

FEB 27 1984

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, FEBRUARY 27, 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. Neil Coker, representing the Phi Kappa Phi Fraternity, stated that the fraternity proposed to hold a fund raising event for the North Carolina Memorial Hospital Burn Center on Friday, April 13, 1984, and that the fraternity sought an exception to the Chapel Hill Noise Ordinance to allow amplified music to begin at 2:30 P.M., rather than at 5:00 P.M. as provided in the Noise Ordinance. Mr. Coker stated that a letter from Dr. Peterson, Director of the Burn Center at North Carolina Memorial Hospital, had been sent to the Council expressing support of this request. Mr. Coker stated that since the fraternity was located on Finley Road--"a considerable distance from town"--the noise would have little adverse affect on that community. He stated that there was no opposition from area fraternities or from the Athletic Association Office located in this vicinity.

Mr. Taylor stated that this request had been denied by the Manager's office because the current Noise Ordinance did not allow permits before 5:00 P.M. on Fridays. On Saturdays, permits were allowed for 10:00 A.M.

Re the possibility of rescheduling this event to Saturday, Mr. Coker explained that another event had been scheduled on campus on Saturday. To reschedule this event on Saturday would create dual scheduling that would adversely affect the size of the crowd and subsequently affect contributions that could be raised.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THE PETITION BE GRANTED, SUBJECT TO STIPULATIONS THAT THE MANAGER MIGHT IMPOSE. Councilmember Howes stated that his motion was made solely on the basis of the location of the fraternity.

Councilmember Smith felt that approval of this request might set a precedent. Mayor Nassif felt that exceptions to the Noise Ordinance should not be made unless that exception was outlined in the ordinance.

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

--Mr. Watts Hill, Jr., representing Mr. Peter DuBose, requested that Agenda #8 (re proposed public hearing to consider rezoning of property on N.C. 54) be postponed until later on the agenda.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT AGENDA #8 BE CONSIDERED AS AGENDA 13a.

THE MOTION CARRIED UNANIMOUSLY.

--Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, petitioned the Council to consider changing the date of the public hearings suggested in Agenda #7 (to consider establishing a flood plain) and in Agenda #9 (to consider water quality critical zones) to a date later than the proposed March 19, 1984, date.

--Mr. Hill further petitioned the Council to postpone consideration of Agenda #11a (re proposed 3-hour limits for agendas for public hearings) until after the Council acted on Development Ordinance amendments (currently scheduled for March 19, 1984).

Mr. Hill responded to Councilmember Boulton that since the March 19, 1984, public hearing agenda was already full, Agenda #7 and #9 should be postponed, as these were important concerns that deserved more full consideration than a limited agenda might allow. In addition, more information would be available re water quality critical zones at a later date.

--At the request from Councilmember Thorpe that the Council receive the report from Attorney Michael Patrick for the month of January, Mr. Barrett responded that the report was being prepared.

--Mr. Larry Reed, a citizen of Orange County, petitioned the Council to delay consideration of Agenda #4 (re proposed landfill site) until later in the evening.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER SMITH, TO DELAY CONSIDERATION OF AGENDA #4 TO BE CONSIDERED AS AGENDA #13b.

THE MOTION CARRIED UNANIMOUSLY.

Minutes (February 13, 1984)

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE MINUTES OF FEBRUARY 13, 1984, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving a Planned Development-Housing Special Use Permit to Carolina Communities, Inc. (Colony Lake)

Mr. Taylor responded to Mayor Nassif's concerns for development in the triassic basin, that Mr. John Davis, Director of Inspections, inspected housing foundations to assure that standards were met.

Mr. Taylor stated that proper construction of the proposed dam could be guaranteed "by requiring an independent soils testing laboratory to test each lift as the dam is being built."

Mr. Taylor responded to Councilmember Broadfoot that Mr. and Mrs. Lester were the current property owners who proposed to sell the property to Mr. Wright with Carolina Communities in Durham. Councilmember Broadfoot stated that his desire to have this information provided would be discussed during the March 14, 1984, Council work session.

