

**AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, MARCH 8, 1994
7:30 P.M., TOWN HALL BOARD ROOM**

Approximate Time*

7:30 - 7:35 A. APPROVAL OF MINUTES OF PREVIOUS MEETING: March 1, 1994

7:35 - 7:45 B. RESOLUTIONS, PROCLAMATIONS AND CHARGES

7:45 - 7:55 C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:55 - 8:25 D. CONTINUATION OF PUBLIC HEARING

P/5

(1) **Conditional Use Permit Request/Bel Arbor Subdivision**

Philip Post and Associates, Inc. have applied for a conditional use permit that would allow for the construction of an architecturally integrated subdivision (30 single-family detached units) on 8.259 acres located on Hillsborough Road near Dillard Street. The administration recommends approval of the conditional use permit with conditions.

E. OTHER MATTERS

8:25 - 8:35 (1) **Status Report/Orange County Visitors Bureau**

P/5

The purpose of this report is to update the Board of Aldermen on the progress of the Chapel Hill/Orange County Visitors Bureau.

8:35 - 9:00 (2) **Discussion of Orange County's Proposed Civil Rights Ordinance**

P/10

The Board will discuss Orange County's proposed civil rights ordinance and decide whether to set a public hearing on the ordinance.

9:00 - 9:10 BREAK

9:10 - 9:55 (3) **Presentation of Cost Estimates for Policy Goals for 1994-95 Budget and Discussion of Final Policy Goals**

P/10

The purpose of this item is to present the administration's cost estimates for policy goals identified by the Board on February 22nd, and to have the Board establish financial and policy goals for the new year.

9:55 - 10:05 (4) Funding of Mediation Services for Gun Control Study
P/5 Committee

Alderman Bryan would like for the Board to consider funding mediation services for the Gun Control Study Committee.

10:05 - 10:10 (5) Resolution of Support For a Carrboro Library
NP

The Friends of the Carrboro Library are approaching the Orange County Commissioners for a branch library in Carrboro. Various county officials have raised the question as to the position of the Carrboro Mayor and Board of Aldermen in establishing a branch library. The purpose of this agenda item is for the Board to consider a resolution of support for a branch library in Carrboro.

10:10 - 10:20 F. MATTERS BY MANAGER

10:20 - 10:30 G. MATTERS BY TOWN ATTORNEY

10:30 - 10:40 H. MATTERS BY BOARD MEMBERS

*The times listed on the agenda are intended only as general indications. Citizens are encouraged to arrive at 7:30 p.m. as the Board of Aldermen at times considers items out of the order listed on the agenda.

**O R A N G E C O U N T Y
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: February 28, 1994

**Action Agenda
Item # _____**

SUBJECT: PROPOSED ZONING ORDINANCE TEXT AMENDMENT

ARTICLE 6.23.8 - Water Supply/Sewage Disposal Facilities

DEPARTMENT: PLANNING	PUBLIC HEARING <u> X </u> Yes <u> </u> No
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ATTACHMENT(S):

Proposed Amendment
OWASA Memorandum
OWASA Resolution

INFORMATION CONTACT: Mary Willis
Extension 2583

TELEPHONE NUMBERS:

Hillsborough - 732-8181
Durham - 688-7331
Mebane - 227-2031
Chapel Hill - 967-9251

PURPOSE: To receive citizen comment on a proposed amendment to the Zoning Ordinance to allow the use of septic easements as needed in all protected watersheds except the University Lake Watersheds.

BACKGROUND: On December 21, 1993, the Board of Commissioners adopted amendments to the Orange County Zoning Ordinance, Zoning Atlas, Subdivision Regulations and Comprehensive Plan to implement mandated watershed protection standards and to extend zoning to Little River and Cedar Grove Townships.

→ Those amendments included prohibition of off-site septic easements (except for repair area) in all protected watersheds. Prior to adoption of the amendments on December 21, the prohibition of septic easements applied only in the University Lake Watershed.

→ There was little discussion of septic easements at the Commissioner's meetings after the August public hearing, however, Zoning Ordinance amendments adopted on December 21, 1993, included the prohibition of septic easements in all watersheds.

After receiving comments from citizens after the adoption of the amendments the Chair of the Board of Commissioners requested that the Planning Staff present an amendment for public hearing in February 1994 so that this specific provision can be revisited.

Given the lack of specific discussion, and the magnitude

and complexity of the amendment package adopted on December 21, the Planning Staff is unsure as to whether the restriction on septic easements was deliberately incorporated as a part of the response to concerns with the Cane Creek watershed.

The Orange Water and Sewer Authority is opposed to the proposed amendment, as indicated in the attached memorandum and Resolution.

RECOMMENDATION: Article 20.3 of the Zoning Ordinance requires that the Zoning Officer's recommendation be presented to the Planning Board within 30 days of receipt of an application. However, Article 20.4 exempts any application for amendments to the Zoning Ordinance by either the public or the County from the provisions of Article 20.3. In either case, though, the public hearing is the time scheduled for presentation of the Zoning Officer's recommendation.

Zoning Officer Recommendation

Provided that the Planning Board and Board of Commissioners find in the affirmative, the Zoning Officer recommends approval of the proposed text amendment.

→ Administration Recommendation

The Administration recommends that the proposed amendments be referred to the Planning Board for a recommendation to be returned to the Board of Commissioners no sooner than April 4, 1994.

PROPOSED ORDINANCE AMENDMENT

ORDINANCE: ZONING ORDINANCE

REFERENCE: ARTICLE 6.23.8 Watershed Protection Overlay
Districts (Water Supply/Sewage Disposal
Facilities)

ORIGIN OF AMENDMENT: ☐ Staff ☐ Planning Board
☒ BOCC ☐ Public
☐ Other:

STAFF PRIORITY RECOMMENDATION: ☒ High ☐ Middle ☐ Low
Comment:

PUBLIC HEARING DATE: February 28, 1994

PURPOSE OF AMENDMENT: To allow the use of septic easements as
needed in all protected watersheds
except the University Lake Watersheds.

IMPACTS/ISSUES: Background

On December 21, 1993, the Board of Commissioners adopted amendments to the Orange County Zoning Ordinance, Zoning Atlas, Subdivision Regulations and Comprehensive Plan to implement mandated watershed protection standards and to extend zoning to Little River and Cedar Grove Townships.

Those amendments included prohibition of the use of off-site septic easements (except for repair area) in all protected watersheds. Prior to adoption of the amendments on December 21, the prohibition of septic easements applied only in the University Lake Watershed.

In the watershed protection amendments presented for public hearing in August, 1993, it was proposed that the University Lake restrictions pertaining to septic easements be extended to apply to all protected watersheds. There were no comments on this issue prior to or during the August public hearing. Two letters (attached) expressing opposition to the provisions, however, were received after the public hearing.

In response to those concerns, and after consultation with the Environmental Health, it was recommended that prohibition of septic

easements not be extended beyond the University Lake Watershed. There was little discussion of septic easements at the Commissioner's meetings after the public hearing, however, when the watershed protection standards were adopted on December 21, 1993, changes to the Zoning Ordinance included the prohibition of septic easements in all watersheds.

There was little specific discussion regarding the use of septic easements. There was some discussion of the use of alternative systems, particularly with regard to the Cane Creek Watershed. There was considerable discussion of similarities between the University Lake and Cane Creek Watersheds. OWASA as well as the Towns of Chapel Hill and Carrboro advocated the adoption of standards similar to those which applied in the University Lake Watershed. However, regulations related to the use of septic systems for individual systems was not specifically discussed.

Given the lack of specific discussion, and the magnitude and complexity of the amendment package adopted on December 21, the Planning Staff is unsure as to whether the restriction on septic easements was deliberately incorporated as a part of the response to concerns with the Cane Creek watershed. After receiving comments from citizens after the adoption of the amendments the Chair of the Board of Commissioners requested that the Planning Staff present an amendment for public hearing in February 1994 so that this specific provision can be revisited.

Effect of Septic Easements on Water Quality

The Orange County Division of Environmental Health has indicated that the prohibition of individual off-site septic easements would not enhance water quality, and that allowing easements could be beneficial in some cases due to greater flexibility in locating and designing septic systems. In terms of maintenance, it was indicated that it was likely that system problems or failures would be reported and corrected more quickly where there was an off-site easement because the owner of the property would not own or be responsible for the septic system.

Also, there is as greater possibility that marginal soils would be used in some cases in order to maintain a desirable subdivision design and avoid the creation of lots with a very irregular shape. The prohibition of easements would also eliminate possibilities for cluster developments in which open space could be preserved.

EXISTING ORDINANCE PROVISIONS AND PROPOSED AMENDMENT:

6.23.11 WATER SUPPLY/SEWAGE DISPOSAL FACILITIES

DISTRICT	WATER SUPPLY/SEWAGE DISPOSAL
UNIV-CA UNIV-PW CANE-PW CANE-CA U-ENO-CA	Water supply and sewage treatment systems shall be limited to individual wells and on-site septic tanks systems or individual on-site alternative disposal systems.
All Watershed Overlay Districts <u>UNIV-CA</u> <u>UNIV-PW</u>	No new treatment system will be permitted where effluent disposal occurs on a separate lot from the source of wastewater generation. Repair systems are permitted on a lot other than the lot which is the source of wastewater generation provided that the Orange County Health Department certifies that: 1. The residence or use has a failing system, AND there is not a suitable location for a repair system on the same lot as the residence or use, or 2. In the case of an unimproved lot created by recorded deed, valid probated will or plat recorded prior to 6/15/91, there is not a suitable location for a repair system on the same lot as the residence or use.
UNIV-CA	New septic tanks and their nitrification fields shall be located outside of any stream buffers, or 300 feet from a reservoir or perennial or intermittent stream as shown on the USGS Quadrangle maps, whichever is further.

DISTRICT	WATER SUPPLY/SEWAGE DISPOSAL
CANE-CA U-ENO-CA	New septic tanks and their nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 300 feet from a reservoir.
UNIV-PW CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW HAW-PW JORDAN-PW L-ENO-PW	Septic tanks and their nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps.

ORDINANCE REVIEW SUBCOMMITTEE: January 19, 1994

PLANNING BOARD REVIEW:

BOCC REVIEW:

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: March 8, 1994

SUBJECT: Continuation of a public hearing to consider a CUP that would allow a 30 unit AIS, Bel Arbor Subdivision

DEPARTMENT: Planning	PUBLIC HEARING: YES <u>x</u> NO <u> </u>
Attachment(s): PLEASE BRING ATTACHMENTS FROM PREVIOUS AGENDA PACKETS *See note below	For Information Contact: Wayne King 968-7712 Roy Williford 968-7714
The following information is provided: () Background (x) Action Requested () Analysis () Alternative () Recommendation	

ACTION REQUESTED

The Board of Aldermen at its meeting on February 8, 1994 continued the public hearing on a conditional use permit request for the Bel Arbor Subdivision until the February 22, 1994 meeting. The applicant for this conditional use permit requested that continuation of this public hearing be postponed until March 1, 1994. The administration requested that continuation of this public hearing be rescheduled for March 1, 1994. At the March 1, 1994 meeting, the Board of Aldermen continued the meeting until March 8, 1994.

*Note: Stormwater information is being prepared by the applicant's engineer and will be provided to the Board on Monday evening.

STAFF REPORT

TO: Board of Aldermen

DATE: March 1, 1994

SUBJECT: Bel Arbor - Conditional Use Permit

APPLICANT: Philip Post and Associates, Inc.
401 Providence Road
Suite 200
Chapel Hill, NC 27514 26,100

PURPOSE: To allow a continuation of a public hearing to allow an Architecturally Integrated Subdivision (30 units)

EXISTING ZONING: R-10 (Residential)

TAX MAP NUMBER: Tax Map 107.B.21A (portion), 107.B.21D, 107.B.21E.

LOCATION: 609 Hillsborough Road, North of Dillard Street.

SIZE: 8.259 acres, 359,755 Square Feet

EXISTING LAND USE: Vacant

SURROUNDING LAND USE: North R-20 and R-10 Single-family
South R-10 Single-family
East R-10 Single-family
West R-20 and R-10 Single-family

ZONING HISTORY: 1973 to present zoned R-10

PARTICULARLY RELEVANT ORDINANCE SECTIONS

<u>Section 15-187</u>	<u>Architecturally Integrated Subdivisions</u>
<u>Section 15-196</u>	<u>Active Recreational Areas and Facilities Required</u>
<u>Section 15-203(a)</u>	<u>Fees in Lieu of Active Recreational Areas and Facilities in Usable Open Space</u>
<u>Section 15-210</u>	<u>Streets and Sidewalks</u>
<u>Section 15-220</u>	<u>Public Streets and Private Roads in Subdivisions</u>
<u>Section 15-290</u>	<u>Parking</u>

BACKGROUND

Philip Post and Associates, Inc. has applied for a Conditional Use Permit that would allow for the construction of an architecturally integrated subdivision (30 single-family detached units) on 8.259 acres. The property is zoned R-10 and is located on Hillsborough Road near Dillard Street. The parcels are identified as Tax Map 107.B.21A (portion), Tax Map 107.B.21D, and Tax Map 107.B.21E. The minimum lot indicated on the plans will be 5,755 square feet and the maximum lot size indicated on the plans will be 9,700 square feet. The Board of Aldermen initially held a public hearing on February 8, 1994 concerning this project. At that meeting, the Board continued the hearing until February 22, 1994. An extension of the continuation of the public hearing was requested by the applicant and March 1, 1994 was slated as the date for resumption of the public hearing. The Board extended the hearing until March 1, 1994 at the February 22, 1994 meeting.

SPECIAL INFORMATION

Bel Arbor is planned by the developer to be a pedestrian oriented residential community of 30 single-family detached units. The subdivision will be marketed at people seeking a house on a small lot in an area that will accommodate walking traffic. The applicant wishes to lessen traffic within the subdivision by not connecting to surrounding streets and ensuring a safe place for residents to walk. The main entry will be via a one hundred foot wide section of this property that connects at 609 Hillsborough Road. This property contains many large trees through out the whole of the property and the applicant has considered these trees in the design. He wishes to create a new subdivision with the feel of an older established neighborhood. Using the provisions of the architecturally integrated subdivision section (15-187) of the Carrboro Land Use Ordinance the units will impact the entire site less than traditional large lot development. The applicant has shifted the houses forward on the lots and created a front setback of fifteen feet. A shift in the front setback will allow the developer to move the houses closer to the street and to lessen the impact to surrounding property owners. The majority of the surrounding land is subdivided into single-family subdivisions.

Streets

The property will be serviced by streets constructed to public standards that will be accepted into the Carrboro public street system. Street "A" will be constructed to a subcollector standards with a sixty foot public right of way. Street "B" will be constructed to a local street standard and will have a fifty foot public right of way. Street "C" will be constructed to public street standards. The Transportation Advisory Board made the recommendation to the Board that the applicant either construct a

second entry point or that the streets be private with the understanding that the homeowner's association will maintain the streets in perpetuity. The applicant has added a fifteen foot wide bicycle and pedestrian easement that will connect with the easement that aligns with Phipps Street between lots thirteen and fourteen. Pedestrian access will be provided via a four foot wide sidewalk around the entire site. The sidewalk will be constructed eighteen inches behind the curb on the internal portion of the streets within the subdivision. The applicant is only required by the Land Use Ordinance to supply a sidewalk on one side of each of the streets but has chosen to place a sidewalk on both sides of the streets. The Public Works Department has requested that the joint drives be placed on the lot lines and that the drives be constructed at twenty four feet wide, twelve feet on each lot from the property line. However, the Land Use Ordinance does not require the larger driveway aprons. The applicant has shown the joint driveways at fifteen feet on the plan sheets but has noted on the legend that the joint driveways will be eighteen feet wide. Street names have not been chosen as of yet, but must be chosen prior to construction plan approval.

Utilities

The applicant has had a sewer line that exists on the site TV inspected as per OWASA request and the inspection has determined that no active or existing service line connections were found in this section. The applicant wishes to abandon this section of line and relocate the line within the subdivision.

Open Space

As a general recommendation, the Town will prefer that open space not be stretched along the rear portions of lots as is done in this subdivision for new subdivisions that arise. A better use of open space is to place more square footage in a single area in one block that will accommodate the open space requirement. A portion of the open space area will be set aside as active recreational area to accommodate the recreational facilities. In staff's judgement, the applicant does not have the total number of square feet of open space that is required by the Land Use Ordinance within this proposal. (see Mike Brough's memo, attached) A deficit of 20,632 square feet exists on the submitted plans. The required total square feet for open space is 91,006 square feet. The Board may either accept the plan as proposed considering section 15-202, Flexibility in Administration Authorized of the Land Use Ordinance, the permit issuing authority may allow deviations from these standards or require that the applicant provide the required open space by elimination of two lots and thus reduce the total number of lots to twenty eight.

Recreation

In an attempt to satisfy the requirements of the Land Use Ordinance, the applicant will provide a gazebo, two bench swings, play/fitness stations, two benches, a picnic table, pedestrian path, and an arbor area. The applicant wishes to use the sidewalk area that is to be placed outside the required sidewalk area to satisfy part of the recreation point system. The Recreation Director has requested that a payment-in-lieu not be an option of this subdivision.

Setbacks

The lot setbacks have been shown by the developer on the plans as submitted and will be established by the final plat. However, the developer will have met the surrounding zoning setback requirements on the external property line of this property.

Parking

At the public hearing it was stated by the developer or his agents that the homes will each have one or two car garages. It is not clear from the plans what is intended for the garage/parking areas. The applicant will need to supply two parking spaces on a hard surface driveway for each unit.

INFORMATION REQUESTED BY THE BOARD

During the public hearing it was stated that an area of ponding exists on this site. Such an area was spotted on the property. However, it is very small and of little concern if not disturbed. The applicant should consider moving the setback limits around the ponding area. Orange County Erosion Control does not have a report of soils that will provide the information requested by the Board. Due to this, the Planning Department has retained an engineer to study the soils at Bel Arbor in an attempt to determine the degree of buildability of single family dwelling unit construction at this site. The Town's consulting engineer has determined that the soils are wet. Water was encountered at 6" to 2 1/2' below the surface indicating a perched water condition near the ground surface. It was recommended that the grading be done in the summer months after the site has had a chance to dry out. The drying process can be expedited with drainage excavated in the ditchlines of the proposed roadways. The ditches should provide positive drainage to a collection area and be excavated to a level below the planned roadway subgrade. The applicant (Philip Post and Associates) has conducted a soil study and determined that no wetlands exist on the specific building sites. Several areas of wet soil do exist on the site, however, no wetlands conditions were found. Since the wetter areas along the western boundary of this site will not be filled, wetlands should not be an issue here. Should additional information be required on wetlands, the Corps of Engineers or a certified wetlands specialist should be consulted.

Bel Arbor, Public Hearing, 3-1-94

Drainage calculations have been redone to accommodate the expanded area of concern and the calculations reflect that the drainage channel has the capacity to carry a 10-year flow without overtopping the existing banks of the small swale. The Carrboro Land Use Ordinance requires that the plans be designed to withstand the ten year flood.

A list of concerns of the surrounding neighbors from the public hearing is enclosed with the staff report.

A neighborhood meeting was held between the applicant and surrounding property owners on February 24, 1994.

RECOMMENDATIONS

Staff recommends approval of the project as presented with the following conditions:

- 1) That prior to the final plat the staff and the Town Attorney approve the homeowners documents and notations on the plat;
- 2) That the total number of lots be reduced from 30 to 28 lots and the square footage of the lots be added to the open space allotment. As a suggestion, staff recommends that lots 26 and 27 be eliminated;
- 3) That the Homeowners Association will be responsible for construction and all associated maintenance of the walkways from the streets to the recreation areas that will be constructed across the street rights of way;
- 4) That the rear setback limits be adjusted to the outside of the wet areas and the ponding area along the western property line;
- 5) That each home shall be served by a hard surface driveway of sufficient dimensions to provide parking for two vehicles.



February 23, 1994

Town of Carrboro
P.O. Box 829
301 W. Main Street
Carrboro, North Carolina 27510

Attention: Mr. Roy M. Williford, AICP

Reference: Subsurface Investigation/Site Suitability
Bel Arbor Subdivision
8 Acre Residential Tract
Carrboro, North Carolina
S&ME Project No. 1051-94-020

Dear Mr. Williford:

S&ME, Inc. has completed the authorized subsurface investigation of an eight acre tract of land located in Carrboro, North Carolina. Subsurface conditions at the site were investigated with a total of 12 hand auger borings performed at the locations shown on the Site Plan attached as Figure 1. The borings were located in the field by measuring distances from existing features as shown in the set of plans provided by Mr. Williford. As such, the boring locations should be considered as approximate. The borings were extended to depths of 3 feet below existing grade or to hand auger refusal material. The soils were visually classified, and estimated as to soil consistency and natural moisture content. The purpose of this investigation is to identify subsurface conditions and to provide recommendations for excavation difficulties, foundation support and ground water conditions which may be encountered during general site grading. It should be recognized that these borings are widely spaced and conditions intermediate of the test borings may vary.

SITE AND PROJECT DESCRIPTION

The subject site, approximately 8 acres, is located in Carrboro, North Carolina on the south side of Simpson Road. This site is to be developed with 30 housing units constructed along proposed roads and cul-de-sacs. The site is presently wooded and covered with relatively dense areas of undergrowth. Rock outcroppings, boulders and cobbles were observed in the areas shown on Figure 1. Numerous areas of ponded surface water and saturated surface soils were observed, indicating poor surface drainage conditions. A steady flow of water was observed in the ditches and drainage features. The wet conditions are at least partly the result of recent ice and rain. The site is particularly wet on the north side within the designated stream buffer area, where significant areas of ponded surface water were observed. The site appears to slope down to the north with assumed elevations ranging from 72 to 100 feet. The proposed grade for the roads follow the existing ground contours with maximum cuts and fills on the order of 1 to 2 feet. Figure 1 indicates the proposed development and boring locations.

SUBSURFACE CONDITIONS

Detailed subsurface descriptions of the conditions encountered at the individual test boring locations are presented on the attached Test Boring Records in Table 1.

Similar soil conditions were encountered in all the borings. The area is overlain by 1 to 2 inches of saturated organic topsoil with rootmat. Beneath the topsoil, the borings encountered soft, saturated brown sandy clays to a depth of approximately 1.0 to 1.5 feet. The saturated clays are underlain by soft to firm sandy clays, clayey sands and clayey silts which are somewhat drier, but still wet of optimum moisture content. Typically, the clays were encountered having a firm soil consistency below a depth of 2.0

feet and appeared to be relatively plastic in borings HA-3, HA-7 and HA-12. The soil consistency was estimated by the hand auger resistance and by observing the auger cuttings. Hand auger refusal was encountered in borings HA-5, HA-6, HA-7 and HA-12 at depths of 1.5 and 2.8 feet beneath the surface. Auger refusal can occur due to hard to very dense soils, thin rock seams, boulders, or the top of sound continuous rock and cannot be accurately evaluated without power driven equipment or rock coring techniques. The surface of weathered rock or auger refusal materials may exist at higher elevations intermediate of the soil test borings. Several boulders were observed at the site. Typically, the borings encountered a perched water condition at a depth of 0.5 feet, and water entered the borehole as the boring was advanced. The water level was near the top of the ground surface in several of the borings at the time of boring completion. We anticipate that most of the borings will fill up with water in a relatively short period of time. In our opinion, the water is perched above the relatively impervious clays and rock below. The perched ground water conditions can be controlled by positive site drainage and shallow perimeter ditches or french drains.

CONCLUSIONS AND RECOMMENDATIONS

The following recommendations are made based upon a review of the attached test boring data, our understanding of the proposed construction, and past experience with similar projects and subsurface conditions. If grades should change significantly from those now under consideration, S&ME requests the opportunity to review these recommendations for confirmation, extension, or revision as may be required. In addition, if adverse subsurface conditions are encountered during any phase of the project, such conditions should be reported to us for review and comment.

Site Grading Considerations

Subsurface conditions at this site will be somewhat difficult for construction relative to site grading and foundation support considerations. The site will be difficult to develop relative to grading considerations due to the presence of near-surface perched water conditions and soft, saturated soils. We strongly recommend that the grading be performed during the summer months after the site has had a chance to dry. The drying process can be expedited with drainage ditches excavated in the ditchlines of the proposed roadways. The ditches should provide positive drainage to a collection area and be excavated to a level below the planned roadway subgrade. Transverse drainage ditches will help to dry up the adjoining building pads and areas of ponded surface water. Additional drainage ditches are recommended in the stream buffer area along the north side.

Site Preparation

Site preparation should be initiated by clearing, and stripping the site of all vegetation, topsoil and excessively soft soils from all areas designated for construction of pavements. Following stripping of the site, the site should be cut to grade and areas at grade or areas designated to receive fill should be proofrolled with a partially loaded dump truck or similar piece of equipment to identify areas needing repair. Areas which rut or pump excessively in the opinion of the engineer should be undercut to firm bearing soil and be backfilled with properly compacted structural fill. Other areas can be air dried by scarifying and discing to depths of about 12 inches and recompact in place under dry weather conditions. Those areas which contain highly plastic soils or fail to densify within proposed pavement areas upon continued rolling should be undercut to firm bearing or to a maximum depth of approximately 18 to 24 inches and be replaced with low plasticity structural fill. It is recommended that a senior level technician or geotechnical engineer be present during proofrolling and undercutting operations to verify the extent of highly

plastic soils and that adequate and not excessive undercutting is performed during site preparation. We anticipate the need of some undercutting in the roadway areas.

As previously indicated hand auger refusal was encountered very near the surface at several areas of the site. As such, partially weathered rock could be encountered during site grading. In general, open excavations may be accomplished with conventional equipment except in areas where partially weathered rock is anticipated. It has been our experience that soft weathered rock materials can be excavated utilizing a D-8 dozer or equivalent equipped with a single tooth ripper. Hard weathered rock materials normally necessitate blasting techniques prior to general excavation. The character and quality of the weathered rock materials were not evaluated as part of this investigation and would require the use of a drill rig with standard penetration testing techniques. It should be recognized that the depths to very hard materials could vary over short distances and that blast quality rock could be encountered at shallower depths intermediate of the borings.

The on-site soils, excluding topsoil and highly plastic clays, should be suitable for reuse as structural fill provided compaction moisture can be properly controlled. In order to properly control compaction moisture, site grading should be performed during the typically drier months of the year. Structural fill should be placed and spread in 6 to 8 inch level uniform lifts and be compacted to at least 95 percent of the standard Proctor maximum dry density except within the final foot beneath pavements and floor slabs where this requirement should be increased to at least 98 percent of the standard Proctor maximum dry density. Site preparation operations including any necessary undercutting, proofrolling, compaction, and fill placement should be monitored by a qualified soils technician and density tests should be conducted to verify that compaction is in accordance with plans and specifications.

Foundation Support Considerations

Subsurface conditions at this site should provide adequate support for properly designed and constructed shallow spread footings bearing in either controlled structural fill or stiff to hard residual soils. Structural footings may be designed for a bearing pressure of 2,500 pounds per square foot subject to the restriction that column and wall footings have minimum dimensions of 24 inches and 18 inches, respectively. We anticipate that the footings will require overexcavation to depths on the order of 2 to 3 feet below existing grades to encounter firm bearing soils below existing plastic clays. All footings should be excavated to at least the minimum embedment depth of 18 inches below finished exterior grades for frost protection. Once firm bearing materials are reached, the footings may be backfilled with No. 57 gradation washed stone. The washed stone will serve as a bearing medium between the underlying firm bearing soils and the concrete footing. It is recommended that a senior level technician or geotechnical engineer be present to verify firm bearing material during footing excavations.

In the event that groundwater is encountered during the footing excavations, it may be necessary to construct a french drain tied into the downgradient side of the footing. The drain may be connected to a downgradient storm inlet or other drainage feature to prevent water from accumulating beneath the footing. The installation of french drains can best be evaluated at the time of construction.

Confined Excavations


Partially weathered rock was encountered at shallow elevations in several areas of the site. As such, there is potential for significant quantities of trench rock excavation in these areas depending on finalized utility invert elevations and grading elevations for footings. Although large track-mounted backhoes, such as a CAT-225 equipped with rock teeth

can excavate soft weathered rock material, it is generally expedient to preloosen weathered rock materials with light line blasting. Utility inverts should be maintained as shallow as possible to reduce the potential for trench rock and provisions should be made in the specifications for payment of trench rock excavation. In order to reduce the amount of difficult excavation, utility trenches, inverts, and footings should be maintained as shallow as practical and common trenches for utilities used where possible. Care should be taken by the contractor not to overshoot any areas requiring blasting beneath the proposed footing areas since overblasting can necessitate significant overexcavation. As previously indicated, these conclusions are based on widely spaced borings and partially weathered rock may be encountered at shallower depths intermediate of our borings and in other unexplored areas of the site.

S&ME, Inc. appreciates the opportunity to provide you with our professional services. Our soil engineers and technicians can assist you in any phase of the soil and materials testing during construction of the proposed project. If you have any questions concerning this information or require further assistance, please contact our office at your convenience.

Sincerely,
S&ME, INC.


Gene Midyette
Staff Engineer


Abner F. Riggs, Jr.,
Senior Engineer
NC Registration No.

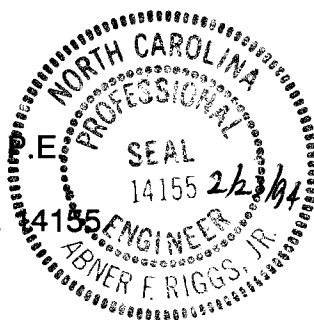


TABLE 1							
Boring	Depth (ft)	Soil Description	Depth (ft)	Hammer Blows 1.75" Increments			
				1st	2nd	3rd	Average
HA-1	0.0 - 0.2	Topsoil	No Dynamic Cone Penetrometer (DCP) testing conducted				
	0.2 - 1.5	Very Soft Gray-Brown Sandy CLAY (Saturated)					
	1.5 - 2.0	Soft to Firm Yellow-Brown and Gray Clayey Sandy SILT (Wet)					
	2.0 - 3.0	Firm Gray and Brown Silty Clayey SAND (Damp)					
		Water Encountered at 0.5' at time of boring completion					
HA-2	0.0 - 0.2	Topsoil	No DCP Testing				
	0.2 - 1.5	Very Soft Gray-Brown Sandy CLAY (Saturated)					
	1.5 - 2.0	Soft to Firm Yellow-Brown Clayey Sandy SILT (Wet)					
	2.0 - 3.0	Firm Yellow-Brown and Gray to Gray and Brown Clayey Sandy SILT (Slightly Wet)					
		Water Encountered at 0.5' at time of boring completion					
HA-3	0.0 - 0.2	Topsoil	No DCP Testing				
	0.2 - 1.0	Very Soft Gray-Brown Sandy CLAY (Saturated)					
	1.0 - 2.0	Soft to Firm Gray and Brown Silty Sandy CLAY (Wet)					
	2.0 - 2.8	Firm Gray and Brown Silty CLAY (Wet, Plastic)					

TABLE 1							
Boring	Depth (ft)	Soil Description	Depth (ft)	Hammer Blows 1.75" Increments			
				1st	2nd	3rd	Average
	2.8 - 3.0	Firm Gray and Brown Coarse to Fine Sandy CLAY (Wet, Plastic) Water encountered at 0.5' at time of boring completion					
HA-4	0.0 - 0.1	Topsoil	No DCP Testing				
	0.1 - 1.5	Soft Gray and Brown Sandy Silty CLAY (Wet)					
	1.5 - 3.0	Firm Gray and Brown Sandy Silty CLAY (Wet) Water encountered at 1.0 at time of boring completion					
HA-5	0.0 - 0.1	Topsoil	No DCP Testing				
	0.1 - 1.5	Soft Gray Sandy SILT (Wet)					
	1.5 - 2.0	Firm Gray and Brown Clayey Sandy SILT (Damp)					
	2.0	Hand Auger Refusal Water encountered at 1.5' at time of boring completion					
HA-6	0.0 - 0.1	Topsoil	No DCP Testing				
	0.1 - 1.0	Soft Gray-Brown Gravelly Sandy CLAY (Saturated)					
	1.0 - 1.5	Firm Yellow-Brown and Gray Sandy SILT (Damp)					
	1.5	Hand Auger Refusal Water encountered at 1.5' at time of boring completion					

TABLE 1							
Boring	Depth (ft)	Soil Description	Depth (ft)	Hammer Blows 1.75" Increments			
				1st	2nd	3rd	Average
HA-7	0.0 - 0.1	Topsoil		No DCP Testing			
	0.1 - 1.2	Soft Gray-Brown Sandy CLAY (Saturated)					
	1.2 - 2.0	Firm Yellow-Brown and Gray Sandy SILT (Damp)					
	2.0 - 2.7	Firm Yellow-Brown and Gray Sandy CLAY (Damp, Plastic)					
	2.7 - 2.8	Medium Dense Orange and Gray Silty SAND (Near Optimum Moisture)					
	2.8	Hand Auger Refusal Water encountered at 2.0' at time of boring completion					
HA-8	0.0 - 0.7	Soft Brown Clayey Sandy SILT (Wet)		No DCP Testing			
	0.7 - 2.0	Soft to Firm Red-Brown Sandy CLAY (Damp)					
	2.0 - 3.0	Firm Orange-Brown Sandy CLAY (Near Optimum Moisture) Boring dry at time of completion					
HA-9	0.0 - 0.1	Topsoil		No DCP Testing			
	0.1 - 1.5	Soft Brown Sandy CLAY (Very Wet)					
	1.5 - 3.0	Firm Yellow-Brown Silty CLAY (Wet) Water encountered at 2.5' at time of boring completion					

TABLE 1							
Boring	Depth (ft)	Soil Description	Depth (ft)	<u>Hammer Blows</u> 1.75" Increments			
				1st	2nd	3rd	Average
HA-10	0.0 - 0.1	Topsoil	No DCP Testing				
	0.1 - 2.0	Soft Brown Sandy CLAY (Saturated)					
	2.0 - 3.0	Soft to Firm Brown Sandy CLAY (Wet)					
	3.0	Firm Tan-Brown Sandy CLAY (Wet)					
		Water encountered at 1.0' at time of boring completion					
HA-11	0.0 - 0.1	Topsoil	No DCP Testing				
	0.1 - 1.0	Soft Brown Sandy CLAY (Saturated)					
	1.0 - 2.0	Soft Gray and Brown Sandy CLAY (Wet)					
	2.0 - 3.0	Firm Brown and Gray Clayey Sandy SILT (Damp)					
		Water encountered at 1.0' at time of boring completion					
HA-12	0.0 - 0.1	Topsoil	No DCP Testing				
	0.1 - 1.5	Soft Gray Sandy CLAY with Gravel (Saturated)					
	1.5 - 2.0	Firm Gray and Brown Silty CLAY (Wet, Plastic)					
	2.0 - 2.5	Stiff Gray and Brown Medium to Fine Sandy CLAY (Dry)					
	2.5	Hand Auger Refusal					
		Water encountered at 0.5' at time of boring completion					

VICINITY MAP
NO SCALE

RECEIVED

~~FEB 18 1954~~

TOWN OF CARBORO
ZONING DIVISION

20000 DISTRICT NETWORK LINE

INTERMEDIATE LOT NETWORK LINE

STREET/RAIN GUTTER

APPROACH STREET

APPROACH JUMP

100' 200' 300' 400' 500' 600' 700' 800' 900' 1000'

GRAPHIC SCALE

乙 合 一 號

SHEET INDEX

SHEET #	TITLE
C-1	PRELIMINARY PLAT / SITE PLAN
C-2	GRADING & DRAINAGE PLAN
C-3	UTILITY PLAN
C-4	SITE DETAILS
C-5	STREET "A" PLAN / PROFILE
C-6	STREET "B" PLAN / PROFILE
C-7	SANITARY SEWER PLAN / PROFILE
L-1	TREE PROTECTION & LANDSCAPE PLAN

TAX REFERENCE: 7.007.3-21A (PERSONAL USE)

7.907 2.50
7.907 2.50

PANEL SIZE: 6.520 ACTES / 200,700 M2

06-744620-0000 12/01/00 000000

FOR INFORMATION ONLY

LOW PREPAREDNESS

OPEN SPACE PROVIDED: 1.015 ACRES / 70.3

REGISTRATION POINTS	REGISTRATION POINTS	REGISTRATION POINTS	REGISTRATION POINTS
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

**ARMED AND
DANGEROUS**

PLAY/THROW STATION

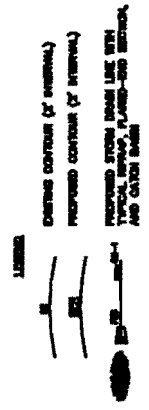
PODOLSKA

THE UNIVERSITY OF CHICAGO

1. **EXISTING WORKSHOP AND SHED BETWEEN SHALL BE REMOVED.**

[REDACTED]

.....



Securities	Jan	Jan. 1	Jan. Oct.	Paid	Unpaid	Comments
FD-1	-	-	75.00	25.00	50.00	PAID BY 10/1
FD-2	75.00	75.00	75.00	75.00	0.00	PAID BY 10/1
FD-3	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-4	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-5	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-6	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-7	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-8	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-9	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1
FD-10	50.00	50.00	50.00	50.00	0.00	PAID BY 10/1

- GENERAL NOTES:
1. ALL UTILITIES LOCATED UNDER PAVEMENT SHALL BE INSTALLED BEFORE ANY PAVEMENT IS PLACED. THIS INCLUDES, BUT IS NOT LIMITED TO, ALL SERVICE CONNECTIONS FOR EACH PROPOSED LOT.
 2. ALL SERVICE CONNECTIONS SHALL EXTEND TO EDGE OF RIGHT-OF-WAY.
 3. ALL SERVICES (CLEANOUTS, BLOWOFFS, METERS, ETC.) SHALL BE INSTALLED FLUSH WITH FINISH GRADE.
 4. ALL PUBLIC WATER DISTRIBUTION AND SEWAGE COLLECTION MAINS SHALL BE INSTALLED IN ACCORDANCE WITH ORANGE WATER AND SEWER AUTHORITY STANDARDS, DETAILS, SPECIFICATIONS, AND POLICES.
 5. ALL UTILITY EASEMENTS SHALL BE GRADED TO ALLOW FOR ACCESS OF UTILITY VEHICLES.
 6. ELECTRIC SERVICE SHALL BE PROVIDED BY DUKE POWER COMPANY.
 7. CATV SERVICE SHALL BE PROVIDED BY CABLEVISION INDUSTRIES (CIV).
 8. STREET LIGHTS SHALL BE 100W HIGH PRESSURE SODIUM (HPS) COBRA FIXTURES MOUNTED ON 24' WOOD POLE WITH 6 FT. CANTILEVER ARM.
 9. FIRE HYDRANTS SHALL BE IN PLACE AND IN WORKING CONDITION PRIOR TO INITIATION OF HOUSE CONSTRUCTION.
 10. FIRE HYDRANT OUTLET CONNECTION (4 1/2") SHALL BE A MINIMUM 10" ABOVE FINAL GRADE. CLEARANCE OF MINIMUM 35' SHALL BE MAINTAINED IN EACH DIRECTION FROM FIRE HYDRANT.

