

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, JUNE 14, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Winston Broadfoot
Beverly Kawalec
David Pasquini
R. D. Smith
Joseph Straley
Jim Wallace

Councilmember Howes was absent. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

Mr. Taylor, Town Manager, asked Mr. Ron Secrist, Director of the Chapel Hill Parks and Recreation Department to introduce Mr. Phil Rea, Vice President of the N.C. Recreation and Parks Society, and Mr. Ron Ferris, Director of the Lee County Parks and Recreation Department and Chairman of the North Carolina Recreation and Parks Society Public Awareness and Visibility Committee.

Mr. Rea presented the "Life. Be In It. Award of Excellence" to Mayor Nassif.

Mr. Ferris, Chairman of the Committee that selected Chapel Hill as the recipient, read the award: "The North Carolina Recreation and Parks Society "Life. Be In It. Award of Excellence. Presented to the Chapel Hill Parks and Recreation Department Umstead Park Learning Gardens, Summer 1982."

Mayor Nassif expressed appreciation on behalf of the Council and the Recreation Department. Participants in the Learning Gardens Project at Umstead Center were recognized: Caryn Messinger and Shirley Harper, Chapel Hill Parks and Recreation Department; Bibby Moore and Judy Carrier, The Botanical Garden; and Mr. Roger Moser, a teacher at Culbreth School. Mayor Nassif presented the award to Mr. Secrist, congratulating him and his staff.

Councilmember Smith requested that Council also express their appreciation for the recent effort put forth by Mayor Nassif, Police Chief Stone and his Department, and the citizens of Chapel Hill regarding the recent rescue of two young citizens in an incident on the Haw River.

Petitions

Ms. Marsha Strahl, 502 Landerwood Lane, petitioned Council regarding the need for city bus transportation from Culbreth Jr. High School for students who remained for after-school activities. (The petition is on file in the Clerk's Office.)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO RECEIVE THE PETITION AND REFER IT TO THE MANAGER.

Ms. Strahl informed Councilmember Smith that this concern had been addressed during the redistricting meetings of the School Board. Previous bus service for students had been deleted due to monetary problems.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Taylor requested that Agenda Item #12b (regarding proposed parking restrictions on Cleland Drive, Burning Tree Drive, and Sedgefield Drive) be removed from the Consent Agenda. There was no objection from Council.

Council received a letter from Mr. Lynn R. Eisenberg, stating the desire "to publicly withdraw my signature from the April 13 (1982) petition opposing the proposed rezoning amendment for University Heights."

Councilmember Wallace requested that Council discuss personnel matters during the Executive Session scheduled to follow this meeting. There was no objection from Council. The Executive Session would address issues regarding litigation and personnel.

Mayor Nassif read a portion of the "Legislative Bulletin" concerning "...an additional 5th cent local option sales tax to be levied upon approval by referendum in each county...." The Bill was in the Subcommittee of the Senate Finance Committee and was scheduled for discussion at 11:00 A.M. on Tuesday, June 15, 1982. The bulletin urged "...strong support for favorable action on the Bill."

Council granted permission to Mr. Tom Heffner to speak on Agenda Item #9b (regarding a loan to the Inter-Faith Council).

Minutes

May 17, 1982. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO APPROVE THE MINUTES OF MAY 17, 1982, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

May 24, 1982. COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE MINUTES OF MAY 24, 1982, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

University Heights--Request for Zoning Map Amendments

Due to conflict of interests, Mayor Nassif removed himself from discussion and vote of this issue. Mayor Pro-tem Boulton presented recommendations of the Manager, Planning Board, and applicant regarding the rezoning request.

Mr. Taylor referenced the earlier petition from Lynn Eisenberg requesting the removal of his name from the petition submitted to Council on April 13, 1982. As withdrawal of this name from the petition did not render the petition invalid; therefore, seven (7) votes, or the vote of all Councilmembers present at this meeting, would still be required to grant the request.

Mr. Jennings described the area under consideration, as had been presented at the May 17, 1982, Council meeting. (Please refer to minutes in the Clerk's Office).

Councilmember Smith questioned the rationale for changing the current R-2 zone to R-3 or R-4. Mr. Jennings responded that (1) the request was for OI and staff considered the potential intensity of the zoning request; (2) staff did not wish to allow offices as a permitted use in this area; and (3) a higher density would encourage more residential development on that lot, which staff felt was appropriate.

Councilmember Straley asked if the current R-2 zone represented the current density. Mr. Jennings responded that the density was currently not more than R-2.

Councilmember Broadfoot felt that no increase in density should be considered as long as there were sewage problems. Mr. Jennings responded that staff did not concur with the applicant's belief that a permitted increase in density would encourage correction of the current sewer problems. Staff viewed proposals in light of appropriate use of land.

