

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, APRIL 9, 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. Watts Hill, Jr, requested permission to speak on Agenda Items #5a (re density caps) and #14 (re the Chapel Hill Thoroughfare Plan).
- Mr. George Taylor requested to speak on item #3 (re multi-family developments), item #5a (re density caps), and item #5b (re proposed limit to open space credited to net land area).
- Mr. Douglas Ludy requested to speak on item #5b (re proposed limit to open space credited to net land area).
- Mr. Phil Walker requested to speak on item #7 (re Bennett's Ridge).

Minutes of March 19, 1984

Councilmember Preston requested that the minutes also reflect the limit on impervious coverage of 12% in non-critical unsewered areas and of 30% in non-critical sewer areas (in the discussion re water quality critical areas).

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF THE MINUTES OF MARCH 19, 1984, AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Development Ordinance (re Multi-family Developments in R-5 and R-6 zones)

Mr. George Taylor, Chair of the Chapel Hill Homeowners' Association, stated that the Association supported adoption of the proposed amendment, but more strongly supported proposed ordinance 84-0-24b.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF ORDINANCE 84-0-24a.

Mr. (David) Taylor explained to Councilmember Smith that smaller projects would be reviewed by the Planning Board and larger projects would be reviewed by the Council. He explained to Mayor Nassif that there was the possibility that land could be subdivided into lots with 7 or less dwellings. In that instance, the Planning Board would conduct the Site Plan review and the proposal would not go before the Council.

THE MOTION TO ADOPT THE FOLLOWING ORDINANCE CARRIED UNANIMOUSLY:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-0-24a)

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

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SECTION I

Designate "Dwelling, Multi-Family - over 7 dwelling units" as "not permitted" in R-5 and R-6 zoning districts.

SECTION II

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 9th day of April, 1984.

Ordinance Amending the Chapel Hill Development Ordinance (re adding Site Plan criteria to Article 6 of the Development Ordinance)

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

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-O-25a)

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

SECTION I

ADD the following as Section 6.4.1:

6.4.1 Site Plan Criteria. All site plans shall demonstrate a high quality of overall site design and in the design and construction of site elements, including appropriate consideration of the relationship and balance among site elements, the relationship of the development to natural features, neighboring developments, and access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangement and orientation of buildings and amenities in relation to each other and to neighboring developments and streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts.

SECTION II

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

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Development Ordinance (re density caps)

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, requested that Agenda #5a be delayed until after the public hearing proposed in Agenda #5c.

Mr. George Taylor, Chair of and speaking for the Chapel Hill Homeowners' Association, supported the proposed ordinance as he felt that the Land Use Intensity Plan needed to be supplemented by density caps. He also stated that the Association felt that no neighborhood should be required to accept more than 15 living units per acre.

Councilmember Boulton concurred with Mr. Hill's request to delay this item until after a public hearing.

Mayor Nassif felt that this was a simpler verious for the public to understand and urged the Council to take action at this meeting.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF PROPOSED ORDINANCE 84-0-26, WITH THE CHANGE THAT THE PROPOSED MAXIMUM OF 20 DWELLING UNITS PER ACRE OF GROSS LAND AREA IN ZONING DISTRICTS R-5, R-6, OI-2, AND CC BE CHANGED TO 15 DWELLING UNITS PER ACRE OF GROSS LAND AREA IN THESE ZONES.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO AMEND THE MAIN MOTION TO CHANGE THE 15 DWELLING UNITS PER ACRE OF GROSS LAND AREA IN R-5, R-6, OI-2, AND CC ZONES TO 20 DWELLING UNITS PER ACRE OF GROSS LAND AREA IN THESE ZONES.

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

COUNCILMEMBER KAWALEC MOVED TO TABLE THE ISSUE UNTIL AFTER A PUBLIC HEARING ON LAND USE INTENSITY RATIOS. THE MOTION FAILED FOR LACK OF A SECOND.

VOTE ON THE MAIN MOTION (to adopt the following resolution, as amended) CARRIED 7 TO 2 WITH COUNCILMEMBERS THORPE, BOULTON, PASQUINI, BROADFOOT, HOWES, PRESTON, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC AND SMITH OPPOSING:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-0-26)

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 5.8's table of maximum number of dwelling units per acre of gross land area to read as follows:

<u>Zoning Districts</u>	<u>Maximum Number of Dwelling Units Per Acre of Gross Land Area</u>
R-1	3
R-2	7
R-3	12
R-4, OI-1, and NC	15
R-5, R-6, OI-2, CC	20

SECTION II

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

This the 9th day of April, 1984.

