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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, APRIL 14, 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, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Petitions

Joan Shapiro, representing the Alliance of Neighborhoods, stated the Alliance supported the proposed acquisition of undeveloped land lying east of Franklin Street between Howell Lane and Plant Road as an effort to preserve open space. (For copy of text, see Clerk's files.)

James Haar, representing the Alliance of Neighborhoods, spoke in support of continued work toward adopting a Public Facilities Ordinance. (For copy of text, see Clerk's files.)

Carol Ann Zinn, speaking as a resident, asked to speak to item #3, Southbridge Phase III & IV. She also asked that Phil Post and LeAnn Neace be allowed to speak.

Barbara Kirkhart, speaking as a resident, asked to speak to item #3, Southbridge Phase III & IV.

Minutes

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF MARCH 17, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Werner asked that the Minutes of March 24 be amended to further reflect his comments regarding the Rust Report.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF MARCH 24, 1986 AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Southbridge Phase III & IV

Carol Ann Zinn, speaking as the developer, spoke in support of Resolution A, the Planning Board's recommendation. She also asked that stipulation 2 be amended. She said there was some question as to whether or not she actually owned part of the land covered by this stipulation.

Philip Post, speaking as the Project Engineer for the proposed development, spoke in support of Resolution A. He also indicated that the developer had agreed to have a 50' dedicated easement connecting the development to the 6 acre recreation space. Mr. Post pointed out that there would be a problem with the Manager's recommendation requiring the development to have a street out to the Best property line. He said the slopes were very steep and the Duke Power transmission tower would prevent easement development of a connecting road. Mr. Post also pointed out that there was some question of ownership of the triangular portion of the property which was being considered in estimating payments in-lieu for sidewalk construction.

Council Member Andresen asked if the proposed recreation space was cleared or wooded land. Mr. Post replied wooded.

Council Member Andresen suggested having an easement providing access to the recreation space via the cul-de-sac instead of the area presently proposed. She made her suggestion because she felt the proposed area was too steep. Council Member Andresen said if the easement were at the cul-de-sac it would not need to be 50' wide.

Council Member Andresen asked which stub out would be the best, towards the Best property or with Westbury Drive. Mr. Post said due to the steepness associated with the connection with the Best property, and the location of the transmission tower, he felt the Westbury Drive connection were best. Roger Waldon, Planning Director, said that the staff felt the stub out towards the Best property was more important because it offered access to currently land-locked property. He said there was no guarantee which parcel, if either, would be developed first.

Council Member Andresen asked if the resolution needed to be modified with regard to stipulation #2 if it proved to be that Ms. Zinn did not own the triangular piece of property. Attorney Karpinos replied that if the applicant did not own the property the part of the stipulation which deals with this part of the property would be voided.

Council Member Preston agreed with Council Member Andresen that the proposed access to the recreation area was not the best for the development. She also felt a smaller, 10' wide easement from the cul-de-sac to the recreation area was a better method of access.

Council Member Smith commented on the general site arrangement, stating that the site was designed over natural drainageways, steep slopes and flat areas. He expressed concern about the clearing for the development increasing the run-off into the drainageways and therefore into Morgan Creek. Mr. Post said he felt run-off from this type of development would be less than that from a special use or cluster development.

Council Member Smith asked the staff if the layout of the proposed subdivision was the best for the site. Mr. Waldon replied that the present proposal was the best that had been offered by the developer. He said a cluster development along the knolls in the site would present the least amount of disturbance to the drainageways, but that the present proposal would also minimize increases in the run-off.

Council Member Werner asked if the proposed pedestrian easement to the recreation area would be dry for most of the year. Mr. Post said the surveys indicated that it would remain dry.

Council Member Werner also asked if parking would be allowed in the area where the easement was to be. Mr. Post replied that the streets would be wide enough for on-street parking.

Council Member Werner also commented that a stub out was needed whether it be towards the Best property or with Westbury Drive.

Ms. LeAnn Neace, attorney representing the applicant, spoke in support of Resolution A with a modification to stipulation 2. She introduced a memorandum with modifications to stipulation 2. (For text, see Clerk's files.) Ms. Neace said the developer would not object to a 10' wide easement from the cul-de-sac to the recreation space. She also said the stub out as recommended in the Manager's resolution was not needed in the proposed location. She pointed out that if that property were developed then another access would still be needed. Ms. Neace concluded by saying that the proposal provided minimal alteration to the site.