Councilmember Smith expressed concern that approval of this request would allow Commercial and OI zoning to "creep" into residential neighborhoods, and decrease the number of available low and moderate income housing. He stated that he would feel more comfortable with a proposal that would allow 200 feet of Neighborhood Commercial zoning along the Old Durham Road. He did not feel that he could support any further rezoning of this area.

Councilmember Kawalec stated that the recently revised Zoning Ordinance had not addressed any need for rezoning of this area. She felt that there was a definite need for more low and moderate income housing neighborhoods. As this was one of these areas, why would it be considered for a change? She also expressed concern for any development around the cemetery.

Mr. Denny informed Council that they could formulate their own set of options for rezoning this area, or deny the request either in part or in total. A further public hearing would not be necessary as long as there was no change in the rezoning considerations, as had been advertised.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO APPROVE THE NEIGHBORHOOD COMMERCIAL ZONE ON OLD DURHAM ROAD TO A DEPTH OF 200 FEET AND THE ZONING OF R-4 IN BLOCK C (LOTS 17-18, TAX MAP 27A)

Councilmember Wallace felt that no vote at this meeting would pass unanimously, regardless of the motion, A unanimous vote would be necessary for a vote at this meeting, as there was one Councilmember absent. He felt that many other alternatives could be considered and that Council should study these alternatives before taking a vote.

Councilmember Kawalec felt that to delay the issue would not be wise, as Council's schedule for subsequent meetings was already full.

Councilmember Wallace felt that neither a vote this evening or an inordinate delay would help either proponents or opponents. Councilmember Straley concurred, feeling that he, also, had questions that he wished to resolve before submitting a vote.

Councilmember Pasquini preferred to see the area sectionalized, as he felt that he could not agree with all the options offered.

COUNCILMEMBER SMITH, MAKER OF THE MOTION, AND COUNCILMEMBER WALLACE, SECONDER OF THE MOTION, WITHDREW THE MAIN MOTION.

COUNCILMEMBER WALLACE MOVED TO DELAY ACTION UNTIL THE NEXT REGULAR MEETING (JUNE 28, 1982) OF THE COUNCIL. COUNCILMEMBER STRALEY SECONDED THE MOTION.

THE MOTION CARRIED 5 TO 2 WITH COUNCILMEMBERS BROADFOOT, KAWALEC, PASQUINI, STRALEY, AND WALLACE SUPPORTING, AND COUNCILMEMBERS BOULTON AND SMITH OPPOSING.

Resolution Granting a Planned Development-Housing Special Use Permit to Plaza Associates, Inc., for Summerfield Crossing

During the May 17, 1982 public hearing, Council had referred the request to the Planning Board for further study. Council requested that the Planning Board and staff consider the request in the light of the previous requests for development of Middleton Village, and later Foxcroft I and Foxcroft II.

In light of this request, staff compared previous concerns for earlier developments with concerns expressed for the Summerfield Crossing project as follows:

1. The number of proposed units for Summerfield Crossing was 1/3 of those previously proposed in Foxcroft II, thus reducing the traffic impact of the project.
2. Bus service was now available, reducing the traffic impact.
3. Installation of traffic signals at Erwin Road/U.S. 15-501 would reduce any traffic concerns that might be related to impact of the proposed development.
4. Dobbins Drive had been widened, and extended, and the exit had been relocated and redesigned.
5. Combining previous requirements to improve and realign a portion of Old Oxford Road with the current requirement for Summerfield Crossing to improve 360 feet of Old Oxford Road, only approximately 300 feet would remain unimproved. It would be necessary to obtain sufficient right-of-way to improve this 300-foot section. Staff did not recommend that off-site improvements of Old Oxford Road be made as a condition for approval of this request. Staff felt that the low density of the proposed development, the availability of bus service, and sufficient access was in existence and could, therefore, not make this requirement.

The Planning Board's previous recommendation to remove the proposed recreational vehicle and boat parking area from the floodway had been revised. The Board now recommended approval of this area as proposed.

The Parks and Recreation Commission had previously recommended development of a recreational area. However, the Commission now indicated that even though their earlier recommendation had not changed, their recommendation was not as strong as before.

Councilmember Smith questioned why the right-of-way had not been obtained from the State for the 300-foot portion of Old Oxford Road. Ms. Loewenthal responded

that staff had contacted the State Department of Transportation requesting that negotiations for this right-of-way be re-opened.

Councilmember Straley questioned if traffic currently used the 300-foot unpaved section of Old Oxford Road. He did not feel that this section was wide enough for two-way traffic and would, therefore, encourage traffic to go through local developments and through the proposed Summerfield Crossing Road in route to U.S. 15-501.

Mr. Jennings responded to Councilmember Boulton that moving the parking area for recreational vehicles and boats further away from residential development (in order to provide more buffer) would create a longer access road than would be desirable.

Mr. Jennings responded to Councilmember Broadfoot that natural and supplemental vegetation would create sufficient buffer for the recreational vehicle and boat parking area. As many trees as possible would be saved. In addition, a narrow access drive was now proposed.

