

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
WEDNESDAY, JANUARY 28, 1987, 6:00 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

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

The regular meeting of January 26, 1987 was cancelled due to inclement weather and rescheduled to this date. The agenda was modified so that items #6 - #18 were discussed from 6:00 to 7:30 and items #1 - #5 were discussed after 7:30 p.m. Manager Taylor said that because of the change in meeting dates the adopted ordinances and resolutions would be modified to reflect the actual date of the meeting.

Affordable Homeownership Demonstration Policy Issues

Council Member Andresen suggested deferring this item until a later date so that the Council could hold a work session on the policy matters. She suggested that the work session be added to the agenda for the proposed February 2 special meeting.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO DEFER ITEM #6, AFFORDABLE HOMEOWNERSHIP DEMONSTRATION POLICY ISSUES, AND TO HOLD A WORK SESSION ON FEBRUARY 2 TO DISCUSS THE POLICY ISSUES. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mayor Wallace arrived at this time.

Joint Planning Agreement

Mayor Wallace introduced the agenda item.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-1-28/R-3.

Council Member Pasquini said in one of the previous proposals there had been a suggestion that amendments would be developed and adopted by Orange County but that all the parties would have to agree to the amendments. He said the current proposal does not give anyone other than Orange County influence in any amendments.

Council Member Godschalk said the issue was a legal one, that essentially had to do with the fact that the County was unable to legally delegate any part of their control. Attorney Karpinos agreed saying it was a question of legislative authority. He said it was the attorneys' feeling that to allow the Council to have a greater role than what was proposed in the agreement would be to invite a challenge on the grounds that the County had wrongly delegated its legal authority.

Council Member Godschalk commented that the Town did have a "gentlemen's" agreement that the County would respect the Town's wishes. He said in order for the Council to have a share in the authority over the joint area would require a special act of the Legislature that would include all of the joint planning arrangements within it.

Council Member Werner asked Mr. Godschalk to explain the new term "Chapel Hill Joint Development Area". He asked how it compared to other terms and how it related to rural buffers and transition areas. Mr. Godschalk said there would still be transition areas and rural buffers, but what the term did was divide the territory of joint planning between the Chapel Hill portion and the Carrboro portion. The Chapel Hill Joint Development Area was east of the dividing line while the Carrboro Joint Development Area would be west of the line.

Manager Taylor commented that the drafters of the proposal thought the new term was more descriptive than the previous terms used. He said the Chapel Hill Joint Development Area meant Chapel Hill and Orange County joint agreements. Mr. Taylor stated that there was nothing joint between Chapel Hill and Carrboro in the proposed agreement.

Council Member Werner asked if the agreement being prepared between Carrboro and the County was identical to this proposal except for the boundaries? Mr. Taylor said that was his understanding. Mr. Werner asked if the area of joint courtesy review being proposed would require a tripartite agreement. Mr. Taylor said no, but that there was an area of overlapping with both agreements. This area would be where courtesy review from the municipalities would occur and Orange County would have final review authority.

Mayor Wallace commented that the County could cede areas to Chapel Hill and Carrboro on their own motion, with a two year notice, which would in effect extend the extraterritorial jurisdiction and thereby giving the municipality the final authority over the development of the area.

Council Member Smith said he appreciated the efforts of the County and Town staff in developing the proposal but that he had reservations about the two-acre minimum lot size for single-family development in the rural buffer. He said this would put

further restraints in those families to be able to afford to own a home.

Council Member Andresen said she liked the two-acre minimum, saying she felt it would help protect the rural buffer around Chapel Hill.

Council Member Howes commented that he did not think the two goals of preserving the rural buffer and providing affordable housing opportunities were incompatible and that it would be appropriate to adopt the proposed resolution.

THE MOTION TO ADOPT RESOLUTION 87-1-28/R-3 CARRIED, (8-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING A REVISED JOINT PLANNING AGREEMENT (87-1-28/R-3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the revised Joint Planning Agreement dated November 13, 1986 as submitted for consideration at the Council's January 28, 1987 meeting, and authorizes the Mayor to sign the agreement on behalf of the Town.

This the 28th day of January, 1987.

Joint Planning, Watershed Protection, Annexation Agreement in Principle

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-1-28/R-3.1.

Mayor Wallace commented that the watershed restrictions for University Lake needed to be as stringent as possible in order to ensure that the new water source from Cane Creek remained as good as possible since Cane Creek water would pass through University Lake. He said the Cane Creek Reservoir was not in the joint planning area and therefore control of the watershed was solely up to Orange County.

Council Member Godschalk agreed saying that it was important to realize that the new water source in Cane Creek Reservoir would be only as pure as the protection allowed in University Lake watershed.

