

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, DECEMBER 10, 1984, 7:30 P.M.

Mayor Pro Tem Beverly Kawalec called the meeting to order. Council Members present were:

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

Mayor Joseph Nassif and Council Member Marilyn Myers Boulton were absent, both excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist and Town Attorney Grainger Barrett.

Petitions

Mr. Arnold Lau petitioned Council to underwrite the Orange County Crimestoppers program in the amount of \$2,000. Mr. Lau explained the Crimestoppers program.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE PETITION TO THE MANAGER FOR RECOMMENDATIONS. THE MOTION PASSED UNANIMOUSLY, (7 - 0).

Ms. Lou Ann Neese said she would be available to answer questions on items #4 and #6.

Manager Taylor introduce Nancy Wells, the town's new Information Services Coordinator. Mr. Taylor stated Ms. Wells has been designated to carry out the legal duties of Town Clerk.

Council Member Broadfoot distributed copies of the National Land Use Intensity Ratios. He said in comparing the National LUI Ratios with the Town's floor area ratios in the Development Ordinance, he found that Chapel Hill is not following the national scheme. Council Member Broadfoot said he would like Council Members to review the document prior to Council's upcoming work session on intensity ratios.

Minutes of November 19

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO APPROVE THE MINUTES OF NOVEMBER 19, 1984 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7 - 0).

Sedgewood Planned Development - Courtesy Review of Orange County Development

Planning Director Roger Waldon presented a detailed review of the request.

Council Member Howes questioned the appropriateness of the proposal because of the shape of the site.

John McAdams, representing the applicant, represented a model of the proposed development. He said care has been taken with the site design to accommodate any adverse effects that might be caused by the unusual shape of the property. In regards to density, Mr. McAdams said the proposal calls for 5 units per acre and, for floor area ratios, is comparable to an R-2 zone. After development, there would be 14.7% impervious surfaces and 64.7% of the presently "treed" area would remain. He said in all but two of the buildings there are 24 units per building. Mr. McAdams said as far as he knows the project complies with the Town's development ordinance. Mr. McAdams stated that the applicant

does not object to any of the proposed stipulations. Mr. McAdams read a letter from John Diffy, the Executive Director of Carol Woods. The letter expressed support for the proposed development.

Council Member Preston referred to a letter from residents of Coventry subdivision. She asked Mr. McAdams to address the concerns expressed by Coventry residents about the sewer lines. Mr. McAdams said the applicant has met with OWASA and intends to work with OWASA to connect both the eastern and western ends of the site to existing sewer lines. As for storm water runoff, Mr. McAdams said it will be directed into the natural drainage channels.

Council Member Preston asked if the applicant plans to propose additional units at a later date. Mr. McAdams said no. He stated that the number of units in the proposed development is the maximum number allowed under the requested zoning of the site.

Council Member Pasquini said the site is not suited for the proposed development. He also expressed concern with the traffic in front of existing projects. Council Member Pasquini asked why staff now recommends approval after strongly recommending denial on November 12. Planning Director Waldon said significant changes were made in regards to access to N.C. 86 and internal circulation since November 12. Mr. McAdams said this site plan is completely different than the one previously proposed. Council Member Pasquini asked if site line diagrams from I-40 have been prepared. Mr. McAdams said he does not think the buildings will be visible from I-40 because of the 100' buffer.

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

Council Member Broadfoot asked if the applicant would accept a stipulation which would withhold the issuance of a Certificate of Occupancy until the Town has additional reservoir capacity from the Cane Creek. J.P. Goforth, the applicant, said he would accept the stipulation if OWASA can guarantee that the additional capacity will be available next year.

Council Member Smith asked what the traffic impact will be on N.C. 86 and 15-501, what the building timetable is, and the width of the entrance and exit of the proposed road at Highway 86. Council Member Pasquini also asked about the number of trips projected for Old University Station Road. Mr. McAdams said the loop collector road will be 33' wide. He said peak a.m. and p.m. trips will be 90 - 95 trips/per hour. Mr. McAdams said Kimley-Horn projected 217 peak hour left turn trips from Weaver Dairy Road to Highway 86 with the projection taking into account occupancy of the Sedgewood Development and Kensington Trace. He said traffic counts were not made at the intersection of Erwin Road and 15-501. Council Member Smith said the intersection of 15-501/Erwin Road is being overloaded by people who are not residents of Chapel Hill.

