

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, OCTOBER 12, 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.

Petitions

Edith Salmony, speaking as a resident, asked to speak to item #6, Maintenance of Countryside Streets.

Virginia Cunningham, representing the Chapel Hill-Carrboro League of Women Voters, presented the Council with the newest edition of the League's information pamphlet for the area. She said that the League would be glad to provide the Town with as many copies as it needed. Ms. Cunningham thanked all the citizens who had made contributions to the League which enabled the League to print the pamphlet.

Council Member Andresen petitioned the Council to request the Manager to prepare a status report on the newly created Housing and Community Development Department and an update of the progress on improvements in maintenance for the public housing units.

Minutes

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF SEPTEMBER 21, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Thorpe commented that his motion with regard to selection of the voting delegate and alternate to the NCLM meeting in November had been for Council Member Preston as the delegate and Council Member Howes, not Andresen, as the alternate. Council Members Howes and Andresen commented that Mr. Howes had declined to be the alternate and that Ms. Andresen had agreed to be the alternate prior to the Council voting on the motion.

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COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF SEPTEMBER 28, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Investors Title Special Use Permit

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-10-12/R-1B.

Council Member Werner asked why the staff was not recommending prohibition of left turns onto Rosemary Street from the Investors Title proposal when it prohibited left turns onto Rosemary Street from the two Town parking lots on Rosemary Street. He said he thought the Town should be consistent. Roger Waldon, Planning Director, said the primary reason was because the Town parking lots generated a larger volume of traffic than was anticipated from the Investors Title project. Mr. Waldon also said that allowing left turns onto Rosemary Street from Investors Title would take some of the pressure off the Rosemary/Columbia Street intersection.

Council Member Smith asked how the average daily traffic generated by the project had been determined and how would it be determined when the parking spaces assigned to each use had been filled. Mr. Waldon responded that the traffic generation rates had been polled from the International Traffic Engineers Manual which estimated the number of trips from a given size of building and general use. Mr. Josh Gurlitz, representing the applicant, said that the parking deck would be operated with stacking room for five cars and that there would be an individual to direct patrons to the proper parking areas.

Council Member Smith said the number parking spaces being provided by the project, which was 180, indicated to him that with the peak hour traffic generation of 135 trips, there would be few spaces available for the commercial and restaurant use. Mr. Gurlitz said the applicant hoped there would be a large number of pedestrian use of the site.

Council Member Smith said he was still concerned with the methods used to estimate traffic impact for all the projects that come before the Council.

Council Member Thorpe asked where the figure of 15% of the cost of improving the traffic signal at the Rosemary/Columbia Street intersection (be paid by the applicant) had originated. Mr. Waldon replied that that figure had been given at a Planning Board meeting. He said that further discussions with NCDOT indicated that the cost to improve the signal was probably less than \$10,000 and that the staff recommended that the applicant pay the full cost of the signalization improvements. Council Member Thorpe said he would have preferred to have an exact cost of the expected improvements.

Council Member Andresen spoke in support of the motion saying she felt it was reasonable to require the applicant to pay for the signalization improvements. She said she did have some concern about the project's size but that the developer had done a good job in addressing these concerns by scaling down the mass of the building and stepping back onto the site. She said she applauded the open space in front of the building and the fact that the applicant proposed a good deal more livability space than was required by the Development Ordinance. She commented that the applicant provided a very good traffic study.

Council Member Smith asked for clarification of what would be done to improve the traffic signal and also what was the status of the Town-wide signalization improvements. Manager Taylor responded that the staff was still working with NCDOT to try to get the computerized, synchronized signalization for the Town but that there was yet no clear indication as to when this might occur. He said that the applicant was being asked to improve the Rosemary/Columbia Street signal to allow for additional left turn signals in each direction. Manager Taylor commented that the Rosemary Square developer was being required to do the same for the Henderson/Rosemary Street intersection.

Council Member Thorpe asked if the Rosemary Square developers were being required to pay the full cost for the signalization improvements. Mr. Taylor replied yes.

Council Member Godschalk said that the proposal was 5 stories above grade and 2 stories below grade. He asked the Council Members if they thought it was too big for the site.

Council Member Andresen said she thought it was too big but that the developer had taken steps to minimize the impact.

Council Member Godschalk commented that the livability space was almost double what was required and he asked if this was also a mitigating factor in the project. Council Member Andresen replied yes.

