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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JULY 9, 1984, 7:30 P.M.

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

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

Also present were Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Grainger Barrett.

Presentation to Council

Council Member Preston introduced Boy Scout Troop 26 of Bristol, England. Mr. John Foster presented Chapel Hill with a print to show appreciation to the citizens of Chapel Hill for their cooperation in the Boy Scout exchange program. Mayor Nassif presented Boy Scout Troop 26 a pictorial history of Chapel Hill, and a letter to the Lord High Mayor of Bristol.

Petitions

Mr. Len Van Ness, of the Chapel Hill-Carrboro Chamber of Commerce presented to Council copies of the new visitor-attractions brochure developed by the Chamber. Mr. Van Ness said the Chamber commends the Entranceways Task Force and Greenways Task Force for their work, and asks that Council enable the tasks forces to hold public information meetings to address concerns before making final recommendations. Mr. Van Ness requested that he be allowed to speak to items 12 and 14 on the agenda. Mayor Nassif said he would be allowed to speak to item 14, but permission to speak to item 12 would be reserved until later in the meeting.

Mr. Mel Rashkis requested that he be allowed to speak to item 8.

Mr. Barry Margolin requested that he be allowed to speak to item 12. Mayor Nassif said permission to speak would be reserved until later.

Mr. Paul Marion requested that he be allowed to speak to item 12. Mayor Nassif said permission to speak would be reserved until later.

Ms. Adelaide Ellison requested that he be allowed to speak to item 12. Mayor Nassif said permission to speak would be reserved until later.

Mr. Arthur Werner requested that he be allowed to speak to item 12. Mayor Nassif said permission to speak would be reserved until later.

Minutes of June 11

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL SMITH, TO ADOPT MINUTES OF JUNE 11 AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY. (9 to 0)

Minutes of June 18

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADOPT THE MINUTES OF JUNE 18 AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY. (9 to 0)

Minutes of June 20

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL HOWES, TO

ADOPT THE MINUTES OF JUNE 20 AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY. (9 to 0)

Water Supply - Report

Acting Manager Loewenthal said this report has been prepared in response to a question that was raised two meetings ago regarding the fact that the Manager's recommendation has often recommended approval of development proposals, even in the light of a limited water supply. She said the report attempts to set out the information staff has been working with, and the modes of analyses that staff has been following. Ms. Loewenthal emphasized that this shows the staff's way of interpreting the facts, figures, and probabilities that are available.

Council Member Howes said the report is well done both in quality and brevity of presentation. He said it states facts and helps place development in a proper and useful perspective. He said he would hope the media will give extended coverage of the report.

Council Member Smith asked what is meant by short-term. Ms. Loewenthal said OWASA says that water will come from the Cane Creek impoundment within two years, so short-term would mean two years.

Council Member Broadfoot said the report is forecasting, which is risky. He said Mr. Billingsley, of OWASA, said today that OWASA expects to have water from a coffer dam in two years. Mr. Broadfoot said Mr. Billingsley would not guarantee the two years. Mr. Broadfoot said he strongly objects to the development projection in this report. Mr. Broadfoot said there has been comment that he is reaching for this issue as a means to stop development. He said this is a temporary issue which the Town expects to be solved in the short-term future. He said the solution will last a long time, and he will be happy when water is not a problem in Chapel Hill.

Mayor Nassif said that OWASA has made public its plans for a coffer dam. He said this dam would back up over 2,000,000 gallons, and probably can be completed within one year if construction begins right away. Mayor Nassif said if there were a drought, the lack of water would not be caused by new development, but rather because of the drought. He said Durham is making a new reservoir which will be on-line within three years; and Chapel Hill will increase its water supply within two years; then there will be enough water in the area.

Woodlyn Towers - Extension of Manager's Report Period

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT RESOLUTION #149.

THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION EXTENDING THE PERIOD FOR THE MANAGER'S REPORT ON THE PROPOSED WOODLYN TOWERS DEVELOPMENT (84-R-149)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends to August 27, 1984, the period for the Manager's report on the proposed Woodlyn Towers development.

This the 9th day of July, 1984.

Mayor Nassif said that during the public hearing the matter came up about a tract of land that is now in two parts. He said he would like to know the number of units, the size of those units, the roads that were for those units, at what time did that Special Use Permit expire, and what were the dates of the developments in the surrounding area.

Council Member Pasquini asked that the Attorney provide, also at the time this matter comes back to Council, an opinion as to whether or not this matter should have another public hearing.

Coker Woods - Planned Development-Housing Special Use Permit

Acting Manager Loewenthal said staff feels this agenda item is in response to questions raised at the public hearing regarding the pedestrian-non-motorized easement, the possibilities of building within the Duke Power easement, and discussion of relationships between Coker Woods and Misty Woods.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADOPT RESOLUTION #150b.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO AMEND THE MOTION TO ADD THE PEDESTRIAN, NON-MOTORIZED VEHICLE EASEMENT.

Council Member Howes said he feels this is an important issue. He said the Town should take advantage of the opportunity presented by the powerline easement which exists. He said the residents have legitimate concerns about how close these are to homes, but this can be worked out by appropriate standards set by the Council and staff so that appropriate buffers and protection for residents are available. He said as a matter of policy he feels these kinds of easements should be used whenever possible.

Council Member Preston said she agrees, and that she understands the concerns of the residents. She said the Town should reserve the possibility of using the land.

Council Member Boulton said if Council adopts this Resolution as amended, the Council should pledge to set standards right away.

Council Member Broadfoot said he sees the difference between setting forth a greenway with pedestrian access and setting out easements that neighbors don't know will be there when they establish their homes there. He said he would prefer to look at use of easements on an ad hoc basis; that he feels this particular one is harmful.

Council Member Smith said the present greenway system calls for paths along creek beds, but not powerline easements. He said he is concerned that the Town have ways and means of making this greenway system available to the public. He said this one seems very expensive, and he can't see where it will go. He said most people who will use it will be residents who live there. He said such a path must be maintained.