Mrs. Barbara Kirkhart, representing the residents of Southbridge Phases I & II, spoke in support of Resolution A. She said the residents wanted continuity with the existing development and therefore were against a cluster development.

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COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-4-14/R-1B.

Council Member Godschalk spoke against the resolution saying he saw the logic in not having the stub out where the staff had recommended. He also agreed that a 10' wide easement from the cul-de-sac would be preferable to the 50' wide proposed easement along the creek.

Council Member Smith expressed concern about leaving the Best property land-locked when the Town had this opportunity to provide at least one access point.

Council Member Andresen asked if the developer's proposed stipulation #2 was necessary to address the problem of property ownership. Attorney Karpinos replied that stipulation #2 as it appeared in the proposed Resolution would not have to be modified if the property was found not to be owned by the developer. He felt this situation would nullify that part of the stipulation.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK FOR A SUBSTITUTE MOTION TO ADOPT RESOLUTION 86-4-14/R-1A WITH A 10' WIDE PEDESTRIAN EASEMENT FROM THE CUL-DE-SAC FOR ACCESS TO THE RECREATION SPACE. THE SUBSTITUTE MOTION CARRIED (7-2), WITH COUNCIL MEMBERS SMITH AND WERNER VOTING AGAINST.

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

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR SOUTHBRIDGE PHASES III AND IV SUBDIVISION (86-4-14/R-1 A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the subdivision proposed by the Zinn Group on property identified as Chapel Hill Township Tax Map 122, Block B, Lot 8E, if developed according to the site plan and utility/drainage plan dated March 5, 1986, the street profiles dated October 23, 1985 (for Street B, Sta.12-19+), December 10, 1985 (for Westbury Drive), January 8, 1986 (for Street A), January 30, 1986 (for Street B, Sta.2+-12), and March 5, 1986 (for Street C), the arch culvert details dated January 16, 1986, and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That Lot 65 be redesigned to meet minimum lot width and street frontage width requirements.
2. That the proposed payment-in-lieu-of construction for improvements along the site's frontage on the south side of Culbreth Drive include payment for improvement to 1/2 of collector street standards (41-foot-wide roadway with curb-and-gutter) with a paved sidewalk, and that 1/2 of a 70-foot-wide right-of-way be dedicated along the southside frontage.
3. That a buffer planting plan, including a plan for the continued maintenance of plantings, be approved by the Town Manager as part of final plan approval. The approved buffer planting shall be in place before issuance of any Certificate of Occupancy for a dwelling in the subdivision.
4. That the recreation area suitability requirements of Subsection 7.9.3 that require location on dry and flat land and at least 50 feet of frontage on a public street within the subdivision be waived in accord with the provisions of Subsection 7.9.6.b) to allow the proposed recreation area and pedestrian easement access to the recreation area, and that a 10' wide pedestrian easement be required from the cul-de-sac on street "B" to the recreation area.

5. That final street plans, grading plans, utility plans, stormwater management plans (with hydrologic calculations), and buffer plantings plans be approved by the Town Manager before issuance of the Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved as part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
6. That the final utility plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, and Village Cable before issuance of the Zoning Compliance Permit or final plat approval.
7. That utility service laterals from utility lines located in streets be stubbed out to the front property line of each served lot before paving of the streets. Sewer laterals shall be capped off above ground.
8. That the boundaries of the Resource Conservation District be shown on the final plat with a notation regarding potential restriction of development.
9. That all variances necessary for development within the Resource Conservation District be obtained before application for a Zoning Compliance Permit of final plat approval.
10. That any restrictive covenant applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
11. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
12. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for preliminary plat approval for Southbridge Phases III and IV in accord with the plans and conditions listed above.

This the 14th day of April, 1986.

Council Member Thorpe asked when the changes to the Resource Conservation District ordinance would be available for review. Manager Taylor replied that the staff was working with the Federal Environmental Management Agency on the proposed changes.

Development Ordinance Changes

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-4-14/R-2. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION TO RECONSIDER COUNCIL ACTION (86-4-14/R-2)

WHEREAS, the Council of the Town of Chapel Hill adopted an ordinance on February 25, 1986 amending Subsections 5.11.1, 5.11.2, and 5.11.3 of the Chapel Hill Development Ordinance; and

WHEREAS, it has come to the Council's attention that errors were made in calculation of the Land Use Intensity Ratios presented to the Council on February 24;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby calls a Public Hearing to consider amendments to Sections 5.11.1, 5.11.2, and 5.11.3 of the Development Ordinance, as described in the attached draft ordinance, for the purpose of correcting errors in the amendments adopted on February 24, 1986.

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BE IT FURTHER RESOLVED that the Town Manager is directed to accept no application for development that does not comply with the Land Use Intensity Ratios contained in the attached draft ordinance.

This the 14th day of April, 1986.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-4-14/R-3. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON AMENDMENTS TO THE DEVELOPMENT ORDINANCE REGARDING DENSITY BONUSES (86-4-14/R-3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing is scheduled for Monday, June 16, 1986 at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street to consider the following proposed changes to the Development Ordinance:

- * Amend Article 5 of the ordinance (including sections 5.4 and 5.11) to allow developers to receive a density bonus (i.e. an increase in the number of dwelling units that can be constructed) in addition to the land use intensity bonus that is currently permitted by the ordinance.
- * Amend Article 5 to redefine which affordable housing units are eligible for the density/intensity bonus. Current eligibility is restricted to units covered by a rental assistance agreement between the developer and the U. S. Department of Housing and Urban Development. The definition would be expanded to include owner-occupied housing, and the current definition of eligible rental units would be expanded.
- * Consider giving developers of affordable housing priority in processing development applications, and waiving the five-acre minimum land area required for Planned Development-Housing sites (Section 8.8.6).

BE IT FURTHER RESOLVED that the Council refers this proposal to the Town Manager and Planning Board for recommendation prior to the Public Hearing.

This the 14th day of April, 1986.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-4-14/R-4. THE MOTION PASSED, (8-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A TEXT AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ESTABLISH SPECIAL USE ZONING DISTRICTS (86-4-14/R- 4)

WHEREAS the 1985 Session of the North Carolina General Assembly enacted amendments to the municipal zoning enabling law to authorize cities to create special use zoning districts; and

WHEREAS the Town of Chapel Hill therefore now has the authority to establish special use zoning districts and, once established, to consider rezoning land to special use zoning upon the petition of the owners of the land proposed for rezoning; and

WHEREAS recently the Council has been faced with development applications for which special use zoning, if available, would have been an appropriate step to consider; and

WHEREAS special use zoning would provide the Town with an additional development regulatory program and thereby allow the Town and property owners further flexibility in considering development.

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a public hearing for May 19, 1986 to consider establishing special use zoning for the Town of Chapel Hill.

BE IT FURTHER RESOLVED that the Council refers this proposal to the Town Manager and Planning Board for their consideration and recommendations prior to the public hearing.

This the 14th day of April, 1986.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-4-14/R-5A. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

RESOLUTION ACCEPTING REPORT (86-4-14/R-5a)

BE IT RESOLVED that the Council of the Town of Chapel Hill accepts the Town Manager's "Report on Applicability of Density Caps to Development of Duplex Dwellings," dated April 14, 1986.

This the 14th day of April, 1986.

Development Ordinance Text Amendment Regarding Greenways Dedication - Request for Time Extension for Staff Report

Council Member Andresen asked that the Council send the Greenways Plan back to the Greenways Commission for further review and consider action on the Text Amendment at the next regular meeting. She felt the two actions were separate and a delay in the Text Amendment was not necessary.

Council Member Preston agreed that the Greenways Commission needed to spend more time reviewing the Greenways Plan and holding discussions with the residents of the Morgan Creek area. She felt there had been confusion on the residents part as to who would be affected by the proposed Text Amendment (only new subdivisions). Council Member Preston also felt more time was needed than until the next Council meeting, but the Text Amendment need not wait for July consideration.

Council Member Smith commented that he felt the residents of Morgan Creek understood by the end of the public hearing that the Text Amendment would only apply to new developments.

