be considered for appointment to the following committee/board(s) (Do Not Select More Than Two):	Environmental Advisory Board
Other (advisory board not listed):	<i>Field not completed.</i>
Advisory Board Preference	Environmental Advisory Board
*Employer/Self Employed	Erwin Road Montessori
Number of Years Employed	1 month
* Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.	<i>Field not completed.</i>
Community Activities/Organizational Memberships	I'm part of an environmental policy research team with a local activism group. I've documented and reported illegal dumpsites and enquired about the cleanup through conversations with the land owner and Town of Carrboro. I've learned about RENA's waterbody pollution likely from landfill leachate, and chemical applications (pesticides, fertilizers, etc.) that have impaired local waterbodies. I do litter cleanups occassionally. I occassionally advocate for/against bills at the state legislature. I worked on sustainable cob house and tiny home building projects. Learning intentional community and co-housing models, and consensus decision making. I've done some seasonal farm work and have volunteered in a few community gardens.
Experience to Aid You in Working on Advisory Boards	I really enjoy observing neutrally and examining and engaging with people with multiple perspectives. I'm also enthusiastic and passionate about human health and environmental

protections and ethics.

Reasons You Wish to be
Appointed

I want to be a part of the team advocating ideas and
recommendations and experiencing the process of
compromise and understanding.

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

No

If yes, which one(s)?

Field not completed.

Are you currently serving
on a Town Board or
Committee?

No

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

No

If yes, please describe
how you meet one, or
more, of the following
exceptions noted below.
*Members of the Board
of Adjustment,
Environmental Advisory
Board, Human Services
Advisory Commission,
and Transportation
Advisory Board may be
reappointed to successive
terms without limitation
(Sections 15-29(c), 15-
45(c) 3-7(d), 3-24(c))

Not applicable

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Catherine Dorando

From: noreply@civicplus.com
Sent: Wednesday, October 31, 2018 5:58 PM
To: Catherine Dorando; Rebecca Buzzard; Julie Eckenrode
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Lyndsay
Last Name	Gavin
Date	10/31/2018
Address1	506 N Greensboro St
Address2	49
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	Planning Jurisdiction
Telephone	9207375925
Email Address	lyndsaygavin@gmail.com
Date of Birth	6/9/1990
Race	White
Sex	Female
Occupation	Energy & Environment Analyst
Are you a registered	Yes

Orange County Voter?

Length of Residence in Orange County	1.25 years
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Length of Residence in the Town of Carrboro	1.25 years
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I wish to be considered for appointment to the following committee/board(s) (Do Not Select More Than Two):	Environmental Advisory Board
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Other (advisory board not listed):	<i>Field not completed.</i>
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Advisory Board Preference	n/a
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*Employer/Self Employed	Triangle J Council of Governments
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Number of Years Employed	1.25
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* Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.	n/a
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Community Activities/Organizational Memberships	Carrboro Citizen's Academy, Association for Commuter Transport
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Experience to Aid You in Working on Advisory Boards	I hold a B.S. in Biological Systems and Environmental Engineering and an MPH in Environmental Health. I worked as an environmental, health and safety engineer for an oil company in Texas for three years before pursuing my Masters degree and have since completed research projects with the California EPA Office of Environmental Health Hazard Assessment and Yale New Haven Health System's sustainability office. I currently work as an energy and environmental planning analyst at Triangle J Council of Governments, a regional planning council based in Durham. My work includes administration, promotion, and evaluation of the triangle Transportation Demand Management (TDM) program, co-coordinator of the Triangle Clean Cities Coalition,
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and project lead for the Town of Hillsborough's Clean Energy Commitment project.

Reasons You Wish to be Appointed	One of the reasons I love Carrboro is the town's commitment to protecting the natural resources that surround it. I feel my background and experience could bring a unique perspective to the advisory board as not only a citizen of Carrboro, but someone who has dedicated their career to tackling environmental issues from the corporate, academic/research-based, and public (local government) sides. I would love to dedicate my time and energy to representing the community's values with respect to environmental protection and sustainability.
Have you ever served on any Town of Carrboro Committee or Board?	No
If yes, which one(s)?	<i>Field not completed.</i>
Are you currently serving on a Town Board or Committee?	No
If yes, are you applying for a third consecutive term?	No
If yes, please describe how you meet one, or more, of the following exceptions noted below. *Members of the Board of Adjustment, Environmental Advisory Board, Human Services Advisory Commission, and Transportation Advisory Board may be reappointed to successive terms without limitation (Sections 15-29(c), 15-45(c) 3-7(d), 3-24(c))	n/a

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Catherine Dorando

From: noreply@civicplus.com
Sent: Friday, November 02, 2018 11:31 AM
To: Catherine Dorando; Rebecca Buzzard; Julie Eckenrode
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Natalie
Last Name	Schuster
Date	11/1/2018
Address1	510 North Greensboro Street
Address2	<i>Field not completed.</i>
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	ETJ
Telephone	6784695901
Email Address	schuster.natalie21@gmail.com
Date of Birth	10/23/1995
Race	Multiracial
Sex	Female
Occupation	Recent Graduate
Are you a registered	No

Orange County Voter?

Length of Residence in
Orange County 2 years

Length of Residence in
the Town of Carrboro 2 years

I wish to be considered
for appointment to the
following
committee/board(s) (Do
Not Select More Than
Two): Arts Committee, Environmental Advisory Board

Other (advisory board not
listed): Economic Sustainability Commission

Advisory Board
Preference Environmental Advisory Board

*Employer/Self
Employed Recent Graduate of UNC Chapel Hill

Number of Years
Employed 0

* Provide examples of
how you are involved in
the promotion of travel
and tourism in the Town
of Carrboro. Not applying for Tourism Development Authority Board.

Community
Activities/Organizational
Memberships I am not currently a member of any organizations in Carrboro,
but I volunteer with the Carrboro Community Garden a few
times a month. Until recently, I was studying abroad in
Thailand, so I have been living in Carrboro inconsistently.

Experience to Aid You in
Working on Advisory
Boards I have experience in research and project/lab management. My
past roles have required me to develop client facing skills and
maintain a high level of responsibility and integrity in the
projects I have been involved with. Additionally, my background
is in Environmental Science with an emphasis on smart cities. I
attended a summer seminar in Germany and the Netherlands
specifically for exploring the opportunities available for
transitioning cities to a sustainable future. I would like to bring
my expertise in these areas to bettering the Carrboro
community, economically, environmentally, and socially.

Reasons You Wish to be I wish to be appointed as I believe I can bring a new and

Appointed innovative mindset to reinvigorate the Carrboro community. Through my past experiences, I have gained expertise in the areas of smart cities, renewables, and improving an area holistically. I believe my passion to improve Carrboro in all aspects will greatly compliment the current advisory board as well as bring a new perspective to spark new ideas and continue pushing Carrboro's limits as a sustainable city.

Have you ever served on any Town of Carrboro Committee or Board? No

If yes, which one(s)? *Field not completed.*

Are you currently serving on a Town Board or Committee? No

If yes, are you applying for a third consecutive term? No

If yes, please describe how you meet one, or more, of the following exceptions noted below. I have never served on an advisory board.
*Members of the Board of Adjustment, Environmental Advisory Board, Human Services Advisory Commission, and Transportation Advisory Board may be reappointed to successive terms without limitation (Sections 15-29(c), 15-45(c) 3-7(d), 3-24(c))

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sent to chair 11/13

Catherine Dorando

From: noreply@civicplus.com
Sent: Thursday, November 08, 2018 8:37 PM
To: Catherine Dorando
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Andrea
Last Name	Wood
Date	11/8/2018
Address1	200 Pleasant Dr
Address2	<i>Field not completed.</i>
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	Planning Jurisdiction
Telephone	9192457449
Email Address	wood.andrea@gmail.com
Date of Birth	2/17/1981
Race	Caucasian
Sex	Female
Occupation	Mom
Are you a registered	Yes

Orange County Voter?

Length of Residence in
Orange County 18 years

Length of Residence in
the Town of Carrboro 12 years

I wish to be considered
for appointment to the
following
committee/board(s) (Do
Not Select More Than
Two): Environmental Advisory Board

Other (advisory board not
listed): *Field not completed.*

Advisory Board
Preference Environmental Advisory Board

*Employer/Self
Employed n/a

Number of Years
Employed n/a

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

Community
Activities/Organizational
Memberships Formerly involved with Carrboro Greenspace, Carrboro
Community Garden Coalition, Crop Mob, Go Conscious Earth,
Carrboro & Chapel Hill Farmers' Markets and Weaver
Community Housing Association.

Experience to Aid You in
Working on Advisory
Boards I've lived for 7 years as part of a cooperative and also worked
with various grassroots organizations so I bring that knowledge
and experience. I worked in libraries for 9 years so I'm a good
researcher.

Reasons You Wish to be
Appointed I deeply care about the environment and want to do something
helpful in that regard without getting totally enmeshed (as I also
have 2 young children); once or twice a month is an easy
commitment. I own a house in Carrboro so I have a vested
interest in this community. Also, I have been told by friends on
the board that they really need people.

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

No

If yes, which one(s)?

Field not completed.

Are you currently serving
on a Town Board or
Committee?

No

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

No

If yes, please describe
how you meet one, or
more, of the following
exceptions noted below.
*Members of the Board
of Adjustment,
Environmental Advisory
Board, Human Services
Advisory Commission,
and Transportation
Advisory Board may be
reappointed to successive
terms without limitation
(Sections 15-29(c), 15-
45(c) 3-7(d), 3-24(c))

n/a

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Town of Carrboro

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

Agenda Item Abstract

File Number: 19-15

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration of a Recommendation from the Affordable Housing Advisory Commission Regarding a Funding Request from Community Home Trust

PURPOSE: The purpose of this item is for the Board to consider approving the Affordable Housing Advisory Commission (AHAC) recommendation to fund \$30,000 for Community Home Trust (CHT) to offset costs related to maintenance of properties in the affordable housing stock that are falling into disrepair.

DEPARTMENT: Town Manager's Office

CONTACT INFORMATION: Rebecca Buzzard, Project Manager, rbuzzard@townofcarrboro.org, 919-918-7438

INFORMATION: The Affordable Housing Advisory Commission received an application and presentation from Community Home Trust on December 19, 2018 for costs related to the maintenance of properties in the affordable housing stock that are falling into disrepair. The AHAC voted unanimously to recommend funding \$30,000 of the request. The recommendation can be found in Attachment B. The CHT request was for a grant of \$50,000 and can be found in Attachment C.

Request Summary

The Landings at Winmore is a 58-unit multifamily Low-Income Housing Tax Credit (LIHTC) development in Carrboro which was constructed in 2010 by Crosland LLC. The apartments are affordable to households earning 60% AMI and below. In late 2016, Community Home Trust (CHT), which had right of first refusal on The Landings, was contacted to acquire the property.

A year of due diligence revealed a weak financial position and issues with vacancies and deferred maintenance. However, as a nonprofit affordable housing provider, CHT acquired The Landings in order to preserve it as part of Carrboro's affordable housing stock. CHT took over the property on January 1, 2018 and hired a new management company.

All LIHTC projects are required to maintain operating reserves, and reserves for The Landings were originally set at \$188,000. When CHT took ownership, the reserves were down to \$82,000 and it is estimated that the

reserves will drop to \$25,000 by June 30, 2019.

Three major issues are causing The Landings to lose money: deferred maintenance, vacancies and extraordinary damages to apartments. CHT has been working to address these issues by catching up on deferred interior and exterior maintenance, decreasing vacancies, and making significant repairs/replacements to two apartments which were unfit for habitation. CHT expects these challenges “to be greatly improved” by June 30, 2019. However, all of these issues are interconnected and cost CHT in either lost revenue or maintenance expenditures.

History

On June 13, 2017, the Board of Aldermen approved a grant of \$16,000 to the Community Home Trust from the Affordable Housing Special Revenue Fund. This grant was to offset affordable housing acquisition costs related to past due OWASA bills for The Landings at Winmore. The past due bills were the result of OWASA undercharging the property for water usage.

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3077765&GUID=3E13020C-AB4E-4032-8EB4-96AD56B359D3>

Eligibility Analysis

Staff has evaluated this application through the Town’s affordable housing fund eligibility analysis. Staff determined this application meets all requirements of the Guidelines of the Affordable Housing Special Revenue Fund. Attachment D contains a breakdown of this analysis.

Board Consideration

Community Home Trust requested a grant of \$50,000 to replenish operating reserves for The Landings at Winmore. Specifically, this grant would settle \$26,000 owed to vendors for past maintenance, repair and replacement work, and the remainder of the grant would be available to fund future maintenance, repair and replacement costs. However, the AHAC recommended funding this request at the level of \$30,000 due to fund constraints and in anticipation of the launch of the new Affordable Housing Special Revenue Fund application process. The CHT request amounts to more than half of the available fund balance (~\$96,000), and the AHAC anticipates more funding applications in the spring of 2019 when the new process is expected to launch, pending Board approval. Retaining a higher fund balance in anticipation of receiving multiple applications will allow the AHAC to fund additional projects and with a more equitable distribution, while still meeting the immediate needs of The Landings.

FISCAL & STAFF IMPACT: Funding at the \$30,000 level allows CHT to satisfy its goal of paying off debt for past maintenance as well as have additional funds to place in its operating reserves for future repairs. If the full CHT request were approved, only \$46,000 would remain in the Affordable Housing Special Revenue Fund for future allocations through June 30, 2019.

RECOMMENDATION: The Affordable Housing Advisory Commission recommends the Board consider approving a grant to Community Home Trust in the amount of \$30,000. If the Board approves funding the request at the \$30,000 level, a resolution is provided as Attachment A.

**A RESOLUTION APPROVING A RECOMMENDATION FOR GRANT FUNDS
FROM THE AFFORDABLE HOUSING SPECIAL REVENUE FUND FOR
COMMUNITY HOME TRUST HOUSING REHABILITATION ACTIVITIES**

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 funding for affordable housing rehabilitation for Carrboro residents; and

WHEREAS, Community Home Trust has requested funding from the Affordable Housing Special Revenue Fund for costs associated with affordable housing rehabilitation; and

WHEREAS, the Affordable Housing Advisory Commission recommended funding the request at \$30,000; 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 the grant to Community Home Trust in an amount of \$30,000.

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. This resolution shall become effective upon adoption.



TOWN OF CARRBORO

Affordable Housing Advisory Commission

301 West Main Street, Carrboro, North Carolina 27510

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

DECEMBER 19, 2018

Community Home Trust

Motion was made by Amy Singleton, and seconded by Tyran Hill that the AHAC recommends that the Board of Aldermen consider the following comments/recommendations regarding the request of \$50,000 by Community Home Trust:

- Fund the request made by Community Home trust at the level of \$30,000.

