

AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, MAY 19, 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: May 12, 1998**

(2) **Street Closing Request/Town of Carrboro's Independence Day Celebration**

The administration requests adoption of the attached resolution authorizing the temporary closing of Town Hall Drive and portions of Laurel Avenue and West Main Street to accommodate the town's Independence Day Celebration.

(3) **Appointment to Recreation and Parks Commission**

The Chair of the Recreation and Parks Commission recommends that Monica Nees be appointed to one of the vacant seats on the Recreation and Parks Commission.

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

D. PUBLIC HEARINGS

7:55 - 8:15 (1) **Continuation of Public Hearing/Land Use Ordinance Text Amendment/
NP Fences and Berms**

The Mayor and Board of Aldermen will continue discussion of 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

8:15 - 8:35 (1) **Presentation of OWASA Assessment Policy**
P/10

A representative of OWASA will present OWASA's Assessment Policy Applicable to Water and Sewer Service Extensions to Existing Unserved Neighborhoods.

8:35 - 8:50
P/S

(2) **Bolin and Morgan Creek Studies**

The administration will present a suggested scope of work for a corridor study of both the Morgan Creek and Bolin Creek and request authorization to make application for a grant from the Clean Water Management Trust Fund.

8:50 – 8:55 F. MATTERS BY TOWN CLERK

8:55 – 9:05 G. MATTERS BY TOWN MANAGER – Request for Closed Session to Discuss Acquisition of Property

9:05 – 9:15 H. MATTERS BY TOWN ATTORNEY

9:15 – 9:25 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(3)

AGENDA ITEM ABSTRACT

MEETING DATE: May 19, 1998

SUBJECT: Appointment to Recreation and Parks Commission

DEPARTMENT: n/a	PUBLIC HEARING: YES ____ NO <u>x</u> __
ATTACHMENTS: Application from Monica Nees	FOR INFORMATION CONTACT: Doris Murrell, Chair, Recreation and Parks Commission

PURPOSE

To consider appointing Monica Nees to the Recreation and Parks Commission.

SUMMARY

There are currently four (4) vacant seats on the Recreation and Parks Commission. The Town Clerk has received an application from Monica Nees, which was forwarded to the Chair of the Recreation and Parks Commission for review. The Chair of the Recreation and Parks Commission is recommending that Ms. Nees be appointed.

Ms. Nees is currently a member of the town's Downtown Development Commission. She has indicated that she will immediately resign from the Downtown Development Commission when she is appointed to the Recreation and Parks Commission.

ACTION REQUESTED

To consider appointing Monica Nees to the Recreation and Parks Commission.

BOARD OF ALDERMEN

ITEM NO. B(2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 19, 1998

SUBJECT: Street Closing Permit – Town of Carrboro's Independence Day Celebration

DEPARTMENT: PUBLIC WORKS DEPT.	PUBLIC HEARING: NO						
ATTACHMENTS: <ul style="list-style-type: none">• Street Closing Application• Sketch• Resolution	FOR INFORMATION CONTACT: Chris Peterson 968-7716						
THE FOLLOWING INFORMATION IS PROVIDED: <table><tr><td><input checked="" type="checkbox"/> Purpose</td><td><input type="checkbox"/> Summary</td><td><input checked="" type="checkbox"/> Analysis</td></tr><tr><td><input checked="" type="checkbox"/> Recommendation</td><td><input checked="" type="checkbox"/> Action Requested</td><td></td></tr></table>		<input checked="" type="checkbox"/> Purpose	<input type="checkbox"/> Summary	<input checked="" type="checkbox"/> Analysis	<input checked="" type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Action Requested	
<input checked="" type="checkbox"/> Purpose	<input type="checkbox"/> Summary	<input checked="" type="checkbox"/> Analysis					
<input checked="" type="checkbox"/> Recommendation	<input checked="" type="checkbox"/> Action Requested						

Purpose

The Town of Carrboro has submitted a Street Closing Permit Application for the closing of:

1. Town Hall Drive from 6:00 a.m. to 7:00 p.m.
2. Laurel Avenue, from the Main Street/Laurel Avenue intersection to the third exit to the Swish Car Car Wash on Laurel Avenue from 6:00 a.m. to 7:00 p.m.

to accommodate the Town's Independence Day celebration

and for the closing of:

1. West Main Street, from the Main Street/Laurel Avenue intersection to the Main Street/Fidelity Street intersection, including the Main Street/Ashe Street intersection from 6:00 a.m. to 10:30 a.m.

to accommodate the Farmers Market.

Analysis

In order to close Town right of ways, the approval of a Street Closing Permit Application is required.

The Administration is requesting that the following streets be closed to accommodate the Town's annual Independence Day Celebration and the re-location of the Farmers Market due to the Independence Day celebration.

Action Requested

The Board is requested to approve the Street Closing Permit Application by the adoption of the attached Resolution.

Recommendation

The Administration recommends the adoption of the attached Resolution approving the Street Closing Permit Application.

PERMIT APPLICATION

CONCERNING THE USE OF STREETS AND PUBLIC RIGHT-OF-WAY FOR STREET FAIRS, FESTIVALS, CARNIVALS, AND OTHER PUBLIC EVENTS

EVENT: Town of Carrboro Independence Day Celebration
EVENT SPONSOR: Town of Carrboro
EVENT COORDINATOR: Bob Morgan, Town Manager

PROPOSED DATE AND TIME PERIOD PROPOSED FOR CLOSING:

DATE: Saturday, July 4 RAIN DATE: Not applicable

Farmers Market: 6:00 a.m. to 10:30 a.m.
Independence Day Celebration: 6:00 a.m. to 7:00 p.m.

