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MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, MONDAY, MAY 11, 1992 AT 7:30 P.M.

Mayor Broun called the meeting to order. Council Members in attendance were Julie Andresen, Joyce Brown, Joe Capowski, Mark Chilton, Joe Herzenberg and Art Werner. Council Members Alan Rimer and Roosevelt Wilkerson, Jr. were absent excused. Also in attendance were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Senior Planner Chris Berndt, and Town Attorney Ralph Karpinos.

There were no ceremonies or hearings.

Item 3 Petitions

Robin Cutson requested that the Council adopt a resolution to permit the trapping and relocation of beavers. She noted that current regulations did not permit live trapping and relocation of beavers. Ms. Cutson said a more humane alternative to killing beavers was being requested. Council Member Werner thanked Ms. Cutson for her efforts. He noted that residents of the Lake Forest neighborhood had been informed that it would not be possible to relocate beavers from their neighborhood.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER, WITH A FOLLOW-UP REPORT TO THE COUNCIL AT THE MAY 26TH COUNCIL MEETING.

Council Member Andresen inquired whether areas for relocation had been identified. Ms. Cutson said many private individuals had requested beavers for their fish ponds. She noted that the North Carolina Wildlife Commission focused its energies on the needs of sportsmen, rather than situations of this type. Ms. Cutson noted that her organization needed to receive permission from the Wildlife Commission prior to relocating the beavers. Council Member Andresen noted that beavers were particularly fond of trees and wood. Ms. Cutson stated that beavers provided a number of benefits to the ecosystem, including possibly cleaning pollutants out of the watershed system. She presented a petition signed by over two hundred and fifty persons, supporting the live trapping and relocation of beavers. Mayor Broun inquired whether the staff could provide a report at the Council's next regular meeting. Mr. Horton said yes. Ms. Cutson said State Representative Hackney had expressed his willingness to sponsor a bill in the State Legislature's short session on this matter. Council Member Brown expressed appreciation to Ms. Cutson for her efforts.

THE MOTION TO REFER WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (7-0).

Council Member Brown expressed her appreciation to UNC student Michael Lowry for his recent effort to collect and donate over six

thousand pounds of food to the area's needy and keep that much waste from the landfill.

Council Member Andresen requested that the Manager provide a report and options to the Council concerning the number of development hearings on public hearing nights. Council Member Andresen said although she did not favor holding very long hearings lasting until after midnight, she did think it was important not to unnecessarily hold up development projects because of a limit on the number of hearing items. Council Member Werner said the key issue was the amount of time . Council Member Werner said it might be a good idea for the Council to consider a proposal concerning the total amount of time devoted to hearings on a monthly basis. Council Member Andresen suggested that the Council might consider holding additional meetings. Council Member Werner noted that the Council was hold eight meetings during the month of May.

Council Member Andresen noted that the Chamber of Commerce strongly favored a change in the process for the number of hearings. Council Member Chilton said the suggestion of a time limit was a good one. Council Member Chilton also said he favored a time limitation which would permit hearings to carry over to another evening, if necessary. Mayor Broun noted the Council Members Brown and Herzenberg were reviewing the Town Council Procedures Manual on a variety issues, including the length of hearings. Council Member Herzenberg said that Council Member Brown and himself could examine this matter. Council Member Capowski said he did not oppose increasing the number of hearings on development hearing nights.

Mayor Broun noted that nominations were currently being accepted by the Appearance Commission for the Appearance Awards program. He noted that nomination forms were available at the Chapel Hill Public Library, Downtown Commission and in the Town's Planning Department.

Item 4 Nominations and Appointments

Board of Adjustment

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO NOMINATE ALL APPLICANTS. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Parks and Recreation Commission

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO NOMINATE ALL APPLICANTS. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Transportation Board

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO NOMINATE ALL APPLICANTS. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

Orange County Economic Development Commission

Council Member Capowski inquired why the Orange County Economic Development Commission was not listed on the Town's board and commission application form. Council Member Herzenberg noted that the commission was ultimately appointed by the Orange County Board of Commissioners. Council Member Werner requested that additional advertising occur to recruit additional applicants for the vacancy. Council Member Andresen expressed her concurrence. Council Member Brown requested additional information on the County's appointment process and schedule. Mayor Broun noted that the request for additional applications was no reflection on Mr. Bracey. He noted that Mr. Bracey had done a good job of serving the Town while on the commission. Council Member Capowski requested greater exposure of Town resident vacancies on County advisory boards and commissions.