VOTE:

AYES: (5) Amy, Tyran, Gabe, Terri, Quinton

ABSENT/EXCUSED: (2) Vijay, Cam

NOES: (0)

ABSTENTIONS: (0)

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


(Chair)

12/19/18
(Date)

Date: December 14, 2018

ATTACHMENT C



BOARD OF
DIRECTORS

Emily Hinkle
President

Gordon Merkley
Secretary

Ken Reiter
Treasurer

George Barrett

David Brehmer

Bethany Chaney

Sergio Escobar

Kathleen Ferguson

Sally Greene

Kelley Gregory

Debra Ives

Earl McKee

Ava Miles

Charles Mills

Nancy Oates

Executive Director
Robert Dowling

To: Rebecca Buzzard and the Carrboro Affordable Housing Commission
From: Robert Dowling, Executive Director

Re: **Funding request of \$50,000 for the Landings**

Background: Community Home Trust (CHT) acquired the Landings at Winmore, an affordable housing development, on December 29, 2017. The Landings was developed by Crosland as a Low-Income Housing Tax Credit (LIHTC) development in early 2011. It consists of 58 apartments in four buildings within the Winmore development in Carrboro. Fifteen of the apartments are affordable to households at or below 30% of AMI; 21 of the units are affordable to households at or below 50% of AMI and 22 units are affordable to households at or below 60% AMI.

The Landings continued to be owned by Crosland and managed by a property management company based in Florida, until we took ownership. CHT had a Right of First Refusal to purchase the Landings, which was offered to us in late 2016. After about a year of due diligence and organizational discussion, CHT agreed to acquire the Landings. We learned a great deal during our due diligence, including the fact that the property manager was incompetent. We also learned that the property was not well maintained and that it had lost money in 2015 and 2016. It would subsequently lose money in both 2017, prior to our ownership and 2018, during our ownership. I should mention that we hired a new property manager, Partnership Property Management (PPM), which manages more than 100 affordable housing complexes throughout the state.

Need for Funding: Four years of operating losses have led us to this request for funding from the Town of Carrboro. All LIHTC developments are required to maintain operating reserves, which cannot be used unless approved by the NC Housing Finance Agency (NCHFA). Operating reserves at the Landings were initially set at \$188,000, which is about \$3,240 per unit. When we took ownership, the operating reserves were down to about \$82,000. As of November 30th, the operating reserve was \$49,910. Our property manager expects the operating reserve to decline further - to about \$25,000 by June 30, 2019, which is just \$431 per unit. That is clearly inadequate in our opinion.

Why is the Landings losing money? There are three principal reasons why the Landings has been losing money:

1. **Deferred maintenance** – as stated previously, the property was not well maintained by the prior owner or property manager. Basic maintenance, both inside individual apartments and exterior maintenance, was neglected for several years. As a result, the property, though only seven years old, was falling into disrepair, when we took ownership. PPM has instituted more regular apartment inspections to identify and manage maintenance problems before they become too dire. However, catching up on years of deferred maintenance is expensive.

2. **Vacancies** – When we acquired the Landings, there were 6 vacancies. Considering the severe shortage of affordable rental housing in Chapel Hill and Carrboro, its hard to understand why six apartments would be vacant. But those vacancies resulted in lost revenue of \$4,000 to \$5,000 per month. Vacancies peaked out at 8 in the late spring when PPM began evicting tenants for non-payment of rent or other lease violations. As of today, there are three vacancies. Although vacancies have declined, we know it should be lower still. We hope to stabilize the property by the end of the fiscal year; vacancies should be down to just one (perhaps sometimes two). That will result in increased revenue that can be used to maintain the property and build up replacement reserves.

3. **Extraordinary damages to apartments** – Related to deferred maintenance, the costs associated with tenants who cause extraordinary damages are absolutely prohibitive. I have inspected two apartments that were vacated by former tenants. Both apartments were unfit for human habitation and required thousands of dollars to bring them back up to a reasonable standard. Both apartments also remained vacant for several months while repairs were being made. Hence, on these two units, the property was not earning revenue, while we were spending thousands of dollars.

As I have said, we expect all these challenges to be greatly improved (though not eliminated) by June 30, 2019. If that is the case, the causes of the property's losses will be greatly reduced. However, the financial condition of the property will be severely weakened by June 30th, leaving little room for error.

We believe that a \$50,000 injection of capital, which will increase operating reserves to about \$75,000, is essential to the future well-being of the Landings and its residents. It will provide a level of reserves that should be adequate if the property is stabilized, which means generating sufficient income to maintain the buildings and re-build the reserves.

There is one other challenge that warrants mentioning. CHT will also be asking for \$50,000 of funding from Orange County to allow the property to catch-up on its financial obligations and to bolster replacement reserves. Replacement reserves are the funds necessary to replace appliances, HVAC systems, roofs, hot water heaters, etc. These reserves totaled just \$78,000 on November 30, 2018, which is inadequate.

If the County is willing to provide \$50,000 of funding, the property will be able to get caught up on about \$26,000 of accounts payable and replenish replacement reserves to a healthier level.

I am very grateful that the Town of Carrboro has been willing to invest in affordable housing. I hope the Commission will agree that a \$50,000 investment in the Landings is warranted and well worth the cost of about \$862 per unit.

**Affordable Housing Special Revenue Fund Application
Eligibility Analysis:
The Landings at Winmore Request**



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.	N/A

AH Fund Eligibility Criteria:

Criteria	Requirement	This Application	Criteria Met
1. Who May Apply	Nonprofit or Individual	Community Home Trust	✓
2. Eligible Use	Meet the goal of the fund: 1. Established Eligible Use OR 2. Goal/Strategy of AH Plan	Established Eligible Use – Grants for critical home repair Goal 2.4 – Reduce erosion of rental housing quality	✓
3. Eligible Beneficiary	1. Property located in Carrboro	1. Property located at 100 Andy's Lane in Carrboro	✓
	2. Owner or occupant of the property after acquisition	2. Community Home Trust	✓
	3. Building to have an anticipated life of at least 20 years	3. Property to remain affordable permanently	✓
	4. Target household income of 60% of AMI and below	4. Maximum rents are set at a rate affordable to households earning 30-60% AMI	✓



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-23

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Referral of Projects to Affordable Housing Advisory Committee Ahead of Affordable Housing Review Meetings with Board of Aldermen

PURPOSE: The Board of Aldermen is asked to approve a resolution which refers development projects that must participate in an Affordable Housing Review Meeting to the Affordable Housing Advisory Committee for review and consideration before the meeting with the Board of Aldermen takes place.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mrroupe@townofcarrboro.org

INFORMATION: Having now established an Affordable Housing Advisory Committee, the Board recently forwarded a development project to the committee for consideration ahead of holding an Affordable Housing Review Meeting with the applicant. As another project has been submitted also needing to participate in an Affordable Housing Review Meeting, staff has prepared a resolution (Attachment A) which moving forward automatically refers any such project to the AHAC for review before the Affordable Housing Review Meeting takes place between the applicant and Board of Aldermen.

The current project is for a parcel of land adjacent to the eastern side of University Commons Condominiums off Smith Level Road (see Attachment B, Vicinity Map). A twelve lot subdivision is proposed, which requires a Special Use Permit from the Board of Adjustment. Even though the Board of Adjustment ultimately will review the full application, LUO Section 15-54.1 requires that the applicant participate in an Affordable Housing Review Meeting with the Board of Aldermen if the applicant chooses to not fully meet the affordable housing goals established within the ordinance.

Staff has met with the applicant and discussed their plans for the affordable housing component for the project. The applicant desires to only include size-limited units in the project, in accordance with LUO Section 15-188. The Board is asked to refer the project to the Affordable Housing Advisory Committee for discussion prior to discussing the project with the applicant. If the Board does refer the project, it will be included on the Wednesday, January 23, 2019 AHAC agenda, then scheduled for the Board of Aldermen meeting on February 5, 2019.

Agenda Date: 1/15/2019

File Type:Agendas

In Control: Board of Aldermen

Version: 1

FISCAL & STAFF IMPACT: No fiscal or staff impacts are associated with holding the affordable housing review meeting.

RECOMMENDATION: Staff requests that the Board of Aldermen adopt the attached resolution, which moving forward automatically refers any development project that must participate in an Affordable Housing Review Meeting to the Affordable Housing Advisory Committee for consideration.

The following resolution was introduced by Board of Aldermen member _____ and duly seconded by Board of Aldermen member_____.

A RESOLUTION REFERRING ANY DEVELOPMENT PROJECT THAT MUST PARTICIPATE IN AN AFFORDABLE HOUSING REVIEW MEETING TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE FOR REVIEW AND CONSIDERATION AHEAD OF MEETING WITH THE BOARD OF ALDERMEN

WHEREAS, the Carrboro Board of Aldermen desires to see affordably priced housing constructed within the Town of Carrboro; and

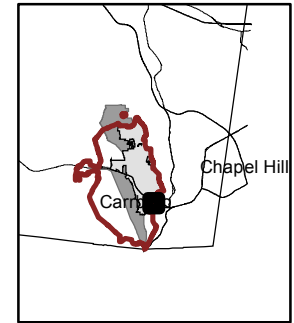
WHEREAS, an applicant for a Special Use Permit or Conditional Use Permit that does not contain 15% affordable housing in accordance with the LUO Section 15-182.4 or a payment in lieu thereof must participate in an affordable housing review meeting with the Board of Aldermen per LUO Section 15-54.1; and

WHEREAS, the Carrboro Board of Aldermen has established an Affordable Housing Advisory Committee;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that any development project that must participate in an Affordable Housing Review Meeting is automatically referred to meet with the Affordable Housing Advisory Committee in advance of participating in an Affordable Housing Review Meeting with the Board of Aldermen.

This the 15th day of January 2019.

Vicinity Map- Beaumont Subdivision



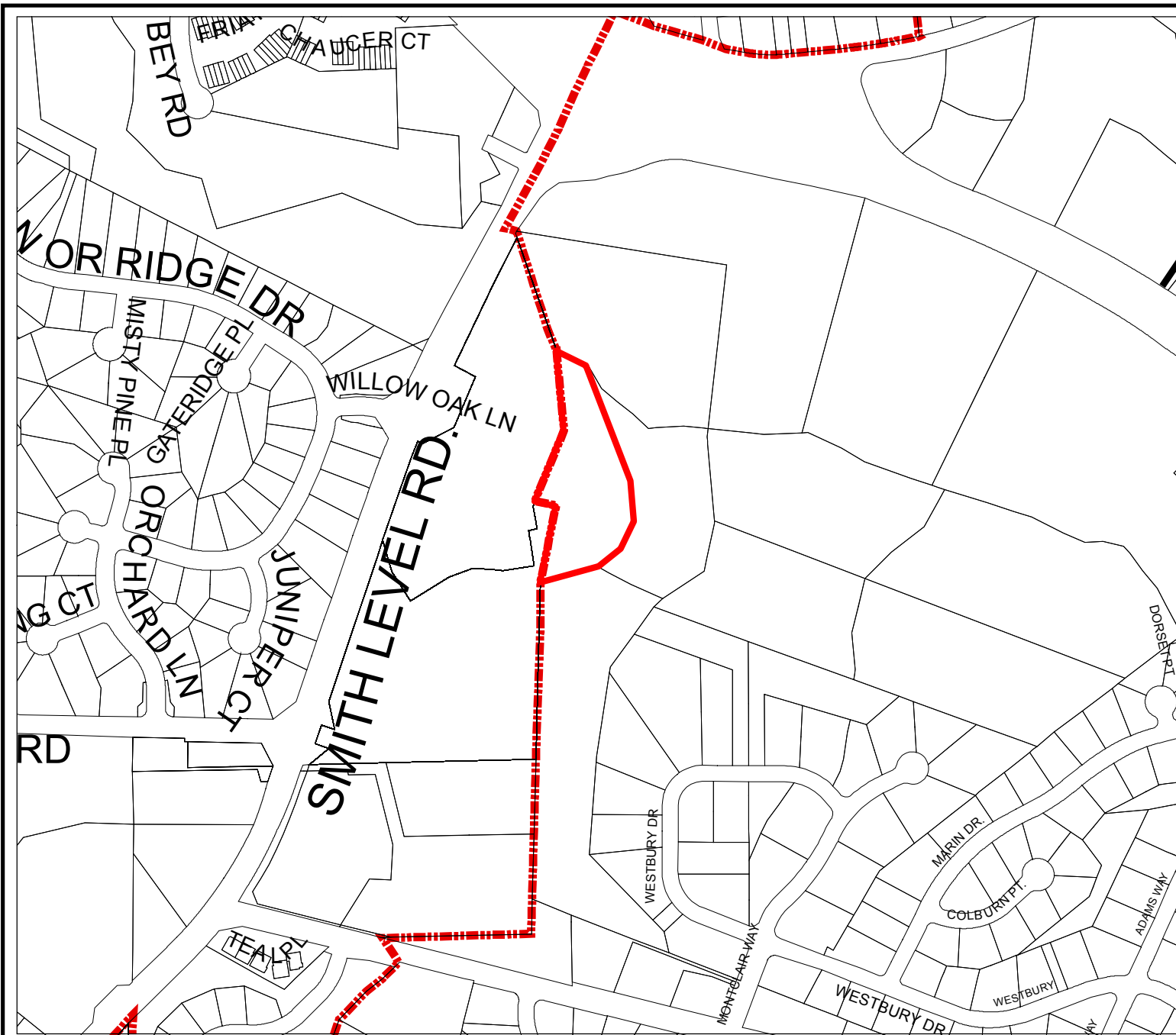
**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

Printed Jan 3, 2012





Town of Carrboro

Town Hall
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Carrboro, NC 27510

Agenda Item Abstract

File Number: 19-24

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consider Approval of a Marketing Agreement with WCHL Radio.

PURPOSE: The purpose of this item is to update the Board on staff's efforts to expand communications strategies to increase our reach to the public with town information, news and events

DEPARTMENT: Town Manager's Office

CONTACT INFORMATION: Rachel Heggen, Communications Manager (919) 918-7314
rheggen@townofcarrboro.org <<mailto:rheggen@townofcarrboro.org>> Annette Stone ECD Director (919) 918-7319 astone@townofcarrboro.org

INFORMATION: Citizens access information from numerous media sources. Currently the Town is relying heavily on social media, emails, signs, banners and the website to communicate information to the community. Staff is looking at ways to expand our efforts to inform the public about town information, news and events. The community survey indicated that the media sources that the public most relied on were the Town website, television, Facebook and radio.

Staff has been discussing a marketing strategy with representatives of WCHL Radio to promote Carrboro and to provide timely information about important projects, events, and happenings. Attachment 1 is a proposed marketing plan for the Town of Carrboro to sponsor Friday's with Feel Free Friday! The Town would use this platform to communicate town messaging efforts i.e. support for locally owned business, festival and events, public education on planning programs and projects, skip the straw!, join an advisory board, etc.

FISCAL & STAFF IMPACT: A 6 month commitment of \$8,100.00. Advertising money has been budgeted in both the Town Managers and Economic and Community Development Departments to cover this cost.

RECOMMENDATION: Staff recommends the Board consider approving the marketing agreement with WCHL.



