

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, NOVEMBER 12, 1984, 7:30 P.M.

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

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

Marilyn Myers Boulton was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Grainger Barrett.

Public Forum - 1985-86 Budget

Adelaide Ellis requested that Council allocate money for a study of Chapel Hill's storm water management system as well as for a storm water management project which would include actual work and improvements to the system.

Henry Whitfield endorsed Ms. Ellis' proposal. He also said Council should institute a policy of regularly acquiring the floodplain and low areas of town that could be used for parks. Mr. Whitfield said the town should work with the Corps of Engineers as channelizing the creek from below 15-501 to Jordan Lake.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER COMMENTS FROM THE PUBLIC FORUM TO THE MANAGER.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Petitions

Mary Hargraves explained the history of her involvement with the replacement house program for a house at 429 Hillsborough Street. She said she is seeking Council's support for her request to continue negotiations with the Housing Authority and for participation in the program. She explained she had been told there were two problems with her previous request: whether she had clear title to the house and whether she could make payments on the low cost loan. She said neither of the questions was now valid. Ms. Hargraves said she could offer property on Rogers Drive as collateral.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO REFER THE PETITION TO THE MANAGER FOR ANY RECOMMENDATIONS STAFF MIGHT HAVE IN SOLVING THE PROBLEMS.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Phil Rominger, Manager of Willow Terrace Condominiums, distributed a petition which requested Council's assistance in helping to restore the sight and sound barrier which was recently removed from the area around Sonny's Bar-B-Que and Willow Terrace Condominiums. Mr. Rominger also submitted a letter from the Chapel Hill Alliance of Neighborhoods which supported the petition. Mr. Rominger introduced Dorothy Cook, a resident of Willow Terrace Condominiums. Ms. Cook explained to Council what she saw and whom she talked with on October 28, 1984 regarding the tree cutting in the area of Willow Terrace Condominiums.

Charles Nelson, representing the Appearance Commission, read a statement from the Commission which asked Council to take action to make sure the buffer is replaced.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THE PETITION TO THE MANAGER FOR RECOMMENDATIONS.

Mayor Nassif asked if the Town has received correspondence from the owners of Sonny's. Manager Taylor replied that the Town has sent a letter to the owners of Sonny's and is now awaiting a reply. Mr. Rominger noted that 24 trees and 23 shrubs were removed from the Willow Terrace property. Manager Taylor said the Town has requested that Sonny's submit a landscape plan. He said the Town wants the buffer restored. Council Member Broadfoot said the Manager's report should include a consideration of damages for removal of the buffer. Council Member Smith questioned whether a buffer was required as a stipulation in the approved special use permit for Willow Terrace Condominiums.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Henry Whitfield said the Town's consideration of purchasing the Pearsall property is premature. He said that private development of the property would be more beneficial and the Town and County would not lose the revenue generated by the property. He suggested locating the proposed Rosemary Square project on the property.

Michael Brough requested that he be allowed to speak to item 4a.

Robert Page requested that he be allowed to speak to item 4a.

Robert Page requested that Pete DeBose be allowed to speak to item 5. Mayor Nassif said he would not allow Mr. DuBose to speak since this was the second reading of the motion.

Art Werner requested that he be allowed to speak to item 4a.

Watts Hill Jr. requested that he be allowed to speak to items 4 and 6.

Lyn Van Ness requested that he be allowed to speak to item 14f if it is removed from the Consent Agenda.

Karen Trout requested that she be allowed to speak to item 8.

Runyon Woods requested that he be allowed to speak to item 8.

Runyon Woods requested that Kenneth Ness be allowed to speak to item 8.

Manager Taylor requested that item 13 be removed from the agenda at the request of the petitioner.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REMOVE ITEM 13 FROM THE AGENDA.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Manager Taylor said item 14e needs to be removed from the agenda. He said the applicant no longer wants to purchase the house.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REMOVE ITEM 14e FROM THE AGENDA.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Manager Taylor introduced Roger Waldon, the new Planning Director.

Council Member Broadfoot petitioned Council to require a written document from persons requesting money from the Town.

Council Member Smith informed Council of the upcoming Mental Health Association's Annual meeting.

Approval of Minutes (October 8, 1984)

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO APPROVE THE MINUTES OF OCTOBER 8, 1984 AS CIRCULATED.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Approval of Minutes (October 15, 1984)

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO APPROVE THE MINUTES OF OCTOBER 15, 1984 AS CIRCULATED.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Growth Management - Issues and Process

Michael Brough, representing the Medical Foundation, asked that the request for the Medical Foundation offices be exempted from Council's contemplated postponement of development request reviews. He said the applicant plans no exterior changes to the house. He also said that if the house remains vacant it will have a negative impact upon the neighborhood.

Robert Page, representing the applicant of the Commons at Woodlyn, requested that Council exempt the Commons at Woodlyn in its postponement of development application reviews.

