

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, FEBRUARY 13, 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.

Petitions

--Mr. Mike Levine, a Chapel Hill lawyer, requested permission to speak on Agenda #7 (re personal services in certain zones).

--Mr. Roscoe Reeve, Chair of the Planning Board, submitted a petition/resolution from the Planning Board requesting the development of interim policies for development on the entranceways.

COUNCILMEMBER BROADFOOT MOVED THAT THE COUNCIL APPROVE THE RESOLUTION. THERE WAS NO SECOND TO THE MOTION.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO RECEIVE THE PETITION AND TO REFER THE REQUEST TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

--Mr. Watts Hill, Jr., representing the Chamber of Commerce, requested permission to speak on Agenda #8, #9, #10, and #11 if necessary (each item concerned a proposed amendment to the Development Ordinance), and permission to speak on Agenda #13b (re suspension of certain site plan applications).

Mr. Roman Kolodij, an architect, also requested to speak on Agenda #13b.

--Councilmember Broadfoot informed the Council that Councilmember Smith, President-elect of the Orange County Mental Health Association, had recently been awarded the Distinguished Service Award by the Association.

--COUNCILMEMBER SMITH MOVED THAT THE LETTER RECEIVED BY THE COUNCIL FROM THE COMMUNITY APPEARANCE COMMISSION (re proposed "Welcome to Chapel Hill" signs) BE REFERRED TO THE ENTRANCEWAYS TASK FORCE. COUNCILMEMBER PRESTON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Minutes (January 16 and 23, 1984)

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE MINUTES OF JANUARY 16, 1984, BE ADOPTED AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO ADOPT THE COUNCIL MINUTES OF JANUARY 23, 1984, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

Joint Meeting with the Human Services Advisory Board

Ms. Pat Sullivan, Chair of the Human Services Advisory Board, outlined how the Board gathered information and documented human service needs in Chapel Hill. She stated that more specific and detailed proposals (from agencies on how they could best meet human service needs of Chapel Hill) had been submitted than in previous years.

The Board had also considered the problem of homeless people in Chapel Hill. Ms. Sullivan stated that at any given time there were no more than 10-15 homeless people in Chapel Hill. A formal report to the Council re permanent and temporary housing for homeless persons would be forthcoming.

Ms. Sullivan stated to Councilmember Smith that agencies that could not meet a need often referred the problem to an agency that could. In response to Councilmember Preston, she stated that there was minimum duplication of hot meals services in Orange County. She stated that the main problem in meeting needs seemed to be in getting information to citizens on what services were offered and how to request these services. A central computerized information service was proposed by the County.

Councilmember Preston expressed concern for the lack of sufficient rental housing available in Chapel Hill. The report had stated that there had been no rental housing units constructed in the city limits of Chapel Hill since 1973.

Councilmember Broadfoot asked if the Board had any feelings re the County's responsibility vs. the Town's responsibility for funding. Ms. Sullivan responded that the Board first validated what need an agency could meet, then researched what governmental or private agency might be responsible for funding an agency of that type. The third step was to review available facilities and staff that might adequately meet a given need. Often an agency funded by the County benefited Chapel Hill citizens with the Town contributing additional funds.

Ms. Sullivan stated to Councilmember Broadfoot that many people who worked in Chapel Hill could not afford to live in Chapel Hill. Housing trends had been toward low-income housing and affluent housing, leaving middle-income housing needs unaddressed. Councilmember Broadfoot also felt that the Board should consider (1) affordable student housing, and (2) the availability of moderate-income housing in Carrboro for people who could not afford to live in Chapel Hill.

Ms. Sullivan responded to Councilmember Broadfoot that there were detailed contracts with most of the agencies and that the agencies were required to submit quarterly reports. If the contracts were not fulfilled, funding ceased.

Ms. Sullivan explained to Councilmember Boulton that "HELPLINE" currently provided citizens with necessary referral information, but that this service needed more publicity. Councilmember Boulton stated that the Board had performed "a superlative job, even surpassing...expectations."