University Place
201 South Estes Drive, Suite C6a
Chapel Hill, NC 27514
919.933.4165

Account Executive: _____
Company Name: _____
Contact Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Work Phone: _____ Cell: _____
Email: _____

Station Use Only

Billing Cycle

Standard _____

Calendar _____

Need Notarized

Invoices _____

Scripts _____

Inventory: _____

Start Date: _____ End Date: _____

COST _____

Payment is due within 30 days of receipt of invoice. If payment is not received within 45 days, we reserve the right to charge your credit card.

Name on Card: _____

Card Number: _____

Expiration Date: _____ Security Code: _____

Printed Name: _____

Signature: _____ Date: _____

Additional Details

1. PAYMENT AND BILLING

- (a) Station will bill Advertiser (or Agency, if any) monthly
- (b) Payment by Advertiser (or Agency) is due within fifteen days of receipt of Station's invoice.
- (c) Invoices (including attachments) shall contain dates and times of broadcasts in accordance with the Station's log and commercial length and cost(s).
- (d) Upon request of Advertiser (or Agency) an affidavit will be furnished by Station at the time of billing.

2. LIABILITY FOR PAYMENT

- (a) Any Agency of which an officer, partner, employee, or other representative thereof, acting with the actual or apparent authority, accepts this Agreement on behalf of Advertiser acknowledges, represents, and agrees that it (i) is Agent for said Advertiser and (ii) shall be liable for all payments to be made to Station hereunder.
- (b) If Advertiser, through an officer, partner, or employee, is a signatory to this Agreement, it shall be liable (jointly and severally with Agency, if any) for all payments due Station hereunder. Such liability shall not be satisfied upon Advertiser's transfer of funds to Agency for payment to Station, except insofar as such payments are made, in good faith, after such time as Station might reasonably be expected to have notified Advertiser of its concern that timely payment of sums so received by Agency was not being made to Station.
- (c) Station shall be entitled to reasonable attorney's fees and other collection expenses.

3. AGENCY COMMISSION

Unless otherwise noted, no advertising agency commission is included in the pricing on the face of this agreement.

4. TERMINATION

- (a) Unless otherwise stated on the face hereof, this Agreement may be terminated by Station or Advertiser upon 30 days prior notice.
- (b) If station terminates this Agreement, Advertiser shall have the benefit of the same discount(s) which it would have earned had it been allowed to complete the Agreement. If Advertiser terminates the Agreement earned rates will apply. The advertiser will also be billed for any commercials that ran above and beyond the monthly contracted amount if the number of commercials exceeds the total amount contracted for that time period.

5. EFFECT OF BREACH

- (a) Station reserves the right to cancel this Agreement upon default by Advertiser (or Agent) in the payment of bills or other material breach of the terms hereof at any time upon prior notice. Upon such cancellation, all charges for commercials broadcast hereunder and not paid for shall become immediately due and payable. Upon such cancellation neither Agency nor Advertiser shall be liable for payment, either in whole or in part, for commercials scheduled for broadcast after the cancellation. Advertiser and Agency shall be liable for Station's reasonable expenses, including attorney's fees, in obtaining payment for bills due.
- (b) In the event of a material breach by Station in performing under this Agreement, Advertiser (or Agency) reserves the right to cancel this Agreement at any time upon prior notice.

6. INABILITY TO BROADCAST

If, due to public emergency or necessity, force majeure, restrictions imposed by law, acts of God, labor disputes, or for any other cause beyond Station's control, there is an interruption or omission of any commercial announcement contracted to be broadcast hereunder, and if no suggested substitute time period is acceptable to Advertiser (or Agency, if any), Station shall allow a reduction in the charges equal to the price assigned to the commercial announcement at the time of purchase. Advertiser (or Agency, if any) shall have the benefit of the same discounts which would have been earned if there had been no interruption or omission.

7. SUBSTITUTION OF PROGRAMS OF PUBLIC SIGNIFICANCE

- (a) Station shall have the right to cancel any commercial covered by this Agreement in order to broadcast any program that in its absolute discretion it deems to be of public significance. In any such case, Station will notify Advertiser (or Agency, if any) in advance if reasonably possible, but where such notice cannot reasonably be given, Station will notify Advertiser (or Agency) within one business day after such scheduled broadcast.
- (b) If Advertiser (or Agency) and Station cannot agree upon a satisfactory substitute day and time, the broadcast so preempted shall be deemed cancelled without affecting rates, discounts, or rights provided under this contract.

8. COMMERCIAL MATERIAL

- (a) Unless otherwise noted on the face of this Agreement, all commercial announcement material shall be furnished by Advertiser (or Agency). All expenses connected with the delivery of commercial announcements to Station and with return there from, if return is directed, shall be paid by Advertiser (or Agency).
- (b) If commercial material and scheduling instructions do not arrive at the Station 48 hours in advance (excluding weekends and federal holidays) Station shall so notify Advertiser (or Agency). (Station shall have no such obligations regarding a change of commercials about which it has received no notice.) If after such notice such material and instructions do not arrive in time for broadcast, Station shall so notify Advertiser (or Agency) and may bill Advertiser (or Agency) therefor. Station will exert all reasonable effort to broadcast material received from Advertiser (or Agency) despite late receipt.
- (c) If due to public emergency or necessity, force majeure, restrictions imposed by law, acts of God, labor disputes, or any other cause beyond Advertiser's (or Agency's) control, Advertiser (or Agency) cannot provide commercial material prior to scheduled broadcast hereunder, Advertiser and Agency shall not be liable to Station. If no such substitute day and time period is mutually agreed upon, Station shall credit Advertiser (or Agency) for time hereunder in the amount of money assigned to the commercial announcements at the time of purchase. Advertiser (or Agency) shall have the benefit of the same discounts which would have been earned if the commercials had been broadcast.
- (d) Commercial material provided by Advertiser (or Agency) is subject to approval and Station may exercise a continuing right to reject such material, including a right to reject for unsatisfactory technical quality. If the commercial material is unsatisfactory, Station shall notify Advertiser (or Agency) promptly and, unless Advertiser (or Agency) furnish satisfactory material 24 hours prior to broadcast time, this agreement may be terminated by either party without penalty to either party.

9. BROADCAST LIABILITIES

Station agrees to hold Advertiser and Agency harmless against all liability resulting from the broadcast of musical compositions licensed for broadcasting by a music licensing organization of which Station is a licensee. Advertiser and Agency agree to hold and save Station harmless against all liability resulting from the broadcast of commercial material furnished by Advertiser (or Agency), except musical compositions licensed as stated above.

10. NON DISCRIMINATION

Chapel Hill Media Group, LLC does not discriminate in the sale of advertising time, and will accept no advertising which is placed with an intent to discriminate on the basis of race or ethnicity. Advertiser hereby represents and warrants that it is not purchasing broadcast air time under this advertising sales contract for a discriminatory purpose, including but not limited to decisions not to place advertising on particular stations on the basis of race or ethnicity.

11. GENERAL

- (a) This Agreement may not be assigned or transferred without first obtaining the consent of Station in writing.
- (b) Failure of Station or Advertiser (or Agency) to enforce any of the provisions herein shall not be construed as a waiver of that or any other provision.
- (c) Station's obligations hereunder are subject to the terms and conditions of licenses held by it and to applicable federal, state, and local rules and regulations.
- (d) Notice required to be given under this Agreement may be given in any manner reasonable under the circumstances.
- (e) This agreement contains the entire agreement between the parties relating to the subject matter herein contained, and no change or modification of any of its terms shall be effective unless made in writing and signed by the parties.



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-25

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

A Request for a Minor Modification to the Winmore VMU Conditional Use Permit to Terminate Piano Street Before the Property Line

PURPOSE: The Board of Aldermen is asked to consider approving a Minor Modification to the Conditional Use Permit for Winmore VMU to allow the developer to terminate Piano Street before it reaches the northern property line. A resolution approving the modification is attached.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, 918-7333 or mroupe@townofcarrboro.org
<<mailto:mroupe@townofcarrboro.org>>

INFORMATION: On June 10, 2003, the Board of Aldermen approved a Conditional Use Permit for construction of a Village Mixed Use project at 1400 Homestead Road. Construction proceeded and the project is nearing build out at this time.

A remaining issue associated with the Performance Bond the town is holding relates to Piano Street in the northwest corner of the site. As explained in detail in the applicant's letter, including visual exhibits (Attachment B), the original vision for the Winmore development included additional development on the adjacent land to the north owned by the University of North Carolina. Accordingly, Piano Street was shown stubbing out to the northern property line. The additional development on the adjacent parcel never occurred and Piano Street currently terminates 25 feet from the northern property line.

Staff and the applicant have been exploring the issue of how to possibly continue the road to the property line, as well as whether it should be constructed fully to the property line. The real world conditions on the ground in this location include both an existing drainageway right on the property line as well as several mature Beech trees. The drainageway would need to be disturbed and many of the trees would need to be removed to build the road to the property line. Furthermore, the developer would need permission and an easement from UNC to have the legal ability to build the road to the property line because it would be necessary to build a culvert over the drainageway to complete the road. UNC has indicated to the developer that they have no interest in developing the land for the foreseeable future.

With all these considerations in mind, staff agrees with the applicant that it is appropriate to approve a Minor

Agenda Date: 1/15/2019

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Modification to the CUP to allow the developer to simply leave Piano Street as it is currently built, terminating 25 feet from the northern property line. Public right of way has been dedicated to the town all the way to the property line, so if the property to the north is developed in the future, then the matter of extending Piano Street to the north and onto the adjacent property will be considered further in the context of what is proposed for the site.

FISCAL & STAFF IMPACT: No fiscal or staff impacts are noted beyond creating and presenting this agenda item.

RECOMMENDATION: Town staff recommends that the Board approve the attached resolution approving the CUP Minor Modification request.

The following resolution was introduced by Aldermen _____ and duly seconded by Aldermen _____.

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE WINMORE VILLAGE MIXED USE CONDITIONAL USE PERMIT PROJECT AT 1400 HOMESTEAD ROAD ALLOWING PIANO STREET TO TERMINATE 25 FEET FROM THE NORTHERN PROPERTY LINE.

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Winmore Village Mixed Use Project at 1400 Homestead Road on June 10, 2003; and

WHEREAS, constructing Piano Street all the way to the northern property line would involve significant impacts to a drainageway and stand of mature trees adjacent to and on land that is not intended to be developed for the foreseeable future; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Winmore Village Mixed Use Conditional Use Permit is hereby approved.

This the 15th day of January 2019.



Town of Carrboro
Planning Department
301 West Main Street
Carrboro, NC 27510

11/30/2018

Dear Planning Department,

I am writing this letter regarding the final disbursement of the Winmore "Performance Bond" deposited with the Town of Carrboro by Capkov Ventures Inc. 13 years ago. There is still a balance of \$141,050.70 being held by the Town of Carrboro. We have cleared up all outstanding issues related to the Performance Bond with the sole exception of resolving the Piano Street extension dilemma. As you may recall there is a 25' gap between the end of the asphalt pavement in Piano Street and the University of North Carolina's undeveloped property adjoining Winmore to the north. The Carrboro Land Use Ordinance Section 15-214 requires that the "street right of way shall be extended and the street developed to the property line of the subdivided property at the point where the connection to the anticipated or proposed street is expected.". Several years ago, we discussed a possible solution posed by Michael Brough whereby Capkov Ventures would deed the University of North Carolina a 25' strip of land at the end of Piano Street. By doing so it would have technically satisfied the Carrboro Land Use Ordinance by bringing the property line to the end of Piano Street. Unfortunately, recent discussions with Bruce Warrington of the University's Property Department did not prove productive. The University declined to accept a deed to the strip of land.

Capkov Ventures purchased the Winmore project from Phil Szostak, Bob Chapman, and Herman Green following the approval of the Conditional Use Permit, and after the construction drawings had been prepared and reviewed three times. Capkov had no knowledge or input into the discussions that took place surrounding the extension of Piano Street or the decision to consider the details later. It is our understanding that the applicant and the Town of Carrboro agreed that the Conditional Use Permit and the Construction Drawings would be approved, and a solution to the appropriate termination of Piano Street would be resolved later. A Performance Bond of \$100,000 was put up to cover the possibility of a future extension, which was later reduced to \$50,000 when we extended Piano Street several hundred feet to its current location.

Piano Street has now been constructed to within 25' of the UNC property line and a public right-of-way has been dedicated to the Town of Carrboro by the recorded final plat connecting Piano Street to the UNC property shall a connection be necessary at a later date (see exhibit "A"). We believe we have met the intent of the Land Use Ordinance by dedicating the connecting right-of-way and extending the roadway as far as practicable.

When we discussed the extension of Piano Street we were hesitant to extend the street to the vacant undeveloped land owned by the University of North Carolina because the extension necessarily involved the removal of several specimen Beech Trees in an unusually large and healthy Beech Grove (see exhibit "F"). The 25' street extension would have also required the disturbance of a naturally occurring ephemeral stream that serves as a direct tributary to Bolin Creek. The ephemeral stream functions amazingly well in its natural state and the neighbors have voiced their strong opposition to disturbing the creek, or the trees, to extend the asphalt. Both would take place without any type of planned connection at to the UNC property to the North, and with an alternative connecting road less than 300' to the East, which is wider, has no homes on it, and no creek to cross (see exhibits A, B, and D). To bridge this narrow gap of 25' at such a high environmental cost seemed unreasonable.

After receiving word that UNC was not willing to accept a deed to the sliver of right-of-way we started looking into making the connection despite the environmental and economic cost. Our review has led us to the conclusion that the road cannot be extended without the coordinated development of the UNC property to the North. This is not likely to occur for a very long time if ever. Henry Wells, the previous owner of Sungate Design, wrote "Since there is no immediate plan to develop the UNC property, it does not seem reasonable to extend Piano Street to the property line only to have to tear it up when the UNC property is developed in order to install a culvert..." (see exhibit "E"). Even worse, there may never be a connection proposed to the UNC property.

Finally, there is a large drainage area originating on the UNC property which crosses diagonally onto the Winmore property at the easternmost corner of the existing Piano Street right-of-way. Clearly the vast majority of the area where the stream crosses the right-of-way would be on UNC's property (See Exhibit "B"). This is important when you look back at the original master plan for Winmore which was supposed to be a three-phase mixed use development. The UNC property was intended to be phase III. This was not a theoretical concept, the University of North Carolina had invested \$1,000,000 in cash and was entitled to 33% of the profits in Winmore, plus interest on their investment. When Bob Chapman, Phil Szotak, and Herman Greens partnership fell apart the phase two land owners and UNC pulled out. This is important to know because the original site plan was predicated on it being a three-phase development. When we look at the approved site plan for Winmore the lots on the west side of Piano Street run all the way to the UNC property line with absolutely no setback. It is perfectly reasonable to assume that they intended to place the culvert crossing on the UNC property where most of the ephemeral stream is located. While that was then, and this is now it has significant implications on our ability to cross the ephemeral stream farther south on the Winmore property.

