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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JANUARY 23, 1984, 7:30 P.M.

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

Marilyn Boulton
Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Also present were Town Manager, David R. Taylor; Assistant Town Managers, Sonna Loewenthal, and Ron Secrist; and Town Attorney, Grainger Barrett.

Certificates of Appointment

Mayor Nassif introduced the following appointees to the Historic District Commission: Lillyan Page, Arthur Marks, Knox Tate, and Randall Sather. Presenting each with a Certificate of Appointment, he expressed appreciation for their willingness to serve the Town of Chapel Hill in this way.

Petitions

--Mayor Nassif stated that he had contacted all but one of the Councilmembers re his desire to invite Mr. Ed Johnson, an Engineer with the North Carolina Department of Transportation, to make a presentation to the Council re the Joint Thoroughfare Plan, and to address concerns re the proposed Estes Drive extension.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO GRANT THE PETITION OF MAYOR NASSIF AND TO ADD THE DISCUSSION TO THE AGENDA AFTER THE APPROVAL OF THE MINUTES. Councilmember Thorpe stated that he had not been contacted re the request. THE MOTION CARRIED UNANIMOUSLY.

--Mr. Ralph Mason, General Arthur Hurow, Mr. Alex Coxe, Mr. Jonathan Wahl, and Mr. Douglas Sharer requested to speak re the Thoroughfare Plan.

Mayor Nassif stated that as this was not a public hearing for the proposed Thoroughfare Plan, the Council could decide to not permit these persons to speak. He stated that the intent of his petition was to give a Thoroughfare Plan advisor the opportunity to speak.

--Ms. Peggy Rundell requested permission to speak on Agenda #4 (Booker Creek Village). The Council had no objection.

There were no other petitions.

Minutes (December 28, 1983, and January 9, 1984)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO ADOPT THE MINUTES OF DECEMBER 28, 1983, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, THE ADOPTION OF THE MINUTES OF JANUARY 9, 1984, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

Discussion of Thoroughfare Plan

Mr. Ed Johnson, Planning Coordinator with North Carolina Department of Transportation, stated that it was his job to provide technical support for the thoroughfare studies of Chapel Hill. The 1979 contract between NCDOT and Chapel Hill had stated that the staff of the Town of Chapel Hill would develop plans and a model for a thoroughfare, citizen input would be solicited, and alternatives would be considered. The adopted model and plans would be submitted to NCDOT for analysis of adequacy in relation to need. Mr. Johnson explained that "needs" were based on moving traffic through an area as well as to major points in an area. In considering needs, it was important to consider how the U.S. 15-501 bypass operated.

Mr. Johnson compared the traffic capacity of Franklin Street (600 vehicles/hour/ lane) with the U.S. 15-501 bypass (1800 vehicles/-hour/lane). He stated that travelers almost always chose the quickest route to reach their destination. Since there had been considerable opposition from Chapel Hill citizens re any increase in traffic on Franklin Street, DOT felt that attention should be concentrated on increasing traffic capacity on U.S. 15-501 (to approximately 50-60,000 vehicles/day). NCDOT proposed interchanges, grade separations, and designalization to allow the bypass to operate at a level of service that would benefit the community; otherwise "signals would be necessary at approximately every quarter mile."

Mr. Johnson stated that an interchange at Estes Drive extension would be a step toward designalization and at addressing future traffic needs. Another possible interchange could be at Ephesus Church Road.

Mr. Johnson stated that inclusion of interchanges in the Thoroughfare Plan, was an important issue and should be given further consideration as an interchange offered a better chance of receiving federal funding. Mr. Johnson asserted that "this [is] a major opportunity that [is] fixing to slip through your hands."

Mr. Johnson responded to Mayor Nassif that DOT proposed signals at the interchange of I-40 and U.S. 15-501. Mr. Johnson explained that an interchange was a grade separation (with connecting ramps and loops, etc.) and was the only design that would eliminate traffic signals and encourage traffic on the bypass.

Mr. Johnson responded to Mayor Nassif that road design had not been discussed. He explained that he had not understood the level of opposition to the Estes Drive extension and should have handled design considerations differently.

Mayor Nassif quoted a statement made by Mr. Douglas Sharer during the November 23, 1983, meeting of the Carrboro Board of Aldermen: "And I think we need to think very seriously before we adopt this plan [Mayor Nassif explained that "plan" referred to the Thoroughfare Plan adopted by Chapel Hill] Because it is my understanding that the State DOT is not going to accept the plan without that in it." [Mayor Nassif added "...Estes Drive extension."] Mayor Nassif asked Mr. Johnson if he felt that, or if he had stated to Carrboro that, DOT would not approve a plan without the Estes Drive extension, even if the two towns approved such a plan. Mr. Johnson responded "No...it's not my decision."

