

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JUNE 25, 1984, 7:30 P.M.

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

- Marilyn Myers Boulton
- Winston Broadfoot
- Beverly Kawalec
- David Pasquini
- Nancy Preston
- R. Dee Smith
- Bill Thorpe

Council Member Jonathan Howes was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Grainger Barrett.

Petitions

There were no petitions.

Minutes of May 23

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT THE MAY 23, 1984 MINUTES AS CIRCULATED.

THE MOTION CARRIED UNANIMOUSLY (8 to 0).

Misty Woods - Request For A Planned Development-Housing Special Use Permit

Town Manager Taylor said the developer has provided a revised site plan, as requested by Council.

Liz Rooks, Interim Planning Director, explained the new site plan and its differences from the first one. She said the applicant has re-oriented the buildings so that each side of the building will get some direct sunlight. The recreation area was moved to a more central location. She said the change in the site plan has resulted in about 7% more of the units directly facing the parking area; however the applicant has been able to provide some areas with small green spaces between the units which were not on the original site plan. She said the parking/travel lanes no longer line up with the utility easement; that the applicant has added a sidewalk system which generally follows the request by the Planning Board.

Council Member Pasquini said the proposed sidewalk would not connect to anything if the Town does not put in the pedestrian path in the utility easement. Ms. Rooks said this sidewalk works well with the applicant's internal plan. Mr. Pasquini asked if the sidewalk could be put on hold until the Town decides what should be done in that area; he said if the Town will not need the sidewalk, it shouldn't make the developer build it.

Council Member Preston asked about the tennis courts being placed in what was designated as drainage basin. Ms. Rooks said there is still a drainage area. Ms. Preston said this will take away a lot of the trees.

Mayor Nassif asked if staff considers both paving and a building as disturbed area. Ms. Rooks said yes, the total percentage is 82.

Mayor Nassif asked how the units will be provided with privacy. Mr. Kennedy said that some units are set back, some are separated by current vegetation, and some are separated with berms with vegetation. Mayor Nassif asked if there is a standard set-back for the building from the sidewalk. Mr. Kennedy said this plan has a minimum of 25 feet set-back in every case. Mayor Nassif asked how residents will get to cars where there are no sidewalks. Mr. Kennedy said pedestrians must walk in the parking/travel lanes behind the cars.

Mayor Nassif asked if the sidewalk plan requires sidewalks on one or both sides of roads. Ms. Rooks said the Town would require both sides when needed to get to and from apartments, the stipulations in the resolution approving this proposal require approval of sidewalk plans by the Town Manager. Ms. Rooks said staff anticipates the need for sidewalks on both sides. Mr. Kennedy said he would provide sidewalks on both sides.

Council Member Pasquini said that by changing the orientation of the buildings, it seems a lot more vegetation is being removed. He asked if the applicant has considered using fewer buildings on this site. Mr. Kennedy said no, the economics of this plan would not allow that. Town Manager Taylor said the new plan looks more realistic than the old one.

Council Member Boulton asked if the Parks & Recreation Commission's stipulation for this proposal has been met. Ms. Rooks said yes.

Council Member Pasquini said one way to lessen the impact of vegetation on any site, and to increase privacy, is to ask the developer to reduce the number of buildings. Council Member Boulton asked the number of dwelling units per acre of this project. Ms. Rooks said 18.5.

Council Member Broadfoot asked what is the anticipated daily water consumption of this project. Mr. Kennedy said the average is 250 gallons per unit per day. Mr. Broadfoot asked about water consumption during construction. Mr. Kennedy said that would be nominal.

Council Member Broadfoot said Council has been told that: 1) most projects it approves are never built; 2) the water shortage is really nominal and is nothing to worry about; and 3) whatever Council now approves will not, in fact, be in existence before there is additional water capacity in Chapel Hill. He said he is considering stipulating that projects not be constructed until water capacity in Chapel Hill has been increased. He asked the applicant if such a stipulation would be acceptable. Mr. Kennedy said no, that they would drop the project.

Mr. Broadfoot asked the Manager if he does not feel there is a water problem, since it is not mentioned in the recommended stipulations. Mr. Taylor said OWASA is charged with the responsibility of providing the necessary water.

Council Member Broadfoot asked how many children living in this project will attend schools, and where. Mr. Kennedy said this project is anticipated for young marrieds or a singles project with primarily one and two-bedroom apartments.