N/F
SUSAN GENDLE

N/F
SARA PATTERSON

N/F
JAN S. MCCORMACK

N/F
WOODWARD CLAMS & DAVID KALE

N/F
FRED WRIGHT & MALINDA WEAVER

N/F
JAMES R. DUNN

N/F
BERTHA LOU DUNN, JR.

N/F
CHARLES NELSON

N/F
FRED & DEELEY WRIGHT

N/F
CHRISTINE T. RAY

N/F
CHRISTINE T. RAY

N/F
FRED WRIGHT & MALINDA WEAVER

N/F
STARRIS WEAVER

N/F
CYNTHIA C. ADAMS

N/F
JAMES HENRICHS

N/F
JAMES HENRICHS

N/F
JUDITH CAROL POWELL

HILLSBOROUGH ROAD SR 1107
DIVISION OF ROAD & TRANSPORTATION

UTILITY PLAN

BEL ARBOR SUBDIVISION

TOWN OF CARYBORO
ORANGE COUNTY, N.C.

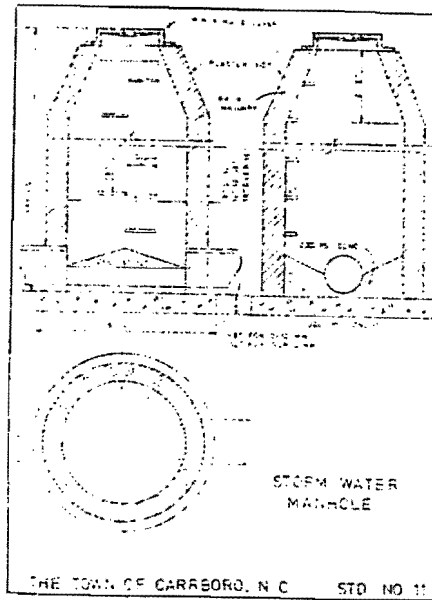
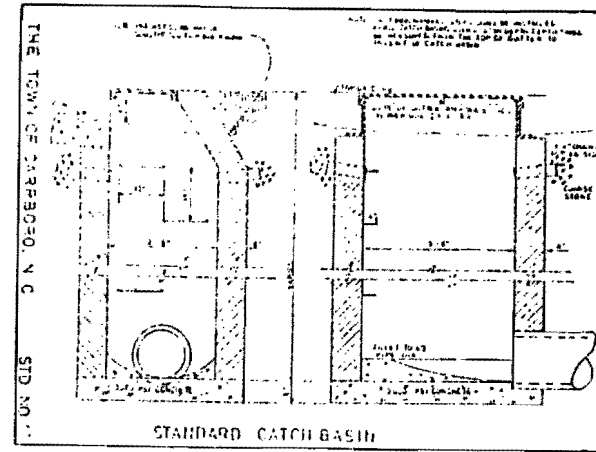
PHILIP
POST
&
ASSOCIATES

401 Parkview Road
P.L. 1000
PLANNERS
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CHECKED BY: JWP
DATE: 11/28/93
PROJECT NO. 81303A
DRAWING NO. 1000002
SCALE: 1" = 40'

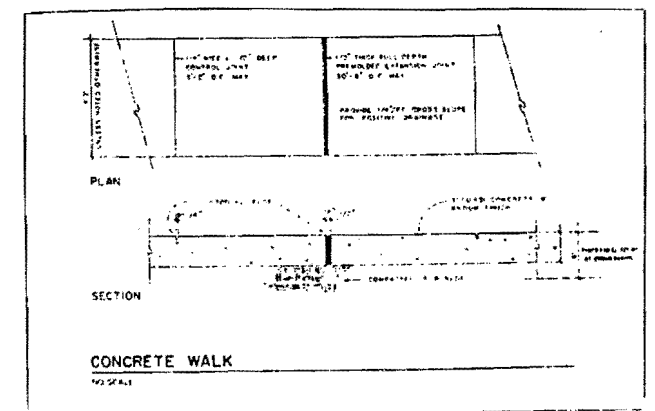
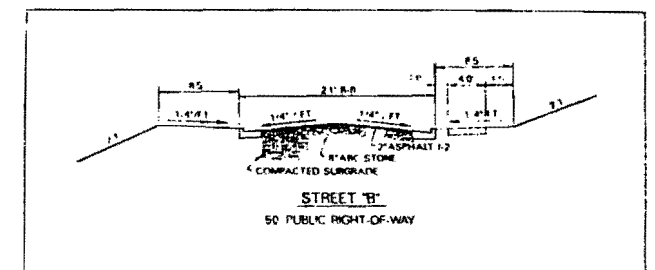
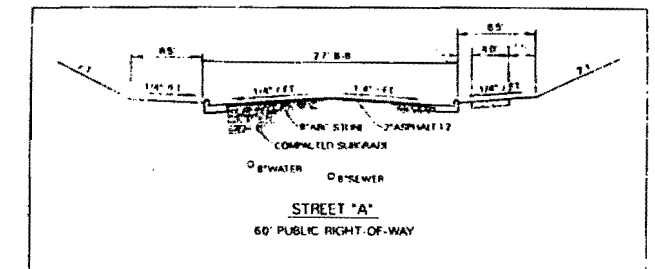
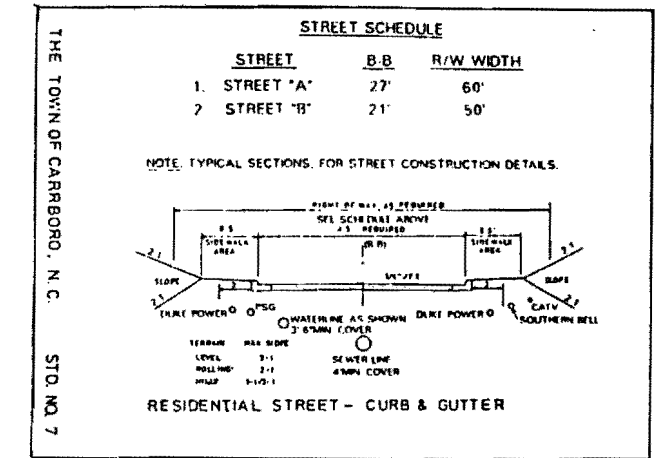
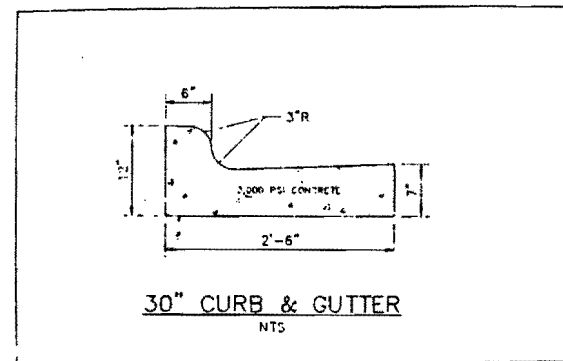
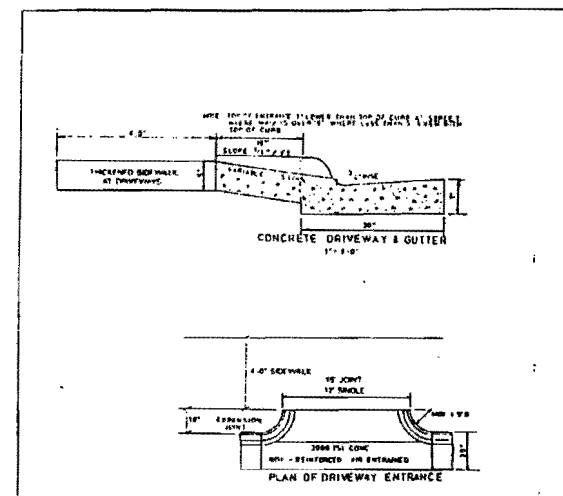
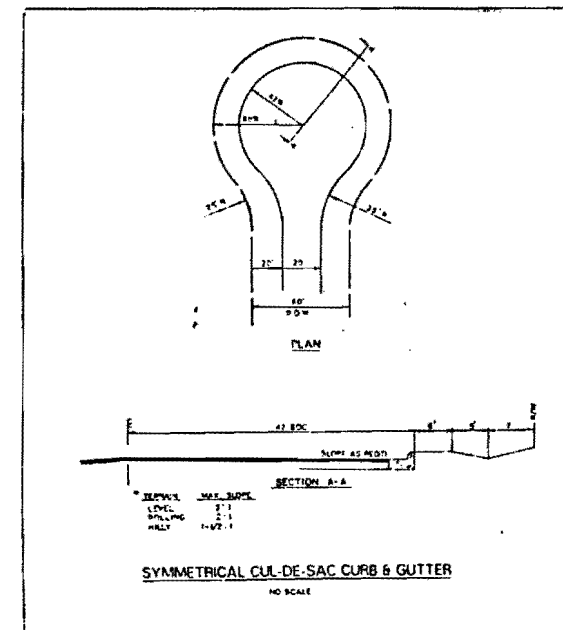
REVISIONS
12/13/93 AS BUILT, 1/2" REDUCED
OF EXISTING SANITARY SEWER
12/13/93 AS BUILT, 1/2" REDUCED
DATE: 12/13/93
PROJECT NO. 81303A
DRAWING NO. 1000002
SCALE: 1" = 40'

CLAMS BUILDING COMPANY
200 N. WEAVER STREET
CARYBORO, N.C. 27940

SHEET
7



THE TOWN OF CARBORO, N.C. STD. NO. 11



ENGINEERS
SURVEYORS

PHILIP
POST &

SITE DETAILS

BEL ARBOR SUBDIVISION

SCALE
DRAWN BY
CHECKED BY
DATE
PROJECT NO.
DRAWING NO.

CLARK ENGINEERING COMPANY
200 E. MAIN STREET
ORANGE, N.J. 07066

7
SHEET

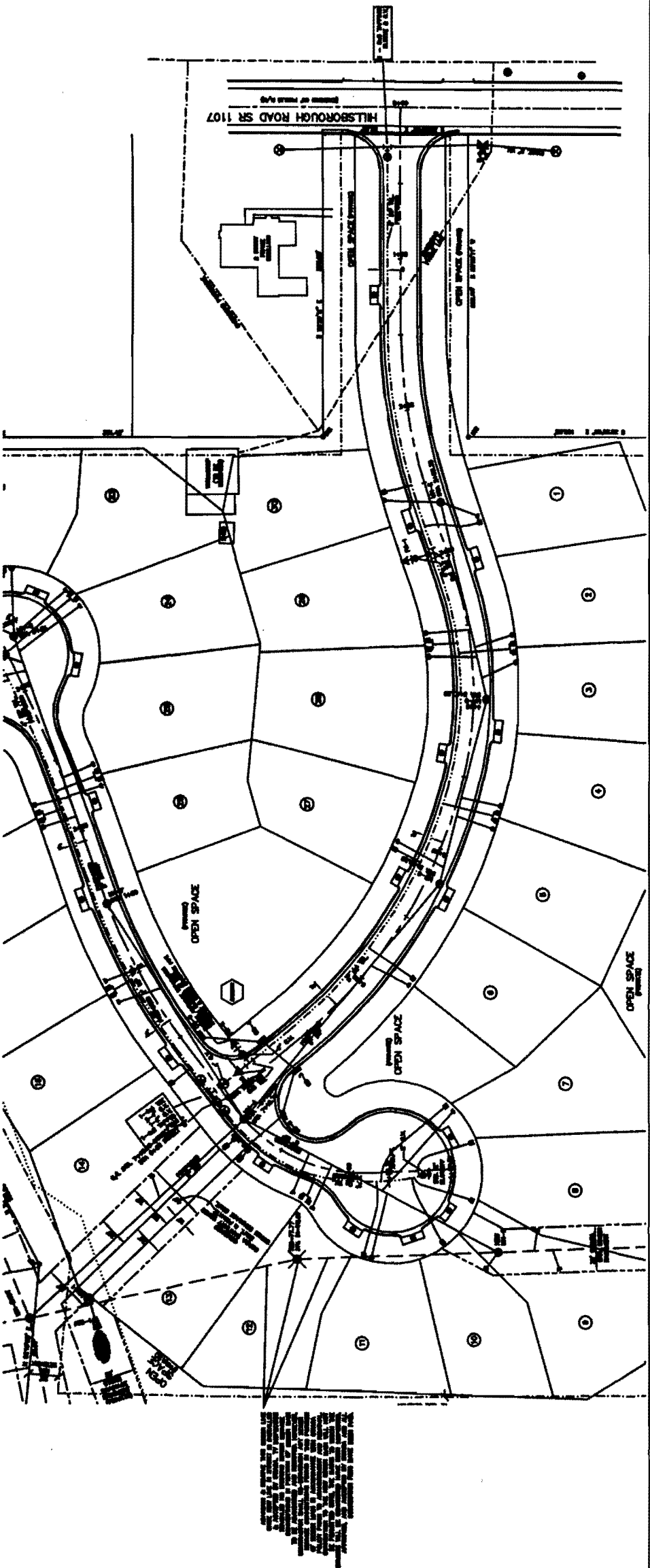
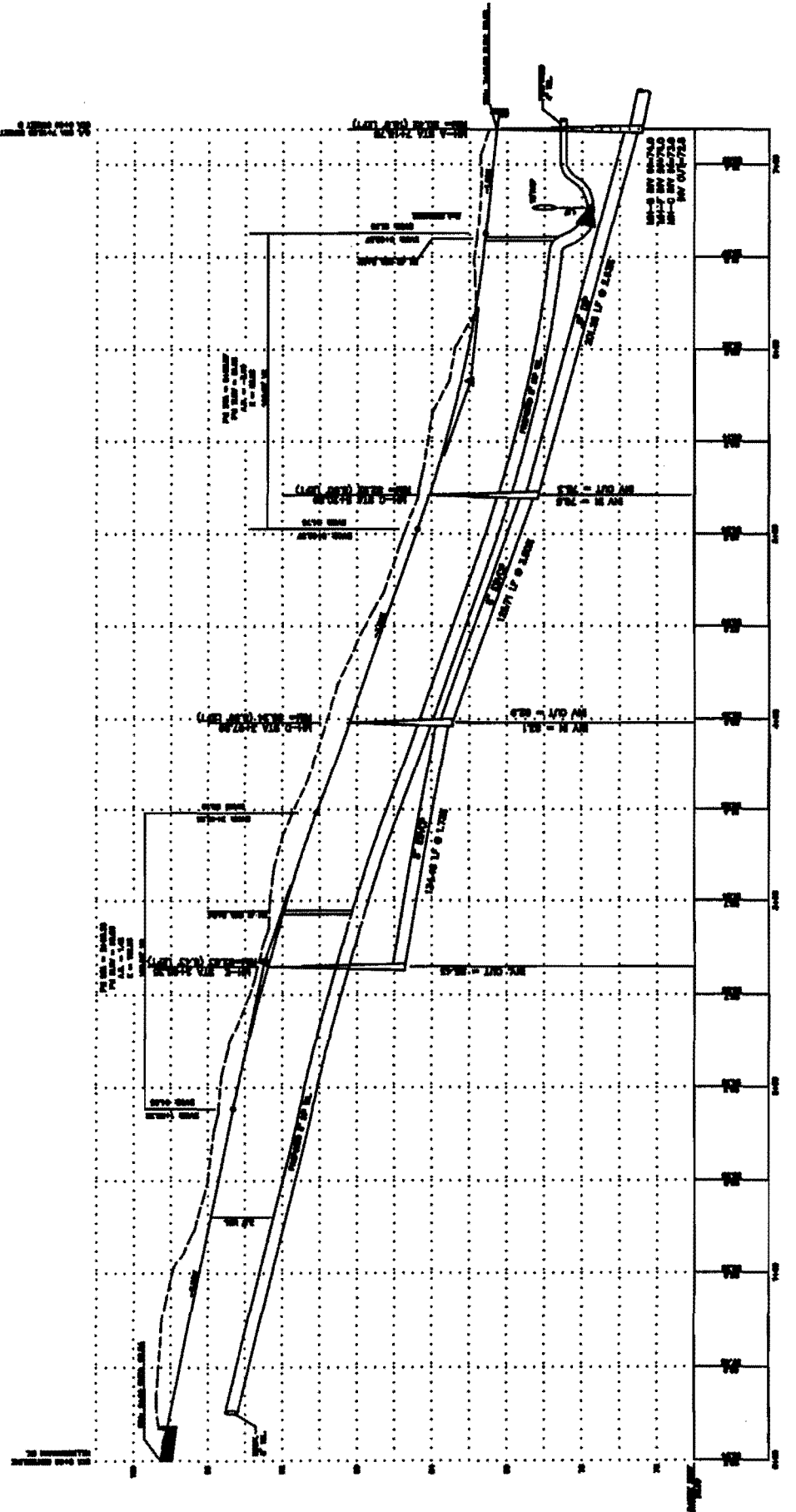
REVISIONS
12/18/83 ORANGE RIVER COMMENTS

SCALE: 1"=40'
DRAWN BY: JML
CHECKED BY: JML
DATE: 11/28/83
PROJECT NO.: 81001A
DRAWING NO.: 1300012
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TOWN OF CARBON
BEL ARBOR SUBDIVISION
PLAN & PROFILE
STREET "A"
ORANGE COUNTY, N.J.

PHILIP
POST
&
ASSOCIATES

ENGINEERS
PLANNERS
SURVEYORS
401 Providence Road
Orange, N.J. 07066
(908) 828-1173
403-3000 • 850-8083
822 North Elm Street
Orangeburg, N.Y. 12450
(918) 273-7711



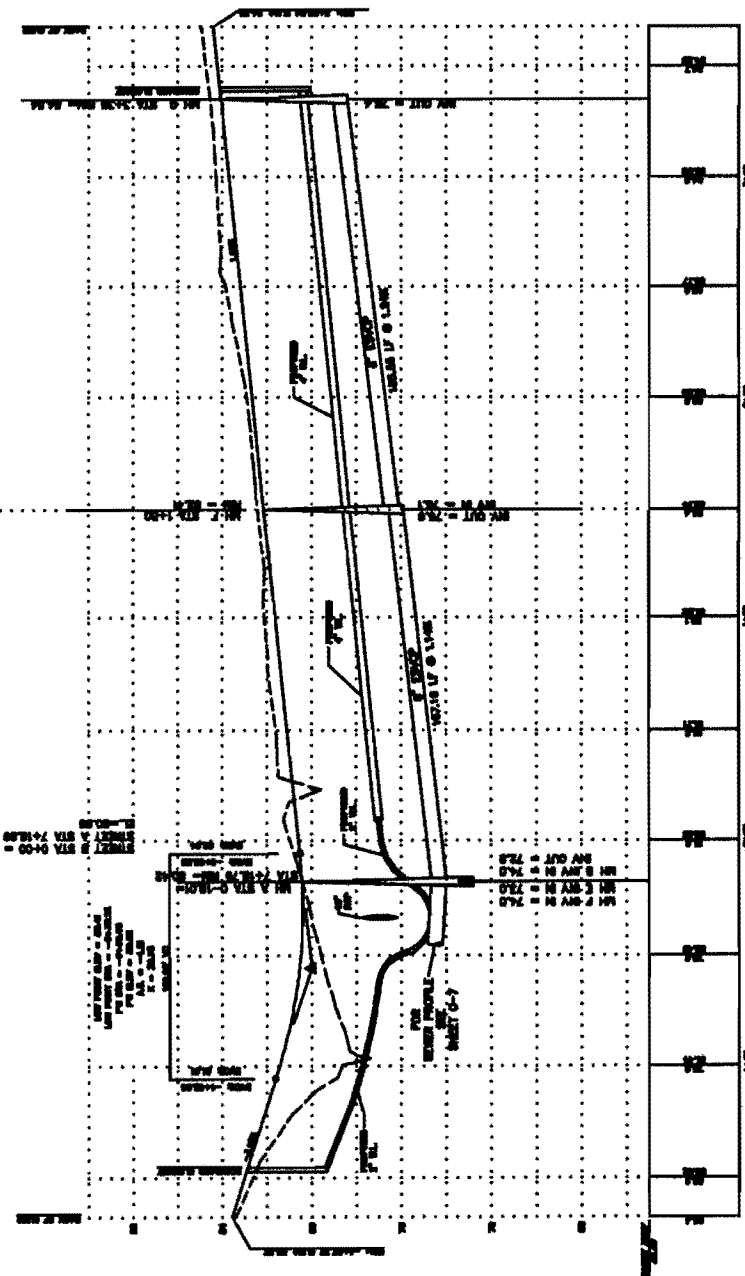
REVISIONS
12/28/73 GRAMA REVIEW COMMENTS

SCALE: H=1"=40' V=1"
DRAWN BY: JMD
CHECKED BY: JMD
DATE: 11/28/73
PROJECT NO.: 81330A
DRAWING NO.: 81330A
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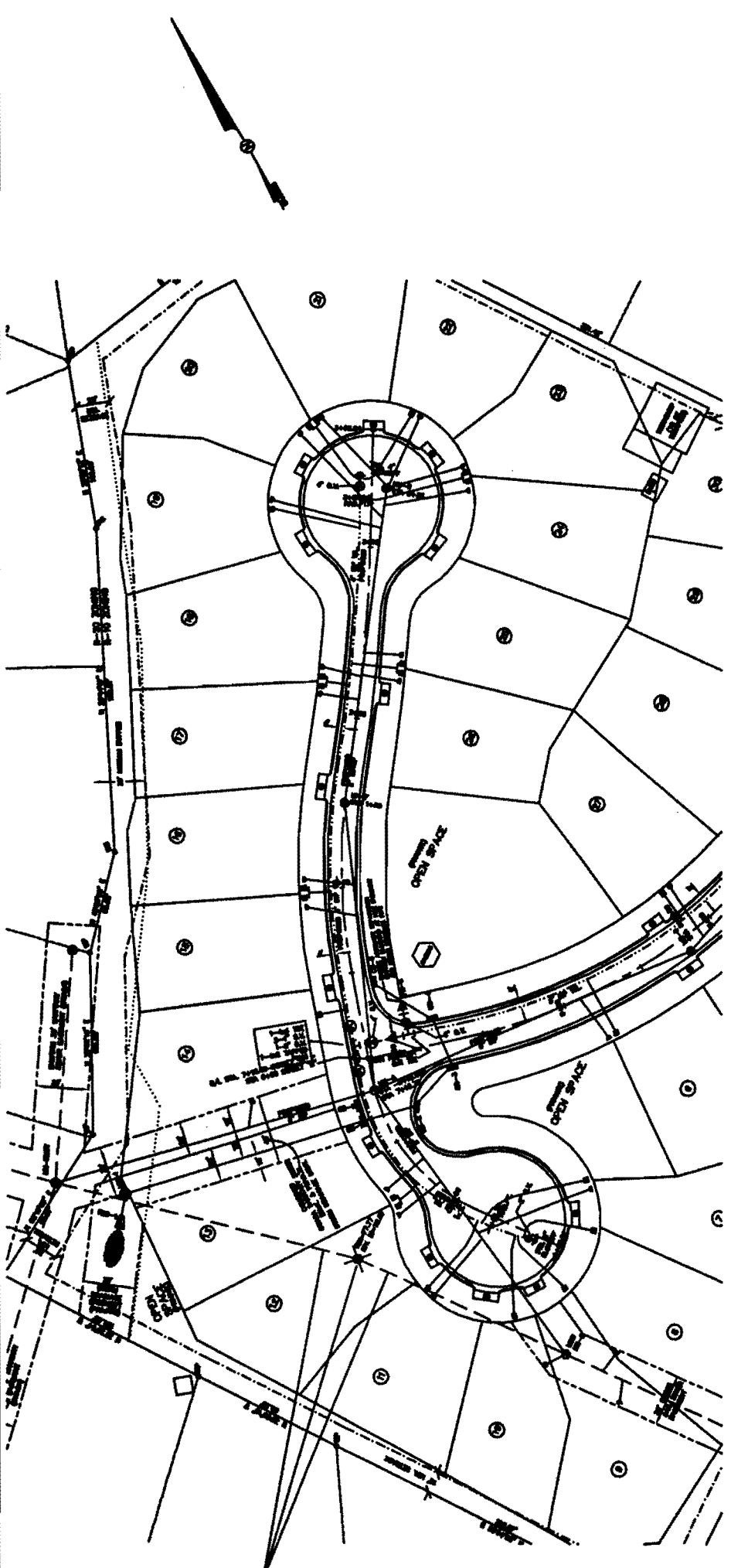
TOWN OF CARROLLTON
BEL ARBOR SUBDIVISION
PLAN & PROFILE
STREETS "B" & "C"

PHILIP
POST
&
ASSOCIATES

ENGINEERS
PLANNERS
SURVEYORS
401 Providence Road
Greensboro, NC 27401
(919) 853-1173
443-3800 • 850-8883



ELEVATIONS GIVEN ARE BASED
ON VERTICAL DATUM
HIGHER/LOWER THAN MEAN SEA
LEVEL



NOTES:
1. ALL ELEVATIONS ARE BASED ON VERTICAL DATUM.
2. THE PROPOSED STREET GRADE IS SHOWN IN THE PROFILE VIEW.
3. THE EXISTING GROUND LINE IS SHOWN IN THE PROFILE VIEW.
4. THE PROPOSED STREET WIDTH IS 20 FEET.
5. THE PROPOSED STREET CURVE RADIUS IS 100 FEET.
6. THE PROPOSED STREET SLOPE IS 2%.

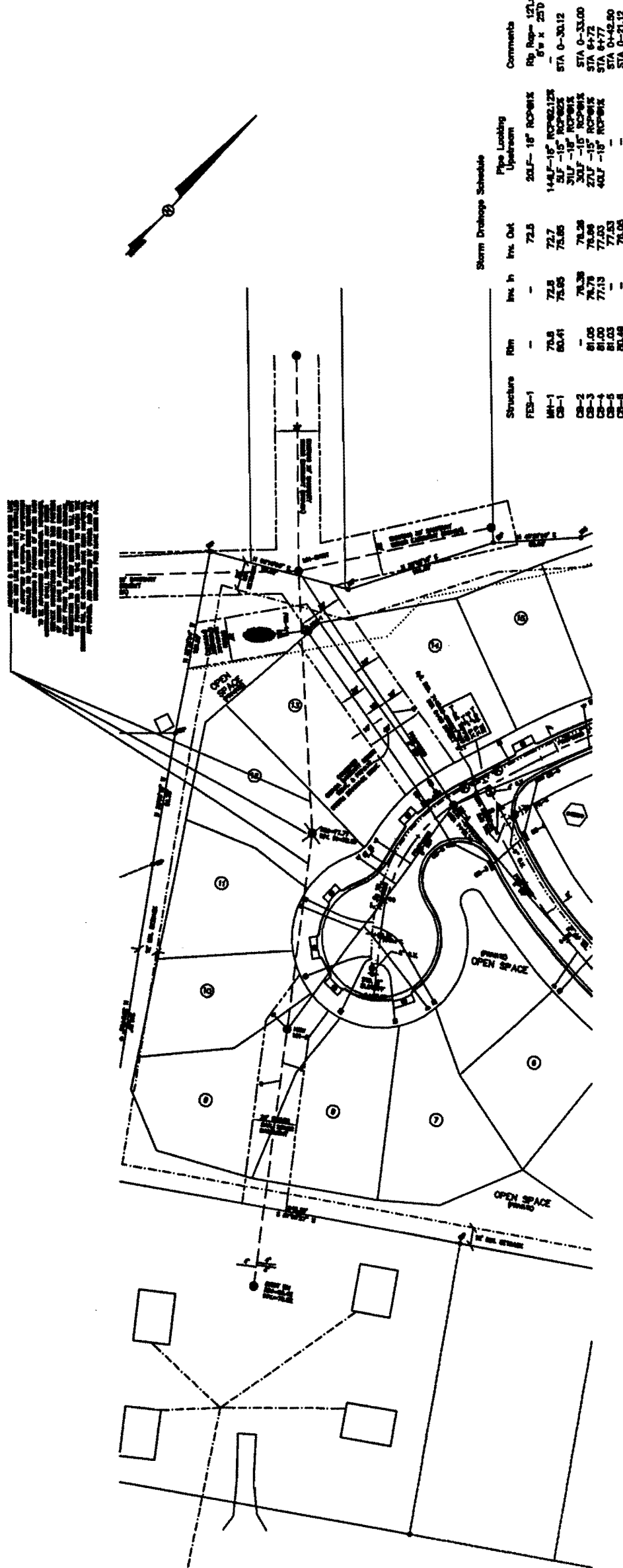
PHILIP
POST
&
ASSOCIATES
ENGINEERS
PLANNERS
SURVEYORS
401 Providence Road
Orange, N.C. 27514
(919) 223-1173
401-2800 • 800-888-8883
Orange, N.C. 27514
(919) 273-7771

TOWN OF CARBORNO
BEL ARBOR SUBDIVISION
PLAN AND PROFILE
SANITARY SEWER

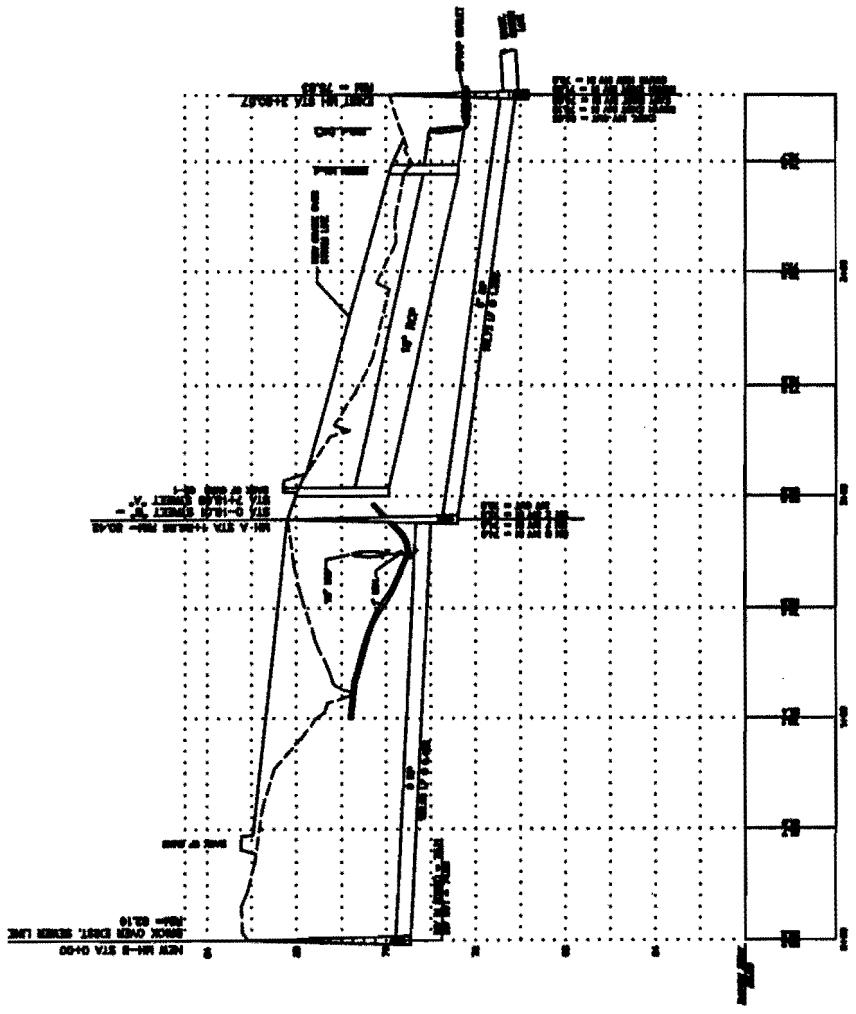
SCALE: 1"=40'
DATE: 11/08/03
PROJECT NO. 030002
DRAWN BY: JML
CHECKED BY: JML
DESIGNED BY: JML
PROJECT NO. 030002
DRAWN BY: JML
CHECKED BY: JML
DESIGNED BY: JML

REVISIONS
1. 12/28/03: REVISION COMMENTS
2. 12/28/03: REVISION COMMENTS
3. 12/28/03: REVISION COMMENTS
4. 12/28/03: REVISION COMMENTS
5. 12/28/03: REVISION COMMENTS
6. 12/28/03: REVISION COMMENTS
7. 12/28/03: REVISION COMMENTS
8. 12/28/03: REVISION COMMENTS
9. 12/28/03: REVISION COMMENTS
10. 12/28/03: REVISION COMMENTS

DATE: 11/08/03
PROJECT NO. 030002
DRAWN BY: JML
CHECKED BY: JML
DESIGNED BY: JML



Structure	Rtn	Inv. In	Inv. Out	Pipe Leading Upstream	Comments
FE-1	-	-	72.5	24" 18" RCP-18"	Rip Rap - 12" x 18" x 24"
CS-1	70.8	72.5	72.7	14" 18" RCP-18"	STA 0+00.00
CS-2	70.8	72.5	72.7	14" 18" RCP-18"	STA 0+30.12
CS-3	70.8	72.5	72.7	14" 18" RCP-18"	STA 0+60.24
CS-4	70.8	72.5	72.7	14" 18" RCP-18"	STA 0+90.36
CS-5	70.8	72.5	72.7	14" 18" RCP-18"	STA 0+120.48
CS-6	70.8	72.5	72.7	14" 18" RCP-18"	STA 0+150.60



ELEVATIONS GIVEN ARE BASED ON VERTICAL DATUM HIGHER/LOWER THAN MEAN SEA LEVEL.

DATE: 11/20/93
DRAWN BY: JMC
CHECKED BY: JMC
PROJECT NO.: 81308A
DRAWING NO.: A302802
TOWN OF CARBORO
BEL ARBOR SUBDIVISION
ORANGE COUNTY, N.C.

REVISIONS
1. 11/20/93 CARBORO TOWN COMMENTS

SHEET 1 OF 2

TREE PROTECTION & LANDSCAPE PLAN

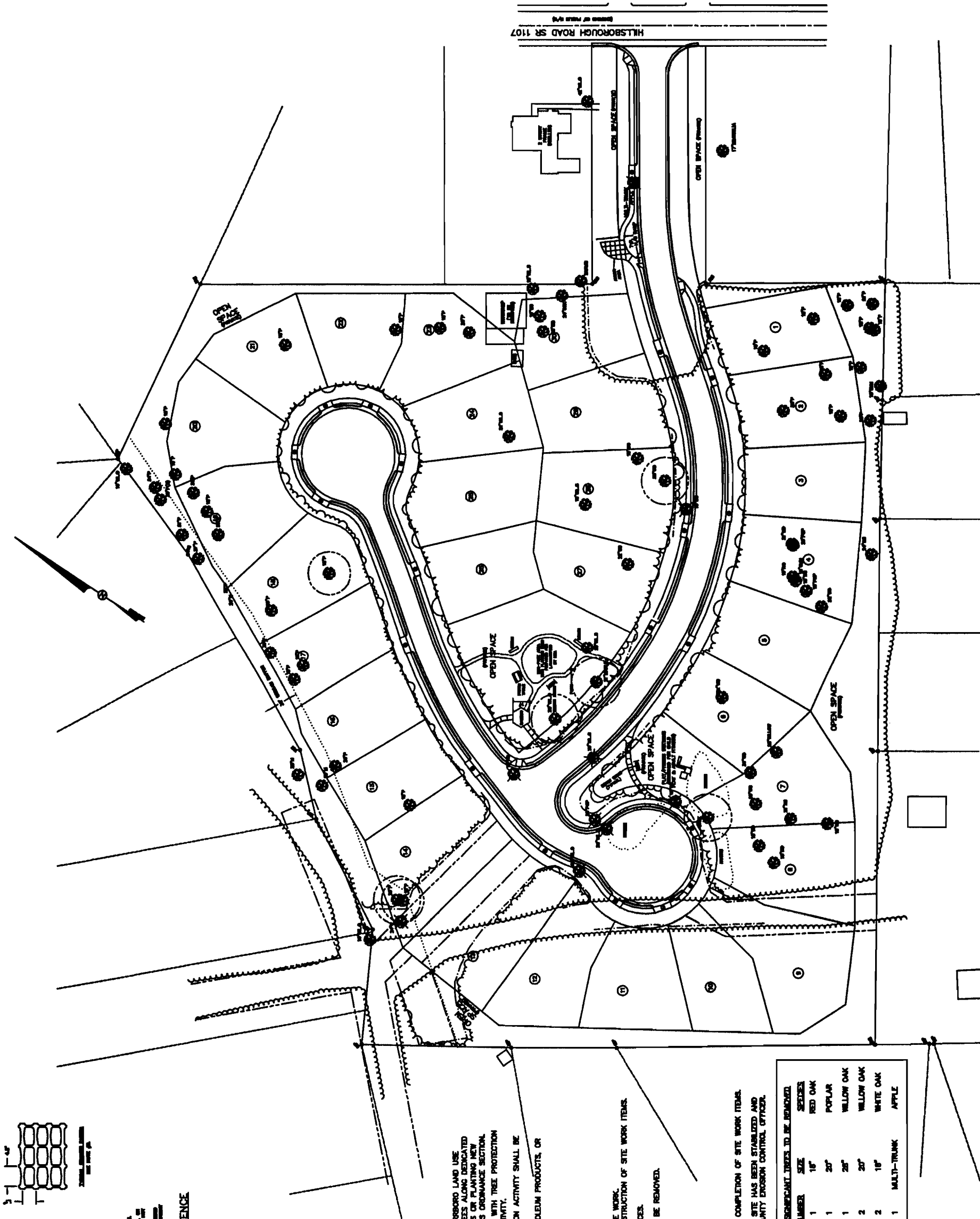
BEL ARBOR SUBDIVISION

TOWN OF CARBORO
ORANGE COUNTY, N.C.