Manager Taylor stated that he felt there had been some confusion at the Public Hearing but that the Text Amendment and the Greenways Plan could be viewed as separate items, however the Text Amendment used the Greenways Plan as a basis for determining suitable greenways and if the two issues were separated, the Text Amendment needed to delete reference to the Greenways Plan and use the previously adopted Comprehensive Plan. Mr. Taylor said he thought he would be ready to propose the Text Amendment to the Council in May.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 86-4-14/R-6. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION EXTENDING THE PERIOD FOR THE MANAGER'S REPORT ON A PROPOSED AMENDMENT TO THE DEVELOPMENT ORDINANCE (86-4-14/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends to July 14, 1986 the period for reporting to Council on a proposed amendment to the Development Ordinance regarding dedication of greenway areas, said proposed Development Ordinance amendment was the subject of a public hearing on March 17, 1986.

This the 14th day of April, 1986.

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Tanyard Branch Greenway Dedication

Kathy Harris, representing the Greenways Commission, invited the Council to the formal dedication of the Tanyard Branch of the Greenway System on Sunday, April 27th at 2:30 p.m. She commented that over 50 residents had recently joined in to help clean up the trail.

Rosemary Square - Amendments to Development and Garage Utilization Agreements

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-4-14/R-7. THE MOTION CARRIED, (5-4), WITH COUNCIL MEMBERS ANDRESEN, PASQUINI, WERNER, AND MAYOR WALLACE, VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION REGARDING CHANGES PROPOSED FOR ROSEMARY SQUARE
(86-4-14/R-7)

WHEREAS, in a letter dated December 23, 1985, the Fraser Development Company has proposed several design changes to Rosemary Square, and

WHEREAS, those proposed changes are shown on the Blue Prints dated 2/5/86; and

WHEREAS, at the Council's meeting of January 13, 1986, the President of the Fraser Development Company requested that the deadline to close on the Rosemary Square project, as defined in the Development Agreement as amended on July 1, 1985, be changed from June 30, 1986 to December 31, 1986, and

WHEREAS, the Manager has reviewed the proposed changes and Blue Prints and has determined that:

1. Based on Section 15.2 of the Development Ordinance, the design changes as proposed would not be considered a modification to the approved site plan;
2. The parking required by the Development Ordinance for the hotel, retail, restaurant and other private uses is provided by the 188 parking spaces to be built and owned by the Fraser Development Company and its successors; and

WHEREAS, the Council, as co-owner of the project, has asked for the advice of the Planning Board before considering the design changes; and

WHEREAS, the Planning Board has reviewed the proposed changes, supporting documentation and considered public comment at its March 20 meeting; and

1. The Planning Board has recommended that the Council, in its role as co-owner of Rosemary Square, incorporate the proposed design changes into the Rosemary Square project, and
2. The Planning Board amended its Site Plan Approval of Rosemary Square of October 1, 1986, so that the deadlines to start and complete construction were moved to December 31 1986 and June 30, 1989, and

WHEREAS, further technical changes have been recommended by the Town's attorneys;

NOW, THEREFORE, BE IT RESOLVED that the Town Council finds:

1. The proposed design changes would reduce the size of the southern building parallel to the pedestrian alley and would, therefore, increase the amount of sunlight in the lower courtyard;

2. The reduction in the number of lodging units from 225 to 188 would probably reduce slightly the demand for parking at night and the additional business expected at the Franklin and Henderson Street businesses;
3. The impact of the 720 square feet (5.6%) increase in floor area devoted to restaurant, banquet, and meeting purposes would be virtually nil;
4. The result of the 2000 square feet (10%) increase in retail space would probably be a small increase in traffic and parking use;
5. The 13 additional parking spaces (2.6%) and the increase in compact spaces from 4.6% to 14.3% of the total would have little effect on parking usage patterns, circulation, or revenue.
6. The changes as proposed would represent an improvement to the project.
7. Further technical changes have been advised by the Town's attorneys and appear appropriate.

BE IT THEREFORE RESOLVED that the Council authorizes the Mayor to execute, on behalf of the Town, amendments to the Amended and Restated Development Agreement as approved by the Council in January 1985 and amended July, 1985, and the Garage Utilization Agreement as adopted by Council on July 1, 1985, in substantially the form as presented by the Manager on April 14, 1986, which amendments implement the project changes described herein.

This is the 14th day of April.

Audit Contracts - Touche Ross

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-4-14/R-8. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS FOR AUDIT SERVICES (86-4-14/R- 8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it approves, and authorizes the Mayor of the Town of Chapel Hill to Execute on behalf of the Town, contracts with the firm of Touche Ross and Company for audit services covering the 1985-86 fiscal year. The form of such contracts shall be as submitted to the Council on April 14, 1985, with the Touche Ross and Company proposal of February 20, 1985.

