



Town of Carrboro

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

Meeting Minutes

Board of Aldermen

Tuesday, June 24, 2014

7:30 PM

Board Chambers - Room 110

Present: Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Michelle Johnson, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Bethany Chaney and Alderman Sammy Slade

Also Present: David Andrews, Town Manager, Cathy Wilson, Town Clerk, Bob Hornik, Town Attorney

FLOODING CONCERNS FOR 1020 WEST MAIN STREET

Luke Mongoven, of 1020 W. Main Street, stated that there is a flooding problem at his residence and asked for the Town to look into the problem.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SLADE FOR STAFF TO REPORT BACK IN THE FALL. VOTE: AFFIRMATIVE ALL

RESOLUTION AGAINST TRADE AGREEMENTS THAT UNDERMINE THE ABILITY OF GOVERNMENTS TO ENACT AND ENFORCE LAWS TO PROTECT HUMAN RIGHTS, LABOR AND THE ENVIRONMENT

Renee Moss, Food and Water Watch, presented a resolution for the Board's consideration.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN GIST TO APPROVE THE RESOLUTION BELOW:

RESOLUTION AGAINST TRADE AGREEMENTS THAT UNDERMINE THE ABILITY OF
GOVERNMENTS TO ENACT AND
ENFORCE LAWS TO PROTECT HUMAN RIGHTS, LABOR AND THE ENVIRONMENT

WHEREAS the Town of Carrboro benefits from the general health of the state economy and jobs being available in North Carolina

WHEREAS According to the Economic Policy Institute, 18,900 jobs have been lost or displaced in North Carolina (1994-2013) due to the rise in the trade deficit with Mexico since NAFTA was enacted

WHEREAS LED lights, photovoltaic cells, and other high-tech manufacturing goods are some of North Carolina's most important exports and exports of these products from the U.S. to South Korea plunged 41% in the first year of the Korea free trade agreement

WHEREAS the Town of Carrboro benefits from having the opportunity to have input on matters that ultimately have a local impact.

WHEREAS, current trade negotiations lack transparency and little effort has been made to consult with states on the effects of these agreements on state and local laws;

WHEREAS the Town of Carrboro benefits from a democratic system of laws that is responsive to local needs and impacts.

WHEREAS, trade rules can limit domestic authority to regulate to ensure a level playing field for workers and businesses or to include meaningful human rights, labor and environmental standards;

WHEREAS, investor-state disputes in trade agreements are being used to challenge domestic legal processes, including processes and decisions of national courts;

WHEREAS, investor-state dispute arbitration clauses allow foreign investors the right to sue Governments directly in offshore private investment tribunals, bypassing the state courts;

WHEREAS, investor-state dispute arbitration provisions are in current known drafts of the Trans-Pacific Partnership (TPP) agreement;

WHEREAS, increasingly, decisions issued under this system result in foreign investors being granted greater rights than are provided to people, domestic firms, and investors under the constitutions, laws and court systems of host countries;

WHEREAS, granting Fast-Track Trade Promotion Authority will cede Congressional oversight of the details of trade agreements;

WHEREAS, the Town of Carrboro is active in cultivating a locally owned economy

WHEREAS these free trade agreements are antithetical to efforts that seek to strengthen locally owned economies

WHEREAS Representative David Price voted for NAFTA and other 'Free Trade' agreements including Panama, Korea, Colombia, Chile, Signapore

WHEREAS Senator Richard Burr voted for Panama, Korea, Colombia, Chile, and Signapore 'Free Trade' agreements

BE IT RESOLVED, the Town of Carrboro thanks Senator Kay Hagan for voting against free trade agreements that hurt the Town of Carrboro

BE IT FURTHER RESOLVED, the Town of Carrboro asks Representative David Price, Senators Kay Hagan and Senator Richard Burr Congress to reject Fast-Track Trade Promotion Authority;

BE IT FURTHER RESOLVED, that the Town of Carrboro asks Representative David Price, Senators Kay Hagan and Senator Richard Burr to reject any trade agreements that include investor-state dispute arbitration and which undermine the ability of governments to enact laws to protect human rights, labor and environmental standards. The Town Clerk shall forward this resolution to the delegation.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

RESOLUTION SUPPORTING STATEWIDE AND NATIONAL BAN ON ON-THERAPEUTIC USES OF ANTIBIOTICS IN LIVESTOCK PRODUCTION

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN SEILS, TO APPROVE THE RESOLUTION BELOW:

Resolution Supporting a Statewide and National Ban on Non-therapeutic uses of Antibiotics in Livestock Production

WHEREAS, eighty percent of the antibiotics sold in the United States are used in livestock production, and the Centers for Disease Control and Prevention has reported that most of those antibiotics are used irresponsibly; and

WHEREAS, low doses of antibiotics are routinely fed to livestock for growth promotion and disease prevention to compensate for crowded, unsanitary conditions, in a practice known as “nontherapeutic use”; and

WHEREAS, “nontherapeutic use” creates ideal conditions for the development of antibiotic resistant bacteria; and

WHEREAS, antibiotic resistant bacteria on livestock operations are known to spread to retail meat, farmers and farmworkers, and rural environments; and

WHEREAS, antibiotic resistance in pathogens due to nontherapeutic use of antibiotics in livestock production has been a public health concern since the 1960s; and

WHEREAS, antibiotic resistant bacteria have been the cause of several foodborne illness outbreaks, including a 2011 outbreak of antibiotic resistant Salmonella in ground turkey that sickened 136 people, hospitalized 37, and killed one and lead to the third largest meat recall in the USDA’s records and a 2013 outbreak of antibiotic resistant Salmonella in chicken that sickened 416 people and hospitalized 162;

WHEREAS, the Centers for Disease Control and Prevention reported that at least two million Americans suffer from antibiotic resistant bacterial infections each year and twenty-three thousand

Americans die from those infections; and

WHEREAS, the medical and social costs of antibiotic-resistance infections in just one hospital for one year have been estimated to be between \$13 million and \$18 million; and

WHEREAS, the federal government has limited nontherapeutic uses of two classes of antibiotics, but otherwise largely relied on voluntary guidance to attempt to reduce overuse of antibiotics in livestock production, despite regular acknowledgements that nontherapeutic use and the development of antibiotic resistant bacteria poses a significant public health threat; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Carrboro supports a statewide and national ban on non-therapeutic uses of antibiotics in livestock production; and

BE IT FURTHER RESOLVED, that the Town of Carrboro supports the Protection of Antibiotics for Medical Treatment Act (PAMTA)/Prevention of Antibiotic Resistance Act (PARA).

BE IT FURTHER RESOLVED that the Town of Carrboro will send a letter to our State representatives, Congressional Representative and U.S. Senators calling for a ban on the non-therapeutic use of antibiotics in livestock agriculture and for them to co-sponsor the PAMTA/PARA.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

A RESOLUTION CALLING FOR STRENGTHENING OF NORTH CAROLINA SENATE BILL 729 (COAL ASH MANAGEMENT ACT OF 2014) AND FOR DUKE ENERGY TO TAKE FULL FINANCIAL RESPONSIBILITY FOR COAL ASH CLEANUP

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN SEILS, TO ADOPT THE RESOLUTION BELOW:

A RESOLUTION CALLING FOR STRENGTHENING OF NORTH CAROLINA SENATE BILL 729 (COAL ASH MANAGEMENT ACT OF 2014) AND FOR DUKE ENERGY TO TAKE FULL FINANCIAL RESPONSIBILITY FOR COAL ASH CLEANUP

Whereas, coal-burning power plants in North Carolina annually produce over 5.5 million tons of coal ash, a by-product of burning coal that contains toxic metals including mercury, arsenic, selenium, and lead that can cause cancer and serious damage to the nervous system in humans; and

