

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,  
MUNICIPAL BUILDING, MONDAY, MARCH 14, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the meeting to order. Councilmembers present were:

Marilyn Boulton  
Winston Broadfoot  
Jonathan Howes  
Beverly Kawalec  
R. D. Smith  
Joe Straley  
Jim Wallace

Councilmember David Pasquini was absent, excused. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Grainger Barrett.

Community Development Grant Application, 1983--Public Hearing

Ms. Loewenthal reviewed projects proposed for the 1983 Community Development grant application:

1. Improvements to University Heights area:

- Install sewer lines.
- Pave streets.

2. Capital improvements to public housing projects:

- Replacement of sewer line; parking lot construction at 751 Pritchard Avenue.
- Weatherization; installation of replacement windows at Craig Street, Gomains Avenue, Lindsay Street, and North Columbia Street.
- Installation of storm windows at Ridgefield, Airport Road, Pritchard Park and Roberson Street housing projects.

3. Barclay Road area (a survey of income suitability of the area was under way):

- Sewer line extension.

Mr. John Tomaro, President of the Inter-Church Council Housing Corporation, requested that Chase Park and Elliott Woods "be included...in the Small Cities Community Development Block Grant." He requested "funds to renovate and rehabilitate the 79 units of the Inter-Church Council Housing Corporation's two sites." Mr. Tomaro explained that these sites were a "HUD 236 project...started...in 1973," to help low and moderate income tenants become homeowners through housing assistance. Currently, the HUD 236 project did not exist. A HUD assessment of the two sites rated the projects as "unsatisfactory" in appearance and structure (roofing, siding, storm lines, electrical systems, etc.). The Inter-Church Council had currently budgeted for capital improvements and an application for a flex subsidy from HUD had been submitted.

Mr. Tomaro requested the Council's support and petitioned the Council to direct the Planning Board to assist the Corporation in developing a Community Development Block Grant Development.

Councilmember Broadfoot asked Mr. Tomaro to allow the Council to review the last audited financial statement and any annual report of the Inter-Church Council Housing Corporation.

Mr. Tomaro responded to Councilmember Straley that the amount needed for repairs would be between \$96,000 and \$200,000. A final estimate of structural deficiencies of the units was pending.

Mr. Tamaro explained to Mayor Nassif that the Reserve for Replacement Account had proved "inadequate to deal with major rehabilitation problems." Therefore, an application for a HUD flex subsidy had been submitted to help address these problems. Unfortunately, no such funds had been available during the last two years.

Ms. Beverly Robertson, representing the Tenants' Organization, petitioned the Council for \$3,500 to study the feasibility of tenant involvement (tenants' service maintenance corporation that would both maintain and manage the properties) in the maintenance of the Elliott Woods and Chase Park developments. (Ms. Robertson explained that the funds would not be used for training or hiring of tenants to perform maintenance on either of the projects.)

Councilmember Smith felt that it would be ideal to give tenants the responsibility of maintaining the project as a means of preparing tenants for home ownership.

Mr. Tomaro responded to Councilmember Broadfoot that HUD had not approved the request to consider tenant involvement in management and maintenance of these properties. A list from HUD showing approved management agents did not include a management organization from Chapel Hill. The Inter-Church Council would not object to the Chapel Hill Housing Authority being a managing agent, if the Authority were approved by HUD as a managing agent.

Mr. Kemp B. Tripp, 111 Cooper Street, expressed support for the proposed street and sewer improvements to the University Heights area. He responded to Councilmember Smith that he felt residents would favor sewer improvements over street improvements, if a choice had to be made.

Councilmember Boulton asked Ms. Loewenthal if the Piney Mountain Road area could be considered for street improvements. Ms. Loewenthal responded that currently projects were considered according to how a particular project would fit into the rating system for a grant application as well as what needs existed in the community.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

### Petitions

Dr. Bernard G. Greenberg of Brookside Drive addressed concerns "on behalf of over 200 persons who opposed the extension of McCauley Street" in the proposed Thoroughfare Plan. Dr. Greenberg summarized concerns of traffic impact, noise pollution, and hazardous traffic conditions that residents felt would result on Brookside Drive, McCauley Street, Pittsboro Street, and South Columbia Street.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, TO RECEIVE THE PETITION. THE MOTION CARRIED UNANIMOUSLY.

