

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JANUARY 27, 1986, 7:30 P.M.

Mayor James C. Wallace called the meeting to order. Council Members present were:

Julie Andresen
David Godschalk
Jonathan Howes
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe
Arthur Werner

Also present were Town Manager David R. Taylor, Assitant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Recognition of Employees Who Retired in 1985

Mayor Wallace recognized Captain Howard Pendergraph of the Police Department who retired in June of 1985 with 32 years of service to the Town. Mayor Wallace and Police Chief Herman Stone presented Captain Pendergraph with a Resolution of Appreciation from the Town.

Petitions

Austin Bisbing asked to speak to item #7, effective date of Development Ordinance Text Amendments.

Gina Cunningham, representing the Entranceways Task Force, requested that a member of the Entranceways Task Force be appointed to the Community Planning Task Force, if such a task force was established.

Rex Savery, representing the owners of the property which housed Brady's Restaurant, petitioned the Council to speak to item #7, and presented a written petition stating opposition to adoption of the resolution attached to agenda item #7, effective date of Development Ordinance Text Amendments.

Len Van Ness, representing the Chapel Hill-Carrboro Board of Directors of the Chamber of Commerce, petitioned the Council to review its procedure for disseminating information to the public prior to the Council meetings. He commented that most citizens did not receive notice of the meetings' content until the day of the meeting, and that this left little time for citizens to review what was to be discussed. He said that agenda item #7 could drastically affect many citizens in Chapel Hill and that since most of the citizens had not had a chance to review the issue prior to the meeting, the item should be removed from the agenda. Mr. Van Ness asked to speak to item #7 if the item was not removed from the agenda.

Carol Ann Zinn, Burnelle Powell, Mary Pender and Roger Bernholz asked to speak to agenda item #7.

The Council agreed to let these citizens speak to agenda item #7.

Dusty Penta, speaking as a resident of Burlage Circle, spoke in support of agenda item #7 to reconsider the effective date of proposed Development Ordinance Text Amendments. She said she and other residents were concerned with the types of development occurring in Chapel Hill.

William Perry asked the Council to remove agenda item #13c from the consent agenda and to speak to the item.

The Council agreed to remove the item from the consent agenda.

150
Paul Creech asked to speak to agenda item #9, Mill Race construction deadline. The Council agreed to let him speak to the item.

Ted Parrish asked the Council to remove agenda item 13a from the consent agenda, and to speak to that item.

The Council agreed to remove item 13a from the consent agenda.

Council Member Thorpe asked the Manager to contact NCDOT regarding the cost of a new traffic signal light at the McCauley and Pittsboro Street intersection. He said if NCDOT would not fund a new signal at this time, the Town should consider paying for the signal light. He asked that this be placed on the next Council meeting agenda.

Council Member Preston asked Manager Taylor if he had received any response from the Chapel Hill Newspaper of Village Advocate regarding the publishing of Council Meeting agendas as a public service. Mr. Taylor said he had received no response to his letters to date.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF JANUARY 6, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO DELAY ACTION ON THE MINUTES OF JANUARY 13, 1986 UNTIL THE NEXT REGULAR COUNCIL MEETING SO THAT THE MINUTES COULD BE AMENDED TO BETTER REFLECT THE ACTUAL COMMENTS (PAGE 15) FROM THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

Entranceways Task Force Report

Gina Cunningham, representing the Entranceways Task Force, introduced several members of the Task Force, complementing them for their time and effort in producing this report. She said the Task Force in their memorandum to the Council developed guidelines for a consultant who would prepare a Master Landscape Plan. These guidelines included preparing a detailed survey, establishing Entranceways Districts, prepare budget costs, identify mini-park areas, and consider the possibility of a welcome center. Ms. Cunningham said the Task Force had redefined the proposed entranceways by deleting three segments; from the Municipal Building to Estes Drive on Airport Road; from Manning Drive to the bridge on South Columbia Street; from Country Club Road to the intersection with US 15-501 on Raleigh Road, and adding a segment from Estes Drive to Roosevelt Drive on East Franklin Street. She concluded by saying the initial course of action for the Council should be to commission the development of the Master Landscape Plan by a landscape architect.

Council Member Howes commented that he objected to the Task Force's recommended plan to delete segments from the entranceways saying that these areas were among the most vulnerable and needed to be protected.