Council Member Howes said the principle of a greenways system is to be used. He said his amendment is to assure that this easement is reserved for the purpose of a pedestrian easement.

Council Member Preston said this segment of the Greenway would connect with North Forest Hills. She said the residents in that area have requested Council to provide a pedestrian easement in their area; and she feels the easement will serve more people than the immediate neighbors.

Council Member Pasquini said the easement will not benefit the North Forest Hills residents; that a sidewalk along Piney Mountain Road would be of greater benefit to these residents.

THE AMENDMENT FAILED BY A VOTE OF 4 TO 5 WITH COUNCIL MEMBERS PRESTON, HOWES, KAWALEC, AND MAYOR NASSIF VOTING FOR THE MOTION, AND COUNCIL MEMBERS THORPE, BOULTON, PASQUINI, BROADFOOT, AND SMITH VOTING AGAINST THE MOTION.

Council Member Pasquini said there has been a lot of discussion about this development. He said he is concerned that Council might be creating another Weaver Dairy Road. He said he feels it would be detrimental to the neighbors to vote this use of the easement.

Council Member Preston said this developer has been sensitive to the area; that he has proposed only 5.2 dwelling units per acre, when he could have request 20 per acre; that the buildings are only 2 stories high and are at human scale. She said the impervious surfaces are only 24%, and she will vote for the development.

THE MAIN MOTION PASSED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER PASQUINI VOTING AGAINST THE MOTION.

Mayor Nassif asked that in the future the staff try to make sure road networks are better integrated with existing area roads. He said staff should work with a whole tract of land, rather than pieces.

The resolution, as adopted follows.

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING-SPECIAL USE PERMIT TO GOFORTH PROPERTIES, INC. (84-R-150b)

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 Goforth Properties, Inc. if developed in accordance with the plans submitted May 16, 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 Section 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 the internal sidewalks be extended to Piney Mountain Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That the parking areas and driveways be built to Town standards. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That a fire flow report demonstrating compliance with the Design Manual standards be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and that an on-site test demonstrating actual flow be approved by the Town Manager prior to issuance of a Certificate of Occupancy.
5. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
6. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit. These shall include utility easements to serve property to the south.
7. 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.
8. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
9. That the property owner bear the cost of any 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.
10. 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.
11. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That the name of the development be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

13. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
14. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
15. 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 by the Town Manager as complete.
16. That a detailed grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include methods of protecting existing vegetation during construction. Such protection measure shall be in place before construction begins.
17. 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.
18. That construction begin by January 31, 1986 and be completed by January 31, 1990.
19. 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.
20. 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 9th day of July, 1984.

Mill Creek - Planned Development-Housing Special Use Permit Request

Assistant Town Manager Loewenthal said the developer has flown balloons on the site of the proposed development to show height of buildings, and Council has received additional information on vegetation on the site.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT RESOLUTION #151a.

Council Member Boulton said she wants assurance that the 4-story building will not be seen from Airport Road. Assistant Manager Loewenthal said the new sight-line drawings show that there will be an obstructed view of the buildings from Airport Road.

Council Member Howes said one of the pleasures of the Airport Road entranceway to Chapel Hill is the fact that you can see the skyline of Chapel Hill. He said there would be no skyline of the Town if all the buildings there now had been treated this way.

THE MOTION CARRIED BY A VOTE OF 5 TO 4 WITH COUNCIL MEMBERS THORPE, BOULTON, KAWALEC, HOWES, AND MAYOR NASSIF VOTING FOR THE MOTION, AND COUNCIL MEMBERS PASQUINI, BROADFOOT, PRESTON, AND SMITH VOTING AGAINST THE MOTION.

The Resolution, as adopted, is as follows.

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO THE DEVELOPMENT GROUP, INC., OF CHAPEL HILL (84-R-151A)

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 The Development Group, Inc. of Chapel Hill if developed in accordance with the plans submitted May 2, 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 Section 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 plans for the improvements to Bolin Heights Road be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That the property be subdivided in accordance with the requirements of Article 7 prior to issuance of a Zoning Compliance Permit.
3. That the parking areas and driveways be paved to Town standards and have curb and gutter. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That the sidewalks adjoining parking spaces be 6' wide or that wheel stops be provided. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That a 8'-wide entryway buffer be provided along the entrance from Bolin Heights Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
6. That the parking adjoining Airport Road be screened by a 3'-high fence, wall, or hedge if the grade separation and existing vegetation retained are not sufficient to provide the screening required by the ordinance. That the parking to the east of the tennis courts be screened from the adjoining residential district by a 6'-high fence, wall, or hedge. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
8. That a 5'-wide bufferyard landscaped to Town standards be provided adjoining the single-family uses along the property's northern boundary. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
9. That sight triangle easements be provided and the land graded to provide sight distance to Town standards at intersections with NC 86. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That signs warning exiting motorists of a bicycle crossing be posted at the driveway intersection with NC 86.

11. That the road which parallels Mill Creek be installed and the disturbed area stabilized before other construction is begun on the site. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That detailed plans for fire hydrant locations and design shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
13. That new plantings be provided for a buffer between the tennis courts and NC 86 if the existing vegetation which is retained is insufficient. This buffer shall be addressed in the detailed landscape plan approved by the Appearance Commission prior to a Certificate of Appropriateness.
14. That a bus stop including a 5' x 10' concrete pad, bench, and a concrete connection between the sidewalk and the curb be provided on NC 86 approximately 50' north of the proposed entrance to Mill Creek. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
15. That a phasing plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. No Certificate of Occupancy will be issued until all improvements associated with the phase are accepted as complete.
16. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
17. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit.
18. 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.
19. That the property owner bear the cost of any 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.
20. 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.
21. That a storm drainage plan with hydrologic calculations including calculations for the effect of a 100-year storm be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
22. That the public improvements for each phase be completed before a Building Permit is issued for the next phase.
23. That a lighting plan including lighting for the under-building parking and for recreation areas and any subsequent changes thereto be reviewed by the Appearance Commission and approved by the Town Manager after consideration of the recommendation of the Appearance Commission prior to issuance of a Zoning Compliance Permit.
24. That the detailed plans as required above may be submitted by phase.
25. That a detailed grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall indicate existing vegetation to be retained and the method by which existing vegetation will be protected during construction. Protection measures shall be in place prior to start of construction.
26. That any existing significant vegetation which is proposed to be retained as buffers along adjacent roadways or adjacent residential area and which is removed during the life of the Special Use Permit, be replaced. Any changes in species for replacement vegetation shall be approved by the Appearance Commission as part of the detailed landscape plan.
27. That construction begin by January 31, 1986 and be completed by January 31, 1990.
28. 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.
29. 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 9th day of July, 1984.

