

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, SEPTEMBER 28, 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 Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Ralph Karpinos.

Public Forum on 1988-93 Capital Improvements Program

Manager Taylor said the purpose of this forum was to receive suggestions and comments from the citizens concerning capital needs for the community over the next five years. He said the staff had sent out over 177 letters to organizations and individuals informing them of this meeting, and notices were sent to the eleven Council advisory groups. Manager Taylor said this was the first of two public forums to be held by the Council on the Capital Improvements Program (CIP).

Roger Waldon, Planning Director, said the Planning Board recommended the Capital Improvements Program address the issue of sidewalk construction, trash collection with the possible purchase of compactor equipment in order to eliminate some dumpster sites, solid waste disposal, transportation, utility, and town-wide drainage improvements.

Mr. Waldon also said the Town had received a suggestion from Ms. Ollie Sanders requesting a sidewalk be installed along Coolidge Street and that the greenway plans for that area proceed as scheduled.

Council Member Andresen asked if the Planning Board had considered requesting funding in the CIP for bikeways? Mr. Waldon replied no.

Council Member Preston asked if the Planning Board was aware of the Regional Task Force on Solid Waste and if the Board needed an update on the work being done by the Task Force. Mr. Waldon said yes.

Lucy McKerrow, speaking as a resident, asked that the CIP include funds for a sidewalk on the 600 block of Churchill Drive. She

said the sidewalk was needed because of its proximity to Ephesus School.

Kathryn Harris, representing the Greenways Commission, spoke in support of the proposed \$50,000 per year funding for greenway improvements in the CIP. She thanked the Manager and staff for including these funds.

Council Member Godschalk said he was pleased to see the Town moving towards a five-year program for capital improvements. He said such a program would be an effective tool for growth management. Mr. Godschalk commented that he felt transportation improvements, both streets and signalization, was one of the most important needs which needed to be addressed in this five-year CIP.

Council Member Howes asked if Mr. Van Hoy's letter which was in the agenda packet and addressed funds for a comprehensive plan for the development of West Rosemary Street, for planting trees on our streets, for a central city park, for greenway improvements, and to purchase options on inner-city houses to resell to owner-occupiers in order to limit absentee landlords would be included in the record of this meeting. Manager Taylor replied yes.

Council Member Smith said the CIP needed to include funds for a park/ride lot at each major entranceway into the Town.

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

Public Hearing on Request to Close Unamed Right-of-Way North of Azalea Drive

Manager Taylor said the purpose of the hearing was to receive comments regarding the closing of an unnamed right-of-way north of Azalea Drive for roadway purposes. He said he recommended the closing of the right-of-way for roadway purposes but that utility and drainage easements be maintained on the property.

Grainger Barrett, speaking as the attorney representing the petitioners for the right-of-way closing, said the practical effect of the right-of-way closing would be to remove the street setback and allow for improvements to the properties. He said the petitioners had no problem with the retention of the utility and drainage easements.

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

Petitions

John Graham, speaking as a resident, introduced into the record of the meeting a petition signed by numerous residents asking that the October 1 work session of the Council on Rosemary Square be changed to a public hearing. (For copy of petition, see Clerk's files.)

Council Member Andresen asked if Dr. Graham felt there was adequate time for publicity of the public hearing so that enough interested citizens would attend. Dr. Graham responded that he could not answer whether or not there was adequate time, but that he felt there would not be any empty seats at the meeting.

Town Manager Taylor reported that the meeting would be telecast.

Council Member Thorpe commented that he thought there had been enough publicity on this issue in the last week.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES TO CONSIDER THIS PETITION WITH AGENDA ITEM #5. THE MOTION PASSED UNANIMOUSLY, (9-0).

Miles Fletcher, speaking as a resident, asked to speak to item #12c, Willow Drive Stop Regulations.

Richard Edens, speaking as President of the Inter-Faith Council, asked to speak to item #8, Lease of Old Police/Town Hall building.

Bryan Bailey, speaking as President of the UNC Student Government, petitioned the Council regarding the noise ordinance. He said the noise ordinance adopted by the Council in February had called for a review of the ordinance within a year. He said he was concerned that the two committees established to review the ordinance were not moving as expediently as possible. Mr. Bailey requested that the Mayor appoint a Council Member to serve on each committee so that the Council could be more aware of what was occurring and so that the Council would have a more active role in the proceedings.

Council Member Howes said Mr. Bailey's concerns were well put. He suggested placing an item on the next agenda on the status of the two committees' work.

Mayor Wallace commented that he was in favor of placing a Council Member on each of the committees.

Council Member Pasquini commented that the Council was aware of what was occurring in the committees because the Council was receiving minutes from the meetings.

Council Member Thorpe petitioned the Council to move item #12c up on the agenda to follow item #5. He said there were several citizens present who were interested in that item. There was no objection from the Council to this change in the agenda.

Minutes

Council Member Godschalk asked that the Minutes of September 14, 1987 be changed to more accurately reflect the comments made regarding calling a hearing on a Development Ordinance Text Amendment regarding septic tank usage.

Council Member Preston said there was a typographical error on page 11 where the word "maid" should be changed to read "made".

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF SEPTEMBER 14, 1987 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Rosemary Square

Mayor Wallace said that this item was to consider changing the Council work session scheduled for October 1, 1987 to a public hearing.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-9-14/R-1.

Council Member Andresen asked what would be the purpose of holding the public hearing. She said she would prefer that if a public hearing were held, there should be expected results, like what changes the public would like to see and what would be an acceptable amount to pay if the Town did not go through with the project. She stated she felt the public hearing would be an empty exercise if the Council was just holding the hearing to let the public speak but were not planning to change their minds.

Council Member Thorpe said he did not feel it was right for Council Member Andresen to imply that the Council would not be receptive to what the public had to say on any issue.

Mayor Wallace said that the Council had voted to hold a work session to receive an update on the Rosemary Square project. He said the purpose of a public hearing would be to hear any new information on the project. He said after which, the Council could hold a work session.

Council Member Andresen asked if the Mayor were proposing that after the public hearing the Council would consider the Rosemary Square project as an agenda item or in a work session. Mayor Wallace replied that he was not proposing anything, rather he was saying that the Council could, if it so desired, consider the matter further after the public hearing. He said the Council could just as easily not do anything after the public hearing.

Council Member Andresen said she would be more receptive to the public hearing if the Council would hold a work session afterwards to discuss the project.

Council Member Howes agreed with Council Member Andresen in that he thought the Council should hold a work session on the project after the public hearing, if a public hearing were held. He said there appeared to be public sentiment in favor of holding a public hearing and that the citizens needed to be informed of the project status, just as the Council needed to be informed.

Council Member Smith stated that the Council had made a decision to approve the project several months ago. He said the project had been held up due to litigation, but that this barrier had recently been removed and that the project should proceed as planned. He said the Council had held several public hearings and meetings on the project before final approval by the Council. He said he did not think another public hearing was necessary. Mr. Smith stated that he felt the integrity of the Council was in question if it held another public hearing and considered anything which would either delay or stop the project. He said the Council could be opening the door for serious problems and further litigation. Mr. Smith said he would not participate in another public hearing on this issue.

Council Member Preston commented that she understood Mr. Smith's concerns about the advisability of holding another public hearing. She said she had received calls from citizens both for and against holding another hearing. Ms. Preston, said however, that it had been a long time since this issue had been discussed or the Council informed as to its status. She suggested that if a public hearing were held, the Manager should begin the meeting with an update of factual information on the project to set the tone for the meeting. She said information on the traffic projections, costs, etc. would be beneficial.

Council Member Godschalk said he agreed with the Mayor in that the purpose of any public hearing would be to hear and receive new material and information on the project. He said he would be uncomfortable having a repeat of the previous discussions. He stated the Town was not in any position to start over, and he agreed the opponents to the project had had their day in court. Mr. Godschalk said if new material and information could be presented then he was in favor of the public hearing. He asked that information comparing the Rosemary Square project with other subsequent projects be provided if possible.

Council Member Pasquini said he wished the Town had held a public hearing some time ago. He agreed that a Council work session on the project was needed regardless of the public hearing. He said he was concerned with the format of the public hearing because he was not sure there would be a good foundation for exchange of ideas. He said he was afraid the public hearing would be a rehashing of old information and comments. Mr. Pasquini suggested the Council have a work session on this project within the next two weeks.

Council Member Smith commented that if all the Council and public were looking for was new information on the project then the Manager and developer could provide this information and there would not be a need for a public hearing.

Council Member Werner expressed concern that a decision to hold the public hearing might give the public the impression that the Council was definitely going to change its mind about Rosemary Square. He said he was not sure the Council as a whole would be receptive to public comments and be willing to make changes based on these comments.

Council Member Thorpe said again that he did not think it right for it to be implied that the Council would not listen and consider public comments on a project.

RESOLUTION 87-9-28/R-1 CARRIED, (8-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING REGARDING ROSEMARY SQUARE (87-9-28/R-1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby redesignates its October 1, 1987 work session as a public hearing for the purpose of hearing from the community on the Rosemary Square project.

This the 28th day of September, 1987.

Council Member Pasquini suggested that the Council establish a procedure for hearing public comments at the public hearing.

Council Member Godschalk suggested setting aside 30 to 40 minutes at the beginning of the hearing for the Manager to give a report, and then have individuals sign up for specific times to speak.

Mayor Wallace suggested just setting a maximum time limit for each speaker and asking that there be no repetition of information.

Willow Drive Stop Signs and Sidewalk

Miles Fletcher, speaking as a resident, thanked the staff for recommending the stop signs on Willow Drive. He said however, that the residents of the area would prefer that the improvements to the sidewalk be done this fall rather than next spring, and that a pedestrian bridge be placed over the creek so that the roadway would not need to be used to cross the creek.

Council Member Werner said he had looked at the sidewalk and agreed some changes were needed. He suggested striping the edge of the roadway with flourescent paint so that there would be a distinction between the road and sidewalk. He said this could be done right away.

Council Member Pasquini said the Council was agreeing to make the improvements to the sidewalk but that the staff would have to do further review on a pedestrian bridge and that may not follow the same schedule as the sidewalk.

Council Member Andresen asked when the Manager expected the sidewalk improvements to be done. Manager Taylor responded that under the current schedule it would be spring, but he also felt the striping of the road could occur soon. He said the staff would review the sidewalk construction schedule for possible revisions and proceed in a timely manner.

Manager Taylor asked that the request for a pedestrian bridge be added to those comments made at the CIP forum for inclusion in the CIP for 1988-93.

Council Member Preston asked for clarification of why the sidewalk had been built as an asphalt sidewalk. Manager Taylor replied that the long range plans for the area called for widening the road with curb and gutter and concrete sidewalk and that the sidewalk recently constructed on that roadway had been considered a temporary sidewalk.

Council Member Preston said the plans for the improvement to the sidewalk included removing several trees. She asked if it would be possible to place these trees in the grass median between the road and sidewalk. Manager Taylor replied that the staff would look into this.

Council Member Thorpe stated that he had been requesting a sidewalk on Willow Drive for over two years and that he felt the Town should put in a sidewalk that was safe for pedestrians. He said that as such he would like to request that the sidewalk be improved by December 15 of this year and not wait until next spring.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 87-9-28/O-3. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-9-28/O-3)

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

SECTION I

That Section 21-13(c) of the Town Code of Ordinances, Right-of-Way and Stop Regulations is amended by inserting the following in appropriate alphabetical order.

Intersection(s)

Willow Drive/Spruce Street

SECTION II

This ordinance shall be effective beginning on Tuesday, October 13, 1987.

SECTION III

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

This the 28th day of September, 1987.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO HAVE THE MANAGER IMPROVE THE SIDEWALK ON WILLOW DRIVE AS INDICATED IN AGENDA ITEM #12C, BY DECEMBER 15, 1987.

Council Member Pasquini said he wanted to see the sidewalk improved and if the Manager felt he could get it done in an expedient manner then he did not think it necessary to set a specific date for completion of the sidewalk improvements.

Council Member Godschalk agreed with Mr. Pasquini and said that he did not want to put any undo burden on the Manager. He said that the Town, by striping the area, could take some steps toward increasing the safety of the sidewalk.

Manager Taylor said that he would prefer not to have a time limit but that it would just mean pulling the crews off other jobs and reassigning them to this area and rearranging the schedule. He said if the Council wanted it done by December, it would be done.

Council Member Werner also said he did not think there needed to be this motion to set a definite time. He commented that the Manager had said it would be done.

Mr. Fletcher said that since the Town had made a mistake in building the existing asphalt sidewalk, it should fix it and accelerate the schedule to do so.

THE MOTION PASSED UNANIMOUSLY, (9-0).

Joint Planning Agreement

Council Member Godschalk said that the Intergovernmental Work Group had finally come to a consensus on a proposed joint planning agreement for Chapel Hill, Carrboro and Orange County. He said key aspects of the new agreement included an expanded transition area for Carrboro, agreement not to annex into the rural buffer or other transition area, agreement not to annex into the watershed outside of Town limits, and agreement not to encourage extension of water and sewer lines into the watershed. Mr. Godschalk said the latter two points were pending the study of the University Lake watershed carrying capacity.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-9-28/R-1.1.

Council Member Smith commented that he would not be in town on October 28 and therefore would prefer that the public hearing be on October 14. He said that as such, he would prefer not including the October 28 date in the resolution.

Council Member Howes also commented that there was a Triangle J Council of Government meeting on October 28.

Council Member Godschalk suggested that the Council leave the two dates in the resolution but say that the Council's preference was for October 14. He said Carrboro had already endorsed the resolution and that either date was fine with them.

THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Andresen suggested that the Council consider at a future meeting the benefits of continuing this joint intergovernmental work group.

Council Member Preston expressed appreciation for the work Council Members Godschalk, Andresen and Howes had done on this matter.

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A PUBLIC HEARING ON A PROPOSED JOINT PLANNING AGREEMENT (87-9-28/R-1.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the Orange County Commissioners and Carrboro Board of Aldermen to hold a joint public hearing at 7:30 p.m. on October 14 or 28, 1987 (date to be chosen by the Commissioners) on the proposed new Joint Planning Agreement.

This the 28th day of September, 1987.

Areas Under Consideration for Rezoning

Mayor Wallace asked that another area be included for consideration at the public hearing. He asked that the Merritt property adjacent to 15-501 be considered to be rezoned to OI-2.

Council Member Godschalk asked if the Planning Board had reviewed this property and if it would be out of order for this property to be included in the considerations. Roger Waldon, Planning Director, replied that the Planning Board had considered several areas and had recommended the seventeen listed in the agenda as being the ones they felt met the requirements necessary for potential rezoning. He said neither the staff nor the Planning Board had as of yet made any recommendations on whether or not the properties recommended for consideration actually should be rezoned. Mr. Waldon said that he did not feel it would be out of order to include the Merritt property in the public hearing.

Council Member Werner asked how the list of properties had been developed. Mr. Waldon said that as a result of the adoption of the land use plan in 1986 several properties were designated for uses other than their current zoning. He said the purpose of the proposed rezonings would be to make the zoning on the property coincide with the land use designations on the land use plan. Mr. Waldon stated that in February the staff had presented a list of properties not entirely consistent with the land use plan and asked the Council to call a public hearing to discuss possible rezonings. He said the Planning Board had subsequently asked for a delay in the public hearing so that they could do a more thorough review. He commented that the Planning Board had considered a list of 21 areas, which they reduced to 17 for the public hearing.

Council Member Werner expressed concern that notice of possible rezonings had not been well publicized. He asked what were the options for other neighborhoods to request zoning changes. Mr. Waldon said that any property owner could request an application for rezoning or they could petition the Council for town-initiated rezoning.

Council Member Werner said he was not sure this process was fair because he felt there were other areas which might wish to be rezoned at this time. He said he would be more comfortable delaying the public hearing until more advertisement of the proposal was done.

Council Member Pasquini said he did not mind others adding to the list of potential rezonings but that he did not want to delay this list. He commented that this had already been delayed from last February. Mr. Pasquini asked if the Merritt property land use designation was OI-2.

Mayor Wallace stated that the area around the Merritt property was undergoing rapid changes especially with the current and proposed changes to 15-501. He said he felt the Merritt property

should be considered for potential rezoning in response to the changing conditions in the area.

Council Member Andresen said she would also like to add some of the areas the Planning Board had dropped from their list, like the area on Sage Road behind Brendles and several lots on Old Durham-Chapel Hill Road west of Cooper Street. She said she would really prefer to see all the areas on the original list considered.

Council Member Smith said the purpose of the potential rezonings was to make the properties consistent with the land use plan. He asked about the one lot in Estes Hills asking for a change from R-1 to R-1a. He said this appeared to him to be a request for spot zoning. He also asked how much property was included in the proposal for R-2 zoning of the intersection of Dogwood Acres Drive and 15-501. Mr. Smith said he was concerned that increasing the allowable density would allow for increased traffic congestion.

Mr. Waldon stated that the single lot in Estes Hills had been a request from a property owner to be considered in the town-wide rezonings. He stressed that neither the staff nor the Planning Board had made any recommendations as to the acceptability of the proposed rezonings, rather both groups were just recommending that they be considered. He said that he was certain that the staff would not be recommending that the Council adopt all the proposals.

Council Member Preston asked that the staff also add lot 18 on Pritchard Avenue near Rosemary Street in the potential rezonings.

Council Member Smith asked for a report as to how many nonconformities would be created if the rezonings occurred.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 87-9-28/R-2 WITH THE ADDITION OF THE AREAS DELETED BY THE PLANNING BOARD AND THE MERRITT PROPERTY.

Council Member Godschalk said he was glad to see the procedure for notifying all owners of property considered for rezoning and those owners of property adjacent to the proposed rezoning included direct mailings and advertisements in the newspaper.

Council Member Werner asked what were the options available as a result of the public hearing. He said that the motion calls for a public hearing to discuss current zoning and proposed zoning. He asked if this meant the only options available were to either zone the property as proposed or leave it as it at its current zoning. Mr. Werner asked if the Council could adopt other zones for the property.

Attorney Karpinos said the Council would have to look what the proposal was and how it compared to the zoning that was

originally advertised, and if it included additional uses that were not included; did it exclude certain uses. He said if the advertisement included the proposed use then it would be available, but if it did not then the Town would not be able to rezone the property to that zone without another public hearing and another advertisement.

Council Member Werner asked if this meant the Town could not rezone the property to a higher intensity use. Attorney Karpinos said it was not simply a matter of one linear scale. He said there were uses that were not in one zone but were in another regardless of whether or not it was called a higher or lower zone. Mr. Karpinos said the Town would have to look at each specific situation to see whether or not the uses that would be allowed by the proposed zone were the same ones as the advertised proposed zone.

Council Member Werner said that this meant it would restrict the Council to the proposed zoning. Mr. Karpinos agreed and said the Council could also not act on the proposed zoning. He said that however, for example, if the Town advertised to zone a property R-1a and its current zoning was R-2, the Council could zone the property R-1.

Council Member Werner said he was concerned with the proposal for changing OI-1 to MU. Mr. Karpinos said if there were uses that were not in zone advertised for then he did not think the law would allow the Town to rezone it to the other zone without another public hearing.

Council Member Werner asked if it were possible to advertise the public hearing in a more open-ended way so that it would be possible for the Council to pick an option that was not on the list. Attorney Karpinos said he would look into this.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

RESOLUTION IDENTIFYING AREAS TO BE CONSIDERED IN TOWNWIDE REZONING (87-9-28/R-2)

WHEREAS, The Council of the Town of Chapel Hill revised its Land Use Plan, a component of its Comprehensive Plan, on July 14, 1986; and

WHEREAS, The Council of the Town of Chapel Hill is considering a complete revision of its zoning map, including areas both inside the corporate limits and in the Town's Extraterritorial Planning Area, to reflect the principles and designations of the Land Use Plan, as authorized by N.C. General Statute 168-384;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the following areas will be considered for rezoning at a Public Hearing on November 18, 1987:

Those 17 areas listed in the following description, and indicated on the attached map.

<u>Area</u>	<u>Current Zoning</u>	<u>Proposed Zoning</u>
1. Lake Forest Area	R-1	R-1A
2. North Forest Hills	R-2	R-1
3. Single Lot, Estes Hills	R-1	R-1A(requested)
4. Roosevelt Drive	R-1, R-2	R-1A(requested)
5. Culbreth/Smith Level intersection	R-4	R-2
6. 15-501/Dogwood Acres Dr. intersection	R-1	R-2
7. Mason Farm Road	R-1	OI-3
8. Parker Rd/Morgan Cr. Area	R-1	RT
9. Oaks I	R-1	R-1A(requested)
10. Oaks II	R-1, 4, 5	R-1A
11. Europa Center Site	CC	OI-2
12. Blue Cross/Blue Shield	OI-2	MU-OI-1
13. East and West Lakeview	R-2	MU-R-1
14. Eastowne Area at Durham Co. line	R-5	MU-OI-1
15. Eastowne, existing	OI-2	MU-OI-1
16. Eastowne Area, western edge	R-5	MU-OI-1
17. Erwin Rd., north of I-40	R-1	RT
18. Merritt pasture (S. Columbia/15-501)	R-1	OI-2
19. Sage Road area	R-4	R-3
20. Mt. Carmel Church Road area	R-1	RT

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| 21. Old Durham-Chapel Hill Rd./
Cooper Street area | NC | R-3 |
| 22. Legion Road | CC | OI-2 |
| 23. 2 lots west Airport Rd./
Taylor Street | R-4 | R-3 |
| 24. Dobbins Drive/Sage Rd. | R-4 | R-2 |

This the 28th day of September, 1987.

Tree Ordinance Update

Roger Waldon, Planning Director, said that there were two products to be forthcoming from the work with Dr. Thomas Perry of the N.C. State School of Forestry. He said there would be a draft set of provisions for consideration by Council's advisory boards and the Council. Mr. Waldon stated that the intent of the provisions was to put practices in place to help assure identification and survival of key vegetation when properties were developed. He said there would also be a review of Chapel Hill's approach to management of trees in general. He stated that the consultant would be making some recommendations on what other directions might be useful for the Town. Mr. Waldon said the work would concentrate on conservation of soil as one of the key determinants to whether or not vegetation survives both during and after construction. He commented that the consultant was scheduled to make a presentation to the Planning Board in November and then to the Council on January 25.

Council Member Andresen asked about the scope of the work and whether or not the staff expected a tree ordinance or just administrative changes to accomplish the changes. Mr. Waldon said the consultant and staff would be looking at both alternatives.

Council Member Andresen asked if street trees would be included in the proposals. Mr. Waldon said the consultant would be making recommendations to the Town on how to handle street trees. Ms. Andresen said there was a lot of interest in this project and suggested that the Council might want to appoint a citizen committee to work with the consultant and staff on this project. Mr. Waldon said the consultant had suggested that there might be volunteers who would help with the identification of "significant" trees.

Council Member Godschalk asked what the staff expected to be included in the management of "private" trees. Mr. Waldon said that this was something the consultant was working on. He stated that it might be that the staff recommends that the Town do nothing to regulate trees on private property. He said that some

communities have ordinances where there was a permitting process where trees of a certain type or caliper could not be removed without a permit or "death certificate". Council Member Godschalk said he hoped the latter was not what the staff had in mind. He said he would strongly discourage that direction if that was what was expected to be in the management of private trees. Mr. Waldon said it was not what he had in mind.

Council Member Thorpe thanked Mr. Waldon for the update and said he was glad to see a target date set for presentation to the Council.

Claire Cooperstein, speaking as local affairs chair of the Sierra Club, said she was delighted with the direction of the tree ordinance. She said she was concerned however with the timetable. She urged the Council to try to push this project forward. Ms. Cooperstein said the Sierra Club would be more than willing to help in this project. She stated that she hoped the term private trees did not include trees on property to be developed for purposes other than residential.

Lease of Old Police/Town Hall Building to the Inter-Faith Council

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-9-28/R-3.

Council Member Pasquini asked if the IFC were still looking for alternative sites. Reverend Richard Edens, representing the IFC, replied that they were still looking at sites and that they had looked at one that day. He said it had been adequate for the shelter but did not fit the requirements for the kitchen facilities.

Council Member Pasquini said that for the last six years he had been in favor of selling the Old Town Hall and still felt it should be sold and developed as commercial property. He said that as such, he had a problem with the lease, but that he was glad to see it included a 120-day cancellation clause.

Council Member Godschalk said the arrangement was for a shelter and the kitchen. He asked if they served the same clientele. Rev. Edens responded that usually the shelter clients patronized the kitchen, but that the majority of the kitchen clientele were not shelter clients.

THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO LEASE PROPERTY AT 100 WEST ROSEMARY STREET (87-9-28/R-3)

WHEREAS, the Council of the Town of Chapel Hill has received and thoroughly studied the May, 1987 report and recommendations from the Committee on Human Services, appointed by the Mayor; and

WHEREAS, a public hearing on the Committee's report was held on May 26, 1987; and

WHEREAS, in response to the request from members of the Downtown Community, the Council invited interested citizens and organizations to provide input and pledge support for a permanent location for a facility to serve the needs of the homeless; and

WHEREAS, on September 14, the Council determined that the Old Police Building at 100 West Rosemary Street was a suitable location to house a Human Services Center as recommended by the Committee on Human Services; and

WHEREAS the Council has determined that the Old Police Building is not needed for Town programs during the term of the lease as proposed, and is available to house a Human Services Center operated by the Inter-Faith Council for Social Service; and

WHEREAS, the Inter-Faith Council for Social Service has successfully operated a Shelter for the Homeless on a temporary basis in the Old Police Building for the past two years and a Community Kitchen in another location for three years; and

WHEREAS, pursuant to N.C. General Statute 160A-272, a notice of intent to enter into a lease agreement with the Inter-Faith Council for Social Service was published in The Chapel Hill Newspaper on September 17, 1987;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to lease the Town owned property at 100 West Rosemary Street to the Inter-Faith Council for Social Service for a term of three years with an option for an additional two years, said lease being substantially in the form presented by the Manager in his reports to the Council dated September 14 and September 28, 1987.

This the 28th day of September, 1987.

Process for Visitor Information/Support for Cultural Events Performance Agreements

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-9-28/R-4.

Council Member Andresen said she thought it was a good idea to have the Parks and Recreation Commission review the proposals.

Council Member Smith said he felt the Chamber of Commerce had more association with visitor information services and wondered if they might be a better group to review proposals.

Manager Taylor responded saying the proposal was for the Parks and Recreation Commission to develop the policy and procedures for receiving proposals. He said he envisioned the Chamber as being one of the groups who submitted proposals.

Council Member Howes said he was glad to see this responsibility being given to the Parks and Recreation Commission. He commented that often communities set up a separate board to expend the funds and oversee the events and that this type of situation had a tendency to be more promotional in nature. Mr. Howes stated that the Council did, however, need to review the procedures, etc.

Council Member Preston agreed with Council Member Howes and asked if this responsibility would be burdensome for the Parks and Recreation Commission. Manager Taylor responded that staff had met with the Commission and discussed the proposal and that they were interested and excited at the prospect of this responsibility.

Mayor Wallace commented that Dave Maner, President of the Chamber of Commerce, was present and asked if he would like to comment on the proposal.

Dave Maner, speaking as President of the Chapel Hill-Carrboro Chamber of Commerce, agreed with the Manager in that the Chamber would be making proposals to the Council for funds for visitor information and cultural events. He said the Chamber was actively working on proposals.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING A PROCESS FOR ALLOCATING OCCUPANCY TAX REVENUES FOR VISITOR INFORMATION SERVICES AND SUPPORT FOR CULTURAL EVENTS (87-9-28/R-4)

WHEREAS, effective July 1, 1987, the Council of the Town of Chapel Hill imposed and levied a room occupancy tax of three percent (3%) of the gross receipts of any person, firm, corporation, or association derived from the rental of any room lodging or similar accommodation subject to the sales tax levied by the State of North Carolina under G.S. 105-164.4(3); and

WHEREAS, the Council shall decide on the allocation of the revenues collected from this tax annually during its budgeting process with particular consideration given to providing funding for visitor information services and support for cultural events,

and not less than ten percent (10%) of the annual revenues shall be used for those purposes; and

WHEREAS, the Council desires a comprehensive and in-depth analysis of proposals that meet the Chapel Hill community's needs for visitor information and cultural services;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council respectfully requests the Parks & Recreation Commission develop a detailed process for determining the community's visitor information and cultural services needs, advertise for proposals to meet those needs, receive and analyze proposals from the community and recommend to the Council annual funding of visitor information and cultural programs during budget deliberations.

This the 28th day of September, 1987.

Nuclear Weapons Free Zone

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 87-9-28/O-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE ESTABLISHING CHAPEL HILL AS A NUCLEAR WEAPONS FREE ZONE (87-9-28/O-1)

WHEREAS, the storage of nuclear weapons or their radioactive wastes within Chapel Hill would constitute a health hazard to its citizens; and

WHEREAS, over 400 citizens of Chapel Hill have petitioned the Town Council to pass an ordinance declaring Chapel Hill to be a nuclear weapons free zone and to prohibit the storage of nuclear weapons and their radioactive wastes within the Town limits; and

WHEREAS, the Chapel Hill Town Council is authorized by Section 160A-183 of the General Statutes of North Carolina to prohibit the storage of radioactive substances or weapons of mass death and destruction;

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

Section I

That the Council hereby amends the Code of Ordinances by adding a new Article XI to Chapter 11 as follows:

Article XI. Nuclear Weapons Free Zone

Sec. 11-98 Nuclear Weapons Free Zone.

The area encompassing the corporate limits of the Town of Chapel Hill is hereby declared and established as a Nuclear Weapons Free Zone to the effect that:

- a. No nuclear weapon shall be stored within the Town limits; and
- b. No radioactive waste from the production of nuclear weapons shall be stored within the Town limits.

Sec. 11-99 Expression of Policy.

This ordinance expresses the policy of the Town of Chapel Hill. It is not intended to make violations subject to forfeiture or confiscation, and nothing in this ordinance shall be construed to prohibit or regulate any activity not specially described in Section 11-98. The ordinance shall have no effect if it is pre-empted by state or federal laws. The ordinance does not prohibit the use of radioactive materials for medical, scientific, and other peaceful purposes.

Section II

This ordinance shall be in full force and effect from and after the date of its adoption.

This the 28th day of September, 1987.

Community Health Week

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-9-28/R-5. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DECLARING THE WEEK OF OCTOBER 5-11, 1987 TO BE NATIONAL COMMUNITY HEALTH CENTER WEEK (87-9-28/R-5)

WHEREAS, a recent General Accounting Office study indicates there are now 37 million Americans who are medically underserved; and

WHEREAS, 565 Community Health Centers such as the Orange-Chatham Comprehensive Health Services are serving only 5.5 million of the underserved Americans; and

WHEREAS, 20 of these Community Health Centers are located in North Carolina and serve 142,000 patients; and

WHEREAS, Orange-Chatham Comprehensive Health Services, Inc., through its three centers in Chapel Hill-Carrboro, Prospect Hill

and Haywood-Moncure, serves a substantial number of medically underserved persons; and

WHEREAS, the National Association of Community Health Centers is commemorating the National Community Health Center Week, October 5-11, 1987; and

WHEREAS, Orange-Chatham Comprehensive Health Services has planned a Health Fair on October 3 to provide a special opportunity to recognize the work and services of the Health Center team and consumers who have made an extra effort to make the Centers what they are today; and

WHEREAS, Orange-Chatham Comprehensive Health Services invites the entire community to participate in this health fair to kick off the Commemoration of National Community Health Center Week;

THEREFORE, be it resolved that the Town Council of Chapel Hill declares October 5-11, 1987 to be National Community Health Center Week; and

BE IT FURTHER RESOLVED that the Council encourages the citizens of Chapel Hill to participate in the Orange-Chatham Comprehensive Health Services Health Fair on October 3, 1987 between 10:00 a.m. and 2:00 p.m. at the Health Center on Roberson Street, Carrboro.

This the 28th day of September, 1987.

Consent Agenda

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-9-28/R-6 MINUS ITEM #C. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (87-9-28/R-6)

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

- a. Cable TV Rates (R-7).
- b. Holiday Parade Parking (O-2).
- d. Stephens Street Parking (O-4).
- e. Rental Rehabilitation Agreement (R-8).

f. Rental Rehabilitation Budget Amendment (O-5).

g. Mt. Carmel Road Annexation (O-6).

This the 28th day of September, 1987.

Cable Television Rates

The resolution, as adopted, reads as follows:

A RESOLUTION ASSUMING CABLE TELEVISION RATE MODIFICATION AUTHORITY (87-9-28/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council assumes, to the extent permitted by law, cable television rate modification authority from the effective date of this resolution until the effective date of a resolution to be adopted by the Council between September 1 and November 30, 1989, concerning rate modification authority pursuant to Sec. 10-85 of the Town Code.

This the 28th day of September, 1987.

oliday Parade Parking Restrictions

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A HOLIDAY PARADE (87-9-28/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street from Boundary Street to the western Town limits on Saturday, December 5, 1987 from 6:00 a.m. to 12:30 p.m. and authorizes the Police Department to cover parking meters accordingly.

This the 28th day of September, 1987.

Stephens Street Parking Restrictions

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-9-28/O-4)

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

SECTION I

That Section 21-27 of the Town Code of Ordinances, "No Parking as to Particular Streets," is amended by inserting the following in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Stephens St.	South	Center of Airport Rd.	A point 310 ft. west

SECTION II

This ordinance shall be effective Monday, October 5, 1987.

SECTION III

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

This the 28th day of September, 1987.

Rental Rehabilitation Agreement

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING RENTAL REHABILITATION GRANT FUNDS (87-9-28/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby accepts a grant of \$7,000 in FY 1986 Rental Rehabilitation funds and designates the Town Manager as the authorized representative of the Town to act in connection with the implementation of this grant program, to execute agreements required by the N. C. Housing Finance Agency to implement this program, and to provide such additional information, assurances and certifications as may be required by the N. C. Housing Finance Agency, except that, where specifically required by State law or regulations of the N. C. Housing Finance Agency, the Mayor is hereby designated as the Town's authorized representative in lieu of the Town Manager.

This the 28th day of September, 1987.

Rental Rehabilitation Budget Amendment

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND THE RENTAL REHABILITATION PROGRAM GRANT PROJECT ORDINANCE (87-9-28/O-5)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following amendments are made to the grant project ordinance 85-0-19 adopted by the Council on April 9, 1985:

A. Revise Section III to read:

The following revenues are anticipated to be available to complete this project:

FY 1984 Rental Rehabilitation Grant	\$ 750
FY 1985 Rental Rehabilitation Grant	75,000
FY 1986 Rental Rehabilitation Grant	<u>7,000</u>
TOTAL	\$82,750

B. Revise Section IV to read:

The following amounts are appropriated for the projects:

Rental Rehabilitation Program (Matching Grant)	\$82,750
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This the 28th day of September, 1987.

Annexation of Mt. Carmel Church Road Right-of-Way

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXPAND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (87-9-28/O-6)

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 petition was held on the Chapel Hill Municipal Building, 306 North Columbia Street, Chapel Hill, N.C., 27514, at 7:30 p.m. on the 14th September, 1987, after due notice by publication on 4th and 6th of September, 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 midnight, September 30, 1987.

The areas to be annexed are described as follows:

Area One

That certain public right-of-way under the jurisdiction of the North Carolina Department of Transportation known as Mount Carmel Church Road (State Road 1008) from the east margin of the U.S. 15-501 South right-of-way (at its intersection with S.R. 1008) for a distance approximately 5,200 feet southeast to the north-east corner of Lot 5 of Block C, Chapel Hill Township Tax Map 126.

Area Two

The public right-of-way of U.S. 15-501 at its intersection with Mount Carmel Church Road/State Road 1008.

SECTION II

Upon September 30, 1987, the above described right-of-way easements shall be subject to all laws, ordinances, and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

SECTION III

The Manager of the Town of Chapel Hill shall cause to be recorded in the Office of the Register of Deeds of Orange County, and in 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 is the 28th day of September, 1987.

North Carolina League of Municipalities Voting Delegate and Alternate

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO APPOINT COUNCIL MEMBER PRESTON AS THE VOTING DELEGATE AND COUNCIL MEMBER ANDRESEN AS THE ALTERNATE TO THE NOVEMBER NCLM MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

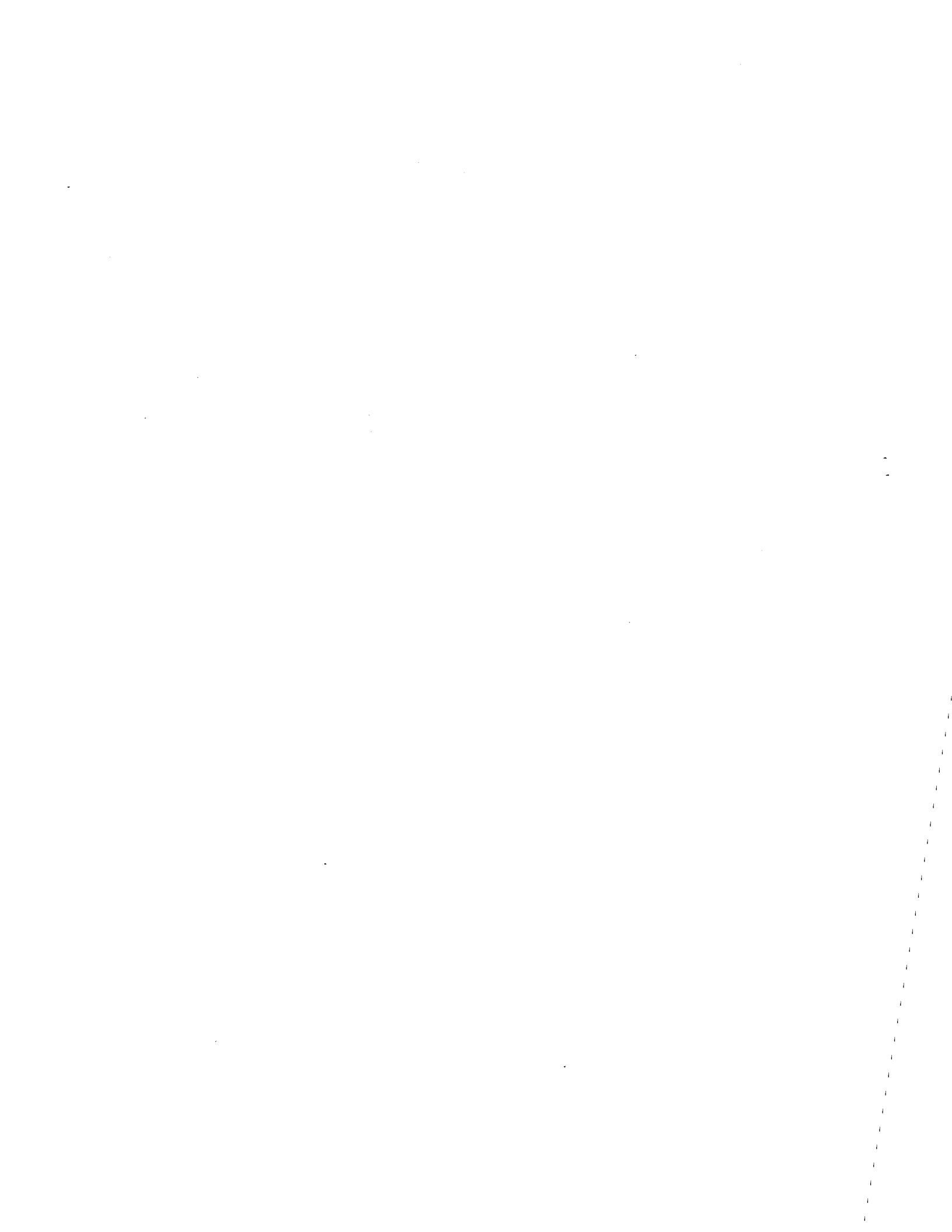
Executive Session

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES 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 9:55 p.m.

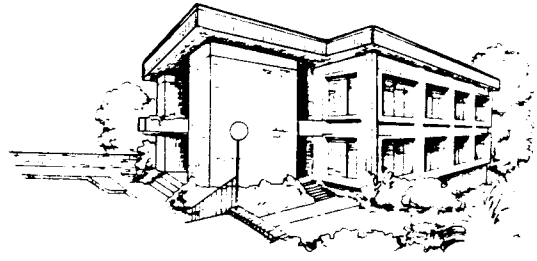
A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 10:40 p.m.



TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

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

You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the Meeting Room, at 7:30 p.m. on Thursday, Oct. 1, 1987, to hold a work session on the Rosemary Square project.

James C. Wallace
Mayor

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Chapel Hill Town Council, hereby accept notice of a Special Meeting of the Council, called by Honorable James C. Wallace, Mayor, to be held in the Municipal Bldg. Meeting Room, Oct. 1, 1987, 7:30 p.m.

James C. Wallace
Mayor

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