Council Member Pasquini agreed with Council Member Howes that the areas targeted for deletion should be kept within the entranceways plan. He also questioned the need for a welcome center and the hiring of a landscape architect and horticulturist.

Council Member Smith said defining the entranceway boundaries should be the first step in implementing an entranceways plan, and should be done prior to hiring a consultant. Ms. Cunningham replied that the Task Force felt the consultant would define the boundaries as part of developing the Landscape Plan.

Council Member Smith asked if a timetable had been set for the Task Force's proposals. He was concerned with letting developers know what was planned. Ms. Cunningham said the Task Force felt that after a consultant was hired, they expected the Master Plan to be developed within six months.

Council Member Godschalk agreed with Council Member Pasquini that there was a question of whether or not a welcome center was needed. He also questioned whether or not entranceways should be used as memorials.

Council Member Werner said he felt the Council needed to have a work session prior to hiring any consultant to further discuss just what the Council wanted to implement and at what rate.

Response to Planning Board Annual Report

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-1-27/R-1 WITH THE AMENDMENT THAT THE DATE OF THE JOINT WORKSESSION BE FEBRUARY 5, 1986 AT 7:30 P.M.. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SCHEDULING A WORK SESSION OF THE TOWN COUNCIL WITH THE PLANNING BOARD (86-1-27/R-1)

WHEREAS, the Council and the Planning Board are both interested in the timely development of the Land Use Plan and the other components of the Comprehensive Plan;

BE IT RESOLVED by the Council of the Town of Chapel Hill that a joint work session will be held on February 5, 1986 at 7:30 p.m. to reach consensus on a schedule and process for developing a Land Use Plan for Chapel Hill and its Planning Jurisdiction and to agree upon the Goals and Objectives for such a plan.

This the 27th day of January, 1986.

Site Plan Review

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-1-27/R-2.

Council Member Andresen asked if the resolution should propose more concise criteria for site plan review or could the Council discuss this as part of the public hearing. Attorney Karpinos replied that the proposed resolution was adequate for calling a public hearing and that the Council's concerns should be addressed in the draft resolution at the public hearing.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER CHANGES IN SITE PLAN REVIEW AUTHORITY (86-1-27/R-2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Council directs that a Public Hearing be scheduled to consider amending the Chapel Hill Development Ordinance provisions related to Site Plan Review;

BE IT FURTHER RESOLVED that the alternative changes to the ordinance under consideration include:

- a. requiring that applications for site plan approval be changed to site plan/special use permit applications to be reviewed by the Planning Board acting with the authority of a special board of adjustment;
- b. requiring that applications for site plan approval be reviewed by the Council;
- c. requiring that applications for site plan approval be changed to site plan/special use permit applications to be reviewed by Council

152
BE IT FURTHER RESOLVED that consideration of these changes includes consideration of identifying and defining major and minor site plan applications and making any of the above-referenced proposed changes applicable based on criteria established to define major and minor site plan applications and assignment of minor site plan review authority to Town staff.

This the 27th day of January, 1986.

Reconsideration of Effective Date Change of Proposed Development Ordinance Text Amendments

Mayor Wallace commented that this item had been placed on the agenda at the request of Council Member Andresen and that it was for reconsideration of the effective date of the proposed Development Ordinance Text Amendments. He said the Council at its January 13th meeting had passed a resolution setting the effective date as January 13th for those development projects not yet accepted by the Town.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO RECONSIDER RESOLUTION 86-1-13/R-7 AS ADOPTED ON JANUARY 13, 1986. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Andresen commented that she had reviewed this item and felt there should be a change in the resolution to further qualify what constituted "acceptance, by the Town" of development projects. She suggested that the resolution be amended to state that the proposed Development Ordinance Text Amendments be applicable to those projects for which applications or permits had not been approved by the applicable agency with approval authority as of the date of adoption of the amended resolution.

Council Member Howes asked which projects would be affected if the Council amended the resolution. Council Member Andresen replied that only the proposed Chapel Hill Center and Tate Apartments would be affected.

Council Member Thorpe commented that it was hard to make actions effective retroactively.

Council Member Pasquini asked for clarification of what constituted final approval, especially between the Planning Board and the Board of Adjustment. Attorney Karpinos replied that the Planning Board generally had the approval authority. But if their decision was appealed to the Board of Adjustment and the Board of Adjustment overturned the Planning Board's ruling then the Board of Adjustment had the final approval authority.

Council Member Preston stated that regardless of this initial resolution regarding the effective date of Development Ordinance Text Amendments, the Council could establish another effective date at the time of adoption of the proposed changes to the Development Ordinance. Attorney Karpinos agreed.

Council Member Werner said he felt Council Member Andresen's proposal was a reasonable compromise in establishing an effective date.

Council Member Smith commented that the Council needed to review the reasons for proposing the changes to the Development Ordinance as well as maintain its integrity by not reversing its previous actions. He said if the conflict was the result of specific development projects then the Council needed to review the Development Ordinance for other potential changes.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER TO AMEND RESOLUTION 86-1-13/R-7 TO STATE IN THE FIRST PARAGRAPH THAT "...THE COUNCIL PROPOSES TO MAKE THE DEVELOPMENT ORDINANCE TEXT AMENDMENTS SCHEDULED FOR HEARING ON FEBRUARY 10, 1986 APPLICABLE TO SITE PLAN APPROVALS, SPECIAL USE PERMITS, SUBDIVISION REQUESTS, AND REZONINGS FOR WHICH SUCH APPLICATIONS OR PERMITS HAVE NOT BEEN APPROVED BY THE APPLICABLE AGENCY WITH APPROVAL AUTHORITY AS OF THE DATE OF ADOPTION OF THIS RESOLUTIONTHIS THE 27TH DAY OF JANUARY, 1986."

Council Member Howes stated that he felt this proposed amendment did not change much and that it was unnecessary.

COUNCIL MEMBER SMITH MOVED A SUBSTITUTE MOTION TO DELETE THE LAST TWO PARAGRAPHS OF RESOLUTION 86-1-13/R-7 TO STATE THAT THE EFFECTIVE DATE AS INDICATED IN THE RESOLUTION AS THE FINAL EFFECTIVE DATE. THE MOTION FAILED FOR LACK OF A SECOND.

Council Member Pasquini commented that the Planning Board was scheduled on January 28th to review one of the projects which would be affected if the proposed resolution was adopted. He said they would have a difficult time reviewing the project under the proposed rules when all the background and staff information was based on the current regulations.

Austin Bisbing, speaking as a citizen, asked for clarification of which projects would be affected by the proposed resolution, and commented that he did not feel it was fair for the Council to change the rules and regulations in the middle of a project. Council Member Andresen replied that only the Chapel Hill Center and Tate Apartment proposals would be affected.

Len Van Ness, representing the Board of Directors of the Chamber of Commerce, stated that he felt it was unfair for the Council to take action on this matter tonight when many citizens were unaware of the proposal. He also commented that he did not feel the Council should make the Development Ordinance Text Amenments applicable retroactively.

Carol Ann Zinn, speaking as a citizen and developer, said she was concerned about the methods being used to control growth in Chapel Hill. She said it was becoming increasingly harder for developers to commit money to development projects when the rules were changed in midstream. She asked the Council to try to look at the situation from the developers' standpoint. Ms. Zinn asked how the Council would feel if the tables were turned and they were faced with having to work under rules and regulations that were constantly changing.

Mary Pender, speaking as a resident of Estes Drive and Burlage Circle, spoke in support of the proposed resolution.

Roger Bernholz, speaking as a citizen, spoke against the proposed resolution and agreed with Council Member Smith in that the citizens should be able to leave the meeting knowing the effective date of the proposed Development Ordinance changes. He said he was concerned that the proposed resolution would send a project that had been pending for the last three months, back to the drawing board. He said the Chapel Hill Center project was scheduled to be reviewed by the Planning Board on the next evening and that the staff, Planning Board, and developers were expecting it to be reviewed under the current Development Ordinance.

Burnelle Powell, representing the Village West Homeowners Association, said he would address his comments to the Town Attorney in a letter.

Rex Savery, an attorney representing the estate of Dr. Brady McLennan, said that adoption of this resolution could produce hardships to innocent parties. He said that there were estates of long time citizens of Chapel Hill which could not be closed or funded for payment of taxes and expenses until the sale of the property of Dr. McLennan. Mr. Savery said that the land was in the process of being sold to the developers of one of the projects which would be affected by the proposed resolution. He urged the Council to stand by their previous actions of January 13th.