Mr. Taylor introduced Ms. Tina Vaughn, Human Services Co-ordinator, and members of the Human Services Advisory Board, commending the Board for the time and effort put forth in determining human service needs and in determining recommendations for allocation of funds to responsive agencies.

Councilmember Smith expressed concern for nutrition for low-income people and concern for child-support enforcement. Ms. Sullivan explained that there were new State laws that aided enforcement of child support.

Mayor Nassif expressed appreciation to the Board members and reiterated the Council's support.

Resolution Approving a Modification of a Drive-in Window Special Use Permit to Wachovia Bank and Trust Co.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF RESOLUTION 84-R-14.

Councilmember Kawalec expressed concern for the approval of construction in the floodway or in the floodway fringe that might create water retention problems on the subject and adjacent properties. She stated that she also felt that to not allow construction in these areas would help address concerns for density as well as flooding.

Because of the up-coming Council's consideration of the gross land area concept, COUNCILMEMBER BROADFOOT MOVED TO TABLE CONSIDERATION OF THIS MATTER UNTIL THE COUNCIL REACHED A DECISION. COUNCILMEMBER PASQUINI SECONDED THE MOTION.

THE MOTION WAS DEFEATED 3 TO 6 WITH COUNCILMEMBERS KAWALEC, BROADFOOT, AND PASQUINI SUPPORTING, AND COUNCILMEMBERS BOULTON, THORPE, HOWES, PASQUINI, SMITH, AND MAYOR NASSIF OPPOSING.

Councilmember Howes felt that the proposed modification was modest and justifiable.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION APPROVING A MODIFICATION OF A DRIVE-IN WINDOW SPECIAL USE PERMIT TO WACHOVIA BANK AND TRUST COMPANY (84-R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the modification of a Drive-In Window Special Use Permit proposed by Wachovia Bank and Trust Company for Tax Map 47, Block A, Lot 12D for three additions to the building, if developed in accordance with the plans submitted November 1, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will 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. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Will 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 shade trees be provided in the new planting islands in the parking lot.
2. That a 5-foot bufferyard be provided between the new additions on the north and east sides and the parking lot or that an alternative buffer be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
3. That the new additions in the floodway fringe be flood-proofed or that the first floor be elevated 1 foot above the projected 100-year flood elevation, as required by the Town's Flood Damage Prevention Ordinance.

4. If any conditions shall be held invalid or void, then this permit shall be void and of no effect.
5. The continued 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.
6. That construction begin by January 31, 1986, and be completed by January 31, 1989.
7. That except as modified herein, all other special terms, conditions and stipulations heretofore made applicable to the Special Use Permit be continued in effect.

BE IT FURTHER RESOLVED that, since the proposed modification does not increase the existing nonconformity, the development be exempted from the requirements of Section 6.6.6(c) of the Development Ordinance pertaining to screening of parking from adjacent rights-of-way and from the requirements of Section 6.6.6(d) if the trees added to the new planting islands do not meet the 35% shading requirement.

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

This the 13th day of February, 1984.

Ordinance Amending the Chapel Hill Development Ordinance (re duplex units)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF ORDINANCE 84-O-5a.

Councilmember Kawalec felt that proposed resolution 84-O-5b would allow more realistic control by requiring a common heated wall on both sides. Mayor Nassif did not feel that heating the area was necessary. Councilmember Howes felt that proposed resolution 84-O-5a would offer more design flexibility.

THE FOLLOWING ORDINANCE CARRIED UNANIMOUSLY:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-O-5a)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Development Ordinance be amended as follows:

SECTION I

AMEND Section 18.39 (Dwelling, Two-Family - Duplex) to read:

- 18.39 Dwelling, Two-Family - Duplex: A single dwelling consisting of two (2) dwelling units (other than a two-family dwelling--including accessory apartment--see Section 18.38 above), provided the two dwelling units are connected by or share a common floor-to-ceiling wall, or, if the two units are arranged vertically, that they share a common floor/ceiling and not simply by an unenclosed passageway (e.g., covered walkway).

SECTION II

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of February, 1984.

Proposed Ordinance Amending the Chapel Hill Development Ordinance (re adult day care centers)

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF ORDINANCE 84-O-6b.

