

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MAY 11, 1987, 7:30 P.M.

Mayor James C. Wallace called the meeting to order. Council Members present were:

- Julie Andresen
- David Godschalk
- David Pasquini
- Nancy Preston
- R. D. Smith
- Bill Thorpe
- Arthur Werner

Council Member Jonathan Howes was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Financial Reporting - Certificate of Excellence

Mayor Wallace presented Jim Baker, Finance Director, with a Certificate of Excellence in financial reporting from the Government Finance Officers Association of the United States and Canada.

Budget - Public Hearing

Manager Taylor said this was a public hearing to receive citizen comments on the Manager's 1987-88 Recommended Budget.

John Thomas, speaking as a resident, said he was pleased to see a proposal for increasing the number of drivers for the E-Z Rider service in the recommended budget. He said there was also a need for some form of lift equipped service on Saturday. Mr. Thomas pointed out that fixed route service operated on Saturdays but that there was currently no E-Z Rider service on the week-ends. He asked the Council to consider funding this service in the 1987-88 budget.

Council Member Smith asked if this matter had been discussed by the Transportation Board. Mr. Thomas replied that it had but that the Board had felt the need for more information on costs, etc. before it could make a recommendation to the Council.

Tom McCurdy, speaking as a member of the Planning Board, requested the Council to include funding in the 1987-88 Budget to reimburse citizens who serve on Town Boards for travel expenses incurred while serving on the Board.

Council Member Andresen said she felt it was a reasonable request. She asked if any of the Boards were being reimbursed for any expenditures. Mr. McCurdy replied no.

Joel Carter, representing the Arts Center, requested funding for teen programs at the Arts Center. He thanked the Council for the funds appropriated last year which helped pay for a grand piano for the Center. He issued an invitation for the Council to visit the new facility on Saturday, May 16, at 11:00 a.m.

Council Member Andresen asked if the Arts Center had requested funding through the Human Services Advisory Board. Manager Taylor responded that the Human Services Advisory Board did not review these types of requests but sent them to the Manager for review. He said that if the hotel/motel tax were authorized by the Legislature and the Council passed such a tax, then the revenues generated from that tax could be used for this type of funding request.

Council Member Werner asked when the Manager expected authorization for the Town to have a hotel/motel tax. Manager Taylor said providing the Legislature passed the legislation this spring, he expected the tax to go into effect in July.

Council Member Preston commented that she favored programs for teens and asked if the Arts Center would have any problems with making their request for funds when the hotel/motel tax took effect. Mr. Carter replied that it would not be a problem.

Council Member Preston also stated that she had toured the new Arts Center facility and urged the other Council members to do the same, as it was an exciting project.

Len Van Ness, representing the Chapel Hill-Carrboro Chamber of Commerce, requested funding of approximately \$15,000 to help produce the Umbria Jazz Festival this summer in Chapel Hill and Durham. He said that the festival will provide an economic boost to the area as well as improve the quality of life in Chapel Hill. Mr. Van Ness also requested that the Council consider funding a visitor services area. He said he would make a formal request for this funding at a later date.

Council Member Werner commented that most of the events for the Festival were scheduled to occur in Durham. He asked Mr. Van Ness if the Chamber had made a request for funding from the Durham City Council. Mr. Van Ness replied no. He said that most of the private funding was coming from Durham businesses, etc. and that as a result, many of the events were scheduled in Durham. He also said that Chapel Hill at present did not have the facilities necessary for all the events. Mr. Van Ness said the Chamber wanted to have the festival entirely in Chapel Hill and that he hoped in ensuing years this would occur.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO REFER COMMENTS FROM THE PUBLIC HEARING TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Annexation - The Oaks II - Phase 2B Public Hearing

Manager Taylor stated that this public hearing was to receive citizen comment on a petition for annexation. He said that this was the second hearing held on this matter because the previous hearing was inadvertently not advertised and therefore did not meet the legislative requirements. Mr. Taylor said he believed the petition for annexation met all of the requirements for annexation.

There were no citizen comments.

Council Member Werner asked about the status of the remainder of The Oaks II subdivision annexation. Mr. Taylor responded that Mr. Goforth had agreed to petition for annexation of those lots he owned and to send the petition to the other nearby property owners for their signatures.

Council Member Thorpe asked when the Chapel Hill Country Club would be annexed. Manager Taylor replied that annexation of the Country Club could occur either by petition or by the Town once the area in The Oaks II subdivision was incorporated into the Town.

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

Petitions

Jean Wilkins and Linda Brown petitioned to speak to item #6, North Street.

Jerry Bruno petitioned to speak to item #9, Annexation.

Hill Carrow, representing the U.S. Olympic Festival Committee, petitioned the Council for a variance to the noise ordinance for the time limits allowed for outdoor amplified music. He said as part of the festivities associated with the Olympic Festival would be several outdoor concerts which would be held on campus and which were scheduled to occur on days and during hours in which a noise permit for amplified music was not allowed.

Council Member Smith asked who would be responsible for ensuring that the hours set by the Olympic Festival Committee for the events would be maintained. Mr. Carrow replied that there was a staff representative in charge of each event and that he was always available. He said that Winifred LaForce was in charge of scheduling the events.

Council Member Pasquini asked why the Committee had not gone through the noise permit process. Manager Taylor replied that the Committee had done so, but that the request for the permit was for times in which a permit was not allowed.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER AND ATTORNEY FOR A REPORT ON THE MAY 26 MEETING. THE MOTION PASSED UNANIMOUSLY, (8-0).

Minutes

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF APRIL 21, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF APRIL 29, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mayor Pro-tem Thorpe complimented the Clerk for the Minutes.

Lee Court

Roger Waldon, Planning Director, said the key issue in the application was how best to meet the recreation requirement. He said there were three basic alternatives: (1) provide the required recreation area in the central, most level part of the site; (2) provide the recreation area in the southern area of the site, in an area of steep terrain and thus exempt the suitability requirements for recreation space; or (3) request the developer to make a payment-in-lieu of providing recreation area. Mr. Waldon said the Parks and Recreation Commission and Manager recommend approval of the application with the recreation area either centrally located or a payment-in-lieu. He stated that the Planning Board recommended approval of the application with the recreation area in the southern portion of the site.

Council Member Andresen asked if the applicant had stated whether or not he was willing to make a payment-in-lieu. She said she preferred the alternate site plan associated with the Planning Board recommendation but would rather have a payment-in-lieu.

Council Member Werner asked for clarification of whether or not the Council could require a payment-in-lieu of recreation space rather than providing the option. Mr. Waldon replied that the Development Ordinance did not allow for the Council to require a payment-in-lieu.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-5-11/R-0.1B.

Council Member Smith stated that the Council had not seen a site plan for the application with the recreation space centrally located.

Council Member Godschalk agreed that it was confusing to evaluate the application without a site plan showing the two cul-de-sacs and a centrally located recreation area.

Council Member Pasquini asked for further clarification of the differences between the two site plans.

Grainger Barrett, an attorney representing the applicant, said that the applicant was willing to make a payment-in-lieu and described the differences in site plans presented to the Council for consideration.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE FOR A SUBSTITUTE MOTION TO ADOPT RESOLUTION 87-5-11/R-0.1A WITH THE ADDITION THAT IT WAS UNDERSTOOD THAT THE APPLICANT WOULD MAKE A PAYMENT IN LIEU OF RECREATION SPACE AND THAT THE PROPOSED RECREATION SPACE ON THE SITE PLAN WOULD REVERT TO LOT #20.

Council Member Godschalk commented that he preferred the alternate site plan, which included two cul-de-sacs and he felt better staff work could have accompanied the report to avoid the confusion over the site plans and options available.

THE SUBSTITUTE MOTION PASSED UNANIMOUSLY, (8-0).

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR LEE COURT SUBDIVISION (87-5-11/R-0.1A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the subdivision proposed by Howard Lee and Lee Court Associates of Chapel Hill, N.C. on property identified as Chapel Hill Township Tax Map 28, Lot 37G, if developed according to preliminary plat dated April 17, 1987 and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That the boundaries of the Resource Conservation District be shown on the final plat.
2. That any restrictive covenants applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
3. That the final plat provide a note indicating that "Development shall be restricted within the Resource Conservation District."
4. That no lot be created that would require a Resource Conservation District Variance in order to build a residence.
5. That the final plat indicate the buildable area on all lots which have Resource Conservation District boundaries designated on the lot.

- 214
6. That all variances necessary for development within the Resource Conservation District be obtained before application for final plan or final plat approval.
 7. That Riggsbee Road be improved to a class "B" road with curb and gutter along this property's frontage. That the developer of this subdivision build the unopened portion of Riggsbee Road with curb and gutter along the property's frontage and 10 feet of pavement on the north side of Riggsbee Road.
 8. That Piney Mountain Road be improved along the site's frontage as follows:
 - a) That 1/2 of a 70-foot right-of-way be provided;
 - b) That the roadway be improved to 1/2 of a 41-foot cross section, with curb and gutter;
 - c) That a sidewalk be provided.
 9. That the final plat provide restricted access easement prohibiting access to Riggsbee Road and/or Piney Mountain Road for those lots with frontage on Riggsbee Road and/or Piney Mountain Road.
 10. That Karen Court be built to class "B" standards with curb and gutter.
 11. That the developer shall be responsible for placement and maintenance of temporary regulatory traffic control devices upon issuance of any Certificates of Occupancy until such time that streets are accepted for maintenance by the Town of Chapel Hill.
 12. 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 the sanitary sewer laterals be capped off above ground.
 13. That the water line be extended along Riggsbee Road to Piney Mountain Road.
 14. That fire hydrant locations be noted on the final plans and final plat and be approved by the Town Manager.
 15. That a 30-foot sewer easement be shown on final plans and final plat from the northeastern property line north to Riggsbee Road.
 16. That a 30-foot sewer easement be extended west from the sewer easement on lot 10 through lots 11, 12, and 19 for possible future sewer extension.