Allenton Offices - Planned Development-Office/Institutional Special Use Permit

Mel Rashkis requested that stipulation #8 of the resolution be amended to allow the Town's Engineer and Manager to work with the developer's engineer to establish a drainage system acceptable to the Manager.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION #152, WITH AN AMENDMENT TO STIPULATION #8 ADDING THE WORDS "OR A COMPARABLE DRAINAGE SYSTEM ACCEPTABLE TO THE TOWN MANAGER.

Council Member Preston thanked the developer for the positive compromise to the stormwater drainage problem.

Council Member Boulton said Council will need to establish a policy for pervious/impervious surface materials use.

Council Member Broadfoot asked for an explanation of how one gets from R-5 to Office/Institutional use without a zone change. Planning Director Liz Rooks referred to the Table of Permitted Uses, Article 4, and explained. Council Member Broadfoot said it seems that a zone is not restrictive in any way. Ms. Rooks said that is correct as long as the land area is minimal, or the request is adjacent to either a similar planned development or a similar zoning district.

Council Member Broadfoot said this is called cumulative zoning. He said where planned development is concerned, there is no protection whatsoever for the neighborhood. It can move in under it's own rules, and not the rules that pre-exist for the neighborhood. Attorney Barrett pointed out the authority for that in the second paragraph of Section 8.8.2 of the Development Ordinance.

Council Member Broadfoot asked how it was decided that this proposal is compatible with Hillhaven Rest Home, which is adjacent. Ms. Rooks said Hillhaven was approved under the old ordinance as equivalent to an Institutional Special Use Permit.

Mayor Nassif said this is something that is simply organic to the new ordinance. He said under the old ordinance one could put unified housing or unified business in any zone in Town. He said this is the same technique as the new ordinance.

Council Member Kawalec said she feels there are about as many housing in that block of Franklin Street as she feels can be accommodated. She said she is glad to see the office/institutional being planned in this area.

THE MOTION CARRIED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER BROADFOOT VOTING AGAINST THE MOTION.

The Resolution was adopted as follows.

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-OFFICE/INSTITUTIONAL SPECIAL USE PERMIT TO MEL AND ZORA RASHKIS (84-R-152)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Office/Institutional Special Use Permit proposed by Mel and Zora Rashkis if developed in accordance with the plans submitted May 15, 1984 and the stipulations and conditions set forth below:

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

These findings are conditioned on the following stipulations:

1. That a sidewalk connection be provided from the building to Couch Road.
2. That 8'-wide entryway buffers, landscaped to Town standards, be provided. Plans for this buffer shall be approved by the Appearance Commission as part of the detailed landscape plan.
3. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That plantings for the proposed bufferyard and trees to be planted behind the dumpster be approved by the Appearance Commission as part of the detailed landscape plan.
5. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
6. 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.
7. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
8. That a stormwater filtration area of pervious surface material, or a comparable drainage system acceptable to the Town Manager, be provided surrounding each stormwater inlet within the parking area. Plans for the filtration areas shall be included on the storm drainage plan to be approved by the Town Manager.
9. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That any trees or significant vegetation that dies during the life of the Special Use Permit be replaced. The species of any replacement vegetation shall be approved by the Appearance Commission, if different from that shown on the approved landscape plan.
11. That a detailed grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall include methods of protecting existing vegetation during construction. Such protection devices shall be in place before construction starts.

12. If any of the above conditions shall be held invalid or void, then this permit shall be void and of no effect.
13. 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.
14. That construction begin by July 31, 1985 and be completed by July 31, 1986.

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

This the 9th day of July, 1984.

Howell Office - Planned Development-Office/Institutional Special Use Permit

Assistant Manager Loewenthal said staff would suggest that Council consider the amended language regarding the drainage plan.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION #153, WITH AN ADDITION TO STIPULATION #12 TO READ "OR A COMPARABLE DRAINAGE SYSTEM ACCEPTABLE TO THE TOWN MANAGER.

Council Member Broadfoot said there is no mention on staff report of what would happen if Council did not approve the Allenton request. He asked if this project is eligible on its own merits. Ms. Rooks said this project is not eligible by itself.

THE MOTION CARRIED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER BROADFOOT VOTING AGAINST THE MOTION.

The Resolution was adopted as follows.

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-OFFICE/INSTITUTIONAL SPECIAL USE PERMIT TO DENNIS AND LYNDIA HOWELL (84-R-153)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Office/Institutional Special Use Permit proposed by Dennis and Linda Howell, if developed in accordance with the plans submitted March 23, 1984 and the stipulations and conditions set forth below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;

- 3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- 4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

- 1. That the entrance from Franklin Street be deleted and the existing curb cut be replaced with curb and gutter. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 2. That the internal sidewalks be extended to connect with the existing sidewalk on Couch Road. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 3. That the parking lot and drive aisles be paved to Town standards with curb and gutter. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 4. That wheel stops be provided for the parking spaces which abut sidewalks or that the sidewalks be 6' wide. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 5. That the parking be screened from the streets by a 3' high fence, wall or hedge and from the adjoining residential district by 6' high fence, wall or hedge. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 6. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 7. That a 10' wide bufferyard, landscaped to Town standards be provided along the property's southern and western boundaries where such buffer has not already been provided by adjacent developments. However, should the property to the west be approved for a similar use prior to issuance of a Zoning Compliance Permit for this development, no buffer shall be required. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 8. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
- 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 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.
- 11. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 12. That a stormwater filtration area of pervious surface material, or a comparable drainage system acceptable to the Town Manager, be provided surrounding each stormwater inlet within the parking area. Plans for the filtration areas shall be included on the storm drainage plan to be approved by the Town Manager.
- 13. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 14. That any trees or significant vegetation which dies during the life of the Special Use Permit be replaced. The species of any replacement vegetation shall be approved by the Appearance Commission, if different from the approved landscape plan.