Exhibit "C" is an engineered drawing prepared by Brandon Finch of John R. McAdams. What it clearly illustrates is that you cannot extend Piano Street without crossing onto UNC's undeveloped property to the North. Almost all the improvements are located on the UNC side of the property line with only a portion of the culvert and rip rap outfall entering on to the Winmore property. More importantly you can't pull the culvert crossing southward on to Winmore's property because Lots 82-86 are right up against the property line. This is how the Conditional Use Permit was approved, the construction drawings were approved, and the Winmore community was platted and recorded in Orange County Land Records Office. The homes have all been constructed with families now living in them. The University of North Carolina Endowment Trust has no desire to sell the land needed to make the crossing. To construct the culvert crossing the University would have to agree to sell us their land out of the Endowment Trust to install a large forebay and install the pipe with all the associated clearing and grading. While the administrative mechanisms at UNC would probably prevent the sale even if they wanted to sell the land, they clearly have no interest in doing anything that would increase the chances of them having to make the crossing in the future. The concept plan they submitted back in 2009 "Carolina Crossing" did not connect to Piano Street and opted for the wider North Camellia Street to make their connection less than 300 feet to the east (see exhibit "D")

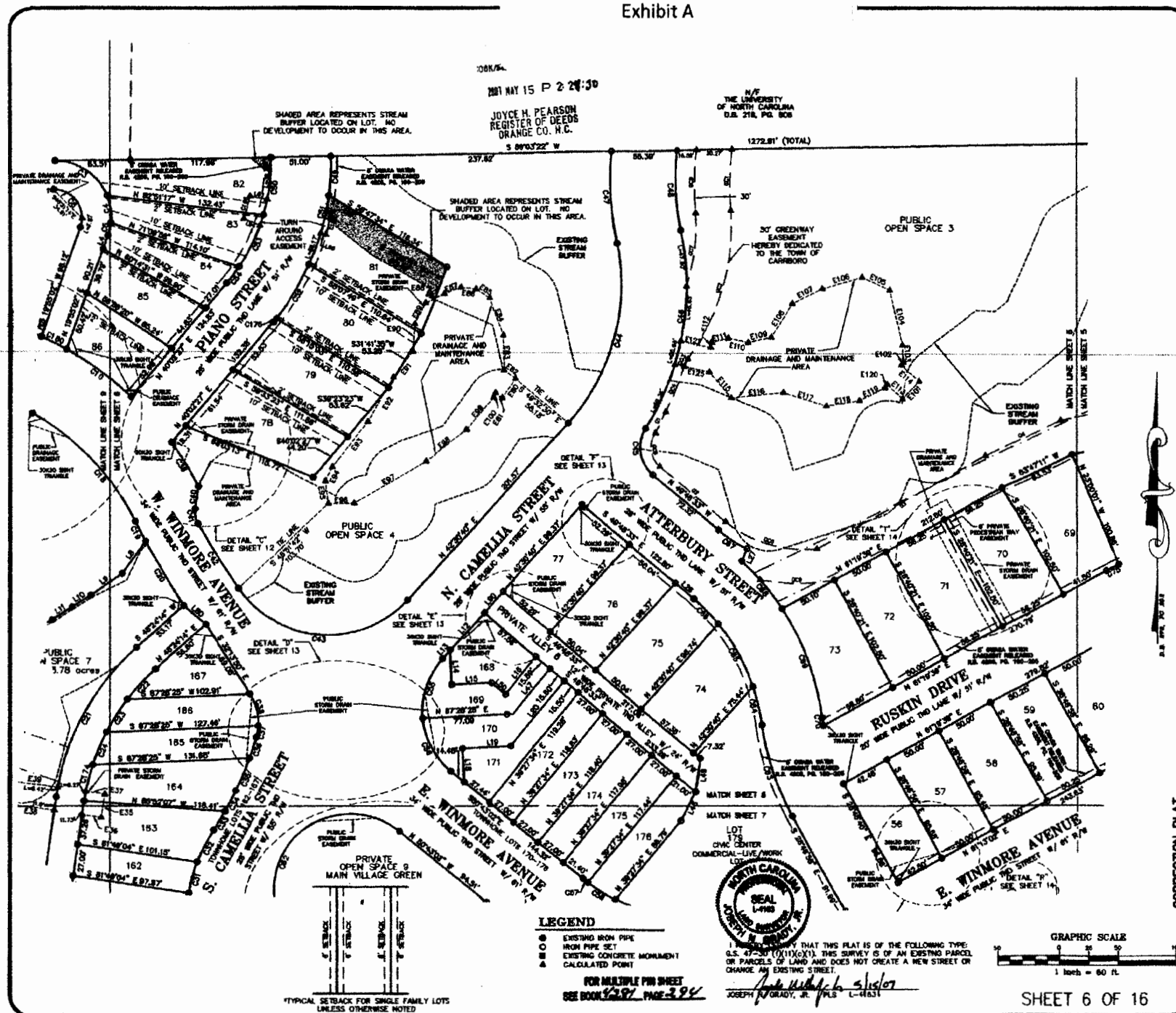
To summarize;

- 1) Winmore was planned and reviewed as a three-phase TND (Traditional Neighborhood Development) village mixed use community. The owners of two of the three phases dropped out, including UNC the owner of the property immediately north of Winmore. In doing so, the University eliminated the "anticipated or proposed" street connection to Piano Street. The University has since designed a site plan called "Carolina Commons" which does not propose a connection at Piano Street (See exhibit "D").
- 2) We have extended asphalt, curb and gutter, and sidewalk to within 25' of the common property line with UNC. Extending the street, the remaining 25' would have significant environmental impacts on a Beech Grove and a direct tributary to Bolin Creek. With no proposed or anticipated connection, we believe the environmental cost would considerably outweigh any benefit from the additional 25' of asphalt. We have extended the full width public right-of-way to the UNC property line in the event a connection is ever desired.
- 3) After looking at the engineering behind extending Piano Street the additional 25', it would require that the street cross an ephemeral stream at the very edge of the property. The crossing would require a significant culvert be installed to allow the storm water to run under the street replacing a portion of the ephemeral stream. The water would need to be collected in a forebay or collecting pond on the west side of Piano Street. Because lot 82 in Winmore is on the west side of Piano Street and is located exactly on the property line with UNC, all the collecting pond and most of the culvert crossing would need to be located on the University of North Carolina Endowment Trust property. The University has no interest and likely no ability to sell for such purposes. Capkov has extended Piano Street as far as practicable and having resolved all other performance bond issues request the return of the remaining \$141,050.70.


Best Regards, Eric Chupp

Director of Development
Capkov Ventures Inc.
(919) 260-7262
ericbchupp@bellsouth.net

Exhibit A



**THE JOHN R. McADAMS
COMPANY, INC.**

 ENGINEERS/PLANNERS/SURVEYORS

RESEARCH TRIANGLE PARK, NC
P.O. BOX 14006 ZIP 27706-4005
(919) 361-8600

Abstract

FORWARDED BY:
JOSEPH N. GRADY JR.
L-4163

**WINMORE
LLY INTEGRATED SUBDIVISION PLAT**

WAPKOY VENTURES, INC
11 OLD FRANKLIN DRIVE
CHAPEL HILL, NC 27516

PROJECT NO. **KOV-04000**

REF ID: A66481

ORANGE 077

SCALE 1" = 50'

DATE 05/10/2007

McADAMS

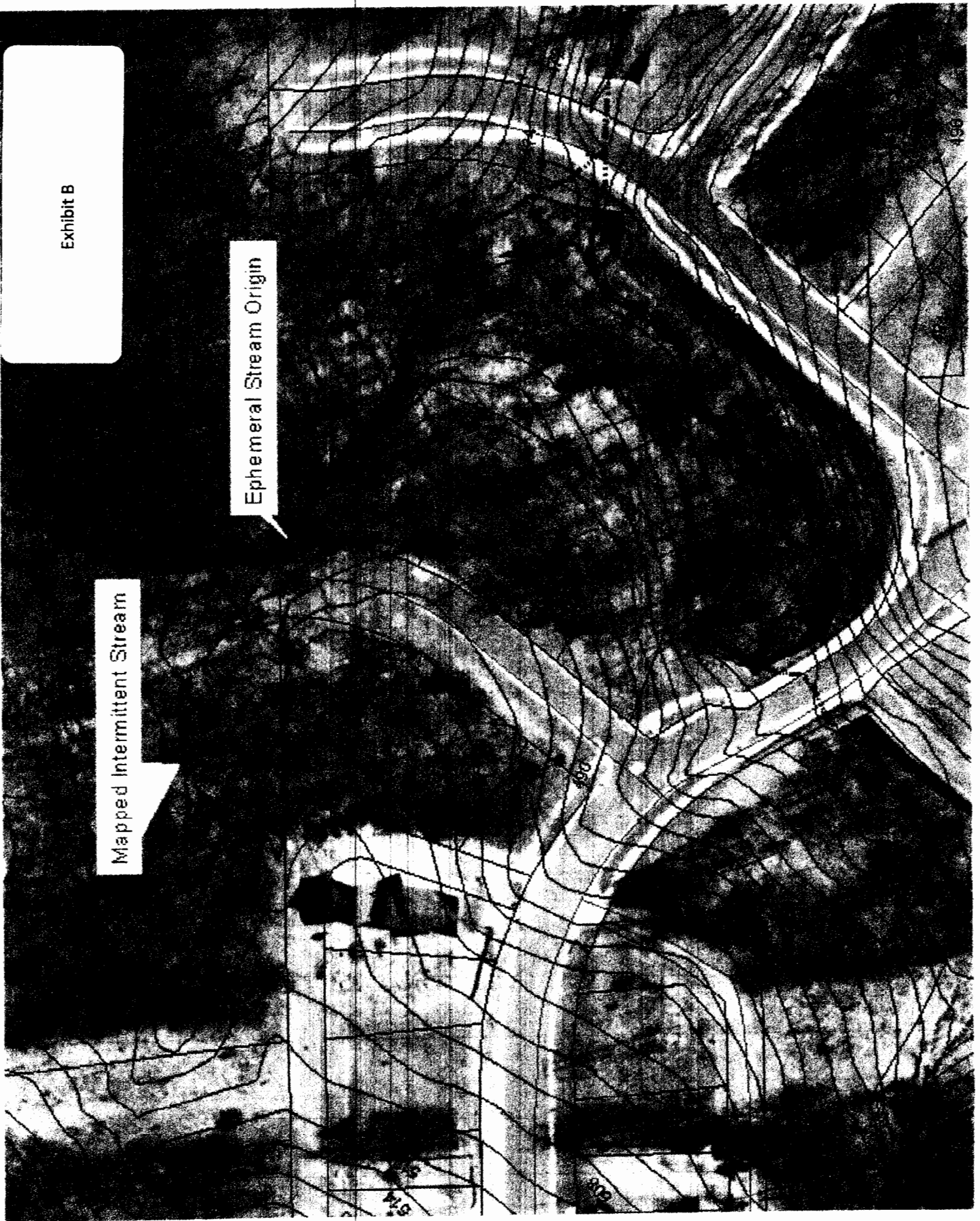
EXCERPTS











Bk 102 pg 14

Exhibit B

Ephemeral Stream Origin

Mapped Intermittent Stream



 <p> McADAMS ENGINEERING & CONSTRUCTION, INC. 2005 HARRISON PARKWAY DALLAS, TEXAS 75201 PHONE 972.388.1100 • FAX 972.388.1101 </p>										PLANO STREET PRELIMINARY ROAD EXTENSION DESIGN CARABOZO, NORTH CAROLINA ORLANDO PLAN	PROJECT NO. E-001-2004 DRAWING NO. 12-0001 DATE: 12-15-03 SCALE: AS SHOWN DESIGNED BY: JLM CHECKED BY: JLM IN CHARGE: JLM	McADAMS EX-1
										1400 POST OAK BLVD., SUITE 200 HOUSTON, TX 77056 MARTIN PEREZ, ENGINEER, LTD. 1400 POST OAK BLVD., SUITE 200 HOUSTON, TX 77056	12-15-03 JLM JLM JLM	

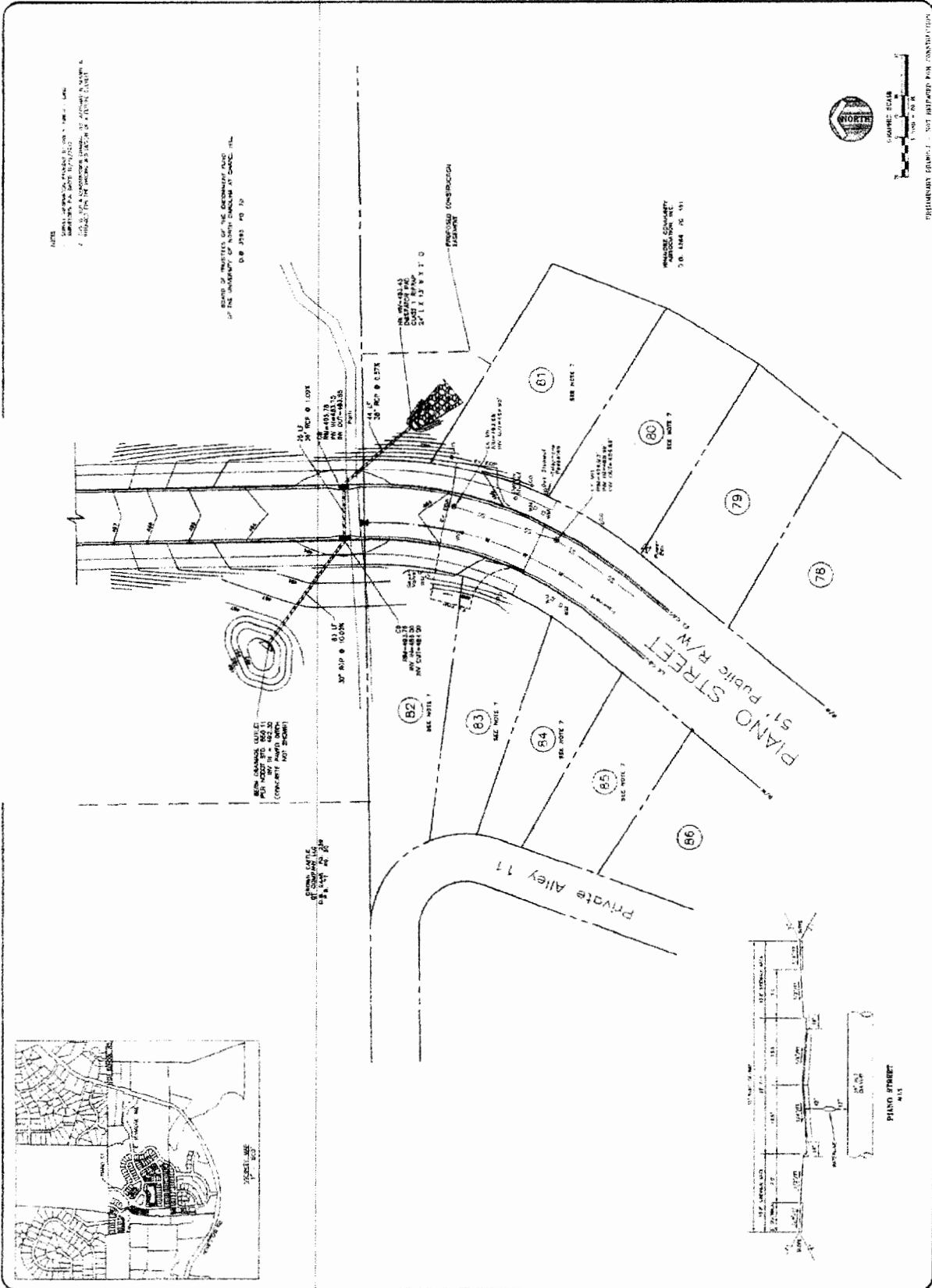


Exhibit "C"

SECONDARY
CONSERVATION AREA
(TVP)

SECONDARY
CONSERVATION AREA
(TVP.)