Council Member Pasquini stated that he also felt the project was too big for the site. He said the proposal was also using the driveways and parking deck as part of the required open space for the site and that he did not think this should be allowed. He said however, that the developer met the requirements under the Development Ordinance and that as such he did not think there were grounds to deny the application.

Council Member Howes commented that the proposed building was massive but that it did fall within the accepted range. He said the design was attractive and the proposal was by a local business which was a plus. He said all in all he felt it to be a commendable project.

Council Member Preston said the area was zoned Town Center and that she preferred having commercial enterprises in those zones. She said this proposal was for commercial space and she felt it was a project of which the Town could be proud.

THE MOTION TO ADOPT RESOLUTION 87-10-12/R-1B PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR INVESTORS TITLE COMPANY (87-10-12/R-1B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Investors Title Company Building proposed by the Investors Title Company, on property identified as Chapel Hill Township Tax Map 80, Block G, Lots 17 and 18, if developed according to the Building Section, the Upper Parking Level, the Intermediate Parking Level, and the Lower Parking Level plans dated February 17, 1987 (received), the utility and drainage plan dated February 20, 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 construction begin by October 12, 1988 and be completed by October 12, 1990 (two years from the date of the Council approval).
2. That the developer be required to fund the upgrading of the traffic signal at the Columbia Street/Rosemary Street intersection as determined by the Town Manager and N.C.D.O.T.
3. That Investors Title Company be required to participate in a ridesharing survey to be administered by the regional Tri-A-Ride program upon occupancy of the building.

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4. That a copy of a recombination plat or deed, combining the two parcels involved with this application, be approved by the Town Manager and recorded prior to the issuance of a Zoning Compliance Permit.
5. That adequate sight distance be provided at the East Rosemary Street entrance/exit.
6. That a work zone traffic control plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That the final plans contain a note indicating that refuse collection is private.
8. That detailed building elevations, lighting plan, landscaping plan, and landscape maintenance plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. A "C" type buffer is required on the northern property line.
9. That the final utility/lighting plan be approved by OWASA, Duke Power, Southern Bell, Carolina Cable, and the Town Manager, before issuance of a Zoning Compliance Permit.
10. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility 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.
11. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
12. If any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the Investors Title Company Special Use Permit accordance with the plans and conditions listed above.

This the 12th day of October, 1987.

Countryside Subdivision Street Maintenance

Edith Salmony, representing the residents of Countryside Subdivision, expressed appreciation to the Council and staff for their handling of this matter. She said the residents were in general

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agreement with the proposal and therefore she urged the Council to approve the resolution.

Council Member Thorpe said he appreciated the patience of the residents of Countryside in dealing with this problem.

Council Member Smith commented that he hoped the Council would take notice of this matter and realized that additional requests would come before the Council on street maintenance as long as the Council continued to approve subdivisions with private roads.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-10-12/R-2.

Council Member Godschalk asked the Manager to describe what was proposed to be done. Manager Taylor said that essentially what was proposed was street patching, fixing the ditches and repaving the roads. Bruce Heflin, Public Works Director, said that it would not be major road repair, but would include localized patching, removal of some vegetation, getting a good sealed surface and overlaying that with asphalt, and providing good drainage ditches alongside.

Council Member Godschalk commented that he knew other neighborhoods were interested in this matter and as such he asked if the Town were assuming any costs with the project. Mr. Heflin responded that the Town was not paying for any of the work other than the staff time involved.

Council Member Pasquini said that once the streets were brought up to standard would they fall under the Town's maintenance schedule for all streets. Mr. Heflin replied yes, and that they would also be eligible for Powell Bill funds.

Council Member Pasquini asked if the Town expected the streets in Countryside to need additional repair in the near future. Mr. Heflin replied no, that the proposed upgrade would be sufficient to meet current standards and therefore should be relatively maintenance free for quite some time.

Council Member Preston said that she was concerned that the homeowners' association had never been created. She asked if a situation like this could still occur. Manager Taylor replied that when a homeowners' association was suggested as part of a subdivision, it became a condition of approval and there had to be a copy of the documents filed with the Register of Deeds establishing a homeowners' association before the Town signed off on the project.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING FOR PUBLIC MAINTENANCE FOUR ROADS IN COUNTRYSIDE (87-10-12/R-2)

WHEREAS the residents of Countryside, Section I subdivision have petitioned the Council for the Town to accept for public maintenance certain private drives in that subdivision, and

WHEREAS a policy passed by the Council in 1980 provides a means for the improvement and acceptance by the Town of substandard private streets, and

WHEREAS, the Town staff has developed a plan for needed improvements to these streets, such that they will be upgraded to a reasonable level approximating Class C standards;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the following will be the conditions under which said acceptance will occur:

- 1. Dedication to the Town of all necessary rights-of-way; and
- 2. Receipt of a petition from 100% of the owners of all property abutting Country Road, Roundtree Road, Village Lane and Creekside Lane requesting an assessment for the full cost of the necessary improvements; and
- 3. Following the necessary procedures for assessment as per Article 10 of Chapter 160-A of the General Statutes; and
- 4. Assessing the property owners on all equal share per lot basis, at 100% of cost.