Mr. Jennings stated that staff felt that extension of Old Oxford Road across Booker Creek would be expensive. Access by emergency vehicles would be hampered, however, without such an access. It could be a future possibility to open this access.

Councilmember Wallace opposed parking plans in the flood plain as well as the destruction of trees for a graded play area in the flood plain. Such development would result in excessive damage and should not be permitted. He also opposed extension of Old Oxford Road.

Mr. Jennings outlined phasing plans for this project. Phase III, as proposed by the applicant, would extend Summerfield Crossing Road through to Dobbins Drive and then be open to through traffic.

Mayor Nassif felt that such phasing would "load-up" either a subdivision to the north or Old Oxford Road, if the road were not opened to through traffic until the third phase. He stated that he might concur with the plans for phasing if the plans were reversed. He felt that Council had a responsibility to encourage orderly growth--the proposed phasing did not promote this because of lack of proper roads during the earlier phases. Plans for previous area developments had required two access roads.

Councilmember Smith did not support any crossing of Booker Creek as prior Boards had indicated that there was no intention to cross this creek. Past Boards had supported closed neighborhoods. He also did not support plans for a recreational vehicle and boat parking area so far from residents, due to concerns of theft and vandalism, especially with added buffer.

Mr. Jennings responded that no action or policy had been reflected in Town records regarding any desire or lack of desire to cross the creek. Staff would use their best judgment, in the absence of any explicit policy decision.

Councilmember Straley wondered if the area for parking recreational vehicles and boats was above the manhole level and if the recreational vehicles would be in more danger or less danger of flooding than the manholes. This information was not available.

Mr. Roscoe Reeve, Chairman of the Planning Board, responded to Councilmember Boulton (regarding the Board's change of recommendation) that several Board members had viewed the site and measured the distance from the parking area for recreational vehicles and boats and the nearest residence. In addition, four different Homeowners' Associations had stated that lack of such a facility was a source of trouble in such developments--"...there was never enough room to put anything...and neighbors argued over who parked what where.... It was a good idea for a development to work this out ahead of time, if possible."

Councilmember Smith felt that a central location would be more appropriate. Mr. Reeve responded that if no area was provided, there would be problems.

COUNCILMEMBER WALLACE MOVED ADOPTION OF RESOLUTION 82-R-114b WITH THE FOLLOWING CHANGES:

1. Delete the following paragraph: "BE IT FURTHER RESOLVED that the Council finds that the public purposes to be achieved by requiring a 100-foot buffer along the perimeter of a Planned Development-Housing are served to an

equivalent degree by allowing parking for twelve recreational vehicles to be placed within this buffer on the western side of the property since this parking will not be paved and will be separated from existing and future development by the floodway area which is 200 feet wide."

2. Add the following stipulation: "That the proposed parking area for recreational vehicles and boats be deleted."
3. Delete stipulation #17 which read: "That, if the Town Manager determines before the project is completed that the future alignment of the Oxford Road connection will require less than 30 feet right-of-way along this project's frontage, the applicant may construct the two additional units originally proposed for this area without a modification of the Special Use Permit."
4. Add the following stipulation: "That no connection of the portions of Old Oxford Road across Booker Creek be made at this time."

THE MOTION WAS SECONDED BY COUNCILMEMBER PASQUINI.

Councilmember Kawalec felt that Council was over-reacting to the problems of parking recreational vehicles. There was a need for such a place and it would help to prevent problems.

She would not support the motion, as there was no such provision for parking.

Councilmember Wallace responded that the area would be ideally situated for vandalism; one should consider where one would park a vehicle before buying it. He opposed any plans in the flood plain.

Councilmember Boulton felt that the phasing of the project should be reversed--the need for the road being paramount. Mr. Jennings responded that the applicant would need to obtain an easement to have the Foxcroft sewer line become a public line. For marketing reasons, the applicant wished to enter the site from the rear.

Councilmember Smith felt that 12 spaces was insufficient, considering the nearness of Jordan Lake. He also supported reversing the phasing plans. He did not feel that the installation of the signal light at the intersection of Erwin Road/U.S. 15-501 should have any bearing on the merits of the project.

Councilmember Straley was assured that the motion would not preclude future opening of a road over Booker Creek.

THE MOTION TIED WITH A 4 TO 4 VOTE WITH COUNCILMEMBERS WALLACE, PASQUINI, BROADFOOT, AND STRALEY SUPPORTING, AND COUNCILMEMBERS KAWALEC, BOULTON, SMITH, AND MAYOR NASSIF OPPOSING.

As a result of the tie vote, a second vote would be taken at the next regular meeting.

Mr. Sam Longiotti implored Council to make a decision at this meeting, as further delay would result in financial difficulties for him.

Mr. Denny advised Council that a re-count of the vote could be taken at this meeting. An additional motion, as proposed by Councilmember Kawalec, would not be appropriate if there were ways in which the matter could be resolved. Mayor Nassif asked for a re-count.