Mayor Nassif quoted again from the November 23, 1983, minutes: (Mr. Johnson speaking re the Estes Drive extension): "At this time, we can't say whether we would adopt it, or whether we would approve the plan or not." Mayor Nassif stated that it had been his understanding that DOT would approve a plan adopted by both towns. Mr. Johnson responded "That point has been clarified for me...."

Mayor Nassif asked if DOT would disapprove a plan if interchanges were not indicated and Mr. Johnson responded that DOT would probably accept any plan submitted. Mayor Nassif stated that it was important that Mr. Sharer's misinterpretation be corrected.

Mayor Nassif referenced another quote of Mr. Johnson's: "We are not seeing Estes Drive extension as the only way to solve it. But obviously, whether or not the facility is in there is a major conceptual change in the adequacy of the plan." Mayor Nassif stated that this was an important statement that he felt meant that Estes Drive extension was not important, nor would it carry high volumes of traffic from Carrboro.

Mayor Nassif continued, stating that he felt the thrust of this meeting was that "...Carrboro had no way to go north to get on the Interstate, but...could only come south off Greensboro Street, through the main...area of Carrboro and either...on Franklin Street or...the bypass." He stated that there had been no mention that Highway 86 would be widened, or that a road from Homestead Road to Weaver Dairy Road was planned, or that N.C. 54 would provide routes to the Interstate without going through Carrboro.

Mayor Nassif asserted that Estes Drive carried the burden of traffic from Chapel Hill and was a city street. He stated that he would distribute copies of these minutes to the Council and the Manager.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC TO RECEIVE THE JANUARY 18, 1984, MEMORANDUM FROM MR. JOHNSON AND REFER THE MATTER TO THE MANAGER FOR RECOMMENDATION.

Councilmember Boulton felt that the Council was comfortable with its decision and did not expect the Manager to come back with any suggestions for change and that she did not want to leave that door open. She felt that the report should just be received.

Councilmember Howes concurred, but stated that his motion was intended to be fair to Mr. Johnson and would not cause the Council to appear close-minded.

Councilmember Broadfoot expressed great concern that the importance of interchanges had never been discussed with the Council. If interchanges were more important than just a design consideration, then he felt that the Council should start Thoroughfare Plan considerations over.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, A SUBSTITUTE MOTION TO ACCEPT THE REPORT OF MR. JOHNSON.

Councilmember Kawalec stated for the record that the Council had received a petition with over 400 signatures of citizens who opposed the widening of the bypass. Even with this opposition, the Council decided to include the widening of the bypass in the Thoroughfare Plan. At this meeting, however, the Council had been informed that the bypass would carry the burden of Chapel Hill traffic. She felt it was important to state that this was not the intent of the Council in the adoption of its Thoroughfare Plan, and that Chapel Hill was not just concerned about Franklin Street and the Historic District. The Council had expressed concern for the necessity of having a southern loop in the Thoroughfare Plan in an effort to keep through traffic off of the bypass and the new Parker Road.

Mayor Nassif stated that citizens of Chapel Hill had been told that design was not a consideration at this time, but would be a consideration later.

Councilmember Smith opposed the possibility of a main highway going directly over the top of a public housing project. He felt the State should also be concerned. He supported a road that would bypass Chapel Hill, and take traffic off of the bypass.

VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving a Planned Development-Housing Special Use Permit to Booker Creek Village (proposed settlement of litigation)

Ms. Peggy Rundell, a Chapel Hill attorney and resident of Booker Creek, expressed opposition to the proposed settlement of litigation. She felt that the procedure that the Council had followed was sound, and urged the Town to continue with the litigation.

Mr. Taylor stated that the following areas of the proposed Special Use Permit had received further consideration:

- Density (reduced)
- Internal storm drainage (improved)
- Dumpsters (re-located)
- Two clusters of units were grouped together into one 5-unit cluster and shifted on the site

These changes would allow the Council to consider approval of the Special Use Permit request. The Manager recommended adoption of the proposed resolution, to approve the request for a Special Use Permit for Booker Creek Village.

Mr. Barrett responded to Councilmember Kawalec, that the proposed settlement was not an indication that the Development Ordinance was unconstitutional and stated that he had strongly defended the constitutionality of the Development Ordinance in court cases.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF RESOLUTION 84-R-8.

Councilmember Broadfoot stated that the Council needed more control of development in order to address citizens' concerns and asserted that the Development Ordinance should be changed and strengthened.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PRESTON, SMITH, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER PASQUINI OPPOSING:

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO BOOKER CREEK VILLAGE (84-R-8)

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 John Crumpton, if developed in accord with the plans submitted January 12, 1984 and the stipulations and conditions set forth below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development 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. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That construction begin by January 31, 1986, and be completed by January 31, 1989.
2. If any conditions shall be invalid or void, then this permit shall be void and of no effect.
3. The contained validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with application provisions of the Chapel Hill Development Ordinance and regulations thereunder.

