

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, DECEMBER 3, 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 Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Grainger Barrett.

Petitions

Council Member Howes reported on the annual meeting of the National League of Cities. Council Member Broadfoot said a restriction should be placed on the number of Town representatives attending conferences. Council Member Smith opined that no one person could possibly attend all the various workshops at a conference.

Minutes of October 22

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO APPROVE THE MINUTES OF OCTOBER 22, 1984 AS CIRCULATED.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Entranceway Task Force - Final Report

Gina Cunningham, Chair of the Task Force, reviewed the final report. She urged the Council to proceed with the implementation of the recommendations in the report with due haste.

Council Member Smith questioned why one of the recommendations was to add a landscape architect to the Town's permanent staff. Jon Condoret, the Appearance Commission representative on the task force, said a landscape architect is needed to help review site plans and to assure future compliance with the recommended master landscape plan. Council Member Broadfoot asked what can be done retroactively along the entranceways. Ms. Cunningham said the Town would be able to enforce requirements of the master landscape plan. Council Member Pasquini asked what type of development the task force recommended along entranceways. Ms. Cunningham said the task force recommendation included an overlay zone which located commercial/office developments in activity centers.

Council Members expressed appreciation to task force members for the report.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THE REPORT TO THE MANAGER FOR RECOMMENDATIONS AND A REVIEW OF THE SCHEDULE PROPOSED IN THE REPORT.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

Sonny's Bar-B-Que - Removal of Trees

Manager Taylor referred to the written material on this subject which was provided in Council Members packets. He said the landscape architect employed by Sonny's has contacted the Town and has told the Town that landscape plans will be submitted by the end of the week. Manager Taylor said the Town is seeking a landscape plan that will provide for an intermittent visual buffer. Manager Taylor said Phil Rominger, Manager of Willow Terrace Condominiums, has asked if the tree cutting incident violated Sections 6.12.1 and 6.12.9 of the Development Ordinance. Manager Taylor said it appears the incident was a violation of the Development Ordinance since trees were removed from the right-of-way.

224

Rezoning Application - Amendment to Fees

Council Member Broadfoot distributed a report titled "Zoning and Subdivision Fees - Current Practices" issued in 1977 by the Planning Advisory Services. He said the median rezoning fee charged by jurisdictions responding to the survey, from which the report was prepared, is \$50. He reviewed the current fees charged by Chapel Hill. Council Member Broadfoot said he feels the Town is misusing fees to discourage applications for changes in zones.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT 84-R-240.

Council Member Broadfoot said he arrived at the proposed \$100 fee by doubling the 1977 \$50 median fee from the report.

Manager Taylor said a study was done two years ago in order to determine if the Town was recovering the costs incurred from development requests. He said the current fee structure is based on that study and the fees charged were increased as a result of the study. Manager Taylor said the amount of the fees charged depends on what costs the Council wishes to recover.

Council Member Pasquini said he would like to know what the fees were prior to the fee change two years ago. Also, he said he would like to know the number of rezoning changes requested last year as well as the number of requests made in years prior to the fee increase.

COUNCIL MEMBER PASQUINI MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER BROADFOOT, TO REFER THE ITEM TO THE MANAGER FOR ADDITIONAL CONSIDERATION AND THAT RECOMMENDATIONS BE BROUGHT BACK DURING THE BUDGET PROCESS.

THE SUBSTITUTE MOTION FAILED BY A VOTE OF 2 - 6 WITH COUNCIL MEMBERS BROADFOOT AND PASQUINI VOTING FOR THE MOTION.

THE MAIN MOTION FAILED BY A VOTE OF 1 - 7 WITH COUNCIL MEMBER BROADFOOT VOTING FOR THE MOTION.

Residential Traffic Control

Gina Cunningham, representing Alice Ingram, explained a residential traffic control device called a "woonerf". She said the idea could be adopted for existing streets as well as new streets. Council Members briefly discussed the possible uses of the device. There were also questions raised as to how this item got placed on the agenda since it was not a recommendation by an advisory board nor had Council requested the information. Council took no action on the proposal.

Water and Sewer Service - Area North of Piney Mountain Road

Manager Taylor introduced the proposal. He said citizens in the area and OWASA officials were notified that this item would be on the agenda.