17. That the drainage and sewer easement between lots 9 and 10 be increased to 40 feet width.
18. That a drainage easement be shown on lot 1 or provisions for rerouting stormwater currently emptying on lot 1 be shown on final plans.
19. That the recreation area shown on the April 17, 1987 Preliminary Plat, located in the southern portion of this site, be converted into a flag lot for residential purposes; and that a payment-in-lieu of providing required recreation area be made to the Town, as requested by the applicant, according to the provisions of Section 7.9.5, prior to final plat approval.
20. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
21. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, and Carolina Cable before issuance of a Zoning Compliance Permit or final plat approval.
22. That final street plans, grading plan, utility plan, storm-water management plan (with hydrologic calculations), and buffer planting plan be approved by the Town Manager before issuance of a Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved as part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
23. That no Certificates 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.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plat.

24. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
25. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for preliminary plat approval for Lee Court Subdivision in accord with the plans and conditions listed above.

This the 11th day of May, 1987.

North Street

Jean Wilkins and Linda Brown, speaking as residents, spoke against the proposal, saying they had concerns about the possible further subdivision of the two large lots and how street connections would be made. They urged the Council not to approve the application until a plan for the total development of the site were provided.

Council Member Godschalk stated that when the Council had last reviewed this application, the Council had requested that it be referred back to the Manager and applicant to try to reach some compromise. He said it did not appear that a compromise had been reached, and that most of the problems still existed. He said that since the Council had not actually changed the subdivision standards and design standards, even though it had been discussed, he did not think the Council should abandon those standards at this time for this subdivision, especially when other subdivisions have had to meet those standards.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-5-11/R-1C, TO DENY THE APPLICATION BECAUSE IT DID NOT PROVIDE FOR THE SAFE AND CONVENIENT VEHICLE ACCESS FOR EMERGENCY AND SERVICE VEHICLES AND DID NOT PROVIDE EVERY SUBDIVIDED LOT FRONTAGE ON A STREET MEETING TOWN STANDARDS.

Council Member Pasquini said he could not see the difference between this proposal and others that had been considered in the past, like The Oaks, where there was an area set aside for future development; and Franklin Hills, where there was an area for future development and roads stubbed out, but nothing proposed.

Town Attorney Karpinos agreed, saying he would also add to that list a development off of Weaver Dairy Road extension that had a small corner of the site set aside for future development. He said there had been a number of subdivisions with land reserved for future development.

Council Member Godschalk stated that the difference was that the other proposals were large scale subdivisions, encompassing a number of acres and there was not a question about future road access.

Council Member Smith spoke in favor of the motion saying that in approving the subdivision the Council would be deviating greatly from the Town's design standards and he did not think this should occur. He pointed out that approval of the subdivision would mean that the property owners lots with steep slopes might have to have curbside garbage service only.

Council Member Pasquini said he felt the Planning Board recommendation (Resolution A) was unacceptable. He asked Mr. Smith if he could vote in favor of the Manager's recommendation. Mr. Smith replied that he would not vote in favor of approving the application.

Council Member Andresen spoke in support of the Planning Board's recommendation. She said it would provide for the least amount of cut and fill. Ms. Andresen said that she did, however, have concerns about the two large lots and the further subdivision of those lots and where their access points would be. She said she would prefer to refer the item back to the Manager and developer to see if there could be still more compromise.

Council Member Preston said there was some merit in the applicant's concern over the topography and the design of the streets, however she felt the staff in their recommendation had been flexible in this issue and provided a suitable compromise. She said the Design Task Force was reviewing the design manual and would be presenting the Council with recommendations in the coming months. Ms. Preston commented that she felt a little frustrated with this application in that the Council had sent it back to the staff and developer in the hopes of further compromise and she felt none had been made. She said it might be in the best interest to deny the application and let the developer start again with a whole new proposal.

Council Member Godschalk said he had real concerns about how the road access would be made to the undeveloped lots.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE FOR A SUBSTITUTE MOTION TO REFER THE ITEM BACK TO THE MANAGER AND DEVELOPER TO WORK TOWARDS ANOTHER PLAN.

Council Member Pasquini said he would prefer that the design standards not be deviated from so radically as was proposed in the applicant's and staff's recommendation. He said he did not like denying the project on the basis of road access.

Council Member Werner said that he basically agreed with Mr. Pasquini in that the design standards should not be totally ignored. He said by referring the item back, the Council was saying that it did not favor either alternative and that the concerns expressed at both meetings should be taken into consideration and incorporated into a new proposal.

Council Member Preston said that she favored some flexibility in the design standards for the proposed subdivision but felt that the applicant's proposal was asking for too much deviation. She said any further proposal needed to show how the two large, undeveloped lots would be accessed.

Council Member Godschalk said he could not vote on any plan that did not show road connections to all lots.

THE SUBSTITUTE MOTION CARRIED, (7-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

THE MOTION TO REFER CARRIED, (7-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

Blue Cross/Blue Shield

Mayor Wallace commented that the Council had held a public hearing on this item, he asked the Manager if he felt it was necessary to have the staff give an oral review of the proposal.

Manager Taylor replied that he believed the staff had answered all of the questions raised at the public hearing in the memorandum. He said the staff would be willing to go over these questions if the Council so desired. He said it appeared that the major issues were whether or not Blue Cross/Blue Shield should be required to make public improvements as a part of their Special Use Permit request for an addition to the parking lot. He said the staff recommended that the improvements be made and the Planning Board recommended that the improvements not be made.

Mayor Wallace asked if the Planning Board's recommendation included the dedication of half of the right-of-way for improvements to Old Durham Road. Manager Taylor replied yes. Mayor Wallace said that as he understood it, Blue Cross/Blue Shield did not feel the dedication, nor improvements, were necessary at this time, but rather felt dedication of the right-of-way should wait until a specific use for the dedication was forthcoming. Alan Rimer, representing the Planning Board, responded that he understood that the applicant did not feel dedication of the right-of-way was necessary at this time.

Council Member Andresen asked why the Planning Board had not recommended a sidewalk along Old Durham Road. She said Performance Chevrolet was being required to put in a sidewalk along Old Durham Road. Alan Rimer, representing the Planning Board, replied that the Board had felt it would be better to keep the buffer of cedar trees along Old Durham Road than to put in a sidewalk. He said the idea of a meandering sidewalk among the trees was a better idea, but that the Planning Board had not considered this idea.

Council Member Godschalk asked why the Planning Board had not recommended the paving Old Durham Road. Mr. Rimer replied that the Board had not felt it was necessary at this point, but that the Board had recommended that the right-of-way be dedicated so that the road could be widened and paved when it was necessary.

Council Member Godschalk said that obtaining the right-of-way was only part of the process for improving the road and that the road would have to be paved. He said if Blue Cross/Blue Shield did not pave the road the taxpayers would have to do so later.

Council Member Preston said the Planning Board recommended paving the portion of West Lakeview Drive that was currently unpaved and that the staff recommended paving, with curb and gutter the entire road. Mr. Taylor replied yes. Council Member Preston said that she felt the amount of requested road improvements should be related to the proposed improvement to the site. She stated that all Blue Cross/Blue Shield was doing was proposing to expand their parking lot. Ms. Preston said she did not feel they should be required to improve the roads to the extent recommended by the staff.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 87-5-11/R-2A.

Council Member Andresen suggested a friendly amendment to the motion to include a meandering sidewalk along Old Durham Road.

COUNCIL MEMBERS PRESTON AND THORPE AGREED TO AMEND THEIR MOTION TO INCLUDE A MEANDERING SIDEWALK ALONG OLD DURHAM ROAD.

Council Member Godschalk suggested another friendly amendment to the motion to include the paving of Old Durham Road to a 41-foot back to back cross section with curb and gutter or provide a performance bond for the work. He said this would make the approval more consistent with that for Performance Chevrolet.

Council Member Preston said that she could not accept the amendment because she felt the improvements to Performance Chevrolet were greater than those proposed for Blue Cross/Blue Shield and therefore the road improvements to Old Durham Road were necessary for Performance Chevrolet but not for Blue Cross/Blue Shield.

Council Member Godschalk commented that the need for infrastructure improvements was pressing and that part of the reason was that the Town had not required such improvements in the past. He said he did not think Blue Cross/Blue Shield had had to provide any road improvements when the facility was originally built. Manager Taylor said he was not aware of any infrastructure improvements that Blue Cross/Blue Shield had been required to provide when originally built.

Mayor Wallace said he was against any kind of retroactive requirements. He said he preferred the Planning Board's recommendation and that the dedication of the right-of-way was enough at this point.