APPROXIMATE NUMBER OF PERSONS EXPECTED TO ATTEND THE EVENT:

Farmers Market: 200
Independence Day Celebration: 3,000

ARE ANY SPECIFIC SERVICES REQUESTED OF THE TOWN? YES

If YES, specify:

- Public Works Department to provide support for equipment set-up and disassembly and provide facility maintenance during the event.
- Public Works Department to provide and install temporary traffic control devices on the day of the closing (barricades, cones, and signs).
- Public Works Department shall provide a portable dumpster and roll-out containers for the collection of solid waste and recyclables generated by the event.
- Police Department shall provide officers for security and traffic control and shall notify Central Communications, on the event day, when the streets are closed and when re-opened.

ATTACH A SKETCH SHOWING:

- *Area where event is to take place*
- *Any streets to be closed or obstructed*
- *Any barriers or traffic control devices to be erected*
- *Location of any concession stand, booth or other temporary structures*
- *Location of proposed fences stands, platforms, stages, benches or bleachers*

INSURANCE INFORMATION: Town of Carrboro

NOTIFICATION OF CENTRAL COMMUNICATIONS (911):

*The **APPLICANT** is responsible for notifying Central Communications (911):*

- *at least five (5) days in advance of the event in writing (Orange County EMS, Post Office Box 8181, Hillsborough, NC 27278)*
- *on the day of the closing, prior to the actual closing of the street (dialing 911)*
- *on the day of the closing, when the street is re-opened (dialing 911)*

NOTIFICATION OF THE PUBLIC:

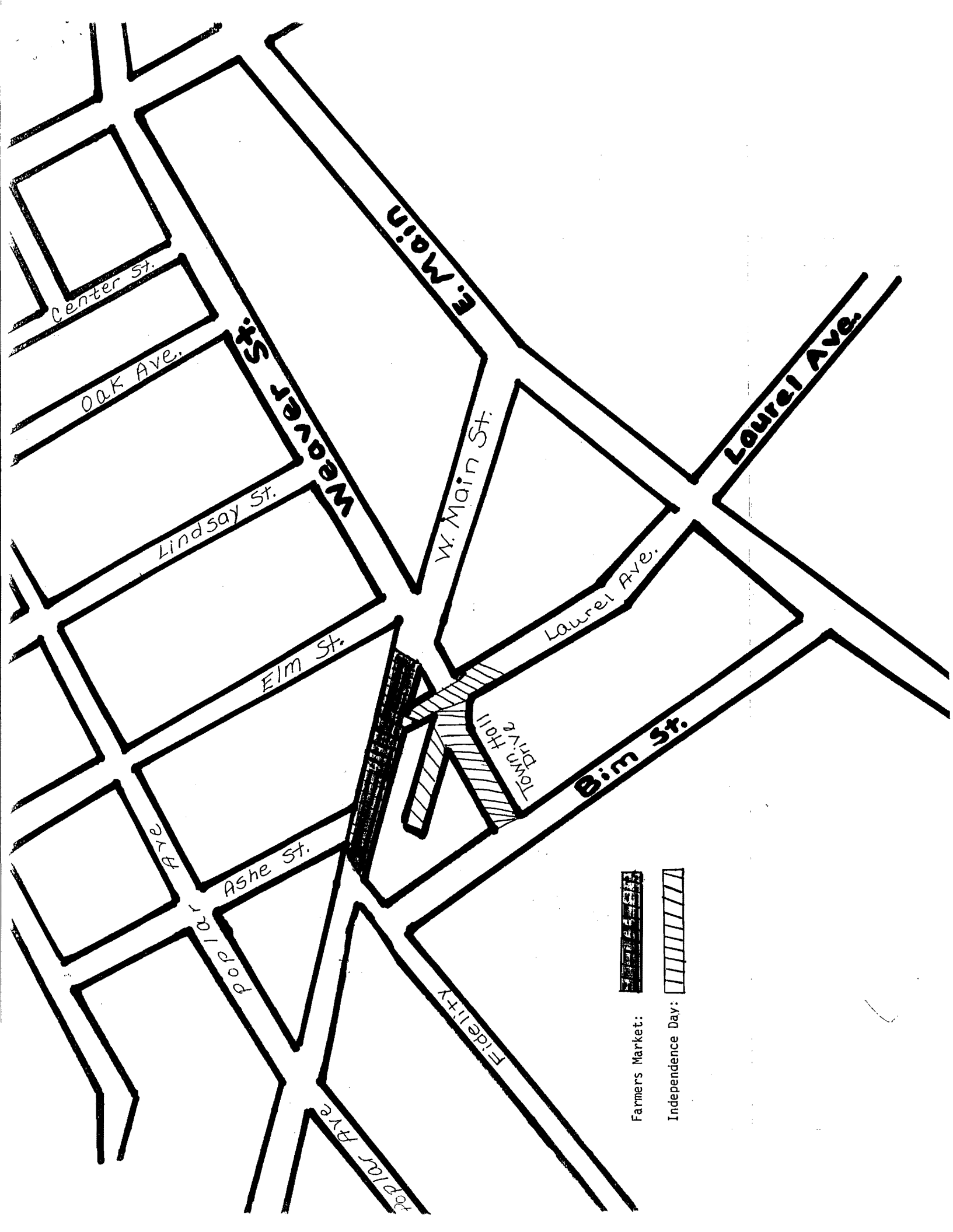
The Independence Day Celebration is exempt from the public hearing requirement.