Councilmember Broadfoot felt this resolution was a good compromise, since there were many uncertainties in the new area of adult day care centers.

Councilmember Smith opposed restrictions placed on adult day care centers in R-1 and R-2 zones that were not required in other zones. Mayor Nassif concurred.

Mayor Nassif cautioned the Council about the possibility of enundating itself with decision-making issues, when delegation of some of these responsibilities could serve the purpose just as well. Councilmember Smith supported a limit on the number of adults cared for at a center. He also did not feel that a Special Use Permit was necessary.

Concurring with Councilmember Smith, COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, A SUBSTITUTE MOTION TO ADOPT ORDINANCE 84-O-6a. Councilmember Kawalec stated that she felt that this ordinance more closely addressed the Council's intent.

Councilmember Pasquini opposed the substitute motion. He asserted that commercial development in residential zones disrupted neighborhoods. Mr. Jennings clarified for Councilmember Pasquini that proposed ordinance 84-O-6a allowed centers only on collector or arterial streets in R-1 and R-2 districts. Councilmember Pasquini stated that he felt this was discrimination, offering protection for neighborhood centers and no protection for neighborhood fringes.

Mr. Jennings responded to Councilmember Thorpe that Special Use Permits were not required for child day care centers. Mr. Taylor explained that child day care centers were allowed as an accessory use in all residential zones. Child care centers were permitted as a principal use in all residential zones, but not in R-1 and R-2, unless located on a collector or arterial street. The proposed ordinance would merely substitute the word "adult" for "child."

Mayor Nassif stated that it appeared that neither proposed ordinance seemed to address what the Council desired--to allow adult day care centers as an accessory use in residential zones, with a limit of 5 persons.

Councilmember Thorpe stated that he would support the main motion, as he felt there should not be discrimination between child day care centers and adult day care centers.

COUNCILMEMBERS KAWALEC AND HOWES, MAKER AND SECONDER OF THE SUBSTITUTE MOTION, AND COUNCILMEMBERS BROADFOOT AND PASQUINI, MAKER AND SECONDER OF THE MAIN MOTION, AGREED TO WITHDRAW THEIR MOTIONS.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Development Ordinance (to allow beauty parlors and barber shops in O/I zones, commercial zones, and in certain planned developments)

Mr. Mike Levine, a Chapel Hill attorney representing the applicant, Ms. Alice Stone, stated that he felt that the arbitrary classification of personal services in the Development Ordinance represented a manifest error and, therefore, encouraged the Council to adopt proposed ordinance 84-O-7b, as recommended by the Town Manager.

Councilmember Broadfoot questioned the reason that this issue was before the Council, when previously the Council had in essence, by taking no action, denied the request. Mr. Barrett explained that Mr. Levine felt that the Council should vote to either approve or deny the request.

Mayor Nassif stated that there was no definitive response that the Council had to give. If a request were not approved "it stays at the status quo."

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF RESOLUTION 84-R-15.

Councilmember Howes opposed the motion, feeling that proposed resolution 84-R-15b was a more appropriate response to the request.

Mayor Nassif felt that even though the Council had previously reviewed this request, proposed ordinance 84-O-7b offered a definition for beauty parlors and barber shops which the Council had not considered before. He asserted, however, that this request should have been submitted to the Council as a petition.

THE MOTION TO ADOPT RESOLUTION 84-R-15 FAILED TO PASS WITH A VOTE OF 4 TO 5 WITH COUNCILMEMBERS BOULTON, BROADFOOT, KAWALEC, AND SMITH SUPPORTING, AND COUNCILMEMBERS THORPE, PASQUINI, HOWES, PRESTON, AND MAYOR NASSIF OPPOSING.

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

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-O-7b)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Development Ordinance be amended as follows:

SECTION I

INSERT "Barber Shop/Beauty Salon" as a new use following "Bank" in Section 4.3 under Use Group C and designate it as a permitted principal use ("P") in the TC-1, TC-2, CC, NC, OI-3, OI-2, and OI-1 districts, and in a PD-SC(N), PD-SC(C), PD-OI, and PD-MU.