Council Member Pasquini asked for clarification between the staff's and Planning Board's recommendations. Manager Taylor replied that the staff recommended dedication of the right-of-way and paving Old Durham Road to 41' with curb and gutter and a meandering sidewalk, and paving with curb and gutter East and West Lakeview Drives. He said the Planning Board recommended dedicating the right-of-way along Old Durham Road, and paving

without curb and gutter the unpaved portion of West Lakeview Drive.

Council Member Pasquini said that he observed the traffic impact of Blue Cross/Blue Shield everyday and that he did not think it was unusual for the Town to require infrastructure improvements as recommended by the staff as a condition of approval for a Special Use Permit. He said he supported the Manager's recommendation with the minor modifications of not requiring curb and gutter along East and West Lakeview Drives.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI FOR A SUBSTITUTE MOTION TO ADOPT RESOLUTION 87-5-11R-2B WITH STIPULATION #2(C) STATING THAT A MEANDERING SIDEWALK BE PROVIDED...; DELETION OF REFERENCE TO CURB AND GUTTER IN STIPULATION #3 AND #5; AND THE ELIMINATION OF STIPULATION #9.

Council Member Smith asked who would use the "meandering" sidewalk proposed along Old Durham Road since the information provided seemed to indicate that the Blue Cross/Blue Shield employees would not use the sidewalk. Council Members Werner and Andresen said that when the mixed use sites were developed, there would be pedestrian traffic from those sites to the eating establishments on Old Durham Road.

Council Member Andresen asked when the rest of the improvements to Old Durham Road be done. Manager Taylor replied that he could not give a definite answer.

THE SUBSTITUTE MOTION FAILED TO CARRY, (3-5), WITH COUNCIL MEMBERS GODSCHALK, PASQUINI, AND WERNER VOTING IN FAVOR.

THE MOTION TO ADOPT RESOLUTION 87-5-11/R-2A AS AMENDED CARRIED, (5-3), WITH COUNCIL MEMBERS GODSCHALK, PASQUINI, AND WERNER VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT FOR BLUE CROSS BLUE SHIELD (87-5-11/R-2A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Special Use Permit proposed by Blue Cross Blue Shield, if developed in accordance with the Preliminary Site Plan dated March 6, 1987, the Planting Plan dated March 6, 1987, the Preliminary Grading Plan dated March 6, 1987, and the stipulations and conditions set forth below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable

provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;

3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That construction begin by December 1, 1987 and be completed by June 1, 1988.
2. That the following improvement be made to Old Durham Road along the site's frontage:
 - a) That one-half of a 70-foot right-of-way be dedicated.
 - b) That a meandering sidewalk be provided by June 1, 1989.
3. That West Lakeview Drive be built to Town standards, except for curb and gutter, on that section which is not currently paved, and that final plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That tree protection fences be shown on the final grading plan and be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That a site inspection be conducted to determine if additional plantings are needed to meet Town buffer standards, and that any additional landscaping be planted prior to issuance of a Certificate of Occupancy.
6. That Blue Cross Blue Shield management should actively pursue: 1) participation in a ridesharing survey, to be administered by the regional Tri-a-Ride program; and 2) developing additional staggered work hours such as starting on half-hour intervals between 7 and 9 a.m.
7. That turn lanes be constructed and striped on East Lakeview at its intersections with 15-501 and Old Durham Road.
8. That final plans be approved by the Town Manager before issuance of a Zoning Compliance Permit (Site Plan, Landscape Plan, Grading and Stormwater Management Plan) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.

9. That an Erosion Control Plan be approved by the Orange County Erosion Control Officer prior to issuance of the Zoning Compliance Permit.
10. That continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with applicable provisions of the Chapel Hill Development Ordinance and regulations thereunder.
11. If any of the above conditions shall be held invalid or void, then this permit shall be void and of no effect.

BE IT FURTHER RESOLVED that the Council hereby approves the Special Use Permit to authorize development as proposed by this application in accordance with the plans as submitted and approved and the stipulations above.

This the 11th day of May, 1987.

Master Plan Development Ordinance Text Amendment

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT ORDINANCE 87-5-11/O-1A.

Alan Rimer, representing the Planning Board, said the Board had not discussed linkage between step one and step two and that was why the Planning Board's recommendation was different from the Manager's. He said he had discussed this issue with four of the Planning Board members and they had said the linkage between the two steps was a sound idea.

Council Member Andresen asked how Mr. Rimer was defining linkage. Mr. Rimer said the term was with respect to the rebuttable presumption. He stated that the Board felt the Council through the process of deliberation of the first stage of the two stage process, where the developer presents his master plan, established three of the four criteria necessary to be met for a Special Use Permit. He said once those criteria have been met, it was not reasonable to the Planning Board for those criteria to be met each time. Mr. Rimer stated that the Board felt it was unfair to impose upon the developer the need to meet those criteria each time a developer presents a SUP.

Council Member Andresen responded that it appeared that the first stage was extremely important and that the amount of detail in the Master Plan was also important. Mr. Rimer agreed. He said that the Board and staff felt that they had carefully structured and crafted the process for the first stage of the Master Plan.

Council Member Andresen asked how long could the Master Plan process take, i.e., how long for an entire site to be developed. She expressed concern that the Council and Planning Board's hands

might be tied if the process took considerable time, ten years or more. Mr. Rimer said that if the Master Plan is adopted there should not be any surprises during its development because of the investment by the developer in the Master Plan, and the fact that modifications to the Master Plan could only occur with agreement from the Council. He said that he thought if the Master Plan could be changed at will there was no need to have the master planning concept or a two stage process.

Council Member Werner asked if there would be a time limit on the length for development. Manager Taylor replied that the staff anticipated in the approval process of a master plan that the Council would stipulate a time limit in the initial approval based the complexity of the plan, etc. Mr. Werner asked what the Manager would assume to be a reasonable time. Manager Taylor said it would depend upon the size of the project. He said for a twenty acre tract he thought five years was a reasonable time.

Council Member Werner said when specific SUP requests came in would those requests be subject to the ordinance limitations in force when the Master Plan was adopted or which were current? Attorney Karpinos replied that the standards in effect when the SUP was requested would be applicable. Council Member Werner said this could create conflict. Roger Waldon, Planning Director, said what the staff expected to happen was that the staff would review very carefully how each phase was to be planned. He said each SUP request would be reviewed to see if it would stand on its on, based on the current regulations, regardless of the Master Plan.

Council Member Werner asked who would present evidence refuting the rebuttable presumption. Attorney Karpinos responded that whoever disclaimed the presumptions would present the evidence. He said it could be the staff, the Council, or anyone else.

Council Member Werner said with initial approval of the Master Plan, it was an approval of a mix of uses. He asked if the staff envisioned any further specification of types of uses. Mr. Waldon replied no, that this was done to allow for reaction to market changes. He said the developer, with a Master Plan, would indicate types of uses and traffic patterns for each segment of the site.

Council Member Werner asked if the Council could exclude specific uses generally permitted in certain zones. Attorney Karpinos replied that it would be better to review the permitted uses in a mixed use zone, if the Council wished to preclude certain uses in a Master Plan. He said denial of a specific use would have to occur only if there were grounds to support the denial.

Council Member Andresen said this meant the Council needed to be extremely careful and diligent when reviewing any Master Plan.

Council Member Pasquini said he did not feel the Council should grant what constituted to him blanket permission to propose any kind of permitted use. He said the developer should have to prove all four criteria for approval of a SUP with each project.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN FOR A SUBSTITUTE MOTION 87-5-11/O-1B.

Council Member Godschalk spoke against the substitute motion saying the master plan was not completely open-ended. He said when the Master Plan was adopted it would indicate the types of uses, circulation, open space, facilities, building arrangement, functional groupings proposed for the entire site.

Council Member Werner asked what kind of control would the Council have over a permitted use, but which the Council might feel was inappropriate and wish to deny, when each project was presented. Mr. Waldon stated that the staff wanted to get as much specificity of a Master Plan as possible, with a Master Plan indicating hotel, shopping center, restaurant, gas station, etc. He said however there also needed to be a mechanism to allow for flexibility for a change for example from one commercial use to a similar commercial use. He said that he thought in the process of negotiating the Master Plan and its review there would be a good idea of what the development was that was being proposed. Mr. Waldon said that one of the kinds of information provided with the application would be the land use program which represented the developer's written statement for the project which would describe the different kinds of uses and what was the intent of the developer. He said this would become part of the plan that was adopted.

Mr. Waldon said that the staff would like to be able to say when the Master Plan was presented and adopted that on a certain portion of the site there would be, for example, a hotel. He said there would not be information on the hotel's footprint, elevations, number of floors, whether or not there would be a swimming pool or tennis courts, etc., but it would indicate that a hotel would be in that location and there would be some indication of the number of square feet of floor area.

Council Member Werner said his concern was the Council's inability to not approve something associated with the Master Plan five years into the project.

Mr. Waldon said that the Council still had to make the fourth finding for approval of the Special Use Permit. He said the approval of the Master Plan did not say that the Council made those findings but rather established the presumption that those findings could be made. He said he felt the Council would still maintain a great amount of control over the subsequent development of the site.

Attorney Karpinos said that if there were reasons why the SUP should not be approved, those reasons needed to be articulated. He said once those reasons are expressed then that negates the presumption and the Council could make its appropriate findings.

Mayor Wallace said he was still worried about the rebuttable presumption and its implications.

Council Member Smith commented that the Master Plan concept had not worked with Timberlyne Shopping Center and that he felt there might be too much emphasis placed on allowing a Master Plan to be changed due to changes in the market conditions.

Council Member Godschalk commented that he felt adoption of the substitute motion would be the same as not having a Master Plan concept.

Council Member Pasquini disagreed saying he felt the developers would want to use the mixed use concept enough to use a Master Plan.

Council Member Werner said he hoped the Council would receive proposals for Master Plans and that the Council should expect the plan to be detailed and specific. He said the alternative would be random SUP requests which would not necessarily blend together on a site.

THE SUBSTITUTE MOTION FAILED TO CARRY, (3-5), WITH COUNCIL MEMBERS ANDRESEN, PASQUINI AND MAYOR WALLACE VOTING IN FAVOR.

THE MOTION TO ADOPT ORDINANCE 87-5-11/O-1A CARRIED, (6-2), WITH COUNCIL MEMBERS PASQUINI AND THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE DEVELOPMENT ORDINANCE TO CREATE A MASTER LAND USE PLAN PROCESS (87-5-11/O-1A)

WHEREAS there exist large properties in and around Chapel Hill which require special attention and careful planning as they are developed; and

WHEREAS the Chapel Hill Development Ordinance currently does not provide a mechanism to allow consideration and approval of general development plans; and

WHEREAS the Chapel Hill Comprehensive Plan calls for protection of Town character, protection of the natural environment, careful planning of road networks and public facilities, and preservation of open space; and

WHEREAS these purposes of the Comprehensive Plan can be better achieved by allowing consideration and approval of general development plans;

226

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that Article 15 of the Chapel Hill Development Ordinance be amended as follows:

SECTION I

AMEND the title of Article 15 to read as follows:

Article 15. SITE PLAN AND MASTER PLAN APPROVALS AND PERMITS

SECTION II

ADD a new subsection 15.7, to read as follows:

15.7 Master Land Use Plan

It is the intent that the development and approval of a Master Land Use, or Conceptual Plan would permit greater flexibility in the design and development of tracts of land twenty (20) acres or greater in size; and therefore promote and encourage more creative and imaginative design while conserving the value of land. This process is intended to provide a procedure which can relate to type, design and layout of residential, commercial and office development to a particular site in a general way, providing the basis for subsequent, more detailed development plans and applications through the Town's Special Use Permit Process.

15.7.1 Master Land Use Plan Defined

The Master Land Use Plan conveys the general intent and system of development. It is a conceptual plan that illustrates and defines land use areas for residential, office, commercial, open space and special facilities or other land uses. General circulation patterns, both vehicular and pedestrian, are identified and indicated on the conceptual plan. Master Land Use Plans may be prepared for development tracts of 20 acres or more.

15.7.2 Master Land Use Plan Design Criteria

All Master Land Use Plans shall demonstrate a high quality of overall site design. The design and construction of site elements shall include appropriate consideration of the relationship and balance among site elements, the relationship of the development to natural features, neighboring

developments, and access and circulation systems, retention of natural vegetation, minimal alteration of natural topography, mitigation of erosion and sedimentation, mitigation of stormwater drainage and flooding, arrangement and orientation of buildings and amenities in relation to each other and to neighboring developments and streets, landscaping, preservation or enhancement of vistas, and mitigation of traffic impacts. No Master Land Use Plan shall be approved that does not demonstrate appropriate consideration of these criteria.

Further, a plan shall not be approved unless it has demonstrated that the proposed development would:

- a) Maintain 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.

15.7.3 Procedures for Approval of Master Land Use Plan

15.7.3.1 Application Submittal Requirements

Applications for Master Land Use Plan approval shall be filed with the Town Manager.

The Town Manager shall prescribe the form(s) of applications as well as any other material he may reasonably require to determine compliance with this article. The applicant will be required to demonstrate that the proposed development conforms to all provisions of this chapter, and is consistent with the Town's Comprehensive Plan.

No application shall be accepted by the Town Manager unless it complies with such submittal requirements. Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.

15.7.3.2 Action on the Application

On receipt of a complete application, the Town Manager shall cause an analysis to be made by qualified representatives of the Town and such other agencies or

officials as appear appropriate in the circumstances of the case, to determine compliance with applicable provisions of this chapter and any applicable conditions of any approved Special Use Permit or Certificate of Appropriateness.

15.7.3.3 Preliminary Conference with the Applicant

The Town Manager shall notify the applicant, in writing, of any proposed Master Land Use Plan's deficiencies. The Manager shall also notify the applicant of his willingness to discuss alternatives to correct those deficiencies.

If the applicant joins in such discussions, the application may be modified, further discussions may be held, or additional information may be requested by the Town Manager.

If the applicant participates in preliminary conferences with the Town Manager, the Manager will prepare his report to the Planning Board when further conferences appear unnecessary. No time limits shall apply to the Manager's review when the applicant joins in preliminary conferences. However, the applicant may require the Manager to submit the application and his report to the Planning Board whenever the applicant wishes to end discussions with him.

If the applicant does not join in preliminary conferences with the Town Manager, the report shall be prepared within thirty-five (35) working days after the application is accepted, or within such further time extensions consented to in writing by the applicant or by Council resolution. If the Town Manager fails to prepare a report to the Planning Board within this time limit, or extensions thereof, the Manager's recommendation to the Planning Board shall be deemed to be one of approval without conditions.

15.7.3.4 Town Manager's Report to Planning Board and the Council

The Town Manager shall submit to the Planning Board a written analysis of the application and his recommendation.

15.7.3.5 Planning Board Review

The Planning Board shall review the application and the Town Manager's report and shall submit a written recommendation to the Council.

The Planning Board shall base its recommendation on its determination of whether or not the application conforms to all applicable provisions of this chapter, and whether or not the application is consistent with the Comprehensive Plan.

The Planning Board shall prepare its recommendations within thirty-five (35) days of the meeting at which the Town Manager's report is submitted to it or within such further time consented to in writing by the applicant or by Council resolution.

If the Planning Board fails to prepare its recommendation to the Council within this time limit, or extensions thereof, the Planning Board shall be deemed to recommend approval of the application without conditions.

If the Planning Board recommends approval of the application with conditions, the applicant may amend his application to conform to all or some of the conditions, provided the Town Manager reviews the amended application for compliance with applicable regulations and certifies that the amendments conform to the conditions of the Planning Board recommendation. In such cases, the Town Manager may amend his report to conform to any or all of the Planning Board's recommendations.

The Town Manager shall then forward his report and the Planning Board's recommendation to the Council.

15.7.3.6 Council Review

After receiving the Town Manager's report and Planning Board's recommendation or, if applicable, the expiration of the time limit prescribed in Subsection 15.7.3.5, the Council shall consider the application at a regularly scheduled meeting.

All interested persons shall be given the opportunity to speak and to ask questions. The Council may place reasonable and fair limitations on comments, arguments, and questions to avoid undue delay.

The applicant shall bear the burden of establishing that he is entitled to approval of his application.

All evidence shall be presented under oath.

15.7.3.7 Council Action

The Council shall act on the application after reviewing the application, the Town Manager's report, the Planning Board recommendation, and public comment thereon.

It shall base its action on its findings as to conformity with all applicable regulations of the Development Ordinance. Its action shall be one of the following:

- a) Approval, or
- b) Approval subject to conditions, or
- c) Denial.

The Council may impose reasonable conditions on its approval to ensure compliance with applicable regulations.

15.7.3.8 Amended Applications

Except as permitted in subsection 15.7.3.3, the applicant shall submit an amended application for review as an original application if he proposes to substantially amend or modify his application after the Town Manager's review.

15.7.4 Actions After Decision

The Town Manager shall notify the applicant of the Council's decision in writing and shall file a copy with the Town's Planning Department.

If the application is approved or approved with conditions, the Town Manager shall issue the necessary Master Plan Approval in accord with the action of the Council. The applicant shall record such approval in the office of the appropriate County Register of Deeds.

The Master Land Use Plan, including all conditions attached thereto, shall run with the land and shall be binding on the original applicant as well as all successors, assigns, and heirs.

If the Master Land Use Plan is approved, or approved with conditions, the Town Manager may then accept applications for development under a Special Use Permit.

15.7.5 Expiration of Master Land Use Plan Approval

If an application for development of at least one phase has not been accepted by the Town Manager within two (2) years of the date of approval of the Master Land Use Plan, the approval shall automatically expire.

After that time the applicant may re-submit the original application. The Manager may reapprove that application unless he determines that paramount considerations of health, the general welfare, or public safety require the application to be reviewed in accordance with the procedures set forth in Section 15.7.3. The Manager may reapprove the application only once, for a period of 12 months.

15.7.6 Minor Changes and Modifications of Master Land Use Plan

The Town Manager is authorized to approve minor changes and changes in the ordering of phases in the approved Master Plan as long as such changes continue to be in compliance with the approving action of the Council and all other applicable requirements, but shall not have the authority to approve changes that constitute a modification of the Master Plan.

Before making a determination as to whether a proposed action is a minor change or a modification, the Town Manager shall review the record of the proceedings on the original application for the Master Land Use Plan and subsequent applications for modifications of Master Land Use Plan and shall use the following criteria in making the determination:

- a) A change in the boundaries of the site approved by the Council shall constitute a modification;
- b) A change from the use(s) approved by the Council shall constitute a modification;
- c) A substantial change in the floor area or number of parking spaces approved by the Council shall constitute a modification;
- d) Substantial changes in pedestrian or vehicular access or circulation approved by the Council shall constitute a modification; and

- e) Substantial change in the amount or location of landscaped and open areas approved by the Council shall constitute a modification.

If the proposed action is determined to be a modification, the Town Manager shall require the filing of an application for approval of the modification.

The Town Manager shall prescribe the form(s) of applications as well as any other material he may reasonably require to determine compliance with this article.

An application for Modification of a Master Land Use Plan shall be reviewed in accord with the procedures established in Section 15.7.3.

15.7.7 Relation to Special Use Permit

Once a Master Land Use Plan or a Modification of a Master Land Use Plan has been approved for a tract of land, no further development approval shall be granted unless it is consistent with the Master Plan.

If a Master Land Use Plan is approved for a tract of land, and an application for a Special Use Permit is subsequently received, then the Special Use Permit application must be consistent with the Master Plan. If it is consistent with the Master Plan, a rebuttable presumption shall thereby be established that the proposed development would:

- 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.

15.7.8 Abandonment or Revocation of an Approved Master Land Use Plan

On request by the holder of an approved Master Land Use Plan, the Council shall approve the abandonment of the Plan if it determines that no subsequent development approvals have been granted and no construction activity has taken place pursuant to the Master Plan.

On request by the holder of an approved Master Land Use Plan, the Council may revoke the Plan and any Special Use Permits approved pursuant to the Master Land Use Plan if it determines that:

- a. Construction pursuant to the Plan has started; and
- b. The request is made in conjunction with an application for approval of a development other than that authorized by the Plan; and
- c. The proposed development as approved by the Council would incorporate adequate consideration of the site's already disturbed land area in its design; and
- d. The proposed use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan; and
- e. Public purposes are satisfied to an equivalent or greater degree by the proposed change.

15.7.9 Relation to Preliminary Plat Application

An application for approval of a Master Land Use Plan may be considered simultaneously with an application for Preliminary Plat approval on the same site. If both applications are approved, any development on resulting subdivided lots must be consistent with the Master Land Use Plan.

The individual lots so created within the context of a Master Land Use Plan shall not be required to meet the lot design standards of Article 7 or the intensity ratios of Article 5, provided the zoning lot containing the Master Land Use Plan meets such standards.

SECTION III

ADD a paragraph to the end of subsection 8.3, Findings of Fact, to read as follows:

In the case where a Special Use Permit is requested for a parcel of land covered by an approved and valid Master Land Use Plan (as defined in Section 15.7), and the proposed development is consistent with the Master Land Use Plan, then a rebuttable presumption shall be established that the Council can make findings a), c), and d) above.

SECTION IV

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of May, 1987.

Annexation - Area South of Morgan Creek

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 87-5-11/O-2.

Jerry Bruno, speaking as a resident in the proposed annexation area, spoke in support of the annexation but said that the residents would like some consideration made to having a path created along Mt. Carmel Church Road to allow pedestrian access to other areas of Chapel Hill. He commented that the bridge replacement on 15-501/Pittsboro Road was not proposed to have pedestrian access. Mr. Bruno said it was extremely dangerous to have to walk on those roads.

Council Member Andresen said she appreciated the residents' concern and asked the Council if it would have the Manager have the staff and Transportation Board review the provisions for the new bridge and the possibility of sidewalk along Mt. Carmel Church Road.

Council Member Smith commented that at the public hearing there had been a list of problems by the residents of Sycamore Run which they requested aid from the Town in having fixed. He said there were questions on the drainage problems in particular. Manager Taylor responded that the staff had worked with the residents to try to solve some of their problems and that the drainage issue appeared to be the responsibility of the Homeowners' Association. Mr. Taylor said the staff would work with the Association in providing technical assistance but that it was understood that the Town would not do the actual work.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (87-5-11/O-2)

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Council of the Town of Chapel Hill had taken into full consideration the statements presented at the public hearing on the 23rd of March, 1987, on the question of this annexation; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Town of Chapel Hill as follows:

Section 1. From and after midnight of the 30th of June, 1987, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said 30th of June, 1987, be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING at a point on the present Town Corporate Limits, said point being the southern common corner of Lots 7A and 8, Block B, Chapel Hill Township Tax Map 122, said point being on the northern right-of-way line of U.S. Highway 15-501 and on the southern edge of Morgan Creek; running thence along the present Town Corporate Limits line and along the northern right-of-way line of U.S. 15-501 in a northeasterly direction across N.C. 54 Bypass approximately 800 feet to a point one foot north of the northern right-of-way of N.C. 54 Bypass and one foot west of the western right-of-way of U.S. 15-501 Business; thence along a line parallel to and one foot west of the western right-of-way of U.S. 15-501 Business in a northerly direction approximately 400 feet to a point; thence across U.S. 15-501 Business in a perpendicular direction approximately 62 feet to a point one foot east of U.S. 15-501 Business right-of-way, said point being one foot north of the northern right-of-way of the northeast U.S. 15-501 Bypass ramp; thence along a line one foot north of and parallel to the northern right-of-way of the U.S. 15-501 Bypass ramp and U.S. 15-501 Bypass in a southeasterly and easterly direction approximately 2100 feet to a point one foot north of U.S. 15-501 Bypass right-of-way, said point being a projection of the western property line of Morgan Creek Subdivision; thence across U.S. 15-501 Bypass along the projection of said property line and along the present Town Corporate Limits line a southwesterly direction approximately 215 feet to a point on the southern right-of-way of U.S. 15-501 Bypass; thence along a new Town Corporate Limits line as follows: running along the southern right-of-way of U.S. 15-501 and the northern property line of Winterhill Subdivision, the E. G Merritt Estate and Duke Power Company approximately 2100 feet to a point on the southern right-of-way of U.S. 15-501 and the eastern property line of Lot 9, Block D, Chapel Hill Township Tax Map 126; thence around and including said Lot 9 in a southeasterly direction approximately 150 feet to a property corner; thence in a southwesterly direction approximately 48 feet to a property corner; thence along the western property line of Lot 9 in a northwesterly direction approximately 160 feet to a point on the southern right-of-way of U.S. 15-501; thence along the southern right-of-way of U.S. 15-501 approximately 260 feet to a point on the southern bank of Morgan Creek and the southern property line of Duke Power Company; thence along the southern bank of Morgan Creek and the southern property line of Duke Power Company in an easterly direction approximately 825 feet to the southeast corner of Duke Power Company; thence in a northerly direction along Duke Power Company's property line approximately 30 feet to the center line of Morgan Creek; thence downstream along the center line of Morgan Creek in a southeasterly direction approximately 880 feet to a point in the center line of Morgan Creek, said point being a projection of the western property line of Sycamore Run Subdivision as shown on the plat "Sycamore Run" revised August 20, 1984, Orange County Plat Book 39, Page 44; thence along the projection of said property line S 33-29-20 W approximately 30 feet to the northeast corner of said subdivision; thence along the southeastern property line of Sycamore Run Subdivision the following

236

bearings and distances: S 33-29-20 W 124.20 feet, S 18-44-20 W 125.39 feet, S 45-17-47 W 89.05 feet, S 45-28-37 W 169.94 feet, S 45-48-57 W 170.20 feet, S 02-07-33 E 67.03 feet, S 47-22-07 W 112.57 feet, S 47-27-47 W 218.27 feet, and S 81-09-27 W 403.15 feet to a point on the eastern right-of-way of Mt. Carmel Church Road (S.R. 1008); thence along said right-of-way in a northerly direction approximately 1550 feet to the intersection of the eastern right-of-way of Mt. Carmel Church Road and the southern right-of-way of U.S. 15-501; thence across U.S. 15-501 approximately 170 feet to the intersection of the northern right-of-way of U.S. 15-501 and the eastern right-of-way of Culbreth Road (S.R. 1994); thence along the northern right-of-way of U.S. 15-501 in a northeasterly direction approximately 170 feet to the intersection of said right-of-way with the southern boundary of Morgan Creek, the point or place of BEGINNING.

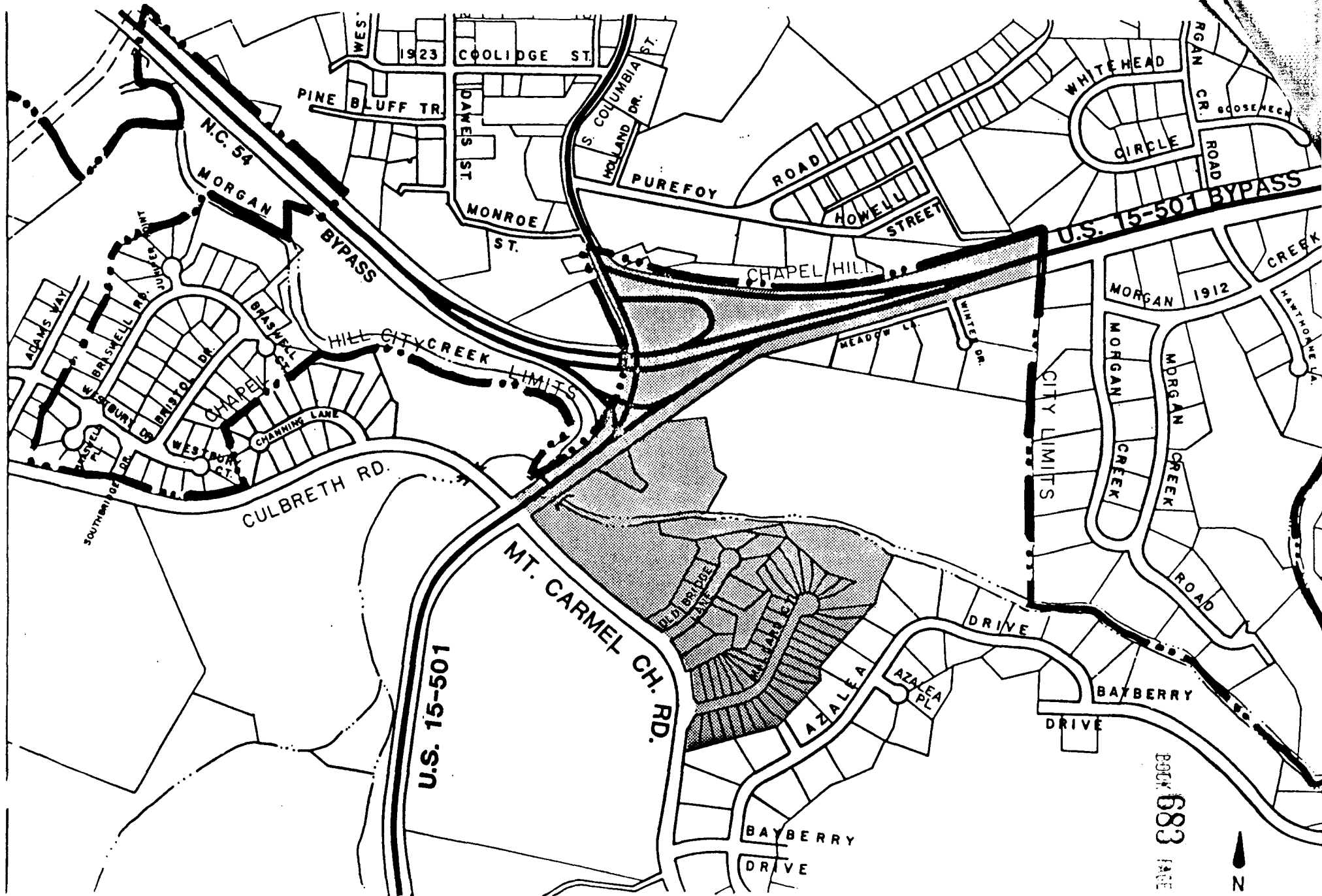
Section 2. The Council of the Town of Chapel Hill does hereby specifically find and declare that the above-described territory meets the requirements of G.S. 160A-48, in that:

1. The area is contiguous to the Town of Chapel Hill.
2. Over one-eighth (12.5 percent) of the aggregate external boundary of the area under consideration coincides with the existing Town of Chapel Hill boundaries. About 33% of the annexation area boundary is contiguous with the present Town of Chapel Hill boundaries.
3. None of the area is within the boundary of an incorporated municipality.
4. The proposed boundaries of the area under considerations follow topographic features such as ridge lines, streams or creeks, wherever possible. Street rights-of-way are also used as external boundaries.
5. The area covers 50 acres and has an estimated population of 108 persons, or approximately 2.20 persons per acre. This area therefore is eligible for annexation under the terms of G.S. 160A-48 (c) (1).
6. Land developments in the area are primarily residential.

Section 3. It is the purpose and intent of the Town of Chapel Hill to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Council of the Town of Chapel Hill in the 9th day of February, 1987, and filed in the office of the Clerk for public inspection.

Such services will include:

1. Refuse collection twice per week, as described in said report.



1987 PROPOSED ANNEXATION AREA





2. Maintenance and repair of any publicly-maintained streets (provided, that streets maintained by the N.C. Department of Transportation would have to be transferred to and accepted by the Town of Chapel Hill) or streets which are built or improved to Town of Chapel Hill standards for acceptance into the Town-maintained street system, and other street services as described in the report.
3. Police protection including periodic patrols, crime prevention, investigation of crimes, enforcement of ordinances and statutes and other police services as described in the report.
4. Fire protection including suppression, preventive inspections, and code enforcement as described in the report.
5. Extension of water and sewer lines under financing policies of the Orange Water and Sewer Authority (OWASA), as described in the report.

Section 4. The Council of the Town of Chapel Hill does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, public water trunk lines and sewer outfall lines are already extended into the annexation area and no requests or petitions for extensions were filed, so that no additional extensions are necessary under G.S. 160A-47. Property owners may have public water and sewer lines extended within the annexation area in accord with the extension and financing policies of the Orange Water and Sewer Authority which apply in all of the Town of Chapel Hill.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

Section 6. The newly annexed territory described hereinabove shall be subject to Town of Chapel Hill taxes according to G.S. 160A-58.10.

Section 7. The Mayor of the Town of Chapel Hill shall cause an accurate map or the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance to be recorded in the office of the register of deeds of Orange County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

This is the 11th day of May, 1987.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO REFER THE PETITION FOR A PEDESTRIAN WALKWAY ALONG MT. CARMEL CHURCH ROAD TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Fire Service - Annexed Area

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-5-11/R-3. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING A CONTRACT WITH THE NORTH CHATHAM VOLUNTEER FIRE DEPARTMENT (87-5-11/R-3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to enter into an agreement in accord with State law with the North Chatham Volunteer Fire Department for services to the annexation area described in the annexation ordinance adopted on May 11, 1987. Such an agreement shall provide that the Town will pay substantially the amount of fire district tax revenue which the North Chatham department would receive from this area if it were not annexed.

BE IT FURTHER RESOLVED that the Council authorizes the Manager to enter into a mutual aid agreement with the North Chatham Volunteer Fire Department.

This is the 11th day of May, 1987.

Human Services Performance Agreements

Al Mebane, Chair of the Human Services Advisory Board (HSAB), said the Board appreciated the opportunity to present their recommendations for the 1987-88 fiscal year performance agreements with community human service agencies. He said the memorandum had a summary of the Board's report and recommendations. He said the Board recommended performance agreements with Chapel Hill Carrboro Meals on Wheels, Inc., Child Care Networks, Inc., Day Care Services Association, Inc., Dispute Settlement Center, Inc., Joint Orange-Chatham Community Action, Inc., North State Legal Services, Inc., Orange County Rape Crisis Center, Inc., Orange County Women's Center, Inc., Orange-Durham Coalition for Battered Women, Inc., Planned Parenthood of Orange County, Inc., and Volunteers for Youth, Inc. Mr. Mebane said the proposal was an 8% increase from last year's recommendation but that the Board felt the programs were worth the increases.

Council Member Preston thanked Mr. Mebane and the Human Services Advisory Board for their work. She said the report and recommendations represented a great deal of work and dedication. She said they had done a splendid job. Ms. Preston asked if the amount recommended for each agency was that which the agency requested or did the Board determine what amounts should go to each agency. Mr. Mebane replied that the Board determined the amount to be recommended for each agency.

Council Member Godschalk also commended the Human Services Advisory Board for its work.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ACCEPT THE REPORT WITH GRATITUDE AND REFER IT TO THE MANAGER.

Council Member Thorpe thanked the HSAB for a doing a fine job. He commented that he had been on the Council when the Council reviewed the agency requests and that he knew how much work the Board put into the project. He said he felt the process definitely worked better with the HSAB handling this project.

THE MOTION PASSED UNANIMOUSLY, (8-0).

Landfill Plan

Council Member Preston said the memorandum gave a report on the proposed new operating plan for the Orange Regional Landfill. She said the Landfill Owners' Group had contracted with HDR/Techserv, an engineering firm to review and upgrade the plans for the next phase of the existing landfill, and that the proposal before the Council was the result of the study. Ms. Preston thanked Bruce Heflin, Public Works Director, for his work with the Owners' Group and the consultants in proposing the plan. She concluded by saying she felt the proposal represented a sound approach to immediate operational issues at the Landfill while emphasizing environmental protection.

Council Member Godschalk asked about the visual impact of the 35' cap on the landfill. Ms. Preston said that the trees surrounding the site were 60' tall and that the capping would be done in stages to help minimize any negative effects of the capping.

Council Member Werner asked if the plan would result in an adequate closure of the site in four years. Bruce Heflin, Public Works Director, replied that the Town would have to provide a formal closure plan to the State, but that they would be capping as they went along and would be in the position for formal closure in four years.

Council Member Werner asked why the proposal suggested separate disposal methods and sites for the ash from the UNC power plant. Mr. Heflin responded that this was in anticipation of an expected reclassification of the ash. He said they expected the Environmental Protection Agency to require special disposal procedures for the ash within the next year or so.

Council Member Smith said he would like to continue this discussion at the Council's budget work session the next evening. The Council agreed.

Homeownership Demonstration Project - Development Agreement

Council Member Pasquini said that since it was late in the evening, and he had a series of questions to ask about this proposal, he would prefer to defer this item until the beginning of the budget work session the next evening (May 12).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO DEFER THIS ITEM UNTIL THE NEXT EVENING, MAY 12, 1987, WHEN IT WOULD BE THE FIRST ITEM ON THE AGENDA. THE MOTION PASSED UNANIMOUSLY, (8-0).

Auditors

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-5-11/R-4.

Council Member Preston asked if there would be any problem or conflict with awarding the contract to Touche Ross since they had been the Town's auditors for the past few years. Manager Taylor said that it was good in that the company was familiar with the Town's work and records, but that he had requested that the field operators be different from those previously used so as to avoid any conflict of interest.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR AUDIT SERVICES (87-5-11/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor of the Town of Chapel Hill is hereby authorized to enter into a contract with the firm of Touche Ross and Company for audit services covering the activities in the 1986-87 fiscal year, in an amount not to exceed \$23,500.

This the 11th day of May, 1987.

Consent Agenda

Council Member Preston asked that items #d and g be removed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-5-11/R-5 MINUS ITEMS #D AND G. THE MOTION PASSED UNANIMOUSLY, (8-0).

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

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS
(87-5-11/R-5)

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

- a. Ridge Road Street Closing for Special Olympics Fireworks (R-6).
- b. One-way Traffic for UNC Orientation (O-3).
- c. Transit Element for Durham Urbanized Area Transportation Improvement Plan (R-7).
- e. Parking Restriction for Holloway Lane (O-4).
- f. Rejection of Bids for Transit Equipment (R-10).
- h. Calling Annexation Hearing (R-12).

This the 11th day of May, 1987.

Special Olympics - Closing Ridge Road

A RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF RIDGE ROAD
ON MAY 22, 1987 (87-5-11/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of a portion of Ridge Road between Laurel Hill Road and Stadium Drive between 8:30 and 9:30 p.m. for a fireworks display to be held in conjunction with the opening ceremonies of the North Carolina Special Olympics, subject to the following conditions:

- That the Special Olympics Committee obtain and abide by the provisions of a permit to fire pyrotechnics to be issued by the Fire Department;
- That the Special Olympics Committee shall comply with reasonable directives of the Town's Police and Fire Departments, and the University administration and Police to assure the safety of persons and property in the vicinity of the fireworks display; and
- That barricades be placed at each end of the closed area with Sworn Officers stationed to enable access for emergency vehicles if necessary.

This the 11th day of May, 1987.

UNC Orientation - One Way Streets

AN ORDINANCE PROVIDING FOR TEMPORARY ONE-WAY STREETS
(87-5-11/O-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that on the 22nd day of August, 1987 between the hours of 8 a.m. and 5 p.m.:

Raleigh Street shall be limited to one-way traffic, flowing north from South Road to Franklin Street; and

Cameron Avenue/Country Club Road shall be limited to one-way traffic, flowing east from Columbia Street to Gimghoul Road.

This the 11th day of May, 1987.

Transit Element of Transportation Improvement Program

A RESOLUTION AUTHORIZING SUBMISSION OF THE TOWN OF CHAPEL HILL'S ANNUAL TRANSIT ELEMENT TO THE DURHAM-CHAPEL HILL-CARRBORO TRANSPORTATION ADVISORY COMMITTEE FOR INCLUSION IN THE TRANSPORTATION IMPROVEMENT PROGRAM (87-5-11/R-7)

WHEREAS, the Town of Chapel Hill is required to submit an annual transit element to the Durham-Chapel Hill-Carrboro Transportation Advisory Committee; and

WHEREAS, the Town of Chapel Hill's annual element will be included in the regional Transportation Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests that the Transportation Advisory Board include the attached Chapel Hill annual transit element to the Transportation Improvement Program for the Durham-Chapel Hill-Carrboro Urban Area.

This the 11th day of May, 1987.

Holloway Lane No Parking

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-5-11/O-4)

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

SECTION I

That Section 21-27 of the Town Code of Ordinances, "No Parking as to particular streets," is amended by inserting the following in alphabetical order.

<u>Street</u>	<u>Side</u>	
Holloway Lane	West	Full Length

SECTION II

That Section 21-27.1 of the Town Code of Ordinances "No parking during certain hours" is amended by inserting the following in alphabetical order:

"(c) 9:00 a.m. to 4:00 p.m. Monday - Friday"

<u>Street</u>	<u>Side</u>	
Holloway Lane	East	Full Length

SECTION III

This ordinance shall be effective May 26, 1987.

This the 11th day of May, 1987.

Transit Power Parts Washer Bid

A RESOLUTION REJECTING BIDS FOR THE PURCHASE OF ONE(1) POWER PARTS WASHER/CLEANER (87-5-11/R-10)

WHEREAS, the Town of Chapel Hill solicited formal bids by legal notice in The Chapel Hill Newspaper on April 24, 1987, in accordance with G.S. 143-129 for a Power Parts Washer/Cleaner;

WHEREAS, the following bids were received, opened, and publicly read on May 5, 1987, as follows:

<u>Item</u>	<u>Vendor</u>	<u>Price</u>
One(1) Power Parts Washer/Cleaner	Mile - X Tire Grooving Co. Coldwater, Ohio	\$11,950.00
	Hayden - Trans Tool San Antonio, Texas	\$ 3,595.50

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects the the bids of Mile - X Tire Grooving Company and Hayden - Trans Tool; received in response to the Town's Advertisement for bids published April 24, 1987, and opened on May 5, 1987, in accordance with G.S. 143-129.

This the 11th day of May, 1987.

Annexation - Calling Public Hearing on Ephesus Baptist Church Property

A RESOLUTION CALLING A PUBLIC HEARING ON ANNEXING EPHEBUS BAPTIST CHURCH (87-5-11/R-12)

WHEREAS, Ephesus Baptist Church has petitioned the Town of Chapel Hill to annex the Church's property on the north and east of Ephesus Baptist Church, and

244

WHEREAS, the Town Clerk has certified to the Town Council the sufficiency of said petition pursuant to N.C. GS 160A-31,

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for 7:30 p.m. Monday, June 8, 1987 in the Municipal Building, Meeting Room, 306 N. Columbia Street, Chapel Hill 27514 on the annexation petition by Ephesus Baptist Church.

BE IT FURTHER RESOLVED that the Town Manager shall cause notice of the public hearing to be published, in a newspaper having general circulation in the municipality, at least 10 days before the date of the public hearing.

This the 11th day of May, 1987.

Acceptance of Streets

Council Member Preston asked if adoption of these resolutions meant the Town would be responsible for the upkeep and maintenance of all the roads listed. Manager Taylor replied yes and that the roads in question were those in the areas recently annexed by the Town and which NCDOT indicated that they would not maintain.

Council Member Werner commented that some of the streets in the resolution were unpaved. He asked whether or not the Town wanted to accept these streets. Manager Taylor responded that his conversations with NCDOT indicated that if any maintenance was to done to those roads it would have to be done by the Town. He said it was a question of whether or not the Council wanted to provide equal service throughout the Town.

Council Member Preston said she was in favor of acceptance and maintenance.

Council Member Godschalk asked what the fiscal implications were there with the acceptance of the streets. Manager Taylor replied that maintenance of these streets would cost the Town but that the Town would receive Powell Bill funding for the streets.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-5-11/R-8. THE MOTION CARRIED, (7-1), WITH COUNCIL MEMBER WERNER VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING DELETION FROM STATE-MAINTAINED SYSTEM OF CERTAIN ROADS AND STREETS LYING WITHIN THE AREA ANNEXED BY THE TOWN OF CHAPEL HILL, NORTH CAROLINA, AND FORMERLY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS (87-5-11/R-8)

WHEREAS, the Department of Transportation, Division of Highways, has maintained certain roads and streets lying within the area annexed by the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill will now assume responsibility for the roads and streets lying within the annexed area, with the exception of those roads and streets designated as System Roads or Streets; and

WHEREAS, the Town of Chapel Hill and the Department of Transportation, Division of Highways, have been over the matter and designated the roads and streets to be deleted from the System, the total mileage being 2.716 miles Rural System as shown on the attached tabulation, being a part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town hereby agrees to provide all necessary maintenance on the 2.716 miles of roads in question, as set forth on the attached tabulation; and the Department of Transportation, Division of Highways, effective July 1, 1987, will discontinue all maintenance on said roads and streets as of this date.

This the 11th day of May, 1987.

Listing of Streets Previously Annexed to be Accepted for Maintenance Purposes by the Town of Chapel Hill Effective July 1, 1987:

ORANGE COUNTY:

<u>Name</u>	<u>Length (in miles)</u>
Legion Road, from Scarlette Drive to Ephesus Church Road	.785
Scarlette Drive, from Legion Road to Old Durham Road	.106
East Lakeview Drive, from Old Durham Road To West Lakeview Drive	.315
West Lakeview Drive, from 15-501 to East Lakeview Drive	.260

DURHAM COUNTY:

<u>Name</u>	<u>Length (in miles)</u>
Clark Lake Road, from Pope Road to Page Road	.54
White Oak Drive - North (SR 1123), from Old Durham Road to dead end (North)	.39
White Oak Drive - South (SR 1123), from Old Durham Road to dead end (South)	.27
East Lakeview Drive, that portion in Durham County	.05

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-5-11/R-9. THE MOTION CARRIED, (7-1), WITH COUNCIL MEMBER WERNER VOTING AGAINST.