NOTIFICATION OF ABUTTING PROPERTY OWNERS:

The Independence Day Celebration is exempt from the public hearing requirement.

CLEAN-UP TIME TABLE:	Farmers Market	10:30 a.m.
	Independence Day Celebration	7:00 p.m.

FEES: None; Town sponsored event



Farmers Market:



Independence Day:

The following resolution was introduced by Alderman ____ and duly seconded by Alderman ____.

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING
OF TOWN HALL DRIVE, AND PORTIONS OF LAUREL AVENUE AND WEST MAIN STREET
TO ACCOMMODATE THE TOWN'S INDEPENDENCE DAY CELEBRATION
Resolution No. 38/97-98**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. In order to accommodate the Town of Carrboro's Independence Day Celebration and the re-location of the Farmers Market as a result of the Independence Day Celebration, the following streets shall be temporarily closed on Saturday, July 4, during the following time periods:

1. Town Hall Drive from 6:00 a.m. to 7:00 p.m.
2. Laurel Avenue, from the Main Street/Laurel Avenue intersection to the third exit to the Swish Car Wash on Laurel Avenue from 6:00 a.m. to 7:00 p.m.
3. West Main Street, from the Main Street/Laurel Avenue intersection to the Main Street/Fidelity Street intersection, including the Main Street/Ashe Street intersection from 6:00 a.m. to 10:30 a.m.

This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code:

Section 2. The Public Works Department shall provide support for equipment set-up and disassembly and provide facility maintenance during the event.

Section 3. The Public Works Department shall provide and install temporary traffic control devices on the day of the closing (barricades, cones, and signs).

Section 4. The Public Works Department shall provide a portable dumpster and roll-out containers for the collection of solid waste and recyclables generated by the event.

Section 5. The Police Department shall provide officers for security and traffic control and shall notify Central Communications, on the event day, when the streets are closed and when re-opened.

Section 6. This resolution shall become effective upon adoption.

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

Ayes:

Noes:

Absent or Excused:

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hilliard Caldwell.

**A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING
OF TOWN HALL DRIVE, AND PORTIONS OF LAUREL AVENUE
AND WEST MAIN STREET
TO ACCOMMODATE THE TOWN'S INDEPENDENCE DAY CELEBRATION
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Section 4. The Public Works Department shall provide a portable dumpster and roll-out containers for the collection of solid waste and recyclables generated by the event.

Section 5. The Police Department shall provide officers for security and traffic control and shall notify Central Communications, on the event day, when the streets are closed and when re-opened.

Section 6. 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 13th day of January, 1998:

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

Noes: None

Absent or Excused: None

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: May 19, 1998

**SUBJECT: CONTINUATION OF PUBLIC HEARING: Land Use Ordinance Text
Amendment – Fences, Walls and Berms**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Advisory Board Recommendations	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

The purpose of this meeting is to continue the review of a proposed amendment to the Land Use Ordinance. The amendment, if adopted, will prohibit developers of major residential subdivisions from constructing fences, walls or berms more than three feet in height. The amendment will also allow fences, walls, 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 and specify how berm setbacks are determined.

SUMMARY

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.

The fence was permitted as an interpretation of the ordinance. Per memoranda between Keith Lankford, Zoning Administrator and Mike Brough, Town Attorney, staff proceeded with preparation of a text amendment to formalize this interpretation.

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. Orange County did not comment on the proposed change.

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.

During the public hearing on May 12, 1998, the Board of Aldermen discussed the report, ordinance and recommendations. Due to changes proposed to the definition of a berm, the completion of this discussion was continued until May 19, 1998.

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 includes three 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. Berms with slopes of between 2:1 and 6:1 are acceptable.

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. As specified in the third provision, setbacks for berms will be measured from the right-of-way or street centerline to the point on the berm that is greater than three feet in height.

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 necessarily prevent a group of homeowners, or developer acting on their behalf, from enclosing the periphery of subdivision at a later date. 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 enclosing structure constructed 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,
WALLS, 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, wall, or berm more than three feet in height around any portion of the periphery of such subdivision, except under circumstances where such fence, wall 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 length exceeds its height by a factor of at least five and whose side slopes are constructed at a steepness ratio of 6:1 or steeper. (The side slope of a berm shall not be constructed steeper than 2:1.)

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, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in heights and are substantially opaque *except that fences, walls 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.*

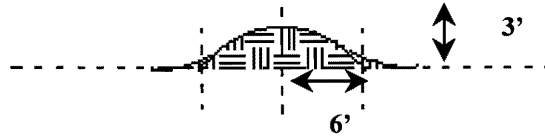
Section 4. Subsection 15-184(d) is amended by adding the following sentence at the end. "Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

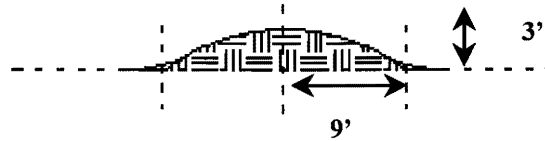
Section 6. This ordinance shall become effective upon adoption.

