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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JUNE 23, 1986, 7:30 P.M.

Mayor Pro-tem Bill Thorpe called the meeting to order. Council members present were:

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

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

Mayor Wallace arrived late.

Public Hearing on Proposed Annexation of Area A

Manager Taylor asked that his assistant, Greg Feller, give the staff report.

Mr. Feller said this was a public hearing on the proposed annexation of and the Town's plan for extending and financing services to an area north of the present Town limits generally bounded by NC 86, I-40, Carol Woods, Coventry, Cedar Hills, Weaver Dairy Road, Timberlyne and Westminster Drive. He said on March 3, 1985 the Town Council adopted a resolution designating this and other areas as being under consideration for future annexation, and on April 28, the Council adopted resolutions of intent to consider annexing this area and called for a public hearing to be held on June 23. The Council, on May 12, approved a report on how the area qualified for annexation and plans for extending and financing municipal services to the proposed annexation areas on substantially the same basis and in the same manner as for the rest of the Town. He said Area A qualifies for annexation by virtue of having a population exceeding an average of two persons per acre. Mr. Feller said the major services the Town provides include sanitation service twice per week; police and fire services which include in this case a proposal that the Town would enter into a five year contract with the New Hope Fire Department so that both the Town and the New Hope Department would provide service in the area; street maintenance of roads which were currently publicly maintained or which may in the future be brought up to Town standards. He pointed out that the Town did not expect NCDOT to transfer the maintenance of any roads in Area A to the Town. He said the State would continue to maintain Weaver Dairy Road and NC 86. Mr. Feller said the annexation laws require that the Town extend into an annexation area water and sewer lines if they were not already provided. He commented that in Area A, the Town staff and the staff of Orange Water and Sewer Authority (OWASA) had reviewed the lines in the area and had determined that no additional lines (sewer outfalls or water trunk lines) would have to be extended into the area to meet State law. Mr. Feller stated that within the annexation area lines may be extended at the request of property owners and that the petitioning property owners would bear the cost of water and sewer extensions. He said the Council, after this public hearing, may in July or at some later time consider whether or not to annex this area and what particular time the annexation would go into effect.

Manager Taylor asked that the following list of documents be entered into the record of this meeting:

- Municipal Service Plans for the Annexed Area, dated May, 1986

- 112
- Certification of the Town Clerk as Presented to the Manager as Relating to the Mailing of Notices to Owners of Property in the Proposed Annexation Area 1986-A

Charles Pulliam, said he had purchased his property (approximately 10 acres south of Weaver Dairy Road) in the late 1970's with the purpose of having a small farm in the country. He said he wanted the postponement of annexation of his particular piece of property to give him time to make more studied plans for his property. He said he had no plans at present for the development of his property and felt he should look into other alternatives since the anticipated increase in taxes would be large for the ten acre tract.

Council Member Werner asked why the Town should contract with New Hope Fire Department for fire protection in this proposed annexation area when the Town has a relatively new fire station at the intersection of Weaver Dairy Road and N.C. 86. Mr. Feller responded that the General Statutes required that the Town either make payments to or contract out for fire protection in any proposed annexed area which currently has a form of fire protection.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Public Hearing on Proposed Annexation of Area B

Mr. Greg Feller, Assistant to the Manager, gave a presentation saying this public hearing was on the proposed annexation of, and the Town's plan for extending and financing services to an area northeast of the present Town limits and including the Kirkwood, McGregor Place and Greenfields development sites; and other areas near Weaver Dairy Road, Old Oxford Road, Erwin Road, Dobbins Drive and Sage Road. He said on March 3, 1985 the Town Council adopted a resolution designating this and other areas as being under consideration for future annexation, and on April 28, the Council adopted resolutions of intent to consider annexing this area and called for a public hearing to be held on June 23. Mr. Feller also stated that the Council, on May 12, approved a report on how the area qualified for annexation and plans for extending and financing municipal services to the proposed annexation areas on substantially the same basis and in the same manner as for the rest of the Town. He said the area qualified for annexation by having a population of at least two persons per acre and some additional intervening areas also qualify under the annexation law.

Mr. Feller said the major services the Town provides include sanitation service twice per week; police and fire services; street maintenance of roads which were currently publicly maintained or which may in the future be brought up to Town standards; and on the request of property owners who make a petition water and sewer extension. He said as with Area A, sanitation services would be provided by adding services and additional sanitation positions were proposed to be provided for refuse collection for all three of the annexation areas.

Mr. Feller said the Council, after this public hearing, may in July or at some later time consider whether or not to annex this area and what particular time the annexation would go into effect. He said the proposed effective date was for August 31, 1986.

Manager Taylor asked that the following list of documents be entered into the record of this meeting:

- Municipal Service Plans for the Annexation Area, dated May, 1986

- Certification of the Town Clerk as Presented to the Manager as Relating to the Mailing of Notices to Owners of Property in the Proposed Annexation Area 1986-B

There were no citizen comments.

Council Member Smith asked if annexation of Area B would take the town limits to I-40. Manager Taylor replied no, but that part of the proposed annexation Area C did reach I-40.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Public Hearing on Proposed Annexation of Area C

Mr. Greg Feller, Assistant to the Manager, gave a presentation saying this public hearing was on the proposed annexation of, and the Town's plan for extending and financing services to an area east of the present Town limits and including part of Eastowne, Lakeview Drive, Old Durham/Chapel Hill Road, Colony Lake, Forsyth, colony Woods East, White Oak Drive, Pope Road, Clark Lake Road, Devonshire Terrace, Newton Drive, Ephesus Church Road and King Road areas and certain other properties. He said on March 3, 1985 the Town Council adopted a resolution designating this and other areas as being under consideration for future annexation, and on April 28, the Council adopted resolutions of intent to consider annexing this area and called for a public hearing to be held on June 23. Mr. Feller also stated that the Council, on May 12, approved a report on how the area qualified and plans for extending and financing municipal services to the proposed annexation areas on substantially the same basis and in the same manner as for the rest of the Town.

Mr. Feller said the area qualified for annexation due to having an urbanized area having a population exceeding one person per acre and including lot sizes that follow certain minimum standards of lots being less than five acres or less than one acre. He said the major services the Town provides include sanitation service twice per week; parks and recreation services; public library and transit services; and police and fire services which include in this case a proposal that the Town would enter into a five year contract with the New Hope Fire Department and the Parkwood West Fire Department so that both the Town and these fire departments would provide service in the area; street maintenance of roads which were currently publicly maintained or which may in the future be brought up to Town standards. He said the Town planned to assume maintenance of a number of residential streets such as Lakeview Drive, Newton Drive, Granville Road, and Beaumont. He said that many of the major streets like Pope Road, Legion Road, 15-501 would continue to be maintained by the State. Mr. Feller said in this area, in order to meet the State requirements for annexation, there was one extension of a sewer outfall that was required. He said this extension would be in the area of Blue Cross/Blue Shield, just northeast of the Lakeview Drive area. He commented that in the other areas of this proposed annexation the Town staff and the staff of Orange Water and Sewer Authority (OWASA) had reviewed the lines and had determined that no other additional lines (sewer outfalls or water trunk lines) would have to be extended into the area to meet State law. Mr. Feller stated that within the annexation area lines may be extended at the request of property owners and that the petitioning property owners would bear the cost of water and sewer extensions. He said the Council, after this public hearing, may in July or at some later time consider whether or not to annex this area and what particular time the annexation would go into affect.

Council Member Andresen asked why the Riggsbee property was not being included in the proposed annexation area. Mr. Feller responded that in March when the staff had determined the

114
proposed annexation area, that property had not been platted into individual lots and so it could not qualify at that time to be annexed. He said it was possible to annex that property in the future when it met statutory requirements.

Manager Taylor asked that the following list of documents be entered into the record of this meeting:

- Municipal Service Plans for the Annexed Area, dated May, 1986
- Certification of the Town Clerk as Presented to the Manager as Relating to the Mailing of Notices to Owners of Property in the Proposed Annexation Area 1986-C

Lloyd Redick, speaking as a property owner, commented that the Riggsbee property along Pope Road should be included in the area to be annexed saying that it had been platted. He said that property had been platted for six months. He asked how the area would receive and pay for fire protection, and if the residents in Area C would be able to vote for Town officials. Manager Taylor replied that the area would receive fire protection from the Town of Chapel Hill and Parkwood Volunteer Fire Department, and that the residents would pay the normal yearly fee to Parkwood for fire protection, but when and if the annexation of the area takes place in August, the residents would receive a rebate for 10 months of that fee. He also said that residents would be able to vote for Town related issues, and that there would be bond referendums in November of 1986 and municipal elections in 1987.

Clarence Andrews, speaking as a resident, asked how the taxes would be set for this area, if connection with OWASA sewer lines was mandatory, and if bus service would be provided to the Pope Road area. Manager Taylor responded that the taxes for the area would be based on the Durham County valuation. He said that connection to OWASA water and sewer lines was not mandatory for current residents of the area but new development would have to tap on to OWASA lines. Mr. Taylor said that transit services would be provided to the area either through extension of bus routes or shared ride feeder service.

Tim Epperson, speaking as a property owner, stated he also felt the Riggsbee property should be included in any annexation plans for the area. He said he felt the Town of Chapel Hill only wanted to control those areas of Durham County that have already been developed. He commented that he would prefer for Chapel Hill to have planning control over undeveloped land in Durham County. Mr. Epperson complained that if the annexation took place he would be considered a citizen of Chapel Hill but would not have a Chapel Hill zip code or telephone number, and children would not be able to attend city schools. He also expressed concern that this area would receive the same fire protection it now receives and that its reliability was in question.

Tom Kunkel, speaking as a property owner, agreed with Mr. Epperson's concerns and also about the confusion of using the Durham 911 emergency number and having to explain that he lived in Chapel Hill. He also expressed concern that the area surrounding Devonshire subdivision was not being considered in this proposed annexation plan. He felt Chapel Hill would be better planners for the area.

Mike Houchens, speaking as a property owner, agreed with the previous speakers and expressed reservations about the proposed annexation.

Richard Murray, speaking as a property owner, said that he had always thought of Chapel Hill as a friendly place, but that what was being proposed was a reaching out and taking of property for the tax dollars only. He felt the Town was proposing the

annexation for the tax dollars and were not giving anything in return. He said most of the proposed services were already being received by the residents.

Robert Tarpley, speaking as a resident, asked how the Town would address the community package sewage system. Manager Taylor asked Pat Davis from OWASA to answer that question since the Town was not involved with water and sewer lines. Pat Davis responded that OWASA anticipated the community would keep its present system until the property owners request connection to OWASA.

Mr. Tarpley said he felt the proposed annexation was taking away the right of the property owners the choice of living in the country, outside of the Town limits.

Bruce Guild, speaking as a property owner, urged the Council to wait until the entire area could be annexed. He expressed concern about whether or not the present sewer outfall in the area was adequate to meet the present and future needs, especially since the proposed land use plan calls for this area to have medium density and office/institutional development. Mr. Guild also stated that the Town would lose \$82,000 over the next two years with the different property valuations in Orange and Durham counties.

J. T. Whaley, speaking as a property owner, spoke against the proposed annexation of the area. He said all Chapel Hill seemed to want was to get the tax dollars and did not appear to be giving anything in return. He also expressed reservations about having to use OWASA water and sewer lines.

Jim McNaul, speaking as a property owner, felt the proposed annexation was both too early and too late. He expressed concern that undeveloped lands adjacent to the proposed annexation area were not being considered. He felt Chapel Hill's planning would provide a better means of protecting the neighborhood. Mr. McNaul suggested the Town look into the possibility that fertilizers, etc. being used on the Blue Cross/Blue Shield property were contaminating the water table. He commented that the traffic on Ephesus Church Road was already creating problems and questioned when any changes would be made to help alleviate the problems. He said the current density along Clarke Lake was approximately 1 dwelling unit per three acres, while the Chapel Hill proposed land use plan calls for medium density (four to six units per acre) for the area. He reiterated the question of just exactly what would the Durham County residents be receiving if the annexation passed.

Faye McNaul, speaking as a property owner, said the area needed watershed planning. She expressed concern about the possibility of having to connect to OWASA lines, saying she would prefer to stay with the current private system. She said she disliked OWASA and felt the Town should take control of the water and sewer facilities, and have a comprehensive plan of water and sewer for public systems in order to protect the citizens.

Connie Moreadith, speaking as a resident, commented that she had purchased her home in Durham County rather than in Chapel Hill on purpose. She said she realized the area needed more comprehensive land management and urban planning but felt Chapel Hill should wait until it can offer services needed in the area before it attempts to annex.

Steve Sheffield, speaking as a property owner, said he believed someone would, and probably should annex this area, but wondered if the situation was fair at this time. He said he felt the residents were not really being given a choice in the matter.

Kathy Olliver, speaking as a resident, spoke against the proposed annexation saying she had moved out of Chapel Hill 15 years ago and did not want to be a part of Chapel Hill again.

116
Mayor Wallace commented that it was up to the citizens and their elected officials to work together to help maintain and create a proposal acceptable to all.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER AND ATTORNEY.

Council Member Howes requested that the staff investigate the questions asked (zip codes, telephone numbers, water and sewer, and fire protection) and what possible solutions that could be found when they report back to the Council.

Council Member Smith commented that the proposed land use plan was not written in concrete but that citizen input was needed and for those interested to attend the public hearing on June 24 to voice their concerns.

THE MOTION TO REFER PASSED UNANIMOUSLY, (9-0).