Whereas, thirty years ago, engineers working for Duke Energy warned of the weakness of underground storm water piping systems at the Dan River power plant, foretelling of a massive coal ash spill; and

Whereas, in February 2014, 39,000 tons of coal ash and 35 million gallons of wastewater containing toxic heavy metals from Duke Energy's Dan River power plant flooded, settled, and continue to contaminate Dan River water and wildlife and threaten public health, and an unknown amount of untreated coal ash wastewater containing high levels of arsenic discharged from a second ruptured pipe

into the Dan River; and

Whereas, twenty-nine of North Carolina's thirty-seven coal ash ponds have been rated "high hazard" by the Environmental Protection Agency, meaning that pond failure will likely cause loss of human life in addition to economic loss, environmental damage and damage to infrastructure; and

WHEREAS, none of North Carolina's thirty-seven coal ash ponds have a composite liner; and

WHEREAS, the North Carolina Department of Environment and Natural Resources has stated under oath, in filings with the court, that all of Duke Energy's coal ash ponds in North Carolina are violating the Clean Water Act by discharging pollutants to rivers, lakes, and/or groundwater drinking supplies, and that pollution from the coal ash ponds is a serious threat to public health, safety, and to water resources; and

Whereas, the current version of North Carolina Senate Bill 729, the "Coal Ash Management Act of 2014," requires that only four of Duke Energy's fourteen coal ash sites must be excavated and moved into lined landfills or put to beneficial use away from our waterways, although the remaining ten sites also pose great risk to our waterways and communities; and

Whereas, the dumping and cleanup of Duke Energy's coal ash sites sharply demonstrates the need for increased environmental oversight rather than less, and Duke Energy's limited approach to the cleanup violates the public trust that corporations will "do the right thing"; and

WHEREAS, Duke officials have said the costs could be \$10 billion if the company is required to dig up the ash in several dozen lagoons and transfer the waste to lined landfills. A reclamation project of that magnitude could cost electricity customers in North Carolina more than \$20 a month.

WHEREAS, state law allows a regulated monopoly utility to recoup its operating costs from customers as long as they are reasonable and prudent.

WHEREAS, the expensive remediation cleanup cost of Duke Energy's coal ash sites is a consequence of negligence by Duke and therefore cannot be considered a reasonable or prudent operating cost.

WHEREAS, NC Attorney General Roy Cooper has said Duke Energy should absorb the costs of environmental compliance arising from the storage of coal ash.

NOW THEREFORE, BE IT RESOLVED:

Section 1. The Board of Aldermen of the Town of Carrboro believes that Duke Energy should bear sole financial responsibility for the coal ash cleanup and post-removal storage of coal ash from all current Duke Energy coal ash sites and further believes that it is not the responsibility of ratepayers to pay for Duke Energy's coal ash cleanup; and

Section 2. The Board of Aldermen calls for the following improvements in North Carolina Senate Bill 729, as the current bill does not demand full and comprehensive cleanup and post-removal storage of coal ash from Duke Energy sites:

(a) Include all fourteen Duke Energy coal ash sites on the list of sites that must be excavated and moved into lined landfills or put to beneficial use away from waterways.

- (b) Require all converted landfills to include liner systems; and require safety measures for all structural fill projects, as projects of all sizes pose a serious risk of future groundwater contamination.
- (c) Rely on existing protections in the Clean Water Act, and remove the provision that would allow Duke Energy to apply for a permit to cover an illegal discharge.
- (d) Disallow the use of coal ash in mining operations.
- (E) Require that the coal ash site cleanup costs be covered by the company without passing on the cost to ratepayers.

Section 3. The clerk is directed to send copies of this resolution to the members of the Town’s legislative delegation.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O’Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

PROCLAMATION – PARKS AND RECREATION MONTH IN CARRBORO

Mayor Lavelle proclaimed July as Parks and Recreation Month in Carrboro.

A RESOLUTION IN APPRECIATION FOR TRANSPORTATION PLANNER JEFF BRUBAKER

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN SLADE TO APPROVE THE RESOLUTION BELOW:

The Mayor read the following resolution and presented it to Jeff Brubaker:

**A PROCLAMATION OF APPRECIATION
FOR JEFF BRUBAKER**

WHEREAS, Jeff Brubaker, who received his undergraduate degree at the University of St. Thomas in St. Paul, Minnesota, and his Master of City and Regional Planning from the University of North Carolina at Chapel Hill, started working for the Town of Carrboro on September 3, 2009 in the position of Transportation Planner; and

WHEREAS, in his position with the town, Jeff has been able to have a direct hand in keeping Carrboro the walkable, bikeable, transit-friendly place that it is; and

WHEREAS, as part of his duties, Jeff has attended meetings of several groups on a regular basis as a town liaison, including the Transportation Advisory Board, the Greenways Commission, the MPO-TCC, the MPO-TAC and the Public Transit Committee (made up of the partners to the Chapel Hill Transit

system); and

WHEREAS, as a bicycle enthusiast, Jeff has also worked closely with the Carrboro Bicycle Coalition on many fronts, including helping to host the North Carolina Bicycle Summit in the fall of 2013; and Jeff has embraced the goals of the Comprehensive Bicycle Plan which was adopted by the Board unanimously on March 24, 2009, working hard to find ways for the Town to implement the plan as a silver-level bicycle community now seeking the gold; and

WHEREAS, during Jeff’s time with the Town of Carrboro, he has also worked on several other initiatives, including the construction plans for the Bolin Creek and Morgan Creek greenways; bike lane, sidewalk and parking studies; the town’s Safe Routes to Schools Plan and implementation (including Bike to Work and School Days and Months); development of the Physical Activity Action Plan; the West Main Street Road Diet; Open Streets events, traffic safety in the Jones Ferry corridor; the Wilson Park Multi-Use Path; and sharrows, bike corrals, and various traffic counts; and

WHEREAS, during this time, Jeff had an article on the future of intermodal transportation centers, including Durham's Transit Station, published in Planning magazine in 2010; and

WHEREAS, Jeff will be recognized as a WCHL Hometown Hero of the Day on Wednesday, June 25, 2014 for his fine work as Transportation Planner; and

WHEREAS, one of Jeff’s great traits, besides his easy-going and unflappable positive manner, is his ability to distill the verbiage and nuances of transportation jargon in a way that is easily understood to the average citizen and elected official; and

WHEREAS, Jeff “walks the walk” of alternative transportation by not only biking to work and about town on one of his several bikes, and using a zip car when necessary (Jeff doesn’t own a car), but also when he travels, offsetting his own carbon footprint by the use of train, bus, bike and other means;

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen publicly thanks Jeff Brubaker for his outstanding service to the Town of Carrboro as Transportation Planner, and wishes him well in his next journey as he moves to California, the Golden State, to continue his transportation work as a staff member of the San Luis Obispo, California MPO.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O’Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

CANCELTION OF THE AUGUST 26, 2014 MEETING

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY. TO CANCEL THE AUGUST 26, 2014 MEETING. VOTE: AFFIRMATIVE ALL

APPROVAL OF PREVIOUS MEETING MINUTES

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN JOHNSON, TO APPROVE THE MEETING MINUTES OF JUNE 10 AND 17, 2014. VOTE: AFFIRMATIVE ALL

AWARD OF CONSTRUCTION CONTRACT FOR 2013/14 STREET RESURFACING PROJECT

The purpose of this agenda item was to award a construction contract for the 2013/14 Street Resurfacing Project.

Alderman Slade asked for the Board to consider allowing on-street parking where possible.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SLADE TO APPROVE THE RESOLUTION BELOW:

A RESOLUTION AWARDED A CONTRACT FOR THE 2013/14 STREET RESURFACING PROJECT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The contract for the 2013/14 Street Resurfacing project is awarded to Turner Asphalt in the amount of \$409,570.40.