Lee House, a resident of the Piney Mountain Road area, spoke in opposition to the proposed resolution. Referring to the Manager's memorandum, Mr. House said the concerns of the area residents were misrepresented. He said of the four concerns stated in the memorandum, the issue dealing with water and sewer installation should be listed as the fourth item. Mr. House said residents of the area want to get the streets paved and have proceeded through the proper channels to do so. He stated that requiring water and sewer installation prior to street paving would be an undue burden on area residents. He noted that many residents would be unable to afford to pay for the water and sewer lines. Mr. House said he feels there was a ploy between the Manager and the Mayor and they were trying to prevent the area from getting paved streets. Mr. House said residents are considering a class action suit against the Town if the Town does not soon take favorable action on the street paving petition.

Council Member Smith asked what OWASA's schedule is for installing the water and sewer lines. Manager Taylor said an OWASA representative, present at this meeting, could answer the question. However, Manager Taylor said he feels sure OWASA could meet the Town's street paving schedule. Council Member Smith asked if there has been any septic tank failures in the area. Mr. House said there have been no problems with septic tank failures but there have been some problems with adequate water from wells.

Manager Taylor said the street paving would probably be scheduled for the Spring of 1986 and the earliest possible date would be the Fall of 1985. He said the Council could elect to use reserve funds in order to act on the petition at an earlier date. Council Member Smith urged Council to act on the petition at the earliest possible time. He also discussed the increased traffic in the area as well as the number of new developments in the area.

Council Member Preston asked if in the past, the Town has paved streets prior to the installation of water and sewer lines. Manager Taylor said it probably has been done in the past but there is no set policy. He said towns are often times criticized for paving streets and then allowing street cuts in newly paved streets. He also noted that municipalities which own the utilities oftentimes have a policy which requires the installation of water and sewer lines prior to paving of streets. Manager Taylor said the residents would not have to immediately hook up to the lines; however, he said they would be assessed a fee for the installation of the lines in the roads.

Pat Davis, representing OWASA, said OWASA's policy is not to provide upfront financing for water and sewer lines unless a petition has been received from a majority of the benefitting landowners requesting extension of the lines. He said residents are assessed for 100% of the costs. Mr. Davis estimated the cost of extending water and sewer lines into the area to be in excess of \$100,000 not including approximately \$600 - \$700 for sewer connections and \$880 for water connections for a 1/2 acre lot.

Mr. Davis explained that in the past OWASA has based the cost for the lines on the number of lots a person owns rather than on acreage or street frontage. He noted that there are only approximately 20 homes in the area north of Piney Mountain Road.

In response to a question from Council Member Pasquini, Mr. Davis said OWASA has looked at the area but has no definite plans to extend service into the area.

Mayor Nassif said the street paving petition should be honored. As to when it should be honored, he said it is dependent on the costs for street paving. He asked what the costs would be to pave the streets. Manager Taylor said if Partin Street is also paved, the costs would be in excess of \$300,000. Mayor Nassif said installation of water and sewer lines prior to street paving is unrealistic unless the Town wants to pay for the installation and assess property owners at the time of connection.

Council Member Howes asked if Community Development funds could be used for the project. Manager Taylor said the area has not qualified, in the past, for CDBG funds. Council Member Kawalec said the Town needs to find a way to help this area of town.

Council Member Pasquini opined that the Manager's memorandum does not reflect what is in the proposed resolution. Manager Taylor said the resolution requests that OWASA meet with area residents to explain the policies and what needs to be done in the area. He said in the memorandum he tried to explain the steps Council would need to take, in the future, after the discussion has taken place. He said in order to get OWASA to install lines in areas that do not have them, Council needs to tell OWASA where it wants the lines. Manager Taylor said OWASA does not have to install by petition nor does it have to assess by number of lots. Manager Taylor said he favors paving the streets but cannot recommend spending more than \$300,000 for street paving prior to the installation of water and sewer lines. Manager Taylor said if OWASA will not put in the lines, he may come back to Council and ask if the Town should be in the water and sewer business and compete with OWASA.

Council Member Pasquini said he does not see why the Town has to make an exception on this request. He noted there are numerous paved streets in town that do not have water and sewer lines. Manager Taylor requested that Council refer the item back to him. Council Member Pasquini said the process for initiating the street paving, should be started immediately.

Council Member Broadfoot said Council needs to know what the extra costs would be to install the lines after paving. He said the Council should consider adding something about water and sewer lines to the paving petitions. He also stated that Council needs to develop a policy to provide water and sewer to areas where there are as yet no lines.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THE ITEM BACK TO THE MANAGER.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO AMEND THE MOTION AND AUTHORIZE THE MANAGER TO PROCEED WITH THE DESIGN AND ENGINEERING WORK NECESSARY FOR THE STREET PAVING.

THE MOTION TO AMEND PASSED UNANIMOUSLY, (8 - 0).