Public Hearing on Proposed Overland Drive Right-of-Way Closing

George Small, Town Engineer, gave a presentation on the proposed right-of-way closing. He said the proposal was the result of a petition by Mr. and Mrs. D. Ray McArthur to close the right-of-way, which was approximately 160 feet long and 60 feet wide. Mr. Small commented that the Town had received notifications from Duke Power and Village Cable that they have facilities within the right-of-way and requests to maintain the existing easements and reserve easements for future installations. He said the Town would also like to retain easements over the right-of-way if it is closed. Mr. Small stated the Town had received a letter from the Durham County Planning Department recommending against the proposed closing to allow for future access to an approximately nine acre parcel of land directly east of Overland Drive. He said the Town staff concurred with the Durham County recommendation that the right-of-way remain open until such time as the property to the east was fully developed and an adequate local street system in the area established.

Council Member Godschalk asked for clarification of the property to the east of the right-of-way. He said the Montessori Partnership owns the property and has a school on it, but that Durham County expects the property to be subdivided. Mr. Small replied yes.

Council Member Andresen asked how the Montessori property would have access if the right-of-way were closed. Mr. Small responded that the property had access to Pope Road.

Ray McArthur, speaking as the petitioner, asked that a memorandum of information relating to the request for closing of the right-of-way be entered into the record of this meeting. (For copy, see Clerk's files.) He questioned whether or not it was reasonable to expect a need for access from Overland Drive to the Montessori property. He said he was under the impression that the property was already developed and if he had not thought that, he would not have requested the right-of-way closing. Mr. McArthur commented that when the Montessori property was first developed, they had chosen to have access onto Pope Road rather than Overland Drive. He questioned why Durham County should be involved since the property was in the area intended for annexation by Chapel Hill and would be under Chapel Hill's jurisdiction.

Mrs. Ray McArthur, speaking as a petitioner, presented a petition from the residents of Overland Drive requesting the right-of-way be closed. She reiterated that she and her husband would not have requested the closing if they did not believe the property to be already developed.

Ms. Karen Buchanan, representing the Montessori Partnership, spoke in support of the right-of-way closing. She said the Partnership had plans for the entire property which included an additional classroom building, outdoor classrooms, and nature trails.

Lynn Kessler, representing the Administration of the Montessori School, also spoke in support of the closing. She commented that enrollment at the school was increasing and the need for further classrooms imminent. She also said that some children and parents use the right-of-way as pathway to the school.

Mayor Wallace asked for clarification for the reason for the staff to recommend not closing the right-of-way. Mr. Small replied that the right-of-way should remain open until the property were fully developed in case the Montessori Partnership were to sell off a section of the property. He said however, that if the Partnership had definite plans for the remainder of the property then that changed the situation and the way the staff would view the closing.

Council Member Godschalk commented that if the right-of-way were closed the property owners would have the right to fence the area off and deny any public access as a walkway.

Council Member Pasquini suggested that a stipulation be added to the proposed resolution to allow for pedestrian access.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Petitions

Len Van Ness, speaking as the Executive Vice President of the Chapel Hill-Carrboro Chamber of Commerce, petitioned the Council to petition the NC Utilities Commission to consider redrawing the telephone service districts with I-40 as the boundary. He pointed out that calls from the northern and eastern fringe areas to the remainder of the town were long distance and that emergency 911 calls were not directly routed to the Chapel Hill police or fire departments. He also said the Chamber would like the Council to consider adopting a resolution similar to one adopted by Orange County calling for the Utilities Commission to also undertake a rate study of extended area two-way telephone service between Durham, Chapel Hill, and Hillsborough.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Gordon Brown, an attorney representing the Zinn Group, petitioned the Council for an interpretation of the Development Ordinance with regard to the density cap amendments as it would apply to the Glenmere duplex subdivision.

Council Member Godschalk asked if all the lots were duplex lots. Mr. Brown replied yes, but that two of the lots would need to be replatted to meet the 1500 square foot minimum as required in the amendment to the Development Ordinance.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Bill McDonald, speaking as a resident of the Hillview area, petitioned for the Council to enter into a joint effort with the residents of Chapel Hill to acquire the narrow strip of property running parallel to Franklin Street between Howell Lane and Roosevelt Drive for use by the Town as a protected entranceway park. He asked that signed petitions be entered into the record. (For copy of petition, see Clerk's Files.) He said that building

118
permits had been issued for parts of this strip of land and if the Town wished to protect this property, it needed to act quickly.

Council Member Godschalk spoke in support of the idea saying he was pleased that the neighborhood was willing to help finance the proposal.

Council Member Preston expressed concern with the timing of such an endeavor pointing out that the neighborhood lawsuit was scheduled to be heard in July and questioned when the building permits would go into effect. She urged the Council to act swiftly in this matter.

Council Member Smith also spoke in support of this proposal pointing out that he had always felt there were areas within Chapel Hill which should not be developed and that this was one of them.

Council Member Howes asked if there had been any communication with the current property owners to see if they would be willing to sell the property. Mr. McDonald replied that there had been no discussions with the property owners at this time saying the neighbors had wanted an indication from the Council as to whether or not the Town would be interested in the proposal.

Council Member Werner said the Council needed to ask the Manager to report back to the council prior to their summer break.

Mayor Wallace suggested that he appoint a committee to meet with the Manager and Attorney to discuss this item as soon as possible.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER, ATTORNEY, AND THE MAYOR'S COMMITTEE. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Smith petitioned the Council to include the area of Piney Mountain Road and Emily Road, not included in the recent paving contracts, in the resolutions in Agenda #7, to accept petitions for the paving and calling of public hearings. Manager Taylor said that there needed to be formal resolutions to that fact, and that as he was speaking, the Town Engineer had obtained a valid petition from the property owners and the Town Attorney was working on formal resolutions for accepting the petitions and calling a public hearing.

Council Member Preston asked for clarification of the Council work session on the land use plans. She said there was some confusion as to whether it were June 30 or July 1. Manager Taylor replied that it was set for July 1.

Council Member Howes petitioned the Council to defer Agenda #10, Appointments to Boards and Commissions, to the next regular Council meeting noting the lateness of the hour and the need for further Council review of the candidates. The Council agreed to Mr. Howes' suggestion.

Council Member Howes asked for the staff to investigate why there had been road cuts in the newly resurfaced Hillsborough Street. He commented that prior this day, the recent resurfacing of this street had resulted in Hillsborough Street being the smoothest it had ever been.

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF JUNE 2, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

#27
119

Council Member Smith asked that the minutes of June 9, 1986 be amended to correctly identify Franklin Wood Apartments and Roosevelt Drive in Resolution 86-6-9/R-3a.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF JUNE 9, 1986 AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE REVISED PARTIAL MINUTES OF JUNE 16, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

UNC Power Plant

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE REVISED RESOLUTION 86-6-23/R-1C.

Council Member Andresen suggested that the time limits for planting in stipulation #5 also be included in stipulation #4.

