

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

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

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

Also present were Town Manager David R. Taylor, Assistant Town Manager Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Presentation of Resolution of Appreciation to Herman Stone

Mayor Wallace read and presented to retired Police Chief Herman Stone a framed copy of a resolution of appreciation for his work with the Town of Chapel Hill.

petitions

Lightning Brown, representing the Last Woods Group, asked to speak to item #5, RCD Revisions, and that the proposed ordinance B be sent back to the Planning Board for further review.

Kay Maltbie and Robert Joesting speaking as citizens, asked to speak to item #5, RCD Revisions.

Jef, Rita Weir, Robert Humphries, Sherri Powell, and Len Van Ness asked to speak to item #9, Performance Agreements for Cultural Events/Visitor Information Services.

B. K. Tripp, speaking as a citizen, asked to speak to item #7b, Performance Chevrolet Special Use Permit application. Manager Taylor pointed out that this item had required a public hearing and that all comments relating to this matter had to have been made under oath at that hearing.

Dr. Edward Halperin, speaking as a resident, petitioned the Council for street improvements, mainly paving, of Dixie Drive.

Council Member Godschalk commented that there was a procedure for requesting street paving that involved petitioning the Council, holding public hearings, and agreement that the costs for the paving would be shared by the petitioners.

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COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (9-0).

Mayor Pro-tem Bill Thorpe expressed pleasure that the Mayor was feeling better and able to chair this meeting.

### Minutes

Council Member Preston expressed concern that the minutes of the June 23 work session on the RCD did not reflect the decision that the format for the RCD ordinance would follow that of the citizens' group. She asked the Clerk to review the tapes of the meeting to verify what the decision had been.

Council Member Werner said that there was a misspelled word on page 5 of the minutes of the June 23 regular meeting. He said the word "loose" should be "lose".

THE COUNCIL AGREED TO DEFER CONSIDERATION OF ADOPTION OF THE MINUTES OF JUNE 23, 1987 UNTIL THE NEXT REGULAR COUNCIL MEETING.

### Resource Conservation District

Manager Taylor stated that the Council had held a work session on the proposed changes and that there had been 9 issues discussed. He said the proposal before the Council that evening represented the consensus of what the Council had decided at the work session on the 9 issues. Mr. Taylor said there should also be a few changes added to the proposal. He said that on page 32, section p, "flood" should be "floor". On page 29, section 10.6.a the paragraph should have these additional sentences: "This clause refers to floors of buildings. It does not refer to bridges or roads." On page 42, under the definition of perennial stream, the last phrase should include the following, "... (crayfish), or evidence of such recent presence." And, on page 42, under the definition of substantial improvement, the eighth line should have the word "floor" and not "flood". Mr. Taylor said he recommended adoption of Ordinance O-1B as revised.

Council Member Andresen asked why OWASA had problems with the RCD ordinance and the extension of water and sewer lines and if there were anything the Town could do to mitigate these problems. Town Engineer George Small said that OWASA would prefer that there be no RCD ordinance to deal with when extending water and sewer lines. He said that the ordinance sometimes required OWASA to be more sensitive in installing the lines and that in turn sometimes increased the costs.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 87-7-13/O-1B WITH THE ADDITIONS STATED BY MANAGER TAYLOR DURING THE PRESENTATION.

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Lightning Brown, representing the Last Woods Group, Sierra Club, and Alliance of Neighborhoods, said the groups had been working on the ordinance changes for some time because they felt the process and the ordinance needed further public discussion and openness in how it affects the public and how it would protect the environment. He said he did not think the proposed SUP process and the permitted uses suggested were not what the Council desired. He stated that the citizens' group would prefer that the proposal be sent back to the Planning Board for further review.

Robert Joesting, speaking as a citizen, said that he felt the Board of Adjustment could review SUP requests relating to the RCD without the Council having to go to the General Assembly to modify the powers delegated to the Board of Adjustment. He said the regulations regarding the granting of a variance tended to be too restrictive and therefore he would prefer to see some form of Special Use Permit process for certain uses. He pointed out that a majority of the uses which currently require a variance would become permitted uses in the proposed changes to the RCD ordinance. He said the proposal protected the area with regard to flood prevention but that he did not feel it did much for protecting the environment.

Council Member Werner asked Mr. Joesting of the 30 or so variance requests the Board of Adjustment had heard over the past two years, how many were granted and denied? Mr. Joesting replied that the Board of Adjustment had denied only three or four.

Council Member Preston asked if Mr. Joesting felt the public process in the proceedings were addressed well enough with the variance process or would the SUP process be a better forum. Mr. Joesting responded that either would be adequate and that a SUP process with the Board of Adjustment would have the same effect as the variance requests.

Kay Maltbie, speaking as a citizen, commented that the proposed change in the buffer requirement of the RCD to 100' would mean that areas not currently affected by the RCD ordinance would now be affected. She commented that property owners in the proposed new RCD buffer area had not been notified of the proposed change and wondered if indeed they should have been. She asked what kind of restrictions would now be in effect on those properties.

Manager Taylor responded that the boundary of the RCD would increase in some areas if the proposal were adopted.

Council Member Werner asked for clarification of whether or not single family/duplex dwellings which were built prior to March 19, 1984 were subject to the 10% limitation on expansion. Attorney Karpinos replied no but that any proposed expansion would be bound by the design standards of the RCD.

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Council Member Werner asked the staff how they devised a meaning to "significant change". Mr. Small responded that the staff had looked at FEMA's guidelines, reviewed other studies and determined that the staff could measure a change of 6 inches.

Council Member Preston said she was disappointed that the ordering or format of the sections had not been changed to that of the citizens' proposal. She commented that she thought this had been agreed upon by the Council at its work session.

Council Member Pasquini asked why the staff had designated the measurable change in velocity to one foot per second as the standard for a permitted use. Mr. Small replied that the staff felt that any change of less than one foot per second would be difficult to measure.

ORDINANCE 87-7-13/O-1B WITH REVISIONS PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE REVISING PROVISIONS OF THE DEVELOPMENT ORDINANCE DEALING WITH THE RESOURCE CONSERVATION DISTRICT (87-7-13/O-1B)

WHEREAS the Town of Chapel Hill manages development in and along watercourses in the Town's planning jurisdiction through use of a Resource Conservation District; and

WHEREAS the Council of the Town of Chapel Hill adopted a Resource Conservation District Ordinance on February 11, 1985; and

WHEREAS the experience with implementation of this ordinance over the past two years has highlighted the need for changes in the ordinance; and

WHEREAS the Federal Emergency Management Agency (FEMA) has changed its regulations governing participation by municipalities in the National Flood Insurance Program; and

WHEREAS the Chapel Hill Resource Conservation District Ordinance needs to be revised in order to comply with FEMA requirements; and

WHEREAS the Council finds that revisions to the Resource Conservation District provisions are necessary both to correct manifest errors and to respond to changing regulatory conditions;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the following amendments be made to the Chapel Hill Development Ordinance:

SECTION I

REPLACE the existing "Article 10, Resource Conservation District," with a new Article 10, Subsections 10.1 through 10.13, as described on the following pages.

ARTICLE 10 RESOURCE CONSERVATION DISTRICT

10.1 Intent

The Resource Conservation District (herein sometimes RCD) is intended to be applied to the areas within and along watercourses within the Town's planning jurisdiction in order to preserve the water quality of the Town's actual or potential water supply sources, to minimize danger to lives and properties from flooding in and near the watercourses to preserve the water-carrying capacity of the watercourses and to protect them from erosion and sedimentation, to retain open spaces and greenways to protect their environmentally-sensitive character, to preserve urban wildlife and plant life habitats from the intrusions of urbanization, to provide air and noise buffers to ameliorate the effects of development, and to preserve and maintain the aesthetic qualities and appearance of the Town.

In the interpretation and application of this Article, all provisions shall be: (a) considered as minimum requirements, (b) strictly construed in favor of the public interest and community benefit, and (c) deemed neither to limit nor repeal any other powers provided by Town ordinance or State statute.

10.2 Definitions

Definitions of terms used in this Article, where not otherwise defined in this Article, are contained in Article 18.

10.3 Establishment of Resource Conservation District

10.3.1 Resource Conservation District Elevation

A Resource Conservation District Elevation is hereby established, and defined to be the elevation two (2) feet above the 100-year floodplain elevation (with reference to mean sea level), as:

- 1). The regulatory floodplain as delineated in the latest revision of the Flood Insurance Rate Maps, Flood Boundary Floodway Maps, and Flood Insurance Study, for the Town of Chapel

Hill, North Carolina, Orange, Durham, and Chatham Counties, as designated by the Associate Director of the Federal Emergency Management Agency, or

- 2) calculated for unmapped or undefined areas using engineering methodology compatible (as determined by the Town Manager) with that used to develop the Flood Insurance Rate Maps, Flood Boundary, Floodway Maps, and Flood Insurance Study.

10.3.2 Resource Conservation District Established

The Resource Conservation District is hereby established as a district that overlays other zoning districts established in Article 3. The Resource Conservation District shall consist of 1) the Resource Conservation District Elevation, and 2) the areas within buffer zones established as follows:

- a. Seventy-five (75) feet from the stream bank of a perennial stream draining less than one square mile.
- b. One hundred (100) feet from the stream bank of a perennial stream draining one square mile or more.

These distances shall be measured as the horizontal, linear distance from the stream banks.

10.4 Development in Resource Conservation District

10.4.1 Development in Resource Conservation District after March 19, 1984.

Development and land-disturbing activities within the RCD are prohibited after the effective date (March 19, 1984) of this Article unless exempted by this Section, or permitted by Section 10.5, or allowed pursuant to a variance authorized by this Article and approved by the Board of Adjustment.

10.4.2 Application of Resource Conservation District Ordinance to Development Existing on March 19, 1984 Outside of the Regulatory Floodplain.

This Article shall not apply to the continued use, operation or maintenance of any development (outside of the regulatory floodplain) existing, or for which construction had substantially begun, on or before March 19, 1984. With respect to the requirements of this Article, such development shall not be considered

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as nonconforming within the meaning of Article 14 of this Chapter.

10.4.3 Application of the Resource Conservation District Ordinance to the Expansion, Reconstruction, Rehabilitation, or Renovation of Development Existing on March 19, 1984 Outside of the Regulatory Floodplain.

- a) Within the part of the Resource Conservation District (outside of the regulatory floodplain), the expansion, reconstruction, rehabilitation, or renovation of a development existing, or for which construction had substantially begun, on or before March 19, 1984, is prohibited unless:
  - 1) the expansion, reconstruction, rehabilitation, or renovation is permitted by Section 10.5 and meets the design standards of Section 10.6; or
  - 2) the expansion, reconstruction, rehabilitation, or renovation is permitted by a variance authorized by this Article and approved by the Board of Adjustment;
- b) Provided however, outside of the regulatory floodplain:
  - 1) that the provisions of this Article shall not prohibit the expansion, reconstruction, rehabilitation, or renovation of any single-family or two-family dwelling, or single dwelling unit within a townhouse development existing, or for which construction had substantially begun, on or before March 19, 1984. With respect to the requirements of this Article, the dwelling or dwelling unit, as expanded, reconstructed, rehabilitated, or renovated, shall not be considered as nonconforming within the meaning of Article 14 of this Chapter;
  - 2) that the provisions of this Article shall not prohibit the reconstruction, rehabilitation, or renovation of a development on a single zoning lot to the extent of 50% or less of its assessed taxable value on February 11, 1985. The exemption provided under this subsection shall not apply in cases where a development has been reconstructed, rehabilitated, or renovated one or more times since February 11, 1985, and where the past and proposed reconstructions, rehabilitations, and/or renovations would increase the

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development's assessed taxable value by a total of more than 50% of its assessed taxable value on February 11, 1985 and;

- 3) that the provisions of this Article shall not prohibit the expansion of a development on a single zoning lot to the extent of 10% or less of its footprint existing on February 11, 1985. The exemption provided under this subsection shall not apply in cases where a development has been expanded one or more times since February 11, 1985, and where the past and proposed expansions would increase the development's footprint by a total of more than 10% of its footprint on February 11, 1985.

10.4.4 Application of the Resource Conservation District to the Expansion, Reconstruction, Rehabilitation or Renovation of Development Existing Within the Regulatory Floodplain.

Within the part of the RCD within the regulatory floodplain, any alteration, repair, reconstruction, or improvements to a structure, and/or a development shall meet the requirements of Section 10.6 of this Article.

10.4.5 Development Within Floodway Portion of the Regulatory Floodplain.

Within the part of the RCD within a floodway, no development, maintenance, or land disturbance shall be permitted without certification (with supporting technical data) from a registered professional engineer that base flood heights will not be increased.

10.5 Permitted Uses Within Resource Conservation District

10.5.1 Permitted Uses

Provided they are permitted within the underlying zoning district, and subject to the provisions of Sections 10.6 and 10.8, the following uses shall be permitted uses within the Resource Conservation District:

- a) pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, and other similar agricultural and related uses that do not require extensive land-disturbing activities or extensive use of fences or walls;
- b) ground level loading areas, parking areas, and other similar ground level area uses;



- c) lawns, gardens, play areas and other similar uses;
- d) golf courses, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and other similar public and private recreational uses that do not require extensive use of fences or walls;
- e) public utility and storm drainage facilities where there is no practical alternative to their location within the Resource Conservation District;
- f) streets, bridges, and other similar transportation facilities where there is no practical alternative to their location within the Resource Conservation District;
- g) accessory land-disturbing activities ordinarily associated with a single-family or two-family dwelling, such as driveways, utility service lines, gardens, and similar uses;
- h) public maintenance of streets, bridges, other similar transportation facilities and/or public utility and storm drainage facilities;
- i) lakes, ponds, and associated infrastructure, such as dams, spillways, riser pipes and stilling basins, that are located outside of the regulatory floodplain, shall be permitted with a Special Use Permit pursuant to Article 8 of this chapter.

10.5.2 Intensity Regulations

10.5.2.1 Land Use Intensity Regulations

In lieu of the intensity regulations generally applicable to the underlying zoning district, the following LUI ratios shall be applicable within the Resource Conservation District:

LUI Rating	Use Group	FAR	OSR	LSR	RSR
6	A,B,C	.019	.93	.85	N/A

Application of these regulations shall be established in Section 5.8 of this chapter.

10.5.2.2 Additional Intensity Regulations

Any development in the Resource Conservation District shall be subject to the following limitations on the

amount of impervious surface and land disturbance on any zoning lot.

Impervious Surface Limitation: In sewered areas: thirty percent (30%) of land within the Resource Conservation District;

In unsewered areas: twelve percent (12%) of land within the Resource Conservation District.

In Town-Designated Water Critical Areas: Six percent (6%) of land within the Resource Conservation District.

Land Disturbance Limitation: Forty percent (40%) of land within the Resource Conservation District.

10.6 Standards for Development in Resource Conservation District

The following standards and criteria shall apply to any portion of a development or, as appropriate, to any land disturbance, within the Resource Conservation District:

- a) the lowest floor elevation of all permanent structures shall be placed at least eighteen (18) inches above the Resource Conservation District elevation and in such a manner as not to adversely impede the flow of waters; (This clause refers to floors of buildings. It does not refer to bridges or roads.)
- b) wherever practicable, a natural vegetative buffer at least fifty (50) feet wide from either bank of the channel shall be retained;
- c) wherever practicable no stormwater discharge shall be allowed directly off an impervious surface into the channel of a watercourse;
- d) safe and convenient access, such as streets and driveways shall be provided to any development at or above the Resource Conservation District elevation unless otherwise authorized by the Town Manager; utility lines, roads and driveways shall be located, as much as practicable, parallel to the flow of waters. Where a road, driveway, or utility line necessarily must cross a watercourse, such crossing shall be located and designed so as to allow convenient access by wildlife through and beyond such crossing, and shall be designed to safely convey floodwaters to the same extent as before construction of said crossings;

- e) street crossings, utility lines, recreational and greenway facilities and recreational-related surfaces may be permitted in the vegetative buffer required in Section 10.6.b, but only to the minimum extent necessary;
- f) the site plan shall be designed to minimize adverse environmental and flooding effects on the Resource Conservation District and to achieve the purposes of this ordinance; permanent structures shall be located, to the maximum extent feasible, as far from the watercourse, and as close to the outer boundary of the Resource Conservation District, as is practical, permanent structures shall be clustered as much as practical, to minimize land disturbance, to maximize undeveloped open space, and to maximize retention of natural vegetation and buffers;
- g) water supply, sanitary sewer, on-site waste disposal systems, shall be designed to;
  - 1) prevent the infiltration of flood waters into the system(s),
  - 2) prevent discharges from the system(s) into flood waters and,
  - 3) avoid impairment during flooding to minimize flood damage; finished floor elevations to be served by sanitary sewer shall be at or above the rim elevation of the nearest upstream manhole cover or be otherwise approved by the Town Manager; sanitary sewer manholes must be provided with locking, watertight manhole covers, or be elevated to a height sufficient to prevent submersion or infiltration by floodwaters; all sewer and sewer outfall lines shall use gravity flow to a point outside the Resource Conservation District or be otherwise approved by the Town Manager and OWASA;
- h) electrical, heating, ventilation, plumbing, gas, air-conditioning, and other service/utility facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding during the base flood discharge;
- i) to the maximum extent feasible, all utility and service facilities shall be installed, constructed and otherwise protected so as to remain

operational should floodwaters reach the Resource Conservation District elevation;

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- j) land disturbing activity shall be kept to the minimum feasible; the smallest practicable area of land shall be exposed at any one time during development; such minimal area shall be kept exposed as short a duration of time as is practical; temporary vegetation or mulching shall be used as needed to protect exposed areas; natural plant covering and vegetation shall be retained and protected to the maximum degree practical when developing the site, as shall natural features and terrain;
  - k) Cutting or filling shall be permitted within the watercourse only if the resulting change to the hydraulic characteristics of the watercourse will:
    - 1) Reduce or maintain the watersurface elevation during the base flood discharge in the vicinity of the development; provided however, that in no case will cutting or filling be permitted within the watercourse if greater than a one foot per second increase in the velocity would result; or
    - 2) Reduce or maintain the velocity of flow during the base flood discharge in the vicinity of the development; provided however, that in no case will cutting or filling be permitted within the watercourse if greater than 1/2 foot rise in the base flood elevation would result.
  - l) all new construction and/or substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
  - m) all manufactured homes permitted to be placed within Resource Conservation District shall be anchored to resist flotation, collapse, or lateral movement by meeting the minimum requirements of the North Carolina Building Code (latest revision).
  - n) any manufactured home, new manufactured home park or new manufactured home subdivision permitted to be placed within the Resource Conservation District shall:

- 1) have stands or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the Resource Conservation District elevation;
  - 2) have adequate surface drainage;
  - 3) provide access for haulers;
  - 4) have lots large enough to permit steps when the mobile home is placed on pilings;
  - 5) have pilings placed in stable soils no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six feet above ground level.
- o) development shall not be permitted if it results in any increased regulatory floodway elevation, during base flood discharge, as certified by a registered professional engineer;
- p) for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

10.7 Variance From Board of Adjustment

10.7.1 Application

An owner of property who alleges that the provisions of this Article leave no legally reasonable use of the property may apply to the Board of Adjustment for a variance. An application for a variance shall be filed with the Town Manager in accord with the provisions of Subsection 16.4.1. In addition to the materials required by that subsection, the application must also comply with the submittal requirements of Section 10.8.

On receipt of a complete application, the Town Manager shall cause an analysis to be made by appropriate Town staff based on the findings required in Subsection 10.7.2. Within a reasonable period of time, the Town Manager shall submit the application and a report of his or her analysis to the Board of Adjustment.

10.7.2 Required Findings

a) The review of the Board of Adjustment shall extend to the entire zoning lot that includes area within the Resource Conservation District. The Board of Adjustment shall grant a variance, subject to the protections of this Article, if it finds:

- 1) That the provisions of this Article leave an owner no legally reasonable use of the portion of the zoning lot outside of the regulatory floodplain; and
- 2) That a failure to grant the variance would result in extreme hardship.

In making such findings, the Board of Adjustment shall consider the uses available to the owner of the entire zoning lot that includes area within the Resource Conservation District.

b) The Board of Adjustment shall grant the minimum variance necessary to afford appropriate relief under this section. The Board may attach such reasonable conditions to the grant of a variance as it deems necessary to achieve the purposes of this Article.

c) The Board of Adjustment shall not grant any variance if it finds that such a variance would:

- 1) result in any increased regulatory floodway water surface elevation during the base flood discharge as certified by a registered professional engineer; or
- 2) result in significantly increased velocity of flow or deposit of sediment; or
- 3) result in significantly increased erosion, significant additional threats to public safety; or
- 4) result in significant threats to water quality; or

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- 5) result in the removal of significant wildlife habitat; or
- 6) result in extraordinary public expense; or
- 7) result in public nuisance; or
- 8) impede the provision of greenway paths called for by the Town's Greenway Plan; or
- 9) conflict with the provisions of any other law or ordinance.

d) The Board of Adjustment may refuse to grant any variance if it finds that the owner of a lot, or any predecessor in interest, has subdivided such lot or has otherwise acted in an attempt to avoid or evade the provisions or intent of this Article.

#### 10.7.3 Burden of Proof

Any owner of property applying to the Board of Adjustment for a variance from the provisions of this Article shall have the burden of establishing that such variance should be granted by the Board.

#### 10.7.4 Presumption

Notwithstanding 10.7.3, a showing that the portion of the Resource Conservation District outside of a regulatory floodplain overlays more than seventy-five percent (75%) of the area of a zoning lot, shall establish a rebuttable presumption that the Resource Conservation District leaves the owner no legally reasonable use of the zoning lot outside of the regulatory floodplain. Such presumption may be rebutted by substantial evidence before the Board of Adjustment.

#### 10.7.5 Referral

The Board of Adjustment, before taking final action on an application for a variance, may refer such application to Town advisory boards or commissions.

#### 10.7.6 Review Criteria

In reviewing applications for variances pursuant to this Article, the Board of Adjustment shall consider all technical evaluations, all relevant factors, other provisions of statute or ordinance, and:

- a) the danger to life and property due to flooding, sedimentation, and/or erosion damage at the site;

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- b) the danger that structures or materials may be swept onto other lands to the injury of others;
  - c) the danger to life and property from flood waters backed up or diverted by any obstruction or by debris collected by the obstruction;
  - d) the susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner;
  - e) the importance of the services provided by the proposed development to the community;
  - f) the necessity to the facility of a waterfront or low-lying location, where applicable;
  - g) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - h) the compatibility of the proposed use with existing and anticipated development within the vicinity;
  - i) the relationship of the proposed use to the comprehensive plan and the stormwater management program for that area;
  - j) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - k) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
  - l) the effects of the proposed development on the heights, velocity, duration, and rate of rise of the flood waters upstream and downstream of the proposed site;
  - m) the costs of maintaining or restoring public services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
  - n) the susceptibility of water supply and sanitation systems to contamination and unsanitary conditions during and after floods; and
  - o) the danger that issuance of the variance will set a precedent for future development in the Resource



Conservation District which cumulatively may increase the flood hazard.

- p) the impact of the proposed use on the Town's open spaces and Greenway System.
- q) the effect to water quality of the Town's actual or potential water supply sources.
- r) the effect on urban wildlife and plant life habitats.
- s) the effect on air and noise buffers which ameliorate the effects of development.
- t) the degree to which drainage and flooding conditions in the vicinity would be improved by the proposed development.

10.8 Requirements for Development Applications

Every application which proposes development or land-disturbing activities wholly or partially within the Resource Conservation District, shall include the following, unless affirmatively exempted by the Town Manager in part or entirely, for the whole area covered by the application:

- a) a utilities plan;
- b) a grading plan showing existing and final contours;
- c) a sedimentation and erosion control plan;
- d) a storm water management plan;
- e) a soils analysis;
- f) plans view showing: the topography of the site at a minimum horizontal scale of 1:60, at two-foot contour intervals; the location of streams, watercourses, stormwater runoff channels, etc; the limits of the floodway and floodplain; existing or proposed storm and sanitary sewers and sewer outfalls; septic tank systems and outlets, if any; existing and proposed structures and development; and the 100-year, 10-year flood, and RCD elevations and limits; existing and proposed tree lines;
- g) profile view showing: at a minimum horizontal scale of 1:60, and minimum vertical scale of 1:10, the elevations of the watercourses bed; waterway

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openings of existing and proposed culverts and bridges within or near the site; size and elevation of existing or proposed sewer and drain outlets; the 100-year and 10-year flood water surface elevations and limits; and the elevation of the Resource Conservation District.

- h) a description of existing vegetation, including significant trees and shrubs; and a landscape plan for the completed development;
- i) a description of wildlife habitats, noting the types of habitat on site and their potential as habitats for various species of wildlife and identifying any relevant limiting factors;
- j) description of proposed storage of materials and of waste disposal facilities;
- k) certificate from a registered professional engineer or architect, with respect to floodproofing, or from a registered professional engineer or surveyor with respect to elevation, that any floodproofing measures on nonresidential uses or finished elevations meet the requirements of this article.
- l) copies of notifications to and responses by adjacent communities, the North Carolina Department of Crime Control and Public Safety, and the Federal Emergency Management Agency regarding any proposed alteration or relocation of a riverine watercourse.
- m) the increase in elevation of the 100-year flood upstream from the development, velocity changes and rate of rise changes, runoff, water quality change, sediment deposit rate changes, and the duration of the flood. The Town Manager shall approve the methodology used to determine the changes.

All applications shall include a list of owners of properties located within 500 feet of the subject property boundaries with the full name and address of each property owner, and shall include stamped, pre-addressed mailing envelopes for each owner on the mailing list.

#### 10.9 Correction of Violations

The owner of any land within the Resource Conservation District shall be presumed responsible for any violation of this Article committed on his or her property.

The owner of any land within the Resource Conservation District shall be responsible for correcting any activity undertaken therein in violation of this Article. In addition, any other person found in violation of this article shall be liable as provided by law. The Town may institute any appropriate action to restrain or prevent any violation of this ordinance or to require any person who has committed any such violation to correct the violation or restore the conditions existing before the violation. The Town Manager shall enforce this article as provided for in Article 17.

10.10 Warning and Disclaimer of Liability

With respect to flood hazard, the degree of protection required by this Article is considered reasonable for regulatory purposes. Larger floods than anticipated or protected against herein will occur on occasion. This Article does not imply that land outside the Resource Conservation District or uses or variances permitted or allowed within such district will be free from flooding or flood damages. This Article shall not create any liability on the part of the Town, or any officer or employee thereof, for any flood damages that result from reliance on this Article or any administrative decision or process lawfully made thereunder.

10.11 Other Approvals Required

No permit or approval required to be issued by the Town under the provisions of this article shall be valid until all other permits or variances for the same proposal required by any other ordinance of the Town or statute of the State of North Carolina or United States have been received from those agencies from which such permits or variances are required.

10.12 Records and Filings

The Town Manager shall maintain records of all development permits, approvals, certification of as-built finish floor elevation(s), certification of floodproofing measures, or variances regarding development within the Resource Conservation District. Such records shall include all actions on applications for such permits, approvals, or variances, as well as any conditions attached thereto. The Town Manager shall report variances granted for the relocation or alteration of riverine watercourses to adjacent communities, the N.C. Department of Crime Control and Public Safety and the Federal Emergency Management Agency. Such report shall contain assurance that the relocation or

alteration maintains the watercourse's flood carrying capacity.

The Town Manager shall notify any applicant in writing of the decision on any application for any permit, approval, or variance with respect to property within the Resource Conservation District and shall file a copy of it with the Town's Planning Department.

The applicant shall record any variance with the Orange County Register of Deeds within sixty (60) days after written notice of approval of such variance by the Board of Adjustment.

10.13 Resource Conservation District Guide

The Town Manager shall cause to be prepared a Resource Conservation District Guide. Such guide shall contain appropriate descriptive maps, presumptive criteria and guidelines for interpretation of this Article and evaluation of applications to develop or disturb land within the Resource Conservation District, as well as design and construction standards, consistent with the general performance standards contained in this Article.

SECTION II

DELETE from Article 18, "Definitions,". Section 18.32: "18.32 - Development: The division, use, or occupancy of any land or structure, or the construction, erection, alteration, or moving of any structure."

SECTION III

AMEND Article 18, "Definitions," by including the following definitions, inserted in appropriate alphabetical order: (definitions appear on following pages)

DEFINITIONS

Above Average Rainfall: The hydrologic condition that exists when rainfall for the preceding 30 days is greater than 120% of the average rainfall for the same period, as recorded by the National Weather Service.

Area of shallow flooding: A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity may be evident.

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Area of special flood hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (the 100 year flood).

Basement: That portion of a building between floor and ceiling, that is wholly or partly below grade.

Channel: The defined course (eg. bed, ditch, or depression) where a natural or man-made stream of water is transmitted.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to: the construction, erection, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings; mining; dredging; filling; grading; paving; excavation or drilling operations; clearing of vegetation; any division of a parcel of land into two (2) or more parcels and any use or change in use of any structures or land.

Drought: The hydrologic condition that exists when rainfall for the proceeding 30 days is less than 80% of the average rainfall for the same period, as recorded by the National Weather Service.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) the overflow of inland or tidal waters;
- 2) the unusual and rapid accumulation of runoff of surface waters from any sources.

Flood Hazard Boundary Map (FHBM): The official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Chapel Hill.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency containing flood profiles as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floor: The top surface of an enclosed area in a building (including basement), i.e. - top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Footprint: The area bounded by the external walls of any structure.

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Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD). For purposes of national flood insurance programs, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Geodetic Vertical Datum (NGVD): A vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

Normal Flow: The volume of water carried by a stream in times other than droughts or above average rainfall.

Perennial Stream: Those areas shown as streams on the Town's Aerial Topographic Maps, subject to field verification, in addition to streams confirmed to be perennial after onsite inspection by the Town Engineering Department. The presence of a perennial stream shall be confirmed by the presence of two (2) or more of the following:

- . water,
- . aquatic and/or water-loving vegetation,
- . aquatic craniate vertebrates (fish), and/or aquatic arthropods having a chitinous (or calcaerous and chitinous) exoskeleton (crayfish), or evidence of such recent presence.

Regulatory Flood Plain: Areas of inundation during the base flood discharge as delineated on the Flood Hazard Boundary Maps and Flood Insurance Study for the Town of Chapel Hill, North Carolina, Orange, Durham, and Chatham Counties, latest revisions, as defined by the Associate Director of the Federal Emergency Management Agency.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas as delineated on the Flood Hazard Boundary Maps and Flood Insurance Study for the Town of Chapel Hill, North Carolina, Orange, Durham, and Chatham Counties, latest revisions, as defined by the Associate Director of the Federal Emergency Management Agency, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot above the 100 year flood water surface elevation.

Riverine: Areas formed by, or resembling a river.

Stream Bank: The point(s) where the wetted perimeter of a stream's cross section has the highest elevation (as referenced to mean sea level) during normal flow.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed taxable value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Watercourse: Any area of a perennial stream or regulatory flood plain which is inundated during the base flood discharge.

Wetted Perimeter: The line of intersection between water and any other part of a stream's cross section.

#### SECTION IV

That these revised provisions shall apply to all development approved on or after the date of adoption of these revisions. All development approved prior to this date shall be governed by provisions of the Resource Conservation District Ordinance in place at the time of approval. All variances and conditions of approval of developments or variances in place prior to the date of adoption of these revisions shall remain intact and unchanged by these revisions.

#### SECTION V

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

This the 13th day of July, 1987.

Homeownership Demonstration Project: Tandler I

Roger Waldon, Planning Director, gave a presentation on the proposed cluster subdivision application on 2.28 acre parcel on the east side of Merritt Mill Road. He said the proposal was part of the homeownership demonstration project. He stated that the site was irregular in shape with frontage on Merritt Mill Road and Gore Street but that none of the proposed nine lots would have direct access onto Merritt Mill Road. Mr. Waldon said in order to eliminate access onto Merritt Mill Road, a short class "C" street would come off of Merritt Mill Road and an additional class "D" street will come off of the class "C" street. He said this class "D" street would actually be a combination of class "C" and "D" street standards with a provision of a "T" turnaround at the end of the street. Mr. Waldon stated that this street would have a 30-foot right-of-way with a pavement width of 20 feet, without curb and gutter. He said the applicant proposed to meet the recreation area requirements by providing 15,240 square feet at the northeast corner of the site. He said the Transportation Board recommended that a bus pull off, shelter, bench and pad be provided adjacent to the open space area.

Council Member Andresen asked Mr. Waldon to point out the Duke Power easement and stated that its location meant the recreation area would be limited in the terms of active use. Mr. Waldon agreed.

Council Member Smith said that there were currently no bus stops on Merritt Mill Road. He asked if the street improvements to Merritt Mill Road included a provision for a bus stop. Mr. Waldon replied no. Mr. Smith asked how one could be placed along Merritt Mill Road by the time these homes were built. Manager Taylor replied that if the Council desired a bus stop associated with this project a stipulation that a bus shelter and turn off be constructed could be added to the resolution.

Council Member Godschalk asked if it had been determined that this site was the best location for a bus shelter or was it just convenient to build one there at this time.

Council Member Smith asked if the construction of the bus stop would cost the Town or developer? Manager Taylor responded that it would be considered part of the Town's costs for public improvements.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-7-13/R-2A WITH THE ADDITION OF A STIPULATION FOR A BUS STOP.



Alan Rimer, representing the Planning Board, said the Board recommended adoption of resolution A but pointed out that this meant that McCauley Street would not be extended.

Council Member Smith asked if there would be drainage problems with these lots. Town Engineer George Small replied that there would be a problem but that he felt it could be handled.

Mayor Wallace asked if they were planning to use retaining walls. Mr. Small replied yes, and that some were currently being used.

Council Member Preston asked about the association between Capricorn/Isler Associates and the City Planning and Architectural Associates. Manager Taylor replied that Capricorn/Isler Associates had hired City Planning for their design work and that the Town had also worked with City Planning in designing the roads and public improvements.

Council Member Pasquini asked if lot #7 was a flag lot. Mr. Waldon replied yes and that it was done in order to make the best use of the site.

Council Member Pasquini asked when the Town planned to market the project. Mr. Waldon replied that the Town was actively working the developers in planning the marketing strategies and that they planned to start marketing the units in conjunction with the actual start of construction.

THE MOTION TO ADOPT 87-7-13/R-2A WITH ADDITIONS PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR TANDLER CLUSTER SUBDIVISION (91-G-4,5,8,9,20-22) (87-7-13/R-2a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Tandler Subdivision proposed by Capricorn/Isler Associates, Inc. identified as Chapel Hill Township Tax Map 91, Lots 4,5,8,9,20-22, if developed according to the preliminary plat dated June 6, 1987, 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

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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 the following improvements be made to Old Merritt Mill Road:
  - a) That a minimum of a 30-foot right-of-way be provided;
  - b) That a minimum roadway width of 20 feet, without curb and gutter, be provided; and
  - c) That a "T" turnaround be provided at the end of Old Merritt Mill Road.
2. That the final plan indicate a type "D" buffer along the site's frontage with Merritt Mill Road, and that a Planting Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
5. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, and Carolina Cable before issuance of a Zoning Compliance Permit or final plat approval; and, that OWASA approval be obtained prior to application for final plat or final plan approval.
6. That the recreation area be deeded to the Town of Chapel Hill.
7. That final street plans, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculations), 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.

8. That the final plat contain a "no access" easement along Merritt Mill Road which prohibits access to Merritt Mill Road for lots abutting Merritt Mill Road.
9. 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.
10. That sewer service laterals be stubbed-out to the front property line of lots 1-5 to allow for future connection to a gravity sewer line.
11. That sight triangle easements be provided on the final plat.
12. 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.
13. 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.
14. That a bus stop be constructed along Merritt Mill Road.
15. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
16. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that this preliminary plat approval will become effective upon the execution of a Development Agreement for this property by the Town of Chapel Hill.

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

This the 13th day of July, 1987.

Homeownership Demonstration Project: Tandler II

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-7-13/R-3A.

Roger Waldon, Planning Director, gave a presentation on the proposed cluster subdivision of 4.25 acres into fourteen

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residential building lots. He said the site was located on the east and west sides of Adelaide Walters Road.

Council Member Pasquini asked about the proposed loop road on the site and whether it would be Town maintained. Mr. Waldon replied that the loop road was proposed to be a shared private drive.

Council Member Preston asked what was the width of the private drive. Mr. Waldon replied that it was designed to be 18' wide.

Council Member Preston asked about the gully on lot #5. She asked why this was designed as such and if it might not have been better to put the flag for lot #4 down where the easement was and move lot #5 adjacent to lot #3 so there would be more building space. Bob Anderson, representing the applicant, said that the gully on lot #5 was a drainage or erosion ditch. He said the entire drainage pattern would change with the construction of the street and so the ditch would be filled in. He said it wasn't really a severe ditch but an erosion channel. Mr. Anderson said the developer would correct the terrain of the lot when the house was constructed.

Council Member Preston asked about the drain pipe on lots #1 & 2 and if it would create a problem in that area. Mr. Anderson responded that the drain pipe was an existing pipe to the area that will be the front of the houses and that the developer planned to put in a junction box and extend the pipe to the rear of the houses so that there would not be any water going between the houses. Council Member Preston asked if this meant the water would just come out of the pipe onto the ground. Mr. Anderson replied yes, that the pipe would extend about ten to fifteen feet beyond the house and then there would be rip-rap. He said it would conform to the Town's erosion control standards.

Council Member Werner asked why the loop road was not proposed to be a Town street. He said he could foresee numerous problems with a shared driveway for six or seven houses. Mr. Waldon replied that the staff had felt the road would be functioning as a private driveway and not a public street. Council Member Werner expressed concern about maintenance of the private drive. Mr. Anderson said the proposal was to cluster the units and have a common, village atmosphere. He stated that the continuity of the street was not fixed but that the reason why it was suggested as a private drive was the right-of-way requirement for a public street would take up most of the site and therefore there would not be enough area for the homes.

Council Member Andresen said she also had concerns with the maintenance of a private drive. She commended the staff and applicant on the plan. She said she felt it was creative especially since the site appeared difficult. Ms. Andresen asked what kinds of problems would occur if it remains a private drive and the residents ask for street maintenance? Mr. Waldon replied

that the private drive would be maintained by the joint owners. Ms. Andresen asked if there had been any discussion about having a homeowners association. Mr. Waldon replied that it had been discussed but not being proposed as part of the proposal. He said it had been determined by the staff and Council during the development of the proposal that it was not desirable because it was a more complicated arrangement.

Council Member Godschalk commented that in the Tandler I subdivision the staff proposed a street with a 30' right-of-way, 20' paving without curb and gutter. He said that in this proposal a street like this would fit and that he would feel better approving the site plan without a private drive but with a "hybrid" street as proposed in Tandler I. He said he liked the cluster design but that the question of the private driveway seemed to bother the Council. He stated that he remembered previous conversations about not having a homeowners association because it would complicate things since it would involve dues payment, etc.

Council Member Thorpe said he was also concerned with having a private drive for maintenance purposes as well as garbage collection. He said the public works vehicles did not use private drives.

Manager Taylor said that after listening to the discussion he did not see any problem with redesigning the private drive to a public street with a 25' right-of-way and 18' width. The Council agreed to this suggestion.

Council Member Smith commented that the Town needed to be certain that there would not be any flooding problems on adjoining properties when the project was built. Manager Taylor responded that he did not anticipate any problems.

Council Member Preston asked that a further stipulation be added that the Council direct the Manager to add a pedestrian path, form just north of the property line of lots three and four on property currently owned by the Chapel Hill Housing Authority, for the purpose of providing direct access to the recreation area, in accordance with the wishes of the Planning Board. Manager Taylor responded that the Town could now require this since the Housing Authority was now a Town department.

Manager Taylor said that what was before the Council for adoption was resolution R-3a with the added stipulation of a pedestrian path and the agreement that the loop drive on the site plan would be constructed as a Town street with a right-of-way of 25' and a width of 18'.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR TANDLER II SUBDIVISION (27-D-21) (87-7-13/R-3a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Tandler Subdivision proposed by Capricorn/Isler Associates, Inc. identified as Chapel Hill Township Tax Map 27, Block D, Lot 21, if developed according to the preliminary plat dated June 8, 1987, 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 a "T" turnaround be provided at the termination of Adelaide Walters Road at the southernmost property line.
2. That a sidewalk be provided along the south side of Elderberry Drive.
3. That the recreation area be deeded to the Town.
4. That the names of the development and its streets be approved by the Town Manager prior to issuance of a 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 the recreation area be deeded to the Town of Chapel Hill.
7. 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.

8. 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 part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
9. 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.
10. That sight triangle easements be provided on the final plat.
11. 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.
12. 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.
13. That a pedestrian path be constructed along the northern property line of lots #3 and 4.
14. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
15. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that this preliminary plat approval will become effective upon the execution of a Development Agreement for this property by the Town of Chapel Hill.

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

This the 13th day of July, 1987.

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Homeownership Demonstration Project - Budget Ordinance Amendment

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 87-7-13/O-1.1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987 (87-7-13/O-1.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1987" as duly adopted on May 26, 1987, be and the same is hereby amended as follows:

Section I

That \$60,000 from the 1/2-cent sales tax revenue held in the Capital Reserve Fund and restricted for water and sewer purposes, be hereby removed from the Capital Reserve Fund and transferred to the Capital Improvements Fund in the amount and for the purpose as follows:

Homeownership Demonstration Project, \$60,000 (for water and sewer costs of project)

This the 13th day of July, 1987.

Performance Chevrolet - Special Use Rezoning

Ordinance 87-7-6/O-2 was on the floor for a second reading.

THE ORDINANCE CARRIED, (6-3), WITH COUNCIL MEMBERS ANDRESEN, PASQUINI AND WERNER VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS (87-7-6/O-2)

WHEREAS the Council of the Town of Chapel Hill has considered the application of Dave Hansing, representing Performance Chevrolet, to amend the Zoning Atlas to rezone property described below from Community Commercial and Office/Institutional-2 to Community Commercial-S (Special Use Zoning), and finds that the amendment achieves the purposes of the Comprehensive Plan;

WHEREAS the Council finds that any potential use under the CC-S special use zoning would be suitable for the property proposed for rezoning provided the findings required for a special use permit can be made based on appropriate conditions attached to any special use permit issued;



THEREFORE, BE IT ORDAINED by the Council that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

That the property identified as Chapel Hill Township Tax Map 27, Block C, lot 3, located between the U.S. 15-501 Service Road and Old Durham Road at the Cooper Street intersection, plus one-half of the adjoining right-of-way of U.S. 15-501 and Old Durham Road, be rezoned from Community Commercial and Office/Institutional-2 to Community Commercial-S (Special Use Zoning). The legal description of the property is as follows:

BEGINNING at the southwestern corner of the property of Robert C. and Doris M. Harriss at the corner with North Carolina National Bank, N.A. in the northern right-of-way line of state road 1740; thence North 8° 30' East 322.85 feet to the southern right-of-way line of U.S. Highway 15-501, which is a 260 foot right-of-way; thence along with said right-of-way North 65° 33' 45" East 862.70 feet to the western line of the Blue Cross/Blue Shield property; thence along with said line South 8° 6' East 761.51 feet to the northern right-of-way boundary line of State Road 1740; thence along said right-of-way line North 85° 16' 34" West 943.63 feet to the point and place of beginning. This tract containing approximately 10.725 acres. Being the same tract as shown on a survey by Robert J. Ayers, Registered Land Surveyor, dated October 16, 1985 and entitled "Property of Performance Chevrolet," to which references is made for a more particular description of the premises.

SECTION II

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

This the 6th day of July, 1987. FIRST READING  
This the 13th day of July, 1987. SECOND READING

Performance Chevrolet - Special Use Permit

Manager Taylor said that he had received and offered into the record of the meeting an affidavit from David Hansing, for Performance Chevrolet, indicating that the applicant in this case agreed to all the proposed conditions in Resolution B except the proposed condition #15 requiring a raised median to prevent exiting onto Old Durham Road. He said that this meant the applicant agreed to all the stipulations in Resolution B except the last sentence of stipulation #15. He said the applicant would like to have this deleted and that he had discussed it with the Planning staff, who had no problem with deleting this sentence from stipulation #15.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-7-13/R-4B WITH THE DELETION OF THE LAST SENTENCE IN STIPULATION #15.

Council Member Andresen asked if this meant the easternmost access to the site would not be an entrance only. Mr. Taylor replied no, the easternmost access point would still be an entrance only but it would not have a raised median.

Council Member Godschalk said he did not want to make an issue of it and it appeared that the applicant was not too concerned about providing curb and gutter, but that he had visited the site last week and the area in front of Performance Chevrolet would be the only area with curb and gutter. He said he had been concerned about having curb and gutter along part of the road and an open ditch on both sides and what it might do to the drainage system? George Small, Town Engineer, replied that the reasons for having curb and gutter were enumerated in the memorandum. He said the staff had asked for curb and gutter from the Blue Cross/Blue Shield SUP but that the Council had decided against requiring it. He said the Hardee's restaurant would be doing some improvements to the road and that the Colony Lake development would also be improving the road when the intersection was redone. Council Member Godschalk asked about the joint where curb and gutter ran into the open drainage ditches on both sides. He said it seemed to him that this would cause an unusual and perhaps unfortunate situation. Mr. Godschalk said the ideal would be to have curb and gutter the entire length of the service road with an underground culvert, but since this would not be occurring it seemed to him that the proposal might not work very well.

Council Member Preston said the cross section showed the curb and gutter only on the Performance Chevrolet side of the service road. She asked if this was the way it would be, with the curb and gutter only on one side? Mr. Small replied yes.

Council Member Andresen said that what had not been dealt with in this proposal was the concern she and Council Member Werner had had about pedestrian traffic along the service road and the problems with road testing the cars on the service road. She said that the curb would give the pedestrians some protection, not as much as a sidewalk but there would be some distance between the travel lane and where pedestrians could walk.

THE RESOLUTION PASSED UNANIMOUSLY, (9-0).

Council Member Howes commented that he felt the proposal was a good accommodation of interests between the applicant and the neighborhood, and that all concerned should be pleased about this. He said he was pleased that the applicant, which was an important business in the community, was going to improve its appearance and become an even greater asset to our town than it was now. He said he was pleased that the applicant was willing

to make this kind of investment and that the Council could unanimously support their request.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR PERFORMANCE CHEVROLET (87-7-13/R-4b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Performance Chevrolet expansion proposed by Mr. Dave Hansing, representing Performance Chevrolet, on property identified as Chapel Hill Township Tax Map 27, Block C, Lot 3, if developed according to the site plan dated April 15, 1987, the grading, drainage and buffer plan dated April 15, 1987, and the utility and lighting plan dated April 15, 1987 and the conditions listed below, would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Development Ordinance, including all applicable provision of Article 4, 5, and 6, and the applicable specific standards contained in Section 8.7 and 8.7.2, and with all other applicable regulations;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or be a public necessity; and
4. 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:

1. That actual construction begin by July 13, 1988 and be completed by July 13, 1990.
2. That the Chapel Hill-Durham Boulevard Service Road be improved along the site's frontage to one-half of a standard 27-foot back-to-back roadway with curb and gutter.
3. That Old Durham Road be improved along the site's frontage to one-half of a standard 41-foot roadway, with curb and gutter and a sidewalk with dedication of one-half of a 70-foot right-of-way.

4. That all public road improvements be approved by the N.C. Department of Transportation prior to issuance of a Zoning Compliance Permit.
5. That a work zone traffic control plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
6. That the final plans contain a note indicating that refuse collection is private.
7. That all electric lines, with less than 3-phase service, and telephone lines be provided underground; and the existing overhead electric and telephone line on the eastern boundary of the site be relocated underground, within the drive aisle wherever possible, to reduce future interruption of the required buffer.
8. That all outdoor lighting be designed and installed with the objective of directing illumination only within the property boundaries. Such lighting shall be shown on a detailed lighting plan and shall be approved by the Appearance Commission before issuance of a Zoning Compliance Permit.
9. That detailed building elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
10. That all signs be brought into conformity with sign regulations and be approved by the Appearance Commission before issuance of a Certificate of Occupancy.
11. That the two (2) northernmost parking spaces in the customer parking area and the two (2) northernmost parking spaces in the used car display area be eliminated and that area used to provide a minimum 6-foot high vegetative screen.
12. That the "tree plaza" and "terrace" area along with the adjoining 20-foot wide area be a portion of the alternative "D" type buffer. A minimum of six (6) canopy trees with a minimum caliper size of 3-inches, shall be provided in the "tree plaza" and terrace area with no more than six (6) automobiles on display in these areas; and that seasonal flower beds be a portion of the landscape buffer
13. The berm within the "A" type buffer along the southern property line be a minimum height of 10 feet and be extended an additional 15' to the east and 10' to the west along Old Durham Road.
14. That the final utility/lighting plan be approved by OWASA, Duke Power, Southern Bell, and the Town Manager, before issuance of a Zoning Compliance Permit.

15. That the easternmost access point on Old Durham Road be designed as an entrance only.
16. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, landscaping and landscape maintenance plan, utility/lighting plan, grading and stormwater management plan, right-of-way/easement plats, fire flow report) 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.
17. That except as modified herein, all other special terms and conditions heretofore made applicable to the Special Use Permit be continued in effect.
18. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
19. If any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the approval of the Special Use Permit Modification is a modification to the Special Use Permit Modification approved by the Chapel Hill Town Council on May 12, 1986.

BE IT FURTHER RESOLVED that the approval of the Special Use Permit Modification is conditioned upon the owner of this property agreeing, in writing, to all of the above conditions.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the Performance Chevrolet expansion Special Use Permit Modification in accordance with the plans and conditions listed above.

This the 13th day of July, 1987.

#### Municipal Building Expansion Committee Report

Council Member Preston said the committee had met approximately 10 times since April. She said Council Member Thorpe, Pat Evans, Larry Touchstone, Milton Van Hoy and she were a good working committee. Ms. Preston commented that the committee had issued invitations for proposals from architects and had received numerous submittals. She said the committee had reduced these submittals to six candidates and had interviewed each. Ms. Preston stated that the committee was in the process of making a decision on the architect and that they were visiting area municipal buildings to get a broad perspective of what other local government offices were like.

Council Member Andresen said she appreciated the work the committee had done. She asked how many of the six finalists were from Chapel Hill. Council Member Preston replied that two of the six finalists had offices in Chapel Hill and that a third architect lived in Chapel Hill but had their office in Raleigh.

#### Library Committee

Council Member Howes said he and Council Member Pasquini were representatives on the 9-member Library Committee and that the committee had looked at the criteria for site selection and potential candidates for Library sites and hoped to bring a unanimous proposal to the Council for the site. He said once the site was selected the process would begin for selecting the architect and designing the building. Mr. Howes said the committee had visited Fayetteville and Sanford to look at their new library facilities.

Council Member Andresen asked if the committee had decided on whether or not the library would be located downtown. Mr. Howes replied no. Ms. Andresen asked if the committee had discussed the possibility of branch libraries. Mr. Howes replied that the committee felt it was to propose a site for one central library as the bond referendum had implied.

#### Occupancy Tax Revenues - (Hotel/Motel Tax)

Manager Taylor said that the 1987-88 budget included \$50,000 for visitor information services and support for cultural events. He said the local act authorizing the occupancy tax required 10% of the tax revenues to be used to support visitor information services and support for cultural events. He said that all the proposals received were worthwhile services, but that he recommended the Council authorize agreements with the Chamber of Commerce (Umbria Jazz Festival), Arts Center (Teen Program), and U. S. Olympic Festival (Police and Transit services) totalling \$46,100.

Len Van Ness, representing the Chapel Hill - Carrboro Chamber of Commerce, spoke in support of the Chamber's request for funding for the Umbria Jazz Festival. He said 9 of the 15 events would be held in Chapel Hill.

Council Member Werner asked how many free concerts would be held in each locale. Mr. Van Ness replied that there were two open concerts planned, both in Raleigh. He said they would have considered having a free concert in Chapel Hill but that the funds from each of the proposed concerts was needed to meet expenses. Mr. Werner asked how much money Raleigh was giving to the Jazz Festival. Mr. Van Ness replied \$2000 but that the Jazz Festival was supposed to be centered in Chapel Hill.

Council Member Andresen commented that she would be more comfortable with having more concerts that were free and open to the

public, especially if the Town were investing funds into the program. She suggested that the Town's Parks and Recreation Department work with the Chamber for future events.

Mr. Van Ness stated that he thought the two Italian groups could provide some kind of free performance in Chapel Hill. He said they could possibly entertain during the food and trade show at the Hotel Europa.

Anne Fleming, spoke in support of the Chamber's request. She said 80% of the revenues from the concert to be held at the Arts Center would go toward paying the musicians.

#### Teen Arts Program - The Arts Center

Rita Ware and Joel Carter, representing the Arts Center, spoke in support of funding the proposed teen arts program at the Arts Center.

Council Member Andresen asked how many teens expected to be involved in the program. Ms. Weir estimated that 20 to 40 teens would be directly involved but that the programs would be cable-cast so that many more would be reached.

Council Member Pasquini asked how the Arts Center expected to broadcast the programs. Ms. Weir replied that they had an agreement with Alert Cable in Carrboro and that Carolina Cable accepts programming from Alert.

Joel Carter stated that this was to be a pilot program and would be a chance to give teens a significant opportunity. He said they first needed to hire the coordinator and then prepare the program outline. He said they hoped to begin the actual program by the first of the year.

Council Member Godschalk asked if this meant the program would not start this summer. Mr. Carter replied that the program would begin when the building was completed and the coordinator hired.

#### Olympic Festival

Hill Carrow, representing the North Carolina Amateur Sports Association, spoke in support of funding the running of the U-route bus on the winter schedule and the use of police and transit personnel during the Olympic Festival. He said funding these requests would mean the Town had met its obligation to the Olympic Festival for its share of the contingency for cost overruns from the Festival events.

#### Teen Center, Inc.

Robert Humphries, representing the Teen Center , Inc., spoke in support of funding for live music nights, a brochure describing

the activities of the Teen Center, and sound equipment rental for a Fall concert.

Council Member Smith asked how many teenagers patronized the Teen Center. Mr. Humphries replied between 100 to 150 teens used the facility on Friday and Saturday nights. He said the Center's capacity was only 175.

Council Member Andresen asked if the cost for the live concerts would be to pay the musicians and if these musicians would be teenagers. Mr. Humphries replied yes.

Touch Mime Theatre and Chapel Hill - Carrboro City Schools

Jef, representing the Touch Mime Theatre, spoke in support of funding an eighteen week residency for the Artist-in-the-Schools program. He said the program would present theatre as an art form to the students and would explore the use of creative dramatics within the school setting to expand the educational experiences of the students.

Council Member Smith said that the Touch Mime Theatre used to work in the high schools. He asked if the state or county would fund this type of program. Jef said the program was sponsored by the Department of Cultural Resources and not the Department of Public Instruction. He said the program would be bringing artists into the schools.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-7-13/R-5.1.

Council Member Thorpe said he would vote for the motion but that he felt there was still an opportunity for an open concert in Chapel Hill so that the entire community could benefit.

THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS ANDRESEN AND WERNER VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING A PERFORMANCE AGREEMENT WITH THE CHAPEL HILL-CARRBORO CHAMBER OF COMMERCE FOR SUPPORT OF THE 1987 UMBRIA JAZZ FESTIVAL PERFORMANCES IN CHAPEL HILL (87-7-13/R-5.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to enter into on behalf of the Town, an agreement with the Chapel Hill-Carrboro Chamber of Commerce for support of the 1987 Umbria Jazz Festival performances in Chapel Hill; which agreement shall generally provide that the Town shall pay the Chamber \$15,000 after performances in Chapel Hill as described in letters to the Town from the Chamber dated June 2, 1987.

This the 13th day of July, 1987.



COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-7-13/R-5.2.

Council Member Godschalk said he was uncomfortable funding this request since it seemed less defined and that the program might not start until the next year.

Council Member Preston spoke in support of the motion saying the proposal had come before the Town in March and that it could be that because the Town had not been able to ensure funding of the program the Arts Center had not been able to proceed with the implementation of the program. She said it was an important program and would teach good skills to the teenagers.

Council Member Andresen said she would support the motion but that she also had some qualms about the timing.

Council Member Pasquini said he agreed with Council Member Godschalk and questioned the relationship of the program to Chapel Hill and its cultural events and visitor information services.

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

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING A PERFORMANCE AGREEMENT WITH THE ARTS CENTER, INC. FOR SUPPORT OF THE TEEN PROGRAM (87-7-13/R-5.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to enter into on behalf of the Town, an agreement with the Arts Center for support of the Teen Program; which agreement shall generally provide that the Town shall pay the Arts Center \$15,000 for services to Chapel Hill teens as described in the letter to the Town dated June 2, and proposal submitted March 13, 1987.

This the 13th day of July, 1987.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-7-13/R-5.3.

Council Member Andresen asked for clarification that if this resolution was adopted it would mean the Town had no further financial obligations to the Olympic Festival. Manager Taylor and Mr. Carrow replied yes.

THE MOTION PASSED UNANIMOUSLY, (9-0).

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The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE N. C. AMATEUR SPORTS FOR SUPPORT OF THE 1987 U. S. OLYMPIC FESTIVAL IN CHAPEL HILL (87-7-13/R-5.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves and authorizes the Town Manager to enter into on behalf of the Town, an agreement with N. C. Amateur Sports for support of the 1987 U. S. Olympic Festival, a portion of which will be held in Chapel Hill July 13-26, 1987. Said agreement shall generally provide that the Town will provide \$16,100 of supplemental transit and police services at no cost as requested by the Olympic Festival as described in letters from the N. C. Amateur Sports dated June 12, 1987; and

BE IT FURTHER RESOLVED that the supplemental transit and police services are visitor information and cultural event services for the expected thousands of spectators for the U. S. Olympic Festival and will be provided by the Town through Occupancy Tax revenues reserved for such purposes; and

BE IT FURTHER RESOLVED that the costs for the supplemental transit and police services will be applied towards the Town of Chapel Hill's commitment of \$16,670 as authorized by Council resolution (84-R-53) of March 26, 1984.

This the 13th day of July, 1987.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTIONS 87-7-13/R-5.6, 87-7-13/R-5.7, and 87-7-13/R-5.8.

Council Member Smith said he had spent over 30 years working with teenagers in this community and that he was concerned to see plans for teenagers without teenager involvement in the planning process. He also said he was dismayed at the low teenage turnout at the Teen Center.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions, as adopted, read as follows:

A RESOLUTION AUTHORIZING A PERFORMANCE AGREEMENT WITH THE FRANKLIN STREET TEEN CENTER, INC. FOR SUPPORT OF LIVE MUSIC CONCERTS IN CHAPEL HILL (87-7-13/R-5.6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to enter into on behalf of the Town, an agreement with the Franklin Street Teen Center, Inc. for support of a live music nights at the Teen Center in Chapel Hill; which agreement shall generally provide that the Town shall pay the Teen Center \$2,500 after musical performances in Chapel Hill as described in the letter to the

Town from the Teen Center dated July 6, 1987; said letter to become a permanent record of this meeting.

This the 13th day of July, 1987.

A RESOLUTION AUTHORIZING A PERFORMANCE AGREEMENT WITH THE FRANKLIN STREET TEEN CENTER, INC. FOR SUPPORT OF AN INFORMATION BROCHURE (87-7-13/R-5.7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to enter into on behalf of the Town, an agreement with the Franklin Street Teen Center, Inc. for support of an information brochure; which agreement shall generally provide that the Town shall pay the Teen Center \$500 after completion of said brochure as described in the letter to the Town from the Teen Center dated July 6, 1987; said letter to become a permanent record of this meeting.

This the 13th day of July, 1987.

A RESOLUTION AUTHORIZING A PERFORMANCE AGREEMENT WITH THE FRANKLIN STREET TEEN CENTER, INC. FOR SUPPORT OF A FALL CONCERT (87-7-13/R-5.8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to enter into on behalf of the Town, an agreement with the Franklin Street Teen Center, Inc. for support of a Fall concert in Chapel Hill; which agreement shall generally provide that the Town shall pay the Teen Center \$1,000 after the concert in Chapel Hill as described in the letter to the Town from the Teen Center dated July 6, 1987; said letter to become a permanent record of this meeting.

This the 13th day of July, 1987.

Bookmobile

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-7-13/R-6A. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO PURCHASE A LIBRARY BOOKMOBILE (87-7-13/R-6a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to proceed to purchase a new

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Library bookmobile to replace the 1972 unit; said new bookmobile estimated to cost approximately \$50,000.

This the 13th day of July, 1987.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT ORDINANCE 87-7-13/O-2. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987" (87-7-13/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "The Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1987" as duly adopted on May 26, 1987, 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>				
LIBRARY GIFT FUND				
Contribution to General Fund	14,000	50,000		64,000
GENERAL FUND				
Library	703,666	50,000		753,666

ARTICLE II

REVENUES

LIBRARY GIFT FUND				
Dugan Gift		28,065		28,065
Fund Balance	0	21,935		21,935
GENERAL FUND				
From Library Gift Fund	14,000	50,000		64,000

This the 13th day of July, 1987.

Consent Agenda

Council Member Godschalk asked to remove item #c from the consent agenda.

Council Member Howes asked to remove item #h from the consent agenda.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-7-13/R-7 MINUS ITEMS # C AND H. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (87-7-13/R-7)

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. Extension of lease of Old Police Building with Orange County (R-8).
- b. Authorization for disposal of surplus property (R-9).
- d. Annexation of Chandler's Green Subdivision(O-3) and calling a public hearing on zoning (R-11).
- e. Annexation of Glenmere Subdivision (O-4).
- f. Bids for power parts washer (R-12).
- h. Reorganization of Development Ordinance (O-5).

This the 13th day of July, 1987.

Lease of Old Police Building

A RESOLUTION EXTENDING THE LEASE OF THE OLD POLICE BUILDING AT 100 WEST ROSEMARY STREET TO ORANGE COUNTY (87-7-13/R-8)

WHEREAS, the Council of the Town of Chapel Hill entered into a lease on July 12, 1985 for the property at 100 West Rosemary Street, Chapel Hill with Orange County in accord with N.C. G.S.160A-274; and

WHEREAS, the terms of the lease were for 2 years, terminating on July 12, 1987; and

WHEREAS, the County Commissioners on June 16, 1987 requested the County extend the lease for 60 days, terminating on September 12, 1987; and

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WHEREAS, on July 6, 1987 the Council adopted Resolution 87-7-6/R-6e enabling the relocation of the temporary Shelter for the Homeless from the basement to an upper floor of the Old Police Building no later than September 1, 1987;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is hereby authorized to enter into and sign on behalf of the Town a lease extension with Orange County for the use of the Old Police Building through August 31, 1987; under the same terms of the lease executed July 13, 1985.

This the 13th day of July, 1987.

### Surplus Property

A RESOLUTION ADOPTING AN OFFICIAL POLICY TO ESTABLISH REGULATIONS PRESCRIBING PROCEDURES FOR DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN FIVE HUNDRED DOLLARS (\$500) FOR ANY ONE ITEM OR GROUP OF ITEMS (87-7-13/R-9)

WHEREAS, N.C. General Statute 160A-266 was amended effective April 1, 1983 adding subsection (c) authorizing Town Councils to adopt regulations prescribing procedures for disposal of personal property valued at less than five hundred dollars (\$500);

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

1. The Purchasing Agent is authorized to declare surplus any item of personal property reported in writing as surplus by a department head and which value is estimated to be less than five hundred dollars (\$500);
2. The Purchasing Agent is authorized to dispose of surplus personal property valued at less than five hundred dollars (\$500);
3. The Purchasing Agent is authorized to sell items of fair market value under \$500 and to convey title of said property on behalf of the Town;
4. On February 1 of each year, the Purchasing Agent shall present to the Town Council a list of any property sold July 1 through December 31 of the previous year; and one August 1 the Purchasing Agent shall report to the Town Council a list of property sold under this authorization from January 1 through June 30 of the same year.

Said written report shall describe property sold, to whom sold, and amount of money received for each sale since last report submitted.

BE IT FURTHER RESOLVED that the purpose of this resolution is to facilitate the sale of such property and to secure for the Town a fair market value.

This the 13th day of July, 1987.

Chandler's Green - Annexation and Calling Public Hearing on Zoning

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (87-7-13/O-3)

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 North Columbia Street, Chapel Hill, N. C., 27514, at 7:30 p.m. on the 6th of July, 1987 after due notice by publication on June 25, 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 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

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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, 207.69 feet to a stake, thence continuing with Lot 22, South 33 deg. 29' 45" 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 line North 79 deg. 56' 12" West, 90.00 feet to a stake, thence North 74 deg. 30' 34" West, 236.72 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 as shown on plats by Ernest B. Wood, Jr. dated October 1986, containing 24.58 acres and 9.45 acres respectively.

SECTION II

Upon August 31, 1987 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. 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 of Orange County and the Orange County Board of Elections, and in the offices of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance.

This the 13th day of July, 1987.



A RESOLUTION CALLING A PUBLIC HEARING ON ZONING NEWLY ANNEXED AREAS (87-7-13/R-11)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing to be scheduled to consider zoning the area known as Chandler's Green, Phase I as R-1.

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 13th day of July, 1987.

Glenmere - Annexation

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (87-7-13/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 North Columbia Street, Chapel Hill, N. C., 27514, at 7:30 p.m. on the 6th of July, 1987 after due notice by publication on June 21, 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 by the following described property is hereby annexed and made part of the Town of Chapel Hill as of August 31, 1987.

The area 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

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deg. 00' East 300.32 feet to a stake; thence South 48 deg. 00' East 40.00 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 II

Upon August 31, 1987 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. 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 of Orange County and the Orange County Board of Elections, and in the offices of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance.

This the 13th day of July, 1987.

Transit Power Parts Washer Bids

A RESOLUTION AWARDDING A BID FOR THE PURCHASE OF A POWER PARTS WASHER (87-7-13/R-12)

WHEREAS, the Town of Chapel Hill solicited bids by legal notice and received bids on April 24, 1987 which did not meet Town specifications and were therefore rejected; and

WHEREAS, the Town of Chapel Hill again solicited bids by legal notice in The Town of Chapel Hill Newspaper on May 24, 1987, in accordance with G.S. 143-129 and 143-132 for a Power Parts Washer; and

WHEREAS, the following bids were received and opened on June 9, 1987:

<u>Vendor</u>	<u>Price</u>	<u>Explanation</u>
The Mart Corporation St. Louis, Missouri	\$13,929.00	Meets specs.
Mile-X Tire Grooming Co. Coldwater, Ohio	\$11,950.00	Did not meet specs.
Taylor & Gaskin, Inc. St. Clair Shores, Michigan	\$14,437.00	No bid bond
Glenn Associates, Inc. Hartford, Pennsylvania	\$14,721.00	No bid bond
Lewis Corporation Oxford, Connecticut	No Bid	

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of The Mart Corporation in the amount of \$13,929.00 for a Power Parts Washer in accordance with G.S. 143-129 and 143-132.

This the 13th day of July, 1987.

re Truck Bids

A RESOLUTION ACCEPTING THE BID FOR TWO (2) PUMPER APPARATUS (87-7-13/R-13)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on June 7, 1987 in accordance with G.S. 143-129 for two (2) pumper apparatus; and

WHEREAS, the following bids were received and opened on July 2, 1987:

<u>Vendor</u>	<u>Make/Model</u>	<u>Unit (Total Cost)</u>	<u>Delivery</u>
Emergency Apparatus, Inc.	Emergency One Cyclone Pumper	\$129,949/ (\$259,898)	220 cal. days
Emergency Equipment Inc.	EET Custom Pumper	\$139,311/ (\$278,622)	240-270 cal. days
Sutphen Corporation	Sutphen Model HS100	\$141,000/ (\$143,301)	12-14 months
American Eagle Fire Apparatus	American Eagle "War Eagle"	\$143,301/ (\$286,602)	180 days
Gruman Emergency Products	Fire Cat F-10	\$145,217/ (\$290,434)	11 months

Slagle Fire Equipment	FMC "Sentinel"	\$148,143/ (\$296,286)	140-180 cal. days
Harold's Sales and Service	No Bid		

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Emergency Apparatus, Inc. in the amount of \$259,898 for two (2) pumper apparatus in response to the Town's request for bids published June 7, 1987 and opened on July 2, 1987 in accordance with G.S. 143-129.

This the 13th day of July, 1987.

Sale of Unfinished House on East Franklin Street

Council Member Godschalk asked the Manager to comment on this property and the fact that the Town wished to sell the house and have it removed from the property as soon as possible.

Manager Taylor said that the Town wished to sell the unfinished house on East Franklin Street near Howell Lane. He said he recommended the buyer remove the house and all debris from the property within 90 days of the sale. Mr. Taylor said that the Town would sell the house at a negotiated price. He encouraged any interested parties to contact his office.

Council Member Smith suggested giving the house to the Habitat for Humanity if they would move it from the site. Other Council Members endorsed this idea.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 87-7-13/R-10. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SALE OF PROPERTY ON EAST FRANKLIN STREET (87-7-13/R-10)

WHEREAS, the Town of Chapel Hill has determined that the unfinished wooden structure on Town-owned property on East Franklin Street is not needed for Town purposes; and

WHEREAS, the Town of Chapel Hill has the option under N.C. G.S.160A-266 et. seq. to arrange for its sale or exchange;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to sell the one and one-half story approximate 1700 square foot frame structure located on property identified as Tax Map 48, Block C, Lot 5A, said sale to be in accord with the provisions of N.C.

G.S.160A-267 which requires public notice of sale be published 10 days before a sale may be consummated.

BE IT FURTHER RESOLVED that the conditions of sale include a provision that the structure and all debris be removed from the property referenced above no later than 90 days from the date of sale.

This the 13th day of July, 1987.

Development Ordinance Reorganization

Council Member Howes asked if the copy of the Development Ordinance before the Council that evening represented the new reorganization. Manager Taylor replied yes and that ordinance O-5 which would institute the changes should have the effective date as September 1, 1987.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT ORDINANCE 87-7-13/O-5 WITH THE CHANGE IN THE EFFECTIVE DATE TO SEPTEMBER 1, 1987. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE DEVELOPMENT ORDINANCE (87-7-13/O-5)

WHEREAS, the Town Council finds that reorganizing the Development Ordinance would make it easier to understand, and the Council finds that so amending the Ordinance achieves the purposes of the Comprehensive Plan.

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

Section I

That the Council hereby amends the Development Ordinance by amending the sequence of Articles as listed below, with related changes in section numbers and references in the text of the ordinance:

<u>Article</u>	<u>Title</u>
1	[same as present]
2	Definitions
3	[same as present]
4	Mixed Use District
5	Resource Conservation District
6	Historic District
7	Special Appearance District
8	Airport Hazard District
9	(Reserved for future addition)
10	(Reserved for future addition)

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- 11 (Reserved for future addition)
- 12 Use Regulations
- 13 Intensity Regulations
- 14 Design Standards
- 15 (Reserved for future addition)
- 16 (Reserved for future addition)
- 17 Subdivision of Land
- 18 Special Use Permits
- 19 Site Plans and Master Plans
- 20 Amendments
- 21 (Reserved for future addition)
- 22 Nonconformities
- 23 Enforcement
- 24 Interpretations, Appeals, and Variances
- 25 Administrative Mechanisms
- 26 Legal Status

Section II

This ordinance shall be effective September 1, 1987.

This the 13th day of July, 1987.

Boards and Commissions

OWASA

For one seat on the Orange Water and Sewer Authority Board of Directors the following vote was taken:

Verla Insko (5) Andresen, Howes, Preston, Thorpe, Wallace

Donald Lauria (4) Godschalk, Pasquini, Smith, Werner

Verla Insko was appointed.

Executive Session

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

The meeting adjourned to executive session at 10:33 p.m.

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

The meeting adjourned at 11:10 p.m.