

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JUNE 10, 1985, 7:30 P.M.

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

- Marilyn Myers Boulton
- David Godschalk
- Beverly Kawalec
- David Pasquini
- Nancy Preston
- R. D. Smith
- Bill Thorpe

Council Member Jonathan Howes was absent, excused. Also present were Town Manager, David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Acting Town Attorney Michael Patrick.

Public Hearing on Proposed Closing of Alley Along West Side of the Post Office/Court Site

Sonna Loewenthal, Assistant Town Manager for Environment and Development, gave a presentation on the proposed closing. She stated that State law required the Council to make a finding prior to any closing that no individual owning property in the vicinity of the street or alley would be deprived of reasonable ingress and egress to his property. Ms. Loewenthal pointed out that the property abutting this alley was owned by the Town. She also explained that businesses near the alley have direct access to either Franklin or Rosemary Streets so that the closing of the alley in question would not adversely affect their operations and that in her opinion no property owner would be deprived reasonable ingress and egress to their property. Ms. Loewenthal concluded by saying that if Council gave approval for the closing the actual physical closing of the alley would not occur until construction began on Rosemary Square.

Council Member Preston asked what would happen to the existing one-way traffic alley behind the businesses fronting Franklin Street when the eastern leg of the alley was closed. Manager Taylor replied that the alley would be converted from one-way to two-way traffic on a temporary basis with no parking allowed while construction was underway.

Council Member Smith asked how the garbage would be picked up after the alley was closed. Ms. Loewenthal replied that the contractors for Rosemary Square would provide containers on wheels to be rolled out to the street for Town garbage collection.

There were no comments from the public in attendance.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Petitions

There were no petitions.

Minutes

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF MAY 20, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT THE MINUTES OF MAY 28, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

One-Way Pair, South Columbia-Pittsboro

Council Member Preston asked why the Manager felt it was necessary to send this item to the Transportation Board. Manager Taylor replied that it was not necessary, but a courtesy and that the staff wanted to make sure it had their review primarily because of their transit responsibilities.

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Mayor Nassif stated that despite some citizen comment this project was not new. It was part of the Thoroughfare Plan and had been studied by Council for quite some time. He recommended approving the plan without sending it to the Transportation Board. Mayor Nassif said that the time was right to implement the project if approved and that if, after it was put into place, statistics showed that it had not solved the congestion problem or had created more problems it could be reversed with little trouble.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-89.

Council Member Preston spoke against the motion citing a letter from Richard McEnally in which he stated the potential adverse impact on adjacent property values, lack of traffic control signals on Pittsboro Street, the possibility of increased pedestrian accidents, elimination of parking spaces, confusing traffic patterns and establishing of a precedent for major one-way streets through residential districts, as reasons for denial of the project. (For a copy of the letter, see the Clerk's files.) Council Member Preston agreed with Mr. McEnally's concerns and felt there were other alternatives available. She suggested removing the bus stops on that block of South Columbia Street for a year to see what would happen and to hold a public hearing on this matter.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI FOR A SUBSTITUTE MOTION TO CALL A PUBLIC HEARING ON THIS MATTER PRIOR TO COUNCIL TAKING ANY ACTION.

Council Member Pasquini spoke in favor of a public hearing saying that the public hearings on the Thoroughfare Plan had brought out comments against one way pairing. He said he felt Council had an obligation to hear the public prior to taking action.

Council Member Thorpe also spoke in support of a public hearing.

Council Member Kawalec spoke in support of the original motion to approve the proposal. She said that Council had worked for years to develop the Thoroughfare Plan, which was a compromise plan that had various aspects that did not appeal to everybody. She encouraged Council not to start pulling the Plan apart because she felt the Council had an obligation to try to make it work.

Council Member Preston commented that plans change all the time and that it seemed right that those affected should have a chance to speak.

Council Member Boulton said she would not like to see the Council pulling apart any controversial issue like the Thoroughfare Plan and having more public hearings. She said that Council had had numerous public hearings on the Thoroughfare Plan in which this issue had been included, and that the Council had adopted that Thoroughfare Plan.

Council Member Smith said he was concerned that this would set a precedent for having new public hearings as each part of the Thoroughfare Plan was implemented. He said that traffic jams occur every day and this one-way pairing would be the first step in getting N.C. DOT's aid in implementing the Thoroughfare changes.

Mayor Nassif commented that the Council had spent a lot of time on the Thoroughfare Plan. He said that it might not be to everybody's liking but the Council had studied it, held public hearings, listened to the public and to the staff, and he resented the implication that the Council had not done any work on this issue.

THE SUBSTITUTE MOTION FAILED, (3-5) WITH COUNCIL MEMBERS PASQUINI, PRESTON AND THORPE VOTING IN FAVOR.