Council Member Preston asked for clarification of stipulation #8 that Carrboro would defer action on density changes in the watershed until the Council resolved its position. She said she thought the County had resolved this question. Council Member Godschalk said part of Carrboro's extra-territorial planning area was in the watershed and that there was some question as to the

number of dwelling units allowed per acre. He said there was discussion on whether it should be 1 unit per two acres or 1 unit per 5 acres.

Council Member Howes complemented Council Member Godschalk for his efforts in working with Judith Wegner of Carrboro and Don Willhoit of Orange County in working out this agreement in principle.

THE MOTION TO ADOPT RESOLUTION 87-1-28/R-3.1 PASSED UNANIMOUSLY, (9-0).

Council Member Thorpe said the watershed committee was a good example of a committee taking on a task and doing a good job. He said the Council should continue working in this manner. He commended the Council Members who participated on the committee.

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING JOINT PLANNING, WATERSHED PROTECTION, ANNEXATION AND RELATED MATTERS (87-1-28/R-3.1)

WHEREAS, the Towns of Carrboro and Chapel Hill and Orange County have mutual interests in land use and growth management, annexation matters, and watershed protection; and

WHEREAS, a Joint Planning/Watershed Work Group including representatives of the Towns of Carrboro and Chapel Hill and Orange County has met several times since the fall of 1986 to discuss such matters; and

WHEREAS, the Joint Planning/Watershed Work Group has developed an "Outline of Agreement in Principle" dated January 21, 1987 and containing 13 statements of principle; and the Joint Planning/Watershed Work Group has agreed to submit this document to the Carrboro, Chapel Hill and Orange County governing bodies for consideration, and recommends approval in concept of the 13 principles;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby approves in concept the attached "Outline of Agreement in Principle" dated January 21, 1987 and including 13 principles.

This the 28th day of January, 1987.

Rescheduling Council Meeting

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 87-1-28/O-0.1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE RESCHEDULING THE FEBRUARY 23 1987 TOWN COUNCIL MEETING (87-1-28/0-0.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby reschedules the February 23, 1987 meeting to February 25, 1987.

This the 28th day of January, 1987.

Revenue Sources

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-1-28/R-4.

Council Member Godschalk asked about the proposed level of land transfer tax. He suggested that the amount be open for discussion and that the staff provide alternatives and information on what other communities have this tax. Manager Taylor said that to his knowledge, the maximum land transfer tax was 1% of the purchase price for land. He said the staff would provide the information requested.

Council Member Howes said the staff needed to discuss this issue with area hotels and motels, developers, and the University in order to make them aware that the Council was considering creating new revenue sources.

THE MOTION TO ADOPT RESOLUTION 87-1-28/R-4 PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 23 ON POSSIBLE REQUESTS FOR NEW REVENUE SOURCES (87-1-28/R-4)

WHEREAS, the Town of Chapel Hill experiences special service needs due to visits by non-residents and due to major events such as football, basketball and concert events at Kenan Stadium and the Dean E. Smith Student Activities Center; and

WHEREAS, the sale of property may lead to loss of open space and associated environmental benefits; and

WHEREAS, a more diversified group of revenue sources gives the Town a more stable financial base; and

WHEREAS, modest special revenues are unlikely to affect significantly the businesses in the Town whose customers and patrons would pay such taxes, but such revenues would help pay for operating services and capital improvements;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing on February 25, 1987 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, for citizens' comments on three revenues for which the Town Council will consider requesting authorization by the North Carolina General Assembly:

1. An admission tax of up to \$1 per ticket for events in facilities with more than 15,000 seats.
2. A tax of up to 3% on room charges for hotel, motel and other similar accommodations, but excluding rooming houses, boarding houses and tourist homes.
3. A tax of up to 1% applicable to real property transactions.

BE IT FURTHER RESOLVED that the Council directs the Manager to publicize the public hearing and distribute copies of this report in the manner generally described in the Manager's report of January 26 on this matter.

This the 28th day of January, 1987.

Future School Sites - Calling Public Hearing

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 87-1-28/R-5.

Council Member Smith expressed concern that the Town was requesting the School Board to submit a list of specific locations and tract sizes. He felt it would unfair to developers to name specific sites and then require them to hold the property for 18 months while the School deliberated whether or not to use the site. He said land acquisition was a private affair and specific sites ought not to be publicly listed beforehand.

Council Member Godschalk said the intent of the issue was to encourage joint planning between the Town and the School Board and that this was a normally recognized procedure throughout the country.

Manager Taylor replied that the staff was following the General Statutes in requesting specific site locations. He said that this meant designation of a grid square of property, not a specific parcel of land. Manager Taylor said the School Board, once it designates locations, would be brought into the development process if an application for development came to the Town for properties within the grid square.

THE MOTION TO ADOPT RESOLUTION 87-1-28/R-5 PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING FOR MAY 18, 1987 ON ADOPTING PROCEDURES FOR RESERVING FUTURE SCHOOL SITES (87-1-28/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a public hearing at 7:30 p.m. on Monday, May 18, 1987 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, on amending the Development Ordinance to include procedures authorized by N. C. General Statute 160A-372 concerning designation of future school sites.

This the 28th day of January, 1987.

Future School Sites - Submittal of a List

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-1-28/R-6. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING RESERVATION OF FUTURE SCHOOL SITES IN THE TOWN OF CHAPEL HILL PLANNING JURISDICTION (87-1-28/R-6)

WHEREAS, the Town Council of Chapel Hill desires to cooperate with and support the Chapel Hill-Carrboro Board of Education in planning future school sites; and

WHEREAS, North Carolina law (G.S. 160A-372) authorizes a procedure for reserving future school sites designated on comprehensive land use plans so that school sites in future subdivisions may be acquired within 18 months of final subdivision approval; and

WHEREAS, the statutory procedure includes a requirement that specific locations and tract sizes be part of the Town's comprehensive land use plan and be jointly approved by the Board of Education and the Council; and

WHEREAS, use of the statutory procedure may enable the Board of Education to acquire sites which otherwise might become unavailable;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council invites the Chapel Hill-Carrboro Board of Education to submit a list of school site locations and sizes for consideration by the Council and inclusion on the Chapel Hill Comprehensive Land Use Plan and other planning documents.

This the 28th day of January, 1987.

Quarterly Meetings with Various Boards

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-1-28/R-7. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Pasquini asked that the staff contact all the delegates to the Orange Water and Sewer Authority from Chapel Hill and encourage them to attend the February 2 meeting.

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING QUARTERLY MEETINGS WITH BOARDS (87-1-28/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the Board of Directors of the Orange Water and Sewer Authority to meet with the Council at 7:30 p.m. on Monday, Feb. 2, 1987 to discuss water supply and demand, watershed protection, water conservation procedures and other matters of interest.

BE IT FURTHER RESOLVED that the Council requests the Planning Board and Appearance Commission to meet with the Council at 7:30 p.m. on Monday, May 4 to discuss matters of interest.

BE IT FURTHER RESOLVED that the Manager and Mayor shall place on the agenda by July a recommendation concerning meetings on August 31 and October 5.

This the 28th day of January, 1987.

Cablecasting

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-1-28/R-8.

Council Member Godschalk asked for clarification of some of the expected costs.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING CONTRACTED SERVICES FOR CABLECASTING COUNCIL MEETINGS (87-1-28/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to enter into an agreement for cablecasting Council meetings for a period up to two years.

This the 28th day of January, 1987.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 87-1-28/O-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "AN ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986 (87-1-28/O-1)

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> | | | | |
| GENERAL FUND | | | | |
| Non-Departmental Contingency | 24,584 | | 16,667 | 7,917 |
| Manager Information Services | 203,130 | 41,667 | | 244,797 |
| <u>REVENUES</u> | | | | |
| GENERAL FUND | | | | |
| Grants | 233,679 | 25,000 | | 258,679 |

This the 28th day of January, 1987.

Quarterly Reports

Council Member Preston said the Joint Orange-Chatham Community Action agency had not met this quarter, therefore she had no report at this time.

Council Member Werner said that the Orange County Human Services Advisory Commission had recently been reorganized into a new committee with representatives from several Orange County Boards and that the Council would no longer have a seat on the new committee. He said the charge for the new committee was to discuss the status and investigate issues of children; teenage

pregnancies; alcohol and drug abuse; and the high cost of day care.

Council Member Howes said the Triangle J Council of Governments had not met since his last report, but that they were planning to meet soon. He commented that on the agenda of the next meeting was a proposal to create a citizen review board on operations of the Shearon Harris Nuclear Plant. He said he would vote in favor of this board because he felt the citizens of Chapel Hill would be supportive of this monitoring board.

Council Member Thorpe said that the Transportation Advisory Committee had also not met since his last report, but that he had been appointed to serve as Chapel Hill's representative on an area Transportation Committee. Mr. Thorpe said this committee had the responsibility to ensure that coordination and comprehensive planning occurred between each area prior to any request to NCDOT for road improvements.

Alan Rimer, representing the Planning Board, gave a presentation on the Planning Board's Annual Report. He said there had been several significant events which had occurred in the last year in which the Planning Board had a key role. Mr. Rimer commented that three of these were the joint meeting with the Council last February to solidify the Town's Goals and Objectives; adoption of the interim Land Use Plan; and the Joint Land Use Plan. He stated that the plans for the upcoming year included updating the Comprehensive Plan; holding informal meetings to inform the citizenry of issues prior to holding public hearings; working with the University on their planning process; and changing the Planning Board's meeting schedule so that one meeting per month was devoted to development review projects and the other meeting to comprehensive plan review.

Council Member Godschalk complemented Mr. Rimer for the Planning Board report and said that the Board had had a productive year. He asked Mr. Rimer to give the Planning Board the Council's thanks for their hard work.

Staff Quarterly Report

Manager Taylor said that the staff's second quarterly report was included in the agenda packet and that he would be glad to answer any questions from the Council.

Council Member Thorpe thanked the Manager for the staff quarterly report saying the staff had done a good job putting it together.

Annexation - Resolution of Intent

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-1-28/R-9. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION STATING THE INTENT OF THE TOWN OF CHAPEL HILL TO CONSIDER ANNEXING THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION (87-1-28/R-9)

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

SECTION I

That it is the intent of the Town Council of the Town of Chapel Hill to consider annexing the following described territory pursuant to Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

1987 ANNEXATION AREA - BOUNDARY DESCRIPTION

BEGINNING at a point on the present Town Corporate Limits, said point being the southern common corner of Lots 7A and 8, Block B, Chapel Hill Township Tax Map 122, said point being on the northern right-of-way line of U.S. Highway 15-501 and on the southern edge of Morgan Creek; running thence along the present Town Corporate Limits line and along the northern right-of-way line of U.S. 15-501 in a northeasterly direction across N.C. 54 Bypass approximately 800 feet to a point one foot north of the northern right-of-way of N.C. 54 Bypass and one foot west of the western right-of-way of U.S. 15-501 Business; thence along a line parallel to and one foot west of the western right-of-way of U.S. 15-501 Business in a northerly direction approximately 400 feet to a point; thence across U.S. 15-501 Business in a perpendicular direction approximately 62 feet to a point one foot east of U.S. 15-501 Business right-of-way, said point being one foot north of the northern right-of-way of the northeast U.S. 15-501 Bypass ramp; thence along a line one foot north of and parallel to the northern right-of-way of the U.S. 15-501 Bypass ramp and U.S. 15-501 Bypass in a southeasterly and easterly direction approximately 2100 feet to a point one foot north of U.S. 15-501 Bypass right-of-way, said point being a projection of the western property line of Morgan Creek Subdivision; thence across U.S. 15-501 Bypass along the projection of said property line and along the present Town Corporate Limits line a southwesterly direction approximately 215 feet to a point on the southern right-of-way of U.S. 15-501 Bypass; thence along a new Town Corporate Limits line as follows: running along the southern right-of-way of U.S. 15-501 and the northern property line of Winterhill Subdivision and the E. G Merritt Estate in a westerly direction approximately 1720 feet to a right-of-way monument, the northwest property corner of the E. G. Merritt Estate, as shown on a survey dated August 4, 1983, Orange County Plat Book 39, Page 144; thence along the western property line of said estate S 89-31-17 E 199.00 feet to an iron; thence S 04-57-20 E 249.56 feet to an iron; thence S 49-56-24 E 64.98 feet to an iron; thence S 16-03-25 W approximately 205 feet to a point in the center line of Morgan Creek; thence downstream along the center

line of Morgan Creek in a southeasterly direction approximately 880 feet to a point in the center line of Morgan Creek, said point being a projection of the western property line of Sycamore Run Subdivision as shown on the plat "Sycamore Run" revised August 20, 1984, Orange County Plat Book 39, Page 44; thence along the projection of said property line S 33-29-20 W approximately 30 feet to the northeast corner of said subdivision; thence along the southeastern property line of Sycamore Run Subdivision the following bearings and distances: S 33-29-20 W 124.20 feet, S 18-44-20 W 125.39 feet, S 45-17-47 W 89.05 feet, S 45-28-37 W 169.94 feet, S 45-48-57 W 170.20 feet, S 02-07-33 E 67.03 feet, S 47-22-07 W 112.57 feet, S 47-27-47 W 218.27 feet, and S 81-09-27 W 403.15 feet to a point on the eastern right-of-way of Mt. Carmel Church Road (S.R. 1008); thence along said right-of-way in a northerly direction approximately 1550 feet to the intersection of the eastern right-of-way of Mt. Carmel Church Road and the southern right-of-way of U.S. 15-501; thence across U.S. 15-501 approximately 170 feet to the intersection of the northern right-of-way of U.S. 15-501 and the eastern right-of-way of Culbreth Road (S.R. 1994); thence along the northern right-of-way of U.S. 15-501 in a northeasterly direction approximately 170 feet to the intersection of said right-of-way with the southern boundary of Morgan Creek, the point or place of BEGINNING.

SECTION II

That a public hearing on the question of annexing the above-described territory will be held in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 (just north of the Fire Station Headquarters at Airport Road and North Columbia Street) at 7:30 o'clock. p.m., on the 23rd on March, 1987, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the Town of Chapel Hill will be given an opportunity to be heard.

SECTION III

That a report of plans for extending services to the above-described territory will be made available for public inspection at the office to the Town Clerk at least thirty (30) days before the date of said public hearing.

SECTION IV

That a legible map of the area to be annexed and a list of persons holding freehold interests in property in the area to to be annexed who have been identified and posted in the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

SECTION V

That notice of said public hearing shall be given by publication and first class mail, as required by G.S. 160A-49.

This is the 28th day of January, 1987.

Historic & Appearance Districts

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-1-28/R-9.

Mayor Wallace asked Manager Taylor how long the proposed process would take. Manager Taylor responded 18 months.

Council Member Preston said she was pleased with the report. She encouraged adoption of the resolution because she said she felt there was a definite need for further preservation of areas in the Town that exemplified the uniqueness and character that makes Chapel Hill so special. She thanked Planning Director Roger Waldon and staff planner Kay Maltbie for their work on the report.

Council Member Andresen spoke in support of the resolution saying it would be beneficial to have the Significance Report on the areas under consideration. She asked if the N.C. Department of Cultural Resources would have to be involved in the designation of a new historic district. Ms. Preston replied yes.

Council Member Godschalk commented that he was not sure the area on Pritchard Avenue and McCauley Street would meet the requirements for an historic district. He said he was concerned that the Town might be trying to overuse the Historic District concept. Council Member Preston said that the list of homes on those streets in the agenda was not a complete list but rather a sampling. She said there were some important structures in the area.

Council Member Andresen pointed out that the purpose of the program was preservation of neighborhoods. She said the report would show whether the area met historic district requirements. She said it might be that the area could be designated as a special appearance district.

THE MOTION TO ADOPT RESOLUTION 87-1-28/R-10 PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SURVEYS AND GRANT APPLICATION FOR EXPANSION OF HISTORIC DISTRICT (87-1-28/R-9)

WHEREAS, the Comprehensive Plan of the Town of Chapel Hill calls for preservation of existing residential neighborhoods, with special attention on those neighborhoods close to downtown and the University; and

WHEREAS, several of these neighborhoods contain structures of historical significance; and

WHEREAS, designating these areas as Historic Districts would serve to conserve neighborhood character and help maintain the integrity of these neighborhoods;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is directed to proceed with preparation of a Significance Report for the West Cameron-McCauley Street area, and with a survey and significance report of the Church Street area.

BE IT FURTHER RESOLVED that the Town Manager is authorized to apply to the N. C. Department of Archives and History for grant funds to assist in these efforts.

This the 28th day of January, 1987.

North Forest Hills - Land Condemnation

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 87-1-28/R-11.

Council Member Smith said he had reservations about condemning land for park space when it could be used for other purposes like land for affordable housing.

Council Member Howes said the land had been designated as potential park space because it was legally landlocked and therefore had no outside access.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION TO ACQUIRE PROPERTY FOR PUBLIC PARK PURPOSES; NORTH FOREST HILLS NEIGHBORHOOD PARK (87-1-28/R-11)

WHEREAS, the property identified as Tax Map 24, Lots 33A, 33B, and 33D abut 3.4 acres of Town-owned permanently dedicated public open space; and

WHEREAS, the Community Facilities Report of the Town of Chapel Hill Comprehensive Plan, adopted by the Council of the Town of Chapel Hill in March, 1979, recommends acquisition and development of 8 to 17 acres to serve as a neighborhood park for the North Forest Hills Subcommunity; and

WHEREAS, the North Forest Hills Subcommunity is in need of additional public parks and recreation facilities; and

WHEREAS, the Council of the Town of Chapel Hill appropriated \$150,000 in March, 1985 to acquire and develop a neighborhood park in the North Forest Hills community and in other areas of Town; and

WHEREAS, the Council of the Town of Chapel Hill on March 3, 1986, on the basis of an appraisal by Thomas H. Heffner, established just compensation of \$8,200 for each of the aforementioned properties to be acquired as part of the North Forest Hills Neighborhood Park;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager and Attorney to take the necessary steps to acquire fee simple interest in the following Chapel Hill properties for the sums listed:

| <u>Owner(s)</u> | <u>Parcel</u> | <u>Fair Market Value</u> |
|---------------------|---------------------|--------------------------|
| Ruthe J. Farmer | Tax Map 24, Lot 33A | \$8,200 |
| Roberta Pendergraft | Tax Map 24, Lot 33B | \$8,200 |
| Joseph H. Burchette | Tax Map 24, Lot 33D | \$8,200 |

BE IT FURTHER RESOLVED that the Council authorizes the Manager and Attorney to initiate eminent domain proceedings and to deposit with the Court the sum of \$24,600 if necessary to acquire the parcels listed above.

BE IT FURTHER RESOLVED that the Manager and Attorney are authorized to sign related documents in connection with the purchase of said properties and to undertake any necessary related actions in connection therewith.

This the 28th day of January, 1987.

Consent Agenda

Manager Taylor asked that item #16d be removed from the consent agenda.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-1-28/R-12 MINUS ITEM #D. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions and ordinance as adopted, read as follows:

A RESOLUTION APPROVING AN ORDINANCE AND RESOLUTIONS (87-1-28/R-12)

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

a. Amendment to Personnel Ordinance re retirement (0-2).

- b. Calling Community Development hearing (R-13).
- c. Settlement of Tilley Claim (R-14).

This the 28th day of January, 1987.

AN ORDINANCE AMENDING CHAPTER 14 OF THE CHAPEL HILL CODE OF ORDINANCES (87-1-28/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 14 of the Chapel Hill Code of Ordinances is amended as follows:

SECTION I

DELETE Sec. 14-100 (Compulsory Retirement).

SECTION II

This ordinance shall be effective on January 28, 1987.

This the 28th day of January, 1987.

RESOLUTION CALLING A PUBLIC HEARING (CD SMALL CITIES PROGRAM) (87-1-28/R-13)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for Monday, February 9, 1987 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 to receive citizen comments on the Town's implementation of the 1983 Community Development Small Cities Program grant (83-C-6620) prior to closing this grant with the State Department of Natural Resources and Community Development.

This the 28th day of January, 1987.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SETTLE AN INSURANCE CLAIM (87-1-28/R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council hereby authorizes the Town Manager to settle an insurance claim by Mr. Mack Tilley for damages sustained to his car in an accident on September 16, 1986 in parking lot #5.

BE IT FURTHER RESOLVED by the Council that the Town Manager, upon settlement of said claim, is authorized to obtain a release of any further responsibility by the Town in said incident.

This the 28th day of January, 1987.

Resource Conservation District - Calling Public Hearing

Manager Taylor said this item was before the Council in order to reschedule the public hearing on proposed changes to the Resource Conservation District Ordinance. He said the Council had previously scheduled a public hearing on this issue for February 16 but that the staff felt it should be delayed due to the amount of public interest these changes were receiving at the Planning Board meetings. He said the Planning Board wanted to spend more time on the proposed changes and also wanted to hold more public meetings. Mr. Taylor stated that he would prefer the Council authorize him to set the public hearing on the proposed changes to the RCD on the regular public hearing schedule between now and May.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-1-28/R-15 AS AMENDED TO STATE THAT "...THE HEARING BE RESCHEDULED AT THE MANAGER'S DISCRETION TO A REGULARLY SCHEDULED PUBLIC HEARING DATE SOMETIME PRIOR TO MAY, 1987..." 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 (86-1-28/R-15)

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 Article 10, Resource Conservation District.

BE IT FURTHER RESOLVED that this hearing be rescheduled from February 16 at the Manager's discretion to a regularly scheduled public hearing date sometime prior to May, 1987, in the Chapel Hill Municipal Building Meeting Room.

This the 28th day of January, 1987.

Boards and Commissions

Parks and Recreation Commission

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO APPOINT LEANDRA BEDINI TO THE VACANCY ON THE PARKS AND RECREATION COMMISSION. THE MOTION PASSED UNANIMOUSLY, (9-0).

Leandra Bedini was appointed.

Executive Session

The Council agreed to defer the executive session until the end of the agenda.

Recognition of Retiring Town Employees

Mayor Wallace recognized two recent retirees of the Town, Louis Morphis from the Public Works Department and Dorothy Jenner from the Parks and Recreation Department, read and presented them with certificates of appreciation.

Public Forum on Proposed Bond Implementation Process

Manager Taylor said this was a public forum to hear comments from citizens on the proposed schedule, implementation, site selection, and timing of the five bond projects. He said the staff had sent out over 200 notices to interested citizens of this meeting.

Alan Rimer, representing the Planning Board, said the Board requested that a member of the Planning Board be placed on any committee established to recommend site selection for the Library and building design for the Municipal Building addition.

Library

Gina Cunningham, representing the League of Women Voters, asked for clarification of the difference between a public forum and a public hearing. She said with regard to the Bond implementation, the League felt land acquisition should be the first priority for Bond funds. She said the League also felt there should be further opportunity for public comment as the plans develop especially on matters such as the possible sites for the Library and Southern Park. (For copy of text, see Clerk's Files).

Manager Taylor said that a public hearing was a hearing the Council was legally required to call, whereas a public forum was a meeting which the Council elected to call to receive citizen input.

Lisa Price, representing the Library Board of Trustees, said the Board would like to reiterate its recommendations on the Library site and building as made in the Manager's Recommendation for Major Capital Needs, dated April 28, 1986. She said the four primary criteria for site selection by the Board were that the location be large enough for an adequate building and parking; offer potential for further expansion; offer accessibility to a majority of users; and was aesthetically pleasing. She said on the whole the Board recommended locating the Library out of the Town Center but in close proximity.

Edward Jackson, speaking as a resident and as a retired librarian, recommended that the new Library be centrally located where a lot of Chapel Hill's citizens regularly travel and where the buses have transfer points. He said a downtown location would provide plenty of parking and suggested use of the Town's Parking Lot #5 as a possible site. He commented that the downtown merchants should also support a Town Center site as many citizens would probably combine a trip to the Library with commercial shopping. He also urged the Council not to build a "monument" to the architect, and to include all sorts of services in the new library from film services to video cassettes.

Lightning Brown, speaking as a resident, urged the Council to place the new Library downtown in the Central Business District in an effort to further preserve and revitalize the downtown area. He pointed out that the Central Business District was the key to the public transportation system, met the Manager's criteria for a good site, and needed the vitality a Library could bring.

Dewitt Brown, speaking as a resident, encouraged the Council to take into account pedestrian traffic and public transportation users when deciding on a site for the new Library.

Robert Joesting, speaking as a resident, said the new Library would become a major focus of cultural activities, second only to the campus. He said as such, it should be centrally located, in or adjacent to the Town Center.

Elizabeth Yaggy, speaking as a citizen and Library Trustee, said that a downtown site could present horrendous problems for pedestrian traffic, especially if the site was not in close proximity to a traffic signal. Ms. Yaggy also stated that she did not feel the downtown area was safe for the young or old after dark.

Katheryn Dickman, speaking as a resident of North Street, said that if the Library were moved from the downtown area to a more suburban location, she would prefer to see the current Library made into a branch library and reading room.

Council Member Andresen spoke in support of holding further public hearings on the issues prior to finalization of the library site selection and design. She stated that a Council appointed committee to review potential sites was a good idea.

Council Member Werner agreed saying the committee needed to be balanced and geographically comprehensive to take into consideration all aspects.

Council Member Godschalk said that he had received comments from other citizens speaking in support of an out of the Central Business District site for the Library.

Council Member Smith reminded the Council and citizens that the bond referendum on the new Library was for only \$4 million and that this amount would not be enough to provide all the requested services.

Street Improvements

Robert Joesting, speaking as a resident, said he liked what was being proposed, but urged the Council to remember pedestrian access through the use of paved sidewalks and traffic lights with pedestrian crossings. He said the realignment of Umstead Drive should include a full pedestrian crossing.

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Len Van Ness, representing the Chapel Hill - Carrboro Chamber of Commerce, commended the Council for supporting the transportation needs and encouraged the Council to continue its efforts of matching local funds with state funds in order to meet the transportation needs.

Alan Rimer, speaking as a resident, reminded the Council and citizens that there was to be a public meeting on February 5 at Culbreth Junior High School to discuss the 15-501 improvements. He said this would be the first of three formal public meetings on the project and encouraged everyone to attend.

Boone Turchi, speaking as a resident of Umstead Drive, expressed concern that access to Umstead Park and the greenway trail not be lost with the realignment of Umstead Drive. He said safety should also be of primary importance. He pointed out that it appeared that drivers on Umstead Drive regularly exceeded the speed limit.

Council Member Andresen agreed with Mr. Joesting's recommendation that pedestrian and biker access be remembered. She also asked that the residents of East Franklin Street be reminded of the proposed changes so that they were aware of what was happening and have further discussions with residents as to how and what changes would be made.

Council Member Smith encouraged the Council and Manager to acquire land for right-of-way for the Umstead Drive realignment and Weaver Dairy Road extension.

Council Member Howes commented that the realignment of Umstead Drive would not improve the excess speeding on Umstead Drive, but would improve traffic on Airport Road. He said if this project proceeds, he hoped the Town would close off that portion of Umstead Road that now connects with Airport Road to the new segment. He said the Town could use this area as a greenway with a crossing along the creek underneath Airport Road.

Council Member Preston agreed with Mr. Howes' comments. She asked the Manager what were the proposed improvements to the Franklin Street/Boundary Street intersection. Manager Taylor responded that there were turning movement problems, but that the specifics of what would be done to rectify the situation had not yet been designed.

Council Member Preston asked why the staff was recommending a traffic signal at the intersection of Howell Lane, when the consultant had suggested either Howell Lane or Elizabeth Street. Manager Taylor said the consultant recommended a traffic signal and that Howell Lane would be the better location. He said the State, however, had refused to place a traffic signal at that point.

Council Member Thorpe commented that the use of local funds to help fund transportation improvements was a good program and one that the Town needed to continue. He said it showed the Town cared about itself and was willing to make a commitment to improvements.

Berry Credle, speaking as a resident, said the Council and Town needed to remember the need for a southern parkway when discussing potential uses for bond funds for street improvements.

Parks and Open Space

There were no citizen or Council comments.

Municipal Building Expansion

There were no citizen comments on this issue.

Council Member Howes commented that there had been concern expressed about the trees in the ravine next to the Municipal Building and the possibility of their being removed with any expansion. He said that the Council and staff were sensitive to this issue and that as many trees as could reasonably be saved would be.

Council Member Preston said by using the original architect with the original plans would save time, but she wondered if those plans would meet the current needs. She said she hoped the Council in designing a new meeting room would take into consideration the possibility of alienating the public by placing itself in a position where it appeared to be above the public. She said she hoped further comments could be generated from citizens. Council Member Preston also questioned whether or not it would be appropriate to reserve space in the proposed addition as a permanent shelter for the homeless.

Council Member Godschalk pointed out that in order to improve the sight line of the audience attending Council meetings, the Council would not be able to be on the same level as the audience.

Council Member Andresen suggested that a committee be established to address the concerns expressed.

Fire Protection Services

There were no citizen or Council comments on this item.

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

Public Hearing on Proposed Sale of Property to John Brooks

Manager Taylor said the Town proposed to sell a lot to the Brooks' as a private sale for residential uses. He said the Council had set just compensation for the Brooks' property for the Merritt Mill Road improvements in July and in December the Town purchased the property with the Brooks' retaining ownership of the house. The Town was selling the Brooks' a Town-owned lot in order for the Brooks' to retain their house by moving it to a new lot. He said fair market value had been set by an appraisal by Kathy Buck and review appraisal by Thomas Heffner with the sales price being set at \$10,500.

Council Member Godschalk commented that this appeared to be a thoughtful and reasonable action by the Town.

Council Member Smith suggested that since this process had taken so long, the Council should grant the Manager authority to carry out the sale of the property to the Brooks without having to come back before the Council for further approval.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO CLOSE THE PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO AUTHORIZE THE MANAGER TO COMPLETE THE SALE OF TOWN-OWNED PROPERTY LOCATED AT CHAPEL HILL TAX MAP 91-I-10 TO MR. AND MRS. JOHN BROOKS.

Council Member Godschalk asked if there were any legal problems with authorizing the Manager to go ahead with the sale at this time. Attorney Karpinos replied no.

THE MOTION PASSED UNANIMOUSLY, (9-0).

Petitions

Bobette Eckland and Richard Kamens petitioned the Council to consider selling the Old Police Building to Eckland-Kamens Enterprises. She said her company desired to purchase the property, renovate it and use it as a Bed and Breakfast Inn. Ms. Eckland said such a use of the property would help revitalize the downtown area. For copy of proposal, see Clerk's files.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO RECEIVE THE PETITION AND REFER IT TO THE MANAGER.

Council Member Andresen said the proposal was interesting and that the Town needed to review all municipal needs. She said it was possible that the building could be renovated and used solely as a shelter for the homeless.

Council Member Preston said the procedure for selling the property meant the Town would have to put it out to bid and that this meant the petitioner might not be the one who would be granted the bid.

Council Member Smith said he would prefer to see the Town use federal funds to renovate the structure as a shelter for the homeless. He said the Council needed to decide whether or not they wanted to sell the building before directing the Manager to prepare an appraisal report.

Council Member Godschalk agreed that the proposal was interesting but that the Council needed to review the situation with respect to what would be the best public use of the building and site. He said the Manager needed to look at all the possibilities when doing an appraisal.

Council Member Pasquini commented that the property was one of the most valuable that the Town owned and agreed that the Council should decide if it wanted to sell it before asking the Manager to do an appraisal. He said the appraisal should also take into consideration the potential of the site if Rosemary Square was built.

Council Member Howes asked the Manager what kind of report he would be preparing on the issue and when the Council could expect the report. Manager Taylor said that he would not go out and get an appraisal of the property at this time but would prepare a report on alternatives and the status of the Old Police Building. He said he would be reporting to the Council in February.

Council Member Preston asked if there were any deed restrictions on the property. Manager Taylor replied that he did not believe there to be but that the staff would research this.

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

Len Van Ness, representing the Chapel Hill - Carrboro Chamber of Commerce asked the Council to consider deleting the hotel/motel tax as a potential source of new revenue. Mayor Wallace responded that Mr. Van Ness' comments would be better heard at the public hearing on February 25.

John Schafer, representing Faison, Brown, Fletcher & Brough, attorneys for Dr. Batch, the applicant for Old Lystra Subdivision, petitioned the Council to delay action on the subdivision request until February 25.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO DEFER AGENDA ITEM #5, APPLICATION FOR PRELIMINARY PLAT APPROVAL OF OLD LYSTRA SUBDIVISION, UNTIL FEBRUARY 25, 1987. THE MOTION PASSED UNANIMOUSLY, (9-0).

Attorney Karpinos reported that in a recent litigation case (Goforth vs. Town of Chapel Hill re: Franklin Hills Subdivision), the plaintiff's motion was heard and the court ruled in favor of the Town.

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT THE MINUTES OF JANUARY 5, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF JANUARY 12, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Executive Session

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND THE ACQUISITION OF INTEREST IN REAL PROPERTY. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned to executive session at 9:10 p.m.

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

The meeting adjourned at 9:20 p.m.