

AN ORDINANCE AMENDING CHAPTER THREE OF THE TOWN CODE TO CHANGE  
THE REGULAR MEETING SCHEDULE OF THE GREENWAYS COMMISSION FROM  
MONTHLY TO QUARTERLY

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Subsection (a) of Section 3-24.8 of the Carrboro Town Code (Meetings and Officers of Greenways Commission) is amended as follows:

(a) The commission shall hold regular meeting at least ~~monthly~~ quarterly at such times and places as it shall designate.

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 All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

**Carrboro Greenways Commission  
Minutes  
January 24<sup>th</sup>, 2011**

**At-Large Members Present**

\*Robert Kirschner (Chair) – At-Large  
\*Gary Junker (Vice chair) – At-Large  
\*Dave Otto – At-Large

**Representatives Present**

\*Eric Allman – Recreation and Parks Commission  
\*Matthew Arnsberger – Environmental Advisory Board  
\*Salli Benedict – Friends of Bolin Creek  
\*Mark Chilton – Mayor/Board of Aldermen  
\*George Daniel – At-Large  
\*Ranee Haven-O'Donnell – Board of Aldermen  
\*Robin Michler – Transportation Advisory Board  
\*Johnny Randall – Morgan Creek Valley Alliance  
\*Damon Seils – Planning Board  
Marabeth Carr – Orange Co. Environmental Resources and  
Conservation Department  
Ray Magyar – UNC  
Nick Parker – OWASA

**Staff Present**

Robert Douglass – Town of Carrboro Recreation and Parks Department  
Jeff Brubaker – Town of Carrboro Planning Department

**Absent**

Randy Dodd – Town of Carrboro Planning Department  
Bill Webster – Town of Chapel Hill

\* indicates voting member

**Guests**

Bruce Sinclair  
Neil Mochel  
Julie McClintock  
Diane Robertson

- I. **Call to Order:** Gary Junker, Vice-chair, called the meeting to order at 6:35pm.
- II. **Minutes:** MOTION (Johnny, Dave second): The Greenways Commission approved the November 15, 2010, meeting minutes, as amended (unanimous).
- III. **Staff report:** Jeff reported that Coulter Jewell Thames, PA, had been selected through an RFQ process to provide design and engineering for the Morgan Creek Greenway. The design phase will take 6-9 months or a year to complete, because of the timing of flood studies. Johnny asked if there could be a citizens' advisory committee for the project. Gary mentioned the opportunity with the project to clean the creek and remove debris. He said many people have a great interest in that happening. Jeff said that could be discussed during the contract scoping meeting.

New Commission member Damon Seils was introduced, as was Recreation and Parks staff member Robert Douglass.

Bob asked if potential funding surpluses from the Wilson Park Path and Phase 1B could be applied to Phase 2. Jeff said we do not know for sure if the surpluses will be there yet, but if they are, that is up to the Board of Aldermen. Jeff gave a synopsis of the U.S. Access Board's proposal to develop ADA-related guidelines for shared use paths.

IV. **2010 Accomplishments:** Bob presented a list of Commission accomplishments in 2010. The Morgan Creek Greenway has moved into the design phases, and the Commission has reviewed the phases. The Commission also established a public participation policy. Bob said this policy has been well-received. Julie McClintock said she appreciated that the Commission set up clear procedures. Neil Mochel asked if project materials could be shown on the projector screen in the future. Matthew said the Commission benefited from the advisory board workshop presented by the UNC School of Government. Bruce Sinclair said it helped that the School of Government presentation was also on the Town website. Bob mentioned that the Commission recommended a HAWK signal for the Wilson Park Multi-use Path at Estes Dr. Bob said he will review 2010 meeting minutes and compile a report of 2010 accomplishments for the Board of Aldermen. Damon suggested a review of official actions of the Commission.

V. **Bolin Creek Greenway, Phases 3 and 4:** Bob said that the Commission has taken a lot of good input, and there has been a lot of misunderstanding, on these complicated phases. He said it will boil down to what will be well-served in the area and establishing routes so that we can set up protection and restoration for the rest of the forest area. He said that this is our Central Park. There has been a lot of input on not just routes but also surfaces. Bob said we need to recognize where Phases 3 and 4 fit into the overall greenway plan.