This the 12th day of October, 1987.

Old Chapel Hill Cemetery

Eunice Brock and Rebecca Clark, co-chairs of the Old Chapel Hill Cemetery Task Force, presented a master plan for the cemetery to the Council and asked that it be accepted and included in the Town's 5-year Capital Improvements Program. Ms. Brock thanked all of those people who had worked on the project including University and Town personnel. Ms. Clark also thanked those involved in the process as well as the Council for appointing the Task Force. She said this was the first step towards upgrading and improving the Old Chapel Hill Cemetery.

David Swanson, of Hunter, Reynold, Jewell, P.A., the landscape architects for the project, gave a brief description of the proposed master plan. He said the Old Chapel Hill Cemetery served as an historic site and open space for the Town as well as a burial ground.

Council Member Preston asked for clarification of the proposal for sidewalks in the cemetery. Mr. Swanson replied that he proposed using Chapel Hill gravel sidewalks, which were a part of historic Chapel Hill, with brick borders in order to delineate the sidewalk and to help prevent erosion.

Council Member Preston asked about the proposal for three additional Public Works employees. She asked if they would be for the Old Chapel Hill Cemetery alone. Mr. Swanson replied that the proposal suggested adding three additional employees to the Public Works Department to aid in overall cemetery operations. He said the proposal called for consolidation of the cemetery operations under one department, Public Works. Mr. Swanson stated that this consolidation, plus the maintenance work would tax the current staffing for Public Works and that as such the consultant had suggested the staffing be increased by three individuals.

Council Member Preston asked what steps should be taken first. Mr. Swanson replied that they had included in their report a "shopping list" of items and that these had been prioritized within categories, but that the implementation of the master plan would be handled administratively.

Council Member Preston said it was an excellent report and that she was impressed with the detail. She thanked the Task Force for their work.

Council Member Howes also commended the Task Force for their work on the project. He said the site analysis represented some of the highest quality work done in the Town. He commended Mr. Swanson for his work. He asked what would the Council be accepting or authorizing by adopting the resolution that was part of this agenda item. Manager Taylor replied that adoption of the resolution would mean the Council accepted the report and Master Plan and authorized the Manager to implement the plan in future budgets.

Council Member Godschalk agreed that it was a detailed site analysis. He said the capital costs were estimated at \$290,000 with an additional operating cost of \$50,000 and the addition of three employees. He asked Mr. Swanson how he would describe the character of design in the Master Plan. Mr. Swanson said that essentially it was an attempt to blend improvements into the site without there being any blatant appearance that the cemetery had been changed. He said the plan hoped to maintain the character of open space and aura of reflectiveness and peacefulness that currently exists on the site.

Council Member Andresen asked if the additional employees for Public Works were for the restoration work or for upkeep and maintenance after the restoration. Mr. Swanson said the request for additional employees was for maintenance and as a result of



the consolidation of the overall cemetery operations under one department.

Council Member Andresen asked the Manager to what extent the Council would be making a commitment to funding by adopting the resolution with the agenda item. Manager Taylor replied that adoption of the resolution would not commit the Council to any level of funding but would state that the Council considered the Old Chapel Hill Cemetery a high priority for the 5-year CIP and that it should be considered when discussing the operating budget for the next fiscal year.

Council Member Smith said it was an ambitious program for renovating the Old Chapel Hill Cemetery. He thanked the Task Force for their work. He said the next fiscal year, 1988-89, would not start until July, 1988. He asked if there were any funds in this fiscal year in which to start the program. Mr. Smith said he did not want to see the proposal be shelved and possibly forgotten. Manager Taylor stated that the Council had authorized \$25,000 in funding for the Old Chapel Hill Cemetery this year and that there still remained approximately \$10,000 for additional work.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-10-12/R-3.

Council Member Preston asked if the proposed sign for the cemetery would be reviewed by the Appearance Commission. Manager Taylor replied that there would not be a problem with submitting any plans for signing the cemetery to the Appearance Commission.