Mr. Taylor responded to Councilmember Smith's concern for protection of children near the proposed lake that restrictive measures were not felt to be necessary or desirable. Mr. Reeve stated that the Planning Board felt that a lake could be made relatively safe through design, but 100% protection could not be assured.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF RESOLUTION 84-R-24b

Councilmember Preston stated (re concerns for Pine Knolls Stables expressed at the public hearing) that the developers had agreed to

relocate some units to allow an 80-foot buffer and had also agreed to allow the owners use of the land until the beginning of Phase V.

Councilmember Boulton stated that the motion allowed the internal roads to be 20 feet wide without curb and gutter, with the intent of retaining a rural atmosphere.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the reduced width with base overlap of the internal roads would be adequate as they would not be used for parking or for heavy vehicles.

Mayor Nassif stated that he did not oppose the deletion of the curb, but felt it would be better to have the edge reinforced to prevent breakage. Mr. Taylor stated that that was the intent of the Planning Board in recommending the stone base edging, but he did not feel that this would be a satisfactory long-term alternative. Mayor Nassif concurred, stating that if construction of the edges was not adequate in this location, water would get under the pavement and destroy the base.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO AMEND THE MAIN MOTION BY SUBSTITUTING STIPULATION NO. 7 OF PROPOSED RESOLUTION 84-R-24b WITH STIPULATION NO. 7 OF PROPOSED RESOLUTION 84-R-24a (to require the private roads to have a 27-foot cross section with curb and gutter). Councilmember Howes felt it would be inappropriate to not approve the higher standards now. Less stringent stipulations and alternatives could be considered later. Mr. Taylor concurred.

THE MOTION TO AMEND THE MAIN MOTION CARRIED UNANIMOUSLY.

Mr. Barrett stated to Mayor Nassif that no erosion control measures were mandated by local governments at the time Lake Forest Development was approved. This later became the basis of the contention that approval of those developments contributed to insiltation further downstream. He stated that erosion control measures were now required by the Town and by the County that could largely mitigate much of that impact.

THE MOTION TO APPROVE THE FOLLOWING RESOLUTION, AS AMENDED, CARRIED 7 TO 2 WITH COUNCILMEMBERS PRESTON, HOWES, KAWALEC, BROADFOOT, PASQUINI, BOULTON, AND THORPE SUPPORTING, AND COUNCILMEMBER SMITH, AND MAYOR NASSIF OPPOSING:

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO CAROLINA COMMUNITIES, INC. (84-R-24a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Colony Lake Planned Development-Housing Special Use Permit proposed by Carolina Communities, Inc., for Tax Map 27, Block D, Lots 8 and 9, if developed in accordance with the plans submitted January 16, 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.

FEB 27 1984

These findings are conditioned on the following stipulations:

1. That the Manager approve a fire flow report prior to issuance of a Zoning Compliance Permit which shows that the requirements of the Design Manual will be met. The utility system shall be designed to provide the highest fire flow feasible, up to 2,500 gpm.
2. That the construction plans for Standish Drive be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for Phase I. That a plat dedicating the right-of-way for the entire length of Standish Drive be recorded prior to issuance of a Zoning Compliance Permit for Phase I. That a performance guarantee be submitted prior to issuance of a Zoning Compliance Permit for Phase I which will provide for the completion of Standish Drive within 2 years after Certificates of Occupancy have been issued for 50% of the units in Phase I.
3. That plans for the design of the realignment of the Scarlette/Old Durham Road intersection be approved by the Town Manager and NCDOT and that a plat dedicating the additional right-of-way for the realignment of the Scarlette/Old Durham Road intersection be recorded prior to issuance of a Zoning Compliance Permit for Phase I. That a performance guarantee be submitted prior to issuance of a Zoning Compliance Permit for Phase II which will provide for completion of these improvements. These improvements shall be completed prior to issuance of a Certificate of Occupancy for Phase II.
4. That a detailed grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase. This plan shall indicate existing vegetation to be retained and methods of protecting this vegetation during construction.
5. That $\frac{1}{2}$ of a 70-foot wide right-of-way be dedicated along the property's frontage with Old Durham Road. That Old Durham Road be improved to $\frac{1}{2}$ of a 41-foot wide cross-section with curb and gutter.
6. That left-turn lanes be provided on both Standish Drive and Legion Road at their intersection, and on both Standish Drive and Old Durham Road at their intersection.
7. That the private roadways have 27-foot wide cross-sections with curb and gutter. That, if the applicant can demonstrate, to the Manager's satisfaction, that a road design different from that stipulated would achieve the Town's objectives, that the Manager is authorized to submit such request to the Council. Such a request shall not constitute a modification of the Special Use Permit. Plans for these roadways for each phase shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
8. That the water line serving the development be looped to the water line in Fountain Ridge Road via the existing right-of-way.
9. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit for each phase.
10. That utility easements necessary to connect sewer lines proposed for Forsyth and University Heights subdivisions to existing sewer lines in Fountain Ridge be provided.
11. That easement documents as approved by OWASA be recorded for utility easements necessary for each phase prior to issuance of a Zoning Compliance Permit for each phase.
12. That a plat dedicating all easements and street rights-of-way including any off-site easements or rights-of-way necessary to serve the development be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit for each phase, except as specifically required in stipulation #2 and #3.

13. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
14. That the property owner bear the cost of any lawful assessments required by OWASA for maintenance of fire hydrants located on private property until such time as this responsibility is assumed by a homeowners association or a public entity.
15. That a storm drainage plan with hydrologic calculations for the entire development be approved by the Town Manager prior to issuance of any Zoning Compliance Permit.
16. That a landscape plan of sufficient detail to determine compliance with the requirements of Article 6 be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
17. That plans showing the location and detailed design of dumpster pads and screening be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
18. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
19. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
20. That the ballfields which are serving as detention basins be designed so that the infields remain dry in a 10-year frequency storm.
21. That the tennis courts, second ballfield and a temporary gravel drive serving these facilities be provided with Phase IV and be completed prior to issuance of any building permits for units in Phase V. The gravel drive shall be paved before Phase VI is completed.
22. That the water lines serving fire hydrants be increased in size from 6 inches to 8 inches.
23. That the public improvements for each phase be completed before a Building Permit is issued for the next phase.
24. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
25. That a bus shelter be provided at the bus stop across from the proposed park, with plans to be approved by the Town Manager.
26. That the buildings to the south of Pine Knolls Stables be sited approximately 80 feet south of the common property line of Pine Knolls and Colony Lake. That photinia be planted $3\frac{1}{2}$ feet spaced on center along the property's common boundary with Pine Knolls Stables to provide a solid hedge. That a wire fence a minimum of 3 feet high be installed along this boundary until a solid hedge is established.
27. That the softball fields not be lighted.
28. That additional right-of-way be dedicated along Standish Drive such that there is no privately-owned land between Standish Drive and Lot 27-D-1 for a distance of approximately 230 feet, and that there is no privately-owned land between Standish Drive and Lot 27-D-3 for a distance of approximately 830 feet. The applicant/homeowners association may encroach on the portion of the right-of-way which is greater than 60' wide for landscaping, signs, grading and general maintenance.

29. That the homeowners association submit an annual dam inspection report prepared by a registered engineer with expertise in dam design to the Town Manager.
30. That compaction tests be conducted by a testing laboratory for each lift as the dam is constructed, and that the results of these tests be submitted to and be approved by both the N. C. Department of Natural Resources and Community Development, Land Quality Section and the Town Manager before a Zoning Compliance Permit is issued for Phase III.
31. If any conditions shall be held invalid or void, then this permit shall be void and of no effect.
32. That 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.
33. That construction begin by February 28, 1985, and be completed by February 28, 1993.
34. That the slope of the banks of the lake be no greater than 2 feet of run for 1 foot of fall. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for Phase III.

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

This the 27th day of February, 1984.

Mayor Nassif stated that his opposition had nothing to do with the overall excellence of design, but had to do with the proposed lake which was upstream from existing development. He commended the developers on their outstanding resolutions to citizens' concerns.

Resolution Recommending that the Orange County Commissioners Adopt a Proposal to Establish an Overlay Zoning District for Major Transportation Corridors and a Proposal to Establish Landscaping Standards

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

A RESOLUTION RECOMMENDING THAT THE ORANGE COUNTY COMMISSIONERS ADOPT A PROPOSAL TO ESTABLISH AN OVERLAY ZONING DISTRICT FOR MAJOR TRANSPORTATION CORRIDORS AND A PROPOSAL TO ESTABLISH LANDSCAPING STANDARDS (84-R-26)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County Commissioners adopt the proposed Major Transportation Corridors overlay district and the proposed landscaping standards.