15. That a detailed grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include methods of protecting existing vegetation during construction. Such protection devices shall be in place prior to start of construction.
16. That construction begin by January 31, 1986 and be completed by January 31, 1990.
17. 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.
18. 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-Office/Institutional Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 9th day of July, 1984.

Entranceways Task Force - Report

Council Member Howes said the Task Force has done a very fine job with a very difficult problem. He said he would urge the Task Force to begin with methods of implementation. Mr. Howes asked what is meant by architectural consistency with a site. Ms. Cunningham said the building design should be suitable to the site.

Council Member Pasquini asked what would be the quickest way to implement the recommendations. Ms. Cunningham said the Task Force would like for this matter to go to public hearing to receive public input. Mayor Nassif said after Council receives the final report, it will call a public hearing. Ms. Cunningham said the Task Force would like to have some further instruction so that a final report can be made.

Council Member Boulton questioned the length of the entranceways. Council Member Broadfoot said he would like to see as much as possible salvaged for entranceways. He said the report is lucid and sensible, and wishes all the recommendations were implemented right away.

Mayor Nassif said the interim report shows a change in recommendations about the N.C. 54 entranceway from what the Task Force submitted previously. Ms. Cunningham said there had been a change, and it is explained in the report.

Council Member Preston asked if the Task Force has any specifics on how to go about removing the overhead utilities. Ms. Cunningham said not yet.

Council Member Smith said he doesn't believe an entranceway from Carrboro has been considered. He said he would like for this to be considered. He said he would like for the Task Force to spell out specific places for beautification by volunteer groups, so this can begin as volunteers contact the Town. Mr. Cunningham said the Task Force feels gateways at all entrances to Chapel Hill would be a good project for volunteers. Mr. Smith said he would not like for the report to sit dormant for years because there is no master plan. Ms. Cunningham said this would be in the final report.

Mayor Nassif said the final report should be specific; that Council must know what will be done, and the ways and means of accomplishing these things.

Council Member Pasquini asked when Council will receive the final report. Assistant Manager Loewenthal said staff would need time to work with the Task Force, that the final could be submitted at the second November meeting.

Greenways Task Force - Report

Council Member Smith asked what is meant by quality development. Lightning Brown said the Task Force considered the livability of the Town, and the aesthetics, and the interaction between neighborhoods as quality development.

Mr. Brown said it is quite a laborious task to try to collect greenways easements piecemeal. He said if we want to have this kind of development in Town, we should have a plan so developers could orient to it.

Council Member Preston said Council should remember that this will require an on-going budget.

Council Member Howes asked if the Task Force meant to recommend to avoid single-family homes. Mr. Brown said this part of the report reflects opinions of the public, rather than the Task Force. Mr. Howes asked Mr. Brown about his opinion on the level and character of these concerns about pedestrianways abutting private property. Mr. Brown said in Raleigh, property abutting greenways have now increased in value, with greenway areas being more valuable because this resource is near these properties. Mr. Brown said the Task Force proposal uses the floodplain area which cannot be built on. He said there are places where the plan will have to be retrofitted to the neighborhood, but the greenways can usually fit together using some sidewalks.

Council Member Howes said citizens have called him with concerns about ruffraff using the pedestrianways next to their homes. Mr. Brown said that Raleigh has not had this kind of problem.

Council Member Broadoot said he supports the greenways program, but would like the Task Force to consider open space also, as space that does not have to be used for anything. He said he would oppose what he perceives would be a central use of the greenways, which would be transportation.

Council Member Boulton said it is annoying to have people use your property as a thru-fare. She said that if the greenways will be close to homes, there must be some standards set up as to how far away we must stay, and what buffers will be required. She asked that this be included in the final report.

Council Member Smith said safety considerations should be spoken to. Mr. Brown said the Task Force has considered safety, and will recommend access for public safety vehicles. Mr. Smith asked that this be specifically spoken to in the final report.

Development Proposals - Proposal To Suspend Consideration

Mayor Nassif said that unless Council overrules, he will not permit public discussion on this matter.

Council Member Preston said she requested that this matter be brought to Council for a number of reasons. She said if Council votes to allow the public speak to these concerns, after the public hearing--if Council determines that a suspension of development is warranted--the timing for such a pause would come during a year building might normally be low--the late fall and early winter. She said she feels this is a fair approach as far as developers are concerned. She said the Land Use Plan speaks to a number of issues Council has before it now for review: stormwater, water quality, and flood management policies, which are all addressed in the Land Use Plan. Entranceways and Greenways are addressed in the Land Use Plan and other aspects of planning that should be reviewed. Ms. Preston said of critical importance is the Zoning Atlas: the standards adopted for water control systems. She said the Entranceway Task Force has proposed zone changes, and the greenways system would also have an impact. She questioned if Chapel Hill really needs the R-5 and R-6 zoning, or are some incorrectly applied to land that is too steep. Ms. Preston said the Council must adopt measures which will help manage growth. She said there are many ideas ways to do this. Ms. Preston said she believes these concerns are valid, and that the Town needs a period of time when Council can address these issues when there are no development requests to be considered.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER BROADFOOT, TO ADOPT RESOLUTION #154.

Council Member Broadfoot said he agrees that this is a good time, because of the accelerated pace of development, for Council to look at what it is doing and where it is going. He said this would keep Council out of legal trouble. He said citizens feel they want to be heard, and he feels it is Council's duty to allow the citizens to be heard. He said Council can get guidance and wisdom from citizens on this matter.