### Minutes (February 14, 1983, and February 28, 1983)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE MINUTES OF FEBRUARY 14, 1983, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, THAT THE MINUTES OF FEBRUARY 28, 1983, BE APPROVED AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

### Discussion of the Carrboro Water Quality Task Force Report

Mr. Taylor submitted a draft statement on the Carrboro Water Quality Task Force Report for the Council's consideration. Mayor Nassif asked for Council feedback, in order to reach a more formal statement to be submitted to Carrboro.

Councilmember Wallace expressed the desire to keep the water quality at the highest possible level. Due to the fragility of the watershed and the relatively small "industrial" district, he felt that no industry should be permitted. Because of the increased need for water in this area, he urged the Council to use "extreme caution" in any decision; he supported a more conservative approach now, rather than later.

Mayor Nassif calculated that only  $12\frac{1}{2}$  acres of "under-roof" industrial development could be allowed in the watershed. He felt that this "did not seem like much," out of a total of 156.2 acres suitable for industrial development in the watershed. Councilmember Wallace felt that the nature of the development was more important than the area.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE MANAGER'S STATEMENT AS THE COUNCIL'S POSITION ON PROTECTION OF THE WATERSHED AND THAT THE STATEMENT BE FORWARDED TO CARRBORO FOR THEIR INFORMATION.

Councilmember Kawalec, however, felt that this statement was weak. Councilmember Howes favored asking the Manager to draft a stronger statement. Councilmember Kawalec concurred, but requested that suggestions for alternative industrial development sites not be included in the statement.

COUNCILMEMBER KAWALEC WITHDREW HER MOTION AND COUNCILMEMBER SMITH WITHDREW HIS SECOND TO THE MOTION.

Councilmember Straley felt that any new industrial development should be carefully monitored. Councilmember Wallace concurred, but asserted that to "invite" industrial (by designating an area as "industrial") and at the same time place heavy restrictions on such development would greatly complicate matters.

Mayor Nassif summarized a portion of the Council's intent, that "the Council does not like an industrial zone in the watershed." Mayor Nassif asked the Council's feelings about the density of the residential zone in the watershed. Councilmember Broadfoot favored no increase in the density. Councilmember Smith felt that a higher density in this area was the only way Carrboro could increase their tax base.

Regarding the industrial zoning, Councilmember Wallace added that he did not wish to see a single additional septic tank in the water shed. He felt OWASA should take a very strong position on this issue. Mr. Taylor stated that OWASA had taken a strong position on residential septic tanks.

Councilmember Smith felt that if Carrboro were to consider residential development in the watershed, it should be with water and sewer and not with septic tanks. Water and sewer should be required. Councilmember Howes stated that the 5-acre density proposed was a "septic tank density" and other septic tanks would be added if this density were not changed. On the other hand, increasing the density to allow sewer installation would cause a greater economic density than currently proposed. Additionally, there was the risk of "sewerage" residentially zoned property that could be developed for industrial purposes.

Councilmember Howes felt that the Council should express its concern for (1) the preservation of water quality and (2) for any additional development in the water shed to Carrboro, the custodian of the major part of the water shed. In addition, the Council should recommend to Carrboro a course that would be basically restrictive of development with the intent of preserving the water quality. He stated that he understood Carrboro's position of favoring economic development in this area, as it was one of the few places that this could be done. But he felt that the primary concern should be placed on the quality of water.

Councilmember Howes summarized that "anything that would permit industrial development of any kind, higher residential densities, or additional septic tanks is not restrictive enough." "More restrictive" would be better than "less restrictive."