Council Member Thorpe said he wants to be sure that people who will occupy these units will know, before they legally commit themselves, that there is an airport across the street, and that this project is in an airport zone. He suggested that all rent/lease agreements show this fact. Mr. Dean Jansen said he wouldn't have any problem drafting a notice to accompany the lease that notifies leasees about the flight path. Mr. Thorpe said he wants the citizens informed as long as the units are being rented, and that Mr. Jansen should work with the Town Manager on the notification process.

Council Member Preston asked if the drainage pipes empty into the adjacent open space. Ms. Rooks said there is a controlled outlet at that point. Mr. Kennedy said it would be released at less than $2\frac{1}{2}$ feet/second, which is non-eroding.

Council Member Smith said a concern at the public hearing was the distance between this project and Coker Woods. He asked how the new site plan compare in that respect. Mr. Kennedy said there are 30 feet from the buildings to the property lines; and in all cases there are 70 feet between units, but the activity areas never face each other.

Council Member Smith asked if there will be a sidewalk to the bus stop. Mr. Kennedy said the internal sidewalk system will lead up to an 8-foot sidewalk which will be installed on Airport Road. Council Member Smith asked what would happen if the gas company had to dig up the gas easement. Mr. Kennedy said the developer would be responsible for replacing the parking lots and tennis courts, which are on the easement.

Mr. Jon Condoret reported that the Appearance Commission has reviewed the plans for this site, including the new plan, and unanimously recommends approval with stipulations. He said the 50-foot buffer at Airport Road and Mt. Moriah Church Road was important to the Commission's decision, since the project is on an entranceway to Chapel Hill. The Commission requests a stipulation that the final grading plan be reviewed by the Appearance Commission. Mr. Condoret said the Commission asked the developer to plant a buffer on the east side of the baseball court.

Mr. Roscoe Reeve reported for the Planning Board. He said the Board agreed with the re-orientation of the buildings, and the relocation of the recreation area. He pointed out that one of the buildings has very poor parking access. He said there is more opposition to the new site plan than the old, but a majority of the Board voted for approval.

Council Member Smith said he is concerned that one set of plans was presented at the public hearing, yet a new set is now being considered for action by Council. He said the public should have an opportunity to have input on the new set of drawings.

Council Member Boulton said the new site plan is a result of the input received at the public hearing. Attorney Barrett said that from a legal point of view the concern is that the public has not had a chance to "cross-examine" a particular document when it comes back to Council. He said staff must make difficult decisions about whether or not the changes are significant enough to require a second public hearing; these are judgment calls to be made by Council with advice by staff.

Council Member Kawalec said she agrees with Mr. Smith in principle. She said she would have preferred to continue the public hearing, but feels in this case Council has proceeded properly. She said the developer has worked closely with the neighbors and staff; and that people who spoke at the public hearing were not speaking against this specific project, but about development in general. She said she feels comfortable with the process in this instance.

Mayor Nassif said he hopes Council will not consider eliminating the process by having a public hearing on every change. He said this project change is only an internal arrangement of the plan.

Town Manager Taylor reviewed the stipulation changes to the resolution. Mayor Nassif said he wants to assure privacy of at least 15 feet between buildings. Mr. Taylor said that could be added to stipulation #8.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT RESOLUTION 84-R-135a AS CLARIFIED AND ADDED TO BY THE MANAGER.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO AMEND THE MOTION BY ADDING A STIPULATION TO THE RESOLUTION THAT SAYS: REGARDLESS OF OTHER PROVISIONS, CONSTRUCTION SHALL NOT BEGIN UNTIL THE CANE CREEK RESERVOIR HAS BEEN COMPLETED.

Council Member Boulton said she thinks this action is premature; that Council has asked the Manager to provide facts on the matter for Council to consider, and should not make a decision before having the facts.

THE MOTION TO AMEND FAILED TO PASS BY A VOTE OF 2 TO 6. Council Members Broadfoot and Preston voted for the motion; and Council Members Thorpe, Boulton, Pasquini, Kawalec, and Smith, and Mayor Nassif voted against the motion.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO AMEND THE RESOLUTION TO ADD A STIPULATION THAT A 10-FOOT VEGETATED BUFFER BE PLACED BETWEEN THE WATER IMPOUNDMENT AREA AND THE ADJACENT PROPERTY TO THE EAST.

THE MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH, THAT THIS ITEM BE REFERRED BACK TO THE DEVELOPER TO ADDRESS THE ADDITIONAL BUFFER ON THE EASTERN AND SOUTHERN SIDES OF THE PROPERTY, AND THE MEANS TO INCREASE THE PRIVACY OF THE UNITS, SPECIFICALLY THE ONES ALONG THE ROADWAY, AND THE CENTRAL UNIT RELEVANT TO ACCESS TO PARKING.