COMMON AREA and
PARK (08,20755)

STREAN

UNCLAS

FEATURE "F" AT MANDOR
INTERNATIONAL STREAM SUPPLY

301 (WASA)
EASTMENT
P.B. 77, PG. 50

Win more

North
Cavallia

Less Than 300'

34

28

8-

84

7

5

4

19

4

>

ericbchupp@bellsouth.net

Exhibit E

From: Finch, Brandon <finch@mcadamsco.com>
Sent: Tuesday, July 22, 2014 8:21 PM
To: Eric B. Chupp; Scott Kovens
Subject: Fwd: Piano Street - Proposed Extension
Attachments: image001.png

FYI

Sent from my iPhone

Begin forwarded message:

From: Henry Wells <hwells@sungatedesign.com<mailto:hwells@sungatedesign.com>>
Date: July 22, 2014 at 8:02:11 PM EDT
To: Brandon Finch <finch@johnrmcadams.com<mailto:finch@johnrmcadams.com>>
Subject: Fwd: Piano Street - Proposed Extension

I forgot to copy you

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: FW: Piano Street - Proposed Extension
From: Henry Wells <hwells@sungatedesign.com<mailto:hwells@sungatedesign.com>>
To: "Martin Roupe (mroupe@townofcarrboro.org<mailto:mroupe@townofcarrboro.org>)"
<mroupe@townofcarrboro.org<mailto:mroupe@townofcarrboro.org>>
CC:

Marty,

Attached is a revised plan for Piano Street as it approaches the UNC property to the north. This plan was sent to me by Brandon Finch of John R. McAdams last Friday. The revisions shown on the plan seem to be more reasonable than the one originally approved since there is less impact to the existing drainageway. Since there is no immediate plan to develop the UNC property, it does not appear to be reasonable to extend Piano Street to the property line only to have to tear it up when the UNC property is developed in order to install the culvert which will be largely on the Winmore property. In addition the former proposal for the temporary terminus of Piano would have required the existing drainageway and fill material to be stabilized with rip rap. The existing drainageway appears to be stable at present. I understand that Eric Chupp will be in touch with you regarding the details of the proposed changes.

Let me know if you have questions or need additional information.

Henry

From: Finch, Brandon [mailto:finch@mcadamsco.com]
Sent: Friday, July 18, 2014 9:15 AM
To: Henry Wells
Subject: Piano Street - Proposed Extension



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-21

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

A Resolution Making Appointments to the Carrboro Tourism Development Authority and Selecting a Chair Person

PURPOSE: The purpose of this item is for the Board of Aldermen to consider appointing a member to the Carrboro Tourism Development Authority (CTDA) and to select a chair person.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando - 918-7309

INFORMATION: The CTDA was established by Section 8A of the Carrboro Town Code. All terms expire annually in January. The Town Clerk advertised the opening and received two applications. The Board shall also appoint a chair person. The current chair is Erin Jobe and she will not seek reappointment to the Authority.

The attached resolution reappoints Daniel Mayer and Donald Strickland to the TDA.

FISCAL & STAFF IMPACT: The Hotel/Motel Room Occupancy Tax is a tax for the Town of Carrboro and the distribution of the tax is outlined in Section 8A-4 of the Carrboro Town Code:

Section 8A-4. Distribution and Use of Tax Revenue.

The town shall, on a quarterly basis, remit the net proceeds of the occupancy tax to the Carrboro Tourism Development Authority (CTDA). The CTDA shall use at least two-thirds of the funds remitted to it under this section to promote travel and tourism in Carrboro and shall use the remainder for tourism-related expenditures. The following definitions apply in this section:

(1) Net Proceeds. Gross proceeds less the cost to the town of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

(2) Promote travel and tourism. To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or

Agenda Date: 1/15/2019

File Type:Agendas

In Control: Board of Aldermen

Version: 1

business travelers to the area. The term includes administrative expenses incurred in engaging in these activities.

(3) Tourism-related expenditures. Expenditures that, in the judgment of the CTDA, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in the town by attracting tourists or business travelers to the town. The term includes tourism-related capital expenditures.

RECOMMENDATION: Staff recommends that the Board of Aldermen review the applications and appoint a new member to serve on the CTDA and appoint a member as chair.

A Resolution Making Appointments to the Carrboro Tourism Development Authority

Section 1. The Board of Aldermen hereby appoints the following person to the CTDA for a term to expire in January 2020:

1. _____

Section 2. The Board hereby selects the following person as chair of the Authority:

1. _____

Section 3. This resolution is effective immediately upon adoption.

Catherine Dorando

From: noreply@civicplus.com
Sent: Friday, December 07, 2018 4:11 PM
To: Catherine Dorando
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Daniel
Last Name	Mayer
Date	12/7/2018
Address1	1209B Hillsborough Rd.
Address2	<i>Field not completed.</i>
City	Chapel Hill
State	NC
Zip	27516
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	No
Telephone	2064129069
Email Address	dymayer@gmail.com
Date of Birth	9/1/1960
Race	White
Sex	Male
Occupation	Arts Administrator
Are you a registered	Yes

Orange County Voter?

Length of Residence in Orange County	3.5 years
--------------------------------------	-----------

Length of Residence in the Town of Carrboro	3.5 years
---	-----------

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

Other (advisory board not listed):	<i>Field not completed.</i>
------------------------------------	-----------------------------

Advisory Board Preference	Tourism Development Authority
---------------------------	-------------------------------

*Employer/Self Employed	The ArtsCenter
-------------------------	----------------

Number of Years Employed	3 years
--------------------------	---------

* Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.	The ArtsCenter promotes cultural tourism and partners with hotels and restaurants in Carrboro on marketing and visibility.
--	--

Community Activities/Organizational Memberships	I am on the Arts Commission, The Economic Sustainability Commission and the Orange County Arts Commission
---	---

Experience to Aid You in Working on Advisory Boards	I have sat on Tourism Development Boards in other communities and have worked on cultural tourism with many past jobs prior to joining The ArtsCenter
---	---

Reasons You Wish to be Appointed	I think I can be helpful with marketing tourism, social media campaigns promoting Carrboro, and helping to make Carrboro a destination for food, culture and festivals.
----------------------------------	---

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

If yes, which one(s)?	Arts Commission/ Economic Sustainability Commission
-----------------------	---

Are you currently serving
on a Town Board or
Committee?

Yes

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

No

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

I serve on The Arts Commission as a designated placeholder
for The ArtsCenter and on the Economic Sustainability
Commission as a designated placeholder for the nonprofit
community.

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

Catherine Dorando

From: noreply@civicplus.com
Sent: Wednesday, December 26, 2018 5:17 PM
To: Catherine Dorando
Subject: Online Form Submittal: Advisory Board Application

Advisory Board Application

First Name	Donald
Last Name	Strickland
Date	12/26/2018
Address1	370 E Main Street Unit 100
Address2	<i>Field not completed.</i>
City	Carrboro
State	NC
Zip	27510
Is this address located within the corporate limits of the Town of Carrboro?	Yes
Is this address located within the Town's ETJ, Planning Jurisdiction, or Northern Transition Area?	No
Telephone	9199696988
Email Address	donald.strickland@atmahotelgroup.com
Date of Birth	9/9/1992
Race	White
Sex	Male
Occupation	Hotel General Manager
Are you a registered	No

Orange County Voter?

Length of Residence in Orange County	N/A
--------------------------------------	-----

Length of Residence in the Town of Carrboro	N/A
---	-----

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

Other (advisory board not listed):	<i>Field not completed.</i>
------------------------------------	-----------------------------

Advisory Board Preference	CTDA
---------------------------	------

*Employer/Self Employed	Atma Hotel Group - Hampton Inn & Suites Carrboro
-------------------------	--

Number of Years Employed	3
--------------------------	---

* Provide examples of how you are involved in the promotion of travel and tourism in the Town of Carrboro.	Current CTDA Board Member General Manager of Hampton Inn & Suites Carrboro which host thousands of visitors to the town each year Support, Shop and Engage with local businesses
--	--

Community Activities/Organizational Memberships	Carrboro Tourism Development Authority - Board Member TABLE Volunteer SECU House of UNC Hospital Volunteer Chapel Hill Service League - Volunteer DSS - Adopt a Family Chapel Hill Young Professionals - Chapel Hill Young Professional of the Year 2018, Member Chapel Hill-Carrboro Chamber of Commerce - Member
---	---

Experience to Aid You in Working on Advisory Boards	I have been a professional hotelier for over 6 years which involves being a strong advocate of the community in which the hotel is surrounded by. In many case, our hotel team members are the first impression of the Town of Carrboro when visitors are arriving. I am also a current member of the CTDA and know what the board is hoping to accomplish in the upcoming year. In my studies, I have completed research on the effects of travel and tourism, with a concentration on sustainable tourism.
---	--

Reasons You Wish to be Appointed	I have a passion for travel, tourism and hospitality. I have dedicated my career to further developing the industry and know that the benefits from travel and tourism can have positive effects on our community. I have enjoyed my first year on the board and hope to continue serving.
Have you ever served on any Town of Carrboro Committee or Board?	Yes
If yes, which one(s)?	CTDA
Are you currently serving on a Town Board or Committee?	Yes
If yes, are you applying for a third consecutive term?	No
If yes, please describe how you meet one, or more, of the following exceptions noted below.	N/A

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



Town of Carrboro

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

Agenda Item Abstract

File Number: 19-22

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Stormwater Utility Update

PURPOSE: The purpose of this agenda item is to provide an update on Stormwater Utility activities in the second half of 2018.

DEPARTMENT: Public Works

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

INFORMATION: Following on the adoption of a rate structure in June, 2018, the second half of 2018 saw the Stormwater Utility begin to transition from a formative stage to an operational stage. A staff memo has been prepared that summarizes stormwater activities. Hurricane Florence and other storm events were major drivers for staff workload. The latter part of 2018 included an emphasis on supporting the current FEMA Hazard Mitigation Grant Program (HMGP) grant, submittal of a new Letter of Interest for new HMGP funding, and initial exploration of FEMA Public Assistance funding. Moving forward, Stormwater staff recommend that the Town update Town's 1984 Drainage Policy and take steps towards establishment of a residential assistance program in 2019. These and other topics are discussed in the staff memo.

FISCAL & STAFF IMPACT: There is no impact with receiving this update. There will be a staff impact for time spent working with the Stormwater Advisory Commission and looking into an update to the Drainage Policy and establishment of a residential assistance program.

RECOMMENDATION: Staff recommend that the Board of Aldermen receive this memo, and direct staff to work with the Stormwater Advisory Commission to review the Town's Drainage Policy and provide recommendations for a residential assistance program, and provide a report for the Board in the late spring.

ATTACHMENT A

A RESOLUTION ACCEPTING THE STORMWATER UTILITY UPDATE REPORT AND
DIRECTING STAFF TO WORK WITH THE STORMWATER ADVISORY
COMMISSION AND PROVIDE A FOLLOW UP REPORT

WHEREAS, the Town of Carrboro modified the Town Code in June, 2017 to create a Stormwater Utility and Stormwater Enterprise Fund and create a new Stormwater Advisory Commission; and

WHEREAS, the Board of Aldermen adopted a new Stormwater Utility rate structure in June, 2018; and

WHEREAS, Town staff have been working in the second half of 2018 to transition the Utility from a formative to operational stage.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accept the staff report provided.

BE IT FURTHER RESOLVED that the Board direct Stormwater Utility staff to work with the Stormwater Advisory Commission to review the Town's Drainage Policy and provide recommendations for a residential assistance program, and provide a report to the Board in the late spring.

This is the 15th day of January in the year 2019.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PUBLIC WORKS DEPARTMENT

To: David Andrews, Town Manager
Board of Aldermen

From: Randy Dodd, Stormwater Utility Manager

Through: Joe Guckavan, Public Works Director

Cc: Heather Holley, Stormwater Specialist
Daniel Snipes, Public Works Superintendent
Patricia McGuire, Planning Director

Date: January 9, 2019

Subject: Stormwater Utility Update

Summary

The purpose of this memo is to provide an update on Stormwater Utility activities in the second half of 2018, and plans for 2019.

Information

The narrative below expands on the summary provided in Attachment 1.

Following on the adoption of a rate structure in June, 2018, the second half of 2018 saw the Stormwater Utility begin to transition from a formative stage to an operational stage. Some of the primary administrative activities during this period are shown below.

- Stormwater staff took on the new task of coordination with the Orange County Property Tax office for collection of stormwater fees, including providing databases related to impervious surfaces and billing, and responding to citizen's inquiries related to billing.
- Staff also prepared or provided support for 5 Stormwater Advisory Commission and 4 Board of Aldermen agendas.
- Other administrative activities included: providing regulatory compliance oversight, including supporting NPDES permits (6 management measures under the Townwide permit, and separate requirements for the Public Works facility) and reporting requirements under the Jordan Lake Rules; updating the 5 year stormwater capital improvement plan; hiring a new Stormwater Specialist; and supporting alterations at Public Works to provide additional office space.

Non-administrative July-December, 2018 highlights are elaborated on in more depth in the sections that follow.

FEMA Hazard Mitigation Grant Program Update

In 2016, the Town was awarded a grant by the North Carolina Division of Emergency Management to elevate two homes at 400 Lorraine Street and 403 Lorraine Street. Following receipt of the grant, staff developed a Request for Qualifications to hire a qualified consulting firm to assist with pre-construction/design and bidding services, construction administration and grant compliance monitoring. The Town awarded the contract to Summit Design and Engineering Services in the late spring of 2018. Stormwater staff began providing administrative support for the grant and contract in October. Summit has wrapped up the preconstruction/design phase of the project and construction bid advertisement has been prepared, with bids due January 16th. Costs associated with the project will be reimbursed to the Town through the grant program with a combination of both Federal and state funds covering 100% of the costs associated with the project. The project is under a tight time frame due to the expected expiration of federal funding in March, 2019.