Council Member Boulton said all Council Members are concerned about the fast pace of development and taking another look at the Land Use Plan. She said the question is how to proceed with this. She agreed that development will be slower in the fall; but she feels a public hearing is premature. She said a work session is needed.

Council Member Preston said she is suggesting that these things be done simultaneously.

Council Member Howes said he is concerned that the only thing the Resolution allows citizens input on is the moratorium. He said he feels the moratorium is the least important part of the issue. Council Member Preston said she would like to hear from the public about the individual issues which could lead to a decision on a moratorium. Mr. Howes said he is concerned about the timing which he feels will not allow for the valuable discussion needed in response to specific proposals as Ms. Preston has indicated. He said Council needs reaction about zoning, the land use plan, and new elements and a growth management plan that would deal with the pace and timing and location of development, ways in which the Town can control those things within the limits of the police power. He said Council is not ready to put these forward in September.

Council Member Preston said she feels these are issues that are spelled out, and that the public could respond to them.

Council Member Smith said the Town needs to look at what is needed to accommodate present development. Ms. Preston said she thinks her recommendation will give Council a chance to consider these things without having to consider new development.

Council Member Thorpe said he would always welcome the public to speak; but would oppose a resolution to stop development. He said public hearings were held when the new zoning ordinance was being considered. He said now Council is caught up in development; and the Manager and staff will bring recommendations to Council based on what the law is. He said if there were an ordinance presented with specific changes proposed, he would consider. He said he is tired of people opposing projects that don't affect where they live. He said when citizens don't have facts, or something specific to talk about, it would be a mess. He said he will follow the law, which is clearly designed.

Council Member Kawalec asked if Council would be willing to set up a blue ribbon task force to define to what extent Council wants to guide growth. She said unless the Town develops and grows, the State will not continue to improve roads. She said she would like a positive approach this issue, and this task force would be her recommendation.

Council Member Broadfoot said if this resolution doesn't pass, Council will do nothing, which would not be what he would like. He said Council should try to get experts to help out with this problem.

Council Member Howes said he would argue against this procedure for handling the issue; however, he is not arguing against the problem. He said he feels a public hearing is premature, and he would agree with the idea of a task force.

Council Member Preston said the community perceives a problem; that Council is getting carried away in the flow and hasn't had the time to consider these issues.

Council Member Boulton asked about a task force to begin working with Council in September. Ms. Preston said if the task force could be short-lived so it doesn't go on forever.

Council Member Howes said elements of a growth management system could be written by the task force. Ms. Preston said if the task force is the solution that would satisfy the most people, she would withdraw her motion.

Assistant Manager Loewenthal said assuming a task force could be appointed to work with staff during the summer, staff could make a list of items with details to be considered. Attorney Barrett said the deadline for the October public hearing is sometime this month.

Council Member Smith said Council could hire a consultant, and this would assure the matter would be ready for public hearing.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, THAT COUNCIL APPOINT A BLUE RIBBON TASK FORCE TO CONVENE AS SOON AS POSSIBLE, TO STUDY THE ISSUES OF GROWTH MANAGEMENT AND RELATED SUBJECTS SUCH AS THE LAND USE PLAN AND ZONING ATLAS AND HOW THEY RELATE TO EACH OTHER, TO REPORT BACK TO COUNCIL AT THE FIRST MEETING IN SEPTEMBER, THAT THE TASK FORCE BE MINDFUL THAT ELEMENTS OF THE REPORT THAT MAY NEED TO GO TO PUBLIC HEARING WOULD NEED TO BE READY FOR THE OCTOBER PUBLIC HEARING.

Mayor Nassif said he will vote for the substitute motion, but would not have voted for the original motion. He said no one has more knowledge than Council, Planning Board, and staff about planning. He said Council has had two opportunities to eliminate June public hearings, but has chosen to hold them. He said Council has a right to limit the number of items on a public hearing agenda. He said Council should give this authority to the Manager. He said it is important for Council to understand that all units requested will not be built. He said Council has all the tools to do the job, but it doesn't use the tools. He said Council needs to decide how it wants the system to operate.

THE SUBSTITUTE MOTION CARRIED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER SMITH VOTING AGAINST THE MOTION.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, THAT THIS TASK FORCE BE MADE UP OF 3 TO 5 IMPARTIAL MEMBERS.

THIS MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER KAWALEC MOVED THAT MEMBERS BE APPOINTED BY THE MAYOR ON SUGGESTION OF COUNCIL MEMBERS; THAT COUNCIL BE ENCOURAGED TO GIVE NAMES OF PEOPLE WHO HAVE EXPERTISE, WITH A PASSION FOR THE COMMUNITY, AND WITH NO PARTICULAR BIASES FOR APPOINTMENT TO THE TASK FORCE.

THE MOTION FAILED FOR LACK OF A SECOND.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT THE MAYOR, COUNCIL MEMBER HOWES, AND COUNCIL PRESTON FORM A COMMITTEE TO SELECT THE TASK FORCE MEMBERS.

THE MOTION PASSED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER THORPE VOTING AGAINST THE MOTION.

Council Public Hearings - Limit for Agendas

Council Member Smith said insufficient time is allowed for items on the agenda. He said this is unfair to staff and citizens who want to hear consideration of the items.

Council Member Boulton said staff should be more realistic when regulating the times for agenda items.

Council Member Thorpe said Council Members' presentation times should be limited.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER BROADFOOT, TO ADOPT RESOLUTION #155 WITH THE CHANGES.

Assistant Manager Loewenthal said staff may not have a sense of the amount of time a development request would take, or how much public input there would be. Mayor Nassif said that sense could be developed.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO POSTPONE THIS ITEM UNTIL COUNCIL RECEIVES THE REPORT OF THE BLUE RIBBON TASK FORCE.

THIS MOTION CARRIED UNANIMOUSLY.

Council Member Smith left the meeting at 10:28 pm.

Special Use Permits & Site Plans - Start of Construction

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO POSTPONE THIS ITEM UNTIL COUNCIL RECEIVES THE REPORT OF THE BLUE RIBBON TASK FORCE.