THE MOTION (TO ADOPT THE FOLLOWING RESOLUTION) CARRIED 5 TO 3 WITH COUNCILMEMBERS WALLACE, PASQUINI, BROADFOOT, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC, BOULTON, AND SMITH ~~SUPPORTING.~~ OPPOSING. (bpc)

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO PLAZA ASSOCIATES, INC., FOR SUMMERFIELD CROSSING (82-R-114b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing Special Use Permit proposed by Plaza Associates, Inc., if developed in accordance with the plans submitted May 13, 1982, and the stipulations and conditions set forth below:

1. That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

- 2. That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
- 3. That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
- 4. That the development conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

The stipulations upon which the above findings are based are as follows:

- 1. That a phasing plan be approved by the Town Manager and that detailed plans be approved, Zoning Compliance Permits issued, and improvements be installed in accordance with this phasing plan.
- 2. That the design for improvements to and dedication of rights-of-way for Old Oxford Road and SR 1740 be approved by the Town Manager and the N.C. Department of Transportation prior to the issuance of a Zoning Compliance Permit.
- 3. That Summerfield Crossing be dedicated as a public street and that plans for this street be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 4. That the center median in Summerfield Crossing, as defined by the Town Manager, be dedicated as open space to the homeowners association and maintained by the homeowners association.
- 5. That plans for water and sewer improvements, including necessary utility easements, be approved by OWASA prior to issuance of a Zoning Compliance Permit.
- 6. That a plat dedicating all easements and public rights-of-way shown on the site plan or required by the Town Manager or OWASA be recorded in the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit.
- 7. That the private streets be built to Town standards for a Class D street. Plans for these streets shall be approved by the Town Manager prior to construction.
- 8. That a detailed drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 9. That plans showing detailed topography and proposed cross-sections for the units at the end of Gristmill Lane which adjoin the floodplain of Booker Creek be approved by the Town Manager prior to issuance of a Building Permit.
- 10. That a parking lot shading plan as required by Section 6.6.6d be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 11. That a detailed landscape plan showing required buffers be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
- 12. That detailed elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
- 13. That a lighting plan be approved by the Appearance Commission and Town Manager prior to issuance of a Zoning Compliance Permit.
- 14. That the location of dumpsters be approved by the Town Manager prior to installation.
- 15. That the location of fire hydrants be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 16. That no street names duplicate or be phonetically similar to existing streets in Orange County. Proposed street names shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

17. That the Articles of Incorporation and Bylaws of the Homeowner's Association be approved by the Town Manager prior to issuance of a Certificate of Occupancy.
18. That no connection of the portions of Old Oxford Road across Booker Creek be made at this time.
19. That the proposed parking area for recreational vehicles and boats be deleted.
20. That construction begin by June 30, 1984, and be completed by June 30, 1987.

BE IT FURTHER RESOLVED that the Council hereby grants a Planned Development--Housing Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 14th day of June, 1982.

Resolution Granting a Sorority Special Use Permit to Zeta Tau Alpha Sorority

This item had been presented during the May 17, 1982, public hearing. The request had been referred to the Manager and Attorney for a review of the record and a report to Council. Planning Board, Manager, and the Community Appearance Commission recommended approval of the request.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A SORORITY SPECIAL USE PERMIT TO ZETA TAU ALPHA SORORITY (82-R-115)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Sorority Special Use Permit proposed by Zeta Tau Alpha Sorority if developed in accordance with the plans submitted March 12, 1982, and the stipulations and conditions set forth below:

1. That the use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. That the use is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. That the use conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

The stipulations upon which the above findings are based are as follows:

1. That detailed hydrologic calculations and design of stormwater detention measures including adequate provisions for on-site stormwater detention be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That lighting of the parking lot be required and that a lighting plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
3. That detailed elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
4. That a detailed landscape plan showing alternative buffers be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
5. That any required planting which dies during the life of the Special Use Permit be replaced with plantings of a similar species and approximately the same size by the end of the next planting season.

6. That the proposal comply with the minimum number of parking spaces required in Section 6.6.7 and the percentage of those spaces which may be designed for compact automobiles as required in Section 6.6.5g.
7. That provisions be made for bicycle parking as required in Section 6.6.5n.
8. That a shading plan meeting the requirements of Section 6.6.5d be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
9. That the portions of existing curb cuts which would not be used as a part of this proposal be replaced with curbing to Town standards.
10. That plans for water and sewer service be approved by OWASA prior to issuance of a Zoning Compliance Permit.
11. That plans for the bulk trash container be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That construction begin by June 14, 1984, and be completed by June 14, 1987.

BE IT FURTHER RESOLVED that the Council hereby grants a Sorority Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 14th day of June, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Drive-In Window Special Use Permit to State Employees' Credit Union for the Elliott Road State Employees' Credit Union

This request had been presented to Council during the May 17, 1982, public hearing. The Manager and Planning Board recommended provision of a sidewalk and dumpster collection rather than garbage cans. The Community Appearance Commission recommended deletion of the proposed sidewalk and recommended that solid waste be collected in garbage cans.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF RESOLUTION 82-R-116b (deletion of the sidewalk and permitting waste collection in cans).