COUNCIL MEMBERS GODSCHALK AND HOWES AGREED TO ADD TO THEIR MOTION THAT STIPULATION #4 END WITH THE STATEMENT "...SUCH PLANTINGS TO BE COMPLETED WITHIN 18 MONTHS OF APPROVAL OF THIS APPLICATION."

Council Member Preston said that stipulation #22 would require UNC to come back before the Council before putting in any more boilers. Manager Taylor agreed, saying that the stipulation requires a modification of the Special Use Permit if it deviates from what was passed by the Council.

Council Member Thorpe asked if stipulation #24 was usual Town practice. Manager Taylor replied that it was and that it served as another means of regulating development.

Council Member Smith asked for clarification of stipulation #16. Manager Taylor responded that this stipulation was an attempt to control the on-site dust so it would not be blown beyond the boundaries of the plant.

Council Member Pasquini commented that there were several citizens in the audience who had expressed concern over the proposal and he asked if any of them would like to comment on the proposed resolution.

Ruth Koster, speaking as a resident, said she appreciated the number of conditions and requirements set forth in the Manager's revised resolution and hoped they would prevent future problems with the power plant.

Council Member Thorpe thanked the staff and the University for working with and listening to the concerns of the neighbors of the power plant.

Council Member Andresen agreed.

THE MOTION TO ADOPT RESOLUTION 86-6-23/R-1C (REVISED) AND AMENDED PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PLANNED DEVELOPMENT-INDUSTRIAL SPECIAL USE PERMIT FOR THE UNIVERSITY POWER PLANT REPLACEMENT (86-6-23/R-1c)

WHEREAS, the Council of the Town of Chapel Hill finds that the continued vitality and successful functioning of the University of North Carolina at Chapel Hill is crucial to the welfare of the Town of Chapel Hill; and

WHEREAS, the continued functioning and development of the University, including patient treatment and care facilities at North

120
Carolina Memorial Hospital and critical and delicate ongoing research projects depend on an adequate and dependable supply of energy; and

WHEREAS, the proposed power plant replacement and expansion is critical for the continued functioning and development of the University and necessary to provide an adequate and dependable supply of energy for University facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby finds that the power plant replacement proposed by the University of North Carolina at Chapel Hill on property identified as Chapel Hill Township Tax Map 92, Block H, Lot 2, if developed in accord with the site plan and section dated March 10, 1986 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 conditional on the following:

1. That construction start by June 9, 1989 and be completed by June 9, 1994.
2. That a paved sidewalk be provided along the site's frontage with Cameron Avenue.
3. That on-site stormwater retention basins be provided and maintained so as to retain the first inch of stormwater runoff.
4. That a type C buffer be provided along the site's boundary with McCauley Street and site boundaries adjacent to the coal storage area in the southeast corner of the site, such plantings to be completed within 18 months of approval of this application.
5. That landscaping consisting of a combination and spacing of canopy trees, understory trees, and shrubbery appropriate to the provision of intermittent visual obstructions from the ground up to a height of at least 20 feet be provided along the site's eastern, northern, and western boundaries, such plantings to be completed within 18 months of approval of this application.
6. That the final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility plan, stormwater management plan) 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.
7. That the detailed building elevations to be approved by the Town Manager before issuance of a building permit take into consideration a painting scheme to enhance the appearance of the buildings.

- #19
121
8. That structures on the site be designed such that all handling of coal, limestone and ash is done within enclosed structures.
 9. That alternative methods of disposal (other than landfilling) for the spent lime/ash mixture be investigated and a report submitted to the Manager outlining the advantages and disadvantages of each alternative. For each alternative found to be technologically, economically, and environmentally feasible, a detailed study shall be conducted to determine the viability of the alternative. The results of these studies shall be reported to the Manager before issuance of a Zoning Compliance Permit.
 10. That appropriate leachability, corrosivity, and toxicity tests as described in the Federal Resource Conservation and Recovery Act (RCRA) be conducted on lime/ash mixture from a pilot or similar plant and the results submitted to the Manager before issuance of a Zoning Compliance Permit. If the results of these tests demonstrate that this material is hazardous as defined by RCRA, then an alternative to land-filling must be approved by the manager before issuance of a Zoning Compliance Permit. If the landfilling option is selected, such tests shall be repeated on actual lime/ash from the plant, and if the wastes are shown to be hazardous, then an alternative disposal method shall be selected and implemented within 30 days.
 11. That if any groundwater contamination is uncovered at the landfill which can reasonably be attributed to disposal of material from the power plant, then the University shall be responsible for any required remedial action.
 12. That all waste ash transported from the plant shall be wetted down and transported in covered trucks or rail cars.
 13. That visible emissions from truck unloading of plant material into the landfill shall not cause opacity exceeding 20 percent as determined by U.S. Environmental Protection Agency (EPA) Method 9.
 14. That visible emissions from railcar unloading, crushing, truck loading and unloading, conveying (including transfer points), bucket elevators, front-end loading, stockpiling, storage bins, and storage piles shall not exceed 10 percent opacity as determined by EPA Method 9.
 15. That roads within the plant shall be maintained to minimize fugitive dust emissions by paving, surfactant treatment, or other suitable method.
 16. That no fugitive particulate matter emissions shall be visible beyond the property line of the power plant.
 17. That a violation of any Federal, State or local environmental regulation or permit condition be reported to the Manager within 7 days of noncompliance along with a report of proposed remedial action.
 18. That the development comply with the Town's Noise Control Code, as now constituted in Section 11-37 et. seq. of the Code of Ordinances and as amended in the future.
 19. That the University prepare plans for the external design for the Power Plant that minimize the scale of the buildings and structures by the use of surface articulation, as defined by the use of architectural detail and forms such as window, color, or other appropriate means that serve to break up the visual impact of large masses. Such plans will serve to integrate the appearance of the Power Plant with surrounding residential areas so that the use and development will maintain or enhance the value of contiguous property.

- 122
#20
20. That the Appearance Commission shall review and approve the detailed landscape plans.
 21. That the Appearance Commission shall review plans for the buildings and facilities on this site and make recommendations to the University regarding the aesthetic suitability of the plans.
 22. That any proposed future addition of boilers or other plant facilities be considered a modification of this Special Use Permit and require Council approval in accord with Town regulations.
 23. The continued validity and effectiveness of this permit is expressly conditioned upon the continued compliance with the plans and conditions listed above.
 24. If any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council finds that the University power plant replacement use is a public necessity.

BE IT FURTHER RESOLVED that the Council hereby modifies the height requirements of Article 5 of the Development Ordinance to allow the proposed heights and setbacks in accord with Subsection 8.8.4 based on the Council's finding that such modifications satisfy public purposes to an equivalent or greater degree as the generally prescribed height and setback regulations.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Planned Development-Industrial Special Use Permit for the University Power Plant Replacement in accord with the plans and conditions listed above.

This the 23rd day of June, 1986.

Council Member Preston commented that she had had a resolution drawn up to encourage the University to consider the possibility of using refuse derived fuels in the power plant's replacement and expansion.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-6-23/R-1E.

