

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JUNE 22, 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

Mayor Wallace and Council Member Werner were 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 Partin Hills Paving Project Preliminary Assessment Rolls

Manager Taylor said the purpose of these hearings was to provide citizens the opportunity to comment on the preliminary assessment rolls prepared by the staff for road improvements in the Partin Hills area. He stated that from mid-1983 through mid-1986 the Town had received and accepted seven individual paving petitions for existing gravel roads in the Partin Hills area. Mr. Taylor said on June 8 the Council called seven public hearings for the preliminary assessment rolls. He asked Town Engineer George Small to give an overview of the process and assessment.

Mr. Small said the cost of improvements was prorated to each property owner with property fronting within the petitions limits. He said improvements in some petition areas were more extensive than those in others due to differences in grading, drainage, and rock removal. Mr. Small said upon completion of the project and in the process of preparing the assessment rolls the Town had sent certified notices to each affected property owner informing them of the assessment and the public hearing.

Manager Taylor stated that the property owners had the option of paying the assessment in one payment or in a series of payments over a ten year period at 6% interest.

Emily Road and Farrington Drive

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Partin Street

Ms. Mildred Council commented that she had given a 20' right-of-way to the Town for the road improvements at the end of Partin Street but that it appeared to her that more than 20' was taken. Mr. Small asked Mr. M.C. Russell of the Engineering Department to respond. Mr. Russell replied that the Town had used about 6' of the property to help stabilize the area and to aid in prevention stormwater run off and drainage problems.

Linda Farrow asked why there were double drainage catch basins on one end of Partin Street. Mr. Small replied that the area had been analyzed for stormwater runoff and drainage problems and that the two catch basins had been indicated as the best for the site.

Ms. Council asked if the cost for improvements to Partin Street was the same as for Emily and Farrington. Mr. Small replied no and that this was due to the additional storm drainage work on Partin Street.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Martha Lane

There were no citizen comments.

Council Member Smith asked if the intersection of Martha Lane and Riggsbee Road had been assessed to any of the property owners. He said the he had been told that the Lee property had already fronted onto a paved section of Riggsbee Road. Mr. Small responded that the Town had paid for all the paving of the intersections but that property owners fronting an intersection were assessed for the footage fronting the road. He said the Lee property had been assessed only for that area directly across from the intersection.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Marcus Road

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Kingston Drive

There were no citizen comments.

Council Member Smith commented that he hoped a situation did not exist where the property owners after a subdivision was approved and developed had to petition the Council for street paving. Mr. Smith said street paving should occur during the development of the subdivision. He asked how much of this road should have been paved when the subdivision was built. Mr. Taylor replied that he did not know, but would review the files on the subdivision.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Part of Piney Mountain Road

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Part of Riggsbee Road

There were no citizen comments.

There were no comments from the Council.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (7-0).

Mayor Pro-tem Thorpe commented that it had taken a long time to get the roads improved but that he thought the process had been handled in the proper manner and that all seemed to be satisfied.

Manager Taylor commented that the assessments to the property owners was for half of the cost of paving and that the Town paid for the other half. He said that having heard no objections to the preliminary assessment rolls the staff would prepare the final rolls for Council consideration at the July 6 meeting.

Petitions

Cathy Rosenthal, representing the N.C. Amateur Sports, petitioned the Council to waive the charges for additional services of off-duty police officers and the continuation of the U-Route during the period of the Olympic Festival. She said there had been a misunderstanding between the Olympic Festival and the Town as to the billing for these services. Ms. Rosenthal said the cost for the continuation of the U-Route and the use of off-duty police officers for traffic control was estimated to be \$16,100.

Ms. Rosenthal informed the Council of the services the cities of Durham, Raleigh and Wake County were providing at no cost to the Festival.

Council Member Andresen asked if the misunderstanding was that the Town would provide the services free instead of charging for them. Ms. Rosenthal replied yes.

Council Member Andresen suggested referring the matter to the Manager with the direction that he consider using some of the funds from the hotel/motel tax to pay for the services for the Olympic Festival.

Council Member Pasquini asked what had led to the misunderstanding. Ms. Rosenthal replied that it had just been a case of miscommunication, where the Town assumed the Olympic Festival knew it would have to pay and the Olympic Festival assuming the services would be provided free of charge.

Council Member Pasquini said he would prefer to refer the matter to the Manager with the direction that the charges would come out of the funds pledged earlier to the Olympic Festival to cover any expenses which exceeded its revenues.

Council Members Preston and Smith asked what the Festival's expectations were with regard to cost overruns. Ms. Rosenthal replied that the festival expected to break-even, and that any "profits" would be used to promote amateur sports.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Nicasio Martinez, speaking as a citizen, petitioned the Council to adopt an ordinance which would prohibit "terrorist" groups from demonstrating in the streets of Chapel Hill. He also asked that the Council appoint a commission to study the human rights of the citizens in Chapel Hill. (For copy of text, see Clerk's files.)

Council Member Howes said that the County was in the process of considering a county-wide Human Rights Commission and that the Council should work with them on an equal basis in their endeavors.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO RECEIVE THE PETITION AND REFER IT TO THE MANAGER AND TO INDICATE TO THE ORANGE COUNTY COMMISSIONERS THE COUNCIL'S DESIRE TO WORK WITH THEM AS EQUAL PARTNERS ON A HUMAN RELATIONS COMMISSION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Smith asked that the Town Attorney review the petition and the possibility of having an ordinance which could

prevent demonstrations like the recent march of the Klu Klux Klan.

Claire Cooperstein, speaking as the Local Issues Chair of the Sierra Club, petitioned the Council to review the status of the work on the tree ordinance and to advise the consultant that some mechanism for identifying and saving specimen trees and groves be included. She also asked that the Council place a high priority on buffer zone revisions with the recommendation that widths be increased to accommodate the presently specified number of trees. (For copy of text, see Clerk's files.)

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Barry Nakal, representing the Chapel Hill Chapter of the Civil Liberties Union, thanked the Council and the Town for the manner in which it handled the recent Klan march in Chapel Hill. He said that in response to Mr. Martinez's petition the Council needed to be sure to remember and uphold the U.S. Constitution's 1st Amendment and its guarantees of freedom.