Mayor Nassif summarized that the Council "interpreted Carrboro's current density regulations as 'high enough.' "

Councilmember Kawalec supported the third paragraph of the Manager's draft statement: "We suggest that the current non-residential uses on N.C. 54 be allowed to remain in a conforming zoning status, but be subject to enforcement of careful control on the use of these properties."

Councilmembers concurred that this paragraph should be included in the final statement to Carrboro.

Mr. Taylor questioned the Council's wishes regarding the use of septic tanks in this 5-acre-density area. Councilmember Howes stated that he felt that the key concern here was that if sewer were installed, it would invite development of a less benign nature. Therefore, he felt a recommendation against sewer should be made.

Councilmember Straley questioned the adequacy of the 100' buffer zone.

An OWASA representative responded to the question that OWASA's current acquisition policy at Cane Creek had a minimum of a 50-foot horizontal buffer around the lake and a 5-foot minimum vertical buffer above the flood pool.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE MATTER BE REFERRED TO THE MANAGER, AND THAT COUNCILMEMBERS HOWES AND WALLACE WORK WITH THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

#### Resolution Approving Modification of the Preliminary Plat for the Lystra Woods Subdivision, Phase 2

Mr. Mike Jennings, Planning Director, reviewed the request to modify the preliminary plat for the subdivision of 7.9 acres into two building lots zoned R-1 and to delete the requirement to pave the road. The applicant intended to dedicate the road as a public right-of-way. In addition, the applicant proposed to dedicate a position of open space on the western corner of the property.

Mr. Jennings explained that Stipulation #3 would require that the road be paved, should the request come back for subdivision approval.

Staff recommended approval of the request.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING MODIFICATION OF THE PRELIMINARY PLAT FOR THE LYSTRA WOODS SUBDIVISION, PHASE 2 (83-R-35)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary plat dated February 10, 1983, for Lystra Woods Subdivision, Phase Two located on property identified as Chapel Hill Township Tax Map 126, Block B, Lot 4, subject to the following:

1. That the proposed 60-foot right-of-way be dedicated to the public.
2. That the right-of-way intersect the west property line of the subdivision such that the entire cross-section of the 60-foot right-of-way abuts the W. Flowers, Jr., property.
3. That a note be placed on the plat which states that an access road through phase 2 must be improved to Town standards before any further subdivision of phase 2.

4. That a note be placed on the plat which states that vehicular access for lots "3" and "4," as designated on the preliminary plan for phase 2 dated February 4, 1983, be from a common drive within the above 60-foot wide right-of-way, and that these lots shall not have access directly to Old Lystra Road.
5. That a 15-foot wide easement for pedestrians and non-motorized vehicles be reserved along the west property line from the 60-foot right-of-way to the open space area.

This the 14th day of March, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Temporarily Closing Portions of Franklin Street and Henderson Street

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (83-R-36)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets on Sunday, April 17, 1983, from 11:00 A.M. to 8:00 P.M., to allow the holding of the Apple Chill Street Fair and cleanup of the streets following said fair.

This the 14th day of March, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Temporarily Removing Parking from Portions of Franklin and Henderson Streets

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (83-O-20)

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

That on the 17th day of April, 1983, between the hours of 12:45 P.M. and 8:00 P.M., there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, nor on either side of Henderson Street between Franklin and Rosemary Streets.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said streets during such hours on said date. The Police Department is further authorized to remove, tow, and impound automobiles and vehicles of any kind which are parked on said streets during such hours in contravention of this ordinance. In light of the larger number of pedestrians expected in the street fair area, the Council hereby determines that vehicles in the restricted area would constitute a special hazard requiring prompt removal. The owner shall be responsible for and pay storage and moving costs of any vehical removed pursuant to the provisions of this ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicle.