246

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING DELETION FROM STATE-MAINTAINED SYSTEM OF CERTAIN ROADS AND STREETS LYING WITHIN THE TOWN OF CHAPEL HILL, NORTH CAROLINA, AND FORMERLY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS (87-5-11/R-9)

WHEREAS, the Department of Transportation, Division of Highways, has maintained certain roads and streets lying within the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill will now assume responsibility for these roads and streets; and

WHEREAS, the Town of Chapel Hill and the Department of Transportation, Division of Highways, have been over the matter and designated the roads and streets to be deleted from the System, the total mileage being .628 miles Rural System as shown on the attached tabulation, being a part of this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town hereby agrees to provide all necessary maintenance on the .628 miles of roads in question, as set forth on the attached tabulation; and the Department of Transportation, Division of Highways, effective July 1, 1987, will discontinue all maintenance on said roads and streets as of this date.

This the 11th day of May, 1987.

Listing of Streets to be Accepted for Maintenance Purposes by the Town of Chapel Hill Effective July 1, 1987:

<u>Name</u>	<u>Length (in miles)</u>
Laurel Hill Road, from 15-501 to Coker Drive	.260
Ridge Road, from Manning Drive to Boshamer Stadium	.368

Street Resurfacing

Council Member Preston commented that the bid for the street resurfacing had been lower than what was budgeted. She said that generally the Manager was authorized to use the remaining funds to contract for further resurfacing work. Ms. Preston asked if the funds could be used for other projects like putting in a pedestrian path along Mt. Carmel Church Road. Manager Taylor replied that the funds could be used as the Council saw fit, but that he would have to consider the sidewalk request for Mt. Carmel Church Road in relation to the other sidewalk requests throughout the town. He said he would prefer to use the funds for further street resurfacing.

Council Member Smith asked what was the problem with Estes Drive near Halifax Road. Mr. Taylor replied that the water line kept blowing out and washing out the road base. He said the Town was patching the road at OWASA's expense each time it occurred.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-5-11/R-11. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AWARING A CONTRACT FOR RESURFACING OF STREETS (87-5-11/R-11)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on April 24, 1987 in accordance with G.S. 143-129 for the resurfacing of streets; and

WHEREAS, the following bids were received, opened and publicly read on May 6, 1987:

Item	<u>Lee Paving Co.</u>		<u>C. C. Mangum</u>		<u>REA Const. Co.</u>		<u>Nello Teer</u>		<u>B & B Paving Co.</u>	
	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>
BASE BID										
Street Resurfacing										
a. 4400 Tons - Asphalt	\$28.98	\$127,512	\$37.74	\$166,056	\$ 35.77	\$157,388	\$ 34.13	\$150,172	\$40.40	\$177,760
b. 50 Tons - Patching	\$48.00	\$ 2,400	\$90.00	\$ 4,500	\$106.00	\$ 5,300	\$100.00	\$ 5,000	\$75.00	\$ 3,750
TOTAL		\$129,912		\$170,556		\$162,688		\$155,172		\$181,510
ALTERNATE I										
Utility Adjustments										
a. 75 Manholes	\$125.00	\$ 9,375	\$150.00	\$ 11,250	\$150.00	\$ 11,250	\$150.00	\$ 11,250	\$125.00	\$ 9,375
b. 88 Valve Boxes	\$110.00	\$ 9,680	\$150.00	\$ 13,200	\$150.00	\$ 13,200	\$100.00	\$ 8,800	\$125.00	\$ 11,000
TOTAL		\$ 19,055		\$ 24,450		\$ 24,450		\$ 20,050		\$ 20,375

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the May 6, 1987 base bid of Lee Paving Company for street resurfacing in the amount of \$129,912, received in response to the Town's request for bids published April 26, 1987 and opened May 6, 1987 in accord with G.S. 143-129.

BE IT FURTHER RESOLVED that the Manager is authorized to execute a contract with Lee Paving Company in the amount of \$129,912 and to initiate and sign change orders that will increase the amount of street resurfacing work within the budgeted amount.

This the 11th day of May, 1987.

Housing Authority Board

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 87-5-11/O-5.

Council Member Smith said there needed to be some way that there was a representative from each public housing site on a board to be a contact person, etc.

Council Member Thorpe suggested that each site create its own neighborhood association. He also said he would prefer that the ordinance not include the statement that the Housing Board would advise the Manager on the appointment of the Housing Director. He said no other Board had this responsibility.

COUNCIL MEMBERS GODSCHALK AND SMITH AGREED TO AMEND THEIR MOTION TO DELETE SECTION 2-164(h).

THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO ADD AN ARTICLE XI TO CHAPTER TWO OF THE CODE OF ORDINANCES TO ESTABLISH A HOUSING ADVISORY BOARD (87-5-11/O-5)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby adds an Article XI of Chapter Two of the Code of Ordinances of the Town of Chapel Hill to read as follows:

SECTION I

ARTICLE XI. HOUSING ADVISORY BOARD

Section 2-160. Created; named.

A Housing Advisory Board is hereby authorized for the Town of Chapel Hill.

Section 2-161. Membership, terms.

The Housing Advisory Board shall consist of nine (9) members appointed as hereinafter provided. The terms of board members shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: three (3) members shall be appointed for a period of one (1) year; three (3) members shall be appointed for a period of two (2) years; and three (3) members shall be appointed for a period of three (3) years. Members may be reappointed in accord with the Town Council's procedures. Terms of all members shall expire on the 30th day of June.

The Housing Advisory Board shall be representative of the entire community. Three (3) members shall be current residents of public housing in Chapel Hill or Carrboro. One (1) member shall be a citizen of the Town of Carrboro.

Section 2-162. Appointment, vacancies.

The members shall be appointed and vacancies filled as prescribed in the Council's Procedures Manual.

Section 2-163. Meetings, chairperson.

The Housing Advisory Board shall regularly hold meetings at such times and places as it shall determine. It shall annually elect one member to serve as chairperson and preside over its meetings. The Board may create and fill such other offices and committees of the Board as it may deem necessary. All meetings of the Board shall be open to the public in accord with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the North Carolina General Statutes. The Board shall keep a record of its meetings, including attendance of its members; its resolutions; findings, recommendations and actions. A quorum of the Board, necessary to take an official action, shall consist of five (5) members. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

Section 2-164. Duties, powers.

The Housing Advisory Board shall have the following powers and duties:

- a) Approve public housing procedures, in accord with HUD regulations and within the budgetary and service levels authorized by the Council, regarding terms of lease, occupancy, late rent fees, pet policy, resident transfers, and other applicable regulations.
- b) Assess and update the public housing needs of the community and alert the Council to changes in these needs.
- c) Serve as liaison with the public housing residents' organization. Provide time at each meeting for a report from the residents' organization and remarks by any resident(s). Hold an annual meeting with residents to hear needs, concerns, complaints, ideas.
- d) Recommend a tenant grievance policy, in accord with HUD regulations, for the Council's consideration and adoption. Serve as grievance panel for those tenant grievances not settled at the staff level.
- e) Advise the Council with respect to public housing funding needs at the beginning of the budget cycle and make recommendations to the Council regarding the recommended budget and fiscal policies.

- f) Work with other human service organizations in the community and coordinate services to residents of public housing and help assure that residents are provided with social services to which they are entitled.
- g) Advise the Council regarding housing initiatives, programs, and services.

Sections 2-165 - 2-169. Reserved.

SECTION II

This ordinance shall be effective upon adoption.

This the 11th day of May, 1987.

Noise Ordinance Review Committee

Mayor Wallace said the purpose of the committee would be to review the effectiveness of the current noise ordinance and to propose changes they felt were necessary. He said there needed to be a cross-section of neighborhood representation.

Council Member Godschalk suggested that Mayor Wallace be the Council representative on the Committee. Mayor Wallace agreed to serve on the Committee if it were wish of the Council. The Council agreed.

Council Member Preston said she would like to add Margaret Knoerr to the list of names presented in the memorandum for consideration as members at-large for the committee.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO APPOINT PHILIP PAVLIK, VELMA PERRY, FRED BEHRENS, ROY PROPST, MILTON HEATH, MARGARET KNOERR, ANN SULLIVAN, NANCY VERNON, D. KELLY CLARK, CAROL GEER, AND MARK BURNETTE AS MEMBERS OF THE NOISE ORDINANCE REVIEW COMMITTEE. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mayor Wallace, Philip Pavlik, Velma Perry, Fred Behrens, Roy Propst, Milton Heath, Margaret Nohr, Ann Sullivan, Nancy Vernon, D. Kelly Clark, Carol Geer, and Mark Burnette were appointed.

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

The meeting adjourned to executive session at 11:10 p.m.

A MOTION WAS DULY MADE AND SECONDED TO RECESS THE MEETING UNTIL 7:30 P.M., MAY 12, 1987 IN ORDER TO DISCUSS THE HOME DEMONSTRATION PROJECT DEVELOPMENT AGREEMENT. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting recessed at 11:20 p.m.