- 4. A notarized statement of the applicant satisfactory to the Town Attorney, to be submitted within 30 days of the date of this approval, stating that the applicant accepts Council's approval as stated above, accepts and agrees to the stipulations above, and waives and surrenders any right or action to judicially contest the terms of this approval or to contest Council's denial on November 14, 1983, of the applicant's previous plans for a Planned Development-Housing Special Use Permit.

This the 23rd day of January, 1984.

Resolution Calling Two Public Hearings for 1984 Community Development "Entitlement" Grant

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO ADOPT RESOLUTION 84-R-9.

Councilmember Broadfoot felt that the Council should, in the future, authorize the Human Services Advisory Board to hold public hearings and make recommendations on use of Community Development "Entitlement" funds.

Councilmember Smith felt the Planning Board should make housing recommendations and the Council should establish zones that would encourage low to moderate income housing.

Councilmember Howes asserted that Councilmember Broadfoot's opinion was not necessarily that of the Council.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

RESOLUTION CALLING TWO PUBLIC HEARINGS FOR 1984 COMMUNITY DEVELOPMENT "ENTITLEMENT" GRANT (84-R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing at 7:30 P.M. on Monday, March 12, 1984, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to hear citizen proposals and comments on Community Development (CD) and housing needs and objectives in order to develop a plan for the 1984 CD "entitlement" grant.

BE IT FURTHER RESOLVED that the Council hereby calls a second Public Hearing at 7:30 P.M. on Tuesday, April 24, 1984, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to hear citizen comments on the Town's CD performance and on a draft CD plan (Proposed Statement).

This the 23rd day of January, 1984.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1983"

Mr. Taylor stated that the recommendation was to place these funds in the Capitl Reserve Fund until the Council made capital improvement program decisions for FY 1984-85.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (84-O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1983" as duly adopted on June 27, 1983, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
CAPITAL RESERVE FUND				
Reserved for Capital Improvements	30,000	295,776		325,776
<u>Revenues</u>				
CAPITAL RESERVE FUND				
State Fire Protection Funds	0	295,776		295,776

This the 23rd day of January, 1984.

THE MOTION CARRIED UNANIMOUSLY.

ReportsCouncil Liaison

--Triangle J Council of Governments. Councilmember Howes stated that the Executive Newsletter had been circulated among Councilmembers.

--Orange County Human Services Advisory Commission. Councilmember Broadfoot stated that the Orange County Commissioners would vote on the Minimum Housing Code in February. Councilmember Smith stated that he felt that there should be a contact person that would help homeless persons in Chapel Hill find shelter.

--JOCCA. Councilmember Preston stated that she had attended the January 10, 1984, annual meeting.

Quarterly Reports. Mr. Taylor submitted the Second Quarterly Reports. Mayor Nassif requested that reports for assaults and/or rapes include the UNC campus. Councilmember Boulton requested information on use of Park/Ride lots. Councilmember Smith requested information re turn-over rates in the Police Department. Councilmember Boulton felt that some programs in that Department were suffering from a less-than-full staff. Mr. Taylor stated that the February 16 work session could also include turnover and absenteeism.

Resolution Amending the Town Council Procedures Manual

Councilmember Broadfoot proposed two amendments:

1. To clarify adjournment procedures; and
2. To clarify petition procedures at regular Council meetings.

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

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL (84-R-11)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends the Town Council Procedures Manual as follows:

1. Under Section I(C)(10), substitute the following for the last paragraph:

Adjournment: Pursuant to parliamentary procedure, a motion to adjourn is in order at any time from any Council member. The motion, once seconded, is not debatable and requires a simple majority for adoption.

All regular and special meetings may be adjourned only by majority vote of Council approving a motion to adjourn.

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
CAPITAL RESERVE FUND				
Reserved for Capital Improvements	30,000	295,776		325,776
<u>Revenues</u>				
CAPITAL RESERVE FUND				
State Fire Protection Funds	0	295,776		295,776

This the 23rd day of January, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Renaming Louise Street as Deming Road

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

A RESOLUTION RENAMING LOUISE STREET AS DEMING ROAD (84-R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby renames the right-of-way known as Louise Street, being on the north side of East Franklin Street and shown on Chapel Hill Township Tax Map 76, as Deming Road.

This the 23rd day of January, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Reports

Council Liaison

- Triangle J Council of Governments. Councilmember Howes stated that the Executive Newsletter had been circulated among Councilmembers.
- Orange County Human Services Advisory Commission. Councilmember Broadfoot stated that the Orange County Commissioners would vote on the Minimum Housing Code in February. Councilmember Smith stated that he felt that there should be a contact person that would help homeless persons in Chapel Hill find shelter.
- JOCCA. Councilmember Preston stated that she had attended the January 10, 1984, annual meeting.