Council Member Pasquini commented that the resolution seemed to call for the use of a refuse incinerator on the campus and that he could not support such a resolution, because of its potential polluting effect on the surrounding neighborhood.

Council Members Preston and Werner disagreed saying the resolution did not affect the previous action by the Council in granting a Special Use Permit to UNC for the power plant replacement, rather this resolution just asked the University to consider the possibility of using refuse derived fuels.

Council Member Preston commented that since there was some confusion as to the purpose and intent of her proposed resolution, she would withdraw it from consideration at this time. Council Member Smith agreed to withdraw his second to the motion.

Modification to the Housing Loan Trust Fund (HLTF)

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-6-23/R-2B.

Council Member Smith asked for clarification of the information on median income and ability to purchase an affordable home. Manager Taylor said the memorandum gave what the median income was for a family of four in Chapel Hill and then broke down the median income in increments of 10% down to 50% and showed what

that income would be. He said then the memorandum gave information on what typical salaries were for citizens in Chapel Hill. Mr. Taylor said this showed that a Chapel Hill bus driver earned less than 50% of the median income and if the bus driver were the only wage earner in the family, then because that person earned less than 50% of the median income, by the proposals definition this person probably would not qualify to buy a home.

Council Member Smith asked whether or not the Public Works Superintendent would qualify. Manager Taylor replied that the salary for a Public Works Superintendent worked out to be approximately 75% of the median income and would therefore qualify. He said this income was the income range this program was designed to help.

Council Member Pasquini said that this appeared to be a complex issue and asked for clarification between the HLTF and the proposed change to the Development Ordinance with regard to median income. Manager Taylor replied that the proposed changes in the Development Ordinance dealt with granting incentives to developers to build affordable housing, while the HLTF was a Town operated program in which the Town was trying to assist individuals with housing and no developers would be involved. He said the program was concentrating on people whose income was between 50% of the median and 100% of the median and those below 50% of the median, the Town was acknowledging by not having them included that they would not be home owners or that they would have to look at public housing. Mr. Taylor said this program was an attempt by the Town to assist with rehabilitation or new home ownership for people in this category.

Council Member Godschalk asked why the staff disagreed with the Planning Board's recommendation for a cut off of 80% of the median income. Roger Waldon, Planning Director, stated that the staff by recommending the range to be 50-100% of the median income was trying to keep the program flexible and trying to achieve an income mix and serve a variety of housing needs. He said that statistics showed that someone at or near 100% of the median still had trouble purchasing a house in Chapel Hill.

Council Member Godschalk commented that he was concerned that individuals in the upper income end might maximize the use of the funds.

Council Member Pasquini asked how many houses would the fund finance. Manager Taylor replied that the staff did not know but there was a \$20,000 maximum amount available for any one loan or grant. Council Member Pasquini asked if the staff was breaking that down for different income ranges and if not, why. Manager Taylor replied that the staff had not broken down the funds because it was based on those individuals the Town could help. He said the staff did not want to structure the program to where there would be five loans available in each category when there may be 15 people in one category needing help and none in another category. Council Member Pasquini said he saw the Town's role as helping the people in the 50% range and not the 90% range.

Council Member Andresen said that someone making 50% of the median income might not be able to afford to buy and maintain a home.

Council Member Pasquini said people could find a lot of inventive ways to buy a home. He commented that someone making 15,000 probably could not afford to buy a home, but someone who was upwardly mobile, going through \$15,000 to \$40,000 could probably use this program to buy a home and he did not think that this was who the program should be addressing. He felt the program should help the poor people, those who could not afford a home and are stuck at a certain fixed income level.

124
Council Member Andresen said ideally Mr. Pasquini was right, but the problem was that once acquiring a home, an individual had to be able to afford to make payments and maintain that home and she did not feel someone making only \$15,000 a year would be able to do so.

Mr. Waldon stated that as mentioned in the memorandum, the staff hoped that a large portion of the HLTF, as well as some Community Development Funds, would be used in the Affordable Homeownership Demonstration Program and according to HUD regulations 60% of the beneficiaries have to be in the 50-80% category and 40% in the 80-100% category.

THE MOTION TO ADOPT RESOLUTION 86-6-23/R-2B PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION TO AMEND THE RESOLUTION AUTHORIZING A LOAN TO THE CHAPEL HILL HOUSING AUTHORITY FOR THE PURPOSE OF ENABLING THE ESTABLISHMENT, IMPLEMENTATION, AND ADMINISTRATION OF THE HOUSING LOAN TRUST FUND AS ORIGINALLY ADOPTED THE 9TH DAY OF NOVEMBER, 1973 AND AS SUBSEQUENTLY AMENDED (86-6-23/R-2b)

WHEREAS, there is a shortage of affordable housing for low and moderate income homebuyers within the Town of Chapel Hill; and

WHEREAS, the Town would like to increase the flexibility and utility of the Fund by permitting deferred payment loans to be made, in addition to the other types of loan subsidies allowed by the Fund; and

WHEREAS, it is desirable that certain other provisions of the Fund be modified and updated to better meet current housing needs of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the resolution authorizing a loan to the Chapel Hill Housing Authority for the purpose of enabling the establishment, implementation and the administration of a Housing Loan Trust Fund heretofore adopted on November 9, 1973 and as subsequently amended on January 27, 1975, March 8, 1976, June 23, 1980, and July 14, 1980, be further amended and restated as follows:

1. Loan. That a loan of \$300,000 from revenue sharing funds be made to the Chapel Hill Housing Authority for the purpose of establishing a Housing Loan Trust Fund to be implemented and administered subject to their terms and conditions hereinafter set forth.
2. Repayment. That said loan shall become repayable to the Town of Chapel Hill, on demand, in the event of either of the following conditions:
 - a. There exist no outstanding commitments against said fund, or
 - b. The Town of Chapel Hill shall receive the legal authority to directly establish and administer such fund, and it desires to undertake the administration of said fund in accordance with the terms and conditions hereinafter set forth, subject to any outstanding commitment against said fund.
3. Housing Loan Trust Fund. The entire principal of said loan shall be placed in an escrow or trust account with all principal and interest held by said fund, continuously invested in interest bearing deposits in financial institutions doing business in this community. The loan and all interest earned from said deposits shall be known and designated as the Housing Loan Trust Fund. No part of such fund may be used for any purpose other than as specified

herein, and said fund as it may exist from time to time, including any additions that might be made thereto, or such portion thereof as may be necessary to comply with any commitment against said fund, shall continue so long as there exist any outstanding commitment, as herein authorized.