Council Member Preston asked if these changes would warrant a second public hearing.

Mayor Nassif said he thinks Council can get the changes it wants without sending the project back to the developer. Council Member Pasquini said he is trying to allow for an overall design adjustment, rather than just asking for more buffer and having the buildings squeezed inward. Mayor Nassif said the Manager would have final approval based on what Council has requested.

Council Member Boulton said Council usually requires the second development adjacent to buffer against existing project. Attorney Barrett said that when projects are similar uses a buffer would not be required by ordinance, but could be required by stipulation.

THE MOTION FAILED TO PASS WITH COUNCIL MEMBERS SMITH AND PASQUINI VOTING FOR; AND COUNCIL MEMBERS THORPE, BOULTON, BROADFOOT, KAWALEC, AND PRESTON, AND MAYOR NASSIF VOTING AGAINST THE MOTION.

THE ORIGINAL MOTION TO ADOPT RESOLUTION 84-R-135a WITH AMENDMENT CARRIED 5 TO 3 WITH COUNCIL MEMBERS THORPE, BOULTON, PASQUINI, AND KAWALEC, AND MAYOR NASSIF VOTING FOR; AND COUNCIL MEMBERS BROADFOOT, PRESTON, AND SMITH VOTING AGAINST.

The resolution, as adopted, is as follows.

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO BARNETT-RANGE CORPORATION (84-R-135A)

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 Barnett-Range Corporation for Tax Map 29, part of Lot 3, if developed in accord with the grading plans dated June 12 and the stipulations and conditions set forth below:

1. Would be located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That an 8-foot wide sidewalk/bikepath be constructed along the property's frontage with Airport Road. Plans shall be subject to approval by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit.

2. That a 5-foot wide paved sidewalk be constructed along the property's frontage with Piney Mountain Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That the parking areas and driveways be paved to Town standards (8" ABC, 2" 1-2 for drive aisles; 6" ABC, $\frac{1}{2}$ " 1-2 for parking spaces) and that curb and gutter be provided on the driveways and parking areas to control drainage. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That plans for the improvements to N.C. 86 be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. That plans for the improvements to Piney Mountain Road be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That $\frac{1}{2}$ of a 70-foot right-of-way, measured from the centerline, be dedicated along the property's frontage with Piney Mountain Road.
6. That a plan for a left turn lane on Piney Mountain Road at N.C. 86 be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That the internal sidewalks be redesigned to provide convenient access between the dwelling units and the recreational facilities as well as between the units and parking areas, and that the internal sidewalk network be conveniently connected to the sidewalks on N.C. 86 and Piney Mountain Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
8. That the following landscaping requirements be met: provision of a 5-foot buffer between the parking and buildings; provision of an 8-foot wide entryway buffer; and screening the parking from adjoining residential areas by a 6-foot high fence, wall or hedge. That there be a minimum of 15' between the staircases and the parking areas and that berms and/or landscape plantings or fences be used to provide privacy. These areas shall be shown on the detailed landscape plan prior to issuance of a Certificate of Occupancy.
9. That a minimum of 1 handicap space per 50 parking spaces be provided. Plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That a bus stop with a concrete pad and bench be provided on Airport Road approximately 135 feet north of the driveway entrance on NC 86. That a bus turnout with a concrete pad and bench be provided on Piney Mountain Road approximately 330 feet east of Airport Road. These bus stops shall be connected to the interior of the development by sidewalks. Plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That a 20-foot wide public access easement with practical access for pedestrians and non-motorized vehicle traffic be designated generally along the Public Service Gas Company easement.
12. That plans for construction within the Public Service Gas Company easement be approved by the Public Service Gas Company prior to issuance of a Zoning Compliance Permit. That the applicant be responsible for maintenance repair and replacement of any improvements in the Public Service Gas Company easement.
13. That a work zone traffic control plan be approved by the Town Manager in conjunction with approval of the construction plans for improvements to N.C. 86 and Piney Mountain Road.
14. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
15. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit.