Art Werner, representing the Chapel Hill Alliance of Neighborhoods, made a point on item 4b. The petition requesting a six month moratorium was not from him as stated, but rather was from the Chapel Hill Alliance of Neighborhoods. He went on to express support for the Manager's recommendation on reviewing the growth management issues. He suggested that Council consider an amendment which would have Council assess its progress on the "short-term" growth management issues at the first Council meeting in March 1985.

Watts Hill Jr., representing the Chamber of Commerce, said the Chamber's membership is unaware of the issues being considered by Council. He noted that the packet for this meeting was extremely large and the Chamber did not receive it until this past Thursday. He said the Chamber needs more time to inform its members about the issues in order for the Chamber to be able to consider endorsing issues. He asked that consideration on item 4 be delayed until the first meeting in December. Mr. Hill said the Chamber endorses items 6a, 6b, and 6c but would like Council to delay consideration of item 6d until its first meeting in December.

Manager Taylor reviewed recommendations contained in 84-R-222.1.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-222.1 WITH THE FOLLOWING AMENDMENT: "AND BE IT RESOLVED THAT THE TOWN'S PROGRESS ON ACTING ON THE SHORT TERM ISSUES STATED IN THE NOVEMBER 12, 1984 MEMORANDUM ON "GROWTH MANAGEMENT ISSUES AND PROCESS" BE ASSESSED AT THE FIRST TOWN COUNCIL MEETING IN MARCH 1985 AND THAT A DECISION BE MADE AT THAT TIME WHAT FURTHER ACTIONS TO TAKE IN ORDER TO MEET BOTH THE SHORT-TERM AND LONG-TERM GOALS STATED IN THE ABOVE MENTIONED MEMORANDUM."

Council Member Smith asked how much time it will take before Council can take concrete action on the issues. Manager Taylor said he foresees Council taking prompt action on the short-term issues. He said actions on some of the long-term items might take up to one year.

Council Member Preston expressed support for the resolution. She commented that success of the planning issues depends on Council's commitment to the process.

Council Member Howes said that although he is concerned about the Commons at Woodlyn and the Medical Foundation Offices, he feels that separating consideration of either of the items would break down Council's concensus on 84-R-222.1.

Council Member Broadfoot said the Manager should feel free to send staff where needed to gather pertinent information about the issues and to hire additional personnel to assure quality decisions at a rapid speed. Council Member Broadfoot said he does not feel the Manager addressed the charge, given to him by Council, to make recommendations on the proposed six-month moratorium. Council Member Thorpe commended the Manager for suggesting the proposed review process as opposed to just making comments on the suggested moratorium.

Council Member Pasquini said he hopes the tree ordinance can be moved closer to the top of the proposed schedule.

Mayor Nassif said all the short-term issues except for floodplains have been considered and voted on previously by Council. He expressed objection to delaying consideration of the issues. He said he does not like to continue putting in time again and again on the same issues. Mayor Nassif also stated the Town is having problems with the design of projects rather than with the density of projects.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION REGARDING CONSIDERATION OF GROWTH MANAGEMENT ISSUES (84-R-222.1)

WHEREAS, managing the growth and development of Chapel Hill are of utmost concern to the Town Council and citizens, and

WHEREAS, the Town Council desires to promptly review and evaluate land use regulations for Chapel Hill and the Town's extraterritorial planning jurisdiction,

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. That Council adopts the Tentative Schedule for Public Hearings included as Appendix B in the Town Manager's report of November 12, 1984 on growth management issues.
2. That Council hereby schedules the following work sessions on growth management questions:
 - 7:30 p.m. Wednesday, December 5, 1984, for discussion of land use regulations and specific items for public hearings in January and February.
 - 8:30 a.m. Friday, January 4, 1985 (for discussion with Planning Board of the Goals and Objectives of the Town's Comprehensive Plan).

- 8:30 a.m. Saturday, January 5, 1985 (for discussion of land use regulations for further consideration in 1985 and 1986).

BE IT FURTHER RESOLVED that in the first meeting in March, 1985, Council will assess its progress on the "short-term" issues listed in the Manager's report on this matter dated November 12, 1984.

This the 12th day of November, 1984.

Attorney Barrett said Council needs to consider 84-R-222b in order to extend the time limit for the Manager's report on certain topics.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER BROADFOOT, TO ADOPT 84-R-222b.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION REGARDING PUBLIC HEARINGS ON CERTAIN DEVELOPMENT APPLICATIONS (84-R-222b)

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council extends the Manager's review period for the Glen Oaks, Commons of Woodlyn and Shepherd Lane Development applications to March 19, 1985, and that the Council extends the Manager's review period for Mill Race, Tate Apartments, and the Medical Foundation Offices development applications to April 15, 1985.

This the 12th day of November, 1984.