Appointments to Library Board of Trustees

Council Member Herzenberg said he especially encouraged Council support of current trustees Jane Joyner and Nina Wallace.

JANE JOYNER AND NINA WALLACE WERE REAPPOINTED TO THE BOARD OF TRUSTEES. BARRY ROBERTS WAS ALSO APPOINTED TO THE BOARD OF TRUSTEES. VOTING TALLIES WERE AS FOLLOWS:

- Jane Joyner        7 votes        (Andresen, Broun, Brown, Capowski, Chilton, Herzenberg, Werner)
- Nina Wallace      7 votes        (Andresen, Broun, Brown, Capowski, Chilton, Herzenberg, Werner)
- Barry Roberts     6 votes        (Broun, Brown, Capowski, Chilton, Herzenberg, Werner)
- Joseph Beasley   1 vote         (Andresen)

Original voting ballots are on file in the Town Clerk's Office.

Item 5 Annexation of Area 2 (Culbreth Park)

Senior Planner Chris Berndt made a brief presentation concerning the proposed annexation of area number two, including Culbreth Park

subdivision and an undeveloped area to the east. She noted that the Council had ninety days to act on annexation matters, with the deadline for area number two being May 17th. Ms. Berndt briefly reviewed the anticipated property tax impacts on individual homeowners. She said that the Council had at least three options concerning annexation: annex as of June 30, 1992, 1993 or 1994. She added that annexation in 1994 or later would require following the entire State mandated procedure from the start. Ms. Berndt noted that the staff recommendation was to delay annexation until June 30, 1993, a four hundred day deferral. She noted that the proposed area met State tests for annexation. Ms. Berndt said given the unique relationship of Culbreth Park subdivision to the Town, a transition period appeared to be reasonable.

Council Member Capowski inquired about street lighting in the Culbreth Park subdivision. Residents of the area noted that there were a few street lights in the area, but they did not wish for more street lights to be installed. Council Member Capowski inquired about the fiscal impact of delaying annexation. Ms. Berndt said the net impact of lost revenue would be approximately \$8,500 per year. Mr. Horton noted that expected revenue from the annexation area was not included in the proposed 1992-93 budget. He added that the figures cited by Ms. Berndt were net. Council Member Brown noted that some studies had indicated that the cost of providing services exceeded revenues generated by growth. Ms. Berndt noted that the net revenue was anticipated to be between \$8,200 and \$8,500 in the first and second year following annexation. Council Member Werner inquired about proposed bus service to the area. Ms. Berndt said there was no direct service, but access to shared-rider feeder service would be available.

Adele Newman, a resident of Culbreth Park subdivision, expressed concern that the annexation would have the effect of eliminating a portion of the second mortgage. Ms. Newman stated that tax credits were not available to most homeowners, since many homeowners did not have sufficient deductions to itemize on their tax returns. Ms. Newman said it was hard to believe that the Town could provide refuse collection and police patrol service, roadway repair and street lights for \$18,000 per year. She stated that police protection and lighting in the Culbreth Park subdivision were satisfactory. Ms. Newman requested that annexation of Culbreth Park subdivision be delayed.

Joan Whaley, a resident of Culbreth Park, said she concurred with Ms. Newman's request to delay annexation of area two.

Ellen Landy said she requested that Culbreth Park subdivision not be annexed by the Town during the next five years.

Crawford Crenshaw, representing Culbreth Park Subdivision, thanked the Council for their past support.

Council Member Andresen said the annexation of area two involved a number of difficult issues. She noted that annexation of the area might cause financial hardships for some residents. Noting that she supported the Manager's recommendation, Council Member Andresen said she hoped the Council would support the eventual annexation of Culbreth Park subdivision and the surrounding area.

COUNCIL MEMBER ANDRESEN MOVED THE ADOPTION OF ORDINANCE 1A. THE MOTION DIED FOR LACK OF A SECOND.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO ADOPT RESOLUTION 1, ANNEXING AREA TWO EFFECTIVE JUNE 30, 1994.

Council Member Herzenberg said he favored delaying the annexation for one year beyond the staff recommendation of June 30, 1993. Council Member Capowski thanked the staff for their analysis and residents of Culbreth Park for their input. He noted that the Town had an investment in, and was growing toward, the Culbreth Park and Morgan Run area. Council Member Capowski said he favored a two year delay of the annexation of area two. He suggested that future home buyers in the area be made aware of the proposed annexation. Council Member Chilton said he supported resolution 1, delaying the annexation for two years. He noted that Culbreth Park was a special case of annexation. Council Member Chilton encouraged other areas under consideration for annexation to note that a special circumstance was involved and that this delay would not be precedent-setting. Mayor Broun expressed his support for resolution 1.