Council Member Smith asked what procedures will be employed to assure adequate tree protection for existing trees during construction. Mr. McAdams said the applicant would accept a stipulation requiring barricades around existing trees during construction.

Council Member Preston suggested that Council recommend stipulations for the proposal in the case that the motion on the floor passes and the County opts to approve the project. She noted that this site plan is a significant improvement over the previously submitted plan.

Manager Taylor requested that stipulation #8 be changed to: "That bus stop facilities designated by the Town Manager be provided on the loop collector street adjacent to each of the two main clusters of buildings at the eastern and western ends of the site."

Council Members discussed making a substitute motion that would incorporate the resolution recommending denial with recommended stipulations should the County approve the request. Council Member Pasquini objected to the idea on the basis that it might give the County an indication that the Council favors the request.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, A SUBSTITUTE MOTION TO ADOPT 84-R-240c.

Council Member Preston asked if stipulation #11 answers the concern expressed by Coventry residents in regards to ground water drainage. Manager Taylor responded affirmatively.

Council Member Pasquini asked if stipulation #15 could be more specific. Attorney Barrett explained that the stipulation is better left open ended so as to allow an expert to make specific judgements according to the nature of the site. Council Member Pasquini also questioned the vagueness of stipulation #9. Manager Taylor said that hopefully the County will ask the Town what its recreation professionals had in mind for improvements to the recreation facilities.

THE SUBSTITUTE MOTION PASSED 6 - 1 WITH COUNCIL MEMBER PASQUINI VOTING AGAINST THE MOTION.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The resolution, as adopted, follows:

A RESOLUTION RECOMMENDING THAT THE PLANNING DEVELOPMENT REZONING AND SPECIAL USE APPLICATIONS FOR THE SEDGEWOOD HOUSING DEVELOPMENT NOT BE ADOPTED (84-R-240c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council respectfully recommends denial of the proposed Sedgewood Housing Development, but also recommends that if the Board of County Commissioners approves the rezoning application, the project be subject to the following conditions:

1. That the proposed loop collector street be constructed with a 33-foot-wide roadway cross-section with curb and gutter and a sidewalk on one side, and that its full length be within a dedicated public right-of-way that is 60-feet wide.
2. That left turn lanes be provided on the proposed loop collector street at each of its intersections with Weaver Dairy Road.
3. That a left turn lane and deceleration lane be provided on Weaver Dairy Road at its intersections with the loop collector street.
4. That Weaver Dairy Road be improved along the site's frontage to $\frac{1}{2}$ of a 65-foot-wide roadway section with curb and gutter and a sidewalk, including $\frac{1}{2}$ of a 90-foot-wide right-of-way.
5. That a public street right-of-way be dedicated the loop collector street opposite its intersection with the westernmost entry into the parking area in front of building #1 to a stub-out to the northern property line of the Mobile Villages property.
6. That the eastern end of the loop collector street be realigned with a slight curve to better conform to existing contours and reflect its residential character.
7. That a continuous network of internal sidewalks be provided for convenient pedestrian access among the apartment buildings, parking areas, and recreation facilities, and that the sidewalk network incorporate the recommended sidewalk along the loop collector street.
8. That bus stop facilities designated by the Town Manager be provided on the loop collector street adjacent to each of the two main clusters of buildings at the eastern and western end of the site.
9. That additional recreation facilities (such as playfields, tot lots, picnic facilities volleyball courts, basketball goals) be provided in the eastern and western ends of the site.

10. That supplemental landscaping be provided within and adjacent to the existing vegetation to remain between the apartment buildings and the Duke Power easements, and that a landscape plan showing such supplemental landscaping and including provisions for the maintenance and replacement of landscaping be approved by the County Manager in consultation with the Town Manager before issuance of a building permit.
11. That a drainage plan be submitted to and approved by the County Manager in consultation with the Town Manager prior to issuance of a building permit. Improvements included in the drainage plan shall be completed prior to issuance of a Certificate of Occupancy.
12. That water and sewer lines be installed to the Orange Water and Sewer Authority standards and that all electrical lines and cable TV lines be placed underground and in locations requiring no clearing or grading in addition to that required for streets and sewer lines.
13. That the number, location and installation of fire hydrants be approved by the Orange County Manager in consultation with the Town Manager prior to issuance of any building permits.
14. That a fire flow report demonstrating compliance with the Town of Chapel Hill's Design Manual requirements be approved by the County Manager in consultation with the Town Manager prior to issuance of any development permit and that an on-site test documenting an actual flow which meets Town standards be completed prior to issuance of a Certificate of Occupancy.
15. That as much significant planting as possible be retained and that such planting be protected during construction by appropriate fencing or barriers.
16. That a revised site plan incorporating all the above stipulations be approved by the County Manager in consultation with the Town Manager prior to issuance of a building permit or grading permit.
17. That if the development is proposed to be phased, a phasing plan be approved by the County Manager in consultation with the Town Manager prior to issuance of any development permit.