Ordinance Limiting the Amount of Permanent Open Space Which May Be Credited to a Parcel of Property

Mr. George Taylor, Chair of the Chapel Hill Homeowners' Association, supported the proposed ordinance with the hope that eventually the gross land area concept would be deleted entirely.

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

AN ORDINANCE LIMITING THE AMOUNT OF PERMANENT OPEN SPACE WHICH MAY BE CREDITED TO A PARCEL OF PROPERTY (84-0-27a)

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

Amend Section 5.6.1 to add after the first sentence, ending with the words "Section 5.11)." the following sentence: "The total amount of credited permanent open space shall not exceed 20% of the net land area of the

property, except that permanent open space dedicated to the Town since May 12, 1981, but before December 5, 1983, and permanent open space in Town Center-1 or Town Center-2 districts shall be fully credited up to half of the property's total area without regard to the 20% limitation."

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing to Consider Revisions to the Land Use Intensity Ratios in the Development Ordinance and the Re-zoning of Developments Made Non-conforming by the Revisions

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER REVISIONS TO THE LAND USE INTENSITY (LUI) RATIOS IN THE DEVELOPMENT ORDINANCE AND THE REZONING OF DEVELOPMENTS MADE NON-CONFORMING BY THE REVISIONS (84-R-60)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for May 21, 1984, to consider the following:

1. Revise the LUI ratings and ratios in Section 5.11.1, Use Group A, Bonus Level O, as follows:

District.	LUI Rating		Floor Area Ratio		Open Space Ratio		Liv. Space Ratio		Rec.Space Ratio	
	Exist.	Proposed	Exist.	Proposed	Exist.	Proposed	Exist.	Proposed	Exist.	Proposed
RT	13	13	.031	.031	.90	.90	.80	.80	.014	.015
R-1	27	26	.081	.076	.83	.89	.68	.75	.023	.025
R-2	34	34	.123	.123	.78	.84	.55	.62	.029	.03
R-3	41	41	.214	.214	.76	.81	.51	.56	.039	.04
R-4, O1-1, NC, R-5	48	46	.348	.303	.73	.78	.45	.50	.049	.05
R-5, R-6, O1-2, O1-3, CC	55	51	.566	.429	.71	.76	.40	.45	.062	.06
TC-1, TC-2	75	73	2.26	1.97	.72	.70	.50	.47	.136	.12

2. Revise the LUI ratings and ratios in Section 5.11.1, Use Group A, Bonus Levels 1 and 2, to maintain the same relationship among the LUI ratings and floor area ratios for Bonus Levels 0, 1, and 2 and to apply the same open space, livability space, and recreation space ratios for Bonus Levels 1 and 2 as applied to Bonus Level 0, above.
3. Amend the Zoning Atlas to reclassify the following properties from R-4 to R-6.
 - a) Chapel Hill Township Tax Map 27, Block A, Lot 9, containing 20 acres, plus one-half of the adjacent Chapel Hill-Durham Boulevard right-of-way (Foxcroft Apartments).
 - b) Chapel Hill Township Tax Map 66, Lot 2, and Durham County Tax Map 491, Block 6, Lot 1, containing 38.2 acres (Finley Forest).
 - c) Chapel Hill Township Tax Map 87, Block A, Lot 6, containing 0.5 acre, plus one-half of the adjacent McCauley Street right-of-way.
 - d) Chapel Hill Township Tax Map 87, Block B, Lot 10, containing 0.3 acre, plus one-half of the adjacent McCauley Street right-of-way.
 - e) Chapel Hill Township Tax Map 87, Block E, Lot 5, containing 0.3 acre, plus one-half of the adjacent McCauley Street right-of-way.
 - f) Chapel Hill Township Tax Map 87, Block F, Lot 3, containing 0.3 acre, plus one-half of the adjacent McCauley Street right-of-way.

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Taylor stated that the public hearing would be scheduled for May 21, 1984.

Resolution Denying a Zoning Atlas Amendment Requested by O'Brien/Atkins Associates

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF ORDINANCE 84-0-28c (to rezone to OI-2)

Councilmember Smith objected to rezoning property because of a proposed development, rather than leaving land sites zoned as designated. Mr. Taylor stated that changed conditions (I-40) were felt to be sufficient to warrant rezoning. Mr. Jennings, Planning Director, added that this area, with the future construction of I-40, would not be appropriate for residential use and that staff had previously questioned the appropriateness of the current zoning designation of this area.

