

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JUNE 8, 1987, 7:30 P.M.

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

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

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

Public Hearing on Petition for Annexation of Ephesus Baptist Church Property

Manager Taylor stated that the Council, on May 11, called this public hearing to consider a petition for the annexation of the Ephesus Baptist Church property located immediately northwest of the intersection of Ephesus Church and Pope Roads. He said the property was approximately 7.4 acres and contiguous to the current Town limits. Mr. Taylor stated that the Town could provide all public services to this area on the same basis as the rest of the Town without additional personnel or equipment. He recommended that the Council refer the petition and any citizen comments to the staff for further action at the close of the hearing.

There were no citizen comments.

There were no comments from Council Members.

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

Public Hearing on Sale of Property for the Homeownership Demonstration Project

Manager Taylor said the purpose of this public hearing was to provide opportunity for public notice and comment on the Town's proposed sale of property located along Merritt Mill Road to Capricorn/Isler Associates, Inc. for the development of the homeownership project. He said on May 12 the Council authorized the development agreement with Capricorn/Isler Associates, Inc. for the homeownership project and called this public hearing. Mr. Taylor stated that based on an appraisal of the property the sales price for the site was to be \$187,000. He said this price

was consistent with the prices paid for acquisition of the right-of-way for the Merritt Mill Road improvement project.

There were no citizen comments.

Council Member Pasquini asked why the Town had to acquire a release deed from HUD for part of the Legion Road site. Manager Taylor replied that the land had been originally purchased with public housing funds and that the proposal was for part of the site purchased with those funds. He said a release deed from HUD was necessary.

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

Petitions

Betsy Hayes, President of the Chapel Hill Preservation Society, said the Society would like to present the Town with a matching check for \$2000 for the historic sites survey of the Cameron Avenue, McCauley Street, Pritchard Avenue, etc. area. She said the Society hoped such a survey would result in the designation of a new historic district. Ms. Hayes presented the check to Mayor Pro-tem Thorpe.

Council Member Preston said she was delighted that the Town could receive such a gift and thanked the Society and Ms. Hayes for their efforts to move this project forward. She said there had been discussions over a number of years on attempting to establish a new historic district in the Cameron Avenue area and that she had been disappointed when the Town had not received a grant from the State to help fund the survey of the area. Ms. Preston said she was glad the Preservation Society had been able to help fund this project.

Art Hurow, Terry Zug and Debra Tennyson asked to speak to item #5, R-1a zoning district.

Gina Cunningham, Margaret Taylor, Nancy Tolley, Sally Vilas, and George King asked to speak to item #6, UNC Land Use Plan.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT THE MINUTES OF MAY 18, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

Council Member Preston asked that the minutes of May 26 be amended to include further comment and discussion by Mr. Gardner and herself on the Human Services Shelter Committee report. The Council agreed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF MAY 26, 1987 AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (8-0).

Zoning District - Creation of New Low Density Residential Zone - R-1a

Roger Waldon, Planning Director, said the proposal was for a Development Ordinance Text Amendment to create a new zoning district and not a Zoning Atlas Amendment rezoning specific properties. He said lots made nonconforming by the application of the proposed district could be used as a building lot and if necessary a variance from setback requirements could be requested from the Board of Adjustment. He said this proposal was the result of a petition from the Lake Forest Homeowners' Association and that approximately 10% of the lots in the Lake Forest neighborhood would be made nonconforming if the area were subsequently rezoned R-1a. Mr. Waldon stated that there was a difference between nonconforming lots and nonconforming features. He said, in his opinion, applying the proposed zone would not create too many problems with nonconforming lots in those areas where this zone might be appropriate. He said the problem would be if the rezoning created nonconforming features like setbacks, etc., but even then he said he did not foresee too many difficulties.

Council Member Werner asked under what zoning district had most of the lots been developed that may be eligible to be rezoned to the R-1a zone. Mr. Waldon replied that it was a mix of the current R-1 and the old R-20 zoning designations. Council Member Werner asked if the setback requirements for R-20 and R-1 were comparable to the setbacks in the proposed R-1a. Mr. Waldon replied yes, but that he did not think setbacks would be a problem. He stated of the neighborhoods the staff had reviewed, setbacks had not been shown to be a potential problem but that the lot size was in some neighborhoods.