This the 10th day of December, 1984.

Council Member Howes said it is important that the Chapel Hill Alliance of Neighborhoods realize the necessity to make its points of concern known to all of the governing bodies with jurisdictions in and around Chapel Hill rather than just to the Chapel Hill Town Council.

Council Member Smith requested that the Manager try to get the County to require Traffic Impact Reports for projects within the joint planning area.

Windy Hill-Planned Development Housing Special Use Permit

Manager Taylor referred Council Members to the memorandum on the request.

Council Member Broadfoot disagreed with the factor of approximately 5 used in the Trip Generation Study (page 4, Kimley-Horn Traffic Impact Statement, 11/7/84). Council Member Broadfoot said a factor of 10 would be a closer approximation. He also said the report, as distributed, is not believable.

Council Member Smith asked what the traffic capacity is of Erwin Road. Manager Taylor said the present capacity is approximately 10,000 - 11,000 vehicles per day. He said the capacity would rise to approximately 15,000 - 18,000 vehicles per day after the road is widened to three lanes. Council Member Smith asked what the timetable is for the extension of

Sage Road. Assistant Manager Loewenthal said the Zoning Compliance Permit for Greenfields has been issued. She said completion of the extension of Sage Road might be completed under Phase I of the Greenfields project. Council Member Smith said this project should not be approved prior to the completion of the extension of Sage Road so Council can be assured that some of the traffic will be taken off Erwin Road.

Council Member Pasquini agreed with Council Member Smith in regards to traffic. He also said the proposed setbacks are insufficient and there are problems with the grading plans and the buffers. Council Member Pasquini said the project will not promote the public health, safety and welfare of the people of Chapel Hill.

Council Member Preston said this proposal comes closer than previous proposals to what might be appropriate for the site. She objected to the applicant's treatment of the existing house in that there was no attempt made to incorporate the house into the total design of the project. Council Member Preston also expressed concern about the amount of land that will be disturbed. She said the widening of Erwin Road should be done in a sensitive fashion. She suggested that when the road is widened, some of the existing vegetation could be saved and replanted after widening.

Attorney Barrett told Council that a denial must be based on the information presented at the public hearing. He said if Council has concerns about not approving the project then it should consider allowing staff to present some specific information that could become a part of the public record, perhaps at another public hearing.

Council Member Pasquini asked if the letters from Art Werner and from the applicant's attorney should be considered since they were received outside the public hearing. Attorney Barrett said he would view Mr. Werner's letter as one which raises questions and directs Council towards further inquiry. In the case of the letter from the applicant's attorney, Attorney Barrett said it should be considered as advocacy based on the evidence presented at the public hearing.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER BROADFOOT, TO REOPEN THE PUBLIC HEARING ON THIS REQUEST AT THE EARLIEST PRACTICAL DATE, CONSISTENT WITH COUNCIL'S SCHEDULE FOR DEVELOPMENT APPLICATIONS, IN ORDER TO ALLOW STAFF TO PRESENT FURTHER INFORMATION DIRECTED TO CONCERNS RAISED AT THIS MEETING.

Council Member Pasquini asked if this proposal would have to adhere to new regulations that Council might adopt prior to the reopening of the public hearing. Attorney Barrett said it is his opinion that, depending on the actions and when Council takes action, there might be new regulations for a project considered for a Special Use Permit after adoption of new regulations by Council.

THE MOTION PASSED 6 - 1 WITH COUNCIL MEMBER THORPE VOTING AGAINST THE MOTION.

Council requested that the Manager notify all concerned parties as soon as possible of the date for the next public hearing on this request.

Bolin Creek Center - Request for Modification of a Planned Development-Mixed Use Special Use Permit

Planning Director Roger Waldon explained the recommendations from the various advisory boards.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-242c.

Council Member Preston asked why the dumpsters were relocated to the rear of the site. Mr. Rimer replied that it was because they could be seen from the adjacent roadways. He said the site plan that will be submitted for a Zoning Compliance Permit will show the dumpsters at the rear of the site.

Mr. Rimer asked that approval of the lighting plan be required prior to approval of the issuance of the Building Permit rather than prior to issuance of the Zoning Compliance Permit. Manager Taylor said staff has no objection to the change.

COUNCIL MEMBER PRESTON ACCEPTED A FRIENDLY AMENDMENT OFFERED BY COUNCIL MEMBER HOWES TO CHANGE "ZONING COMPLIANCE PERMIT" TO "BUILDING PERMIT" IN STIPULATION #15.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The resolution, as adopted, follows:

A RESOLUTION APPROVING A MODIFICATION OF THE PLANNED DEVELOPMENT-MIXED USE SPECIAL USE PERMIT TO BOLIN CREEK EAST ASSOCIATES (84-R-242c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Modification of the Planned Development-Mixed Use Special Use Permit proposed by Bolin Creek East Associates for Chapel Hill Township Tax Map 82, Block C, Lot 2A to relocate the southern driveway entrance on Airport Road, if developed in accordance with the site plan dated October 9, 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 December 10, 1985 and be completed by December 10, 1988.
2. That all unused curb cuts be removed and replaced with curb and gutter.
3. That the northern entrance/exit on Airport Road be closed.
4. That a left turn lane be provided on Green Street at its intersection with Airport Road.
5. That the parking areas and driveways be paved to Town standards.
6. That a report demonstrating the availability of a minimum fire flow of 3,670 GPM at a residual pressure of 20 PSI be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That an on-site flow test demonstrate a flow of at least 3,670 GPM at a residual pressure of 20 PSI prior to issuance of a Certificate of Occupancy.
8. That a grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall show existing vegetation to be retained and methods of protecting vegetation during construction. Protective measures shall be in place prior to issuance of a Zoning Compliance Permit.

9. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
10. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit.
11. 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.
12. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
13. 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.
14. That a storm drainage plan with hydrologic and detention calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
15. That a lighting plan be approved by the Town Manager and Appearance Commission prior to issuance of a Building Permit.
16. That the detailed plans as required above may be submitted by phase.
17. That parking spaces be added or rearranged to provide adequate parking for the residents of the residential building within convenient walking distance of the building.
18. Relocate the northern access point on Green Street nearest Airport Road to approximately 170 feet north of the other access point on Green Street.
19. That except as modified herein, all other special terms, conditions and stipulations heretofore made applicable to the Special Use Permit be continued in effect.
20. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with application provisions of the Chapel Hill Development Ordinance and regulations thereunder.
21. If any 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 Modification of the Bolin Creek Center Planned Development-Mixed Use Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 10th day of December, 1984.

Special Use Permits - Automatic Revocation

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

Ms. Lou Ann Neese, Attorney for the developers of Colony Lake, asked what the definition of "starting" is. She also explained some of the technicalities involved with the negotiations for the improvements required for the 15-501/Scarlette Road intersection. Ms. Neese said there has been some backlog in obtaining a grading permit because of the turnover in the Planning Department. She stated that the developer does not feel that the weather between now and February 28, 1985 will allow for actual construction to begin. She said the Colony Lake developers

would like an extension of the permit until June 28, 1985.

Manager Taylor said "starting date" has been taken to mean the issuance of the Zoning Compliance Permit. He said a Zoning Compliance Permit is issued after the applicant has met all the stipulations and submitted and received approval for all of the various plans.

Council Member Howes asked if there is a means by which the applicant can seek an extension if the motion passes. Attorney Barrett said that if the motion passes, the applicant would be subject to the regulations recently adopted by Council on automatic voiding. Therefore, if the applicant does not start construction by February 28, 1985, the special use permit process would have to be started all over again. Attorney Barrett said a key factor as to the equity of the voiding regulation is the degree to which the developer is constrained by outside agencies in regards to meeting the required negotiations on the 15-501/Scarlette Road improvements in time to obtain a Zoning Compliance Permit by February 28, 1985. Attorney Barrett said that until the time the special use permit is legally voided, the applicant is under the provision of 8.6 as it was until Council recently amended it. Therefore, Council can extend the required starting date. Attorney Barrett suggested that he and Ms. Neese meet prior to January 14, 1985 so he can get an understanding of the factual status of the project in regards to constraints imposed by outside agencies such as N.C. DOT and OWASA.