Manager Taylor said he would also like to thank and recognize the staff members who had worked on this project besides Public Works Director Bruce Heflin. He thanked Richard Terrill and Tim Smith, both of the Public Works Department for their fine work on this project.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING A MASTER PLAN FOR OLD CHAPEL HILL CEMETERY AND AUTHORIZING THE TOWN MANAGER TO INCORPORATE RECOMMENDATIONS IN FUTURE OPERATING BUDGETS AND CAPITAL IMPROVEMENTS PROGRAMS (87-10-12/R-3)

WHEREAS, the Town Council appointed a task force in September, 1986 to consider issues related to the Old Chapel Hill Cemetery; and

WHEREAS, the Old Chapel Hill Cemetery task force selected Hunter, Reynolds, Jewell, P.A. to prepare the master plan; and

WHEREAS, the consultant prepared a master plan for improvements and overall management of the Old Chapel Hill Cemetery; and

WHEREAS, task force members and Town staff have reviewed and endorsed the findings and recommendations contained in the master plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Hunter, Reynolds, Jewell, P.A. 1987 master plan for the Old Chapel Hill Cemetery is accepted by the Council of the Town of Chapel Hill and that the Manager is authorized to make recommendations for incremental implementation within overall operational priorities and funding availability as part of the annual operating budget process and Capital Improvements Program process.

This the 12th day of October, 1987.

Chandler's Green, Phase I - Zoning

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 87-10-12/O-1. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE ZONING NEWLY-ANNEXED LAND (87-10-12/O-1)

WHEREAS the Council of the Town of Chapel Hill has annexed property described as follows:

BEGINNING at an iron stake in the Northern property line of the Sweaney Property as described in Deed Book 448 at Page 93, said stake also being in the new R/W line of Sunrise Drive at the Southwest corner of Lot 44 and running thence with said R/W North 08 deg. 27' 07" West, 179.74 feet to a stake, thence along a clockwise curve having a radius of 1,176.57 feet, a length of 5.05 feet, thence north 05 deg. 28' 07" West, 112.39 feet to a stake, thence along a clockwise curve having a radius of 1,176.57 feet, a length of 117.00 feet to a stake, thence continuing along R/W North 02 deg. 58' 00" East, 309.34 feet to a stake in the Southern line of a 60' public road, said stake also being the Northwest corner of Lot 3, thence along the Southern line of said public road, South 83 deg. 41' 12" East, 231.67 feet to a stake, thence South 83 deg. 41' 07" East, 330.27 feet to a stake, thence South 84 deg. 52' 10" East, 1,194.95 feet to a stake at the Southeast corner of said public road, thence along and with the Eastern property line of the Clark Property as described in Deed Book 238 at Page 1419, North 04 deg. 56' 26" East, 240.00 feet to a stake, the Northwest corner of Lot 22, thence with the line of Lot 22 South 85 deg. 43' 24" East, 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 foot 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, and;

WHEREAS the Council has considered the appropriate zoning designation for this property in the context of surrounding land uses and zoning, and in the context of Chapel Hill's Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill that the Residential-1 zoning category be assigned to the above-mentioned property.

BE IT FURTHER ORDAINED that the Chapel Hill Zoning Atlas be amended accordingly.

This is the 12th day of October, 1987.

Ephesus Baptist Church Zoning

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 87-10-12/O-2. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE ZONING NEWLY-ANNEXED LAND (87-10-12/O-2 )

WHEREAS the Council of the Town of Chapel Hill has annexed property described as follows:

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

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

WHEREAS the Council has considered the appropriate zoning designation for this property in the context of surrounding land uses and zoning, and in the context of Chapel Hill's Comprehensive Plan;

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill that the Residential-2 zoning category be assigned to the above-mentioned property.

BE IT FURTHER ORDAINED that the Chapel Hill Zoning Atlas be amended accordingly.

This is the 12th day of October, 1987.

#### A. D. Clark Pool Report

Manager Taylor said the Council had requested a report from the staff on the A.D. Clark Pool at its September 14 meeting. He said the Town had also received a letter from the Concerned Black Citizens on a recent drowning at the pool and on the pools' operations. He said the staff had met with representatives of the Concerned Black Citizens and discussed recommended steps. Manager Taylor stated that the staff and concerned group had agreed to work toward 8 objectives between now and June when the pool would reopen. He said the objectives were 1) survey other cities that operate pools in predominately minority neighborhoods and learn what recruiting practices they used to achieve a diversified and representative staff; 2) recruit a minority pool manager for the summer of 1988; 3) develop contacts with UNC and NCCU student advisors to assist in the recruitment of minority pool personnel; 4) develop a junior lifeguard program; 5) have signed contracts for lifeguard positions recruited and trained by the Town; 6) increase the number of pool staff on duty; 7) work to increase hourly salary rates for lifeguards; and 8) develop an orientation program for the A.D. Clark pool staff that included an orientation to the surrounding community and citizens who use the facility.