Council Member Pasquini spoke against the original motion to approve the proposal saying he was concerned about how it would affect the neighborhood. He also questioned what type of traffic signals would be used. George Small, Town Engineer, replied that the signals would be sequenced and coordinated to allow the traffic travelling at the speed limit to move through the lights. Mr. Herb Jusice, representing N.C. DOT said there would be actuated sensors in the pavement to alert the traffic signals as to the traffic flow and therefore allowing the traffic signals to adjust their cycles accordingly. He said there would be a maximum limit for the length of the cycles.

Council Member Pasquini said he thought the proposed one-way pairing would cause cars to travel at a higher speed than now exists and thus have an adverse impact on the surrounding neighborhood. He said he did not feel all options had been explored, such as eliminating bus stops on S. Columbia where back ups occur, or prohibiting left hand turns in the area.

Council Member Thorpe expressed concern about the proposed removal of the existing traffic signal at the intersection of McCauley and Pittsboro Streets. He also suggested that Cameron Avenue be one-way in the block between Columbia and Pittsboro Streets.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO AMEND THE MOTION TO INCLUDE THE INSTALLATION OF A NEW TRAFFIC SIGNAL, SYNCHRONIZED WITH THE OTHER TRAFFIC SIGNALS, AT THE INTERSECTION OF MCCAULEY AND PITTSBORO STREETS.

Council Member Godschalk inquired as to the expected cost of a new traffic signal. Mr. Justice estimated \$8-10,000. Mr. Taylor said it was his belief DOT would implement the plan that Council approved.

Council Member Thorpe said that one could not equate the cost of the additional traffic signal because lives were involved.

THE AMENDMENT PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI FOR A SUBSTITUTE MOTION TO SEND THE PROPOSAL TO THE TRANSPORTATION BOARD PRIOR TO COUNCIL TAKING ANY ACTION. THE MOTION FAILED, (3-5) WITH COUNCIL MEMBERS PASQUINI, PRESTON, AND THORPE VOTING IN FAVOR.

THE MOTION, AS AMENDED, CARRIED, (5-3) WITH COUNCIL MEMBERS PASQUINI, PRESTON, AND THORPE VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE ONE-WAY PAIRING OF SOUTH COLUMBIA STREET AND PITTSBORO STREET BETWEEN CAMERON AVENUE AND MANNING DRIVE (85-R-89)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby approves the construction plans dated May 17, 1985 with the added stipulation that the traffic signal at the intersection of McCauley and Pittsboro Streets be replaced with a new signal which would be compatible with the other traffic signal equipment being installed under these construction plans and authorizes construction and implementation of the one-way pairing of South Columbia Street and Pittsboro Street.

BE IT FURTHER RESOLVED that the Town of Chapel Hill requests the North Carolina Department of Transportation to accept ownership and maintenance of Cameron Avenue from South Columbia Street to Pittsboro Street, and of Pittsboro Street from Cameron Avenue to South Columbia Street.

This the 10th day of June, 1985.

Timber Hollow

Roger Waldon, Planning Director, made a presentation on the changes to the Timber Hollow proposal. He said the developer had three alternatives for the Council to review. He said the location of the buildings in all alternatives was generally the same. The primary difference was in the access points to the development. Alternative A would allow access through Mendel Drive and Piney Mountain Road. Alternative B had access only from Piney Mountain Road, and alternative C would have access from Piney Mountain Road and Airport Road.

Mayor Nassif asked for clarification with regard to the finished floor elevations of the buildings as now proposed. Manager Taylor replied by reading off proposed elevations from the detailed plan for each building.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT RESOLUTION 85-R-105c WITH THE ADDITION OF HAVING PUBLIC DEDICATED STREETS AND THAT A DRIVE WOULD BE PAVED TO THE EDGE OF THE BUFFER WITH DEDICATED RIGHT-OF-WAY TO THE EDGE OF THE PROPERTY LINE IN ALIGNMENT WITH MENDEL DRIVE.

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Council Member Pasquini spoke against the implied connection with Mendel Drive. He also expressed concern about the traffic impact that Timber Hollow and Misty Woods would have on Piney Mountain Road, especially without a traffic signal at the projects access roads intersection with Piney Mountain Road.

Council Member Smith spoke against the motion especially with regard to the access onto Airport Road. He felt residents would not adhere to the right-in/right-out traffic pattern. Council Member Smith suggested having another access onto Piney Mountain Road.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI FOR A SUBSTITUTE MOTION TO ADOPT 85-R-105b WITH AN ADDITIONAL ACCESS UNTO PINEY MOUNTAIN ROAD.

Council Member Boulton asked if the staff had considered this option. Manager Taylor replied yes but that another access onto Piney Mountain Road in the area suggested could violate the provisions of the Resource Conservation District.

THE SUBSTITUTE MOTION FAILED, (2-6) WITH COUNCIL MEMBERS PASQUINI AND SMITH VOTING IN FAVOR.