Mayor Nassif stated that a previous request to rezone this residentially zoned property was denied and that a zone change to R-4 or OI-2 would change the character of this neighborhood. Mr. Taylor responded that he felt the site was inappropriate for residential use, that OI was a more appropriate designation for future use, and that this entire area would probably eventually be zoned OI.

THE MOTION TO ADOPT PROPOSED ORDINANCE 84-0-28c (to rezone to OI-2) FAILED TO PASS 4 TO 5 WITH COUNCILMEMBERS THORPE, BOULTON, BROADFOOT, AND PRESTON SUPPORTING, AND COUNCILMEMBERS PASQUINI, KAWALEC, HOWES, SMITH, AND MAYOR NASSIF OPPOSING.

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

A RESOLUTION DENYING A ZONING ATLAS AMENDMENT REQUESTED BY O'BRIEN/ATKINS ASSOCIATES (84-R-61)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of O'Brien/Atkins Associates for a Zoning Atlas amendment to change the zoning of 3.1 acres of land located at the intersection of Lakeview Drive and U.S. 15-501, Durham Boulevard and identified as Chapel Hill Township Tax Map 27B, Block A, Lots 1 & 2, from R-2 to OI-2.

This the 9th day of April, 1984.

THE MOTION PASSED 7 TO 2 WITH COUNCILMEMBERS BROADFOOT, HOWES, KAWALEC, PASQUINI, PRESTON, SMITH, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS THORPE AND BOULTON OPPOSING.

Resolution Approving a Planned Development-Housing Special Use Permit to Martin Development Group, Inc. (Bennett's Ridge)

Mayor Nassif informed Mr. Walker (who had petitioned to speak) that this was not a public hearing and he would, therefore, not be permitted to speak on this matter at this time.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 84-R-62b.

Mr. Taylor explained that the Planning Board and the Community Appearance Commission recommended 22-foot pavement without curb and gutter. The Manager's recommendation was 22-foot pavement with curb and gutter--on a total of 27 feet.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO AMEND PROPOSED RESOLUTION 84-R-62b TO STATE THAT THE ROAD BE 27 feet wide with curb and gutter and that any alternative design would come back before the Council.

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

COUNCILMEMBER PRESTON MOVED TO AMEND THE AMENDED MOTION, THAT STIPULATION #27 (re the dedication of a 40-foot wide pedestrian/non-motorized vehicle easement along Wilson Creek) BE CHANGED TO 50 FEET (in order to more nearly conform with NRCD recommendations for water quality critical areas. Mr. Jennings stated that he felt that the terrain might prevent a 50-foot easement. Forty feet would be adequate, if the design was sensitive to the water quality critical areas.

Councilmember Kawalec felt it was premature to impose such standards on developers, as the water quality critical areas had not yet been defined or established by the State or by an agency or by Chapel Hill.

THE MOTION FAILED FOR LACK OF A SECOND.

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

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO MARTIN DEVELOPMENT GROUP, INC. (84-R-62b)

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 Martin Development Group, Inc. if developed in accordance with the plans submitted February 6, 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 that Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That $\frac{1}{2}$ of a 70' right-of-way be dedicated along the property's frontage on the north and south sides of Culbreth Road.
2. That Culbreth Road be improved to $\frac{1}{2}$ of a 41' width with curb and gutter along the property's frontage on the north and south sides of Culbreth Road. Plans shall be approved by the Town Manager and N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit.
3. That a paved, 5' wide sidewalk to Town standards be provided along the property's frontage on the north side of Culbreth Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That the central private drive be built to Class C standards (a minimum of 27' wide 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 shall be approved by the Town Manager prior to issuance of a Compliance Permit. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

