

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
WEDNESDAY, APRIL 29, 1987, 7:30 P.M.

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

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

Mayor Wallace and Council Member Godschalk arrived late. Council Member Werner was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Certificate of Appointment

Mayor Pro-tem Thorpe introduced Doris Wilson to the Council and presented her with a Certificate of Appointment as a new member of the Library Board of Trustees.

Mayor Wallace arrived at this point.

Petitions

E. A. Brecht, Milton Heath, Margaret North, Philip Pavlik, Fred Behrends, Tom Nuzum, Mark Burnett, Kelly Clark, and Roy Propst, speaking as a citizens, asked to speak to item #8 Noise Ordinance.

Irving Watkins and Ron Strauss asked to speak to item #10, Umstead Drive.

Don Heineman, representing The Oaks Homeowners' Association, asked to speak to item #9, Stop Signs in The Oaks.

Z. D. Wooten, representing the Downtown Chapel Hill Association, petitioned the Council to request a reduction in the number of newspaper racks and/or elimination of the number of spaces newspaper racks are currently located on the 100 Block of Franklin Street. (For copy of petition, see Clerk's files.)

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO RECEIVE THE PETITION AND REFER IT TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Howes asked that item #5, Master Plans, be deferred until all Council Members were present. He said that both Council Members Godschalk and Werner were absent at this meeting and that he knew they would prefer to be present during discussion of this item. It was the general consensus of the Council

to defer this item until the next regular meeting of the Council, May 11, 1987.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF MARCH 16, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Preston commented that on page 14 of the April 13 minutes the vote should read ... (3-6), WITH COUNCIL MEMBERS GODSCHALK, SMITH, AND THORPE VOTING IN FAVOR.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF APRIL 13, 1987 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Master Plans

Deferred to May 11 by Council consensus.

Cedar Ridge

Roger Waldon, Planning Director, said the purpose of this memorandum was to clarify the status of the Special Use Permit (SUP) for Cedar Ridge Offices. He said that in November, 1985, the Council had denied a SUP request for a drive-in window at Cedar Ridge and that during the discussion it had been questioned as to whether or not the original SUP had been abandoned and if all the conditions had been met. Mr. Waldon said this report was in response to those questions. He said the staff reviewed the situation and believe that the SUP was effectively abandoned in the 1980's, and that all conditions had been met. Mr. Waldon said the proposed resolution would officially clarify the abandonment. He pointed out that the Council now had a formal procedure for abandoning SUP's and that this type of situation should not reoccur.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-4-29/R-2.

Council Member Pasquini asked if the property owners had been notified of this proposal and if they had asked for this action. Mr. Waldon replied that the property owners had been notified and that they had no objections to the procedure, and that the process had been staff initiated.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AFFIRMING THE ABANDONMENT OF THE 1974 SPECIAL USE PERMIT FOR CEDAR RIDGE OFFICES (87-4-29/R-2)

WHEREAS a Special Use Permit was approved by the Chapel Hill Board of Aldermen on December 16, 1974, for Cedar Ridge Offices (recorded in Book 260, Page 1326 of the Orange County Register of Deeds); and

WHEREAS, in 1981, the holder of this Special Use Permit requested that the Permit be considered abandoned; and

WHEREAS, in 1981, the Town of Chapel Hill had no formal procedure for abandonment of a Special Use Permit; and

WHEREAS, between 1981 and 1985, formal actions were taken by the Town of Chapel Hill with the belief that the Special Use Permit had been abandoned; and

WHEREAS, conditions 2-9 of the 1974 Special Use Permit have been met; and

WHEREAS, Office-Institutional zoning assures continued compliance with condition #1 of the 1974 Special Use Permit; and

WHEREAS, the site is currently bound by a valid Zoning Compliance Permit, reflecting the original site plan approved by the Board of Aldermen;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council affirms the abandonment of the 1974 Cedar Ridge Offices Special Use Permit for a Unified Business Development.

BE IT FURTHER RESOLVED that the Council hereby directs the Town Manager to cause this resolution to be recorded in the Orange County Register of Deeds.

This the 29th day of April, 1987.

Princeton Resolution

Mayor Wallace read a resolution adopted by the participants at the recent public-private conference in Princeton, New Jersey.

The resolution reads as follows:

RESOLUTION

WHEREAS, the cities of Chapel Hill, Raleigh, Durham, Carrboro and Hillsborough, North Carolina and the County of Orange, North Carolina have graced the Borough and Township of Princeton, along with the County of Mercer, New Jersey, with the attendance of their elected officials; and

WHEREAS, it is fitting and just that members of the governments duly established in these United States should convene together from time to time to discuss matters of common concern and to promote the general welfare of their citizens; and

WHEREAS, Princeton University has graciously granted us the use of the room in which the Continental Congress sat during 1783 as our national government; and

WHEREAS, it is most appropriate that in these august chambers we recommit ourselves to the public service to which our fellow citizens have elected us;

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Mercer, New Jersey, the County Commissioners of the County of Orange, North Carolina, the governing bodies of the Borough and Township of Princeton, New Jersey and the cities of Chapel Hill, Raleigh, Durham, Carrboro, and Hillsborough, North Carolina do hereby rededicate themselves to a government of, by and for the people and do hereby determine that they will continue to meet together from time to time to devise ways and means to promote better the general welfare of the people of New Jersey and North Carolina.

ATTESTED to this 28th day of April, 1987, in the Faculty Room, Nassau Hall, Princeton University BY:

Paul J. Sollami

THE HONORABLE PAUL J. SOLLAMI
President, Mercer County Board of
Freeholders

Shirley E. Marshall

THE HONORABLE SHIRLEY MARSHALL
Chair, Orange County Board of
Commissioners

James C. Wallace

THE HONORABLE JAMES C. WALLACE
Mayor of the Town of Chapel Hill

Avery Upchurch

THE HONORABLE AVERY UPCHURCH
Mayor of the City of Raleigh

Wib Colley

THE HONORABLE WIB COLLEY
Mayor of the City of Durham

James V. Porto, Jr.

THE HONORABLE JAMES V. PORTO, JR.
Mayor of the Town of Carrboro

Frank H. Sheffield

THE HONORABLE FRANK SHEFFIELD
Mayor of the Town of Hillsborough

Gail W. Firestone

THE HONORABLE GAIL W. FIRESTONE
Mayor of the Township of Princeton

Barbara B. Sigmund

THE HONORABLE BARBARA BOGGS SIGMUND
Mayor of the Borough of Princeton

Noise Ordinance

Ordinance 87-4-13/O-2 was on the floor for a second reading.

Mayor Wallace said that since the first reading of the ordinance further community discussion had been held on this issue and that it was the general consensus of the Council not to pass this ordinance but rather to establish a committee to review the effectiveness of the noise ordinance. He said the committee would consist of members of the University, students, businesses, and residents.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO TABLE THE SECOND READING OF ORDINANCE 87-4-13/O-2. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-4-29/R-3 WITH THE ADDITIONAL PHRASE THAT THE COMMITTEE WILL CONSIST OF OTHER INDIVIDUALS WHICH THE COUNCIL MAY DEEM NECESSARY AND APPROPRIATE.

Mayor Wallace asked Vice-Chancellor for Student Affairs, Donald Boulton to comment on the proposal. Mr. Boulton said he commended the Council for the proposal and urged cooperation between all aspects of the community. He asked that Bryan Bailey, UNC Student Body President, be allowed to comment.

Bryan Bailey, UNC Student Body President, said he was glad a committee was being formed with members from the student, business, and residential populations.

Kevin Martin, assistant to the Student Body President, said he hoped the committee could arrive at a compromise that was reasonable for all concerned.

Council Member Howes said that the committee would be dealing with a difficult issue and he hoped that those charged with the responsibility of studying the noise ordinance would take the charge seriously and work at developing an acceptable solution.

Council Member Andresen agreed saying that the current ordinance was not perfect, but that the creation of the committee to study the issue was a proper way to evaluate and discuss potential changes.

Council Member Pasquini said he felt the Council should do more than just table the vote on the second reading of the proposed changes to the noise ordinance. He said this action left the ordinance in a state of limbo and that any Council Member could at any time bring the ordinance back on the floor for discussion and a final vote. He suggested having a motion to reconsider the tabling of the ordinance and that if this motion was defeated it would mean the ordinance could not be brought back for discussion.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO RECONSIDER THE MOTION TO TABLE THE SECOND READING OF ORDINANCE 87-4-13/O-2. THE MOTION FAILED, (0-7).

