

AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, MAY 12, 1998
7:30 P.M., TOWN HALL BOARD ROOM

Approximate Time*

7:30 - 7:40 A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:40 - 7:45 B. CONSENT AGENDA

- (1) **Approval of Minutes of Previous Meeting: April 21 and 28, 1998**
- (2) **Request to Set Public Hearing/Conditional Use Permit Major Modification/
Carrboro Plaza Shopping Center**

Phil Post and Associates, on behalf of the owners of the Carrboro Plaza Shopping Center, has applied for a major modification to the conditional use permit (CUP) for Carrboro Plaza to allow for the creation of two new out parcels for future development. The Board of Aldermen must hold a public hearing to receive public input before reaching a decision on a major CUP modification. The Administration recommends that the Board set the public hearing for May 26, 1998.

- (3) **Recommendation for Employee Health Insurance Coverage for Fiscal Year 1998-99**

The administration requests that the Mayor and Board of Aldermen continue its present level of benefits with Kaiser Permanente and offer WellPath Community Health Plans as a replacement for Doctors Health Plan. In addition, the administration recommends that the town continue to pay for the cost of individual coverage and continue to contribute 33 1/3% toward the cost of dependent health care.

- (4) **Request to Set Public Hearing/Voluntary Annexation/Lake Hogan Farms Subdivision, Phase 4-A**

Dale Redfoot, representing Lake Hogan Farms Development Company, has submitted a petition for annexation requesting that a 0.60-acre tract located in Lake Hogan Farms Subdivision, Phase 4-A be annexed into the town. The administration requests that the Board of Aldermen adopt the attached resolution setting a public hearing on this request for May 26, 1998.

- (5) **Amendment to Miscellaneous Fees and Charges Schedule/Street Inspection Fee**

The administration requests that the Board of Aldermen amend the Miscellaneous Fees and Charges Schedule to modify the street inspection fee to more closely reflect the estimated cost to the Town for the provision of this service.

(6) **Appointment to Board of Adjustment**

The Chair of the Board of Adjustment recommends that Mitchell Virchick be appointed to one of the vacant in-town seats on the Board of Adjustment.

(7) **Land Use Ordinance Text Amendment Regarding Collection of Fees Associated with Development Projects**

The administration requests that the Board of Aldermen set a public hearing for May 26, 1998 to consider an amendment to the Land Use Ordinance which would provide that administrative decisions and actions on development projects may be withheld or delayed until all fees due under this ordinance have been paid.

7:45 - 7:55 C. **RESOLUTIONS, PROCLAMATIONS AND CHARGES**

D. **PUBLIC HEARINGS**

7:55 – 8:15 P/5 (1) **Land Use Ordinance Text Amendment /Drive-In and Drive-Through Windows**

The purpose of this item is to receive public comment on a proposed amendment to the Land Use Ordinance which will limit businesses with drive-through windows..

8:15 – 8:45 P/5 (2) **Ordinance Extending Until September 30, 1998 the Moratorium on the Processing of Special and Conditional Use Permit Applications for Developments on Properties Within the Northern Study Area**

The purpose of this item is to receive public comments on an ordinance to extend until September 30, 1998 the development moratorium which was established for the Northern Study Area on November 11, 1997.

8:45 – 9:00 P/5 (3) **Land Use Ordinance Text Amendment/Sidewalks Along Both Sides of Streets**

The purpose of this item is to receive public comment on an amendment to the Land Use Ordinance that would require sidewalks along both sides of streets classified as subcollectors and collectors.

9:00 – 9:10 **BREAK**

9:10 – 9:30 P/5 (4) **Land Use Ordinance Text Amendment/Fences and Berms**

The purpose of this item is to receive public comment on two proposed amendments to the Land Use Ordinance. These amendments, if adopted, would prohibit developers of major residential subdivisions from constructing fences or berms more than three feet in height, and will allow fences or berms to be located without regard for the building setback, if located along the rear lot boundary of lots having frontage along both the rear and front of such lots.

E. OTHER MATTERS

9:30 – 9:40
P/5

(1) **Authorization to Lease Space on Town's Telecommunications Tower**

The purpose of this item is to consider two proposals to lease space on the town's telecommunications tower.

9:40 – 9:50
P/5

(2) **Authorization to Enter into a Contract for Consulting Services to Develop a Technology Strategic Plan**

The purpose of this item is to consider entering into a contract with The Network Address, Inc. for the development of a strategic plan for the Town for technology.

9:50 – 9:55 F. MATTERS BY TOWN CLERK

9:55 – 10:05 G. MATTERS BY TOWN MANAGER

10:05 – 10:15 H. MATTERS BY TOWN ATTORNEY

10:15 – 10:25 I. 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.

BOARD OF ALDERMEN

ITEM NO. B(2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 12, 1998

SUBJECT: Request to Set a Public Hearing for Carrboro Plaza CUP Major Modifications

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: Location Map	FOR INFORMATION CONTACT: Keith Lankford--968-7712
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Analysis (X) Summary (X) Recommendation	

PURPOSE

Phil Post and Associates, on behalf of the owners of the Carrboro Plaza Shopping Center, has applied for a major modification to the conditional use permit (CUP) for Carrboro Plaza to allow for the creation of two new out parcels for future development. The Board of Aldermen must hold a public hearing to receive public input before reaching a decision on a major CUP modification. The Administration recommends that the Board set the public hearing for May 26, 1998.

SUMMARY

Phil Post and Associates, on behalf of the owners of the Carrboro Plaza shopping center, has applied for a major modification to the conditional use permit (CUP) for Carrboro Plaza to allow for the creation of two new out parcels for future development.

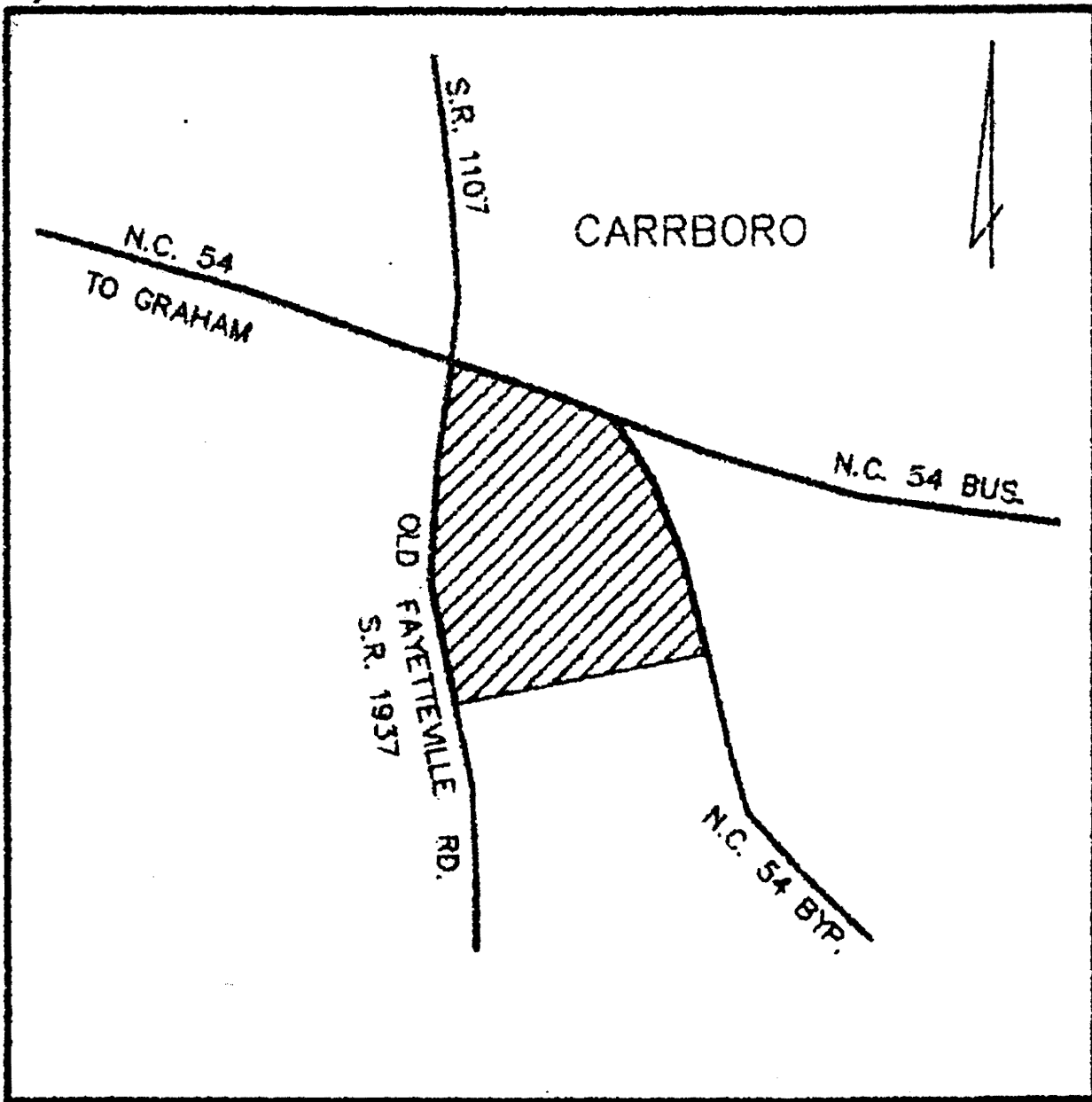
These two new out parcels are to be located in the area of the existing park and ride lot.

The Board of Aldermen must hold a public hearing to receive public input before reaching a decision on a major CUP modification.

The Administration recommends that the Board set the public hearing for May 26, 1998.

RECOMMENDATION

The Administration recommends that the Board set the public hearing for May 26, 1998.



VICINITY MAP

NOT TO SCALE

BOARD OF ALDERMEN

ITEM NO. B(3)

AGENDA ITEM ABSTRACT

MEETING DATE: May 12, 1998

SUBJECT: Recommendation for Health Insurance Coverage for Fiscal Year 1998-99

DEPARTMENT: Administrative Services	PUBLIC HEARING: YES ____ NO <u>x</u> __
ATTACHMENTS: Health Benefits and Rate Comparison Sheet, 1998-99	FOR INFORMATION CONTACT: Desiree White or Ashley Ruffin, 968-7708

PURPOSE

To present the administration's recommendation for health insurance coverage for the new year.

SUMMARY

Presently, the Town offers employees a choice of two health insurance plans; both are health maintenance organizations (HMOs)--Kaiser Permanente and Doctors Health Plan. The Town has offered Kaiser to employees for the past nine years; 56% of the Town's workforce are enrolled in this plan. Doctors Health Plan has been an option for Town employees for the past year, with 44% of Town staff participating. If the Board accepts the administration's recommendation, the Town will continue to offer Kaiser and replace Doctors Health Plan with WellPath Community Health Plans, paying the total cost of individual coverage as well as 33 1/3% of the premium for dependent health care.

ANALYSIS

In preparing for the new year, the Administration considered several objectives which are important in selecting the Town's health insurance provider: giving employees some choice in selecting levels of coverage, providing excellent coverage at affordable costs, and providing coverage for domestic partners.

Renewal quotes were requested from Kaiser and Doctors Health Plan in February. Simultaneously, Town staff met with representatives from WellPath, and requested a quote for service from this company as well. WellPath is jointly owned by New York Life and Duke University. It has been in operation since 1995. The plan features a large network of physicians, a comprehensive benefits plan and competitive rates. Members who choose coverage through WellPath may receive medical services from Duke University Medical Center, as well as Durham Regional Hospital. WellPath is offered to state employees and to employees of the City of Durham, to name a few. The benefits offered by the Plan are almost identical to,

and in some cases better than, the benefits that members enjoy with Doctors. In addition, WellPath is willing to extend benefits to domestic partners without any additional charge.

In February, the Town received renewal rates from the current providers, Kaiser and Doctors Health Plan, and a quote from WellPath. Kaiser provided the Town with no rate increase, while the rates for Doctors Health Plan increased an incredible 59%. WellPath provided the most affordable rates, with the premiums much lower than those proposed by Doctors Health Plan and very competitive with Kaiser.

In light of this information, the Personnel Office staff held information meetings with Town employees and representatives from WellPath. The purpose of these meetings was to give employees the opportunity to compare the benefits and premiums offered by WellPath with the benefits and premiums offered by Doctors. As a result of these meetings, Town staff preferred WellPath over Doctors Health Plan.

RECOMMENDATION AND ACTION REQUESTED

The administration requests that the Mayor and Board of Aldermen continue its present level of benefits with Kaiser, and offer WellPath Community Health Plans as a replacement for Doctors Health Plan. The Administration further recommends that the Town continues to pay for the cost of individual coverage and contribute 33 1/3% toward the cost of dependent health care.

DOCTORS vs. WELLPATH vs. KAISER

Prescription Drugs:

Doctors:	\$5 generic; \$10 brand name
WellPath:	\$5 generic; \$15 brand name
Kaiser:	\$5 generic; \$5 brand name, if authorized by physician

Office Visits:

Doctors:	\$5/visit; \$10 after hours/visit
WellPath:	\$5/visit
Kaiser:	\$5/visit

Allergy Injections:

Doctors:	\$5/injection
WellPath:	no charge for injections
Kaiser:	\$5/injection

Maternity:

Doctors:	\$5 one-time co-payment
WellPath:	\$5 one-time co-payment
Kaiser:	\$5 one-time co-payment

Vision Screening:

Doctors:	\$5 for annual exam; \$125 hardware allowance every 24 months
WellPath:	\$10 for annual exam; \$100 hardware allowance every 24 months
Kaiser:	\$5 for annual exam; \$150 hardware allowance every 24 months

Physical/Occupational/Speech Therapy:

Doctors:	\$5/visit
WellPath:	\$5/visit
Kaiser:	\$5/visit

Mental Health:

Doctors:	Outpatient: \$5/visit; Inpatient: no charge
WellPath:	Outpatient: \$5/visit; Day/Residential: \$25/day; Inpatient: \$50/day
Kaiser:	Outpatient: \$10/visit; Inpatient: no charge

Chemical Dependency:

Doctors:	Outpatient: \$5/visit; Inpatient: no charge
WellPath:	Outpatient: \$20/visit; Day/Residential: \$10% covered charges/day; Inpatient: 20% covered charges/day
Kaiser:	Outpatient: \$10/visit; Inpatient: benefits limited to \$100/day

Emergency Room:

Doctors:	\$50 co-payment (waived if admitted)
WellPath:	\$50 co-payment (waived if admitted)
Kaiser:	\$25 co-payment (waived if admitted)

Urgent Care Facility:

Doctors:	\$25 co-payment
WellPath:	\$25 co-payment
Kaiser:	\$5 co-payment

RATES PROPOSED FOR 1998-1999 (TOTAL MONTHLY COSTS):

	Doctors	Kaiser		WellPath
Employee	\$198.75	\$154.72	Employee	\$152.35
Employee/Child	\$397.50	\$228.99	Employee + 1**	\$327.54
Family*	\$577.17	\$406.92	Family	\$434.18

* Under Kaiser and Doctors, "family" is defined as covering two or more children OR covering a spouse OR covering a spouse with any number of children.

** Under WellPath, the "employee + 1" category allows employees to add either a child or a spouse to their coverage, as opposed to the "employee/child" category under Kaiser and Doctors.

EMPLOYEE PREMIUMS				
(Per Pay Cycle)				
Town pays 100% of employee premium and 33.3% dependent coverage:				
	Doctors	Kaiser		WellPath
Employee	\$ 0	\$ 0	Employee	\$ 0
Employee/Child	\$ 66.29	\$ 24.77	Employee + 1	\$ 58.43
Family	\$126.21	\$ 84.11	Family	\$ 93.99
Town pays 100% of employee premium and 40% dependent coverage:				
	Doctors	Kaiser		WellPath
Employee	\$ 0	\$ 0	Employee	\$ 0
Employee/Child	\$ 59.63	\$ 22.28	Employee + 1	\$ 52.56
Family	\$113.53	\$ 75.66	Family	\$ 84.55

NOTE: Similar to Doctors, WellPath offers a point-of-service option in conjunction with the HMO benefit for employees who choose to go out of network (to non-participating physicians) for services. When the point-of-service option is used, there is a \$200 deductible with 20% coinsurance.

BOARD OF ALDERMEN

ITEM NO. B(4)

AGENDA ITEM ABSTRACT

MEETING DATE: MAY 12, 1998

SUBJECT: REQUEST TO SET A PUBLIC HEARING: VOLUNTARY ANNEXATION OF LOT #69 OF LAKE HOGAN FARMS PHASE 4A

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: Yes _____ No <u>X</u>	
ATTACHMENTS: PETITION FOR ANNEXATION DEED DESCRIPTION OF PROPERTY LOCATION MAP RESOLUTION	FOR INFORMATION CONTACT: ROY M. WILLIFORD, 968-7713	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) PURPOSE	(X) ACTION REQUESTED	() ANALYSIS
() SUMMARY	(X) RECOMMENDATION	

PURPOSE:

Dale E. Redfoot, representing the Lake Hogan Farms Development Company LLC, submitted a PETITION FOR ANNEXATION on May 05, 1998. The PETITION FOR ANNEXATION requests that 0.60 acre, Lot #69, located in Lake Hogan Farm Subdivision Phase 4A be annexed into the Town. The 0.60 acre to be annexed is non-contiguous to the Town of Carrboro.

ACTION REQUESTED:

The Board of Aldermen is requested to set a public hearing for May 26, 1998 to consider the PETITION FOR ANNEXATION submitted by Dale E. Redfoot.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen adopt the attached resolution which sets a public hearing date for May 26, 1998.

MAY 0 5 REC'D

TOWN OF CARRBORO



PETITION FOR ANNEXATION OF NON-CONTIGUOUS PROPERTY

TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1) THE UNDERSIGNED, BEING THE OWNER OF ALL REAL PROPERTY LOCATED WITHIN THE AREA DESCRIBED IN PARAGRAPH #2 BELOW, REQUESTS THAT SUCH AREA BE ANNEXED TO THE TOWN OF CARRBORO, NORTH CAROLINA.

2) THE AREA TO BE ANNEXED IS NON-CONTIGUOUS TO THE TOWN OF CARRBORO, AND IS LOCATED AT LAKE HOGAN FARMS SUBDIVISION AND TAX MAP REFERENCED 7.109.2. THE BOUNDARIES OF SUCH TERRITORY ARE AS SHOWN ON THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO.

3) A MAP (NO LARGER THAN 18" X 24") OF THE FOREGOING PROPERTY, SHOWING ITS RELATIONSHIP TO THE EXISTING CORPORATE LIMITS OF THE TOWN, IS ALSO ATTACHED HERETO.

4) THE TOTAL ACREAGE AND DWELLINGS UNITS LOCATED ON THIS PROPERTY ARE AS FOLLOWS:

0.60 ACRES 1 DWELLING UNITS

RESPECTFULLY SUBMITTED THIS 16th DAY OF APRIL, 19 98.

NAME:	<u>LAKE HOGAN FARMS DEVELOPMENT CO. LLC</u>
ADDRESS:	<u>123 BLACKCHERRY LANE</u> <u>CHAPEL HILL, NC 27514</u>
OWNER/PRESIDENT:	<u>Paul E. Poff</u> <u>MANAGER MEMBER</u>

ATTEST: Paul A. Tyle (TOWN CLERK) SECRETARY

I, Sarah W. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-reference petition has been checked and found to be in compliance with G.S. 1601-31.

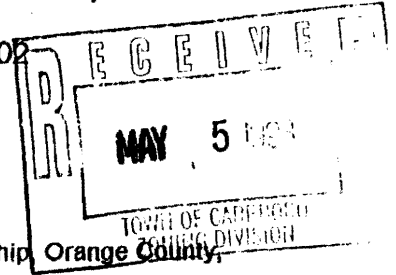
This the 7th day of May, 19 98.

TOWN CLERK: Sarah C. Williamson

BRADY H. GOFORTH & ASSOCIATES, INC.



121 West Clay Street ◆ Suite "A" ◆ Mebane, NC 27302
Phone (919) 563-3623

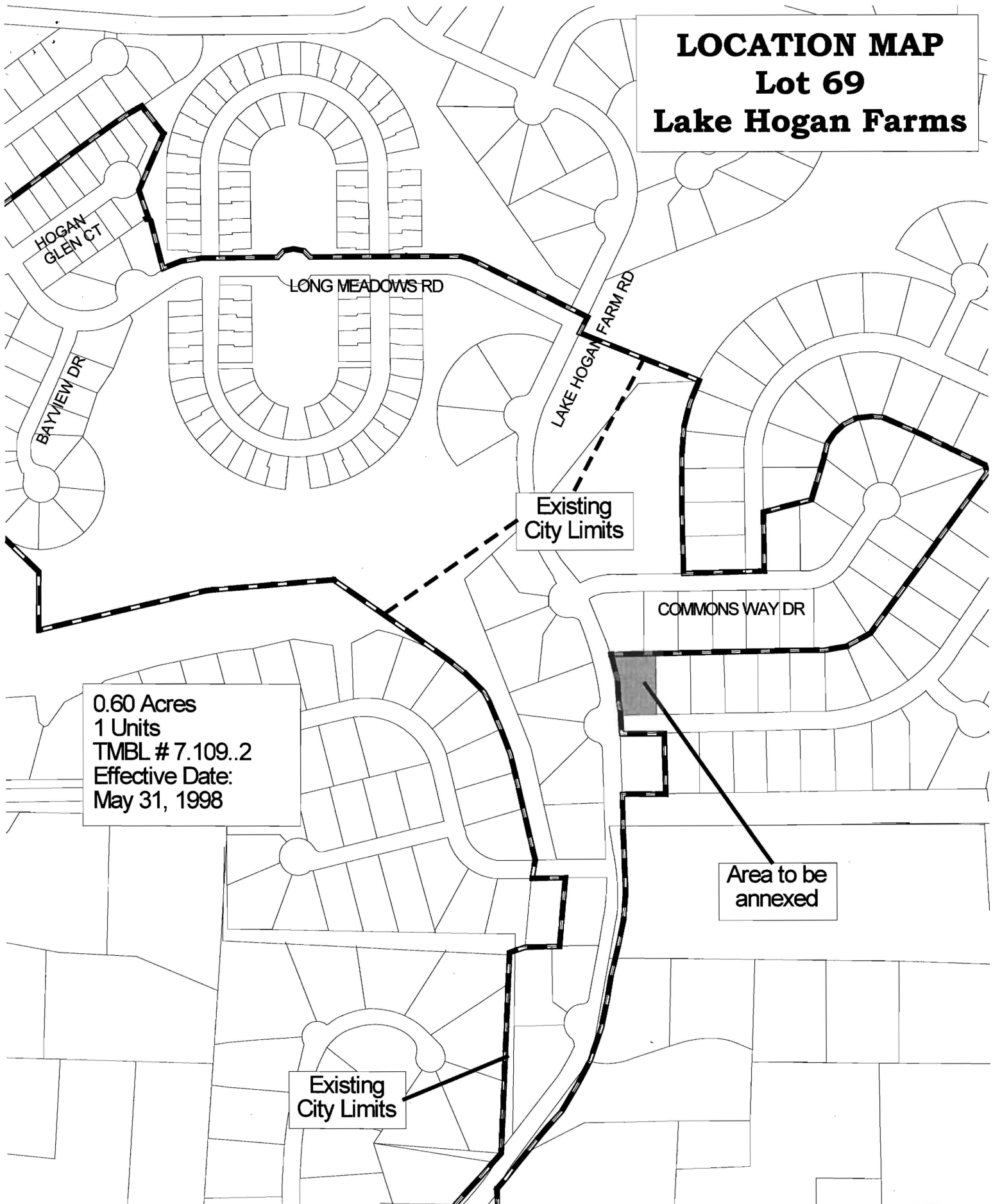


DEED DESCRIPTION (ANNEXATION OF PROPERTY):

Being Phase Four "A" Lake Hogan Farms Subdivision, located in Chapel Hill Township, Orange County, North Carolina and being more particularly described as follows:

Beginning at an existing iron rod, said iron being the southwest corner of lot #70 of Lake Hogan Farms Subdivision, Phase One, Section "E"; Thence S 89°53'21" E - 113.24 feet to an existing iron rod, a corner of lots 70 & 71 of Lake Hogan Farms Subdivision, Phase One, Section "E"; Thence along the same line S 89°53'21" E - 33.51 feet to a new iron rod; Thence S 00°06'39" W - 204.48 feet to an existing iron rod; Thence N 89°53'20" W - 118.00 feet to an existing iron rod; Thence along a curve to the left having a radius=932.95', delta=12°42'28", arc=206.91', tangent=103.88' and a chord bearing and distance of N 07°53'31" W - 206.49 feet to the place and point of beginning. Containing 0.60 acre± as surveyed by Brady H. Goforth & Associates, Inc. dated April 13, 1998 and being based on a plat north meridian.

LOCATION MAP
Lot 69
Lake Hogan Farms



" This map is not a certified survey and no reliance may be placed in its accuracy."

Craig M. Harmon

Craig M. Harmon, GIS Specialist

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Allen Spalt.

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
ANNEXATION OF SUNSET CREEK SUBDIVISION, PHASE III UPON THE
REQUEST OF THE PROPERTY OWNERS
Resolution No. 30/97-98**

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Phase III of the Sunset Creek Subdivision requesting that their property be annexed into the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

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

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on April 7, 1998 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

Section 3. 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 24th day of March, 1998:

Ayes: Alex Zaffron, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

Noes:

Absent or Excused: Hilliard Caldwell

BOARD OF ALDERMEN

ITEM NO. B(5)

AGENDA ITEM ABSTRACT

MEETING DATE: May 12, 1998

SUBJECT: Street Inspection Fee

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ____ NO <u>x</u> __	
ATTACHMENTS:	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713	
THE FOLLOWING INFORMATION IS PROVIDED:		
(x) Purpose	(x) Action Requested	() Analysis
(x) Summary	() Recommendation	

PURPOSE:

The purpose of this item is to request the Board of Aldermen to modify the Street Inspection Fee to more closely reflect the estimated cost to the Town for the provision of this service.

SUMMARY:

Last year the Town adopted a street inspection fee and the in first instance of its application a request was made to justify the amount of the fee. Currently the fee is based on a rate of \$2.85 per linear foot of street. The purpose of the fee is to cover the cost to the town for inspections made by Public Works and the Town Engineer of new streets and associated improvements such as storm drains, sidewalks, curb and gutter, paving, grading and e.t.c.

Cost estimates from both the Public Works Department and the Town Engineer were reviewed to see if an adjustment to the current fee could be justified. Based on the street inspection cost for two recent projects, the Public Works Department showed a cost of about \$1.20 per linear foot and the Town Engineer showed a cost of about \$0.60 per linear foot of street frontage for a total of \$1.80 per linear foot.

Since the cost for street inspections is less than the current fee an adjustment should be made to the fee.

ACTION REQUESTED:

The administration recommends that the Board of Aldermen approve a motion to amend the 1997-98 Miscellaneous Fees and Charges Schedule to reduce the existing Street Improvement Inspection Fee from \$2.85 per linear foot to \$1.80 per linear foot.

BOARD OF ALDERMEN

ITEM NO. B(6)

AGENDA ITEM ABSTRACT

MEETING DATE: March 3, 1998

SUBJECT: Appointment to Board of Adjustment

DEPARTMENT: n/a	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Application from Mitchell Virchick	FOR INFORMATION CONTACT: Richard Ellington, Chair, Board of Adjustment

PURPOSE

To consider appointing Mitchell Virchick to the Board of Adjustment.

SUMMARY

There are currently two (2) vacant in-town seats on the Board of Adjustment. The Town Clerk has received an application from Mitchell Virchick, which was forwarded to the Chair of the Board of Adjustment for review. The Chair of the Board of Adjustment is recommending that Mr. Virchick be appointed.

ACTION REQUESTED

To consider appointing Mitchell Virchick to the Board of Adjustment.

BOARD OF ALDERMEN

ITEM NO.: B(7)

AGENDA ITEM ABSTRACT

MEETING DATE: MAY12, 1998

SUBJECT: REQUEST TO SET PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT REGARDING COLLECTION OF FEES ASSOCIATED WITH DEVELOPMENT PROJECTS

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ NO <u>X</u>	
ATTACHMENTS: PROPOSED AMENDMENT	FOR INFORMATION CONTACT: PATRICIA MCGUIRE, 968-7714	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) PURPOSE	(X) ACTION REQUESTED	(X) ANALYSIS
(X) SUMMARY	(X) RECOMMENDATION	

PURPOSE:

The purpose of this item is for the Board of Aldermen to review and set a public hearing to receive comments regarding a proposed amendment to the Carrboro Land Use Ordinance which would provide that administrative decisions and actions on development projects may be withheld or delayed until all fees due under this ordinance have been paid.

SUMMARY:

On June 24, 1997, the Board of Aldermen adopted the 1997-98 Miscellaneous Fees and Charges Schedule. On September 16, 1997, the Board of Aldermen adopted an amendment to the 1997-98 Miscellaneous Fees and Charges Schedule which added language authorizing the Town to levy an interest charge on engineering fees which remain unpaid for thirty days from the date of billing.

On September 17, 1997, the Planning Staff mailed to all developers with projects under Town scrutiny notification of the Board's September 16, 1997 action. Additionally, notice of the interest fee is noted in all letter-invoices requesting 80% of the plan review engineering fee.

In an effort to encourage developers to pay fees as they are incurred and to prevent the levy of an interest rate, the attached ordinance has been drafted for review and comment.

ACTION REQUEST:

As required by Section 15-322 and Section 15-323 of the Carrboro Land Use Ordinance, staff requests that the Board of Aldermen refer the proposed ordinance amendment to the Planning Board for review and recommendation; and that the Board of Aldermen set a public hearing date of May 26, 1998.

RECOMMENDATION:

The administration recommends that the Board of Aldermen set a public hearing for May 26, 1998 and further recommends that the ordinance be referred to the Carrboro Planning Board for its recommendation.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT ADMINISTRATIVE DECISIONS AND ACTIONS ON DEVELOPMENT PROJECTS MAY BE WITHHELD OR DELAYED UNTIL ALL FEES DUE UNDER THIS ORDINANCE RELATING TO SUCH PROJECTS HAVE BEEN PAID

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-8(b) of the Carrboro Land Use Ordinance is amended to read as follows:

"(b) Except as otherwise provided in this chapter or the miscellaneous fees and charges schedule, fees established in accordance with subsection (a) shall be paid upon submission of a signed application or notice of appeal."

Section 2. Section 15-8 of the Carrboro Land Use Ordinance is amended by adding a new subsection (c) to read as follows:

"(c) Notwithstanding the provisions of Section 15-66 (Applications to be Processed Expeditiously) the planning staff may delay action on any request for a certificate of occupancy or final subdivision approval until all fees (including without limitation, engineering review fees) arising out of the permit review process for that particular development have been paid."

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 1998.

Ayes:

Noes:

Absent or Excused:

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, May 12, 1998

SUBJECT: PUBLIC HEARING: Land Use Ordinance Text Amendment –Drive-In and Drive-Through Windows.

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Planning Board recommendation TAB recommendation EAB recommendation	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714 Mike Brough – 929-3905
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Analysis (X) Summary (X) Recommendation	

PURPOSE

To hold a public hearing on a proposed Land Use Ordinance text amendment which will limit businesses with drive-through windows.

SUMMARY

The Board of Aldermen placed this item on their action agenda in January of 1997 and 1998 and identified it as requiring urgent attention. The Board of Aldermen requested that the drive-in and drive-through uses currently permitted in the Land Use Ordinance be evaluated and that a proposal for further restricting or prohibiting them be prepared.

During a worksession on March 24, 1998, staff presented an evaluation of the regulations and policies presently controlling drive-in and drive-through windows, which included three options for further action.

The Board selected the option to amend the Land Use Ordinance and directed staff to prepare an ordinance which would prohibit drive-in and through uses in the B-1(C) and B-1(G) districts and to limit drive-in uses to banks with drive-in windows elsewhere in town.

Per the terms of the Joint Planning Agreement, a copy of the ordinance was sent to Orange County on April 9, 1998 for their review. A reply is expected prior to the public hearing date.

Per Section 15-322 of the Land Use Ordinance, the proposed amendment was formally referred to the Planning Board for its recommendation. As the amendment also affects the relationship of development activity to the street right-of-way, a copy was also forwarded to the Transportation Advisory Board. Copies of these recommendations are attached.

ANALYSIS

Currently, the Land Use Ordinance does not contain definitions for the terms “drive-in” or “drive-through” windows. The term “drive-in window” is included in six of the eight driving-related uses specified in Section 15-146, “Table of Permissible Uses” and presented in the table below.

Use Classification	Description
2.140	Retail/No Outside Display/Drive-In Window
2.240	Retail/Outside Display/Drive-In Window
3.230	Bank with Drive-In Window
3.250	Freestanding ATM
6.260	Drive-In Movie Theaters
8.300	Drive-In Restaurant
8.400	Drive-Through Restaurant
16.100	Dry Cleaners with Drive-In Window

Table 1. Drive-In/Through Permissible Uses

The term “drive-through window” is applied to one use, use classification 8.400. One use, Freestanding ATM, includes no reference to the window itself. Nevertheless, this use is considered to belong to the same category of uses as those whose titles include the term “drive-in” or “drive-through.” Within the description for both restaurant uses is a brief definition of the two categories. The description of use classification 8.300, Drive-In Restaurants includes parenthetical information, as follows, “service to and consumption in vehicle on premises.” The description of use classification 8.400, Drive-Through Restaurant includes the following, “service directly to vehicles primarily for off-premises consumption.” Table 2 illustrates the permit requirements for each use by zoning district.