THE MOTION CARRIED UNANIMOUSLY.

Planning Board - Composition

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT ORDINANCE #54a.

Council Member Broadfoot said he thinks these appointees should be from Chapel Hill, not Orange County.

Roscoe Reeve said the Planning Board discussed the recommendation of a 7-3 composition, but did not discuss an 8-2 composition.

Council Member Smith returned to the meeting.

Mr. Reeve said there was no vote to consider one composition over the other. The Board only chose to consider and recommend the 7-3 composition. Mr. Reeve said the representative nature between a County or Town member is not obvious except the representation. He said representation is a highly-sensitive issue to county citizens when there are issues which concern the county areas; but the actual working of the members is not affected. He said the Planning Board feels that representation exceeds the population in that area, but the good will that this affords to county residents is worth the imbalance.

Council Member Kawalec said that Planning Board members do a good job of explaining Town actions in neighborhoods, and therefore there is a need for more representation in Chapel Hill.

COUNCIL MEMBER KAWALEC MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER BOULTON, TO AMEND ORDINANCE 54a TO ESTABLISH AN 8-2 COMPOSITION.

Council Member Boulton said there should be some rationale for why and how many people there are on committees/commissions. She said people in town do appreciate being able to talk to town representatives on committees, and she feels there should be more in-town representation.

THE MOTION CARRIED BY A VOTE OF 7 TO 2 WITH COUNCIL MEMBERS BOULTON, PASQUINI, BROADFOOT, KAWALEC, HOWES, AND PRESTON, AND MAYOR NASSIF VOTING FOR THE MOTION AND COUNCIL MEMBERS THORPE AND SMITH VOTING AGAINST THE MOTION.

THE SUBSTITUTE MOTION CARRIED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER SMITH VOTING AGAINST THE MOTION.

The Ordinance was adopted as follows.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-0-54a)

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 2.2.1 (Establishment of the Board; Qualifications) to read as follows:

2.2.1 Establishment of the Board; Qualifications

A Planning Board, consisting of ten (10) members, is hereby established. Eight (8) members, appointed by the Council, shall reside within the corporate limits of Chapel Hill. Two (2) members, shall reside within the Town's extraterritorial planning jurisdiction, and shall be appointed as provided by State law. Members shall serve without compensation, but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the Board.

SECTION II

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

This the 9th day of July, 1984.

YMCA - Campaign To Save

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL HOWES, TO ADOPT RESOLUTION #156.

Council Member Broadfoot said he has reservations about expressing a preference for one campaign over another, as a Council Member.

Mayor Nassif said the Resolution is only written to say support the Y if you can.

Council Member Kawalec said she wishes this had not come before Council; that she doesn't feel comfortable telling citizens to support one charity over another.

Council Member Boulton said this could put Council Members on the spot. She said if Council will ask people to support, Council should agree unanimously about the action.

Council Member Broadfoot said he feels the Resolution is specific, and will not vote for it.

Council Member Boulton said that without the names on the Resolution itself, a majority vote is sufficient.

THE MOTION CARRIED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER BROADFOOT VOTING AGAINST THE MOTION.

The Resolution was adopted as follows.

A RESOLUTION BY THE CHAPEL HILL TOWN COUNCIL URGING CITIZENS TO PARTICIPATE IN THE CHAPEL HILL NEWSPAPER'S CAMPAIGN TO SAVE THE YMCA (84-R-156)

WHEREAS, the Chapel Hill-Carrboro YMCA has been an important presence in our community since 1967; and

WHEREAS, the YMCA offers classes and programs in aquatics, physical fitness, informal education and summer camps; and

WHEREAS, through these programs the YMCA promotes the spiritual, intellectual, social and physical well-being of many of our citizens; and

WHEREAS, the YMCA also offers our community a wide variety of extra programs and services ranging from diving instruction for members of the High School swim team to English language instruction for spouses of foreign UNC students; and

WHEREAS, the YMCA also awards scholarship and participation memberships to children needing financial help; and

WHEREAS, The Chapel Hill Newspaper has launched a community-wide campaign to save the YMCA by helping the agency get on sound financial footing; and

WHEREAS, the goal of the Newspaper's drive is to raise \$400,000 over a four-year period through \$1-a-week pledges from 2,000 citizens; and

WHEREAS, the Newspaper hopes to reach this goal through cash contributions and pledges by July 31; and

WHEREAS, as of July 2, 1,012 citizens had pledged \$184,918 towards this goal; and

WHEREAS, the Town Council recognizes the great value of the YMCA to our citizens and endorses this community-wide effort;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby urges citizens who have not already done so to support this worthwhile community effort.

This the 9th day of July, 1984.

Housing Authority - Performance Agreement

COUNCIL MEMBER PASQUINI MOVED TO ADOPT RESOLUTION #158

THE MOTION FAILED FOR LACK OF A SECOND.

Council Member Boulton asked about staff concerns to the Human Services Advisory Board recommendations. Assistant Town Manager Secrist said a majority of the members felt since it was the number one need, they feel the Town staff should be intimately involved.

Mayor Nassif said there is a stigma associated with the Housing Authority, that it is only associated with low-income matters. He said if the Housing Authority takes care of needs, it doesn't mean it can't take care of other needs.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT RESOLUTION #158.

Council Member Kawalec asked what would be Council's role in the CD process. Assistant Manager Loewenthal said Council would communicate to Manager as always.

COUNCIL MEMBER BROADFOOT MOVED TO POSTPONE THIS MATTER UNTIL STAFF CAN REPORT ON WHAT OTHER ENTITLEMENT CITIES DO.

THE MOTION FAILED FOR LACK OF A SECOND.

THE MAIN MOTION PASSED BY A VOTE OF 8 TO 1 WITH COUNCIL MEMBER BROADFOOT VOTING AGAINST THE MOTION.

The Resolution was adopted as follows.