Waldo Hazley, speaking as a citizen, spoke in support of the proposed resolution and commented that the citizens of Chapel Hill needed to become more aware of what developments were being proposed as well as changes to the Development Ordinance.

Everette McNair, speaking as a resident of Burlage Circle, said he felt there should be more time spent on development items and spoke in support of the proposed resolution.

159
Council Member Preston said that she had talked with the developer of two of the projects (Chapel Hill Center and Siena Hotel) that were receiving concern from some of the citizens and that he appeared willing to discuss the problems with those citizens to try to arrive at a compromise. She said she felt the proposed resolution would allow time for a compromise to be met.

THE MOTION FAILED TO PASS, (2-7), WITH COUNCIL MEMBERS ANDRESEN AND PRESTON VOTING IN FAVOR.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO REAFFIRM THE VOTE OF JANUARY 13, 1986 FOR RESOLUTION 86-1-13/R-7. THE MOTION PASSED, (8-1), WITH COUNCIL MEMBER ANDRESEN VOTING AGAINST.

OWASA Annual Meetings

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-1-27/R-3. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING ANNUAL MEETINGS WITH THE BOARD OF DIRECTORS OF THE ORANGE WATER AND SEWER AUTHORITY (86-1-27/R-3)

WHEREAS, policies of the Orange Water and Sewer Authority affect the quality of life and the future development of Orange County, and

WHEREAS, policies of the Town of Chapel Hill affect the Orange Water and Sewer Authority, and

WHEREAS, the Town Council of Chapel Hill desires to have an open, effective relationship with the Board of Directors of the Authority,

NOW THEREFORE BE IT RESOLVED that the Town Council of Chapel Hill hereby requests that the Board of Directors of the Orange Water and Sewer Authority annually meet with, and make an annual report to the Town Council in the Meeting Room of the Municipal Building, or other location mutually chosen, for the purpose of discussing major policy and planning issues before the Authority and the Town Council.

This the 27th day of January, 1986.

Mill Race

Manager Taylor said that this report was the result of a petition on January 13 to the Council from a representative of the developer requesting that the deadline for start of construction be moved from July 8, 1986 to November 6, 1986. Mr. Taylor said the staff recommendation was to deny the request for extension feeling the wording of the Special Use Permit was non-interpretive, specific and exact with regard to the starting date. He commented that if the developer wished to revise the deadline he could apply for a modification of his Special Use Permit.

Paul Creech, an attorney representing Mill Race Associates, said that the Special Use Permit when it was granted in July contained 21 stipulations, one of which was for a variance from the Board of Adjustment. Mr. Creech said the Board of Adjustment granted the variance on November 6th, and as such, he felt the twelve month period in which construction had to start should begin with the point at which the variance was granted.

Manager Taylor replied that the date that was set was reasonable, presented a realistic starting time and if the developer could not begin within that time frame he could apply for a modification of the Special Use Permit or allow the project to die.

155
Council Member Smith asked for clarification of the term "start of construction". Manager Taylor replied that the issuance of the Zoning Compliance Permit constituted the start of construction.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE TO DENY THE PETITION FOR EXTENSION OF STARTING TIME FOR MILL RACE.

Council Member Preston asked if the project could be started within the next seven months. Mr. Creech replied that he did not feel they could meet the deadline.

THE MOTION PASSED UNANIMOUSLY, (9-0).

Response to George Tate Petition

Manager Taylor stated that this report was the result of a petition from Mr. Tate to the Council requesting a modification of his Special Use Permit to no longer require him to widen and add curb and gutter to the section of Merritt Mill Road in front of the property covered by the Special Use Permit. Mr. Tate petitioned for the modification because NCDOT and the Town had since agreed to improve the road from Cameron Avenue to Greensboro Street. Manager Taylor said the staff recommended denial of the petition but that Mr. Tate could apply for a modification of the Special Use Permit.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO DENY THE PETITION.