Section 2. Town Manager is authorized to increase quantities in order to maximize the amount of resurfacing with the funding available, but not exceed 25% of the original contract.

Section 3. The Town Manager is authorized to transfer \$437,704 from the Capital Reserve Fund to the General Fund for the 2013/14 Street Resurfacing Project.

Section 4. Staff shall report back by the end of 2014 with a breakdown on roads that were gravel at time of moratorium, the cost of paving those roads, the cost of paving those roads with curb and gutter, the cost of adding sidewalks, and the cost of maintaining those roads over 15 years, including cost of living adjustments.

Section 5. The resolution shall become effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

REQUEST FOR APPROVAL OF A SUPPLEMENTAL AGREEMENT AND AMEND THE CAPITAL PROJECT ORDINANCE FOR THE ROGERS ROAD SIDEWALK PROJECT

The purpose of this item was to request that the Board of Aldermen approve various items regarding the Rogers Road Sidewalk Project.

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

ROGERS ROAD SIDEWALK CAPITAL IMPROVEMENT PROJECT ORDINANCE AND
AUTHORIZATION FOR TOWN MANAGER TO EXECUTE MUNICIPAL AGREEMENT WITH
NCDOT, FY 2013-14

WHEREAS, the Town of Carrboro, adopted project ordinance 13/2010-11 on January 18, 2011 for the design and construction of a sidewalk on the west side of Rogers Road from Homestead Road to Meadow Run Court; and,

WHEREAS, the Board of Aldermen on April 17, 2012 appropriated \$515,217 in bond funds for the construction of a sidewalk on Rogers Road; and,

WHEREAS, it is now necessary to amend the project budget due to increased costs and the availability of additional funds from the North Carolina Department of Transportation;

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

1. The Rogers Road Sidewalk Capital Improvement Project is hereby authorized to be undertaken until all project activity is completed.
2. The Town Manager is authorized to execute a Municipal Agreement with the NCDOT and other documents that are required or appropriate in order for the Town to receive the funding to undertake this project.
3. The following revenues are anticipated to be available to the Town of Carrboro to complete this project:

Federal STP-DA Funds	\$ 542,600.00
Carrboro Capital Reserve Funds	\$ 143,823.00
Carrboro Bond Funds	\$ 685,235.00
	\$ 1,371,658.00

4. The following amount is appropriated for this project to be expended in the following manner:

Engineering/Design	\$ 102,278.00
Construction	\$ 1,152,380.00
Contingency/ROW & Easements	\$ 117,000.00
	\$ 1,371,658.00

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

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

APPOINTMENT OF COMMITTEE MEMBERS FOR THE THINK LOCAL FIRST CAMPAIGN

The purpose of this item was for the Board of Aldermen to appoint a Think Local First Committee.

Alderman Chaney expressed concern with lack of minority representation and lack of owners outside of downtown and asked for staff to continue to recruit members.

A motion was made by Alderman Chaney, seconded by Alderman Seils, that the following members be appointed:

Trent Williams - Regional Technology Strategies - 205 Lloyd Street
Paul Daughtery - This n That - 118 Main Street
Sandra Siano - LaBoutique - Carr Mill Mall - 200 N. Greensboro St
Clay Schossow - New Media Design - 118 Suite A Main Street
Drew Moore - Venable Bistro - 200 N. Greensboro Street
Chip Hoppin - The Merch - 101 Lloyd Street
David Fitch - Fitch Lumber - 309 N. Greensboro St
Elizabeth Pyle - Local Cookie - Carrboro, NC
Brenda Scott - Woman's Craft Gifts - 370 East Main Street
Emily Rose Bracey - Wax Poetic - 103 West Weaver Street
Peacemaker - Gates of Beauty Auto Shop - 405 East Main Street

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

A RESOLUTION TO ALLOW FOR THE EXPENDITURE OF AFFORDABLE HOUSING FUNDS

The purpose of this item was to allow the Board to consider allowing the Town Manager to draw funds from the Affordable Housing Fund to pay rental housing and/or utilities deposits.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Chaney, that this resolution be approved

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO DEVELOP AND IMPLEMENT A PROGRAM THAT RELATED TO THE EXPENDITURE OF FUNDS FROM THE AFFORDABLE HOUSING FUND AS IT PERTAINS TO THE LOSS OF SECTION 8 HOME VOUCHER ACCEPTANCE BY SOME RENTALS IN CARRBORO

WHEREAS, the Town of Carrboro has established an affordable housing fund; and

WHEREAS, several Orange County residents will be without a home because the apartment complex they currently live in will no longer be accepting section 8 vouchers; and

WHEREAS, the displaced citizens need assistance relocating; and

WHEREAS, Housing and/or utilities deposits have been identified as the best form of assistance the Town may be able to provide within the parameters of the affordable housing fund.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVE THAT:

Section 1. The Town Manager is hereby authorized to develop a loan program to expend funds from the affordable housing fund for the purpose of assisting citizens in need of assistance relocating , the funds to be used to provide rental housing and/or utilities deposits as based on the following requirements:

a. That the Town Attorney shall prepare a contract to be used for each loan authorized, which contract shall require that the loan be repaid to the Town either when the family moves from the location or when the deposit from the current residence (no longer accepting Section 8 vouchers) and/or utility was returned.

B. That the Loans are issued for assistance relocating within the Town of Carrboro.

c. That the loan applicants provide a letter stating that that their current place of residence will no longer be accepting Section 8 Housing Vouchers.

D. That the loan applicant provide a copy of the lease showing the applicant has been approved for housing in the Town of Carrboro.

E. That the loan applicant provide proof of approval for Section 8 Housing vouchers.

F. That the loan amount shall not exceed \$1,000 per household.

Section 2. This resolution is effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

AMENDMENT TO CAPITAL PROJECTS BOND FUND

The purpose of this item is to amend the Capital Projects Bond Fund to closeout completed projects and allocate unexpended budget balances to other projects and/or undesignated fund balance.

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

AMENDMENT TO CAPITAL PROJECTS BOND FUND

WHEREAS, the Town of Carrboro has issued general obligation bonds for the constructions of sidewalks and greenways; and,

WHEREAS, several projects have been completed at a cost less than the budget appropriated for the project; and,

WHEREAS, it is appropriate to amend the budget accounts and close out completed projects and allocate unexpended budget balances to other projects and/or undesignated fund balance.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT CODE			ACCOUNT NAME	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
ORG	OBJEC T	PROJ				
6299 9	490000	55021	Davie Road Bond Proceeds	\$ 578,688.00	\$ (284,673.21)	\$ 294,014.79
6299 9	540XX X	55021	Davie Road Expenses	\$ 578,688.00	\$ (284,673.21)	\$ 294,014.79
6299 9	490000	55030	Elm Street Bond Proceeds	\$ 382,200.00	\$ (11,670.49)	\$ 370,529.51
6299 9	540XX X	55030	Elm Street Expenses	\$ 382,200.00	\$ (11,670.49)	\$ 370,529.51
6299 9	490000	55023	Pine Street Bond Proceeds	\$ 362,000.00	\$ (75,174.19)	\$ 286,825.81
6299 9	540XX X	55023	Pine Street Expenses	\$ 362,000.00	\$ (75,174.19)	\$ 286,825.81
6299 9	490000	55019	Shelton Street Bond Proceeds	\$ 212,000.00	\$ (212,000.00)	\$ -
6299 9	540XX X	55019	Shelton Street Expenses	\$ 212,000.00	\$ (212,000.00)	\$ -
6299 9	490000	55032	Rogers Road Sidewalk	\$ 515,217.00	\$ 170,018.00	\$ 685,235.00
6299 9	540010	55032	Rogers Road Sidewalk	\$ 962,392.00	\$ 170,018.00	\$ 1,132,410.00

62	329901		Fund Balance Undesignated	\$	-	\$	413,500.00	\$	413,500.00
----	--------	--	------------------------------	----	---	----	------------	----	------------

REASON: To close out completed bond funded projects.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

UPDATE OF DOWNTOWN EMPLOYEE PARKING ISSUES AND INTERIM SOLUTIONS

The purpose of this item was to update the Board on staff's findings regarding interim solutions for employee parking in the downtown.