16. 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, including a utility easement along the private drive from N.C. 86 to Piney Mountain Road, be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit.
17. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
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. (Adjacent parking spaces shall be relocated where necessary to avoid blocking the dumpsters.)
19. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
20. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
21. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
22. That a fire flow report demonstrating 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 flow test demonstrating actual flow be approved by the Town Manager prior to issuance of a Certificate of Occupancy.
23. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance permit.
24. That a detailed grading plan be reviewed by Appearance Commission approved by the Town Manager upon consideration of the Appearance Commission comments prior to issuance of a Zoning Compliance Permit. This plan shall include provisions of protection of existing vegetation to be retained. Such provisions shall be in place prior to beginning of construction.
25. That the 50-foot buffer along Piney Mountain and Airport Roads be maintained in its natural state except as necessary for utilities and access to the site.
26. That a phasing plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the detailed plans as required above may be submitted by phase. No Certificate of Occupancy will be issued until all improvements associated with the phase are accepted as complete.
27. That the tennis courts not be lighted.
28. That a sign plan for internal circulation be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
29. That a written notice be provided to all prospective tenants that this property is adjacent to an Airport Hazard Zone.
30. That a minimum 10' wide buffer be provided between the edge of the stormwater impoundment area and the eastern property line. Plans shall be approved by the Town Manager prior to issuance of a zoning compliance permit.
31. That construction begin by June 30, 1985 and be completed by June 30, 1989.

32. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of the above conditions, and upon compliance with applicable provisions of the Chapel Hill Development Ordinance and regulations thereunder.

33. If any of the above conditions shall be held invalid or void, then this permit shall be void and of no effect.

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 25th day of June, 1984.

Eastwood Subdivision - Preliminary Plat

Interim Planning Director Liz Rooks pointed out that any development in Chapel Hill would be subject to the Orange County Erosion and Sedimentation Control Plan, and would be required to submit a plan for approval. She said the applicant is proposing the area along the creek to be maintained as recreation area. She said slopes in the area are 12% to 18%, and staff does not think this is suitable for recreational purposes. The applicant has revised the plan, adding one, more suitable, lot as recreation land.

Ms. Rooks said there had been a question about whether or not it would be feasible to build a walkway along the creek. She said there are had been a question about whether or not it would be feasible to build a walkway along the creek. She said there are 470 feet of frontage along Booker Creek; that 140 feet are very steep, and lots 29 and 30 are very steep.

Ms. Rooks said that with a subdivision there is not a specific requirement for buffers and screens, but the peripheral lots must meet the set-backs required of any residential lot in an R-1 zone. She said in this case an interior set-back of 14 feet would be required for all the lots adjoining land outside of this proposed subdivision.

She said staff recommends that Piney Mountain Road be improved to one-half of the 33-foot cross-section with a paved sidewalk along the front of this property. She said there would be a substantial area along the road that must be filled in order to make the road improvements; and that staff recommends the option of improving the road in the western-most portion of the right-of-way, and that the developer be given the option of payment-in-lieu of improvements.

Council Member Pasquini asked if there are residences on the west side of Piney Mountain Road. Ms. Rooks said yes.

Town Manager Taylor said this change would produce no long-term effects on adjacent land or residences; that this allowance is only to allow the road to be widened on the west side of the current pavement rather than on the east side, which would then cause the center of the road bed to shift to the west slightly. He said the sidewalk would still be placed on the east side of the road, and the developer would have to put in curbing and guttering.

Council Member Boulton asked what are the advantages and disadvantages of payment -in-lieu-of. Town Manager Taylor said payment-in-lieu-of would put off the project until the State could be convinced to do this project in its entirety. He said the disadvantage is that the road would not be improved at this time. Mr. Taylor said staff would prefer that the improvements be made while the project is being developed.

Council Member Thorpe asked if there would be two sidewalks in this instance. Mr. Taylor said staff would have no objections to deleting the one on Eastwood at this time.

Council Member Pasquini asked if the Town could use the payment-in-lieu to build the sidewalk. Town Manager Taylor said the Town would have to use the money for the purpose it is paid.

Council Member Boulton asked if the Town generally requires a sidewalk on two streets when a project is proposed for a corner lot. Mayor Nassif

said Council required two such sidewalks in the Misty Woods development.

Council Member Pasquini asked if Council did not delete the sidewalk, and gave the Housing Authority the option of using the money for the sidewalk to improve the site of the project.

Council Member Smith said the property on Eastwood does not go all the way to Piney Mountain Road, therefore the sidewalk would not connect with Piney Mountain.

Council Member Boulton asked about the sidewalk on the other side of Eastwood. Town Manager Taylor said staff feels there should be a sidewalk on Eastwood Road on one side or the other. Council Member Boulton said at one time the Town was considering, rather than putting in the sidewalk on Eastwood, using the money for landscaping.

Mayor Nassif said when projects come before Council, Council needs to know what is proposed for all the surrounding area, so Council can consider projects in relation to the area.