THE MOTION WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION ON ANNEXING CULBRETH PARK (2-YEAR DEFERRAL)  
(92-5-11/R-1)

WHEREAS, the Council has held a public hearing on the question of annexing Area 2 including Culbreth Park on February 17, 1992, and has prepared an annexation plan for extending services to the area;

WHEREAS, homeowners in Culbreth Park have expressed concern about the short notice period given to adjust their finances to paying Town property taxes;

WHEREAS, Culbreth Park is a program which helps meet the Town Comprehensive Plan goals of providing a range of housing at various cost levels; and

WHEREAS, the Town has assisted owners of Culbreth Park to make the homes affordable to lower income families;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby elects to begin the process of annexation in

the Fall of 1993 for consideration of annexation of Area 2, including Culbreth Park by June 30, 1994.

This the 11th day of May, 1992.

Item 6 Human Services Coordination Council

Mr. Horton noted that cooperative work on human services was underway between United Way, the Town and other area agencies. Human Services Coordinator Julia Mack said the resolution before the Council to sign an agreement with area agencies establishing a human services coordination council. She noted that the council would be instrumental in making delivery of human services more efficient and encouraging community problem-solving. Ms. Mack noted that coordinating council members Susan Worley, Sue Schroeder, Maribel Carrion and Ned Brooks were in attendance. She added that Margaret Henderson, author of the Human Services Status Report, was also in attendance.

Council Member Werner commended Ms. Henderson and the committee for a very readable report. He said that the coordinating council would be very useful in the Council's allocations decision-making process.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO ADOPT RESOLUTION 2.

Council Member Andresen thanked the committee for its work. She said the idea of coordinating human services was an excellent one. Council Member Herzenberg noted that the coordination of human services had been a function of the original Orange County Human Services Commission.

THE MOTION TO ADOPT RESOLUTION 2 WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION AUTHORIZING THE TOWN MANAGER, ON BEHALF OF THE TOWN, TO SIGN AN AGREEMENT WITH CARRBORO, ORANGE COUNTY, THE UNITED WAY OF GREATER ORANGE COUNTY AND THE ASSOCIATION OF COMMUNITY AGENCIES ESTABLISHING THE ORANGE COUNTY HUMAN SERVICES COORDINATING COUNCIL (92-5-11/R-2)

WHEREAS, the Council of the Town of Chapel Hill received the Human Services Advisory Board's Needs Report on January 27, 1992, and the Report recommended that the Town "participate fully and financially in the needs assessment development jointly" by local governments and the United Way of Greater Orange County; and

WHEREAS, the proposed Orange County Human Services Coordinating Council can help to meet the need for administrative relief as identified by the Chapel Hill Human Services Advisory Board; and

WHEREAS, it is in the interest of the Town of Chapel Hill to support initiatives that can lead to a more efficient and accessible human services system for its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to sign, on behalf of the Town, an agreement between Carrboro, Orange County, the United Way of Orange County, and the Association of Community Agencies establishing the Orange County Human Services Coordinating Council.

This the 11th day of May, 1992.

Item 7 Reducing Paper Usage

Mr. Horton said the staff had been unable to make any suggestions resulting in large reductions in the amount of paper in Council agenda packets. He noted that high level of citizen interest, coupled with the careful manner of public hearings, contributed to the large volume of paper in Council agenda packets. Mr. Horton said the staff offered two alternatives for Council consideration: (1) reducing the number of attachments by distributing attachments only one and (2) changing to action-only minutes for regular Council meetings.

Council Member Herzenberg said he opposed changing to action-only minutes. He noted that there was a significant amount of useful detail in the current Council minutes. Council Member Werner expressed his concurrence. He said that action-only minutes would have little historical value in capturing the flavor of Council meetings. Council Member Andresen emphasized the importance of having as complete as possible minutes for Council meetings.

Council Member Capowski emphasized the importance of having information in concise and readable form. Council Member Capowski said he did not favor one-time distribution of attachments and materials. Council Member Brown said she knew this was a difficult issue. Council Member Brown stated that she depended on minutes and referred to them on numerous occasions. Council Member Brown said she supported the staff's suggestion to reduce the distribution of attachments. She said that council members could establish filing systems for maintaining documents.