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS FOR STAFF TO CEASE EXPLORATION OF THE REMOVAL OF A BIKE LANE ON FIDELITY STREET. VOTE: AFFIRMATIVE ALL

Gist suggested that all Town employees park in the Town Hall lot.

Alderman Slade asked staff to consider streets that do not have bike lanes for on-street parking.

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

A RESOLUTION ACCEPTING THE REPORT ON DOWNTOWN PARKING OPTIONS FOR TEMPORARY INTERIM PARKING

WHEREAS, the Carrboro Board of Aldermen has received a staff report regarding various parking options for temporary interim parking in Downtown Carrboro.

NOW THEREFORE, THE CARRBORO MAYOR AND BOARD OF ALDERMEN RESOLVES THAT TOWN STAFF IS DIRECTED TO CONTINUE TO STUDY OPTIONS AND RETURN TO THE BOARD AFTER THE 2014 SUMMER BREAK.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

A REQUEST TO MAKE AN APPOINTMENT TO THE GREENWAYS COMMISSION

The purpose of this item was to make an appointment to the Greenways Commission.

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

A RESOLUTION MAKING AN APPOINTMENT TO THE GREENWAYS COMMISSION

WHEREAS, Mary Parker Sonis is a current Greenways Commission member and her term is set to expire on July 1, 2014; and,

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

Section 1: Mary Parker Sonis is hereby appointed to the Greenways Commission for a term to expire on July 1, 2017.

Section 2: This resolution is effective immediately upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

CUP MINOR MODIFICATION, LAKE HOGAN FARM SUBDIVISION; CONVERSION OF RESERVED LOT TO ALLOW RESIDENTIAL USE.

Yogi Patel, as represented by Pabst and Hillburn, PA, submitted an application for permission to use the vacant parcel identified as 303 Hogan Hills Road (PIN 9860822266) within the Lake Hogan Farms subdivision to build a single family residential home. A permit modification was required because this lot is part of the Lake Hogan Farms (LHF) subdivision and, in the original permit, was originally reserved for a possible public fire station.

Jeff Kleaveland, the Town's Zoning Development Specialist, was sworn in and made the staff presentation.

Bill Sterling, 111 Lategane Lane, spoke in favor of an 8 foot vegetative buffer, per the HOA recommendations, and asked that that the lot be subdivided and a portion of it be left for open space for Lake Hogan Farms.

Patti Hillbern, the Civil Engineer, spoke to the Board about the proposed project.

Mrs. Sterling stated that the removal of the trees will create a line of site issue to Lake Hogan Farms.

A motion was made by Alderman Gist, seconded by Alderman Slade, that this resolution be approved with the addition of condition #3 regarding the privacy fence:

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE LAKE HOGAN FARMS SUBDIVISION TO ALLOW THE PROPERTY AT 303 HOGAN HILLS ROAD (PIN 9860822266) TO BE ALLOWED TO BE USED FOR RESIDENTIAL PURPOSES PER THE PLANS PRESENTED TO THE BOARD ON JUNE 24, 2014.

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the the Lake Hogan Farms Subdivision on September 27, 1994; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the minor modification to the Lake Hogan Farm Subdivision, allowing the property located at 303 Hogan Hills Road (PIN 9860822266) to be used for residential purposes per the plans presented to the Board subject to the following conditions:

1. That the applicant shall provide to the Zoning Division, prior to issuance of a certificate of occupancy for the project or before the release of a bond, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
2. Per Section 15-263.1, that the applicant shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for the stormwater BMP, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
3. That, prior to issuance of a Certificate of Occupancy, the applicant will build a 6-foot privacy fence along the southern property line adjacent to 111 Lategan Lane (PIN 9860823029)). The fence will be limited to be limited in length to the clearing limits as shown on the plans presented to the Board.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

CLUB NOVA MAJOR MODIFICATION, 103 W. MAIN STREET

Club Nova Community Inc. submitted an application for a Major Modification of their Conditional Use Permit to authorize construction of a 1629 sf building with associated site work. The proposed use of this building will be primarily office (use category 3.000).

Jeff Kleaveland, the Town's Zoning Development Specialist, was sworn in and provided the staff report.

Alderman Gist expressed concern with allowing a sitting wall. She also asked that the Board not require additional bike racks.

Jack Haggerty, the architect representing the applicant, addressed the Board regarding the project.

Alderman Seils asked that the planters in front of the building not be designed to be purposely uncomfortable if sat upon.

Alderman Slade asked that the residents and building committee consider adding trees in the courtyard.

Alderman Haven-O'Donnell asked that solar arrays be considered on the existing annex building.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

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

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST THAT THE APPLICATION IS GRANTED. VOTE AFFIRMATIVE ALL

PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO LAND USES ASSOCIATED WITH DRIVE-IN AND DRIVE-THROUGH WINDOWS

The purpose of this item was for the Board of Aldermen to consider potential text amendments to the Land Use Ordinance affecting land uses with drive-in and drive-through windows.

Tina Moon, the Town's Planning Administrator, made the staff presentation.

Jack Smyre, the lead planning consultant for the Lloyd Farm Project, spoke against the proposed amendment.

Linda Lloyd, owner of Lloyd Family Development, spoke against the proposed amendment.

Kristen Smith, representing the Chapel Hill-Carrboro Chamber, spoke against the proposed amendment.

Richard Ellington, a resident, spoke against the proposed amendment.

Celia Pierce, a resident, spoke against the proposed amendment.

Barb Stenross, a resident, spoke in favor of the proposed amendment and noted that she also favors drive-through uses associated with pharmacies.

Catherine Adamson, speaking as a citizen, asked that the proposed amendment, if approved, be standard across all jurisdictions.

Jeff Rubish, a resident, spoke against the proposed amendment.

Alderman Seils proposed prohibiting drive-throughs in the downtown by removing them from the M-1 and M-2.

Alderman Haven-O'Donnell asked for staff to look into banning vehicle engine idling similar to the law in New York City. Aldermen Gist and Haven-O'Donnell will work over the summer to develop a facilitated conversation about access to business and commercial services in Carrboro.

Alderman Slade suggested that the Chamber and existing pharmacies work together to address any current drive-through access issues.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO APPROVE THE RESOLUTION BELOW:

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

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT DRIVE-IN AND DRIVE-THROUGH BANKS, RESTAURANTS, AND OTHER ENTERPRISES EXCEPT DRIVE-THROUGH PHARMACIES.

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

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies and provided a modification of the proposed amendment as shown below.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because the Board provided changes to the proposed amendment that are consistent with the public's interest and Town plans and policies.

Section 3. This resolution becomes effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN JOHNSON TO APPROVE THE ORDINANCE BELOW:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT DRIVE-IN AND DRIVE-THROUGH BANKS, RESTAURANTS, AND OTHER ENTERPRISES EXCEPT DRIVE-THROUGH PHARMACIES
Ordinance No. 33/2013-14

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. The Table of Permissible Uses of the Carrboro Land Use Ordinance is amended by removing all the letters S, C, Z and from the M-1 and M-2 district columns opposite the following use classifications to indicate that such uses are not permissible within the Town's planning jurisdiction.