SECTION II

SUBSTITUTE the following for Section 18.10 (Reserved):

18.10 Barber Shop/Beauty Salon: An establishment that provides services generally involving the cutting and styling of hair, and including customary accessory uses such as shoe polishing, manicure work, facial treatment, the sale and fitting of wigs, and the sale of hair treatment products.

SECTION III

DELETE the words "barber shops, beauty salons," from Section 18.91 (Personal Services),

SECTION IV

ADD the phrase ", but not including barber shops and beauty salons." to the end of Section 18.91 (Personal Services).

SECTION V

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of February, 1984.

THE MOTION CARRIED 6 TO 3 WITH COUNCILMEMBERS THORPE, PASQUINI, KAWALEC, HOWES, PRESTON, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BOULTON, BROADFOOT, AND SMITH OPPOSING.

Proposed Adoption of an Ordinance Amending the Chapel Hill Development Ordinance (to amend the fourth finding)

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF ORDINANCE 84-0-8

Mr. Barrett responded to Councilmember Thorpe that there had been no court cases lost since 1975 as a direct result of the words in the fourth finding. Mr. Barrett explained that the current use of the word "harmonious" was redundant--if the findings of fact were made by the Council, then the use was already in harmony. He felt that the Development Ordinance should be made more specific in areas where problems had occurred.

Mr. Taylor responded to Mayor Nassif that the Council would consider changes and/or additions to the findings of fact in March. Mayor Nassif recommended that the Council table this matter until the March public hearings.

Mr. Taylor stated that he would prefer that the Council not act on this matter at this time, as the March hearings would address Council's concern re the four findings, etc. To table the matter would not address current legal concerns.

Councilmember Howes felt these concerns could be addressed at the public hearing.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO TABLE THIS MATTER UNTIL MARCH 19, 1984. THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Development Ordinance (to change the wording in the Development Ordinance to require a developer to provide "persuasive" evidence, rather than "conclusive" evidence)

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

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-0-9)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Development Ordinance be amended as follows:

SECTION I

SUBSTITUTE the word "persuasively" for the word "conclusively" in the fourth paragraph of Section 8.4.6.

SECTION II

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Supporting Travel Service Signing ("LOGO" Signs) on I-40

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

A RESOLUTION SUPPORTING TRAVEL SERVICE SIGNING ("LOGO" SIGNS) ON INTERSTATE-40 (84-R-16)

WHEREAS, I-40 is the main entrance to the world-renowned Research Triangle Park. Governor James B. Hunt, speaking at the Horizons Unlimited Conference on October 27, 1983, said:

I'm also concerned about the "look" of the Research Triangle Park and this entire area.

The first question asked by representatives of businesses visiting this areas is: "Can we go for a ride?"

Yes, they are concerned about schools and job training and other issues. But quality of life is at the top of their agenda. They want a quality location and a quality environment.

When that business executive leaves RDU Airport, he or she cannot be assaulted by the visual clutter of a billboard boulevard on Interstate-40.

WHEREAS, existing and proposed Interstate-40 passes through some of the most scenic lands in the Research Triangle Area; and

WHEREAS, most of the cities and counties through which I-40 passes or will pass have enacted measures to strictly control or prohibit billboards and other signs near the interstate; and

WHEREAS, Travel Service Signing ("LOGO" signs) would serve two valuable purposes, to wit:

- 1. They would minimize the perceived need for billboards and other signs, and
- 2. They would be an aid to the traveling public in the absence of billboards and other signs.

NOW, THEREFORE, the Council of the Town of Chapel Hill requests that the Travel Service Signing program be extended to the existing and proposed segments of Interstate-40 in the Research Triangle Area.

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Encouraging Enactment of the One-half Cent Local Option Sales Tax in Orange County

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

A RESOLUTION ENCOURAGING ENACTMENT OF THE ONE-HALF CENT LOCAL OPTION SALES TAX IN ORANGE COUNTY (84-R-17)

WHEREAS, the N.C. General Assembly in its 1983 Session authorized the enactment of an additional one-half cent sales tax on a local option basis in each county; and

WHEREAS, the Orange County Board of Commissioners will hold a public hearing on Tuesday, March 13, 1984, on whether to enact the half-cent sales tax in Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds the enactment of the one-half cent local option sales tax in the best interest of the people of Chapel Hill and Orange County and urges its enactment at the earliest appropriate time.