Bob presented prepared statements for the Commission's consideration. The Commission discussed the purpose of the statements. Randee asked that the statement be inclusive of UNC plans along Seawell School Rd. Dave said the concept plan does not analyze in detail the alternative alignments. Bob said the Commission should have some response for these greenway sections. Mark said that it is premature to decide on the route or materials. He said in order to get federal transportation funding, it needs to be a transportation project that connects on each end. The Board of Aldermen suggested that there will be a connection in the future, but we're not ready to decide on the route. Dave said that that the precise recommendation of the Board of Aldermen was to have further public input, and it is puzzling that the Town has avoided pursuing that route. Mark said that since there is no funding identified, a debate about the route at this time would be premature.

Bob read an alternative statement that suggests establishing a moratorium on Phases 3 and 4. Dave said that funding may become available from a variety sources, so the Commission has the responsibility to review the conceptual plan and either approve or disapprove. Randee said it is really important to see how Phases 1A, 1B, and 2 develop first. Making assumptions about Phases 3 and 4 is premature, but the Greenways Commission can eventually revisit them. Salli said the plan is a couple years old now and is inadequate; it left out things like UNC and Chapel Hill transportation plans. Robin said that a Commission recommendation may not change the situation with the Board of Aldermen, but it could offer a sense of completion for the Commission. Gary said that the review process has already happened. The Commission put forward the plan, and the Board of Aldermen decided to table for now

any decision about routes for Phases 3 and 4. Dave said he was not aware of any wording to put it on hold. The Commission reviewed the December 8, 2009, motion.

The Commission discussed what its future role should be, if it does not include further review of Phases 3 and 4. Randee suggested we need to see what the network looks like after implementation of earlier phases before jumping into Phases 3 and 4. Mark described the MPO funding process. He said the Board of Aldermen has to decide how to allocate and prioritize projects for federal transportation funding. He said he understood why people feel strongly about the greenway. He suggested backing up to 50,000 feet and considering the overall plan for greenways. He said the Greenways Commission should still exist, but may not need to meet every month. Bob suggested the Commission consider overall greenway connectivity throughout Carrboro. There was a discussion about term limits for advisory board members.

The Commission discussed the wording of the draft statement. A MOTION (George, Johnny second) was made to table Part 1 of the statement. Gary said it's important for the Commission to make a recommendation on Phases 3 and 4. Damon asked to defer discussion to some future time. Johnny said the University could decide tomorrow to go ahead with a greenway. Randee said the Commission got bogged down thinking the concept plan was the only option. Johnny suggested deferring on Phases 3 and 4 until funding begins to enter the picture. Jeff gave an update on STP-DA funding sources. George said that when the Commission was formed, there was already a master plan in place that was used to bring a bond issue before the public. He said that it was only because of inactivity of the Town that the greenway was not constructed. Mark said that the bond identified a long list of sidewalk projects, and greenways were on the list. He said it was not a matter of inaction on part of the Town. The MOTION to table Part 1 failed. Ayes (1): George. Nays (11): Bob, Gary, Dave, Eric, Matthew, Salli, Mark, Randee, Robin, Johnny, Damon.

A MOTION (Randee, Dave second) was made to approve the following recommendation:

The Greenways Commission recognizes all trail alignments in concept (without specifics to surfacing) as routes for this part of the town – in keeping with previous concepts from prior committees, Recreation and Parks Master plan, historical pathways, and from public input and with the intent to connect with the overall greenways plans for Carrboro and joining local, state, and federal trails as well as to establish designated areas for public access and usage with the aim to establish protection zones to help preserve and protect this natural area to the extent possible, deferring discussion of alignments and surfaces on Phases 3 & 4 while analysis of Phases 1 & 2 of Bolin Creek, Morgan Creek, new technologies, techniques, and analysis of new regulations are considered and/or funding sources are identified.

The MOTION was adopted. Ayes (11): Bob, Gary, Dave, Eric, Matthew, Salli, Mark, Randee, Robin, Johnny, Damon. Nays (1): George.

VI. **Announcements:** Dave made an announcement about the publishing of his book on the history of Carrboro.

VII. **Adjournment:** The meeting was adjourned at 8:35 p.m.

**Carrboro Greenways Commission  
Minutes  
May 16<sup>th</sup>, 2011**

**At –Large Members Present**

\*Robert Kirschner (Chair) – At-Large  
\*Dave Otto (Vice-chair) – At-Large  
\*Gary Junker – At-Large  
\*George Daniel – At-Large

**Representatives Present**

\*Eric Allman – Recreation and Parks Commission  
\*Matthew Arnsberger – Environmental Advisory Board  
\*Mark Chilton – Mayor/Board of Aldermen  
\*Ranee Haven-O’Donnell – Board of Aldermen  
\*Johnny Randall – Morgan Creek Valley Alliance  
\*Damon Seils – Planning Board