4. Loan Guaranty and Loan Subsidies. The Commissioners of the Chapel Hill Housing Authority shall be authorized and empowered to grant liens against or pledge portions of, or to use portions of said funds for the following purposes:
 - a. To guarantee the payment of loans made by financial institutions to individuals for the purpose of homeownership acquisition.
 - b. For guaranteeing the payment of loans made by financial institutions to individuals for the purposes of residential property rehabilitation.
 - c. To subsidize interest rates on certain of said loans upon the conditions hereinafter set forth, and to pay said interest subsidy from the principal or interest of said fund in such amounts as may be required to carry out purposes herein set forth.
 - d. For the payment of all expenses including labor, materials, licenses, permits, etc. during the construction process of residences being constructed for sale to qualified households, provided, however, that all such funds so advanced shall be repaid in full upon the transfer of title to qualified individual or individuals, and the closing of the permanent financing loan on said property.
 - e. To provide direct deferred payment loans to supplement loans made by financial institutions for the purposes of homeownership acquisition and for residential property rehabilitation.
 - f. For the acquisition of properties situated within the Town of Chapel Hill suitable for resale to low and moderate income families qualifying under the provisions of this program, provided that all such acquisitions shall be approved in advance by the Commissioners of the Fund and the Town Council.
5. Loan Limitations.
 - a. All loans guaranteed or loans subsidized by the Housing Loan Trust Fund shall not exceed the following maximum amounts: the actual cost of any property purchase; the actual cost of rehabilitating the property to the Town's property rehabilitation standards; or the actual cost of construction, as the case may be.
 - b. The maximum interest subsidy paid by the fund shall have a present value not to exceed \$20,000.
 - c. The maximum deferred payment loan to supplement a first mortgage loan shall not exceed \$20,000.
 - d. The amortization schedule for the repayment of loans identified in subparagraphs a. through c. above shall be within the household's ability to pay, with approximately 28% of the household's income generally appropriate for principal, interest, taxes and insurance.
6. Terms of Loans.
 - a. Rehabilitation loans shall be either deferred payment loans or amortized over a period of up to 15 years.

- 124
- b. Home purchase loans shall be either deferred payment loans or amortized over a period of up to 30 years.
 - c. Construction loans shall be short-term loans with all loan funds repaid in full upon the closing of the permanent financing on the property and transfer of title to qualified buyer(s).
7. Loan Eligibility Requirements. In order to qualify for participation in the Housing Loan Trust Fund Program, the following criteria must be met by the applicant:
- a. Be a resident of Chapel Hill or employed in Chapel Hill;
 - b. Be unable to obtain a loan, either subsidized or unsubsidized, on comparable terms and conditions;
 - c. Be the owner of the property in fee simple, if the property is to be rehabilitated, or have clear title if property is to be purchased or constructed;
 - d. Be residing in the property to be rehabilitated, or if purchased or constructed, occupy the property when the acquisition or construction is complete;
 - e. The residence must have an anticipated life of at least 20 years after rehabilitation or 30 years, if constructed or acquired;
 - f. Must fall within the gross income limits hereinafter set forth.
8. Income Limits for Participation in Loan Subsidy Program. In order for an applicant to be eligible for the loan subsidies described under 4.c. and 4.e., the applicant's gross household income must not exceed 100% of the area's median household income, adjusted for household size.
9. Income Limits for Participation in Loan Guarantee Program. In order for an applicant to be eligible to participate in the Loan Guarantee Program described under 4.a. and 4.b., the applicant's gross household income must not exceed 100% of the area's median household income, adjusted for household size.
10. Computation of Gross Income. Gross income shall be defined as income received annually from all sources by all wage earners in a household. The income from the following sources shall be considered in determining total gross annual income:
- a. Wages and salary (full and part-time employment)
 - b. Child support
 - c. Alimony
 - d. Interest on savings
 - e. Dividends from stock
 - f. Social Security benefits
 - g. VA benefits
 - h. Overtime pay
 - i. Bonuses
 - j. Unemployment insurance
 - k. Any other annuities received
11. Security Procedures and Loan Conditions. In the event a loan is guaranteed or subsidized or a construction loan is made by the Trust Fund, the property owner must agree:
- a. To execute a note and first lien deed of trust on said property as security for said loan except that deferred payment loans, which supplement a first mortgage loan from another lender, shall also be secured by a second deed of trust;

- b. Must agree to obtain and pay for credit life insurance for the full amount of said loan, if available, and within the means of the property owner;
- c. To allow the Housing Authority discretion to refinance said loan at such times as might be desirable, to take advantage of favorable interest rates, so long as the amount payable by the applicant is not increased;
- d. That the loan shall not be assumed except with the consent of the Housing Authority, and in the event that the property is sold without such consent, the loan shall immediately become due and payable;
- e. In the event of the death of the head of the household the loan and loan subsidy may be assumed by the direct minor heirs of such head of household if such heirs own and occupy the property and loan payments are made in accordance with the terms of the original loan agreement.

If the above conditions are not met, the new owner(s) of the property must apply to the Loan Committee of the Trust Fund for the continuation of the loan subsidy or its refinance. If the new owners qualify for assistance, based on the criteria established for the Trust Fund program, the loan subsidy may be refinanced. If the new owners fail to apply for refinancing through the Trust Fund or do not qualify for the loan subsidy, the loan shall be due and payable in full within 90 days written notice to the new owners.

Nothing contained in this subparagraph e. shall be construed to prevent the new owner(s) and the first mortgage holder from agreeing to continue the loan without further subsidy or guarantee by the Town.

12. Modification. The Council of the Town of Chapel Hill hereby reserves the right to modify or amend any of the criteria or procedures set forth in connection with said Housing Loan Trust Fund provided however, that no such amendment shall affect or diminish the rights of the holder of any commitment against said fund made prior to the date thereof.

This the 23rd day of June, 1986.

Paving Petitions and Preliminary Resolutions of Intent

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 86-6-23/R-3. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RECEIVING A PETITION FOR PAVING OF RIGGSBEE ROAD (86-6-23/R-3)

WHEREAS, the Town has received a petition for the paving of Riggsbee Road without curb and gutter, and the petitions have been determined to be valid under G.S. 160A-217(a); and

WHEREAS, the Town does now have funds available for this project;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council receives said petitions for paving of Riggsbee Road.

This the 23rd day of June, 1986.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-6-23/R-4. THE MOTION PASSED UNANIMOUSLY, (9-0).

128
The resolution, as adopted, reads as follows:

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF A PORTION OF RIGGSBEE ROAD (86-6-23/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Riggsbee Road and;

1. The Town has received a petition for the paving of Riggsbee Road without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. The unpaved portion of Riggsbee Road comprises approximately 42 linear feet of gravel road located at its intersection with Martha Lane.
3. The Town would pave the unpaved portion of Riggsbee Road to Town standards and assess owners of property abutting the presently unpaved section of Riggsbee Road at an equal rate per foot of frontage; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable 60 days after the assessment roll confirmation with interest, at an annual rate of 6%; and
6. The Town herewith calls a public hearing at 7:30 p.m. on July 7, 1986 in the Municipal Building, to consider adoption of a resolution to undertake the above-described project, 306 N. Columbia Street.