COUNCILMEMBER KAWALEC MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER SMITH, TO ADOPT RESOLUTION 82-R-116a (allow the sidewalk, but permit solid waste collection by dumpster).

COUNCILMEMBER BOULTON MOVED TO AMEND THE SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER WALLACE, TO DELETE THE DUMPSTER AND SUBSTITUTE REFUSE COLLECTION BY CAN. THE MOTION CARRIED 5 TO 3 WITH COUNCILMEMBERS WALLACE, BROADFOOT, BOULTON, PASQUINI, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC, SMITH, AND STRALEY OPPOSING.

VOTE TO MAKE THE AMENDED MOTION THE SUBSTITUTE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, KAWALEC, PASQUINI, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

VOTE TO MAKE THE SUBSTITUTE MOTION THE MAIN MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, KAWALEC, PASQUINI, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

VOTE ON THE MAIN MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, KAWALEC, PASQUINI, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

THE ADOPTED RESOLUTION IS AS FOLLOWS:

A RESOLUTION GRANTING A DRIVE-IN WINDOW SPECIAL USE PERMIT TO STATE EMPLOYEES' CREDIT UNION FOR THE ELLIOTT ROAD STATE EMPLOYEES' CREDIT UNION (82-R-116c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Drive-in Window Special Use Permit proposed by State Employees' Credit Union if developed in accordance with the plans submitted March 8, 1982, and the stipulations and conditions set forth below:

1. That the use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. That the use is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. That the use conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

The stipulations upon which the above findings are based are as follows:

1. That the embankment on the southeast corner of the property be graded to provide adequate sight distance and that sight triangle easements required by Section 6.5.4 be provided along this property's frontage with the entry drive shared with First Citizen's Bank and the private street shared with Hillhaven and the Public Service Gas Company.
2. That a detailed drainage plan with hydrological calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That an 8-foot landscape buffer be provided along this project's frontage with the entry drive shared with First Citizen's Bank as required by Section 6.6.6b.
4. That a parking space for the handicapped be provided as required by Section 6.6.5o.
5. That a shading plan as required by Section 6.6.6d be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
6. That a lighting plan as required by Section 6.14 be approved by the Appearance Commission prior to issuance of a Zoning Compliance permit.
7. That a detailed landscape plan showing all required buffers and screening be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
8. That detailed elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
9. That any planting which dies during the life of the Special Use Permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
10. That construction begin by June 30, 1984, and be completed by June 30, 1987.
11. That trash collection be by trash cans, rather than a dumpster.

BE IT FURTHER RESOLVED that the Council hereby grants a Drive-in Window Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 14th day of June, 1982.

Resolution Authorizing the Mayor to Enter Into a Contract for Audit Services

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR AUDIT SERVICES (82-R-117)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor of the Town of Chapel Hill be and is hereby authorized to enter into a contract with the firm of Touche Ross and Company for audit services covering the activities in the 1981-82 fiscal year.

This the 14th day of June, 1982.

Mr. Taylor informed Councilmember Smith that the prices for audit services for 1982-83 compared at slightly less than the 1981-82 fees.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Opposing Provisions of U.S. Senate Bills 2172 and 2445 Concerning Local Regulation of Cable Television

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION OPPOSING PROVISIONS OF U. S. SENATE BILLS 2172 AND 2445 CONCERNING LOCAL REGULATION OF CABLE TELEVISION (82-R-118)

WHEREAS, because of economies of scale and the substantial cost of entering the cable television market, cable T.V. companies have natural monopolies in many areas, and

WHEREAS, the normal operation of a competitive market does not exist in many localities to set rates which would recover costs plus a reasonable return on equity, and

WHEREAS, in the numerous areas where cable T.V. firms have monopolies it is necessary to have public review and oversight of the reasonableness of cable T.V. rates in the interest of fairness to consumers, and

WHEREAS, local governing bodies composed of elected representatives of the citizens can and should review and regulate local cable T.V. rates in light of local market conditions and cable operating costs, and the service of professional consultants is available to assist in such reviews, and

WHEREAS, local governments' review and regulation of cable T.V. rates must provide due process and be subject to a standard of reasonableness to allow a fair return on invested capital, and

WHEREAS, existing franchise agreements were entered into willingly by cable operators, as terms for securing practical monopolies, and therefore should not be voided, and

WHEREAS, cable T.V. franchises are allowed to use public rights-of-way for installation and maintenance of cable T.V. systems, and

WHEREAS, the rapid growth of major U.S. cable operators over the past six years suggests that the existing regulatory pattern is neither onerous nor unreasonable;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its support for the continuation of the right and authority of local governments to regulate cable television in the interest of fairness to both consumers and cable T.V. investors, and that the Council authorizes the Mayor to write Senators and Representatives expressing Chapel Hill's opposition to Senate Bills 2192 and 2445.