**Staff Present**

Jeff Brubaker – Town of Carrboro Planning Department  
Marabeth Carr – Orange Co. Department of Environment, Agriculture, Parks and Recreation  
Randy Dodd – Town of Carrboro Planning Department  
Wendell Rodgers – Town of Carrboro Recreation and Parks Department

**Absent**

\*Salli Benedict – Friends of Bolin Creek  
\*Robin Michler – Transportation Advisory Board  
Ray Magyar – UNC  
Nick Parker – OWASA  
Bill Webster – Town of Chapel Hill

\* indicates voting member

**Guests**

John Morris  
Diane Robertson  
Bruce Sinclair

- I. **Call to Order:** Bob Kirschner, Chair, called the meeting to order at 6:33 p.m. Bob said Salli Benedict had an excused absence.
- II. **Minutes:** MOTION (Damon, Dave second): The Greenways Commission approved the April 18, 2011, meeting minutes (unanimous). There were no adjustments to the agenda.
- III. **Public comments:** Diane Robertson, representing Friends of Bolin Creek (FoBC), said FoBC has a vision for a park conservancy in Bolin Forest. They want input at a future meeting. Last month, they attended a Carolina North Forest & Trails Advisory Committee meeting. There are two Commission members who serve on that committee (independent from and not as representatives of the Greenways Commission). Diane said that as part of the terms of the Carolina North development agreement, UNC has begun to convey conservation easements of land west of Seawell School Rd. FoBC will hold a workshop with the Haw River Assembly on muddy waters. She said there needs to be a community to help monitor impacts to the creek. OWASA is replacing a sewer line on Umstead Dr. from MLK Blvd. to Estes Dr.

John Morris said he was on the Bolin Creek Greenway in Chapel Hill on Sunday. He described the creek as being full of orange mud, and reported it to Chapel Hill sediment control staff. They and Orange Co. staff would like to know a possible source. John stressed the importance of citizens monitoring sediment. Randee requested that an agenda item for the next meeting be a discussion of closer coordination between the Commission and the Carolina North Forest and Trails Advisory Committee. Johnny showed a map of proposed conservation easements on Carolina North, which is under active review by the University.

Bruce Sinclair said the Commission should strongly consider that someone from the disability advocates community have the opportunity to serve on the Commission.

IV. **Staff Report:** Jeff provided an update on transportation projects and the 2014-2020 Local Priority List. Bob said he represented the Commission's suggestions of the Campus-to-Campus Bike Connector and additional funding for the Morgan Creek Greenway. He said the TAB was receptive to that input. Mark asked if any other greenways projects were on the list. Jeff said a side path on NC-54 from James St. to Old Fayetteville Rd. was listed. Bob asked if there was a discussion of a bike-ped bridge over NC-54 to Abbey Ln., and Jeff said there wasn't. Jeff described the schedule and prioritization process. Mark said the key is whether your project makes it into the Statewide Transportation Improvement Plan. Randee asked if funding could help extend the Twin Creeks Greenway. Marabeth said the greenway does extend all the way to Morris Grove Elementary. Mark said the Town has funding for filling in the gaps south of the greenway. Jeff said there are two pieces of federal funding, but they need a local match.

V. **Schedule for future meetings:** Bob asked if the Commission wanted to meet in July or August and whether early voting would have any effect on facility availability. Commission members discussed not meeting in July or August, but meeting in October. Gary suggested finding out consultants' schedule so important information on greenway design progress can be reported. Bob said that for any important updates, Jeff and Randy should keep him and Dave informed. Commission members agreed to keep meeting at the normal day and time.

VI. **Introducing the Concept of Conservation Easements:** Johnny gave the presentation. He said it is designed to be a preliminary discussion on the issue of conservation easements that might be granted on Town of Carrboro land. An easement is one form of conservation agreement. Almost all conservation easements are unique. They all generally limit development, but allow for some uses. The Town Code defines greenways as "unbroken chains of preserved open space surrounding stream and wildlife corridors, headwaters, water recharge areas, and significant ecosystems that also provide bicycle and pedestrian connections between neighborhoods and for the community." A third party is needed to monitor conservation easements to ensure that the terms of the easement are upheld. Easements are relevant to the role of the Greenways Commission.