COUNCIL MEMBER BROWN MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT RESOLUTION 3. THE MOTION FAILED, 2-5, WITH COUNCIL MEMBERS BROWN AND CHILTON VOTING AYE.

Council Member Werner said he would not object to receiving the same agenda materials back. Council Member Werner stated that his schedule did not permit him to maintain a filing system. Mr.

Horton noted that some council members turned in their materials for reuse. Council Member Brown stated that council members could leave materials in their notebooks for reuse. Council Member Werner said materials could be returned to council members if individual council members wished. Mayor Broun expressed appreciation to the staff for their efforts in this matter. Mr. Horton said the staff would continue its efforts to identify ways for reducing paper usage.

Item 8 Parking on Sidewalks

Mr. Horton noted that parking on sidewalks caused safety problems for pedestrians and handicapped persons. He also said that parking on sidewalks caused damage to brick sidewalks. Mr. Horton said it would be possible to discourage parking on sidewalks in a gentle fashion, with warning notices being issued for an initial period, rather than tickets and towing of vehicles. He stated that staff could work with University officials to notify persons of the new regulations. Mr. Horton said that ninety-day notice of the proposed changes would be given to persons attending places of worship in the downtown area.

Council Member Werner noted that the majority of persons parking on sidewalks at football games were non-Town residents. He inquired about the effectiveness of a ticketing, no-tow policy. Mr. Horton noted that the need for parking monitors would continue, to warn people away from parking in some areas. Council Member Brown inquired whether the Town paid for parking monitors. Mr. Horton said yes. He noted that this practice would continue, unless the University changed its policies. Mr. Horton noted that the University had declined to change its policies in the past. Council Member Herzenberg noted that some areas experienced greater sidewalk parking problems than others. Council Member Capowski noted that the central portion of the Town had evolved prior to the use of automobiles as the primary means of transportation. He noted parking all the automobiles at a typical UNC football game would require approximately two hundred acres. Council Member Capowski said that people had to take responsibility for using alternate means of transportation to attend events. He also noted that places of worship could have transportation management plans similar to those for businesses. Council Member Capowski said he favored the proposed resolution.

Phillip Sullivan, a member of the University Presbyterian Church, noted that it had been past practice to permit parking on sidewalks for special days and events. Mr. Sullivan said that the difficulty of parking in the downtown area for worship services had been exacerbated by the closure of parking lot number one. He requested that the proposed change in rules be postponed until the parking deck project was completed. Council Member Andresen inquired how



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many persons attending worship services parked on sidewalks. Mr. Sullivan said that approximately two hundred cars parked at the Morehead Planetarium or used other on-street or sidewalk parking. He noted that some parishioners, particularly elderly persons, needed some leniency regarding close-in parking for worship services.

Tom Nuzum, a resident of North Boundary Street, urged the Council to speed up the process for enforcement of sidewalk parking regulations on football game Saturdays. He suggested that warnings be issued for the first three home football games, with tickets being issued thereafter. Mr. Nuzum passed around a photographic exhibit, depicting parking on vehicles on sidewalks in his neighborhood. He stated that organizations holding major events could encourage the use of park and ride lots and other means of alternative transportation.

Council Member Herzenberg said he was somewhat sympathetic about Mr. Sullivan's remarks concerning elderly church congregants. He added that a parking lot one-half block to the east on West Rosemary Street was largely empty on Sunday mornings. Council Member Capowski inquired how many cars were being displaced from their normal locations on football game Saturdays. Acting Police Chief Ralph Pendergraph said this totalled approximately five hundred cars around the Town. Council Member Chilton noted that the Council generally appeared to favor more vigorous enforcement of prohibiting the parking of vehicles on sidewalks. He emphasized the need for people to use services such as park and ride. Council Member Chilton said although he had some sympathy for parishioners of downtown places of worship, he generally supported the basic concept of discouraging parking on sidewalks.

Council Member Werner inquired whether there had been any conversations with the University about sending out information concerning the proposed new regulations. Mr. Horton said that conversations to date had been very informal. Council Member Werner said he would be very disappointed if the University did not cooperate in these efforts. He stated that Mr. Nuzum's idea of providing notice of new regulations for the first three home football games was a good one. Council Member Andresen said it was dangerous to walk in the roadway when cars were parked on the sidewalk. She stated that special parking arrangements for elderly parishioners was a good idea. Council Member Brown requested additional information on the means for notifying persons of new regulations pertaining to football game parking. Mr. Horton suggested that this matter could be discussed at the Coordination and Consultation Committee meeting on May 18th.