Attorney Barrett said the memorandum, included in Council's packets, on the legal questions regarding the moratorium petition should be self explanatory.

Building Heights and Payments in Lieu-Public Hearing

COUNCIL MEMBER BROADFOOT MOVED THAT THE PUBLIC HEARING IN JANUARY 1985 INCLUDE A CONSIDERATION OF REDUCING THE MAXIMUM BUILDING HEIGHT IN TC-2 TO 70'. COUNCIL MEMBER PRESTON SECONDED THE MOTION.

Mayor Nassif urged Council to vote against the motion since Council has previously taken a stand on this issue.

THE MOTION FAILED BY A VOTE OF 2-6. COUNCIL MEMBERS BROADFOOT AND PRESTON VOTED FOR THE MOTION.

Council decided that no action was necessary on 84-R-223 and 84-R-224 since the items were incorporated in the adoption of 84-R-222.1.

Rezoning 115 Acres near 54 East from R-4 to R-1 (2nd Reading)

COUNCIL MEMBER PRESTON MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER HOWES, TO POSTPONE CONSIDERATION OF THE REQUEST UNTIL DECEMBER 10.

Council Member Preston said postponement of the request will allow the owner of the property time to possibly propose an easement for part of the property.

Mayor Nassif said the zoning should be changed back to what it was prior to adoption of the new ordinance. He noted that approval of the zone change does not preclude negotiations with the owner.

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THE SUBSTITUTE MOTION FAILED BY A VOTE OF 3 - 5 WITH COUNCIL MEMBERS HOWES, PRESTON AND THORPE VOTING FOR THE MOTION.

THE MOTION TO ADOPT 84-0-71a passed 5 - 3 WITH COUNCIL MEMBERS HOWES, PRESTON AND THORPE VOTING AGAINST THE MOTION.

THE ORDINANCE, AS ADOPTED, FOLLOWS:

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS (84-0-71A)

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

SECTION I

That the property identified below and one-half the adjoining rights-of-way of N.C. 54 and Finley Golf Course Road and containing approximately 115 acres of land be reclassified from Residential-4 to Residential-1:

Tract A: the portion of Chapel Hill Township Tax Map 52, Lot 6 which is located on the south side of N.C. 54;

Tract B: the portion of Chapel Hill Township Tax Map 52, Lot 6 that is on the north side of N.C. 54 between the northern right-of-way line of N.C. 54 and a line parallel to and 1,400 feet north of the northern right-of-way line of N.C. 54;

Tract D: Chapel Hill Township Tax Map 65, Block D, Lot 1.

SECTION II

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

This the 12th day of November, 1984.

Downtown Parking - Establishment of Review Process for Considering Contract with Fraser Development Company

Manager Taylor briefly reviewed the proposed agreement. Manager Taylor and Attorney Barrett both thanked Don Donadio representing the law firm of Womble, Carlyle, Sandridge and Rice for preparation of the legal documents for the agreement.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-225 WITH AN AMENDMENT THAT WOULD RESCHEDULE THE WORK SESSION PLANNED FOR DECEMBER 12 TO DECEMBER 11.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION ESTABLISHING A PROCESS FOR CONSIDERING THE PROPOSED ROSEMARY SQUARE DEVELOPMENT (84-R-225)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following process for considering the proposed Rosemary Square development:

<u>Phase</u>	<u>Date</u>
1. Formal presentation of proposed agreement to Council	Monday, November 12
• approval by Council of a process for future action	
• referral of project design to advisory boards	

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| 2. | Public Information | Begins mid-November |
| | <ul style="list-style-type: none"> . mailings to community groups . Fraser Company and Town staff make presentations to civic clubs, advisory boards . Information package available to citizens at Library and Town Manager's Office. | |
| 3. | Work Session of Council on proposed contract | 7:30 pm Tuesday, December 11 |
| 4. | Public Forum and Work Session (for citizens' comments and questions; and discussion of project design with boards). | 8:30 pm Monday, January 7 (after 7:30 pm forum on preliminary capital improvement program) |
| 5. | Action by Council if and as desired | Monday, January 28 (regular meeting) |

This the 12th day of November, 1984.

Downtown Parking - Authorization for Purchase of Pearsall Property

Manager Taylor introduced the proposed resolution. He noted that that the resolution authorizes the Manager to apply to the N.C. Local Government Commission for issuance of parking revenue bonds and notes. He said the purchase arrangements still need to be worked out. Attorney Barrett explained that the contract was originally drafted to include acquisition by cash or by revenue bond notes. The seller, however, requested that the contract specify acquisition by revenue bond notes and not by cash unless the town could not receive approval to issue the revenue bond notes. After discussions with the sellers, Attorney Barrett said the sellers have not decided they want the option of cash or revenue bonds as originally proposed. He said the contract before Council does not include the option of cash or bonds. However, staff would like Council's permission to amend the contract to include the option.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-226.