Council Member Thorpe commented that since the improvements to the road were a part of a Community Development Project involving federal funds, then he questioned whether it was appropriate to have Mr. Tate pay to have the section of road improved under his Special Use Permit. He questioned if by having Mr. Tate pay for the improvements that section of road would be paid for twice. Manager Taylor replied that the section of road improvements would not be paid for out of Community Development Funds, however right of way would be purchased with Community Development monies.

Council Member Smith said he felt Mr. Tate should not be required to pay for the road improvements, especially since the road was being improved with State and Town funds. He said the Council had agreed to pay for the improvements to Merritt Mill Road and had not said that private individuals would also pay for these improvements.

Council Member Werner said he felt by not requiring Mr. Tate to abide by the stipulations in his Special Use Permit because of actions which occurred after the Special Use Permit was granted would be setting a dangerous precedent.

THE MOTION PASSED, (7-2), WITH COUNCIL MEMBERS SMITH AND THORPE VOTING AGAINST.

Law Enforcement Officers Retirement System Contributions

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-1-27/R-4B. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION TO DISCONTINUE CONTRIBUTIONS OF 1% OF SALARIES OF LAW ENFORCEMENT OFFICERS TO A NEW SPECIAL RETIREMENT BENEFITS FUND (86-1-27/R-4b)

WHEREAS, the N. C. General Assembly adopted legislation in 1985 to cause a merger of the Local Governmental Employees' Retirement Fund and the Law Enforcement Officers' Retirement Fund into one consolidated retirement fund; and

WHEREAS, all employer contributions previously made to the Special Benefits Fund for law enforcement officers and any future special contributions will now be transferred to a new tax deferred account in each employee's name;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that Council hereby desires to discontinue an employer retirement contribution of 1% of salaries of all law enforcement officers to a new special benefits fund administered by the N. C. State Retirement System [401(K)] tax deferred plan.

This the 27th day of January, 1986.

150
Second Quarterly Reports

Council Member Preston gave a report on the Joint Orange-Chatam Community Action Agency. She commented that the group had received a research and development grant to establish a corporation within JOCCA to sell weatherization and rehabilitation services. She said if this corporation worked out then it would be put into operation throughout the country. Council Member Preston said the existing officers of JOCCA were re-elected to continue to serve in their present capacities.

Council Member Howes said he had nothing to report from the Triangle J Council of Governments.

Council Member Werner gave a brief report on the Orange County Human Services Commission stating that they were setting up separate subcommittees to study specific problem areas. He said two of the committees were the Housing Action Subcommittee and the Needs Assessment Subcommittee.

Mayor Wallace said that Council Member Thorpe who had recently been appointed as the Mayor's representative to the Durham Urban Area Transportation Advisory Committee would begin giving quarterly reports on this Committee in the next quarter.

Manager Taylor stated that he was pleased with the staff's second quarterly report and asked the Council for any questions.

Council Member Preston asked the Manager to investigate the problems occurring with the Senior Citizens' Bridge Group in acquiring a meeting room. Manager Taylor said the staff was preparing a response to the group's petition and copies would be forwarded to the Council.

Council Member Thorpe asked about the preparation of an adequate public facilities report. Manager Taylor replied that he hoped to have the report in late spring.

Performance Based Pay Plan Report

Manager Taylor reported that the Performance-Based Pay Plan was operating very well and that the statistics in the report presented to the Council showed that supervisors were making objective decisions without regard to race or sex.

Council Member Pasquini commented that he felt the statistics indicated that there was a difference in the methods used to evaluate the employees. He felt there should be a sampling of each performance rating, below, at, and above, in each category of employee. He said he would address his questions to the Manager in a letter.

Council Member Preston asked how the percentage amount was decided for those employees rated above expected level. Manager Taylor replied that the system was set up to allow a range of increase (45% in the Development Range and 2-10% in the Performance Range) for those employees who were rated above expected level and that the amount was dependent upon the supervisors decision of to what degree was an employee above expected level.

Council Member Smith said he felt there should be enough funds in the budget to allow all employees rated above expected level to receive the maximum allowed. He did not feel the supervisors should have to make a judgement decision as to the degree of above expected level performance. Manager Taylor replied that he felt there should be flexibility for the Department Heads to reward those employees who did outstanding work over those employees who performed above expected levels.

Council Member Thorpe commented that there had been several grievances filed by employees regarding the pay plan. Manager Taylor replied that he felt there had been too many filed and that the ordinance as presently written tended to promote the response.