2.140 Sales and rentals of goods, merchandise, and equipment, no storage or display of goods outside fully enclosed building, drive in window

2.240 Sales and rentals of goods, merchandise, and equipment, display of goods outside fully enclosed building allowed, drive in window

2.340 Sales and rentals of goods, merchandise, and equipment, storage of goods outside fully enclosed building allowed, drive in window

3.230 Banks with drive-in windows

6.260 Drive-In Movie Theaters

8.300 Drive-in restaurants (service to and consumption in vehicle on premises)

8.400 Drive-through restaurants (service directly to vehicles primarily for off- premises consumption)

16.100 Dry Cleaners with Drive-In Windows

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

Section 3. This ordinance shall become effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO AFFORDABLE HOUSING AND PAYMENTS IN-LIEU

The purpose of this agenda item was for the Board of Aldermen to consider amending the Land Use Ordinance to allow certain density bonus designated affordable units to convert to market units per specific requirements.

Tina Moon, the Town's Planning Administrator, made the staff presentation.

No public comment was provided.

A motion was made by Alderman Gist, seconded by Alderman Haven-O'Donnell, that this resolution be approved:

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

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR THE REMOVAL OF THE RESTRICTIONS ON AFFORDABLE HOUSING UNITS UNDER SPECIFIED CONDITIONS.

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

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to provide housing for a diverse population, particularly the following sections:

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

6.12 The variety of strategies to be considered should include the investigation of alternative public and private funding for construction and renovation of low and moderate income housing. A low interest load pool for individuals and nonprofits that wish to buy and rehabilitate housing is desired.

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Corporation, Empowerment Inc., and Habitat for Humanity.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE ORDINANCE BELOW:

**AN ORDINANCE AMENDING THE CARRBORO LAND USE
ORDINANCE TO PROVIDE FOR THE REMOVAL OF THE RESTRICTIONS ON
AFFORDABLE HOUSING UNITS UNDER SPECIFIED CONDITIONS**

Ordinance No. 34/2013-14

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-182.4 of the Carrboro Land Use Ordinance is amended by the adding the following new subsection (j):

(j) Notwithstanding the foregoing, with respect to a development that (i) was approved prior to the amendments to this section adopted on June 26, 2007, and (ii) constructed dwelling units that satisfied the affordability criteria by recording covenants and including restrictions in the deeds that conveyed title to the affordable units limiting the sale or resale price of such units in accordance with a formula set forth in this section, and (iii) took advantage of the density bonus provisions of this section and constructed additional market rate units as authorized by this section:

(1) The Board of Aldermen may amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall no longer be binding, (thereby allowing the units to be sold at market value) subject to and in accordance with the following provisions:

a. At the closing on the sale of such units, all fees and charges typically paid by the seller of other market rate units (such as loans secured by property, real estate commissions, prorated property taxes, excise taxes, etc.) shall be paid by the seller of a unit previously designated as affordable. The balance of the proceeds of the sale to which the seller is entitled shall be referred to in this section as the "net proceeds of the sale."

b. To the extent that the price paid by the buyer of the unit exceeds the price paid by the seller when the seller purchased the unit, the difference between the

two figures shall be referred to in this section as the “equity appreciation amount.” To the extent that the net proceeds of the sale are sufficient, the seller shall be allowed to keep the first five thousand dollars (\$5,000.00) of equity appreciation, plus an amount of the equity appreciation equal to the amount paid by the seller for additions to the home or significant upgrades to the home (routine maintenance, repairs, or replacements excluded).

c. If the net proceeds of the sale exceed the amount the seller is permitted to retain under the foregoing paragraph, the remainder of the net proceeds shall be split evenly between the Town and the seller.

(2) The Board of Aldermen may also amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall expire automatically on the twentieth anniversary of the recording date of the deed conveying the affordable unit to the party owning that unit on the effective date of this subsection. Thereafter, no restrictions on the sales price of such unit or the disposition of sales proceeds shall apply to such unit.

(3) A development wherein affordable units are converted to market rate units under this subsection shall not be regarded as nonconforming with respect to density.

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

Section 3. This ordinance shall become effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O’Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO THE TREE PROTECTION AND REPLANTING STANDARDS

The purpose of this item was for the Board of Aldermen to consider potential text amendments to the Land Use Ordinance to update the tree protection and replanting standards to reflect current urban forestry standards including the use of canopy cover for compliance with shade requirements.

Randy Dodd, the Town's Environmental Planner, made the staff presentation.

No public comment was provided.

MOTION WAS MADE BY ALDERMAN HAVEN-O’DONNELL, SECONDED BY ALDERMAN SEILS, TO ADOPT THE CONSISTENCY RESOLUTION AND THE ORDINANCE AMENDMENT, AS SHOWN BELOW, AND FOR STAFF TO BRING BACK AN AMENDMENT WITH THE INCLUSION OF HABITAT AND TREE STAND DEFINITIONS:

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

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS REGULATING THE RETENTION AND PLANTING OF TREES.

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

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to preserve and protect trees and encourage replanting as described in the following sections:

2.21 The Town should continue to require the preservation and maintenance of open space when land is developed, to enforce restraints on clear-cutting, and to require adequate buffers.

2.23 The town encourages the planting of native plant species, as well as non-native species that are not invasive. Removal of invasive species is encouraged. The town supports education on this topic and encourages the public to become aware of the list of invasive plant species found in Appendix E-17 of the Town of Carrboro Land Use Ordinance.

2.43 Carrboro should plan and encourage the growth of tree canopies over roads to mitigate the heat and smog effect caused by superheated pavement. Carrboro should strongly encourage the electric utilities to put their lines underground to allow for full canopy coverage.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

***AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS
REGULATING THE RETENTION AND PLANTING OF TREES
ORDINANCE NO. 35/2013-14***

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Part II of Article XIX of the Carrboro Land Uses Ordinance is rewritten to read as follows:

Text (Underscore/strikethrough)

PART II. SHADING AND TREE PROTECTION

Section 15-314 Board Findings and Declaration of Policy on Protecting Trees and Other Plants.

(a)The Board finds that:

- (1) Trees, shrubs, and other plants are proven producers of oxygen, a necessary element for human survival; and
- (2) Trees, shrubs, and other plants appreciably reduce carbon emissions by shading buildings and thereby lowering energy use to cool buildings ; and
- (3) Trees, shrubs, and other plants improve air quality by lowering air temperatures and removing air pollutants; and
- (4) Trees, shrubs, and other plants transpire considerable amounts of water each day and thereby maintain the natural hydrologic cycle; and
- (5) Trees, shrubs, and other plants through their canopies and root systems intercept precipitation and encourage rain to infiltrate into the soil and maintain soil water for plants and recharge ground water and play an important and effective part in soil conservation, erosion control, creek protection, and flood control; and
- (6) Trees, especially large, old trees, provide invaluable beneficial physical, aesthetic, historic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air, and land, and built environment, reducing noise levels and glare, shielding people from high winds, and breaking the monotony of human developments on the land, particularly for parking areas and streets; and
- (7) Trees, shrubs, and other plants help improve soil quality by breaking up heavy soils, mining nutrients, and remediating soils at contaminated sites by absorbing, transforming, and containing a number of contaminants; and
- (8) Tree stands create habitats that support a diversity of plants and animals;
- (9) Trees, shrubs, and other plants make important contributions to the vitality and character of the Town and its neighborhoods and create a more aesthetic, pleasant, and emotionally satisfying place in which to live, work, and spend leisure time; and
- (10) Trees, shrubs, and other plants provide numerous human health benefits such as shading ultraviolet radiation, reducing rates of respiratory disease and illness, and stress management;; and
- (11) Trees, shrubs, and other plants have an important impact on the desirability of land and, consequently, on property values as well as benefitting commercial activity by creating a more enjoyable environment.