Alan Rimer, representing the Planning Board, said the Board recommended denial of the proposal, feeling it could result in the nonexistence of the current R-1 zone. He said a copy of their recommendation was attached to the Council's memorandum.

Debra Tennyson, representing the Lake Forest Homeowners' Association, spoke in favor of the proposal saying it would help preserve older neighborhoods in Chapel Hill and provide a medium for more workable, effective zoning in Chapel Hill in order to maintain its character.

Art Hurow, representing the Alliance of Neighborhoods, spoke in support of the proposal. He said that the Alliance would propose further comments at the time of implementation.

Terry Zug, representing The Oaks Homeowners' Association, spoke in support of the proposal. He said he did not think there would be any nonconforming lots as a result of the application of the

proposal in The Oaks. He also said such a zoning district could help preserve open spaces in neighborhoods.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT ORDINANCE 87-6-8/O-1.

Council Member Andresen spoke in support of the proposal saying she felt the new zoning district was consistent with the Land Use Plan and goal of preserving existing neighborhoods.

Council Member Smith spoke against the proposal and expressed concern that any nonconforming lots or features would be created as a result of the application of the proposed zoning district. He expressed concern that the Council was proposing to use the zoning ordinance to create nonconforming lots. Mr. Smith asked what would happen if the proposed zone were applied, and a home on a lot of less than 25,000 square feet was completely destroyed. Manager Taylor responded that if the only nonconformity was the lot size, then the property owner could rebuild on the site but would have to meet the current setback requirements, etc. Council Member Smith then asked what would happen if the setback requirements could not be met and the owner wanted to build the same size home. Manager Taylor stated that the property owner would have the choice of applying to the Board of Adjustment for a variance or he could reduce the size of the home.

Council Member Godschalk agreed with Council Member Smith's concerns. He said he could see future problems with property owners and the nonconformities when the property owners attempted to either sell their homes or refinance with the lending institutions. He stated that he did not feel there was a need to enact this new zoning designation now. He said the information was available and could be used and applied when new development occurred and this type of zoning district was applicable.

Council Member Pasquini disagreed, saying that this matter had been before the Council for over a year and that he had no problem with creating the new zone. He pointed out that the proposal was to create the zoning designation not to rezone specific properties.

Council Member Andresen reiterated her support for the proposal. She said she did not feel the nonconformities was a major issue.

Council Member Preston pointed out that the setback requirements in the current R-1 zone and the proposed R-1a zone differed by only one or two feet. She said she did not feel this was a problem.

Council Member Werner agreed saying that he had worried about the nonconformities when the proposal had first been presented but that further discussion with the staff and the fact that even nonconforming lots could be built upon had eased his concerns.

Council Member Smith said that he hoped that before applying the proposal to any area that the staff and Council would know exactly how many lots would be affected and how many nonconformities would be created.

Council Member Godschalk agreed and said the debate could be continued when the Council considered an application to apply the proposed new zoning district. He said that at that time he would insist that every nonconforming property owner be notified by certified mail of the proposed zoning change and told of how it would affect their property.

THE MOTION CARRIED, (6-2), WITH COUCNIL MEMBERS GODSCHALK AND SMITH VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (87-6-8/O-1)

WHEREAS the Council of the Town of Chapel Hill has considered the proposed amendments to the Chapel Hill Development Ordinance creating a new, low density residential zoning district (Residential-1A), and finds that the amendment achieves the purposes of the Comprehensive Plan;

SECTION I

AMEND Subsection 3.1.8 to read as follows:

3.1.8 Residential Districts (R-6, R-5, R-4, R-3, R-2, R-1, R-1A)

The Residential (R-) districts are intended to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development.

SECTION II

ADD a new column to Section 4.3, Schedule of Use Regulations to read as follows:

Uses	R-1A
<u>Use Group A</u>	
Accessory Use Customarily Incidental to a Permitted Group A Principal or Special Use	A
Agriculture, Non-Livestock(see Article 4.4)	A
Agriculture, Livestock (see Article 4.4)	---
Cemetery	S
Dwelling, Single Family	P
Dwelling, Two Family -including Accessory Apartments	P

Dwelling, Two Family Duplex	---
Dwelling, Multi-Family-3 to 7 Dwelling Units	---
Dwelling, Multi-Family--Over 7 Dwelling Units	---
Essential Services	P,A
Home Occupation	A
Mobile Home, Class A	P
Mobile Home, Class B	---
Mobile Home Park	---

Use Group B

Accessory Use Customarily Incidental to a Permitted Group B Principal or S.U.	A
Adult Day Care Facility	S,A
Business, Office-Type	---
Child Day Care Facility (see Article 4.6)	P,A
Church (see Article 4.6)	P
Clinic	---
Club	---
College or University	---
Fraternity or Sorority Dwelling	---
Funeral Home	---
Group Care Facility	S
Hospital	---
Hotel or Motel	---
Public Cultural Facility	P,A
Public Use Facility	P,A
Research Activities	---
Residence Hall	---
Residential Support Facility	---
Rooming House	---
School, Elementary or Secondary (see Article 4.6)	P
Shelter	---
Tourist Home	---

Use Group C

Accessory Use Customarily Incidental to a Permitted Group C Principal or S.U.	A
Automotive Repair Less Collision Service and Painting	---
Automotive Repair	---
Automotive, Trailer, and Farm. Implement Sales or Rental	---
Bank	---
Barber Shop/Beauty Salon	---
Business, Convenience	---
Business, General	---
Business, Wholesale	---
Extraction of Earth Products	---
Hangar, Medical Aircraft	---
Kennel	---

Landfill	---
Maintenance and/or Storage Facility	---
Manufacturing, Light	---
Parking, Off-Street	A
Park/Ride Terminal	S
Personal Services	---
Place of Assembly-Up to 2,000 Seating Capac	A
Place of Assembly-Over 2,000 Seating Capac.	---
Public Service Facility	S
Publishing and/or Printing	---
Accessory Radio or TV Transmitting +/-or Receiving Antenna	A
Radio or TV Transmitting and/or Receiving Facility	---
Recreation Facility, Non-Profit	P
Recreation Facility, Commercial	---
Service Station	---
Supply Yard	---
Temporary Portable Building, Construction Related	A
Temporary Portable Building, Other than Construction-Related	---
Veterinary Hospital or Clinic	---
Vocational School	---
Water and Wastewater Treatment Plant	---
Window, Drive-In, as an accessory use to a Permitted Principal Use	---

SECTION III

AMEND Section 4.6 to read as follows:

4.6 Each of the following principal uses shall be permitted in R-1A, R-1, and R-2 zoning districts only if the zoning lot on which such use is located fronts on either an arterial or collector street:

- a) Church
- b) School, Elementary or Secondary
- c) Public Cultural Facility
- d) Child Day Care Center

SECTION IV

AMEND the last paragraph of Subsection 5.6.2 to read as follows:

Where a zoning lot is in R-1A, R-1, or R-2 zoning district and is part of a subdivision approved as a cluster development (see Section 7.8), the minimum lot width requirement specified in Section 5.11 may be reduced by twenty percent (20%).

SECTION IX

ADD new rows to Subsection 5.11.2, Use Group B, Schedule of Intensity Regulations to read as follows:

District	Min. Gross Land Area (sq. ft.)	Min. Lot Width (ft.)
R-1A	25,000	100

District	Bonus Level	LUI Rating	Land Use Intensity Ratios			
			FAR	OSR	LSR	RSR
R-1A	0	17	.041	.90	.79	NA
	1	19	.047	.90	.78	NA
	2	20	.050	.90	.77	NA

District	Bonus Level	Minimum Setbacks (ft.)			Maximum Height (ft.)	
		street	interior	solar	primary	secondary
R-1A	0	29	15	18	29	38
	1	29	15	18	29	38
	2	29	15	18	29	38

SECTION X

ADD new rows to Subsection 5.11.3, Use Group C, Schedule of Intensity Regulations to read as follows:

District	Min. Gross Land Area (sq. ft.)	Min. Lot Width (ft.)
R-1A	25,000	100

District	Bonus Level	LUI Rating	Land Use Intensity Ratios			
			FAR	OSR	LSR	RSR
R-1A	0	10	.025	.91	.82	NA
	1	12	.028	.90	.81	NA
	2	13	.031	.90	.80	NA

District	Bonus Level	Minimum Setbacks (ft.)			Maximum Height (ft.)	
		street	interior	solar	primary	secondary
R-1A	0	29	15	18	29	38
	1	29	15	18	29	38
	2	29	15	18	29	38

SECTION XI

AMEND Subsection 7.8.3.b to read as follows:

- 7.8.3 b) Minimum lot width requirements specified in Section 5.11 for R-1A, R-1, and R-2 zoning districts may be reduced by twenty percent (20%).

SECTION XII

AMEND Subsection 7.8.3.d to read as follows:

- 7.8.3 d) Minimum interior setback requirements specified in Section 5.11 for R-1A, R-1, and R-2 zoning districts may be reduced to eight (8) feet except where the interior lot line forms a boundary of the cluster development.

SECTION XIII

AMEND Subsection 7.8.3.e to read as follows:

- 7.8.3 e) Minimum solar setback requirements specified in Section 5.11 for R-1A, R-1, and R-2 zoning districts may be reduced to ten (10) feet except where the north lot line forms a boundary of the cluster development.

SECTION XIV

INSERT a new line to Subsection 7.9.2, Minimum Recreation Area, establishing the minimum recreation area that must be provided or dedicated as part of a subdivision in the R-1A zoning district to read as follows:

<u>Zoning District</u>	<u>Recreation Space Ratio</u>
R-1A	.061

SECTION XV

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

THEREFORE BE IT RESOLVED by the Council that it hereby approves the proposed amendments to the Chapel Hill Development Ordinance creating a new, low density residential zoning district (Residential-1A).

This the 8th day of June, 1987.

UNC Land Use Plan

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-8/R-2C WITH THE ADDITION THAT THE MANAGER ALSO TRANSMIT TO THE CHANCELLOR THE MATERIALS PROVIDED BY THE GIMGHOUL AND LAUREL HILLS HOMEOWNERS' ASSOCIATIONS.

Council Member Howes read the proposed resolution.

Sally Vilas, speaking as a resident and member of the Laurel Hills Homeowners' Association, spoke in support of the resolution and also asked that the Council encourage the University to provide written assurances that the homes in Laurel Hills were safe from any future expropriations or condemnations for University expansion.

George King, speaking as a resident and member of the Laurel Hills Homeowners Association, said he welcomed Chancellor Fordham's decision to form a committee to study the issues. He said it was an important topic that affected all Chapel Hill citizens and therefore he suggested that the size of the committee should be enlarged to ensure a better representation of the breadth of interest. He also stated that the meetings of the committee should be open to the public.

Charles Shaffar, speaking as a resident of the Gimghoul area, expressed appreciation and thanks to the University and the Town from the residents for the proposal to create a committee to discuss the issues.

Margaret Taylor, representing the Alliance of Neighborhoods, said they were pleased with the proposal. She agreed that the committee needed representation from a broad spectrum of citizens. She said she hoped this would be the beginning of a continuing process of communication between the University and the community over areas of mutual interest.

Gina Cunningham, representing the Chapel Hill-Carrboro League of Women Voters, said the League had been unhappy that the University had not involved citizens in the development of their land use plan. She said the League asked that the University extend the "Guide to Physical Development" to include impact statements on the environmental, social and economic impacts of the plan. Ms. Cunningham also asked that Resolution 2b be adopted because it included citizen involvement in the UNC plan. (For copy of statement, see Clerk's files.)

Council Member Howes commented that the size of the committee could be discussed further by the Mayor and Chancellor. He pointed out that the Mayor had proposed increasing the size of the committee from six to ten members.

Council Member Godschalk spoke in support of the proposal saying it appeared to be a reasonable way in which to try to solve the problems with the land use plan, especially with regard to the traffic and transportation intrusions into existing neighborhoods.

Council Member Andresen commended the University for taking the initiative in this matter and also commended the citizens for expressing their concerns.

Council Member Preston commented that the controversy over the proposed UNC land use plan might be a blessing in disguise in that it opened the way for new dialogues with the University, and pointed out the fact that the University could not operate as if in a vacuum.

Mayor Pro-tem Thorpe thanked Mayor Wallace for his quick response to the letter and proposal from the University.

Council Member Howes suggested that those individuals wishing to serve on the committee contact the Mayor's office.

Council Member Preston also thanked the Mayor for stating in his response that the areas of concern were not just roads.

Manager Taylor asked that members of the Laurel Hills and Gimghoul Homeowners' Association provide him with the material they wished sent to University.

THE MOTION TO ADOPT RESOLUTION 87-6-8/R-2C AS AMENDED PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING FURTHER CONSIDERATION OF PLANS FOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL (87-6-8/R-2c)

WHEREAS, representatives of the University of North Carolina at Chapel Hill presented a draft Guide for Physical Development on May 4, 1987, and requested comments from the Town Council; and

WHEREAS, representatives of the University presented this draft plan to citizens at a public meeting on June 1, 1987 and heard concerns expressed about elements of the draft plan; and

WHEREAS, Chancellor Fordham has proposed, in a letter date June 6, 1987 to Mayor Wallace, the creation of a committee appointed by the Chancellor and Mayor "to review the thoroughfare plan as it relates to the University and to the major traffic arteries of Chapel Hill leading to the University"; and

WHEREAS, the Mayor has responded by letter dated June 8, 1987 that "This is both a welcome and timely step forward; and, as the committee proceeds with its work related to its principal charge, it is likely that during this process avenues of endeavor involving related issues will present themselves, and that our ultimate goal - a land-use plan satisfactory both to the Town and the University - will be eventually realized,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its gratitude to the Chancellor for his proposal and to the many citizens who have expressed their views and concerns;

BE IT FURTHER RESOLVED, that the Council endorses the establishment of the Committee by the Chancellor and the Mayor, and the Council hereby expresses confidence and optimism that the Committee will arrive at a plan that will satisfy both University and community concerns.

BE IT FURTHER RESOLVED, that the Manager is authorized to transmit to the Chancellor this resolution, the resolution drafted by the Chapel Hill Alliance of Neighborhoods, the materials provided by the Gimghoul and Laurel Hills Homeowners' Associations, and the Town Manager's report to the Mayor and Town Council regarding the draft plan; and the Council requests that the Chancellor forward these materials, and copies of the Draft Guide, along with the Chancellor's and Mayor's letters, to the Committee as a starting point for discussion.

This the 8th day of June, 1987.

NCNB Application for Drive-In Window Special Use Permit

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-6-8/R-3.

Council Member Andresen asked why the staff had recommended that the entrance to the site be offset from the entrance to the Wachovia Bank site across the street. Mr. Waldon replied that the staff had experimented with several different locations for the entrance to the site and had decided that what was proposed was the best. He also said the police had requested that the entrance to the site be directly in front of the building for visibility purposes.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT FOR A DRIVE-UP WINDOW FOR NORTH CAROLINA NATIONAL BANK (24K-14) (87-6-8/R-3A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Special Use Permit proposed by North Carolina National Bank, if developed in accordance with the Preliminary Grading Plan dated February 10, 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 8, 1987 and be completed by December 8, 1988.
2. That a detailed landscape plan, including a maintenance schedule and alternate buffers for the western property line, be approved by the Appearance Commission prior to the issuance of the Zoning Compliance Permit.
3. That detailed building elevations and all signs be approved by the Appearance Commission prior to the issuance of the Zoning Compliance Permit.
4. That final utility plans be approved by OWASA, Duke Power, Southern Bell, Carolina Cable and the Town Manager before issuance of a Zoning Compliance Permit.
5. That an Erosion Control Plan be approved by the Orange County Erosion Control Officer prior to issuance of the Zoning Compliance Permit.
6. That the entry driveway be redesigned to include an island that would prohibit left turns into the southernmost parking area.
7. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (Site Plan, Utility 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.
8. 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.
9. 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, including a drive-up window, in accordance with the plans as submitted and approved and the stipulations above.

This the 8th day of June, 1987.

School Site Reservation in Future Subdivisions - DOTA

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT ORDINANCE 87-6-8/O-2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE ESTABLISHING A MECHANISM FOR RESERVATION OF SCHOOL SITES IN SUBDIVISIONS (87-6-8/O-2)

WHEREAS the Town of Chapel Hill has adopted a Development Ordinance that sets forth regulations for the development and subdivision of land within Chapel Hill's Planning Jurisdiction; and

WHEREAS the Town's subdivision regulations are established to provide for the orderly growth and development of the Town; and

WHEREAS North Carolina General Statutes authorize municipalities to reserve future school sites as part of the subdivision process, when such sites have been designated on an approved Land Use Plan (G.S. 160A-372); and

WHEREAS adoption of the following amendment to the Development Ordinance would achieve the purposes of the Town's Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill that Article 7 of the Chapel Hill Development Ordinance be amended as follows:

SECTION I

ADD a new paragraph at the end of subsection 7.7.1, to read as follows:

Whenever a subdivision application is submitted for approval which includes part or all of a school site designated to be reserved on the Town's Land Use Plan, the Town Manager shall immediately notify the Chapel Hill/Carrboro Board of Education, and the Board shall promptly decide whether it wishes the site to be reserved. If the Board does not wish to reserve the site, it shall so notify the Town Manager and no site shall be reserved. If the Board does

wish to reserve the site, the subdivision shall not be approved without such reservation. A note indicating such reservation shall be recorded on a final plat. The Board shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board has not purchased or begun proceedings to condemn the site within 18 months, the owner may treat the land as freed of the reservation.

SECTION II

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

This the 8th day of June, 1987.

Design Task Force Status Report

Alan Rimer, speaking as the Chair of the Design Task Force, said the report was an attempt to give the Council an idea of what the Task Force was doing, the scope of the work, and where they were on specific projects. He said the report showed that in an attempt to better address the complexity of Chapel Hill, the Task Force had divided the Town into several subcommunities and would address design issues as they apply to each subcommunity. He said the Task Force hoped to have design guidelines by late summer or early fall.

Council Member Smith asked if the Task Force had developed a map delineating the five subcommunities. Mr. Rimer replied that there was not a map available as yet and that there were no real sharp defining lines between the subcommunities.

Council Member Smith asked if the Task Force was devising design standards only for new development. Mr. Rimer replied that the standards would apply to new development as well as reconstruction.

Council Member Smith urged caution to the Task Force that the design standards they proposed did not create other problems like nonconformities.

Council Member Werner asked if the final report would be a series of policy guidelines and if so, how did the Task Force envision it fitting in and working with the Comprehensive Plan. Mr. Rimer replied that it was his hope that the Council would take the Task Force's recommendations and adopt a design guideline to replace the current Design Manual. He said he hoped the Council would not refer the work of the Task Force to the Manager for further

staff review and study because this would only further delay any change in the design standards.

Council Member Pasquini asked about what kind of incentives the Task Force was contemplating for developers. Mr. Rimer responded that the Task Force had not decided on this issue but that bonus programs were operational and effective in other communities. Council Member Pasquini asked if the Task Force saw the incentives as replacing off-site improvement requirements. Mr. Rimer replied no.

Council Member Preston said she liked the flexibility inherent in the Task Force's proposals. She thanked them for their work.

Old Chapel Hill Cemetery Task Force Update

Bruce Heflin, Public Works Director, said that the Chairs of the Task Force, Eunice Brock and Rebecca Clark, had asked that he present the update on the work of the Task Force. He said the Task Force was now working with a landscape architect on the master plan with an estimated completion date of August 1. Mr. Heflin stated that the University Board of Trustees had agreed to transfer cemetery ownership to the Town and that the University was in the process of proceeding with the necessary steps.

Council Member Smith asked if there were any way of determining who was buried in the cemetery and where any living relatives might be. He said it would be a good idea to try to contact these people to inform them of the work being done and see if they could contribute in any manner. Mr. Smith said he was interested in seeing that as few as possible delays occur in the implementation of the master plan for the cemetery. He asked if there had been funds allocated in the budget for the work. Mr. Taylor replied that funds had been allocated.

Council Member Smith also expressed concern about the kind and types of lighting proposed for the cemetery. Mr. Heflin said the Task Force also had concerns and were still debating whether to use perimeter or interior lighting.

Council Member Preston thanked Ms. Brock and Clark and the Task Force for their work. She complemented them on the clarity of their report.

Council Member Pasquini agreed with Council Member Smith that work on the Old Chapel Hill Cemetery needed to proceed with minimum delays. He said the cemetery needed to be protected from damage during the football season. Mr. Taylor replied that barricades had been used last year and that they seemed to be effective in keeping cars out of the cemetery.

Partin Hills Paving Project - Final Change Order

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-8/R-4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A FINAL BALANCING CHANGE ORDER FOR THE PARTIN HILLS AREA PAVING PROJECT (87-6-8/R-4a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to execute a final balancing change order for the Partin Hills Area Paving Project in the amount of \$7,146.47.

This the 8th day of June, 1987.

Partin Hills Paving Project - Calling Public Hearing on Assessment Rolls

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-6-8/R-5.1. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR EMILY ROAD AND FARRINGTON DRIVE (87-6-8/R-5.1)

WHEREAS, total project costs have been compiled for improvements on Emily Road and Farrington Drive; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on Emily Road and Farrington Drive.