Mickey Ewell, representing the Downtown Chapel Hill Association, petitioned the Council to delay action on a shelter for the homeless in the Old Town Hall until November. He said the Association supported the need and desirability of a shelter for the homeless in the downtown area but that they felt they could possibly find a more suitable site for the shelter. He said the Old Town Hall with its location and problems with renovation did not seem the best answer to the problem. (For copy of petition, see Clerk's files.)

Council Member Andresen asked what Mr. Ewell thought the Downtown Association could accomplish between now and November. Mr. Ewell replied that they would be looking at alternative sites in the downtown area.

Council Member Smith said he commended the group for their letter and support for a shelter, but felt too much time had already been spent on the subject and that action needed to be taken soon. He said the Task Force had worked hard to locate a site and that the Old Town Hall was what they recommended. He said he did not want to wait until November to make a decision as this would mean another winter without a permanent shelter.

Council Member Preston said she understood Mr. Smith's concerns but that as she had commented at the meeting at which the Task Force report had been presented, she had some problems with using the Old Town Hall as a shelter. She said if the thoroughfare plan were fully implemented and Pittsboro Street extended it would mean the site would be completely isolated and have difficult access. She said she would like to give the Downtown Association a chance to help the task force and IFC. Ms. Preston

said that delaying until November, however, might be too long a period.

Council Member Godschalk commented that he was pleased to see the constructive attitude of the Association.

Council Member Smith asked why the Downtown Association had not provided their input when the Shelter Committee had been reviewing sites.

Mr. Ewell responded that unfortunately many of the members of the Downtown Association had been unaware of the work being done by the Shelter Committee.

Council Member Andresen said she shared Council Member Smith's concerns about delays.

Council Member Howes said Dr. Seymour and the Shelter Committee had indicated that they could not find another site that would be appropriate for a shelter. He asked what made Mr. Ewell think the Downtown Association could do better. Mr. Ewell replied that there was no guarantee but that by having a different set of people with different contacts they might be able to provide other alternatives.

Council Member Howes asked what was the schedule for the staff to bring the Shelter report back to the Council for action. He said he was concerned that the Mayor be involved in whatever action the Council took, especially since the Mayor had appointed the Shelter Committee and had a special interest in the project.

Manager Taylor said that the staff would be presenting a report to the Council on July 6 with various alternatives. He said this petition's proposal could be included as one of the alternatives.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Jean Wilkins, speaking as a resident, asked to speak to item #5, North Street.

Mayor Pro-tem Thorpe stated that he did not like having one Council Member remove an item from the agenda. He said that the appointments to the boards and commissions should have been voted on that night or that the Council as a whole should have voted to remove the item from the agenda.

Manager Taylor asked that the Council defer action on agenda items #11(a), (b), and (c); #13(b); and #15 until the meeting the next evening. He suggested recessing this meeting until 7:30 p.m., Tuesday, June 23.

Council Member Howes commented that he would not be at the meeting tomorrow but that he favored the proposals and he wanted his absence to be a vote in favor of the proposals.

The Council agreed to defer the items and recess this meeting until Tuesday, June 23 at 7:30 p.m.

Minutes

Council Member Godschalk said that on page five his comment should read he would "...insist that every nonconforming property owner be notified.." and not that "...every homeowner be notified.."

Council Member Preston said the spelling needed to be corrected on page 11 for Mr. Charles Shaffer.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF JUNE 8, 1987 AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (7-0).

North Street Subdivision

Manager Taylor said that this was the third time this proposal had been before the Town Council. He said at the May 11 meeting the Council had referred the matter back to the Manager and developer to try to come up with a better plan. He said the current proposal included a compromise between the staff and developer of the "K-values" of the streets to 7.5. Mr. Taylor said the staff still recommended having Rose Lane with a pavement width of 20' and a cul-de-sac radius of 40', while the applicant preferred a road width of 18' and cul-de-sac radius of 32'.

Jean Wilkins, speaking as a resident, said the neighbors were pleased with the current proposal. She asked that since lot #29 did not front on a Town approved street could it be stated somewhere in the application that the drive would not have to meet Town standards. Mr. Waldon responded that the drive to lot #29 was an existing condition and therefore would not have to be upgraded to Town standards. He said that by the act of the Council approving the subdivision they would be indicating acceptance of the design.

Council Member Smith asked about the access to lot #29. Mr. Waldon responded that there was an easement to the property.

Council Member Howes asked if the easement was indicated on the plat. Mr. Waldon replied yes. He said any subdivision of the lot would require a new street being constructed and therefore would be considered a major subdivision and would have to be approved by the Council.

Council Member Andresen asked how many lots could be subdivided from lot #29. Mr. Waldon replied 3.

Council Member Preston asked Ms. Wilkins if this information and the proposal satisfied the neighbors. Ms. Wilkins said yes.

Council Member Pasquini asked who owned the easement to lot #29. Attorney Karpinos replied that the easement was owned by the applicant.

Council Member Smith asked about the possible subdivision of lot #27. Mr. Waldon replied that lots #25, 26, and 27 could also be further subdivided based on the amount of area in each lot. He said there was a problem with lot #27 being further subdivided because of the small amount of land which fronts on a Town street. He said he did not think it would accommodate further subdivision.

Council Member Godschalk said that he was pleased with the compromises which seemed to have taken place between the staff and developer. He said that he favored the Planning Board recommendation which did not require Rose Lane to be 20' wide with a 40' radius at the cul-de-sac.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-6-22/R-1A.

Council Member Pasquini disagreed and said he preferred the Manager's recommendation.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON FOR A SUBSTITUTE MOTION TO ADOPT RESOLUTION 87-6-22/R-1B.

Council Member Preston asked for clarification of why the staff recommended the 20' width and 40' cul-de-sac radius on Rose Lane. Manager Taylor said that the staff felt this was better solution for the land and that there was a need for curb and gutter in areas of steep terrain to control runoff. George Small, Town Engineer, agreed and said that without curb and gutter the shoulders of the road would tend to erode more and eventually erode the base of the road. He also stated that with only an 18' wide road without curb and gutter, individuals would tend to park on the road and not on the shoulder, thus effectively blocking one lane of the road.

Council Member Andresen asked how many lots would be served by the cul-de-sac. Mr. Small replied 6. Ms. Andresen asked if there had been any consideration given to using vegetative islands in the middle of the cul-de-sacs. Mr. Small replied no. Ms. Andresen said she preferred the Planning Board recommendation.