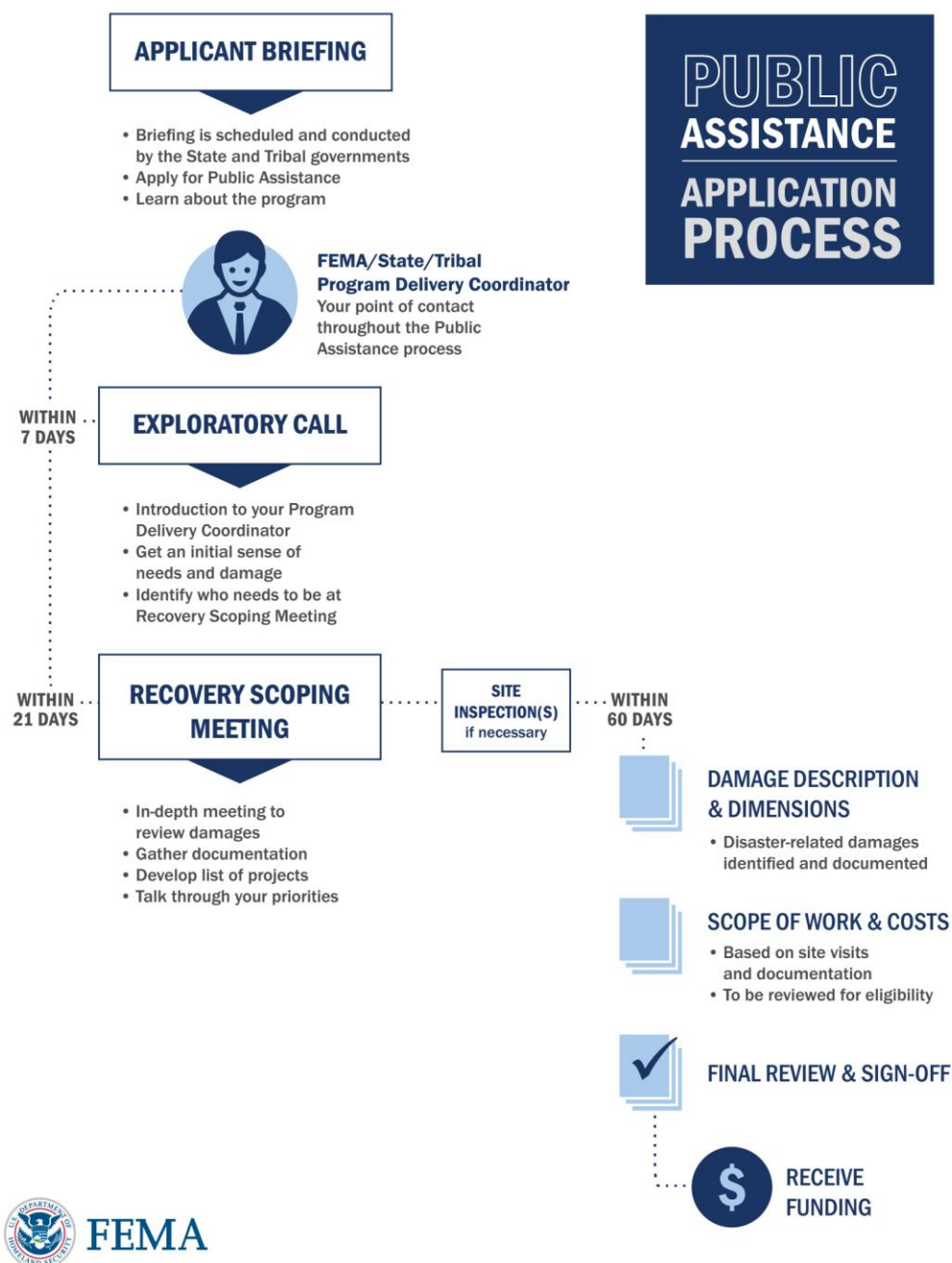
Following on Hurricane Florence, FEMA announced that a new round of Hazard Mitigation Grant Program funding would be pursued. Stormwater staff attended an orientation meeting on November 15th at the State Emergency Operations Center in Raleigh, and also reached out to community members to solicit interest in participating. The two homeowners at 116 Carol Street and 100 James Street (properties included in the previous HMGP applications for acquisitions that were not accepted by the State and FEMA) have responded, and provided information required to include in a Letter of Interest. (Staff have not received other inquiries of interest in participation.) Staff have been simultaneously

communicating with State Emergency Management staff and others to determine eligibility and the strategy for submittal with the highest likelihood of State/Federal acceptance. The Letter of Interest is due February 8th; Stormwater staff intend to continue to work with Planning staff, homeowners, and State staff on identifying the submittal strategy with the highest probability for funding and successful completion in the interim.

New FEMA Public Assistance Funding

Stormwater staff have been supporting the Town's exploration of FEMA Public Assistance funding. This FEMA program is intended to "provide funds to assist communities responding to and recovering from major disasters or emergencies declared by the President". At the Public Works facility, Florence resulted in a flood elevation that exceeded any previous flood observed by Public Works staff. One of the impacts was the inundation of the fleet's fuel tanks which in and of itself presents a high risk situation. There are two unnamed intermittent streams that flow from the south side of downtown along South Greensboro Street and Old Pittsboro Road, join just above the 54 Bypass, and then flow under the bypass and along the Public Works property line before flowing into Morgan Creek. The stream channel is very incised adjacent to Public Works, with an actively eroding bank. During Hurricane Florence, a large section of the streambank immediately adjacent to the fuel tanks (as well as the Sign Shop and two shed buildings) collapsed, escalating and accelerating the importance of addressing the bank erosion. The flooding also blocked access to Public Works and compromised staff's ability to provide emergency response, damaged outbuildings, equipment, and vehicles, placed employees at risk, and has required substantial staff effort for recovery from the event. Staff have submitted insurance claims for losses; uncovered expenses associated with impacts from Florence may also be eligible for Public Assistance, as well as reimbursement for staff time associated with emergency response and follow up, and other damages to Town property.

The Public Assistance application process is shown in the figure below.



The applicant briefing meeting for all of Orange County occurred on November 1st. At this initial meeting, staff were made aware of the potential scope of available funds. This meeting was followed by an exploratory phone call with FEMA on December 3rd, and a “Recovery Scoping Meeting” on December 17th. The second meeting outlined required information and documentation for all projects/reimbursements under the program, and the scope of what the Town should consider applying for. FEMA provided input that the Town should move ahead with documenting and submitting damage estimates, and also consider applying for hazard mitigation assistance for: the Broad Street culvert replacement; stream restoration at Public Works; and Public Works facility relocation. Following up, the Town has 60 days (until February 15th) to provide the documentation for identified damages, expenses, and projects. FEMA will then provide notice of the amount of Public Assistance available, and will also advise the Town about the process to pursue additional FEMA support. Stormwater staff are part of an interdepartmental team that is carefully coordinating efforts with FEMA staff to maximize the Town’s ability to leverage FEMA resources.

Other Stormwater Activities

Carrboro has been identifying stormwater capital projects in the Capital Improvements Program (CIP) since 2012. These projects have been significantly but not solely motivated by regulatory requirements including: the implementation of State’s rules to restore Jordan Lake, the Town’s NPDES permit, and the listing of Bolin Creek as impaired. Stormwater staff provided recommendations to update the 5 year plan for stormwater capital improvements to the Management Team late in 2018. As part of the update, it is important to point out that revenue from the establishment of a rate structure is in the early stages of being collected, and it will take several years to build up a significant capital reserve. Therefore, it is not recommended that larger or multiple capital projects be pursued in the next 1-2 years. As mentioned above, impacts from Hurricane Florence have helped focus staff’s attention on the critical need for the stream restoration project at the Public Works facility. Staff are working with FEMA to determine the amount of FEMA Public Assistance funds that could be available following on Florence.

Notable other Stormwater staff activities for the second half of 2018 are provided in Attachment 1, and elaborated on below. Staff:

- 1) responded to a variety of stormwater related inquiries and issues by:
 - helping with coordination and outreach following a home heating oil spill on Phipps Street during Florence.
 - investigating and supporting Public Works response to reports of stormwater conveyance system maintenance needs
 - collaborating with Mr. Jim Porto, former Carrboro Mayor and founder of Community CAPS, Inc., to explore potential stormwater grant funding opportunities
 - providing technical support for the review of the Lloyd property rezoning and Sanderway conditional use permit application review
- 2) received State training and certification in Stormwater Control Measure (SCM) maintenance and inspection and stream determination methodology.
 - a. continued to provide SCM inspection and stream determination field services, and also continued to support a USGS stream gage on Bolin Creek and ongoing annual benthic macroinvertebrate monitoring.

Figure 1 in Attachment 1 provides a synopsis of the relative level of effort for different types of stormwater related activities for Stormwater Utility staff in the second half of 2018. A map showing many of the locations that staff were involved in in some capacity (e.g., stormwater issues on both public and private property, some of the specific activities discussed in this memo, billing inquiries) with during this time from is provided in Figure 2 in Attachment 1. Staff were contacted for many of these locations because of the storm events that occurred. Staff responded to: about inquiries on about 20 sites that were primarily about flooding or drainage issues, about a dozen billing inquiries, 8 sites in various stages of land use permitting, 4 sites with primarily erosion related concerns, three illicit discharge reports, several construction related issues, and miscellaneous other inquiries. Note that the sites shown in Figure 2 are a subset of all inquiries/sites, representing those with more extensive and readily documented phone/email communications and/or site visits.

2019 Initiatives

Stormwater Utility staff will be quite occupied during the first quarter of calendar year 2019 on top of the baselineworkload with supporting pursuit of Public Assistance funding, the current HMGP grant, and the new HMGP application, along with FY 19/20 operating budget preparation. In addition, staff were approached by David Salvesen from the UNC Institute for the Environment in the late summer to consider working with a UNC Capstone team for the spring semester. Staff shared this interest with Stormwater Advisory Commission, and the team plans to meet with the Commission at their January 10th meeting. The overall goals of the team's efforts will be to:

- improve outreach and awareness of Carrboro's stormwater management program
- provide information to Carrboro residents and businesses on how to reduce and mitigate stormwater runoff
- conduct a pilot study of stormwater mitigation for a particular area of Carrboro
- advise the Town on specific additional steps the Town could consider to better reduce or mitigate stormwater runoff.

Another planned winter/spring activity is working with a UNC intern (Luke Morin) on updating an inventory of street trees. The internship will also include educational outreach that will tie stormwater (quantity and quality) and urban forestry together. An area of focus will be identifying the many benefits and services of street trees, with some emphasis on downtown.

A baseline workload activity that staff intend to ramp up in 2019 is Stormwater Control Measure (formerly known as "Best Management Practices", or BMPs) inspections.

In consideration of the requests and inquiries that staff regularly receive, Stormwater Utility staff are also seeking Management and Board direction to spend time in the first half of 2019: reviewing the Town's (1984) Drainage Policy; researching approaches taken in other municipalities; working with the Stormwater Advisory Commission to identify options to provide enhanced residential drainage assistance/runoff reduction services; and bringing back a joint staff/Commission recommendation to the Board before the summer break for a potential update to the Drainage Policy and establishment of a more formal residential assistance program. At that time, staff could also provide the Board with a broader mid-year update and plans for the second half of 2019 for Board feedback.

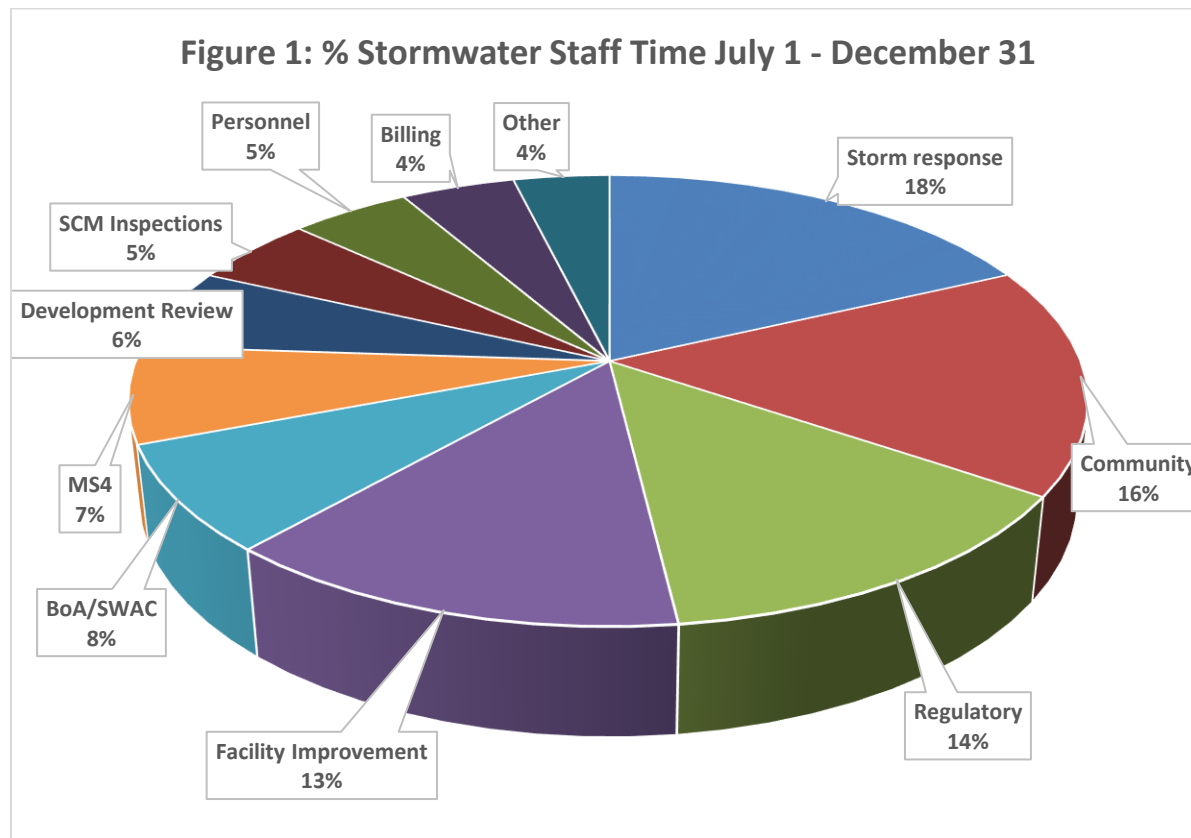
Recommendation

Staff recommend that the Board of Aldermen receive this memo, and direct staff to work with the Stormwater Advisory Commission to review the Town's Drainage Policy and provide recommendations for updates to the Policy and direction for a residential assistance program, and provide a report for the Board in the late spring.