This the 8th day of June, 1987.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-6-8/R-5.2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR PARTIN STREET (87-6-8/R-5.2)

WHEREAS, total project costs have been compiled for improvements on Partin Street; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on Partin Street.

This the 8th day of June, 1987.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-8/R-5.3. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR MARTHA LANE (87-6-8/R-5.3)

WHEREAS, total project costs have been compiled for improvements on Martha Lane; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on Martha Lane.

This the 8th day of June, 1987.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-8/R-5.4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR MARCUS ROAD (87-6-8/R-5.4)

WHEREAS, total project costs have been compiled for improvements on Marcus Road; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on Marcus Road.

This the 8th day of June, 1987.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-6-8/R-5.5. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR A PORTION OF KINGSTON DRIVE (87-6-8/R-5.5)

WHEREAS, total project costs have been compiled for improvements on a portion of Kingston Drive; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on a portion of Kingston Drive.

This the 8th day of June, 1987.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-8/R-5.6. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR A PORTION OF PINEY MOUNTAIN ROAD (87-6-8/R-5.6)

WHEREAS, total project costs have been compiled for improvements on a portion of Piney Mountain Road; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on a portion of Piney Mountain Road.

This the 8th day of June, 1987.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 87-6-8/R-5.7. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR A PORTION OF RIGGSBEE ROAD (87-6-8/R-5.7)

WHEREAS, total project costs have been compiled for improvements on a portion of Riggsbee Road; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on June 22, 1987 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on a portion of Riggsbee Road.

This the 8th day of June, 1987.

Azalea Drive Right-of-Way Closing - Calling a Public Hearing

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-6-8/R-6. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSURE OF AN UNNAMED RIGHT-OF-WAY OFF AZALEA DRIVE (87-6-8/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing an unnamed right-of-way off of Azalea Drive between Tax map Lot 133.B.4 (which is also Lot 4 of Phase 1 of Morgan Creek Hills as shown on the plat at Plat Book 15 at Page 119) and Tax Map Lot 133.C.1 (which is also Lot 5 of Phase 1 on the same plat), which right-of-way is approximately 60 feet wide and 200 feet long; and calls a public hearing at 7:30 p.m. on Monday, July 6, 1987, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, on the proposed closing of said right-of-way.

BE IT FURTHER RESOLVED that the Town Manager is hereby directed to arrange publication and mailing of notices of the hearing as required by law.

This the 8th day of June, 1987.

Transportation Improvement Program - Bikeways

Manager Taylor stated that at the time the Council approved the highway element of the TIP a stipulation had been included that reserved the right to submit bicycle projects at a later date. He said the Transportation Board had reviewed the status of Chapel Hill's bikeways and recommended two projects to be included in the TIP. He said these were for bikeways along Estes Drive between Airport Road and the Town limits and along Airport Road between Homestead Road and Estes Drive. Mr. Taylor said the deadline for the requests was today so that he had already forwarded this request to the N.C. Department of Transportation.

Council Member Andresen said she was pleased to see bikeway planning being undertaken. She thanked Jennie Capparella for her work on the Transportation Board in this area.

Council Member Smith asked how the projects would be handled. Mr. Taylor replied that the requests would be placed on the list of bikeway requests throughout the state and funds would be allocated accordingly. He said he felt the Town had a good chance of getting at least one of the projects completed.

Boards and Commissions - Nominations

Council Member Andresen commented that there appeared to be adequate applications for some of the advisory boards but not for others. She was concerned with the lack of applicants and suggested having a community wide call by either the Mayor Pro-tem or another Council Member for applicants.

Mayor Pro-tem Thorpe asked people in the audience, including those watching on television to seriously consider serving the Town as an advisory board member.

Council Member Howes nominated all the applicants for all the boards/commissions listed in the Council's memorandum.

Council Member Godschalk agreed with Council Member Andresen with the need for further applicants and urged the Council to search out qualified applicants.

Executive Session

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER 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 9:10 p.m.

A MOTION WAS DULY MADE AND SECONDED TO RETURN TO REGULAR SESSION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Attorney Karpinos reported that the Council confirmed and approved settlement and payment of \$1000 deductible under the Town's insurance policy toward settlement of a claim brought by Paul Weister arising out of an incident which occurred on January 27, 1987, involving a Chapel Hill Police Officer.

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

The meeting adjourned at 9:40 p.m.