This is the 14th day of April, 1986.

Home Improvement Loan Program & Rental Rehabilitation Program

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 86-4-14/R-9.

Council Member Andresen asked the Manager if he had an estimate of the cost figures for the administration of these programs. Manager Taylor replied that he did not have that information available, but that it would not exceed the funds granted for the projects.

THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

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The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO IMPLEMENT THE RENTAL REHABILITATION PROGRAM TO FOLLOW THROUGH ON THE CURRENT APPLICATION TO THE HOME IMPROVEMENT LOAN PROGRAM (86-4-14/R-9)

WHEREAS, the Chapel Hill Housing Authority has begun implementation of the Home Improvement Loan Program (HILP) and the Rental Rehabilitation Program and has recently requested termination of its contract with the Town to do so; and

WHEREAS, there are approximately 6 applications for the HILP and 18 applications for the Rental Rehabilitation Program, some in progress; and

WHEREAS, the Town wishes to use these programs to the greatest extent feasible for the benefit of the Community.

THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill authorizes the Manager to assume implementation of these programs using available funds; to follow through on existing HILP applications; to implement as many Rental Rehabilitation loans as possible; and to negotiate with the N.C. Housing Finance Agency for as much time as possible within which to implement the Rental Rehabilitation Program; and

BE IT FURTHER RESOLVED that the Manager is directed to report back to the Council within approximately 90 days on progress made.

This the 14th day of April, 1986.

Parking Violations

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT ORDINANCE 86-4-14/O-1.

Council Member Andresen asked about the administration of parking violations and how this proposal would affect it. Manager Taylor replied that approximately 95% of the parking tickets were routinely paid. Attorney Karpinos stated that the proposal would change the failure to pay the fines from a criminal offense to a civil offense, and that after a certain period of time, failure to pay the fine would result in additional monetary fines until a set maximum was met. He said at that time the Town would prosecute via the small claims court. Council Member Andresen commented that this could lead to increased administrative time in handling these cases.

Mayor Wallace commented that this proposal was the result of a petition from the Downtown Merchants Association and the recent changes in the State Statutes regarding the use of the funds received for parking violations.

Council Member Preston commented that she felt the \$5.00 ticket was too high, especially for those citizens who use the parking meters legitimately and happen to be running a little late in returning to their cars. She felt there should be an interim step where the first time the police checked a meter the fine should be \$1.00 and the next time \$5.00.

Mayor Wallace declared a short recess at 9:00 p.m. to allow the Council to adjourn to the Conference Room to hear the Presidential address regarding the recent U.S. attack on Lybia. Mayor Wallace called the meeting back into order at 9:09 p.m. Council Member Godschalk expressed dissatisfaction with the proposed \$50 maximum fine prior to taking court action.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON MOVED TO AMEND THE MOTION TO CHANGE THE MAXIMUM TOTAL COMBINED FINE FROM \$50 TO \$25.

Council Member Andresen felt the \$50 maximum fine was needed in order to discourage misuse of the parking meters.

Mayor Wallace spoke in favor of the amendment saying that having a \$25 maximum fine would reduce the amount of time the violation would be pending.

Council Member Thorpe reminded the Council that both Raleigh and Durham have the \$5.00 parking meter fine.

Council Member Smith asked if the proposal would create a situation of further overcrowding the court dockets. Attorney Karpinos replied that he did not believe it would. Council Member Smith then asked if the School System had been notified of the proposal and how it would affect them. Manager Taylor replied that the staff had notified the School System of the proposal. He commented that since the change in the laws relating to the use of parking violation funds had occurred only this year, the School System had not been used to receiving these funds and he did not feel that the lack of them would adversely affect their operations.

Council Member Howes spoke in support of the resolution and reminded the staff of the need to publicize any change in the parking regulations.

THE AMENDMENT PASSED UNANIMOUSLY, (9-0).

THE MOTION, AS AMENDED, PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 REGARDING PENALTIES FOR ILLEGAL PARKING (86-4-14/0-1)

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

SECTION I

Section 21-38 of the Town Code of Ordinances is hereby rewritten as follows:

"Section 21 - 38. Civil Penalties.