Highlights of Stormwater Utility Activities

July-December, 2018

Service	Activity
Administration	<ol style="list-style-type: none"> 1. Stormwater Utility rate structure implementation began in July 2018. 2. Prepared Stormwater Advisory Commission and Board of Aldermen agenda materials 3. Regulatory compliance: <ul style="list-style-type: none"> • Administered NPDES Phase II permits • 6 management measures for Townwide permit • Coordination with Public Works staff and contractor for Public Works facility permit • Provided annual reporting for compliance with Jordan Lake Rules • No new activity for Bolin Creek watershed restoration/TMDL 4. Hired new Stormwater Specialist 5. Supported alterations at Public Works facility
Infrastructure	<ol style="list-style-type: none"> 1. Pursued and coordinated public conveyance system maintenance and inspection activities with Streets Division and community members <ul style="list-style-type: none"> • Uptick due to storm events 2. Participated in internal staff update of planned stormwater capital improvements <ul style="list-style-type: none"> • Solicited feedback from Stormwater Advisory Commission 3. Initiated pursuit of FEMA Public Assistance funding to address emergency situation at Public Works associated with repetitive and significant flooding and a rapidly eroding streambank adjacent to the fleet's underground fuel tanks.
Community	<ol style="list-style-type: none"> 1. Responded to inquiries associated with two large storm events. <ul style="list-style-type: none"> • Followed up on home heating oil spill on Phipps Street 2. Providing staff support for Hazard Mitigation Grant Program (HMGP) projects to elevate homes at 400 and 403 Lorraine Street 3. Preparing Letter of Interest for new HMGP funding cycle associated with Florence. 4. Providing phone, email, and on site consultative services to community members. 5. Continue to participate in Clean Water Education Partnership.
Planning	<ol style="list-style-type: none"> 1. Provided technical review for 8 projects seeking land use permits and rezoning 2. Referred development applications to Stormwater Advisory Commission for review
Field	<ol style="list-style-type: none"> 1. Completed stream determinations to clarify inquiries regarding regulated surface waters and associated buffers. 2. Inspected Stormwater Control Measures permitted by the Town. 3. Continued to participate in a cooperative agreement with Chapel Hill and USGS to support a stream gage on Bolin Creek. 4. Continued to complete annual benthic monitoring to document stream biological integrity.

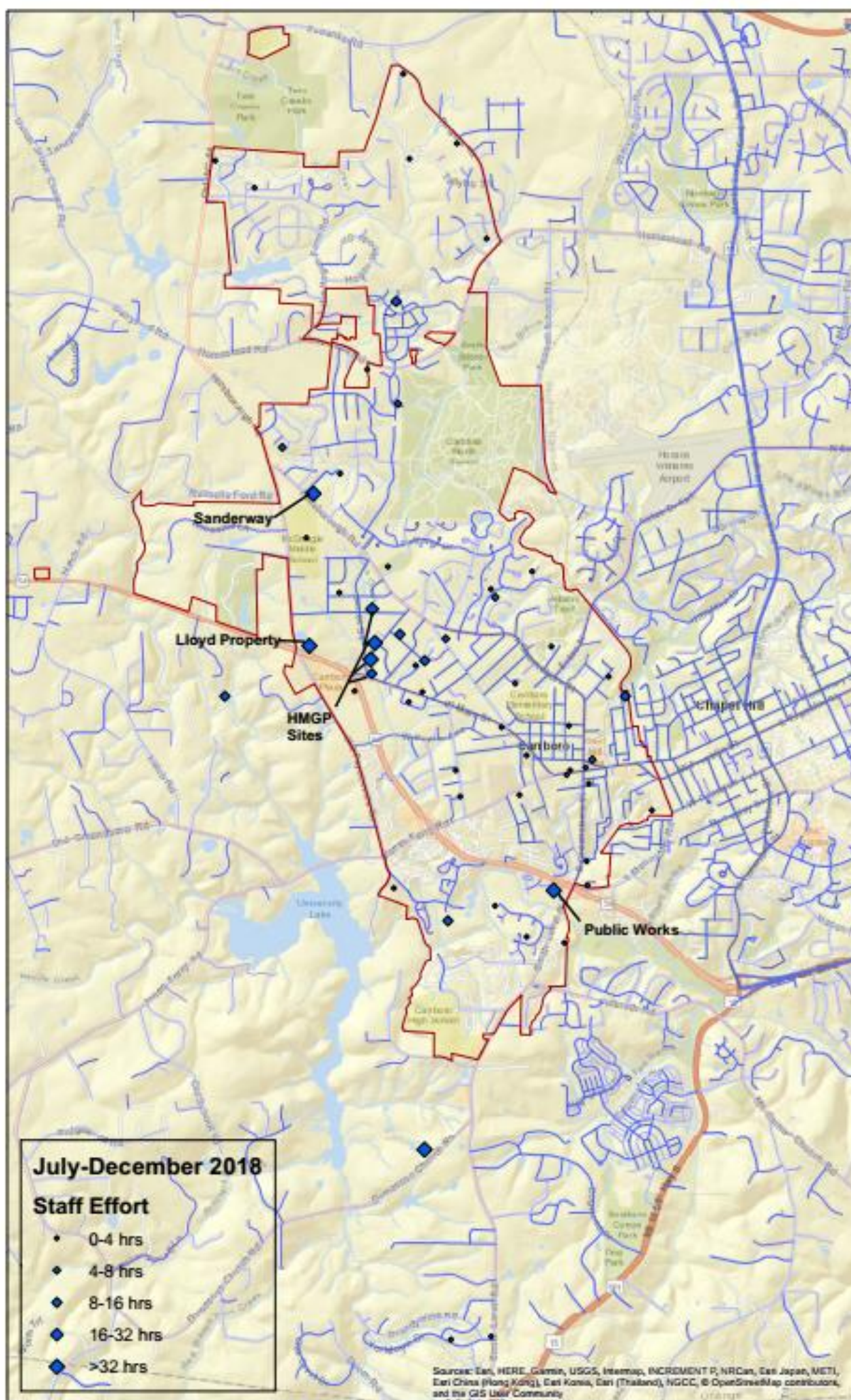


Explanation of Figure 1 Categories

1. Storm Response: Time spent primarily related to Florence, Matthew, and the storm event in early November. This includes much of the time associated with FEMA Public Assistance and HMGP.
2. Community: Time spent primarily responding to stormwater related inquiries from community members, aside from time indicated in other categories.
3. Regulatory: Time spent primarily related to the Town's two NPDES permits, Jordan Lake Rules, and listing of Bolin Creek as an impaired water.
4. Facility Improvement: Time spent providing construction contracting support for the office alteration at Public Works.
5. BoA/SWAC: Time spent preparing agenda Board of Aldermen and Stormwater Advisory Commission agenda materials, attending meetings, and following up on meetings.
6. MS4: Time spent primarily related to inspections and maintenance of the Municipal Separate Stormwater Sewer System (MS4). This was generally coordinated with Public Works Streets Division staff.
7. Development Review: Time spent generally related to development projects (rezoning, land use permits, construction projects, predevelopment application inquiries)
8. SCM Inspections: Time spent planning, completing, and following up on Stormwater Control Measure inspections
9. Personnel: Time spent creating, advertising, interviewing, and hiring new Stormwater Specialist position.
10. Billing: Time spent responding to inquiries related to the new stormwater fees being collected by the Orange County Property Tax Office.
11. Other: Activities not readily captured in above.

Note that these are best estimates and subjectively determined. Some activities cross multiple categories. Note also that the second half of 2019 was atypical given the storm activity and transition period for the Utility. A different breakdown is expected and desired for 2019 and future years, with less time/effort anticipated for #s 1, 4, 9, and 10 in particular which will allow for more capacity for other items.

Figure 2: Level of Staff Effort for Carrboro Locations (July-December 2018)





Town of Carrboro

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

Agenda Item Abstract

File Number: 19-26

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Review of Current Regulations Pertaining to Noise

PURPOSE: The Board of Aldermen is asked to receive a presentation on current regulations pertaining to noise and provide any necessary feedback or direction on possible changes and / or additional outreach efforts regarding the topic.

DEPARTMENT: Planning Department and Police Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 & Walter Horton, Police Chief, 919-918-7408

INFORMATION: During the multiple public hearing meetings in Spring 2015 for the South Green project at 501 South Greensboro Street, potential noise associated with commercial developments near and adjacent to residential areas was discussed extensively. A condition resulted from the discussions and was attached to the Conditional Use Permit for the project. The condition sets parameters and time limits within which tenants must operate their businesses to mitigate potential negative noise impacts associated with the project. The condition reads as follows:

Condition #47:

That the owner and/or property manager will mitigate the nuisance impacts associated with all prospective South Green tenants. Nuisance impacts include but are not limited to, truck deliveries, idling engines, leaf blowing and mowing, and the emptying of trash and recycling containers. Mitigation efforts shall be tailored to fit each particular business as needed and will include, but not be limited to, controlling the location and hours of delivery. Deliveries shall occur between 7:30 am and 7:30 pm, leaf blowing and mowing shall occur between 9 am and 5 pm. Deliveries occurring outside of these hours shall load and unload internal to the site. Refuse disposal outside of enclosed buildings shall occur between 7:30 am and 10:00 pm, and not after 9:00 pm whenever possible.

Furthermore, the property owner is required to present a written report to the Town every six months for the first two years of operation and annually for the following eight years thereafter. Furthermore, annually for ten years, the owner will poll neighbors within 1000' of the property to receive their comments regarding the development whereupon the applicant will provide a written report of the results to the Town. The applicant shall add restrictive covenants that reflect this condition.

At the end of the hearing, the Board asked staff to bring an agenda item back in the future for further discussion about how the Town regulates noise. Planning and Police staff have been checking in periodically regarding this matter since then in advance of bringing this topic back to the Board for further discussion.

Following is a description of existing Town regulations pertaining to noise, followed by an outline of possible changes and / or next steps:

Current regulations:

Noise ordinance:

The existing Town of Carrboro Noise Ordinance is attached for your consideration (Attachment A). While it is possible that the Planning Department may be involved in complaints related to the noise ordinance regarding construction projects, the primary contact and party charged with administering the ordinance is the Police Department. Chief Horton reports that the existing ordinance generally seems to work well and that almost all parties about which the department receives a complaint react quickly and positively to rectify the situation causing the complaint. Two matters are worth noting for possible further discussion:

- 1) It is worth noting that the existing ordinance, Section 5-11 (2), does allow for a reasonable amount of noise associated with a lawful commercial business that conducts business outside of a building and / or to have amplified music. In other words, no specific measurable amount of noise is considered to be a maximum permissible amount. Again though, Chief Horton reports that his department has received relatively few complaints about noise related to existing businesses with outdoor spaces and / or live music. An exception to that statement involved a business at 901 West Main Street, known as Johnny's, for which a zoning related arrangement was reached. This matter is discussed further below under Land Use Ordinance regulations.
- 2) Also worth noting is that the existing ordinance, Section 5-12 (4), only limits some types

of noise, specifically construction type equipment, when the noise is emanating from a source within 300 feet of a residentially occupied structure not in possession of the party responsible for the noise at issue. Chief Horton does not report any significant issues of late related to construction noise in general, but it may be worth considering whether the Board would want to extend the 300 foot standard to a greater distance.

Periodic calls have been made to the Police Department regarding noise occurring primarily at two businesses, Monterrey Mexican Restaurant in Carrboro Plaza at Cat's Cradle downtown. In these cases, officers providing security advise management of the complaint and the volume of the music is lowered and / or open doors are closed as is the case sometimes when complaints are received. The Police Department has run a report for 2017-2018 regarding noise related complaints and found the following:

Total Noise Complaints 2017-2018	537
Total Business	50
Salon Monterey	14
Cat's Cradle	22
Other	14

Land Use Ordinance:

The LUO contains additional noise related provisions in LUO Section 15-163, which are attached for consideration (Attachment B). The provisions included focus on four types of land uses:

- Use 4.000, Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise, and Equipment
- Use 9.400, Automobile repair shop or body shop
- Use 2.150, Retail Sales with Subordinate Manufacturing and Processing

A table in the ordinance then establishes maximum permissible decibel levels based on time of day and zoning designations of adjacent properties. An additional subsection also regulates the operation of dry cleaning machinery in B-3 zoning districts specifically.

A number of auto repair shop type businesses do operate in town and do have to comply with the noted regulations. No complaints have been received in relation to these businesses in

recent memory.

The LUO also contains provisions requiring that a Construction Management Plan be prepared for developments of considerable size that may impact adjacent properties during construction in multiple ways, including noise related impacts. In short, the provisions require that the applicant prepare, and the town approve, a Construction Management Plan before construction may begin.

Two other examples of how noise has been regulated through the development process come to mind. One is an agreement by condition on a CUP for Looking Glass Café, limiting outdoor amplified music to occur only up to six times annually. Another involves multiple conditions included in the Conditional Rezoning for Lloyd Farm, which read as follows:

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

Condition 11. Trash/recycling collections shall be limited to the hours of 7:30 am and 10:00 pm, and not after 9:00 pm whenever possible

Condition 12. Landscaping maintenance shall be limited to the hours of 8 am to 6 pm or sunset, whichever is earlier, Monday through Saturday and 12 pm to 6 pm or sunset, whichever is earlier, on Sundays.

Options for possible changes:

Staff requests that the Board discuss this topic and provide guidance for potential changes to the noise related provisions in the Town Code and / or LUO. Staff can further explore codifying provisions similar to what was included in the South Green CUP, as well as explore possible innovative regulations that may exist elsewhere. Given that relatively few complaints about noise, related specifically to existing commercial businesses, have been received historically, staff felt it would be appropriate to bring the matter before the Board for discussion before investing much additional time into the matter.

Staff also notes that a considerable amount of outreach should be done to the business

Agenda Date: 1/15/2019

File Type:Agendas

In Control: Board of Aldermen

Version: 1

community regarding possible future discussions and / or public hearings regarding changes that may affect their ability to conduct business in ways that involve noise leaving their sites. This could be an appropriate next step should the Board wish to move forward. The Board may also find it appropriate to refer this topic to the Carrboro Business Alliance for consideration as well.

Meanwhile, it remains possible for the Board of Aldermen, for Conditional Use Permits, and the Board of Adjustment, for Special Use Permits, to regulate noise associated issues through negotiating conditions to be placed on individual land use permits catered to the specific details of what is proposed on a case by case basis.

FISCAL & STAFF IMPACT: No fiscal impact associated with receiving this report.

RECOMMENDATION: Town staff requests that the Board adopt the attached resolution receiving the presentation and provide any necessary direction for additional steps.

Article II

MISCELLANEOUS OFFENSES

Section 5-11 Noise Generally

No person may authorize or cause the emission from any property or source under his control any noise that is both:

- (1) Sufficiently loud to frighten or pose a danger to the health of or seriously disturb any person who:
 - a. if the noise emanates from a source located on private premises, is located on other premises (including other dwelling units or rented premises located on the same tract of land), or (Amend. 4/27/82)
 - b. if the noise emanates from a street or other public property, is located on private property or the street or other public property, and
- (2) Louder, or of greater duration, or otherwise more disturbing than is reasonably necessary for the performance of some lawful public or private function, enterprise, operation, or activity.