Johnny presented the history of greenways in North Carolina. Recently, Triangle GreenPrint identified important natural areas that were already preserved, ways to enlarge preserves, and ways to connect them. It included recommendations for Morgan Creek. Johnny presented a landscape map of Carrboro and showed parkland and conservation areas in Carrboro and Chapel Hill. There is not much high-value land within Carrboro and Chapel Hill that has been preserved. There is little more to be conserved outside of Carolina North. Johnny presented opportunities and constraints that were considered in the Bolin Creek Greenway concept plan process. Randee said everything west of Seawell School Rd. is

meant to be preserved. The Commission discussed the legal aspect of this preservation, whether it was a permanent easement or a 50-year agreement, and which portions of land are identified for conservation. Rande asked if Ray Magyar or other UNC staff could clarify this.

Johnny presented a map from the Morgan Creek Greenway concept plan. He said the rhododendron bluff is one of the most important natural areas in Carrboro, but it is degrading because of a fungus. The Botanical Garden is collecting seeds to replant in case the fungus wipes out the rhododendrons. Triangle Land Conservancy is looking to donate it. Johnny suggested TLC could donate it to the Town and the Botanical Garden could hold the conservation easement. About 70 percent of the rhododendrons have died in ten years. The fungus is native and is also decimating rhododendrons in the mountains. The population of rhododendrons has been there for 18,000 years, since the last glaciations retreated. Johnny said he thinks it has to do with air pollution, namely ozone, which is a terrible stress for plants.

Johnny presented a map showing lands owned by the N.C. Botanical Garden. He presented a slide on who might hold conservation easements on Town of Carrboro lands. The Commission discussed the powers and responsibilities of conservation easement holders and the resources to better manage the rhododendron bluffs. Johnny suggested that there was an opportunity for the Greenways Commission to be an advisory group on conservation easements. Mark said a lot of the area around Morgan Creek is owned by the Town, and the real issue is having the resources with which to deal with owning that property. It is a big responsibility for the taxpayers to take on. Almost all of the land is in the 100-year floodplain, so only some transportation and utility activities could go on there anyway. Johnny said those uses could be written into the easement. He announced that the Morgan Creek Greenway in Chapel Hill is opening on Saturday, June 4. He suggested that the Town of Chapel Hill place a conservation easement on it.

Commission members thanked Johnny for the presentation. Johnny said that there could be privately-owned lands for which we might approach the landowner to place a conservation easement on their property. Sometimes you get a tax break for them. The Commission discussed the P.H. Craig property's viability for a conservation easement. Dave said P.H. Craig said it's not worth it for him to place a conservation easement. The land is in the County's jurisdiction. Rande said the County would want an Adams-Tract-like arrangement to purchase the easement, and the Town cannot afford to do that again. The Commission discussed potential P.H. Craig plans for developing on that property, and possible conservation areas. Bob suggested asking Ray Magyar to shed light on UNC's plans. Rande suggested giving TLC the opportunity to talk with the Commission. She said we need a game plan for how to proceed with conservation easements. Bob said there is a need for continuous pieces of land that could be transportation corridors for nature and people. Rande said that if we viewed UNC lands as potentially being protected in perpetuity, it would be well worth pursuing. Johnny said there are some internal conversations going on right now that are positive. He recommended inviting TLC to talk once the Commission had a proposal about how they might help. The Commission decided to hold off on inviting TLC until they have more to report.

VII. **Greenways Commission membership:** Bob said there are four at-large seats open, plus the TAB and Planning Board seats. The Commission further discussed the topic. Bob said he would contact the TAB and Planning board. Damon said all appointments are going before the Board of Aldermen in June.

VIII. **Announcements:** Bob said there was an invitation from Bill Webster for the grand opening of the Morgan Creek Greenway in Chapel Hill, Saturday, June 4, at 11am. Gary said he walked the trail this

weekend, and was inspired in terms of what the greenway in Carrboro can look like. He thought they did a magnificent job. Even though several points are near the highway, you can also get deeper into the woods. There is a huge potential for connectivity to University Lake and Southern Village park. Bob announced a Carrboro Branch Library birthday celebration. Dave said there was a nature walk at Winmore scheduled for Sunday at 2pm.

IX. **Adjournment:** The meeting was adjourned at 8:15 p.m. (MOTION to adjourn: Randee, Mark second, passed unanimously.)



