

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JANUARY 12, 1987, 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.

Certificates of Appointment

Mayor Wallace welcomed and presented Certificates of Appointments to three citizens recently appointed to serve on Council advisory boards and commissions. Present were Jennie Capparella, Transportation Board; and Richard Baddour, Parks and Recreation Commission. Also receiving a Certificate of Appreciation, but not in attendance, was Larry Touchstone, Community Appearance Commission.

Petitions

Bruce Ballentine, representing the applicant, asked to speak to item #7 Northwood V.

Larry and Sheila Beninger and Fred Simon asked to speak to item #7, Northwood V.

Bob Anderson, representing the applicant, asked to speak to item #6, Windhover.

Janice Lowery, representing the Downtown Chapel Hill Association, petitioned the Council to consider increasing nighttime patrolling of commercial areas and generally expanding the police force. For a copy of text, see Clerk's files.

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

Gina Cunningham, speaking as a resident, asked to speak to item #8, Request by Community Appearance Commission on entranceways.

Joe Hakan, representing the Chapel Hill - Carrboro Design Council asked to speak to items #6, Windhover and #7, Northwood V.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF NOVEMBER 19, 1986 AS CIRCULATED.

Council Member Andresen asked that a more detailed account of the meeting be made available for the Council and Design Task Force.

THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF DECEMBER 8, 1986 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Mill Race Subdivision - Application for Preliminary Plat

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-1-12/R-1A.

Council Member Andresen asked if any of the lots would require a variance from the Resource Conservation District (RCD) and if the the east/west road needed to be a Class B road. Roger Waldon, Planning Director, replied that there would be no need for any of the lots to acquire variances. He said the ordinance requires a Class B street for developments of this type primarily so that emergency vehicles would be able to maneuver.

Council Member Werner said that both the Greenways and Parks and Recreation Commissions had expressed concern to the Planning Board about potential drainage, flooding, and siltation problems from this proposed development and he did not feel the concerns were addressed in the report. Al Rimer, representing the Planning Board, said the Board had addressed the requirement of a Class B road and the drainage situation. He said the original plat had more lots planned to be developed and therefore more potential land disturbance. With the present proposal there are fewer lots, none of which cross the RCD, fewer roads and only one bridge across the RCD. This meant the potential for land disturbance had also been greatly reduced. Mr. Rimer stated that the present Development Ordinance did not require siltation and erosion plans for subdivisions after their initial development. He also said the current ordinance required Class B streets for the subdivision and therefore the Planning Board had to recommend their inclusion in the stipulations.

Council Member Werner said the Town needed to look into the problem of siltation and erosion problems with subdivision developments and consider including stipulations in the Development Ordinance.

Council Member Godschalk stated that the proposal before the Council was the fourth one for the site and in his opinion the best yet. He said he thought the present proposal would have the least impact on the environment and was the most compatible with the surrounding development.

Council Member Smith expressed concern that the proposed silt fence in the cul-de-sac would be inadequate to meet the drainage needs during construction. He asked the Manager to have the County Erosion Control Officer keep a close watch on the progress of the development.

Council Member Preston agreed with Council Member Godschalk's comments regarding the proposal and said she was pleased to see that the impervious surface was expected to be reduced to 21%. She asked about the availability of the greenway along the creek behind the site after the site was developed and if there was to be a buffer separating the greenway from the lots. Manager Taylor replied that stipulation #11 required that a greenway easement along the creek be dedicated. Roger Waldon stated that stipulation #10 required a type "B" buffer to provide a vegetative screen at the rear of the lots which backed up to the dedicated recreation area.

Council Member Howes said this information needed to be included on the final plat as well.

Council Member Pasquini asked if the Public Works staff concern over the steepness of the roads in the proposal had been addressed. Manager Taylor said that the concern had been noted but that the streets met the current requirements. He also noted that there numerous streets in Chapel Hill with the same problems of steepness.

Council Member Pasquini asked why the buffer requirement along Hillsborough Street was only 30'. Mr. Waldon responded that the buffer requirement was the result of the hill on the property.

Council Member Pasquini asked that information on off-site drainage be provided, both coming onto the site and going off the site.

George Small, Town Engineer, said that normally development applications include drainage information. However, with single-family subdivisions, the ordinance does not require retention of water, thus this information is not generally requested.

Council Member Howes asked what was to become of the sculpted hippopotamus that resided on the site. John McAdams, representing the developer, said that upon surveying the condition of the sculpture, it had been determined that it was not salvageable and would therefore be destroyed.

Council Member Smith reiterated his concern about potential drainage problems from developing this site. Mr. Werner agreed and said that just because the Council had not required storm-water plans for subdivisions it did not mean that the Council could not ask for them.

Council Member Godschalk commented that he did not think it appropriate for the Council to impose a new policy on a single-family subdivision of 25 lots at this point in time.

Council Member Andresen asked if a detention basin would be appropriate for the site. George Small replied that he was not sure and that it would take a major study of the site to determine whether or not a detention basin was needed.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON THE PREVIOUS QUESTION TO END DISCUSSION. THE MOTION CARRIED, (6-3), WITH COUNCIL MEMBERS PASQUINI, SMITH, AND WERNER VOTING AGAINST.

THE MOTION TO ADOPT RESOLUTION 87-1-12/R-1A CARRIED, (6-3), WITH COUNCIL MEMBERS PASQUINI, SMITH, AND WERNER VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR MILL RACE SUBDIVISION (87-1-12/R-1a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the subdivision proposed by the Mill Race Associates on property identified as Chapel Hill Township Tax Map 81, Block A, Lot 2, if developed according to the preliminary plat dated November 11, 1986, the preliminary street profiles dated July 1986, and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That the boundaries of the Resource Conservation District be shown on the final plat.
2. That any restrictive covenants applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
3. 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, and that sanitary sewer laterals be capped off above ground.
4. That final street plans, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculations), and buffer planting plan be approved by the Town Manager before issuance of a 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.

5. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
6. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Gas Company of N.C., Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit or final plat approval.
7. That the final plat provide a restricted access easement prohibiting access to Hillsborough Street from lots fronting on Hillsborough Street.
8. That the final plat provide a note indicating that "Development is restricted within the Resource Conservation District."
9. That all variances necessary for development within the Resource Conservation District be obtained before application for final plan or final plat approval.
10. That the final plat include a type "B" buffer to provide a vegetative screen at the rear of the lots which back up to the dedicated recreation area.
11. a) That the final plat indicate the pedestrian and non-motorized vehicular easement as part of the Town of Chapel Hill Greenway System and that easement be dedicated to public use.
b) That the final plat indicate the recreation area and that the recreation area be dedicated to the Town for public use.
12. That the final plat indicate the buildable area on all lots which contain portions of the Resource Conservation District.
13. That no lot be created that would require a Resource Conservation District Variance in order to be built upon.
14. That the final plat provide the dedication of additional right-of-way necessary to provide 1/2 of a 60 foot wide right-of-way measured from the centerline of the existing Hillsborough Street.
15. That the final plat provide a pedestrian access to the dedicated recreation area in accordance with the Ordinance requirements.

16. That the one-way street and the "long" cul-de-sac be built to Class "B" street standards with a 50 feet right-of-way and the remaining cul-de-sac's be built to Class "C" standards with 50 feet right-of-way.
17. That the Town Manager approve a work zone traffic plan for work along/near Hillsborough Street prior to issuance of a Zoning Compliance Permit.
18. That sight triangle easements be provided on the final plat at the north exit on Hillsborough Street and that the sight triangle easements and grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
19. That the water and sewer lines maintain a minimum of 10 feet separation.
20. That the sewer service lines for those lots which tie into the Bolin Creek sewer main shall include a backwater (check) valve in accordance with OWASA recommendations.
21. That the final plat provide a 30 foot wide public sewer easement adjacent to the east side of lots 9 and 10 of Mill Race Subdivision and extending through the southeast corner of lot 10 to provide a 30 foot access to the undeveloped land to the south.
22. That any agreement necessary to ensure responsibility for and maintenance of buffer easements be provided and approved prior to approval of the final plat.
23. That Certificates of Occupancy be issued only after all required public improvements are completed; if a phasing plan is approved by the Town Manager, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete.
24. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
25. 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 Mill Race Subdivision in accord with the plans and condition listed above.

This the 12th day of January, 1987.

Windhover Subdivision - Application for Preliminary Plat Approval

Roger Waldon, Planning Director, said there were some minor corrections which should be made to page 4 of the memorandum which summarized the different proposed resolutions. He said the Planning Board had voted against having a sidewalk on the inside of the curve of Erwin Road but were in favor of having one on the outside of the curve. Mr. Waldon stated that the Planning Board also had voted in favor of requiring a bus pull off. He said the proposal was an application for a 40 lot subdivision on 15 acres. The key issues were improvements to Erwin Road; the relationship of previous applications on the site; and landscaping in the right-of-way.

Mr. Waldon said the applicant was proposing a road network similar to the last application for development of the site with access to the site directly opposite Old Oxford Road, looping through the site and then exiting below the Weaver Dairy Road intersection. He said the applicant proposed to put planted medians at the two entrances to the site, as well as a landscaped island in the middle of the cul-de-sac. Mr. Waldon said in past applications before the Town, the staff had indicated that they did not want that type of planting in the right-of-way. However, in this case the staff had been persuaded that the aesthetics of the site would be considerably improved by that kind of landscaping. He said this was a change in policy in making this recommendation.

Mr. Waldon said the relationship of this proposal to past applications was also an issue. The past application was for 90 patio homes in a planned development. With regard to the improvements to Erwin Road, he said the applicant proposed widening Erwin Road on the outside of the curve and staff recommended that since the curve was dangerous, development of the site presented an opportunity to make the curve safer by having an alignment that would involve considerable widening on the inside of the curve. He said the staff was aware that there were some trade-offs in this issue with the landscaped gardens and stone walls in this location. He said the issue of Town character and traffic safety were conflicting objectives on this site. Mr. Waldon stated that a compromise measure was some additional widening on the inside of the curve that would maintain the current alignment of the curve but would provide a safer situation with increased sight distances and wider travel lane on the inside.

Council Member Preston asked if the compromise would widen on the inside and outside of the curve? Mr. Waldon stated that the widening would be along the inside, but not to the extent previously suggested.

Council Member Werner asked if the widening would accommodate another lane? Mr. Waldon said no.

Council Member Andresen asked if the staff proposal would eliminate the stone wall. Mr. Waldon said that there were several tiers of wall and gardens, but no major wall would be eliminated

with this proposal. He did say that there would be some trees which would have to be eliminated.

Council Member Pasquini pointed out that the Council had not received enlarged blueprints of this proposed development.

Mr. Waldon said the Transportation Board reviewed the application and recommended that a bus pull-off be provided on the frontage on Erwin Road. He stated that the Planning Board concurred with that recommendation with some dissenting votes. The staff felt that the bus pull-off in the proposed location could create hazards for buses decelerating and accelerating into the stream of traffic, as well as feeling the location provided poor sight distance. He concluded that the applicant proposed a large recreation area in the center of the site. Mr. Waldon said the staff recommended that the recreation area be dedicated to the Town of Chapel Hill for parks and recreation use only, while the applicant wished to have the recreation area maintained by and dedicated to a homeowners' association. He said the Planning Board's recommendation on this issue was consistent with the applicant's. The staff proposed as a compromise that a note be put on the final plat that the recreation area was dedicated to the Windhover Homeowners' Association for parks and recreation purposes only.

Council Member Preston asked why the interior road's second access to Erwin Road was not aligned to Weaver Dairy Road. Mr. Waldon said that this was because it was felt it would be too close to the curve and not provide adequate sight distance.

Council Member Howes asked if the staff felt the planned extension of Sage Road and Weaver Dairy Roads would relieve the current congestion at the intersection of Erwin Road and 15-501. Mr. Waldon replied yes.

Council Member Smith expressed concern about the timing of the construction phase of Sage Road extension and that of the development. He said the development would probably be complete prior to the Sage Road extension and that this meant the traffic situation would not be reduced.

Council Member Werner said it was important to take care of the traffic problems with Erwin Road prior to any further development of the area. He expressed dissatisfaction that the proposal included an access to the site exactly opposite of Old Oxford Road. He said there were already too many problems with vehicles trying to get onto Erwin from Old Oxford Road without adding vehicles from a new subdivision.

George Small, Town Engineer, said the Council's concerns were valid and that the staff had originally recommended major improvements to Erwin Road along the interior of the curve to significantly improve sight distance. He also said the staff would like to see the Weaver Dairy intersection with Erwin Road

moved to meet the proposed entrance to the subdivision. Mr. Small commented that there might be a compromise acceptable to the developer and staff in that the road would be widened on the inside to a smaller degree and flattened on the outside by placing the roadbed further toward the curve and the intersection at Weaver Dairy being redesigned to accommodate better sight distance. He said such a compromise would need to be approved by NCDOT, but that it would also allow for an improvement to the buffer along the outside of the curve.

Council Member Preston asked why the staff did not recommend widening the road completely on the outside of the curve. Mr. Small said that this would not eliminate the sharpness of the curve.

Council Member Pasquini said he felt all the options needed further staff review.

Alan Rimer, representing the Planning Board, said the Board recommended dedicating the recreation area to the Homeowners' Association. He said the Board felt that since the compromise of widening the curve to a small degree on the inside would not affect the degree of severity of the curve, they recommended the road be widened along the outside of the curve of Erwin Road. He suggested that the Town reduce the speed limit on the curve.

Council Member Godschalk asked if the Planning Board's motivation for suggesting the curve be widened on the outside was to save the trees and walls. Mr. Rimer said yes.

Council Member Pasquini asked if the Planning Board had considered the development with only one access point onto Erwin Road. Mr. Rimer said the Board had not since the Development Ordinance requires two means of access.

Bob Anderson, representing the applicant, said the right-of-way on Erwin Road had been dedicated 45' from the center line to the west by the Kirkwood development so that there was a considerable amount of land in the right-of-way. He said the applicant would like to widen the curve on the outside. Mr. Anderson said the applicant proposed to build a curb and gutter on the inside of the curve that generally followed the inside of the road. He said along with this would be a small amount of clearing, 30" involved, plus the grading which may be required. He said they would try to stay within the road side of the wall. Mr. Anderson commented that they anticipated they would need to do some selective pruning and clearing. He commented that regardless of the care that Mrs. Heusner exercised in her gardening, there did need to be some pruning and help on the sight distance. He said he thought this could be done with shears rather than having to cut into the bank. He said the reason the applicant did not propose widening on the inside of the curve was because of the super-elevation. He stated they had planned a taper on the outside of the curve at the Weaver Dairy intersection and swing

around in a wide arc on the outside of the curve. He said this would allow for a third lane for turnings at Old Oxford Road and Weaver Dairy.

Council Member Howes asked if Mr. Anderson's proposal was the same as the one proposed by Town Engineer Small. Mr. Anderson said that Mr. Small's proposal would call for more land being taken from the inside of the curve. He said his proposal was for a widening that represented 20.5' from the center line of the existing road all the way around.

Council Member Godschalk said that Mr. Anderson's proposal seemed to change the logic of exhibits A & B in the memorandum. He said these exhibits indicated that the two existing road sections would remain in the same place and when one draws the curve between them, the further out one draws the tighter the curve. Mr. Godschalk said Mr. Anderson suggests moving one section of the road by widening the road on one side, so it appears to negate some of the logic of the exhibits. Mr. Small said that was correct for the outside of the curve but did not affect the degree of curvature of the inside of the curve. Mr. Small pointed out that Mr. Anderson's suggestion was still contingent upon NCDOT approving the change to the Weaver Dairy Road intersection.

Council Member Pasquini asked for clarification of whether or not the applicant's proposed road improvements would eliminate part or all of one of the stone walls. Mr. Anderson said their proposal would not require the elimination of any walls.

Manager Taylor said after hearing all the discussion, he was convinced that there was not a great deal of difference in the final effect any of the proposals would have on the safety of the curve. He said if a major consideration of the Town was keeping as much of the stone wall intact and keeping as much of the vegetation and trees, then he suggested the Council accept the widening of Erwin Road on the outside as Mr. Anderson proposed in his presentation that night. Mr. Taylor stated he was still concerned about having a sidewalk and would prefer to see it placed on the inside of the curve meandering through the property, around the trees, etc.

Council Member Andresen asked why the Manager wished to have a sidewalk on the inside of the curve. Mr. Taylor responded that it would tie into the sidewalk already in place on that side of the road in front of the Highlands development.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-1-12/R-2B.

Council Member Preston said she felt the sidewalk should be on the outside of the curve.

Council Member Godschalk asked who would provide the road widening in the proposed resolution. He pointed out that it did not appear to address this issue. Manager Taylor responded that the road widening was a part of Mr. Anderson's proposal and therefore part of his plans. Mr. Godschalk asked if the Council needed to amend the motion to include this information. Mr. Taylor replied no, as long as the Council was accepting what Mr. Anderson was proposing.

Council Member Werner said he did not agree that the critical issue was retaining the stone wall, but rather the critical issue was traffic safety. He commented that placing a sidewalk on the outside of the curve would mean there would be a sidewalk between Old Oxford Road and Weaver Dairy Road but nowhere else. He said that there was a sidewalk on Sage Road and on Erwin Road coming up from Sage Road. He said the logical place to walk was from the Booker Creek area to Sage Road. Mr. Werner stated that a sidewalk along the inside of the curve would be preferable because it would connect the current sidewalk in front of the Highlands development on one end of the property and the sidewalk coming up from Sage Road.

Mr. Anderson said the applicant had proposed having the sidewalk within the project following the interior drive. He said they felt a sidewalk along the frontage hill would be difficult to wind in and out of the trees.

Council Member Godschalk asked if this was part of the applicant's plan. Mr. Anderson said yes.

Council Member Smith asked if the Town had adequate right-of-way on the outside of the curve to put in a sidewalk. Mr. Taylor said yes.

Council Member Smith said since Erwin Road was a State maintained road, how much conflict from NCDOT could the Town expect as a result of the proposal. Mr. Small said that DOT approval was required before any work could be done, but that he did not expect any major problems with this issue.

Council Member Godschalk commented that since the applicant proposed a sidewalk through the interior of the site and which would make the link Mr. Werner suggested and it would probably be a safer plan, he urged the Council to agree to the plan.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER THORPE THE PREVIOUS QUESTION TO END DISCUSSION. THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS PASQUINI AND WERNER VOTING AGAINST.

Council Member Howes asked for clarification of where in proposed Resolution B it stated that the road would be widened on the outside of the curve. Manager Taylor said the applicant's plan shows the widening of the road on the outside and as explained by Mr. Anderson this evening. He said no stipulation was required

when the Council accepts the applicant's plan, because the Council is approving the applicant's plan as he presented with the following stipulations and changes.

THE MOTION TO ADOPT RESOLUTION 87-1-12/R-2B, WHICH WOULD INCORPORATE THE PLAN PROPOSED BY THE APPLICANT DURING THIS MEETING, CARRIED, (6-3), WITH COUNCIL MEMBERS SMITH, PASQUINI, AND WERNER.

Council Member Thorpe stated that stipulation #11 needed to be changed to reflect the new ownership of the cable television service. He said the stipulation should read Carolina Cable instead of Village Cable.

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR WINDHOVER SUBDIVISION (87-1-12/R-2B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Windhover Subdivision proposed by Windhover Associates, identified as Chapel Hill Township Tax Map 27, Block B, Lot 13, if developed according to the preliminary plat dated October 10, 1986, and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That the following improvements be made to Erwin Road:
 - a) that left turn lands be provided at both intersections of the Class B street; and
 - b) that plans be approved by the North Carolina Department of Transportation and the Town prior to issuance of the Zoning Compliance Permit.
2. That the existing driveway onto Erwin Road be closed, and a note be placed on the final plat denying individual driveway access to Erwin Road.
3. That an agreement assuming responsibility for landscaping maintenance of the three curbed islands within the street right-of-way, and the recreation area, including landscaping, by the Windhover Homeowners Association be approved by the Town Manager prior to issuance of the Zoning Compliance Permit; and noted on all final plats.
4. That a Class C buffer be indicated on the final plan which incorporates the existing landscaping, and that any additional landscaping be installed prior to issuance of any Certificates of Occupancy.
5. That adequate tree protection fencing be located adjacent to all roadway construction areas, and be shown on the final grading plan and be installed prior to any grading activities.

6. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
7. That any agreement necessary to ensure responsibility for and maintenance of buffer easements be provided and approved prior to approval of the final plat.
8. That the Town Manager approve a work zone traffic plan for a work along/near Erwin Road prior to issuance of a Zoning Compliance Permit.
9. That a bus pull off and shelter be constructed at the northeast corner of the eastern entrance to this project.
10. That final street plans, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculations), and buffer planting plan be approved by the Town Manager before issuance of a Zoning Compliance Permit or application as part of this application and demonstrate compliance with all applicable conditions and the design standards for the Development Ordinance and the Design Manual.
11. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Gas Company of N.C., Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit or final plat approval.
12. That sight triangle easements be provided on the final plat.
13. That before paving streets, utility service laterals be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
14. That the developer shall be responsible for placement and maintenance of temporary regulatory traffic signs upon issuance of any Certificate of Occupancy, until such time that the street system(s) are accepted for maintenance by the Town.
15. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
16. That the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

17. That Certificates of Occupancy be issued only after all required public improvements are completed; if a phasing plan is approved by the Town Manager, no Certificate of Occupancy shall be issued for a phase until all required public improvements for that phase are complete.
18. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
19. 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 Windhover subdivision in accord with plans and conditions listed above.

This the 12th day of January, 1987.

Annexation - Altemueller Petition

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 87-1-12/O-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (87-1-12/O-1)

WHEREAS, the Council has been petitioned under G.S. 160A-31, as amended, to annex the area herein described; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Chapel Hill Municipal Building, 306 N. Columbia Street, Chapel Hill, N. C., 27515, at 7:30 p.m. on the 15th day of September, 1986, after due notice on the 5th and 14th days of September, 1986; and

WHEREAS, the Council does hereby find as fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, North Carolina:

SECTION I

By virtue of the authority granted by G.S. 160A-31, as amended, the following described property is hereby annexed and made part of the Town of Chapel Hill.

The areas to be annexed are as follows:

All that certain tract of land, containing 74.69 acres as surveyed by Robert J. Ayers and shown on a plat as Tract 1, recorded in Plat Book 44, Page 60 and recorded in the Orange County Register of Deeds Office.

BEGINNING at the Southeast corner of Tract #1, a control corner, and running N 31-49-17 E 141.88', thence N 02-02-43 W 140.09', thence N 37-18-14 W 132.0', thence N 07-45-55 E 111.02', thence N 00-00-00 W 185.00', thence N 11-18-36 W 101.98', thence N 32-00-19 W 94.34', thence N 36-52-12 W 100.00', thence N 66-39-57 W 277.71', thence N 75-22-45 W 181.38', thence N 05-54-30 E 129.46', the southwest corner of the Town of Chapel Hill land as described in Deed Book 256, Page 1420, thence along the western edge of the Town of Chapel Hill Tract N 05-54-30 E 315.00', thence along the southern property of the Northwood Subdivision N 84-05-30 W 1,836.54', thence S 05-01-45 W 1,457.57', thence N 84-04-50 W 1,836.54', thence S 05-01-45 W 1,457.57' thence N 84-04-50 W 2,477.71' to the point of BEGINNING.

SECTION II

Upon adoption of this ordinance, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION III

The Mayor of the Town of Chapel Hill shall cause to be recorded in the offices of the Register of Deeds of Orange County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance, in accordance with N.C.G.S 160A-29.

SECTION IV

Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Chapel Hill.

SECTION V

This ordinance shall be effective upon adoption.

This the 12th day of January, 1987.

Zoning of Annexed Area - Altemueller Property

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 87-1-12/O-2. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

ORDINANCE ZONING NEWLY-ANNEXED LAND (87-1/12/O-2)

WHEREAS the Council of the Town of Chapel Hill has annexed property described as follows:

74.7 acres near the intersection of Weaver Dairy Road and N.C. 86, identified on Orange County Tax Map 18 as Lot 13.

and

WHEREAS the Council has considered appropriate zoning designations for this property in the context of surrounding land uses and zoning, and in the context of Chapel Hill's Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill that the Residential-1 zoning category be assigned to the above-mentioned property.

BE IT FURTHER ORDAINED that the Chapel Hill Zoning Atlas be amended accordingly.

This the 12th day of January, 1987.

Northwood V Subdivision - Application for Preliminary Plat Approval

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-1-12/R-3B.

Council Member Smith expressed concern about the site plan for the proposed subdivision especially the inclusion of 8 lots across the proposed four-lane Weaver Dairy extension. He said he had received several letters about the hazard of having children having to cross the highway to get to the recreation area.

Roger Waldon, Planning Director, gave a presentation on the proposal for a cluster development of 161 lots on 74.7 acres. He said the project would extend Weaver Dairy Road, as called for in the Thoroughfare Plan, and would include four lanes of traffic, with a turning lane. He pointed out that the applicant proposed landscaping the median. Mr. Waldon stated that the staff recommended that the applicant "acquire" approximately 9,000 square foot area of land at the western edge of the Fire Station site in order to align Weaver Dairy Road. He said the Planning Board recommended that the Town dedicate the right-of-way to the State. He said another issue was the three-phase power line that would

need to run along this segment of Weaver Dairy extension. Mr. Waldon said the staff recommended having the power line placed underground or on the south side of the street so as to lessen its impact on the current adjacent neighborhood and so that it would not interfere with Fire Station operations. Mr. Waldon commented that the applicant's proposal includes open space in an amount that meets the acreage requirement, but did not meet the Town's criteria for "suitability". He said the staff and the Parks and Recreation Commission recommended that the applicant eliminate the open space strips proposed along Weaver Dairy Road extension by extending the lot lines to Weaver Dairy Road and provide a buffer over those lots bordering Weaver Dairy Road. He concluded by saying the staff recommended that the two of the interior drives include stub-outs to provide access to adjacent property to the east when it develops.

Alan Rimer, representing the Planning Board, said the Board felt that by leaving the "open space" areas between Weaver Dairy Road right-of-way and the rear, or side, property lines of the lots was the most desirable situation. He said in this way a vegetative buffer would be assured to remain. He also said the Board felt it would not be equitable for the Town to require the developer to acquire the right-of-way from the Town for the extension of Weaver Dairy Road when the road was in the Town's adopted Thoroughfare Plan.

Bruce Ballentine, representing the applicant, said the applicant urged the Council to adopt the Planning Board's recommendation with the exception that the power line connection be above ground and that the final plat contain a note that the stub-out to the Altemueller tract be closed if the property were developed other than as R-1 or R-2.

Council Member Smith expressed concern that the proposed temporary pump station to be built until the permanent link could be made with the OWASA lines could turn out to be a long term proposition. He asked Mr. Ballentine if he had any assurances as to the completion of the sewer line. Mr. Ballentine replied that OWASA had said they did not know exactly when the lines would be available but that it would probably be three to six months.

Council Member Smith said he felt the open space along Weaver Dairy Road should be left as a buffer, but he was concerned that the proposal did not meet all the recreation space requirements.

Larry Beninger, speaking as a resident of Northwood Subdivision, expressed concern about the proposed number of lanes for the Weaver Dairy Road extension. He said the Town had I-40 passing close by and that it did not necessarily need a road of this size in the same area. He said he felt the proposed 50' buffer was insufficient between the present subdivision and the proposed Weaver Dairy Road extension. He expressed concern that when the Planning Board held meetings it did not allow citizens the proper chance to express their concerns.

Council Member Werner asked how far away were the homes from the property lines and what kind of vegetation currently existed on the site. Mr. Beninger replied that the homes were approximately 70' from the property line and that there was a natural tree buffer.

Fred Simon, speaking as a resident of Northwood Subdivision, spoke against the proposed development, especially with regard to the proposal for 8 lots on the northwest corner of the site completely separated from the rest of the site by the four-lane Weaver Dairy Road extension. He said the lots were situated in a sharp curve and it would be dangerous for people to cross the road to get to the recreation space. He also said that the cluster development next to the larger single lot subdivision would tend to reduce the property values.

Council Member Godschalk said the proposal was a reasonable plan and that he liked the parkway idea for Weaver Dairy Road extension and the central park around the RCD. He said the staff should consider the condition of fairness with regard to the right-of-way and power lines. He felt the power lines should be underground but maybe the Town and Duke Power could come to a compromise on costs. Mr. Godschalk stated that the staff proposal that the buffer be maintained as an easement was acceptable and that it was what the Parks and Recreation Commission had recommended.

Council Member Andresen agreed with Mr. Godschalk that the power lines should be underground and that this was an important question to get resolved. She also pointed out that the Parks and Recreation Commission in recommending the lot lines be extended and an easement be granted had done so in an effort not to set a precedent with regard to the suitability of recreation space and that this was probably a good idea. She also expressed concern about requiring stub-outs. She said the developer had recommended that a note be added to the final plat to deal with this issue.

Council Member Godschalk said he would be willing to accept that recommendation that a note indicating all proposed street stub-outs shall be closed if adjacent lands are developed other than R-1 or R-2 as an amendment to the motion.

Mayor Wallace said he disagreed with the proposal for the 8 lots in the northwest corner of the site as they did not appear to connect with the other lots and would result in pedestrian traffic having to cross the Weaver Dairy Road extension to reach the recreation area.

Council Member Smith expressed concern that the buffer requirement for I-40 was 100' while the buffer requirement for the Weaver Dairy Road extension, which was essentially the same size, was only 50'. He also was concerned that the recreation area

without the buffer along Weaver Dairy Road extension did not meet requirements.

Council Member Thorpe said that with regard to the land and right-of-way which the Town owns, he did not feel the Town should give this to the developer for road construction. He pointed out that whenever the Town builds roads it has to acquire rights-of-way. He said he would prefer that the development not include any stub-outs.

Council Member Pasquini said he did not favor the inclusion of any stub-outs. He said he felt the recreation area should meet the requirements, the northern lots should be eliminated and that there should be underground utility lines. Mr. Pasquini also stated that the Town should not give the right-of-way land to the developer and suggested that the road did not have to be so wide so as to increase the buffer area.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER SMITH TO TABLE THE ITEM. THE MOTION TO TABLE CARRIED, (5-4), WITH COUNCIL MEMBERS GODSCHALK, HOWES, THORPE AND WERNER VOTING AGAINST.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO RECONSIDER THE MOTION. THE MOTION TO RECONSIDER CARRIED, (8-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER THE ITEM BACK TO THE MANAGER FOR FURTHER REVIEW. THE MOTION PASSED UNANIMOUSLY, (9-0).

Entranceways Landscaping During the Olympic Festival - Request by Community Appearance Commission

Cassandra Sloop and Dana Staats, representing the Community Appearance Commission, made a presentation to the Council to propose ways that the Town of Chapel Hill could assume a greater role in the preparations for the Olympic Festival to be held in Raleigh, Durham, Chapel Hill, and Greensboro this July. Ms. Sloop said the Community Appearance Commission had been given the responsibility to organize the local efforts to beautify Chapel Hill in order to meet the Olympic Festival's proposed landscaping standards. She said the efforts include designing and implementing a landscape plan, general cleanup, and beautification campaign. As a result, they said they were requesting assistance from the Town to finance permanent landscaping improvements, with construction to begin prior to the start of the Olympic Festival; to allow the Commission or Public Works Department to solicit and accept private contributions in the name of the Town for a list of special projects; and to allow the erection of temporary signs associated with the Festival upon approval by the Commission.

Council Member Preston said she was glad to see some work beginning on getting Chapel Hill looking good for the Festival. She

suggested the Council refer the issue to the Manager for further information.

Council Member Smith agreed that he was pleased to see the Community Appearance Commission take on this project. He said there was a lot of work to do and it needed to start immediately.

Council Member Godschalk expressed concern about the color scheme of the proposed plantings, saying he felt the natural plantings might be more acceptable. He also expressed concern about concentrating the landscaping efforts in just two areas and he wondered how the proposal would fit into the overall landscaping design for the Town. Ms. Sloop replied that the color scheme of red, white, and blue flowers had been requested by the Olympic Festival Committee.

Council Member Werner expressed concern that the proposed plantings in the entranceways would not be ready in time for the July games. He suggested that the plan might be too ambitious.

Council Member Howes said there needed to be a separation of the long term plans from the short term plans. He said he saw much of what was being proposed as a temporary measure for the Olympic Festival.

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

Council Member Pasquini suggested that the Appearance Commission should look at NC 86 entranceway as well as 15-501 and NC 54.

Ironwoods

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-1-12/R-5.

Council Member Smith asked for clarification of what was being requested. Mr. Waldon responded that the request was for the Council to grant a change in phasing plan of the Ironwoods subdivision. He said the request was made to the Council because the Council had approved the Special Use Permit which made reference to a specific phasing plan. He said one of the phases required the completion of Ironwoods Drive and therefore before any certificates of occupancy can be granted to homes built in this phase, the road should be completed. He said the petitioner was requesting that the phasing plan be changed so that completion of Ironwoods Road was in another phase.

Council Member Smith said he felt the developer should be required to meet the conditions as originally approved in the Special Use Permit.

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

The resolution, as adopted, reads as follows:

RESOLUTION AUTHORIZING THE TOWN MANAGER TO APPROVE PHASING PLANS (87-1-12/R-5)

WHEREAS, the Ironwoods development on Seawell School Road in Chapel Hill is being pursued under the auspices of a Special Use Permit, approved by the Chapel Hill Board of Aldermen in 1980; and

WHEREAS, the Town Council has received a request asking that review and approval of phasing plans for the Ironwoods development be designated as an administrative function; and

WHEREAS, under the current Chapel Hill Development Ordinance, approval of phasing plans and minor changes to approved developments is considered to be an administrative function;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council concurs with the recommendation of the Town Manager that revisions to the Ironwoods Phasing Plans can be considered to be minor changes to the Ironwoods Special Use Permit, and can be considered to be an administrative function.

This the 12th day of January, 1987.

Resource Conservation District - Calling Public Hearing

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-1-12/R-6. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

RESOLUTION CALLING A PUBLIC HEARING ON A DEVELOPMENT ORDINANCE TEXT AMENDMENT TO REVISE PROVISIONS OF THE RESOURCE CONSERVATION DISTRICT (87-1-12/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing be scheduled to consider an amendment to the Development Ordinance, which would revise substantive and procedural provisions of Article 10, Resource Conservation District.

BE IT FURTHER RESOLVED that this hearing be scheduled for February 16, 1987, at 7:30 p.m., in the Chapel Hill Municipal Building Meeting Room.

This the 12th day of January, 1987.

Offer to Purchase Land - Tax Map 59, Lot 1

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-1-12/R-7. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO ACCEPT THE OFFER TO PURCHASE FROM MR. GEORGE WATTS HILL AND DIRECTING THE MANAGER TO ADVERTISE FOR UPSET BIDS (87-1-12/R-7)

WHEREAS, an offer has been received from Mr. George Watts Hill to purchase Town-owned land identified as Chapel Hill Township Tax Map 59, Lot 1, for \$5,000, and

WHEREAS, the Council of the Town of Chapel Hill has determined that the parcel is not needed by the Town for any purpose except for potential right-of-way expansion;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Attorney be directed to prepare a deed which includes a clause requiring the owner to dedicate any and all parts of the parcel required by NC Department of Transportation (DOT) as road right-of-way, to DOT, at no cost; and

BE IT FURTHER RESOLVED that the Manager is directed to advertise this offer for upset bids, according to General Statutes 160A-269, and to bring the final highest bid to the Council for action.

This the 12th day of January, 1987.

Solid Waste Management

Council Member Preston gave a report on the progress in the regional solid waste effort. She said she was please to tell the Council that the Requests For Proposals (RFP) would hopefully go out this week. She thanked Jim Mergner from the University who gave lots of suggestions for the RFP, as well as Art Werner, who looked over the proposal. Ms. Preston stated that Alamance County had declined to participate in the regional study. She did say that Wake County had expressed some interest but that the regional group had decided to proceed with their plan for a study. Ms. Preston said the Orange County Landfill Owners, who have been meeting independently to talk about their particular concerns, have discussed moving ahead with some efforts in waste management for Orange County. She said that they hoped with moving ahead with some recycling efforts they could raise the consciousness of the citizenry regarding the importance of waste management and begin to encourage participation in this small management program. Therefore, she said they recommended beginning the recycling program. She concluded by thanking and complimenting Public Works Director Bruce Heflin for his efforts and work on this project.

Orange Regional Recycling Program

Manager Taylor said the staff recommended that Chapel Hill be a participant in the Orange Regional Recycling Program, where the cost of the program would be a part of the landfill. He said all the costs would be paid by the landfill operations if the three governing bodies agreed to the resolution. He said Chapel Hill would have the responsibility of operating the program as it operates the landfill.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-1-12/R-8.

Mayor Wallace thanked Council Member Preston for her work with the solid waste management study group. He said he expected positive results soon and appreciated her time and effort.

Council Member Godschalk said this recycling program would be a small program which would act as a beginning of the recycling efforts and solid waste management. Council Member Preston agreed, saying it would be a learning experience.

Council Member Godschalk asked if the drop off sites had been identified. Ms. Preston said the staff was still working on that issue.

Council Member Pasquini asked if the staff had calculated how much space in the landfill would be saved with the proposal. Manager Taylor said they had not, but that it would be minimal. He said the purpose was to show a commitment to recycling and solid waste management.

Council Member Andresen said she felt it was a good, positive step.

Council Member Smith said he felt that the other governmental entities should also share the cost of the program. He suggested that the local public works department bring the goods to be recycled from the drop-off points to the landfill instead of Chapel Hill personnel and equipment having to do this. Manager Taylor replied that the staff had recommended the Town provide this part of the service as part of the management duties for the recycling program.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING THE INITIATION OF A RECYCLING PROGRAM BY THE ORANGE REGIONAL LANDFILL (87-1-12/R-8)

WHEREAS, the Orange County Solid Waste Task Force recommends that the Orange Regional Landfill initiate a recycling program now, before a comprehensive or multi-county program may be started;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town should participate with the Town of Carrboro and Orange County in an initial recycling program funded by the Orange Regional Landfill, and

BE IT FURTHER RESOLVED that the Town Manager, as Administrator of the Orange Regional Landfill, is directed to implement a recycling program similar to the one proposed to the Town Council on January 12, 1987.

This the 12th day of January, 1987.

Budget Amendment - Recycling

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 87-1-12/O-3. 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, 1986 (87-1-12/O-3)

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, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

ARTICLE I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>APPROPRIATIONS</u>				
SOLID WASTE				
DISPOSAL FUND				
Operations	194,529	16,500		211,029
Non-Departmental (Contingency)	90,552		22,750	67,802
(Charges by General Fund)	30,150	6,250		36,400
<u>REVENUES</u>				
GENERAL FUND				
Interfund Transfers	416,680	6,250		422,930
Appropriated Fund Balance	845,461		6,250	839,211

This the 12th day of January, 1987.

Implementation Process of Bond Projects - Calling Public Forum

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-1-12/R-9. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC FORUM ON THE IMPLEMENTATION PROCESS FOR THE 1986 BOND PROJECTS (87-1-12/R-9)

BE IT HEREBY RESOLVED that the Council of the Town of Chapel Hill calls a public forum to hear public comments on the implementation process for the projects funded by the 5 bond issues approved in November, such forum to be held on Monday, January 26, 1987, at 7:30 p.m. in the Chapel Hill Municipal Building, 306 N. Columbia Street, Chapel Hill.

This the 12th day of January, 1987.

Use of Alcohol and Illegal Substances by Minors

Council Member Andresen said this was a request for the Council to endorse the efforts of the PTA Council to discourage alcohol and substance abuse by minors. She introduced Joyce Rowland from the PTA Council.

Mrs. Joyce Rowland, speaking as Vice-President of the PTA Council, thanked the Council for the opportunity to state the concerns of the PTA Council for the youth of the Town. She said their desires were to have the endorsement of the Council for the pledge, in order that unity and community support would be conveyed to parents and students as well as the community at large. She said the PTA Council's efforts were supported by individuals, school PTA's and several leaders in the Town government. She urged the Council to adopt the proposed resolution.

Council Member Thorpe asked if the PTA Council was planning to present the resolution to the Carrboro Board of Aldermen. Mrs. Rowland said yes.

Council Member Werner said that this item was the second time it had been presented to the Council and last time the Council had decided it did not want to endorse the specific initiatives, but Council Member Andresen felt it deserved another hearing. He said he would like to suggest a modification to the resolution that might make the resolution more acceptable. He suggested that the phrase "... the initiatives.." be replaced with the phrase "...efforts..", and that after "PTA Council.." add "and others..".

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-1-12/R-10 WITH THE AMENDMENT THAT THE PHRASE "... THE INITIATIVES..." BE CHANGED TO "... EFFORTS.." AND THAT THE PHRASE ".. AND OTHERS..." BE ADDED AFTER "...PARENT TEACHER ASSOCIATION COUNCIL..."

Council Member Godschalk commented that he resented this item being brought back before the Council when he had understood that the issue had been resolved. He said he did not think it the business of the Town government to get involved in this area.

Council Member Andresen disagreed with Mr. Godschalk saying she thought it was one of the duties as elected officials to be good citizens and to pass resolutions and uphold the law, and that what the Council would be doing with the resolution would be indicating that it would uphold the law.

Council Member Pasquini said he also had problems with the proposal.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO CHANGE THE WORD "ENDORSES" TO "RECOGNIZES".

THE AMENDMENT FAILED TO PASS, (3-6), WITH COUNCIL MEMBERS GODSCHALK, HOWES, AND PASQUINI VOTING IN FAVOR.

THE MOTION TO ADOPT RESOLUTION 87-1-12/R-10 WITH AMENDMENTS CARRIED, (7-2), WITH COUNCIL MEMBERS GODSCHALK AND PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING THE EFFORTS TO DISCOURAGE ALCOHOL AND SUBSTANCE ABUSE (87-1-12/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses efforts of the Parent-Teacher Association Council and others to discourage alcohol and substance abuse by minors.

This the 12th day of January, 1987.

Affordable Housing Demonstration Program

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-1-12/R-10.1

Council Member Smith asked if the Council would get the details of the proposal. Manager Taylor said yes, that the Council should have the details within 60 to 90 days. He said the next thing to come before the Council would be discussion of who benefited and how the project would be financed, etc.

Council Member Godschalk asked if having two groups would increase the cost of the project. Manager Taylor said he did not think it would.

Council Member Werner asked if the Council would get to vote on the development agreement. Manager Taylor replied yes.

Council Member Pasquini asked if the Council would be able to modify the development agreement. Manager Taylor said yes, that if the Council did not like the agreement it could vote to modify or reject it.

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

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO NEGOTIATE WITH THE CAPRICORN AND ISLER JOINT VENTURE (87-1-12/R-10.1)

WHEREAS, the Council has authorized the Town Manager to negotiate with both the Capricorn Construction Company and Marshall Isler & Associates, Inc. to improve the housing proposals that each had submitted to the Town; and

WHEREAS, these two organizations have signed a joint venture agreement and the principals have indicated their desire to negotiate, contract with and deal with the Town of Chapel Hill as one combined entity;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is authorized and directed to negotiate a development agreement with the Capricorn and Isler Joint Venture and to present the draft agreement to the Council within 90 days.

This the 12th day of January, 1987.

Consent Agenda

Council Member Smith asked that item B be removed.

Council Member Werner asked that item C be removed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-1-12/R-11 MINUS ITEMS B AND C. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND A RESOLUTION (87-1-12/R-11)

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

- a. Calling public hearing January 26 on proposed sale of community development property. (R-12)

This the 12th day of January, 1987.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRIVATE SALE OF LAND ON JOHNSON STREET - TAX MAP #91-I-10 (87-1-12/R-12)

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 January 26, 1987 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C., to consider the private sale of a vacant parcel of land located on Johnson Street (Tax Map 91-I-10), under the provisions of G.S. 160A-457, to Mr. and Mrs. John Brooks for the purpose of allowing the Brooks' to relocate their house, presently at 707 S. Merritt Mill Road.

This the 12th day of January, 1987.

No Parking on Seawell School Road

Council Member Smith suggested the no parking should be extended the entire length of Seawell School Road from Estes Drive to Homestead Road. He said the students would just park further down the road if the no parking were only for 1000 feet from the intersection.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 87-1-12/O-4 WITH THE AMENDMENT THAT THE NO PARKING AND TOW ZONE BE THE ENTIRE LENGTH OF SEAWELL SCHOOL ROAD FROM ESTES DRIVE TO HOMESTEAD ROAD.

Council Member Godschalk said the reason for the request of no parking along Seawell School Road was because of the sight distance problems at the intersection of Seawell School Road and High School Road.

THE MOTION FAILED TO CARRY, (3-6), WITH COUNCIL MEMBERS PASQUINI, SMITH AND WERNER VOTING IN FAVOR.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 87-1-12/O-4. THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES RESTRICTING PARKING ON A PORTION OF SEAWELL SCHOOL ROAD (87-1-12/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Town Code of Ordinances is hereby amended as follows:

Section I

ADD the following street to the listing of streets contained in Section 21-27, No Parking As To Particular Streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Seawell School Road	Both	High School Road	1000 feet North of High School Road
Seawell School Road	Both	High School Road	1000 feet South of High School Road

Section II

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

This the 12th day of January, 1987.

Cablecasting

Council Member Werner asked if the Town had to purchase equipment with the grant from the Village Companies. Manager Taylor said that he had been in contact with the Village Companies regarding using the funds for cablecasting but not necessarily purchasing the video equipment.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 87-1-12/O-5. THE MOTION PASSED UNANIMOUSLY, (9-0).

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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, 1986 (87-1-12/O-3)

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, 1986" as duly adopted on June 9, 1986, 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				
Non-Departmental (Contingency)	32,917		8,333	24,584
Manager Information Services/ Town Clerk	194,797	8,333		203,130

This the 12th day of January, 1987.

Parks and Recreation Commission - Nomination

Council Member Howes nominated Leandra Bedini.

Executive Session

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND ACQUIRING INTEREST IN REAL PROPERTY. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned to executive session at 11:32 p.m.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 11:59 p.m.