5. That the parking lots and ancillary driveways be paved to Town standards, with curb and gutter where needed for drainage. That construction plans (including the textured pavement) be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
6. That sidewalks abutting parking spaces be a minimum of 6' wide, or 5' wide if wheel stops are provided.
7. That a minimum of 16 parking spaces for the handicapped be provided throughout the development.
8. That a shading plan and a preliminary landscape plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
9. That a phasing plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That sight triangle easements be provided at the entrance/exits to the development.
11. That left turn lanes be provided into and out of the development at its driveway intersections with Culbreth Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That a fire flow report showing compliance with the requirements of the Design Manual be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and that an on-site test be conducted showing actual flow prior to issuance of a Certificate of Occupancy.
13. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit. That the water line be looped to Culbreth Drive along the westernmost driveway.
14. That easement documents as approved by OWASA be recorded for utility easements including an easement along the draw which extends to Culbreth School, prior to issuance of a Zoning Compliance Permit. However, if acceptable to OWASA, the easement to serve Culbreth School may be relocated to the property's southwest property line.
15. 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.
16. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. A fire hydrant shall be provided at the entrance to the portion of the development on the north side of Culbreth Drive.
17. That the property owner bear the cost of any lawful assessments required by OWASA for maintenance of fire hydrants until such time as this responsibility is assumed by a homeowners association or a public entity.
18. 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. This plan shall include adequate turnarounds where necessary.
19. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

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20. That the public improvements for each phase be completed before a Building Permit is issued for the next phase.
 21. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
 22. That the detailed plans as required above may be submitted by phase.
 23. That the internal sidewalks be extended to Culbreth Road along the entrance/exit driveways.
 24. That the detailed electrical plans must be approved by Duke Power prior to issuance of a Zoning Compliance Permit.
 25. That a designated bus shelter and bench be provided on Culbreth Road in front of the development. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
 26. That, with the permission of the School Board, the proposed trail to Culbreth School be extended to the Culbreth driveway; or that a paved sidewalk to Town standards be provided along the south side of Culbreth Road from the development's westernmost driveway to the driveway for Culbreth School.
 27. That a 40 foot-wide pedestrian/non-motorized vehicle easement be dedicated along Wilson Creek.
 28. That a proposed fitness trail be looped within the main portion of the development. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
 29. That a picnic area with gazebo and horseshoe facilities be provided in the northwest portion of the property adjacent to Culbreth School. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
 30. That the open play field have proper drainage, be graded, grassed and maintained as lawn area. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
 31. If any of the above conditions shall be held invalid or void, then this Permit shall be void and of no effect.
 32. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with applicable provisions of the Chapel Hill Development Ordinance and regulations thereunder.
 33. That construction begin by April 30, 1985, and be completed by April 30, 1989.

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 9th day of April, 1984.

Resolution Extending the Period for the Manager's Report on the Special Use Application for Bolin Creek Center

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

A RESOLUTION EXTENDING THE PERIOD FOR THE MANAGER'S REPORT ON THE SPECIAL USE APPLICATION FOR BOLIN CREEK CENTER (84-R-63)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the period for the Manager's report on the Special

Use application for Bolin Creek Center to April 24, 1984.

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving a Site Plan for the Village Companies

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF RESOLUTION 84-R-64.

Councilmember Preston questioned the possible use of pervious pavement for developments in reducing run-off. Councilmember Kawalec felt that the water quality critical area was an area to be designated to protect the quality of water in Jordan Lake, not prevent run-off.

Councilmember Broadfoot, expressing concerns for excessive impervious coverage, asked how pavement could be broken up. Mr. Jennings stated that parking lots could be designed to allow water percolation on less-trafficked areas. He felt this idea was new and needed further study and testing.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION APPROVING A SITE PLAN FOR THE VILLAGE COMPANIES (84-R-64)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the expanded parking proposed by Village Associates on Chapel Hill Township Tax Map 17, Lot 14, if developed in accordance with the plans submitted February 20, 1984, and the conditions listed below, would comply with all provisions of the Development Ordinance.

1. That a 10-foot wide buffer landscaped to Town standards be provided along the western boundary (including in the Duke Power easement). Detailed plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit. An alternative buffer may be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
2. That the proposed parking lot screening be extended along the entire western and northern boundary where new parking is being provided (including in the Duke Power easement). Detailed plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That a shading plan for the new parking areas be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That wheel stops be provided for the double-stacked parking bays. Plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That the dumpster be relocated so that it does not extend into the drive aisle. That plans showing the location and detailed design of dumpster pads and screening be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
6. That all parking areas and drive aisles be paved to Town standards with curbing as necessary to control drainage (including proposed gravel parking area for cable service trucks.) Plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That the applicant submit a performance guarantee to cover widening Weaver Dairy Road to $\frac{1}{2}$ of a 65' cross-section with curb and gutter and a paved sidewalk along this property's frontage, and to cover improvements necessary to bring McClamroch Circle up to Town standards.
8. That $\frac{1}{2}$ of a 90-foot right-of-way be dedicated along the property's frontage with Weaver Dairy Road and that a 70' right-of-way be

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dedicated for the portion of McClamroch Circle which is on this property.