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO A CONTRACT FOR SERVICES WITH THE CHAPEL HILL HOUSING AUTHORITY (84-R-158)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to enter into a performance agreement with the Chapel Hill Housing Authority to implement the housing rehabilitation and homeownership opportunities programs funded by the 1984 Community Development entitlement grant, and which follows substantially the proposal of Mr. Judson Barrett's letter of June 26, 1984; and to enter into an agreement for reimbursement of the Authority's planning expenses during the period of contract negotiation; the total costs for which agreements shall not exceed \$42,000.

This the 9th day of July, 1984.

Cable Television Franchise Amendment - Village Cable, Service Extension Policy (Second Reading)

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADOPT ORDINANCE #49.

Mayor Nassif said that unless there is an effort to do a comprehensive overview, to speak to all the issues of concern to the Town, he will not vote for these individual changes.

Council Member Kawalec said it was her understanding, when the franchise was passed, that this would allow operation of the franchisee for 15 years with minimal changes. She said she feels it is extremely undesirable for Council to open the question for a lot of changes in the franchise at this point. She said she feels many people in the community would be opposed to a comprehensive review at this time.

Mayor Nassif said the Town has some problems as well as Village Cable, and he feels the two should sit down and get all these concerns addressed at one time.

THE MOTION PASSED BY A VOTE OF 7 TO 2 WITH COUNCIL MEMBERS THORPE, BOULTON, PASQUINI, BROADFOOT, KAWALEC, HOWES, AND PRESTON VOTING FOR THE MOTION, AND COUNCIL MEMBER SMITH AND MAYOR NASSIF VOTING AGAINST THE MOTION.

The Ordinance was adopted as follows.

AN ORDINANCE AMENDING THE FRANCHISE GRANTED TO VILLAGE CABLE, INC. (84-0-49)

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

SECTION I

That Paragraph 2, Page 1 of 4, of Form H of Village Cable's franchise proposal of September 4, 1979, is amended as follows:

a. Initial Service Area

Except for the UNC campus, the "Initial Service Area" shall consist of the area encompassed by the Chapel Hill corporate limits as of January 1, 1980, which is shown on the map referred to in Paragraph 1 of Form H. Service shall be provided to all dwelling units in the Initial Service Area which existed at the time of acceptance of the franchise by Village. Initial service shall be provided to those dwelling units within twelve months following the date on which the franchise was accepted. (Service shall be provided to other dwelling units as provided below.) The UNC campus shall not be included in the Initial Service Area until appropriate authority is granted by the University of North Carolina to extend cable service within the campus. "Dwelling units" as used in this sub-paragraph shall mean units of housing, including without limitation individual apartment units and single-family houses, which are customarily occupied or available for occupancy on a year-round basis. Dwelling units in multiple-family developments such as apartment, townhouse or condominium complexes shall not be considered "dwelling units" for the purposes of this sub-paragraph if the development is served by a "small master antenna television" (SMATV) system.

b. Extension of Service to Dwelling Units in the Initial Service Area Which Are Constructed After the Date of Acceptance of the Franchise and to Dwelling Units in Areas Annexed After the Franchise is Granted

(1) Extension of Service Where Dwelling Unit Density is at Least 40 Dwelling Units Per Mile of Aerial Cable or 30 Dwelling Units Per Mile of Underground Cable:

Village shall extend service to dwelling units constructed in the Initial Service Area and to dwelling units in areas annexed by the Town after January 1, 1980 where there are, on the average, (a) in an area where Village extends service via aerial lines, at least 40 such dwelling units for each mile of proposed new cable extension reasonably necessary for extension of such service, or (b) if the cable extension is underground and is installed on both sides of the street, at least 30 such dwelling units per mile of proposed new cable extension (where the length of the applicable cable extension shall include the cable necessary to serve both sides of the street), rather than 40 dwelling units per mile. Village shall maintain a reasonably accurate record of written and oral requests for service extensions requiring feeder cable extensions. Village shall extend service to a requesting single dwelling unit within six months after receipt by Village of the first request for service.

(2) Extension of Service Where Dwelling Unit Density is Less Than 40 Dwelling Units Per Cable Mile of Aerial Cable (or 30 Dwelling Units Per Cable Mile of Underground Cable):

In areas where there are, on the average, fewer than (a) 40 dwelling units for each mile of new aerial cable required for extension of the service, or (b) 30 dwelling units for each mile of new underground cable (where the length of the applicable cable extension shall include the cable necessary to serve both sides of the street) necessary for extension of service, Village shall provide service with a sharing of costs in the manner illustrated below.

If, for example, service is requested for a dwelling unit in an area where there are 25 dwelling units for each mile of proposed new trunk and feeder cable, Village's share of costs shall equal 25/40ths of the incremental construction cost necessary to extend cable from the nearest existing cable which is capable of delivering a signal consistent with the specifications provided for in the franchise to the dwelling unit for which service is requested, if the area will be served with overhead feeder cable; or 25/30ths if served by underground feeder cable. The remainder of the cost of extension will be paid in full to Village by the households which request service on a pro-rata basis or as otherwise agreed upon by the households. Such shares of extension costs paid by households shall be in addition to any normal installation fees.

The persons requesting service shall do so in writing and shall be obligated to pay Village Cable their respective shares before the commencement by Village of construction. Construction shall commence within 30 days from the date the payment in full is received by Village.

If, following completion of the extension, service is requested for additional dwelling units which can be served by said extension, Village Cable shall recalculate the share for each dwelling unit, increasing the divisor by the number of additional dwelling units for which service is requested. Upon receiving payment for extension costs from such additional households, the households which previously had paid a share of extension cost (under the prior calculation of cost shares) shall receive a proportionate refund mailed within 90 days by Village Cable to the last known addresses of the residents. Residents shall be responsible for notifying Village of address changes.

If the number of dwelling units along a specific extension (regardless of whether receiving service) increases, on the average, to 40 or more dwelling units per mile in an area served by aerial feeder, or 30 per mile in an area served by underground feeder cable, households which previously paid a share of construction costs as most recently calculated shall be mailed refunds of such cost shares within 90 days in the manner described above.