This the 27th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Report on the Problem of Homelessness in Chapel Hill

Mr. Taylor stated that there were 6 to 10 people in Chapel Hill who could be classified as "street people." There were also approximately 200 other persons living with friends or relatives who had no home of their own who could also be classified as "homeless."

Mr. Taylor felt that the Human Services Advisory Board and other social service organizations could and should deal with this problem and recommended that the Council refer the report to the Human Services Advisory Board with the request that they meet with the Inter-Faith

Council, the Housing Authority, the Orange County social service agencies, and any other social service agencies that the Board deemed appropriate, to discuss ways to address this problem.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THE REQUEST BE REFERRED TO THE HUMAN SERVICES ADVISORY BOARD WITH THE STIPULATION THAT THEY MEET WITH THE INTER-FAITH COUNCIL, HOUSING AUTHORITY, ORANGE COUNTY SOCIAL SERVICE AGENCIES, AND ANY OTHER APPROPRIATE SOCIAL SERVICE AGENCY.

Mr. Taylor responded to Councilmember Smith that a proposal to address this problem could be expected in July with a request for funding. In addition, reports would also be submitted as part of the budget process.

THE MOTION CARRIED UNANIMOUSLY.

Request to Hold a Public Hearing for the Establishment of a Flood Plain Zone

Mayor Nassif stated that on September 10, 1973, the Chapel Hill Board of Aldermen established a flood plain zone, but he was not able to document if the zone had ever been implemented. Later, construction was allowed in the floodway fringe, but not in the floodway. In 1981, an overlay zone (with the effect of putting a zone on the floodway and floodway fringe) was established which prompted concerns from citizens for (1) denial of use of undeveloped property, and (2) denial to rebuild existing development, if it was destroyed.

Mayor Nassif recommended that a March 19, 1984, public hearing be advertised to consider the establishment of a flood plain zone whereby development would not be allowed in the flood plain and that rebuilding of existing development be permitted, if destroyed. He recommended that 15% expansion (of size before destruction) be permitted. Councilmember Kawalec suggested that the public hearing advertisement not commit the Council to any particular expansion percentage. Mr. Barrett suggested that the advertisement state that the Council would consider the question of expanded development.

Councilmember Broadfoot felt that the Council should also be allowed to prohibit construction.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADVERTISE FOR A PUBLIC HEARING FOR MARCH 19, 1984, TO CONSIDER THE ESTABLISHMENT OF A FLOOD PLAIN ZONE.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Kawalec asked that the staff provide a list of buildings which currently existed in the flood plain.

Request to Advertise for a March 19, 1984, Public Hearing to Consider the Establishment of a Water Quality Critical Zone in the Jordan Lake Drainage Basin to Prohibit Development in the Area or Limit Development to an Unspecified Number of Units Per Acre

Mayor Nassif stated that the North Carolina Environmental Management Council reclassified the Jordan Reservoir as "A2*"---drinkable. Restrictive uses and zoning was desirable around the Falls of the Neuse and Jordan watersheds to control water quality. A public hearing was necessary to consider putting a hold on development until a decision could be reached.

Mr. Hill, representing the Chamber of Commerce, stated that the Chamber supported control, but felt that to schedule this on March 19, 1984, would create an excessively long agenda.

Councilmember Broadfoot stated that ultimately the Council would pass a resolution urging the State to protect watersheds.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO ADVERTISE A PUBLIC HEARING FOR MARCH 19, 1984, TO CONSIDER THE ESTABLISHMENT OF A WATER QUALITY CRITICAL ZONE IN THE JORDAN LAKE DRAINAGE BASIN TO PROHIBIT DEVELOPMENT IN THE AREA OR LIMIT DEVELOPMENT TO AN UNSPECIFIED NUMBER OF UNITS PER ACRE.

Councilmember Smith expressed the desire to have a member of the Triangle J Council of Governments speak to the Council on this matter.

THE MOTION CARRIED UNANIMOUSLY.

In response to Mr. Hill's question re the affect of this motion on applications in process, the Council concurred that it might be prudent for the staff to advise applicants that the Council could decide to not take action, pending resolution of this matter.