EXAMPLE BERMS

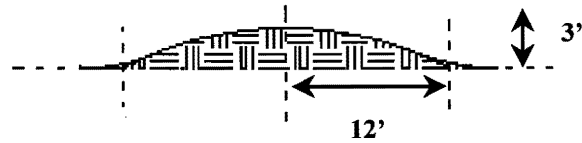
2:1 Slope



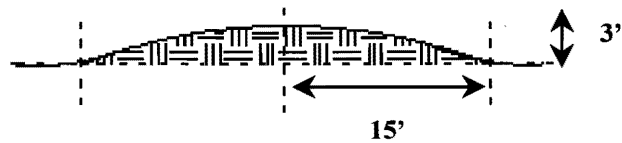
3:1 Slope



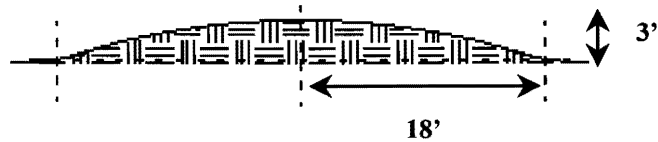
4:1 Slope



5:1 Slope



6:1 Slope





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 / jr 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 S. Mochel

TAB Chair

5 1 8 198
DATE

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT DEVELOPERS OF MAJOR RESIDENTIAL SUBDIVISIONS FROM CONSTRUCTING FENCES, WALLS, 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, wall, or berm more than three feet in height around any portion of the periphery of such subdivision, except under circumstances where such fence, wall 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 length exceeds its height by a factor of at least five and whose side slopes are constructed at a steepness ratio of 6:1 or steeper. (The side slope of a berm shall not be constructed steeper than 2:1.)

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, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in heights and are substantially opaque *except that fences, walls 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. Subsection 15-184(d) is amended by adding the following sentence at the end. "Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption.

Notwithstanding the foregoing, a berm of ~~not~~ more than three feet high shall be allowed under the foregoing circumstances where the side slopes of the berm are constructed at a steepness ratio of 4:1 to 6:1 and (iv) the average height of the berm does not exceed three feet.

The following ordinance was introduced by Alderman Alex Zaffron and duly seconded by Alderman Allen Spalt.

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROHIBIT
DEVELOPERS OF MAJOR RESIDENTIAL SUBDIVISIONS FROM CONSTRUCTING FENCES,
WALLS, OR BERMS MORE THAN THREE FEET IN HEIGHT**
Ordinance No. 28/97-98

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, wall or berm more than three feet in height around any portion of the periphery of such subdivision, except under circumstances where such fence, wall or berm is designed to shield the residents of such subdivision from the adverse effects of any adjoining nonresidential use (other than a street). Notwithstanding the foregoing, a berm of more than three but less than four feet in height shall be allowed under the foregoing circumstances where (i) the side slopes of the berm are constructed at a steepness ratio of 4:1 to 6:1 and (ii) the average height of the berm does not exceed three feet.

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 length exceeds its height by a factor of at least five and whose side slopes are constructed at a steepness ratio of 6:1 or steeper. (The side slope of a berm shall not be constructed steeper than 2:1.)

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, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in heights and are substantially opaque *except that fences, walls 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. Subsection 15-184(d) is amended by adding the following sentence at the end. "Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. 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 19th 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

BOARD OF ALDERMEN

ITEM NO. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: May 19, 1998

SUBJECT: OWASA Assessment Policy

DEPARTMENT: n/a	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: OWASA Discussion Paper Assessment Policy Applicable to Water and Sewer Service Extensions to Existing Unserved Neighborhoods	FOR INFORMATION CONTACT: Joal Hall Brown, OWASA

PURPOSE

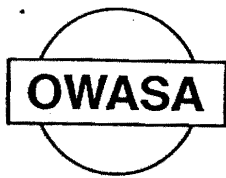
To receive a presentation of OWASA's discussion paper entitled, "Assessment Policy Applicable to Water and Sewer Service Extensions to Existing Unserved Neighborhoods."

SUMMARY

Joal Hall Broun, Chair of the OWASA Board of Directors, has requested an opportunity to present OWASA's discussion paper entitled, "Assessment Policy Applicable to Water and Sewer Service Extensions to Existing Unserved Neighborhoods." This presentation was scheduled for tonight's meeting.

ACTION REQUESTED

To receive the presentation.



ORANGE WATER & SEWER AUTHORITY

Quality Service Since 1977

DISCUSSION PAPER

**Assessment Policy Applicable To Water And Sewer
Service Extensions To Existing Unserved Neighborhoods**

March 12, 1998

**ORANGE WATER AND SEWER AUTHORITY
DISCUSSION PAPER
ASSESSMENT POLICY APPLICABLE TO WATER AND SEWER
SERVICE EXTENSIONS TO EXISTING UNSERVED NEIGHBORHOODS**

March 12, 1998

Purpose

The Orange Water and Sewer Authority (OWASA) desires to establish a long-term policy for the extension of water and sewer services through the assessment process to existing unserved neighborhoods within the OWASA service area. Such a policy is driven by long-term public health and environmental concerns and will have significant legal, financial, and planning implications. These issues must be fully and carefully considered by the OWASA Board of Directors with input from OWASA's customers, constituent governments, the University of North Carolina at Chapel Hill, and other stakeholders prior to final policy action. The purpose of this document is to provide background and historical information; discuss issues and alternatives; and recommend a general policy framework for assessment projects. This document will serve as a basis for discussion and consideration of this issue in a joint workshop with OWASA's constituent governments to discuss the Assessment Policy before the OWASA Board takes any formal action.

Background

OWASA currently provides water and wastewater services to 15,200 customer accounts. Within existing developed neighborhoods in the OWASA service area, approximately 700 parcels do not have public water mains on or adjacent to the property and approximately 1,300 parcels do not have public sewer mains on or adjacent to the property.