Council Member Godschalk commented that there were many subdivisions with only one lane roads serving them. He asked how long Rose Lane was proposed to be. Mr. Small replied 290 feet.

Manager Taylor commented that Resolution 1a did not have the 7.5 agreed upon "K" values and asked if Mr. Godschalk had meant for these values to be 7.5. Mr. Godschalk responded that he had and would amend his motion to reflect this.

THE SUBSTITUTE MOTION FAILED TO PASS, (3-4), WITH COUNCIL MEMBERS PASQUINI, PRESTON AND SMITH VOTING IN FAVOR.

COUNCIL MEMBERS GODSCHALK AND ANDRESEN AGREED TO AMEND THEIR MOTION TO HAVE THE "K" VALUES SET AT 7.5

THE MOTION TO ADOPT RESOLUTION 87-6-22/R-1A AS AMENDED, CARRIED, (5-2), WITH COUNCIL MEMBERS PASQUINI AND SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR NORTH STREET SUBDIVISION (79-B3D) (87-6-22/R-1a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the subdivision proposed by the Little Creek Co., identified as Chapel Hill Township Tax Map 79, Block B, Lot 3D, if developed according to the preliminary plat dated February, 1987, resubmitted June 5, 1987 and the conditions listed below, would comply with the provisions of the Development Ordinance:

1. That the extension of North Boundary Street be constructed to the following standards:
 - a) a 50-foot right-of-way;
 - b) pavement width of 22 feet, plus curb and gutter;
 - c) vertical alignment, not to exceed a "K" value of 7.5 for sag of road and 7.5 for crest of road;
 - d) that a cul-de-sac be provided at the end of North Boundary Street; and be built a minimum 40' radius (to back of curb);
 - e) that a sidewalk be provided along one side.
2. That Rose Lane be constructed to the following standards:
 - a) a 45-foot right-of-way, or the right-of-way to extend 5 feet beyond the curb;
 - b) pavement width of 18 feet;
 - c) vertical alignment not to exceed a "K" value of 7.5 for sag of road, and 7.5 for crest of road;
 - d) that the cul-de-sac be built with a minimum 32-foot radius (to back of curb).
3. That the pedestrian easement between Lots 20 and 21 be designated on the final plat for "Public-Access-Pedestrian and Non-Motorized Vehicles only" and deeded to the Town.

4. That the public water system and sanitary system be approved as recommended by OWASA prior to issuance of the Zoning Compliance Permit.
5. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
6. That any restrictive covenants applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
7. That utility service laterals from utility lines located in streets be stubbed out to the front property line of each served lot before pavement of the streets, and that sanitary sewer laterals be capped off above ground.
8. That final street plans, grading plan, utility/lighting plan, stormwater 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 in the Development Ordinance and the Design Manual.
9. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Gas Company of N.C., Southern Bell, and Carolina Cable before issuance of a Zoning Compliance Permit or final plat approval.
10. That no lot be created that would require a Resource Conservation District variance in order to be built upon.
11. That the final plat indicate, on all lots that contain portions of the Resource Conservation District, the buildable areas on those lots.
12. That final plat provide a note indicating that "Development is restricted within the Resource Conservation District."
13. That sight triangle easements be provided on the final plat.
14. That the developer shall be responsible for placement and maintenance of temporary regulatory traffic signs upon issuance of any Certificate of Occupancy, until such time that the street system(s) are accepted for maintenance by the Town.
15. That the names of the development, its streets, and building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

16. That the development may be phased in accord with a phasing plan approved by the Town Manager.
17. That lots with steep slopes carry a note on the final plat indicating that refuse collection services may be provided at curbside only.
18. That no Certificate of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.

If 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 improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect be placed on the final plat.

19. That a note be placed on the final plat that parking on Rose Lane may be prohibited.
20. That North Boundary Street, or any other public street, not be extended so as to connect to North Street, Glenburnie Street, Tenney Circle or Lone Pine Road.
21. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
22. 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 North Street Subdivision in accord with plans and conditions above.

This the 22nd day of June, 1987.

Springcrest Subdivision

Roger Waldon, Planning Director, said that this subdivision and Covington Place shared a proposed collector street system and he would like to discuss this issue once for both proposals. He said that currently there were no existing roads within the sites and that this was a good opportunity to plan for a collector street system for the area that would incorporate the Springcrest subdivision, Covington Place, Chandler's Green, and another undeveloped site. He said the staff felt it was important to promote the stub-out streets proposed by the developments.

Mr. Waldon said the proposed Springcrest Subdivision involved 43.2 acres with 109 lots. He said the property was divided by

Dry Branch Creek with access provided from Erwin Road and stub outs to the south and north, one of which would eventually connect with Sage Road extension through the adjoining subdivision. He said the applicant proposed crossing the RCD for a street in order to gain access to the northern 11.6 acres of the tract. Mr. Waldon stated that the key issues for the proposal were the cluster concept, sewer extensions, RCD, and collector street system. He said the applicant had indicated that they were developing an extensive plan to initiate streetscape tree planting and landscaping. He said the staff recommended that a planting plan be approved and that the plantings be installed prior to a certificate of occupancy being issued for those lots containing plantings. Mr. Waldon stated that sewer extension could be provided via extension of a gravity sewer main but that cooperative efforts would be needed between three developments and require obtaining sewer easements on properties outside of the proposed development boundaries.

Council Member Andresen asked for assurance that when the collector street system was in place it would not become avenues for cut-through traffic. Mr. Waldon responded that he did not think this would happen.

Council Member Preston asked about the recreation area and pedestrian easements. Mr. Waldon replied that the applicant proposed to meet the recreation requirement by providing 262,067 square feet of passive recreation area in the northwestern corner of the site adjacent to the creek. He said the minimum required recreation area was 201,038 square feet and that this figure was derived by multiplying the development's gross land area in the R-1 district times the R-1 recreation area ratio and adding that to the number obtained by multiplying the gross land area in the R-2 district times the R-2 recreation area ratio. He said the staff also recommended pedestrian easements be provided between lots 9 and 10 and between lots 56 and 57, 75 and 76 and lots 84 and 85.

Council Member Pasquini expressed concern that the staff was recommending a proposal that crossed the RCD twice and only had one access point. He also questioned the benefit to the Town for approval of a cluster subdivision. He said for the amount of reduction in lot size the Town should be receiving the same amount of increase in recreation area and he did not think this was occurring. He said the entire recreation area being proposed was in the RCD and if the applicant had brought in a proposal for a R-1 development he would have the same amount of recreation area. He said he would prefer to have the larger lots without the clustering, especially if the recreation area was to be the same.

Council Member Godschalk disagreed with Mr. Pasquini. He said the applicant only had to provide 201,000 square feet of recreation area and was proposing 260,000. He also said he felt the

cluster concept would provide lower cost lots and therefore more affordable housing.

Council Member Pasquini disagreed and said he did not think the lots had been reduced enough to be considered suitable for the "affordable" housing market.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-22/R-2B.

Mr. Waldon stated that the Manager's recommendation included a stipulation that Erwin Road be improved to 1/2 of a 41' cross section with curb and gutter and paved sidewalk along the property's frontage at the entrance to the subdivision and that 1/2 of a 70' right-of-way be dedicated along this frontage. He said the Transportation Board had recommended that this dedication of the right-of-way be 1/2 of a 90' right-of-way. Mr. Waldon said that upon further review of the information on traffic flow, etc. the Manager agreed that the stipulation should state that there be dedication of 1/2 of a 90' right-of-way. He asked that the Council include this in their motion and approval.

Grainger Barrett, representing the applicant, said they concurred with the Manager's recommendation. He said the applicants were proposing an additional 61,000 square feet of recreation space and that the lot size reduction was only 47,000 square feet.

Council Member Andresen asked if the applicant would be amenable to landscaped islands inside the cul-de-sacs. Mr. Barrett replied yes.

Council Member Preston asked who would maintain the pedestrian easements. Mr. Barrett replied the Springcrest Homeowners Association would maintain the easements.

COUNCIL MEMBERS GODSCHALK AND PRESTON AGREED TO AMEND THEIR MOTION TO HAVE 1/2 OF THE 90 FOOT RIGHT-OF-WAY DEDICATED INSTEAD OF 1/2 OF A 70 FOOT RIGHT-OF-WAY.

THE MOTION AS AMENDED, CARRIED, (6-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR SPRINGCREST SUBDIVISION (87-6-22/R-2B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Springcrest Subdivision proposed by Megan and Clark Assoc. Ltd., identified as Chapel Hill Township Tax Map 26, Lot 1, if developed according to the preliminary plat dated February 11, 1987 (May 12, 1987 revised), would comply with the following cluster development requirements from Subsection 7.8.2 of the Development Ordinance:

1. The tract proposed for cluster development is at least two (2) acres in size;
2. Public, separate, water supply and sewerage connections are available for every subdivided lot;
3. The total number of lots proposed, excluding parcels of reserved recreation area, is not greater than the number determined by dividing the total gross land area by the minimum gross land area established in Section 5.11 for the Residential-2 zoning district;
4. The recreation area reserved within the tract conforms to the recreation area standards of Section 7.9 of the Development Ordinance; and
5. The land reserved as recreation area exceeds the minimum recreation area reservation identified in Subsection 7.8.2 of the Development Ordinance.

These findings are conditioned on the following:

1. That Erwin Road be improved to 1/2 of a 41 foot cross section with curb and gutter and paved sidewalk along the property's frontage at the entrance to the subdivision, 1/2 of a 90 foot right-of-way be dedicated along this frontage, a left turn lane be provided on Erwin Road into the development with a 150 foot full storage lane appropriately tapered, and sight triangle easements be provided at the entrance onto Erwin Road; and that a payment in lieu of similar improvements may be made for the short segment of frontage south of the subdivision entrance.
2. That Street "A" and Street "F" be built to class "A" standards and Streets "B", "C", "D", "E", "G", "H", "J", "K", and "L" be built to class "C" standards.
3. That temporary turnarounds be provided at the stub-out streets; and that signs be posted at these stub-outs, noting future extension of the street.
4. That the schematic plans showing that the proposed stub-out roads are vertically compatible for future extension of these roads (given natural topography) shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That a type "D" buffer be provided along the Erwin Road right-of-way.
6. That the recreation area be enlarged in the northwest corner of the development by extending the border line of the recreation area 100 feet to the south in order to ensure the continuity of the greenway trail into adjacent properties.

7. That at lot 62, the public greenway be widened to allow pedestrian and non-motorized vehicular access on both sides of the creek.
8. That pedestrian and non-motorized vehicular easements be provided on the final plat between lots 9 and 10, and lots 56 and 57, and lots 75 and 76 with a minimum width of 20 feet; and that a path be provided with path and easement maintained by the Springcrest Homeowners Association.
9. That the recreation area be deeded to the Town for possible future development as a neighborhood park.
10. That an agreement assuming responsibility for maintenance of the curbed island, including landscaping, by the Springcrest Homeowners Association be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
13. That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual be approved prior to issuance of a Zoning Compliance Permit.
14. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, Carolina Cable and the State before issuance of a Zoning Compliance Permit or final plat approval; and, that OWASA approval be obtained prior to application for final plat or final plan approval.
15. That final street plans, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculation), and buffer planting and maintenance 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 the plans approved as apart of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
16. That all variances necessary for development within the Resource Conservation District be obtained before application for final plat or final plan approval.
17. That no lot be created that would require a Resource Conservation District Variance in order to be built upon.

18. That the boundaries of the Resource Conservation District be shown on the final plat.
19. That any restrictive covenants applicable to lots within the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
20. That the final plat contain a note indicating that development will be restricted within the Resource Conservation District.
21. That the final plat contain a "no access" easement along Erwin Road which prohibits access to Erwin Road for lots abutting Erwin Road.
22. That before paving streets, utility service laterals be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
23. That signs be posted at street stub-outs, noting future extensions of streets.
24. That traffic control signs be erected prior to issuance of the first Certificate of Occupancy.
25. 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.

If the Town Manager approves a phasing plan, all Erwin Road improvements, the dedication of the Erwin Road right-of-way, and the deeding of the recreation area shall be included in the first phase of development.

26. That a planting plan be approved by the Town Manager, and that all plantings be installed prior to the issuance of a Certificate of Occupancy for any lot included in the planting plan.
27. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
28. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that it is the intent of the Council for Street "A" to cross the Resource Conservation District in the approximate location shown on this site plan, such a crossing being necessary to the area's road network; and that the Council finds that there is no practical alternative to this street's location within the Resource Conservation District.

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

This the 22nd day of June, 1987.

Covington Place

Roger Waldon, Planning Director, said this was an application for a cluster subdivision of a 10.5 acre parcel into 39 residential building lots. He said the key issues were lot sizes, sewer extension, collector street system, and the extension of Sage Road. He stated that the applicant proposed small lots that ranged from 6,700 to 17,000 square feet. He said the staff felt there was need for this type of development and that the site could accommodate such a subdivision. Mr. Waldon stated that the sewer extension problems were the same as for the Springcrest subdivision and would require coordination of the various property owners. He said there were currently no existing roads within the site and that the proposal was to include stub-outs for the collector street system and dedication of the right-of-way for Sage Road extension, and that this right-of-way should be changed in the Manager's recommendation to be 1/2 of a 90' right-of-way instead of 1/2 of a 70' right-of-way. He stated that initial access would be off of Erwin Road. Mr. Waldon also commented that the Parks and Recreation Commission recommended placing a fence with buffers along the property line adjacent to the proposed Sage Road extension.

Council Member Andresen asked if Road "B" in the plat should be a class B or class C standard. Mr. Waldon replied that it should be a class C standard.

Phil Post, an engineer representing the applicant, said the proposal was for a cluster subdivision, planned development. He said individuals would be purchasing the homes as well as the lots. He said the applicant proposed an extensive landscaping plan that the staff was recommending should be reviewed and approved by the staff. He stated that the recreation area was located in the southwestern corner of the site adjacent to the proposed Sage Road extension and that access would be provided via a pedestrian easement off of Road "A".

Council Member Preston asked why the staff recommended having a six foot pine bark walk through the recreation area connecting with the proposed Sage Road extension. Mr. Waldon said that the

staff felt the walkway would be important once Sage Road extension was built as a means for pedestrian flow from Sage Road to the property. He said there would be sidewalks and bus stops along Sage Road.

Council Member Preston asked if there would be sidewalks on the interior roads in the site. Mr. Post replied no.

Council Member Smith asked what was the expected time for construction of the Sage Road extension. Mr. Taylor replied that there was no definite timetable and that it would depend on available funds.

Council Member Smith expressed concern with requiring the applicant to place a fence along the right-of-way for Sage Road when it might be ten years before the road were constructed.

Council Member Preston asked what was the fire flow report. Manager Taylor said that this was a report on the water pressure in the area for fire prevention information.

Council Member Preston asked about the stipulation regarding curbside garbage pick-up. She said she thought the site was flat. Mr. Post responded that the stipulation was now a standard stipulation in subdivision approvals which would only be in effect if the site were extremely steep.

Council Member Smith stated that the Town had said there would not be any curbside garbage pick-up in Chapel Hill and he did not think the stipulation should be included in any resolution.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-6-22/R-3A WITH THE CORRECTION THAT THERE BE DEDICATION OF 1/2 OF A 90' RIGHT-OF-WAY INSTEAD OF 1/2 OF A 70' RIGHT-OF-WAY.

Council Member Andresen said she thought the subdivision was well planned and she especially liked the careful consideration to landscaping.

Council Member Pasquini expressed his concerns about the single entrance to the site and the fact that once again the Town did not appear to be receiving any benefit in additional recreation area by allowing a cluster subdivision. He asked the Manager to look into the intent of the ordinance in these instances.

THE MOTION CARRIED, (6-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR COVINGTON PLACE SUBDIVISION (87-6-22/R-3a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Covington Place Subdivision proposed by James Fountain and Grey Moody, identified as Chapel Hill Township Tax Map 26, Lots 27B and 32, if developed according to the preliminary plat dated March 23, 1987 (May 12, 1987 revised), would comply with the following cluster development requirements from Subsection 7.8.2 of the Development Ordinance:

1. The tract proposed for cluster development is at least two (2) acres in size;
2. Public, separate water supply and sewerage connections are available for every subdivided lot;
3. The total number of lots proposed, excluding parcels of reserved recreational area, is not greater than the number determined by dividing the total gross land area by the minimum gross land area established in Section 5.11 for the Residential-2 zoning district;
4. The recreation area reserved within the tract conforms to the recreation area standards of Section 7.9 of the Development Ordinance; and
5. The land reserved as recreation area exceeds the minimum recreation area reservation identified in Subsection 7.8.2 of the Development Ordinance.

These findings are conditions on the following:

1. That a 90-foot right-of-way be dedicated along the center line of the future Sage Road extension. That the triangular remnant of this site southwest of the proposed Sage Road extension be deeded to the Town for public purposes. Alignment of the right-of-way shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That Erwin Road be improved to one-half of a 41-foot cross section with curb and gutter and sidewalk along the property's frontage, one-half of a 90-foot right-of-way be dedicated along this frontage, a left-turn lane be provided on Erwin Road into the development with a 150-foot full storage lane appropriately tapered, and sight triangle easements and grading be provided at the entrance onto Erwin Road.
3. That the final plat contain a "no access" easement along Erwin Road which prohibits access to Erwin Road for those lots abutting Erwin Road.
4. That a bus stop pad and bench be installed along Erwin Road. These plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

5. That Road "A" be built to class "B" standards without super elevation, Road "B" be built to class "C" standards, and Road "C" be built to class "B" standards.
6. That the schematic plans showing that the proposed stub-out road to the west and the proposed Springcrest Subdivision stub-out are vertically compatible for future extension of these roads (given natural topography) shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That the recreation area be designated as recreation area on the final plat and be dedicated to the Covington Place Homeowners' Association for parks and recreation purposes only.
8. That a type "D" buffer be provided along the Sage Road right-of-way which includes a minimum 6-foot high chain link or cedar wood fence and a type "D" buffer be provided along the Erwin Road right-of-way.
9. That a walkway be constructed from curve in Road "A" across the recreation area to the Sage Road right-of-way. Plans to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That the pedestrian and non-motorized vehicular easement provided between Lots 16 and 17 be relocated between Lots 15 and 16 with a minimum width of 20 feet in order to better coordinate with the proposed Springcrest Subdivision.
11. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, Carolina Cable, and the State before issuance of a Zoning Compliance Permit or final plat approval; and, that the OWASA approval be obtained prior to application for final plat or final plan approval.
13. That an Erosion Control Permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
14. That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
15. That final street plans, including temporary turn-around at stub-out, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculation), and landscape

and buffer planting and maintenance 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 the 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.

16. That signs be posted at street stub-outs, noting future extensions of streets.
17. That a note be added to the final plat indicating that refuse collection may be restricted to curb-side service, due to steep driveways.
18. That traffic control signs be erected prior to issuance of the first Certificate of Occupancy.
19. That before paving streets, utility service laterals be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
20. That no Certificate of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issues 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.

if the Town Manager approves a phasing plan, all Erwin Road improvements, the dedication of the Erwin Road right-of-way, the dedication of the Sage Road right-of-way, and the dedication of the recreation area/open space shall be included in the first phase of development.

21. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
22. 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 Covington Place Subdivision in accord with the plans and conditions listed above.

This the 22nd day of June, 1987.

Joint Planning Area Land Use Plan Amendment

Council Member Godschalk stated that this item dealt with the proposal to amend the joint land use plan to expand the Transition areas in the plan to the dividing line between Bolin Creek and New Hope Creek drainage basins and to designate boundaries for Transition Areas and the Rural Buffer in a manner consistent with Orange County's Land Use Plan. He also said Orange County recommended that the Transition Area extension be contingent upon Carrboro providing a binding agreement that it will not seek to extend water and sewer lines into University Lake Watershed prior to the completion of the OWASA carrying capacity study and that Chapel Hill and Carrboro provide at least one seat on their Planning Boards and Boards of Adjustment for representatives from the Transition Areas in the Towns' respective areas of jurisdiction.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-6-22/R-4.

Council Member Smith asked what would happen if the study indicated that it was alright for Carrboro to extend water and sewer lines into the watershed. Mr. Godschalk said he did not know and that the group had not constructed that scenario.

Council Member Pasquini asked about the provision regarding property abutting Duke Forest. Mr. Godschalk responded that the County proposed having those properties which abut Duke Forest to remain as Rural Buffer and the other land up to those property as Transition.

Council Member Pasquini asked about urban development in the Transition Area II. Mr. Godschalk said the proposal was to prohibit urban development in the Transition Area II until 75% of the Transition Area I was developed. Mr. Pasquini asked how this would be determined, i.e., would the County be counting lots and buildings, etc. Mr. Godschalk replied yes.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RECOMMENDING AMENDMENT OF THE JOINT PLANNING AREA LAND USE PLAN (87-6-22/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that subject to the conditions listed below, the Council concurs with the Orange County Board of Commissioners regarding the following amendments to the Joint Planning Area Land Use Plan:

Extend the Transition Area, and designate Transition Areas I and II, as shown on the attached map ("Exhibit A"). Transition Area I includes that area previously designated for urban expansion. Area II includes the extended area.

Within Area I, densities from one to five units per acre would be permitted. Within Area II, densities would be limited to one unit per acre until such time as Area I was at least 75% developed. ("75% developed" means "developed or subdivided for development at densities of one to five units per acre." Development refers to land coverage and not 75% of the residential units possible.)

The above amendments shall be subject to the following conditions:

1. The Transition Area extension shall be contingent upon Carrboro providing a binding agreement satisfactory to the Orange County Commissioners and the Chapel Hill Town Council that Carrboro will not approve or seek to extend water and sewer lines into the University Lake Watershed before completion of the OWASA carrying capacity study; and
2. Chapel Hill and Carrboro shall provide at least one seat on their respective Planning Boards and Boards of Adjustment for representatives from the Transition Area in the Towns' respective areas of interest pursuant to joint planning agreement(s).

This the 22nd day of June, 1987.

Olympic Festival Update - Community Appearance Commission

Cassandra Sloop, representing the Community Appearance Commission, presented an update on the Olympic Festival '87 Town Beautification Subcommittee. She said the landscaping of the seven sites had been completed and that the Public Works Department was responsible for watering the sites; the adopt-a-tree program had raised over \$2,000 for additional plantings; the Downtown Association had ordered flags for display; WCHL was still promoting their \$1,000 challenge grant for hanging baskets; and that a metal sculpture by a local artist had been chosen as the standard for the Olympic Torch. Ms. Sloop said the Torch would come through Chapel Hill on July 16 between 6:30 and 7:30 a.m. and the ceremonies would be at the Old Post Office facility on Franklin Street.

Council Member Andresen thanked Ms. Sloop and the Commission for their work and efforts in this occasion.

Council Member Smith commented that the work on entranceways and Town beautification should not end with the Olympic Festival activities.

Flood Control Study - U. S. Army Corps of Engineers

Manager Taylor asked representatives of the Corps of Engineers to present their report.

Gene Gill, representing the Corps of Engineers, said their report investigated a variety of measures for reducing flooding the study area which was Bolin and Booker Creeks. He asked Wes French, also of the Corps, to give a more detailed report.

Mr. French reported that the Corps studied indicated that potential solutions could not be undertaken by the Corps and that most of the possible alternatives were not feasible nor recommended due to the high costs and little change associated. He said the Corps recommended continued non-federal maintenance of floodplain regulations and development of a limited public information program at the local level to remind floodplain residents of the threat of flooding, etc., and that the Town of Chapel Hill should develop and implement procedures for emergency flood warning and evacuation plans.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ACCEPT THE REPORT. THE MOTION PASSED UNANIMOUSLY, (7-0).

Reserve Police Officer Program

Manager Taylor said this was a request to authorize the Manager to appoint unpaid reserve police officers. He said these officers would have general police powers while on duty and would be required to complete the same screening process as the Town's permanent sworn officers, except for the physical agility test and oral interview board. He said the reserve officers would be required to pass a written test, background investigation, medical examination, and psychological evaluation and be certified as Law Enforcement Officers by the State of North Carolina prior to being appointed to duty. Mr. Taylor said the staff expected the program to include fewer than 10 people.

Council Member Howes commented that the proposal sounded logical but that he had concerns that the individuals who became the reserve officers might not be of the caliber anticipated. He said that in the past Carrboro had problems with their reserve officers and their actions.

Manager Taylor responded that years ago there had been no special requirements for becoming a reserve police officer, but that now these individuals would have to meet the same requirements as the Town's sworn officers.

Council Member Smith asked if the reserve officers would be able to direct traffic during the rush hours. Manager Taylor responded that the reserve officers would be able to anything that the sworn officers could do.

Council Member Pasquini asked if the Town would spend the same amount of funds training the reserve officers as it did the

permanent officers. Manager Taylor replied yes, but that the Town would not be paying the reserve officers a salary.

Council Member Pasquini agreed with Mr. Howes concerns about the caliber of individuals for the reserve unit and questioned the need and costs to the Town.

Council Member Preston asked if the Town would be liable for these officers while they were on duty. Mr. Taylor replied yes.

Council Member Howes asked that a report on the status of the program be provided to the Council in six months. The Council agreed to this suggestion.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 87-6-22/O-2. THE MOTION CARRIED, (6-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN AMENDMENT TO CHAPTER 15 OF THE TOWN CODE OF ORDINANCES AUTHORIZING THE MANAGER TO APPOINT RESERVE POLICE OFFICERS (87-6-22/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 15 of the Town Code of Ordinances is hereby amended as follows:

Section I

ADD a section, 15-2 as follows:

15-2 Authority of Town Manager to Appoint Reserve Police Officers

The Town Manager is hereby authorized to appoint Reserve Police Officers. When called to duty by the Chief of Police or the Chief's designee, Reserve Police Officers shall have all of the powers and duties of permanent sworn officers of the Police Department. Reserve Police Officers shall be subject to all policies and procedures contained in the rules and regulations pertaining to them, and otherwise to the rules and regulations pertaining to permanent law enforcement employees of the Town of Chapel Hill. Reserve Police Officers shall receive no compensation for their services, but will be covered by the North Carolina Workers' Compensation Act and general liability insurance policy for actions or injuries occurring in the line of duty commensurate with the coverage afforded to permanent full-time employees of the Town. Reserve Police Officers will be subject to disciplinary action or dismissal by the Town Manager with or without cause.

Section II

All provisions of the Town Code of Ordinances inconsistent with this Ordinance are hereby repealed.

This the 22nd day of June, 1987.

Consent Agenda

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-6-22/R-6 MINUS ITEM B. THE MOTION PASSED UNANIMOUSLY, (7-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (87-6-22/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the ordinances and resolutions submitted by the Manager regarding:

- a. Merritt Mill Land Sale (R-7).
- c. Ephesus Baptist Church Annexation/Zoning Hearing (O-4), (R-8).
- d. Glenmere Annexation Hearing (R-9).
- e. Chandler's Green Annexation Hearing (R-10).
- f. Sycamore Traffic (O-5).
- g. Budget Amendment (O-6).

This the 22nd day of June, 1987.

Homeownership Demonstration Project - Sale of Land near Merritt Mill Road

RESOLUTION AUTHORIZING THE SALE OF PROPERTY (MERRITT MILL ROAD) (87-6-22/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the sale of community development property under the provisions of G.S. 160A-457 consisting of Tax Map 91, Block I, Lots 11,18 19,20,22,22A,23,23A and Tax Map 91, Block G, Lots 4,5,8,9,10,20,21,22 off Merritt Mill Road to Capricorn/Isler Associates, Inc., a North Carolina business corporation, for residential purposes in accordance with the Town's 1984-1986 Community Development plans adopted by the Council.

BE IT FURTHER RESOLVED that the Council authorizes the sale subject to the following terms: sale in fee simple, subject to a requirement that the property be used for residential purposes in accordance with the Development Agreement between Capricorn/Isler Associates, Inc. and the Town of Chapel Hill; and payment for the property shall be due in accordance with approved Development Agreement with the sales price being the fair market value of \$187,000, as established by Ms. Kathleen Buck, appraiser.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to execute the sale of said property in accordance with the terms of the Development Agreement between the Town of Chapel Hill and Capricorn/Isler Associates, Inc.

This the 22nd day of June, 1987.

Annexation - Ephesus Baptist Church and Calling Public Hearing on Zoning

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (87-6-22/O-4)

WHEREAS, the Council of the Town of Chapel Hill has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Chapel Hill Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C., 27514, at 7:30 p.m. on the 8th day of June, 1987, after due notice by publication on the 24th of May, 1987, and

WHEREAS, the Council of the Town of Chapel Hill does find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

SECTION I

By virtue of the authority granted by G.S. 160A-31, as amended, the following described property is hereby annexed and made part of the Town of Chapel Hill as of August 31, 1987.

The area to be annexed is described as follows:

That certain property described as "Tract I" of a boundary survey of the property of the Ephesus Baptist Church dated August 11, 1980 and prepared by Charles P. Hinnant, RLS; and which property is north and west of Ephesus Church Road, and Pope Road, east of

the Colony Woods subdivision land, and south of lots on the south side of Newton Drive (in Durham County plat book 101-54).

SECTION II

Upon August 31, 1987, the above described territory, 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. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION III

The Manager of the Town of Chapel Hill shall cause to be recorded in the offices of the Register of Deeds and Board of Elections of Durham and in the office of the Secretary of State, in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I thereof, together with a duly certified copy of this ordinance.

This is the 22nd day of June, 1987.

A RESOLUTION CALLING A PUBLIC HEARING ON ZONING NEWLY-ANNEXED AREAS (87-6-22/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing to be scheduled to consider zoning classifications for an area to be annexed by the Town, the area being described as follows:

That certain property described as "Tract I" of a boundary survey of the property of the Ephesus Baptist Church dated August 11, 1980 and prepared by Charles P. Hinnant, RLS; and which property is north and west of Ephesus Church Road, and Pope Road, east of the Colony Woods subdivision land, and south of lots on the south side of Newton Drive (in Durham County plat book 101-54).

BE IT FURTHER RESOLVED that this hearing be scheduled for September 14, 1987, at 7:30 p.m., at the Chapel Hill Municipal Building Meeting Room.

This the 22nd day of June, 1987

Annexation - Glenmere - Calling Public Hearing

A RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF CERTAIN AREA PURSUANT TO G.S. 160A-31, AS AMENDED
(87-6-22/R-9)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the Town clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Building Meeting Room at 7:30 o'clock p.m. on the 6th day of July, 1987.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at a monument in the Northern margin of Culbreth Drive, the Southeast corner of Lot 25, Southbridge Subdivision, as shown in Plat Book 39, at Page 28, and running thence with the line of said Lot and the line of Lot 26, North 22 deg. 00' West 322.06 feet to a monument; running thence North 51 deg. 18' East 599.99 feet to a monument at or near the Southern margin of Morgan Creek; running thence South 45 deg. 00' East 60.00 feet to a stake, thence North 81 deg. 00' East 233.11 feet to a stake, thence South 16 deg. 00' East 300.32 feet to a stake, thence South 02 deg. 00' East 104.97 feet to a stake in the Northern margin of Culbreth Drive; running thence along and with the Northern margin of Culbreth Drive in a westerly direction to a monument, the Southeast corner of Lot 25, the point and place of BEGINNING, containing approximately 13.134 acres, more or less, and being further described as all of Lots 1 through 17, inclusive, Glenmere Subdivision, together with Glenmere Lane, as shown on survey and plat thereof prepared by Robert J. Ayers, to which plat reference is hereby made for a more particular description.

Section 3. Notice of said public hearing shall be published in the Chapel Hill Newspaper, a newspaper having a general circulation in the Town of Chapel Hill, at least (10) days prior to the date of said public hearing.

This is the 22nd day of June, 1987.

Annexation - Chandler's Green - Calling Public Hearing

A RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF CERTAIN AREA PURSUANT TO G.S. 160A-31, AS AMENDED
(87-6-22/R-10)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the Town clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Building Meeting Room at 7:30 o'clock p.m. on the 6th day of July, 1987.

Section 2.) The area proposed for annexation is described as follows:

BEGINNING at an iron stake in the northern property line of the Sweaney Property as described in Deed Book 448 at page 93, said stake also being in the new R/W line of Sunrise Drive at the southwest corner of Lot 44 and running thence with said R/W north 08 deg. 27'07" west, 179.74 feet to a stake, thence along a clockwise curve having a radius of 1,176.57 feet, a length of 5.05 feet, thence north 05 deg. 28'07" west, 112.39 feet to a stake, thence along a clockwise curve having a radius of 1,176.57 feet, a length of 117.00 feet to a stake, thence continuing along R/W north 02 deg. 58'00" east, 309.34 feet to a stake in the southern line of a 60' public road, said stake also being the northwest corner of Lot 3, thence along the southern line of said public road, south 83 deg. 41'12" east, 231.67 feet to a stake, thence south 83 deg. 41'07" east 330.27 feet to a stake, thence south 84 deg. 52"10" east, 1,194.95 feet to a stake at the southeast corner of said public road, thence along and with the eastern property line of the Clark Property as described in Deed Book 238 at Page 1419, north 04 deg. 56'26" east, 240.00 feet to a stake, the northwest corner of Lot 22, thence with the line of Lot 22 south 85 deg. 43"24" east, 151.82 feet to a stake in the northern R/W of Sweeten Creek Road, thence south 03 deg. 41'38" west, 80.46 feet to a stake in the southern R/W of Sweeten Creek Road, said stake being the northeast corner of Lot 23, thence with the line of Lot 23 south 50 deg. 58'16" east, 190.19 feet to a stake thence south 37 deg. 20'54" west, 249.49 feet to a stake in the center of a 68' Duke Power Company Easement, thence with said center of easement south 52 deg. 47'53" east, 647.46 feet to a stake in the northern property line of the Sweaney Property as described in Deed Book 138 at Page 245, thence with the said Sweaney line north 79 deg. 56'12" west, 90.00 feet to a stake, thence north 74 deg. 30'34" west, 237.03 feet to a stake, thence north 77 deg. 26'08" west, 168.42 feet to a stake, thence north 45 deg. 49'44" west, 113.46 feet to a stake, thence south 84 deg. 31'33" west, 192.02 feet to a stake, thence north 77 deg. 26'08" west, 440.78 feet to a stake, said stake being the northeast corner of Lot 31, thence south 05 deg 32'30" west, 261.91 feet to a stake, said stake being the southeast corner of Lot 32, thence north 84 deg. 28'11" west, 1,359.18 feet to a stake, the point and place of BEGINNING and being known as Chandler's Green Subdivision, Sections 1-A and 1-B shown on plats by Ernest B. Wood, Jr. dated October 1986, containing 24.58 acres and 9.45 acres respectively.

Section 3.) Notice of said public hearing shall be published in the Chapel Hill Newspaper, a newspaper having a general circulation in the Town of Chapel Hill, at least (10) days prior to the date of said public hearing.

This is the 22nd day of June, 1987.

Mallard Court Traffic Ordinances

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-6-22/O-5)

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

Section I

That Section 21-13 of the Town Code of Ordinances, "right-of-way and stop regulations" is amended by inserting the following in appropriate alphabetical order:

Through Street
Mount Carmel Church Road

Stop Street
Mallard Court

Section II

That Section 21-11 (B)(2) of the Town Code of Ordinances, "Twenty-five (25) miles per hour on the following streets:" is amended by inserting the following therein in appropriate alphabetical order:

Mallard Court

Section III

These ordinances shall be effective on July 1, 1987.

Section IV

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

This the 22nd day of June, 1987.

Budget Amendment for 1986-87

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986" (87-6-22/O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1,

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1986" as duly adopted on June 9, 1986 be and the same is hereby amended as follows:

ARTICLE I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>APPROPRIATIONS</u>				
PARKING FACILITIES FUND	148,160	25,000		173,160
LANDFILL FUND				
Non-Departmental (Contingency)	39,802		17,000	22,802
Operations	239,029	17,000		256,029
<u>REVENUES</u>				
PARKING FACILITIES FUND	148,160	25,000		173,160

This the 22nd day of June, 1987.

Petition

Mayor Pro-tem Thorpe commented that he had agreed to let Mr. L.C. Edwards who arrived late to the meeting, to present a petition to the Council.

Mr. Edwards petitioned the Council to review his work history and have the Town re-hire him for Town employment. He said he had worked for the Town up until a year or so ago and that he would like to be re-hired but had been told that he could not be.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO RECESS THE MEETING UNTIL 7:00 P.M., TUESDAY, JUNE 23. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting recessed at 10:59 p.m.