Ordinance Amending Chapter 2 of the Town Code (to delete Citizens' Advisory Committee, Committee on Employment of Handicapped, and Human Relations Commission)

Councilmember Broadfoot stated that these committees had not been active for approximately 10 years.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO ADOPT ORDINANCE 84-R-16.

Councilmember Thorpe felt it would not be harmful to leave these committees in existence.

THE MOTION TO ADOPT THE FOLLOWING ORDINANCE CARRIED UNANIMOUSLY:

AN ORDINANCE AMENDING CHAPTER 2 OF THE TOWN CODE (84-0-16)

SECTION 1

BE IT ORDAINED by the Chapel Hill Town Council that the Council hereby amends Chapter 2 of the Code of Ordinances as follows:

DELETE Sections 2-8 through 2-12 in Article I.

DELETE Sections 2-71 through 1-74 of Article IV.

DELETE Sections 2-104 through 2-113 in Article VI.

SECTION 2

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

This the 27th day of February, 1984.

Consent Agenda

Councilmember Pasquini requested that item "a" (re limiting the length of agendas of public hearings) be removed from the Consent Agenda for discussion.

Councilmember Thorpe requested that item "e" (re renovation and sale of the house at 309 Caldwell Street Extension) be removed from the Consent Agenda for discussion.

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND AN ORDINANCE (84-R-27)

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

- b. A resolution authorizing advertisement of liens for unpaid assessments (84-R-29).
- c. An ordinance authorizing towing of cars parked more than 24 hours at Town facilities without authorization (84-O-17).
- d. A resolution scheduling a work session on April 30, 1984, for discussion of proposals for development of parking and other uses on Town's Parking Lot No. 1 (on south side of East Rosemary Street east of NCNB building) (84-R-30).
- f. A resolution authorizing submittal of a Certificate of Completion of projects funded from 1980-81 Community Development grant (84-R-32).
- g. A resolution calling a public hearing on proposed reallocation of certain funds from 1981-82 CD grant (84-R-33).

This the 27th day of February, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions and an Ordinance Adopted on the Consent Agenda

The following resolutions and an ordinance were adopted on the Consent Agenda:

A RESOLUTION SELECTING THE DATE FOR THE ADVERTISEMENT OF ASSESSMENT LIENS (84-R-29)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Interim Town Clerk to advertise the Town of Chapel Hill assessment liens in the month of May 1984 in accordance with G.S. 105-369.

This the 27th day of February, 1984.

AN ORDINANCE AUTHORIZING TOWING FROM TOWN PARKING LOTS (84-O-17)

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

Section 1. Section 21-28.2 of the Town Code is amended in its entirety to read as follows:

"Sec. 21-28.2. Off-street parking; maximum duration.

No vehicle shall remain, for more than twenty-four consecutive hours without the approval of the Town Manager or Manager's designee, in an off-street parking facility operated by the Town in violation of written regulations duly adopted for use of such facility by Town employees or patrons of such facility; nor shall any such vehicle park in such a manner as to block or obstruct other vehicles parked in the facility. This section shall apply to those off-street parking facilities provided by the Town at its buildings or facilities. Any vehicle in violation of this section shall be deemed to have been abandoned and may be removed and impounded pursuant to, and shall be subject to, the provisions of Article III-A of this Chapter, and is further declared to create a special hazard requiring prompt removal in order that the Town's buildings and facilities may be operated efficiently and provide adequate parking to public patrons of such buildings or facilities. Nothing herein shall relieve any person of the duty to pay any daily or hourly fees or charges accrued for parking in any off-street public parking facility for which such a fee or charge is provided."

Section 2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of February, 1984.

A RESOLUTION SETTING A WORK SESSION (84-R-30)

BE IT RESOLVED that Council sets a work session on April 30, 1984, at 7:30 P.M. in the Municipal Building to consider proposals for the development of the Town's Parking Lot No. 1.

This the 27th day of February, 1984.

A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT A CERTIFICATE OF COMPLETION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE 1980 COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM GRANT (B-80-DS-37-0006) (84-R-32)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to submit a Certificate of Completion to the U.S. Department of Housing and Urban Development (HUD) for the 1980 Community Development Block Grant Small Cities Program of the Town of Chapel Hill, and to provide any additional information or to execute any additional documentation that may be requested by HUD.