This the 23rd day of June, 1986.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-6-23/R-5. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RECEIVING A PETITION FOR PAVING OF A PORTION OF KINGSTON DRIVE (86-6-23/R-5)

WHEREAS, the Town has received a petition for paving of Kingston Drive without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and

WHEREAS, the Town does now have funds available for this project;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council receives said petitions for paving of Kingston Drive.

This the 23rd day of June, 1986.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-6-23/R-6. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

129

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF A PORTION OF KINGSTON DRIVE (86-6-23/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Kingston Drive;

1. The Town has received a petition for the paving of Kingston Drive without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. The unpaved portion of Kingston Drive comprises approximately 190 linear feet of gravel road located near its intersection with Partin Street.
3. The Town would pave the unpaved portion of Kingston Drive to Town standards and assess owners of property abutting the presently unpaved sections of Kingston Drive at an equal rate per foot of frontage; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable 60 days after the assessment roll confirmation with interest, at an annual rate of 6%; and
6. The Town herewith calls a public hearing at 7:30 p.m. on July 7, 1986 in the Municipal Building, to consider adoption of a resolution to undertake the above-described project, 306 N. Columbia Street.

This the 23rd day of June, 1986.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-6-23/R-3.1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RECEIVING A PETITION FOR PAVING OF PINEY MOUNTAIN ROAD (86-6-23/R-3.1)

WHEREAS, the Town has received a petition for the paving of Piney Mountain Road with curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and

WHEREAS, the Town does now have funds available for this project;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council receives said petition for paving of Piney Mountain Road.

This the 23rd day of June, 1986.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 86-6-23/R-4.1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF A PORTION OF PINEY MOUNTAIN ROAD (86-6-23/R-4.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Piney Mountain Road and;

- 170
1. The Town has received a petition for the paving of Piney Mountain Road with curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and
 2. The unpaved portion of Piney Mountain Road comprises approximately 135 linear feet of gravel road from the end of current construction proposed at the beginning of the curve on Emily Road approximately 135 feet to the end of existing pavement on Piney Mountain Road.
 3. The Town would pave the unpaved portion of Piney Mountain Road to Town standards and assess owners of the property abutting the presently unpaved section of Piney Mountain Road at an equal rate per foot of frontage; and
 4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
 5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable 60 days after the assessment roll confirmation, with interest at an annual rate of 6%; and
 7. The Town Council herewith calls a public hearing at 7:30 p.m. on July 7, 1986, in the Municipal Building Meeting Room, 306 N. Columbia Street, Chapel Hill, N.C., to consider adoption of a resolution to undertake the above-described project.

This the 23rd day of June, 1986.

Personnel Ordinance Revisions

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 86-6-23/O-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CHAPEL HILL TOWN CODE (86-6-23/O-1)

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

Chapter 14 is amended as follows:

DELETE Section 14-9, 14-10, 14-11, 14-12, 14-22, and 14-39, and insert in lieu thereof:

Section 14-9 "Full-time Employees" Defined

"Full-time employees" are those who are in positions for which an average work week of at least 37.5 hours, and continuous employment of at least 12 months are required by the Town. Layoff and authorized leave-without-pay do not interrupt continuous employment for purposes of this section, and are omitted in calculations of the average work week.

Section 14-10 "Part-time Employees" Defined

"Part-time employees" are those who are in positions for which an average work week of at least 20 hours and less than 37.5 hours and continuous employment of at least 12 months are required by the Town. Layoff and authorized leave-without-pay do not interrupt continuous employment for purposes of this section, and are omitted in calculation of the average work week.

Section 14-11 "Permanent Employees" Defined

All full-time and part-time employees who have successfully completed their probation periods shall be considered permanent.

All Town positions are subject to budget review and approval each year, and employees must meet established standards of conduct and job performance. Reference to "permanent employees" or "permanent positions" should not be construed as a right or contract to perpetual funding or employment.

Section 14-12 "Contract Employees" Defined

"Contract employees" are those who are in positions for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months.

Section 14-22 "Trainee" Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted or transferred by the Town Manager to a "trainee" position. In such cases, a plan for training, including a time schedule, must be prepared and approved by the Town Manager. "Trainee" salaries may be as much as 10 percent below the normal hiring rate of the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.

If the training is not successfully completed as planned, the trainee shall be terminated in accord with the provisions of Article VI, or, if the trainee transferred from another Town position, may be returned to the employee's previous or a comparable Town position. If the training is successfully completed, the employee shall be paid at least at the minimum hiring rate for the position for which the traineeship was developed.

Section 14-33 Application Reserve File

The Personnel Office shall keep a reserve file of all applications received for a period of two (2) years, or as required by state or federal law.

Section 14-39 Employment Procedures

Whenever a job opening occurs, and when the procedures set forth in this Article have been completed, the Personnel Office shall screen all applications for the position. The Personnel Office shall select the top applicants who meet the qualifications for the position and refer them to the department head or other supervisory personnel delegated this responsibility by the department head or Town Manager.

The department head or supervisor, may interview any or all such selected applicants. The department head or supervisor shall attach a written statement to the application of any such persons not employed for the position stating the reason for non-employment. In the event all of the applicants submitted by the Personnel Office are rejected with sufficient reason, the Personnel Office shall submit additional applicants for processing in accord with the provisions of this section.

In Section 14-42, DELETE the final sentence.

DELETE Section 14,44, 14-46, and 14-48b and insert in lieu thereof:

132
Section 14-44 Probationary Period - Termination

Any employee terminated during his or her initial probationary period or any extension thereof shall not be eligible for payment for accumulated leave, but shall be entitled to rights of appeal through the grievance procedure, with the exception that law enforcement officers, department heads, and employees in traineeships, who have become eligible to use accumulated leave and who are then terminated during the second six months of employment, shall be paid for net leave accumulated in accord with the provisions of Section 14-75.

Section 14-46 Promotion - Salary

When an employee is promoted, the employee's salary shall normally be advanced to the minimum level for the new position, or to a salary which provides at least a 5% increase over the salary before promotion; provided, however, that the new salary may not exceed the maximum rate of the new salary range.

Section 14-48 Outside and Dual Employment

- b. No full-time employee of the Town shall simultaneously hold a second full- or part-time position with the Town. No part-time employee of the Town shall simultaneously hold a second full- or part-time position with the Town. A full- or part-time employee may simultaneously hold a contract position, where the contract position is in a different department or clearly different program area from that of the full- or part-time position; however, the work of the full- or part-time position shall take precedence over the contract position.

In Section 14-61, DELETE the words, "or, if eligible and requested, the North Carolina Law Enforcement Officers' Benefit and Retirement Fund," and DELETE the words "or the North Carolina Law Enforcement Officers' Benefit and Retirement Fund"

DELETE Section 14-64 and substitute in lieu thereof:

Section 14-64 Worker's Compensation

An employee absent from duty because of sickness or disability covered by the Worker's Compensation laws shall be eligible to receive a Town-paid Worker's Compensation Salary Supplement under rules developed by the Town Manager.