Town Manager said that across the street from this project where the public housing is being constructed, that sidewalk will run from Piney Mountain Road, across the entire frontage of the public housing property, but it will not go all the way to Shady Lawn. He said staff is asking this developer to build a sidewalk adjacent to its property, which is on the opposite side of the street from the housing project, and that this sidewalk will run from Shady Lawn to the furthest property line of this project, but not all the way to Eastwood. This, then would allow sidewalk along the entire of Eastwood, but part on one side and part on the other. He said staff is asking that Piney Mountain Road be widened with curb and gutter, and sidewalk placed adjacent to the proposed project.

Town Attorney Barrett said the payment-in-lieu-of process is a voluntary payment, and in essence is an agreed-upon contractual payment, for something that otherwise would be provided for the benefit of this particular subdivision. Across the street would be an off-site improvement, which would generally be considered not to be appropriate under North Carolina law relating to subdivisions.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADOPT RESOLUTION 84-R-136 WITH AN AMENDMENT TO STIPULATION #4 TO DELETE THE 5-FOOT SIDEWALK.

Council Member Broadfoot said that the police power involving schools, water and sewer is equally applicable to a subdivision as it is to a Special Use Permit; therefore he will vote against the request because of the inadequacy of water.

Council Member Kawalec said she would like a written statement from the Town Attorney explaining the grounds for turning down a subdivision request.

Town Attorney said that permission for a subdivision, by state law, is simply to subdivide land, which involves no use of water intrinsically; however, it moves from there to uses which do involve water consumption. Mr. Barrett said therefore, it is his opinion that Council Member Broadfoot has a reasonable opinion on the facts.

Council Member Smith said the motion on the floor would allow the developer to build no sidewalks at all, and he would not vote for that.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL PRESTON, TO AMEND THE MOTION TO INCLUDE DELETION OF THE LAST SENTENCE IN STIPULATION #5 OF RESOLUTION 84-R-136.

THE AMENDMENT PASSED BY A VOTE OF 7-1 WITH COUNCIL MEMBERS THORPE, BOULTON, PASQUINI, BROADFOOT, KAWALEC, PRESTON, AND SMITH VOTING FOR THE MOTION, AND MAYOR NASSIF VOTING AGAINST THE MOTION.

Mayor Nassif said he would rather combine stipulations 4 and 5 to require the developer to build a sidewalk on both sides, and he doesn't want to allow the developer to select the side he wants to put the sidewalk on.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL SMITH, TO AMEND THE MOTION TO AMEND STIPULATION #5 BY DELETING THE WORDS "THE ROADWAY MAY BE WIDENED ON ITS WEST SIDE."

Council Member Boulton said Council talked about this matter at the public hearing, and that the Planning Board had recommended this compromise because of the steepness of the roadside.

Mr. Roscoe Reeve said the Planning Board's recommendation is meant to minimize the destruction of trees and vegetation, and to eliminate having to fill in the steep slope alongside the road on the east side. He said the Planning Board believes there is more damage that can be done by requiring fill for street widening and sidewalk along the east side of Piney Mountain than there would be on the west side; therefore, the Board has recommended the realignment so there is little disturbance to the east side of the current roadway.

Council Member Smith asked why it is necessary to require any improvements on the east side of Piney Mountain Road. Mr. Reeve said there are three projects proposed for Piney Mountain Road, and more on the way. He said a significant portion of Piney Mountain Road can be improved through stipulation on these developments.

Council Member Pasquini asked why the Planning Board was not as concerned about this entire piece of property. Mr. Reeve said there is a question about whether or not this property should be developed, considering the slopes on the property; but there are no regulations which apply to the approval of a subdivision.

THE MOTION FAILED TO PASS WITH A TIE VOTE OF 4 TO 4; COUNCIL MEMBERS PASQUINI, BROADFOOT, AND SMITH, AND MAYOR NASSIF VOTED FOR THE MOTION; COUNCIL MEMBERS THORPE, BOULTON, KAWALEC, AND PRESTON VOTED AGAINST.

COUNCIL MEMBER PASQUINI MADE A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER SMITH, TO POSTPONE CONSIDERATION OF THIS MATTER UNTIL JULY 2.

Council Member Pasquini said the one Council member absent would make a difference in the vote on the issue, and he thinks the matter should be delayed until all Council Members are present.

Mayor Nassif said he would prefer that sidewalks be built on both sides of Piney Mountain Road and Eastwood Road. He said the way the land is being subdivided, some of the lots will be draining onto other lots, and that later those property owners would come to the Town for help with this problem. He said he will not vote for the subdivision as requested for this reason.