Use	B-1 (c)	B-1(g)	B-3	B-3-T	B-4	B-5	M-1	M-2	CT	O	O/A
2.140		ZS	S	S	S		S				
2.240		ZS	S	S			ZC				
3.230		ZC	C	C	C	C		C			
3.250	Z	Z	Z		Z				Z	Z	Z
6.260							S				
8.300	ZS				C	C					
8.400					C	C					
16.100		ZS	S	S	S		S				S

Table 2. Permit Requirements of Drive-In/Through Uses by Zoning District

Drive-in windows are also referenced in Articles VIII (Nonconforming Situations), XVIII (Parking), and XIX (Screening and Trees) of the ordinance. A specific limitation is placed on these uses in Section 15-124, which excludes the expansion of nonconforming uses operating within enclosed buildings if the expansion involves the addition of any new drive-in windows. There are presently three operating, nonconforming businesses with drive-through facilities in town, as indicated in Table 3 below.

Drive-In- or Drive-Through Windows are permitted in 11 of the 14 non-residential zones in the Town and planning jurisdiction.

Adopted policies which are pertinent to this issue include both policy statements within the Town’s Land Use Ordinance and separate policy documents which have been accepted or adopted by the Board of Aldermen.

Drive-in uses are specifically referenced in the definitions of two zoning districts, the B-1(C) and the B-1(G), in Article IX of the Land Use Ordinance. A third, that of the B-4, states that “the zone is intended to create an attractive, concentrated, business district in areas...that are served by the town’s major thoroughfares.” Both of the definitions that reference drive-ins were adopted during the rezoning of Carrboro’s downtown areas in 1986. Although the definition of the B-1(G) district was amended in 1992, the change did not affect the language related to drive-in facilities. The definitions read as follows:

B-1(C) Town Center Business. This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. Auto-oriented uses, such as drive-in windows, are discouraged.

B-1(G) General Business. This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential, single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Because this district is a peripheral business district, drive-in facilities are allowed except where they might impede safe and efficient vehicle movement. In addition, no metal buildings shall be allowed in this district.

Year 2000 Task Force Report

Two of the 58 recommendations included in *Year 2000 Task Force Policies*, as adopted by the Board of Aldermen in 1989, broadly address this issue. Policies 2.42 and 3.23 prescribe a pedestrian orientation and enhanced pedestrian access in the downtown. These policies are presented below.

2.42. The town should promote the development of a downtown district that embodies Carrboro's small-town character. Such a downtown district would include a viable shopping area and housing opportunities; would have building heights of no more than three stories, and a pedestrian orientation; and would have a focal point such as a park, as well as additional greenspace.

3.23 Pedestrian use and access should be encouraged and facilitated.

Downtown Design Guidelines

The summary statement for the Transportation Network section of the guidelines states that "at the present time, transportation systems, trains, buses, automobiles, bikes, and pedestrians, work independently and are frequently in conflict with one another." Clearly defined points of intersection are called for, as are improved pedestrian facilities, such as bicycle and pedestrian connections to surrounding neighborhoods. The prohibition of all drive-in/through uses is not mentioned in the document.

Concerns Associated With Drive-in/through facilities

Six businesses within the city limits conduct a portion of their activities via drive-through windows. Those businesses, their use classifications, zoning districts, and legal status, are listed in the table below.

Business	Status	Use Classification	Zoning District
Nationsbank	Nonconforming	3.230	B-1(c)
Wendy's	Nonconforming	8.400	B-1(c)
Triangle Bank	Conforming	3.230	B-1(g)
Centura Bank	Nonconforming	3.230	B-2
CCB	Conforming	3.230	B-4
Burger King	Conforming	8.400	B-4

Table 3. Local businesses with drive-through windows, relevant zone district, and legal status.

One concern associated with drive-in/through facilities is that they may increase the number of automobile trips associated with a particular business. The shift away from motor vehicles to a more pedestrian-friendly downtown was a component of the Board of Aldermen's decision to disallow drive-through uses in the B-1 (C) zone during the commercial rezoning of 1986, as was the addition of the language in the B-1 (G) district's definition regarding

safe and efficient vehicle movements. A review of the trip generation literature and discussions with staff of the Institute for Traffic Engineering reveals only limited data on traffic associated with these uses, and is inconclusive. The current data reveal an increase of trips for certain classes of commercial activities, but not for others. For example, trips increased 88 percent per 1000 square feet at banks with drive-through facilities versus those without, while a similar change in the provision of drive-through facilities at restaurants saw a nineteen- percent reduction in trips. The studies from which these data were generated looked only at weekday trips.

The air quality impact of vehicle engines idling while conducting business at drive-through windows has also been raised as a concern. The initial response from staff at the Air Quality Characterization and Prevention Branch of the Environmental Protection Agency at RTP is that the pollutants associated with vehicles idling at drive-through windows are minimal. Staff at the State's Department of Environment, Health and Natural Resources, Division of Air Quality has offered to run a mobile air quality model for restaurants with drive-through windows. Initial findings suggest that these pollutants are measurable, but are small in comparison to those generated by traffic in the area. The pollutants of greatest concern, Carbon monoxide, Nitrogen oxide, and volatile organic compounds, from the drive-through traffic are equivalent in magnitude to from one to six percent of emissions of adjacent traffic.

At the request of the Board, staff has investigated the use of performance standards by other jurisdictions in the control of this use. Six jurisdictions known to use performance-type standards and located throughout the country were contacted and asked to provide information on any standards for drive-through windows. All were asked whether or not air quality impacts were considered with this use. Each jurisdiction was asked to describe the standards or site design controls that apply to businesses with drive-through windows.

None of the jurisdictions have standards or controls associated with limiting air quality impacts, although one did note that their non-attainment status does require some site design standards. Two of the jurisdictions prohibit drive-through uses in certain districts. One prohibits restaurants from having drive-in or drive-through uses in the "Central Urban" district. The other prohibits any business from having drive-through windows in its historic district. Three jurisdictions utilize site design controls, such as turn lane designs, vehicle stacking requirements, and screening between adjacent uses, although these are largely applicable to all commercial uses. Finally, one jurisdiction follows a traditional, performance standard approach in which requirements on site are based on the character of the proposed development and that of existing adjacent uses. One of these standards does require that the site of any business with a drive-through window have direct access to a collector or arterial street.

Proposed Amendment

The Board has requested that an ordinance be prepared to further restrict drive-in and drive-through uses. The attached ordinance revises Section 15-146, Table of Permissible Uses, of the ordinance in accordance with this request. In summary, the revisions remove all references to drive-in and through uses from the B-1(C) and B-1(G) columns. These uses include 2.140, 2.240, 3.230, 3.250, 6.260, 8.300, 8.400 and 16.100. The revisions also remove references to all drive-through uses except for banks with drive-in windows (3.230 and 3.250) from all other zones in which businesses with drive-in/windows are presently permitted, including the B-3, B-3-T, B-4, M-1, M-2, CT, O, and O/A.

Two businesses, Burger King and Triangle Bank, will be made nonconforming uses by this amendment.

RECOMMENDATION

The Administration recommends that the Board of Aldermen not adopt the proposed amendment entitled "An Ordinance Amending the Carrboro Land Use Ordinance to Prohibit Drive-in and Drive-Through Uses in the B-1(C) and B-1(G) and to Allow Only Banks with Drive-In Windows in All Other Districts."

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
PROHIBIT DRIVE-IN AND DRIVE-THROUGH USES IN THE B-1(C) AND B-1(G)
AND TO ALLOW ONLY BANKS WITH DRIVE-IN WINDOWS IN ALL OTHER
DISTRICTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS;

Section 1. Section 15-146, the Table of Permissible Uses, is amended by revising the permit requirements for all drive-in and drive-through use classifications to read as follows:

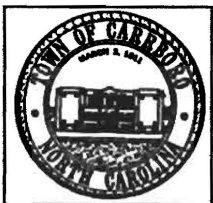
		B-1(C)	B-1(G)	B-3	B-3-T	B-4	B-5	M-1	M-2	CT	O	O/A
2.000Retail	No Outside Display											
	2.140 Drive-In Window											
	Outside Display											
	2.240 Drive-In Window											
3.000Office	3.200 Within/Outside Buildings			C	C	C	C		C			
	3.230 Banks with drive-in window											
	3.250 Automatic Teller Machine, Freestanding			Z		Z	C			Z	Z	Z
6.000Recreation	6.200 Activity Outside											
	6.260 Drive-in Movie Theaters											
8.000Restaurants	8.300 Drive-in											
	8.400 Drive Through Windows											
16.000Dry Cleaner	16.100 With Drive-in windows											

Section 2. Section 15-136 (Commercial Districts Established) is amended by deleting the last sentence in subsection (1).

Section 3. Section 15-136 (Commercial Districts Established) is amended by deleting the second to the last sentence in subsection (2).

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

April 16, 1998

LAND USE ORDINANCE TEXT AMENDMENT: DRIVE-THROUGH WINDOWS

MOTION WAS MADE BY M.C. RUSSELL AND SECONDED BY ADAM SEARING THAT THE PLANNING BOARD RECOMMEND THAT THE BOARD OF ALDERMEN LEAVE THE ORDINANCE PROVISIONS FOR THESE USES AS THEY ARE PRESENTLY. VOTE: AYES 3 (Cheek, Russell, Searing); NOES 2 (Cohen, Marshall); ABSENT/EXCUSED 2 (Bateson, Rodemeir).

Andrew B. Cohen /js 5/6/98

Andrew B. Cohen, chairman (date)

To: AllanSpalt, CarlaBall, KeithBurwell, MauraHigh, MikeNelson, RandyDodd,
SarahWilliamson

From: Giles Blunden Architect <blunden@pop.mindspring.com>

Subject: EAB Meeting Minutes

Cc:

Bcc:

X-Attachments:

Environmental Advisory Board

Meeting Minutes

5/4/98

Board Members Present: Giles, Keith, Maura, Allen, Mike

Members Absent: Carla

1. Drive in window. Mike - History and rationale for 1986 ban and extension of: air pollution, solid waste.
2. Bolin and Morgan Creek Study. Proposal for grant from Clean Water Mgmt Trust Fund, to study the existing conditions. Suggest to Roy that he ask Triangle Land Conservancy to give guidance, review proposal. Add provisions for sedimentation, overall watershed stormwater management plan, sewer and utility.
3. Summer Intern. Status: No money, no intern. Could volunteer in the fall.
4. Transportation. Triangle Transit Committee. Carrboro not currently included for trains, but is included in Xpress bus link to RTP and Raleigh/train. Light rail shuttle is a possibility. EAB supports Board of Alderman's proposal for train service to Carrboro. Moved Allen, Second Keith. Vote Unanimous.

1. Trish Maguire presented on Drive-in. Currently permitted uses: 2 types of banking uses (ATM & drive thru) and restaurants, dry cleaners and movie theaters. In 11 out of 14 non residential areas, drive-thru allowed. Ordinance cites concern for traffic impacts, "safe and efficient vehicle movement." 2 (BIC & BIG) business zones currently have drive-thru's. Year 2000 Task Force report and Downtown Design Guidelines - neither prohibits drive-thru uses. Currently 3 conforming, 3 non-conforming businesses with drive-thru's.

Link to inadequate parking available, air quality standards, solid waste.

EAB recommends that the Board adopt the proposed ordinance change on grounds that drive-thru banks generate no solid waste, little or no extra air pollution, while drive-thru restaurants do.

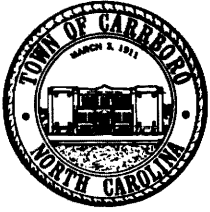
5. Getting the village land use concept defined is occupying the Ordinance Drafting Committee. Need to finish in August. (Current development moratorium expires May 11, will be extended 9/30)

Recommendations from the Environmental Advisory Board to the Board of Aldermen Regarding Drive-In Windows.

It was the conclusion of the members present that the air pollution figures alone were not conclusive enough to justify prohibiting drive-in windows. More importantly, from an environmental point

of view was the fact that fast food restaurants as a class produce inordinate amounts of solid waste. Therefore, it was recommended that drive-in windows for restaurants be prohibited so as to discourage fast food restaurants from locating here. This was recommended with the understanding that there was a positive community need for a minimum number of such restaurants for the convenience of Handicapped people and people with small children in car seats. There are enough such restaurants in Carrboro to accommodate this need. It can already be seen that if the zoning changed to make the existing restaurants non-conforming, they would and could still have drive-in windows until they went out of business or were destroyed by some catastrophe. This would leave enough to satisfy the needs stated above.

The third reason to discourage drive-in windows in general is to shift the pattern of development from automobile oriented businesses to pedestrian/bicycle oriented businesses.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

May 7, 1998

Motion: That the Board of Aldermen approve the continuation of the May 12, 1998 public hearing concerning drive-ins/throughs in order that the Town Attorney may answer specific TAB questions; as well as receive possible performance standards from the staff.

Moved: **Mr. Kevin Cook**

Second: **Ms. Dazzie Lane**

VOTE: Ayes (Cook, Lane, Marshall, Mochel, Robinson), Noes (None)

Naul E. Mochel

TAB Chair

5, 8 198

DATE

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, May 12, 1998

SUBJECT: PUBLIC HEARING: "An Ordinance Extending Until September 30, 1998 the Moratorium on the Processing of Special and Conditional Use Permit Applications for Developments on Properties within the Northern Study Area."

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Planning Board recommendation	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714 Mike Brough -- 929-3905
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose () Analysis (X) Summary (X) Recommendation	

PURPOSE

To conduct a public hearing date on an ordinance to extend until September 30, 1998 the development moratorium which was established for the Northern Study Area on November 11, 1997.

SUMMARY

On September 16, 1997, the Board of Aldermen requested that the Town Attorney draft an ordinance to establish a development moratorium in the Northern Study Area. Recognizing the uncertainty which might have been created as to the effect of revisions to the land use ordinance on any pending development applications, a six-month moratorium on the review of Special and Conditional Use Permit applications was proposed. The moratorium was to prevent the review of development applications which might be rendered obsolete by any ordinance amendments, and preserve the status quo of major tracts of land located within the Northern Study Area. That same evening, the Board established an Ordinance Drafting Committee to develop regulations that would implement the plan.

A copy of the ordinance was sent to Orange County on October 3, 1997 for their review and approval, per the terms of the Joint Planning Agreement. The Orange County Board of County Commissioners considered the ordinance at their meeting on November 3, 1997. As recommended by the County Manager, the Commissioners took no action objecting to the proposed moratorium.

On November 11, 1997, a public hearing was held on the ordinance, which was entitled "An Ordinance Establishing a Moratorium on the Processing of Special and Conditional Use Permit Applications for Developments on Properties within the Northern Study Area." The board adopted the ordinance, making the moratorium effective upon adoption, for a period of six months.

On January 20, 1998, the Board received a report from the Ordinance Drafting Committee. The report provided information on the status of the committee's work, as well as an overview of the joint planning amendments needed for the plan to be incorporated into the Joint Planning Area Land Use Plan. The

Board endorsed the amendments and forwarded them to Orange County for consideration at the Joint Planning Public Hearing scheduled for April 8, 1998. Based on the schedule prepared by staff of the Orange County Planning Department, the Board of County Commissioners is expected to make a final decision on the proposed amendments on June 22, 1998, following decisions by the Carrboro Board of Aldermen and Chapel Hill Town Council in early May.

On March 24, 1998, the Board met with members of the Ordinance Drafting Committee to review the committee's progress. Both the drafts of land use ordinance text amendments and the decision regarding base density had been finalized. The committee was continuing its work on design standards and a proposal to adjust the composition of the planning board. This work is expected to require approximately four or five months.

Realizing that the moratorium was scheduled to expire on May 11, 1998, staff discussed the need for extending the moratorium to provide adequate time for preparation and adoption of implementing ordinances. An agenda abstract was submitted to the Board on April 7, 1998. The Board of Aldermen reviewed the information and directed staff to prepare an ordinance extending the moratorium until September 30, 1998 and set a public hearing for review of the ordinance for May 12, 1998.

Per the terms of the Joint Planning Agreement, a copy of the ordinance was sent on April 9, 1998 to Orange County for their review. The Board of County Commissioners reviewed this item on May 6, 1998 and had no comment.

Per Section 15-322 of the Land Use Ordinance, the ordinance was referred to the Planning Board for review. A copy of the Board's recommendation is attached.

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached ordinance that will extend the development moratorium until September 30, 1998.

AN ORDINANCE EXTENDING UNTIL SEPTEMBER 30, 1998 THE MORATORIUM ON THE
PROCESSING OF SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS FOR
DEVELOPMENTS ON PROPERTIES WITHIN THE NORTHERN STUDY AREA

WHEREAS, on November 11, 1997 the Carrboro Board of Aldermen adopted "An Ordinance Establishing A Moratorium on the Processing of Special and Conditional Use Permit Applications for Developments on Properties Within the Northern Study Area," a copy of which is attached Hereto; and

WHEREAS, the moratorium established by the above referenced ordinance expires on May 11, 1998 (six months after its adoption); and

WHEREAS, it appears that June 22, 1998 is the earliest date that Orange County, Chapel Hill, and Carrboro can all make a final decision on whether to amend the Joint Planning Area Land Use Plan by incorporating by reference the "modified plan" approved in the facilitated planning conference as described in the attached ordinance, and whether to make corresponding amendments to the Joint Planning Agreement; and

WHEREAS, the ordinance amendments that will be necessary to implement the "modified plan" cannot be adopted until the Joint Planning Agreement and Joint Planning Area Land Use Plan amended as described above; and

WHEREAS, it now appears that the ordinance amendments necessary to fully implement the "modified plan" will not be ready for adoption until August or September, 1998; and

WHEREAS, a one-time extension of the moratorium appears warranted under the foregoing circumstances;

NOW THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The moratorium on the processing of applications for special use permits and conditional use permits for developments within the Northern Study Area, as established by the above referenced ordinance adopted on November 11, 1997, is extended until September 30, 1998.