In Section 14-64.1, DELETE the words "full- and part-time"

DELETE Section 14-76 and insert in lieu thereof:

Section 14-76 Payment of Accumulated Leave Upon Death

If a permanent employee dies while in the service of the Town, all unused annual leave and accumulated holiday leave in the deceased employee's credit will be issued with the final paycheck. An employee may name an agent(s) to receive personal property items and the final paycheck in the event of the employee's death.

In Section 14-99, DELETE the words "or the North Carolina Law Enforcement Officers' Retirement and Benefit fund,".

This the 23rd day of June, 1986.

Budget Amendments

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 86-6-23/O-2.

Council Member Thorpe commented that this budget amendment included the salary increase for the Manager that was adopted in October and was just now coming back before the Council to amend the budget. He stated that he hoped this kind of delay would not occur again.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1985 (86-6-23/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1985" as duly adopted on June 10, 1985, be and the same is hereby amended as follows:

ARTICLE I

<u>APPROPRIATIONS</u>	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
GENERAL FUND				
Library	635,488	7,408		642,896
Legal	81,727	4,000		85,727
Manager	614,519	7,500		622,019
Finance	298,907	5,000		303,907
Planning	381,980	14,000		395,980
Police Patrol	1,500,306		10,000	1,490,306
Fire Suppression	1,149,707	10,000		1,159,707
Non-Departmental Contingency	31,617		30,500	1,117
LIBRARY GIFT FUND	14,000	2,600		16,600
GENERAL FUND				
Contribution from Library Gift Fund	14,000	2,600		16,600
LSCA Grant	-0-	4,808		4,808
LIBRARY GIFT FUND				
Gifts & Donations	14,000	2,600		16,600

This the 23rd day of June, 1986.

Village Cable Proposed Sale

Manager Taylor said this memorandum was notification to the Town that Village Companies proposed to sell its ownership in Village Cable to Prime Venture I, Inc. and that the Town had requested essentially the same kind of information that the initial applicant for a cable franchise was required to supply to the Council. He said if there was any additional information the Council wanted or needed he would like that now so the staff could relay the requests and get the information back for Council consideration on July 7 or 14 agenda.

134
Executive Session

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS REAL ESTATE ACQUISITION. THE MOTION PASSED UNANIMOUSLY, (9-0).

The Council adjourned to executive session at 11:05 p.m.

Mayor Wallace called the meeting back into regular session at 11:15 p.m.

Merritt Mill Road Right-of-Way

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-6-23/R-7. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD RIGHT-OF-WAY (86-6-23/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 K. Buck, appraiser, and a review appraisal by Thomas Shiko, that the fair market value of the 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>
48 (92-H-1)	Ida Ruth Lee	Land for ROW (Includes improvements damaged)	1,050	\$ 2,000

BE IT FURTHER RESOLVED that the Council authorizes the Manager to acquire the property, and hereby certifies that to the best of its knowledge, the work of the appraiser Kathleen Buck, and the review appraiser, Thomas 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 U.S. Department of Housing and Urban Development.

This the 23rd day of June, 1986.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-6-23/R-8. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO INSTITUTE CONDEMNATION PROCEEDINGS FOR THE MERRITT MILL ROAD PROJECT (86-6-23/R-8)

WHEREAS, improvement of Merritt Mill Road is a high priority of the Town of Chapel Hill and the State Department of Transportation, as evidenced by the appropriation of \$200,000 in local funds and \$400,000 in State funds for the construction project; and

WHEREAS, the acquisition of right-of-way is necessary before undertaking the construction of the project; and

WHEREAS, the Town is negotiating fully and fairly with affected property owners and desires to complete acquisition by August 30, 1986;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it authorizes the Manager to acquire by voluntary purchase those properties listed in the Resolution Establishing Just Compensation for Merritt Mill Road right-of-way (86-1-27/R-6) and construction and drainage easements, and if unsuccessful, to institute condemnation proceedings under G.S. 40A-42 if necessary to complete the following acquisitions based on the fair market values of 86-1-27/R-6, or as subsequently modified:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq. Ft.)</u>	<u>Just Compensation</u>
10 (90-A-6)	Henry Dorsett, III et al	Land for ROW	1180	\$1300.00
10A (90-A-6)	Henry Dorsett, III, et al	Land for ROW	2700	\$2900.00
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
22	Elizabeth Jolly	Land for ROW	110	\$100.00
25	(have not set just compensation)			
26 (91-G-19)	George Tate (3/86)	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
35 (91-C-7)	Wallace Oldham, Jr.	Land for ROW (Includes Improvements, Damaged)	1037	\$3800.00
36 (91-C-6)	Sherman Tate	Land for ROW (Includes Land Damaged)	1300	\$2900.00
36A (91-C-6)	Cusson Properties	Land for ROW (Includes Land Damaged)	1200	\$2000.00
38 (91-D-6)	Cusson Properties	Land for ROW	1146	\$1500.00
40 (91-D-5)	Darryl Lee	Land for ROW (Includes Improvements Damaged)	208	\$13,100
44 (91-D-2)	Cusson Properties	Land for ROW	965	\$1300.00
45 (92-J-12)	George Tate (4/17/86)	Land for ROW	807	\$1000.00
		Structure	1083	\$10,000.00
		Entire Tract Land	10,800	\$13,000.00

36

46 (91-D-1)	Sherman & Julia Tate	Land for ROW (Includes Improvements Damaged)	1440	\$1700.00
47 (92-J-11b)	H.E. Rayfield, Jr.	Land for ROW	1532	\$3100.00
48 (92-H-1)	Ida Ruth Lee	Land for ROW (Includes Improvements Damaged)	1052	\$1500.00

Construction Easement Only

<u>Parcel #</u>	<u>Owner</u>
1	James Hodgen
3	Bobby Roberts
5	Jennie M. Sellars
6	Robert & Lillian Burnett
7	Cleveland Atwater
8	Roscoe & Lola Farrow
9	George Tate, Jr.

Construction and Drainage Easements Only

<u>Parcel #</u>	<u>Owner</u>
4	Oscar Kirby
11	Marie Lyons

This the 23rd day of June, 1986.

Proposed Transit Service Revisions - Calling of Public Hearing

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-6-23/R-9. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON REVISED BUS SERVICES (86-6-23/R-9)

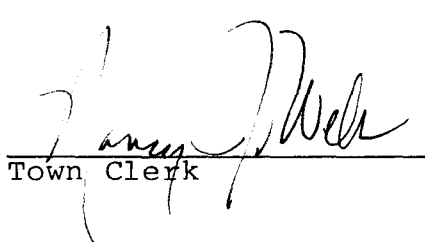
BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on July 7, 1986 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 on proposed revisions in bus services as described in the Town Manager's memorandum on this matter dated June 23, 1986.

This the 23rd day of June, 1986.

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

The meeting adjourned at 11:20 p.m.

Mayor James C. Wallace



Town Clerk