Public water supply is considered to be more reliable than private wells in urban areas. Similarly, public sewer service is much more reliable than septic tanks in densely populated urban areas. When private on-site sewage systems fail, polluted effluent may contaminate groundwater resources and nearby streams and may present a threat to public health. Extending public services to locations where these circumstances exist is desirable in order to alleviate or avoid public health and environmental concerns.

In the summer of 1997, OWASA had a consultant prepare a comprehensive study of the unsewered parcels in developed neighborhoods within the OWASA service area. The consultant generally examined 1,000 septic systems with an average age of 30 years and found that 37 systems (four percent) were failing. The report also found that based on the Soils Survey for Orange County, only 16 percent of the total land within these neighborhoods is considered suitable for septic systems. The remaining 84 percent is considered to be marginally suitable or unsuitable, which is expected to result in additional septic tank failures. The estimated construction cost to provide sewer service to the unsewered areas studied was approximately \$17 million. Individual lot costs ranged from \$9,000 to \$29,000 per lot excluding Service Availability Fees and private service laterals.

Since 1977, OWASA has received only one petition to extend water service. Due to the very limited interest and lack of documented problems with private wells, OWASA has not commenced a comprehensive study of the areas without public water service.

The existing Agreements of Sale and Purchase between OWASA and the Town of Carrboro, the Town of Chapel Hill, and the University of North Carolina established that OWASA should in general follow a policy where, to the extent possible, fees are "based on cost of service" methodology. In the specific case of water and sewer line extensions, this policy was made explicit by the statement "...the ultimate cost of any such extension will be borne by those primarily benefiting from such extension." The agreements also authorize either Town to construct extensions to the water and sewer systems, and dedicate the improvements to OWASA. The Towns and Orange County have statutory authority to pay for water and sewer system improvements and to recover such costs through several methods, including assessing the benefited parties.

The OWASA Board of Directors has stated a willingness to seek the input of the parties and to work together to reach a construction of the terms of the original Agreements of Sale and Purchase in light of contemporary circumstances and needs.

OWASA has the authority to make special assessments against benefiting properties for all or part of the costs of constructing, reconstructing, extending or otherwise building or improving water and sewer systems (G.S. 153A-185).

From 1977 to 1993, OWASA extended water service to one project area and sewer service to five project areas. All of the project costs were assessed to the benefited parties. There were no subsidies from OWASA; however, several of the projects received State grant funds which reduced assessments to the benefited parties.

In 1992 and 1993, OWASA was petitioned to provide sewer service to six neighborhoods. In response to citizen concerns about the high cost of the service, the OWASA Board of Directors adopted, in December 1993, a *Policy Statement On Assessment Projects For Extension Of Water And Sewer Mains*. This policy established a line foot method for determining the assessment amount and excluded a portion of engineering and legal fees. This policy was applied to the six sewer projects with the OWASA Board's direction to review the cost experience at the end of 30 months (June 1996).

The Town of Chapel Hill contributed funds to five of the six sewer projects. The Town also developed a method for assisting individuals who met certain economic criteria with subsidies for availability fees and plumbing costs. The Town of Carrboro recently established a policy to provide \$750 of assistance to property owners connecting existing homes to the sewer system.

The OWASA Board developed incentives to encourage system connections within assessment areas. This program rebates a portion of the availability fee if the property owner is connected to the new system within 90 days of project completion. The program also offers monetary assistance to property owners who were previously connected to the sewer system but not in accordance with OWASA's current water and sewer extension and service policies.

Staff's review of the six sewer assessment projects undertaken during the 30 month period revealed that the line foot rate established by the Board did not recover the full cost of the improvements. Of the six projects, the benefited parties paid approximately 39 percent of the total cost (\$1,234,227), the Town of

Chapel Hill paid approximately 11 percent of the total cost (\$342,109) and the OWASA rate base assumed the remaining 50 percent of the total cost (\$1,595,096).

Since the expiration of the 30-month assessment policy in June 1996, additional petitions for sewer extensions have been received by OWASA. The Board desires to consider these petitions as part of a long-term policy.

Funding Alternatives

Possible alternatives for funding assessment projects are outlined below. Potential advantages and disadvantages are indicated by plus (+) and minus (-) signs respectively.

1. Benefiting Party Pays 100 Percent Of Assessment Project Costs

- + Complies with cost-of-service methodology stipulated by the Agreements of Sale and Purchase.
- + Eliminates financial impact on existing customers.
- Financial impact on benefiting parties can be substantial.
- Needed water and sewer improvement projects may not be done in a timely fashion without financial assistance.

2. OWASA Reduces Assessment By An Amount Commensurate With Expected Benefits To The Entire OWASA Customer Base To Eliminate A Threat Or Potential Threat To OWASA's Drinking Water Supply

- + Financial contribution provides greater incentive for the timely elimination of existing or potential threats to the public drinking water supply.
- + Reduces costs to benefiting parties.
- o Impact on Agreements of Sale and Purchase may need further review.
- o Under some circumstances, precise estimates of the benefit may be difficult to determine.
- Increases costs to existing customers.
- As an enterprise operation which is solely supported by user fees, OWASA is not the most appropriate entity for redistributing the community's financial resources.

3. OWASA And Benefiting Party Share Assessment Project Costs

- + Financial assistance provides greater incentive for timely extension of water and sewer services.
- + Reduces costs to benefiting parties.
- May not comply with the Agreements of Sale and Purchase.
- Increases costs to existing customers.
- As an enterprise operation which is solely supported by user fees, OWASA is not the most appropriate entity for redistributing the community's financial resources.