Council Member Thorpe commended the Manager and Assistant Town Manager Secrist for their handling of this matter. He asked how the Town went about contracting hourly employees. Manager Taylor replied that the Town advertised for contract employees who would be paid on an hourly basis. He said the problem was that there were not that many people responding to the advertisements. He said it could be that the Town would have to increase its hourly pay in order to get applicants.

Council Member Smith asked if there were any citizens present who wished to comment on the report.

Esphur Foster, representing the Concerned Black Citizens, said they appreciated the time the Town had spent discussing the issue with them and she said the group would keep in touch with the Town to see if the objectives were implemented.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE TO RECEIVE THE REPORT. THE MOTION PASSED UNANIMOUSLY, (9-0).

Noise Ordinance Committee Update

Mayor Wallace stated that he had appointed a Noise Ordinance Review Committee last spring to review the latest amendments to the noise ordinance to see if it was effective and to suggest any possible changes to the ordinance. He said that at the September 28 Council meeting, Bryan Bailey, President of the UNC Student Government, had asked the Council to appoint a Council Member to act as liaison on each of the two subcommittees of the Noise Ordinance Committee to ensure that the Council was aware of what, if any, progress was being made. Mayor Wallace said he appointed Council Member Smith to the monitoring subcommittee, and Council Member Pasquini to the ordinance revision subcommittee. He said Assistant Town Manager Secrist would give the Council an update of what had occurred in each subcommittee to date.

Ron Secrist, Assistant Town Manager for Community and Human Services, gave a report on each subcommittee. He said the revision subcommittee consisted of eleven members from the University administration and student body, neighbors, staff and had two technical advisors from the Town and Campus Police Departments. He said this subcommittee had met three times this fall and had dissected the ordinance and discussed each component thoroughly. Mr. Secrist stated that this group had also spent an evening listening to a discussion of the acoustical effects of "noise"; and had discussed at their last meeting the options/proposals to recommend to the full noise ordinance committee. He said this subcommittee planned to meet once more to finalize the recommendation prior to making this recommendation to the full committee.

Mr. Secrist stated that the monitoring subcommittee also contained eleven members of approximately the same composition as the revision subcommittee. He said this group had met once in September and reviewed the noise permits requested, approved, and denied this fall, as well as the number and types of complaints. He said the group was to meet again on October 23 to go over any new noise permits and to consider how effective the ordinance appeared to have been this fall. Mr. Secrist commented that minutes of the September meeting of the ordinance revision subcommittee had been sent to the Council. He said he expected this subcommittee to be able to make a recommendation to the full committee soon after their October 23 meeting.

Council Member Smith said he wondered if it were significant that this fall had been the quietest he could remember in some time.

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Council Member Godschalk asked when the Council could expect a report and recommendation from the Noise Ordinance Committee. Mr. Secrist replied that he did not know, but that he expected the subcommittees to report to the full committee by December.

Mayor Wallace said that it would be advisable to have the full Noise Ordinance Committee present when the report and/or recommendation was made to the Council.

#### Municipal Building Expansion Process

Council Member Preston said that she was delighted to be able to sponsor this agenda item. She said the Council's Municipal Expansion Committee had been working throughout the year to review and select the architect for the project and to present the Council with a process for design and construction of the expansion. She said that two of the architects for the expansion, were at the meeting, Dan Huffman and Tim Simmons. Ms. Preston said adoption of resolution R-4 would set into motion the process for the design and construction of the expansion with a scheduled construction start for approximately 15 months from now. She said the process involved various reviews of the project by citizens, boards, staff and the Council. Ms. Preston said the most important issue was how to proceed from this point and to that end she suggested a work session on November 10.

Council Member Smith said he felt the proposed process was too long. He said it appeared that the Expansion Committee had wanted to please everybody by having the numerous reviews and hearings on the project. He said one public hearing was all that was needed.

Council Member Thorpe agreed that the process should not take as long as was indicated in the proposal. He said the citizens of Chapel Hill had given their okay to the project by passing the bond referendum. He said he hoped the project could be stepped up so that construction could occur this summer.

Dan Huffman, representing the architects, said that their original schedule had set construction to begin in July, but that the Expansion Committee had felt that more review time was needed. He said he would prefer to start construction in the summer.

Council Member Andresen said she hoped the Committee was not trying to design the building by having so many reviews, but that she had some sympathy with the proposed schedule in that reviews were important. She said that she also would like to see a faster timetable.

Council Member Thorpe said input was needed but that he felt the timetable could be streamlined and still be able to get adequate input.

Council Member Godschalk said that he felt the key input from the neighbors and citizens would be on the site design, not on the interior design of the building.

Council Member Preston said that the Committee had felt it important to get citizen input from the initial conceptual design forward.

Council Member Werner suggested deferring action on the design process until after the work session.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO HOLD A WORK SESSION ON NOVEMBER 10, 1987 AT 7:30 P.M. IN THE MUNICIPAL BUILDING MEETING ROOM TO DISCUSS THE DESIGN PROCESS AND GENERAL CONCERNS OF THE COUNCIL REGARDING THE EXPANSION, AND TO DEFER ACTION ON THE PROCESS FOR DESIGN UNTIL AFTER THIS DISCUSSION. THE MOTION PASSED UNANIMOUSLY, (9-0).

#### Consent Agenda

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-10-12/R-5. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (87-10-12/R-5)

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

- a. Closing Right-of-Way north of Azalea Drive (R-6).
- b. Community Development Grant - Certificate of Completion (R-7).
- c. Sale of Surplus property (R-8).
- d. Awarding contract for Fire Burn Training Building (R-9).
- e. Closing Overland Drive October 25 for Block Party (R-10).

This the 12th day of October, 1987.

Closing Right-of-Way North of Azalea Drive

The resolution, as adopted, reads as follows:

A RESOLUTION CLOSING THE UNNAMED RIGHT-OF-WAY NORTH OF AZALEA DRIVE (87-10-12/R-6)

WHEREAS, the present right-of-way is presently unnecessary for access to the properties abutting it; and

WHEREAS, the Council on August 24, 1987 adopted a resolution of intent to consider closing this right-of-way north of Azalea Drive, and a public hearing thereon was held on September 28, 1987; and

WHEREAS, the closing of the right-of-way north of Azalea Drive would not be contrary to the public interest, and no individual owning property in the vicinity of the right-of-way would be deprived of reasonable means of ingress or egress to his or her property by the closing of said right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts this order pursuant to N.C. G.S. 160A-299 permanently closing the unnamed right-of-way north of Azalea Drive, subject to the reservation of blanket easements for public utilities and storm drainage facilities, as shown on a plat prepared by the party requesting the right-of-way closure and approved by the Chapel Hill Engineering Department.

This the 12th day of October, 1987.

Community Development Grant - Certificate of Completion

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A CERTIFICATE OF COMPLETION (1983 NRCD GRANT #83-C-6620) (87-10-12/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby authorizes the Mayor to execute a Certificate of Completion for the 1983 Community Development Grant #83-C-6620 certifying the completion of grant activities according to the terms of the grant agreement for submission to the North Carolina Department of Natural Resources and Community Development.

This the 12th day of October, 1987.



Surplus Property

The resolution, as adopted, reads as follows:

A RESOLUTION DECLARING 70 ITEMS OF PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE DISPOSAL OF SAID PROPERTY BY PUBLIC AUCTION OR PRIVATE NEGOTIATED SALE (87-10-12/R-8)

WHEREAS, Article 12 of General Statutes 160A and Section 4.16 of the Charter of the Town of Chapel Hill authorizes the Town to dispose of surplus personal property; and

WHEREAS, the Town desires to dispose of certain items of personal property;

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

1. That the following items of personal property are hereby declared surplus.

<u>Quantity</u>	<u>Item</u>
One	Souix - 3/4 Drive Air Wrench
One	Coats Mod 10 Tire Changer
One	Sun Battery Charger
One	Office Chair
One	Sun Volt Amp Tester
One	Master Vibrator (Tamp) T1000
Two	Homelite XL
One	Atlanta Stove Works Woodstove
One	Frigidare Refrigerator
One	Couch
One	Pile - Truck Chair
One	Pile - Beacon Lights
One	Bottom Panel Overhead Door
One	Pile - Black Protective Clothing
One	Pile - Fireman's Boots
One	Pile - Old Fire Extinguishers
One	Parking Lot Sweeper and Vacuum
One	Electric Paint Sprayer
One	Pitney Bowes Copier
One	Metal Storage Cabinet
Two	Secretary Chairs
Two	Cole Steel Filing Cabinets
One	Meilink Safe
One	Side Desk
One	Reel to Reel Tape Recorder
One	Pile - Junk Metal
Six	Lawn Mowers
Three	Mobile Radios
Two	Check Writers
Five	Adding Machines

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Four	Calculators
One	Adler Electric Typewriter
One	Royal Electric Typewriter
Two	IBM Selectric Typewriter
One	Olivetti Editor 4 Typewriter
One	1973 Chevrolet 3/4 T. Van (White)
Two	1979 Chevrolet Chevettes
One	1981 Chevrolet Chevette
Three	1980 Toyotas
One	1983 Plymouth
One	1978 Cushman Scooter
One	1978 1/2 T. Chevy Pick-Up
One	1979 Plymouth
One	1980 Garbage Truck (White)
One	1972 Dodge Bookmobile
One	1966 1/2 T. Chevy Pick-Up
One	1956 Ford Truck
One	1974 Dodge Van

2. That the Purchasing Agent of the Town of Chapel Hill shall be and is hereby authorized to dispose of this surplus personal property at public auction in accordance with statutory requirements.
3. That the public auction is to take place on Saturday, October 31, 1987 at 10:00 a.m. at the Municipal Operations Facility, 1099 Airport Road, Chapel Hill, N. C. (Rain date: November 14, 1987 at the same time and place.)
4. That prior to the Public Auction the Purchasing Agent is authorized to dispose of any of this personal property by sale, lease, exchange, or transfer to other governmental units in conformity with General Statute 160A-274.
5. That the terms of sale shall be to the highest bidder for cash or other form of cash equivalent acceptable to the Purchasing Agent. All sales shall be designated final on the day of the auction.
6. That all items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of and assumes no responsibility for any of the items.
7. That it shall be a condition of sale that all items purchased shall be picked up and removed from the premises of the Municipal Operations Facility by 3:30 p.m. on the day of the auction. Purchasers shall bear sole risk for loss of any items remaining on said premises past such time.

BE IT FURTHER RESOLVED that if any of the surplus property is not sold at the public auction, or sold, leased, exchanged or transferred to a governmental unit, the Purchasing Agent is hereby authorized to sell said surplus property by private negotiated sale in conformity with General Statute 160A-267.

This the 12th day of October, 1987.

Burn Training Building Bids

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING A BID FOR THE CONSTRUCTION OF A CHAPEL HILL BURN TRAINING BUILDING (87-10-12/R-9)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on August 30, 1987, in accordance with G.S. 143-129 for the construction of a Burn Training Building; and

WHEREAS, the following bids were received and opened on September 22, 1987:

<u>Bidder</u>	<u>Base Bid</u>
Chapel Hill Construction Company	\$172,000
R. W. Hendrick Construction Company	\$174,868
Riggs-Harrod Builders	\$184,750
Trout & Riggs Construction Company	\$191,800
T. L. Long Construction Company	\$204,499
R. P. Construction Company	\$229,984

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of and awards a contract to Chapel Hill Construction Company in the amount of \$172,000 for the construction of a Burn Training Building.

This the 12th day of October, 1987.

Overland Drive Street Closing - Block Party

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF PART OF OVERLAND DRIVE (87-10-12/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of Overland Drive on Sunday, October 25, 1987 from 4 p.m. to 6:30 p.m. (or on Sunday, November 1 in the event of rain) for a block party subject to the following conditions:

1. There shall be vehicles parked to serve as barricades at the end of the closed area with persons available to allow entry by emergency vehicles if necessary.
2. The closed street area shall be cleaned of litter by 6:30 p.m.
3. No alcohol shall be consumed in the public street right-of-way.
4. A permit for outdoor amplified sound shall be obtained from the Police Department if necessary under the Town's noise ordinance.
5. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 12th day of October, 1987.

Board/Commission - Personnel Appeals Committee

Council Member Thorpe said that the Council had appointed Council member Preston and him to act as a subcommittee to locate candidates to serve on the Personnel Appeals Committee. He said they had received three applications and that all three were qualified and would make good appointees. He said, however, that since there were only two seats vacant, the subcommittee was recommending that Richard Daughtery and William Murphy be appointed.

Council Member Howes asked if the ordinance allowed for alternates to be appointed to the Personnel Appeals Committee, and if the Council could appoint all three candidates and modify the ordinance accordingly, if needed. Attorney Karpinos replied that the ordinance did not allow for alternates but that the Council could appoint the candidates and amend the ordinance at the next meeting to allow for a total of 8 members.

Council Member Preston stated that she would like to commend Council Member Thorpe for his work in getting the applicants for the openings on the Personnel Appeals Committee. She said she had contacted several people but that they had failed to prepare applications for consideration.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO APPOINT RICHARD DAUGHTERY, KENNETH MARTIN, AND WILLIAM MURPHY TO THE PERSONNEL APPEALS COMMITTEE BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (9-0).

Richard Daughtery, Kenneth Martin, and William Murphy were appointed.

Board/Commission - Human Relations Commission

Council Member Thorpe commented that the subcommittee was also to locate candidates for consideration to the Orange County Human Relations Commission and that they had not been able to get any applications filled out yet and would like to defer this item until the next regular meeting. The Council agreed.

Rosemary Square

Mayor Wallace said that he had been requested to place this item on the agenda for the Council to discuss what, if anything, it wanted to do in reference to the Rosemary Square project.

Council Member Andresen stated that she remained opposed to the project but that the Council needed to make a decision on the project. She said the Council had voted, 5-4, in favor of the project and that she did not think the Council had changed its mind. Ms. Andresen said she was not in favor of having the Town spend large amounts of funds in order to get out of the project, but if the Council had changed its mind on the project that needed to be made clear.

Council Member Howes said that as he understood the situation there were four options available to be discussed. He said these options were to withdraw from the project, which involved liability and payment of fines; redesign the project; move the project to another site; and continue with the original process. He said he was against withdrawing from the project. He asked the developer if the second and third options were feasible.

Council Member Godschalk said that with regard to the issue of redesign, the developer had already voluntarily redesigned part of the project to allow for additional interior sunlight and reducing the bulk of the building. He said the Council had just unanimously approved a project across the street from this proposal that was also five stories and had a livability ratio of 2:1, whereas the Rosemary Square project had a livability ratio of approximately 4:1. He said it appeared to him that the problems with the project were not a question of objective fact but of political leanings.

Council Member Andresen said that her objections to the Rosemary Square project were based on its traffic projections which she said indicated that traffic on Rosemary would increase by 80%, and her preference that a hotel not be placed at this location.

Council Member Preston asked if the traffic would increase by 80% on Rosemary Street. She also asked for clarification of the closing date. Manager Taylor responded that according to an amendment to the Development Agreement, closing had to occur no later than six months from the date of adjudication of the litigation. Mr. Taylor said that this meant that closing had to occur no later than March 3, 1988, and that the developer was required to notify the Town of when he wanted to go to closing.

Whit Morrow, representing the developers, said in response to Council Member Howes questions that to move the proposal to another site would mean almost a complete redesign of the project. He said the proposal was designed to fit the footprint of the site. He said a redesign of the project would involve time and money and that the last time the developer had done a redesign, it resulted in a 2-year process of further review by the Town staff, Boards, and Council. Mr. Morrow said therefore, the company was wary of going through this process again. He said however, that the company was more than willing to work on redesigns that would not need to go through the entire development review process. He stated that the developer wanted to move forward with the project and would like to meet with the Council, if the Council wished, in work sessions on the project as the process moved toward closing.

Mayor Wallace commented that there were a multitude of differences between the Investors Title proposal and the Rosemary Square proposal. He said however, that he expected the developer and all interested parties to proceed toward closing.

Council Member Thorpe stated that the entire Council had voted in favor of the Rosemary Square proposal several years ago and that he hoped the sentiment that motion expressed would continue throughout the process.

Council Member Godschalk commended Mr. Morrow for his patience during the past several months and for being open about the process and plans for Rosemary Square. He said the entire Council should read the decision of the Supreme Court on the litigation brought against the Town and developer on the project. He quoted several sections of the decision to the Council.

Council Member Pasquini said he had been against the project for quite some time and that he wished there were some way to stop it, but that he felt the majority of the Council was in favor of the project.

Mayor Wallace agreed with Council Member Pasquini and said that for now the project was underway and that the Council would not attempt to hinder the process, but that he expected the terms of the Development Agreement to be strictly adhered to.

Council Member Godschalk asked if there should be a motion from the Council reaffirming its commitment to the Rosemary Square project. Mayor Wallace said he did not think that was necessary and that the developer and Town would proceed with the process.

Executive Session

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER 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 9:50 p.m.

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

The meeting adjourned at 10:20 p.m.