9. 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.
10. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That a letter of approval be submitted from Duke Power indicating approval of any plantings and dumpsters within the power easement prior to issuance of a Zoning Compliance Permit.

BE IT FURTHER RESOLVED that the Council approves the site plan for The Village Companies in accordance with the plans submitted February 20, 1984, and the conditions listed above.

This the 9th day of April, 1984.

Resolution Extending the Period for the Manager's Report on Proposed Changes to the Development Ordinance

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

A RESOLUTION EXTENDING THE PERIOD FOR THE MANAGER'S REPORT ON PROPOSED AMENDMENTS TO THE DEVELOPMENT ORDINANCE (84-R-65)

BE IT RESOLVED by the Council of the Town of Chapel Hill that, in accord with Section 19.3.6 of the Development Ordinance, the Council hereby extends the period for the Manager's reports on proposed amendments to the Development Ordinance as follows:

- Establishment of Water Quality Critical Area (extension to April 24).
- Floodplain regulations (extension to April 24).
- Zoning of property along N.C. 54 East between Finley Golf Course Road and Durham County line (extension to August 27).
- Buffer and screening requirements (extension to August 27).

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Consideration of Reconstitution of the Planning Board

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF RESOLUTION 84-R-66 (to increase Orange County representation from 2 to 3).

Mr. Taylor explained that a recent change on the Planning Board was from 7 Town and 3 Orange County members to 7 Town, 2 Orange County, and 1 Durham County member. Durham County, however, did not grant extra-territorial jurisdiction to Chapel Hill. This proposed resolution would change the Durham County-appointed position back to Orange County. A charter provision required at least three members to be residents of the extra-territorial area of Chapel Hill. A change would require a public hearing.

Councilmember Broadfoot questioned a 30% representation of the Planning Board for 5%-6% of the population of Chapel Hill who lived in the extra-territorial planning jurisdiction. Mr. Jennings stated that this percentage of representation on the Planning Board offset the fact that people in the

extra-territorial planning jurisdiction could not vote in municipal elections.

THE MOTION TO ADOPT RESOLUTION 84-R-66 FAILED 1 TO 8 WITH COUNCILMEMBER SMITH SUPPORTING, AND COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, PRESTON, THORPE, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE MATTER TO THE MANAGER FOR CONSIDERATION OF ALL OTHER OPTIONS AND THAT A REPORT BE BROUGHT BACK TO THE COUNCIL ON APRIL 24, 1984.

COUNCILMEMBER SMITH MOVED TO AMEND THE MAIN MOTION THAT THIS ITEM BE DELAYED UNTIL THE LAST ITEM ON THIS AGENDA FOR THE MANAGER TO PROVIDE OPTIONS. THE MOTION FAILED FOR LACK OF A SECOND.

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

Resolution Regarding Continuation of a Public Hearing Called for May 21, 1984

Councilmember Howes stated that the proposed resolution included the date of April 18, a date which conflicted with the dates of a League of Municipalities meeting.

Mr. Taylor stated that Council action in this meeting had reduced the agenda schedule for April 16 and a second public hearing date might not now be necessary. Therefore, reference in the proposed resolution to April 18, 1984, should be deleted.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION, AS MODIFIED:

A RESOLUTION REGARDING CONTINUATION OF A PUBLIC HEARING CALLED FOR MAY 21, 1984 (84-R-67)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the public hearing meeting scheduled for May 21, 1984, shall be recessed to 7:30 P.M. on Wednesday, May 23, 1984, in the Meeting Room of the Municipal Building, 306 North Columbia Street, as follows:

May 21

Misty Woods Planned Development-Housing Special Use Application
Greenfields Mixed Use Planned Development-Special Use Application

May 23

Glen Oaks Planned Development-Housing Special Use Application
Tate Apts. Planned Development-Housing Special Use Application

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Status Report on Joint Planning

Mr. Taylor stated that in late 1983, the Joint Planning Agreement concept was adopted by the Town of Chapel Hill, and established a method of coordination and comprehensive planning in Orange County, Chapel Hill, and Carrboro in the joint planning area. On April 17, 1984, the County Commissioners would consider the agreement for action and forward the agreement to the Chapel Hill Town Council for consideration on April 24, 1984.