- a) The penalty for any violation of sections 21-29, 21-30, 21-32, and 21-33 shall be five dollars (\$5.00).
- b) The penalty for violation of any other parking regulations of Articles IV and V of Chapter 21 shall be twenty-five dollars (\$25.00).
- c) Upon receiving a citation, serving as notice of a violation of the parking regulations set forth in this Chapter, the owner or operator of the vehicle found in violation shall be responsible for the penalties herein established.
- d) Any penalty for a parking violation that is not paid within 10 days of issuance will accrue an additional penalty of five dollars per 10 days it remains unpaid for the first 30 days. Any penalty for a parking violation that is not paid within 30 days of issuance will accrue an additional penalty of \$5 per month, up to a maximum total combined fine and penalties of \$ 25 per infraction. When the \$25 maximum is reached for either a single violation or more than one violation for the same owner or operator, he/she will be notified in writing of the intent of the Town to pursue claims through appropriate civil action. Once a civil action is initiated, any fees involved in the civil action will be added to the settlement in each action.

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- e) The penalties imposed under this section shall be collected solely as civil penalties and no parking penalties or fines shall be enforced through criminal misdemeanor process. This section shall not be construed as limiting any authority of the Town to tow or remove any vehicle violating any provision of Chapter 21 for which said removal is otherwise authorized and to charge the owner of such vehicle with the costs of removal and storage."

SECTION II

Section 21-2 of the Town Code of Ordinances is hereby amended as follows:

Section 21-2. Traffic Bureau

- a) For the purpose of facilitating the disposition of minor traffic violations in the town, there is hereby created a traffic bureau which shall consist of the Chief of Police, who shall be the director of the bureau, and the other members of the Chapel Hill Police Department.
- b) Any person, firm or corporation violating any of the ordinances prohibiting the actions hereinafter set forth shall forfeit and pay a penalty of five dollars (\$5.00) to be collected by the said traffic bureau: Parking overtime, failing to park between lines provided for parking, making turns where turns are prohibited, riding bicycles or horses upon the sidewalks, and soliciting rides upon the traveled portion of any public street.
- c) Any person, firm or corporation violating any of the ordinances or statutes prohibiting the offenses hereinafter set forth shall forfeit and pay a penalty of twenty-five dollars (\$25.00) to be collected by the traffic bureau: Parking on a sidewalk, parking in a loading zone; parking within the prohibited distance of a fire hydrant; parking so as to block a driveway; parking in a traffic lane; parking in a space in a municipally operated parking lot under monthly rental to another person; parking in a space in which parking is prohibited, parking in a space reserved for handicapped individuals, without displaying the emblem required by section 21-36, Code of Ordinances.
- d) The director of the said bureau shall be responsible for the proper handling of all cases and further for the accounting for funds derived from the operation of the said bureau to the finance director, and for the disposition of all funds derived from the operation of same, the director shall make a weekly settlement with the finance director and account for and pay over to the said finance director all monies collected by the said bureau during the week as penalties for violations of the town ordinances herein mentioned.
- e) The Finance Director shall provide the traffic bureau with the necessary receipt books, which shall be worded in such a manner as to show from what source the funds are derived; the receipts in said book are to be in duplicate and numbered consecutively, the director to give the offender the original and to retain the copy, which said copy shall be surrendered to the Finance Director upon accounting.

SECTION III

In Sections 21-19, 21-26, 21-27, 21-27.1, 21-28.1, 21-30, and 21-39. DELETE the phrase "unlawful" and insert, in lieu thereof, "prohibited."

SECTION IV

All provisions of the Town Code of Ordinances inconsistent with this ordinance are hereby repealed.

SECTION V

This ordinance should be effective on April 14, 1986.

This the 14th day of April, 1986.

Consent Agenda

Council Member Werner asked that item c be removed.

Council Member Andresen asked that item a be removed.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 86-4-14/R-10 MINUS ITEMS A & C. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (86-4-14/R-10)

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

- b. Bolin Creek sewer interceptor - easement deed (R-12).
- d. Insurance program (R-14).
- e. Lease of parking lot 6 (R-15).