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

Section 3. This ordinance shall become effective upon adoption unless Orange County files an objection pursuant to Section 2.6 of the Joint Planning Agreement. If the County objects, then this ordinance shall not become effective unless and until the County adopts this ordinance as provided in Section 2.6c of the Joint Planning Agreement.

The following ordinance was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

**AN ORDINANCE ESTABLISHING A MORATORIUM ON
THE PROCESSING OF SPECIAL AND CONDITIONAL USE PERMIT
APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES
WITHIN THE NORTHERN STUDY AREA
Ordinance No. 9/97-98**

WHEREAS, in 1992 the Carrboro Board of Aldermen appointed a 31-member Small Area Planning Work Group to develop a plan for the development of the Northern Study Area as shown on the map attached hereto and incorporated herein; and

WHEREAS, in February of 1996 the Small Area Planning Work Group recommended to the Board of Aldermen a plan developed by the Work Group for the Study Area; and

WHEREAS, as a result of concerns expressed about the proposed plan by residents of the Study Area, the Board referred the proposed plan to a two-day facilitated planning conference sponsored by Carrboro, Chapel Hill and Orange County and attended by approximately 150 residents of the area, planners, and public officials; and

WHEREAS, following meetings on April 19 and May 31, 1997, the facilitated planning conference reached consensus on a plan for the Northern Study Area (the "modified plan"); and

WHEREAS, on August 19, 1997 the Board of Aldermen unanimously accepted the modified plan and on September 16, 1997 established and appointed the members of an ordinance drafting committee to draft changes in the Carrboro Land Use Ordinance that are necessary to implement the recommendations of the modified plan; and

WHEREAS, the Board of Aldermen recognizes that, whenever major revisions to the land use ordinance are contemplated, uncertainty may be created as to the effect of ordinance amendments on development applications that are pending if and when such amendments are adopted; and

WHEREAS, the Board desires to avoid such uncertainty, to avoid the potential of public and private resources being wasted if ordinance amendments render obsolete development applications that do not comply with such ordinance amendments, and to preserve the status quo in terms of the development of major tracts within the Study Area, pending the drafting of ordinance amendments that are necessary to implement the recommendations of the modified plan.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. From and after the effective date of this ordinance for a period of six months, the Carrboro Planning Department shall not process applications for special use permits or conditional use permits for developments within the Northern Study Area, as shown on the map attached hereto and incorporated herein, unless such applications have been accepted and the fees associated with such applications have been paid prior to the effective date of this ordinance.

Section 2. For purposes of Section 1 of this ordinance, a development application shall be accepted if the applicant has submitted substantially all of the information required under Appendix A of the Land Use Ordinance as determined by the Zoning Administrator.

Section 3. For purposes of Section 1 of this ordinance, the required fees are those established for the applicable permit application by the Miscellaneous Fees and Charges Schedule. Such fees shall be paid by the applicant and accepted by the town only after the application has been accepted in accordance with Section 2 of this ordinance.

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

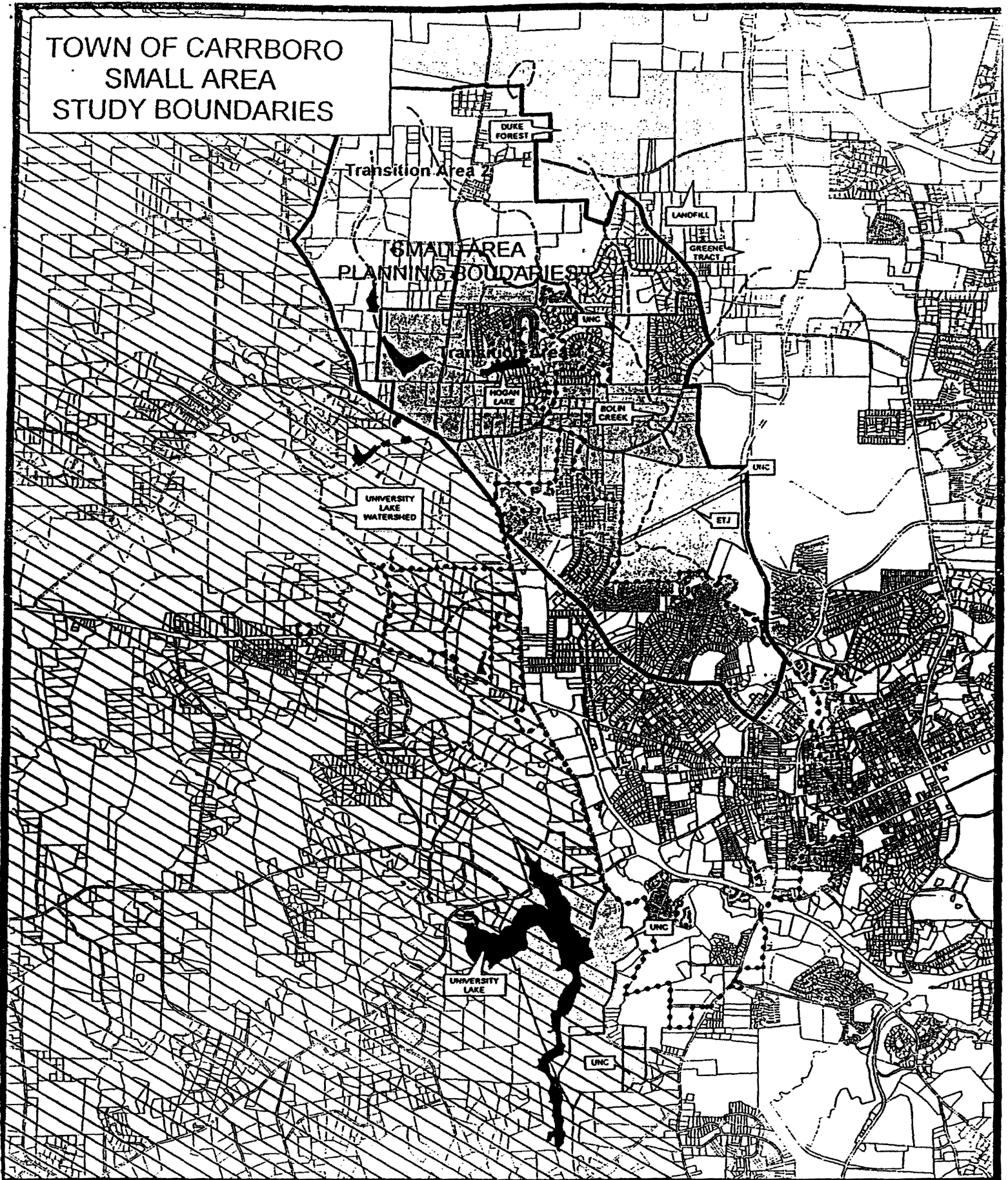
The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 11th day of November, 1997:

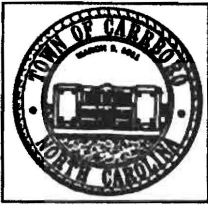
Ayes: Michael Nelson, Diana McDuffee, Jacquelyn Gist, Alex Zaffron

Noes: Frances Shetley, Hilliard Caldwell

Absent or Excused: Hank Anderson

TOWN OF CARRBORO
SMALL AREA
STUDY BOUNDARIES





TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

April 16, 1998

LAND USE ORDINANCE TEXT AMENDMENT: DEVELOPMENT MORATORIUM

MOTION WAS MADE BY JOHN MARSHALL AND SECONDED BY ADAM SEARING THAT THE PLANNING BOARD RECOMMEND THAT THE BOARD OF ALDERMEN APPROVE THE ORDINANCE AMENDMENT TO EXTEND THE DEVELOPMENT MORATORIUM ON THE PROCESSING OF SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES WITHIN THE NORTHERN STUDY AREA. VOTE: AYES 4 (Cheek, Cohen, Marshall, Searing); NOES 1 (Russell); ABSENT/EXCUSED 2 (Bateson, Rodemeir).

Andrew B. Cohen/jpc 5/6/98
Andrew B. Cohen, Chairman (date)

The following ordinance was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

**AN ORDINANCE EXTENDING UNTIL SEPTEMBER 30, 1998 THE MORATORIUM ON THE
PROCESSING OF SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS FOR
DEVELOPMENTS ON PROPERTIES WITHIN THE NORTHERN STUDY AREA
Ordinance No. 26/97-98**

WHEREAS, on November 11, 1997 the Carrboro Board of Aldermen adopted "An Ordinance Establishing A Moratorium on the Processing of Special and Conditional Use Permit Applications for Developments on Properties Within the Northern Study Area," a copy of which is attached Hereto; and

WHEREAS, the moratorium established by the above referenced ordinance expires on May 11, 1998 (six months after its adoption); and

WHEREAS, it appears that June 22, 1998 is the earliest date that Orange County, Chapel Hill, and Carrboro can all make a final decision on whether to amend the Joint Planning Area Land Use Plan by incorporating by reference the "modified plan" approved in the facilitated planning conference as described in the attached ordinance, and whether to make corresponding amendments to the Joint Planning Agreement; and

WHEREAS, the ordinance amendments that will be necessary to implement the "modified plan" cannot be adopted until the Joint Planning Agreement and Joint Planning Area Land Use Plan amended as described above; and

WHEREAS, it now appears that the ordinance amendments necessary to fully implement the "modified plan" will not be ready for adoption until August or September, 1998; and

WHEREAS, a one-time extension of the moratorium appears warranted under the foregoing circumstances;

NOW THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The moratorium on the processing of applications for special use permits and conditional use permits for developments within the Northern Study Area, as established by the above referenced ordinance adopted on November 11, 1997, is extended until September 30, 1998.

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

Section 3. This ordinance shall become effective upon adoption unless Orange County files an objection pursuant to Section 2.6 of the Joint Planning Agreement. If the County objects, then this ordinance shall not become effective unless and until the County adopts this ordinance as provided in Section 2.6c of the Joint Planning Agreement.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 12th day of May, 1998:

Ayes: Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Alex Zaffron. Allen Spalt

Noes: Hilliard Caldwell

Absent or Excused: None

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: May 12, 1998

SUBJECT: Public Hearing: Land Use Ordinance Text Amendment -- Sidewalks Along Both Sides of Streets

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Street Design Illustrations Planning Board Recommendation Transportation Advisory Board Recommendation	FOR INFORMATION CONTACT: Patricia McGuire, 968-7714 Kenneth Withrow, 968-7714
THE FOLLOWING INFORMATION IS PROVIDED: (x) Summary (x) Action Requested (x) Analysis () Alternatives (x) Recommendation	

PURPOSE

To hold a public hearing to review a text amendment that would require sidewalks along both sides of streets classified as subcollectors and collectors.

SUMMARY

The Carrboro Board of Aldermen discussed and placed this item on their 1998 Action Agenda for possible implementation as a part of the town's future development.

The Board's objective was to "analyze the benefits and impacts associated with requiring sidewalks along both sides of the various classifications of streets in Carrboro; and to determine the appropriate classification of street that should provide sidewalks along both sides."

Using the Board's objective as a premise, the staff consulted available studies regarding sidewalks from research institutions, as well as, from communities that require sidewalks along both sides of streets.

The Carrboro Land Use Ordinance (Section 15-216) requires roads classified as arterials to have sidewalks on both sides; while collector, subcollector, and local roads are required to have sidewalks on only one side. Minor streets are not required to have sidewalks on either side. These requirements (as shown on the next page) apply to streets with curb and gutter, as well as those with swales.

The requirements for minor, local and subcollector streets were modified following two years of discussion concerning residential street design. Standards for collector and arterial roads were not changed. The Board of Aldermen to minimize street widths adopted the standards.

Nationally known planners, architects, engineers, federal guidelines, and the experience of other municipalities suggest that sidewalks may be required on both sides of urban streets. However, it is difficult to establish a strict standard due to variations in density, spatial distribution, population, and transportation options.

An agenda abstract on this item was prepared and presented to the Board of Aldermen on March 24, 1998. Town staff noted that requiring an additional sidewalk along streets within the town's new developments should complement the existing sidewalk linkages along the town's street network. It was also noted that disjointed linkages may be created where streets which had been built under varying requirements were connected, and that it may be necessary to make funding available for sidewalk construction in order to provide consistent pedestrian access throughout the street network.

During the worksession on March 24, the Board of Aldermen directed staff to prepare an ordinance requiring sidewalks along subcollector and collector streets, set a public hearing date of May 12, 1998, and referred this item to the Planning Board for review per Section 15-322 of the Land Use Ordinance. As the amendment affects the street rights-of-way, a copy was also forwarded to the Transportation Advisory Board. Copies of these recommendations are attached.

Per the terms of the Joint Planning Agreement, a copy of the ordinance was sent on April 9, 1998 to Orange County for their review. A reply is expected prior to the date of the public hearing.

ANALYSIS

An ordinance has been prepared in response to the Board's request, a copy of which is attached. The ordinance is made up of four sections. Two alternatives are included for the first section, from which the Board must select either increasing the right-of-way width for a subcollector street with a swale, or eliminating this option from the ordinance. The selection of Alternative Two and approval of the ordinance will amend the table in Section 15-216, as highlighted below (textual changes are underlined or struck through). Specifically, the phrase "one side" is replaced with "both sides" in the "Sidewalk Requirement" column for subcollector streets with swales, subcollector streets with curb and gutter, and collector streets with curb and gutter. In addition, the information pertaining to the subcollector streets with swales is marked for deletion. Revisions to standard drawing number 23 (subcollector street with curb and gutter) and number 25 (collector street with curb and gutter) are attached.

TYPE STREET with Swales	MINIMUM ROW WIDTH	MINIMUM PAVEMENT WIDTH	BIKE LANES	MINIMUM SHOULDER 1 WIDTH 2	SIDEWALK REQUIREMENT
MINOR	47'	18'	NONE	6' 8'	NONE
LOCAL	47'	20'	NONE	6' 8'	ONE SIDE
SUBCOLLECTOR	60'	20'	NONE	6' 8'	ONE SIDE

TYPE STREET with Curb & Gutter	MINIMUM ROW WIDTH	MINIMUM PAVEMENT WIDTH	BIKE LANES	SIDEWALK REQUIREMEN
ALLEY (One-way)	20'	12'	NONE	NONE
Minor	37'	18'	NONE	NONE
Local	43'	20'	NONE	ONE SIDE
Subcollector	50'	26'	NONE	<u>BOTH SIDES</u>
Collector	60'	34'	BOTH SIDES	<u>BOTH SIDES</u>
Arterial	NCDOT Standards	NCDOT Standards	BOTH SIDES	BOTH SIDES

RECOMMENDATION

The Administration recommends that, the Board adopt the ordinance requiring sidewalks on both sides of subcollector and collector streets, selecting Alternative Two of Section One such that the subcollector street with swales is eliminated from Section 15-216.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
REQUIRE SIDEWALKS ALONG BOTH SIDES OF SUBCOLLECTOR AND
COLLECTOR STREETS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. ~~(Alternative One)~~ The table set forth in subsection 15-216(b) of the Carrboro Land Use Ordinance is amended by deleting the phrase "One side" under the "Sidewalk Requirement" column opposite the term "Subcollector" and inserting in lieu thereof the phrase "Both Sides." This same table is amended by changing the minimum right-of-way requirements for subcollector streets to 60 feet.