Once approved, a Land Use Plan would be developed (for the Chapel Hill portion of the Joint Planning Area) by staffs (over the period of one year) and submitted to the Planning Boards, Council, and County Commissioners for consideration and adoption. During this year, prior to adoption of a Land Use Plan, the Orange County Land Use Plan, Orange County zoning jurisdictions,

and Orange County development regulations would be in effect for this area.

After adoption of the Land Use Plan, all projects would be analyzed by the new Land Use regulations. The administrative processing would be handled by the County. There would be joint staff reviews and reports at joint quarterly public hearings. The more restrictive stipulations would apply. If either one of the governmental bodies denied the request, it would not be approved.

Mr. Don Willhoit, Chair of the Orange County Commissioners, felt this endeavor was a milestone in the joint planning process in attempting to provide continuity of development among communities. Mayor Nassif concurred.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO AUTHORIZE THE MANAGER TO CONVEY THE COMMENTS ON THE PROPOSED JOINT PLANNING AGREEMENT TO THE ORANGE COUNTY MANAGER, REFLECTING THE SENTIMENTS OF THE COUNCIL. THE MOTION CARRIED UNANIMOUSLY.

Resolution Rescinding Resolutions 83-R-156c and 84-R-37

Mayor Nassif stated that the resolutions spoke for themselves. There was a difference of opinion and there had been no headway in a compromise with Carrboro. State laws required each municipality to submit its own Thoroughfare Plan to NCDOT and he felt Chapel Hill should do this.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, THAT THE COUNCIL RECONSIDER THE ISSUE OF THE THOROUGHFARE PLAN. THE MOTION CARRIED UNANIMOUSLY.

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

A RESOLUTION RESCINDING RESOLUTIONS 83-R-156c and 84-R-37 (84-R-68)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby rescinds resolution 83-R-156c of October 24, 1983, approving a Thoroughfare Plan for the Chapel Hill-Carrboro area and resolution 84-R-37 of March 12, 1984, supplementing resolution 83-R-156c.

This the 9th day of April, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Resolution to Adopt a Thoroughfare Plan for Chapel Hill and Its Environs

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF RESOLUTION 84-R-69 (to adopt a Thoroughfare Plan for Chapel Hill and its environs).

Councilmember Thorpe stated that he felt that the Council should have acted on this sooner.

Mr. Watts Hill, Jr., representing the Chamber of Commerce, stated that the Chamber was very concerned that Carrboro and Chapel Hill reach an agreement on the Thoroughfare Plan and not become polarized or personally involved over this issue. He stated that to adopt this resolution could have severe repercussions later and felt it would be worth the extra effort and time to try to reach an agreement on a single Thoroughfare Plan with Carrboro.

Mayor Nassif responded that Chapel Hill had not received any response from Carrboro in any way re resolution 84-R-37 (dated March 12, 1984) that was forwarded to Carrboro. He did not feel that this issue severed relations as there was still good communication between the towns. There were many issues that Chapel Hill and Carrboro had cooperated on. This resolution would allow Chapel Hill to present its case to NCDOT in a gentlemanly way and he felt that the issued needed to go to Raleigh to be resolved. Chapel Hill would reconsider, however, if Carrboro offered a proposal, even if it was at the last minute.

Councilmember Smith felt that this resolution could be adopted, but that the

Council could allow one week for the Towns of Chapel Hill and Carrboro and NCDOT to work towards a compromise. If no compromise was reached in that time, then Chapel Hill could submit its own Thoroughfare Plan to the State DOT.

Mr. Hill proposed that board members meet with NCDOT board members, as he felt a compromise could be reached.

Mayor Nassif felt that Chapel Hill had tried long enough to reach a compromise.

Councilmember Smith felt that these boards should meet this week.

Mr. Taylor suggested to the Council that it might be more desirable to table the matter for two weeks during negotiations and that this issue could be brought back to the Council on April 24, 1984, first item on the agenda.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO TABLE THE ISSUE UNTIL APRIL 24, 1984.

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

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THREE MEMBERS FROM THE CHAPEL HILL TOWN COUNCIL MEET WITH THREE MEMBERS FROM THE CARRBORO BOARD OF ALDERMEN, REPRESENTATIVES FROM NCDOT, AND A REPRESENTATIVE FROM THE CHAMBER OF COMMERCE.