This the 14th day of April, 1986.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE OWASA DEEDS OF EASEMENT, ON BEHALF OF THE TOWN, FOR INSTALLATION OF A SANITARY SEWER REPLACEMENT ALONG BOLIN CREEK FROM FRANKLIN STREET TO THE ROGERSON DRIVE PUMP STATION (86-4-14/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to execute, on behalf of the Town, the necessary OWASA Deeds of Easement across two parcels of Town-owned land for the installation of a sanitary sewer replacement along Bolin Creek from Franklin Street to the Rogerson Drive pump station.

This the 14th day of April, 1986.

RESOLUTION OF INTENT TO PARTICIPATE IN THE
INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA
(86-4-14/R-14)

Be It Resolved that the Governing Board of the Town of Chapel Hill
(Name of Municipality)
during its regular meeting on April 14, 1986 authorized the
(Date)
Town of Chapel Hill to request participation in the
(Name of Municipality)
North Carolina League of Municipalities sponsored Interlocal Risk Financing Fund of
N. C. (IRFFNC) effective October 1, 1986.
(Date Coverage to Begin)

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Be It Further Resolved that David R. Taylor
(Name)

Town Manager is authorized to sign all documents required
(Title)

for the Town of Chapel Hill to participate in the
(Name of Municipality)

Interlocal Risk Financing Fund of N. C. (IRFFNC).

ATTEST:

SIGNED:

(Name)
Nancy Wells
Town Clerk
(Title)

(Name)
James C. Wallace
Mayor
(Title)

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO A LEASE FOR PARKING LOT #6 WITH FOUSHEE REALTY, INC. (86-4-14/R-15)

WHEREAS, pursuant to General Statute 160A-272, a notice of intent to enter into a lease agreement with Foushee Realty was published on March 30, 1986 in the Chapel Hill Newspaper;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to enter into, and to sign on behalf of the Town, a lease with Foushee Realty, Inc. for the use of that parcel of land known as Lot 6 of Chapel Hill Township Tax Map 85, Block K, for use as a parking lot, the lease being substantially in the form as presented by the Manager in his report of March 24, 1986 on this matter, and lease to run for a term of one year with an option for an additional year.

Just Compensation for Barclay Sewer Project

Council Member Preston asked why this phase of the project had taken so long. Manager Taylor replied that there was no specific reason for the delay, but that if the Council approved the just compensation and the property owners accepted the compensation then the project work could begin this summer.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-4-14/R-11. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR THE BARCLAY/JUSTICE SEWER PROJECT EASEMENTS (86-4-14/R-11)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Robert Neal, appraiser, that the fair market value of sewer easements to be acquired for the Barclay/Justice sewer improvement project is as follows:

<u>Parcel #</u>	<u>Address</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq.Ft.)</u>	<u>Just Comp.</u>
32-D-7	123 Barclay Rd.	Joseph H. Sica & T.A. Krenitsky	Easement	158.00	\$146.00
32-C-7	124 Barclay Rd.	James C. Page, Jr.	Easement; Damages	2754.19	\$2453.00
32-G-14	201 Barclay Rd.	Samuel & Margaret Holton	Easement; Damages	5325.00	\$6181.00
32-C-8	123 Justice St.	David H. Beard	Easement; Damages	3119.71	\$3142.00
32-H-3	207 Justice St.	John Dewey Bost	Easement; Damages	1799.00	\$1828.00
32-H-2	209 Justice St.	J. Gray McAllister	Easement; Damages	2249.00	\$2185.00
32-H-1	211 Justice St.	Alan Gurganus	Easement	150.00	-0-
32-D-10	738 Williams C.	John & Crannie Brinkhouse	Easement; Damages	2138.00	\$2557.00
32-D-9	740 Williams C.	J.A. & Melissa Stikeleather	Easement; Damages	2844.00	\$4011.00
32-G-16	749 Williams C.	Louise Roberts	Easement; Damages	2118.00	\$2033.00
32-G-15	749 Williams C.	David & Louise Roberts	Easement	25.00	\$23.00
32-D-8	750 Williams C.	John W. Maultsby	Easement; Damages	3906.00	\$3571.00
34-A-2A	Sharon Heights Apartments	A.C. & Edna Shearer	Easement	864.00	\$801.00

BE IT FURTHER RESOLVED that the Council hereby certifies that to the best of its knowledge, the work of the appraiser Robert Neal, and the review appraiser Thomas M. Shiko, 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 N.C. State Department of Natural Resources and Community Development and of the U.S. Department of Housing and Urban Development.