Council Member Thorpe said he doesn't think it would be fair to delay action on this item on the basis of who is here to vote.

THE MOTION TO POSTPONE PASSED BY A VOTE OF 5 TO 3 WITH COUNCIL MEMBERS PASQUINI, BROADFOOT, PRESTON, AND SMITH, AND MAYOR NASSIF VOTING FOR THE MOTION, AND COUNCIL MEMBERS THORPE, BOULTON, AND KAWALEC VOTING AGAINST.

Community Development Grant - Reallocation of Funds From 1981

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 84-R-137.

Mayor Nassif said some parts of University Heights already has water service, and he feels all the residents should be provided water in conjunction with this project.

Town Manager Taylor said water is available in the streets, but all the properties are not connected. Mayor Nassif said the Town should require all lots to be connected. Mr. Taylor said if OWASA would waive their connection fees, this could be done more easily. He said the value of the

sewer lines which will be put in far exceeds the water tap-on fees that OWASA would collect. Mayor Nassif said he doesn't mind the fees because that's how OWASA operates; but he would like to see the entire area provided with water and sewer at one time.

Council Member Kawalec said there is a mix of people in this area, some low-income residents. She said she would encourage the Manager to talk with OWASA about waiving the fees; and after contractors bid on the project, there may be enough money to supply water.

THE MOTION CARRIED UNANIMOUSLY (8 to 0).

A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT AMENDED CD PLANS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) (84-R-137)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Town Manager to submit on behalf of the Town, amended Community Development plans to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications acquired therein; said plans to consist of an amendment to the 1981 Small Cities grant (B-81-DS-37-0006) to use approximately \$90,000 in unspent funds for the University Heights street paving project; and a revision to add the Barclay Road sewer and the Subsidized Housing Playgrounds project to the 1984 Entitlement grant, said projects to be funded with \$87,000 in CD program income; and

BE IT FURTHER RESOLVED that the Town Manager is directed and designated as the authorized representative of the Town to act in connection with the submittal, and to provide such additional information, assurances and certifications as HUD may require.

This the 25th day of June, 1984.

Cable Television Franchise - Service Extension Policy Discussion

Town Manager Taylor said this is a request to clarify the line extension policy of Village Cable as shown in the franchise proposal document. He said Village differs from the Town in its interpretation. He said staff contends that Village Cable is obligated to serve all residences in the initial service area, within six months of a request, without regard to any density standards. Village contends that new developments in the original service area are subject to the line extension policy; they don't question residences that existed when the initial franchise was granted. Mr. Taylor said staff takes the position that Village is obligated to serve any new construction within the initial service area.

Town Manager Taylor said town staff and Village have worked on this for almost a year, trying to find a solution for this issue. He said staff would like to have information concerning a "drop" and a formal definition of "drop." He said the service proposal does not provide for any means for extension into annexed areas that cannot qualify under the density standards of 40 homes per mile. He said staff recommends that residents and Village share the cost of extending cable according to a prescribed formula, which would allow the resident to be served now, and reimbursed at a later time when the density standards are met.

He said the staff's proposal clarifies several things the staff needs clarified to administer the ordinance; and it clarifies that Village's intent at the time they submitted the application was that a density standard would apply to all new developments within the initial service area as well as annexed areas.

Council Member Broadfoot said he does not oppose the proposal, but asked why staff picks only one point. He asked if Village has provided the Town with a subscriber fees list; he said Village employees say they don't give out that information in written form. Mr. Broadfoot said he would like to look at this in light of a public service on which information should be given out. He said it is not clear what the fee structure is, and that clarity of fees in the franchise is important.

Council Member Broadfoot said the Town needs to clarify the 'state of the art' for cable service and rates. He said the Town should look into whether or not Village is meeting its obligation for charitable contributions under the franchise. Town Manager Taylor said the Town does have on file Village's full rate structure. Council Member Broadfoot said it needs to be publicized.

Town Manager Taylor said he does not disagree that a comprehensive review of the ordinance and franchise is in order. He said the security issue will be coming back to Council late this fall. He said a detailed review will be a major undertaking. He said a comprehensive review will be costly; and that this one issue is being considered now because there are specific residents affected by the outcome.

Council Member Broadfoot said he has no objections to raising this one issue, but he believes we are overlooking other problems.

Mayor Nassif asked what Village's agreement is with Orange County. Town Attorney Barrett said it is 40 homes per mile density, or cost-sharing arrangements if this criteria is not met.