In response to concerns expressed earlier by Mr. Whitfield, Council Member Broadfoot said that purchase of the property does not necessarily mean the property will not return to the tax rolls. He expressed dissatisfaction with not having seen appraisals of the property.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION REGARDING PURCHASE OF THE PEARSALL PROPERTY (84-R-226)

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, an agreement for the Town's purchase for the sum of \$1.4 million of the property designated as lots 1, 2, 2a, 6, 17, and 18 of block K, Chapel Hill Township Tax Map 85; to sign related documents in connection with the purchase of said property; to apply to the N.C. Local Government Commission for issuance of parking revenue notes and bonds to finance said acquisition; and to undertake any necessary related actions in connection therewith.

This the 12th day of November, 1984.

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Downtown Parking - Acquisition of Sloan Lot

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT 84-R-227.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN AGREEMENT TO PURCHASE THE SLOAN LOT (TAX MAP 80A, LOT 1) (84-R-227)

BE IT RESOLVED that the Council of the Town of Chapel Hill authorizes the Town Manager to enter into negotiations to purchase the parcel identified as Tax Map 80A, Lot 1, with the owners of said parcel.

AND BE IT FURTHER RESOLVED that the Council directs the Town Manager to make recommendations to Council regarding appropriate means to finance this purchase.

AND BE IT FURTHER RESOLVED that the Council directs the Town Manager to bring to Council a proposal for its approval which includes the agreement negotiated with the Sloan heirs and the means of financing.

AND BE IT FURTHER RESOLVED that the Town Manager is authorized to initiate condemnation procedures, should he be unable to negotiate a mutually agreeable settlement.

This the 12th day of November, 1984.

Payments in Lieu of Required Parking in Town Center Zones

In response to Mr. Hill's request to delay consideration of the proposal, Council Member Broadfoot said the last time this proposal was up for consideration Council postponed action at the request of Mr. Hill. Council Member Broadfoot said it should not be postponed again.

Mayor Nassif suggested exploring the possibility of a district tax. Manager Taylor said a district tax is an alternative and that Council might want to discuss the alternatives of financing of downtown parking.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THE ITEM BACK TO THE MANAGER WITH THE REQUEST THAT INFORMATION ON A MUNICIPAL SERVICE DISTRICT BE PROVIDED.

COUNCIL MEMBER BROADFOOT MOVED TO AMEND THE MOTION AND INCREASE THE AMOUNT OF PAYMENT IN LIEU OF PARKING SPACES IN THE TOWN CENTER ZONES TO \$7,500 PER SPACE IN THE INTERIM. THE MOTION TO AMEND DIED FOR LACK OF A SECOND.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Duke Power Substation - Special Use Permit

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT 84-R-229.

Council Member Pasquini expressed some concern about the site selection, buffers and overhead lines. He said his major concern with the project is that the site is on a major entranceway. Council Member Pasquini said the Town needs to protect its entranceways. He said Council should either postpone action on the request until Duke Power can consider other sites or deny the request.

COUNCIL MEMBER PRESTON MOVED TO AMEND THE MOTION TO STIPULATE THAT PEDESTRIAN EASEMENTS BE DEDICATED ACROSS THE SITE WHERE NECESSARY FOR ESTABLISHMENT OF GREENWAY PATHS AS RECOMMENDED BY THE TASK FORCE ON GREENWAYS, PRIOR TO ISSUANCE OF A ZONING COMPLIANCE PERMIT.

Manager Taylor said the stipulation should have been included as part of the Manager's recommended resolution. Therefore, an amendment was deemed unnecessary.

THE MOTION PASSED 7 - 1 WITH COUNCIL MEMBER PASQUINI VOTING AGAINST THE MOTION.

The resolution, as adopted, follows:

A RESOLUTION APPROVING A PUBLIC SERVICE FACILITY SPECIAL USE PERMIT FOR DUKE POWER SUBSTATION (84-R-229)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Public Service Facility Special Use Permit proposed by Duke Power Company, if developed in accordance with the Site Plan and site sections dated August 17, 1984, the Planting Plan and sections dated October 12, 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 construction begin by November 12, 1985 and be completed by November 12, 1989.
2. That detailed plans for the crossing of distribution lines under Morgan Creek be approved by the Town Manager before issuance of a Zoning Compliance Permit for construction of the lines.
3. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
4. That a detailed landscape plan be approved by the Appearance Commission before issuance of a Zoning Compliance Permit, and that such plan include specifications for planting and maintenance of proposed landscaping and replacement of plantings that die.
5. That low-growing trees and other vegetation be preserved and planted within the transmission line right-of-way to mitigate the visual impacts of right-of-way clearing, the overhead lines, and the pole structures, and that such vegetation be shown on the detailed landscape plan.