Council Member Preston commented that citizens wishing to serve on the noise ordinance committee should inform the Council.

Council Member Smith reiterated his concern that the noise ordinance committee study the effects of the noise ordinance first hand by getting out in the community and actually observing how it worked.

E. A. Brecht, 404 E. Rosemary Street, said he had lived amongst the sororities and fraternities for several years and had not had any problem with noise, but that several of his friends did. He suggested that the Council consider what it would be like to hold a party, for a large group, in their yards a couple of times a year for several years to see how effective the noise ordinance really was.

Fred Behrends, speaking as a resident, said the first noise ordinance committee had been established in a similar manner to the one proposed. He said one thing the earlier committee had not had was representation from the student population and University officials, and that they had had a late start and no public hearing.

Philip Pavlik, speaking as a resident, urged the Council not to forget that the problems with the noise ordinance was not just a question of preference but also a problem of public health, and to read the report done by NCSU on the subject.

Council Member Preston said she had been impressed by the study of what happens to one's hearing when subjected to periods of noise above certain decibel levels. She said the committee should read the report.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING NOISE ORDINANCE REVIEW COMMITTEE (87-4-29/R-3)

WHEREAS, the Town Council of the Town of Chapel Hill has, for the protection of its citizens and pursuant to North Carolina General Statute Sec. 160A-184, adopted Chapter 11, Article III of the Town Code (the Noise Control Ordinance); and

WHEREAS, the Council has recently enacted amendments to that ordinance which impact on student activities on the campus of the University of North Carolina; and

WHEREAS, the Council desires to monitor the effect of the ordinance and, in particular, recent amendments, on the citizens of Chapel Hill, including both the residents of the community at large and the residents of dormitories and other facilities on or nearby the University campus; and

WHEREAS, the Council finds that a committee with representatives from the Town, community at large, and University is desirable to monitor the application and enforcement of the noise ordinance and to recommend appropriate revisions,

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby establishes a Noise Ordinance Monitoring Committee to review the impact of the Town's Noise Ordinance and to recommend any appropriate changes in administration or amendments to the ordinance.

BE IT FURTHER RESOLVED that the committee shall be constituted as follows:

- one representative of the Town Council
- five representatives of the community at large, appointed by the Council
- the Town Manager or his designee
- the Town Attorney
- the Chief of Police or his designee
- the Chief of Campus Security or his designee
- the Vice Chancellor for Student Affairs or his designee
- the Dean of Students or his designee
- the President of the student body of the University
- the President of the Interfraternity Council
- the Director of Athletics or his designee
- and other individuals which the Council may deem necessary and appropriate

BE IT FURTHER RESOLVED that this committee shall meet at least quarterly; shall hold its first meeting during the month of August, 1987; and shall present an annual report to the Council in March of each year.

This the 29th day of April, 1987.

Mayor Pro-tem Thorpe stated that this discussion and vote was the result of the Council listening to the citizen's concerns and questions. He emphasized that the Town Council listened to citizens.

Stop Signs - The Oaks Subdivision

George Small, Town Engineer, said this report was the result of a petition from The Oaks Homeowners' Association requesting four additional stop signs at four intersections in the Oaks subdivision. He said the Engineering staff recommended against the addition of any of the proposed stop signs. He commented that the projected results of additional stop signs would be increased traffic time with little reduction in vehicular speed; transferring of traffic to other roads; enforcement problems; and the possibility of increased traffic accidents.

Council Member Andresen commented that she understood that the engineering argument was against using stop signs to regulate speed, but that when the street was wide and straight, like Cleland Road, she felt the street design encouraged speeding. Ms. Andresen said that maybe the Town needed a policy when developing roads to consider the street widths and curvature as potential means of controlling speed.

Don Heineman, representing The Oaks Homeowners' Association, said the homeowners had petitioned the Council for the additional stop signs because there was a traffic problem in the Oaks subdivision. He said the streets did not have sidewalks; were used for jogging; bicycling by adults and children; and had two golf cart crossings. He said the Manager's recommended ordinance would place two additional stop signs at the intersection of Cleland Road and Rogerson Drive, and at Burning Tree Drive and Canterbury Lane. Mr. Heineman stated that the residents also felt it was imperative to place at least one additional stop sign on Burning Tree Drive (southbound) at its intersection with Cleland Drive. He said the view of the intersection was restricted southbound on Burning Tree Drive. He urged the Council to adopt an alternative ordinance, Ordinance D, which he presented.

Council Member Howes asked the Manager for his opinion of the alternate ordinance proposed by Mr. Heineman. Manager Taylor replied that it was the staff's opinion that additional stop signs were not necessary, but that management recommended ordinance C in keeping with the Council's actions with regard to Elliott Road. He said he had no objections to the proposed Ordinance D.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT 87-4-29/O-3D. THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-4-29/O-3D)

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

SECTION I

That Section 21-13 of the Town Code of Ordinances, right-of-way and stop regulations is amended by adding to Section 21-13(c) the following intersections:

Intersection(s)

- Cleland Drive/Rogerson Drive
- Burning Tree Drive/Cleland Drive Eastbound and Southbound*
- Burning Tree Drive/Canterbury Court

*Burning Tree Drive northbound at the intersection of Cleland Drive can proceed without stopping.

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

This the 29th day of April, 1987.

Umstead Drive

George Small, Town Engineer, said this report was in response to a petition from Ron Strauss against the realignment of the intersection of Umstead Drive and Airport Road because of the potential for increased traffic flow on Umstead Drive. He said the staff recommended the realignment of the intersection even though there was a potential for increased traffic on Umstead Road. He said Mr. Strauss had also commented that something needed to be done to Umstead Drive to make it safer for pedestrian traffic, especially at Umstead Park. Mr. Small said there was little to be done to Umstead Drive because of its location along the creek bed. He said the suggestion of closing Umstead Drive as a through street would meet some of the goals of Mr. Strauss' petition however the question would be where would the traffic be re-routed. Mr. Small said the logical alternative would be for traffic to use Estes Drive and Airport Road. He said this intersection already had severe traffic problems. Mr. Small said the Greenways Commission and Parks and Recreation Commission recommended calling a public hearing on closing Umstead Road. He stated the staff recommended that the Council direct the staff to do an in-depth study of improving pedestrian safety along Umstead Road.

Council Member Andresen thanked Mr. Small for a balanced report and said it was ironic that improving the intersection of Umstead Drive and Airport Road would increase the traffic along Umstead. She asked if the Council were to close Umstead Drive would the

staff still recommend the realignment of the intersection of Umstead Drive and Airport Road. Mr. Small replied yes.

Council Member Smith commented that he hoped the School Board would be included in any discussions of the possible closing of Umstead Drive.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-4-29/R-4A.

Ron Strauss, speaking as the petitioner, said he appreciated the work done on his petition by the staff. He said that he would prefer that the realignment of the Umstead Drive/Airport Road intersection be dropped from the Town plans since it appeared that said realignment would increase the traffic on Umstead Drive. He said he would rather see the Town spend the funds improving the Estes Drive/Airport Road intersection so that the possible closing of Umstead would not create that much of a problem. He urged the Council to consider the heavy use of Umstead Park, especially in the spring and summer, by children and the ever increasing potential for an accident with pedestrians crossing from the ballfield to the rest of the park when deciding what to do with Umstead Drive.

Council Member Smith asked that any study of the traffic and pedestrian problems along Umstead include information on the origins and destinations of the vehicles which use the road.

Dirk Sprite, speaking as a resident, suggested a re-examination of the intersection of Umstead and Airport with the possibility of having traffic make a right turn only off of Umstead onto Airport.

Irv Watson, speaking as a resident and for Village West Homeowners' Association, suggested the Council call a public hearing on the matter and that the Village West Board of Directors be notified of any such meeting.

Council Member Preston asked if when the ballfield had been planned had any consideration been given to putting the road behind the ballfield.

Council Member Howes commented that realignment of Umstead Drive around the park rather than intersecting it might be the best solution for Umstead Drive and pedestrians. He said there should be considerable history in the Town's archives concerning a realignment behind the ballpark. However, he said that issue was separate from the need for the realignment of Umstead Drive/Airport Road and Airport Road/Hillsborough Road intersections. He stated that this realignment was definitely needed.

Council Member Andresen said she thought closing Umstead Drive might be a good solution and suggested calling a public hearing.

Council Member Pasquini agreed but also said he would like to see other options presented to the Council.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON FOR A SUBSTITUTE MOTION TO REFER THE MATTER BACK TO THE MANAGER FOR ADDITIONAL STUDY.

Manager Taylor commented that one of the important aspects of the petition was the realignment of Umstead Drive and Airport Road and that until the Council made a decision on that issue further work on that project could not be made. He asked the Council for their opinion on this matter.

Council Member Godschalk arrived at this point, 9:15 p.m.

COUNCIL MEMBERS PASQUINI AND PRESTON AGREED TO AMEND THEIR MOTION TO STATE THAT THE MATTER BE REFERRED BACK TO THE MANAGER FOR ADDITIONAL STUDY AND THAT THE TOWN PROCEED WITH THE REALIGNMENT OF THE UMSTEAD DRIVE/AIRPORT ROAD - AIRPORT ROAD/HILLSBOROUGH ROAD INTERSECTION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Budget - Manager's Recommended 1987-88 Budget

Manager Taylor said he was submitting his recommended budget for 1987-88. He said this budget recommended a reduction in the current tax rate based on adjustment in property valuations from the revaluation of real property in 1987, and valuation reductions from the deletion of household property from the tax base. Mr. Taylor stated that he recommended a General Fund tax rate of \$.53 and a Transportation Fund tax rate of \$.04, for a combined rate of \$.57 per \$100 valuation. He proposed scheduling a work session to further discuss the budget. He reported that a public hearing on the budget would be held May 11.

The Council scheduled a work session on the budget for May 12 at 7:30 p.m. in the Municipal Building Meeting Room.

Community Development Plan

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 87-4-29/R-5. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A FINAL STATEMENT FOR A 1987 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT (87-4-29/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to submit the Final Statement for the Community Development Program, as described in the Manager's memorandum to the Council dated April 29, 1987, to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein,

for a program of \$307,000 (\$295,000 grant and \$12,000 program income) in Community Development Entitlement Funds.

BE IT FURTHER RESOLVED that the Council endorses as a concept plan the general spending plan for 1988 and 1989 as contained in the Manager's memorandum to the Council of March 9, 1987; such spending plan to be refined each year into a proposed Final Statement for submission to the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the Manager is hereby directed and designated as the authorized representative of the Town to act in connection with submission of the Final Statement and to provide such additional information as may be required.

This the 29th day of April, 1987.

Merritt Mill Road

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-4-29/R-6.

Council Member Andresen asked why the project was costing more than originally thought. Manager Taylor responded that the initial estimates and funding had been made over three years ago and that at that time the improvements only went as far as the Lincoln School driveway. He said the current plan was to improve the entire road to Greensboro Street.

Council Member Andresen asked what specific project from the bond referendum would be sacrificed if the Town used \$150,000 of those funds for Merritt Mill Road improvements. Mr. Taylor said that by using \$150,000 of the bond funds for this project meant that there would be that much less to use for numerous other projects suggested in the Street Improvements Bond Referendum.

Manager Taylor said that when the Town began its current road improvement projects, the State's general policy was that if the municipalities would provide certain funds, certain road projects would be moved up on their list. He said a lot of municipalities took advantage of this policy. Mr. Taylor said however, that now, the State had devised a specific policy for these procedures. He said he had a copy of the draft form for the policy and that it indicated that the municipalities had to provide all of the rights-of-way and one-half of the construction costs and the State would move the road project up on the priority list. He said that whereas eighteen months ago the Town thought it could take a little money and leverage it on a 20% to 80% basis, it will now have to leverage at 50% at best, if there were no right-of-way involved.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$150,000 FROM THE PROCEEDS OF THE 1986 STREET IMPROVEMENT BONDS FOR THE MERRITT MILL ROAD IMPROVEMENTS PROJECT (87-4-29/R-6)

WHEREAS, the citizens of Chapel Hill approved the sale of \$2.5 million in general obligation street improvement bonds; and

WHEREAS, the Town has begun the realignment and widening of Merritt Mill Road from Cameron Avenue to South Greensboro Street; and

WHEREAS, the State of North Carolina Department of Transportation has agreed to provide \$550,000 for this project; and

WHEREAS, the Town of Chapel Hill has already budgeted more than \$400,000 for this project, including \$191,000 in Community Development Block Grant funds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is authorized to expend \$150,000 from the proceeds of the 1986 general obligation street improvement bonds on the Merritt Mill Road Improvement Project.

This the 29th day of April, 1987.

Merritt Mill Road - Agreement with NCDOT

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 87-4-29/R-7. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING A SUPPLEMENTAL AGREEMENT WITH THE N. C. DEPARTMENT OF TRANSPORTATION FOR THE MERRITT MILL ROAD WIDENING PROJECT (87-4-29/R-7)

WHEREAS, the North Carolina Department of Transportation and the Town of Chapel Hill propose to make certain street and highway improvements consisting of the construction and improvement of SR 1927 (Merritt Mill Road) from Cameron Avenue to SR 1919 (South Greensboro Street); and

WHEREAS, the Department and the Municipality now wish to amend the agreement to change the limits of the project and the amount the Department will reimburse the Municipality to \$550,000;

NOW, THEREFORE, BE IT RESOLVED that Project 9.8070356, Orange County, is hereby formally approved by the Town Council of the Town of Chapel Hill and that the Mayor and Clerk of this Town of Chapel Hill are hereby empowered to sign and execute the required

agreement between the Town of Chapel Hill and Department of Transportation.

This the 29th day of April, 1987.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 87-4-29/O-4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted reads as follows:

AN ORDINANCE TO AMEND THE CAPITAL PROJECTS ORDINANCE FOR STREET IMPROVEMENTS (87-4-29/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance 85-0-19 entitled "A Capital Projects Ordinance for Street Improvements for Merritt Mill Road and Street Petition Improvements" is hereby amended as follows:

Section III - Revenues anticipated to be available for the Merritt Mill Road project are amended as follows:

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
From N. C. Department of Transportation	400,000	150,000		550,000

Section IV - Appropriations for the Merritt Mill Road project are amended as follows:

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
For Merritt Mill Road	684,000	150,000		834,000

This the 29th day of April, 1987.

Capital Improvement Program - Recommended for 1987-88

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 87-4-29/O-5.1. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986" (87-4-29/O-5.1)

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 10, 1986, be and the same is hereby amended as follows:

ARTICLE I

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Capital Improvements Fund	700,909	50,000		750,909
<u>REVENUES</u>				
Capital Improvements Fund				
Fund Balance	603,909	50,000		653,909

This is the 29th day of April, 1987.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT ORDINANCE 87-4-29/O-5.2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986" (87-4-29/O-5.2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

SECTION I

That \$400,000 in the Capital Reserve Fund for capital improvements is hereby removed from the Capital Reserve Fund and transferred to the Capital Improvements Fund in the amounts and for the purposes as follows:

Sidewalks	\$ 50,000
Neighborhood Park Facilities	\$ 50,000
Greenways	\$ 50,000
Stormwater Management	\$ 20,000
Stormwater Drainage	\$ 55,000
Fire Pumper	\$150,000
Cemetery	<u>\$ 25,000</u>
	\$400,000

This is the 29th day of April, 1987.

Manufactured Housing

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-4-29/R-8.

Council Member Howes said the proposed resolution would indicate Chapel Hill's opposition to a proposed bill before the State Legislature to preempt local zoning of mobile homes. He said the proposed bill would allow manufactured housing in any residential zone, but would give localities the right to establish some appearance regulations. He stated that Chapel Hill's Development Ordinance allows "Class A" mobile homes in any zone except industrial. Mr. Howes stated that the question was not whether or not to allow manufactured housing in any zone but the right of each municipality to make that decision.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING PROPOSED BILLS ON MANUFACTURED HOUSING (87-4-29/R-8)

WHEREAS, North Carolina Senate Bill 306 and House Bill 507 would restrict the zoning authority of cities and counties, and

WHEREAS, the Town Council of Chapel Hill has adopted zoning regulations which allow mobile homes in any residential zone if such homes meet certain requirements such as having a masonry foundation and removing the undercarriage chassis, and

WHEREAS, the Town Council endorses the proper and harmonious use of manufactured housing, but the Council objects to pre-emption of local zoning authority, and supports the principle of "home rule,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council opposes NC Senate Bill 306 and House Bill 507 and respectfully requests that the Members of the North

Carolina General Assembly whose districts include Chapel Hill support legislation which will increase the supply of housing for low and moderate income families without encroaching on local zoning authority.

This the 29th day of April, 1987.

Quarterly Reports

Council Member Godschalk gave a report on the Triangle J Council of Governments. He said recent discussions had centered around a proposed watershed protection bill.

Council Member Preston gave a report on the Joint Orange Chatham Community Action Agency. She stated that JOCCA would be undergoing a change in their food service centers beginning in May. She said that at that time JOCCA would begin contracting out its food preparation and transport services.

Council Member Thorpe gave a report on the Transportation Advisory Commission. He said TAC had held a public forum at the Research Triangle Park earlier this month and that NCDOT had been present to discuss the plans for the triangle area. He pointed out that intergovernmental relationships and cooperation was important so that the transportation corridors serving the triangle were built in conjunction with the transportation needs of the triangle.

Council Member Andresen commented that she had attended that meeting and had been amazed at the number of vehicles expected to be traveling on the area highways within the next ten years.

Council Member Thorpe said that the University now had a representative for traffic concerns on the Advisory Committee.

Council Member Godschalk stated that the predictions for traffic flow for the triangle in the next ten years gave added incentive for public transportation needs both in Chapel Hill and regionally.

Council Member Preston commented that she too had been concerned to see that area roads were already stressed. She said there was a need for more park and ride lots to encourage car pooling, etc. Ms. Preston suggested that the Town investigate the possibility of having the University include a bus pass as part of the students' fees.

Staff Quarterly Report

Manager Taylor said the Council had the report before them and that he was available for questions. He urged the Council to bring the report to the budget worksession.

Consent Agenda

Council Member Thorpe asked that item #c, statement on public housing, be removed from the consent agenda.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-4-29/R-9 MINUS ITEM #C. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolutions, as adopted, read as follows:

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS (87-4-29/R-9)

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

- a. Contract for Radio Equipment (R-10).
- b. Gift of Land (R-11).
- d. The Oaks II - Phase 2B Annexation Hearing (R-13).

This the 29th day of April, 1987.

Radio Equipment Bid

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR RADIO COMMUNICATIONS EQUIPMENT (87-4-29/R-10)

WHEREAS, the Town of Chapel Hill has solicited and received formal bids as follows:

<u>Item</u>	<u>Motorola C&S, Inc. Raleigh, N.C.</u>	<u>Aeroton, Inc. Raleigh, N.C.</u>
1. Seven (7) four channel Portable Radios	\$6307.00	No Bid
2. Seven (7) desk chargers	420.00	No Bid
3. Seven (7) lapel microphones	490.00	No Bid
4. Twelve (12) pagers with amplifier chargers	5100.00	No Bid
5. Three (3) two-channel portable radios	1806.00	No Bid
6. Four (4) desk chargers	220.00	No Bid
7. Six (6) two-channel mobile radios	7854.00	No Bid

8.	One (1) high band, mobile radio	525.00	No Bid
9.	One (1) VHF portable radio	535.00	No Bid
10.	One (1) Desk Charger	55.00	No Bid

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid and awards a contract to Motorola Communications and Electronics, Inc., in the amount of \$23,312.00

This the 29th day of April, 1987.

Gift of Land - Tadley Drive

A RESOLUTION ACCEPTING A DONATION OF PROPERTY IN THE CLARK HILLS NEIGHBORHOOD (87-4-29/R-11)

WHEREAS, Calbar Investment Company, Inc. has offered to donate 2.46 acres of land, described as Lots 48-50 in Clark Hills, and referenced on Tax Map 42, Block A, Lot 16; and

WHEREAS, the parcel is adjacent to Town-owned open space in the Booker Creek neighborhood and lies along Booker Creek and therefore will enhance the community if preserved as open space; and

WHEREAS, the land proposed to be donated is considered environmentally sensitive because of its relationship to Booker Creek;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, in accord with its policy regarding the acceptance of gifts (80-R-219), hereby accepts the kind and generous offer of land from Calbar Investment Company, Inc.

BE IT FURTHER RESOLVED that the Council commends Calbar Investment Company, Inc. for its corporate citizenship and expresses its thanks on behalf of the entire Chapel Hill community for the gift of land.

This the 29th day of April, 1987.

Oaks II Phase 2b - Calling Public Hearing on Annexation

A RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PETITION TO ANNEX PHASE 2B OF THE OAKS II SUBDIVISION (87-4-29/R-13)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on Monday, May 11 on a petition to annex Phase 2B of The Oaks II subdivision.

This the 29th day of April, 1987.

Public Housing - Resolution of Commitment

Council Member Thorpe said this resolution was a re-affirmation of the Council's position that it would not sell the public housing units to a private concern and that it was the Council's intent to manage the public housing units as low-income housing units in accord with HUD guidelines.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-4-29/R-12. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION EXPRESSING THE CHAPEL HILL TOWN COUNCIL'S INTENT TO MANAGE 312 PUBLIC HOUSING UNITS IN ACCORD WITH THE RULES, REGULATIONS, PROCEDURES AND GUIDELINES AS ESTABLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR MANAGEMENT AND OPERATION OF LOW-INCOME SUBSIDIZED HOUSING (87-4-29/R-12)

WHEREAS, the Council of the Town of Chapel Hill, by resolution on April 13, 1987, in accord with State law, abolished the Chapel Hill Housing Authority and designated the Council of the Town of Chapel Hill as the governing body to exercise the powers, duties and responsibilities of the Housing Authority; and

WHEREAS, such abolition and designation shall take effect July 13, 1987; and

WHEREAS, the Council of the Town of Chapel Hill has a long history of commitment to the provision of safe, sanitary and affordable housing for low-income citizens in the community; and

WHEREAS, the public housing units in Chapel Hill and Carrboro were constructed with federal funds, and the federal government, by contract, has obligated itself to pay the annual indebtedness based on a 40-year term, provided the units are reserved for low-income families and qualifying low-income individuals;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its intent to maintain and manage the existing 312 units of public housing in Chapel Hill and Carrboro as homes for qualifying low-income citizens, in accord with the rules, regulations, procedures and guidelines as established by the U. S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the Council strongly opposes any consideration of sale of public housing units to the private sector.

This the 29th day of April, 1987.

Library Committee

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-4-29/R-14.

Council Member Thorpe commented that he had been approached by the Downtown Chapel Hill Association and that they wished to have a representative on the Committee. He asked that the resolution be amended to add an additional at-large member. He said that Danny Fox was interested in serving on the Committee.

Council Member Howes stated that the other members of the Committee represented official Town Boards and he felt the addition of a specific candidate from a private concern may be out of order.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO AMEND THE MOTION TO INCLUDE TWO AT-LARGE MEMBERS. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO IMPLEMENT THE LIBRARY PROJECT FUNDED BY GENERAL OBLIGATION BOND PROCEEDS (87-4-29/R-14)

WHEREAS the citizens of Chapel Hill approved by referendum on November 4, 1986, the issuance of \$4 million of library bonds; and

WHEREAS the Council authorized a major public information effort on this and other bond issues before the referendum and held a widely publicized Public Forum on January 28;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Chapel Hill establishes a Library Committee to:

1. Recommend to the Council specific site selection criteria.
2. Recommend to the Council specific sites that would be compatible with site selection criteria as approved by the Council.
3. Recommend to the Council a process of selection of an architect.
4. Work with the architect through the design process.

BE IT FURTHER RESOLVED that the Committee shall include:

1. Two Council members.
2. Two members of the Library Board of Trustees appointed by that Board.

3. A member of the Community Appearance Commission appointed by that Commission.
4. A member of the Planning Board appointed by that Board.
5. A member of the Friends of the Library.
6. Two members-at-large.

BE IT FURTHER RESOLVED that the Manager is directed to begin an analysis of automation needs so that the results may be incorporated into the building design process.

This the 29th day of April, 1987.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO APPOINT ALICE INGRAM AS THE PLANNING BOARD REPRESENTATIVE BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Alice Ingram was appointed.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO APPOINT DANNY FOX AS THE SECOND AT-LARGE MEMBER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Danny Fox was appointed.

Council Member Smith - Intent Not to Seek Re-election

Council Member Smith stated that he would not be seeking re-election of his Council seat in the upcoming elections. He commented that he had served the Council and Town for more than twenty-two years and that he had enjoyed the experience but he felt it was time to step down.

Mayor Wallace stated that the Town would miss having Council Member Smith on the Council.

Executive Session

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND ACQUIRING INTEREST IN REAL PROPERTY. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned to executive session at 9:50 p.m.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned at 10:05 p.m.