Town Attorney Barrett said staff is interpreting the current franchise agreement to read that once a new home is built within the initial service area, it will be served with cable within six months. He said the reason for the distinction is that Village promised in their proposal to wire the entire Town; therefore the assumption that staff has made in interpreting the ordinance is that there is a wire reasonably close to any new home in the initial service area.

Mayor Nassif asked if we are trying to clarify the ordinance for within the initial service area. Town Manager Taylor said yes. Mayor Nassif said he could not find anything in the proposal that alluded to problems within the initial service area; but the proposal specifically spoke to areas annexed to the initial service area. Town Manager Taylor said that is the staff's interpretation, but that is not Village's interpretation.

Council Member Broadfoot said the matter should be put on Council's future agenda.

Council Member Boulton asked if there is a provision in the franchise to allow for a review. Attorney Barrett said there is none provided for by ordinance or provision of the application. Town Manager Taylor said that would not prohibit the Town from such a review.

Budget Amendment - Final For 1983-84

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT ORDINANCE 84-0-46.

Council Member Broadfoot asked if prior consultants had not been paid from parking facilities fund. Town Manager Taylor said no. He said staff is trying to improve accounting for the entire fund so expenditures can be accounted for more easily later.

THE MOTION CARRIED UNANIMOUSLY (8 to 0).

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (84-0-46)

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>APPROPRIATIONS</u>	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
GENERAL FUND				
Police				
Administration	212,606		20,000	192,606
General Services	207,539		15,000	192,539
Patrol	1,220,610	60,000		1,280,610
Detectives	224,330		25,000	199,330
Parks and Recreation				
Athletics	240,715		9,500	231,215
General Recreation	222,647	3,000		225,647
Parks & Facilities Maintenance	293,815	6,500		300,315
Non-Departmental				
Transfer to Debt Service Fund	779,475		68,978	710,497
Transfer to Capital Reserve Fund	0	68,978		68,978
FIRE STATION NORTH CAPITAL PROJECT FUND				
	450,000	68,978		518,978
CAPITAL RESERVE FUND				
Reserved for Capital Improvements	0	68,978		68,978
SOLID WASTE DISPOSAL FUND				
	215,000	614,072		829,072
TRANSPORTATION FUND				
Administration	173,367	30,000		203,367
PARKING FACILITIES FUND				
	189,234	10,000		199,234

ARTICLE II

REVENUES

FIRE STATION NORTH CAPITAL PROJECT FUND				
	450,000	68,978		518,978
DEBT SERVICE FUND				
From Fire Station North Capital Project	0	68,978		68,978
From General fund	799,475		68,978	710,497
CAPITAL RESERVE FUND				
From General Fund	0	68,978		68,978
SOLID WASTE DISPOSAL FUND				
	215,000	614,072		829,072
TRANSPORTATION FUND				
	2,249,997	30,000		2,279,997
PARKING FACILITIES FUND				
	189,234	10,000		199,234

This the 25th day of June, 1984.

Parking Facility - Agreement For Consultant Assistance

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT RESOLUTION 84-R-138.

Council Member Broadfoot asked if the Resolution is limiting this particular consultant to \$10,000, or is the figure for overall consultation needed for the project. Town Manager Taylor said this Resolution commits \$10,000 for consulting services; but this is to get started, and will be amended later when staff can tell exactly what is needed.

Mr. Al Worth asked Council if there will be more public hearings regarding this project. He said it seems the process is moving without allowing citizens more time for input.

Mayor Nassif said that Council has set out a procedure, and that it is following those. He said he disagrees that this item is moving along without very thorough consideration by Council and staff. He said public hearings will be set whenever there is something concrete enough for the public to consider.

Council Member Boulton said it is important for everyone to understand that the Town is just negotiating at this point, that there are no concrete plans.

Mayor Nassif said the Town is still exploring the idea of such a development. He said this money is being allocated to assist in exploring the idea.

Council Member Thorpe asked if the Mayor signed off on the contract with the auditors. Mayor Nassif said the Council did. Council Member Boulton said the contract was just extended.

Mayor Nassif said the auditors are consultants to Council, and therefore Council selects and hires; then as the representative of Council the Mayor signs the contract.

THE MOTION CARRIED UNANIMOUSLY (8 to 0).

A RESOLUTION AUTHORIZING AGREEMENTS WITH CONSULTANTS IN CONNECTION WITH JOINT DEVELOPMENT OF PARKING LOT NO. 1 (84-R-138)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to sign on behalf of the Town, agreements with consultants for legal, financial and other assistance in connection with planning for and negotiating to develop Municipal Parking Lot No. 1 on the south side of E. Rosemary Street between Henderson Street and the North Carolina National Bank building; provided that expenditures under such consultant agreements shall not exceed \$10,000.