BE IT FURTHER RESOLVED that the Mayor shall cause a copy of this resolution to be presented to the Orange County Board of Commissioners at the public hearing on this matter on March 13, 1984.

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Amendment to Ordinance (re list of paid holidays for Town employees)

Councilmember Broadfoot expressed concern for the cost to the Town of the recent addition of a paid holiday for Town employees (to honor Dr. Martin Luther King, Jr.). To off-set this cost, Councilmember Broadfoot proposed the deletion of the current "Friday-after-Thanksgiving" paid holiday.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF ORDINANCE 84-O-10.

Mr. Taylor stated that the Town currently had 11 paid holidays; State employees were given 10 to 11 holidays, depending on what day of the week Christmas fell in a given year.

Councilmember Boulton felt there should be a limit on the number of holidays given employees. Councilmember Smith felt that to delete a holiday after awarding a holiday would not help turnover problems with the Town of Chapel Hill.

Councilmember Howes did not feel that the Town was out of line with holidays granted by other employers in the area. He asserted that a holiday was not a commodity to be bought or sold.

Councilmember Thorpe asserted that the cost to the Town should not be the overriding issue, but rather the intent with which the Dr. Martin Luther King, Jr., holiday was given.

THE MOTION TO ADOPT THE PROPOSED ORDINANCE (to delete the "Friday-after-Thanksgiving" holiday) FAILED TO CARRY WITH A VOTE OF 3 TO 6 WITH COUNCILMEMBERS BROADFOOT, PASQUINI, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, KAWALEC, HOWES, PRESTON, AND SMITH OPPOSING.

Resolution Calling a Public Hearing to Consider Amending the Chapel Hill Development Ordinance

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-R-18.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for 7:30 P.M., Monday, March 19, 1984, in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street, to consider the following amendments to the Development Ordinance, and ratifies the actions of the Manager in calling said hearing pursuant to the informal direction of this Council at its January 30, 1984, work session:

SECTION I

Amend Section 5.8 of the Development Ordinance, Maximum Number of Dwelling Units to replace the following table:

Zoning District	Maximum Number of Dwelling Units per acre of Gross Land Area
R-1, R-2, R-3	15
R-4, OI-1 and NC	20
R-5, R-6, OI-2 and CC	20

with the following table:

Zoning District	Maximum Number of Dwelling Units per acre of Gross Land Area
R-1	3
R-2	7
R-3	12
R-4, OI-1 and NC	15
R-5, R-6, OI-2 and CC	20

SECTION II

Revise the findings of fact required in Section 8.3 of the Development Ordinance to require that an application for a special use permit demonstrate an appropriate quality of design and construction.

SECTION III

Revise Section 4.3 of the Development Ordinance, Schedule of Use Regulations as follows:

- a. Eliminate the row entitled "Dwelling, Multi-Family--3 to 7 dwelling units, including the notations of "Permitted" and "Not Permitted" in each Zoning District.
- b. Revise the row entitled "Dwelling--Multi-Family"--Over 7 Dwelling Units to read "Dwelling--Multi-Family" and change the "P's" under R-5 and R-6 in that row to the designation for "Not Permitted."

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Suspending Consideration of Certain Site Plan Applications
(for suspension of applications received after February 5, 1984, until April 9, 1984)

Mr. Roman Kolodij, an architect, requested that the Council reconsider this matter. His concern was that his application had been completed and accepted by the staff, but was not due until February 6, one day after the publication of the legal notice. Council's consideration to suspend certain site plan applications was tonight, one week later. He questioned if the "date of suspension" would be the date of the advertisement or the date of action taken by the Council.

Mr. Watts Hill, Jr., representing the Chamber of Commerce, stated that he understood the Council's intent re the proposed suspension, but submitted that Mr. Kolodij's project involved two small duplexes, one already in existence. He felt that the size of projects should be considered. Mr. Hill also felt that lengthy suspensions could affect the cost of construction. (Mr. Hill stated that the Chamber had supportive literature on items 8, 10, and 11 of the Agenda which would be distributed later to the Council.)