This the 27th day of February, 1984.

A RESOLUTION AUTHORIZING THE MANAGER TO ADVERTISE AND SET A PUBLIC HEARING (84-R-33)

BE IT HEREBY RESOLVED that the Council authorizes the Town Manager to advertise and set a Public Hearing in accordance with relevant and federal regulations to consider amending the 1981-82 CD Small Cities grant program to include funding for street paving in University Heights, recreation improvements at subsidized housing sites, installation of sewers in the Barclay Road area, and contingency for all of the above as well as for installation of sewer in University Heights.

This the 27th day of February, 1984.

Discussion re Limiting the Agenda of Public Hearings to a Maximum of Three Hours

Councilmember Pasquini expressed concern that it would be difficult for the Council to complete its work if public hearings were limited to three hours. Additional meetings might be required.

Councilmember Howes felt this proposal was not the appropriate tool to reasonably limit discussion at public hearings or as a way to regulate the flow of development.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PASQUINI, THAT THIS MATTER BE REFERRED BACK TO THE MANAGER AND STAFF FOR FURTHER DISCUSSION AT THE MARCH 14, 1984, COUNCIL WORK SESSION.

Councilmember Broadfoot felt that the public hearing process could be streamlined. Mayor Nassif concurred, stating that the staff and Council were less effective when meetings were unduly long. He also felt that the time from submission of an application to the actual public hearing could be shortened.

Mr. Taylor stated that currently the March, April, and May public hearings were estimated to last 6 hours, 3 hours, and 6 hours, respectively. Mayor Nassif stated that the March, April, and May agendas should be retained as scheduled with the intent to act expeditiously or to continue the hearings to the following evening, if necessary.

Councilmember Kawalec supported staff and Planning Board negotiations with applicants throughout the application process toward assuring compliance with Town standards.

VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing the Chapel Hill Housing Authority to Dispose of
Community Development Property

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER BROAD-
FOOT, ADOPTION OF THE FOLLOWING RESOLUTION:

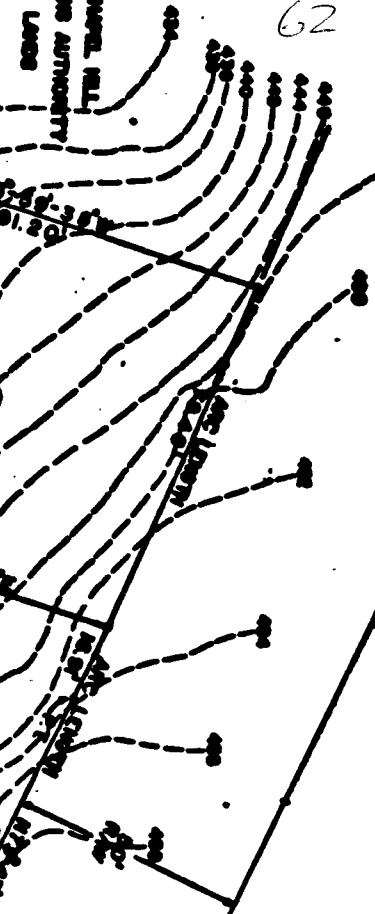
A RESOLUTION AUTHORIZING THE CHAPEL HILL HOUSING AUTHORITY TO
DISPOSE OF COMMUNITY DEVELOPMENT PROPERTY (84-R-31)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the
Council hereby approves and authorizes the sale by the Chapel Hill
Housing Authority of the house and lot located at 309 Caldwell Street
Extension, being the lot labelled Number 3 on that certain plat dated
December 16, 1981, certified by the Town Engineer on March 31, 1982,
and attached hereto for reference, by any method authorized by law;
and

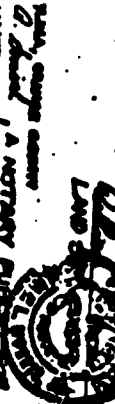
BE IT FURTHER RESOLVED that the Council approves and authorizes the
Manager to enter into a service contract with the Housing Authority to
rehabilitate said house, to be paid from available Community Develop-
ment funds, under Homeownership Opportunity guidelines adopted March
22, 1982, (82-R-56), said house being formerly located at 706 Church
Street.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill
hereby rescinds resolution 83-R-108, which required the Housing Author-
ity to sell the house and lot by sealed bids.