This the 25th day of June, 1984.

Traffic - Regulations in University Heights

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT ORDINANCE 84-O-47.

THE MOTION CARRIED UNANIMOUSLY (8 to 0).

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES
(84-0-47)

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

SECTION I

That the Council hereby amends Section 21-27(B)(2) (25 mph speed limits) of the Code of Ordinances by adding the following:

Cooper Street
Garden Street
Legion Road Extension
Scarlette Drive (portion in Town street system from Legion Road to southern terminus)
Vance Street

SECTION II

That Council amend Section 21-13 (stop regulations) by inserting, in appropriate alphabetical order:

Through Streets

Cooper Street
Garden Street
Old Durham Road
Scarlette Drive
Scarlette Drive
Scarlette Drive

Stop Streets

Legion Road Extension
Vance Street
Cooper Street
Garden Street
Legion Road Extension
Legion Road

SECTION III

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

This the 25th day of June, 1984.

Boards & Commissions - Procedures

Council Member Kawalec said she and Council Member Boulton have been considering changes they think will make the process of getting advice from advisory boards easier. Therefore Resolution 84-R-139 is being provided for Council's consideration.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 84-R-139.

Council Member Smith said he doesn't agree with a 2-term limit. He said there are advisory boards which need special expertise; and these can't fulfill their ideas or programs within the 2-term period. He said he likes the idea of the boards making their own appointments. Mr. Smith said he feels any recommendation should go through the Manager before it comes to Council.

Council Member Boulton said the Council had agreed, and stated in its procedures manual, to strongly discourage anyone from serving more than two terms consecutively. She said the resolution will make this a clear requirement.

Council Member Boulton said the Resolution says advisory boards may make recommendations for appointments to the board, but it is not mandatory. This will alleviate the boards just trying to come up with names, whether or not current members are familiar with who the people are.

Ms. Boulton said, as far as the Recreation Commission recommendation in this Resolution, it was made clear in the Charter that its responsibility is to give their expertise to the Planning Board, which would then incorporate the recommendations into its report. The Planning Board's report would go to the Manager before it comes to Council, therefore the Manager will know what the Parks & Recreation Commission's recommendation is. She said the Parks & Recreation Commission has expertise only in the field of Parks & Recreation, not in development planning. She said the boards report to Council, not to the Manager.

Ms. Boulton said the recommendation that department heads act as liaisons to Council means that the department head, or whatever designee, would be responsible for explaining policies of the Town to that board; that up to now department heads have not been sure just how much they should interfere with the boards, or help to advise them.

Council Member Smith said his concern is that Council will begin to direct the work and activity of department heads; which is not Council's responsibility.

Council Member Kawalec said department heads will do this anyway. Council Member Smith said that this Council cannot direct activities of personnel, and should not.

Town Manager Taylor said the resolution could read that the Town Manager will act as liaison; then as a practical matter Council will know that department heads will be charged with this by the Manager. Council Member Smith said that is what he wanted.

Council Member Pasquini said maybe a work session is in order for this matter.

COUNCIL MEMBER SMITH MADE A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER PASQUINI, TO SET A WORK SESSION ON THIS ISSUE FOR SOMETIME AFTER AUGUST 27.

Council Member Smith said Council could set the work session date at the August 27 meeting.

Mayor Nassif said he doesn't mind adopting the resolution as is, with one exception: that it would go into effect immediately, and he would not vote for that. He said he feels time is needed for an adjustment period so that board members do not feel Council is trying to get rid of them.

THE MOTION PASSED BY A VOTE OF 5 TO 3 WITH COUNCIL MEMBER THORPE, PASQUINI, PRESTON AND SMITH, AND MAYOR NASSIF VOTING FOR THE MOTION, AND COUNCIL MEMBERS BOULTON, BROADFOOT, AND KAWALEC VOTING AGAINST.

Boards & Commission - Nominations

Council Member Thorpe nominated Roosevelt Wilkerson for a seat on the Human Services Advisory Board.

Council Member Boulton nominated Betty White for a seat on the Orange Water and Sewer Authority.

Executive Session

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER.

THE MOTION CARRIED UNANIMOUSLY (8 to 0).

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE COUNCIL MEETING.

The motion carried unanimously.

Joseph L. Nassif, Mayor

Robin G. Rankin, Deputy Town Clerk