Section 5-12 Particular Noise (Amend. 11/16/93)

The following are declared to be illustrations of noises prohibited under the foregoing section, and are hereby declared to be unlawful, but this list shall not be exhaustive:

- (1) The playing of any radio, television, tape recorder, phonograph, or similar electronic device or any musical instrument so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library or other similar place of assembly.
- (2) The use of any drum, loudspeaker, or other amplification instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, ale, display, advertisement of merchandise, or other commercial venture.
- (3) Any party or assembly of persons in a dwelling unit or on residential premises producing loud and raucous noise after 11:00 p.m. that tend to disturb the comfort, quiet, or repose of persons in other dwelling units or on other residential premise. The person in possession of the premises where such a part or assembly of persons takes place shall be deemed responsible for the emission of loud and raucous noises under this subdivision. (Amend. 4/27/82)

- (4) The operation or use of any of the following tools, machinery, or equipment, when such operation or use takes place (i) outside of a fully enclosed structure; and (ii) within 300 feet of a residentially occupied structure that is not in the possession of the party responsible for the noise at issue; and (iii) after sunset on any day or before 7:00 a.m. on any day except Sunday and before 12:00 noon on Sunday. However, this prohibition shall not apply when work must take place on an emergency basis for health or safety reasons, or when work is undertaken within a public street right-of-way by (i) a utility pursuant to an encroachment agreement, (ii) the town, or (iii) the North Carolina Department of Transportation. (Amend. 1/16/2001)
- (a) Earth moving or clearing power equipment.
 - (a) Chain saws, brush cutters, wood chippers, or similar power equipment.
 - (a) Power saws
 - (a) Power driven hammers or jackhammers.

Section 5-12.1 Motor Vehicle Noises (Amend. 11/16/93)

The following are illustrations of noises, produced in connection with the operation or use of motor vehicles, that are prohibited under Section 5-11 and are hereby declared to be unlawful, but this list shall not be exhaustive:

- (1) The blowing of a horn on any motor vehicle except when the horn is used as a warning device.
- (2) The operation of any motor vehicle without a muffler or with a muffler that is so defective or so designed that the vehicle emits an unusually loud noise.
- (3) The operation of any motor vehicle so as to create unnecessary and unusual noise through the screeching of tires or racing of engines.
- (4) The operation or use of a motor vehicle with amplified sound produced by a radio, tape player, compact disc player or other soundmaking device or instrument within the motor vehicle such that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle.

ARTICLE XI

SUPPLEMENTARY USE REGULATIONS

PART I. NON-RESIDENTIAL PERFORMANCE STANDARDS

Excerpt:

Section 15-163 Noise (AMENDED 6/22/04)

(a) No 4.000, 9.400, or 2.150 classification use in any permissible business or PID district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the 4.000 or 9.400 use if that use is one of several located on a lot, or (ii) uses located on adjacent lots. Noises that exceed the levels set forth below shall be deemed annoying or disruptive. Low frequency noises shall be considered annoying and disruptive if they exceed the decibel levels set forth below when measured without using an A-weighted filter, or if such noises generate a perceptible vibration within structures located beyond the boundaries referenced above. (AMENDED 6/22/82; 10/20/92; 05/25/99)

(b) Except as provided in subsection (f), the table set forth in subsection (e) establishes the maximum permissible noise levels for 4.000 classification uses in the M-1 and M-2 districts. Measurements shall be taken at the boundary line of the lot where the 4.000 classification use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the 4.000 classification use is located.

(c) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

(d) The standards established in the table set forth in subsection (e) are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at ten second intervals (see Appendix F-1) and computing the Leq in accordance with the table set forth in Appendix F-2.

(e) **Table 1:** Maximum Permitted Sound Levels, dB(A), for 4.000 Uses (AMENDED 10/20/92)

Zoning of Lot Where 4.000 Use is Located	ZONING OF ADJACENT LOT (re: 0.0002 Microbar)				
	Residential	PUD	B-1-G, B2, B-1-C, B3 B4, PF	M1	M2
TIME OF DAY OF OPERATIONS	7:00 AM-7:00 PM	7:00 PM-7:00 AM	ANYTIME	ANYTIME	ANYTIME
M-1	50	45	55	60	65
M-2	50	45	60	65	70
O/A	50	45	55	60	65

Table 2: Maximum Permitted Sound Levels, dB(A), for 9.400 Uses (AMENDED 10/20/92)

ZONING OF LOT WHERE 9.400 USE IS LOCATED	ZONING OF ADJACENT LOT (re: 0.0002 Microbar)			
	RESIDENTIAL OR PUD	B-1-C, B2, CT, B-1-G, B3, B4, O, O/A	M1	M2
B-1-G, B4 or B-3-T	50	55	60	70
M-1	50	55	60	70
M-2	50	60	65	70

Table 3: Maximum Permitted Sound Levels, dB(A), for 2.150 Uses (AMENDED 04/15/97)

ZONING OF LOT WHERE 2.150 USE IS LOCATED	ZONING OF ADJACENT LOT (re: 0.0002 Microbar)			
	RESIDENTIAL OR PUD	B-1-C, B2, CT, B-1-G, B3, B4, O, O/A, PF	M1	M2
B-1-C	50	55	60	70

(f) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10 dbA in excess of the figure listed in subsection (e), except that this higher level of permissible noise shall not apply from 7:00 P.M. to 7:00 A.M. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

(g) Noise resulting from temporary construction activity that occurs between 7:00 A.M. and 7:00 P.M. shall be exempt from the requirements of this section.

(h) The operation of dry cleaning machinery in the B-3 zoning district, including but not limited to steam boilers, vacuum units, steamers, dry cleaning machines, pressing machines and air compressors, shall not be permissible outside of the hours between 7:00 a.m. and 6:00 p.m. Monday through Friday, 12:00 noon and 5: 00 p.m. on Saturday, if and to the extent that such operation results in noise that is audible at the property line of the lot on which the business operating such machinery is located. Any business that is not in compliance with this provision

shall be required to bring their dry cleaning operations into compliance within 90 days of the effective date of this ordinance.

Section 15-164 Vibration.

(a) No 4.000, 9.400, or 2.150 classification use in any permissible business or PID district may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on the lot. (AMENDED 6/22/82; 10/20/92; 05/15/97)

(b) No 4.000 classification use in an M-1 or M-2 district may generate any ground-transmitted vibration in excess of the limits set forth in subsection (e). Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in subsection (d).

(c) The instrument used to measure vibration shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

(d) The vibration maximums set forth in subsection (e) are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$\begin{aligned} \text{P.V.} &= 6.28 F \times D \\ \text{P.V.} &= \text{Particle velocity, inches per second} \\ F &= \text{Vibration frequency, cycles per second} \\ D &= \text{Single amplitude displacement of the vibration, inches} \end{aligned}$$

The maximum velocity shall be the vector sum of the three components recorded.

(e) Table of Maximum Ground Transmitted Vibration.

PARTICLE VELOCITY, INCHES PER SECOND		
ZONING DISTRICT	ADJACENT LOT LINE	RESIDENTIAL DISTRICT
M-1	0.10	0.02
M-2	0.20	0.02

(f) The values stated in subsection (e) may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between 7:00 A.M. and 7:00 P.M. shall be exempt from the requirements of this section.



Town of Carrboro

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

Agenda Item Abstract

File Number: 18-06

Agenda Date: 1/15/2019

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Bicycle Plan Update

PURPOSE: The purpose of this agenda item is to provide the Board the latest information on the schedule and scope of the bicycle plan update as well as the proposed steering committee members.

DEPARTMENT: Planning

CONTACT INFORMATION: Zach Hallock, 919-918-7329, zhallock@townofcarrboro.org; Tina Moon, 919-918-7325, cmoon@townofcarrboro.org

INFORMATION: Town staff developed an RFP for planning services and issued a call for proposals in October 2018, which was open through October 29th, 2018. A staff selection committee was developed to select between the different consulting firms from which proposals were received. Alta Planning and Design was selected through this process, and they were contacted to indicate they were selected on November 16th, 2018, as indicated in the RFP. The Town Manager then entered into a contract with Alta on December 7th, 2018.

Town staff met with Alta staff for a project kick-off meeting on Monday, January 7th. This meeting discussed key goals identified by Town staff, project scope, schedule, public involvement process, and potential stakeholder groups to participate in the steering committee. As the recipient of an NCDOT planning grant, the content of the Town's bicycle plan update is expected to follow NCDOT's content standards for bicycle and pedestrian plans, which can be found at:

<https://connect.ncdot.gov/municipalities/PlanningGrants/Documents/Content%20Standards%20for%20NCDOT%20Bicycle%20and%20Pedestrian%20Plans.pdf>

The overall scope of services to be provided by Alta to the Town are summarized as follows:

1. **Project Management:** Alta's project manager and the Town's transportation planner will coordinate at regular intervals (monthly or more as needed) to track the progress of the work performed, invoice expenses monthly, and coordinate with NCDOT for flexibility in the standards where applicable.
2. **Committee Meetings:** Alta staff will develop and print meeting materials, facilitate meetings, deliver summaries of meetings, and provide monthly updates. Content of the four committee meetings will cover: plan schedule, public involvement, project vision, target areas, plan review process, existing conditions, draft network & projects, and the final draft plan & implementation strategies.

3. Data Collection and Assessment: Alta staff will:
 - a. Update the GIS inventory of existing bicycle facilities
 - b. Analyze existing conditions, demographics, bicycle deficiencies, needs & opportunities, and current stress level for bicyclists on existing roadways
 - c. Conduct a visual inventory with digital photography
 - d. Review existing plans programs and policies in Carrboro
4. Public Involvement: Alta will develop content for use on the Town Website, social media postings (Facebook, NextDoor, Twitter, etc) and a public comment form to evaluation perceptions on bicycle issues in Carrboro. Alta will conduct up to Six (6) interviews with project stakeholders and provide support for a “piggyback” event to take place at a major event which many people will already be attending, along with one outreach session to the general public to present the preliminary network maps, parts of the draft plan, and the prioritization program. This feedback will be incorporated into the final plan.
5. Draft Plan: Alta will develop the draft Updated Comprehensive Bicycle Plan based on NCDOT’s content standards for bicycle and pedestrian Plans. Sections of note within the plan include: existing conditions summary, recommended system plan, intersection/roadway crossing improvements, recommended policies & programs, updated design guidelines, implementation plan, and priority projects. The working draft network and project recommendations will be presented during steering committee meeting #3, so that feedback can be appropriately incorporated into the draft plan.
6. Client Review: Alta will coordinate the review process and incorporate separate sets of comments from the Town and from NCDOT in order to develop the final document.
7. Final Plan and Presentations: Town staff will compile the final comments from staff, NCDOT, and the general public in order to submit final consolidated revisions to Alta; this will be used to develop the final project deliverables. Alta will present the final draft plan during steering committee meeting #4 and during a public hearing to the Board of Aldermen for approval of the final plan.

The estimated schedule, as determined by Alta and Town Staff can be found as Attachment B.

During the kick-off meeting, discussion of the steering committee indicated that it might be beneficial to have a preliminary “technical committee” which could support the project team by assisting with developing the initial conditions assessment and data procurement as needed. This would potentially consist of transportation staff from other stakeholder agencies (NCDOT, Orange County, DCHC MPO, Town of Chapel Hill, and Carrboro Public Works) as well as members of the Carrboro Transportation Advisory Board and Greenways Commission.

Staff anticipates that other public agencies and Town of Carrboro advisory boards identified to participate in the steering committee will select a representative independently. Community stakeholder groups will apply for their positions and have their representative be appointed by the Board at a later date, at which time the Board will also select a liaison from its membership to participate in the steering committee.

Agenda Date: 1/15/2019

File Type:Agendas

In Control: Board of Aldermen

Version: 1

The list of possible stakeholder groups which Town Staff have identified to participate in the steering committee (and technical committee) can be found as attachment C.

FISCAL & STAFF IMPACT: There is no staff or fiscal impact from receiving the update.

RECOMMENDATION: Staff recommends the Board consider the resolution (Attachment A) receiving the update and directing staff to advertise/solicit members from stakeholder groups to participate in the Bicycle Plan Update steering committee, and provide comment on stakeholder groups as desired.

**A RESOLUTION RECEIVING AN UPDATE ON THE BICYCLE PLAN AND
DIRECTING STAFF TO IDENTIFY STAKEHOLDERS FOR THE BICYCLE
PLAN STEERING COMMITTEE**

WHEREAS, on May 28, 2018, the Town of Carrboro Board of Aldermen adopted a resolution authorizing the Town Manager to Accept a Bicycle Planning Grant from the North Carolina Department of Transportation and to Select and Award a Contract to a Transportation Planning Firm to Update the Town's Comprehensive Bicycle Transportation Plan.

WHEREAS, on December 7, 2018, after soliciting proposals through the RFP process and developing a selection process with Town Staff, the Town Manager entered into an agreement with Alta Planning and Design to provide the advertised services;

WHEREAS, on January 7, 2019, Town staff met with Alta staff to review the project goals, scope of work, proposed schedule, steering committee structure, public outreach, and final plan deadlines;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board has received the update and schedule for the Town's Comprehensive Bicycle Transportation Plan Update;

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen directs staff to identify stakeholder members to participate in the Bicycle Plan Steering Committee and makes the following comments regarding the stakeholder list:

- At Large Carrboro Resident
- Rogers Road Community
- El Centro Hispano
- Carrboro Burmese Community
- Chapel Hill-Carrboro NAACP Representative
- Carrboro Bicycle Coalition
- Carrboro Business Community
- Local Bike Shops
- Chapel Hill-Carrboro City Schools
- Carrboro Planning Board
- Carrboro Rec and Parks Department
- Carrboro Police Department
- Carrboro Board of Aldermen Liaison
- Orange County*
- Durham-Chapel Hill-Carrboro MPO*
- NCDOT Division 7*

- NCDOT Division of Bicycle and Pedestrian Transportation*
- Town of Chapel Hill*
- Carrboro Public Works Department*
- Carrboro Transportation Advisory Board*
- Carrboro Greenways Commission*

*Indicates Technical Committee

This is the 15th day of January in the year 2019.

Estimated Schedule

Alta is flexible with this estimated schedule and will work with the Town to meet scheduling needs. Some meetings and key deliverables are listed below chronologically, rather than within their task.

<u>TASK</u>	<u>TIMEFRAME</u>
Task 1: Project Administration	Ongoing, beginning January 2019
Task 2: Committee Meetings (4)	February 2019 – June 2019
Meeting #1	Early February 2019
Meeting #2	March 2019
Meeting #3	May 2019
Meeting #4	June 2019
Task 3: Existing Conditions Analysis	January 2019 – March 2019
Task 4: Public Involvement	Ongoing, beginning in February 2019
Task 5: Draft Plan	March 2019 – June 2019
Task 6: Client Review (Town + NCDOT)	June 2019 – August 2019
Task 7: Final Plan, Presentations, and Steering Committee Dissolution	September 2019

Bike Plan Update –Proposed Steering Committee Members

- At Large Carrboro Resident
- Rogers Road Community
- El Centro Hispano
- Carrboro Burmese Community
- Chapel Hill-Carrboro NAACP
- Carrboro Bicycle Coalition
- Carrboro Business Community
- Local Bike Shops
- Carrboro Planning Board
- Chapel Hill-Carrboro City Schools
- Carrboro Rec and Parks Department
- Carrboro Police Department
- Carrboro Board of Aldermen Liaison
- Orange County*
- Durham-Chapel Hill-Carrboro MPO*
- NCDOT Division 7*
- NCDOT Division of Bicycle and Pedestrian Transportation*
- Town of Chapel Hill*
- Carrboro Public Works Department*
- Carrboro Transportation Advisory Board*
- Carrboro Greenways Commission*

*Indicates Technical Committee