4. Town(s), County And Benefiting Party Share Assessment Project Costs

- + Financial assistance provides greater incentive for timely extension of water and sewer services.
- + Reduces costs to benefiting parties.
- + As general purpose elected governments, the Town(s) and County may be more appropriate entities and have greater flexibility for redistributing the community's financial resources and targeting subsidies for assessment projects than OWASA.
- + Eliminates need for OWASA to increase existing customer rates to fund these projects. -
Places greater financial burden on property owners that may not "directly" benefit from the assessment projects.
- May constrain the Town(s) and County's ability to address other funding needs.

5. Combination Of Approaches 2, 3 And 4

Participation percentages could be varied among the benefiting party, OWASA, the Town(s) and the County.

6. State And Federal Grants Or Other Third-Party Assistance

Any contribution from other sources, such as Community Development Block Grants or the State's Clean Water Management Trust Fund, would be beneficial to all parties. Eligibility for this type of assistance is uncertain, but is expected to be limited.

Findings and Recommendations

OWASA has discussed assessment project policy throughout the recent rate study and during recent special work sessions and intergovernmental meetings with its constituent governments. Based on the information and discussions to date, OWASA hereby finds that:

1. Experience with previous assessment projects indicates that the customers appreciate the improvement that public water and sewer services provide their property and the community at large. It is widely acknowledged these improvements add lasting value to the property.
2. The existing provisions of the Agreements of Sale and Purchase clearly restrict OWASA's provision of financial assistance to parties benefited by the extension of water and sewer services.
3. Assessment costs are a primary deterrent to the more timely extension of public water and sewer services to existing unserved neighborhoods.
4. All existing and new developments should have economically and environmentally acceptable provisions for water and sewer services which have a useful life corresponding to the anticipated life of the development.
5. A comprehensive management and inspection program for on-site (septic tanks) and alternative wastewater management systems does not currently exist within and around the OWASA service area. Such a program is needed for the OWASA service area and for OWASA's water supply watersheds. The entity responsible for administering such a program would need to be determined by the Towns and the County, with participation by OWASA as requested.
6. It is appropriate and desirable for the Towns of Carrboro and Chapel Hill, and Orange County to fully consider and determine:

- a) the extent to which revenues from the general public tax base and other funding sources should be used to offset the cost of providing water and sewer service to unserved neighborhoods;
 - b) the appropriate method for providing this financial assistance;
 - c) the merits of establishing a standing fund to which the constituent governments contribute and from which financial contributions would be made to reduce the burden of the benefiting parties.
7. OWASA wishes to continue to encourage the constituent governments to contribute funds to reduce the financial hardship on the benefiting parties.
8. It is desirable for the University to determine if it is willing to accept the view that the entire community, including the University, benefits from the elimination of public health threats from failing septic systems and therefore will agree to allow money from the general rate base to be used to subsidize extension projects.

OWASA Assessment Policy Applicable To Water And Sewer Service Extension To Existing Unserved Neighborhoods

Pending potential supplemental understandings and/or clarifications in the Agreements of Sale and Purchase, the OWASA Board of Directors will maintain in effect the following assessment policy applicable to extension of improvements into existing unserved neighborhoods.

1. Benefiting party to pay total project costs.
2. OWASA will seek to reduce the financial hardship on the benefiting parties through measures that may include, but are not limited to:

- a) contractual arrangements providing extended payback periods of payments for assessments;
- b) reducing up-front assessment charges and levying increased monthly service and/or commodity charges for assessed parties; and
- c) consolidating the design and construction of improvements to various unserved neighborhoods to obtain economies of scale.

Closing Statement

The OWASA Board of Directors requests comments from the Town of Carrboro, the Town of Chapel Hill, Orange County Board of Commissioners, The University of North Carolina at Chapel Hill, and the general public with regard to these issues. The OWASA Board of Directors will consider entering into supplemental understandings and/or clarifications to the Agreements of Sale and Purchase if such actions better reflect the policy objectives of the constituent governments, The University of North Carolina at Chapel Hill, and OWASA.

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 19, 1998

SUBJECT: Bolin and Morgan Creek Studies

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u> ___
ATTACHMENTS: Clean Water Management Trust Fund Grant Application Form Study Area Map EAB Comments(5/4/98 minutes-item#2)	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713
THE FOLLOWING INFORMATION IS PROVIDED:	
<input checked="" type="checkbox"/> Purpose	<input checked="" type="checkbox"/> Action Requested
<input type="checkbox"/> Summary	<input type="checkbox"/> Recommendation
	<input type="checkbox"/> Analysis

PURPOSE:

The 1998 Action Agenda calls for a corridor study of both Morgan Creek and Bolin Creek. The objective of this study will be to evaluate existing conditions, and to propose appropriate corridor management policies and implementation measures. This plan will provide guidance to the Town by recommending desirable stream buffer widths, appropriate bike and pedestrian access facilities, suitable locations for wildlife corridors, and land use policy changes needed to further mitigate negative impacts of new development on stream ecology.