In response to a question from Council Member Smith, Manager Taylor said the Town approves the grading plans and the County issues the grading permit. Council Member Smith said it seems the developer has had sufficient time to develop grading plans. Ms. Neese said the applicant has made a good faith effort to start construction by Fall.

Council Member Broadfoot asked when the applicant contacted N.C. DOT. Ms. Neese said she does not know the specific date but said it was soon after the Town granted the Special Use Permit. Council Member Broadfoot said he would like to know the exact contact date.

Manager Taylor said it is up to the applicant for Colony Lake to submit evidence as to why Council should grant an extension. He said he will bring that information back to Council if it is submitted; otherwise, he will not make a recommendation to Council on the matter.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The resolution, as adopted, follows:

A RESOLUTION CONCERNING THE VOIDING OF CERTAIN SPECIAL USE PERMITS (84-R-243)

WHEREAS, the Council's October 22, 1984 amendment of Section 8.6 of the Development Ordinance indicates its intent that Special Use Permits and Modifications of Special Use Permit automatically become void if the authorized activity is not started within a determinable time limit and that such starting time limit be either 12 months or such further time stipulated as a condition of a Permit's or Modification's approval; and

WHEREAS, some recent Council approvals of Special Use Permits and Modifications of Special Use Permits did not include provision for their automatic voiding on expiration of a stipulated starting time limit or did not include provision of any starting time limit; and

WHEREAS, Council wishes to exercise its authority pursuant to Section 8.6 to void those special use permits for which construction has not begun within the period specified in the permit, effective upon expiration of such period, and further to determine a time limit for commencement of construction for the Special Use Permits containing no starting time limit;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that if the use, construction, or activity authorized by the following Special Use Permits or Modifications of Special Use Permit has not started within the starting time limit stipulated as a condition of approvals, the

Special Use Permits or Modifications of Special Use Permit shall be void, as provided by Section 8.6 of the Development Ordinance:

1. Colony Lake Townhouses and Duplexes - Planned Development-Housing Special Use Permit, approved February 27, 1984 and recorded in DB 476, page 232 of the Orange County Registry, Chapel Hill Township Tax Map 27, Block D, Lot 8 (Old Durham Road); starting time limit - February 28, 1985.
2. Etna Service Station - Special Use Permit approved July 28, 1975 and recorded in DB 260, page 1069 and modification of Special Use Permit approved April 11, 1983 and recorded in DB 432, page 309 of the Orange County Registry, Chapel Hill Township Tax Map 38, Block B, Lot 13A (East Franklin Street); starting time limit - April 30, 1985.
3. Dogwood Place - Planned Development-Housing Special Use Permit approved July 11, 1983 and recorded in DB 436, page 435 of the Orange County Registry, Chapel Hill Township Tax Map 126, Block A, Lot 3 (Dogwood Acres Drive); starting time limit - June 30, 1985.
4. Cameron Avenue Townhouses - Planned Development-Housing Special Use Permit approved July 5, 1983 (not recorded), Chapel Hill Township Tax Map 86, Block F, Lots 1, 5, and 6 (Cameron Avenue); starting time limit - July 5, 1985.
5. Winding Ridge Townhouses - Planned Development-Housing Special Use Permit, approved June 29, 1983, (not recorded), Chapel Hill Township Tax Map 79, Block B, Lot 19 (Hillsborough Street); starting time limit - May 31, 1985.
6. Mill Creek Townhouses - Planned Development-Housing Special Use Permit approved July 9, 1984 and recorded in DB 485, page 231 of the Orange County Registry, Chapel Hill Township Tax Map 82, Block B, Lots 7, 8, 9, and 9a, (Airport Road); starting time limit - January 31, 1986.
7. Howell Offices - Planned Development-Office/Institutional Special Use Permit approved July 9, 1984 and recorded in DB 486, page 616 of the Orange County Registry, Chapel Hill Township Tax Map 46, Block B, Lot 2 (East Franklin Street); starting time limit - January 31, 1986.
8. Allenton Offices - Planned Development-Office/Institutional Special Use Permit approved July 9, 1984 and recorded in DB 488, page 260 of the Orange County Registry, Chapel Hill Township Tax Map 46, Block B, Lot 3 (East Franklin Street); starting time limit - July 31, 1985.
9. Coker Woods - Planned Development-Housing Special Use Permit approved July 9, 1984 (not recorded), Chapel Hill Township Tax Map 29, part of Lot 3 (Piney Mountain Road); starting time limit - January 31, 1986.