This the 14th day of ~~M~~arch, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing Closing of a Portion of Raleigh Street on April 16, 1983

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING CLOSING OF A PORTION OF RALEIGH STREET ON APRIL 16, 1983 (83-R-37)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of the portion of Raleigh Street between South Road and Lenoir Drive from noon to midnight on Saturday, April 16, 1983, subject to the following conditions:

- Representatives of Henderson Residence College shall comply with reasonable directives by the Town's Police and Fire Departments, and by the University administration and security officers to assure safety of persons in the vicinity of the street closing.
- Barricades must be placed at each end of the closed area with persons stationed to assure access for emergency vehicles if necessary.
- The portion of Raleigh Street right-of-way in the vicinity of the Springfest activities must be cleared of litter and debris by 8 A.M. Sunday, April 17.
- Henderson Residence College must pay for any damages to public property as a result of or arising in connection with Springfest activities.

This the 14th day of March, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Referral of Ordinance Amending Article VIII of the Chapel Hill Town Code of Ordinances

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER PROPOSED ORDINANCE 83-O-21 TO THE TRANSPORTATION BOARD FOR COMMENTS AND RECOMMENDATIONS. THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

Councilmember Straley requested removal of Consent Agenda item "d" (re approval of encroachment for private sewer extending into Justice Street right-of-way).

THE MOTION BY COUNCILMEMBER HOWES, SECONDED BY COUNCILMEMBER SMITH, TO ADOPT THE FOLLOWING RESOLUTION, CARRIED UNANIMOUSLY:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (83-R-38)

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

- a. Award of contract for improvements to Mitchell Lane (widening to 27 feet with curb, gutter and sidewalk from Rosemary St. to Lindsay Street with Community Development grant funding) (83-R-39)
- b. Authorization to transfer an easement on to the Orange Water and Sewer Authority (83-R-40).
- c. Authorization for an audit of certain insurance policies (83-R-41).
- e. Approval of encroachment for concrete steps in Caldwell Street Ext. right-of-way at Housing Authority office building (83-R-43).

This the 14th day of March, 1983.

Resolutions Adopted on the Consent Agenda

The following resolutions were adopted on the Consent Agenda:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR WIDENING OF MITCHELL LANE (83-R-39)

WHEREAS, the Town of Chapel Hill has solicited formal bids on February 4, 1983, and the following bids have been received:

| <u>Bidder</u>   | <u>Bid Price</u> |
|---|------------------|
| Kirkpatrick Brothers, Inc.<br>Burlington, N.C.          | \$33,422.55      |
| Mellott Trucking and Supply Co., Inc.<br>Carrboro, N.C. | \$39,437.30      |
| Wm. Muirhead Construction Co., Inc.<br>Durham, N.C.     | \$39,863.10      |
| C. C. Mangum, Inc.<br>Raleigh, N.C.                     | \$55,047.38      |
| Nello L. Teer Co.<br>Durham, N.C.                       | \$50,643.84      |

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Kirkpatrick Brothers, Inc., in the amount of \$33,422.55.

This the 14th day of March, 1983.

A RESOLUTION AUTHORIZING TRANSFER OF A SEWER EASEMENT TO THE ORANGE WATER AND SEWER AUTHORITY (83-R-40)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to transfer to the Orange Water and Sewer Authority a sewer easement through the property of Ms. Susie Weaver as shown in the attached sketch and described in the Town Manager's report on this matter dated March 14, 1983, copies of which shall be filed with the permanent records of this meeting.

This the 14th day of March, 1983.

A RESOLUTION AUTHORIZING A CONTRACT FOR AN INSURANCE AUDIT (83-R-41)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town to contract with the International City Management Association Insurance and Risk Management Consulting Services for an audit of the Town's insurance and risk management policies at a cost not to exceed \$6,200, as described in the Town Manager's report on this matter dated March 14, 1983, a copy of which shall be filed with the minutes of this meeting, and the Council further authorizes the Manager to execute such contract on behalf of the Town in such form as he shall deem necessary or desirable.

This the 14th day of March, 1983.