Mayor Nassif stated that any time the Council scheduled a public hearing to consider changes in the Development Ordinance, applications should be suspended until the Council reached a decision. This was a reasonable procedure to follow. He did not feel that a resolution was necessary for suspending consideration of applications.

Mr. Barrett explained to Councilmember Kawalec that the public hearing was advertised prior to Council's adoption of the resolution to schedule the public hearings so that this could be scheduled at the earliest possible public hearing. The resolution clearly reflected this.

COUNCILMEMBER KAWALEC MOVED ADOPTION OF RESOLUTION 84-R-18.2, WITH THE DELETION OF THE WORDS "publication of the Public Notice" AND THE INSERTION IN ITS PLACE OF THE WORDS "February 13, 1984" IN THE FOURTH PARAGRAPH.

Councilmember Boulton felt this might be setting a precedent. Councilmember Pasquini questioned if this procedure had been different from prior practice, feeling that any changes would confuse an applicant.

Councilmember Thorpe asserted that the staff had followed the direction of the Council to advertise for the public hearing.

Mayor Nassif did not support the requirement of a Special Use Permit for smaller units.

Councilmember Kawalec concurred with Councilmember Pasquini, that the public had a right to know what the rules were. Mr. Barrett asserted that equity was the intent of the proposed resolution. Councilmember Kawalec did not feel that a decision with a retroactively effective date was the best way to do business.

THE MOTION FAILED FOR LACK OF A SECOND.

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

A RESOLUTION SUSPENDING CONSIDERATION OF CERTAIN SITE PLAN APPLICATIONS (84-R-18.2)

WHEREAS, the Council at a work session on January 30, 1984, proposed certain changes to the Development Ordinance; and

WHEREAS, a public notice of hearings on March 19, 1984, concerning the proposed changes was published on February 5, 1984, in the Chapel Hill Newspaper (the "Public Notice"); and

WHEREAS, the proposed amendments require special use permits for multi-family housing in Residential-4, -5 and -6 zones, limits on the number of dwelling units per acre in various zones, and also proposed certain requirements relating to site plan design of special uses;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Manager and Planning Board to suspend until April 9, 1984, the processing and consideration of any site plan application received after publication of the Public Notice if such an application:

1. Proposes development of multifamily housing units in an R-4, -5 or -6 district for which a special use permit is proposed to be required, as described in the Public Notice; or
2. Proposes a number of housing units exceeding any of the proposed limits on units per acre in various zoning districts, as described in the Public Notice;

Provided, that an applicant may by consent choose to promptly amend his or her application to comply with the proposed special use requirement and applicable proposed limit on the number of dwelling units per acre, and in such event the application shall be processed by the Manager and the Planning Board and analyzed as a special use application.

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

Mayor Nassif requested that item "b" (re proposed amendment to the Community Development project ordinance) be removed from the Consent Agenda for discussion.

Councilmember Smith requested that item "d" (re an upcoming bicycle race) be removed from the Consent Agenda for discussion.

Councilmember Thorpe requested that item "c" (re sale of gasoline to the Chapel Hill Housing Authority) be removed from the Consent Agenda for discussion.

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

A RESOLUTION APPROVING AN ORDINANCE AND A RESOLUTION (84-R-19)

BE IT RESOLVED by the Chapel Hill Town Council that the Council hereby adopts the following resolutions and ordinances as submitted by the Manager:

- a. An ordinance amending the parking facilities fund (establish separate fund as required for parking revenue bonds, provide for related expenses of bond sale) (84-O-12).
- e. A resolution adopting a timetable for considering and adopting the 1984-85 budget (including public forum on March 26, hearings on May 14) (84-R-22).

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

The Ordinance and Resolution Adopted by the Consent Agenda

The following ordinance and resolution was adopted by the Consent Agenda:

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (84-O-12)

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>
Parking Facilities Fund	233,516		44,282	189,234
Parking Facilities Bond Fund	0	62,458		62,458

ARTICLE II

Revenues

Parking Facilities Fund	233,516		44,282	189,234
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Parking Facilities			
Bond Fund	0	62,458	62,458

This the 13th day of February, 1984.