This the 14th day of April, 1986.

Oaks II Payment-in-Lieu of Recreation Area

Council Member Werner expressed dissatisfaction at the appraisal value of \$14,000 per acre for payment-in-lieu of recreation space especially since the lots in the Oaks II development were selling for at least \$80,000 per acre. Manager Taylor replied that the valuation was done using the ordinance in effect when the development was begun and therefore based on raw land value. He said if the development were to be proposed now, market value would be used in the appraisal for payments-in-lieu of recreation space.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-4-14/R-13. THE MOTION CARRIED, (5-4), WITH COUNCIL MEMBERS ANDRESEN, PASQUINI, WERNER, AND MAYOR WALLACE VOTING AGAINST.

The resolution, as adopted, reads as follows:

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A RESOLUTION CERTIFYING THE FINDINGS OF THE SPECIAL APPRAISAL COMMITTEE DETERMINING LAND VALUE OF THE OAKS II SUBDIVISION (86-4-14/R- 13)

WHEREAS, the Council of the Town of Chapel Hill accepted the request of the developer of the Oaks II Subdivision on January 30, 1985 to provide a partial payment-in-lieu of recreation area; and

WHEREAS, the developer's required appraisal of the value of the land to be subdivided was perceived as too low and the Town commissioned an independent appraisal of the land; and

WHEREAS, the Town's commissioned appraisal performed by William S. Totten, M.A.I. was \$2,376 per acre higher than the appraisal submitted by Thomas H. Heffner on behalf of the developer; and

WHEREAS, the developer requested the difference in value be arbitrated as stipulated in Section 7.9.5 of the Town's Development Ordinance; and

WHEREAS, the Council on October 28, 1985 appointed William S. Totten, M.A.I. to serve as the Town's representative on the special appraisal committee; and

WHEREAS, the appraisers, appointed by the Town and developer, selected on March 26, 1986 Thomas T. Hay, M.A.I. as the third member of the Committee; and

WHEREAS, the special appraisal committee on March 25, 1986 certified by letter to the Town, and signed by all three members, the land value of the Oaks II land to be subdivided as \$14,000 per acre;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the land value of the Oaks II subdivision is \$14,000 per acre and this figure should be used in computing the required payment-in-lieu of recreation area as per Section 7.9.5 of the Chapel Hill Development Ordinance.

This is the 14th day of April, 1986.

Board of Adjustment Vacancy

Robert Joesting, representing the Board of Adjustment, petitioned the Council to declare a vacancy on the Board of Adjustment in accord with Section 2.3.6 of the Development Ordinance which deals with attendance requirements.

Council Member Andresen asked if the quorum problems would be solved if a vacancy were declared and filled. Mr. Joesting replied that much of the quorum problems occurred this past summer when the Board held more meetings than it normally did.

Council Member Thorpe complimented Mr. Joesting and the Board of Adjustment for their work, especially over the last year.

Council Member Preston asked if the Board of Adjustment member affected by this petition was aware of the petition. Mr. Joesting replied that he understood the staff had notified Mr. Rowland.

Council Member Thorpe said he had also spoken to Mr. Rowland.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO DECLARE A VACANCY ON THE BOARD OF ADJUSTMENT. THE MOTION PASSED UNANIMOUSLY, (9-0).

Historic District Commission Appointment

Council Member Howes nominated Lynn Igoe and William Massengale.

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For one seat on the Historic District Commission, the following vote was taken:

Michael Chisick (0)

Lynn Igoe (7): Andresen, Godschalk, Howes, Pasquini,
Preston, Smith, Werner

William Massengale (2): Thorpe, Wallace

David T. Woodley (0)

Lynn Igoe was appointed.

Executive Session

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

The meeting adjourned to executive session at 9:35 p.m.

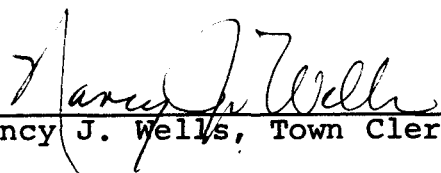
COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO RETURN TO OPEN SESSION. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting reopened at 10:05 p.m.

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

The meeting adjourned at 10:07 p.m.

Mayor James C. Wallace



Nancy J. Wells, Town Clerk