

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
WEDNESDAY, MAY 12, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Winston Broadfoot
Beverly Kawalec
R. D. Smith
Joe Straley

Councilmembers Pasquini, Howes, and Wallace were excused absences. Also present were Town Manager, David R. Taylor, and Deputy Town Attorney, Grainger Barrett

Resolution Approving the Site Plan for an Addition to Willow Terrace

Mr. Jennings outlined the request for a site plan review for the construction of 14 additional units to the presently existing Willow Terrace Apartments.

The applicant, Mr. Phil Rominger, requested that Council waive the requirements of Section 8-35 of the Code of Ordinances which required that all new construction of multi-family units of 6 units or more be provided with bulk trash containers. As the original apartments were constructed prior to that ordinance requirement, individual trash containers were currently in use. The Planning Board concurred with the applicant's request. Staff, however, did not recommend the waiver of this requirement.

Mr. Jennings stated that this requirement had not changed from the previous ordinance. Collection in bulk containers was more cost efficient. Approximately 14 units could be served with one bulk container. Currently, a small scooter was used to collect trash which had been emptied into larger containers from smaller containers. Two men performed this task.

Mr. Rominger stated that cost effectiveness was a consideration, but he explained that the apartments were arranged so that each side of the apartment was a side door or a back door to a neighbor. To effectively conduct bulk refuse collection would require the use of a large truck entering this area during early morning hours. In addition, children playing around the pool and play areas created an additional hazard. A third issue was the odor from such a large container, creating unpleasant living conditions. He did not feel that bulk containers would be compatible with this project.

Mr. Rominger felt that the ordinance requirement for a bike/motorcycle/moped parking pad was not needed as there were adequate parking areas provided at the apartments. Planning Board and staff concurred with this request.

Mr. Rominger made a final request that he wished to be allowed to shade this area according to his own landscaping desires. Planning Board and staff concurred with this request.

COUNCILMEMBER BOULTON MOVED TO ADOPT RESOLUTION 132b. This resolution allowed the deletion of the requirement of Section 8-35 for a dumpster container. Councilmember Kawalec strongly asserted that to waive any requirement would set a precedent for the future. Councilmember Smith concurred, stating that there should be ways to make the dumpster more desirable.

Mayor Nassif explained that if this requirement were imposed on this apartment complex, then two types of refuse collection would be in effect--individual containers for one area, and dumpster collection for another area.

Councilmember Broadfoot felt that the difficulties in accommodating a dumpster and making it desirable warranted "waiving" this requirement. Councilmember Boulton concurred, stating that this was not a violation of the ordinance, but rather waiving a particular restriction.

Mr. Taylor explained that it would be more economical to use one large container for the whole complex. Two different systems of collection would prompt an additional trip.

Mayor Nassif felt that it would be cheaper to use the current service methods than to begin a second type of collection. In addition, he did not feel that requirements for shading and buffering were consistent, as this requirement would be only for the new addition. He did not see any problem with waiving any of the requirements.

Councilmember Smith expressed concern for adequate access and turn-around room for large refuse trucks. Mr. Jennings stated that it would not be possible for a large truck to turn around if the parking lot were full. The truck would have to back out.

COUNCILMEMBER BOULTON MOVED TO AMEND HER MOTION BY DELETING STIPULATION #4 (REGARDING SHADING AND BUFFERING). THE MOTION WAS SECONDED BY COUNCILMEMBER BROADFOOT.

Councilmember Kawalec continued to object to this method of changing the Zoning Ordinance requirements. She would not support the amendment.

Councilmember Boulton felt that one reason to have dumpsters would be to save time, and as the Manager had said that two systems would not save time, here was a case where enforcing an ordinance requirement would hamper the intention of the ordinance.