**Carrboro Greenways Commission  
Minutes  
June 20<sup>th</sup>, 2011**

**At –Large Members Present**

\*Salli Benedict – Friends of Bolin Creek  
\*Dave Otto (Vice-chair) – At-Large  
\*Gary Junker – At-Large  
\*George Daniel – At-Large

**Representatives Present**

\*Matthew Arnsberger – Environmental Advisory Board  
\*Randee Haven-O'Donnell – Board of Aldermen  
\*Damon Seils – Planning Board

**Staff Present**

Jeff Brubaker – Town of Carrboro Planning Department  
Randy Dodd – Town of Carrboro Planning Department  
Wendell Rodgers – Town of Carrboro Recreation and Parks Department  
Ray Magyar – UNC  
Bill Webster – Town of Chapel Hill

**Absent**

\*Eric Allman – Recreation and Parks Commission  
Marabeth Carr – Orange Co. Department of Environment, Agriculture, Parks and Recreation  
\*Mark Chilton – Mayor/Board of Aldermen  
\*Robert Kirschner (Chair) – At- Large  
\*Robin Michler – Transportation Advisory Board  
Nick Parker – OWASA  
\*Johnny Randall – Morgan Creek Valley Alliance

\* indicates voting member

**Guests**

Bruce Sinclair  
Thomas Young

- I. **Call to Order:** Dave Otto, Vice-Chair, called the meeting to order at 6:35 p.m.
- II. **Minutes:** MOTION (Gary, Damon second): The Greenways Commission approved the May 16, 2011, meeting minutes (unanimous). There were no adjustments to the agenda.
- III. **Staff Report:** Jeff provided a report that provided the following summary points. The Wilson Park Multi-use Path is moving forward on schedule. Approvals/certifications have been received from NEPA, OWASA, and NCDOT to allow the project to move to construction. Construction/bid/contract documents are under review by DOT. Jeff reported that the safety/signalization at Estes Drive is still to be determined, based on review from the NCDOT traffic engineer. At a minimum, a crosswalk with pavement markings and signs will be included. A discussion followed on some details and the pros and cons of additional options (rectangular rapid flashing beacon, HAWK signals, pedestrian beacon) which are also being reviewed. Jeff recommends that a final determination on this specification consider further consultation with the consultant and NCDOT, and project schedule and funding details. For the

Morgan Creek project, the contract scope and fee estimate provided by Coulter, Jewell, and Thames is currently being audited by NCDOT. For the Bolin Creek Phase 1B project, a Request For Qualifications to select a consultant was released June 15, with responses due July 11. Jeff provided a general funding opportunity summary. The Transportation and Community System Preservation Program has provided over \$12 million in funding for North Carolina projects since 1999. A call for projects for STP-DA funding will be held in the fall of this year. A Congestion Mitigation and Air Quality program call for applications is also expected. There is also a new federal transportation bill in process. In terms of identified funding available for the active greenway projects, there is \$600k allocated for the Morgan Creek project (\$132k/design, \$468k construction). The Wilson Park Multi-use Path is funded separately from transportation and recreation funds. There is a total of \$737k allocated for Bolin Creek Phase 1b. (For this phase, staff was asked to provide an update on the status and details of the Town's agreement with Claremont regarding timing and amount of payment in lieu at a future meeting.) For Bolin Creek Phase 2. \$214k of federal funds have been identified; a local match has not been identified. George noted that the greenway projects north of Homestead Road do not connect and it will be important to support connectivity to provide safe routes for cyclists and pedestrians. He specifically requested support from the Town in the interim while other projects are being pursued for an improved connection (perhaps light grading, gravel) from Brace Lane to Turtleback Crossing. Staff agreed to pass this request on to Public Works staff.

IV. **Carolina North Forest and Trails Advisory Committee (CNFTAC) – discussion of Greenways Commission representation.** The purpose of this item was to discuss, at Randee's request, an opportunity for closer coordination between the Commission and the Carolina North Forest and Trails Advisory Committee. There are two members of the Greenways Commission (Dave and Johnny) that currently participate in the CNFTAC, although not as formal Carrboro or Greenways Commission representatives. She mentioned a concern about transparency in Commission member's participation historically. Specifically, she mentioned a concern that the CNFTAC minutes indicate that information has been shared by Greenways Commission members that is not as balanced or representative as she is seeking. Dave said that the committee is fairly ad hoc and that it mainly advises UNC staff on recreational and maintenance activities. There was a discussion in which different perspectives were voiced about how to best manage the communication between the Commission and the CNFTAC. Ray said that the committee is an internal UNC committee that provides information to UNC's Facilities and Design regarding recreational and environmental issues. Based on the discussion, he will take a request to UNC staff regarding formal Commission representation on the CNFTAC.

V. **Update on Carolina North (UNC).** Ray reported that Carolina North planning is essentially frozen currently, with significant funding constraints. Randee asked if anyone had information updating conservation planning subsequent to the development agreement; no members had more updated information than presented by Johnny at the previous meeting.

VI. **Adjournment:** The meeting was adjourned at 8:00 p.m. (MOTION to adjourn: Salli, Damon second.)