Adjournment prior to completion of a meeting's scheduled agenda is an unusual occurrence, unless it is due to the length of the agenda itself and the lateness of the hour.

2. ADD to Section I(C)(6):

(It is not necessary to petition to speak at a public hearing.)

This the 23rd day of January, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Redesignating the Development Ordinance of the Town of Chapel Hill as a Technical Ordinance

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE REDESIGNATING THE DEVELOPMENT ORDINANCE OF THE TOWN OF CHAPEL HILL AS A TECHNICAL ORDINANCE (84-O-3)

WHEREAS, the Development Ordinance is now included in the Town's Code of Ordinances as "Appendix A";

WHEREAS, publishing revised pages in Appendix A of the Town Code due to changes in the Development Ordinance is costly; and

WHEREAS, copies of the Development Ordinance are available for public inspection and may be purchased in the Planning Department office at the Municipal Building;

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council redesignates the Development Ordinance as a technical ordinance in accord with G.S. 160A-77, and hereby directs that the Development Ordinance be removed from the Code of Ordinances, which consists of General Ordinances; provided, that the Development Ordinance, as it may be amended, shall remain fully in effect and force.

BE IT FURTHER ORDAINED that the Offices of the Town Clerk and the Planning Department shall retain a copy or copies of the Development Ordinance available for public inspection in the manner prescribed by G.S. 160A-77.

This the 23rd day of January, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Extending the Deadline for the Manager's Report on Buffers and Screens

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

A RESOLUTION EXTENDING THE DEADLINE FOR THE MANAGER'S REPORT ON BUFFERS AND SCREENS (84-R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the deadline for the Manager's report on amendments to Section 6.12, Buffers and Screens, to April 24, 1984.

This the 23rd day of January, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Entranceway Task Force

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE FOUR ADVISORY BOARD NOMINEES (Rita Berman, Transportation Board; Gina Cunningham, Planning Board; Jon Condoret, Community Appearance Commission; and Ray Burby, Parks and Recreation Commission) BE APPOINTED BY ACCLAMATION. THE MOTION CARRIED UNANIMOUSLY.

Councilmember Preston nominated Dr. William McLendon.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE FOLLOWING NAMES BE PLACED IN NOMINATION: JOHN KINCAID, ALAN RIMER, PHILIP SZOSTAK, ZORA RASHKIS, JO ANNE ROSE, RANDI KNOFSKY, AND PATRICIA KREBS.

Voting was as follows:

John Kincaid--8 votes: Pasquini, Preston, Howes, Broadfoot, Nassif, Boulton, Smith, and Thorpe.

Alan E. Rimer--3 votes: Pasquini, Boulton, and Thorpe.

Philip Szostak--2 votes: Kawalec and Broadfoot.

Zora M. Rashkis--4 votes: Pasquini, Kawalec, Nassif, and Smith.

Jo Anne Rose--2 votes: Howes and Boulton.

Randi Knofsky--0 votes.

Patricia Krebs--1 vote: Preston.

William McLendon--7 votes: Preston, Howes, Kawalec, Broadfoot, Nassif, Smith, and Thorpe.

A second ballot was cast:

Alan E. Rimer--6 votes: Howes, Smith, Boulton, Nassif, Broadfoot, and Preston.

Zora M. Rashkis--3 votes: Pasquini, Thorpe, and Kawalec.

The following persons were appointed to the Entranceways Task Force: Rita Berman (Transportation Board), Gina Cunningham (Planning Board), Jon Condoret (Community Appearance Commission), Ray Burby (Parks and Recreation Commission), John Kincaid, Alan E. Rimer, and William McLendon.

Greenways Task Force

No changes were made re the Greenways Task Force.

Meetings with Council and Advisory Boards

The following scheduled was adopted by the Council:

- February 4: 9:00 A.M. (Institute of Government)--Planning Board
- February 13: (Council Agenda)--Human Services Advisory Board
- February 23: (Work Session) 7:00--Community Appearance Commission
 - 7:30--Transportation Board
 - 8:00--Parks and Recreation Commission
 - 8:30--Library Board
 - 9:00--Historic District Commission


The Council would meet with OWASA at their annual dinner and review.

Councilmember Kawalec would contact the Housing Authority to see if they would be interested in meeting with the Council.

Councilmember Kawalec and the Manager concurred that it would not be appropriate to meet with the Personnel Appeals Committee or the Board of Adjustment, as the Council might appear to be trying to influence the Boards.

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COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO
ADJOURN THE MEETING. THE MOTION CARRIED UNANIMOUSLY. The meeting
was adjourned at 9:30 P.M.



Joseph L. Nassif, Mayor

James M. Baker, Interim Town Clerk