To the extent Village has knowledge of new housing developments in the Initial Service Area and annexed areas, Village will encourage the developers of those new housing tracts to prewire the dwelling units for cable TV.

c. Costs for Service Drops in Excess of 300 Feet

Dwelling units requiring service drops longer than 300 feet from the closest existing feeder cable shall, upon request for service, pay, in addition to the customary installation fee, an additional fee sufficient to cover the incremental labor and material expenses incurred by Village in extending the service drop beyond 300 feet.

d. Definitions

For the purpose of administering Village's franchise proposal of September 4, 1979, as amended, the franchise ordinance, as amended, and Article V of Chapter 10 of the Code of Ordinances of the Town, as may be amended, the following terms are hereby defined:

- (1) a "trunk" cable shall mean a cable, usually but not necessarily of a diameter of approximately 0.75 to 1.0 of an inch, which connects the head-end to feeder cables.
- (2) a "feeder" cable shall mean a sheathed cable, usually but not necessarily of a diameter of approximately 0.412 to 0.625 of an inch, which is installed in right(s)-of-way or easement(s) and may be tapped for service drops to dwelling units or establishments.
- (3) a "service drop" means a cable, usually but not necessarily of a diameter of approximately 0.242 to 0.405 of an inch, which extends from a tap in a feeder cable along a street or other public right-of-way to an outlet or outlets in only one dwelling unit or establishment; provided, that none of the cable within a right-of-way or easement shall be considered part of a service drop to a dwelling unit or establishment.

- (4) The reference to usual diameters in (1) through (3) above reflect 1984 technology and customary industry practices. These diameters may change in the future, and the above references shall be deemed to include and refer to customary diameters used by the cable industry in the future as successors to the usual diameters set forth above.

SECTION II

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

This the 9th day of July, 1984.

Consent Agenda

Council Member Thorpe requested that item c. be removed from the Consent Agenda.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION #159 EXCEPT FOR ITEM c.

THE MOTION CARRIED UNANIMOUSLY.

The The Consent Agenda Resolution, and the resolutions and ordinances adopted thereby, were adopted as follows.

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (84-R-159)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the resolutions submitted by the Manager in regard to the following:

- a. Rejection of bids for transit van. (84-R-160).
- b. Award of contract for truck and trash collection equipment. (84-R-161).
- d. Approval of roster of fire and public safety personnel (certification to State firefighters' pension fund). (84-R-163).
- e. Authorization for audit by Touche Ross & Company of "Section 15" reports re transit system. (84-R-164).

This the 9th day of July, 1984.

A RESOLUTION REJECTING BIDS FOR ONE (1) SIX TO EIGHT PASSENGER LIFT-EQUIPPED BUS (84-R-160)

WHEREAS, the Town of Chapel Hill has solicited formal bids on May 4, 1984 and the following bids have been received:

<u>Vendor</u>	<u>Vehicle Base Bid</u>	<u>Vehicle Alternate Bid</u>
FLX, Inc. Evergreen, AL	\$27,289	\$27,439
Coach & Equipment Manufacturing Corp., Penn Yan, NY	\$34,956	\$35,156
Carpenter Bus Sales Franklin, TN	\$35,095	\$35,295

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects the bids of FLX, Inc., Coach and Equipment Manufacturing Corp. and Carpenter Bus Sales.

This the 9th day of July, 1984.

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR ONE (1) CAB AND CHASSIS EQUIPPED WITH A DUMP BODY AND KNUCKLE BOOM TRASH LOADER (84-R-161)

WHEREAS the Town of Chapel Hill has solicited formal bids on June 22, 1984 and the following bids have been received:

<u>Vendor</u>	<u>Cab/Chassis</u>	<u>Dump Body</u>	<u>Body Install</u>	<u>Trash Loader</u>	<u>Loader Inst.</u>	<u>Total Bid</u>
Carolina Mack, Raleigh		NO BID				
Lincoln Mfg. Co., Dunn		\$3,968	\$550			\$ 4,518
Peterson Industrial Machines, Florida	\$18,225	\$3,350	\$150	\$10,500	-	\$32,825

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of, and awards a contract to Petersen Industrial Machines, Inc. in the amount of \$32,825.

This the 9th day of July, 1984.

A RESOLUTION AUTHORIZING CERTIFICATION OF FIREFIGHTERS (84-R-163)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Mayor Joseph L. Nassif is hereby authorized to certify to the North Carolina Firefighter's Pension Fund the attached roster of Firefighters and Public Safety Officers employed by the Town of Chapel Hill on June 30, 1984.

This the 9th day of July, 1984.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR AUDIT SERVICES (84-R-164)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor of the Town of Chapel Hill be and is hereby authorized to enter into a contract with the firm of Touche Ross & Company for audit services required by Section 15 of the Urban Mass Transportation Administration covering activities in the 1983-84 fiscal year.

This the 9th day of July, 1984.

Transit Fares - Reduction

Council Member Thorpe said he feels the most effective way to get riders is to advertise, rather than to reduce fares.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL BOULTON, TO ADOPT RESOLUTION #162.

Council Member Broadfoot said he thinks the Town will lose money. He said it is not a meaningful gesture in the direction of the students, because fares will be raised as soon as classes begin. He said it will cause an adverse reaction when the fares return to regular rate.

THE MOTION FAILED BY A VOTE OF 4 TO 5, WITH COUNCIL MEMBERS BOULTON, PASQUINI, HOWES, AND PRESTON VOTING FOR THE MOTION, AND COUNCIL MEMBERS THORPE, BROADFOOT, KAWALEC, SMITH, AND MAYOR NASSIF VOTING AGAINST THE MOTION.

Executive Session

COUNCIL MEMBER SMITH MOVED, AT 11:14 PM, SECONDED BY COUNCIL MEMBER PRESTON, TO ADJOURN TO EXECUTIVE SESSION.

THE MOTION CARRIED UNANIMOUSLY.

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

SAID MOTION WAS UNANIMOUS.

Joseph L. Nassif, Mayor

Robin G. Rankin, Deputy Town Clerk