(AMENDED 03/21/89)

(b)Based upon the findings set forth in subsection (a), the Board declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within

the town's planning jurisdiction, present and future, to protect certain existing trees and tree stands and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

Section 15-315 Definitions.

Unless otherwise specifically provided, or unless clearly the context clearly indicates otherwise, the words and phrases defined below shall have the meaning indicated when used in this Part.

(1) Canopy tree. A healthy evergreen or deciduous tree species that matures at a height of at least thirty (30) feet.

(2) Dripline. Perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground. (3) Clearcutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes. (AMENDED 05/25/99) (4) A specimen or rare tree is defined as any healthy tree that:

i. has a trunk diameter at breast height (dbh) of thirty-six (36) inches or more for pine tree species; or

ii. has a trunk dbh of 18" inches or more for any species; or

iii. has a trunk dbh of 12 inches or more in the case of the species from the following list of North Carolina native canopy tree genera; or

- Aesculus* (Ohio Buckeye)
- Chamaecyparis* (Atlantic White Cedar)
- Carya* (Southern Shagbark Hickory)
- Diospyros* (Persimmon)
- Fagus* (Beech)
- Juniperus* (Eastern Red Cedar)
- Magnolia* (Magnolia)
- Pinus* (Longleaf pine)
- Quercus* (Swamp Chestnut Oak)
- Taxodium* (Bald cypress)
- Tsuga* (Hemlock)
- Ulmus* (American Elm)

iv. has a trunk dbh of six inches or more in the case of the species from the following list of North Carolina native understory tree genera: or

- Amelanchier* (Serviceberry)
- Asimina* (Pawpaw)
- Carpinus* (Hornbeam)
- Cercis* (Redbud)
- Chionanthus* (Fringetree)
- Cornus* (Dogwood)

Propose
d New
Languag

Crataegus (Hawthorn)
Halesia (Silverbell)
Hamamelis (Witch-hazel)
Ilex (Holly)
Ostrya (Hophornbeam)
Oxydendrum (Sourwood)
Sassafras (Sassafras)

v. is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or

vi. provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

vii. has been cited by the Board of Aldermen as being historically significant; or

viii. any other tree species listed in the North Carolina Natural Heritage Program as being significantly rare, of special concern, threatened, or endangered.

(5) Tree. A perennial woody plant, single or multiple trunks, with few if any branches on its lower part, which at maturity will obtain a minimum six (6) inch caliper.

(6) Tree canopy. The combined area encompassing the drip zones of all canopy trees.

(7) Tree Protection Perimeter. That area within a circle drawn with the tree's trunk as the center. Radius is dependent upon site conditions and the relative tolerance of tree species to construction damage. Standard accepted radius is 1-1.5 feet per diameter inch of tree to be retained.

Section 15-316 Required Trees Along Dedicated Streets.

Along both sides of all newly created streets with respect to which an offer of dedication is required to be made by this chapter, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and fifty feet from the center line of the street, there is for every thirty feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve inches in diameter. Trees planted to satisfy this section shall not be placed uniformly but in an irregular pattern with a minimum of one twelve inch (12") diameter tree (when fully mature) every one hundred feet (100'). When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E. (AMENDED 11/19/96)

Section 15-317 Retention and Protection of Specimen and Rare Trees.

(a) Every development shall retain all existing specimen and rare trees unless the retention of such trees would unreasonably burden the development. When a site would be so unreasonably burdened by the retention of all such trees that a choice must be made as to which trees will be retained, the following criteria shall be used by the applicant, in consultation with the land use administrator and landscape or forestry professional, to evaluate the trees for the purpose of deciding which to retain:

- (1) The rareness of the tree species, both relative to the species representation on the site and relative to the species representation within the region and the state. This shall be the most important criterion in the evaluation;
- (2) The tree's relative size and age, large old trees being considered more valuable than smaller, younger trees of the same species;
- (3) The tree's relative expected longevities, including such factors as the tree's relative health at the time of the evaluation;
- (4) The relative hardiness of the trees in question, including wind firmness, climatic requirements, susceptibility to insects and diseases;
- (5) The tree's relative aesthetic values, including flowers, fruit, form characteristics, potential for autumn coloration;
- (6) The tree's relative sizes at maturity;
- (7) The tree's relative contribution to summertime comfort through their potential to provide shading.

(b) Flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save rare and specimen trees.

(c) No excavation or other subsurface disturbance may be undertaken within the Tree Protection Perimeter around any tree to be retained in accordance with (a) above. In addition, no impervious surface (including but not limited to equipment, paving, and structures) may be located within the Tree Protection Perimeter, either during construction or after completion of the development. **(AMENDED 03/21/89)**

(d) There shall be no clearcutting in any development within the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement.

(e) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b), and, as a result, the parking requirements set forth in Article XVIII cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections (a) and (b), up to a maximum of fifteen percent of the required spaces.

Section 15-318 Shade Trees In Parking Areas.

(a) Vehicle accommodation areas containing more than four parking spaces that are required by Section 15-296 must be shaded by deciduous trees (either retained or planted by developer) that have or will have when fully mature a trunk at least twelve inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E. **(AMENDED 11/10/81)**

(b) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of fifteen feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, thirty-five percent of the vehicle accommodation area will be shaded.

(c) No paving may be placed within 15 feet (measured from the trunk) of any tree retained to comply with subsection (a), unless such tree is eighteen inches or greater in diameter or a very rare species as described in Section 15-316, in which case no paving may be placed within the Tree Protection Perimeter for such trees as described in 15-316(b). New trees planted to comply with subsection (a) shall be located so that they are surrounded by at least 200 square feet of unpaved area. **(AMENDED 5/10/83, 03/21/89)**

(d) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet six inches.

(e) The foregoing requirements shall not apply to 19.100 classification uses where such uses do not involve the construction of a permanent structure and are conducted not more than two days per week on the site of a vehicle accommodation area that is used primarily in connection with another use. Furthermore, when a 19.100 classification use meeting the foregoing requirements is installed on a lot that is nonconforming with respect to the shading requirements of this section, the lot shall not be required to comply with these shading requirements solely because of installation of such use, even though a new permit applicable to the entire lot may be required. **(AMENDED 9/2/86)**

Section 15-319. Tree Canopy Coverage Standards

(a) Minimum Canopy Coverage Standards

Subject to the remaining provisions of this section, the following minimum tree canopy coverage percentages are required within the boundaries of every lot or tract for which a zoning, special use, or conditional use permit is issued after [date] _____ exclusive of required cleared active recreation areas, water bodies, access easements, public and private right-of-way, stormwater and utility easements.

Table 1: Minimum Tree Canopy Coverage Standards

Land Use	Minimum Canopy Coverage
Residential	40%
Other than residential excluding districts (B-1(c), (B-1(g), (B-2)	30%
Other than residential in districts (B-1(c), (B-1(g), (B-2)	15%

Propose
New
Language

(1) When a tract is subdivided and pursuant to the provisions of Article XIII the developer sets aside open space areas or recreation areas that contain canopy trees (with a minimum caliper of six inches) or when a developer of a subdivision plants canopy trees to comply with the shading requirements of Article XIII, the total tree canopy area so preserved or established shall be credited against the minimum canopy coverage percentages set forth above. The remaining required tree canopy coverage area shall be allocated by the subdivider among the subdivided lots, and this allocation shall be shown on the recorded plat of such subdivision.