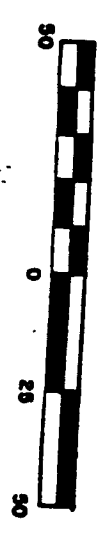
This the 27th day of February, 1984.



THIS PLAN WAS PREPARED BY AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND THE ERROR OF CLOSURE AS ADJUSTED BY LATITUDES AND LONGITUDES IS 1/10,000, AND THAT MAP WAS PREPARED IN CONFORMANCE WITH G.S. 47-30 AS IS MY HAND AND SEAL THIS 15th DAY OF MARCH, 1982.



How this map was prepared... (circled text)



NAME: CHURCH OF GOD
DEED BOOK: 224 PAGE: 1576

S.W. QUARTER SECTION, CHURCH CALDWELL
NAME: PLAINS
DEED BOOK: 50 PAGE: 378

LINE	BEARING	DIST.	AREA	ACRES	PL
1	N7°-56'-21"E	62.87	847.02	1774.51	1047
2	N72°-41'-56"E	62.77	67.05	1774.51	1047
3	N72°-51'-56"E	62.77	67.05	1774.51	1047
4	N72°-51'-56"E	62.77	67.05	1774.51	1047
5	N72°-51'-56"E	62.77	67.05	1774.51	1047

SUBDIVISION OF LAND OWNED BY THE CHAPEL HILL HOUSING AUTHORITY

TOWN OF CHAPEL HILL
ENGINEERING DIVISION
CHAPEL HILL, NORTH CAROLINA

THE MOTION CARRIED UNANIMOUSLY.

Nominations and Appointments to the Greenways Task Force

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT ALL APPLICANTS TO THE GREENWAYS TASK FORCE BE APPOINTED AS FOLLOWS:

Lynn Cox
 Lightning Brown
 Dianne Byrne
 Philip Szostak
 Valerie Carter
 Betty Sanders
 Randy Schenk
 Karen Davidson
 Betsy Pringle
 Zora Rashkis

THE MOTION CARRIED UNANIMOUSLY.

Nominations for Appointment to One Seat on the Parks and Recreation Commission

Councilmember Howes placed the following names in nomination for appointment to the Parks and Recreation Commission:

Olga Morrison
 Gertrude London
 Mattie Arrington

Request to Advertise for the March 19, 1984 Public Hearing the Proposed Rezoning of Property along the North and South Sides of N.C. 54, from Burning Tree Drive east to the Orange County Line, from R-4 to R-1

Mr. Hill introduced Mr. Robert Page who was authorized to speak for Mr. Peter DuBose. Mr. Page requested that the Council delay consideration of this proposal in order to allow him and Mr. DuBose sufficient time to become informed on this matter.

Mayor Nassif stated that this area had previously been zoned agricultural and was currently zoned R-4. Should development be proposed on this critical entryway to Chapel Hill, the Council would have little control.

Councilmember Boulton suggested that, since no proposals for development were forthcoming, the Council should wait until entryway considerations were made. Mayor Nassif felt action early-on was preferable.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO ADVERTISE FOR THE MARCH 19, 1984, PUBLIC HEARING THE PROPOSED REZONING OF PROPERTY ALONG THE NORTH AND SOUTH SIDES OF N.C. 54, FROM BURNING TREE DRIVE EAST TO THE ORANGE COUNTY LINE, FROM R-4 TO R-1.

Councilmember Kawalec stated that the Council, during previous considerations of this area, had felt that this property was incorrectly zoned.

Councilmember Howes opposed the motion, stating that he felt the Council should withhold action until after recommendations from the Entranceways Task Force were considered.

Councilmember Preston opposed what seemed to be the singling-out of one entranceway for rezoning consideration.

THE MOTION CARRIED 5 TO 4 WITH COUNCILMEMBERS PASQUINI, BROADFOOT, KAWALEC, SMITH, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, HOWES, AND PRESTON OPPOSING.

Resolution Authorizing Joint Purchase of Land for the Orange Regional Landfill

Mr. Larry Reed, an owner of property that bordered the site of the proposed future regional landfill, submitted a petition with 16 signatures of residents who opposed the purchase of the property for the use of a future landfill.