A RESOLUTION CALLING PUBLIC HEARINGS AND SETTING A TIMETABLE FOR CONSIDERING THE 1984-85 BUDGET (84-R-22)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls public hearings as listed below and adopts the following timetable for developing and adopting the 1984-85 budget:

- March 12, 1984 Manager presents interim budget report.
- March 26, 1984 Public forum for comments on interim budget report.
- April 24, 1984 Manager submits recommended 1984-85 budget.
- May 14, 1984 Public hearings for comments on recommended budget; transit services, fares and pass prices; use of General Revenue Sharing Funds.
- May 29, 1984 Budget adoption.
- June 25, 1984 Copies of adopted budget distributed to Council.

The forum on March 26 and hearings on May 14 shall be at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 North Columbia Street.

This the 13th day of February, 1984.

Ordinance to Amend the "Community Development Small Cities Program Ordinance"

Mr. Taylor explained to Mayor Nassif that the ordinance would transfer monies from Year 3 to Year 2 of the project, in order to close out Year 2.

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

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM ORDINANCE" (84-O-13)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 3. Reflect the following increase in revenues:

<u>Source</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
CD Small Cities	2,103,500	3,234	-	2,106,734

Section 4. Reflect the following increases and decreases in appropriations to activities:

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year 2 Revised</u>
Acquisition of Real Property	\$416,064	\$49,362		\$465,426	\$188,562
Disposition of Real Property	5,600		1,010	4,590	390
Public Facilities and Improvements	512,162		4,883	507,279	167,332
Clearance Activities	30,167			30,167	4,900
Relocation Payments and Assistance	163,857		31,877	131,980	25,860
Rehabilitation and Preservation	758,557		5	758,552	254,200
General Administration	206,398		308	206,090	61,990
Non-Departmental	<u>10,695</u>		<u>8,045</u>	<u>2,650</u>	
TOTAL	\$2,103,500	\$49,362	\$46,128	\$2,106,734	\$703,234

This the 13th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing Sale of Gasoline and Diesel Fuel to the Chapel Hill Housing Authority

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 84-R-20.

Mr. Taylor stated to Councilmember Broadfoot that he would report to the Council the volume of gas used by the Housing Authority.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION AUTHORIZING SALE OF GASOLINE AND DIESEL FUEL TO THE CHAPEL HILL HOUSING AUTHORITY (84-R-20)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Manager to enter into and sign on behalf of the Town an agreement with the Chapel Hill Housing Authority for sale of gasoline and diesel fuels to the Housing Authority. Said agreement shall provide that the Housing Authority will pay the Town a price per gallon equal to the Town's cost for the most recent delivery preceding the transfer of fuel to Housing Authority vehicles, plus 10% of said actual cost to the Town as a reimbursement for administrative and related costs of sale to the Housing Authority. The agreement may include such other conditions as the Manager deems appropriate and are approved by the Town Attorney.

This the 13th day of February, 1984.

Ordinance to Prohibit Parking on Country Club Road, and South Road on April 23, 1984

Councilmember Smith expressed concern for the length of time that parking and traffic would be altered, causing inconvenience to Chapel Hill citizens.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO PROHIBIT PARKING ON COUNTRY CLUB ROAD AND SOUTH ROAD ON APRIL 23, 1984 (84-O-14)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby temporarily prohibits parking on:

South Road, both sides, between Country Club Road and Raleigh Street; and

Country Club Road, west side, between South Road and Boundary Street;

between the hours of 7:30 A.M. and 3 P.M. on Monday, April 23, 1984.

This the 13th day of February, 1984.

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

Councilmember Broadfoot expressed the hope that the Council would give the Manager the authority to handle decisions of this nature.