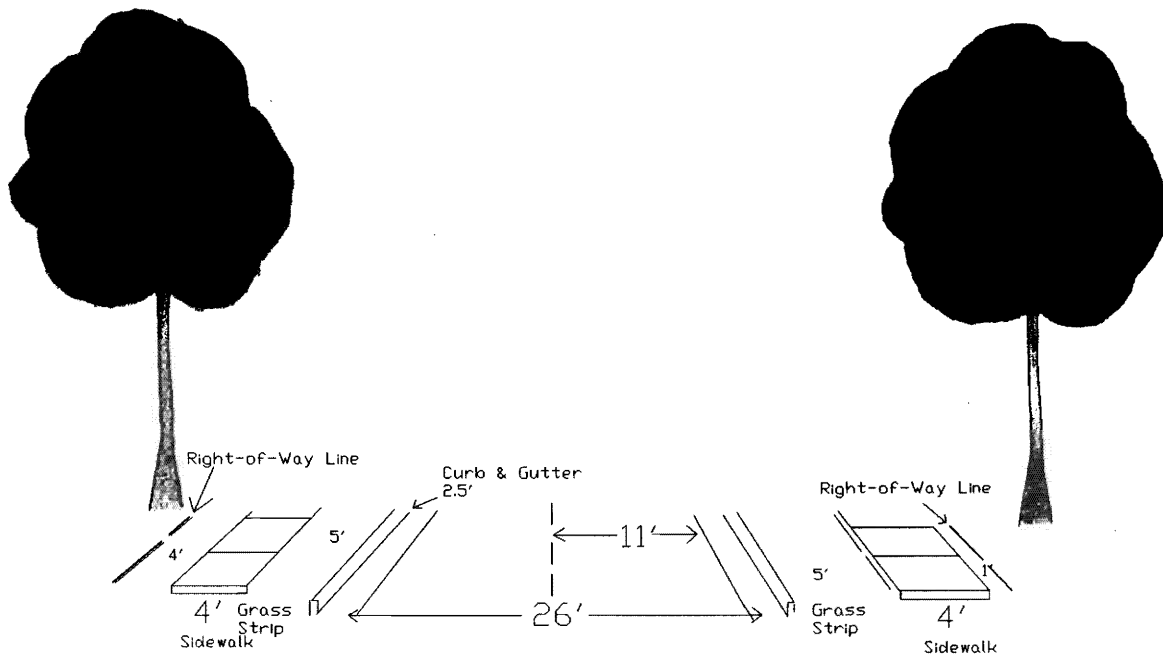
Section 1. ~~(Alternative Two)~~ Section 15-216 (a) is amended by deleting the term "subcollector" from the first sentence and Section 15-216 (b) is amended by deleting the third row in the table set forth in this subsection, which begins with the term "Subcollector."

Section 2. The table set forth in subsection 15-216(c) of the Carrboro Land Use Ordinance is amended by deleting the phrase "One Side" under the "Sidewalk Requirement" column opposite the terms "Subcollector" and "Collector" and inserting in lieu thereof the phrase "Both Sides."

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

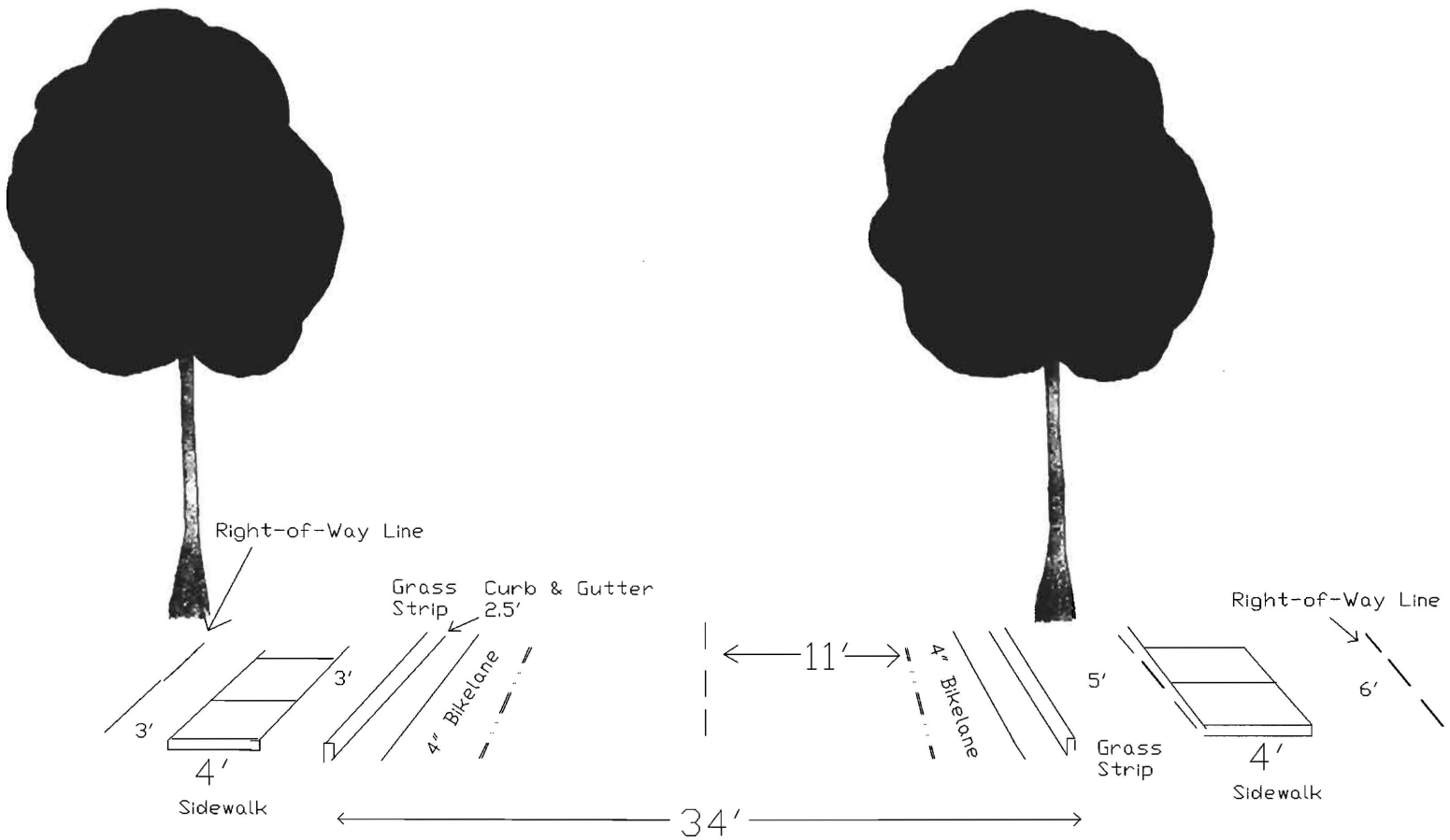
SUBCOLLECTOR STREET
Curb & Gutter with Sidewalk



Parking on one side by permit

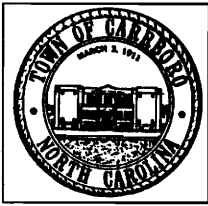
50' Right-of-Way

COLLECTOR STREET
Curb & Gutter with Sidewalk



Parking on one side by permit

60' Right-of-Way



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

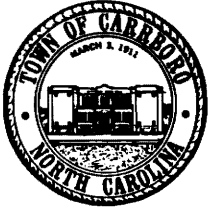
R E C O M M E N D A T I O N

April 16, 1998

LAND USE ORDINANCE TEXT AMENDMENT: SIDEWALKS ON BOTH SIDES OF STREETS

MOTION WAS MADE BY JOHN MARSHALL AND SECONDED BY M.C. RUSSELL THAT THE PLANNING BOARD RECOMMEND THAT THE BOARD OF ALDERMEN APPROVE THE ORDINANCE PROPOSAL TO REQUIRE SIDEWALKS ON BOTH SIDES OF SUBCOLLECTOR AND COLLECTOR STREET WITH THE ADDITIONAL CHANGE THAT THE SWALE OPTION FOR SUBCOLLECTORS BE DELETED. VOTE: AYES 5 (Cheek, Cohen, Marshall, Russell, Searing); NOES 0; ABSENT/EXCUSED 2 (Bateson, Rodemeir).

Andrew B. Cohen 5/6/98
Andrew B. Cohen, Chairman (date)



TOWN OF CARRBORO

NORTH CAROLINA

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

May 7, 1998

Motion: That the TAB support the recommendation that collector (streets) have sidewalks along both sides.

Moved: **Mr. William Robinson**

Second: **Ms. Dazzie Lane**

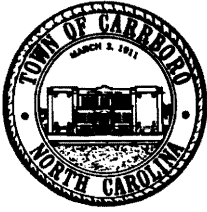
VOTE: Ayes (**Lane, Marshall, Robinson**)., Noes (**Cook, Mochel**)

Neal L. Mochel

TAB Chair

5, 8 1998

DATE



TOWN OF CARRBORO

NORTH CAROLINA

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

May 7, 1998

Motion: That sidewalks along subcollectors be removed from the recommendation at this time; and that they (subcollectors) be looked at in connection with the proposed study (restudy) of infill (development) throughout the town as suggested by the Board of Adjustment.

Moved: **Ms. Shirley Marshall**

Second: **Mr. Kevin Cook**

VOTE: Ayes (Cook, Lane, Marshall, Mochel, Robinson),, Noes (None)

Neal E. Mochel
TAB Chair

5, 8 /98
DATE

The following ordinance was introduced by Alderman Diana McDuffee and duly seconded by Alderman Jacquelyn Gist.

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE
TO REQUIRE SIDEWALKS ALONG BOTH SIDES OF
SUBCOLLECTOR AND COLLECTOR STREETS
Ordinance No. 27/97-98**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-216(a) is amended by deleting the term "subcollector" from the first sentence and Section 15-216(b) is amended by deleting the third row in the table set forth in this subsection, which begins with the term "Subcollector."

Section 2. The table set forth in subsection 150-216© of the Carrboro Land Use Ordinance is amended by deleting the phrase "One Side" under the "Sidewalk Requirement" column opposite the terms "Subcollector" and "Collector" and inserting in lieu thereof the phrase "Both Sides."

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 12th day of May, 1998:

Ayes: Hilliard Caldwell, Hank Anderson, Michael Nelson, Diana McDuffee, Jacquelyn Gist, Alex Zaffron. Allen Spalt

Noes: None

Absent or Excused: None

ITEM NO. D(4)

MEETING DATE: May 12, 1998

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Planning Board recommendation Transportation Advisory Board recommendation	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714 Mike Brough – 929-3905
THE FOLLOWING INFORMATION IS PROVIDED: <div> <div>(X) Purpose</div> <div>(X) Recommendation</div> </div> <div> <div>(X) Analysis</div> </div> <div> <div>(X) Summary</div> </div>	

To hold a public hearing on a proposed amendment to the Land Use Ordinance. The amendment, if adopted, will prohibit developers of major residential subdivisions from constructing fences or berms more than three feet in height, and will allow fences or berms to be located without regard for the building setback, if located along the rear lot boundary of lots having frontage along both the rear and front of such lots

In March of 1995, the developers of the Berryhill subdivision requested permission from Keith Lankford, Zoning Administrator, to install a six-foot high, wooden, privacy fence along the rear property lines of lots located adjacent to Smith Level Road. Town staff determined that the fence was subject to building setback requirements, although it was agreed that the requirements were not intended to restrict fences on double-fronted lots.

A worksession/request-to-set on a text amendment to allow fences on the rear of lots with street frontage on the front and rear of such lots, was held with the Board of Aldermen on October 22, 1996. A copy of the staff report is attached. During the worksession, the Board expressed support for the amendment, and concern about the affect this might have on the ability of subdivisions to be walled or gated. The matter was referred to the Planning Board and Appearance Commission for further review.

The Board included this item on the 1998 Action Agenda, and identified it as requiring urgent attention.

Staff met with the Planning Board and Appearance Commission in February of 1998. The Planning Board reached consensus on several aspects of the issue, as follows. The board felt that the building setback exception should apply to fences, walls or berms located along arterial roads, provided there was space for sidewalks and associated improvements, and where there was no sight-distance hazard. There was a fifty-fifty split among the members of the Planning Board with regard to the application of this exception to double-fronted lots along non-arterial roads. An explanation for the split decision stated that those members of the Board who favored allowing fences, walls, or berms anywhere was to allow freedom and promote diversity of design. Those members in favor of restricting these structures wish to promote a sense of community and prevent the establishment of exclusionary, walled communities. The Appearance Commission has not yet concluded their review of this issue.

During a worksession on March 24, 1998, the Board of Aldermen reviewed several options prepared by staff and discussed their concerns associated with fences, walls and berms along public rights-of-way. The Board set a public hearing date of May 12, and directed staff to prepare an ordinance which would amend the Land Use Ordinance to prohibit developers from establishing gated communities.

Per the terms of the Joint Planning Agreement, a copy of the ordinance was sent to Orange County on April 9, 1998 for their review. A reply is expected prior to the public hearing date.

Per Section 15-322 of the Land Use Ordinance, the proposed amendment was formally referred to the Planning Board for its recommendation. As the amendment also affects the relationship of development activity to the street right-of-way, a copy was also forwarded to the Transportation Advisory Board. Copies of these recommendations are attached.

ANALYSIS

In January of 1998, the Board of Aldermen requested that staff review the existing policies and regulations that affect the siting of privacy walls, fences, and earth berms along public rights-of-way and street frontages. The context of this request was a concern that the gated communities proliferating in other areas might begin to occur in Carrboro. Currently, the Land Use Ordinance does not contain definitions for the terms “fence” or “wall.” Section 15-184, titled “Building Setback Requirements” does include a subsection which defines “buildings” based upon two criteria, the extent to which they constitute a visual obstruction, or to which they generate activity similar to that usually associated with a building. Fences are specifically referenced as subject to building setback requirements in 15-184(a)(3)(b) as follows: “[f]ences running along lot boundaries adjacent to public street rights-of-way if such fences exceed three feet in height and are substantially opaque.”

Aside from the specific siting requirements for fences of a certain size or type found in Section 15-184, there appears to be one other reference to this type of structure in the ordinance. The description of an Opaque Screen, Type ‘A’ in Article XIX specifies “[a] screen that is opaque from the ground to a height of at least six feet...may be composed of a wall, fence, landscaped berm....” Screening is required for most development scenarios in town, as may be noted in Section 15-308, Table of Screening Requirements. The Type ‘A’ screen is the most stringent of three screens described, and is required along streets for only those land uses considered to have particular, negative impacts. Those uses range from junkyards to crematoria. The Broken Screen, Type ‘C’ requirement presently applies to subdivisions located along streets. The two screening standards which have been established are specified in Section 15-305, and are as follows: “Every development shall provide sufficient screening so that:

- (1) Neighboring properties are shielded from any adverse external effects of that development;
- (2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

The table below lists the existing fences or walls associated with subdivisions along rights-of-way.

Subdivision	Roadway	Road Classification	Fence/Wall
Berryhill	Smith Level Road	Arterial	Fence
Camden	Homestead Road	Arterial	Wall
The Highlands	Rogers Road	Arterial	Fence

It is the understanding of staff that certain wall- or fence-like barriers would almost always meet the present land use ordinance definition of buildings and therefore is subject to the setback requirement. This requirement may have prevented continuous privacy walls or fences from being constructed as a significant portion of individual lots or common area would have to be fenced out of the neighborhood. Under the present proposal to amend the ordinance to exclude rear fences on double-fronted (also known as “through” lots) lots from setback requirements, however, this may no longer be the case.

Description of Proposed Ordinance Amendments

The proposed ordinance amendment is made up of two components. The first formalizes the Board’s desire to prohibit developers of major subdivisions from constructing fences or berms and includes a definition of a berm. The second addresses the issue of “double-fronted” or “through” lots and essentially exempts privacy-type fences, that are typically classified as buildings for the purposes of determining setbacks, from the building setback requirements if they are located at the rear of a lot having street frontage at both the front and the rear.

Effectiveness of Ordinance in Preventing the Establishment of Gated Communities

The language in Section 1 of the proposed ordinance clearly prohibits developers from enclosing the periphery of subdivisions made up of more than four dwelling units, and thus establishing a gated community. However, this ordinance would not prevent a single homeowner or group of homeowners, or developer acting on their behalf, from enclosing the periphery of subdivision. In addition, under the terms of Section 3, should the design of the subdivision be such that all or many of the lots are double-fronted, the fence erected by or for the group of homeowners could be located along the rear right-of-way without regard for the building setback requirement. Since the building setback requirement does not apply to fences along lot boundary lines, beyond the street right-of-way, a fence, wall, or berm could enclose the limits of the subdivision.

RECOMMENDATION

The Administration recommends the Board’s consideration of the attached ordinance.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT
DEVELOPERS OF MAJOR RESIDENTIAL SUBDIVISIONS FROM CONSTRUCTING FENCES OR
BERMS MORE THAN THREE FEET IN HEIGHT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-149 (Permissible Uses and Specific Exclusions) is amended by adding a new subsection (c)(5) to read as follows:

- (5) Construction by the developer of a major residential subdivision of an opaque fence or berm more than three feet in height around any portion of the periphery of such subdivision, except under circumstances where such fence or berm is designed to shield the residents of such subdivision from the adverse effects of an adjoining nonresidential use (other than a street).

Section 2. Section 15-15 (Definitions of Basic Terms) is amended by adding the following definition in appropriate alphabetical order:

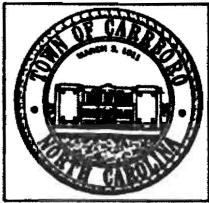
Berm. A man made mound of earth whose side slopes are constructed at a steepness ratio of ⁶3:1 or steeper, and whose length exceeds its height by a factor of at least five. *No berms steeper than 2:1 will be allowed.*

Section 3. Section 15-184 (Building Setback Requirements) is amended by adding the language in italics in subsection (a)(3)b., such that this subsection reads as follows:

- b. Fences or berms running along lot boundaries adjacent to public street rights-of-way if such fences or berms exceed three feet in heights and are substantially opaque *except that fences or berms shall not be regarded as "buildings" within the meaning of this subsection if they are located along the rear lot line of lots that have street frontage along both the front and rear of such lots.*

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

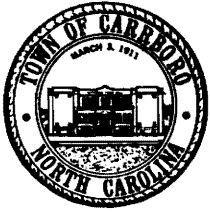
April 16, 1998

LAND USE ORDINANCE TEXT AMENDMENT: FENCES AND WALLS

MOTION WAS MADE BY M.C. RUSSELL AND SECONDED BY ADAM SEARING THAT THE PLANNING BOARD RECOMMEND THAT THE BOARD OF ALDERMEN APPROVE SECTIONS 1 AND 2 OF THE PROPOSED ORDINANCE WHICH WOULD PROHIBIT DEVELOPERS OF MAJOR SUBDIVISIONS FROM CONSTRUCTING FENCES OR BERMS MORE THAN THREE FEET IN HEIGHT. VOTE: AYES 5 (Cheek, Cohen, Marshall, Russell, Searing); NOES 0; ABSENT/EXCUSED 2 (Bateson, Rodemeir).

MOTION WAS MADE BY ADAM SEARING AND SECONDED BY JOHN MARSHALL THAT THE PLANNING BOARD RECOMMEND THAT THE BOARD OF ALDERMEN APPROVE SECTION 3 OF THE PROPOSED ORDINANCE WHICH WOULD ALLOW FENCES TO NOT BE REGARDED AS "BUILDINGS" WITH REGARD TO SETBACK REQUIREMENTS IF THEY ARE LOCATED ALONG THE REAR LOT LINE OF LOTS HAVING STREET FRONTAGE ALONG THE FRONT AND REAR OF SUCH LOTS, WITH THE ADDITIONAL RECOMMENDATION THAT THE TOWN LOOK INTO DESIGN ALTERNATIVES THAT DISCOURAGE THE DEVELOPMENT OF DOUBLE-FRONTED LOTS. VOTE: AYES 4 (Cheek, Cohen, Marshall, Searing); NOES 1 (Russell); ABSENT/EXCUSED 2 (Bateson, Rodemeir).

Andrew B Cohen /s/ 5/6/98
Andrew B. Cohen, chairman (date)



TOWN OF CARRBORO

NORTH CAROLINA

LAND USE ORDINANCE TEXT AMENDMENT REF: FENCES AND BERMS

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

May 7, 1998

Motion: That the TAB approve the adoption of the ordinance with the recommendation proposed by the administration.

Moved: **Ms. Shirley Marshall**

Second: **Mr. William Robinson**

VOTE: Ayes (Cook, Lane, Marshall, Mochel, Robinson), Noes (None)

Neal G. Mochel

TAB Chair

5 / 8 /98
DATE

ITEM NO. E(1)

MEETING DATE: May 12, 1998

DEPARTMENT: Town Manager's Office	PUBLIC HEARING: YES ____ NO x __
ATTACHMENTS: Lease Agreement and photographs	FOR INFORMATION CONTACT: Robert W. Morgan, Town Manager

Once the Town has received drawings for the location of all equipment, the Administration will bring back to the Board an application for a minor modification of the CUP to allow the attachment of the antenna at the two additional heights.

RECOMMENDATION

The Administration recommends that the Mayor and Board of Aldermen authorize the Town Manager to sign the two leases for space on the Town's telecommunication tower and that this authorization is good for one hundred and twenty days. The Administration also recommends that the Board direct the staff to bring to the Board a minor modification of the CUP on the Tower to accommodate the two leases.

ACTION REQUESTED

To authorize the Administration's recommendation as stated above.

CO-LOCATION LICENSE AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____, 1998, between THE TOWN OF CARRBORO, NORTH CAROLINA (hereinafter referred to as "LICENSOR") and _____ (hereinafter referred to as "LICENSEE").

WHEREAS, LICENSOR owns a certain parcel of property located at The Town Hall, County of Orange, Town of Carrboro, State of North Carolina, (hereinafter referred to as "the Licensed Premises"), as represented in the survey attached to this agreement as **Exhibit A**, with metes and bounds as described in **Exhibit B**; and

WHEREAS, LICENSOR presently has constructed on its property a telecommunications tower (hereinafter referred to as "the Tower") which is currently being used by various Town departments and Bell South, Inc., a licensee, for communication purposes; and

WHEREAS, LICENSEE wishes to lease from LICENSOR space on said tower and ground space on which to locate a concrete pad and related communications equipment and Licensor desires to provide such space to Licensee subject to the terms contained herein;

NOW, THEREFORE, in consideration of the premises and the mutual promises set forth below, the parties hereby agree as follows:

1. **Premises:**

a. LICENSOR hereby licenses to LICENSEE space on the Tower substantially as shown on the drawing attached hereto as **Exhibit "C"**.

b. LICENSOR grants to LICENSEE permission to attach necessary transmission lines, cables, antennas, fixtures, and other associated equipment to the Tower to make said antenna operational. LICENSEE will provide all mounting hardware necessary for its installation.

c. The exact location on the Tower of LICENSEE's antennas will be determined in conjunction with LICENSOR's and Bell South, Inc.'s engineers so as to avoid interference with any of LICENSOR's and Bell South, Inc.'s lighting equipment, cables, lines, antennas, and/or any other property of LICENSOR or Bell South, Inc. located on the Tower and Licensed Premises, as may be applicable.

d. LICENSOR also licenses to LICENSEE a concrete pad of up to nine feet by fifteen feet (9' x 15'), as described and depicted on the attached Exhibit "A", for locating certain equipment described as communications equipment.

e. LICENSOR shall allow LICENSEE to pour a nine foot by fifteen foot (9' x 15') concrete pad within this designated licensed area and place an unmanned equipment shelter within the designated area which has been specifically described on Exhibit "A" and LICENSEE must obtain prior written approval pursuant to the terms and conditions set forth in Paragraph 8 of this

Agreement.

f. LICENSEE shall furnish, to its unmanned equipment shelter, electric service for the operation of LICENSEE's communications equipment. LICENSEE shall be solely liable for electricity expenses relating to its installation and equipment. LICENSEE's electrical service shall be separately metered, and LICENSEE shall be responsible for all costs associated with metering, including the cost of installing any meter. LICENSEE shall be permitted to connect LICENSEE's equipment to the existing grounding system, if any.

g. LICENSOR shall provide 24 hour, 7 days per week access to LICENSEE for maintenance purposes.

h. LICENSOR shall be responsible for ensuring that the Tower remains in compliance with all applicable federal lighting laws and regulations, including all applicable FAA regulations.

2. **Term:** This Agreement shall commence upon the signing thereof and shall then run for a period of five (5) years, subject to the terms and conditions set forth in Paragraph 10 below. LICENSEE shall have the option to extend the term of this Agreement for one (1) additional consecutive five (5) year period. This option for an extended term shall be deemed automatically exercised without notice by LICENSEE to LICENSOR unless LICENSEE gives LICENSOR written notice of its intention not to exercise any such option, in which case the term of this Agreement shall expire at the end of the first term. All references herein to the term of this Agreement shall include the term as it is extended as provided in this Agreement. The annual rental for the extended term shall be as provided in paragraph 3 below.

3. **Initial Fee and Yearly Rental:** Beginning as of the commencement date of this Agreement as defined above, LICENSEE shall pay to LICENSOR an initial nonrefundable fee of \$_____ and thereafter, as an annual license fee: (1) In the first year of this Agreement, the sum of _____ Thousand and No/100 Dollars (\$_____), payable on the commencement date; and, (2) thereafter on the anniversary of the commencement date in one lump sum payment. In each subsequent year of the initial period and any renewal period, the license fee shall be the sum of the previous year's license fee plus three percent (3%).

4. **Title:** LICENSOR warrants that LICENSOR is seized of good and marketable title to the Licensed Premises and has the full power and authority to enter into and execute this Agreement. LICENSOR further warrants that there are no deeds to secure debt, mortgages, liens or judgments encumbering the Licensed Premises and the Tower, and that there are no other encumbrances on the title to the Licensed Premises or the Tower that would prevent LICENSEE from using the Licensed Premises for the uses intended by LICENSEE as hereinafter set forth in this Agreement.

5. **Governmental Approvals:** LICENSEE's ability to use the Licensed Premises and the Tower is contingent upon its obtaining all certificates, permits, and other approvals that may be required by any federal, state or local authorities. LICENSEE will perform all other acts and bear all expenses associated with any zoning or other procedure necessary to obtain any certificate,

permit, license or approval for the Licensed Premises deemed necessary by LICENSEE.

6. **Installation in Accordance with Applicable Laws and Sound Engineering Practices:** LICENSEE will complete all installation of its equipment on the Tower in accordance with all applicable federal, state, and local laws, ordinances, rules and regulations. All such installation shall conform with sound engineering practices and industry standards.

7. **Tower Studies and Tests:** LICENSEE agrees to perform or cause to be performed engineering studies, or any other method acceptable to LICENSEE and LICENSOR to assure appropriate tower loading limitations are not exceeded by the addition of LICENSEE's equipment. LICENSEE shall produce the certification of a professional engineer that the Tower can support the load proposed to be added by LICENSEE. The cost of any and all necessary Tower studies determining feasibility of Tower loading due to LICENSEE's antenna and equipment shall be borne by LICENSEE. Should Tower modifications be required, the cost of all such modifications shall be borne by LICENSEE. LICENSEE shall submit plans and specifications to LICENSOR for written approval prior to commencement of any modification. LICENSOR shall conduct a Tower inspection upon completion of modification to insure work compliance. Should Tower inspection identify nonconforming work, LICENSEE shall correct such nonconforming work after which LICENSOR will conduct another Tower inspection to approve the corrections. Cost of the aforementioned Tower inspections and work corrections shall be at the sole cost and expense of LICENSEE.

8. **Installation Plans:** LICENSEE, without liability of any kind to LICENSOR, may commence work only after LICENSOR has approved all plans and specifications in writing. LICENSOR's approval shall not be unreasonably withheld or delayed. LICENSEE agrees to comply with all of LICENSOR's reasonable requirements. LICENSOR shall have the option to consult with LICENSEE's contractor prior to any installation and/or maintenance that will require access to the Tower structure.

9. **Standard for Performance:** LICENSEE, at its sole cost and expense, shall cause the approved work authorized to be done and completed in a good, substantial and workmanlike manner, free from faults and defects, and in compliance with all legal requirements, and shall utilize only first class materials and supplies. LICENSEE shall be solely responsible for construction means, methods, techniques, sequences and procedures, and for coordinating all activities related to the work.

10. **Payments of Costs and Expenses:** LICENSEE shall provide and pay for all labor, materials, goods and supplies, equipment, appliances, tools, construction equipment and machinery and other facilities and services necessary for the proper execution and completion of the work. LICENSEE shall promptly pay when due all costs and expenses incurred in connection with the work. LICENSEE shall pay all sales, consumer, use and similar taxes required by law in connection with the work, and shall secure and pay for all permits, fees and licenses necessary for the performance of the work.

11. **Maintenance and Repairs:** LICENSEE shall maintain in a good state of repair

and in good operating condition its antenna and transmitting and other equipment, all in accordance with good engineering practices and applicable governmental rules and regulations. In the event inspection, maintenance or repairs to LICENSEE's antenna and equipment are required, LICENSEE shall use qualified technicians and submit for LICENSOR's approval the names of technicians or contractor proposed to make necessary ascents and descents of the Tower, and shall perform all work in such a way as to maintain the structural integrity of the tower.

12. **Interference:** LICENSOR and LICENSEE shall at all times exercise the greatest care and judgment to prevent damage to the services of the other. LICENSEE will cause its engineers to verify by frequency search that its signal will not interfere with radiating or receiving the facilities of LICENSOR or others using LICENSOR's property as of the date of execution of this License Agreement. In the event interference is encountered, LICENSEE and LICENSOR will exercise their best efforts to promptly and diligently resolve such problems immediately after notice of such interference. In the event that LICENSEE, in the exercise of reasonable efforts, is unable to resolve any interference with its equipment and the preexisting equipment of LICENSOR or others using LICENSOR's property as of the date of execution of the License Agreement, LICENSEE may terminate this Agreement ten (10) days after LICENSOR receives notice from LICENSEE. LICENSOR shall not grant any future lease or license or usage right, or reconfigure its equipment, if the same would interfere in any way with any of LICENSEE's equipment or communications from the Tower, and in the event of any such interference, LICENSOR shall take all necessary steps to correct and eliminate the same within ten (10) days of receipt of notice. If LICENSOR is unable to eliminate such interference within said period of time, LICENSOR shall be obligated to remove said interfering equipment or facilities. Interference shall be deemed to be any interference which violates the terms and conditions of transmitter licenses, and/or rules and regulations of the Federal Communications Commission and/or interference of LICENSOR's use, transmittal, or communications.

13. **Indemnification:** LICENSEE shall be liable for any damage to the Tower or to any equipment located on the Tower or ground arising out of or in connection with LICENSEE's installation, maintenance, use or occupancy of the Tower and Licensed Premises and caused by the negligence or willful or intentional misconduct of its agents or employees. LICENSOR shall be liable for any damage to any of LICENSEE's equipment located on the Tower or the ground, or that of others using LICENSOR's property as of the date of execution of this License Agreement, arising out of or in connection with LICENSOR's installation of equipment, maintenance, use or occupancy of the Tower and Licensed Premises and caused by the negligence or willful or intentional misconduct of its agents or employees. LICENSEE shall indemnify, defend and hold harmless LICENSOR from all damages, liability, loss, and claims whatsoever, including attorneys fees, arising out of LICENSEE's negligence or willful misconduct in the installation of equipment, maintenance, use or occupancy of its equipment on the Tower. For purposes of this paragraph the term LICENSEE includes any agents or employees of LICENSEE or independent contractors retained by LICENSEE to accomplish any of LICENSEE's obligations or responsibilities under this Agreement

14. **Contingencies:** This License is contingent upon approval by regulating governmental authorities. In the event such approval is withheld or subsequently withdrawn,

LICENSEE, subject to all other terms and conditions of this agreement, shall have the right to terminate this License by ninety (90) days advance written notice to LICENSOR and said termination shall release LICENSOR and LICENSEE from all further obligations set forth herein one to another. In such event, LICENSEE shall promptly remove, at LICENSEE's sole expense, its antenna and all other equipment and lines installed by or for the benefit of LICENSEE.

15. **Termination:** LICENSEE shall have the right to terminate this Lease at any time upon any of the following events:

- A. Upon providing LICENSOR six (6) months written notice.
- B. If the approval of any agency, board, court, or other governmental authority necessary for the approval of this Agreement and construction and/or operation of the Communications Equipment cannot be obtained, or is revoked or if LICENSEE determines the cost of obtaining or retaining such approval is prohibitive.
- C. If LICENSEE determines that the property is not appropriate for locating its Communications Equipment for technological reasons, including, but not limited to, signal interference.

LICENSEE will give LICENSOR thirty (30) days written notice of termination of this Agreement under the terms of this Paragraph number 10 sections (B) and (C). Upon termination, neither party will owe any further obligation under the terms of this Agreement, except for LICENSEE's responsibility of removing all of its Communications Equipment from the Premises and restoring the areas occupied by LICENSEE to its original condition, save and except normal wear and tear and acts beyond LICENSEE's control.

16. **Default:** Should LICENSEE fail to pay when due rent or any other amounts due LICENSOR hereunder or fail to cure any breach of any other provision of the License after thirty (30) days written notice and demand, LICENSOR may terminate this License Agreement immediately, without further notice, and require LICENSEE to remove or cause to be removed all of LICENSEE's equipment. LICENSEE shall, in such event, remain liable for any and all costs incurred for removal of LICENSEE's antenna, transmission lines and associated equipment from LICENSOR's Tower and for removal of associated structures from space provided. LICENSOR shall not be liable for any damage to such equipment during its removal. Should LICENSOR be entitled to collect any rentals or damages due to LICENSEE'S default, LICENSOR shall be entitled to its reasonable costs and attorneys fees thereby incurred.

17. **Surrender of Premises:** Upon expiration or termination of the License, LICENSEE, at its own costs and expense, shall completely remove or have removed, all structures, including antennas and associated mounting brackets and transmission equipment and concrete foundations, fences and other associated structures and restore the Licensed Premises to its original condition, ordinary wear and tear excepted. If such time for removal causes LICENSEE to remain on the Licensed Premises and Tower after the termination or expiration of this Agreement,

LICENSEE shall pay rent at a monthly rental of one and one-half quarter (1.25) times the per month rental then applicable, until such time as the removal of personal property and fixtures is completed.

18. **Assignment:** This Agreement may be sold, assigned or transferred at any time by LICENSEE to LICENSEE's parent company or any affiliate or subsidiary of LICENSEE or its parent company, to any successor entity with or into which LICENSEE is sold, merged or consolidated. Otherwise, this Agreement may not be sold, assigned, or transferred without the written consent of the LICENSOR, such consent not to be unreasonably withheld.

19. **Notice.** All notices hereunder must be in writing and shall be deemed valid, if sent by certified mail, return receipt requested, addressed as follows, or sent to any other address that the party to be notified may have designated to the sender by like notice:

As to LICENSOR: Town of Carrboro
 301 W. Main Street
 Carrboro, North Carolina 27510
 Attention: Robert Morgan, Town Manager
 Telephone: (919) 968-7706

As to LICENSEE:

20. **Taxes:** Tenant shall pay annually an amount equal to any increase in real estate taxes that may be attributable to any improvement to the Premises made by Tenant. If such tax is paid by Landlord, then Tenant shall reimburse Landlord for the amount of any such tax payment within (60) sixty days of receipt of sufficient documentation indicating the amount paid and the calculation of Tenant's pro-rata share. Upon written request by Tenant, Landlord shall furnish evidence of payment of such taxes.

21. **Insurance:** Tenant shall, at its expense, maintain in force during the term of this Lease, a combined single limit policy of bodily injury and property damage insurance, with a limit of not less than \$1,000,000.00 insuring Landlord and Tenant against all liability arising out of the use, occupancy, or maintenance of the Premises and appurtenant areas.

22. **Severability And Substitution Of Valid Provisions:** In the event that any provision of this Agreement shall be found to be void or unenforceable, such finding shall not be construed to render any other provision of this Lease either void or unenforceable.

23. **Binding Agreement:** This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns (when allowed to be assigned) of the parties hereto.

24. **Governing Laws:** This License Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of North Carolina.

25. **Final Agreement:** This Agreement represents the entire and final agreement of the parties and no agreements or representations, unless incorporated into this Agreement, shall be binding on any of the parties. The date of this Agreement shall be the day upon which it becomes fully executed by all parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals this day and year first above written.

LICENSOR:

THE TOWN OF CARRBORO, NORTH
CAROLINA

By: _____
Robert Morgan, Town Manager

Attest: _____
Sarah Williamson, Town Clerk

(CORPORATE SEAL)

LICENSEE:

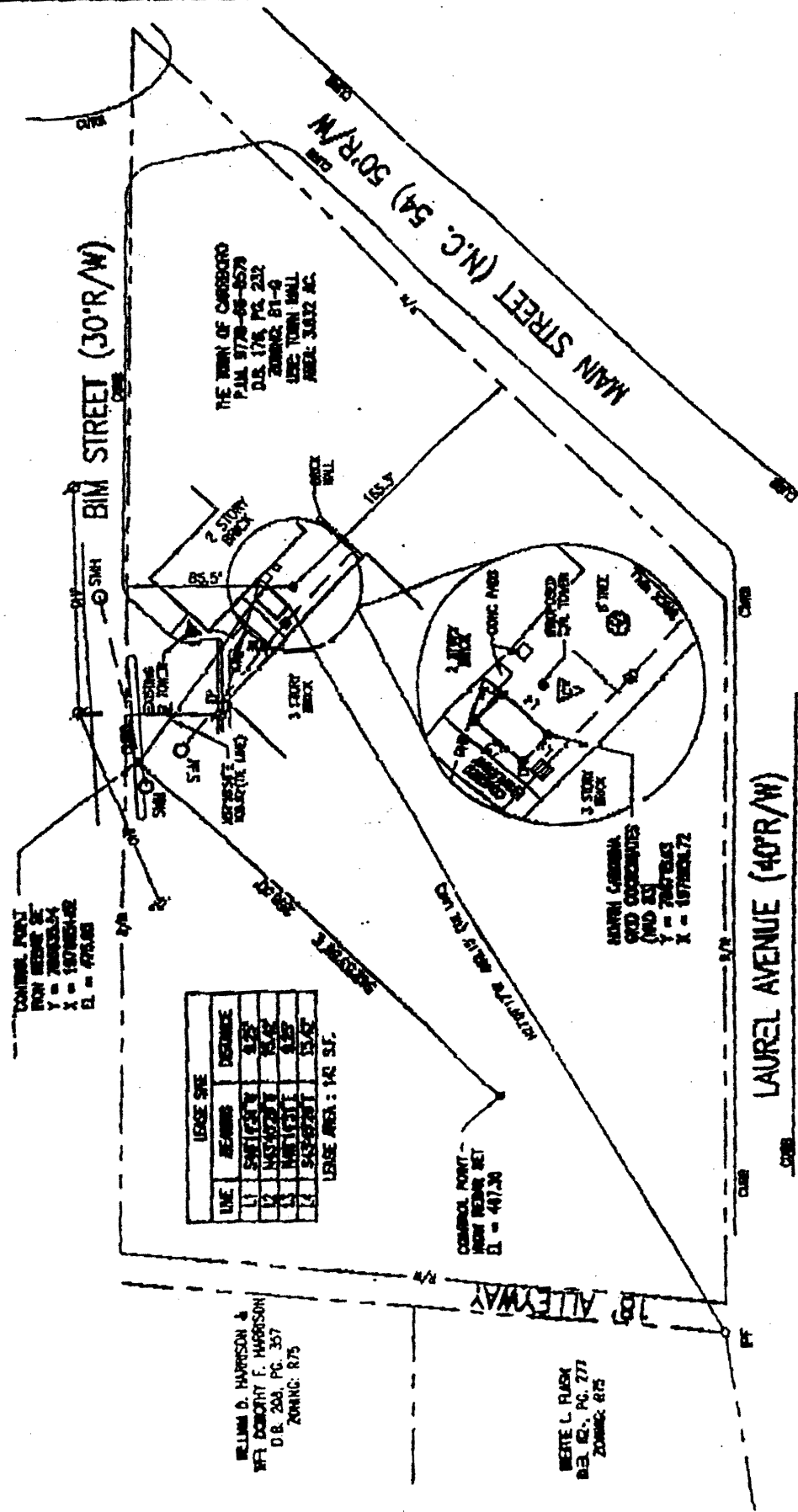
By: _____

(CORPORATE SEAL)

Attest: _____
_____, Secretary

NORTH CAROLINA CSD (AND 63)

BELL SOUTH Carolina PCS		08-300-139-A	STE SIMON	22597.02	C-2
<p>PRELIMINARY PLAN NOT FOR RECORDING SALES, OR CONVEYANCE</p>					



LINE	BEARING	DISTANCE
1	S 81° 15' 00" E	1.25
2	N 81° 15' 00" E	1.25
3	S 81° 15' 00" E	1.25
4	N 81° 15' 00" E	1.25

LEGEND

- LINE SURVEYED
- LINE NOT SURVEYED
- IRON PIN SET
- IRON PIN FOUND
- UTILITY POLE
- EDGE OF PARCELS
- SWAMPY UNUSABLE
- IRON STORM MANHOLE

SITE SURVEY



NOTES

- SEE DRAWING C-1 FOR GENERAL NOTES.
- ACCESS TO LEASE SITE TO BE OVER OR ALONG THE EXISTING EMBANKMENTS, DRIVEWAYS, PARKING AREAS, AND STAIRWAYS LOCATED ON THE PROPERTY OF WHICH THE LEASE SITE IS A PART EXTENDING TO AND FROM THE LEASE SITE AS SHOWN HEREON TO AND FROM THE ADJOINING PUBLIC RIGHT OF WAY, AS SUCH ADJOINING PUBLIC RIGHT OF WAY IS SHOWN AND DESIGNATED HEREON.

Exhibit B

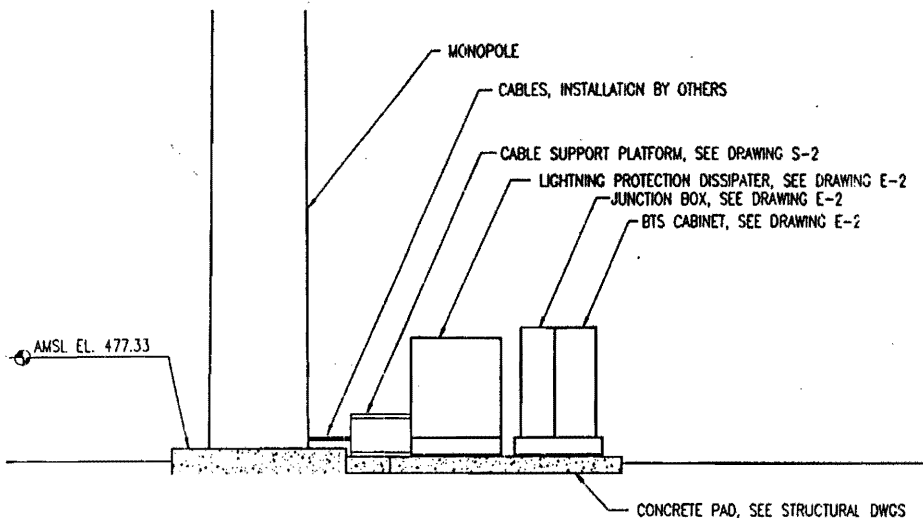
to Memorandum of Lease

LEGAL DESCRIPTION

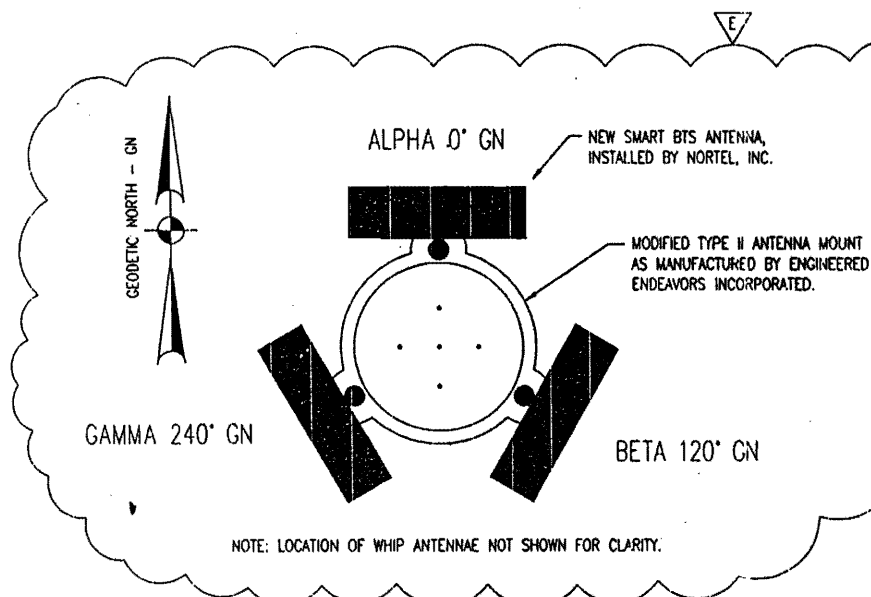
BEING the area shown and delineated as the "Lease Site" on the Lease Exhibit of Site 368-130-A-CARRBORO prepared for BellSouth Carolinas PCS, L.P. by Piedmont Olsen Hensley dated June 13, 1996, and attached hereto and made a part hereof ("Lease Exhibit"), such Lease Site being a portion of the real property of The Town of Carrboro, as such real property is described in that certain deed recorded in Book 176, Page 232, Orange County Registry, North Carolina.

TOGETHER WITH a utility easement across the lands of the Lesser in a location reasonably designated by the Tenant, or the utility provider installing the service, so as to provide electrical service to the Lease Site sufficient to operate the improvements of Tenant on the Lease Site.

TOGETHER WITH a nonexclusive right and easement for ingress and egress at all times, on foot or by motor vehicle, including trucks, and for the installation and maintenance of utility wires, cables, conduits and pipes, and equipment, over, under, or along the existing entrance(s), driveway(s), parking area(s), roof, elevator(s), stairway(s), landscaped area(s), and open area(s) located on the property of which the Lease Site is a part extending to and from the Lease Site as described above to and from the adjoining public right of way, as such adjoining public right of way is shown and designated on the Lease Exhibit.



EQUIPMENT LAYOUT ENLARGEMENT



TOWER ORIENTATION

NEW BELLSOUTH
SMART ANTENNA
INSTALLATION BY
NORTEL, INC.

120' AGL
(APPROXIMATE)
ALTERNATE
BRACKET FOR
PUBLIC WORKS
ANTENNA

- 170' AGL
TOP OF POLICE AND FIRE ANTENNA
- 164' AGL
TOP OF PUBLIC WORKS ANTENNA

- 144' AGL
TOP OF BELLSOUTH PCS ANTENNA
- TOP OF TOWER - 135' AGL

- 134' AGL
TOP OF ZONING AND INSPECTIONS ANTENNA
- 122' AGL (APPROXIMATE)
TOP OF FUTURE CARRIER

- 102' AGL (APPROXIMATE)
TOP OF FUTURE CARRIER

NOTE: CONTRACTOR TO COORDINATE PLACEMENT
OF TOWN OF CARBORO'S ANTENNAE AND
ASSOCIATED CABLEING WITH TOWN'S
COMMUNICATIONS CONSULTANT.

135' ENGINEERED ENDEAVORS, INC. MONOPOLE
SEE TOWER VENDOR'S SITE SPECIFIC
DRAWINGS FOR ERECTION DETAILS
NOT SHOWN

NOTE: THE CONDITIONAL USE PERMIT
(CUP) APPROVED FOR THIS
SITE IS FOR THREE CARRIERS. BELLSOUTH
ANY CHANGES OR MODIFICATIONS
WILL REQUIRE A CUP MODIFICATION
FROM THE BOARD OF ALDERMEN.

TOWER ELEVATION

2.0.13.90 REVISED

NO.	DATE	REVISION DESCRIPTION
1	8/1/96	ADDED NOTE
2	8/20/96	REVISED ANTENNA L.C.
3	8/21/96	REVISED ANTENNA L.C.
4	8/22/96	REVISED TOWER H.D. REMOVED SECURITY
5	8/25/96	CHANGED TOWER L.C.
6	1/9/98	ISSUED FOR PERMIT AND OWNER'S REVIEW

BELLSOUTH
Carolinas PC

09-368-130-

TOWER
ELEVATIONS

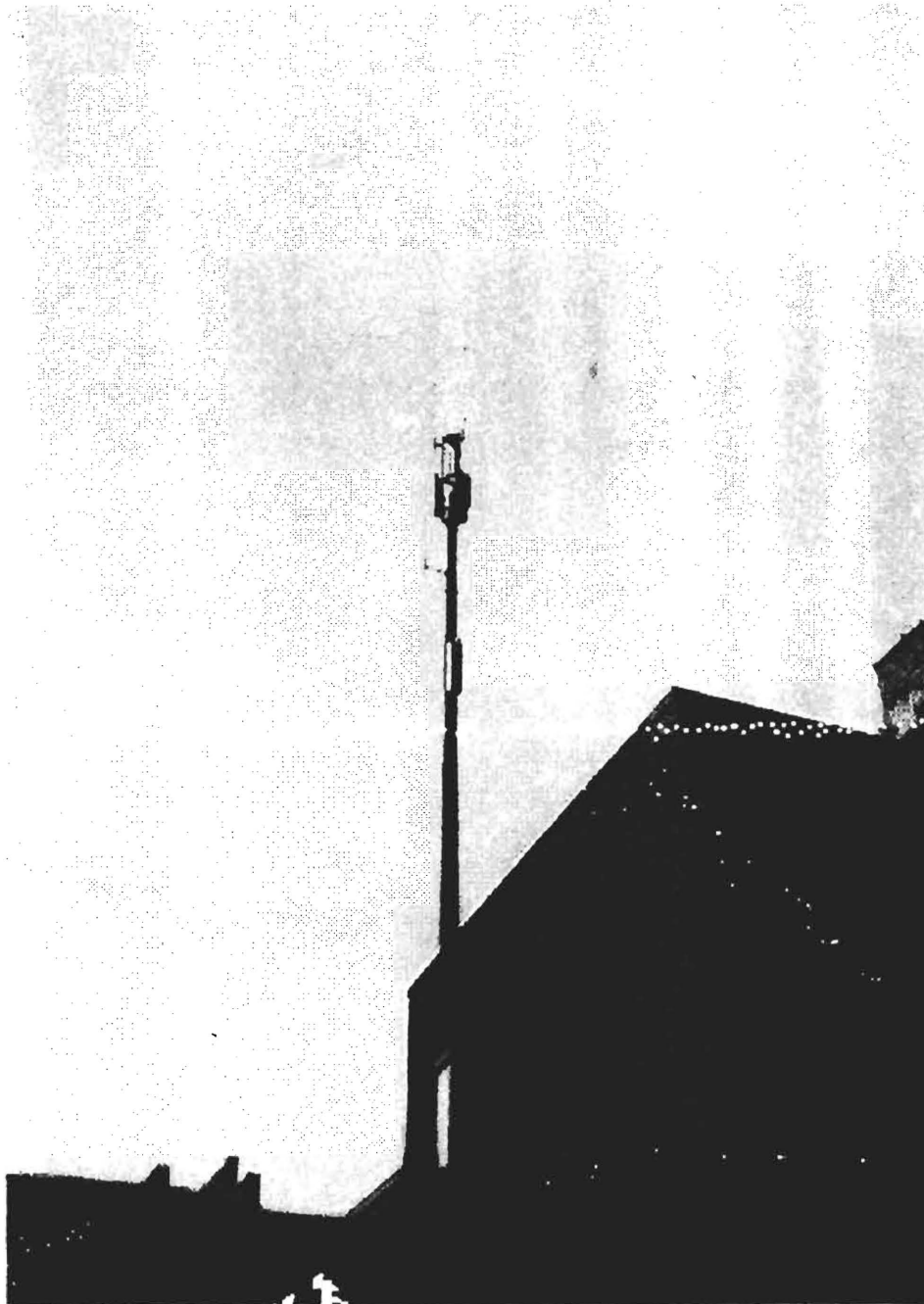
copyright © 1998

Michael Osen
ENGINEERS/ARCHITECTS/PLANNERS
2301 Riverchase Drive
Port Office Box 31308, Raleigh, NC 2
Tel 919/782-3511 Fax 919/782-3511



SEAL NOT VALID UNLESS SIGNED

PROJECT MANAGER A. GARCEAU	DEPAR J. LAY
LEAD DESIGN PROF. P. BASHETTE	CHECK D. BRC
DRAWN H. SIMPSON	DATE 3/28/98
PROJECT NUMBER 22597.02	DRAWN



Sprint Site 66
Carrboro



09-368-130-A

TeleComplete
Systems LLC
TELECOMMUNICATIONS
REAL ESTATE SPECIALISTS

A-T-W

Carrboro, NC

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 12, 1998

SUBJECT: Authorization to Enter Into a Contract for Consulting Services to Develop a Technology Strategic Plan.