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT RESOLUTION 4.

Mayor Broun noted that there was enough flexibility in the resolution to permit the Manager to work out specific arrangements. Mr. Horton inquired whether it was the Council's desire to initiate parking citations beginning at the fourth home football game and provide ninety day notice of parking regulation changes to church parishioners. Mayor Broun said this was correct. He suggested that staff meet with church representatives to work out specific arrangements. Council Member Chilton inquired about the anticipated opening date for the downtown parking facility. Mr. Horton said the estimated completion date was January, 1993.

THE MOTION WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION AUTHORIZING THE MANAGER TO INSTITUTE A PROGRAM TO DISCOURAGE PARKING VEHICLES ON SIDEWALKS (92-5-11/R-4)

WHEREAS, parking vehicles on sidewalks poses a hazard to pedestrians, forcing them to walk in the streets; and

WHEREAS, the Council desires to improve public safety by eliminating the practice of parking vehicles on sidewalks;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to institute a program to discourage the practice of parking vehicles on sidewalks, as outlined in the report to the Council dated May 11, 1992.

This the 11th day of May, 1992.

Item 9 1992-1994 Transportation Improvements Program

Mr. Horton noted that the new Intermodal Surface Transportation Efficiency Act (ISTEA) provided additional hope for flexibility in transportation funding. He noted that the act would have some influence over state Department of Transportation decisions concerning transportation improvements. Transportation Planner David Bonk said the most immediate impact of the act would be to give the Transportation Advisory Committee responsibility for endorsing every current transportation improvement project. Mr. Bonk stated that the resolution before the Council recommended the deletion of U.S. 15-501 from the Transportation Improvements Program and requested the reallocation of funds by the Transportation Advisory Committee to other projects in the urban area.

Wayne Pein said he wished to address the Council concerning the widening of Highway NC 86 north of Homestead Road. Mayor Broun noted that this item was not under consideration by the Council this evening. Council Member Andresen inquired when this matter

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would be discussed by the Council. Mr. Horton said the matter was scheduled to be considered by the Council on May 26th. Council Member Werner inquired whether reallocated funds would be used for the Martin Luther King interchange project or other roadway projects. Mr. Horton said the Town was requesting that the Transportation Advisory Committee direct funds toward projects in the Town, Carrboro and urban area. Mayor Broun noted that the Transportation Advisory Committee had a certain degree of flexibility in reallocation of funds. Council Member Brown inquired whether the allocation of \$5.2 million for the Martin Luther King interchange project was a given. Mr. Horton said no. Council Member Brown noted that this project was not a high priority on the City of Durham's transportation project listing. Mr. Horton said this was his understanding.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT RESOLUTION 5. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION RECOMMENDING THAT THE DURHAM URBAN AREA TRANSPORTATION ADVISORY COMMITTEE NOT INCLUDE THE U.S. 15-501 SOUTH WIDENING PROJECT IN THE URBAN AREA TRANSPORTATION IMPROVEMENT PROGRAM AND NOT APPROVE THE INCLUSION OF THAT PROJECT IN THE STATE TRANSPORTATION IMPROVEMENT PROGRAM AND THAT THE FUNDS IDENTIFIED FOR THAT PROJECT BE REALLOCATED TO MORE CRITICAL TRANSPORTATION NEEDS WITHIN THE URBAN AREA (92-5-11/R-5)

WHEREAS, the Town of Chapel Hill did not include the U.S. 15-501 widening project in the recently adopted Transportation Project Priority Listing; and

WHEREAS, the Council believes that those funds previously allocated to that project should be allocated to other, more important transportation projects within Chapel Hill and the Urban Area; and

WHEREAS, it is the responsibility of the Urban Area Transportation Advisory Committee to approve the expenditure of federal transportation funds for any transportation project within the Urban Area; and

WHEREAS, the Transportation Advisory Committee must also approve the allocation of the Surface Transportation Program direct allocation funds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends to the Durham Urban Area Transportation Advisory Committee that the U.S. 15-501 South widening project not be included in the Urban Area Transportation Improvement Program and that those funds previously identified for that project be reallocated to other, more critical transportation projects within Chapel Hill and the Urban Area.

BE IT FURTHER RESOLVED that the Council requests that the Transportation Advisory Committee develop an appropriate process for allocating the Surface Transportation Program direct allocation funds that reflects the transportation priorities of the Urban Area.

This the 11th day of May, 1992.