Mr. Barrett advised that the Council should by informal consensus rather than by formal resolution authorize the Mayor to select an ad hoc committee.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER THORPE, A SUBSTITUTE MOTION, TO AUTHORIZE THE MAYOR TO SELECT 3 COUNCILMEMBERS TO MEET WITH CARRBORO ALDERMEN TO MEET IN AN AD HOC CAPACITY RE THIS MATTER.

THE MOTION CARRIED UNANIMOUSLY.

Report on Proposed Changes in Refuse Collection Policies

Mr. Douglas Ludy, owner of a landscape business in Durham, stated that he felt that a change would not solve the problem of brush piles left by unknown sources. He did not object to a collection fee by the Town, but stated that he did not feel that the Town should be in the brush collection business.

Ms. Loewenthal explained that the proposed revisions to the current ordinance would change curb-side trash collection from once a week to twice a week and would coincide with bi-weekly rear-yard garbage collection. An experiment had been conducted in an area of Chapel Hill to verify the feasibility of the proposed changes. Citizens would be encouraged to bundle or prepare trash for collection. Unbundled trash collection would be unscheduled. Because the requirement to bundle trash had not been followed by Chapel Hill residents, a fee for unbundled trash would be charged. Unbundled trash collection would have to be requested and paid for before pick-up.

Mr. Harold Harris, Director of Public Works, responded to Mayor Nassif that he did not feel that the current absentee rate was a staffing problem not an attendance problem. Brush pick-up had been and would continue to be a problem. The proposed amendment was anticipated to help maintain present services (with residents' assistance) with current staffing. The other alternative was to add personnel.

Mr. Harris stated that since 1975, the work force had decreased 11% and the work load had increased 40%. Within the last year, re-organization of the work force had effected a loss of 5 collectors. In addition, house collections per collector per day had increased from 192 to 265.

Councilmember Smith felt the Council should take a look at manpower needs for the entire Public Works Department before budget considerations on April 24, 1984.

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Councilmember Broadfoot supported a fee charge for all trash collection.

Mr. Harris stated that the proposed fee would give residents the option of preparing the trash or paying for unprepared trash pickup. The fee should reduce unprepared trash pickup and allow pick-up to be handled with the present manpower. He continued that professional tree trimmers had been advised that the Town's policy was to not haul their trash.

Mayor Nassif felt that sometimes there were errors in determining the source of trash. He submitted that the ordinance should be worded that either the brush would be picked up or would not be picked up. He favored pick-up. He did not feel that a fee was necessary, but that perhaps an increase in manpower was needed. He did feel that absenteeism was a problem and suggested that a pay increase might be considered in the budget and that vacations should be scheduled, rather than taken one day at a time. He also felt that bundling would be a problem for the elderly population of Chapel Hill. Councilmember Howes concurred, favoring an increase in manpower or salary, rather than a fee to the citizens.

Councilmember Smith felt that a salary increase might help and also suggested that overtime pay might be given as an incentive to curb absenteeism, rather than compensatory time off.

Mr. Harris responded that increased pay would not solve the staffing problem in providing services. If salaries were increased for trash collectors, then it should be increased for other division employees, also. He stated that employees had expressed a preference for compensatory time off over overtime pay.

There was no consensus from the Council that fees should be charged for collection. The Council concurred that the present service level was satisfactory, and that they would like for the Manager to determine how this level could be maintained.

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

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 84-R-70.

Councilmember Thorpe stated that this resolution contained specific figures and a time frame for the services contracted, unlike recent resolutions for contracts for legal services. Councilmember Howes concurred, stating his reasons for concerns for open-ended contracts.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR AUDIT SERVICES (84-R-70)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it approves, and authorizes the Mayor of the Town of Chapel Hill to execute on behalf of the Town, a contract with the firm of Touche Ross and Company for audit services covering the 1983-84 fiscal year.

This the 9th day of April, 1984.

Notification of a Vacancy on the Human Services Advisory Board

The Clerk's Office advised the Council of the resignation of Mr. Ed Dolby from the Human Services Advisory Board.

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

THE MOTION CARRIED UNANIMOUSLY. The meeting was adjourned at 10:25 P.M.

Joseph L. Nassif, Mayor

Robin G. Rankin, Deputy Town Clerk