(b) Modifications to Canopy Coverage Standards

The permit issuing authority may approve a development application that does not fully comply with the canopy coverage standards when it finds that the application substantially complies with these standards and that such a deviation enables the development to better achieve other Town objectives, such as the promotion of solar access to encourage active and passive solar technology for water and space heating and renewable energy generation, improved stormwater management, and the preservation of established managed landscapes, or established streetscapes.

(c) Implementation of Standards

Compliance with the tree canopy standards shall be achieved as follows:

1) Protection of existing tree canopy. The extent of existing tree canopy coverage retained at the time of permit application may be documented by survey or by using current aerial photographs available on the Town's web page or similar resource. Protection of the existing tree canopy will be demonstrated by the tree protection plan required by Section 15-320;

2) Replacement of canopy. If the existing protected tree canopy is less than the minimum standard as shown in Table 1, the deficit shall be made up by the planting of additional trees as provided herein:

a. One (1) replacement tree per 500 square feet of tree canopy coverage deficit shall be planted in accordance with an approved planting plan.

b. All canopy trees planted to meet the Town's screening and parking lot shading standards can be counted when calculating replacement canopy trees provided.

c. Supplemental canopy trees planted to complete the canopy coverage requirements shall be planted no less than twenty (20) feet from any other proposed or existing canopy tree.

d. Replacement trees that are planted in an adjacent right-of-way may count toward total tree canopy.

(e) Replacement tree caliper shall be two and one-half (2.5) inches at installation. A replacement tree with a caliper of four (4) inches or greater may count for two replacement trees.

Section 15-320 Protection of Trees During Construction.

(a) The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to comply with this article are protected, during the construction process, from removal, destruction, or injury. As described in Appendix A, a tree protection plan detailing the methods for such protection shall be submitted as part of the land use permit application and construction plan package. Tree protection methods shall meet accepted industry standards in accordance with ANSI A300 and associated Best Practices. (AMENDED 3/12/85; 2/24/87; 03/21/89)

- (1) The permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the Tree Protection Perimeter of all trees to be retained on the site that are within the area to be disturbed by construction activities, and other provisions made such as are necessary and sufficient to put on notice all construction personnel that the area within the Tree Protection Perimeter of all such trees is to be retained is not be disturbed. During the construction process, the permit recipient shall ensure that all activities are kept outside the Tree Protection Perimeter of all such trees. The barrier required by this subsection shall be installed before the issuance of any grading or construction permits for such site.

- (2) The permit recipient shall ensure that all **such** trees to be retained on the site that are within the area to be disturbed by construction activities, or near roads within the development, shall be further protected from accidental equipment damage by wrapping their trunks with sections of snow fence or boards wired together from the ground to a height six (6) feet above the ground.
- (3) The permit recipient shall ensure that land disturbing activity shall not occur, and that building materials, construction trailers, vehicles, equipment or machinery, dirt, fill, and/or other debris shall not be stored within the Tree Protection Perimeter of such trees as are to be retained.
- (4) The permit recipient shall ensure that all such trees as are to be preserved shall not be used as supports for roping, cable, signs, or fencing, and that nails shall not be driven into the trunks of trees.
- (5) The permit recipient shall ensure that any damage done during construction to the limbs or trunks of such trees as are to be retained shall be properly treated so as to assure the continued health of the trees. The land use administrator shall be consulted, and may suggest that the applicant seek advice from landscape or forestry professionals as to the appropriate method for such treatment.
- (6) Prior to the commencement of any land alteration on a site for which a Tree Protection Plan has been approved, including all clearing or grading activities, the land use administrator shall certify in writing based on an inspection of the site that all tree protection measures required by the approved Tree Protection Plan have been put in place properly and accurately. The land use administrator shall provide this certification in a timely fashion on being notified by the permit recipient that the site is ready for such inspection and certification. **(AMENDED 03/21/89)**

(b)If a violation of subsection (a) occurs, and as a result **(b) rare or specimen tree(s) greater than eighteen inches in diameter** specifically shown on approved plans as being retained dies or otherwise must be removed within four years after a certificate of occupancy is granted for that portion of a development on which the tree(s) is/are or was/were located, then the permit recipient shall be required to replace such tree(s) with an equal number of trees of the same species, **if available, or of a similar species. The choice of the replacement species, where necessary, shall be made subject to approval by the Town.** Each replacement tree shall be at least of tree diameter equivalent in size to one (1) inch per every four (4) inches of tree diameter of the tree it replaces, up to maximum replacement tree diameter of five inches. In cases where the tree to be replaced had a diameter greater than twenty inches, it shall be replaced by more than one tree, such that the ratio of one inch of replacement tree diameter to four inches of original tree diameter is satisfied, and at least one of the replacement trees is of the maximum replacement tree diameter of five inches. In addition, no replacement tree may be smaller than one inch in diameter. For example, a twenty-eight inch diameter tree would be replaced by one five inch diameter tree and one two-inch diameter tree of the same species. Tree replacement shall be performed by either a landscape contractor or forester licensed to practice in the State of North Carolina, or by an arborist certified by the International Society of Arboriculture or National Arborists Association. Such replacement must take place within one year after the death or removal of the trees occur, and this obligation shall be a continuing condition of the validity of the permit. Violators of the tree protection

requirements described in subsection (a) shall be subject to the penalties and remedies for all land use ordinance and land use permit condition violations described in Section 15-114. (AMENDED 03/21/89)

Section 15-319 Performance Security May Be Required (AMENDED 03/21/89; 10/24/06)

(a)In cases when the land use administrator has reasonable cause to believe that a Tree Protection Plan has been violated, he or she may require that the developer post a security, for the five year period (four years plus one year in which replacement may occur) described in subsections (b) and (c) of section 15-318, to cover the potential replacement of all such large and rare species trees as are called out in the Tree Protection Plan as being protected. The purpose of this security is to ensure that the financial capability will exist, during the full five year period described in subsections (b) and (c) of section 15-318, to replace any large or rare species trees as are called out on a Tree Protection Plan as being protected during construction, and which have died due to construction damage caused by a violation of the Tree Protection Plan.

(b)It is the intent of this section that the removal and replacement of such trees that die due to construction damage shall be arranged by the Town only when the developer cannot be located at the time when the removal and replacement becomes necessary.

(c)The required security shall be in the form of an interest-bearing account or certificate of deposit payable to the Town, in the amount necessary for the removal of all of the large and rare species trees as are called out in the Tree Protection Plan as being preserved, their replacement as described in subsections (b) and (c) of section 15-318, and the one-time violation penalty described in section 15-114 at the time the security is required. At such time as the four year period described in subsections (b) and (c) of section 15-318 is complete, and no deaths of trees called out in the Tree Protection Plan as being preserved have occurred, the security and all interest accrued on it shall revert to the developer. In the event that some but not all of the security amount is used or needed for tree removal and replacement at the end of the four year period described in subsections (b) and (c) of section 15-318, the remaining security amount and the interest it has accrued shall revert to the developer at the end of that four year period.

Section 15-319.1 Regulation of Forestry Activities.

(a)The terms “forestry,” “forestry activity,” “forestland,” “forest management plan” and “timber harvest” shall be defined by and used in the same manner as in G.S. 160A-458.5.

(b)Notwithstanding any other provisions of this chapter, this chapter does not regulate either:

(1)Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under G.S. Chpt. 105, Art. 12; or

(2)Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with G.S. Chpt. 89B.

(c)Notwithstanding subsection (b) above, the Town may deny a zoning, special use, conditional use, or building permit for a tract of land for a period of up to three years after the completion of a timber harvest if the harvest results in the removal from that tract of all or substantially all of the trees protected by this chapter. If the removal of such trees was in willful violation of the requirements of this chapter, then such permits may be refused for a period of five years.