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A RESOLUTION APPROVING AN ENCROACHMENT OF RIGHT-OF-WAY ON THE SOUTH SIDE OF CALDWELL STREET EXTENSION (83-R-43)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute an agreement with the Chapel Hill Housing Authority for an encroachment of the right-of-way on the south side of Caldwell Street extension by concrete steps installed to provide a connection between the Town sidewalk and a walkway in front of the Housing Authority offices at 317 Caldwell Street Extension as described in a sketch and report by the Town Manager dated March 14, 1983, and filed with the permanent records of this meeting. Said encroachment shall be subject to the following conditions:

1. The Authority shall be responsible for maintaining the concrete steps and railing in safe, useable condition.
2. The Authority shall hold the Town harmless from any claims for damages arising in connection with the above improvements, or maintenance and repair thereto.
3. The Town reserves the right in its sole discretion to direct the Authority to remove or partially remove the steps at the Authority's expense if appropriate in the Town's judgment because of future widening of the street, other improvements including but not limited to construction or repair of utility lines, or other action by the Town involving the said right-of-way.

This the 14th day of March, 1983.

Resolution Authorizing a Right-of-Way Encroachment By a Private Sewer Line to 127 Justice Street

Councilmember Straley questioned the third condition of the resolution which requested the property owners to relocate or remove the sewer line at their own expense.

Mr. Taylor responded that this was a "protection for the Town." It was a private sewer line and any future problems that might require removal or relocation, should be at the owner's expense, not the Town's. If OWASA took over the line in the future, it would be OWASA's expense. This was not an irregular procedure. The owner could appeal to the Council, if necessary.

Mr. Taylor responded to Councilmember Broadfoot's question that this authority was another attempt to clarify encroachment policies and procedures that were known to exist.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY ENCROACHMENT BY A PRIVATE SEWER LINE TO 127 JUSTICE STREET (83-R-42)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to enter into an agreement with Mr. and Mrs. James M. Latta authorizing the encroachment on the public right-of-way of Justice Street by a private 2-inch sewer line extending from the house at 127 Justice Street (Lot 6, Block C of Chapel Hill Township Tax Map 32) to the Orange Water and Sewer Authority's sewer line, as described in the attached sketch and report by the Town Manager dated March 14, 1983, subject to the following conditions:

1. The maintenance and repair of the above-noted private 2" sewer line shall be the responsibility of the owner(s) of the residence at 127 Justice Street unless and until the Orange Water and Sewer Authority or other public body agrees to maintain said sewer line.



2. The owner(s) of the residence at 127 Justice Street shall hold the Town harmless from any and all damages arising out of or related to the construction, use, maintenance, repair or other activity related to said private sewer line.
3. The Town in its discretion may require the owner(s) of the residence at 127 Justice Street to relocate or remove said sewer line at their own expense if appropriate because of future street improvements, utility work or other improvements in the present or future right-of-way of Justice Street.
4. The agreement shall be binding upon the parties to the agreement and their successors in interest or title.

This the 14th day of March, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Nominations--Planning Board

Councilmember Smith stated that he would withdraw his prior nomination of Rev. Willis Wilson for appointment to the Planning Board. It had been brought to his attention that Merritt Mill Road was the dividing line between Chapel Hill and Carrboro. Rev. Wilson's address was on the Carrboro side of Merritt Mill Road.

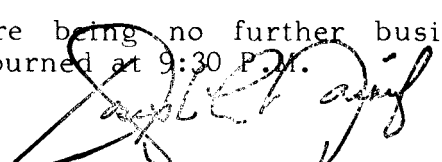
There were no further nominations from the Council for appointment to the Planning Board.

Nominations--Board of Adjustment

There were no nominations from Council for appointment to the Board of Adjustment.

Mr. Barrett interpreted Council's appointment procedure: if this vacancy were filled by the appointment of an alternate member of the Board of Adjustment, the alternate seat would then become available for appointment; the appointment process would begin again to fill the vacancy of the alternate position.

There being no further business to come before the Council, the meeting was adjourned at 9:30 P.M.

  
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Joseph L. Nassif, Mayor

  
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David B. Roberts, Clerk