The existing conditions inventory should include the following elements:

- 1) Benthic Inventory
- 2) Corridor: Flora & Fauna Inventory
- 3) Land Use(impacts) Inventory
- 4) Storm Water Impact Evaluation
- 5) Water Quality Evaluation
- 6) Human Activity & Impact Analysis
- 7) Evaluate Water & Sewer Facilities/Easements
- 8) Evaluate Existing Greenway Plans
- 9) Evaluate, Inventory, & Map Existing Access/Greenway Easements

The corridor study should present the following findings or recommendations:

- 1) Recommend appropriate stream buffer configurations;
- 2) Recommend the range of uses or activities desirable within a greenway;
- 3) If trails are recommended, where should they be located and what is the best type of facility to provide i.e. asphalt, concrete, gravel, or a primitive earth trail;
- 4) If bike or pedestrian crossings are provided, where should they be located and what are the recommended types of crossings;

- eliminate*
- 5) Recommend realistic measures to ~~be undertaken~~ to reduce or at least to minimize stream bank erosion and sedimentation beyond what would occur naturally.
 - 6) Recommend the appropriateness of wildlife corridors and general design standards;
 - 7) Account for any endangered and or threatened species and recommend protective measures; and,
 - 8) Recommend modifications to the town's development regulations that would further benefit creek ecology in keeping with anticipated human activity.
 - 9) Recommend an overall watershed management plan.

A study of this nature will require the services of a consultant and will take at least a year to complete. Approximately \$40,000 will be needed to pay for professional services. Recently, the town received information regarding funding available from the Clean Water Management Trust Fund and is in the process of preparing a grant application due July 1, 1998 (application form attached). The town's Environmental Advisory Board (EAB) reviewed the suggested study components on May 4, 1998 and their comments are included under item 2 in their attached minutes.

ACTION REQUESTED:

The administration request that the Board of Aldermen review the suggested scope of work and authorize the staff to proceed with the preparation of an application for a grant from the Clean Water Management Trust Fund.

APR 07 REC'D

CLEAN WATER MANAGEMENT TRUST FUND (CWMTF) GRANTS GRANT EVALUATION GUIDELINES

The following evaluation system will be used by the CWMTF in its review of applications submitted during the third cycle (December 2, 1997 - June 1, 1998).

A. Eligible applicants for CWMTF grants.

- (a) Any of the following are eligible to receive a grant from CWMTF for the purpose of protecting or enhancing water quality:
 - 1. A State agency
 - 2. A local government or other political subdivision of the state or a combination of such entities.
 - 3. A nonprofit corporation whose primary purpose is the conservation, preservation and restoration of our State's environmental and natural resources.
- (b) No match is required; however, Trustees may choose to fund projects at less than 100% of the application request.

B. CWMTF purposes:

- (a) Grant monies from CWMTF may be used for any of the following purposes:

Acquire land for riparian buffers for environmental protection for surface waters or urban drinking water supplies, or for establishing a network of greenways for environmental, educational or recreational uses.

Acquire easements in order to protect surface waters or urban drinking water supplies.

Coordinate with other public programs involved with lands adjoining water bodies to gain the most public benefit while protecting and improving water quality.

Restore degraded lands for their ability to protect water quality.

Repair failing waste treatment systems: if (i) an application to the Clean water Revolving Loan and Grant Fund has been submitted and denied in the latest review cycle; (ii) repair is for a reasonable remedy to an existing waste treatment problem; and (iii) the repair is not for the purpose of expanding the system to accommodate future anticipated growth of a community. Priority shall be given to economically distressed units of local government.

Repair/eliminate failing septic tank systems, to eliminate illegal drainage connections, and to expand waste treatment systems if the system is being expanded as a remedy to eliminate failing septic tank systems or illegal drainage connections. Priority shall be given to economically distressed units of local government.

Improve stormwater controls and management

Facilitate planning that targets reductions in surface water pollution.

C. CWMTF Objectives and grant application evaluation and prioritization.

- (a) Grant applications will be quantitatively evaluated upon their contribution toward achieving the principal objectives of the fund: (1) restoration of degraded waters, (2) protection of unpolluted waters, and (3) establishment of riparian buffers. A numeric scoring system will guide the Board and the applicants in prioritizing prospects for funding. The following evaluation and scoring system will be applied to all applications:

1 -- Principal Objectives	Point Range
a -- Restoration of degraded waters	0-45

(Explanation: Restoration projects will target specific waters that have been identified by NC-DWQ as impaired; preferred projects will (1) reduce the pollutant identified as the cause of water quality impairment, (2) restore wetland functions, (3) improve aquatic habitat, and/or (4) restore flood plain functions adjacent to impaired waters).

OR

b -- Protection of unpolluted waters

(Explanation: Protection projects will target specific waters that have not been identified by NC-DWQ as impaired; preferred projects will (1) restore or maintain the natural hydrologic flow patterns or other water quality enhancing functions of adjacent lands (e.g. nutrient reduction processes), (2) maintain streambank stabilization reducing potential for sediment erosion, and/or (3) avoid, reduce or eliminate discharge of pollutants).

AND/OR

c -- Establishment of riparian buffers	0-10
--	------

2-- Additional priorities	Point Range
a-- Consistency with NC-DWQ Basinwide Management Plan	0-20

(Explanation: In the event that the plan for the subject basin has not been formally adopted, the project should be articulated with reference to the current DWQ draft plan for that basin). Preferred proposals will identify the waters that will be enhanced, restored, or protected by said project. Specific attention should be paid to (1) restoration of waters not meeting use standards as noted on the 303 (d) list, or (2) protection of significant resource waters (e.g. ORWs, Trout Waters, HQWs, PNAs, Critical Habitats for endangered aquatic species, Water Supply watershed). Proposals should demonstrate integration with other water quality programs or strategies in the sub-basin).

b-- Provide measurable/enduring outcomes	0-20
c-- Provide other resources	0-20

d-- Applicant's qualifications

0-10

(Explanation: Preferred applicants will demonstrate: (1) their ability to ensure any long time management required by the project, (2) fiduciary responsibility, (3) likelihood of success for project), and (4) commitment to the project. If the applicant has received previous CWMTF grants, their performance on those projects will be considered.

e-- Develop riparian buffer greenways
serving environmental, educational or
recreational uses.