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6. That additional trees be provided in front of the proposed magnolia trees.
 7. That the development shall be phased to require provision of screening devices before construction of the substation and accessory structures.
 8. That the final plans to be approved by the Town Manager conform to approved preliminary plans and demonstrate compliance with the above conditions and the design standards of Article 6 of the Design Manual.
 9. That steps acceptable to the Town Manager be taken to prevent deposit of materials on public roadways and that measures, as practical, be approved by the Town Manager to remove such materials deposited on the roadways despite precautions taken.
 10. That the lighting plan be approved by the Town Manager before issuance of a Zoning Compliance Permit.
 11. That pedestrian easements be dedicated across the site where necessary for establishment of Greenway Paths as recommended by the Town's Task Force on Greenways prior to issuance of a Zoning Compliance Permit.
 12. That 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.
 13. If any of the above conditions shall be held invalid or void, then this permit shall be void and of no effect.

This the 12th day of November, 1984.

Old Bridge Subdivision - Preliminary Plat Approval

Karen Trout spoke against the proposed request. She said she opposed the request because of the present traffic congestion on Mt. Carmel Church Road. She asked Council to delay approval of this request and any other developments along Mt. Carmel Church Road until the road is improved.

Runyon Woods briefly reviewed the request. He noted that Mt. Carmel Church Road is a state road and disagreed with Ms. Trout's suggestion not to approve any developments along the road until it is improved.

Kenneth Ness, an adjacent land owner, said he has confidence in Mr. Woods' plan for the development. Mr. Ness expressed concern with the width of Mt. Carmel Church Road as proposed in stipulation #1 as it relates to his property. He also said he feels the danger of the curve on Mt. Carmel Church Road has been overlooked during the review of this proposal.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT 84-R-230.

Council Member Smith asked if there had been any contact with N.C. DOT regarding road improvements for Mt. Carmel Church Road. Assistant Manager Loewenthal said Mt. Carmel Church Road is listed on the Town's adopted Thoroughfare Plan. She said the Town and N.C. DOT are presently working on cross-sections for the roadway.

Council Member Pasquini expressed opposition to the request because parts of three lots are in the floodplain, only 7,000 square feet of the required 18,000 square feet for recreation area is provided, and the applicant proposes only a 20' buffer rather than a 50' buffer along Mt. Carmel Church Road. (The Task Force on Entranceways is considering making a recommendation that the Town require 50' buffers along entranceways.)

THE MOTION PASSED 6 - 2 WITH COUNCIL MEMBERS PASQUINI AND SMITH VOTING AGAINST THE MOTION.

The resolution, as adopted, follows:

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR OLD BRIDGE SUB-DIVISION (84-R-230)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary plat submitted September 15, 1984 for Old Bridge Subdivision located on property identified as Chapel Hill Township Tax Map 126, Block D, Lot 11a, subject to the following:

1. That one-half of a 90-foot right-of-way be dedicated along the site's frontage with Mt. Carmel Church Road.
2. That Mt. Carmel Church Road be widened in the vicinity of this development to provide a 10-foot wide left turn lane and two 11-foot wide travel lanes in a manner that will align with similar improvements provided as part of the Sycamore Run Subdivision. Construction plans for these improvements shall be approved by the Town Manager and NCDOT before a Zoning Compliance Permit is issued for any improvements. To the extent feasible, road improvements necessary to the west of this site along Mt. Carmel Church Road shall be located as much as possible to the south side of the right-of-way, in order to minimize any adverse impact to the home site on the tract immediately to the west of this site.
3. That construction plans for Old Bridge Lane be approved by the Town Manager before final plat approval.
4. That a cash payment in lieu of reserved recreation area be made to the Town before final plat approval.
5. That the proposed recreation area be dedicated as a pedestrian and non-motorized vehicle easement on the final plat.
6. That a pedestrian trail be constructed within the proposed pedestrian easement connecting Old Bridge Lane and the recreation area. Plans for the trail shall be approved by the Town Manager before final plat approval.
7. That final utility plans be approved by the Town Manager, OWASA, Duke Power, Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit for any improvements.
8. That prior to paving streets, utility service laterals be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
9. That utility easements as required by the Town Manager be dedicated and shown on the final plat and that easement documents as required by OWASA be recorded before final plat approval. Such utility easements shall include easements needed to connect the proposed water line to that in the Sycamore Run Subdivision.
10. That a storm drainage plan with hydrologic calculations be approved by the Town Manager before issuance of a Zoning Compliance Permit.
11. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.

This the 12th day of November, 1984.

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Cable Television - Report on Petition re Sexually Oriented Programming

Attorney Barrett reviewed a report regarding the petition submitted by George Coxhead on October 8. In addition to the memorandum, Attorney Barrett said that because of a new federal statute there is some possibility that at Franchise renewal time of mutually reaching an agreement with the cable operator that obscenity will not be carried on the cable system.