DEPARTMENT: Town Manager's Office	PUBLIC HEARING: YES ____ NO <input checked="" type="checkbox"/> ____
ATTACHMENTS: Proposal for Services	FOR INFORMATION CONTACT: Robert W. Morgan, Town Manager

PURPOSE

The purpose of this item is to consider entering into a contract with The Network Address, Inc. for the development of strategic plan for the Town for technology.

ANALYSIS

The Town has over the last two years increased its capacity to serve the public through technology improvements. The Town has no single individual whose expertise is in technology. The Town Administration has taken advantage of the numerous individuals in the organization that has developed an interest and knowledge in computers to help guide the Town in developing a plan for implementing technology. With the addition of the town center this year and the need to connect this facility with other Town facilities through a phone system and the computer network, it seems an appropriate time to receive some technical expertise in these areas to make cost-effective decisions.

Attached is a proposal from Network Address, Inc. for a technology assessment and strategic plan for the Town. The Town came to know of this firm through Carolina Innovation Group of which the Town is a member. The Town Administration requested a proposal for its review and consideration. The cost of the proposal is \$11,500. This cost can be covered from lapsed salary from the vacant position of the Assistant Town Manager. The Town Administration negotiated the price for this proposal and believes it to be a fair price after conferring with other municipalities contracting for similar work. The firm has done similar work with other municipalities and their references are good.

The Town Administration has done some preliminary investigation in these technology areas in order to provide necessary budget recommendations. It is through this investigation that it was determined that independent technical advice would be beneficial in identifying the appropriate level of technology as well as providing advice to avoid costly pitfalls.

RECOMMENDATION

The Town Administration recommends that the Mayor and the Board of Aldermen authorize the Town Manager to enter into a contract with Network Address, Inc. for a total cost of \$11,500 to provide a technology assessment and strategic plan for the Town.

ACTION REQUESTED

To approve the Town Administration's recommendation

2003 C&D Commerce Park Drive
Annapolis, Maryland 21401
410.841.9100 Fax 410.841.9106
800-61NETWORK

RECEIVED
MANAGER'S OFFICE
TOWN OF CARRBORO
FILE COPY

The Network Address, Inc.

APR 7 1998

April 3, 1998

Robert Morgan
Town Manager
Town of Carrboro
301 West Main Street
Carrboro, NC 27510

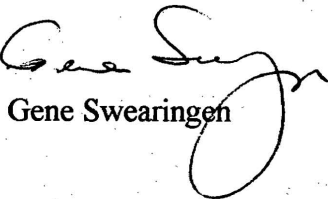
Dear Bob:

Attached is a proposal which includes both the Technology Assessment and the Strategic Planning for the town of Carrboro. We have adjusted the price to reflect the size of the project. We have not reduced the scope of work - all deliverables are the same as for a larger city.

We also included discounted pricing to Carrboro as a member of the Innovation Groups.

We look forward to working with you in the near future. If you have any questions or need any additional information, give me a call at our toll-free number.

Sincerely,


Gene Swearingen

Proposal To
The Town of Carrboro, North Carolina
Technology Assessment and Plan

April 2, 1998

Introduction

As a strategic line of business, The Network Address, Inc. (NAI) offers a Technology Planning and Assessment Service to local government. The focus of this service is specific while the scope varies based on the needs and interests of each individual government. For example, the scope can range from development of a comprehensive set of strategic and tactical technology plans to review and assessment of specific projects and issues.

NAI is pleased to have the opportunity to submit this proposal to The Town of Carrboro. NAI staff has extensive experience in the organizational, financial, management and technical issues surrounding the planning, introduction, deployment, support and maintenance of technology. As a result, NAI understands the importance of delivering solid, cost effective technology solutions which reliably serve the needs of a wide user constituency.

NAI has tailored the scope and deliverables for this proposal based on discussions with the Town Manager, the Technology Committee and a member of the Carrboro Town Council. This proposal outlines NAI's understanding of this scope and these deliverables. NAI's approach to delivering this service is also defined. NAI understands that this engagement encompasses the town government and its agencies. Throughout this proposal, NAI refers to these groups collectively as Carrboro or the "".

General

The Network Address, Inc., has a staff of fifteen, its main office in Annapolis, Maryland and a satellite sales office in Centreville, Virginia. All correspondence is to be addressed to:

The Network Address, Inc.
Attn.: Gene Swearingen
5667 Stone Rd, Suite 230
Centerville, VA 20120
(703) 631-2718/Fax (703) 803-7917

Incorporated in April of 1994, The Network Address, Inc. (NAI) provides a wide range of services and products to assist organizations plan, design and build sound and extensible technology infrastructures. Focusing on the first four layers of the Open Systems Interconnect model (OSI), NAI offers planning and assessment assistance in the development of strategic and tactical technology plans. Additionally, NAI is a systems integrator of products and equipment that enable and support on-going technology operations and management. Drawing on a combined base of ninety years of experience in information technology and telecommunications, NAI provides planning, assessment, project management and system integration services for local government.

NAI's local government business unit provides consulting, planning, project management and system integration design services to its local government clients. NAI's primary planning emphasis is the management of technology as well as the technology itself. Within the local government market, NAI provides hardware, software and application systems technology solutions. These include local area, wide area and remote connectivity, a full range of Internet and Intranet services and a full process of application selection starting with the requirements analysis and continuing through RFP development, issuance, responses evaluation, selection and subsequent implementation management. These, coupled with strong governance oversight consisting of well defined organizational structures, clearly enunciated standards policies and procedures, and a common understanding of staff roles, responsibilities and expectations, form the core of comprehensive strategic and tactical plans. From the technical perspective, as a strong proponent of industry standards, NAI's focus is on current and emerging technologies which adhere to the guidelines and principles established by the nationally recognized oversight bodies such as the ANSI, IEEE, OSF and CCITT.

NAI's local government practice is dedicated to serving the needs of local governments across the United States. These services range from assessing a government's position relative to current and emerging technologies, to strategic technology architecture and infrastructure planning, to tactical project management services. As a result, NAI offers a full breadth of services including equipment identification and specification, software selection, network planning, both wide and local area, application acquisition services, and the project management to assist the town with and ensure successful technology implementation and on-going operation.

Engagement Objectives

- Review past and current town technology plans, goals and objectives for depth,

breadth and consistency.

- Evaluate and assess the consistency and scope of The Town of Carrboro's telecommunications and data processing environments. Examine their cost and functional effectiveness, and their ability to receive, assimilate, manage and support current and emerging technologies.
- Develop an understanding of the town's direction and objectives and how technology would serve these.
- Design wide area and local area data networks appropriate for Carrboro . This includes specifications for hardware, software, circuits and maintenance.
- Determine the town's telephone needs and identify a direction for Carrboro to pursue.
- Engineer a technology governance structure appropriate for Carrboro encompassing organizational roles, responsibilities and accountabilities, functional position descriptions and related funding issues.
- Develop and deliver a report to Management discussing each of the above engagement objectives and the town's technology readiness position. Provide relevant recommendations for future technology planning, direction and programs.

Scope of Work

Carrboro has requested a review of the town's existing information and telecommunications systems, plans and needs and a plan for future technology directions.

To address those areas, NAI's scope of work incorporates the following:

- Interviews of key town personnel and technology users to understand perceived plans, direction and vision.
- Review of past and current technology plans. Review recent and planned technology implementations for cost and functional effectiveness and consistency.
- Examination of information systems policies, procedures and service delivery mechanisms. Assess user satisfaction, service levels and user expectations of current, planned and future technologies.
- Review of the current organizational assignment of responsibilities and authorities relative to the management of technology within The Town of Carrboro.

- Review of current and previous city budgets for technology expenditures, including acquisition policies and procedures, staff, training and support.
- Examination of telecommunications and systems hardware, software and network documentation, policies, procedures and standards.
- Examination of technology deployment in key functional areas as applicable to the town's span of control. These may include Public Safety, Parks and Recreation, Public Works, Finance, Geographic Information Systems (GIS) and Information Systems. Assess whether these systems' potential to scale is consistent with The Town of Carrboro's technology direction, plans and needs.
- Evaluation of the currently published (or de-facto) town standards in the areas of cabling and connectivity, compliance with industry standards and adherence to internal local standards.
- Evaluation of the town's position relative to exploiting Internet and IntraNet services and providing public access to its information.
- Examination of the technology infrastructure support and review current telecommunications topologies and implementations, inter-system connectivity and connectivity to vendors, suppliers and other external sources.
- Determination of the level of current and planned technology integration relative to strategic town needs. These include the wired technologies of voice, fax, data and video, Internet and IntraNet, wireless technologies consisting of cellular, personal communications (PCS), mobile offices and data terminals, and central and distributed computing systems.

Deliverables

As a result of its work, NAI will provide the town with:

- A report to management that enumerates the findings of the assessment. The report will offer an opinion as to Carrboro's position regarding the organization's current technology staffing, governance, cost, physical and logical structures. The report will also provide an opinion as to the readiness of the town to accept and deploy modern technology into its current and planned environments, and offer recommendations for consideration going forward.
- A technology plan identifying specific wide area and local area networking solutions, desktop computer strategies including hardware, software and network configurations and an enumeration, with specifications, of core technology services the town should consider providing.

- A statement of direction with specific recommendations regarding the town's telephone needs.
- A final meeting with Carrboro 's executive management to discuss the report, its findings and accompanying recommendations.

Engagement Approach

The review consists of four phases. To minimize expense, only the necessary components will be conducted at the 's locations. An NAI Engagement Manager together with a Carrboro -assigned Project Manager are collectively responsible for overseeing the program. The project manager must have the authority to schedule town resources, share documentation, policies and procedures with the engagement manager and be available as needed for the duration of the engagement. The engagement follows this sequence:

Preparation Phase

The project manager assembles current documentation, plans, policies, and procedures, and other agreed upon pertinent material, and forwards these to NAI. The engagement manager reviews this material in preparation for the next phase. Based on NAI's review, the engagement manager and the project manager determine a schedule for the assessment phase and schedule the necessary resources.

Assessment Phase

The engagement manager conducts the assessment phase at Carrboro 's offices. During this phase, the engagement manager meets with key town officials, management and staff to discuss the material provided and reviewed in the preparation phase. Additionally, physical facilities, the technology environment, inter-connectivity and geographic considerations are examined.

Analysis Phase

In the analysis phase, NAI assimilates the information it has gathered and develops an executive report which describes its findings and provides pertinent recommendations. The report will provide an opinion regarding the 's current position as it relates to its technology costs and infrastructure and its stage of readiness for adopting and installing technology going forward.

Reporting Phase

A draft report is sent to the project manager for the town's initial review. At this time, Carrboro staff is asked to review the draft and identify any errors of fact or omission. Once these comments are received, a final report is issued.

As the last step, the engagement manager returns to The Town of Carrboro offices for meetings with management and staff to discuss the details of the report.

NAI Staff Resumes

Mason E. (Gene) Swearingen, Vice President: Mr. Swearingen has over twenty years experience in the public and private sectors. He received his Bachelor of Arts degree in History and Political Science from Hampden-Sydney College in Virginia and a Master of Public Administration degree from the University of North Carolina in Chapel Hill. Mr. Swearingen joined The Network Address, Inc. in 1994, provides management consulting services to local government and is directly responsible for sales and marketing as well.

During his career, Mr. Swearingen has served as an Assistant City Manager and Budget Director in Winston-Salem, North Carolina, President of the International City Management Association (ICMA) RC services company and as a management consultant to local government for the Mercer Group. Mr. Swearingen has overseen the development and management of city budgets of \$50 million, has extensive knowledge of local government practices as well as Human Resources issues involving organizational development, staffing requirements and standards, and EEO research and investigation. Additionally, he has provided training on Performance Appraisal, Job Analysis and strategic planning for government employees and has developed training transition plans.

R. H. ("Jake") Jacobstein, Vice President: Mr. Jacobstein has worked in excess of twenty-five years in the information technology field in commercial, local government and academic environments. Through this experience, Mr. Jacobstein has had direct responsibility for all scales of computing platforms including mainframes, S/38, AS/400 and DEC mid-range processors, personal computers and RISC systems including large scale remote, interactive and integrated networking of these environments. Mr. Jacobstein received his B.S. in Mathematics from the University of Buffalo and his M.B.A., with distinction, from The Ohio State University. He is a member of the Beta Gamma Sigma honor society.

Mr. Jacobstein joined The Network Address Inc. in 1995. As Vice President, Client Services, he is responsible for the company's Management Consulting practice. During his career, he has been responsible for staffs of eighty, annual budgets to \$20 million dollars and multi-year, multi-million dollar technology projects. He has managed large scale tandem data centers for the banking and health care industries, national and international wide area networks serving commercial and military customers and as the Director of Information Resources for the International City Management Association (ICMA) RC, provided technology services to support over four hundred local government members.

More recently, as Director of Technology for John Hopkins University Hospital, Mr.

Jacobstein replaced the hospital and medical school network (circa 1983) with a new fiber based backbone architecture serving over 2000 clients, thirty geographically dispersed locations and forty servers. The contemporary design and architecture of this seamless and pervasive network provided for the interconnectivity and integration of these servers which consisted of IBM mainframes, DEC mini computers, and UNIX, Novell and WINDOWS NT systems.

Qualifications and References

NAI staff has over ninety combined years experience in providing technology planning, design and management services and focuses its services in the local government market place. As a result of its understanding of the local government environment, NAI has been selected by The Innovation Groups (IG), a not-for-profit association dedicated to serving local government, to provide technology consulting services and host technology seminars for its members. Contact Bob Havlick, President of the Innovation Groups at (813) 622-8484 for additional information.

NAI's local government business unit exclusively offers technology assessment, planning and project management to counties, cities, towns, et. al. These services are similar to the ones that Carrboro is seeking. Depending on the government, the public school system and/or community college is included in the scope of work. The size of organizations served varies from two-hundred fifty full time equivalents to over thirty-four hundred. The installed technology base has ranged from mainframes to micros with mid-range systems, including the AS/400, being the most prevalent. Networking complements have supported just a handful of users to installations of over forty servers and in excess of two thousand users.

The following list is a reference of government's where NAI has been engaged for consulting services relevant to this proposal.

Frederick County, Maryland.

Carl Moore
Director of Interagency Information Systems for Frederick County
117 E. Church St.
Frederick, MD 21701
(301) 694-1010.

Prince William County, Virginia.

Dennis Gardiner
Director of the Office of Technology and Facility Support Services
4379 Ridgewood Center Drive, Suite 201.
Prince William, VA 22192-5308
(703) 792-6880.

City of Upper Arlington, Ohio.

Richard King
City Manager
3600 Tremont Rd.
Upper Arlington, OH 43221-1595
(614) 459-6100

Arlington County, Virginia.

Jorge Gonzalez
Assistant County Manager
2100 Clarendon Blvd.
Arlington, VA 22209
(703) 358-3120

City of Staunton, Virginia.

Richard Anzolut
Assistant City Manager
P.O. Box 58
Staunton, VA 22402
(540) 332-3812

Clark County/City of Springfield, Ohio

Peter Husenitza, MIS Director
76 High St.
Springfield, OH 45502
(614) 761-6500 x232

Topeka, Kansas

Alan Morris
Chief Administrative Officer
215 SE 7th St.
Topeka, KS 66603
(913) 368-3725

Rock Hill, South Carolina

J. Russell Allen
City Manager
P.O. Box 11706
Rock Hill, SC 29731-1706
(803) 329-5500

Temple Terrace, Florida

Tom Bonfield
City Manager
11250 North 56th St.
P.O. Box 16930
Temple Terrace, FL 33687
(813) 989-7105

Pricing

The Network Address, Inc., proposes the following pricing for the Technology Assessment described above. Please note that this pricing reflects a 10% discount provided to members of the Innovation Groups.

- The cost of the assessment is \$9,000.00.
- Travel Expenses will not exceed \$2,500.00.

The payment schedule for the project will be as follows:

- Out-of-pocket expenses will be invoiced monthly.
- The assessment will be invoiced upon delivery of the final report.

The project will be completed approximately seven weeks after receipt of purchase order.