0-10

f-- Target environmentally sensitive
waters, including (1) high quality
waters (e.g. water supply, ORWs, HQWs etc.),
or (2) severely degraded waters (e.g.
waters noted on DWQ's 303 (d) list)

0-10

g-- Contribute toward integrated ecological
network.

0-5

h-- Employ innovative procedures or techno.

0-5

i-- Provide public education uses

0-5

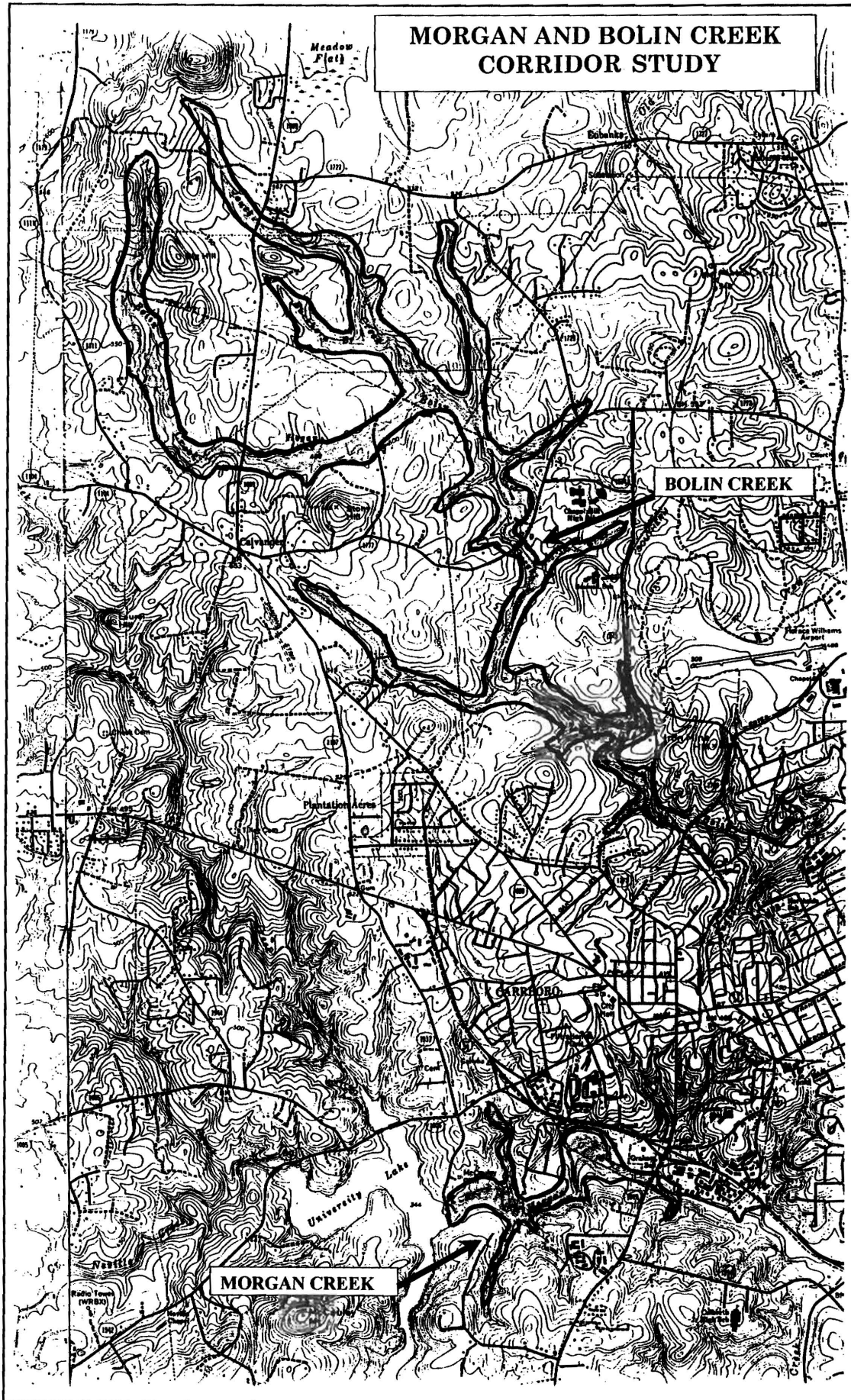
j-- Preserve waters having special economic
or recreational uses.

0-5

(b) The Board will also be guided by the following non-quantitative criteria in making final funding decisions:

- 1-- Applications for projects which are mandated by legislation or regulation may be funded but are not preferred. The CWMTF is not available for compensatory mitigation projects.
- 2-- Projects eligible for funds from other state or federal grant programs will be considered, but will not be preferred unless significant matching resources are provided.
- 3-- To the extent practicable, grant awards will be distributed geographically across the state. At least 20% of annual allocations will be targeted to each of three geographic regions of the state: mountain, piedmont and coastal.
- 4-- The scope and benefits of the project will be evaluated relative to the amount of the requested grant.
- 5-- The Board may award grants on a limited basis for (1) projects which facilitate planning that targets reduction in surface water pollution or protection of unpolluted waters; or (2) coordination with other public programs to gain the most public benefit while protecting and improving water quality; even though such applications may not score well on our measures of quantitative criteria above.
- 6-- The Board may award grants to applicants for projects which the Board finds are uniquely different than the quantitative criteria anticipate and are exceptional opportunities for restoration or preservation.

MORGAN AND BOLIN CREEK CORRIDOR STUDY



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.