Council Member Werner said he also felt the statistics might not be accurate and that there should be a better sampling of each performance rating. He said he found it hard to believe that no one above Salary Grade 12 was rated below expected level.

Consent Agenda

Items 13a&c were removed upon citizen requests.

Council Member Smith asked that item 13b, Lincoln Lane, be removed from the consent agenda.

Council Member Thorpe asked that items 13e&f, traffic on McCauley Street, be removed from the consent agenda.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-1-27/R-5 MINUS ITEMS A,B,C,E,&F. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (86-1-27/R-5)

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

- d. Sale of land on Lindsay Street (R-9).
- g. Prohibiting parking on part of Village Drive (O-3).
- h. Taxi franchise amendment (86-1-13/O-3).

This the 27th day of January, 1986.

A RESOLUTION ACCEPTING THE BID OF KENNETH MANN TO PURCHASE TAX MAP LOT 85-E-23 (LINDSAY STREET) (86-1-27/R-9)

BE IT RESOLVED that the Council of the Town of Chapel Hill accepts the bid of Mr. Kenneth Mann to purchase tax map lot 85-E-23, said bid being the minimum acceptable bid and the only bid received at a public auction held on January 6, 1986, pursuant to G.S. 160A-270 and Council authorizing resolution 85-R-232.

This the 27th day of January, 1986.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (86-1-27/O-3)

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

Section I

That Section 21-27 of the Town Code of Ordinances, "No parking as to particular streets" is amended by inserting therein, in appropriate alphabetical order:

"It shall be unlawful to park an automobile or vehicle of any kind on the following public streets in the designated areas."

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Village Drive	North	A point 25 ft. east of each intersection of Fair Oaks Circle	A point 25 ft. west of each intersection of Fair Oaks Circle
	North	A point 25 ft. east of Oakland Lane	A point 25 ft. west of Oakland Lane

North	A point 25 ft. east of Ridge Trail	A point 25 ft. west of Ridge Trail
South	A point 25 ft. east of Bluff Trail	A point 25 ft. west of Bluff Trail
South	A point 25 ft. east of Jay St.	A point 25 ft. west of Jay St.

Section II

This ordinance shall be effective beginning on Monday, February 10, 1986.

Section III

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

This the 27th day of January, 1986.

AN ORDINANCE AMENDING A TAXICAB FRANCHISE TO L. C. EDWARDS (86-1-13/0-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the taxicab franchise issued on September 9, 1985 to L. C. Edwards, Route 4, Box 427, Chapel Hill, N. C., to operate two taxicabs is amended to include authorization to operate up to seven taxicabs.

BE IT FURTHER ORDAINED that the Council finds that L. C. Edwards has met all criteria in Chapter 20, Art. II, Section 18 of the Town Code of Ordinances and said franchise shall be valid through August 31, 1987 subject to the conditions of Chapter 20 of the Town Code of Ordinances regulating taxicabs operating within the corporate limits of the Town of Chapel Hill.

This the 13th day of January, 1986.

Second Reading: January 27, 1986.

Merritt Mill Road

Ted Parrish, representing the residents of Merritt Mill Road, said he felt the just compensation of \$1.20-1.30 per square foot was not a fair price. He also questioned whether or not the property values would be increased with the road improvements. Mr. Parrish said the residents were also interested in a bike lane, and the potential speed and egress problems which had not been addressed in the memorandum.

Mayor Wallace commented that the just compensation levels per square foot would put the price per acre at approximately \$52,000.

Council Member Smith said the map did not give a clear indication of the changes which would occur when the road improvements were made. He also commented that he did not feel the compensation offered was adequate for some of the properties which would have to be completely taken. He said he did not feel there needed to be improvements which would require a property owner to lose all of his property. He asked who designed the proposed road improvements. Manager Taylor replied that the design was the result of a combination of efforts from the Town Engineering staff and NCDOT.

Council Member Smith said that he wanted the staff to be sure to stake out on the properties exactly where the road improvements would occur, and explain all the options available to the property owners. Manager Taylor replied that this was standard procedure for the staff and that the property would be staked out once negotiations began. He said the process involved having an appraisal made first and then authorization from the Council for just compensation. After this authorization then the process would be for the staff to notify the property owners as to the proposal, show them on the property just what land would be needed for the road improvements and how much money would be offered. He said the staff could only offer to pay what had been authorized by the Council and if there was dissatisfaction from the property owners then the issue would have to be brought back before the Council.