Mr. Reed questioned why this "semi-mountain...surrounded by...adjacent property...downhill from this tract of land...." was selected, and "why should we be contaminated by such?"

Mr. Reed opposed "a landfill in the middle of approximately 300 homes...all well-fed...with no question [that they will be] contaminated." He also expressed concern for rats, snakes, and wild dogs that customarily inhabited landfills.

Mr. Reed asked that the Council give consideration to the concerns of these property owners before supporting the purchase of this site.

Mr. Emil Malizia, an owner of property that was adjacent to the site of the proposed landfill, also expressed concern for contamination of wells in this area, stating that he felt there were better alternatives for this property.

Councilmember Howes, speaking as a representative of the Orange Regional Landfill Task Force, stated that the Task Force felt this was a prudent expenditure of the Landfill Reserve Fund. Should the Town approve this purchase, the next step would be for the Town, as operator of the landfill, to prepare applications for zoning permits from the County and from the State. Citizens' concerns could be presented at these public meetings.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF RESOLUTION 84-R-25.

Mr. Harold Harris, Director of Public Works, responded to Councilmember Kawalec's questions:

--Currently, the nearest OWASA water line was on Homestead Road, but many persons preferred well water.

--The existing landfill met State guidelines for landfill operations. It could not be guaranteed that wells would not be contaminated, but all reasonable precautions would be taken.

--Ground water and surface water from test wells were checked regularly for quality. A semi-mountain landfill allowed garbage to stay dryer.

--Rats and wild dogs could be found in many parts of the county.

--State law required a daily cover of 6" of dirt. During heavy rains, however, this became more difficult, but the State had not felt that this was a problem, as every effort was made to cover debris every day.

--Other locations had been considered, but tremendous costs would be involved and it was felt that this was the best site available in this area.

Councilmember Howes stated that the technology of solid waste disposal might, in the years ahead, develop to the point that this area might not be used for this purpose. Use of the proposed site was not anticipated for approximately 10 years.

Mr. Harris responded to Councilmember Preston that the higher and dryer the land, the more protection could be provided for downstream developments. Natural growth would provide necessary buffer. Approximately 100 feet or more of buffer would be provided.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION AUTHORIZING JOINT PURCHASE OF LAND FOR THE ORANGE REGIONAL LANDFILL (84-R-25)

WHEREAS, the Orange Regional Landfill is owned by the Towns of Carrboro and Chapel Hill and the County of Orange; and

WHEREAS, a Landfill Task Force was appointed to include a representative of each governing body, and was charged with considering the future of the Orange Regional Landfill and of solid waste disposal in general; and

WHEREAS, the Landfill Task Force issued a report detailing the advantages and disadvantages of various methods of solid waste disposal and concluded that a sanitary landfill would be the most cost-effective and practicable in Orange County at this time; and

WHEREAS, the present Orange Regional Landfill is expected to be filled to capacity in 10 to 12 years; and

WHEREAS, the Task Force has explored various options for acquiring additional land for use as a landfill, and has identified a certain tract as being particularly suited for use as an Orange Regional Landfill; and

WHEREAS, the governing bodies of the three owners of Orange Regional Landfill have authorized negotiation with the owners of a 169+ acre Greene tract, located between Homestead Road and Eubanks Road, and the owners have agreed to terms;

HEREBY, BE IT RESOLVED that the Town Council authorizes the purchase of that 169+ acre tract known as Chapel Hill Township Tax Map 24, Lot 17A for a sum of \$3,600/acre, or a total of \$608,400, from the Orange Regional Landfill fund, and directs the Town of Chapel Hill, as administrator of the Landfill, to take the necessary steps to effect this purchase as soon as possible.

This the 27th day of February, 1984.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO ADJOURN TO EXECUTIVE SESSION TO CONSIDER ACQUISITION OF INTEREST IN REAL PROPERTY AND TO DISCUSS LITIGATION.

THE MOTION CARRIED UNANIMOUSLY.

The Council adjourned from the Executive Session and from the Regular Meeting at 10:30 P.M.

Joseph L. Nassif, Mayor

Deputy Town Clerk, Robin G. Rankin