Resolution Changing Traffic Patterns and Closing Portions of Certain Streets for a Bicycle Race on April 23, 1984

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

A RESOLUTION CHANGING TRAFFIC PATTERNS AND CLOSING PORTIONS OF CERTAIN STREETS FOR A BICYCLE RACE ON APRIL 23, 1984 (84-R-21)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the following portions of streets shall be temporarily closed to vehicular traffic between 7:30 A.M. and 3 P.M. on Monday, April 23, 1984:

Country Club Road: Southbound lane between South Road and Raleigh Street, allowing only northbound traffic flow;

South Road: Westbound lanes between Country Club Road and Raleigh Street; allowing two-way traffic in the eastbound lanes; and

Raleigh Street: All lanes, between Country Club Road and South Road.

BE IT FURTHER RESOLVED that east- and westbound traffic on South Road shall be directed into the two eastbound lanes (one traffic lane, one parking lane) of South Road between Country Club Road and Raleigh Street in order to allow for two-way traffic at all times on South Road.

BE IT FURTHER RESOLVED that the UNC Cycling Club, which as sponsor of this bicycle race has requested that traffic changes be made for this race, by holding said race, assumes all liability for damages resulting from the race or from the negligent action of any racer associated with the race.

BE IT FURTHER RESOLVED that the UNC Cycling Club, by holding said race, saves the Town of Chapel Hill harmless from all liability and expenses, and agrees to reimburse the Town of Chapel Hill for any costs, expenses or damages which the Town may incur or for which the Town be held liable as a result of this race, or from the negligent action of any racer associated with the race.

BE IT FURTHER RESOLVED that the UNC Cycling Club will hire two off-duty Chapel Hill Public Safety Officers and two off-duty UNC Security Officers for traffic control and direction in the area of the race.

BE IT FURTHER RESOLVED that the UNC Cycling Club shall be responsible for cleaning the area used by the races so that it is clean and free of debris within 30 minutes after the race is completed or 3 P.M., whichever comes first.

This the 13th day of February, 1984.

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

Greenways Task Force

Councilmember Kawalec nominated Ms. Zora Rashkis; Councilmember Preston nominated Ms. Betsy Pringle.

Councilmember Boulton asserted that since the recommendation from the Community Appearance Commission was not a member of the Commission, she should not represent the Commission.

Councilmember Kawalec stated that John McKee, recommended by the Board of Realtors, preferred to serve on the Entranceways Task Force. The Board of Realtors could submit another recommendation to the Council for the Greenways Task Force.

Councilmember Pasquini stated that former Councilmember Jim Wallace had also expressed the desire to serve on the Entranceways Task Force.

Councilmember Kawalec stated that her letter to these groups had specifically stated that appointees were to be residents of Chapel Hill. Councilmember Howes felt that there were several persons recommended who were not residents of Chapel Hill.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO TABLE CONSIDERATION OF APPOINTMENTS TO THE GREENWAYS TASK FORCE UNTIL THE NEXT REGULAR MEETING.

Additional Appointments to the Entranceways Task Force

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT DR. JIM WALLACE AND MR. JOHN MCKEE BE APPOINTED TO THE ENTRANCEWAYS TASK FORCE. THE MOTION CARRIED UNANIMOUSLY.

Re the Council's earlier consideration of Agenda #7, and approval of the request (re personal services in O/I zones), Councilmember Boulton stated that the information provided to the Council was not sufficient, and that she would have preferred more background information from the September 27, 1983, and October 24, 1983, Council minutes.


Councilmember Kawalec, having voted on the prevailing side, stated that if it was Councilmember Boulton's desire to have the motion reconsidered, she would make a motion to reconsider the issue, with the intent of changing her vote on the issue. In that way, the Council could review all necessary information. She stated that she felt this would be valid parliamentary procedure.

Mayor Nassif stated that he would overrule a motion to reconsider and would call it out of order, since this was at the end of the agenda. He asserted that it would have been more appropriate for the request to have come back before the Council as a petition.

Councilmember Boulton stated that her point was not to reconsider, but that the Council needed more background information from previous Council minutes.

As there was no further business to come before the Council, COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE MEETING BE ADJOURNED.

The meeting was adjourned at 10:45 P.M.



Joseph L. Nassif



Brenda P. Cherry, Deputy Town Clerk