Public Hearing - Cable Television Programming

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-231.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO AMEND THE MOTION AND ASK THAT A REPRESENTATIVE FROM VILLAGE CABLE BE REQUESTED TO ATTEND THE PUBLIC HEARING.

THE AMENDMENT PASSED UNANIMOUSLY, (8 - 0).

THE MOTION AS AMENDED PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION CALLING A PUBLIC HEARING (84-R-231)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 pm, Monday, January 28, 1985 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, for public comments on matters of sexually-oriented programming on cable television; provided, that film clips, photographs or similar items of a sexual nature shall not be displayed at the hearing.

BE IT FURTHER RESOLVED that the Council respectfully requests that a representative of Village Cable attend the hearing.

This the 12th day of November, 1984.

Code of Ordinances - Amendment to Chapter 13

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-O-77.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The ordinance, as adopted, follows:

AN ORDINANCE AMENDING CHAPTER 13 OF THE TOWN CODE (84-O-77)

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

Section 1. The Council hereby amends Chapter 13 of the Code of Ordinances to read as follows:

Section 13-1. Intent

The purpose of this Chapter is to regulate door-to-door selling of goods and services and solicitation of orders therefor, and to thereby promote the public health, safety and welfare.

Section 13-2. Permit Required

No person shall for commercial purposes sell, or solicit orders for, goods and services by going from door to door or from place to place without prior appointments with the residents or occupants thereof, without first having obtained a permit therefor from the Town Manager or Manager's designee.

Section 13-3. Applications

Applications for permits under this Chapter shall be submitted to the Office of the Chief of Police on a form available therefrom, and shall include the following information:

1. The full name of the applicant
2. Permanent residence address of the applicant
3. The applicant's temporary address in or in the vicinity of the Town, if applicable
4. The name and address of the applicant's employer or the organization with which the applicant is associated in connection with the sale activity or solicitation of orders
5. The type(s) of goods and services to be sold or offered for sale
6. The period for which the application is sought, which shall not exceed 60 consecutive calendar days; provided, that the permit may be renewed for 60-day periods without limit, upon proper application therefor
7. A statement of any and all crimes of which the applicant has been convicted or has pleaded no contest in the 10 years preceding submittal of the application
8. The age, height, weight and any other additional information which the Manager may reasonably require for identification

Section 13-4. Procedures for Considering Applications

- a. The Town Manager or Manager's designee shall deny an application under this chapter only if the applicant has not submitted a completed application; has submitted false information; is not permitted by law to engage in such activity due to age or other factors; has been convicted of or has pleaded no contest to a felony charge within the 10 years preceding the submittal of the application; or has been within the previous 5 years convicted of, or has pleaded no contest to, a misdemeanor charge involving theft, fraud, forging, uttering, other crimes of like nature or any crime involving moral turpitude.
- b. The Town Manager or Manager's designee shall approve or deny an application within a reasonable time after receipt of the application in the Office of the Chief of Police.
- c. If the Town Manager designates an employee of the Town not in the Town Manager's office to approve or deny applications, the Manager shall establish a procedure for administrative appeal of denials to the Town Manager or an Assistant Town Manager.
- d. The denial of an application by the Town Manager may be appealed to the Town Council within ten days after written notice of such denial.

Section 13-5. Issuance of Permits

- a. Permits shall include the applicant's full name; permanent address; temporary address, if any; the type(s) of goods or services to be sold or offered for sale; the firm by which the applicant is employed or the organization with which the applicant is associated; the period in which the permit is valid; and a statement that the issuance of the permit does not constitute an endorsement in any manner of the goods or services sold or offered.

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- b. As a condition for receiving a permit, the applicant shall leave a deposit of \$10, refundable upon return of the permit to the Office of the Chief of Police upon expiration of the permit.
 - c. The Town Manager may establish a fee of up to \$5 for the Town's costs of processing of an application; provided, that the fee for a renewal application shall not exceed \$2, and that the Council may by resolution authorize the Town Manager to set a higher fee in light of the costs of processing applications and preparing approved permits.
 - d. Anyone selling or offering for sale goods and services in a manner subject to Sec. 13-2 shall carry the permit issued by the Town and a driver's license or other photographic identification satisfactory to the Town Manager or Manager's designee.

Section 13-6. Hours of Sales and Solicitation of Orders

No person shall for commercial purposes conduct door-to-door sales of goods and services, or solicitation of orders therefor without prior appointments, after sunset of any day.

Section 13-7. Revocation.

A permit may be revoked by the Manager for any reason for which the Manager may have refused to issue such permit. Except for emergency reasons relating to the public safety or health, no permit shall be revoked except on forty-eight (48) hours prior written notice to the permit holder, and upon a hearing before the Town Manager or the Town Manager's designee. The notice shall specify the grounds for such revocation. The permit holder shall have the right to appear at the hearing and to present evidence. After such hearing, a permit may be revoked as provided above. A revocation by the Town Manager may be appealed to the Town Council within ten days after written notice of such revocation. Such notice shall state the reasons for the revocation. A permit which has been revoked shall immediately be surrendered to the Town Manager.

Section 13-8. Exemptions

This chapter shall not apply to:

- a. Delivery of goods or services which have been ordered before delivery.
- b. Circulation of petitions for signature or lawful distribution of advertising materials, flyers, or materials expressing views on political, social or religious matters.
- c. Lawful promotion or expression of views concerning political, social, religious and other matters.
- d. The sale or offering for sale of goods or services by representatives of non-profit organizations.
- e. The solicitation of contributions or pledges thereof for non-profit organizations.
- f. The sale or delivery of goods to a business establishment.

Section 13-9. Courtesy Permits

The Town Manager or Manager's designee may issue a courtesy permit or card for identification purposes to a person who will be canvassing, soliciting, or selling for purposes exempted under Section 13-8 from the regulations in this chapter. There shall be no fee for such a card or permit unless the applicant therefor desires to have a photographic identification, in which case the Town Manager may establish a fee to recover any costs to the Town for such photographic identification. The courtesy permit or card shall specify that it does not authorize sale or solicitation of orders for commercial activities, and the courtesy permit or card shall identify the organization, if any, with which the applicant is associated for purposes exempt under Section 13-8.

Section 11

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

This the 12th day of November, 1984

Coker Hills Residential Area Traffic Concerns

Manager Taylor reviewed his report on a petition presented to Council by Ed Hinsdale in October 1984. Mr. Hinsdale thanked Council for its prompt action on the petition. He said residents are satisfied with the Manager's report.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ACCEPT THE MANAGER'S REPORT.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Presentation of Preliminary 1985-90 Capital Improvements Program

Manager Taylor introduced the preliminary Capital Improvements Plan. He recommended that Council refer the document to all advisory boards, commissions, and task forces.

Sedgewood Apartments

Removed from agenda by petition.

Consent Agenda

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-233. (NOTE: ITEM 14e WAS REMOVED DURING PETITIONS.)

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (84-R-233)

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

- a. Authorization for contract with N.C. Department of Transportation re Improvements to Merritt Mill Road. (84-R-234).
- b. Budget amendment for encumbrances incurred in 1983-84. (84-0-78).
- c. Acceptance of Southbridge Open Space. (84-R-235).
- d. Easement through Police Headquarters property for sewer to Winding Ridge (84-R-236).

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- f. No parking on Franklin Street for annual holiday parade (Saturday, December 1). (84-0-79).
 - g. Closing of Gimghoul Road between 2:30 and 7 pm on December 15 and 16 for Preservation Society's candlelight tour. (84-R-238).
 - h. 35 mph speed limit on NC 54 in Glen Lennox area. (84-0-80).
 - i. Removal of 4 parking spaces on south side of W. Cameron Avenue (near Merritt Mill Road). (84-0-81).
 - j. Removal of parking on part of Elizabeth Street (near Village Green Condominiums). (84-0-82).

This the 12th day of November, 1984.

A RESOLUTION CONCERNING MUNICIPAL AGREEMENT BETWEEN THE TOWN AND N.C. DOT FOR STATE FUNDING OF THE MERRITT MILL ROAD IMPROVEMENT PROJECT (84-R-234)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to execute on behalf of the Town, a Municipal Agreement with the N. C. DOT to accept \$300,000 in State funds for improvements on Merritt Mill Road south of Cameron Avenue.

This the 12th day of November, 1984.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1984 (84-0-78)

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, 1984" as duly adopted on May 29, 1984, 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				
Mayor	39,692	300		39,992
Town Manager	465,161	31,598		496,759
Personnel	148,113	832		148,945
Finance	259,211	12,020		271,231
Legal	80,152	1,575		81,727
Planning	277,563	5,142		282,705
Inspections	189,158	13		189,171
Engineering	217,438	37,000		254,438
Public Works				
Streets	893,692	33,039		926,731
Equipment				
Services	574,999	5,402		580,401
Sanitation	990,289	389		990,678
Buildings & Grounds	414,521	9,893		424,414
Police				
Administration	240,734	936		241,670
Support				
Services	260,532	7,339		267,871
Patrol	1,350,421	11,225		1,361,646
Detectives	281,265	3,802		285,067

Fire			
Suppression	1,084,516	750	1,085,266
Parks & Recreation			
General			
Recreation	242,810	2,022	244,832
Athletics	246,800	9,571	256,371
Parks & Maintenance	308,165	2,131	310,296
Library	587,348	10,845	598,193
Non Departmental	1,667,047	527	1,667,574
General Fund Total		186,351	
Solid Waste Disposal Fund	215,000	185	215,185
Transportation Fund			
Administration	230,051	175	230,226
Operations	1,648,285	150	1,648,435
Maintenance	418,429	1,637	420,066

ARTICLE II

Revenues

General Fund			
Fund			
Balance	594,353	186,351	780,704
Solid Waste Disposal Fund			
Fund Balance	0	185	185
Transportation Fund			
Fund Balance	150,090	1,962	152,052

This the 12th day of November, 1984.