BE IT FURTHER RESOLVED that if the use, construction, or activity authorized by the following Special Use Permits and modifications of Special Use Permits has not started within twelve (12) months of this date, the Special Use Permits or Modifications of Special Use Permit shall be void:

1. Burnett Quadruplex - Planning Development-Housing Special Use Permit approved October 11, 1982 and recorded in DB 401, page 430 of the Orange County Registry, Chapel Hill Township Tax Map 84, Block B, Lot 1 (Nunn Street); no starting date.
2. McFarling Apartments - Planned Development-Housing Special Use Permit approved October 11, 1982 and recorded in DB 446, page 102 of the Orange County Registry, Chapel Hill Township Tax Map 27, Block A, Lot 5A (Old Oxford Road); no starting date.

3. Merritt Mill Townhouses - Planned Development-Housing Special Use Permit approved June 13, 1983 and recorded in DB 459, page 516 of the Orange County Registry, Chapel Hill Township Tax Map 91, Block D, Lot 6 (Merritt Mill Road); no starting date.
4. Timberlyne Village Shopping Center Drive-In Window - Special Use Permit approved July 5, 1983 and recorded in DB 432, page 70 of the Orange County Registry, Chapel Hill Township Tax Map 24K, Lot 18 (Weaver Dairy Road); no starting date.

This the 10th day of December, 1984.

Transportation - Orange County Change to Division 5

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT 84-R-244.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The resolution, as adopted, follows:

A RESOLUTION REQUESTING THAT ORANGE COUNTY BE CHANGED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DIVISION 5 FOR TRANSPORTATION PLANNING PURPOSES AND REMAIN IN DIVISION 7 FOR CONSTRUCTION, MAINTENANCE, AND OTHER PURPOSES (84-R-244)

WHEREAS, the Town of Chapel Hill is closely linked with the rest of the Triangle Area both geographically and economically; and

WHEREAS, the Town of Chapel Hill was designated by the United States Bureau of the Census to be within one urban area with the City of Durham and Town of Carrboro for transportation planning purposes; and

WHEREAS, because of the above, transportation planning for the Town of Chapel Hill could more efficiently and effectively be conducted from the North Carolina Department of Transportation Division 5 Office in Durham than from the Division 7 Office in Greensboro;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Chapel Hill hereby requests of the Board and Department of Transportation that Orange County be changed from Division 7 to Division 5 for transportation planning purposes and remain in Division 7 for funding, construction, maintenance and other purposes.

This the 10th day of December, 1984.

Transportation - Columbia-Pittsboro One-Way Pair

Manager Taylor presented the request.

Council Member Preston expressed strong opposition to the request. She also commented that the University should be willing to provide some land for a bus turnoff in front of the Carolina Inn, thus lessening the current problem with traffic back-ups.

Council Member Howes said a study needs to be done since the one-way pair is on the adopted Thoroughfare Plan.

Council Member Broadfoot expressed opposition to the proposal and asked whose idea it was to bring up the issue again so soon. Manager Taylor responded that it was the staff's idea to reintroduce the request. Manager Taylor stated that one-way pairs will move the traffic.

Council Member Pasquini noted a number of problems with using Pittsboro Street for fast traffic.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT 84-R-245.

BY A VOTE OF 4-3, THE MOTION WAS NOT ADOPTED. COUNCIL MEMBERS BROADFOOT, PASQUINI AND PRESTON VOTED AGAINST THE MOTION.

A second vote will automatically be taken at the next Council meeting.

Mary Hargraves Petition

Mary Hargraves said the Manager's memorandum is incorrect. She said she did not make a request on December 3 for the Town to consider how she might become a homeowner. Council Member Smith discussed with Ms. Hargraves the specific circumstances surrounding her original request to participate in the Housing Assistance Program. Ms. Hargraves noted there was never any proof to show that her sister, Catherin, was incompetent. She also noted that upon the death of Martha H. Williams, Ms. Williams' daughter became heir to that portion of her mother's interest in the property. Ms. Hargraves said her sister's daughter was over the age of 21 at the time of her mother's death. Council Member Smith asked Ms. Hargraves if, in 1977, the Housing Authority was aware of Ms. Williams' daughter's interest in the property. Ms. Hargraves said she does not know. Council Member Smith also said there was a problem since the deed and the tax map did not agree. Ms. Hargraves said the property Council Member Smith was talking about had nothing to do with the replacement house.