Item 10 Landfill Site Access

Mr. Horton noted that a new landfill site was being sought for meeting the County's future waste disposal needs. He said that efforts were underway to reduce waste drastically in the future. Mr. Horton said the Town needed to take advantage of the power to obtain access to properties designated as possible landfill sites.

Public Works Director Bruce Heflin stated that the process for finding a landfill site had been initiated approximately two and a-half years ago. He noted that flyovers of potential sites had occurred during the past several months. Mr. Heflin said that no potential sites had been completed eliminated from consideration. He stated that the site selection process had gone from being very general to specific. Mr. Heflin noted the importance of obtaining as much detailed information as possible about individual sites. Mr. Heflin stated that efforts to obtain voluntary access to some potential sites had proved unsuccessful. He emphasized the need to proceed expediently and thoroughly in this matter.

Council Member Andresen inquired how individual property owners had been contacted. Mr. Heflin said certified letters with return receipts had been forwarded to individual property owners or their representatives. Council Member Andresen asked whether the notice letters had contained specific information about regulations pertaining to site access. Mr. Heflin noted that a number of property owners had refused to grant access to their properties.

Council Member Andresen said she supported eminent domain proceedings in instances where property owners had unequivocally refused access to their property. Council Member Brown asked whether all the proposed sites were permissible. Mr. Heflin said this was not possible to determine without additional information. Council Member Brown requested additional information on the range of size of proposed sites. She said that some of the sites were so large they could last several hundred years. Mr. Heflin said the proposed sites were between three hundred and five hundred acres, with a useful life of twenty to thirty years.

Council Member Capowski inquired whether any follow-up effort had been made to reach the ten property owners that did not respond to the certified letter notifications. Mr. Heflin stated that the letter had not been the first attempt to contact some of the

property owners. He added that no reply generally meant that property owners did not wish to provide access to their property.

Reggie Gillespie, representing a property owner of a potential landfill site, noted that his client had given permission to enter his site but had not given permission to cut timber on his property. Mr. Gillespie requested that the Council exercise reasonable control over the actions of the Landfill Owners Group. He requested that trees not be unnecessarily cleared on his client's land. Mr. Gillespie said the notification letter to property owners did not specify that reasonable compensation would be provided for changes to land. Noting that site OC-11 was primarily wooded, Mr. Gillespie stated that cutting trees would permanently affect the character of some sites. He requested that the Council defer acting on the proposed resolution this evening. Mr. Gillespie also suggested that the Landfill Search Committee continue its search and deliberations concerning site selection.

Mark Marcopolos inquired whether it was correct that site number 3 had been removed from consideration. Mr. Heflin noted that no sites had been completely eliminated from consideration. Mr. Marcopolos expressed concern about the performance of Joyce Engineering in the landfill site selection process. He requested that the Landfill Search Committee postpone a decision on drilling for possible individual landfill sites. Mr. Marcopolos said it was unethical and unneighborly to dump refuse that could be reused or reduced. He expressed concern about the speed of the landfill selection process. Mr. Marcopolos also expressed concern that the area did not have a refuse reduction plan in place. He added that refuse production was being reduced locally. Mr. Marcopolos requested that North Carolina Hospitals conduct an audit of, and reduce, its waste production.

Scott Franklin, a member of SEAL, said he supported the drilling of sites to obtain additional geological information. He emphasized the need for facts to proceed with the landfill site selection process.

Council Member Brown inquired when the Council would have a greater role in the site selection process. Council Member Brown said she was concerned about proposed site acreages. Council Member Brown stated that drilling on sites was necessary, but she had some questions about the overall process. Mr. Horton noted that Council Member Rimer chaired the Landfill Owners Group and served as the Council's representative on landfill siting matters. He stated that the staff was available to report on issues of interest to the Council. Mr. Horton stated that information was gradually being accumulated on a number of sites. He noted the importance of obtaining scientific information on the suitability of individual sites. Mr. Horton said the Landfill Site Selection Committee would make recommendations to the three local governing bodies on

possible landfill sites. Council Member Brown requested that the staff respond to questions raised this evening in its follow-up report. Council Member Werner said it would be helpful to obtain more concrete information on individual sites. He noted that there was a good deal of politics and speculation involved with the site selection process.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 6.

Council Member Brown said she had mixed feelings about the matter. She inquired whether there was any possible way to minimize damage to sites. Mr. Horton said it was in the best interest of all parties to do so. He noted the importance of taking into account the input of individual property owners. Mr. Horton stated that it might be necessary to remove some trees on some sites. He added that reasonable compensation could be discussed in some instances.

THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION AUTHORIZING THE EXERCISE OF THE TOWN OF CHAPEL HILL'S AUTHORITY TO ENTER UPON PRIVATE LANDS FOR THE PURPOSE OF CONDUCTING SURVEYS, BORINGS, EXAMINATIONS AND APPRAISALS TO ASSIST IN THE SELECTION OF A SITE FOR A NEW LANDFILL TO SERVE THE TOWN OF CHAPEL HILL AND APPROVING AN INTERLOCAL AGREEMENT FOR THE EXERCISE OF THAT AUTHORITY (92-5-11/R-6)

WHEREAS, the Town of Chapel Hill is a member of the Landfill Owners' Group and is a part owner of the present Orange County Landfill; and

WHEREAS, the Town of Chapel Hill and the two other owners of the present landfill, the Town of Carrboro and Orange County have appointed a citizens' Landfill Site Search Committee to consider sites for a new landfill for Orange County and the Towns of Carrboro and Chapel Hill; and

WHEREAS, the Towns of Carrboro and Chapel Hill and Orange County have appointed representatives to the Landfill Owners' Group which is considering issues related to the operation of the present landfill and possible location of a site for a future landfill; and

WHEREAS, as part of the process of evaluating potential sites for a future landfill for Orange County and the Towns of Carrboro and Chapel Hill it is necessary to enter upon properties which have been identified as possible sites for a future landfill; and

WHEREAS, under North Carolina law (N.C.G.S. 40A-11), the Town of Chapel Hill as an agency with the authority to exercise the power of eminent domain, may enter upon lands for the purpose of making surveys, borings, examinations and appraisals as may be necessary

or expedient in carrying out and performing its powers of eminent domain, specifically in this case to select a site for a sanitary landfill to serve the Town of Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council hereby approves the exercise of the Town's authority under G.S. 40A-11, to enter upon the lands described in Exhibit A attached hereto and incorporated herein, for the purpose of making surveys, borings, examinations and appraisals as may be necessary or expedient in selecting a site for a future landfill to serve the Town of Chapel Hill;

BE IT FURTHER RESOLVED that the Council hereby authorizes the Town Manager to execute the attached interlocal agreement on behalf of the Town of Chapel Hill with the Town of Carrboro and Orange County, whereby the Town of Chapel Hill is designated to exercise said authority on behalf of the Towns of Chapel Hill and Carrboro and Orange County, and ratifies said agreement.

This the 11th day of May, 1992.

#### Item 11 Triangle Transit Authority

Former Mayor Jonathan Howes extended an invitation to the Mayor and Council to attend a gathering of public officials on June 22nd, to discuss transit issues in the Triangle. He noted that Congressman David Price and other officials would attend the meeting. Mr. Howes emphasized the importance of reciprocal action by local governments in supporting the transit authority's programs. He added that the meeting would include opportunities for discussions in small groups to address critical issues. Mr. Howes introduced Triangle Transit Authority Jim Ritchey. He said that Mr. Ritchey had done an outstanding job of providing leadership for the authority during its initiation period.

Jim Ritchey briefly reviewed the authority's five-year goals, noting that the principal objective was to establish a fiscally-sound, well-run enterprise. He added that the authority wished to expand carpool and vanpool programs in the Triangle and to enhance marketing of public transportation. Mr. Ritchey noted that the authority was attempting to establish regional bus service. He stated that each community in the Triangle expected some level of regional transit service. Mr. Ritchey said that means of alternative transportation such as fixed-guideway systems were being examined. He stated that efforts were being made to develop a consensus of elected officials and citizens in this matter. Mr. Ritchey emphasized the importance of the planning director exchange in regard to this effort and related land-use issues. Council Member Andresen said that the idea of regional bus service sounded exciting and was reasonable.

Item 12 Consent Agenda

COUNCIL MEMBER HERZENBERG, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 6, THE CONSENT AGENDA, AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION APPROVING AND ORDINANCE AND VARIOUS RESOLUTIONS (92-5-11/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the resolutions and an ordinance as submitted by the Town Manager in regard to the following:

- a. Minutes of April 13 and 20, 1992.
- b. N.C. 86 public housing annual contributions contract (R-8).
- c. N.C. 86 public housing project ordinance amendment (O-2).
- d. Contract award for Estes Drive roadway improvements (R-9).
- e. Sale of surplus vehicle to Alamance Community College (R-10).

This the 11th day of May, 1992.

A RESOLUTION AUTHORIZING EXECUTION OF ANNUAL CONTRIBUTIONS CONTRACT (92-5-11/R-8)

WHEREAS, pursuant to the provisions of the United States Housing Act of 1937, the Department of Housing and Urban Development (HUD) provides financial assistance to public housing agencies; and

WHEREAS, the Town of Chapel Hill (PHA) proposes to enter into an Annual Contributions Contract or Amendment thereto (Contract) with HUD in order to receive such assistance;

NOW, THEREFORE, BE IT RESOLVED by the PHA as follows:

The Contract, numbered Contract No. A-3963, Amendment No. 14 (delete if not applicable), is hereby approved and accepted both as to form and substance and the Chairman of Vice Chairman is hereby authorized and directed to execute said Contract in quadruplicate on behalf of the PHA, and the Secretary is hereby authorized and directed to impress and attest the official seal of the PHA, on each counterpart and to forward executed counterparts thereof to the Government together with such other documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

This the 11th day of May, 1992.



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AN ORDINANCE TO AMEND A GRANT PROJECT ORDINANCE FOR NEW PUBLIC HOUSING UNITS (92-5-11/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby established:

SECTION I

The project authorized is the construction of new public housing units as approved by Council on July 10, 1989 (89-7-10/R-15.1): Funds are as contained in the Development Grant Agreement and the Annual Contributions Contract between the Town and the U.S. Department of Housing and Urban Development (HUD) for Project Grant 10. The project activities will include the construction costs for 24 new public housing units.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations the U.S. Department of Housing and Urban Development, and the budget contained herein.

SECTION III

The following revenues are anticipated to be available to complete this project:

	<u>Current Budget</u>	<u>Amended Budget</u>
HUD Development Grant	\$1,308,600	\$1,398,600

The following amount s are appropriated for the project:

	<u>Current Budget</u>	<u>Amended Budget</u>
Administration	\$ 20,300	\$ 30,000
Professional Services	\$ 118,600	\$ 86,500
Construction	<u>\$1,169,700</u>	<u>\$1,282,100</u>
TOTAL:	\$1,308,600	\$1,398,600

SECTION IV

The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to HUD as required by the grant agreement(s) and Federal and State requirements.

This the 11th day of May, 1992.

A RESOLUTION AWARDING A CONTRACT AND ACCEPTING BID FOR ESTES DRIVE IMPROVEMENTS (92-5-11/R-9)

WHEREAS, the Town of Chapel Hill has solicited formal bids by advertisement in The Chapel Hill Newspaper on March 22, 1992, in accordance with G. S. 143-129 for improvements to Estes Drive; and

WHEREAS, the following bids were received and opened on April 14, 1992:

<u>Bidder</u>	<u>Amount</u>
Mellott Trucking Co.	\$110,068.40
C. C. Mangum	126,412.00
Triangle Paving, Inc.	130,789.00
Blythe Industries, Inc.	136,211.75
Alliance Contracting	154,216.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the low bid of Mellott Trucking and Supply Company, Inc. in the amount of \$110,068.40 and awards the contract for the Estes Drive Improvement project.

This the 11th day of May, 1992.

A RESOLUTION AUTHORIZING THE SALE OF A SURPLUS PATROL VEHICLE TO THE CRIMINAL JUSTICE PROGRAM OF ALAMANCE COMMUNITY COLLEGE (92-5-11/R-10)

WHEREAS, the Police Department has declared seven 1989 Crown Victoria patrol cars as surplus, and no longer of value to the Town; and

WHEREAS, the Criminal Justice Program of Alamance Community College has requested one of the vehicles; and

WHEREAS, the requested vehicle would be used only for training purposes and would not be driven off the Alamance Community College grounds; and

WHEREAS, all emblems and markings of the Town of Chapel Hill would be removed; and

WHEREAS, the Criminal Justice Program of Alamance Community College is a valuable resource to the Police Department; and

WHEREAS, the sale of this vehicle to Alamance Community College is authorized by North Carolina G.S. 160A-274.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes Town staff to sell for \$1.00 a 1989 Ford, Crown Victoria, Vehicle Identification Number 2FABP72G3KX183637, to the Criminal Justice Program of Alamance Community College.

This the 11th day of May, 1992

Item 13 Information Report

Council Member Andresen commended the Parks and Recreation staff for bringing about a summer youth basketball league program.

There was no Executive session.

The meeting concluded at 10:02 p.m.