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

Council Member Smith said he hopes the Town can develop a closer working relationship with OWASA. He also said the Town should re-evaluate the area in question to determine if it would qualify for some type of financial assistance.

Council Member Smith voiced strong concerns about the high fees charged by OWASA for installation and connection of water and sewer lines.

#### Public Hearings - Location

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT 84-R-242a.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION REGARDING USE OF THE MUNICIPAL BUILDING MEETING ROOM FOR PUBLIC HEARINGS ON DEVELOPMENT-RELATED APPLICATIONS (84-R-242a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Municipal Building Meeting Room, 306 North Columbia Street, shall be the location for public hearings on proposed special uses, rezonings, and Development Ordinance Text Amendments.

This the 3rd day of December, 1984.

#### 1985 Meeting Schedule

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT 84-0-84.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The ordinance, as adopted, follows:

AN ORDINANCE AMENDING THE SCHEDULE OF REGULAR COUNCIL MEETINGS FOR 1985 (84-O-84)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the schedule of regular meetings for 1985 as follows:

- . Reschedule the March 25 meeting to Monday, April 1.
- . Reschedule the April 8 meeting to Tuesday, April 9.
- . Reschedule the May 27 meeting to Tuesday, May 28.
- . Reschedule the November 11 meeting to Tuesday, November 12.
- . Reschedule the December 9 meeting to Monday, December 2.

This the 3rd day of December, 1984.

Contract Award - Asphalt Supplies

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT 84-R-243.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

The resolution, as adopted, follows:

A RESOLUTION AWARDDING A CONTRACT FOR 1-2 ASPHALTIC CONCRETE, H-B ASPHALT AND TACK COAT (84-R-243)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on November 6, 1984 in accordance with G.S. 143-129 for the supply of 1-2 asphaltic concrete, H-B asphalt and tack coat for street patching; and

WHEREAS, the following bids have been received and opened on November 13, 1984:

| <u>Item</u>                      | <u>Nello Teer, Durham</u> | <u>C.C.Mangum, Raleigh</u> |
|----------------------------------|---------------------------|----------------------------|
| 2200 Tons 1-2 Asphaltic Concrete | \$26.00/ton \$57,200.00   | \$29.00/ton \$63,800.00    |
| 300 Tons H-B Asphalt             | \$22.50/ton \$ 6,750.00   | \$25.50/ton \$ 7,650.00    |
| 6000 Gallons Tack Coat           | \$1.50/gal. \$ 9,750.00   | No Bid                     |

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid by Nello L. Teer Company of November 13, 1984 in the amount of \$26.00/ton for 1-2 asphaltic concrete, \$22.50/ton for H-B asphalt and \$1.50/gallon for tack coat in response to the Town's request for bids published November 6, 1984 and opened on November 13, 1984, in accordance with G.S. 143-129.

This the 3rd day of December, 1984.

Boards and Commissions - Notification of Vacancy and Nominations

The Council was notified of a vacancy on the Parks and Recreation Commission due to the resignation by Ms. Mary Pendergraft.

Council Member Preston nominated James Webb and Michael Lee Culpepper for appointments to the Historic District Commission.

228

Council Member Smith nominated Debbie Herbert for an appointment to the Historic District Commission.

Council Member Preston nominated Karen Davidson and Roy Lindhal for appointments to the Appearance Commission.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO DEFER APPOINTMENTS TO THE TRANSPORTATION BOARD TO THE SECOND MEETING IN JANUARY AS REQUESTED BY THE TRANSPORTATION BOARD.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

In response to Ms. Cox's memorandum to Council re: Ms. Mattie Arrington's attendance of Parks and Recreation Commission meetings the Mayor's Office will contact Ms. Arrington to inquire as to her desire to continue to serve on the Commission. Council Member Broadfoot felt that Council should adhere to the procedure set out in the Code of Ordinances for absenteeism from Parks and Recreation Commission meetings which states:

A commissioner who, without excuse, misses more than three (3) consecutive regular meetings or a total of four (4) such meetings during the year loses his status as a member of the commission. In such cases, the chair will immediately request the council to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the commissioner's status on the commission. However, in the event of long illness, or other such causes for prolonged absence, the commissioner may be replaced. (Ordinance No. 0-77-15, Section 1, 3-14-77; Ordinance No. 0-82-47, Section 1, 6-28-82)

Executive Session

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS ACQUIRING INTEREST IN REAL PROPERTY.

THE MOTION PASSED UNANIMOUSLY, (8 - 0).

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

\_\_\_\_\_  
Mayor, Joseph L. Nassif

\_\_\_\_\_  
Robin G. Rankin, Information Services