THE MOTION CARRIED, (5-3) WITH COUNCIL MEMBERS PASQUINI, PRESTON, AND SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT FOR TIMBER HOLLOW APARTMENTS (85-R-105c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing proposed by Pacific Realty Corporation, if developed in accordance with the preliminary site plan, preliminary utility plan, and preliminary grading, storm drainage and erosion control plan dated April 22, 1985, titled "Preliminary Site Plan C", and the 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:

1. That construction begin by June 10, 1986 and be completed by June 10, 1991.
2. That Airport Road be improved along the site's frontage to $\frac{1}{2}$ of a 65-foot-wide roadway cross-section with curb-and-gutter and an 8-foot wide bike path/sidewalk, plus a deceleration and an acceleration lane built to DOT and Town standards.
3. That Piney Mountain Road be improved along the site's frontage to $\frac{1}{2}$ of a 41-foot-wide roadway cross-section with curb-and-gutter and a 5-foot-wide sidewalk except as noted in #4.
4. That a 12-foot-wide lane be provided along Piney Mountain Road as it approaches its intersection with Airport Road to provide a right-turn lane and bus turnout, and that it be designed to taper back to a 41-foot-wide roadway cross-section (taper beginning approximately 360 feet from the intersection).
5. That the applicant provide funds to the Town equal to the cost of the signalization of the Airport Road/Piney Mountain Road intersection, with the amount to be determined by NCDOT. The funds shall be provided before issuance of a Zoning Compliance Permit.

6. That a bus stop with a concrete pad, bench, and shelter be provided behind the sidewalk along Piney Mountain Road approximately 300 feet east of Airport Road.
7. That the proposed private drive looping from Airport Road to Piney Mountain Road and the proposed private drive extending from the principal loop street eastward between building #15 and the tennis court be public streets.
8. That the right-of-way for the above redesignated public street extending from the principal loop street eastward between building #15 and the tennis court be extended to align with the existing Mendel Drive right-of-way in the Forest Creek Subdivision, and the roadway for such street be extended to the western edge of the proposed 200-foot-wide buffer along the site's eastern boundary.
9. 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 internal sidewalk system be connected to sidewalks along Piney Mountain Road and Airport Road at locations convenient to bus stops.
10. That a 50-foot-wide pedestrian and non-motorized vehicle easement be dedicated within the Duke Power electrical transmission line right-of-way along the site's eastern boundary.
11. That basketball goals be provided at the ends of at least one parking court in the southwestern part of the site and at least one parking court in the northern part of the site.
12. That the detailed landscape plan to be approved by the Appearance Commission include landscaping around the buildings and plantings to supplement existing vegetation left within the interior of the site.
13. That the proposed 50-foot-wide buffers along Airport and Piney Mountain Roads remain undisturbed by construction activities within their entire widths except as necessary for traversing utility and drainage easements, roadways, and sidewalks, and for supplemental landscaping.
14. That clearing for proposed buildings, roads and parking areas not go beyond 15 feet from the location of such buildings, roads and parking areas as indicated on the applicant's Preliminary Site Plan; and that fences be put in place during construction to assure that trees existing beyond 15 feet of buildings, roads and parking areas are preserved.
15. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (site plan, utility plan, grading and stormwater management plan, and right-of-way/easement plats) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.
16. That final plans for improvements to Airport Road and Piney Mountain Road be approved by NCDOT and the Town Manager before issuance of a Zoning Compliance Permit.
17. 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.
18. That easement documents as approved by OWASA be recorded for utility easements before issuance of a Zoning Compliance Permit, and that the property owner bear the cost of any assessments required by OWASA for maintenance of fire hydrants until such time as this responsibility is assumed by a homeowners association or a public entity or until such time as OWASA policy may change.
19. That the development may be phased in accord with a phasing plan approved by the Town Manager.
20. That Pinchot Lane not be connected to Piney Mountain Road.
21. That the continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with applicable provisions of the Chapel Hill Development Ordinance and regulations thereunder.

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22. If any of the above conditions shall be held invalid or void, then this permit shall be void and of no effect.

BE IT FURTHER RESOLVED that the Council hereby approves a Planned Development-Housing Special Use Permit in accordance with the plans and conditions listed above.

This the 10th day of June, 1985.

Wilson Rezoning

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT RESOLUTION 85-R-106b.

Council Member Godschalk spoke in favor of the Planning Board recommendation to delay consideration for six months.

THE MOTION CARRIED, (7-1) WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION DENYING A ZONING ATLAS AMENDMENT (85-R-106b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby denies the application of John G. McCormick for a Zoning Atlas Amendment to change the zoning classification of the property described below from Residential-2 to Community Commercial:

Chapel Hill Township Tax Map 27A, Block B, that part of Lot 2 currently located within the Residential-2 zoning district.