This the 14th day of June, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Community Development

Report and Recommendation on Alternatives for 1982-83 CD Grant Application. Mr. Taylor informed Council that there were two projects that staff desired Council feed-back: (1) Pine Knolls housing rehabilitation; and (2) land search for developing low and moderate income housing. Staff recommended proceeding with a public hearing on both projects unless Council preferred energies to be focused on just one project.

Resolution Authorizing a Grant of CD Grant Funds to the Inter-Faith Council. Staff prepared four resolutions for Council consideration. The Manager recommended Resolution 82-R-119a which supported a loan.

Ms. Loewenthal presented information to Council that on May 24, 1982, the Inter-Faith Council had requested funding to help with expenses incurred with the proposed 24-unit apartment complex for elderly and handicapped residents (Adelaide Walters Housing Development). Council had requested staff to study the

request and make recommendations. Ms. Loewenthal stated that efforts had been made to effect low construction costs. Further cuts were proposed through design changes. HUD and IFC negotiations would be forthcoming. At that time, HUD would determine project feasibility and determine final project costs.

Staff had found that \$105,000 could be made available to IFC from the appropriate line items for this project. The use of this amount, however, would not leave a substantial sum for other projects during the next 8 months. Other possible uses for this money would be (1) other projects, (2) "seed money" for next year's grant (to help gain leverage points in the State funding application), and (3) public housing weatherization (small cities income over the next year, however, should be sufficient to address partial weatherization needs).

CD funds would be harder to get. Re-use of funds, or loan funds, was encouraged to generate continuing income as loans were repaid. Current housing problems could not be sufficiently addressed with current funds and staff proposed re-use of funds. Staff supported that a loan be made, as opposed to a grant, as a loan would result in income to the Town over the next 20 years. There was also the question of whether the full \$105,000 would be needed, after HUD's final decision.

Mr. Taylor stated that staff fully supported the project. A loan would help the IFC project and encourage an income that would be used to help people for years to come.

Councilmember Straley asked if the loan option was acceptable to IFC. Mr. Piver responded that a loan option would not help.

Councilmember Smith implored Council and the Mayor to give the money as a grant, and not as a loan. He spoke of the influence Ms. Adelaide Walters had had in the history of Chapel Hill. He believed that this was an opportunity to help people and at the same time pay respect to Ms. Walters.

COUNCILMEMBER SMITH MOVED ADOPTION OF RESOLUTION 82-R-119c AND ELIMINATE THE FOLLOWING PARAGRAPH: "IN THE EVENT ALLOWABLE PROJECT COSTS ARE CERTIFIED AT LESS THAN \$1,329,750, THE SAID GRANT FROM THE COMMUNITY DEVELOPMENT PROGRAM SHALL BE CORRESPONDINGLY REDUCED BY THE SAME AMOUNT; AND"

COUNCILMEMBER STRALEY SECONDED THE MOTION.

Councilmember Broadfoot supported the motion as this project would meet needs for elderly and handicapped which had not been well-addressed.

Mr. Tom Heffner, Chairman of the Chapel Hill Housing Authority, stated that the Authority supported the request. In addition, there were many houses in the public housing area that needed weatherization. This would amount to approximately \$72,000. He commended the Manager's recommendation to structure a loan to the IFC, as this would allow funds to remain in the Town system to be used later for other worthwhile projects.

Councilmember Pasquini questioned Mr. Piver's earlier response that a loan would not be helpful. He questioned how one could have a \$1.33 million project and still not be able to pay back a loan of \$8,000 one year later. He asked if this really was the case or couldn't the money be found one way or another.

Mr. Piver stated that to add \$8,000 onto the proposed \$1.25 million mortgage would mean that they would have to charge higher rent per unit in order to pay back the mortgage.

In response to a question from Councilmember Boulton, Mr. Piver converted the figure for rent increase to approximately \$158,000/year as opposed to \$150,000/year. This amount divided by 22 and divided again by 12 would give the average cost per unit.

Ms. Ruth Mace informed Council that the proposed rent would pay back the mortgage. Mr. Piver had suggested a rent increase to pay back a loan, but she did not feel that the rent could be increased because HUD controlled the rent. The proposed rent was at the top of what HUD allowed. She explained to Mayor Nassif that if HUD found a way to further reduce the cost of the project, then HUD's loan would be lessened and rents could be reduced.

If the grant were given from the Town, the application would be submitted to HUD on Wednesday of this week.

Ms. Mace clarified questions of Councilmembers Kawalec and Wallace: the out-of-pocket cost per individual was approximately \$122.00 for one bedroom and \$197 for two bedrooms. The differential between the fair market price and what the renter would actually pay would be paid by HUD.