PHILIP
POST
&
ASSOCIATES

401 Providence Road
Durham, NC 27604
(919) 273-7711
SURVEYORS
PLANNERS
ENGINEERS

HILLSBOROUGH ROAD SR 1107



- GENERAL NOTES:**
1. TREE PROTECTION AREA SHALL SATISFY CARBORO LAND USE ORDINANCE SECTION 16-215. REQUIRED TREES SHALL BE PLANTED ALONG DESIGNATED "STREET" SETBACKS OF EXISTING LOTS OR PLANTING NEW TREES TO MEET THE REQUIREMENTS OF THIS ORDINANCE SECTION.
 2. ALL CLEARING LIMITS SHALL BE PROTECTED WITH TREE PROTECTION FENCING PRIOR TO ANY CONSTRUCTION ACTIVITY.
 3. ANY TREE ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE SEVERED CLEANLY WITH A PRUNING TOOL.
 4. DO NOT DISPOSE OF ANY CHEMICALS, PETROLEUM PRODUCTS, OR REMOVE SOIL OUTSIDE THE LIMIT OF WORK.
- CONSTRUCTION SEQUENCE:**
1. OBTAIN APPROPRIATE PERMITS.
 2. HOLD PRECONSTRUCTION CONFERENCE.
 3. ERECT TREE PROTECTION FENCING FOR SITE WORK.
 4. FENCING SHALL BE SEQUENCED WITH CONSTRUCTION OF SITE WORK ITEMS.
 5. INSTALL SOIL AND EROSION CONTROL DEVICES.
 6. CLEAR AND GRUB TREES AND SHRUBS TO BE REMOVED.
 7. ROUGH GRADE SITE.
 8. INSTALL UTILITIES.
 9. CONSTRUCT STREETS.
 10. FINAL GRADING, PAVING AND SEEDING.
 11. REMOVE TREE PROTECTION FENCING UPON COMPLETION OF SITE WORK ITEMS.
 12. REMOVE EROSION CONTROL DEVICES WHEN SITE HAS BEEN STABILIZED AND UPON AUTHORIZATION BY THE ORANGE COUNTY EROSION CONTROL OFFICE.

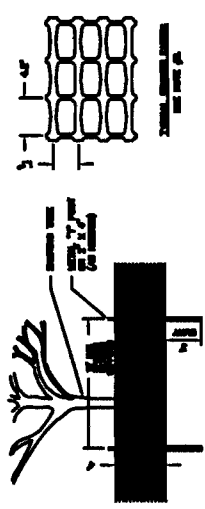
SIGNIFICANT TREES TO BE REMOVED			
NUMBER	SIZE	SPECIES	
1	18"	RED OAK	
1	20"	POPLAR	
1	26"	YELLOW OAK	
2	20"	YELLOW OAK	
2	18"	WHITE OAK	
1	MULTI-TRUNK	APPLE	

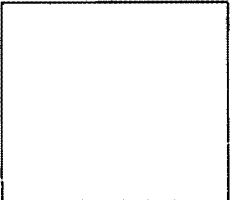
TREE LEGEND	
P	PINE
GLM	GLYCERHIZA
POP	POPLAR
W	WHITE OAK
Y	YELLOW OAK
WLO	WILLOW

LEGEND	
30" OAK	TREE TO BE MAINTAINED
30" OAK	TREE TO BE REMOVED
---	TREE PROTECTION FENCE
---	EXISTING WOOD LINE
---	TREE CLEARING LIMIT LINE
---	CUTTING ROOT ZONE

TREE PROTECTION FENCE

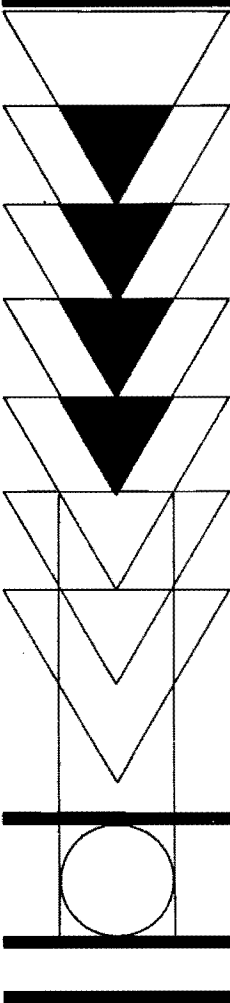
1. FENCE SHALL BE 4' HIGH AND 4" WIDE.
2. FENCE SHALL BE 4' HIGH AND 4" WIDE.
3. FENCE SHALL BE 4' HIGH AND 4" WIDE.
4. FENCE SHALL BE 4' HIGH AND 4" WIDE.





Richard A Guriltz
Architects

6320 Quadrangle Drive • Suite 200
Chapel Hill, NC 27514 • 919 489 9000



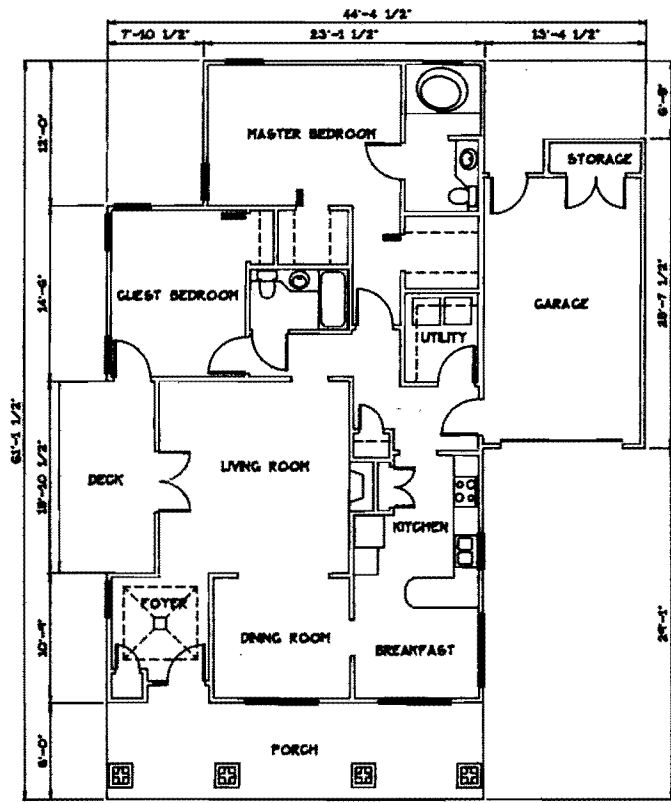
BEL ARBOR

9348

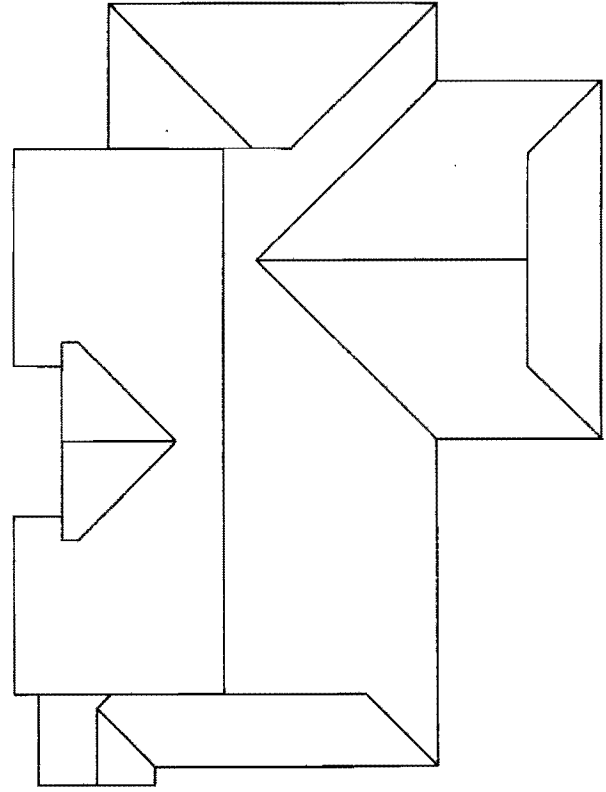
UNIT 'C'
SCHEMATICS

SCALE: 1/16" = 1'

12/29/93

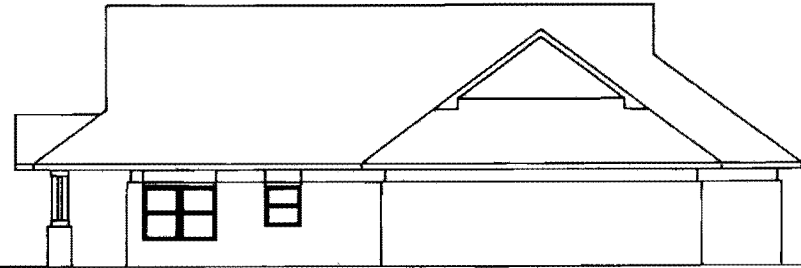
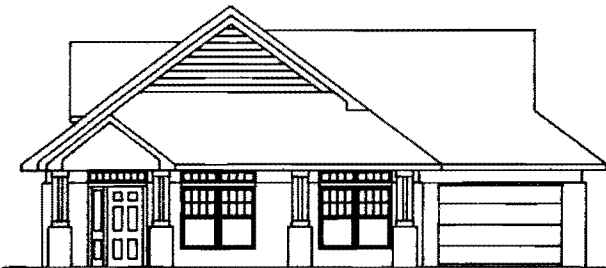
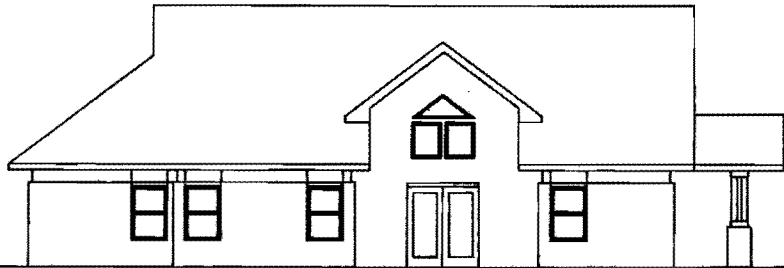
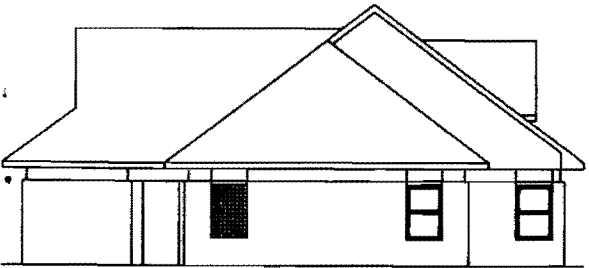


FIRST FLOOR PLAN



ROOF PLAN

PLANS OF ONE-STORY UNITS

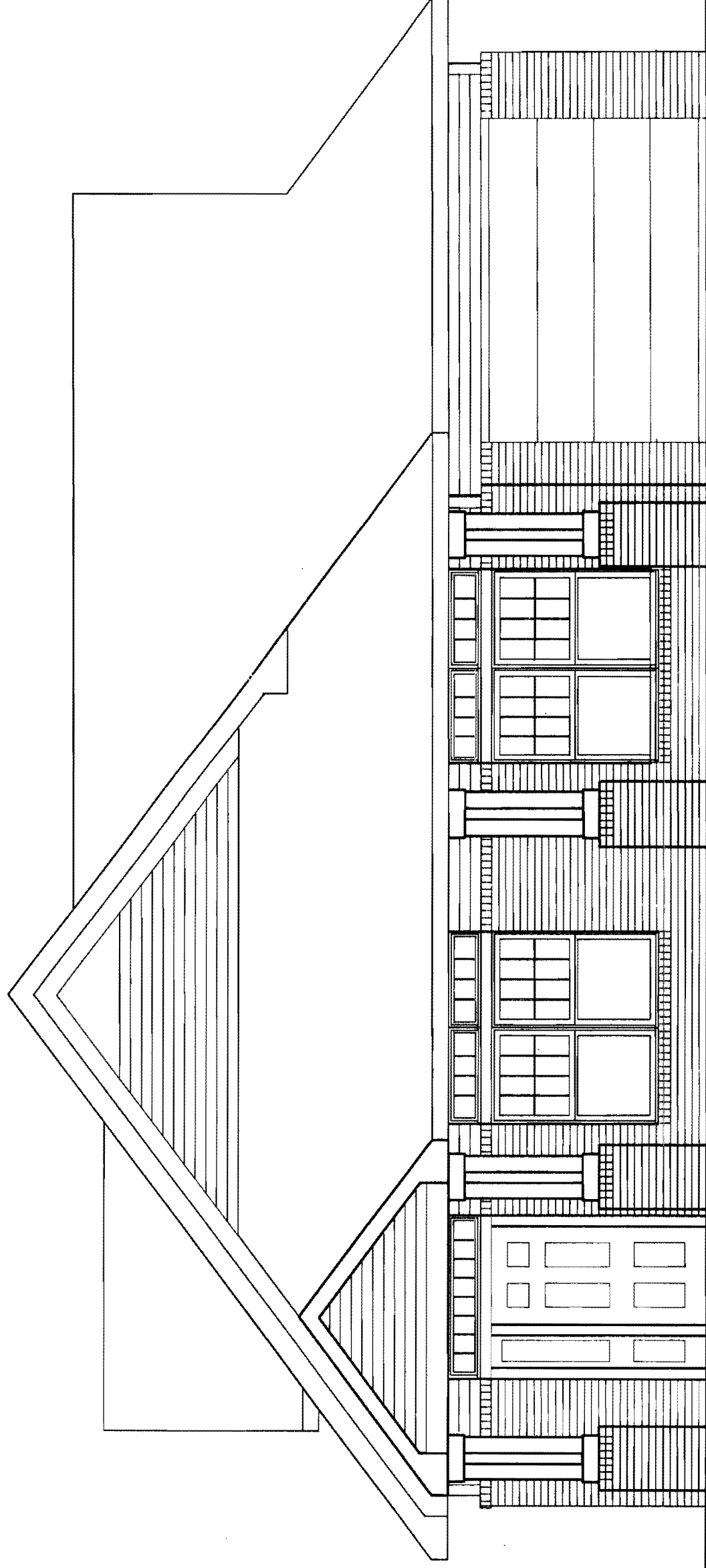


REAR ELEVATION
ELEVATIONS OF ONE-STORY UNITS

LEFT ELEVATION

FRONT ELEVATION

RIGHT ELEVATION



TYPICAL FRONT ELEVATION

BEL ARBOR

SCALE:1/4"=1'-0"

PHILIP

POST

&

ASSOCIATES

February 16, 1994
#51306A

Mr. Roy Williford
Town of Carrboro
Zoning Department
301 West Main Street
Carrboro, NC 27510

Re: Bel Arbor- Drainage Study

Dear Roy:

We have completed the analysis for the drainage channel along the west side of the proposed Bel Arbor Subdivision. Our calculations indicate that the drainage channel has the capacity to carry a 10-year flow without overtopping the existing banks of the small swale. In other words, the storm will stay within the banks of the small swale.

Our calculations account for all flow to the back of the property, including the proposed development and all the NCDOT improvements and pipes on Hillsborough Road. If you have any questions, please let me know.

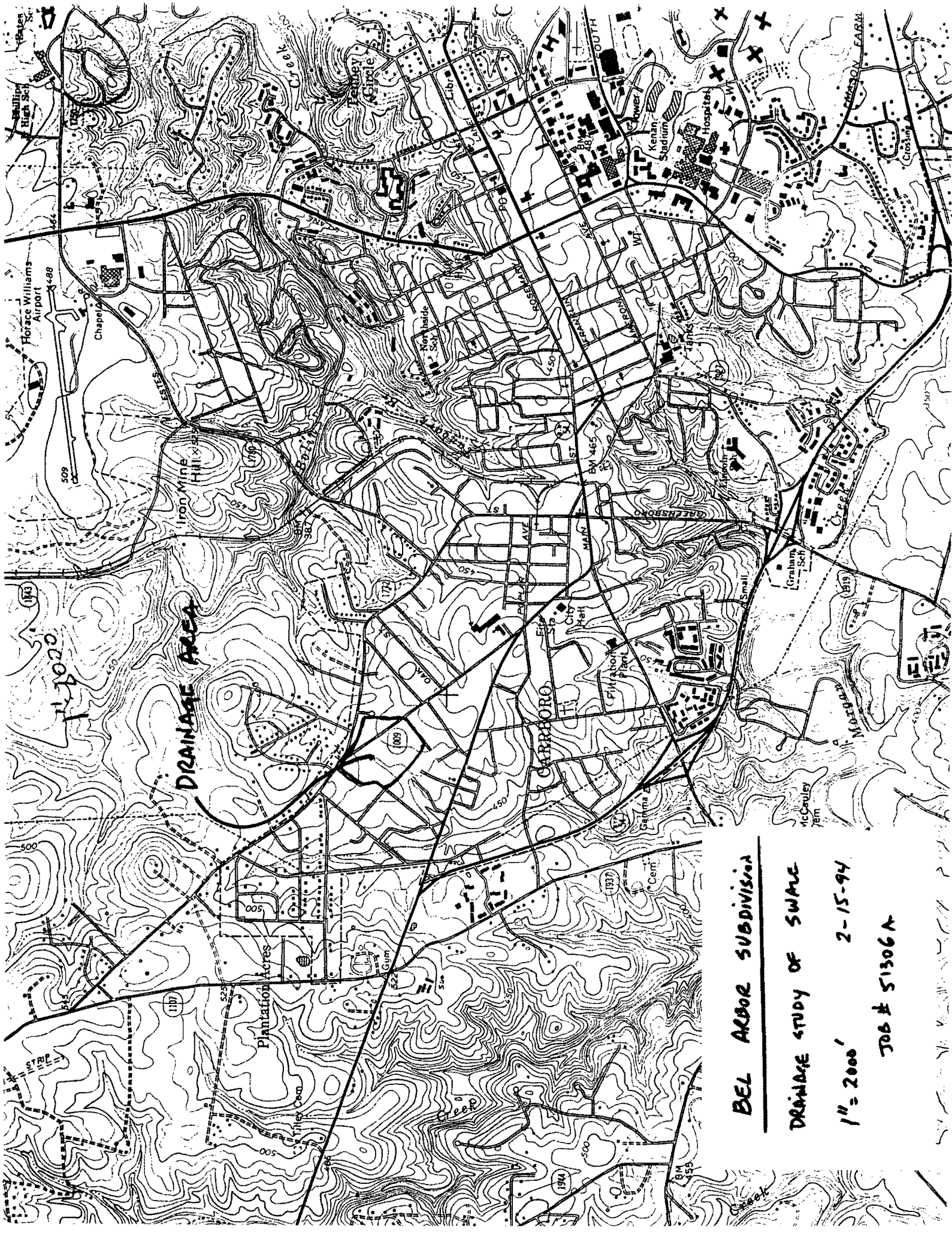
Best regards,



Philip N. Post, P.E., RLS

ENGINEERS
PLANNERS
SURVEYORS

401 Providence Road
P.O. Box 2134
Chapel Hill, NC 27515-2134
(919) 929-1173
(919) 493-2600



BEL ARBOR SUBDIVISION

Drainage Study of SWAC

1" = 2000' 2-15-94

Job # S1306A

PHILIP POST & ASSOCIATES, INC.

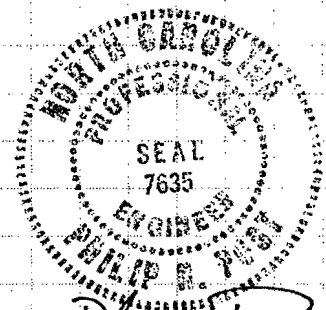
Engineers/Planners/Surveyors
401 Providence Road Suite 200
CHAPEL HILL, NORTH CAROLINA 27514
(919) 929-1173 (919) 493-2600
(919) 850-9662 (919) 273-7711

JOB Bel Arbor DIVISION 51306A
SHEET NO. 1 OF 2
CALCULATED BY JDB DATE 2/14/94
CHECKED BY PNP DATE 2-15-94
SCALE DRAINAGE STUDY FOR SWALE ON NORTH

BOUNDARY LINE

FIND FLOW FOR 10-YEAR STORM

- 1) a) AREA = 31.45 Acres
b) HYDRAULIC LENGTH = 1800' (1020' CHANNELIZED)
c) AVERAGE SLOPE = 1.3%
- 2) CN \rightarrow HERNDON Soil - HSG B
 $\frac{1}{2}$ Acre residential lots (25% impervious)
CN = 70
- 3) a) 10-YEAR, 24-hour precipitation = 5.4 in/hr
b) Runoff depth = 1.93 inches
- 4) a) "EQUIVALENT" DRAINAGE AREA = 40 Acres
b) "EQUIVALENT" DISCHARGE = 17.5 CFS/inch \times 1.93 inches = 33.8 CFS
c) $Q_2 = 33.8 \text{ CFS} \times \frac{31.45 \text{ Acres}}{40.0 \text{ Acres}} = 26.6 \text{ CFS}$
- 5) a) Imp AREA = 1.10
b) HYDRAULIC LENGTH = 1.26
c) $Q_3 = 26.6 \text{ CFS} \times 1.10 \times 1.26 = 36.9 \text{ CFS}$
- 6) a) SLOPE ADJUSTMENT FACTOR = 1.084
b) $Q_4 = 36.9 \text{ CFS} \times 1.084 = 40.0 \text{ CFS}$
- 7) a) 3.2% ponding/swampy areas
Factor = 0.75
b) $40.0 \text{ CFS} \times 0.75 = \underline{\underline{30.0 \text{ CFS}}}$



Philip Post
2-15-94

CHANNEL FLOW AT NORTHWEST CORNER OF SITE
AS SWALE EXITS PROPERTY TO THE WEST

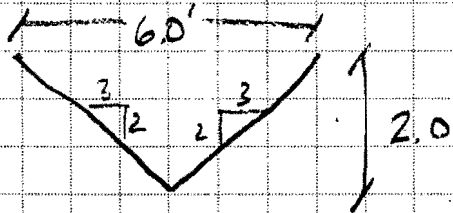
PHILIP POST & ASSOCIATES, INC.

Engineers/Planners/Surveyors
401 Providence Road Suite 200
CHAPEL HILL, NORTH CAROLINA 27514
(919) 929-1173 (919) 493-2600
(919) 850-9662 (919) 273-7711

JOB BEL ARBOR SUBDIVISION 5/30/01A
SHEET NO. 2 OF 2
CALCULATED BY JDS DATE 2/14/94
CHECKED BY PNP DATE 2-15-94
SCALE DRAINAGE STUDY FOR SWALE ON NORTH

BOUNDARY LINE

V-DITCH



$$\text{AREA} = \frac{1}{2} \times 6.0' \times 2.0' = 6.0 \text{ ft}^2$$

$$\text{PERIMETER} = \sqrt{3^2 + 2^2} \times 2 = 7.2 \text{ ft}$$

$$\text{HYD. RADIUS} = 6.0 \text{ ft}^2 / 7.2 \text{ ft} = 0.833 \text{ ft}$$

$$V = \frac{1.49}{n} \times R^{2/3} S^{1/2}$$

$n = .025$
 $R = 0.833 \text{ ft}$
 $S = .0133 \text{ ft/ft}$

$$V = 6.1 \text{ ft/s}$$

$$Q = AV = 6.0 \text{ ft}^2 \times 6.1 \text{ ft/s} = \underline{36.6 \text{ CFS}} = \text{CHANNEL CAPACITY}$$

> 30.0 CFS - CHANNEL FLOW OK.



ENGINEERING CONSULTING SERVICES, LTD.

Geotechnical • Construction Materials • Environmental
WILSON ENGINEERING DIVISION

February 22, 1994

Mr. Philip N. Post, PE
Philip Post & Associates
401 Providence Road
Chapel Hill, North Carolina 27514

RE: Report of Subsurface Exploration, Rock Probe, Preliminary Geotechnical
Evaluation, and Wetlands Evaluation for the Proposed Bel Arbor Subdivision
Located in Carrboro, North Carolina
ECS Project Number T1420

Dear Mr. Post:

In accordance with your request, we have completed the subsurface exploration, rock probe, preliminary geotechnical evaluation, and wetlands evaluation for the referenced project. This report summarizes the results of our investigation and provides recommendations on the suitability of the site for construction of the single story residential subdivision.

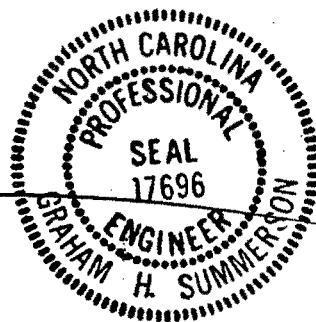
Thank you for opportunity to work with you on this project. Should you have any questions, or if we may be of further assistance, please do not hesitate to contact us.

Respectfully,

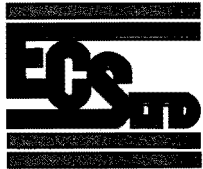
ECS, Ltd - Wilson Engineering Division

A handwritten signature in black ink, appearing to read 'Graham H. Summerson', is written over a horizontal line.

Graham H. Summerson, P. E.
Senior Project Engineer/
Environmental Department Manager



GHS

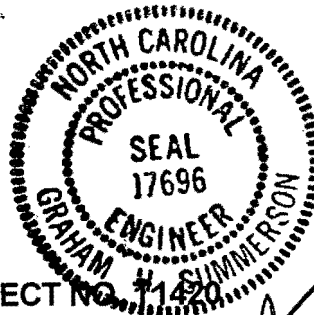


ENGINEERING CONSULTING SERVICES, LTD.
Geotechnical • Construction Materials • Environmental
WILSON ENGINEERING DIVISION

**REPORT OF SUBSURFACE EXPLORATION, ROCK PROBE, GEOTECHNICAL
ENGINEERING ANALYSIS AND WETLANDS
FOR
PROPOSED BEL ARBOR SUBDIVISION
LOCATED IN CARRBORO, NORTH CAROLINA**

PREPARED FOR:

**PHILIP POST AND ASSOCIATES
401 PROVIDENCE ROAD
CHAPEL HILL, NORTH CAROLINA 27514**



ECS LTD. PROJECT NO. 11420

A handwritten signature in black ink, appearing to read 'John H. Graham', is written over the professional seal and extends to the right.

FEBRUARY 22, 1994

TABLE OF CONTENTS

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EXECUTIVE SUMMARY

The purpose of this study was to evaluate the approximately 8 acre site for the proposed Bel Arbor Subdivision located in Carrboro, North Carolina. Field reconnaissance by a professional engineer, seven hand auger borings, soil classifications, research and engineering evaluations were performed to determine the suitability of the site for construction of a single story residential subdivision. The criteria examined were: rock profile and excavation, foundation bearing capacity and general suitability for construction, and wetlands. The conclusions of this investigation are: 1. Most of the surface rocks at the site appear to be boulders, and can be removed with standard excavating techniques such as a trackhoe or D-10 bulldozer, and the bedrock throughout most of the site appears to be at or below the five foot excavation depths required for the site. For a definite conclusion of the subsurface rock profiles in the vicinity of the boulders, drill rig auger borings and split spoon sampling or test pits will be required. 2. The soil classifications and blow counts obtained indicate that the site is suitable for foundation support for residential housing. With improved surface drainage, the saturation in the upper few feet of earth should be manageable. 3. The stream and boggy areas do not appear to meet wetland criteria. The soil type beneath the entire site is not classified as a wetland soil, and is very poor for support of wetland type vegetation and wildlife. Since no filling of the stream area on the border of the site is proposed, wetlands should not be an issue.

INTRODUCTION

This study was authorized by Mr. Philip N. Post, PE of Philip Post & Associates. The scope of our work in conjunction with this project was to perform a subsurface exploration program including soil test borings, and preliminary geotechnical engineering in order to evaluate subsurface conditions and make recommendations on the suitability of the site for construction of a single story residential subdivision based on rock profiles and excavation, foundation support and buildability, and the presence of wetlands.

PROJECT DESCRIPTION

The proposed Bel Arbor Subdivision is located on an approximately eight acre site located off of Hillsborough Road in Carrboro, North Carolina (See Figure 1). The site consists of proposed construction of street, curb and gutter, drainage and sanitary sewer, and lots for construction of single story residential homes (See Figure 2). The maximum anticipated excavation depth is five feet as reported by Philip Post and Associates.

SITE DESCRIPTION

The site of the proposed subdivision consists approximately of an approximately 8 acre tract of land located on the south side of Hillsborough Road just west of Dilliard Street in Carrboro, North Carolina. The site has a gentle rolling to flat topography with elevations ranging from 98 feet to 75 feet (based on assumed reference) over the entire site.

Currently, the site is wooded, and dissected by two small streams that probably run dry during the dryer months of the year. One of these streams, at the western boundary of the site is very boggy and contains areas of ponding. A man-made pond exists to the North of the site (See Figure 2).

Near the South side of the site, several areas of large boulders exist at grade. The proposed construction plans are to excavate an area of the smaller boulders which are located within the proposed cul-de-sac at the south end of Street B.

FIELD INVESTIGATION

Subsurface conditions at this site were investigated with seven hand auger borings, including dynamic cone penetrometer tests located as shown on Figure 2. These borings were performed by ECS, Ltd. personnel experienced in site evaluations.

The soil borings were performed utilizing hand auger techniques. Representative soil samples were obtained from the bucket of the auger at the depths noted on the boring logs.

Dynamic Cone Penetrometer (DCP) tests were performed in the hand auger boreholes at the depths noted on the boring logs in accordance with ASTM STP 399. In the DCP test a 1.5 inch diameter cone is driven into the soil by a 15-pound ring weight with a free fall of 20-inches. The number of blows required to drive the cone into the soil a distance of 1.75 inches is termed the DCP Resistance Value and is indicated for each test on the boring logs.

A field log of the soils encountered in the borings was maintained by the drill crew. All soil samples obtained from the drilling operations were sealed immediately in the field and brought to our laboratory for further examination and classification.

The boring locations were staked in the field by a representative of ECS, Ltd, using existing landmarks to sight angles and measure distances and, as such, the boring locations should be considered approximate.

SUBSURFACE CONDITIONS

The subsurface conditions at the proposed site were investigated using both information from current geologic literature, *Soil Survey of Orange County, North Carolina*, and the test results from the borings performed at this site. A review of the site geology, along with a description of the subsurface conditions as determined by the test borings, is presented in this section.

Geology

The site is located in the central portion of the Piedmont Physiographic Province of the Appalachian Highlands and within the geologic area known as the Carolina Slate Belt. The rock underlying the area generally consists of white to gray, fine to coarse, grained, massive to well foliated, low-grade metamorphic assemblages of felsic intrusive rock types.

The predominant mapped rock type is metamorphosed granitic rock containing the

minerals feldspar, muscovite and biotite as well as various accessory minerals. Differential weathering of the parent rock is common with the degree of weathering influenced by the rock composition (mineralogy), joints, or dikes.

The typically subsurface profile in this geologic setting consist of a mantle of residual soil overlying partially weathered rock overlying sound, unweathered bedrock. Residual soil is formed by the in-place chemical and physical weathering of the parent rock. The residual soil found closest to the ground surface is rather uniform in coloration and fine-grained in texture, while the deeper residuum retains the appearance and texture of the parent rock. Partially weathered rock, as its name implies, is that rock material which is in the process of weathering, or decomposition, from rock to soil. Partially weathered rock can occur as a lens within the soil overburden, or more typically as the transition zone from soil to bedrock.

Locally, the site is located on a pluton of granitic rock know as the Chapel Hill Pluton. The boulders located on the site are generally due to fracturing and differential weathering of the parent rock. The parent rock tends to weather to soil around the boulders, and the boulders tend to work their way to the surface.

Soils and Rock

The subsurface conditions at each boring location were generally comparable. The surface of the site was generally covered with 3 to 6 inches of topsoil layer. Beneath the topsoil residual soils were encountered.

The residual soils were found to extend to depth of boring termination (between 1.5 and 5.0 feet deep). These soils typically consist of tan to light brown silty clays and sandy silts with DCP resistance values ranging from 1 blow per 1.75" to 25 blows per 0.25", with typical values in the footing range on the order of 8 to 25 blows per 1.75". All borings were terminated in these residual soils at their established depths, or at hand auger refusal. Hand auger refusal can occur on a cobble or boulder, or on transitions from saprolite or weather rock to competent bedrock. Should more certainty be required to identify the top of competent bedrock or actual size and depth of boulders, drill rig and split spoon sampling or test pits with a track hoe or back hoe will be required. In addition, a more detailed description of the subsurface conditions encountered at the individual soil test boring locations are presented in the attached test boring logs.

Groundwater Conditions

Groundwater observations were made at the completion of the drilling operations at each boring location. In hand augering operations, water is not introduced into the boreholes and the groundwater position can often be determined by observing water flowing into or out of the boreholes. Furthermore, visual observation of the samples retrieved during hand auger exploration can often be used in evaluating the groundwater conditions.

As noted on the boring logs, groundwater was encountered in some of the borings, typically the ones near the western border of the site. In most of these instances however, the soil tended to get dryer as the hand auger advanced, indicating a localized perched water table condition. The depth to the groundwater table depends principally upon the climate, the topography and the character of the rock and soil. Furthermore, due to the fine-grained, near-surface soils, higher groundwater conditions may occur during periods of wet weather due to perching of surface water in the soils by the underlying impermeable partially weathered rock and/or bedrock.

Perched groundwater conditions may also exist at the interface between the overburden soils (residual soils) and the surface of partially weathered rock during the typically wetter winter months. These perched water table conditions may usually be controlled by using trenching techniques, French drains, and by positive site drainage to prompt run-off of water and to prevent ponding of water on top of or beneath footings which can lead to eventual saturation of the subsurface soil and the loss of shear strength of the supporting soils.

DESIGN AND CONSTRUCTION RECOMMENDATIONS

Foundations

Based on the subsurface conditions observed in our borings, the site appears suitable for shallow foundations with bearing capacities of up to 2000 pounds per square foot (psf). Natural soils having a strength adequate to support this design load can be identified on the boring logs as those soils having a minimum Standard Penetration Resistance Value of 8 blows per foot or more.

For the loads anticipated, total settlement on the order of 1/2 inch should be anticipated. Differential settlements between adjacent bearing members are expected to be on the order of up to 1/4 inch. Because of the elastic nature of the soils observed at the site, approximately 50% of the total settlement can be expected to occur during construction. Settlement estimates are based on placing the footings at 1.5 to 2 feet. In the event that the footing subgrade elevations are changed, the total and differential settlements as reported should be reevaluated.

In order to provide adequate frost cover protection, we recommend that the perimeter footings of heated areas be located at a minimum depth of 1.5 feet below finished grade and that footings in non-heated areas be located at a minimum depth of 2.0 feet below finished grade. In order to prevent disproportionately small footing sizes, we recommend that continuous footings have a minimum width of 1.5 feet and that isolated column footings have a minimum lateral dimension of 2.5 feet. The minimum dimension sizes, as recommended above, are utilized to reduce foundation difficulties as a result of local shear or "punching" action.

Rock Profile

In the area around boring B-1, which was offset six times, there are large boulders located on and just beneath the surface. According the Philip Post & Associates, only the smaller boulder areas located within the cul-de-sac at the southern end of Street B are to be removed. Our investigation indicates that these rocks do in fact appear to be free standing boulders, and not in fact bedrock. However, with hand auger techniques, it its difficult to identify the depth to bedrock, or the depth and size of the boulders which exist at and below the subsurface.

Excavation in this area may experience difficulty. If more certainty is required, either drill rig auger exploration should be performed, or test pits dug with a back hoe or track hoe.

Wetlands

The stream and boggy area along the western boundary of the site were examined for the presence of wetlands. A visual site inspection and soil samples and research were performed to determine if, in our opinion, this area qualifies as a wetland based on the U.S. Corps of Engineers 1987 criteria for wetlands.

During the site walkover, almost no wetland vegetation was noted. A very small patch of growth measuring approximately 5 feet by 15 feet which may be a vascular type plant (a criteria of wetland plant species) was noted near the streams edge in the vicinity of boring No. 3.

None of the soil borings encountered any soils which appear to meet the criteria of a wetland soil. The soils on the site, generally Herndon Series, HrB, 10YR 4/4 or 10YR 7/6), based on samples collected and research of the *Soil Survey of Orange County, North Carolina*, U.S. Soil Conservation Service, are soils that are generally poor or very poor for supporting both wetland vegetation and wetland wildlife (See Figure 3).

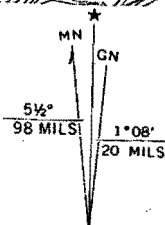
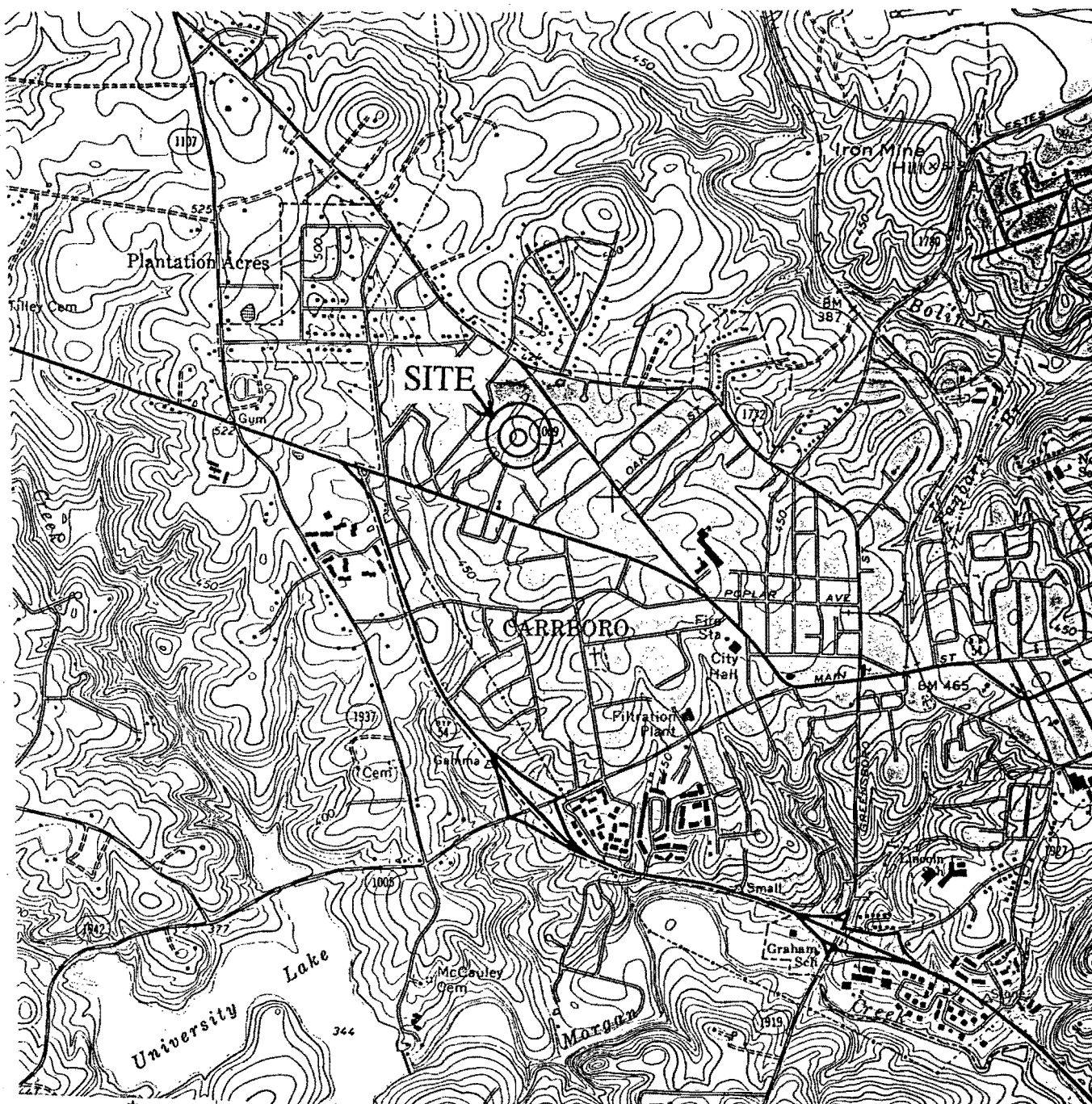
Given the above information, and since the wetter areas along the western boundary are not proposed to be filled, wetlands should not be an issue on the site. Should additional information be required on the wetlands, the Corps of Engineers or a certified wetlands specialist should be consulted.

GENERAL COMMENTS

This report has been prepared in order to aid in the evaluation of this property and to assist the architect and/or engineer in the design of this project. The scope is limited to the specific project and locations described herein and our description of the project represents our understanding of the significant aspects relative to soil and foundation characteristics.

In the event that any change in the nature or location of the proposed construction outlined in this report are planned, we should be informed so that the changes can be reviewed and the conclusions of this report modified or approved in writing by the soil and foundation engineer. It is recommended that all construction operations dealing with earthwork and foundations be reviewed by an experienced soils engineer to provide information on which to base a decision as to whether the design requirements are fulfilled in the actual construction. If you wish, we would welcome the opportunity to provide field construction services for you during construction.

FIGURES



JTM GRID AND 1981 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

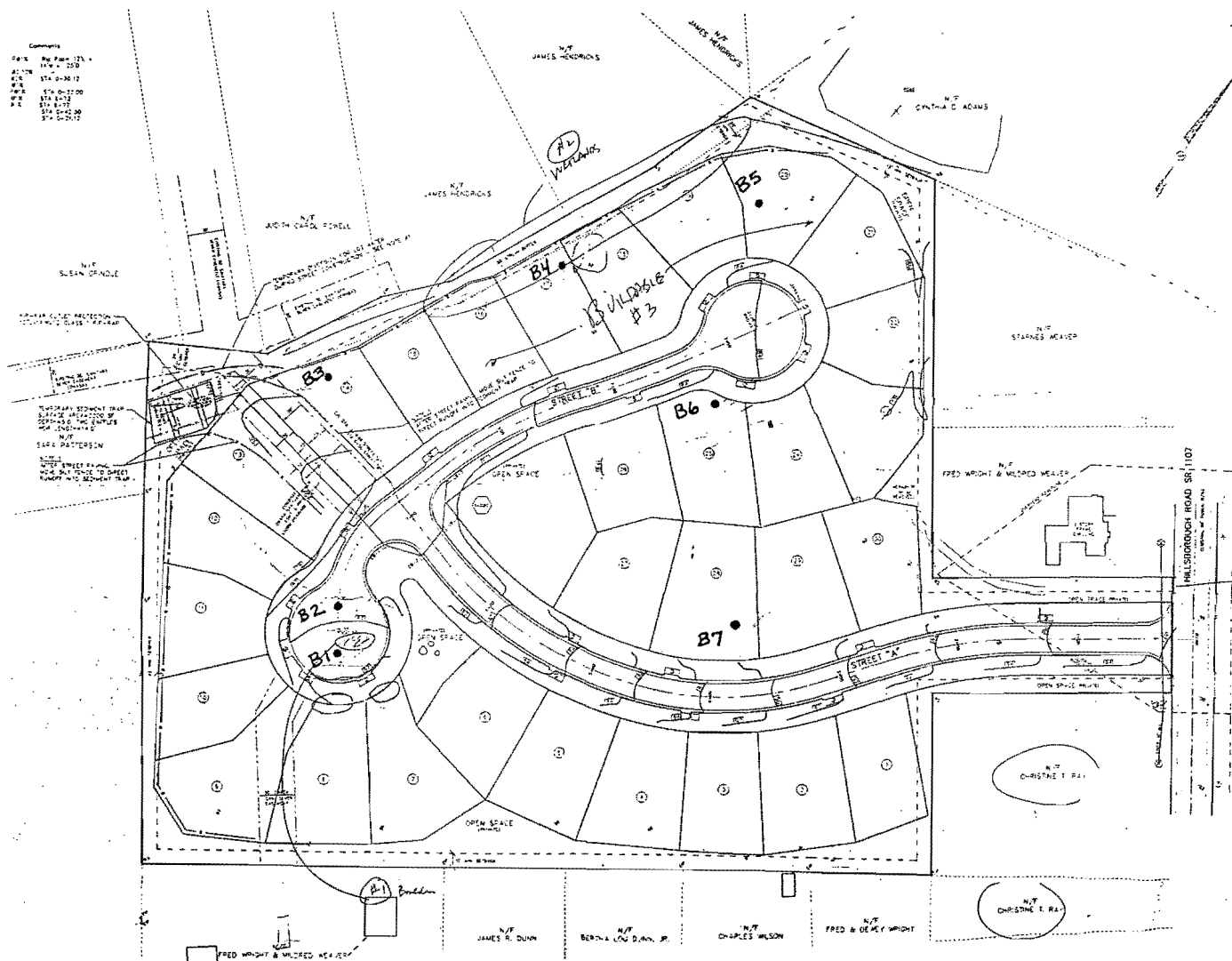



Wilson Engineering Division

PROJECT/CLIENT

VICINITY MAP
BEL ARBOR SUBDIVISION
CARRBORO, NORTH CAROLINA

DRAWN BY	USGS	1981
CHECKED BY	GHS	2/94
APPROVED BY	GHS	2/94
SCALE	1"=2000'	FIGURE NO. 1
T-1420		



REV	DATE	 <p>ECS Engineering & Construction Services</p> <p><i>Wilson Engineering Division</i></p>		P.O. Box 1205 Research Triangle North Carolina Durham 1991 54- Raleigh 1991 556	
				PROJECT/CLIENT SITE PLAN/BORING LOCATION DIA BEL ARBOR SUBDIVISION CARRBORO, NORTH CAROLINA	
DRAWN BY				SCALE 1"=100'	FIE
CHECKED BY					
APPROVED BY		GHS	2/94	T-122	

APPENDIX INDEX

APPENDIX A	General Conditions
APPENDIX B	General Notes
APPENDIX C	Unified Soil Classification System
APPENDIX D	Procedures Regarding Field Logs, Laboratory Data Sheets and Samples
APPENDIX E	Boring Field Logs

GENERAL CONDITIONS

The analysis, conclusions, and recommendations submitted in this report are based on the investigation previously outlined and the data collected at the points shown on the attached location plan. This report does not reflect specific variations that may occur between test locations. The borings were located where site conditions permitted and where it is believed representative conditions occur but the full nature and extent of variations between borings and of subsurface conditions not encountered by any boring may not become evident until the course of construction. If variations become evident at any time before or during the course of construction, it will be necessary to make a re-evaluation of the conclusions and recommendations of this report and further exploration, observation, and/or testing may be required.

This report has been prepared in accordance with generally accepted soil and foundation engineering practices and makes no other warranties, either expressed or implied, as to the professional advice under the terms of our agreement and included in this report. The recommendations contained herein are made with the understanding that the contract documents between the owner and foundation or earthwork contractor or between the owner and the general contractor and the caisson, foundation, excavating and earthwork subcontractors, if any, shall require that the contractor certify that all work in connection with foundations, piles, caissons, compacted fills and other elements of the foundation or other support components are in place at the locations, with proper dimensions and plumb, as shown on the plans and specifications for the project.

Further, it is understood the contract documents will specify that the contractor will, upon becoming aware of apparent or latent subsurface conditions differing from those disclosed by the original soil investigation work, promptly notify the owner, both verbally to permit immediate verification of the chance and in writing, as to the nature and extent of the differing conditions and that no claim by the contractor for any conditions differing from those anticipated in the plans and specifications and disclosed by the soil studies will be allowed under the contract unless the contractor has so notified the owner both verbally and in writing, as required above, of such changed conditions. The owner will, in turn, promptly notify this firm of the existence of such unanticipated conditions and will authorize such further investigation as may be required to properly evaluate these conditions.

Further, it is understood that any specific recommendations made in this report as to on-site construction review by this firm will be authorized and funds and facilities for such review will be provided at the times recommended if we are to be held responsible for the design recommendations.

GENERAL NOTES

DRILLING & SAMPLING SYMBOLS:

SS = Split Spoon 1 3/4" L.D., 2" O. D. Unless otherwise noted	OS = Osterberg Sampler-3" Shelby Tube
ST = Shelby Tube = 2" O. D. Unless otherwise noted	HS = Hollow Stem Auger
PA = Power Auger	WS = Wash Sample
DB = Diamond Bit - NX, BX, AX	FT = Fish Tail
AS = Auger Sample	RB = Rock Bit
JS = Jar Sample	BS = Bulk Sample
VS = Vane Shear	PM = Pressuremeter Test, In-Situ
	GS = Giddings Sampler

Standard "N" Penetration: Blows per foot of a 140 pound hammer falling 30 inches on a 2 inch O.D. split spoon sampler, except where otherwise noted.

WATER LEVEL MEASUREMENT SYMBOLS:

WL = Water Level	WCI = Wet Cave In
WS = While Sampling	DCI = Dry Cave In
WD = While Drilling	BCR = Before Casing Removal
AB = After Boring	ACR = After Casing Removal

Water levels indicated on the boring logs are the levels measured in the boring at the times indicated. In previous soils, the indicated elevations are considered reliable groundwater levels. In impervious soils, the accurate determination of ground water elevations may not be possible, even after several days of observations; additional evidence of ground water elevations must be sought.

GRADATION DESCRIPTION & TERMINOLOGY:

Coarse Grained or Granular Soils have more than 50% of their dry weight retained on a #200 sieve; they are described as: boulders, cobbles, gravel or sand. Fine Grained soils have less than 50% of their dry weight retained on a #200 sieve; they are described as: clays or clayey silts if they are cohesive and silts if they are non-cohesive. In addition to gradation, granular soils are defined on the basis of their relative in-place density and fine grained soils on the basis of their strength of consistency and their plasticity.

Major Component of Sample	Size Range	Descriptive Term of Components Also Present in Sample	Percent of Dry Weight
Boulders	Over 8 in. (200 mm)	Trace	1 - 9
Cobbles	8 inches to 3 inches (200 mm to 75 mm)	Little	10 - 19
Gravel	3 inches to #4 sieve (75 mm to 4.76 mm)	Some	20 - 34
Sand	#4 to #200 sieve (4.76 mm to 0.074 mm)	And	35 - 50
Silt	Passing #200 sieve (0.074 mm to 0.005 mm)		
Clay	Smaller than 0.005 mm		

CONSISTENCY OF COHESIVE SOILS:

Unconfined Compressive Strength, Qu, tsf	Consistency
< 0.25	Very Soft
0.25 - 0.49	Soft
0.50 - 0.99	Medium (firm)
1.00 - 1.99	Stiff
2.00 - 3.99	Very Stiff
4.00 - 8.00	Hard
> 8.00	Very Hard

RELATIVE DENSITY OF GRANULAR SOILS:

N - Blows per ft.	Relative Density
0 - 3	Very Loose
4 - 9	Loose
10 - 29	Medium Dense
30 - 49	Dense
50 - 80	Very Dense
80	Extremely Dense

UNIFIED SOIL CLASSIFICATION SYSTEM

Major divisions		Group symbols		Typical names		Laboratory classification criteria														
Coarse-grained soils (More than half of material is larger than No. 200 sieve size)							<p>Determine percentages of sand and gravel from grain-size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows:</p> <p>Less than 5 per cent GW, GP, SW, SP More than 5 per cent GM, GC, SM, SC 5 to 12 per cent Borderline cases requiring dual symbols</p>													
									Gravels (More than half of coarse fraction larger than No. 4 sieve size)		Clean gravels (Little or no fines)		GW		Well-graded gravels, gravel-sand mixtures, little or no fines		$C_u = \frac{D_{60}}{D_{10}}$ greater than 4; $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ between 1 and 2			
													GP		Poorly graded gravels, gravel-sand mixtures, little or no fines		Not meeting all gradation requirements for GW			
											Gravels with fines (Appreciable amount of fines)		GM		d		Silty gravels, gravel-sand-silt mixtures		Atterberg limits below "A" line or P.I. less than 4	
									u						Clayey gravels, gravel-sand-clay mixtures		Atterberg limits above "A" line with P.I. greater than 7			
									Sands (More than half of coarse fraction is smaller than No. 4 sieve size)		Clean sands (Little or no fines)		SW		Well-graded sands, gravelly sands, little or no fines		$C_u = \frac{D_{60}}{D_{10}}$ greater than 6; $C_c = \frac{(D_{30})^2}{D_{10} \times D_{60}}$ between 1 and 2			
													SP		Poorly graded sands, gravelly sands, little or no fines		Not meeting all gradation requirements for SW			
											Sands with fines (Appreciable amount of fines)		SM		d		Silty sands, sand-silt mixtures		Atterberg limits below "A" line or P.I. less than 4	
															u		Clayey sands, sand-clay mixtures		Atterberg limits above "A" line with P.I. greater than 7	
															SC		Limits plotting in hatch zone with P.I. between 4 and 7 are borderline cases requiring use of dual symbols.			

Fine-grained soils (More than half of material is smaller than No. 200 sieve)		Silts and clays (Liquid limit less than 50)		ML		Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity	
				CL		Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays	
				OL		Organic silts and organic silty clays of low plasticity	
		Silts and clays (Liquid limit greater than 50)		MH		Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	
				CH		Inorganic clays of high plasticity, fat clays	
				OH		Organic clays of medium to high plasticity, organic silts	
		Highly organic soils		Pt		Peat and other highly organic soils	

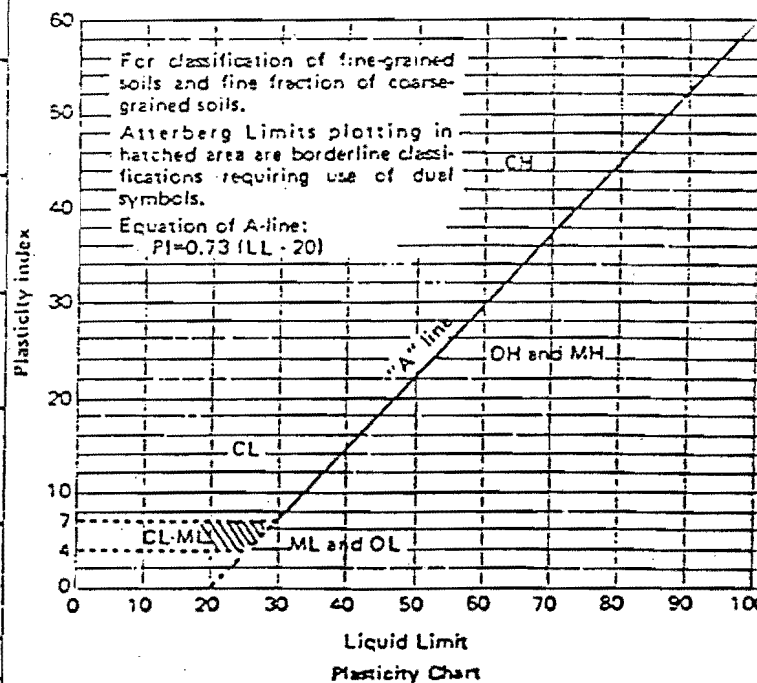
Plasticity index

For classification of fine-grained soils and fine fraction of coarse-grained soils, Atterberg Limits plotting in hatched area are borderline classifications requiring use of dual symbols.

Equation of A-line:
 $PI = 0.73 (LL - 20)$

Liquid Limit

Plasticity Chart



PROCEDURES REGARDING FIELD LOGS,
LABORATORY DATA SHEETS AND SAMPLES

In the process of obtaining and testing samples and preparing this report, procedures are followed that represent reasonable and accepted practice in the field of soil and foundation engineering.

Specifically, field logs are prepared during performance of the drilling and sampling operations which are intended to portray essentially field occurrences, sampling locations, and other information.

Samples obtained in the field are frequently subjected to additional testing and reclassification in the laboratory by more experienced soil engineers, and differences between the field logs and the final logs exist.

The engineer preparing the report reviews the field and laboratory logs, classifications and test data, and in his judgment in interpreting this data, may make further changes.

Samples taken in the field, some of which are later subjected to laboratory tests, are retained in our laboratory for sixty (60) days and are then destroyed unless special disposition is requested by our client. Samples retained over a long period of time, even in sealed jars, are subject to moisture loss which changes the apparent strength of cohesive soil generally increasing the strength from what was originally encountered in the field. Since they are then no longer representative of the moisture conditions initially encountered, an inspection of these samples should recognize this factor.

It is common practice in the soil and foundation engineering profession that field logs and laboratory data sheets not be included in engineering reports, because they do not represent the engineer's final opinions as to appropriate descriptions for conditions encountered in the exploration and testing work. On the other hand, we are aware that perhaps certain contractors and subcontractors submitting bids or proposals on work might have an interest in studying these documents before submitting a bid or proposal. For this reason, the field logs will be retained in our office for inspection by all contractors submitting a bid or proposal. We would welcome the opportunity to explain any changes that have been and typically are made in the preparation of our final reports, to the contractor or subcontractors, before the firm submits its bid or proposal, and to describe how the information was obtained to the extent the contractor or subcontractor wishes. Results of laboratory tests are generally shown on the boring logs or described in the text of the report, as appropriate.

The descriptive terms and symbols used on the logs are described on the attached sheet, entitled, General Notes.

B1


BEL ARBOR SUBDIVISION

CAZZBORD, NC



WILSON
ENGINEERING
DIVISION


CALIBRATED PENETROMETER 7
TONS/FT²
 1 2 3 4 5 7 9


DYNAMIC CONE PENETRATION

ELEVATION:

DEPTH:

SAMPLE NO

SAMPLE TYPE:

SAMPLE DISTANCE

RECOVERY

DESCRIPTION OF MATERIAL

SURFACE ELEVATION

TOP SOIL / ROOT MAT

- Tan silty clay w/ some cobbles
 & sand & BOULDERS

HAND AUGER REFUSAL
* BORING OFFSET 6 TIMES
W/SAME RESULTS

10

1.5

NOTES:



WATER LEVEL IN BOREHOLE
AT "N" HOURS AFTER BORING

 $D =$

DRY DENSITY FROM UNDISTURBED SAMPLE LBS/FT³

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN SITU THE TRANSITION MAY BE GRADUAL

SHEET NO.

1

OF

7

BORING STARTED

217

DRAWN:

GAS CHECKED

BORING COMPLETED

2/15

WEA JOB NO.

T1420





CREW

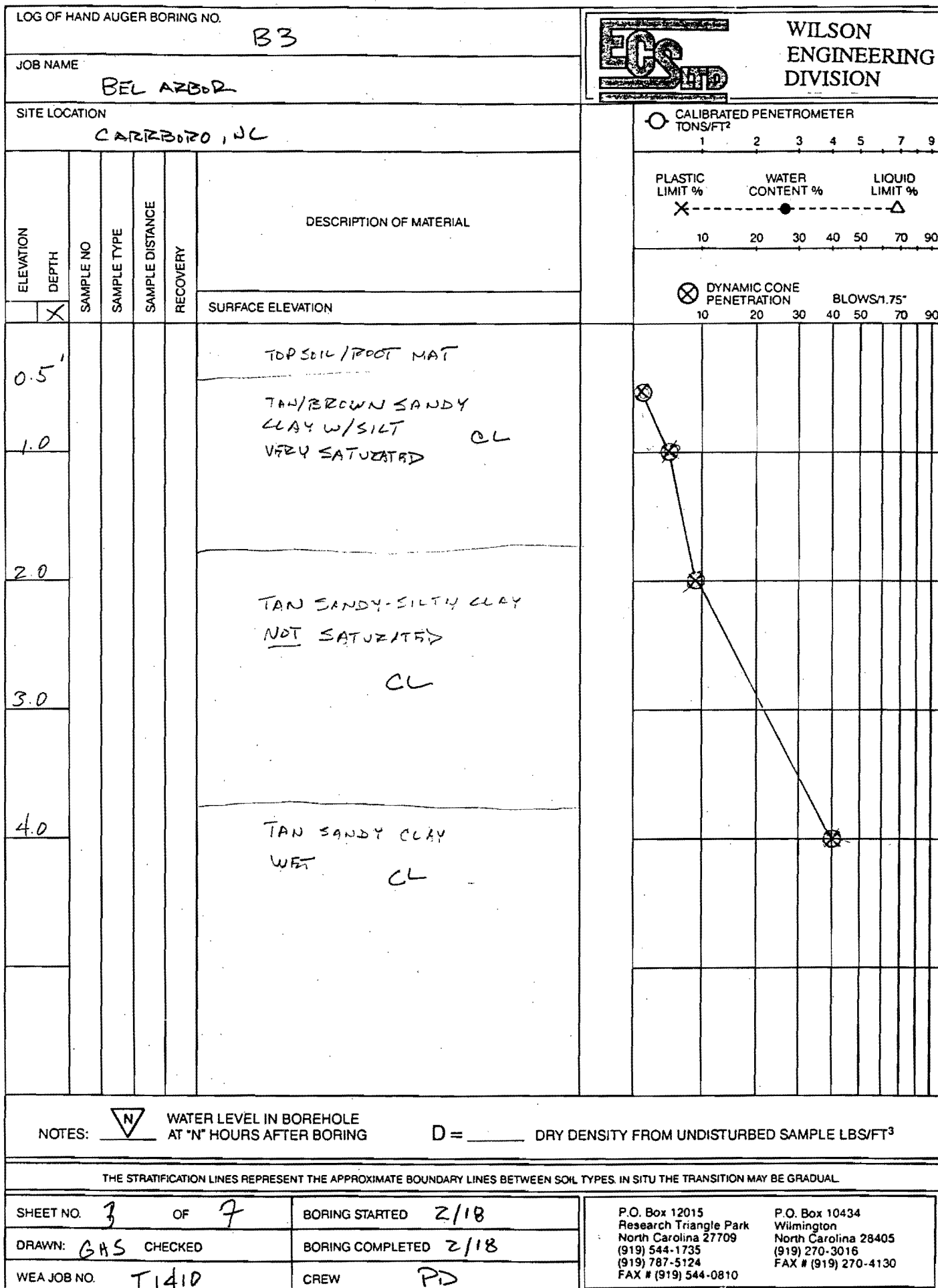
BB / MC

**P.O. Box 12015
Research Triangle Park
North Carolina 27709
(919) 544-1735
(919) 787-5124
FAX # (919) 544-0810**

P.O. Box 10434
Wilmington
North Carolina 28405
(919) 270-3016
FAX # (919) 270-4130

8L1

LOG OF HAND AUGER BORING NO. BZ					 WILSON ENGINEERING DIVISION	
JOB NAME BEL ABBOD						
SITE LOCATION CARRBORO, NC						
ELEVATION	DEPTH	SAMPLE NO	SAMPLE TYPE	SAMPLE DISTANCE	RECOVERY	DESCRIPTION OF MATERIAL
						<input checked="" type="checkbox"/> CALIBRATED PENETROMETER TONS/FT ² 1 2 3 4 5 7 9 PLASTIC LIMIT % WATER CONTENT % LIQUID LIMIT % X-----●-----△ 10 20 30 40 50 70 90
						<input checked="" type="checkbox"/> DYNAMIC CONE PENETRATION BLOWS/1.75" 10 20 30 40 50 70 90
						SURFACE ELEVATION
						TO PEAK / ROOT MAT
						TAN / BROWN SILTY CLAY <u>CL</u>
						 COBBLES OR  BOULDERS
4.5'						HARD AUGER REFUGAL * BORING OFFSET 1 TIME DUE TO COBBLE / BOULDER
NOTES:  WATER LEVEL IN BOREHOLE AT "N" HOURS AFTER BORING D = _____ DRY DENSITY FROM UNDISTURBED SAMPLE LBS/FT ³						
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.						
SHEET NO. 2 OF 7		BORING STARTED 2/17		P.O. Box 12015 Research Triangle Park North Carolina 27709 (919) 544-1735 (919) 787-5124 FAX # (919) 544-0810		
DRAWN: GHS CHECKED		BORING COMPLETED 2/17		P.O. Box 10434 Wilmington North Carolina 28405 (919) 270-3016 FAX # (919) 270-4130		
WEA JOB NO. T1420		CREW PD/MC				



LOG OF HAND AUGER BORING NO. B 4						<div style="display: inline-block; text-align: right; margin-top: 5px;"> WILSON ENGINEERING DIVISION </div>	
JOB NAME BEL ARBOR						<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>○ CALIBRATED PENETROMETER TONS/FT²</div> <div>1 2 3 4 5 7 9</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> <div>PLASTIC LIMIT % X</div> <div>WATER CONTENT % ●</div> <div>LIQUID LIMIT % △</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> <div>10 20 30 40 50 70 90</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 10px;"> <div>⊗ DYNAMIC CONE PENETRATION</div> <div>BLOWS/1.75"</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> <div>10 20 30 40 50 70 90</div> </div>	
SITE LOCATION CATBORO, NC							
ELEVATION	DEPTH	SAMPLE NO	SAMPLE TYPE	SAMPLE DISTANCE	RECOVERY	DESCRIPTION OF MATERIAL	
X						SURFACE ELEVATION	
	1.0					TAN SILTY CLAY CL SATURATED	
	2.0					TAN SILTY CLAY CL NOT SATURATED	
	3.0						
	4.0					TAN SANDY SILT <u>ML</u> BT	
NOTES: N WATER LEVEL IN BOREHOLE AT "N" HOURS AFTER BORING D = _____ DRY DENSITY FROM UNDISTURBED SAMPLE LBS/FT ³							
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.							
SHEET NO. 4 OF 7		BORING STARTED 2/18		<div style="display: flex; justify-content: space-between;"> <div> P.O. Box 12015 Research Triangle Park North Carolina 27709 (919) 544-1735 (919) 787-5124 FAX # (919) 544-0810 </div> <div> P.O. Box 10434 Wilmington North Carolina 28405 (919) 270-3016 FAX # (919) 270-4130 </div> </div>			
DRAWN: GHS CHECKED		BORING COMPLETED 2/18					
WEA JOB NO. T1410		CREW PD					

LOG OF HAND AUGER BORING NO. B5						<div style="display: inline-block; text-align: right; margin-top: 5px;"> WILSON ENGINEERING DIVISION </div>	
JOB NAME BEL ARBOR						<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> CALIBRATED PENETROMETER <small>TONS/FT²</small> <div style="display: flex; justify-content: space-between; width: 100%;"> 1 2 3 4 5 7 9 </div> <div style="display: flex; justify-content: space-between; width: 100%;"> PLASTIC LIMIT % WATER CONTENT % LIQUID LIMIT % </div> <div style="display: flex; justify-content: space-between; width: 100%;"> X ● △ </div> <div style="display: flex; justify-content: space-between; width: 100%;"> 10 20 30 40 50 70 90 </div> </div> <div style="border: 1px solid black; padding: 5px;"> DYNAMIC CONE PENETRATION <small>BLOWS/1.75"</small> <div style="display: flex; justify-content: space-between; width: 100%;"> 10 20 30 40 50 70 90 </div> </div>	
SITE LOCATION CARRBORO, NC							
ELEVATION	DEPTH	SAMPLE NO	SAMPLE TYPE	SAMPLE DISTANCE	RECOVERY		
SURFACE ELEVATION							
0.5							
1.0						TAN SILTY CLAY w/TRACE F.SAND CL DRY	
2.0							
						TAN SANDS SILT <u>ML</u> DRY	
4.0						AR = 4 ft DRY	
NOTES: N WATER LEVEL IN BOREHOLE AT "N" HOURS AFTER BORING D = _____ DRY DENSITY FROM UNDISTURBED SAMPLE LBS/FT ³							
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.							
SHEET NO. 5 OF 7			BORING STARTED 2/18			<div style="display: flex; justify-content: space-between;"> <div> P.O. Box 12015 Research Triangle Park North Carolina 27709 (919) 544-1735 (919) 787-5124 FAX # (919) 544-0810 </div> <div> P.O. Box 10434 Wilmington North Carolina 28405 (919) 270-3016 FAX # (919) 270-4130 </div> </div>	
DRAWN: GHS CHECKED			BORING COMPLETED 2/18				
WEA JOB NO. T1410			CREW T1410				

LOG OF HAND AUGER BORING NO.

B6

JOB NAME

BEL ARBER

SITE LOCATION

CARIZZO, NC



WILSON
ENGINEERING
DIVISION

ELEVATION DEPTH	SAMPLE NO	SAMPLE TYPE	SAMPLE DISTANCE	RECOVERY	DESCRIPTION OF MATERIAL	CALIBRATED PENETROMETER TONS/FT ²		PLASTIC LIMIT %		WATER CONTENT %		LIQUID LIMIT %	
						1	2	3	4	5	7	9	10
X					SURFACE ELEVATION	DYNAMIC CONE PENETRATION							
0.5'					TAN SILTY CLAY CL DRY								
1.0'													
2.0'					TAN SANDY SILT ML DRY								
4.0'													

NOTES:



WATER LEVEL IN BOREHOLE
AT "N" HOURS AFTER BORING

D = _____ DRY DENSITY FROM UNDISTURBED SAMPLE LBS/FT³

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.

SHEET NO. 6 OF 7

BORING STARTED 2/18

DRAWN: GHS CHECKED

BORING COMPLETED 2/18

WEA JOB NO. T1410

CREW PD

P.O. Box 12015
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North Carolina 27709
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Wilmington
North Carolina 28405
(919) 270-3016
FAX # (919) 270-4130

LOG OF HAND AUGER BORING NO. B7						<div style="display: inline-block; text-align: right; margin-top: 5px;"> WILSON ENGINEERING DIVISION </div>	
JOB NAME BEL ARBOR						<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <input type="radio"/> CALIBRATED PENETROMETER TONS/FT² 1 2 3 4 5 7 9 </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> PLASTIC LIMIT % WATER CONTENT % LIQUID LIMIT % </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> X • Δ </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> 10 20 30 40 50 70 90 </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 10px;"> <input checked="" type="radio"/> DYNAMIC CONE PENETRATION BLOWS/1.75" </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em; margin-top: 5px;"> 10 20 30 40 50 70 90 </div>	
SITE LOCATION CAZZBORO, NC							
ELEVATION	DEPTH	SAMPLE NO	SAMPLE TYPE	SAMPLE DISTANCE	RECOVERY	DESCRIPTION OF MATERIAL	
X						SURFACE ELEVATION	
0.5							
1.0							
2.0							
3.0							
						TAN SILTY CLAY CL DRY	
						TAN SANDY SILT CL DRY	
						HARD AUGER REFUSAL	

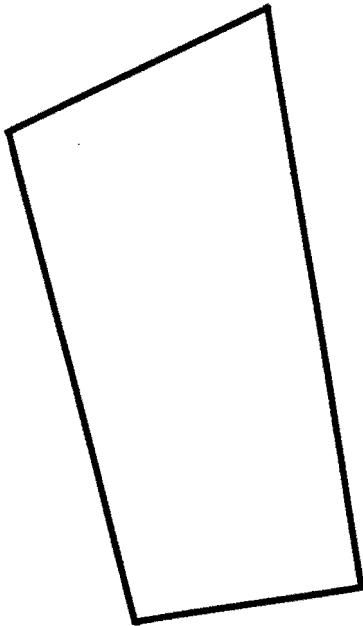
NOTES: N WATER LEVEL IN BOREHOLE AT "N" HOURS AFTER BORING D = _____ DRY DENSITY FROM UNDISTURBED SAMPLE LBS/FT³

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN SITU THE TRANSITION MAY BE GRADUAL.

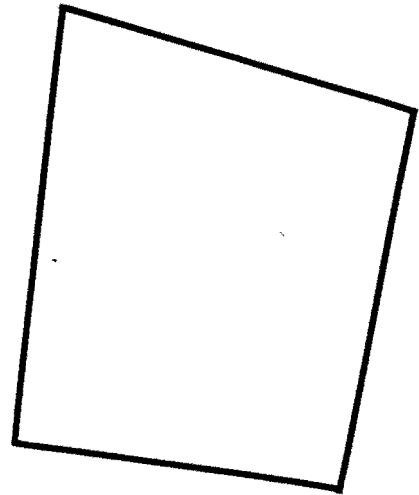
SHEET NO. 7 OF 7	BORING STARTED 2/12	P.O. Box 12015 Research Triangle Park North Carolina 27709 (919) 544-1735 (919) 787-5124 FAX # (919) 544-0810
DRAWN: GAS CHECKED	BORING COMPLETED 2/18	
WEA JOB NO. T1410	CREW PD	

P.O. Box 10434
Wilmington
North Carolina 28405
(919) 270-3016
FAX # (919) 270-4130

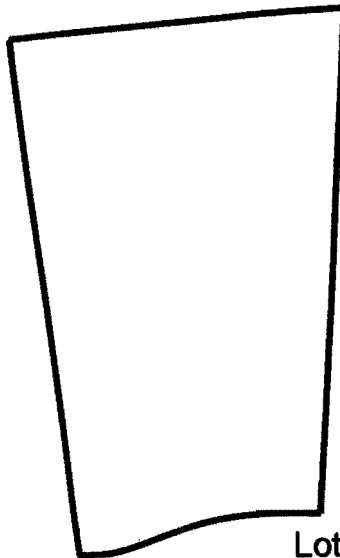
Lot Comparison for Bel Arbor Subdivision



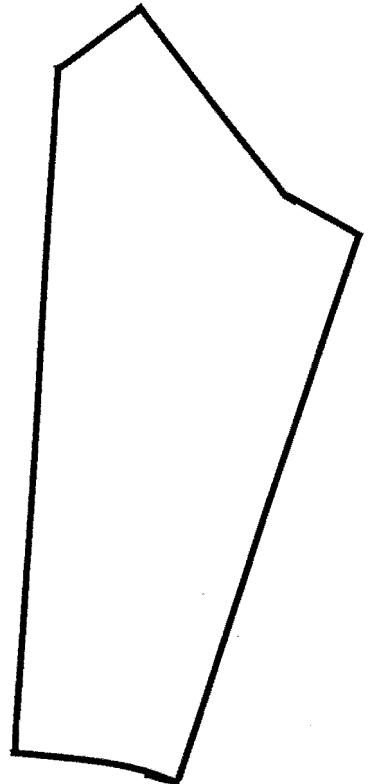
2104 Pathway Dr.
Fair Oaks
9,225 Sq. Ft.
Zone RSIR



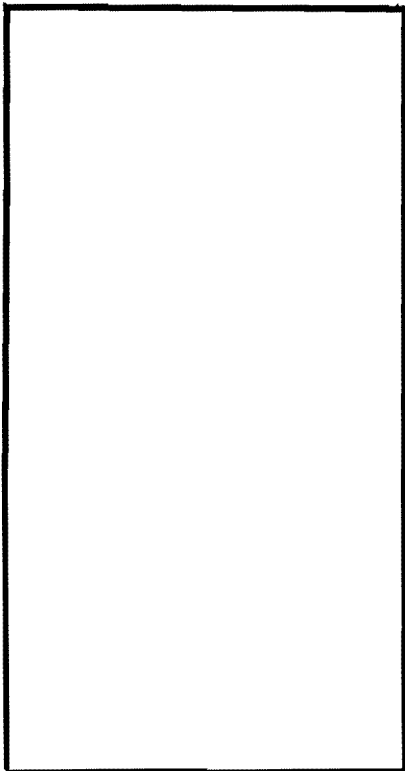
1546 Pathway Dr.
Bolin Forest
9,114 Sq. Ft.
Zone RSIR



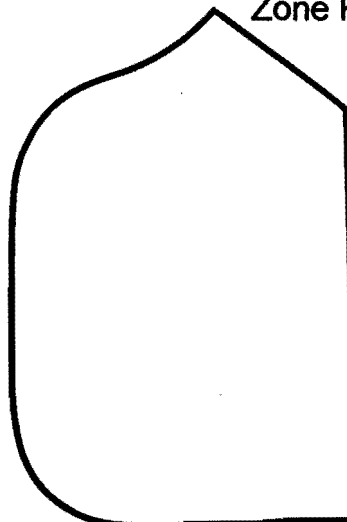
Lot 13
Bel Arbor
9,700 Sq. Ft.
Zone R-10



107 Cheswick Ct.
Cheswick
10,914 Sq. Ft.
Zone R-10



Plantation Acres
20,000
Zone R-20



600 Robert Hunt Dr.
Quarterpath Trace
10,211 Sq. Ft.
Zone R-10

Scale 1" = 50'

CITIZENS' CONCERNS OF THE BEL ARBOR SUBDIVISION

(Voiced at the 02/08/94 Public Hearing)

1. Existing drainage and run-off problems in the northeast section of the proposed development, along proposed lots 19, 20, 21.
2. Does not conform to the surrounding community character, i.e., the density of the proposed development is too high.
3. The proposed development would increase traffic, houses, people, and impact negatively on the environment, i.e., the clearing of trees for streets and housing construction.
4. Increased traffic; parking problems in the proposed development; disturbance of the natural environment, i.e., re-location of the rock outcroppings; clearing of trees, limited site distance for traffic entering Hillsborough Road from Dillard Street; who will be allowed to use the proposed open space and park areas —citizens of the town or just subdivision residents; will the open space and park areas be "policed" and if so, by whom; and proposed development has too high density.
5. The AIS type development philosophy does not conform to the character of the surrounding community. The proposed tract for development has "marsh land type" soils which are not conducive for housing development. Because of the high density of the proposed development, if built, it would impact negatively on the quality of life of the present residents of the community because of increased traffic, destruction of the trees, and the negative impact on the natural environment.
6. If the proposed subdivision is developed, an additional exit should be considered.

Sara Patterson
111 Pine Hill Drive
Carrboro NC
27510

03/01/94

919-929-4974

To the Town Council,

To begin, I know that the property known as Mr. Wright's pasture will be developed in some way, and I can understand that.

There are several points that should be mentioned. The first is water. I live at the end of Pine Hill St and my backyard adjoins the property. My side yard is damp most of the time and flooded when it rains because the ditch overflows. Then there is a small pond on the other side of the dedicated street. (No, not the one behind the brick house on Hillsborough St, but

2
Sara Patterson
111 Pine Hill Drive
Carrboro NC 27510
919-929-4974

in the woods ✓
right off the dedicated Phipps St.)
I can't imagine why Woody
would not come in from Simpson
St. That is the second point.

I know it is to everyone's
advantage to get this settled
but I have another concern
and that is that I think
Woody is wrong. I do not
think retired people with
money will flock to
his houses. The ones I have
met are more inclined
to places with no yard.
That is only my feeling.

I don't want to cause hard
feelings but I think you
should consider the water
run off and the fact that
Phipps is already a dedicated
street. Sincerely
Sara Patterson

March 7, 1994

Cariboo Board of Aldermen

Town Hall

Cariboo, B.C. V2Y 5D0

Ladies and Gentlemen,

Over the past several weeks you have been considering the proposed Belknap Subdivision. At the first meeting at the Town Hall many concerns over problems with this proposed subdivision were raised. My family has spoken with many of the property owners and other concerned neighborhood residents, none of whom are in favor of this project as it now stands. All of the concerns which were voiced to you are legitimate, and should weigh heavily in your decision concerning this project.

My family (my mother, my brother, my wife and myself), have sought and obtained legal counsel. In the unlikely event that this

Board of Alderman should pass this project unamended, we will be forced to pursue some form of legal remedy. Also, it should be noted that we have commitments from a large number of area residents who are more than willing to help financially.

In closing, I wish to confer to you our commitment to see our neighborhood preserved the way it is now - crime-free, peaceful, a neighborhood where safety prevails, where concerns over irrational land use are not a concern any longer. We strongly urge you to allow common sense to prevail and reject the developers request for this conditional use permit. Once again, I thank you for allowing me to address you - the Board of Alderman of Caryboro, North Carolina.

Sincerely,

Mike and Beth Ann Ray

To
The Board of Aldermen, CHARLOTTE, N.C.

I'm writing to ask you to consider the traffic problems that 28 or 30 houses in the proposed Bel Arbor subdivision will create on Hillsborough Road. With the new middle school and the new post office being built in the area and the only entrance and exit to the proposed Bel Arbor subdivision on Hillsborough Road, the traffic will be unbearable. It is not easy even now to pull out of the Wright house driveway at peak times. With traffic from the subdivision it will be almost impossible during peak times to get in and out of the proposed subdivision.

I proposed to Mr. Clark that a one-way street thru the proposed subdivision would alleviate some of the traffic on Hillsborough Road.

HE AGREED THIS IS A POSSIBILITY.

I'm ASKING YOU TO PLEASE CONSIDER
NOT ALLOWING MORE THAN 12 OR 15
HOUSES IN THE PROPOSED SUB-DIVISION
AND ALSO THE ONE WAY STREET.

THANK YOU

Christine Ray

607 Hillsborough Rd

Carboro, NC 27510

March, 4, 1993
613 Hillsboro Rd.
Carrboro, NC, 27510

Your Honor; Mayor and Alderpersons;

This letter pertains to the Bel Arbor development at 609 Hillsboro Road, Carrboro, NC.

In my opinion thirty units are to many houses to be built in this existing environment.

I am suggesting some thoughts that would be worth considering to help solve the environmental impact on a neighborhood that most of the homes along Hillsboro Road are built on twenty thousand, 20,000, square feet or larger lots.

First of all, I think 24 units are to many, but would be better than the now planned thirty, 30, units.

Secondly, I think a six foot-no-see-through fence would be appropriate. This would help contain the crowded situation of which could cause crime, traffic problems, parking problems, and total destruction of the forest environment to the Bel Arbor development.

Thirdly: I strongly recommend two, 2, entrances and exits. One could be off Hillsboro Road and the other off Simpson Street or Goldston Ave. If off Goldston Ave., it would give the town an excuse to pave, curb, and gutter that street.

I think this two, 2, entrances and exits would enhance the safety and public services that must be considered.

Fourthly: I suggest removing the larger trees, which will eventually be removed, and leaving the medium to smaller ones which would make a safer environment.

Fifthly: The drain ditch needs to be enlarged all the way from Hillsboro Road to West Main Street, 54 Highway, because it overflows now in many areas.

Sixthly: I believe the persons owning property in the Down Town area should be allowed to build on five thousand square feet, 5,000, of their property also.

Sincerely,
Starnes Weaver

RECEIVED MAR 4 1994

March 6, 1994

Dear Carrboro Alderman:

I was so hoping that I might have a chance to speak at the last town meeting on March 1, but since I did not have an opportunity to express my thoughts, I decided to put them on paper.

Thirty five years ago, my husband and I bought land on 1800 North Greensboro Street. At that time the area was all open country - there was only one other house. But, one day all this began to change. A road way was cut and trees began to fall. It upset us very much at the time, since we were accustomed to the beautiful wooded surroundings. Soon after we were also annexed into town. In the past several years, from Estes Drive to Fair Oaks, five new roads and hundreds of new homes have been built. This is progress and growth. As a matter of fact, many of these new families have become good friends and good neighbors.

I am writing this letter to show my support of Bel Arbor. I know how it feels to be right next door to change and growth, but I think the area residents will be happy with the results and make new friends as we have with Webb Wood and the other other new neighbors.

I know some of the neighbors are concerned about the land being too wet. I recall very well when houses were being built on Hunter Place and it was so wet all the equipment mired up - the whole area is somewhat wet. But, when the sun and wind get to the earth, it dries up. There would be many vacant lots around here if they were discouraged from building because of the wetness.

The residents of Greensboro St. have learned to live with the traffic. Since the road was widened, Greensboro St. has ten times the traffic of Hillsborough Rd. - I know I have counted many times. (We really need some safety warning lights at the Hillsborough & Greensboro St. intersection)



302 West Weaver Street
Telephone (919)942-7594
Carrboro, NC 27510

March 7, 1994

Board of Aldermen
Town of Carrboro,

Dear Aldermen,

Now that all of the emotional reactions and misinformed assumptions have been presented by the neighborhood opposition to my proposed subdivision, Bel Arbor, I would like to take a moment to sum up the issues before your final deliberation and hopefully, thoughtful approval.

Issue #1:

I have made application for a Conditional Use Permit for a subdivision that has been carefully designed to meet already existing zoning density requirements, suggested by the town since 1973. I continue to request approval of the two additional lots above the staff's last minute revision down from 30 lots to 28. By planning to construct roads to state standards, instead of private roads, the larger right-of-way and open space requested by the town of Carrboro, necessitate smaller lots. Reducing the number of lots at this late date will necessitate an increase in cost of the remaining lots, as well as an increase in the monthly maintenance fees paid by each eventual property owner. Quality of life and the quality of our development has been of utmost concern at every decision point during the planning stages of this project. Please give thoughtful consideration to the cost of the development versus the affordability issue.

Issue #2:

Two separate soil suitability studies have been performed during the wettest time of the year. Both tests showed that statements describing the land at Bel Arbor as "wetlands" were at least erroneous, and at worst, misleading and deceptive. The land at Bel Arbor is much like many neighborhoods around it in Carrboro; very flat, wet, and almost boggy in winter, due to poor run-off and plastic soils. Both reports, however, suggest that with proper road and storm sewer construction; and house footings designs not unlike what is already routinely required by local building inspectors, that Bel Arbor homes will be as stable and well-drained as any other homes in this area of Carrboro.

Issue #3:

Down-stream drainage has been addressed by town personnel as well as the civil engineering staff at Phil Post and Associates to determine volume and speed of runoff. Most recently a site visit was made last Thursday after a hard two-day rain, by Mr. Post, Mr. Williford, Mr. Peterson and me. Certainly the comfort, safety and protection of my neighbors' property is of great concern. But all professionals at hand have agreed that any possible problems that might exist could be handled with very rudimentary remedial procedures.

Issue #4:

The Town of Carrboro staff and the state Department of Transportation are in agreement that Bel Arbor can be constructed with a safe single intersection at Hillsborough Road. It is, in fact, a far safer road to add an intersection to than Greensboro Street, for example. Hillsborough Road seems wide and straight, in comparison, and any minor dips in the road are hundreds of feet to the south. The intersection at Greensboro Street is too close for really building up any speed coming from the north when approaching the Bel Arbor intersection. The Police Chief and Fire Chief both could find no compelling need to provide a rear entrance to Bel Arbor. A rear entrance would more than likely create more traffic than a single entrance, with people from the Simpson-Phipps area cutting through to Hillsborough, in addition to the comings and goings of the Bel Arbor residents.

Issue #5:

Other than moving a few smaller boulders in the southern cul-de-sac, we do not intend to disturb any of the beautiful stone out-croppings. We feel that they add to the beauty and appeal of Bel Arbor. We will, however, be forced to cut some of the majestic oaks and pine trees that now stand in abundance on the property. It will be my policy, however, as it has always been in the past, to be as sensitive as is feasible in our efforts to preserve the environment. Dozens of very large (18" diameter and larger) trees have been identified and located. Many hundreds more of smaller size will be protected from development on the more than three acres of land that should be left completely unaffected.

Issue #6:

A neighborhood like Bel Arbor most certainly belongs in Carrboro. thoughtfully designed, high quality, attractive homes will definitely attract successful professionals and seniors to our town. Citizens will be looking for a safe, reasonably priced, quality of life; a quiet and carefree lifestyle that we should be offering in Carrboro, and will be offering in Bel Arbor. Keeping all of these issues and my comments in mind, I am asking you for your support in the approval of Bel Arbor on Tuesday night. I look forward to creating this unique neighborhood in which the Town of Carrboro will take pride.

Sincerely,

A handwritten signature in cursive script, appearing to read "Woody Chris". The ink is dark and the signature is fluid, with a long, sweeping underline.

February 24, 1994

Dear Neighbors and Concerned Citizens of Carrboro:

Due to a conflict in my schedule I am unable to be here tonight. However, I would like to go on record in support of the development that Woody Claris has submitted. Sure I have concerns with the increased traffic that will result from the addition of 30 new residences in my neighborhood. But I have more concerns with the quality development in my neighborhood. Knowing Woody Claris and what he has done in the past gives me great confidence that this project will attract good people and good neighbors. His proposed development meets all zoning requirements and it is inevitable that someone will develop this property if not now, in the future. Why take a chance on a development of rental apartments, more duplexes or mobile homes etc., of lesser quality development. Let's work with Woody Claris to iron out any differences we might have in order to make this a positive step in the growth of Carrboro and our immediate neighborhood.

Sincerely,



Dickie Andrews
Resident of 213 Hillsborough Rd
Carrboro, N.C.



ORANGE COUNTY DEPARTMENT ON AGING

410 Caldwell Street

Chapel Hill, NC 27516

919-968-2080

Jerry M. Passmore
Director

February 25, 1994

Mr. Woody Claris
Claris Building Company
302 West Weaver St.
Carrboro, NC 27510

Dear Mr. Claris:

With pleasure I have learned of your plans for the Bel Arbor Community in Carrboro which will fill a need not presently being met in Southern Orange County.

Most people, of whatever age, desire choices in housing. Many persons over 60 are empty nesters who wish to simplify their lives in retirement or whose interests and inclinations have moved away from extensive yard work and gardening. At present, options for detached one-floor homes with manageable yards and maintenance responsibilities are very limited. Those who do not wish to join retirement communities or live in condominiums have little from which to choose.

There are now well over 11,000 Orange County citizens past 60 years of age, with more than 6500 of them in Chapel Hill Township. Orange County is known nationwide as an attractive and desirable retirement area, and it's estimated that several hundred new older citizens move into the area each year. It will be important for our community to provide a range of living accommodations for the varying lifestyles of this growing segment of our population.

Please keep me informed on progress of Bel Arbor. It will be an important addition to the resource information which I provide both present and potential residents.

Sincerely,

A handwritten signature in cursive script that reads "Louise R. Baker".

Louise R. Baker
Information and Referral Specialist



THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL

Department of English
(919) 962-5481
FAX (919) 962-3520

CB#3520, Greenlaw Hall
The University of North Carolina at Chapel Hill
Chapel Hill, N.C. 27599-3520

March 3, 1994

Bob Morgan
Town Manager
Carrboro, NC

Dear Mr. Morgan,

I was told that the Bel Arbor development planned by Woody Claris has recently come under discussion. I live in Carrboro in Bolin Forest, where Woody has built several homes. I am greatly impressed not only by Woody's superb craftsmanship but also his concern for the environment. My tenant here, a graduate student in City and Regional Planning at UNC, has been instrumental in developing Carrboro's Cohousing Project: he remarked that Woody had been more successful in leaving trees standing on our lot here than the ecologically-minded Cohousing Project had been in their efforts in the land they are developing.

I hope Woody will be granted permission to develop Bel Arbor. My interest is personal, since I had hoped that my mother would be able to retire to Bel Arbor in Carrboro. Woody is a outstanding citizen in our community, one who shares our concerns for preserving the natural landscape while accommodating the needs of a growing population. I fear that we could be far less fortunate if another builder, one not a member of our immediate community, should attempt to develop land here. Woody's reputation ensures that the concerns of the community will be taken into consideration. He has a solid record of aesthetically pleasing and ecologically sensitive development, a record that aims at preserving the natural beauty of our community. I have talked about the Bel Arbor project with members of Arbor Reality (who donate their profits to the Land Conservancy and who have affiliations with the Sierra Club), and they also felt that Woody's project would honor the needs of those members of the community who, like myself, wish to have environmental factors taken into consideration when there is further development. I hope you will support Bel Arbor.

A handwritten signature in cursive script, reading "Ted Leinbaugh".

Ted Leinbaugh
Bowman Gray Professor of
English

107 Amber Ct

CC: Board of Aldermen
Bob Morgan
Ray Whitford

309 Shelton Street
Carrboro, NC 27510
March 4, 1994

Ms. Sarah Williamson
Town Clerk
Carrboro Town Hall
W. Main Street
Carrboro, NC 27510

Dear Ms. Williamson:

I am writing to express my support of Woody Claris' new endeavor in Carrboro, Bel Arbor.

This just the sort of housing this area needs! During the 10 years that I have been working as a local realtor the number of retirees and single people buying houses has skyrocketed. They come to my office asking for a quiet setting close to town, for one-story construction, for a house with garage, and, often for a free-standing structure but one with the maintenance of the grounds included in a monthly homeowners' fee. I see subdivision after subdivision being targeted towards families with small children, or first-time homebuyers, or the wealthy, but this niche has gone begging until now.

I'd appreciate this effort from any reputable builder, but Woody Claris is one of the best. He constructs, in my opinion, a superior house for the same cost an average builder charges, and is among the most responsive to his clients' needs.

The plans we saw in Planning Board looked good to us, we recommended approval. I hope the Board of Aldermen allows Bel Arbor to be built.

Truly,

Susan Rodemeir

Susan Rodemeir

RECEIVED MAR 8 1994

PETITION

We the undersigned, citizens and property owners in Carrboro, petition the Board of Aldermen to deny the conditional use permit applied for by Phil Post and Associates, Inc. for the Bel Arbor Subdivision on the grounds that it exceeds the density limitations established by the town ordinances and is, therefore, out of character with the homes surrounding the 8.259 acres proposed to be developed.

NAME	ADDRESS	DATE
1 Theresa 104 Simpson Street		3/6/94
2 Theresa 201 Simpson St.		3/6/94
3 Susan Grindle	" "	" "
4 Marie 205 Simpson St.		" "
5 Marie Kennedy 203 Simpson St.		
6 Marie 205 Simpson St.		3/6/94
7 Marie 205 Simpson St.		3/6/94
8 Marie 207 Simpson		3/6/94
9 Marie 209 Simpson St.		3/6/94
10 Marie 213 Simpson St.		3/6/94
11 Marie 300 Simpson St.		3/6/94
12 Marie 206 Simpson St.		3/6/94
13 Marie 204 " "		3-6-94
14 Marie 200 Simpson St.		3/6/94
15 Marie 200 Simpson St.		3/6/94
16 Marie 113 Simpson		3/6/94
17 Marie 801 Hillsborough Rd.		3-7-94
18 Marie " " "		3-7-94
19 Marie 101 Simpson St.		3-7-94
20 Marie 101 Simpson St.		3-7-94
21 Marie 701 Hillsboro Rd.		3-7-94
22 Marie 104 Simpson St.		3-7-94
23 Marie 100 Harrison Ave.		3/7/94
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NAME	ADDRESS	DATE
1 Sally A. Smith	109 Pine Hill Dr. Carrboro	3-5-94
2 Jonathan Melcham	109 Pine Hill Dr. Carrboro	3-5-94
3 Richard Ashby	103 Pine Hill Dr. Carrboro	3-5-94
4 Madeline J. Coughlin	103 Pine Hill Dr. Carrboro	3-5-94
5 [Signature]	1102 W. Main St. Carrboro	3-5-94
6 Holly Camp	3710 Barlowe Rd. Efland NC	3-5-94
7 [Signature]	1102 W. Main St. Carrboro	3-5-94
8 Teren Gilbertson	1102 A W. Main St. Carrboro	3-5-94
9 [Signature]	501 Hillborough Rd. Carrboro	3-5-94
10 [Signature]	505 Hillborough Rd. Carrboro	3-5-94
11 Amy Farnham	504-3 Hillborough Rd. Carrboro	3-5-94
12 [Signature]	504-4 Hillborough Rd. Carrboro	3-5-94
13 [Signature]	504 Hillborough Rd. Carrboro	3-5-94
14 [Signature]	501 Hillborough Rd. Carrboro	3-5-94
15 [Signature]	501 Hillborough Rd. Carrboro	3/5/94
16 [Signature]	501 Hillborough Rd. Carrboro	3/5/94
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NAME	ADDRESS	DATE
1 Raymond Pendergrass	509 Hillsboro Rd.	3/6/94
2 Kelly Pendergrass	509 Hillsborough Rd	3/6-94
3 Susan Wilson	124 Dillard St.	3/6/94
4 Susan Wilson	104 Dillard St.	3/6/94
5 Susan Dunn	108 Dillard St.	3/6/94
6 James R. Dunn, Jr	108 Dillard St.	3/6/94
7 Bertha J. Dunn	108 Dillard St.	3/6/94
8 Susan Dunn	117 Dillard St.	3/6/94
9 Edward Walker	115 Dillard St.	3/6/94
10 Shirley Walker	115 Dillard St.	3-6-94
11 Tracy Mankin	113 Dillard St.	3-6-94
12 Sandra Buchanan	113 Dillard St.	3-6-94
13 Brian Rowland	113 Dillard St.	3-6-94
14 Key S. Wakeford	507 Hillsboro St	3/6/94
15 James E. Weaver	613 Hillsboro St.	3-8-94
16 Daphne C. Kates	105 Dillard St.	3-8-94
17 Mary Grace	Carrboro NC.	3-8-94
18 Ray L. Linn	108 Dillard St.	3-8-94
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NAME	ADDRESS	DATE
1. Sara Patterson	111 Pine Hill Dr. Carrboro	03/05/94
2. Julie Harris	102-A Pinehill Dr. Carrboro	03/05/94
3. Chris Higgins	102-A Pinehill Dr. Carrboro	3/5/94
4. Royan H. Post	105 Pine Hill Dr. Carrboro	3/5/94
5. Sarah L. Doster	1104 W. Main St.	3/5/94
6. Margaret Q. Durham	1104 W. Main St.	3/5/94
7. Maymie H. Riddle	217 Simpson St.	3/5/94
8. Mary Threlkeld-Wilson	602 Hillsborough Rd.	3/5/94
9. Thomas B. Best	608 Hillsborough Rd.	3-5-94
10. Dawn E. Van Horn	608 Hillsborough Rd.	3-5-94
11. Pat Bailey	605 Hillsborough Rd.	3-5-94
12. (Mr + Mrs) Mike & Kay	1107 Hillsborough Rd.	3/5/94
13. Christine Ray	607 Hillsborough Rd.	3/5/94
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Paul K. Halverson

104 Simpson Street Carrboro, North Carolina 27514

March 8, 1994

Honorable Eleanor Kinnaird, Mayor
Board of Alderman
Town of Carrboro
Carrboro, North Carolina

Dear Mayor Kinnaird and Board of Alderman:

Over the past month, I have had the opportunity to hear from a number of my neighbors regarding the proposed Bell Arbor subdivision. It is my understanding that the Board is scheduled to vote this evening on the conditional use permit application made by the developer in seeking a variance to the current zoning ordinances. It is further my understanding that the developer intends through this conditional use permit to build thirty homes in this roughly 8.2 acre parcel. **I urge you to deny this conditional use permit as it currently exists.**

My reasons for urging your denial of this conditional use permit are several, but they include the following major concerns:

■ **Density** of homes being proposed far exceeds *reasonable and rationale* use consistent with existing neighborhood and community standards.

■ **Traffic congestion** associated with these number of homes and resulting increased automobile traffic with highway infrastructure inadequate to absorb the increased routine traffic and the *increased potential for pedestrian accidents involving especially children* in the neighborhood.

■ **Noise** potential associated with higher density dwellings similar to apartment complex levels because of the increased number of people and automobiles.

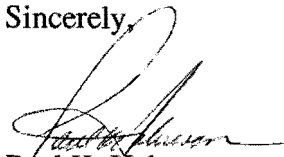
■ **Lowered property values** associated with the general diminished image associated with higher density residential areas. The general concern is that our community will be regarded as promoting high density, low income housing and not supportive of traditional family style neighborhoods thus *damaging existing property values of the surrounding neighborhoods*.

■ **Negative environmental impact** because of the generally wet soil conditions, substantial drainage construction may cause water to be diverted from the new project to the potential *detriment of homeowners downstream*.

As I have learned more about this proposed project, I am increasingly uneasy about the potentially great negative impact resulting from this project as proposed. I am supportive of growth within our town. I am supportive of increasing the tax base to absorb the necessary increase in expenses related to municipal services. *I am not supportive of this project as proposed because of the negative impact this project would have on my neighborhood.* I would urge you to consider rejection of this request this evening with encouragement to the developer to propose a more reasonable density consistent with existing zoning ordinances and the norms and character of the community.

I should also like to inform the Board of what appears to be the general consensus of the residents within our neighborhood related to this project. Specifically, there is the perception that the town is not responsive to the views of the citizens in our affected neighborhood. There is the sense that the citizens of Carrboro living in this area are the "enemy" and that the developer is the courted friend. I have been told that homeowners living adjacent to the subject property were never properly notified of public hearings and that public comment on this project was not welcomed or encouraged. This creates the very negative image of town government which I am sure you have each fought very hard to change. I understand the need for consistent process and orderly public comment. However, you need to know that there is a ground swell of opposition to this project and to the manner in which the proceedings have been handled. I also know that perception may be different from reality, so it is in this vain I write of my concerns.

Sincerely,



Paul K. Halverson

CONDITIONAL OR SPECIAL USE PERMIT WORKSHEET

I. COMPLETENESS OF APPLICATION

- Rm*
Jb
- ☒ The application is complete.
- ☐ The application is incomplete: _____

app 6 reg 1 (Bryan)

II. COMPLIANCE WITH THE ORDINANCE REQUIREMENTS

- Rm*
Jb
- ☒ The application complies with all applicable requirements of Land Use Ordinance
- ☐ The application is not in compliance with all applicable requirements of the Land Use Ordinance for the following reasons: _____

app 6, reg 1 (Bryan)

III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, 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 Zoning 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.

IV. GRANTING THE APPLICATION

- Rm*
Jb
- ☒ The application is granted, subject to the conditions agreed upon Section III of this worksheet.

app 5, 2 (Kinnaird, Bryan)

WORKSHEET: CONDITIONAL/SPECIAL USE PERMIT (cont'd)

V. DENYING THE APPLICATION

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section I.
- ☐ The application is denied because it fails to comply with the Ordinance requirements set forth above in Section II.
- ☐ The application is denied because, if completed as proposed, the development more probably than not:

1. Will materially endanger the public health or safety for the following reasons:

2. Will substantially injure the value of adjoining or abutting property for the following reasons:

3. Will not be in harmony with the area in which it is to be located for the following reasons:

4. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Alderman for the following reasons:

BEL ARBOR SUBDIVISION

JOINT REVIEW SUMMARY

Thursday, January 6, 1994

- AC 1. That on the whole, open space better serves citizens if open space is provided in a large cluster and is dedicated as a usable unit or visually accessible/open area within the subdivision. Thus creating a sense of a park-like, pedestrian setting. Long linear space along the rear property lines of lots does not contribute to an overall community sense of open space.
- AC 2. That curb cuts should be kept to a minimum number and width where possible.
- AC 3. That if the 20,000 square feet of open space discussed in staff presentation is required by the Land Use Ordinance...Then it should be provided on site.
- PB,AC,S 4. That prior to the final plat, the staff and the town attorney approve the homeowners documents and notations on the plat.
- AC,S 5. That the applicant set aside recreation area versus open space area and that the applicant add a minimum of ten per cent of the total recreational points for children under the age of twelve. That the applicant clarify the point system calculation by stating each item, land area for each, and the actual specification of facilities within each.
- THE ABOVE ITEM NUMBER 5 HAS BEEN COMPLETED AND IS REMOVED FROM THE CURRENT STAFF REPORT.
- PB 6. That, if recreational equipment is deemed necessary or required, at the discretion of the developer that any recreational equipment may be "age-neutral".
- TAB 7. That the TAB recommends to the Board of Alderman that this project be approved; but with the following addition: (1) that an open space be added between lots 24 and 23 and between lots 29 and 30; and that a walkway be constructed there to connect the cul-de-sac of "Street B" to "Street A". (2) That the "local" street in this development have on-street parking limited to one side. (3) That the easement between lots 13 and 14 be dedicated to the Town to allow the construction of a pedestrian walkway or bikeway now or in the future to connect

this neighborhood to the easement that connects to Simpson Street (Phipps Street Extension). We understand from the developer that this nor a road was not considered due to the fact that it would cross the stream buffer, but we feel that at the very least a pedestrian walkway and/or bikeway would be of benefit to the occupying and surrounding neighbors if it does not comprise the stream buffer. The TAB would also like to express its disappointment at the absence of a second connection on the plans that would connect this development (Bel Arbor) to the existing easement (the Phipp Street Extension onto Simpson). As Option B the TAB would offer that the Board of Alderman can ignore all of the above recommendations provided that the proposed streets are to remain private in perpetuity and maintenance responsibility transferred to the homeowners association upon completion.

Mr. Zaffron made a friendly amendment to the motion stating: The road into the subdivision will be designated as "private"; and signage will be posted to that effect at the entrance to the subdivision. Present and future residents of Bel Arbor will have in writing a contract specifying their specific duties in the cost and maintenance to their housing units; precluding any aspect of road improvements as well as road dedication to the Town. Mr. Neal Mochel also seconded the motion amendment.

Bel Arbor, Public Hearing, 3-1-94

Drainage calculations have been redone to accommodate the expanded area of concern and the calculations reflect that the drainage channel has the capacity to carry a 10-year flow without overtopping the existing banks of the small swale. The Carrboro Land Use Ordinance requires that the plans be designed to withstand the ten year flood.

A list of concerns of the surrounding neighbors from the public hearing is enclosed with the staff report.

A neighborhood meeting was held between the applicant and surrounding property owners on February 24, 1994.

RECOMMENDATIONS

Staff recommends approval of the project as presented with the following conditions:

- 1) That prior to the final plat the staff and the Town Attorney approve the homeowners documents and notations on the plat;
- 2) That the total number of lots be reduced from 30 to 28 lots and the square footage of the lots be added to the open space allotment. As a suggestion, staff recommends that lots 26 and 27 be eliminated;
- 3) That the Homeowners Association will be responsible for construction and all associated maintenance of the walkways from the streets to the recreation areas that will be constructed across the street rights of way;
- 4) That the rear setback limits be adjusted to the outside the wet areas and the ponding area along the western property line;
- 5) That each home shall be served by a hard surface driveway of sufficient dimensions to provide parking for two vehicles.

Members
Carrboro Board of Aldermen
Carrboro, N. C.

Dear Board Members,

Last month I had the opportunity to address you during your regular Board meeting concerning the development of the Jim Wright property. I felt badly that I could not return to Carrboro for your second meeting concerning that issue. However, your rulings and other actions during the second public meeting concerning the Jim Wright property has us all worried. We are as much concerned about your lack of legislative sunshine, as it pertains to individual citizen freedoms, as we are about your seeming disregard for the facts in the troubling Jim Wright property regulation waiver case.

Since my last communication with the Board, I have learned the price paid by the developer for the Jim Wright property. The price, your staff can verify for you, is reported to me as exceeding \$184,000. Eight acres of R 10 property in Carrboro, NC for over \$180,000. Come on folks. Never before and never again. Folks, something very terrible has gone wrong in this situation.

Any experienced developer, as your Jim Wright property developer reported to you under oath that he is, would never have paid a penny of non-refundable money for such a piece of unbelievably expensive land without several escape provisions in his contract. Contingencies are a normal practice in any and all real estate dealings. If your Board members are unfamiliar with the practice please consult your attorney. This deal, as reported to you by the Jim Wright property developer, without some common sense contingencies, is the purchase of a proverbial golden pig in a ragged poke. If the Jim Wright property developer's project will not work without the zoning changes that he has requested of you, they should have become contingencies in his contract with the seller.

That they were not so stated as contingencies, cannot be used to punish the property owners who live around and adjacent to the Jim Wright property.

There are several troubling factors involved in this observation.

First, given the fact that your subject developer has informed you under oath that he has already paid for the land, is paying interest on the loan, and needs immediate approval of his request is tantamount to legal, but public, bribery. If your decision is based on this information your representation is more for special interests than for your citizens. Everyone in attendance who heard this message felt sorry for the young man. He made a foolish deal. Or did he. Was his decision an informed one. The answer is, "Does it really matter?" He is a grown man able to make his own decisions and he, not we, should have to live with these decisions.

Second, given the fact that the developer has already paid for the land and your staff knew this is an indication that the developer was given prior approval by your staff for the project (a man with twenty years experience would never have committed such a financial blunder without full assurance of staff and thus promised Board approval). The determination of prior staff approval is obvious in this case. I have cautioned you before concerning staff keeping a solid arms length relationship in its dealings with builders and developers. Anything short of an arms length relationship will eventually cost someone--frequently the poor taxpayers. If your decision supports this "prior approval" notion (too close relationship) and disregards the facts, as reported, then again your motives as a Board are serious cause for concern. A review of the public record shows a too close relationship between the developer and the staff in the case of this property.

Thirdly, there has been no credible outside study of the property to dispute the contradictory facts reported to you regarding past, present and future drainage and runoff problems. The area that is suggested by the developer as a place for the drainage water to go is supersaturated and is currently under several inches of water. Go look for yourself. It has been suggested to you that it could cost millions to solve the infrastructure drainage problems this project poses down stream in Plantations Acres and property off West Main. If the runoff problems are not solved the problems for the people in Plantation Acres and on the gravel roads off West Main St. are immense. You must order objective outside studies.

Fourthly, these three observations (public bribery, prior staff approval and no substantive facts from credible studies) in tandem with the facts that citizens and fellow Board Members have presented to you in your public meeting, if overlooked, constitute legislative irresponsibility. These additional facts are:

1. As much as 40% of the land may be completely unsuitable for the swamp land home sites (area behind Weaver and White);
2. Drainage problems abound on every side of this "swamp";
3. A citizen living below the property has informed you, in writing, that their property on the gravel street off West Main is already saturated land;
4. One, only one, of you Board members visited the property and then publicly reported to you that she found it wet, a fact you surely cannot ignore;
5. Two citizens living up stream from the property have given sworn testimony that they have serious drainage problems that are either caused by the water on the Jim Wright property or are problems just like the property;
6. One adjacent property owner reports that after a rain he cannot mow his lawn because he gets stuck up while riding his lawn mower in his own yard--folks this is serious;

7. The staff, inexcusably, has made no report to you on calculations for runoff off in connection with rain fall, for 100 year storms or even 25 year storms and the impact of such storms on existing or suggested drainage systems;
8. One of your own Board members publicly questions your legal position when faced with anticipated law suits regarding the damage that will result from your informed actions; and
9. Traffic pushed on to a busy street will result in wrecks.

These facts, when combined with the observations made by two of your Board members, simply do not make sense. You may be able to keep the citizens silent during the public hearings. You may listen only to the developer and approving staff and pretend that the facts about this deal do not exist or are not totally inconsistent with the proposal. You can run but you cannot hide from the notion that more people will suffer than will ever benefit from this financial blunder.

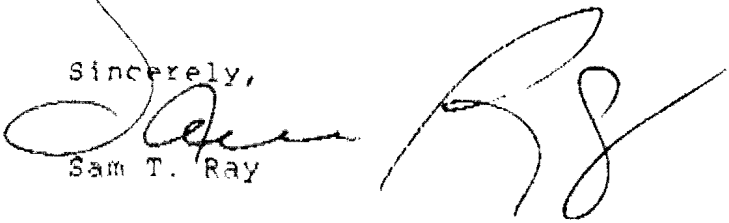
A meeting has been held with the developer, at the suggestion of a Board member, and little accomplished. The Board member should have been present to host the gathering because little was done to come to a compromise or some sort of universally acceptable solution. The citizens were threatened with the promise that 30 houses on the Jim Wright property are much better than countless apartments. Frankly, I can see very little difference between population density in the current proposal and one allowing the construction of several apartment houses.

There is middle ground. The high land area will tolerate some 10 to 12 houses and be consistent with the neighborhood as pointed out to you repeatedly. A scenic lake in the upper three acres to replace the marsh and swamp. A park around the stones. Better yet, one man wrote to my Mother, Christine Ray, suggesting that he visited the area after your first public meeting and he concluded that the forest was one of the last such naturally beautiful areas in the northern part of town and the Board should consider buying the land for a park. Parks, however, you well know, generate few tax dollars.

We will do what we can do to stop this grave action which we feels threatens our way of life, our quiet neighborhood and our right to both. We will, I feel sure, do all those things to cause you to consider our position worth listening to. Packing people into high density housing like a third world slum is as unacceptable in this neighborhood as it would be in most of yours. Going against the laws of both man and nature are just as unacceptable.

You have a heavy decision to make. You must consider many facts in coming to your decision. We have attempted to state our case to you as concerned citizens, tax payers, as builders or as interested neighbors. We hope your decision will be based on the law and not pity and on facts not supposition. We do wish you well.

Sincerely,


Sam T. Ray

404-257-6343

BOARD OF ALDERMEN

ITEM NO. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: March 8, 1994

SUBJECT: Status Report on Orange County Visitors Bureau

DEPARTMENT: n/a	PUBLIC HEARING: YES ___ NO <u>x</u> ___
ATTACHMENTS:	FOR INFORMATION CONTACT:

PURPOSE

The purpose of this report is to update the Board of Aldermen on the progress of the Chapel Hill/Orange County Visitors Bureau.

ANALYSIS

In September of 1991, the Orange County Board of Commissioners adopted a resolution to levy a room occupancy tax of 1% on the gross receipts derived from the rental of any room, lodging, or similar accommodation in the county. Interim Board of Directors were subsequently appointed by the Commissioners who oversaw the formation of a county visitors bureau and the hiring of a director. The Bureau has been operational for approximately 20 months now.

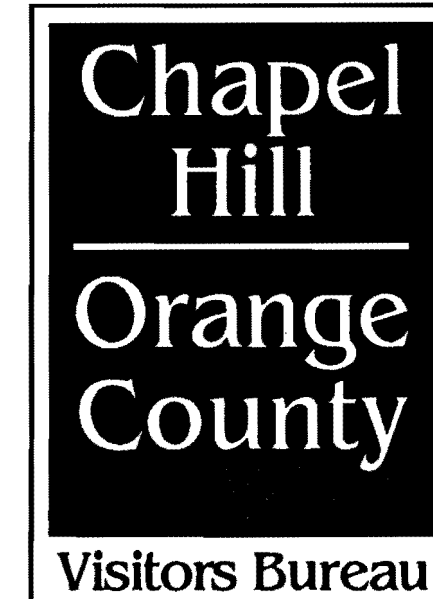
ACTION REQUESTED

To receive a report from the Chapel Hill/Orange County Visitors Bureau.

FUNDING

"Travel and tourism is a revenue-generating industry that invests public and private funds in the promotion, development, and servicing of visitors to our community. The community and its citizens benefit through the creation of jobs, income for local businesses, tax revenues for local governments and a more diverse community, all of which contribute to the quality of life we enjoy."

- △ Our local governments do not use property tax revenues to support the visitors bureau. The marketing programs undertaken and services provided by the bureau are funded primarily by visitors to Orange County.
- △ The county collects a 1% accommodations tax from all hotel guests, which the Board of Commissioners has dedicated to the operation of a county-wide visitors bureau.
- △ Occupancy tax collections (from the 1% county tax) generated \$121,102 in 1992-93.
- △ Funds not expended in 1992-93 were carried over into the 1993-94 budget. The marketing committee recommended not spending all of the funds allocated for sales and marketing activities until a marketing plan for visitor services was developed.



FINANCIAL SUMMARY

1992-93 Budget, Income and Expenditures

	Budget	Actual	%
		Year-End	spent
INCOME			
Tax Collections and Interest	\$115,000	\$122,688	107%
Balance Carried Forward	\$67,750	\$71,429	105%
TOTAL	\$182,750	\$194,117	106%
EXPENDITURES			
Salaries and Benefits	\$70,920	\$68,648	97%
Capital Equipment and Furnishings	\$16,000	\$14,944	93%
Overhead	\$16,420	\$10,561	64%
Administration	\$19,575	\$18,290	93%
Sales and Marketing	\$59,835	\$40,181	67%
TOTAL	\$182,750	\$152,624	84%

Chapel Hill/Orange County Visitors Bureau
 105 North Columbia Street, Suite 600
 Post Office Box 600
 Chapel Hill, NC 27514
 (919) 968-2060

Annual Report
 1992 - 93

FROM THE CHAIRMAN

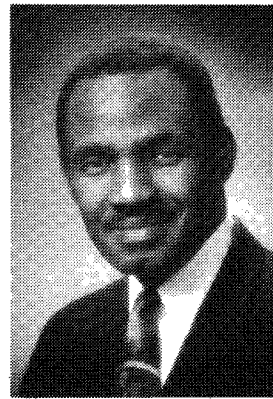
It has been my pleasure to serve as Chairman of the Chapel Hill/Orange County Visitors Bureau during its inception and first year of operation. As this report illustrates, we have seen significant achievements in a short period of time. We are pleased to share some of these results with you.

The mission of the Visitors Bureau is consistent with the county's goals for economic development. A strong visitor industry contributes substantially to the economic vitality of Orange County without adversely affecting county resources.

I am grateful to the members of the Board and the Bureau's professional staff for their dedication to making this operation successful. In addition, I wish to express our gratitude to all the members of the community who supported the Bureau during its first year. We look forward to continuing these efforts and making the community more aware of the industry's importance.

Sincerely,

Moses Carey, Jr.
Moses Carey, Jr., Chairman



FROM THE DIRECTOR

What a difference a year makes!

I thought back to when the bureau opened and that historic first telephone call.

"Chapel Hill/Orange County Visitors Bureau." "You'd like to bring the women Olympic gymnasts to perform at the Smith Center?" "Great! ... the number of seats there? ... I'm not exactly sure..."

Responding to even the simplest request could take hours. We did a lot of research and spent more time away from the office than in it during those first few months. In time, we developed a thorough knowledge of the county and some resources that could be shared with others. Now, although we continue to explore and learn, we're firmly established and on our way. The hospitality industry and the community have welcomed us warmly and continue to offer support and encouragement.

This annual report reveals the value added through services provided by the Chapel Hill/Orange County Visitors Bureau. My assistant, Amy Westbrook, and I have worked in full partnership to achieve these results. Special thanks to the members of this Board for their dedication in guiding the bureau through its infancy. Also, my sincere appreciation to the Orange County Board of Commissioners. By dedicating 100% of the Orange County occupancy taxes collected to the operation of a visitors bureau, they have provided for an excellent return on their investment to benefit the entire community.

What a difference a year makes. This year has been most enjoyable.

Shelly A. Green
Shelly A. Green, Director



COMMUNITY ASSISTANCE

"There are numerous community organizations in Orange County with outstanding volunteers—many of whom work diligently to stage various annual festivals and events. The bureau assists with some of these efforts, usually by providing marketing expertise and/or promotion and publicity assistance for events that attract visitors from outside Orange County."

Services were provided to the following community organizations:

- △ Hillsborough Candlelight Tour: media assistance and program design/typesetting
- △ Hillsborough Hog Day: marketing co-chairman; media assistance, photography
- △ Spring Home and Garden Tour: media assistance, photography

STAFF DEVELOPMENT

"It's a pleasure to work in a community where education is so valued. Staff development is a high priority in this organization."

- △ NCACVB Tri-State Educational Conference
- △ Governor's Conference on Travel & Tourism
- △ Meeting Planners International, Carolinas Chapter Educational Meetings
- △ Leadership Chapel Hill and Carrboro
- △ Public-Private Partnership

REWARDS AND RESULTS

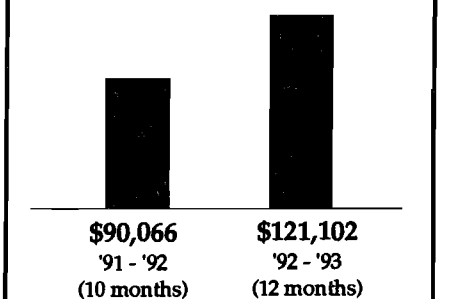
"The services provided by the visitors bureau have an impact on the progress and development of the hospitality industry. However, it is the sales and marketing professionals in the local hospitality industry—the hoteliers, restaurateurs, retailers, athletic event administrators, and managers of entertainment venues, welcome centers and attractions who are paramount to this success. They are the ones who bring visitors to our community and assure their enjoyment. The bureau's role is to identify ways of achieving collaboration and coordination of these efforts, while exerting leadership in defining a strategic direction."

- △ Occupancy taxes collected in 1992-93 are up 34.46% over 1991-92. (The 1991-92 figures represent 10 months of collections since the tax was not authorized until September, 1991.)

- △ To measure growth, the 1992-93 figures must be adjusted to reflect the same 10-month period used in 1991-92 (September - June). This comparison shows an 11.08%, or \$21,053 gain.

- △ The average growth in the state during this period is 4%.

Gross Occupancy Tax Receipts
1% Orange County Occupancy Tax
September 1991 - June, 1993



Net gain fiscal '92 to fiscal '93:
+34.46%

PUBLIC RELATIONS AND MEDIA DEVELOPMENT

"The bureau is called on frequently to provide press kits, story ideas, photographs, updated information and other data to local media and travel journalists. Occassionally, a press tour of the community is also warranted, so the writer can make the best use of his time while researching a story."

Media Assistance Provided

Publication or Station	Publication Date
Away For the Weekend: Southeast	Spring, 1994
MD Magazine, "Places to Practice"	August, 1993
NC Events Calendar	1994
NC Sports Events Directory	1993
NC Travel Guide	1994
NC Traveler: A Vacationer's Guide to the Mountains, Piedmont and Coast	1994
Money Magazine, "Best Places to Live"	September, 1993
Southern Living Travel Guide, "A Portrait of Three Towns: In Raleigh, Durham and Chapel Hill, Art Comes in Many Forms"	September, 1993
Spend This Christmas in a State of Enchantment, North Carolina	October, 1993
Taste Full Magazine, "North Carolina Barbecue Heritage"	Summer, 1993
The Official Guide to American Historic Inns	August, 1993
The Rough Guides	April, 1994
Triangle Guest Guide	1993 Edition
TrianglePointer	Various
Cablevision, Focus on the Triangle, "Hog Day Committee"	June, 1993
WBTB-Charlotte, Carolina Camera, "Queen of Hogs"	June, 1993
WBTB-Charlotte, Carolina Camera, "Peter's Unfamous Marinade"	August, 1993

Δ Additionally, we provided information and services to all of our local media.

REGIONAL COOPERATION

"In many ways, more economic benefits are gained for a community by promoting and marketing the destination as a separate, unique place. However, there are also times when it makes more sense, from a financial and marketing perspective, to pool our resources and work together."

- Δ We participated in the North Carolina Association of Convention and Visitor Bureaus, a membership network of tourism promotion agencies working cooperatively to promote North Carolina as a travel destination. The most notable projects completed include the production of two new publications:
- | Publication | Distribution |
|--|--|
| North Carolina Group Tour Planner | 2,000 tour operators nationwide |
| The Perfect Recipe for a Meeting, North Carolina Style | 1,000 meeting planners nationwide (with 4,000 additional copies to distribute) |
- Δ Jointly with the Durham Convention and Visitors Bureau (CVB) and the Raleigh CVB, we developed a study to determine the knowledge level and attitudes of our residents with respect to the impact of tourism on the area. From this study, we will have a knowledge base from which messages can be created to educate the public as to the role they might take in encouraging organizations to which they belong to hold conferences and meetings in our community.

Mission Statement

The mission of the Chapel Hill/Orange County Visitors Bureau is to develop and coordinate visitor services in Orange County and to implement marketing programs that will enhance the economic activity and quality of life in the community.

Chapel Hill/Orange County Visitors Bureau Board - 1992-93

Representing:	
Moses Carey, Jr., Chairman	Board of Commissioners
Demp Bradford	NC High School Athletic Association
Steve Halkiotis	Board of Commissioners
Joe Herzenberg	Town of Chapel Hill
Brenda Keene	Chapel Hill/Carrboro Chamber of Commerce
Ted Kyle	Town of Hillsborough
Randy Marshall	Town of Carrboro
Sara McKee	Hillsborough Area Chamber of Commerce
Clifton Metcalf	University of North Carolina at Chapel Hill
Tom Roberts	Economic Development Commission
Margaret Skinner	Orange County Lodging Association

Charlie Adams, Julie Andresen, Mike Fales, Verla Insko, Eugene Swecker, Patti Tripodi and Katherine Webb also served on the Board for part of the 1992-93 fiscal year.

Administration

Shelly Green, Director
Amy Westbrook, Administrative Assistant

Purposes

1. To position Orange County as a desirable meeting or vacation destination to select visitor markets, with careful consideration of the needs and assets of the communities that comprise Orange County.
2. To work in cooperation with community organizations to achieve an effective, coordinated, and comprehensive marketing program with high-quality collateral materials, programs, and services.
3. To serve as a county-wide leader in developing strategies for consistently providing quality visitor services to the travelers who visit Orange County.
4. To encourage longer stays, increased spending, and repeat visits of travelers to Orange County.
5. To examine the range of visitor services available, to identify unmet needs, and to encourage private businesses to meet those needs, as appropriate.
6. To operate in a manner that contributes to the economic development and quality of life in the communities that comprise Orange County.

PROGRAMS AND ACCOMPLISHMENTS

ADMINISTRATION

"One of the most challenging aspects of this first year was to start with absolutely nothing—a clean slate. No office space, no pencils, no promotional literature, no reference materials to use when answering phone calls."

- △ Determined office location, negotiated lease, furnished and set-up office.
- △ Hired and trained full-time administrative assistant.
- △ Provided administrative support to board committees:
 - Mission Statement
 - By-laws
 - Marketing
 - Budget and Finance
- △ Devised mechanisms to measure progress:
 - Occupancy Tax Collections
 - Average (Hotel) Daily Rate
 - Average Hotel Occupancy
 - Visitor Index (attraction and tour attendance)
- △ Developed a corporate identity and logo

COLLATERAL MATERIALS

"Without a doubt, producing the visitors guide was the single most time-consuming and most visible project undertaken. It was important to gather input from the community and build consensus as to the image the bureau would portray. This project was rated the highest priority for the visitors bureau by the primary visitor services providers in the county."



Publication Quantity

Calendar of Events (first issue: May/June, 1993)	4,000
Guide to Accommodations	25,000
Visitors Guide	95,000

SALES AND MARKETING

"An important accomplishment was the creation of the 1993-94 marketing plan. The marketing committee spent most of the year developing a comprehensive plan—with community and industry input—to devise an overall strategy for providing visitor services and increasing the amount of visitor spending in the community."

First Year Benchmarks, 1992-93

Average Hotel Daily Rate*	Average Hotel Occupancy*	Attraction/Venue Visitations*	Local Welcome Center Visitations*
\$52.02	65.64%	322,907	2,279
	Participation on Local Tours*	Conference Bookings	Leads Generated
	497	3	8
		Requests for Meeting Information	Groups Serviced
		20	14

* Represents a 6 month period, January-June, 1993.

Conference Bookings, 1992-93

Group	Scope	Est. Attendance	Room Nights	Impact*
Osler Institute	Nat'l	40	115	\$ 20,140
NC Aquatic Club	Reg'l	575	200	\$193,005
NC School of Banking	State	250	1250	\$209,787
TOTAL		865	1,565	\$422,932

*The International Association of Convention and Visitor Bureaus estimates a convention delegate spends \$167.83 per day.

△ Coordinated a successful bid to host a July, 1994 conference of the Carolinas Chapter of Meeting Planners International to showcase our facilities to about 180 meeting planners and suppliers.

△ Coordinated a bid to serve as a training site for international sports teams prior to their participation in the 1996 Olympic Games in Atlanta (in conjunction with the NC Amateur Sports Association and a triangle-wide committee.)

△ Participated with the NC Division of Travel and Tourism and American Airlines in a 6-week promotion to encourage travel through the RDU hub, beginning with a live broadcast of disc jockeys from 17 feeder cities in the eastern U.S.

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: March 8, 1994

SUBJECT: Discussion of Orange County's Proposed Civil Rights Ordinance

DEPARTMENT: Administration	PUBLIC HEARING: YES ___ NO <u>x</u> ___
ATTACHMENTS: Letter from Moses Carey, Summary of Revisions to Revised Civil Rights Ordinance, Proposed Civil Rights Ordinance, Memo from Town Attorney	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

Orange County proposed a Civil Rights Ordinance in the later part of 1993. The Mayor and Board of Alderman reviewed this ordinance in October and asked the Town Attorney to address several questions relating to the ordinance. The County has sent the Town a revised ordinance and has asked us to review and comment on it. The purpose of this agenda item is to receive a report from Lucy Lewis with the Orange County Human Relations Commission on the revisions made to this ordinance and to determine what further action the Board may wish to consider.

SUMMARY

The primary changes in the revised ordinance is the deletion of sections (a) and (b) dealing with speech in that section of the ordinance titled "Other Prohibited Discriminatory Acts" and the deletion of the word "threats" from the remaining sections (Article VII, Other Prohibited Discriminatory Acts, pp. 37-38).

A significant clarification is that the staff of the Human Resource Commission would be responsible for the initial reasonable cause determination.

The Town Attorney has pointed out that this ordinance is different than the existing law relative to enforcement procedures and remedies.

ANALYSIS

Enclosed is summary of changes in the revised Civil Rights Ordinance provided by Orange County. Also enclosed is the Town Attorneys response to the Boards questions resulting from its review in October. The County Attorney, Geoffery Gledhill, has responded to some of the concerns addressed in Mike Brough's memo and that response has been included for the Board's information.

ACTION REQUESTED

To direct the Town Administration as to how to proceed with this item.

ORANGE COUNTY COMMISSIONERS

P.O. Box 8181
HILLSBOROUGH, N.C.
27278

Moses Carey, Jr.
Alice M. Gordon
Stephen H. Halkiotis
Verla C. Insko
Don Willhoit

732-8181
968-4501
688-7331
227-2031
644-3004 (Fax)

December 30, 1993

Eleanor G. Kinnaird, Mayor
Carrboro Town Hall
P.O. Box 829
Carrboro, NC 27510

Dear Eleanor:

This is just to update you regarding the proposed civil rights ordinance. At our December 21 meeting, the Board of County Commissioners discussed the revised ordinance and the need for the municipalities, as well as the county, to adopt the ordinance in order to achieve the desired effectiveness. The Board then voted unanimously to adopt the ordinance at a future date contingent on the approval of the ordinance by a substantial number of the municipalities. Enclosed is a copy of the revised ordinance.

I have asked John Link to meet with each of the town managers individually to discuss the revised ordinance. I hope that you will consider a positive response.

Sincerely,



Moses Carey, Jr., Chair
Board of Commissioners

Enclosure

CC: John Link, Manager
Orange County Government

YOU COUNT IN ORANGE COUNTY !



SUMMARY OF CHANGES IN REVISED CIVIL RIGHTS ORDINANCE

After receiving citizen comment at the Sept. 21, 1993 public hearing, the Orange County Board of Commissioners made the following changes (incorporated in the Nov. 19, 1993 draft):

1. "Marital status" has been deleted as a protected class.
2. A definition has been provided for Commission staff (Article III, Definitions, p. 3).
3. The definition of "Covered multi-family dwelling" has been revised to make it clear that common areas are included (Article III, Definitions, p. 3).
4. "Familial status" has been included as a protected class, and defined in accordance with the Title VIII Fair Housing Act (Article III, Definitions, p. 5).
5. Former sections (a) and (b) dealing with speech have been deleted from the "Other Prohibited Discriminatory Acts" section. The word "threats" has been deleted from the remaining sections (Article VII, Other Prohibited Discriminatory Acts, pp. 37-38).
6. The initial reasonable cause determination has been made a staff responsibility (Article VIII, Enforcement, Section 8.2, (a), 42).
7. An internal appeal to a panel of three Commission members has been added in the event the Complainant wishes to seek reconsideration of a no cause finding (Article VIII, Enforcement, Section 8.2 (d), p. 42).
8. A three member panel of Commissioners will review the recommended decision of the administrative law judge, and both the Complainant and the Respondent will be given the opportunity to submit written exceptions and to present oral argument to the panel before it issues the final agency decision (Article VIII, Enforcement, Section 8.3 (h) (1) p. 46).
9. As a prerequisite to serving on a panel, Commission members must first receive appropriate training from the North Carolina Human Relations Commission (Article VIII, Enforcement, Section 8.2 (d), pp 42-43).
10. The Commission shall have the authority to enforce negotiated settlements, conciliation agreements, and final agency decisions (Article VIII, Enforcement, Section 8.3 (k), p. 47).
11. Limitations on punitive damages apply to all sections of the Ordinance (Article VIII, Enforcement, Section 8.3, Remedies, pp. 47-50).

ORANGE COUNTY
CIVIL RIGHTS ORDINANCE
(DRAFT)

Prepared by:

Geoffrey E. Gledhill
Coleman, Gledhill & Hargrave
129 East Tryon Street
Post Office Drawer 1529
Hillsborough, NC 27278
(919) 732-2196

and

Mark T. Sheridan
200 South Churton Street
Post Office Box 248
Hillsborough, NC 27278
(919) 732-7300

November 19, 1993

ORANGE COUNTY CIVIL RIGHTS ORDINANCE

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ORANGE COUNTY
CIVIL RIGHTS ORDINANCE

ARTICLE I Title

Sec. 1.1 This Ordinance shall be known and may be cited as the Orange County Civil Rights Ordinance.

ARTICLE II Findings of Fact, Purpose, Construction, and Severability

Sec. 2.1 Findings of Fact

(a) The Orange County Board of Commissioners created the Orange County Human Relations Commission to: (1) study and make recommendations concerning problems in the field of human relationships; (2) anticipate and discover practices and customs most likely to create animosity and unrest and to seek solutions to problems as they arise; (3) make recommendations designed to promote goodwill and harmony among racial, ethnic, religious, and other groups in the County; (4) monitor complaints involving discrimination; (5) address and attempt to remedy the violence, tensions, polarization, and other harm created through the practices of discrimination, bias, hatred, and civil inequality; and (6) promote harmonious relations within the county through hearings and due process of law; and

(b) The Orange County Human Relations Commission duly organized, advertised, and conducted public hearings on discrimination in the areas of, among others, employment, housing, and public accommodations; and

(c) The Orange County Human Relations Commission has determined that discrimination exists in Orange County in the areas of, among others, employment, housing, and public accommodations on the basis of, or because of, race, color, religion, sex, national origin, age, disability, familial status, and veteran status.

Sec. 2.2 Purpose

(a) It is the purpose of this Ordinance and the policy of Orange County to promote the equal treatment of all individuals; to prohibit discrimination in Orange County based on race, color, religion, sex, national origin, age, disability, familial status, and veteran status; to protect residents' lawful interests and their personal dignity so as to make available to the County their full productive and creative capacities, and to prevent public and domestic strife, crime, and unrest within Orange County.

(b) It is the further purpose of this Ordinance to carry out in Orange County the policies provided for in various federal rules, regulations, and laws prohibiting discrimination in, among other areas, housing, employment, and public accommodations.

Sec. 2.3 Construction

(a) This Ordinance shall be liberally construed according to the fair import of its terms, with full and careful consideration given to its humanitarian nature and remedial purpose.

(b) Words importing the masculine gender shall include the feminine and words importing the feminine gender shall include the masculine.

Sec. 2.4 Severability

Should any provision of this Ordinance be found to be unconstitutional by a court of law, such provision shall be severed from the remainder of the Ordinance, and such action shall not effect the enforceability of the remaining provisions of the Ordinance.

ARTICLE III Definitions

Unless otherwise defined, as used in this Ordinance:

"Because of age" or "on the basis of age" applies to persons 40 years of age or older.

"Because of sex" or "on the basis of sex" includes, but is not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions.

"Board" means the Orange County Board of Commissioners.

"Commission" means the Orange County Human Relations Commission.

"Commission staff: means the person or persons employed by Orange County to administer this Ordinance.

"Complainant" means a person who has filed a written, signed, and verified Complaint with the Commission pursuant to this Ordinance.

"Covered entity" means an employer, employment agency, labor organization, or joint labor-management committee.

"Covered multifamily dwelling" means

- a. a building, including all units and common use areas, in which there are four or more units if the building has one or

more elevators; or

- b. ground floor units and ground floor common use areas in a building with four or more units.

"Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

"Disability" means, with respect to an individual:

- a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment as described in a. or b. of this definition.

"Drug" means a controlled substance as defined by section 202 of the Controlled Substances Act (21 U.S.C. § 812).

"Employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person. Employer does not include:

- a. The State of North Carolina, any of its agencies or departments, or any of its political subdivisions;
- b. The United States or a corporation wholly owned by the government of the United States;
- c. An Indian Tribe; or
- d. A bona fide private membership club (other than a labor organization) which is exempt under section 501(c) of

the Internal Revenue Code.

"Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

"Familial status" means one or more persons who have not attained the age of 18 years being domiciled with:

- a. A parent or another person having legal custody of the person or persons; or
- b. The designee of the parent or other person having such custody, provided the designee has the written permission of the parent or other person.

The protections against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

"Family" includes a single individual.

"Financial institution" means any banking corporation or trust company, savings and loan association, credit union, insurance company, or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds;

"Housing accommodation" means any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one or more individuals;

"Illegal use of drugs" means the use of drugs, the possession

or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. § 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of federal law.

"Labor organization" means a labor organization and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

"Person" means any individual, association, corporation, partnership, labor union, legal representative, mutual company, joint stock company, trust, trustee in bankruptcy, unincorporated organization, or other legal or commercial entity.

"Public accommodation" means any place or facility, of whatever nature, located in Orange County which is open to the public.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds, desires, or held. For purposes of this

Ordinance, consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

"Real estate transaction" means the sale, exchange, rental or lease of real property, or any policy, practice, decision, act, or failure to act that affects the availability of real property or the conditions under which real property is available or is occupied for residential purposes.

"Real property" means a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein.

"Reasonable accommodation" means:

- a. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and b. Job restructuring; part-time or modified work

schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations, training materials or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

"Religion" means all aspects of religious observance and

practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

"Respondent" means a person, employer, employment agency, labor organization, or joint labor-management committee against whom a Complaint has been filed pursuant to this Ordinance.

"Right-to-sue letter" means a letter issued by the Commission to a Complainant which authorizes the Complainant to bring a civil action against the Respondent in the Superior Court.

"Superior Court" means the Orange County Superior Court.

"Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

- a. The nature and cost of the accommodation needed under this Ordinance;
- b. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- c. The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

- d. The type of operation or operations of the covered entity, including the composition, structure, and functions of the work force of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

"Veteran status" means past service as an employee or member of the United States military, or any agency, or subdivision thereof.

ARTICLE IV Unfair Employment

Sec. 4.1 Unlawful Employment Practices

(a) It is unlawful for an employer:

(1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(2) To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, disability, familial status, or veteran status;

(3) To reduce the wage rate of any employee in order to comply with this Article; or

(4) To discriminate against any woman affected by pregnancy,

childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work.

(b) It is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of the individual's race, color, religion, sex, national origin, age, disability, familial status, or veteran status, or to classify or refer for employment any individual on the basis of race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(c) It is unlawful for a labor organization to:

(1) Exclude or to expel from its membership, or otherwise to discriminate against, any individual because of the individual's race, color, religion, sex, national origin, age, disability, familial status, or veteran status;

(2) Limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect such individual's status as an employee or as an applicant for employment, because of the individual's race, color, religion, sex, national origin, age, disability, familial status, or veteran

status; or

(3) Cause or attempt to cause an employer to discriminate against an individual in violation of this Ordinance.

(d) It is unlawful for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of the individual's race, color, religion, sex, national origin, age, disability, familial status, or veteran status in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) It is unlawful for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer, or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, national origin, age, disability, familial status, or veteran status. Notwithstanding the foregoing, an employer may indicate a preference based on disability or veteran status.

(f) It is unlawful for an employer to discriminate against any employee or applicant for employment, for an employment agency or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he or she has opposed any practice made an unlawful employment practice by this Ordinance, or because he or she has filed a Complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Ordinance.

Furthermore, it is unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of such individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this Ordinance.

(g) It is unlawful for a covered entity to discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. As used in this subsection, the term "discriminate" includes:

(1) limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of

the applicant or employee;

(2) participating in a contractual or other relationship that has the effect of subjecting a covered entity's qualified applicant or employee with a disability to the discrimination prohibited by this Ordinance. Such relationship includes a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee of the covered entity, or an organization providing training and apprenticeship programs;

(3) using standards, criteria, or methods of administration that:

- a. have the effect of discrimination on the basis of a disability; or
- b. perpetuate the discrimination of others who are subject to common administrative control;

(4) excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

(5) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity;

(6) denying employment opportunities to a job applicant or employee who is an otherwise qualified individual with

a disability, if such denial is based on the need of such covered entity to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

(7) using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job related for the position in question, is consistent with business necessity, and cannot be accomplished by reasonable accommodation as required under this Ordinance;

(8) failing to select and administer tests concerning employment in the most effective manner to ensure that when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of the applicant or employee that such test purports to measure, rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant, except where such skills are the factors that the test purports to measure;

(9) conducting a medical examination or making inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of such disability.

(10) a covered entity may make pre-employment inquiries into the ability of an applicant to perform job-related functions, may require a medical examination after an offer of employment has been

made to a job applicant and prior to the commencement of the employment duties of the applicant, and may condition an offer of employment on the results of the examination, provided that:

a. All entering employees are subjected to such an examination regardless of disability;

b. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
3. Government officials investigating compliance with this section shall be provided relevant information on request;

c. The results of the examination are used only in accordance with this section; and

(11) a covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job-related and consistent with business necessity.

(12) a covered entity may, however, make inquiries into the

ability of an employee to perform job-related functions, and may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at the work site. Information obtained in such medical examinations or medical histories is subject to the same restrictions and requirement as information obtained pursuant to pre-employment medical examinations, as described in subsections 9(b) and 9(c) of this section.

Sec. 4.2 Exemptions and Defenses

(a) Notwithstanding any other provision of this Article, it is not unlawful for:

(1) a covered entity to employ, admit, classify, or refer any individual on the basis of religion, sex, national origin, age, familial status, or veteran status, in those certain instances where religion, sex, national origin, age, familial status, or veteran status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

(2) a covered entity to print or publish, or caused to be printed or published, any notice or advertisement indicating any preference, limitation, specification, or discrimination, based on religion, sex, national origin, age, familial status, or veteran status, in such instances when religion, sex, national origin, age, disability, familial status, or veteran status is a bona fide occupation qualification for employment.

(3) a school, college, university, or other educational

institution, or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(4) an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, so long as the differences are not the result of an intention to discriminate because of race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(5) an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, age, familial status, or veteran status.

(6) an employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of the employer if the differentiation is authorized by the provisions of section 6(d) of the Fair Labor

Standards Act of 1938, as amended (29 U.S.C. § 206(d)).

(7) a covered entity to refuse to assign or continue to assign an individual to a job involving food handling in any case in which such individual has an infectious or communicable disease that is: (i) transmitted to others through the handling of food; (ii) is included on the list developed by the Secretary of the United States Department of Health and Human Services pursuant to section 103(d) of the Americans with Disabilities Act of 1990, (42 U.S.C. §§ 12101, et.seq.); and (iii) cannot be eliminated by reasonable accommodation. Nothing in this subsection shall be construed to preempt, modify, or amend any state, county, or local law, ordinance, or regulation applicable to food handling.

(b)(1) For purposes of this Article the term "qualified individual with a disability" shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use. However, an individual shall not be excluded as a qualified individual with a disability who:

(a) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use; or

(b) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(c) is erroneously regarded as engaging in such use.

(b)(2) It is not a violation of this Ordinance for a covered

entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in subdivision (a) or (b) of this subsection is no longer engaging in the illegal use of drugs.

(c) A covered entity may:

(1) prohibit the illegal use of drugs and the use of alcohol at the workplace by employees;

(2) require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace;

(3) require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 701 et. seq.);

(4) hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that the entity holds other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of the employee; and

(5) with respect to federal regulations regarding alcohol and the illegal use of drugs, require that employees comply with the standards established in federal regulations of the Department of Defense, the Nuclear Regulatory Commission, and/or the Department of Transportation, if the employees of the covered entity are employed in an industry subject to the regulations of any such federal agency.

(d) For the purposes of this Ordinance, a test to determine the illegal use of drugs shall not be considered a medical exam. Furthermore, nothing in this Ordinance shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

(e) The prohibitions in this Ordinance against discrimination based upon disability shall not be construed to prohibit or restrict:

(1) An insurer, hospital, medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or

2) A person or organization covered by this Ordinance from establishing, sponsoring, observing, or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering those risks that are based on or not inconsistent with State law; or

(3) A person or organization covered by this Ordinance from establishing, sponsoring, observing, or administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

Subsections (1), (2), and (3) of this section shall not be used as a subterfuge to evade the purposes of this

Ordinance.

(f) Nothing in this Ordinance shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept;

(g) Nothing contained in this Ordinance shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which preferential treatment is given to any individual because he or she is an Indian living on or near a reservation.

(h) Nothing contained in this Ordinance shall apply to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(i) Nothing contained in this Ordinance shall be interpreted to require any covered entity to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, national origin, age, or marital status of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, national origin, age, or marital status referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any

labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, national origin, age, or marital status in the community, State, section, or other area.

(j) With respect to discrimination based on age, it is not unlawful for a covered entity to take any action otherwise prohibited under subsections (a), (b), (c), (d) or (e) of Section 4.1 of this Article:

(1) Where the differentiation is based on reasonable factors other than age;

(2) Where such practices involve an employee in a workplace in a foreign country, and compliance with those subsections would cause such employer, or a corporation controlled by such employer, to violate the laws of the country in which such workplace is located; or

(3) To observe the terms of a bona fide seniority system that is not intended to evade the purposes of this Article, except that no such seniority system shall require the involuntary retirement of any individual who is at least 40 years of age because of the age of such individual; or

(4) To observe the terms of a bona fide employee benefit plan:

a. Where, for each benefit or benefit package, the actual amount of payment made or cost incurred on behalf of an older worker is no less than that made or incurred on behalf of a younger worker, as permissible under section 1625.10, Title

29, Code of Federal Regulations, as in effect on June 22, 1989; or

b. That is a voluntary early retirement incentive plan consistent with the relevant purposes of this Ordinance.

c. Notwithstanding the provisions of subsection a. or b. of this subdivision, no employee benefit plan or voluntary early retirement incentive plan shall excuse the failure to hire any individual, and no such employee benefit plan shall require or permit the involuntary retirement of any individual age 40 or older, because of the age of such individual. A covered entity acting under subdivision (3) or subdivision (4) of this section, shall have the burden of proving that such actions are lawful in any proceeding brought pursuant to this Ordinance; or

(5) To discharge or otherwise discipline an individual for good cause.

(k) Notwithstanding the provisions of subdivision (4) of subsection (j) above:

(1)(1) Nothing in this Ordinance shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in

the aggregate, at least forty-four thousand dollars (\$44,000).

(1)(2) In applying the retirement benefit test of subdivision (1) of this subsection, if any such retirement benefit is in a form other than a straight life annuity, with no ancillary benefits, or if employees contribute to any such plan or make rollover contributions, the benefit shall be adjusted in accordance with regulations prescribed by the Equal Employment Opportunity Commission, pursuant to 29 U.S.C. § 631(c)(2), so that the benefit is the equivalent of a straight life annuity with no ancillary benefits under a plan to which employees do not contribute and under which no rollover contributions are made.

(m) An unlawful employment practice based on disparate impact is established under this Ordinance only if:

1. a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, national origin, age, disability, familial status, or veteran status and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or

2. the complaining party makes a demonstration with respect to an alternative employment practice and the respondent refuses to adopt such alternative employment practice. A "demonstration with respect to an alternative employment practice" shall be in accordance with the law as it existed on June 4, 1989.

3. (a) With respect to demonstrating that a particular

employment practice causes a disparate impact as described herein, the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a respondent's decision making process are not capable of separation for analysis, the decision making process may be analyzed as one employment practice.

(b) If the respondent demonstrates that a specific employment practice does not cause the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity.

(n) A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this Ordinance.

(o) Notwithstanding any other provision of this title, a rule barring the employment of an individual who currently and knowingly uses or possesses a controlled substance, as defined in schedules I and II of Section 812 of the Controlled Substances Act (21 U.S.C. §812) other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act or any other provision of Federal law, shall be considered an unlawful employment practice under this Ordinance only if such rule is adopted or applied with an intent to discriminate because of race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(p) Except as otherwise provided in this Article, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, national origin, age, disability, familial status, or veteran status was a motivating factor for any employment practice, even though other factors also motivated the practice.

(q) On a claim in which an individual proves a violation under subsection (p) and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court:

(a) may grant declaratory relief, injunctive relief and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section (p); and

(b) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment, as described in Article VIII of this Ordinance.

ARTICLE V Unfair Housing

Sec. 5.1 Unlawful Housing Practices

(a) It is an unlawful discriminatory housing practice for any person, because of race, color, religion, sex, national origin, age, disability, familial status, or veteran status to:

(1) Refuse to engage in a real estate transaction;

(2) Discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(3) Refuse to permit, at the expense of a qualified

individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the individual if the modifications are necessary to such individual's full enjoyment of the premises; except that, in the case of a rental unit, the landlord may, where it is reasonable to do so, condition permission for modifications on agreement by the renter to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted, if after six months the landlord is unable to relet the unit in the modified condition. The landlord shall have the burden of showing that the unit could not be relet within the six month period because of the modifications rather than for some other reason or reasons;

(4) Refuse to make reasonable accommodations in rules, policies, practices, or services, when these accommodations may be necessary to a disabled person's equal use and enjoyment of a dwelling;

(5) Fail to design and construct covered multifamily dwellings available for first occupancy after March 13, 1991, so that:

- a. The dwellings have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual site characteristics; or
- b. With respect to dwellings with a building entrance on an accessible route:

- 1. The public and common use portions are readily accessible to and usable by individuals with a disability;

2. There is an accessible route into and through all dwellings and units;

3. All doors designed to allow passage into, within, and through these dwellings and individual units are wide enough for wheelchairs;

4. Light switches, electrical switches, electrical outlets, thermostats, and other environmental controls are in accessible locations;

5. Bathroom walls are reinforced to allow later insulation of grab bars; and

6. Kitchens and bathrooms have space for an individual in a wheelchair to maneuver;

(6) Refuse to receive or fail to transmit a bona fide offer to engage in a real estate transaction;

(7) Refuse to negotiate for a real estate transaction;

(8) Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or fail to bring a property listing to such person's attention, or refuse to permit such person to inspect real property;

(9) Make, print, circulate, post, or mail, or cause to be so published, a statement, advertisement, or sign, or use a form or application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly, an intent to make a limitation, specification, preference, or discrimination with

respect thereto;

(10) Offer, solicit, accept, use, or retain a listing of real property with the understanding that any person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith; or

(11) Otherwise make unavailable or deny housing.

(b) It is an unlawful discriminatory housing practice for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, because of race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

As used in this subsection, "residential real estate related transaction" means:

(1) The making or purchasing of loans or providing financial assistance (i) for purchasing, constructing, improving, repairing, or maintaining a dwelling, or (ii) where the security is residential real estate; or

(2) The selling, brokering, or appraising of residential real estate.

The provision of this subsection shall not prohibit any financial institution from using a loan application which inquires into a person's financial and dependent obligations or from basing its actions on the income or financial abilities of any person.

(c) It is an unlawful discriminatory housing practice for a person to induce or attempt to induce another to enter into a real

estate transaction from which such person may profit:

- (1) By representing that a change has occurred, or may occur in the composition of the residents of the block, neighborhood, or area in which the real property is located with respect to the race, color, religion, sex, national origin, age, disability, familial status, or veteran status of the owners or occupants; or
- (2) By representing that a change has resulted, or may or will result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

(d) It is an unlawful housing practice to deny any person, who is otherwise qualified by State law, access to or membership or participation in any real estate brokers' organization, multiple listing service, or other service, organization, or facility relating to the business of engaging in real estate transactions, or to discriminate in the terms or conditions of such access, membership, or participation because of race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(e) It is an unlawful housing practice to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Ordinance.

Sec. 5.2 Proof of Violation

(a) It is a violation of this Ordinance if:

(1) A person by his act or failure to act intends to discriminate against a person. A person intends to discriminate if, in committing an unlawful housing practice in Section 5.1 of this Article if he or she was motivated in full, or in any part at all, by race, color, religion, sex, national origin, age, disability, familial status, or veteran status. An intent to discriminate may be established by direct or circumstantial evidence; or

(2) A person's act or failure to act has the effect, regardless of intent, of discriminating, as set forth in Section 5.1 of this Article, against a person of a particular race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(3) However, it is not a violation of this Article if a person whose action or inaction has an unintended discriminatory effect, proves that his or her action or inaction was motivated and justified by business necessity.

(4) It shall be no defense to a violation of this Ordinance that the violation was requested, sought, or otherwise procured by another person.

Sec. 5.3 Exemptions

(a) Nothing in this Article (other than subsection (9) of Section 5.1) shall apply to the following:

(1) The rental of rooms or units in dwellings containing

living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence;

(2) A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(3) Private clubs, not in fact open to the public, which as an incident to their primary purpose or purposes provide lodging which they own or operate for other than a commercial purpose, for limiting the rental or occupancy of such lodgings to its members or from giving preference to its members;

(b) Nothing in Subsection (a)(3),(4), or (5) of Section 5.1 of this Article shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(c) No provision of this Ordinance limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling unit.

(d) Nothing in this Ordinance shall be deemed to nullify any provisions of the North Carolina Building Code applicable to the construction of residential housing for the handicapped.

(e) No provision of this Ordinance regarding familial status applies with respect to housing for older persons. "Housing for older persons" mean housing:

(1) Provided under any state or federal program specifically designed and operated to assist elderly persons as defined in the program;

(2) Intended for and solely occupied by person 62 years or older. Housing satisfies the requirements of this subdivision even though there are persons residing in such housing on September 13, 1988, who are under 62 years of age, provided that all new occupants after September 13, 1988, are 62 years or older; or

(3) Intended for and operated for occupancy by at least one person 55 years of age or older per unit as shown by such mandatory factors as (i) the existence of significant facilities and services specifically designed to meet the physical and social needs of older persons or, if this is not practicable, that the housing provides important housing opportunities for older persons; (ii) at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and (iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. Housing satisfies the requirements of this subdivision even though on September 13, 1988,

under eighty percent (80%) of the units in the housing facility are occupied by at least one person 55 years or older per unit, provided that eighty percent (80%) of the units that are occupied by new tenants after September 13, 1988, are occupied by at least one person 55 years or older per unit such time as eighty percent (80%) of all the units in the housing facility are occupied by at least one person 55 years or older. Housing facilities newly constructed for first occupancy after March 12, 1989, shall satisfy the requirements of this subdivision if (i) when twenty-five percent (25%) of the units are occupied, eighty percent (80%) of the occupied units are occupied by at least one person 55 years or older, and thereafter (ii) eighty percent (80%) of all newly occupied units are occupied by at least one person 55 years or older until such time as eighty percent (80%) of all the units in the housing facility are occupied by at least one person 55 years of age or older.

Housing satisfies the requirements of subdivisions (2) and (3) of this subsection even though there are units occupied by employees of the housing facility who are under the minimum age or family members of the employees residing in the same unit who are under the minimum age, provided the employees perform substantial duties directly related to the management of the housing.

ARTICLE VI Public Accommodations

Sec. 6.1 Definitions

(a) A place of public accommodation includes, but is not limited to, each of the following establishments located in Orange

County which caters or offers its services or facilities or goods to the general public:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, bar, or other establishment engaged in the selling or serving of food or drink;

(3) any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(4) any auditorium, convention center, lecture hall, or other place of public gathering;

(5) any bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) any laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) any terminal, depot, or other station used for specified public transportation;

(8) any museum, library, gallery, or other place of public display or collection;

(9) any park, zoo, amusement park, or other place of recreation;

(10) any nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;

(11) any day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment;

(12) any gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

(13) any establishment offering the viewing, sale, use, lease, or hire of printed matter, audiotapes, videotapes, phonograph records, compact discs, videotape or film loops, or other such establishment;

(14) any area or structure provided for the purpose of storing personal property; and

(15) any other establishment which is (a)(i) physically located within the premises of any establishment otherwise covered by this section, or (ii) within the premises of which is physically located any such covered establishment, and (b) which holds itself out as serving patrons of such establishment.

Sec. 6.2 Prohibited Practices

(a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the basis of race, color, religion, sex, national origin, age, disability, familial status, or veteran status.

(b) It shall be an unlawful discriminatory practice under this Ordinance for any person to (1) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of

any right or privilege secured by subsection (a) of this section, or (2) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by subsection (a) of this Section, or (3) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by subsection (a) of this Section.

Sec. 6.3 Exemptions

(a) The provisions of this Ordinance shall not apply to a private club or other establishment not in fact open to the public.

Article VII Other Prohibited Discriminatory Acts

1. It shall be unlawful for any person to intentionally or knowingly:

a. Perform or attempt to perform any act which directly or indirectly results in an individual's bodily injury or property damage where such act is directed at an individual or a group of individuals because of that person's or that group's perceived or actual race, color, religion, sex, national origin, age, disability, familial status, or veteran status in the United States armed services.

b. Solicit, encourage, compensate, assist, or conspire with another to perform or attempt to perform any act which directly or indirectly results in an individual's bodily injury or property damage where such act is directed at an individual or a group of individuals because of that person's or that group's perceived or

actual race, color, religion, sex, national origin, age, disability, familial status, or veteran status in the United States armed services.

2. No person shall be found to have violated this Ordinance on the basis of the content of any speech or communication used by such person.

Article VIII Enforcement

Sec. 8.1 Filing of Complaint and Investigation

(a) Any person who claims to have been injured, or claims to be currently being injured, or who reasonably believes that he or she will be injured, by any practice made unlawful under this Ordinance may file a Complaint with the Commission.

(b) Complaints shall be in writing, signed and verified by the Complainant. Complaints shall state the facts upon which the allegation of an unlawful discriminatory practice is based and shall contain such other information and be in such form as the Commission requires.

Commission staff shall assist Complainants, if necessary, in reducing Complaints to writing and shall assist in setting forth the information in the Complaint as may be required by the Commission.

(c)(1) A Complaint that alleges an unlawful employment practice under this Ordinance must be filed with the Commission no later than 180 days after the occurrence, or cessation of the alleged unlawful employment practice.

(c)(2) A Complaint that alleges any practice made unlawful

under this Ordinance, other than an unlawful employment practice, must be filed with the Commission no later than one (1) year from the date of the occurrence, or cessation of the alleged unlawful practice.

(d) The Commission staff shall serve upon the Respondent, in accordance with the North Carolina Rules of Civil Procedure, a copy of the Complaint and a notice advising the Respondent of his or her procedural rights and obligations under this Ordinance within ten (10) days after the Complaint is filed with the Commission.

(e) A Respondent may file an answer to the Complaint within ten (10) days after receiving a copy of the Complaint. Answers shall be signed and verified by the Respondent and shall be filed with the Commission.

(f) With leave of the Commission staff, which leave shall be granted whenever it would be reasonable and fair to do so, Complaints and Answers may be amended at any time. Amendments shall be reduced to writing, signed, verified, and filed with the Commission. Amendments shall relate back to the date the original Complaint or Answer was filed.

(g) The Commission staff shall, within 30 days after the filing of a Complaint, commence an investigation into the allegations contained in the Complaint.

(h) In conducting an investigation, the Commission staff shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence to ascertain the factual basis of the allegations

contained in the Complaint.

Further, the Commission staff may examine, record, and copy such materials and take and record the testimony or statements of such persons as reasonably necessary for the furtherance of the investigation.

(i) In conducting an investigation, the Commission staff may, in accordance with the North Carolina Rules of Civil Procedure:

- (1) issue subpoenas compelling access to or production of documents, materials, or other evidence;
- (2) issue subpoenas compelling witnesses, including any party, to appear and give testimony before the Commission staff;
- (3) issue subpoenas compelling witnesses, including any party, to appear and give testimony at a deposition;
- (4) take depositions of witnesses, including any party; and
- (5) issue interrogatories to a Respondent.

(j) Upon written application to the Commission staff, a Respondent shall be entitled to the issuance of interrogatories directed to the Complainant, to the issuance of a reasonable number of subpoenas for the taking of depositions, and to the issuance of a reasonable number of subpoenas for the production of evidence.

(k) In the case of refusal to obey a subpoena, answer an interrogatory, answer a question propounded in a deposition, or answer a question propounded during an interview conducted by the

Commission staff pursuant to this section, the Commission staff or the Respondent may make a motion in the Superior Court to compel a person to obey the subpoena, answer the interrogatory, or answer the question. The North Carolina Rules of Civil Procedure shall apply to the making of such motions. If a person fails to obey an order issued pursuant to this subsection, the court may apply any or all of the sanctions available in Rule 37 of the North Carolina Rules of Civil Procedure.

(1) Whenever the Commission staff concludes on the basis of a preliminary investigation of a Complaint that prompt judicial action is necessary to carry out the purposes of this Ordinance, the Commission may commence a civil action in the Superior Court for injunctive relief pending final disposition of the Complaint. Any injunctive relief shall be ordered in accordance with Rule 65 of the North Carolina Rules of Civil Procedure.

The commencement of a civil action to obtain injunctive relief shall not affect the continuation of the Commission staff's investigation or the initiation of a separate civil action provided for in this Ordinance.

(m) Complaints may be resolved at any time by informal conference, conciliation, or persuasion. Nothing said or done in the course of such informal procedure may be made public by the Commission or used as evidence in any subsequent proceeding without the written consent of the person concerned. However, all resolutions of complaints shall be reduced to writing, shall be signed by the Complainant, the Respondent, and by the Commission

staff and shall be enforceable as a binding contract by the Commission pursuant to the applicable provisions of North Carolina law, statutory and common.

**Sec. 8.2 Reasonable Cause, Conciliation Efforts,
and Right to Sue Letters**

(a) If the Complaint is not sooner resolved, the Commission staff shall, upon completion of the investigation, determine whether or not there is reasonable cause to believe that an unlawful discriminatory practice has occurred, is occurring, or is going to occur.

(b) The Commission staff shall make its determination on reasonable cause as promptly as possible and, so far as practicable, no later than 100 days after the Complaint was filed.

(c) If the Commission staff determines that there is not reasonable cause to believe that an unlawful discriminatory practice has occurred, is occurring, or is going to occur, it shall dismiss the Complaint and notify the Complainant and the Respondent of its decision. At the same time, the Commission staff shall issue a right-to-sue letter to the Complainant.

(d) In the event the Commission staff determines that reasonable cause does not exist, the Complainant may make a written request to the Commission that such decision be reconsidered. Such request shall be filed with the Commission staff within thirty (30) days of the date the Commission staff issued its finding of no reasonable cause. The request for reconsideration shall be heard by a panel of three Commission members. As a prerequisite to

serving on this panel, the Commission member shall receive appropriate training by the North Carolina Human Relations Commission. Such training shall include ordinance coverage and scope, how to prove if discrimination has occurred, and how to determine appropriate remedies if discrimination is proved.

(e) If the Commission staff determines that reasonable cause exists, it shall notify the Complainant and the Respondent and shall attempt to resolve the Complaint by conference, conciliation, and/or persuasion.

(f) All conciliation agreements shall be signed by Complainant and the Respondent and shall be recognized as a legally enforceable contract. The Commission shall also be a party to all conciliation agreements which resolve Complaints. The Commission shall have the authority to enforce conciliation agreements pursuant to the applicable provisions of North Carolina law, statutory and common law.

(g) If the Commission staff, after making a finding of reasonable cause, is unable to resolve the Complaint by conference, conciliation, or persuasion, it shall issue a written declaration that conciliation efforts have failed.

(h) If the Commission staff issues a written declaration that conciliation efforts have failed, the Commission staff shall, upon written request of the Complainant, issue a right-to-sue letter to the Complainant. Such written request shall be filed with the Commission staff by the Complainant within fifteen (15) days of the date the declaration of conciliation failure is served on the

Complainant.

(i)(a) Upon making a declaration of conciliation failure, the Commission staff may, in cases arising under Article IV (Fair Employment), Article VI (Public Accommodations), and Article VII (Other Prohibited Discriminatory Acts) apply to the Director of the Office of Administrative Hearings, pursuant to N.C.G.S. §7A-758, for the designation of an administrative law judge to preside at a hearing of the case.

(b) In cases arising under Article V (Fair Housing) in which the Commission has issued a declaration of conciliation failure, the Commission must apply to the Director of the Office of Administrative Hearings, pursuant to N.C.G.S. §7A-758, for the designation of an administrative law judge to preside at a hearing of the case.

(c) In the event the Commission chooses to make application to the Office of Administrative Hearings, it shall do so within thirty (30) days of the date the Commission staff issued its written declaration of conciliation failure.

(j) If within 130 days from the date the Complaint was filed, the Commission staff has failed to make a determination on the issue of reasonable cause, the Commission staff shall, upon written request of the Complainant, issue a right-to-sue letter to the Complainant.

Sec. 8.3 Referral to Office of Administrative Hearings

Subdiv. 8.3.1 Hearings

(a) Upon receipt of an application for a hearing from the

Commission, the Director of the Office of Administrative Hearings shall, without undue delay, assign an administrative law judge to hear the case. Under this subsection, references to "parties" means "the Commission" and "the Respondent" and any other party the administrative law judge permits to intervene. It shall be within the sound discretion of the administrative law judge to allow or disallow such motion.

(b) All hearings under this Ordinance shall be de novo, open to the public, and shall be conducted in an impartial manner.

(c) Venue of cases heard by an administrative law judge under this Ordinance shall be in Orange County.

(d) If at any time after the commencement of a hearing of a case under this section, but before the administrative law judge issues a final decision, the parties successfully conciliate the Complaint, the Commission shall file a stipulation of settlement or notice of voluntary dismissal with the presiding administrative law judge. Upon receipt of such stipulation or notice, the administrative law judge and the Office of Administrative Hearings shall take no further action regarding the Complaint.

(e) All hearings held before an administrative law judge shall, except as provided elsewhere in this Ordinance, be held in accordance with the provisions of Article 3, Chapter 150B (Administrative Procedures Act) and in accordance with Chapter 3 of Title 26 of the North Carolina Administrative Code.

(f) The case in support of the Commission shall be presented at the hearing by the Commission's attorney.

(g) The administrative law judge shall make a recommended decision, which shall contain findings of fact, conclusions of law, and recommended relief if appropriate.

(h)(1) A panel consisting of three members of the Commission shall review the findings of fact, conclusions of law, and relief granted, if any, set forth in the administrative law judge's recommended decision. Prior to making its final decision, the Commission panel shall permit the Complainant and Respondent the opportunity to submit written exceptions to the recommended decision and shall permit them to present oral argument as to why the recommended decision should be affirmed, modified, or reversed.

(h)(2) As a prerequisite to serving on this panel, the Commission member shall receive appropriate training by the North Carolina Human Relations Commission. Such training shall include ordinance coverage and scope, how to prove if discrimination has occurred, and how to determine appropriate remedies if discrimination is proved.

(h)(3) Such review shall be completed by the Commission panel not later than sixty (60) days after the recommended decision is issued.

(h)(4) The Commission panel may affirm, modify, or reverse the recommended decision. Such decision by the Commission panel shall constitute the final agency decision of the Commission.

(h)(5) In the event the Commission panel modifies or reverses the recommended decision of the administrative law judge, it shall set forth in writing the specific reasons it has reached a decision

different from that of the administrative law judge.

(i) The Office of Administrative Hearings shall prepare an official record of the case that includes:

1. Notices, pleadings, motions, and intermediate rulings;
2. Questions and offers of proof, objections, and rulings thereon;
3. Evidence presented;
4. Matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose; and
5. The administrative law judge's recommended decision.

(j) The Office of Administrative Hearings shall forward the official record to the Commission and shall forward a copy of its recommended decision to each party.

(k) The Commission shall have the authority to enforce any award made to a Complainant pursuant to the applicable provisions of North Carolina law, statutory and common.

Subdiv. 8.3.2 Remedies

(a) If the administrative law judge, in its recommended decision, finds that a Respondent has violated, is violating, or is about to violate any provision of this Ordinance, he may recommend such affirmative action as may be appropriate, including:

1. injunctive relief as provided for in Rule 65 of the North Carolina Rules of Civil Procedure;
2. compensatory damages;
3. punitive damages; and
4. any other relief as the administrative law judge deems appropriate.

(b) Punitive damages against a respondent may be recommended by the administrative law judge only if the complaining party (or parties) demonstrate(s) that the Respondent engaged in a practice made unlawful under this Ordinance with malice or with reckless

indifference to the protected rights of the Complainant.

(c) In the case of a finding by the administrative law judge that the Respondent has committed an unfair employment practice, then the following provisions shall also apply:

1. the administrative law judge may recommend, in addition to any of the remedies set forth above, any one or more of the following:

a. reinstatement or hiring of an employee;

b. back pay; provided that it shall not accrue from a date more than two years prior to the filing of the complaint with the Commission; and provided further that interim earnings or amounts earnable with reasonable diligence by the person discriminated against shall operate to reduce the back pay otherwise allowable.

2. Compensatory damages shall not include backpay or interest on backpay.

3. The sum of the amount of compensatory damages allowed for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other pecuniary losses, and the amount of punitive damages awarded under this section shall not exceed, for each complaining party:

a. In the case of a Respondent who has more than 14 and fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$50,000; and

b. In the case of a Respondent who has more than 100 and fewer than 201 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$100,000; and

c. In the case of a Respondent who has more than 200 and fewer than 501 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$200,000; and

d. In the case of a Respondent who has more than 500 employees in each of 20 or more calendar weeks in the current or preceding calendar year, \$300,000.

4. In cases where an unlawful employment practice involves the provision of a reasonable accommodation, neither compensatory nor punitive damages may be awarded where the Respondent demonstrates good faith efforts, in consultation with the person with the disability who has informed the covered entity that accommodation is needed, to identify and make a reasonable accommodation that would provide such individual with an equally effective opportunity and would not cause an undue hardship on the operation of the Respondent's business.

(d) In the case of a finding that the Respondent has committed, with malice or with reckless indifference to the protected rights of the Complainant, a violation of this Ordinance, then the following provisions shall also apply:

1. the amount of punitive damages awarded under this section shall not exceed, for each complaining party:

a. In an amount not exceeding ten thousand dollars (\$10,000)

if the Respondent has not been adjudged to have committed any prior unlawful discriminatory act;

b. In an amount not exceeding twenty-five thousand dollars (\$25,000) if the Respondent has been adjudged to have committed one other unlawful discriminatory acts during the five-year period ending on the date of the filing of the Complaint; or

c. In an amount not exceeding fifty thousand dollars (\$50,000) if the Respondent has been adjudged to have committed two or more unlawful discriminatory acts during the seven-year period ending on the date of the filing of the complaint.

If the act constituting an unlawful violation is committed by the same natural person who has been previously adjudged to have committed an act or acts constituting an unlawful discriminatory practice in violation of this Ordinance, then the punitive damages set forth above may be imposed without regard to the period of time within which any subsequent discriminatory practice or act occurred.

ARTICLE IX Judicial Review

(a) Judicial review of the final decision of the Commission shall be in accordance with the provisions provided for judicial review of agency decisions as set forth in Article 4, §150B of the North Carolina General Statutes.

(b) In reviewing the final decision of the Commission, the court may affirm the decision or remand the case for further proceedings. It may also reverse or modify the final decision of the Commission if the substantial rights of the petitioner may have

been prejudiced because the Commission's findings, inferences, conclusions, or decisions are:

1. In violation of constitutional provisions;
2. In excess of the statutory authority or jurisdiction of the agency;
3. Made upon unlawful procedure;
4. Affected by other error of law;
5. Unsupported by substantial evidence; or
6. Arbitrary or capricious.

(g) The court in a review proceeding may:

1. Affirm, modify, or reverse the Commission's decision;
2. Remand the case to the Commission for further proceedings;
3. Grant to any party such temporary relief, restraining order, or other order as it deems appropriate; or
4. Issue an order to enforce the Commission's decision to the extent that the decision is affirmed or modified.

(c) A party to a review proceeding in Superior Court may appeal to the appellate division from the final judgment of the Superior Court as provided in G.S. 7A-27. Pending the outcome of an appeal, an appealing party may apply to the court that issued the judgment under appeal for a stay of that judgment or a stay of the decision that is the subject of the appeal, as appropriate.

ARTICLE X Civil Actions

(a) Civil actions brought by a Complainant after the issuance of a right-to-sue letter by the Commission shall be filed in the Superior Court no later than 90 days after issuance of the right-to-sue letter.

(b) Parties to a civil action brought pursuant to this section shall have the right to a jury trial as provided for by the North Carolina Rules of Civil Procedure.

(c) Upon application by the Complainant and in such

circumstances as the court may deem just, the court may authorize the commencement of the action without the payment of fees, costs, or security.

(d) The court may award court costs and reasonable attorney's fees to the prevailing party with the following limitations:

(1) Attorney's fees may not be awarded to the Commission;
and

(2) A prevailing Respondent may be awarded court costs and reasonable attorney's fees only upon a showing that the case is frivolous, unreasonable, or without foundation.

(e) If the court finds that the Respondent has violated, is violating, or is about to violate this Ordinance, it may order such affirmative action as may be appropriate, including each of the remedies that may be recommended by an administrative law judge under this Ordinance.

(f) No order of the court shall require the admission or reinstatement, or promotion of an individual as a member of a union, or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, national origin, age, disability, familial status, or veteran status in the United States armed services.

MICHAEL B. BROUGH & ASSOCIATES

MEMORANDUM

TO: Mayor and Board of Aldermen
FROM: Michael B. Brough *mbB*
DATE: January 24, 1994
RE: Orange County Civil Rights Ordinance

The Board asked that I address several questions relating to Orange County's proposed civil rights ordinance. The questions and my responses follow:

(1) Is there a way to have some panel other than the Orange County Human Rights Commission responsible for enforcing the ordinance? The latest draft provides that the staff, rather than the commission, will make the initial reasonable cause determination. The commission will still be involved later in the process to review the recommendations of the administrative law judge. There is no reason why the OCHRC must perform this function, but somebody must be assigned this function unless the ordinance is significantly revised to follow more closely the federal model (where in most cases claims not resolved at the staff level can be heard only in a federal or state court, rather than in an administrative proceeding).

(2) What are the criteria for making a finding of "reasonable cause?" There is no specific definition. A determination of reasonable cause is simply a determination that there are reasonable grounds to believe that discrimination has occurred. What constitutes "discrimination" will presumably be determined in accordance with existing federal law on the subject.

(3) What training will be provided? The revised ordinance now provides in subsection 8.3(h)(2) that commission members "shall receive appropriate training by the North Carolina Human Relations Commission. Such training shall include ordinance coverage and scope, how to prove if discrimination has occurred, and how to determine appropriate remedies if discrimination is proved."

I have also reviewed the proposed ordinance from the perspective of determining the extent to which it creates remedies for discrimination in various fields that differ from remedies presently available under federal or state law.

As suggested above, from a substantive point of view, the ordinance appears essentially to provide the same coverage as is available under federal law. I have not examined this 50 page document with a microscope, but it appears intended to prohibit the same types of discrimination covered under existing federal law, such as the Equal Employment Opportunity Act, the Americans With Disabilities Act, and the Fair Housing Act. The only minor difference that I can detect is that the ordinance prohibits employment discrimination on the basis of "familial status," which is a term that appears in the federal fair housing law and has relevance for housing discrimination but little or no relevance, so far as I can determine, to employment discrimination.

Mayor and Board of Aldermen
January 24, 1994
Page Two

The major differences between the proposed ordinance and existing law have to do with enforcement procedures and remedies. The most significant difference occurs in the employment context. Under federal law, if the E.E.O.C. investigates a discrimination complaint, concludes that reasonable cause exists, and fails to resolve the matter by conciliation, then it grants the employee a "right to sue letter," which authorizes the employee to obtain his or her own attorney and bring suit in federal or state court (successful plaintiffs are awarded attorneys' fees). In contrast, under the ordinance, if the commission finds reasonable cause and conciliation efforts prove unsuccessful, then the county attorney's office will initiate a proceeding before an administrative law judge, essentially acting as the complainant's attorney against the employer. Whether this is good or bad policy is a matter for the Board to decide, but it does represent a substantial change from the existing law.

The second major change from existing practice is that, under the proposed ordinance, the defendant would have no opportunity for a jury trial if the county chooses to seek enforcement through the administrative process (i.e. a trial before an administrative law judge). Under the process set forth in the ordinance, the administrative law judge would conduct a hearing in the nature of a trial and then make a recommendation to the commission. Judicial review would be available, but this would be in the nature of appellate review only. Under existing federal law, employment discrimination charges would be tried before a judge or (if either party so requests) a jury.

Third, the proposed ordinance does not exclude the possibility of punitive damages being awarded against the town, as does existing federal law.

Finally, I recommend that, if the ordinance is adopted, section 8.2(d) be amended to eliminate the possibility of a complainant asking the commission to "reconsider" a determination by the commission staff that no reasonable cause exists in the employment context. From the legal perspective, this creates a potential due process problem since any determination by the administrative law judge would go back to the commission for a final determination, and if the commission or a panel thereof has already found reasonable cause, this at the very least creates the appearance that the commission cannot review the decision of the ALJ in an unbiased fashion. From the practical perspective, this provision also means that the commission would probably be overloaded with requests for reconsideration because a reconsideration can be requested by a mere letter, and any disappointed complainant would have every incentive to request reconsideration.

I would be happy to discuss this further with the board.

cc: Bob Morgan
Geoff Gledhill

LAW OFFICES

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A PROFESSIONAL CORPORATION

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March 4, 1994

Michael B. Brough, Esquire
Carrboro Town Attorney
Michael B. Brough & Associates
1829 E. Franklin Street, 800-A
Chapel Hill, North Carolina 27514

Re: Orange County Civil Rights Ordinance

Dear Mike:

Thank you for sending me a copy of your January 24, 1994 response to questions raised by the Mayor and members of the Carrboro Board of Aldermen concerning the Orange County Civil Rights Ordinance. What follows responds to and expands on your January 24 memorandum.

The enabling legislation for the Orange County Civil Rights Ordinance, Chapter 358 of the 1993 Session Laws of the North Carolina General Assembly, authorizes the Orange County Board of Commissioners to delegate powers to the Orange County Human Relations Commission to carry out the Orange County Civil Rights Ordinance. Among those powers are the powers to (1) investigate alleged violations, (2) make reasonable cause determinations and (3) make final decisions concerning alleged violations. Although it is clear to me that the delegated investigative function can be further delegated (to a staff person for example) and that the final decisions cannot be further delegated, it is not clear to me that reasonable cause determinations can be further delegated.

To address this, the ordinance provides for an initial staff reasonable cause determination which can be appealed to a three member panel of the Commission. In the event that the case comes back to the Commission for a final agency decision, that decision also will be made by a panel of Commission members. Administratively it has been determined that none of the members of a reasonable cause determination panel will serve on a final decision panel. This separate panel approach is not stated as such in the ordinance. The ordinance will be revised to do so in the next draft.

3/8/94

As a Lesbian resident of Carrboro, I want to urge the town council to adopt legislation that prohibits discrimination on the basis of sexual orientation. Lesbians are women who love women. We contribute to our community. We are health care workers, teachers, lawyers, students, professionals, scientists. We are good people. We should not have to live a life of fear simply because we love women. Yet, on inviting a friend to attend this town meeting tonight, her first response was "what if someone from work saw me? I could lose my job". We should not have to live with this kind of anxiety and fear for being who we are in the world. In this country of civil rights, it is still legal to discriminate against lesbians and gays solely on the basis of our sexual orientation. This is deplorable. As hate crimes against lesbians and gays continue to rise in North Carolina, as we fear the loss of our jobs, please adopt legislation to prevent the unfair discrimination and harassment of lesbians and gays.

Aaron Bibe

BOARD OF ALDERMEN

ITEM NO. E(3)

AGENDA ITEM ABSTRACT

MEETING DATE: March 8, 1994

SUBJECT: Presentation of Cost Estimates for Policy Goals for 1994-95 Budget and Discussion of Final Policy Goals

DEPARTMENT: Administrative Services	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Cost Estimates for Policy/Program Goals	FOR INFORMATION CONTACT: Larry Gibson, 968-7701

PURPOSE

The purpose of this item is to present the administration's cost estimates for policy goals identified by the Board on February 22nd, and to have the Board establish financial and policy goals for the new year.

SUMMARY

At the conclusion of this discussion, the Mayor and the Board of Aldermen will have identified the goals for a "strategy budget" for 1994-95, including:

- a bottom line financial goal establishing a figure for the strategy budget's total expenditures;
- policy goals including any financial goals or program goals that the Board wishes to have incorporated in the strategy budget; and
- departmental allocation goals, which establish bottom line financial goals for each department.

The Board establishes the figure for the strategy budget's total expenditures, and the cost of policy goals is deducted from this figure. The remainder of the strategy budget is allocated among the departments. The Town Manager will prepare a second budget in conjunction with the strategy budget that will include decision packages addressing additions and/or deletions in existing programs and services.

ANALYSIS

Following the leadership-based budgeting model, the Board identified policy goals on February 22nd. The Board made no commitment to these items, but instead, directed staff to prepare cost estimates for consideration at the March 8th meeting. During the 1994 Retreat, the Manager presented his recommendations for financial goals. In order for the Manager to proceed with allocations to the departments, the Board must establish the policy goals for the FY 1994-95 budget as well as the financial goals or parameters for the new year. The administration suggests that we call this proposal the "strategy budget" for purposes of discussion. The administration has developed cost figures for items identified by the Board on February 22nd. (See attached) Staff has also prepared cost projections for various cost-of-living and merit salary adjustments. In addition, the administration is attaching for the Board's consideration a program proposal from the Communities in Schools project which includes a request for \$5,000 in the new year.

Manager's Recommended Goals:

The administration recommends the following financial goals:

(1) Preserving the General Fund Balance following these procedures:

- (a) maintaining an unreserved fund balance at 25 percent of budgeted expenditures;
- (b) moving towards a 3 percent cap on annual fund balance appropriations for general fund operations;
- (c) setting 6 percent as a goal for annual budget savings ; and
- (d) designating any fund balance exceeding the 25 percent level as a reserve for capital improvements.

(2) **Establish \$6,702,081 as the total budget** for the General, Debt Service, Transportation, Cemetery, and Enterprise Funds. Establish the amounts by Fund, as follows:

General	\$5,961,657
Debt Service	328,473
Transportation	399,951
Cemetery	3,300
Enterprise	8,700

In an effort to clarify the choices available in establishing a bottom line goal for the General Fund, the administration offers three options. The Manager's recommended goal as outlined above is drawn from Option Three. All three options continue services at existing levels; none includes any new personnel or unscheduled capital improvements. Decision packages will be developed to address improvements.

Option 1	\$5,781,397 (no tax increase) Provides no funds for salary increases
Option 2	\$5,871,527 (2 cent tax increase) Provides for merit increases (2 and 1/2 percent)
Option 3	\$5,961,657 (4 cent tax increase) Provides for merit increases (2 and 1/2 percent merits) And 3 percent cost-of-living adjustments

Note of Caution: In choosing one of these options or any bottom line figure for the budget, the Board is not necessarily selecting a tax rate. If revenue estimates change, the projected tax rate will also change, up or down.

Page Three

Agenda Item Abstract E(3)

March 8, 1994

ACTION REQUESTED:

The administration requests that the Board reach consensus on policy goals and financial goals for FY 1994-95.

COST ESTIMATES FOR POLICY GOALS

1. Community Policing- The Police Chief has prepared four options for implementing community policing in the new year ranging in cost from **\$71,609 to \$135,920**. These options vary according to number of new officers, starting dates for new hires and include training and equipment. The Police Chief is not recommending the use of substations, although he does foresee the possibility of establishing storefront sites or outposts from which community-policing work would be coordinated in a particular district. Chapel Hill has established such a storefront post on Graham Street at an estimated annual cost of **\$ 6,000**.

2. Extending health insurance benefits to domestic partners - According to representatives of Blue Cross/Blue Shield and Kaiser Permanente, enrolling domestic partners as we currently enroll spouses and family members should not increase the Town's insurance premiums.

3. Paving of Quail Roost Drive and Installation of Sidewalk- The Public Works Director estimates that the paving of Quail Roost Drive (1,350 linear feet with a 34 ft. width and curb and gutter) will cost approximately **\$197,640**. Staff estimates that constructing a sidewalk along Quail Roost Drive will cost **\$16,200**. Both of these projections include funds for contingencies.

4. Fire Department Personnel- The Fire Chief projects the need for two additional firefighters. Staff estimates that the salaries, benefits, uniforms, and other expenses associated with these two positions will total **\$52,690**. The Fire Chief is also recommending a one dollar increase in the hourly rate paid to part-time fire drivers at an estimated cost of **\$5,858**.

5. Maintenance of 54 Bypass Median- The Public Works Department projects the costs of maintaining the median next year at **\$25,400**. This figure covers the costs of hiring three temporary laborers for five months of seasonal work (\$14,400) and mowing equipment (\$11,000).

6. Housing Stipend for town employees- Only 15 percent of our current full-time permanent workforce (or 15 employees) live within the Carrboro town limits. A \$200 per month housing stipend would likely induce others currently employed by the Town to relocate or entice new hires to find housing in Carrboro. Assuming the policy resulted in a 30 percent rate of residency, the Town would incur an annual cost of **\$72,000**. If no change in the number of employees residing in Carrboro occurred, or if the stipend were reduced to \$100, the cost would be cut in half, to **\$36,000**.

Cost Estimates for Policy Goals
Page Two

7. **Youth transportation-** According to the Transportation Planner, this issue is being discussed by the Drug and Violent Crime Task Force, but no specific proposals have been developed.

8. **Library-** Gary Giles, Chair of the Friends of the Carrboro Library reports that the committee is currently looking into the Carrboro Middle School as a site for a joint school/town facility. County support of this operation and other funding questions have not been resolved.

9. **Carrboro Day-** The Carrboro Day Structure Committee used a community survey to identify a list of possible program components. The Recreation and Parks Department has developed cost figures for these various components, but the committee is not scheduled to review these projections and decide upon program specifics until March 16. The total cost of personnel, supplies and other expense associated with all of the possible components is \$10,470. The total project costs will fall somewhat below this figure as some components are omitted or adjusted by the Carrboro Day Committee.

10. **Youth Coordinator-** This proposal is still in the preliminary stages; no job description has been formulated, nor has there been any formula for cost sharing worked out. The figure of \$10,000 covers one third of possible salaries and benefits.

11. **Carrboro Art Group-** The Carrboro Art Group has requested a contribution from the Town of \$500.

12. **Communities in Schools-** Communities in Schools has requested \$5,000 from Carrboro in the new year. The Human Services Advisory Commission has requested that the Board consider this application outside the Town's allocation (one cent levy) for human service grants.

1994-95 Total Wages and Benefits \$3,288,602

Projected costs of various across-the-board and merit adjustments

<u>Across the board</u>	<u>Adj. made at 1st of year</u>	<u>Adj. made at mid-year</u>
5%	\$164,430	\$82,215
4%	131,544	65,772
3%	98,658	49,329
2%	65,772	32,886
1%	32,886	16,443

Merit	
5%	\$69,883
times factor of 85% (some will get 2.5%; others may be denied)	
2.5%	\$39,052
times factor of 95%	

Duke Power Company
P.O. Box 16909
Chapel Hill, NC 27516

RECEIVED FEB 16 1994

(919)967-8231



DUKE POWER

February 1, 1994

Mr. Robert Morgan
Town Manager
Town of Carrboro
301 W. Main Street
P O Box 829
Carrboro, NC 27510-0829

Dear Bob:

Communities in Schools is a process that engages a wide range of public and private human service organizations in a partnership to meet the needs of at-risk students and their families. School attendance, economic disparity, teenage pregnancy, substance abuse, juvenile crime and other problems are addressed.

Enclosed is a Program Proposal from Orange County Communities in Schools. The proposal provides information on Communities in Schools and the objectives we hope to accomplish. Specifically, we are requesting \$5,000 from the Town of Carrboro to assist us in meeting our goals. Further information regarding our budget can be found in table 1.

The proposal requests funding for the program year July 1994 through June 1995. We believe the proposal meets your informational needs and timeframes. Orange County Communities in Schools looks forward to working with you to make a difference in the Orange County community.

Sincerely,

Scott T. Gardner
Chairman of the Board
Orange County Communities in Schools

STG:lmc

Enclosure

**TOWNS OF CARRBORO, CHAPEL HILL, ORANGE COUNTY AND UNITED WAY
PRIVATE, NONPROFIT HUMAN SERVICES PROGRAM PROPOSAL FORM**

1. Name of Agency: Orange County Communities in Schools

Address: c/o Duke Power Company
P.O. Box 16909
Chapel Hill, North Carolina 27516

Phone Number: 968-2316

Name/Title of Director: Scott Gardner, Chair
CIS Board of Directors

Agency's Program Year: July, 1994 through June, 1995

2. Purpose And Goals Of Agency:

The mission of Communities in Schools (CIS) is to develop public/private partnerships to connect at-risk students and their families with appropriate human resources. The following issues which lie at the heart of the dropout problem are addressed:

- school attendance;
- literacy;
- drug & alcohol abuse;
- job training;
- teen pregnancy;
- teen suicide; and
- juvenile crime

Communities in Schools is a process which provides all students who need unique support an opportunity to receive coordinated educational, social, health, and recreational services that will enable them to realize their potential for successful learning and living.

3. Specific Objectives For The Program Year For Which Funds Are Requested:

The primary objective for these requested funds is to initiate the CIS program in the school systems of Orange County. To accomplish this goal, the employment of an executive director to manage and administer program operations is required. This includes preparation of the pilot site(s); the coordination of human services agencies and volunteers; conducting fund-raising efforts; program monitoring and evaluation; and promoting public awareness. (See Attachment I: Job Description-Executive Director).

The pilot program is scheduled to be initiated in Fall 1994. Hence, the executive director is essential in order to oversee the implementation and evaluation processes.

4. Describe Your Objectives For The Most Recently Completed Program Year And Indicate Your Agency's Degree Of Success In Meeting Those Objectives:

In April 1993, the Orange County CIS Pre-Implementation Task Force was assembled to assess the need for a CIS process, and if such a need were identified, to determine the steps necessary for implementation. This task force, comprised of representatives from both school communities, health and human services agencies, the United Way, the judicial system, law enforcement, area churches, local businesses, the University, and others recommended in August 1993 that a Communities In Schools process should be developed and implemented in Orange County.

They concluded that the CIS of Orange County should be a non-profit, non-partisan, community-based organization charged with addressing the multiple needs of youth at highest risk of educational, social, and economic failure. The CIS process should focus on the underlying problems of students, including physical and mental health, low self-worth, inadequate life skills, and workforce preparedness. The task force also recommended:

- a) the establishment of Bylaws and Articles of Incorporation;
- b) a preliminary multi-year budget;
- c) a public relations strategy;
- d) the hiring of an executive director; and
- e) that the process be piloted, specifically one pilot per school district, and the pilot(s) be a middle level initiative (between grades 4 - 8).

In accordance with the Bylaws, a 30-member Board of Directors was established to provide continued oversight in the long-range planning, implementation, resource development, and evaluation of the CIS process. This governing body convened in October 1993 and formed committees to further develop programmatic and fundraising strategies for implementation and public awareness. The board convenes quarterly and committees meet regularly throughout the year. (See Attachment II - CIS Board of Directors Membership)

5. Activities And Services Provided In Programs Used To Meet Agency Goals; Include Number Of Clients Served By Each Program, Geographical Area, Facilities And Equipment Used:

Proposals for program implementation will be mailed to area middle school principals by February 1, 1994. These proposals will be reviewed by the CIS Board of Directors and recommendations for on-site selection to be made by the Superintendents of Schools. It is anticipated that this process will take approximately one month. Site selection(s) should be announced by March 1, 1994.

The selected school(s) will execute pre-implementation planning from March-June 1994. The CIS program(s) will begin implementation in September/October 1994.

Because the school site(s) for implementation are yet to be determined, the specific activities and services to be provided to meet the agency goals are not available.

6. Briefly Provide Information That Establishes The Existence Of Needs Which The Program Is Attempting To Address:

Because we are constantly reminded of an apparent overall success, we fail to realize that Orange County is a region marked by great economic and educational disparity. The "haves" continue to experience disproportionate privilege and the "have-nots" are often deprived of the educational and social services that will enable them to achieve their developmental and academic potential.

Prior to recommending the formation of a CIS process, the Pre-Implementation Task Force conducted a community assessment to determine relevant demographic data regarding the youth in Orange County. This information was instrumental in determining the need for CIS intervention. Highlights of this data include the following statistics:

Economic Disparity

- The median family income in 1993 was \$40,685. Yet 1 out of every 10 children live below the poverty line.
- In 1989, 1 out of every 4 of Orange County's full-time workers was classified in poverty.
- In 1992, approximately 20% of adolescents ages 11-21 did not have an identifiable source of primary health care.

Teenage Pregnancy

- In 1990, 301 total pregnancies were estimated among females ages 15-19 in Orange County. - In 1992, Orange County had the highest total abortion rate in the state (state rate 21.7/1,000 and Orange County 34.0/1,000).

Substance Abuse/Mental Health

- This past year, 227 Orange County School students were referred to a substance abuse program.
- It is estimated that 20% of all students in the school system have or will develop a problem with chemical dependency, serious enough to warrant intervention.
- Orange County's suicide rate for adolescents is nearly double that of the state (state rate is 2.9/100,000 and Orange County is 5.7/100,000).
- In 1992, a review of 44 ongoing cases by a high school psychologist in Northern Orange County showed that nearly 1/2 of the clients were being followed for depression and suicidal ideation.

Educational Success/Opportunity

- Out of the 134 school districts in NC, Chapel Hill-Carrboro City School district was ranked 1st in 1992 for SAT scores. However, the Orange County School District was ranked 48th in the state.
- In 1992, out of the 177 students who received the NC Scholars Diploma in the Chapel Hill-Carrboro City Schools District, none were African-American.
- For the 1991-92 Chapel Hill-Carrboro City School year, the composition of students who participated in the Academically Gifted classes was 53% white, 31% Asian American, 11% African-American, 3% Hispanic/Latino, and 1% Native American.
- For the 1991-92 Chapel Hill-Carrboro City School year, African-Americans comprised 70% of the students in the Behaviorally-Emotionally Handicapped classes.

Dropout Rate

- In the 1991-92 school year for Orange County with a total student enrollment of 11,985, there were 1,502 suspensions, 123 students were not promoted to the next grade, and 70 students dropped out of school. (Dropouts: 22 Chapel Hill-Carrboro/ 48 Orange County).

- While Orange County's unduplicated dropout rate is only 1%, 1 out of every 4 ninth graders does not graduate within 4 years.
- In the 1991-92 school year, 164 students were retained because of excessive absenteeism in the Chapel Hill-Carrboro School district alone.

This information provides a strong indication that a need exists for a more coordinated, integrated effort on the part of schools, parents, and community services to meet the diverse needs of the children throughout the entire county. CIS is a proven catalyst for keeping at-risk students in school and making a critical difference in their quality of life. By providing at-risk youth with a caring, safe environment and direct access to the resources they need, the Orange County CIS program can help to develop the self-worth and motivation necessary to stay in school.

Further data from the National Dropout Prevention Center and the Cities in Schools of North Carolina suggests that students who drop out of school tend to adversely impact their quality of life. This also imposes a negative effect on society as a whole. Such data reveals:

- Fewer than 50% of dropouts find jobs after leaving school.
- Dropouts earn 60% less than high school graduates.
- Over a lifetime, dropouts earn \$500,000 less than graduates.
- Dropouts use drugs twice as frequently as high school graduates.
- Four out of 5 dropouts use drugs on a regular basis.
- Dropouts are not accepted into the military service.
- 80% of prison inmates are high school dropouts.
- 60% of adults on welfare do not have a high school diploma.
- Dropouts are 50% more likely to be on welfare than graduates.
- 23% of babies in the U.S. today are born to unwed mothers.
- 40% of female dropouts leave school because of pregnancy.

- 50% of teen mothers who drop out do not return to school.
- 88% of female dropouts under 30 who head households live in poverty.
- Students who repeat a grade are 40% more likely to drop out.
- Students who repeat two grades are 90% more likely to drop out.
- Each high school dropout reduces our gross national product (GNP) by a lifetime total of \$228,000 and the federal tax base by \$68,400.
- A high school dropout, as compared to a graduate, is three times more likely to be unemployed, and six times more likely to be an unwed parent.
- \$21.5 billion was spent nationwide in 1989 on families started by teenagers. Two-thirds of all teen mothers are unmarried.
- In 1990, North Carolina ranked 41st in the United States in graduating high school students.
- More than 72% of North Carolina's prisoners are dropouts.
- In 1990, there were approximately 224,354 children living in poverty in North Carolina.
- In 1988, North Carolina ranked 43rd among the states in its level of AFDC and Food Stamp benefit payments as a percentage of U.S. poverty. Children represent 68% of all AFDC recipients.

7. Evaluation Methods And Frequency Of Evaluation Used To Determine Achievement In Meeting Goals And Objectives:

Orange County Communities in Schools will work in partnership with the UNC School of Social Work, as well as the state and regional offices of CIS to develop an overall program evaluation and individual student assessment. The pilot program(s) will be monitored in an on-going manner and evaluated annually.

8. What Other Agencies Provide Services Similar To Your Agency's? How Does The Program Differ From Your Agency's Program?

There are no other agencies in Orange County which provide the same or similar service as the Communities in Schools program. Although there are numerous agencies in the county that provide services to adolescents, CIS provides effective and efficient linkages to those students considered to be at-risk. Services are conveniently provided on-site to avoid the client's need to "seek out" the appropriate agency, as well as reduce any potential transportation problems. CIS involves the entire community by helping to bring resources directly to the children.

The CIS process serves as the "umbrella" agency for ensuring that public and private health and human services, as well as volunteer efforts, are coordinated and not duplicated. CIS does not develop new services - but utilizes existing services in the most cost-effective and integrated manner.

9. With What Agencies Do You Coordinate And How Is This Done? Are There Any Gaps In The Service Of Which Your Agency Is Aware?

Since the school site(s) have not been selected, details about program implementation are not yet available. Information regarding agency coordination should be available upon the selection of the site(s). (Anticipated announcement of site selection is March 1, 1994).

10. Describe The Use Of Volunteers In Your Program. Please Include Such Information As Numbers, Hours, Program Participation And Training.

Since the school site(s) have not been selected, details about program implementation are not yet available. Information regarding the use of volunteers should be available upon the selection of the site(s). (Anticipated announcement of site selection is March 1, 1994).

11. What Future Changes, If Any, Are Anticipated In Your Agency's Organization (Include Programmatic Expansions or Contractions)?

This is the start-up year for the Orange County Communities in Schools Project. As such, a pilot program(s) will be implemented in the fall 1994. This effort will be closely monitored and future expansions will be based upon program success, school interest and student need.

12. Describe Plans For Securing Subsequent Funding And The Length Of That Funding. If State Or Federal Sources Are Expected To Change, Explain.

In addition to the funding received from your agency, subsequent funding is being requested from the following sources on an annual basis:

- Orange County
- Chapel Hill/Carrboro Public School Foundation
- Orange County Public School Foundation
- Orange County United Way
- Town of Chapel Hill
- Town of Carrboro
- Town of Hillsborough

CIS will also solicit donations from local corporations, and public service organizations such as the Service League, Junior League, Triangle Foundation, Rotary Clubs, and Kiwanis Clubs, etc.

We also anticipate receiving in-kind donations for office space, supplies, equipment, and furniture.

13. If The Proposed Program Is Not A One-Time Program But Is Instead Designed To Meet A Continuing Need, How Do You Plan To Eventually Integrate The Cost Of This Program Into Your Agency's Budget?

This application is to request start-up funding for the overall administration and operations of the Orange County Communities in Schools Project. It is not designated for a specific on-site program. However, once the CIS Project is operational, subsequent funding will be requested to address the continuing needs of Orange County students.

14. List actual or estimated (state which) number of clients served by the geographical area for the last program year, the current year, and the program year for which funds are being requested:

<u>Area</u>	Last Program Year	Current Program Year	Next Program Year
Unincorporated Orange County	n/a	n/a	
Carrboro	n/a	n/a	
Chapel Hill	n/a	n/a	
Hillsborough	n/a	n/a	
Mebane	n/a	n/a	
Outside Orange County	n/a	n/a	
Total	n/a	n/a	

15. A. Other than number of clients served, please list any units of service that your agency can identify (e.g. number of clients referred, number of crisis calls answered, number of hot meals served, etc.) for each of the agency's program years:

<u>Unit(s) of Service</u>	Last Program Year	Current Program Year	Next Program Year

- B. Please identify the estimated current unit cost for each of these service units (program cost divided by units of service):

16. How many unduplicated individuals were actually served?

Last Program Year _____ Current Year _____ Next Program Year _____

Indicate the amount and percent of all operating funds using your agency's program year:

<u>Source of Revenue</u>	Last Complete Program Year		Current Program Year		Next Program Year	
		%		%		%
Town of Carrboro	n/a				5,000	7.2
Town of Chapel Hill	n/a				5,000	7.2
Town of Hillsborough	n/a				5,000	7.2
Orange County	n/a				15,000	21.9
Other Counties	n/a				n/a	
United Way of Greater Orange	n/a				5,000	7.2
Other United Ways	n/a					
State (Total)	n/a					
Federal (Total)	n/a					
Fund/Membership Drives	n/a					
Private Contributions	n/a				5,000	7.2
Fees for Services	n/a					
Others (specify)	n/a					
Chapel Hill/Carrboro Public School Foundation			1,500	50%	5,000	7.2
Orange County Public School Foundation					5,000	7.2
In-Kind Donations			1,500	50%	19,000	27.7
TOTAL:			3,000	100%	69,000	100%

Table II.: EXPENDITURES FOR SERVICE OPERATIONS

List the actual expenditures for your last program year, budgeted expenditures for the current year, and anticipated expenditures for the next program year. Total budgeted expenditures for the current and next program years should not exceed the projected revenues.

	Last Complete Program Year	Current Program Year	Next Program Year
Salaries	n/a		30,000
Fringe Benefits	n/a		1,000
Payroll Taxes	n/a		
Professional Fees/Contracts	n/a		
Supplies	n/a		
Telephone	n/a		500
Postage	n/a		
Building and Grounds	n/a		
Equipment Rent/Maintenance	n/a		
Printing/Publications	n/a	500	500
Travel	n/a		300
Conferences Training/Evaluation	n/a		1,000
Assistance to Individuals	n/a		
Dues	n/a		
Awards/Grants	n/a		
Miscellaneous (describe) Legal Services	n/a	500	
Accounting			1,000
In-Kind Donations		2,000	19,000
TOTAL		3,000	53,300

Table III.: PROGRAM AND SUPPORTING SERVICES

Please indicate your actual, budgeted, and anticipated program expenditures:

	Last Program Year	Current Program Year	Next Program Year
1. Management and General	n/a	1,500	34,300
2. Fundraising	n/a	1,500*	1,500*
3. Payments to Affiliated Organizations	n/a	n/a	-0-
4. Major Property and Equipment Acquisition	n/a	n/a	17,500*

SUBTOTAL:

(*In-Kind Donations)

_____ 3,000 53,300

Program Services: Please indicate your agency's program service(s) and total actual, budgeted and anticipated amount(s):

	Last Program Year	Current Program Year	Next Program Year
5. _____			
6. _____			
7. _____			
8. _____			
9. _____			
10. _____			
11. _____			
12. _____			
13. _____			
14. _____			

Table IV.: SCHEDULE OF POSITIONS AND SALARIES

Please complete this table using your agency's program year:

Time	Title of Position	Last Complete Program Year	Current Annual Rate	Next Program Year Estimated
F	Executive Director	n/a	n/a	31,000

* Please indicate Retirement (R) or Health (H) plans beside those positions where benefits are provided.

TIME: F to indicate full time

1/2 to indicate half time

3/4 to indicate three-quarters time

Table V.

SUMMARY OF SUPPORT REVENUE AND EXPENDITURES

	1991-92	1992-93	1993-94
A. Surplus or (Deficit) Beginning of Year	n/a	n/a	
B. Support/ Revenue Not Including Prior Surplus	n/a	n/a	
C. Total Expenditures (From Table II)	n/a	n/a	
D. Surplus or (Deficit) End of Year (B-C)	n/a	n/a	
E. Net Surplus or (Deficit) (A+D)	n/a	n/a	

-- Please attach the names, addresses and terms of officers and board members.

(See Attachment II)

-- Indicate the number of board meetings held during your last complete program year: 3

(October '93

-- Please include a financial audit for your last complete fiscal year.

January '94

April '94)

Chief Executive Officer

President or Other Officer

Date

Orange County Communities in Schools, Inc.

for

EXECUTIVE DIRECTOR

OVERVIEW

To serve as the Executive Director of Orange County Communities in Schools, Inc. In that capacity, recommends and participates in the formulation of policies. Makes decisions on the basis of existing policies as they have been approved by the BOARD OF DIRECTORS, plans, organizes, directs and coordinates the staff, programs and activities of the organization. Through effective communication and management is able to promote growth and enhance development of the program.

GENERAL DUTIES

Responsible for overall management of Orange County Communities in Schools, Inc.

SPECIFIC DUTIES

Mobilize financial and human resources to support program operations

Hire and oversee all CIS staff

Train all management team staff

Negotiate agency agreements

Establish and maintain appropriate linkages with school district and social service agencies' personnel

Present and carry out operational plans

Secure training for repositioned staff

Oversee coordination of all student and family services from repositioned staff

Establish and maintain documentation of all program reports and forms

Submit monthly progress reports to appropriate national and state CIS staff and representatives

Develop a management information/evaluation system

JOB RESPONSIBILITIES

To inform the Board of Directors, executive committee, officers, etc., on conditions of the organization and all important factors influencing them. Attends all meetings of the Board and executive committee.

To plan and recommend to the Board for approval, basic policies and programs which will enhance the goals of the organization.

To execute all decisions of the Board of Directors except when assignment is specifically made by the Board.

To develop the day-to-day administration, communications, procedures and programs to implement Board established policies and procedures.

To establish a sound organizational structure for CIS.

Establish the program and administrative procedures authorized by the Board of Directors.

Insure all rules and policies are being observed throughout the program.

Direct the dissemination of instructional and promotion materials and information for distribution throughout the community.

Direct the project implementations of CIS programs.

Coordinate the activities of all major Board committees.

Plan and direct programs to reduce the drop out rate and improve the quality of life of at risk students and then families.

Direct the solicitation of financial support and manage finances of CIS.

Direct the administration and coordination of all CIS events and activities.

Submit a final report/annual report to the Board of Directors.

To direct and coordinate all approved programs, projects and major activities of the staff and organization.

To recruit, hire, train and motivate staff. Recommends to Board of Directors staff needs and salary raises. Responsible for termination of staff with reason.

To review staff performance, clarify performance standards and establish staff duties.

To provide liaison and staff support to committee chairpersons and committees. To submit committee membership recommendations to the Board of Directors for approval.

To execute contracts and commitments as authorized by the Board of Directors.

To maintain effective relationship with other private/public partnerships for the enhancement of the CIS objectives and goals.

To cooperate with the budget committee and treasurer, to develop an annual budget. Insure that all funds and other property of the organization are properly insured and to become bonded as related to money management.

To coordinate the public relation and fund raising program for the organization.

To assist in planning and coordinating all official meetings of the organization.

To carry out other general responsibilities as may be delegated by the Board of Directors

REPORTS TO

The Executive Director is directly responsible to the CIS Board of Directors.

CIS BOARD OF DIRECTORS

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Mission In Excellence
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h:
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Hillsborough, NC 27278
w:732-8126
h:732-8245
f:732-8120

Nate Davis, Asst Supv
Town Chapel Hill Recreation Dept
200 Plant Road
Chapel Hill, NC 27514
w:968-2874
h:
f:

Beth Deacon
Chapel Hill Herald
106 Mallett Street
Chapel Hill, NC 27514
w:967-6581
h:
f:

Dr. Sharon Freeland, Director
Orange Congregation in Missions
341 JaMax Drive
Hillsborough, NC 27278
w:732-6194
h:
f:

Scott Gardner, Dist Mgr
Duke Power Company
P O Box 16909
Chapel Hill, NC 27516-6909
w:968-2316
h:489-7110
f:968-2413

Jesse Gibson
Phillips Middle School
Estes Drive
Chapel Hill, NC 27514
w:929-2188
h:
f:

Pat Grebe
Burroughs Wellcome
3030 Cornwallis Road
RTP, NC 27709
w:248-3048
h:
f:

Donn Hargrove
Chief Juvenile Court Counselor
Orange County
P O Box 8181
Hillsborough, NC 27278
w:732-8181
h:
f:

Melvin Hurston, Assoc Director
UNC Hospital Operations
Campus Box #7600
Chapel Hill, NC 27599
w:966-4423
h:933-8830
f:

Kathy LaFone
At-Risk Coordinator
Orange County Schools
200 E. King Street
Hillsborough, NC 27278
w:732-4166, x264
h:383-5989
f:732-8120

John Link, Manager
Orange County
P O Box 8181
Hillsborough, NC 27278
w:732-8181
h:
f:

William Malloy, Director
Public School Services Program
UNC-CH Campus Box #3500
Chapel Hill, NC 27599-3500
w:966-7000
h:493-7835
f:962-1533

Tom Maynard, Director
Orange-Person-Chatham Mental
Health Center
333 McMasters Street
Chapel Hill, NC 27514
w:929-0471
h:933-5021
f:968-1318

Maxine Mitchell
2416 Gemena Road
Chapel Hill, NC 27516
w:
h: 967-0646
f:

Dr. Neil Pedersen, Superintendent
Chapel Hill-Carrboro City Schools
Lincoln Center, Merritt Mill Road
Chapel Hill, NC 27514
w:967-8211, ext. 22
h:
f:

Dwight Peebles, Exec Dir Corp Proj
Blue Cross/Blue Shield of NC
P O Box 2291
Durham, NC 27702-2291
w:490-2798
h:471-8142
f:490-0171

Don Peterson
Communications Operations
IBM Corporation
P O Box 12195
RTP, NC 27709-2195
w:254-9066
h:
f:

Karen Sanders Raleigh, City Exec
First Union National Bank
1526 E. Franklin Street, Suite 101
Chapel Hill, NC 27514
w:932-2200
h:933-0271
f:932-2204

Dan Reimer
Orange County Health Department
P O Box 8181
Hillsborough, NC 27278
w:732-8181, x 2411
h: 967-4255
f:644-3007

Phil Rollain
At-Risk Coordinator
Chapel Hill-Carrboro City Schools
Lincoln Center, Merritt Mill Road
Chapel Hill, NC 27514
w:967-8211, x242
h:968-9331
f:933-4560

Mark Royster, VP
Central Carolina Bank
100 Europa Drive, Suite 490
Chapel Hill, NC 27514
w:932-2731
h:942-7501
f:932-2760

Sue Russell, Exec Director
Day Care Services
P O Box 901
Chapel Hill, NC 27514
w:967-3272
h:929-1315
f:

Bob Seymour
Chapel Hill Senior Center
400 S. Elliott Road
Chapel Hill, NC 27514
w:932-5888
h:
f:

Sharron Siler
Orange County Manager's Office
P O Box 8181
Hillsborough, NC 27278-8181
w:732-8181, x2300
h:
f:644-3004

BOARD OF ALDERMEN

ITEM NO. E(4)

AGENDA ITEM ABSTRACT

MEETING DATE: March 8, 1994

SUBJECT: Funding of Mediation Services for Gun Control Study Committee

DEPARTMENT: n/a	PUBLIC HEARING: YES ___ NO <u>x</u>
ATTACHMENTS: Proposal from Dispute Settlement Center	FOR INFORMATION CONTACT: Alderman Jay Bryan

PURPOSE

To consider a request to provide mediation services for the Gun Control Study Committee.

SUMMARY

The Gun Control Study Committee was formed by the Board of Aldermen to examine the issues of handgun and assault weapon control and to examine current laws and ordinances concerning the use of handguns and assault weapons in Carrboro and to bring to the Board recommended changes, if any.

At the initial meetings of the Committee, it was agreed that there was no need to call upon an outside facilitator to assist the Committee. However, the Committee also agreed that it would probably be very likely that due to the very controversial nature of the issue of gun control, it might be necessary to call upon a facilitator to assist the Committee in reaching its final goal of producing some recommendations for consideration by the Board of Aldermen.

The Committee has had several meetings during which various issues were discussed and debated. Up to this point, most of the discussion has been informational in nature and Alderman Bryan has served as Chairman and facilitator of the Committee. The Committee agreed at its last meeting that it was to the point in its discussions where the use of an outside facilitator would probably be in the best interest of everyone concerned in order to continue to move the discussions forward and to provide for a fair and equitable process for making recommendations to the Board of Aldermen.

At the Committee's last meeting, Alderman Bryan agreed to attempt to contact someone who could act as a facilitator. He also stated that there might be a charge for such services and that he would bring this issue before the Board of Aldermen prior to the next Committee meeting which is scheduled for March 14th.

Alderman Bryan has contacted the Dispute Settlement Center and has received a proposal from Mr. Andy Sachs for facilitation services. The proposal is attached to this agenda abstract.

ACTION REQUESTED

To consider funding mediation services for the Gun Control Study Committee.

DISPUTE SETTLEMENT CENTER

302 Weaver Street Carrboro, N.C. 27510

Tel: 919 929-8800 / 919 732-2359

FAX: 942-6931

Hillsborough Mediation Site:
121-FN. Churton Street

March 2, 1994

To: Alderman Jay Bryan, Town of Carrboro
From: Andy Sachs, Public Disputes Program Coordinator
Subject: Meeting Facilitation for the Gun Control Study Committee

Thank you for asking the Dispute Settlement Center for a facilitator to assist the Committee in conducting its next one or two meetings.

A well-trained, experienced, and neutral facilitator can free a Committee Chair to participate actively in the content of a meeting while ensuring that discussions are focused, productive, and balanced among Committee members. A meeting facilitator can assist a group to clarify and agree upon rules and roles for functioning well.

We have a sliding-scale fee structure that enables us to provide our services at no cost to low-income households and organizations in Carrboro, and at affordable rates to Orange County's nonprofit community agencies, local governments, and businesses.

The fee we are proposing for this project is \$520. This is based on a \$65 per hour local government fee and the expectation that there will be two 2-hour meetings at Town Hall and an equal amount of time used to prepare for those meetings.

I have attached for your consideration a draft Memorandum of Agreement to which we are willing to commit in concert with a commitment from the Town.

I look forward to working with the Town again. Feel free to contact me if you have any questions.

-DRAFT-

MEMORANDUM OF AGREEMENT
BETWEEN THE TOWN OF CARRBORO AND
THE ORANGE COUNTY DISPUTE SETTLEMENT CENTER (DSC)

1. DSC will prepare for and facilitate up to two meetings of the Gun Control Study Committee for the purpose of assisting the Committee in clarifying its decision-making process and generating a set of recommendations to the Board of Aldermen. The first meeting DSC will facilitate will occur March 14, 1994 from 7 PM to 9 PM at Carrboro Town Hall. Any additional meetings that involve DSC will be scheduled to accommodate DSC and the Committee.
2. The Town will provide for all project logistics and materials, including an adequate meeting facility, flip chart paper, masking tape, magic markers, refreshments, meals, name tags, photocopying, and notices to participants.
3. In consideration for DSC's services described herein, The Town will pay DSC \$65 per hour. DSC will invoice the Town for the full amount by May 1, 1994. The Town will pay or contest the invoice within 10 days of receipt. Both DSC and the Town agree to make every effort to resolve all contested invoices within 14 days. Checks will be made payable to the order of the Dispute Settlement Center, and mailed or delivered to: Dispute Settlement Center, Public Disputes Program, 302 Weaver Street, Carrboro, NC 27510.
4. DSC agrees to designate Public Disputes Program Coordinator Andrew M. Sachs as the lead contact for this project. The Town agrees to designate Alderman Jay Bryan, Gun Control Study Committee Chairman, as liaison with DSC upon signing of this agreement.
5. In consideration for providing the Town with the services described herein, the Town agrees to hold DSC, its employees and volunteers completely harmless and without legal and financial responsibility to the Town. The Town will not involve DSC, its employees or volunteers in any adversarial proceedings, including court or administrative proceedings. The Town agrees not to subpoena or compel DSC, its employees or volunteers to be called as witnesses to testify in any court or administrative action involving any of the issues associated with this project.
7. Both DSC and the Town acknowledge that should disputes emerge during or after the period of this agreement, each will seek resolution by face-to-face problem-solving, facilitated by a mutually agreeable third party if necessary, before taking the grievance for resolution to any outside arbiter.

8. Any modification to this agreement must be written and signed by both parties.

Accepted by:

Frances W. Henderson
Executive Director
Dispute Settlement Center

Date _____

Authorized Person
Name:
Title:

Date _____

BOARD OF ALDERMEN

ITEM NO. E(5)

AGENDA ITEM ABSTRACT

MEETING DATE: March 8, 1994

SUBJECT: Resolution of Support for a Carrboro Library

DEPARTMENT: Administration	PUBLIC HEARING: YES ___ NO <u>x</u>
ATTACHMENTS: Resolution	FOR INFORMATION CONTACT: Robert Morgan

PURPOSE

The Friends of the Carrboro Library are approaching the Orange County Commissioners for a branch library in Carrboro. Various county officials have raised the question as to the position of the Carrboro Mayor and Board of Alderman in establishing a branch library. The purpose of this agenda item is for the Board to consider a resolution of support for a branch library in Carrboro.

SUMMARY

Adoption of the attached resolution would indicate to the Orange County Commissioners the level of support the Carrboro Mayor and Board of Alderman give to the concept of a branch library in Carrboro.

The resolution does not commit the Town to any financial obligation.

ACTION REQUESTED

To adopt the attached resolution supporting a branch library in Carrboro.

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

A RESOLUTION FROM THE CARRBORO BOARD OF ALDERMEN
TO THE ORANGE COUNTY BOARD OF COMMISSIONERS
CONCERNING FUNDING FOR IMPROVED LIBRARY SERVICE
TO THE CITIZENS OF CARRBORO
Resolution No. 43/93-94

WHEREAS, Carrboro is the largest town in North Carolina without a library; and

WHEREAS, in one day, 5% of the population of Carrboro signed a petition in support of a library; and

WHEREAS, the location of the new Chapel Hill Town library is beyond the reach of many Carrboro residents, particularly children and senior citizens; and

WHEREAS, Carrboro taxpayers pay--in the form of taxes--for more library service than is currently being provided; and

WHEREAS, Friends of the Carrboro Library have proposed a budget for library service for Carrboro; and

WHEREAS, the County is the funding agent for library service for Carrboro.

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

Section 1. The Carrboro Board of Aldermen asks the Orange County Commissioners to ^{fund} ~~provide funding for~~ a Carrboro branch of the Orange County Library.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 1994:

Ayes:

Noes:

Absent or Excused:

The following resolution was introduced by Alderman Michael Nelson and duly seconded by Alderman Randy Marshall.

A RESOLUTION FROM THE CARRBORO BOARD OF ALDERMEN
TO THE ORANGE COUNTY BOARD OF COMMISSIONERS
CONCERNING FUNDING FOR IMPROVED LIBRARY SERVICE
TO THE CITIZENS OF CARRBORO
Resolution No. 43/93-94

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WHEREAS, Friends of the Carrboro Library have proposed a budget for library service for Carrboro; and

WHEREAS, the County is the funding agent for library service for Carrboro.

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

Section 1. The Carrboro Board of Aldermen asks the Orange County Commissioners to fund a Carrboro branch of the Orange County Library.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 8th day of March, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

March 3, 1994

Ms. Francis Shetley
Route 11, Box 330
Chapel Hill, NC 27514

Dear Ms. Shetley:

As a resident of the Fox Meadow neighborhood in Orange County, I was very alarmed to read the article in the February 11 Chapel Hill News regarding plans to link the Hogan Farm extension to Tallyho Trail, which runs through our neighborhood.

My neighbors and I are very upset that this proposed plan could be even considered without the entire Board of Aldermen acknowledging that a public hearing should be held. Even if this is a proposal that is slated for several years from now, we in the Fox Meadow neighborhood would very much like the opportunity to explain to you and the Transportation Advisory Board why the main road through our neighborhood should not be connected to the Hogan Farm Road and the proposal should be dropped.

We have several very serious concerns with the proposal, and I am sure that when you understand them clearly, and drive through our small neighborhood, you will agree with me that the proposed link to the Hogan Farm extension should be abandoned.

While I understand that from a tax-base standpoint our concerns can never equal those of the developers of Hogan Farm, our neighborhood represents all that the Chapel Hill and Carrboro planners could hope for in this area. We are a small, tight-knit neighborhood where we all know one another and enjoy socializing and walking through the neighborhood in the evenings and on weekends.

We feel that the proposed extension of Tallyho Trail not only ignores the needs and interests of our neighborhood, but will change the character and safety of it. One short drive down Tallyho Trail will show you that the road is too narrow and the curves are too sharp to handle any more traffic than it currently receives. You can see the sharp curves in Tallyho Trail by looking at any map of the area, including the map in the February 11 Chapel Hill News article.

The safety of the Fox Meadow residents who use Tallyho Trail for exercise will be jeopardized. Tallyho Trail is our only access road through the neighborhood; we have no other options for walking through the neighborhood for exercise.

We are concerned that non-residents cutting through our neighborhood will disregard our safety and exceed the speed limit. You must also understand that the proposed extension will in no way benefit the Fox Meadow neighborhood. Unless we are traveling to Calavander, we will continue to exit our neighborhood via Tallyho Trail and Rogers

Road. Residents traveling to Chapel Hill will access Homestead Road from Rogers Road, not further south from the Lake Hogan Farm development. Residents traveling to Durham and accessing I-40 will continue to take Rogers Road to Eubanks Road.

Unfortunately, there are many reasons for the Lake Hogan Farm residents to cut through our neighborhood as they travel to Durham and I-40. If even 25% of the residents travel this route, it would more than double the traffic Tallyho Trail receives now. We feel very strongly that this cannot be allowed to happen, and plan to fight the proposed extension of Tallyho Trail at every opportunity.

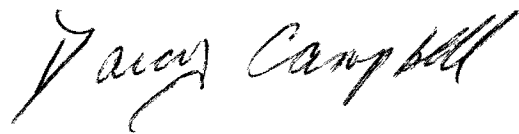
If, for some reason, the proposed extension is somehow seen as a benefit to the Fox Meadow neighborhood by providing an alternate access route for emergency vehicles, we will be very happy to work with the Transportation Advisory Board in devising a better access route. For example, a short walking path already existing between our neighborhood and the Meadow Run neighborhood north of us.

I find it hard to believe, however, that needs of the Fox Meadow residents were even considered when this plan was presented.

Please feel free to call me if you have any questions about any of the points that I made above. While the residents of the Fox Meadow neighborhood may not be able to vote in the Carrboro elections, we can certainly support candidates for the Board of Aldermen that take action only after thoughtful consideration of all the consequences of pending decisions.

I look forward to meeting you at a public hearing and sharing my views further with you.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Campbell". The signature is written in dark ink and is positioned above the typed name and address.

Darcy Campbell
8106 Kit Lane
Chapel Hill, NC 27516
932-3568

Laura Wenzel & Jeff Cobb
1015 Tallyho Trail
Chapel Hill, NC 27516

March 3, 1994

Dear Alderman Shetley,

We are writing to oppose the extension of Tallyho Trail and to demand a public hearing before any actions are taken by the Board of Aldermen in this matter.

Tallyho Trail is a narrow, curvey road that serves as the only artery for over 70 homes in the Fox Meadows subdivision. This road cannot support more traffic.

It is bad enough that we cannot vote for the officials who make decisions regarding our neighborhood, and we certainly will lobby strongly against any official who supports taking action without first opening the floor to those of us affected.

We also urge you to consider the concerns of the families on Rogers Road when deciding on future development in this area, and to include good public transportation in the solution to potential crowding on Homestead Road.

Sincerely,
Laura Wenzel
JW /CW

**A RESOLUTION EXPRESSING THE TOWN OF CARRBORO'S
APPRECIATION TO RETIRING
SANITATION (SOLID WASTE) SUPERVISOR, LARRY B. MOORE**

WHEREAS, Larry B. Moore, has announced his retirement as Carrboro's Sanitation (Solid Waste) Supervisor effective on April 1, 1994; and

WHEREAS, Larry B. Moore has distinguished himself and the Town by his dedication and loyalty to not only the Sanitation Division and the Public Works Department but to the many citizens of Carrboro over the past thirty years; and

WHEREAS, Larry B. Moore has been successful during his illustrious career of supervising the collection and disposal of thousands of tons of solid waste for the citizens of Carrboro; and

WHEREAS, Larry B. Moore has had an integral part in helping to make the roll-out container program successful; and

WHEREAS, with diligence and distinction, Larry B. Moore has overseen the development of a highly professional Sanitation (Solid Waste) Division that now includes seven full time employees and the Town and all of its citizens have benefited greatly from Larry B. Moore's tireless efforts to serve the Town's solid waste needs.

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

Section 1. The Board, on behalf of the whole Town of Carrboro, expresses its thanks and appreciation to Larry B. Moore for his years of service to the Town and its citizens and the professionalism that he has brought to the Town's Sanitation (Solid Waste) Division.

Section 2. This resolution shall be entered into the Board's official minutes and a copy given to Larry B. Moore.

Section 3. This resolution shall become effective upon adoption.

March 2, 1994

Dear Carrboro Alderman:

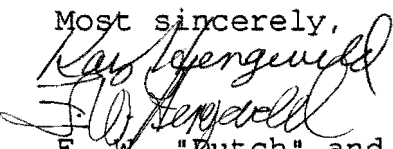
We would like to express that we would be opposed to the extension of Tallyho Trail westward to the proposed Lake Hogan Farm proposed subdivision.

Our road is heavily traveled with just the subdivision traffic. To add traffic to a road that has not been built to handle additional cars, is not all state maintained and is curvey by design, we believe would be a poor decision.

If the extension of Tallyho is going to be seriously considered, a public hearing should be held. To extend Tallyho for the convenience of another subdivision is not appropriate.

Thank you for your attention to our concerns.

Most sincerely,


F. W. "Butch" and Kay Hengeveld
1515 Tallyho Trail
Chapel Hill, NC 27516

Feb. 23, 1994

Dear Alderman,

As a resident on Tallyho Trail, I am appalled that the Town Council is considering approving a plan to extend Tallyho Trail so that it can become a main crossroad for the new Hogan Farm subdivision. I want you to seriously rethink this plan.

Tallyho Trail is a narrow, curvy road with many hills and blind spots. Its entire length is not even maintained by the state. It runs through a quiet neighborhood of cul-de-sacs and deadened streets. There are many, many children who ride bikes in this neighborhood, and people who walk children in strollers. To use this street as a main crossroads to a new subdivision would be a dangerous development for our neighborhood and its children. The road is totally unsuitable for this purpose. It is easy to see how Tallyho would become the main rush-hour commuting route for people in the new subdivision. After 4pm is when our neighborhood is busiest with children. As a parent of two small children, I'm very worried about what this proposed change would do to our children's safety and to the character of the neighborhood.

I am upset that the council has made a decision to approve such a plan without a public hearing. I am equally upset that the residents of the Tallyho community were not informed of the decision by the town. I would not have known about this plan if a neighbor had not sent me a copy of the Chapel Hill News. I would strongly recommend that the council members drive thru Tallyho and view the clear danger to our children with the increase in traffic. Tallyho is middle-class, multi-racial neighborhood. We have been presented with significant overcrowding in Seawell School caused by uncontrolled development, the placement of a new landfill on Ubanks Road, and now we must become a road extension for the upper-class Hogan Farms neighborhood. I say "enough". The members of the Tallyho community will be present at the March 22nd meeting. I hope that the council will think about the people behind this plan before its approval.

Sincerely

Gloria Faley - 942-2939

Gloria Faley

member of the Tallyho Community Watch Association

PROTECT OUR WATER

Orange County Citizens for Watershed Protection

March 7, 1994

TO: Carrboro Board of Aldermen
RE: Orange County Zoning Ordinance, Text Amendment Article 6.23.8
Water Supply/Sewage Disposal Facilities

The Orange County Commissioners are considering the adoption of a zoning ordinance text amendment that would allow sewage waste disposal systems in water supply watershed buffers on off site lots

After reviewing this proposal, Protect Our Water (POW), an Orange County citizens committee active on water quality and watershed protection issues, recommends that you not adopt this amendment for the following reasons:

- ☐ It is a large step backwards from the level of watershed protection which has been adopted by general consent in Orange County over the last several years.
- ☐ Violating the established buffers to place septic systems closer to water supplies makes no sense. Off-site septic systems are likely to be more trouble than on site ones. The reasoning in the Agenda Packet that failures of such systems "would be reported and corrected more quickly" flies in the face of common sense and experience.
- ☐ The purpose of the proposed amendment is clearly to allow more intense development of land than is compatible with wise watershed protection. It suits special development interests rather than the public interest of clean, safe water supplies over the long run.
- ☐ With the results of the previous University Lake Watershed Study recommending against such provisions, and the new Cane Creek Watershed Study now in progress, it is unwise and unsound public policy to carve out such an important exception.
- ☐ This proposed change is opposed by OWASA.

over

It is unfortunate that this important provision has received so little attention. We urge you to request more information about this proposed amendment and its implications for long-term water quality in Orange County.

We further urge you to oppose the adoption of this amendment and to continue to support the highest standards for our public drinking water supply watersheds.

Thank you very much.