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE RESERVED OPEN SPACE ESTABLISHED WITH THE APPROVAL OF THE SOUTHBRIDGE SUBDIVISION (84-R-235)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby approves acceptance by the Town Manager of deed to the approximate 4.6 acre of open space established with the July 11, 1983 approval of the Southbridge Subdivision.

This the 12th day of November, 1984.

A RESOLUTION AUTHORIZING GRANT OF AN EASEMENT FOR SANITARY SEWER PURPOSES ACROSS THE POLICE BUILDING PROPERTY (84-R-236)

BE IT RESOLVED by the Town Council of the Town of Chapel Hill, that it approves the grant to the Orange Water and Sewer Authority of a 30' wide easement for sanitary sewer purposes across the Police Building property, and for the benefit of the Winding Ridge development, in the location as described on that certain plat dated August, 1984, and titled "Winding Ridge," prepared by the John R. McAdams Company, a copy of which shall be kept with the records of this meeting; and that the Town Manager is authorized and directed to execute a standard Orange Water and Sewer Authority easement document in form acceptable to the Town Attorney.

This the 12th day of November, 1984.

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AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A HOLIDAY PARADE (84-0-79)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street from Boundary Street to the western Town limits on December 1, 1984 from 6:00 a.m. until 12:30 p.m.

This the 12th day of November, 1984.

A RESOLUTION TEMPORARILY CLOSING GIMGHOUL ROAD TO THROUGH TRAFFIC (84-R-238)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the temporary closing of Gimghoul Road at its intersection with Country Club Road between 2:30 pm and 7 pm on December 15 and 16 as requested by the Chapel Hill Preservation Society with agreement by residents of Gimghoul Road, Ridge Lane and Glandon Road. The Preservation Society shall arrange to have a person or persons stationed at Gimghoul Road near Country Club Road to open barricades for emergency access if needed during the temporary street closing.

This the 12th day of November, 1984.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCE (84-0-80)

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

SECTION I

That Section 21-11 of the Town Code of Ordinances, "Speed Regulations", is amended by inserting the following therein, in appropriate order:

- (3) Thirty-Five miles per hour: Raleigh Road (N.C. 54) from U.S. 15-501 By-Pass and N.C. 54 By-Pass to Oakwood Road.

SECTION II

That Section 21-11 of the Town Code of Ordinances, "Speed Regulations", is amended by deleting the following:

- (3) Thirty-five miles per hour:
 - (b) Raleigh Road (N.C. 54) from U.s. 15-501 By-Pass and N.C. 54 By-Pass to Hamilton Road.

SECTION III

This ordinance shall be effective beginning on November 12, 1984.

SECTION IV

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

This the 12th day of November, 1984.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (84-0-81)

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

SECTION I

That Section 21-27 of the Town Code of Ordinances, "No Parking as to Particular Streets", is amended by inserting the following therein, in appropriate alphabetical order:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Cameron Avenue	South	Centerline of Merritt Mill Road	A point 130 Ft. east of the centerline of Merritt Mill Road

SECTION II

This ordinance shall be effective beginning November 12, 1984.

SECTION III

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

This the 12th day of November, 1984.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (84-0-82)

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

SECTION I

That Section 21-27 of the Town Code of Ordinances, "No Parking As To Particular Streets," is amended by inserting the following therein, in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Elizabeth Street	North	Centerline of Franklin Street	A point 40 ft. west of the centerline of Deepwood Road
Elizabeth Street	South	Centerline of Franklin Street	A point 55 ft. west of the centerline of Franklin Street
Elizabeth Street	South	A point 40 ft. east of centerline of Hollaway Lane	A point 40 ft. west of the centerline of Deepwood Road

SECTION II

This ordinance shall be effective beginning November 26, 1984.

SECTION III

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

This the 12th day of November, 1984.

Boards and Commissions - Nominations and Appointments

Council Member Smith nominated Joanne Peerman for an interim seat on the Planning Board.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO APPOINT JOANNE PEERMAN TO AN INTERIM SEAT ON THE PLANNING BOARD BY ACCLAMATION.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

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Council Member Preston nominated Ann Hamby for a seat on the Appearance Commission.

Council Member Preston nominated Tasbella Kelly for a seat on the Transportation Board.

Council Member Preston nominated Gary Freeze, Lynn Igoe, Jim Webb, and Betty Williams for seats on the Historic District Commission.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADJOURN.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Mayor, Joseph L. Nassif

Robin G. Rankin, Information Services