159

Council Member Smith said he wanted to be sure the residents understood the process and that they did not have to accept the amount offered by the Town, and he wanted the staff to be sensitive enough to handle the situation properly. Manager Taylor said that he would direct that the staff tell the residents what the Town was offering, and show residents exactly what land would be involved, and that though the Town encouraged the residents to accept the offer, they do not have to accept it. Manager Taylor further stated he understood what Mr. Smith was saying and the staff would be sensitive to the residents in the neighborhood.

Council Member Preston asked why a bike lane had not been included in the plans. Manager Taylor replied that a bike lane would require at least six more feet of land to be taken.

Council Member Thorpe again expressed concern that the Town was requiring Mr. Tate to pay for the road improvements which were now being proposed by the Town and State.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-1-27/R-6. THE MOTION PASSED, (7-1) WITH COUNCIL MEMBER THORPE VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD RIGHT-OF-WAY (86-1-27/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Kathleen K. Buck, appraiser, that the fair market value of right-of-way to be acquired as part of the Town's improvements to Merritt Mill Road is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq. Ft.)</u>	<u>Just Compensation</u>
9A (Tax Map 122-C-1)	Lucy Craig	Land for ROW	5920	\$6200.00
10 (90-A-6)	Henry Dorset, III	Land for ROW	1180	\$1300.00
10A (90-A-6)	Henry Dorset, III, et al	Land for ROW	2700	\$2900.00
12 (100-C-17A)	Columbus Watson	Land for ROW	196	\$200.00
13 (100-C-16)	Edward Carver	Land for ROW	554	\$600.00
16 (100-C-13)	Chapel Hill-Carrboro Board of Education.	Land for ROW	7580	\$7100.00
18 (90-A-1)	Theodore Parrish	Land for ROW	1965	\$2200.00
19 (91-H-1)	Henry Smith	Land for ROW	515	\$700.00
20 (91-H-2)	Dilla Craig	Land for ROW (Includes Improvements Damaged)	720	\$1000.00
21 (91-H-3)	William E. Smith	Land for ROW	645	\$800.00
22 (91-H-4) (91-H-9)	Elizabeth Jolly	Land for ROW	110	\$100.00
23 (91-H-5)	Charles D. Brooks, IV	Land for ROW	1260	\$1600.00
24 (91-I-23)	William E. Smith	Land for ROW	3640	\$4700.00

160	26 (91-G-19)	Robert Brooks	Land for ROW	22	\$29.00
	27 (91-G-20)	John Brooks	Land for ROW (Includes improvements damaged)	545	\$4300.00
			Structure	720	\$24,300.00
			Entire Tract Land	9900	\$11,700.00
	29 (91-I-17)	Edna Kenion	Land for ROW	290	\$300.00
	31 (91-C-11)	Theodore Parrish, Jr.	Land for ROW (Includes Improvements Damaged)	515	\$3500.00
	32 (91-C-10)	Olice & Callie Thomas	Land for ROW	548	\$600.00
	33 (91-C-9)	Theodore R. Parrish	Land for ROW (Includes Improvements Damaged)	495	\$700.00
	34 (91-C-8)	Theodore Parrish, et al	Land for ROW (Includes Improvements Damaged)	638	\$900.00
	35 (91-C-7)	Wallace Oldham, Jr.	Land for ROW (Includes Improvements, Damaged)	1,037	\$3800.00
	36	Sherman Tate	Land for ROW (Includes Improvements Damaged)	1300	\$2900.00
	36A (91-C-6)	Cusson Properties	Land for ROW (Includes Land Damaged)	1,200	\$2000.00
	37 (91-C-5)	Paul Pendergraph	Land for ROW	820	\$1100.00
	38 (91-D-6)	Chapel Hill Realty	Land for ROW	1,146	\$1500.00
	39 (91-C-4)	Luella Merritt	Land for ROW	805	\$1000.00
	40 (91-D-5)	Darryl Lee	Land for ROW (Includes Improvements Damaged)	208	\$13,100.00
	41 (91-C-3)	James Winstead	Land for ROW	438	\$500.00
	42 (91-D-4)	Pearl Alston	Land for ROW	2050	\$2700.00
	43 (91-C-2)	Addie Winstead	Land for ROW (Includes Damaged Improvements)	434	\$600.00
	44 (91-D-2)	Cusson Properties	Land for ROW	965	\$1300.00
	45 (92-J-12)	William Morrow	Land for ROW	807	\$1000.00
			Structure	1,083	\$10,000.00
			Entire Tract Land	10,800	\$13,000.00

46 (91-D-1)	Sherman & Julia Tate	Land for ROW (Includes Improvements Damaged)	1,440	\$1700.00
47 (92-J-11b)	H.E. Rayfield, Jr.	Land for ROW	1,532	\$3100.00
48 (92-H-1)	Ida Ruth Lee	Land for ROW (Includes Improvements Damaged)	1,050	\$1500.00

BE IT FURTHER RESOLVED that the Council hereby certified that to the best of its knowledge, the work of the appraiser Kathleen Buck, and review appraiser, Thomas Shiko, with respect to the above property, has been preformed 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 27th day of January, 1986.

Lincoln Lane

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-1-27/R-7. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION (86-1-27/R-7)

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

<u>Owner</u>	<u>Tax Map</u>	<u>Area</u>	<u>Just Compensation</u>
George Tate, Jr. and Esther W. Tate	7.100.C. 11,11A-H (part)	8718 sq.ft.	\$0.00

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 27th day of January, 1986.

Knolls Street Turnaround

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-1-27/R-8.

Mr. William Perry, speaking as a property owner on Knolls Street, said that the proposal for a turnaround on Knolls Street would make his property a non-conforming lot. He suggested that the Town look into another way of putting in a turnaround or have the Town take his entire property for the turnaround instead of just a part of it. He also questioned the appraisal of the land feeling it was too low.

Mayor Wallace said there seemed to be two questions which needed to be answered; if the appraisal was accurate and what was the usability of Mr. Perry's land after the turnaround was built.

162
Council Member Werner asked why the turnaround was not proposed for the end of the road. Manager Taylor replied that the contour of the land at the end of the road made it extremely difficult and costly to place the turnaround there.

Council Member Smith asked if there could not be a T-shaped turnaround at the end of the street.

COUNCIL MEMBERS PASQUINI AND WERNER AGREED TO WITHDRAW THEIR MOTION.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO DEFER THIS ITEM AND REFER IT BACK TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

No Truck Traffic on McCauley Street

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 86-1-27/O-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (86-1-27/O-1)

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:

"It shall be unlawful to operate a truck on McCauley Street between Pittsboro Street and Ranson Street except local service vehicles and delivery trucks making deliveries and/or pick-ups to houses in the area; it being the intent of the subsection to close a portion of said public street to through trucks."

Section II

This ordinance shall be effective beginning on Monday, February 10, 1986.

Section III

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

This the 27th day of January, 1986.

Removal of Parking on McCauley Street

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 86-1-27/O-2. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows;

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (86-1-27/O-2)

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

Section I

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

"It shall be unlawful to park an automobile or vehicle of any kind on the following public streets in the designated areas:"

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
McCauley Street	South	A point 224 feet east of the centerline of Ransom St.	A point 294 feet east of the centerline of Ransom St.

Section II

This ordinance shall be effective beginning on Monday, February 10, 1986.

Section III

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

This the 27th day of January, 1986.

Leave of Absence for Planning Board Chair Alice Ingram

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-1-27/R-10. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION GRANTING LEAVE OF ABSENCE (86-1-27/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a leave of absence is hereby granted to Alice Ingram, Chair of the Chapel Hill Planning Board, as allowed by the Chapel Hill Town Council's rules of procedure; this leave of absence is granted for a three-month period of time, covering the months of March, April, and May, 1986.

This, the 27th day of January, 1986.

Transportation Board Nominations

Council Member Preston nominated Edie Elterich.

Council Member Howes nominated Jeffrey Obler.

Council Member Godschalk nominated Roberta Black.

Executive Session

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO RETURN TO REGULAR SESSION. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 11:07 p.m.

Mayor James C. Wallace

Nancy J. Wells
Town Clerk