Section 2. Appendix A-6 (Proposed changes in existing features or new features), subsection 24 is amended as follows:

A Tree Protection Plan, will be completed and stamped by a Certified Arborist of Landscape Architect, illustrating the methods proposed to be used to protect, during construction, the trees that are required to be protected under the provisions of Chapter XIX including specifications as to how the grade, drainage, and aeration will be maintained around the trees. The location of all rare and specimen trees to be retained on the site that will not be within the area to be disturbed by construction activities near a building site, or near roads within the development shall also be shown on the plan, along with a note stating that these trees will not be within the area to be disturbed by construction activities. The Administrator may recommend that applicants consult with experts in landscape architecture or forestry about appropriate tree protection methods for the particular conditions and species in question, and request that their contractors review two videotapes on tree protection during construction developed by the International Society of Arboriculture, entitled “Effect of Building Construction on Trees in Wooded Lots” and “Avoidance of Construction Damage to Trees on Wooded Lots” that are on file in the Public Works Department.

Section 3. Subsection E-1, of Appendix E is rewritten as follows:

Text (Underscore/strikethrough)

E-1 Guide for Protecting Existing Trees

Section 15-316 provides for the retention and protection of large trees when land is developed. In order to better ensure the survival of existing trees, the developer should heed the following guidelines:

- (a) Protect trees with fencing and armoring (if needed) during the entire construction period. The fence should enclose an area 1-1.5 feet x the diameter inches of the tree to be retained. The area inside the fence should be off limits and no work should take place inside the tree preservation zone.
- (b) Avoid excavations beneath the crown of the tree as required by Section 15-316(b).
- (c) Avoid compaction of the soil around existing trees due to heavy equipment. In areas where storage or vehicular access must take place within the tree preservation area outlined above, a drivable mulch pad with ½” plywood on top may be used to protect the tree’s root system, maintaining a minimum distance of 8’ from the trunk. Mulch should be maintained at 12” depth. Preservation fencing should still be placed between the work zone and the tree’s trunk. Trunk armoring may be needed when equipment will be used in close proximity to the tree.
- (d) Keep fires or other sources of extreme heat well clear of existing trees.
- (e) Damaged roots should be cleanly cut and covered with topsoil to prevent drying. If damage to limbs or branches is anticipated in certain locations, pruning prior to beginning work may be considered. Limbs and branches broken during the construction process but still attached should be pruned to prevent further damage. An assessment should be performed and corrective pruning may be necessary after construction has been completed around the tree. Pruning / restoration work should be performed under the supervision of a Certified Arborist.

(f)As is stipulated in Section 15-316(b), no paving or other impermeable ground cover should be placed within the dripline of trees to be retained.

Section 4. Subsection E-3, of Appendix E is rewritten as follows:

Text (Underscore/strikethrough)

E-3 Formula for Calculating 35% Shading of Vehicle Accommodation Areas

Following is an elementary formula for determining the number of shade trees required in and around parking lots in order to presumptively satisfy the shading requirements of Section 15-317.

- 1. Calculate square footage of the vehicle accommodation area. Include parking spaces, driveways, loading areas, sidewalks, and other circulation areas. Do not include building area and any area which will remain completely undeveloped: _____ sq. ft.
 - 2. Multiply x .35
 - 3. Areas to be shaded: _____ sq. ft.
- *****
- Add:
- 4. Area shaded by existing trees to be retained in and around the vehicle accommodation area:* _____ sq. ft.
 - 5. Area shaded by required screening trees, if any: * _____ sq. ft.
 - 6. Area shaded by required street trees, if any: * _____ sq. ft.
 - 7. Subtotal: _____ sq. ft.
(if line #7 is greater than line #3, then the shading requirement has been met. If not, go on to line #8)
 - 8. Enter the difference between line #7 and line #3: _____ sq. ft.
 - 9. Divide line #8: ÷ 707
 - 10. Total number of shade trees required within the vehicle accommodation area: _____ trees

*Existing trees retained in compliance with Section 15-316 will be credited according to their actual crown radius. Shaded area may be calculated as follows:

$$3.14 \times (\text{crown radius})^2 = \text{shaded area}$$

Trees planted within the vehicle accommodation area are credited with shading 707 sq. ft. (Based on a crown radius of 15) New or existing trees on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area (e.g., new perimeter trees will be credited for shading 354 sq. ft.). Generally, all trees planted in compliance with the screening requirements of Article XIX, Part I and the street tree requirements of Section 15-315 will be considered perimeter trees. When smaller trees such as Dogwoods are planted, the credited shading area will be adjusted downward to 314 sq. ft. for interior trees and 157 sq. ft. for perimeter trees. (Based on a crown radius of 10 ft.)

Section 5. Subsection E-5, of Appendix E is rewritten as follows:

Text (Underscore/strikethrough)

E-5 Guide for Planting Trees

The trees recommended in Section E-10 have minimal maintenance requirements. However, all trees must receive a certain degree of care, especially during and immediately after planting. In order to protect an investment in new trees, the developer and his or her agents should follow these guidelines, in accordance with International Society of Arboriculture (ISA) Best Practices, when planting:

(a) All plant material shall conform to the current American Standards for Nursery Stock and must be free from injury, insect infestations and disease. Tree caliper at time of planting should be 2-3".

(b) The best times for planting are early spring and early fall, but may vary depending upon tree species and site conditions. These factors must be considered when selecting species and planting schedule. Trees planted in the summer run the risk of dehydration and precautions must be taken to ensure establishment.

(c) Plant all trees at least three-and-a-half feet from the end of head-in parking spaces in order to prevent damage from car overhang.

(d) Planting hole should be at least 2x the diameter of the root ball and not deeper than the distance from the bottom of the root ball to the root flare, which may be hidden beneath root ball soil. Excess soil above the root flare should be removed once the tree is in place. The tree should be planted so that its root flare just above existing grade.

(e) Especially in areas where construction activity has compacted the soil, the sides of the planting hole should be scarified or loosened with a pick ax or shovel.

(f) After the pit is dug, observe sub-surface drainage conditions. Most soils in the Carrboro area are poorly drained. Planting depth where poor drainage exists should be dependent upon the water needs of the tree species. If the species is more sensitive to poor drainage, the tree should be planted higher than existing grade, not to exceed ¼ root of the ball above grade. Back fill should then be sloped gradually from top of root ball to existing grade. Gravel placed at the bottom of the hole will not improve drainage.

(g) Backfill should include a proper mix of soil, peat moss and nutrients. All roots must be completely covered. Backfill should be thoroughly watered as it is placed around the roots.

(h) Staking the tree is not recommended unless necessary to stabilize the tree e.g., a loose root ball, unstable bare root transplant, or large evergreen w/ higher wind resistance. Staking a tree unnecessarily can reduce the development of structural roots and proper trunk taper. If tree is to be staked, it should be done so loosely and staking should be removed after the first year. Guying materials should not girdle or cut into the bark.

(i) Mulch should be spread at a depth of 2-3 inches maximum, ideally extending to the drip line. At a minimum, it should cover the entire excavation area in order to retain moisture and help to prevent weeds. Mulch should not be allowed to touch the trunk, as this will cause moisture build up, increasing the chance of trunk decay. If necessary, on sloped locations, create a raised ring on the downhill side of the slope to catch rain runoff.

(j) Trunk wrapping is not required but may be considered for certain species with thin bark in certain locations. If wrap is to be used it should be light colored, biodegradable (paper), and be wrapped from the bottom up. This will help to prevent moisture build up along the trunk.

(k) Conscientious post-planting care, especially watering, pruning and fertilizing, is a must for street and parking lot trees. Minimal pruning should be performed during the first year, if at all. Watering and fertilization rates are dependent upon site conditions.

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. This ordinance shall become effective upon adoption.

This the 24th day of June, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN GIST, SECONDED BY ALDERMAN SEILS TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL