

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, APRIL 13, 1987, 7:30 P.M.

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

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

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

Public Hearing on Annexation of The Oaks II, Phase 2B

Manager Taylor said this was a public hearing to hear citizen comments on a petition for annexation of The Oaks II, Phase 2b development. He said the petitioner was requesting annexation of a 32 acre portion of The Oaks II subdivision currently under development.

There were no citizen comments.

Council Member Smith asked if there were any homes built on the site. Manager Taylor replied that there were none.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mayor Wallace arrived at this point, 7:35 p.m.

Petitions

Manager Taylor commented that Mr. Roland Giduz who was unable to attend the meeting had requested a petition regarding the advisability of an entertainment tax be presented to the Council and that a copy of his petition was before the Council.

Fredrick Barons, speaking as a resident, asked to speak to item #10, Noise Ordinance.

Kenneth Sugioka and Pearson Stewart asked to speak to item #8, Bayberry Drive Subdivision.

Bryan Bailey, speaking as the President of the UNC Student Government, asked to speak to item #10, Noise Ordinance.

Council Member Pasquini asked that the Manager investigate whether or not the new apartment complex on Piney Mountain Road and Airport Road and the food store at Glen Lennox were meeting the buffer requirements in the Special Use Permits.

Council Member Andresen suggested that the Council discuss the and try to solve the problem with the current length of agendas for the Council meetings. She suggested a subcommittee be set up to discuss this issue with the Manager and bring forth possible alternatives for Council consideration. Ms. Andresen said some possible alternatives were to meet every Monday night, add one additional meeting each month, or start the meetings earlier.

Mayor Wallace asked the Council if there was any objection to his selecting a subcommittee to study this issue. There was no objection from the Council.

Minutes

Council Member Andresen asked that the Clerk to verify which Council Member made the comment on page 28 of the minutes of the continuation of the February 25th meeting relating to letting the public make comments on the effectiveness, etc. of the signs designating hours of on-street parking on Sundays.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF MARCH 9, 1987: A CONTINUATION OF THE MEETING OF FEBRUARY 25, 1987, AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF MARCH 23, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Preston said that the reference to Tenny Court on page 12 of the minutes of March 31 should instead be Tenney Circle.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF MARCH 31, 1987: A CONTINUATION OF THE MEETING OF MARCH 23, 1987, AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Chapel Hill Housing Authority

Manager Taylor said the Town had held a public hearing on the future of the Housing Authority and at the hearing concern was expressed that if the Town would had the responsibility for public housing the Town would begin evicting tenants of the public housing units on a careless basis. Mr. Taylor said that

the Town, if the Housing Authority became a Town department, would not be able to evict tenants from the units in any manner other than was currently in place. He said the policies on this issue were set by HUD and that no matter who ran the Housing Authority these policies had to be followed. He said federal funding for construction of new units would not be available but that funding would be available for renovation of existing units and for repaying the construction debt on the units. He stated that the eligibility requirements for potential tenants of public housing were set by HUD and that rents could not exceed 30% of the household income.

Manager Taylor said that the staff believed either alternative, to make the Housing Authority a town department or to enter into a stronger local cooperation agreement, would work well. He said however, that he believed the needs of the tenants and Housing Authority would be better met by becoming a department within the Town government. Mr. Taylor stated that along with proposing that the Housing Authority become a town department he proposed that a Council appointed advisory board, similar to the Planning Board, be established to approve public housing procedures, assess and update public housing needs, serve as liaison with the public housing residents' organization, and recommend a tenant grievance policy, etc. He said he recommended the Council adopt Resolution-1B making the Housing Authority a Town department.

Council Member Preston asked what would be the Council's specific responsibilities if the Housing Authority became a town department. Manager Taylor said that the Council would have the ultimate responsibility for the Housing Authority but that the day to day operations and policy would be administered by the staff and an advisory board similar to the Planning Board.

Council Member Godschalk said he was glad to see stipulation #4 stating that the Council intended to maintain the Authority's housing units as public housing units, and opposed any consideration of sale of these units to the private sector. He said this should set to rest the questions on this issue.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-4-13/R-1B.

Council Member Pasquini stated that at the public hearing on this subject he had requested information from the Manager on the cost to the Town of taking on the Housing Authority as a town department. He said the Manager had indicated that there would be no additional costs to the Town since HUD was saying there would be funds for operating costs for the Authority. Manager Taylor said that it was his understanding from HUD that there would be funds available from HUD for operating costs, funding for the debt service and renovation of existing units. He said the Town would have to apply and compete for the funds but that he expected the funding to be same as it had in the past. Mr. Taylor said that if the Town wished a higher level of funding for

maintenance, etc., it would have to produce the funds. He suggested that the payment in lieu of taxes (PILOT) could be used to enhance the maintenance of the units and that renovation and refurbishing could be accomplished using Community Development funds. Mr. Taylor said that the costs of providing interdepartmental services to the Authority could be charged back to the federal subsidies so that the net cost to the Town would be zero. But also, the Council could determine the level of other financial assistance given to the Town Department of Housing.

Council Member Pasquini said he had also asked at the public hearing that the Town contact Carrboro and Orange County with regard to aid in maintaining the public housing units. Manager Taylor said that it would be better for the units to be maintained and operated by one entity, rather than separating out those in Carrboro. He said the Council might wish to equalize the funding by charging back to the other governmental units the services provided by Chapel Hill or asking that Carrboro and Orange County both forgo the PILOT funds for the housing units.

Council Member Pasquini commented that even though stipulation #4 indicates that the Town would not sell the housing units to a private entity it did not rule out the possibility of contracting out the management of the units to a private company. Manager Taylor agreed, saying the Council could contract out any or all of the operations of the Housing Authority.

Council Member Thorpe said he thought it would be a good idea to have the question of whether or not the Town should take over the Housing Authority on the November ballot for the citizens of Chapel Hill to decide.

Manager Taylor said that there was no provision in the State law to have an advisory referendum on this issue. He said it was well within the law and the purview of the Council to make this decision.

Council Member Smith expressed concern that the Housing Authority and public housing tenants had been informed that the Council would be making a decision on this issue this evening. Manager Taylor responded that the agenda item had been sent to the Housing Authority and other interested parties last week. Dave Maner, representing the Housing Authority Board of Directors replied that the Authority Board of Directors had received the information on this agenda item and that several members were in attendance.

Council Member Godschalk noted that the Town had held a public hearing on this issue and that at the hearing the Council had heard from the residents and that he felt the proposed resolution was the best way to solve this problem.

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

The resolution, as adopted, reads as follows:

A RESOLUTION ABOLISHING THE CHAPEL HILL HOUSING AUTHORITY AND DESIGNATING THE COUNCIL OF THE TOWN OF CHAPEL HILL AS THE GOVERNING BODY TO EXERCISE THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE HOUSING AUTHORITY (87-4-13/R-1b)

WHEREAS, the Chapel Hill Housing Authority was created by resolution of the Chapel Hill Town Council, in accord with State law, in 1962; and

WHEREAS, the Housing Authority and Town have worked together for 25 years to improve conditions for low-income residents of the Chapel Hill community by providing safe, sanitary and affordable housing and improving general living conditions in the community; and

WHEREAS, following a comprehensive study of the Chapel Hill Housing Authority and public housing programs and services, the Town Council realizes the need for direct Town involvement in the community's public housing program; and

WHEREAS, the Town Council believes the following goals and objectives are critical to public housing in Chapel Hill:

1. Financial and other assistance that would enable the public housing program to meet the needs of residents and accomplish the mission of the agency.
2. Public housing units should be maintained in a manner that strives to exceed minimum housing code standards.
3. A policy on maintenance standards and funding plan to accomplish standards should be adopted by the governing board.
4. A resolution of the Council's intent to maintain the Authority's 312 units as public housing units, with rents charged according to HUD guidelines. The Council strongly opposes any consideration of sale of public housing units to the private sector.
5. Efficient management, with adequate, well qualified staff.
6. Creation of a cooperative arrangement where Town equipment and services could be utilized by the public housing agency for extraordinary jobs in lieu of contracting with private vendors (backhoes, hauling, small construction jobs, etc.).
7. Permit Housing Authority employees to achieve parity with Town employees in salary and benefits.
8. Provide an organizational structure that guarantees public housing residents a forum to voice complaints, needs,

concerns and ideas, and that guarantees adequate response to residents. This would include a citizen board charged with advocating for public housing programs and responding directly to the stated needs of residents.

Additionally, the Council believes public housing services need increased emphasis and attention to the following:

- . More formal lines of communication with residents of public housing. A very strong and active residents association, well represented from all sites, with regular meetings and strongly supported by public housing managers.
- . The management staff of public housing should be highly concerned with the social and human services needs of residents of public housing and be more pro-active in identifying needs and linking residents with available services.
- . The director of the public housing agency should be very knowledgeable of HUD programs and regulations and possess strong maintenance program skills, with the ability to create a system-wide, accountable, preventive maintenance program and a long-range schedule of capital improvement needs.
- . The director also should be visible in public housing sites and work to know residents by name.
- . The director needs to have regular contact with Town administrators and become very familiar with Town services and programs so that he/she can ask for assistance and advocate for residents of public housing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, in accord with N.C. G.S. 157-4.1, hereby abolishes the Chapel Hill Housing Authority, such abolition to be effective July 13, 1987.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council designates itself to exercise the powers, duties and responsibilities of a housing authority and assigns the administration of the public housing programs, projects and policies to the Town Manager and a new Department of Housing, assisted by a newly formed Chapel Hill Housing Advisory Board to be appointed by the Council.

BE IT FURTHER RESOLVED, in accord with N.S. G.S. 157-4.1, on July 13, 1987:

- (1) The Housing Authority shall cease to exist as a body politic and corporate and as a public body.

- (2) All property, real and personal and mixed, belonging to the Housing Authority shall vest in, belong to, and be the property of the Town.
- (3) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Housing Authority shall remain, vest in, and inure to the benefit of the Town.
- (4) All rentals, taxes, assessments, and any other funds, charges or fees owing to the Housing Authority shall be owed to and collected by the Town.
- (5) Any actions, suits and proceedings, pending against, or having been instituted by the Housing Authority, shall not be abated by such abolition, but all such actions, suits and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the Town shall be a party to all such actions, suits and proceedings in the place and stead of the Housing Authority and shall pay or cause to be paid any judgments rendered against the Housing Authority in any such actions, suits and proceedings, and no new process need be served in any such action, suit or proceeding.
- (6) All obligations of the Housing Authority, including outstanding indebtedness, shall be assumed by the Town, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the Town.
- (7) All ordinances, rules, regulations and policies of the Housing Authority shall continue in full force and effect until repealed or amended by the Council of the Town.

This the 13th day of April, 1987.

Master Planning - Development Ordinance Text Amendment

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT ORDINANCE 87-4-13/O-1.

Council Member Smith asked how stringently would the Master Plan be followed and if it would be subject to changes based on market conditions. Manager Taylor replied that the Master Plan had to be adhered to as it was approved, however, this did not rule out the possibility of minor modifications with each Special Use Permit application. He also said there was a process by which the Master Plan could be amended. He said that whatever the approved Master Plan was, each Special Use Permit that was requested for a particular section had to conform in concept to that particular section of the plan.

Council Member Smith said in the mixed use zone there was a percentage of types of development which should occur within the zone. He said approval of a Master Plan and amendments should not allow changes in the percentage of uses in the zoning district. Manager Taylor replied that this was a good point. He said that the Master Plan for the site could show 40% commercial and 60% office/institutional uses and that the commercial portion was developed first. Mr. Taylor said that when the time came for the office/institutional portion of the site to be developed, the applicant might want to change the percentage. He stated that this would not be allowed under the Master Plan unless the Council agreed to amend the Master Plan or amending the Ordinance with regard to the ratios in the mixed use zone.

Council Member Pasquini said that allowing the Council to make changes in the Master Plan was not addressed in the ordinance. He said there were provisions for the applicant to request changes but not the Council. Manager Taylor replied that this was true and that by approving the Master Plan the Council was indicating its approval or satisfaction of the proposed plan.

Council Member Howes said he thought the proposed ordinance was good and represented a good working relationship between the development community and the Town.

Council Member Andresen asked if the Master Plan approval process would be like the Special Use Permit process. Roger Waldon, Planning Director, replied that the Master Planning process would not be treated like the Special Use process but rather like subdivision review. He said any subsequent development after the Master Plan was reviewed would require a Special Use Permit. Council Member Andresen asked if the findings necessary for approval of a SUP would be discussed and decided during the SUP phase. Mr. Waldon responded that the idea was to incorporate the findings into the Master Plan phase whereby three of the four criteria would have to be shown. He said this meant that each successive Special Use Permit which followed the Master Plan proposal would not need to show that the criteria had been met, and that any question as to whether the criteria were being met would have to be proven by the party making the disclaimer.

Council Member Andresen asked if design would be a consideration of the way in which to evaluate a project. Mr. Waldon said in the conceptual stage, site design was very critical. He commented that Section 15.7.2 indicated the kinds of site design criteria which have to be incorporated in the plan. Council Member Andresen asked if the wording of the last sentence in this section (15.7.2) should be "...demonstrate compliance of these criteria" or "... demonstrate appropriate consideration of these criteria." She asked if Mr. Waldon felt comfortable with using the phrase "appropriate consideration". Mr. Waldon said he thought "compliance" indicated compliance with very specific criteria or regulations, etc. and that what was being discussed in Section 15.7.2 were things that were not that specific. He

said using the phrase "appropriate consideration" was the better language. Council Member Andresen argued that the staff would be the ones making the decision on what was appropriate consideration. Mr. Waldon said the staff would recommend to the Council what the staff felt were appropriate consideration but that the decision would be the Council's.

Council Member Pasquini said he would prefer to make comments on the proposal and send it back to the staff and get revisions for the Council to consider. He said he would like for the Council to have the freedom to ask that a Master Plan be reconsidered by a majority vote. He also said he would prefer to see step one and step two independent. Mr. Pasquini stated that he would prefer to see that for each Special Use Permit the applicant would have to prove it met the criteria for approval (i.e. the findings of health, safety, etc.) He said he did not like the idea of the rebuttable presumption and asked for further clarification of what this meant. Mr. Waldon said the rebuttable presumption meant that the burden of establishing the findings of fact would shift from the applicant once a Master Plan was approved, as long as the SUP was consistent with the Master Plan, to anyone who suggested that the findings were not met. He said the rebuttable presumption did not cut off any discussion or make the decision for the Council but it changed the burden of establishing the findings of fact.

Council Member Pasquini asked if one of the Council members were to disagree with the findings would they have to ask the Manager to prepare a study on the issue. Manager Taylor said it would mean that evidence would have to be introduced at the public hearing on the SUP application to show that the finding of fact was not met. He said this could be done by an outside party or by Town staff in part of the analysis of the application. Council Member Pasquini said he thought this was too much of a burden on the Council to have to commission studies to prove that a development did not meet one of the three criteria.

Council Member Pasquini said he also was concerned with the phrase "appropriate consideration" and the legal ramifications of what was defined as appropriate if the Council refused a Master Plan. He asked the Town Attorney for his opinion. Town Attorney Ralph Karpinos said he would prefer the proposed language using the phrase "appropriate consideration".

Council Member Pasquini asked the Council for their opinions and whether they would like to have the ability to make a change in the Master Plan once adopted.

Mayor Wallace said his personal opinion was that if the applicant could ask for modifications of the Master Plan once adopted, then the Council should be able to ask for modifications.

Council Member Werner said it was a good proposal but that he had some procedural concerns. He also expressed concern about the

rebuttable presumption clause. He said it was never clear to him in the ordinance that the applicant had to demonstrate or show findings of fact for a Special Use Permit in the first stage of the process. He said the proposed ordinance did not seem to require that 3 of the 4 findings had to be made. Mr. Werner stated that the process involved approving a Master Plan for a twenty-acre tract, but that sections of the tract would be developed separately. He said that the details of the proposals for each section would certainly have some impact on the findings for granting a SUP.

Council Member Godschalk said the reason for submitting a plan for development, having public review and decision making was to establish a certain amount of certainty about the direction that future actions would follow. He said the purpose of the Master Plan was for the Council to review the master plan at that stage and make the findings necessary for approval of the development, to look at the plan at great detail at stage one and to go on record saying that the Council believed that the proposal did promote the health, safety and welfare, conform to the comprehensive plan, etc. Mr. Godschalk said for the Council to say that it could, at the next meeting, come back and change its mind would really weaken the intent of the process. He stated that the reason for the process was to get the Council on record on an issue and once approved, the Council should stand by that approval and the subsequent detail plans could be brought in.

Council Member Pasquini said it appeared to him that in step one the applicant had to meet broad criteria and in step two the more detailed criteria. He said he did not see how the Council could find that the development would meet the criteria for approval without looking at the specifics of the development which occur in step two.

Roger Waldon said in step one the applicant would be required to provide information on the site analysis as well as a conceptual plan of the development. He stated that the conceptual plan should indicate land uses, internal and external circulation, open space, general building arrangements and groupings and general locations of parking areas, recreation areas, special amenities, etc. He said in step one the idea was to get as much information as possible on a broad and general level as to how the site would be laid out, what the buffers would be like, etc.

Mayor Wallace asked the attorney to explain what the rebuttable presumption meant. Town Attorney Karpinos responded that the ordinance as proposed provided that the approval of a Master Land Use Plan created a rebuttable presumption not an irrebuttable presumption. He said that approval of the Master Land Use Plan as proposed was sufficient to carry the applicant's burden of three criteria of the SUP. He said that evidence to rebut this presumption, presented by an opponent or by the staff through a staff report or in response to Council question would then eliminate the presumption and then it would be a question of the

Council being back on those three items to see if the application met the test on its face as it would in any normal SUP application. He said it would simply be a matter of the Council weighing the evidence in favor and the evidence against and finding whether or not there was sufficient evidence to meet the four findings by the applicant. He said the evidence would have to be presented first to contradict the presumption that those findings had not been met by the simple approval of the Master Plan.

Mayor Wallace asked who would present the evidence. Attorney Karpinos replied that whoever chose to disagree with the application for the SUP would present the evidence. Mayor Wallace asked what if it were the Council who disagreed. Attorney Karpinos said that if the Council disagreed then there would have to be evidence to support the Council's findings and it could come out from questions from the applicant, to the applicant and his response, or through staff report based on changing circumstances, etc. Mayor Wallace asked if the Council would be placed at some point in the position of having to rebut a presumption? Attorney Karpinos replied that if the Council wished to not acknowledge the presumption there would have to be evidence to attack that presumption. Mayor Wallace said then it was not an ordinary case of a SUP in which the idea of rebutability never appeared, where the findings were made or not. Mr. Karpinos said that the fact that the Master Land Use Plan had been approved would be submitted during the Special Use hearing and that would be sufficient to carry the burden on three criteria until that presumption was rebutted by other evidence. He said it was different than the normal burden of proof in a Special Use Permit.

Council Member Werner said that under SUP procedures testimony was given under oath but the initial approval of the Master Plan where the Council supposedly makes the rebuttable findings none of the testimony was under oath. Attorney Karpinos said that at the Special Use hearing the Council would have a sworn record of what the Council had done in the Master Plan procedure.

Manager Taylor said that the process of having a Master Plan did not require that the Council approve any Master Plan, rather this was an option that would be presented to the Council by a developer. He said there would be no requirement that the Council approve. Mr. Taylor stated however, that if the Council did not approve the Master Plan, a developer would still have the right to prepare proposals under the individual Special Use process for separate tracts. He said that with regard to Section 15.7.2 he proposed adding language that said "Further a plan shall not be approved unless it has demonstrated that it will: a) maintain or promote the public health, safety, and general welfare; b) maintain or enhance the value of contiguous property or be a public necessity; and c) conform to the comprehensive plan. Mr. Taylor also said if the Council was concerned about the fact that the Council would be making a decision on information which had not been presented under oath, he suggested that in Section

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15.7.3.6 a sentence could be added that said all evidence would be presented under oath.

Council Member Pasquini said he would prefer to refer this item back to the Manager to make the suggested changes and recommendations and bring it back to the Council at the next regular meeting.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

Lee Court

Roger Waldon, Planning Director, gave a presentation on the application for preliminary plat approval for subdividing 13.9 acres into 19 lots. He said the key issue was the location of the recreation area. Mr. Waldon stated that the Parks and Recreation Commission recommended denial of the application because the proposed location of the recreation area was unsuitable and favored a centrally located site. He said the Planning Board recommended utilizing lot #19 for a passive recreation area. He said the Manager recommended approval of the preliminary plat with conditions, one of which was the redrawing of lots #16 and 17 to accommodate a recreation area meeting Town standards.

Mr. Waldon stated that in the current proposal lot #19 was a flag lot as described under Section 7.7.6.2 of the Development since it reasonably utilizes irregularly shaped land with difficult topography. He said the Resource Conservation District impacted nine lots but that all lots had buildable area. He pointed out that lot #19 would require a variance for a driveway.

Mr. Waldon said that there had been a question as whether or not there was a right-of-way for Riggsbee Road to be extended to Piney Mountain Road. He stated that the Orange County maps show the right-of-way as existing and that there was nothing in the Town records to indicate otherwise.

Alan Rimer, representing the Planning Board, said the Board had voted unanimously to approve the application with lot #19 being designated as a passive recreation area because of the steep slopes and large amount of Resource Conservation District on the lot.

Council Member Andresen pointed out that the Council had received two different site plans and asked Mr. Rimer if the Planning Board had reviewed alternative A. Mr. Waldon responded that the applicant had provided the two site plans for the Council on the Council's packet day and that neither the staff nor the Planning Board had reviewed the plans.

Council Member Andresen asked if the Planning Board had disagreed with the Parks and Recreation Commission's desire for an active recreation area. Mr. Rimer replied yes.

Council Member Smith asked if any consideration of payment-in-lieu had be made for the recreation area. He said the Council should be concerned about having small areas of recreation space that weren't used nor widely known to exist. He also said that he thought the Riggsbee Road right-of-way had been decided in court.

Grainger Barrett, attorney representing the applicant, said there had been a resolution of the right-of-way question in 1982 at which time cross easements were granted to the affected parties. He said this meant the applicant had a right-of-way to the road.

Council Member Preston said she felt alternative A was a superior site plan to the one before the Council for consideration.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER ALTERNATE A TO THE MANAGER AND ADVISORY BOARDS FOR CONSIDERATION AND REVIEW.

Mr. Barrett commented that alternate A had been reviewed by the Parks and Recreation Commission and that the present proposal had been a result of that meeting. He said alternate A had been described to the Planning Board.

Manager Taylor said it would be appropriate to refer the item back to the staff but that he needed an idea of what was the Council's consensus on the recreation area location, etc.

Council Member Godschalk said he liked the Planning Board's recommendation. He said he was also concerned that the Town was getting several bits and pieces of property for recreation purposes but which did not meet recreation requirements. He said payment-in-lieu might also be a good idea for this site, and agreed with Ms. Preston that alternate A site plan appeared to be the better plan.

Council Member Smith said he would like to hear the how the applicant felt about payment-in-lieu. He said he was concerned about the timing and delays which occur regularly with developments before the Council.

Howard Lee, speaking as the applicant, said that alternate A had been the first plan presented to the staff and Parks and Recreation Commission. He said he had tired meet all the concerns expressed by the staff and boards. He said his application had been under review for over a year and urged the Council to move ahead with this proposal.

Grainger Barrett said that if the Council approved the proposal with lot #19 as a flag lot the applicant would be willing to discuss payment-in-lieu.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE FOR A SUBSTITUTE MOTION TO APPROVE ALTERNATE A WITH THE APPROPRIATE CONDITIONS.

Council Member Pasquini said he could not vote for this motion since the staff, nor advisory boards, had reviewed the site plan.

Council Member Werner said he like the idea of leaving lot #19 undisturbed but that an agreement for payment-in-lieu and use of a flag lot might be better.

THE SUBSTITUTE MOTION FAILED TO PASS, (3-6), WITH COUNCIL MEMBERS GODSCHALK, SMITH AND THORPE VOTING IN FAVOR.

Council Member Howes said the reason he had voted against the substitute was because of the lack of staff review. He said he preferred the layout of alternate A better than the present proposal.

Mayor Wallace asked if the application were referred back to the staff when would it be back on the Council's agenda. Manager Taylor replied that it would be at least 30 days since it would have to go to the Planning Board and Parks and Recreation Commission.

Council Member Pasquini asked that when this item came back to the Council he would like some information on the requirement of square footage for recreation area.

THE MOTION TO REFER CARRIED, (6-3), WITH COUNCIL MEMBER GODSCHALK, SMITH AND THORPE VOTING AGAINST.

Council Member Thorpe commented that there seemed to be a trend of approving subdivisions with small portions of land reserved for recreation space but which were virtually unusable. He suggested that the staff and Council needed to review this procedure for possible changes in the Development Ordinance.

Bayberry Drive

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-4-13/R-3B.

Roger Waldon, Planning Director, said the application was for subdivision of 5.31 acres into 5 lots. He said the key issue was the requested improvements to Bayberry Drive. Mr. Waldon stated that Bayberry Drive was designated as a collector street in the Design Manual and as such in order for the proposed lots to front on a standard street it would need to be improved to one-half of collector standards with curb and gutter and sidewalk along the

property frontage. He said the developer had the choice of providing payment-in-lieu of actually completing the road improvements. Mr. Waldon concluded saying that the Parks and Recreation Commission and Greenways Commission recommended approval with a 30-foot easement to be provided along Morgan Creek for the entire length of the subdivision and dedicated to the N.C. Botanical Garden. He said the Planning Board recommended approval of Resolution A, approving the subdivision without requiring road improvements to Bayberry Drive, while the Manager recommended approval of Resolution B, approving the subdivision with road improvements or payment-in-lieu of road improvements.

Council Member Andresen asked if there were an easement to Morgan Creek from this property and pointed out that the Town needed to be sure that when it approves development along Morgan Creek that it maintains some means of access to the Creek and the greenway which will eventually run along the Creek. Mr. Waldon said that there was no proposed easement from Bayberry Drive to Morgan Creek at this site. He said the Town had to be sensitive to the points of public access because it would be an area where cars would have to be able to park and people would need to have relatively easy access to the creek and that neither of these conditions was available at this site.

Council Member Smith said dedication of an easement along the Creek needed to be a useful easement. He said many of the lots along the Creek were too steep to allow pedestrian traffic along their perimeters.

Alan Rimer, representing the Planning Board, said the Board was in concurrence with the staff recommendation except that the Board did not feel it was necessary for the applicant to improve Bayberry Drive to Town standards with curb and gutter. He said for the applicant to do so would create an island of curb and gutter on one section of Bayberry Drive. He said the Planning Board had not discussed payment-in-lieu.

Pearson Stewart, speaking as a citizen, spoke in support of requiring a 30-foot easement and granting the easement to the N.C. Botanical Garden.

Kenneth Sugioka, speaking as a resident, spoke in support of the proposal and urged the Council to adopt resolution A approving the site plan without curb and gutter.

Jack Smyre, speaking for John McAdams Company and for the applicant, urged support of resolution A.

Council Member Andresen said she was not in favor of curb and gutter but would support the motion because of the provision for payment-in-lieu. She said it was more expensive for the Town to maintain streets without curb and gutter, even though the installation of curb and gutter could further exacerbate stormwater runoff problems.

Council Member Smith said there were no other sections of Bayberry Drive with curb and gutter and he did not think the Council should require it for this subdivision.

Council Member Andresen asked if it would be possible to request payment-in-lieu and not curb and gutter. Manager Taylor said the proposal was to give the applicant the option and the staff assumed that the applicant would choose the payment-in-lieu. He said that stipulation #7 in Resolution B should include the statement that improvements be made "or at the developer's choice, a payment-in-lieu of improvements".

THE MOTION TO ADOPT RESOLUTION 87-4-13/R-3B CARRIED, (6-3), WITH COUNCIL MEMBERS PRESTON, SMITH AND THORPE VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR BAYBERRY DRIVE (87-4-13/R-3b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the subdivision proposed by Mr. and Mrs. James Eder on property identified as Chapel Hill Township Tax Map 126, Block D, Lot 14, if developed according to the preliminary plat dated October, 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 that those required by the Development Ordinance.
3. That the final plat provide a note indicating that "Development shall be restricted within the Resource Conservation District."
4. That the final plat indicate the buildable area on all lots within the Resource Conservation District.
5. That no lot be created that would require a Resource Conservation District variance in order to be built upon.
6. That the Bayberry Drive Subdivision be exempted from the recreation area locational requirements of Subsection 7.9.3, in accord with the provisions of Subsection 7.9.6.b) and a determination that the active recreational needs of the subdivision are already being met by dedicated land or by existing recreation areas, and by providing the following:
 - a. that a 30-foot conservation easement be provided along Morgan Creek for the entire length of the Subdivision for inclusion as part of the Town's Greenway system

through a conservation easement with the North Carolina Botanical Garden Foundation; and

- b. that any agreement necessary to ensure acceptance of the conservation easement by the North Carolina Botanical Garden Foundation be provided and approved prior to approval of the final plat.
7. That Bayberry Drive be improved to 1/2 of a 70-foot cross-section with curb and gutter and a sidewalk along the site's frontage, or at the developer's choice, a payment-in-lieu of improvements.
8. That no Certificate of Occupancy be issued until all required public improvements are completed, and that a note to this effect shall be placed on the final plat.
9. That this development shall not be phased.
10. That the final utility plan be approved by OWASA before issuance of a Zoning Compliance Permit or final plat approval.
11. That utility service laterals from utility lines located in streets be stubbed out to the front property line of each served lot before pavement of the streets, and that sanitary sewer laterals be capped off above ground, if applicable.
12. That final street plans, grading plan and utility 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.
13. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
14. 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 Bayberry Drive Subdivision in accord with the plans and conditions listed above.

This the 13th day of April, 1987.

Comprehensive Plan - Public Participation

Alan Rimer, representing the Planning Board, said the Board was asking the Council for permission to hold public information

meetings on the draft Demographics and Community Facilities reports as well as the other reports relating to the Comprehensive Plan as they become available. He said the process would be similar to that done prior to adoption of the Land Use Plan.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-4-13/R-4.

Council Member Godschalk spoke in support of the resolution but questioned the proposed schedule. He asked if the fall of 1987 was a reasonable expectation. Mr. Rimer replied that he thought it was reasonable but that the schedule was something the Planning Board would like to discuss at its meeting with the Council in May.

Council Member Pasquini said he would like to see the items of the Comprehensive Plan prioritized with growth management, design standards, and land use being discussed prior to the demographics, community facilities, and transportation. Mr. Rimer said that the Council had authorized consultants to work on the growth management portion and that study was underway. He said the Design Task Force was reviewing design standards and a draft of the new standards should be ready for review before the July recess. He stated that the revision of the land use plan was the last element and was a culmination of having all the other portions done.

Council Member Smith commented that when the information was taken to the citizenry he hoped that their comments would be accepted and those staff and Planning Board members in attendance would be receptive to comments from citizens.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ENDORSING PUBLIC PARTICIPATION IN THE DEVELOPMENT OF THE COMPREHENSIVE PLAN (87-4-13/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the concept of the Planning Board to hold a public information meeting on the draft Demographics and Community Facilities reports of the Comprehensive Plan; to continue limited public information meetings as subsequent draft reports are prepared; and to conduct a major public information effort after all draft reports are completed and reviewed by the Council.

This the 13th day of April, 1987.

Noise Ordinance

Mayor Wallace stated that the noise ordinance should address not merely the question of noise but also the time and place. He said since the last revision he had met with various student organizations and UNC officials to draft several changes which if adopted, along with a concurrent resolution, would be in effect for one year and would involve a monitoring committee to evaluate the effectiveness of the noise ordinance.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 87-4-13/O-2.

Council Member Pasquini asked if a public hearing was needed. Manager Taylor said the Council is not legally required to call a public hearing. Council Member Pasquini said he felt a public hearing was needed.

Fred Barons, speaking as a citizen and one of the original committee members to establish a noise ordinance several years ago, said the committee had recognized that decibel readings were not completely satisfactory as measuring noise levels and its affects. He said he was still kept awake with noise problems and therefore urged the Council not to weaken the ordinance, especially the time limits.

Council Member Smith commented that according to his calculations, the proposed changes in the ordinance would mean he could be subjected to 31 hours of noise at 75 decibels. He said it was ridiculous to subject individuals to those noise levels for that length of time. He said the 2:00 a.m. cut off was too late.

Bryan Bailey, speaking as the President of the UNC-CH Student Government, said the students and the Mayor had spent a lot of time and consideration on the proposed changes. He said the 2:00 a.m. deadline was proposed because this was the deadline for ceasing the sale of alcoholic beverages and the closing times for most businesses which cater to the University students. He said part of the reasoning was that having a the permitted noise level change at 2:00 a.m. meant that a person could stay at one party until the deadline was reached and then have only one option left after 2:00 which was to go home and stop partying. He said leaving the deadline at 1:00 a.m. meant people might be inclined to move the party from a private location to a public location where the individuals could still enjoy the amenities of Chapel Hill. Mr. Bailey said the students felt the maximum permitted noise level should be higher on campus where it affected only those on campus. Mr. Bailey also said the students recommended raising the maximum noise level without a permit to 75 dB(A) because it was difficult to hold any kind of party or event without going above 60 decibels. He said a hair dryer when operating on high speed produced noise registering 80 decibels.

Council Member Smith suggested that the Council appoint a monitoring committee now but not change the ordinance. He said the

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Council had just reduced the levels and had not as yet had a chance to see if the most recent changes were working.

Council Member Andresen commended the Mayor and Mr. Bailey for their work and then enumerated the proposed changes in relation to the current ordinance. She expressed concern that the proposal allowed for amplified noise levels under 70 decibels without a permit. She said she thought it might be hard to keep the noise levels under 70 decibels.

Council Members Andresen and Preston said that the noise levels were not just the problem but that the length of time the noise was made. They felt changing the cutoff deadline to 2:00 a.m. would be wrong.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO CHANGE SECTION 11-39 (D)(3) FRIDAY EVENING (5:00 PM - 1:00 AM)...SATURDAY (10:00 AM - 1:00 AM SUNDAY)...

Council Member Godschalk commented that any changes in the ordinance should not bounce back to points beyond which were established prior to the February changes in the ordinance, and he would support the compromise of a 1:00 am deadline.

Council Member Pasquini argued that the Council was attempting to change the ordinance again when there was no indication that the most recent changes were not working or were creating undue hardships. He said what was proposed was essentially what the noise ordinance had been prior to the changes made in February. He said the reasons for the changes in February had been the number of complaints about the noise levels in Chapel Hill.

Mayor Wallace said that monitoring the decibel levels did not always answer the question of whether or not the sounds being emitted were creating a nuisance. He said there was no reason why those creating noise could not be cited for creating a nuisance or disturbing the peace if it were so deemed. Mayor Wallace said he had worked with the staff, Manager and Attorney in preparing the ordinance changes and resolution. He said he thought the Town could accept this compromise and go forward for the next year and evaluate its effectiveness.

Council Member Smith commented that he felt the monitoring committee should include business representatives and more representatives from the community at large.

Council Member Werner expressed concern that the community as a whole had not been aware that the Council was to discuss this issue this evening. He said he did not feel comfortable making a decision without further input from the citizens, as well as the students.

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

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN FOR A SUBSTITUTE MOTION TO REFER TO THE MANAGER FOR ADVICE ON CALLING A PUBLIC HEARING ON THIS ISSUE.

Council Member Howes disagreed saying that if the Council felt a public hearing should be called, then the Council should set a date.

THE SUBSTITUTE MOTION FAILED TO PASS, (4-5), WITH COUNCIL MEMBERS SMITH, ANDRESEN, PASQUINI, AND WERNER VOTING IN FAVOR.

THE MOTION TO ADOPT ORDINANCE 87-4-13/O-2 AS AMENDED, CARRIED, (5-4), WITH COUNCIL MEMBERS SMITH, ANDRESEN, PASQUINI, AND WERNER VOTING AGAINST.

A SECOND READING WILL BE NECESSARY ON APRIL 29, 1987.

Real Estate Transfer Tax

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 87-4-13/R-5.

Council Member Thorpe spoke against the motion.

Council Member Godschalk suggested that the Council might prefer having possible exemptions for transactions under \$50,000.

Council Member Werner said that the time to look at this was once the authorization had been granted.

Manager Taylor asked that the time to debate and discuss possible exemptions was after the legislative authority had been granted and the staff could give the Council an in-depth report on all the ramifications of exemptions.

Council Member Andresen said she was glad the Town was working in concert with Orange County on this issue.

Council Member Preston questioned whether or not the Town would have any input in possible exemptions since the request was for Orange County to be granted authority to levy a real estate transfer tax. Manager Taylor said the County would have the administrative authority and control but that the Council would be allowed input into the decision making.

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

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING A LOCAL ACT AUTHORIZING A REAL ESTATE TRANSFER TAX IN ORANGE COUNTY (87-4-13/R-5)

WHEREAS, the Board of Commissioners of Orange County has directed the County Attorney to draft a local bill, for submittal to the General Assembly, authorizing a real estate transfer tax of up to 1% of sales prices; and

WHEREAS, such a tax is most efficiently collected by the County when property transfers are recorded; and

WHEREAS, the Town of Chapel Hill desires to receive an allocation from real estate transfer tax revenues in an equitable manner to be agreed upon with the County Commissioners; and

WHEREAS, such an allocation would help finance capital projects such as street improvements and purchase of land, and such capital improvements projects would benefit residents and businesses in Chapel Hill and would improve the quality of life in Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby supports the consideration by the 1987 General Assembly of a local act authorizing a real estate transfer tax in Orange County with a portion of funds from such a tax to be allocated to the Town of Chapel Hill in an equitable manner to be adopted by the Town Council and the Board of Commissioners.

This the 13th day of April, 1987.

Housing Funding - Legislative Request

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-4-13/R-6.

Manager Taylor said this was a request to give the Council the flexibility on providing funding for housing programs. He said it was a request for broad authority which included the authority to issue revenue bonds for housing issues. He said Raleigh was asking for the same legislation.

Council Member Thorpe asked if the authority would apply to public housing. Manager Taylor replied yes.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL ACT TO ENABLE THE TOWN OF CHAPEL HILL TO ISSUE REVENUE BONDS FOR AND TO USE MUNICIPAL TAX FUNDS AND OTHER REVENUES FOR HOUSING PURPOSES (87-4-13/R-6)

WHEREAS, the Town of Chapel Hill has generally endorsed the N. C. League of Municipalities' 1987 legislative goals including use of municipal funds for housing; and

WHEREAS, the cost of housing for lower-income families in Chapel Hill is high, and such housing is limited in supply; and

WHEREAS, federal funding for public housing construction has been eliminated and funding for renovations is reduced;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the N. C. General Assembly to approve a local act authorizing the use of Town funds, including but not limited to property taxes, for housing purposes and authorizing the issuance of Town revenue bonds for housing purposes as generally set forth in the local bill requested by the City of Raleigh.

BE IT FURTHER RESOLVED that the Council authorizes the Town Attorney to draft a local bill, in a form substantially similar to the local bill for the City of Raleigh, for transmittal to representatives of districts including Chapel Hill.

This the 13th day of April, 1987.

Joint Planning and Annexation - Legislative Authority

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-4-13/R-7.

Council Member Godschalk said the Watershed Task Force had discussed this legislation and felt it would give legal basis to address watershed issues. He said the legislation was more policy than substance.

Council Member Smith said he could not vote for an agreement with the County as long as it continued to support a 2-acre minimum lot size in the rural buffer.

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

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL ACT CONCERNING THE UNIVERSITY LAKE WATERSHED, JOINT PLANNING, ANNEXATIONS AND RELATED MATTERS (87-4-13/R-7)

WHEREAS, citizens of Orange County, Carrboro and Chapel Hill and the portion of Durham County served by the Orange Water and Sewer Authority have a strong interest in protecting the University Lake watershed; and

WHEREAS, representatives of Orange County, Carrboro and Chapel Hill have met numerous times in recent months regarding joint planning, watershed protection, annexation and related matters, and

WHEREAS, on February 9, 1987 the Chapel Hill Town Council approved several principles concerning these matters;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the General Assembly to approve a local act which would:

1. Provide that through a joint planning agreement, one party may exercise decision-making authority on behalf of another, and authority may be exercised jointly.
2. Authorize representation on the Chapel Hill and Carrboro Planning and Adjustment Boards from the joint planning area.
3. Authorize annexation agreements for up to 20 years.

This the 13th day of April, 1987.

Watershed Study

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-4-13/R-8.

Council Member Werner asked if this resolution would go to Carrboro and Orange County for adoption. Mayor Wallace replied that he believed so since OWASA was representative of all three government units.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ENDORSING ORANGE WATER AND SEWER AUTHORITY'S PROPOSED WATER QUALITY STUDY OF UNIVERSITY LAKE AND CANE CREEK RESERVOIR PUBLIC WATER SUPPLY WATERSHEDS AND RECOMMENDATIONS FOR MAINTAINING DRINKING WATER QUALITY (87-4-13/R-8)

WHEREAS, development activities and pressures within the University Lake and Cane Creek Reservoir Public Water Supply Watersheds are increasing; and

WHEREAS, increased development within these watersheds will result in increased pollution of the drinking water supply, thereby presenting increased threats to public health, safety and welfare; and

WHEREAS, there is a need for a comprehensive water quality assessment of University Lake and Cane Creek Water Supply Watersheds and recommendations for maintaining the quality of local drinking water supplies; and

WHEREAS, as the organization responsible for treating and providing a safe, reliable supply of drinking water withdrawn from

University Lake, Orange Water and Sewer Authority is the governmental unit most appropriate to commission the study of the University Lake watershed,

NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Town Council of the Town of Chapel Hill hereby endorses Orange Water and Sewer Authority's proposed study of the University Lake and Cane Creek Reservoir Public Water Supply Watersheds.
- 2. That the study efforts should initially address the University Lake watershed as development pressures are more intense in that watershed.
- 3. That the findings and recommendations of said study should be carefully reviewed and considered in the development and further refinement of local water supply protection programs by all appropriate local governing bodies having planning and zoning jurisdiction in these watersheds.

This the 13th day of April, 1987.

Transportation Improvement Program

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-4-13/R-9.

Council Member Andresen said she would prefer to move Pittsboro Street extension below Frances Street and to move Weaver Dairy Road to the top of the list.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO AMEND THE MOTION TO MOVE PITTSBORO STREET TO THE BOTTOM OF THE LIST.

COUNCIL MEMBERS THORPE AND HOWES AGREED TO ACCEPT THE AMENDMENT.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (87-4-13/R-9)

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following road improvements in the State's Transportation Program:

A. Federal-Aid Primary Funding

1. Widen U.S. 15-501 from U.S. 15-501 Bypass to the Chatham County line to a median-divided four lane cross-section;
2. Improve U.S. 15-501 intersection with Sage Road and Scarlette Drive;
3. Improve and extend frontage roads along U.S. 15-501 from Franklin Street to the I-40 interchange;
4. Widen and improve U.S. 15-501 from Franklin Street to the I-40 interchange.

B. Federal-Aid Secondary Funding

1. Widen N.C. 86 from Homestead Road to the I-40 interchange to a 5-lane urban cross-section;
2. Build the missing section of the Weaver Dairy Road alignment from Weaver Dairy Road (S.R. 1733) to Erwin Road (S.R. 1734);
3. Build Laurel Hill Parkway from U.S. 15-501 to N.C. 54 along new alignment;
4. Widen and improve Mt. Carmel Church Road (S.R. 1008) from U.S. 15-501 to the Chatham County line;
5. Widen Old Durham-Chapel Hill Road from Scarlette Drive to the Durham County line.

C. Federal-Aid Urban Funding

1. Widen Sage Road, a 2-lane segment north of U.S. 15-501;
2. Widen and improve Weaver Dairy Road;
3. Widen NC 8.6. from Estes Drive to Homestead Road to a 5-lane urban cross-section;
4. Complete the connection of Frances Street from the U.S. 15-501 Bypass via Willow Drive to Ephesus Church Road (S.R. 1742).
5. Complete Pittsboro Street extension from Cameron Avenue to Airport Road;

D. Transportation System Management

1. Purchase and install improved traffic signal system.
2. Improve Estes/Airport Road intersection.
3. Improve Estes/Franklin intersection.

BE IT FURTHER RESOLVED that the Council continues to endorse and support those projects currently programmed in the North Carolina Transportation Improvement Program, and asks that funding be accelerated. Those projects include:

1. Widening the U.S. 15-501/N.C. 54 Bypass;
2. Widening S. Columbia Street from Mt. Carmel Church Road to Manning Drive from the existing 2-lane section to a 4-lane curb and gutter section;
3. Widening Merritt Mill Road (S.R. 1927) from Cameron Avenue to S. Greensboro Street (S.R. 1919) to a 41-foot cross-section;
4. Replacement of the Morgan Creek Bridge at U.S. 15-501 with a new bridge; and
5. Bicycle improvements along Estes Drive between Airport Road (N.C. 86) and the Carrboro town limits; and
6. Train gates on Cameron Avenue.

BE IT FURTHER RESOLVED that the Council endorses the widening and improvement of U.S. 15-501 from the Orange-Chatham County line south to Pittsboro.

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town an opportunity to request bikeways facilities in conjunction with any future State-supported road improvements programmed in the Town; and

BE IT FURTHER RESOLVED that the Town reserves the right to submit a bikeways project for State funding at a later date; and

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town the opportunity to participate in the design of any State-supported road improvements that might be programmed in the Town.

This the 14th day of April, 1987.

Council Member Preston commented that she had heard that the plans for 15-501 Bypass improvements were not addressing

pedestrian access. Manager Taylor responded that at the last meeting he had attended he understood that the plans for 15-501 Bypass had addressed bikeways on the right hand lanes but that they had not yet addressed pedestrian crossings.

Consent Agenda

Council Member Smith asked that item (a) be removed.

Council Member Andresen asked that item (c) be removed.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-4-13/R-10 MINUS ITEMS A AND C. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (87-4-13/R-10)

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

- b. Telephone Cost Study (R-11).
- d. Budget Amendment Landfill Dozer (0-4).
- e. Rural Buffer Recommendations (R-13).

This the 13th day of April, 1987

A RESOLUTION ENCOURAGING A COST STUDY AND REFERENDUM REGARDING EXTENDED AREA SERVICE IN THE RALEIGH - DURHAM - RESEARCH TRIANGLE PARK - CHAPEL HILL AREA (87-4-13/R-11)

WHEREAS, the U.S. Census Bureau defines Wake, Orange, Durham and Franklin counties as a metropolitan statistical area; and

WHEREAS, employment, shopping, business, cultural, and social activities are not limited by county or municipal boundaries; and

WHEREAS, Chapel Hill/Carrboro, Durham, Raleigh and the Research Triangle Park are increasingly linked by economic, social, and cultural activity;

NOW, THEREFORE, BE IT RESOLVED by the Town of Chapel Hill that the Council hereby requests the North Carolina Utilities Commission to have a study done of how Extended Area Service, enabling toll-free calls among Orange, Durham and Wake counties would affect monthly phone rates and save residents and businesses on

toll charges; and encourages the Commission to direct that a referendum of telephone subscribers be held.

This the 13th day of April, 1987.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986 (87-4-13/O-4)

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				
Non-Departmental Contingency	67,802		28,000	39,802
Operations	211,029	28,000		239,029

This the 13th day of April, 1987.

A RESOLUTION RECOMMENDING ACCEPTANCE OF A RURAL BUFFER STUDY, AND RECOMMENDING AGAINST ZONING CHANGES IN THE RURAL BUFFER (87-4-13/R-13)

WHEREAS the Town of Chapel Hill and Orange County have adopted a Land Use Plan for the Joint Planning Area; and

WHEREAS that Land Use Plan calls for a Rural Buffer surrounding the Chapel Hill and Carrboro Urban Area; and

WHEREAS a Rural Buffer Study has been prepared by the Orange County Planning Department that outlines measures to implement the Rural Buffer Concept; and

WHEREAS one of those suggested implementation measures is to retain existing low-density zoning in the Rural Buffer;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County

Board of Commissioners take the following steps with regard to the Rural Buffer Study:

- (1) Accept the study; and
- (2) Direct its staff to pursue consideration of the implementation measures contained in the study, to the extent allowed by law, including conducting further study as necessary, and scheduling appropriate items for consideration at future public hearings.

BE IT FURTHER RESOLVED that the Council considers a density of one dwelling unit per two acres of land to be an appropriate density for the Rural Buffer.

BE IT FURTHER RESOLVED that the Council recommends that the Orange County Board of Commissioners not change zoning designations in the Rural Buffer, as requested by citizen petition at the March 10, 1987 Joint Public Hearing.

This the 13th day of April, 1987.

South Columbia Street - Concurring Speed Limits

Council Member Smith asked for clarification of where the proposed speed limit changes would occur. He said he thought that section of the road was called Pittsboro Road. Manager Taylor said that some people called it Pittsboro and some South Columbia.

Council Member Preston said the letter from NCDOT seemed to imply that the Town had no choice in changing the speed limits. Manager Taylor said that NCDOT said that speed limits had to be the same and that 25 mph was the best choice.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 87-4-13/O-3. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-4-13/O-3)

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

SECTION I

That Section 21-11 of the Town Code of Ordinances, "Speed Regulations," is amended by inserting the following in appropriate order:

"(2) Twenty-five miles per hour":

- (a) Columbia Street from Cameron Avenue to Rosemary Street.
- (b) Columbia Street from Manning Drive to Mason Farm Road.

SECTION II

That the following be deleted from Section 21-11 of the Town Code of Ordinances, "Speed Regulations":

"(1) Twenty miles per hour":

- (c) Columbia Street from Cameron Avenue to Rosemary Street.

"(2,5) Thirty miles per hour":

- (a) South Columbia Street from Mason Farm Road (new substation) to Manning Drive.

SECTION III

This ordinance shall be effective beginning Tuesday, April 21, 1987.

This the 13th day of April, 1987.

Development Ordinance - Rescheduling Public Hearing on Reorganization

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT RESOLUTION 87-4-13/R-12. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RESCHEDULING A PUBLIC HEARING (87-4-13/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council reschedules to April 21, 1987 the public hearing on amending the sequence of articles and related section references in the Development Ordinance text.

This the 13th day of April, 1987.

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Old Chapel Hill Cemetery

Council Member Preston nominated Thelma Boyd.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO APPOINT THELMA BOYD TO THE VACANCY ON THE OLD CHAPEL HILL CEMETERY TASK FORCE BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (9-0).

Watershed Committee Liaison

Council Member Thorpe nominated Council Members Godschalk and Andresen.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO APPOINT COUNCIL MEMBERS GODSCHALK AND ANDRESEN BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (9-0).

Executive Session

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

The meeting adjourned to executive session at 11:35 p.m.

A MOTION WAS DULY MADE AND SECONDED TO RETURN TO REGULAR SESSION. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting returned to regular session at 12:00 midnight.

Attorney Karpinos reported that the Council without objection authorized the Town Attorney to request that Jack Hunter defend the Town in the case of Batch v. Town of Chapel Hill and to hire additional legal assistance as necessary.

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

The meeting adjourned at 12:05 a.m.