Council Member Broadfoot commented that this case is an example of why all requests to Council should be in writing.

Council Member Pasquini asked for the Town Manager and Town Attorney to meet with Ms. Hargraves to discuss the situation. Attorney Barrett said there is no current program that can solve Ms. Hargraves' problems. Council Member Pasquini said he feels that a meeting would be helpful. Ms. Hargraves agreed that a meeting would be helpful to her. Attorney Barrett said he would like some direction from Council as to the purpose of such a meeting. Council Member Pasquini said someone should discuss the issue and the Manager's recommendations with Ms. Hargraves. Manager Taylor said Ms. Hargraves received a copy of agenda #8. Council Member Pasquini said a meeting might be more appropriate.

Council Member Preston suggested seeking advice from the Habitat for Humanity.

Consent Agenda

Council Member Smith requested that items #9a and #9c be removed from the Consent Agenda.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT 84-0-86.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The ordinance, as adopted, follows:

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT CAPITAL PROJECT (84-0-86)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION I

The project authorized is a Transit Capital Grant from federal funds, from the Urban Mass Transportation Administration Grant NC-05-0038, awarded under the Urban Mass Transportation Act of 1964, as amended. The project provides funds for transit capital purchases.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the Urban Mass Transportation Administration and the North Carolina Department of Transportation and within the funds appropriated herein.

SECTION III

The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application.

240

Urban Mass Transportation Administration Grant	\$1,356,000
North Carolina Department of Transportation Grant	182,100
Town of Chapel Hill (Local Match)	156,900
TOTAL	\$1,695,000

SECTION IV

The following amounts are appropriated for the project.

Professional Services	13,000
Administration	35,000
Capital Improvements	130,000
Capital Equipment	1,432,500
Contingency	84,500
TOTAL	1,695,000

SECTION V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Report. The Manager shall also keep the Council informed of any unusual occurrences.

SECTION VI

Copies of this project ordinance shall be entered into the Minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director and Clerk.

This the 10th day of December, 1984.

Sewer Easement - University Heights

Council Member Smith asked if a property owner who has an easement across a piece of property is allowed to plant grass, trees, etc. on the easement given that the resolution states that \$0.00 is just compensation for the easement. Manager Taylor said an appraiser determined the property will be worth more after the sewer lines are installed, thereby setting the just compensation at \$0.00. Manager Taylor said a person can generally use the easement in any manner that is not inconsistent with its use as a sewer easement. Manager Taylor said the Town is following procedures determined by HUD to offer just compensation.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-247.

THE MOTION PASSED 6 - 1 WITH COUNCIL MEMBER SMITH VOTING AGAINST THE MOTION.

The resolution, as adopted, follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION (84-R-247)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Thomas Heffner, appraiser, that the fair market value of a sewer easement intended for purchase as part of the Town's Community Development Program is as follows:

<u>Parcel No.</u>	<u>Area (Sq. Ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Just Compensation</u>
One Tax Map 27A-F-1	6,041	Charles J. and Thelma Holloway	Sanitary Sewer Easement (30' x 201.36'; 30' x 201.38')	\$0.00 (no increase in value of land)

BE IT FURTHER RESOLVED that the Council hereby certifies that to the best of its knowledge, the work of the appraiser with respect to the above property has been performed in a competent manner in accord with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development.

This the 10th day of December, 1984.

Classification and Pay Ordinance

In response to questions from Council Member Smith, Manager Taylor explained the proposed ordinance amendment.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BROAD-FOOT, TO ADOPT 84-0-87.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The ordinance, as adopted, follows:

AN ORDINANCE AMENDING THE CLASSIFICATION AND PAY PLAN WHICH BEGAN OCTOBER 1, 1984 (84-0-87)

BE IT ORDAINED by the Council of the Town of Chapel Hill that "An Ordinance Establishing a Classification and Pay and Longevity Plan for the Employees of the Town of Chapel Hill and Bonds of Officials Beginning October 1, 1984" (84-0-37) be amended as follows:

In Section III, in grade 14, add Police Communications and Information Specialist.

In Section IV, delete the following lines:

	<u>Full-Time</u>		<u>Part-Time</u>		<u>Grade No.</u>
	<u>No.</u>	<u>Hrs.</u>	<u>No.</u>	<u>Hrs.</u>	
<u>PUBLIC SAFETY</u>					
Public Safety Officer	41	42/56	-	-	20
Firefighter	5	56	-	-	16
<u>PARKS AND RECREATION</u>					
Recreation Program Coordinator	2	37 $\frac{1}{2}$	-	-	22
Recreation Specialist II	4	37 $\frac{1}{2}$	1	20	18
Recreation Specialist I	1	37 $\frac{1}{2}$	-	-	16

and add the following lines:

<u>PUBLIC SAFETY</u>					
Public Safety Officer	38	42/56	-	-	20
Firefighter	4	56	-	-	16
Police Communications and Information Specialist	4	42	-	-	14
<u>PARKS AND RECREATION</u>					
Recreation Program Coordinator	1	37 $\frac{1}{2}$	-	-	22
Recreation Specialist II	5	37 $\frac{1}{2}$	-	-	18
Recreation Specialist I	2	37 $\frac{1}{2}$	-	-	-

This the 10th day of December, 1984.

Boards and Commissions - Nominations and Appointments

Council Member Preston nominated Jeff Gram for a seat on the Parks and Recreation Commission.

To fill 2 seats on the Appearance Commission, the following vote was taken:

- Karen Davidson (3): Broadfoot, Howes, Smith
- Ann Hamby (4): Kawalec, Pasquini, Preston, Thorpe
- Roy Lindahl (7): Broadfoot, Howes, Kawalec, Pasquini, Preston, Smith, Thorpe

A run-off vote was taken as follows:

- Karen Davidson (3): Broadfoot, Howes, Smith
- Ann Hamby (4): Kawalec, Pasquini, Preston, Thorpe

Roy Lindahl was appointed.

Concensus of the Council was to delay appointing a second member to the Appearance Commission because of a question concerning Ms. Davidson's residency.

Council Member Pasquini nominated Frank Pendergraft for a seat on the Historic District Commission.

To fill 3 seats on the Historic District Commission, the following vote was taken:

- Michael Lee Culpepper (6): Broadfoot, Howes, Pasquini, Preston, Smith, Thorpe
- Gary Freeze (4): Broadfoot, Howes, Kawalec, Smith
- Debbie Herbert (0)
- Lynn Igoe (1): Kawalec
- Frank Pendergraft (1): Pasquini
- James Webb (2): Preston, Thorpe
- Betty Williams (7): Broadfoot, Howes, Kawalec, Pasquini, Preston, Smith, Thorpe

A run-off vote was taken as follows:

- Gary Freeze (6): Broadfoot, Howes, Kawalec, Pasquini, Smith, Thorpe
- James Webb (1): Preston

Michael Lee Culpepper, Gary Freeze, and Betty Williams were appointed.

Sign Ordinance Revisions

Attorney Barrett presented the request for the Board of Adjustment.

Josh Gurlitz, Chair of the Appearance Commission, and Gina Cunningham, Chair of the Task Force on Entrancesways, encouraged Council to adopt the resolution.

Mr. Gurlitz said the Appearance Commission would welcome the opportunity to see if it can come up with a way to qualitatively review proposed signs.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT 84-R-248.

THE MOTION PASSED UNANIMOUSLY, (7 - 0).

The resolution, as adopted, follows:

A RESOLUTION REGARDING SIGN REGULATIONS (84-R-248)

RESOLVED, that the Town Council of the Town of Chapel Hill hereby calls a Public Hearing, at 7:30 p.m. on the next available public hearing date, in the Public Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, to consider revisions to Section 6.13 of the Development Ordinance (the Sign Ordinance) to: provide qualitative criteria and guidelines for signs, consistent with legal requirements, to allow consideration of color schemes, to prohibit pole signs, to provide for special criteria for review of signs and elevations in the Entranceways District and in TC zoning districts, to provide that signs shall not be approved unless they maintain or enhance the value of contiguous property, and otherwise to provide for signage within the Town that is harmonious with the context within which it appears; and

BE IT FURTHER RESOLVED, that the Appearance Commission is directed, in consultation with the Town Manager and Town Attorney, to prepare a proposed ordinance to implement the above provisions for consideration by Council at such public hearing; and

BE IT FURTHER RESOLVED, that the Appearance Commission shall prepare temporary criteria and guidelines for approval of signs, which shall be presented to and approved by Council, pending final adoption of proposed revisions to Section 6.13, if any.

This the 10th day of December, 1984.

A motion was duly made and seconded to adjourn at 10:15 p.m.

Mayor, Joseph L. Nassif

Nancy Wells, Information Services