Councilmember Wallace felt that Council's deliberations could capsize the project and complicate the situation unnecessarily. If the project came too close to October 1, the monies might not be available for the next year. He felt that Council's decision should be expedited for this reason and urged Council to vote affirmatively for Councilmember Smith's motion.

COUNCILMEMBER BOULTON MOVED TO CLOSE DEBATE, SECONDED BY COUNCILMEMBER WALLACE. THE MOTION CARRIED UNANIMOUSLY.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING A GRANT OF CD GRANT FUNDS TO THE INTER-FAITH COUNCIL (82-R-119c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to make a grant of \$105,000 to the Inter-Faith Council from the Community Development Small Cities grant account for acquisition of sites for subsidized housing, said grant to be used to purchase a site on Airport Road near Stephens Street, subject to the following provisions:

- Said grant shall be subject to U.S. Department of Housing and Urban Development (HUD) approval of any local CD amendments needed and subject to HUD certification of project costs to the Town;
- Said grant shall include \$12,700 already committed to the project by Council on October 26, 1981.

This the 14th day of June, 1982.

Ordinance Amending Section 14-68 of the Personnel Ordinance

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 14-68 OF THE PERSONNEL ORDINANCE (82-O-38)

BE IT ORDAINED by the Council of the Town of Chapel Hill:

SECTION I

That the Council hereby amends Sec. 14-68 of the Code of Ordinances by changing the period at the end thereof to a semi-colon and ADDING the following after the semi-colon:

provided, however, that when a holiday falls on a Saturday or Sunday, the Manager may designate the day on which the holiday shall be observed by employees who are required to provide Town services on the day observed as a holiday by other Town employees.

SECTION II

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of June, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending Chapter 8 of the Town Code

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 8 OF THE TOWN CODE (82-0-39)

BE IT ORDAINED by the Council of the Town of Chapel Hill:

SECTION I

That Section 8-21(k) of the Chapel Hill Town Code is amended to read as follows:

Multiple residential development. For the purposes of Sec. 8-35, a multiple residential development is a development with six (6) or more residential units per zoning lot, regardless of whether said units are in unified, condominium or other form of ownership. For purposes of this section only, individual subdivided townhouse lots within a planned development or approved multi-family development shall not be considered separate zoning lots; instead, the applicable zoning lot shall be deemed to be the planned development or approved multi-family development.

SECTION II

That Section 8-35 of the Chapel Hill Town Code is amended to read as follows:

All new multiple residential developments of six (6) or more units per zoning lot shall provide bulk containers; provided, however, the Manager may waive such requirement in those cases where the Manager determines on the basis of evidence satisfactory to the Manager that:

- a) (1) the six or more units are an addition of not greater than 50% to a multiple residential complex existing prior to the date of original enactment of this ordinance (March 5, 1973), and
- (2) that such waiver would not be contrary to the intent of this ordinance of providing for efficient garbage collection services;
- or
- b) that each practical location of such dumpster or dumpsters could reasonably create concern for safety or health considerations that, in the opinion of the Manager, outweigh the concern and intent of this ordinance for efficient garbage collection services.

Determinations by the Manager under this section may be appealed to the Council, and the Council may make such determination and grant such exemption as it finds appropriate under the evidence presented.

SECTION III

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of June, 1982.

Councilmember Kawalec felt that Council should address the issue of dumpsters as there appeared to be inconsistencies regarding this requirement.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, KAWALEC, PASQUINI, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Consent Agenda

Council had approved removal of Consent Agenda Item #12b, as requested by Mr. Taylor.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO APPROVE THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND A RESOLUTION (82-R-120).

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the Resolution and Ordinances submitted by the Manager in regard to the following:

- a. Award of Contract for Reconstruction of Hillsborough Street Bridge.
- c. Parking Regulation on Umstead Drive.
- d. Stop Regulation at Tenney Circle intersection.
- e. Stop regulation at Cedar Fork Trail - Kenmore Road intersection.

This the 14th day of June, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution/Ordinances Adopted on the Consent Agenda

The following resolution and ordinances were adopted by the Consent Agenda:

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE CONSTRUCTION OF HILLSBOROUGH STREET BOX CULVERT (82-R-121)

WHEREAS, the Town of Chapel Hill has solicited formal bids on May 20, 1982, and the following bids have been received:

<u>Bidders</u>	<u>Bid Price</u>	<u>Rock Excavation Price</u>
Carolina Roadbuilders, Inc.	\$48,649.00	\$50.00 per cubic yard
Columbus Contractors, Inc.	\$73,800.00	\$50.00 per cubic yard
C. C. Mangum, Inc.	\$57,980.00	\$50.00 per cubic yard
Muirhead Construction Co.	\$49,400.00	\$50.00 per cubic yard
R.G.K., Inc.	\$59,907.00	\$80.00 per cubic yard
Sanford Construction Co.	\$69,088.00	\$50.00 per cubic yard
Security Building Co., Inc.	\$54,900.00	\$60.00 per cubic yard
J.F. Wilkerson Contracting Co., Inc.	\$79,250.00	\$50.00 per cubic yard
Wilson Construction Co., Inc.	\$63,637.00	\$35.00 per cubic yard

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Carolina Roadbuilders, Inc. and awards the contract in the amount of \$48,649.00.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Town Manager to execute a change order to reduce the amount of the above contract by \$3,490 and to eliminate reinstallation of a sewer line from the work required under the contract.