COUNCILMEMBER BOULTON REVISED HER AMENDMENT TO THE MOTION. THE AMENDMENT WOULD WAIVE COMPLIANCE WITH SECTIONS 6.6.6d AND 6.12 BUT WOULD HAVE THE APPLICANT SUBMIT A LANDSCAPE PLAN SHOWING SHADING AND BUFFERING TO THE TOWN MANAGER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

THE MOTION TO AMEND DID NOT FAIL OR PASS WITH A VOTE OF 4 TO 2: COUNCILMEMBERS STRALEY, BOULTON, BROADFOOT, AND MAYOR NASSIF SUPPORTED THE MOTION, AND COUNCILMEMBERS SMITH AND KAWALEC OPPOSED THE MOTION.

Mr. Barrett stated that the ordinance allowed the waiver of certain stipulations, but did not include the provision regarding bulk containers. Council could, however, take the view that the waiver was implied, but this would be hard to determine. If Council felt that there was sufficient merit to grant the waiver request, staff could prepare an amendment that would show that the purpose of the waiver was to provide efficiency at a complex which pre-existed this ordinance. This amendment to the Code could be brought to Council on May 24. Waiving a request could be done to accomplish both points of view, on the basis that these are not new apartment units within the intention of the spirit of the ordinance provision. Waiver requests should always be a concern to Council.

Councilmember Kawalec felt that the Council should amend the Code, rather than allow non-compliance for a particular instance. Developers should come to the Council with a proposal that met the requirements and ask for approval on the basis that these requirements were met.

THE MOTION (TO ADOPT THE FOLLOWING RESOLUTION) CARRIED 5 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, SMITH, STRALEY, AND MAYOR NASSIF, AND COUNCILMEMBER KAWALEC OPPOSING.

A RESOLUTION APPROVING THE SITE PLAN FOR AN ADDITION TO WILLOW TERRACE APARTMENTS (82-R-132b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the request to add 14 additional dwellings units to Willow Terrace if developed in accordance with the plans submitted with the application and the stipulations and conditions set forth below meets the requirements of the Chapel Hill Code of Ordinances.

1. That installation of public water and sanitary sewer lines be approved by Orange Water and Sewer Authority. Certification of such approval shall be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That the requirements of Section 8-35 of the Code be waived for this proposal, and that the location and design of the refuse area be approved by the Town Manager prior to issuance of the Zoning Compliance Permit and shown on a revised site plan.

3. That the location of the fire hydrants be approved by the Town Manager prior to issuance of the Zoning Compliance Permit and shown on a revised site plan.
4. That a shading and buffer plan complying with Sections 6.6.6d and 6.12 of the Chapel Hill Zoning Ordinance be submitted to and be approved by the Town Manager prior to issuance of a Certificate of Occupancy.
5. That the Council find that bicycle parking is adequately provided for and that no motorcycle or moped parking is necessary, as provided in Section 6.6.5n.

This the 12th day of May, 1982.

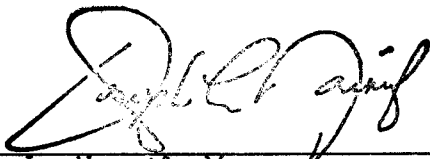
Other Business

Councilmember Straley asked that Council schedule a worksession to have department heads and Board and Commission chairpersons inform Council of miscellaneous budget items that Council might overlook. Council could then ask questions in return. Councilmember Smith stated that he would not participate in such an arrangement as all of Council's questions regarding the Budget should be directed to the Manager and not to the Department Heads.

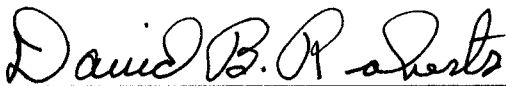
Mayor Nassif asserted to Councilmembers that any questions which needed answers should be resolved prior to budget worksessions.

Council agreed upon the following budget worksessions: May 27, 1982, and June 9, 1982 (rather than June 7, 1982 as previously scheduled).

The meeting was adjourned at approximately 8:30 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk