

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
TUESDAY, MAY 28, 1985, 7:30 P.M.

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

- Marilyn Myers Boulton
- David Godschalk
- David Pasquini
- Nancy Preston
- Bill Thorpe

Council Members Jonathan Howes, Beverly Kawalec, and R. D. Smith were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Acting Town Attorney Michael Patrick.

Petitions

Milton Julian, representing the Downtown Chapel Hill Association, petitioned Council for more Police protection (especially foot patrols) for the Town Center area. He cited several reasons for more Police protection, especially increased vandalism. (For complete text, see Clerk's file)

Council Member Preston commented that vandalism was spreading beyond the downtown area.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (6-0).

Minutes

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF MAY 13, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0).

Shelters and Residential Support Facilities, Second Reading

THE MOTION TO ADOPT ORDINANCE 85-0-21e WAS ON THE FLOOR FOR A SECOND READING. THE MOTION PASSED UNANIMOUSLY, (6-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0-21e)

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

SECTION I

INSERT the following paragraph as Section 18.107:

18.107 Residential Support Facility: A building or group of buildings owned or operated by a nonprofit organization intended to be used solely for temporary occupancy by family members of patients being treated at a local hospital, with occupancy not to exceed thirty (30) families.

SECTION II

INSERT the following paragraph as subsection 18.115.1:

18.115.1 Shelter: A building or group of buildings owned or operated by a nonprofit organization intended to be used solely for temporary occupancy by not more than 25 homeless persons, with on-site supervision during all hours of operation, with or without board for the occupants and staff of the shelter.

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SECTION III

INSERT the following in Section 4.3, "Schedule of Use Regulations," under "Use Group B:"

	<u>TC-1 & TC-2</u>	<u>CC</u>	<u>NC</u>	<u>OI-3</u>	<u>OI-1 & OI-2</u>	<u>I</u>	<u>R-5</u>	<u>R-6</u>	<u>R-4</u>	<u>R-3</u>	<u>R-1 & R-2</u>	<u>RT</u>	<u>PD-H</u>	<u>PD-SC(N)</u>	<u>PD-SC(C)</u>	<u>PD-OI</u>	<u>PD-MU</u>	<u>PD-</u>
Residential Support Facility	P	P	P	P	P	-							-	-	-	-	-	-
Shelter	P	P	-	P	P	-							-	-	-	-	-	-

SECTION IV

INSERT the following in subsection 6.6.7, "Minimum Off-Street Parking Space Requirements:"

<u>Use</u>	<u>TC-1 and TC-2 Districts</u>	<u>Districts other than TC and OI-3</u>
Residential Support Facility	1 per 500 sq.ft. of floor area	1 per 500 sq.ft. of floor area
Shelter	1 per 1,000 sq. ft. of floor area	1 per 1,000 sq.ft. of floor area

SECTION V

AMEND subsection 18.102 to read as follows:

18.108 Rooming House: A building or group of buildings containing in combination three (3) to nine (9) lodging units intended primarily for rental or lease for periods of longer than one week, with or without board. Emergency shelters for homeless persons and residential support facilities, as defined elsewhere in this ordinance, are not included.

SECTION VI

AMEND subsection 18.135 to read as follows:

18.135 Tourist Home: A building or group of buildings containing in combination three (3) to nine (9) lodging units intended for rental or lease primarily to transients for daily or weekly periods with or without board, as distinguished from rooming houses in which occupancy is generally by residents rather than transients. Emergency shelters for homeless persons and residential support facilities, as defined elsewhere in this ordinance, are not included.

This the 13th day of May, 1985.

Second Reading: May 28, 1985.

Community Development Plan

Council Member Godschalk spoke in support of the Manager's recommendation, 85-R-88c, because it put a majority of the resources into the home-ownership program and because it seemed to strike a reasonable balance in terms of repairs to some existing housing.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 85-R-88c.

Lightning Brown, representing the Planning Board, stated that the Board felt the Town should maintain what it already has in existing housing for low and moderate income residents before it expends money on new projects. The Planning Board urged the Council to not put off funding Inter-Church-Council's (IN-CHU-CO) request for repairs for Chase Park and Elliott Woods Apartments.

Council Member Preston agreed with the Planning Board in that the Town needed to make sure the low income housing in the Town was maintained. She was initially concerned about the small amount allocated for IN-CHU-CO, but after talking with IN-CHU-CO officials and the Manager, she felt that this was probably the most expedient way for some repairs to be done. Council Member Preston said she thought the Town intended to support IN-CHU-CO.

THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A FINAL STATEMENT FOR A 1985 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT (85-R-88c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to submit the Final Statement for the Community Development Program, as described in the Manager's memorandum to Council dated May 28, 1985, as amended, relating thereto, with the U. S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein, for a grant of \$345,000 in Community Development Entitlement Funds, including general objectives and activities described as follows:

- 1. Rehabilitate assisted housing (In-Chu-Co) in FY 85 and design program to provide low-interest loans to homeowners in FY 86. \$26,000
- 2. Encourage low and moderate income homeownership opportunities by supporting activities related to new construction and by acquiring existing housing; and coordinating with N. C. Housing Finance Agency mortgage funds. Location: city-wide. \$195,500
- 3. Provide capital improvements: Acquisition of right-of-way, relocation of households (if needed), sidewalk construction for Merritt Mill Road reconstruction project. Location: from Cameron Avenue to Lincoln School property. Repair of floor at Hargraves Center. Location: N. Roberson Street. Replace doors, hardware and door frames at Lincoln gymnasium. Location: Merritt Mill Road. \$70,000
- 4. General Administration \$39,500
- 5. Contingency \$14,000
- TOTAL GRANT \$345,000

BE IT FURTHER RESOLVED that the Manager is hereby directed and designated as the authorized representative of the Town to act in connection with submission of the Final Statement and to provide such additional information as may be required.

This the 28th day of May, 1985.

South Columbia-Pittsboro One-Way Pair

Manager Taylor stated that George Small, the Town Engineer, would give a presentation on the proposed plan to make South Columbia and Pittsboro streets one way between Cameron Avenue and Pittsboro Street's intersection with South Columbia. He stated the next step in the review process was for Council to refer to the Transportation Board for analysis.

Mr. Small gave a presentation on some of the technical aspects involved with the proposed one-way pairing of Pittsboro and S. Columbia streets. The one-way pairing was one of three alternatives available to Council in an effort to alleviate some of the congestion on S. Columbia during peak traffic hours. Two other alternatives were to do nothing or to widen S. Columbia street. Widening S. Columbia street would entail a major disturbance of the landscape and character of the area. This option was not favored by the University, who would be most affected by this change. Mr. Small stated that as such, the one-way pairing seemed to be the only viable alternative. He pointed out that the Town's Thoroughfare Plan called for the one-way pairing of these streets. He concluded

by saying that NCDOT had already allocated the funds for this project, so that if Council approved this project there would be no delay with implementation due to lack of funds.

Mayor Nassif spoke in favor of the one-way pairing. He said that if the University ever builds a parking deck near the Bell Tower the traffic congestion along those streets would be further increased. Mayor Nassif said the pairing could be done with little structural changes and therefore could be monitored to see if it was serving a purpose. If not, the decision could be reversed.

Council Member Thorpe stated he felt the proposal to eliminate the traffic light at the intersection of McCauley and Pittsboro streets was unnecessary. He felt the traffic light was needed, especially due to the high volume of pedestrian traffic in the area.

Council Member Boulton agreed with Council Member Thorpe that the traffic light at McCauley and Pittsboro needed to remain even if the proposed one-way pairing were implemented.

Council Member Pasquini spoke against the one-way pairing, stating that he did not feel it was necessary. He felt it was wrong to change the traffic patterns in this manner just to ease a problem that only occurred during the morning and evening peak traffic hours. He also disagreed with having one-way streets in residential areas. He was concerned that people would get lost due to confusing traffic flow. He asked why the traffic engineers did not consider one-way pairing of only the short block of Cameron, Pittsboro, McCauley, and Columbia to avoid the one block bottleneck that now exists.

Council Member Preston agreed with Council Member Pasquini in opposing one-way streets. She asked why the Town couldn't widen South Columbia street or consider other creative alternatives for alleviating the congestion. She felt that the one-way pairing as proposed would irreputably change the character of Chapel Hill. Town Engineer, George Small, replied that to widen S. Columbia would entail drastic changes in the appearance of the adjoining properties and that the University was against this idea.

Mayor Nassif said Charleston, S. C. had successfully maintained narrow and charming streets by implementing one-way traffic flow, and that widening streets contributes to destroying character.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO REFER TO THE TRANSPORTATION BOARD.

Council Member Godschalk asked that the Transportation Board look at other alternatives including no bus stops on that block of South Columbia between Cameron Avenue and McCauley Streets. He also asked how, if at all, this one-way pairing would affect Pittsboro Street when it eventually connected with Airport Road.

Manager Taylor replied that this pairing now under consideration was an interim move and that eventually plans call for Pittsboro Street to be one-way all the way to Airport Road.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO INCLUDE THE CALLING OF A PUBLIC HEARING FOR JUNE 10 TO DISCUSS THIS ISSUE.

Council Member Boulton suggested having a public hearing as part of the Transportation Board review.

Mayor Nassif suggested delaying calling for a public hearing until after the Transportation Board gave Council their report.

COUNCIL MEMBER GODSCHALK WITHDREW HIS SECOND ON THE AMENDMENT. THE AMENDMENT FAILED FOR LACK OF A SECOND.

THE MOTION FAILED TO PASS, (4-2), WITH COUNCIL MEMBERS PASQUINI AND PRESTON VOTING AGAINST.

Marcus Road Assessment Resolution

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT RESOLUTION 85-R-90. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR PAVING OF MARCUS ROAD (85-R-90)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake the paving of Marcus Road with related improvements including curb and gutter, storm drainage, and other improvements as described in the preliminary resolution adopted by Council on April 22, 1985.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. Fifty percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 28th day of May, 1985.

Consent Agenda

Council Member Boulton requested item e, application for Pawnshop license be removed from the consent agenda.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 85-R-91 MINUS E. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolutions and ordinance, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND AN ORDINANCE (85-R-91).

- a. Bid for asphalt roller (85-R-92).
- b. Bid for spare bus transmission (85-R-93).
- c. Prohibition of through truck traffic on Laurel Hill Road and part of Country Club Road (85-O-25).
- d. Calling of hearing June 24 on request to close unnamed right-of-way between NC 54 and Prestwick Road (85-R-94).

This the 28th day of May, 1985.

A RESOLUTION ACCEPTING A BID FOR ONE (1) PORTABLE TANDEM PATCH ROLLER (85-R-92)

WHEREAS, the Town of Chapel Hill has solicited formal bids by Legal Notice in The Chapel Hill Newspaper on April 7, 1985, in accord with G.S. 143-129, for the purchase of one (1) portable tandem patch roller; and

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WHEREAS, the following bids have been received and opened on Tuesday, April 23, 1985, at 2 p.m.:

<u>Item</u>	<u>Vendors</u>			
One (1) Portable Tandem Patch Roller	Interstate Equipment Co. Statesville \$23,628	N.C. Equipment Co. Raleigh \$25,450	Alpha American, Inc. Charlotte No Bid	Case Power & Equipment Co. Raleigh No Bid
	Mitchell Distributing Co. Raleigh No Bid	Contractors Service & Rentals Raleigh No Bid		Scott Huber Essick Construction Equipment Charleston, S.C. No Bid
	Spartan Equipment Co. Raleigh No Bid			

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of April 23, 1985 by, and awards a contract to, Interstate Equipment Company in the amount of \$23,628 for one (1) portable tandem patch roller in response to the Town's request for bids published April 7, 1985 and opened on April 23, 1985, in accord with G.S. 143-129.

This the 28th day of May, 1985.

A RESOLUTION ACCEPTING A BID FOR ONE (1) COMPLETE TRANSMISSION ASSEMBLY FOR GMC RTS II-04 TRANSIT COACHES, MODEL T-70604 (85-R-93)

WHEREAS, the Town of Chapel Hill has re-solicited formal bids by legal notice in The Chapel Hill Newspaper on April 25, 1985, in accordance with G.S. 143-129, for the purchase of one complete transmission assembly for GMC RTS II-04 transit coaches, model T-70604; and

WHEREAS, the following bids were received and opened on May 9, 1985:

<u>Vendor</u>	<u>Price</u>
Johnson and Tower, Inc. Mount Laurel, New Jersey	\$13,051.32
Transit Services Company, Inc. Greensboro, N. C.	\$19,362.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the low bid submitted by Johnson and Tower, Inc. in the amount of \$13,051.32 in response to the Town's re-advertisement for bids published April 25, 1985 and opened May 9, 1985, in accordance with G.S. 143-129.

This the 28th day of May, 1985.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (85-0-25)

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

SECTION I

That Section 21-6 of the Town Code of Ordinances, "Trucks" is amended by inserting the following therein, in appropriate alphabetical order:

- (G) It shall be unlawful to operate a truck on Country Club Road between Ridge Road and Laurel Hill Road and on Laurel Hill Road between Country Club Road and U.S. 15-501 Bypass except local delivery trucks making deliveries and/or pickups to houses in the area; it being the intent of the subsection to close portions of said public streets to through trucks.

SECTION II

This Ordinance shall be effective beginning on Monday, June 10, 1985.

SECTION III

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

This the 28th day of May, 1985.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSING OF AN UNNAMED RIGHT-OF-WAY WEST OF HAMILTON ROAD, BETWEEN ROUTE 54 AND PRESTWICK ROAD (85-R-94)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Council hereby calls a public hearing at 7:30 p.m. on Monday, June 24, 1985, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N. C., on the proposed closing of the 60' wide right-of-way which runs perpendicular to and between N.C. 54 and Prestwick Road.

BE IT FURTHER RESOLVED that the Town Manager is hereby directed to publish and mail notices of the hearings as required by law.

This the 28th day of May, 1985.

Council Member Boulton asked if a background check was all that was needed for Council to review when granting someone a pawnshop license. Acting Attorney Michael Patrick replied that a background check to ascertain whether or not the applicant has a criminal record was all that was required by State law and that this had been completed.

Council Member Pasquini asked the Attorney to explain the reasoning for a state statute regulating pawn shops. Mr. Patrick replied that pawn shops were legitimate businesses, but were now by State Statute subject to an additional layer of regulations because of their nature of selling and receiving used merchandise.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-95. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING A PAWNSHOP LICENSE FOR MR. JAMES RONALD CHILTON (85-R-95)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the issuance of a pawnshop license in the form of a certified copy of this resolution to Mr. James Ronald Chilton of 1506 Sherwood Drive, Burlington, N.C., based on information provided in his application of May, 1985, a copy of which shall be retained with the records of this meeting; such license shall be conditional on the following:

1. The Council may revoke the license for cause, including but not limited to, violation of state or federal law; or misrepresentation of any material fact in the said application.
2. The pawnshop business which Mr. Chilton is authorized to operate shall be located at 421 West Franklin Street; and such location is the only one authorized by this license, pursuant to N.C. G.S. 91-3.
3. No one with a plea of nolo contendere, or a guilty plea or conviction on a felony charge within the past 5 years may work at the pawnshop; no one with a misdemeanor conviction, or a guilty plea or plea of nolo contendere within the past 5 years on a misdemeanor charge involving theft, controlled substances, use of force against another person, fraud, moral turpitude or similar offenses may be employed at the pawnshop. The operator shall report the name, address and other identifying information, as requested by the Police Department, of every employee of the pawnshop to the Detective Captain of the Chapel Hill Police Department within 7 days of the hiring of such employees.

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4. If the Chief of Police, Town Manager or Town Council determines that the requirements of this pawnshop license have been violated, the license shall be null and void and the bond required under N.C. G.S. 91-3 shall be forfeited. If it appears that such a violation has occurred, the Police Chief shall hold a hearing upon not less than 10 days prior written notice delivered to the pawnshop. A finding by the Police Chief may be appealed to the Town Manager and subsequently to the Town Council, who shall also afford the opportunity of a hearing within a reasonable time after filing of an appeal.

This the 28th day of May, 1985.

Executive Session

The executive session was postponed.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-96 TO RECESS THE MEETING UNTIL JUNE 3, 1985 AT 7:30 P.M. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RECESSING THE MEETING OF MAY 28, 1985 TO 7:30 P.M. JUNE 3, 1985 (85-R-96)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby recesses the regular meeting of May 28, 1985 to 7:30 pm Monday, June 3, 1985 in the Meeting Room of the Municipal Building to act on the 1985-86 Budget Ordinance and related matters.

This the 28th day of May, 1985.

The meeting recessed at 9:05 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Information Services