This the 10th day of June, 1985.

Mitchell Rezoning

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-107b. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DENYING A ZONING ATLAS AMENDMENT (85-R-107b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby denies the application of Gordon N. Mitchell for a Zoning Atlas Amendment to change the zoning classification of the properties listed below from Residential-2 to Neighborhood Commercial:

- 1) Chapel Hill Township Tax Map 127, Block A, that part of Lot 7 located within the Chapel Hill zoning jurisdiction, more significantly described as all those certain lots or parcels of land situated, lying and being on the west side of Highway No. 15-501, and near the Chatham County line, and more particularly described as BEGINNING at an iron stake in the northwest margin of Highway 15-501 and in the southernmost corner of Lot No. 18; running thence with the southwest line of said Lot No. 18 North $38^{\circ}16'06''$ West 211.79 feet to an iron stake; running thence South $41^{\circ}54'40''$ West 156.27 feet to an iron stake; running thence North $37^{\circ}43'45''$ West 162.06 feet to an iron stake in the southeast margin of Smith Level Road; running thence along and with the southeast margin of said road South $31^{\circ}42'33''$ West 53.40 feet to an iron stake; running thence South $37^{\circ}04'16''$ East 150.62 feet to an iron stake; running thence South $37^{\circ}56'41''$ East 175.47 feet to an iron stake in the northwest margin of Highway 15-501, running thence along and with the northwest margin of said Highway North $51^{\circ}37'55''$ East 106.82 feet to a point, and North $53^{\circ}31'07''$ East 100.00 feet to an iron stake, the point and place of BEGINNING, and being all of Lot Nos. 13 through 17 inclusive of the J. U. Pearson Estate, according to plat and survey thereof by Fred P. Johnston, R.L.S., dated March 17, 1979 entitled "Property of S. Alexander Gregg, Jr., and wife, Jane Council Gregg."

- 2) Chapel Hill Township Tax Map 127, Block A, that part of Lot 10 located within the Chapel Hill zoning jurisdiction, more specifically described as all those certain lots or parcels of land situated, lying and being on the north side of the Chapel Hill-Pittsboro highway or U.S. Highway 15-501 and known and designated as portions of Lot Nos. 10, 11, and 12 of the property of the J. U. Pearson Estate, as surveyed by F. M. Carlisle on June 25, 1947, plot of which is on file in the Office of the Register of Deeds of Orange County in Plat Book 4, Page 23, and more particularly described as BEGINNING at a stake in the North property line of said highway, a corner of Lot No. 9; running thence along the North property line of the said highway North 46°59' East 75 feet to a stake, a corner of Lot No. 13; running thence with the line of Lot No. 13 North 43°01' West 181.6 feet to a stake; running thence South 26°54' West 78.6 feet to a stake in the property line of Lot No. 9; running thence with the line of Lot No. 9 South 43°01' East 154.0 feet to the point and place of BEGINNING.

This the 10th day of June, 1985.

One-Way Traffic, UNC Orientation Day

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-O-33. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE PROVIDING FOR TEMPORARY ONE-WAY STREETS (85-O-33)

BE IT ORDAINED by the Council of the Town of Chapel Hill that on the 17th day of August, 1985, between the hours of 8 a.m. and 5 p.m.:

Raleigh Street shall be limited to one-way traffic, flowing north from South Road to Franklin Street; and

Cameron Avenue/Country Club Road shall be limited to one-way traffic, flowing east from Columbia Street to Gimghoul Road.

This the 10th day of June, 1985.

Nominations for Boards/Commissions

Board of Adjustment

Council Member Kawalec nominated Jeannette Gay Eddy and T. Boyd Spiller.

Community Appearance Commission

Council Member Boulton nominated Jamescina DeGraffenreidt, Anne Hamby, and Roy Lindahl.

Historic District Commission

Council Member Preston nominated David Woodley.

Human Services Advisory Board

Council Member Preston nominated Lyman S. Ford and Roosevelt Wilkerson, Jr.

Orange Water and Sewer Authority

Mayor Nassif requested Council Members to delay nominations to this body until the June 24 meeting. Council Member Thorpe said he was prepared to nominate a candidate tonight. Council Member Pasquini said he would be out of town June 24 and wished to nominate this evening.

Council Member Thorpe nominated Margaret Miller.
Council Member Pasquini nominated John Hickey.
Council Member Godschalk nominated Raymond Burby.

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Parks and Recreation Commission

Council Member Boulton nominated Kani Hurow.
Council Member Preston nominated Joel Bulkley.

Planning Board

No nominations were made.

Transportation Board

Council Member Preston nominated Richard Palmer.
Council Member Smith nominated John Thomas.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO
ADJOURN. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned at 10:15 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Town Clerk