This the 14th day of June, 1982.

AN ORDINANCE AMENDING CHAPTER 21 (82-O-41)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances be amended as follows:

Section 1. Section 21-27 is amended by adding the following in appropriate alphabetic order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Umstead	North	Centerline of Pritchard Ave. Ext.	A point 413' west of Pritchard Ave. Ext.
Umstead	North	A point 478' west of centerline of Pritchard Ave. Ext.	A point 928' west of centerline of Pritchard Ave. Ext.

Umstead	South	Centerline of Pritchard Ave. Ext.	A point 928' west of centerline of Pritchard Ave. Ext.
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Section 2. All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of June, 1982.

AN ORDINANCE AMENDING CHAPTER 21 (82-O-44)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances be amended as follows:

Section 1. Add to Section 21-13(a) in appropriate alphabetic order:

	<u>Through Streets</u>	<u>Stop Streets</u>
a)	Tenney Circle	Tenney Circle (Westbound)

Section 2. Delete from Section 21-13(b):

	<u>Through Streets</u>	<u>Servient Streets</u>
b)	Tenney Circle	Tenney Circle (Westbound)

Section 3. All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of June, 1982.

AN ORDINANCE AMENDING CHAPTER 21 (82-O-43)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances be amended as follows:

Section 1. Section 21-13(a) is amended by adding the following in appropriate alphabetic order:

<u>Through Streets</u>	<u>Stop Streets</u>
Cedar Fork Trail	Kenmore Road

Section 2. Section 21-13(a) is amended by deleting:

Kenmore Road	Cedar Fork Trail
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Section 3. All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of June, 1982.

Nominations to Various Boards/Commissions

Councilmember Smith encouraged Councilmembers to carefully review the current Board/Commission composition when making nominations. Councilmember Boulton concurred.

Mayor Nassif announced that Mr. Lightning Brown had withdrawn his name from consideration for appointment to the Planning Board.

It was agreed that Councilmembers would place names in nomination verbally. Mayor Nassif stated that applicants who had been recommended for appointment by a Board or Commission would automatically be placed in nomination. (The Deputy Clerk has listed all names placed in nomination either by Council or automatically.) The following nominations were made:

Planning Board

- Aarne Vesilind (Wallace)
- Alice Ingram (Kawalec)

OWASA

- David Moreau (Wallace)

Parks and Recreation Commission

- H. Garland Hershey
- Olga Morrison
- Kani Hurow (Wallace, Kawalec)
- Caroline Lindsay (Kawalec)
- Mary Pendergraft (Straley)
- William Graves (Pasquini)

Transportation Board

- Scott Brown
- Olga Morrison
- Kevin Zimmer
- John Thomas (Kawalec, Broadfoot)
- Ed Montgomery (Broadfoot, Pasquini)
- Carol Mead (Broadfoot)
- Paul Kelly (Boulton)
- Daniel Read (Straley)

Board of Adjustment

- Robert Joesting
- Johnnie Leon Peace, Sr.
- Linda Brown (Kawalec)

Community Appearance Commission

- Karen Davidson
- Jamescina Degrafenreidt
- Jane Norton (Kawalec)
- Ann Hamby (Boulton)
- Phil Rominger (Pasquini)

Library Board

- Barbara Schutz
- George Harris
- David Frankstone (Broadfoot)
- Sarah Campbell (Broadfoot)
- Taffy Bodman (Kawalec)

Human Services Advisory Board

- Edward White
- Mike Freeman
- Elizabeth Holler
- Al Mebane (Broadfoot)
- Joe Herzenberg (Broadfoot)
- Nick Holland (Broadfoot)
- Gordon Dragt (Straley)

George Price (Straley)
Pat Sullivan (Straley)
Dorothy Gamble (Straley)

Historic District Commission

Henry Mattox (Broadfoot)
Phil Rominger (Broadfoot)
Randall Sather (Broadfoot)
Phil Rees (Straley)

Personnel Appeals Committee

Nick Holland
Judith Eastman

Councilmembers Pasquini and Smith would place other names in nomination on June 28, 1982.

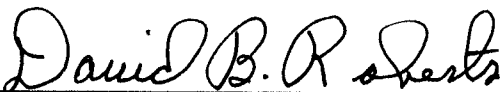
Request to Adjourn to Executive Session to Discuss Litigation and Personnel Matters

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO ADJOURN TO EXECUTIVE SESSION. THE MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at approximately 10:36 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk