

95

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
TUESDAY, JULY 5, 7:30 P.M.

Mayor Jonathan B. Howes called the meeting to order. Council Members present were:

Julie Andresen
David Godschalk
Joe Herzenberg
David Pasquini
Nancy Preston
Roosevelt Wilkerson, Jr.

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

Petitions

Barry Margolin asked to speak to item #6, Bypass Design.

Mary Alice Danziger asked to speak to item #8, Bolin Creek Center.

Council Member Godschalk petitioned the Council to have the staff review the increasing number of violations of "running red lights" and the length of time traffic signals allow for the yellow, caution light. He said he had been involved in a number of close calls recently with individuals going through "red lights" and he felt it might be due in part to the time allowed for the "yellow light".

Council Member Herzenberg also asked that the staff review the tendency for "running" stop signs.

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

Council Member Andresen petitioned the Council to have the staff review the Board and Commission appointment procedure.

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

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT THE MINUTES OF JUNE 20, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

15-501 ByPass (Fordham Boulevard) Design

George Small, Engineering Director, said the proposal was for the Town to reaffirm its endorsement of the 24' wide landscaped median as part of the 15-501 design concept and the Town's request for buffer landscaping along the project clearing limits. He said NCDOT had placed field stakes in the vicinity of the clearing limits near the Botanical Gardens and Kings Mill area. He stated that some of the Council, staff and interested citizens had reviewed the stakings. Mr. Small said that the Kings Mill homeowners had expressed support for the proposal provided that the association could be assured that adequate landscaping was installed along the clearing limits. He stated that the staff felt the sensitivity and consideration exhibited by the residents and NCDOT so far were indicative of what was needed to develop a project that would meet the roadway needs and aesthetic concerns of the community.

Council Member Andresen asked what was the expected time table for completion of the project. Mr. Small responded that the staff anticipated that construction would begin in early 1989 and that the project would be completed in stages with the entire project probably completed by 1993.

Council Member Preston asked if there had been discussion regarding the proposed use of a raised curb along the median versus the entranceway design report's proposal which recommended level or down sloping median designs. Mr. Small replied no discussion had been held on this matter.

Barry Margolin, representing the Kings Mill Homeowners' Association, said that he had found the Council and staff to be responsive to concerns. He stated that the Association accepted the 24' median but that there were concerns that adequate landscaping would not be included. Mr. Margolin asked that a written guarantee from NCDOT be acquired. He also asked that the residents be continually informed of the progress on the project, when the trees for removal would be marked, and that a copy of this memorandum be delivered to the Dept. of Transportation Board member for this area.

Manager Taylor asked that the proposed resolution be amended in response to a letter from Ms. Eva Metzger which dealt with pedestrian walkways.

Council Member Godschalk said he appreciated Ms. Metzger's interest in the project. He asked if the benches she suggested be added would be in the median or along the side of the road where pedestrian crossings would occur. He said he did not want to encourage individuals to sit in the median. Manager Taylor replied that the benches would not be in the median.

Council Member Andresen commented that she understood the median design work was not being done in the same office as the remaining road design and she asked that this information be forwarded to the appropriate NCDOT officials.

Council Member Preston commented that she hoped the plans as proposed including the planned crosswalks would assuage some of the concerns regarding pedestrian movement.

Mayor Howes thanked Mr. Margolin and all the Kings Mill Road residents for their patience, concerns and contributions in designing this road.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT 88-7-5/R-1 WITH THE AMENDMENT SUGGESTED BY THE MANAGER RELATING TO PEDESTRIAN ACCESS. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AFFIRMING ENDORSEMENT OF THE 24' WIDE LANDSCAPED MEDIAN AS PART OF THE U.S. 15-501/N.C. 54 BYPASS IMPROVEMENT PROJECT; AND REAFFIRMING THE TOWN'S REQUEST FOR SCREENING AND BUFFER LANDSCAPING ALONG THE PROJECT CLEARING LIMITS (88-7-5/R-1)

WHEREAS, NCDOT has completed preliminary design work on the U.S. 15-501/N.C. 54 Bypass Project; and

WHEREAS, NCDOT has reviewed and considered alternative and variable median widths in order to minimize project impacts on adjacent properties; and

WHEREAS, NCDOT has set field stakes at several locations along the project which show the difference in clearing limits between the proposed 24' center median and a median which varies from 24' to 16' in width; and

WHEREAS, said clearing limit stakes have been reviewed by Town staff and concerned residents in the vicinity of the project who have concluded that the difference in clearing necessary as a result of the two median alternatives is not significant;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill expresses its appreciation to the Kings Mill/Morgan Creek Homeowners' Association, individual citizens, and NCDOT for their cooperation and assistance in identifying and addressing the impacts of the U.S. 15-501/N.C. 54 Improvement Project on adjacent properties; and

BE IT FURTHER RESOLVED that the Council endorses the U.S. 15-501/N.C. 54 Project Design calling for a uniform, raised, 24 foot wide landscaped median with appropriate left-turn storage; and

BE IT FURTHER RESOLVED that the Council reaffirms its earlier request that the project include landscaping of the median in addition to perimeter landscaping along the clearing limits which would function as a vegetative screen and buffer for the visual and noise impacts of this project; and

BE IT FURTHER RESOLVED that the Council reaffirms its concern that safe pedestrian access be included in the design of Fordham Boulevard, including such pedestrian amenities as paved walkways across the medians, benches, and plantings where signalized pedestrian crossings are anticipated; and

BE IT FURTHER RESOLVED that the Council requests that NCDOT consult and work with the N.C. Botanical Garden in selecting plant species, sources, and planting methods during development of the landscaping plans for this project; and

BE IT FURTHER RESOLVED that the Council requests that care be taken to preserve existing trees and vegetation on or immediately adjacent to the clearing limit lines the extent possible; and

BE IT FURTHER RESOLVED that the Council requests that landscaping plans for both the median and clearing limits be included in project plans submitted for Town consideration as the final plans are developed.

This is the 5th day of July, 1988.

Basnight Lane Subdivision

Dave Roesler, Planning Development Coordinator, said the application was for a cluster subdivision of a two acre parcel into 12 lots. He said the site currently existed of one lot with 7 single family houses. He stated that under the cluster provisions, six of the seven houses would meet the minimum setback requirements. Mr. Roesler said that the public road right-of-way easement along lot #12 was 25', with a 5' utility and maintenance easement instead of 30' in order to allow the existing structure to conform to the minimum setback requirements. He also stated that the amount of recreation are required for this development was 14,810 square feet and that the applicant proposed (at the Parks and Recreation Commission's request) to purchase land adjacent to an existing Town park. Mr. Roesler stated that no no underground stormwater sewers existed in this area and that as such the staff recommended the streets be paved without curb and gutter in order to allow the stormwater runoff to dissipate away from the roadway. He also said

that the residents in the area had complained of problems of people crossing their property to travel from the University to several parking lots near West Franklin Street. He said the Planning Board had recommended and the staff concurred that the proposed T-turn-around be shortened to the minimum Town standards to eliminate parking at the end of Basnight Lane and that a permanent vegetative buffer be placed within the right-of-way along the north property.

Council Member Preston expressed concern that the vegetative buffer would cut off pedestrian flow along the streets.

Council Member Andresen commented that she had visited the site and felt the buffer would be beneficial in that it would screen the adjacent commercial area from the neighborhood.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 88-7-5/R-2A. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Godschalk thanked the staff and Planning Board for working with the applicant in order to work through the unique issues related to this subdivision.

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR BASNIGHT LANE CLUSTER SUBDIVISION (88-7-5/R-2a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Basnight Lane Cluster Subdivision proposed by David Kale and the Basnight Court Unit Ownership Association, identified as Chapel Hill Township Tax Map 86, Block A, Lot 1, and Tax Map 92, Block G, Lot 11, if developed according to the preliminary plat dated May 4, 1988 (May 10, 1988 revised), would comply with the following cluster development requirements from Subsection 17.8.2 of the Development Ordinance:

1. The tract proposed for cluster development is at least two (2) acres in size;
2. Public, separate, water supply and sewerage connections are available for every subdivided lot;
3. The total number of lots proposed, excluding parcels of reserved recreation area, is not greater than the number determined by dividing the total gross land area by the minimum gross land area established in Section 13.11 for the Residential-3 zoning district;

4. The recreation area reserved within the tract conforms to the recreation area standards of Section 17.9 of the Development Ordinance; and
5. The land reserved as recreation area exceeds the minimum recreation area reservation identified in Subsection 17.8.2 of the Development Ordinance;

These findings are conditioned on the following:

1. That the following improvements be made to Basnight Lane: (a) improved to a paved 20-foot wide roadway without curb and gutter for the entire length of Basnight Lane with a T-turnaround; (b) that a permanent vegetative type barricade that cannot be traversed by vehicles or pedestrians, be placed at the termination of Basnight Lane; (c) that a landscape planting plan be approved by the Town Manager, and plants installed prior to issuance of a Certificate of Occupancy; and (d) that the length of the north leg of the T-turnaround should be the minimum necessary to meet Town standards.
2. That a 30 foot right-of-way be dedicated for Basnight Lane except for the portion of Basnight Lane adjacent to Lot 12 where the right-of-way width may be reduced to 25 feet with a 5 foot drainage and maintenance easement on Lot 12.
3. That the driveway turn outs be paved to the Basnight Lane right-of-way line, and so indicated on the final plans to be approved prior to issuance of a Zoning Compliance Permit.
4. That the final plat include a type "C" alternate buffer easement along the Cameron Avenue right-of-way and that the Appearance Commission approve an alternative buffer plan prior to issuance of a Zoning Compliance Permit.
5. That the required recreation area of comparably valued land of at least 14,810 square feet (per Section 17.9.7 of the Development Ordinance), at a location approved by the Town Manager, be dedicated and deeded to the Town of Chapel Hill and recorded prior to application for final plat; or, that the amount of the proposed payment-in-lieu of providing recreation area shall be approved by the Town Manager, based on the total land area of the subdivision, and the payment be accepted by the Town Manager prior to application for final plat approval.
6. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.

7. That a fire flow report prepared by a P.E., showing that flows meet the minimum requirements of the Design Manual be approved prior to issuance of a Zoning Compliance Permit.
8. That final street plans, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculation), and buffer planting and maintenance plan be approved by the Town Manager before issuance of a Zoning Compliance Permit or application for final plat approval, and that such plans conform to the plans approved as part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
9. That sight triangle easements be provided on the final plat.
10. That the developers shall be responsible for placement and maintenance of temporary regulatory traffic signs before issuance of any Certificate of Occupancy until such time that the street system is accepted for maintenance by the Town.
11. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
12. That the final utility plans, including a street lighting plan, be approved by the Town Manager, OWASA, Duke Power, Southern Bell, Public Service Company, and Carolina Cable before issuance of a Zoning Compliance Permit.
13. That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
14. That a tree protection plan be approved by the Town Manager and tree protection fences be installed to protect significant existing trees and their root systems, before issuance of a Zoning Compliance Permit.
15. That before paving streets, utility service laterals be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
16. That no Certificates of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.
17. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
18. That if any of the above conditions is held invalid, this approval shall be void.

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

This the 5th day of July, 1988.

Bolin Creek Center - Request for Partial Revocation of Special Use Permit

Dave Roesler, Planning Development Coordinator, said the request was for partial revocation of the Special Use Permit. He said the property covered by the Special Use Permit consisted of two lots, one on the east side of Airport Road and one on the west side of Airport Road. He also stated that the two lots were owned by different entities. Mr. Roesler stated that the request for partial revocation was by the owners of the development on the east side of Airport Road, Bolin Creek Center. He said that the current Special Use Permit (SUP) and modification called for the location of the parking spaces on the west side of Airport Road to be used to meet the parking requirements on the east side of Airport Road. He stated that 30 parking spaces were to be located in the west lot for the east development and that there was to be access to the lot via a pedestrian tunnel underneath Airport Road. Mr. Roesler said that the tunnel had not been opened or connected to allow for good, safe, pedestrian access, and that as such the development was in violation of the SUP. He stated that the staff felt that the Council could legally revoke that portion of the SUP covering the east side of the development. He said this would mean the east side development would be able to continue operate but any changes in the site would require the applicant to apply to the Town for the appropriate permits.

Council Member Andresen asked what would happen if the Council did not revoke the SUP. Mr. Roesler said the SUP would remain in effect for both developments.

Council Member Herzenberg asked why the tunnel had not been completed and opened.

Garrett Walker, an attorney representing First Home Federal, the applicant, said that when the applicant had taken possession of the property, the tunnel had not been opened and that they felt that it would be too expensive to do so at this time and that it would be a safety hazard. He said the partial revocation and subsequent site plan approval would allow for additional parking on the east side.

Council Member Godschalk asked if the applicant would continue to use the parking on the west side if the revocation and site plan were approved. Mr. Walker replied no.

Council Member Pasquini commented that when the proposal had originally been before the Council, there had been Council concern about the tunnel but that the applicant had been persuasive. He also questioned why the tunnel was not being used and why the site had been given a Certificate of Occupancy if the tunnel had never been opened.

Mary Alice Danziger, representing the Danziger family who were involved in litigation against the applicant, requested that the Council defer action on this request until the litigation had been resolved. She indicated that part of the litigation questioned the applicant's right to use the parking spaces on the west side.

Council Member Wilkerson asked when the litigation would be heard before the courts. Ms. Danziger replied that it was pending.

Mr. Walker responded that at the last appearance before the court, the applicant had asked for a continuance until after July because the situation might be resolved by the action of the Council.

Attorney Karpinos stated that he had been in attendance when the request for continuance had been granted and that the counsel for the Danziger's had not stated any reason why the continuance should not be granted. He said he felt the Council should not view the matter in relation to the financial/ownership question but rather as a land use. He said the request before the Council was for partial revocation of the Special Use Permit and subsequent request for site plan approval and that the Council should base its decision on these issues.

Council Member Godschalk said he felt the partial revocation might be an appropriate way to fix a Special Use Permit which was not working, however if the Council voted to approve the revocation then it would have to approve a project that did not meet the Town's standards.

Council Member Preston said that she was confused about the entire complex issue and that it might be better to defer action at this time.

Council Member Wilkerson said he also did not understand why the tunnel was not operational. He said that if the Council did not revoke the SUP what measures would be taken to ensure that the SUP was in compliance.

Council Member Pasquini said that he felt the land use issues were important in that the proposed site plan would not meet current standards. He asked if consideration had been given to ways to meet the current standards, like payment-in-lieu of parking, redesign of the site, additional land added to the site, etc. He said

that if the proposed site plan met the Town standards then he would be more inclined to grant the partial revocation.

Dana Staats, representing the developer, said that when the SUP had originally been approved the floor area requirements had been greater and that in order to meet the current standards in relation to the amount of floor area, drastic changes would have to be made to the site.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE MANAGER FOR FURTHER STUDY ON THE LAND USE ISSUES. THE MOTION PASSED UNANIMOUSLY, (7-0).

Town Hall Expansion Design

Council Member Preston, speaking as Chairman of the Town Hall Expansion Committee, reviewed the goals set forth by the Committee, its progress to date, and then enthusiastically recommended the model and design for approval. She said the proposal would direct the architects to proceed with working drawings and a bid package based on the model and drawings before the Council that evening. She presented Mr. Dan Huffman of Hager, Smith and Huffman, who described the expansion design.

Council Member Pasquini said he was not sold on the idea of a clock tower.

Council Member Godschalk said he had some concerns about the entrance design and also about the clock tower. He said he understood the need for a vertical focus but that he was not sure a clock tower was the best answer.

Council Member Andresen said she liked the clock tower but that she also felt the entrance was too busy. She expressed concern that the expansion was not as "sculptural" as the current building and presented a more industrial image.

Mayor Howes said he agreed with the concerns about the industrial image but felt that it would be mitigated by the natural buffer. He stated that he felt the clock tower, which would be lighted and would be visible from Franklin and Columbia Street intersection would help identify the Town Hall.

Council Member Preston pointed out that the design included an alternate plan for the window treatment on the second and third floors of the west facade. She said the alternate design had the smaller windows on the third floor.

Council Member Andresen commented that she preferred the alternate design.

Council Member Pasquini said he was glad to see an estimated budget and that it was only a little over the budgeted funds at this point but that he felt the project should be kept under budget.

Council Member Herzenberg said he liked the design and pointed out that the current facility did not have an identity. He stated that the clock tower and proposed new entrance would make the building distinctive.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-7-5/R-5. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DIRECTING THE DEVELOPMENT OF WORKING DRAWINGS AND BID SPECIFICATIONS FOR THE TOWN HALL EXPANSION (88-7-5/R-5)

WHEREAS, the Town Hall Expansion Committee has been working with the firm of Hager Smith and Huffman to complete design drawings of the Town Hall Expansion; and

WHEREAS, the public has been invited to comment on the design at numerous occasions over the past 6 months; and

WHEREAS, the Town Council granted Site Plan Approval for this project on June 27; and

WHEREAS, the present cost estimates of the architects are very close to available resources;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the firm of Hager Smith and Huffman to complete working drawings and a bid package based on the model and drawing presented to the Council on July 5.

BE IT FURTHER RESOLVED that, should the bids received exceed available resources, the Manager is directed to present alternatives for Council consideration.

This the 5th day of July, 1988.

Homeownership Opportunity

Sonna Loewenthal, Assistant Town Manager, gave a summary of the Capricorn/Isler proposal to add 7 lots to the Tandler program. She said the proposal was different from the current program in that a private party would hold the second lien of \$11,500 for only ten years and the Town would hold a third lien and that the buyers incomes could be 80% to 100% of the median. She said the staff recommended that the proposed program not include Town subsidies because 1) the Town was not ready for a major expenditure from the limited resources available for housing before the Town finished its comprehensive review of opportunities for expanding the low-

cost rental and ownership housing markets in Chapel Hill; 2) the Town had not proceeded far enough with the Tandler program to be able to evaluate whether or not the concept should be duplicated; 3) the short term second lien to be held by a private party could cause significant problems for buyers when it became due; and 4) the program could serve moderate income families without Town subsidies. She said the staff recommended that the Council direct the Manager to mail information about the housing and financing opportunities available from Capricorn/Isler to people who had applied for the Tandler program but whose incomes were above the Town's limit.

Council Members Andresen and Pasquini commended the staff for the report.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 88-7-5/R-6A. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO INFORM TANDLER APPLICANTS OF HOUSING AND FINANCING OPPORTUNITIES (88-7-5/R-6a)

WHEREAS, Capricorn/Isler and Associates, Inc. have offered to provide housing in the Abbott's Colony subdivision affordable to households making between 80% and 100% of the area median income; and

WHEREAS, Capricorn/Isler and Associates, Inc. have also offered to make second mortgages available to buyers of those homes; and

WHEREAS, the Council of the Town of Chapel Hill is most interested in broadening the range of homeownership opportunities available in Chapel Hill for households making less than the median income; and

WHEREAS, the Tandler Homeownership Program can accept only those households with incomes no more than 80% of the area median income;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to inform those applicants to the Tandler program whose incomes were too high to qualify for that program, about the homeownership opportunities described by Capricorn/Isler and Associates, Inc. in their letters of April 22 and June 20.

This the 5th day of July, 1988.

Tandler I Subdivision - Revision to Preliminary Plat

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-7-5/R-7A. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR REVISED PRELIMINARY PLAT APPROVAL FOR TANDLER CLUSTER SUBDIVISION (SD-91-G-4) (88-7-5/R-7a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the revised Tandler Subdivision proposed by the Town of Chapel Hill and Capricorn/Isler Associates, Inc. identified as Chapel Hill Township Tax Map 91, Lots 4, 5, 8, 9, 20-22, if developed according to the preliminary plat dated June 6, 1987, amended with the site grading and utility plan dated August, 1987 (June 14, 1988 revision), would comply with the following cluster development requirements from Subsection 17.8.2 of the Development Ordinance:

1. The tract proposed for cluster development is at least two (2) acres in size;
2. Public, separate, water supply and sewerage connections are available for every subdivided lot;
3. The total number of lots proposed, excluding parcels of reserved recreation area, is not greater than the number determined by dividing the total gross land area by the minimum gross land area established in Section 13.11 for the Residential-2 zoning district;
4. The recreation area reserved within the tract conforms to the recreation area standards of Section 17.9 of the Development Ordinance; and
5. The land reserved as recreation area exceeds the minimum recreation area reservation identified in Subsection 17.8.2 of the Development Ordinance.

These findings are conditioned on the following:

1. That the following improvements be made to Old Merritt Mill Road:
 - (a) That a minimum of a 30-foot right-of-way be provided;
 - (b) That a minimum roadway width of 20 feet, without curb and gutter, be provided; and
 - (c) That a "T" turnaround be provided at the end of Old Merritt Mill Road.

2. That the final plat indicate a type "D" buffer along the site's frontage with Merritt Mill Road, and that a Planting Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That an erosion control permit be obtained from the County Erosion Control Officer prior to issuance of a Zoning Compliance Permit.
5. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, and Carolina Cable before issuance of a Zoning Compliance permit or final plat approval; and, that OWASA approval be obtained prior to application for final plat or final plan approval.
6. That the recreation area be deeded to the Town of Chapel Hill.
7. That final street plans, grading plan, utility/lighting plan, stormwater management plan (with hydrologic calculations), and buffer planting and maintenance plan be approved by the Town Manager before issuance of a Zoning Compliance permit or application for final plat approval, and that such plans conform to the plans approved as part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
8. That the final plat contain a "no access" easement along Merritt Mill Road which prohibits access to Merritt Mill Road for lots abutting Merritt Mill Road.
9. That before paving streets, utility service laterals be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
10. That sewer service laterals be stubbed out to the front property line of Lots 1-5 to allow for future connection to a gravity sewer line.
11. That sight triangle easements be provided on the final plat.
12. That the developer shall be responsible for placement and maintenance of temporary regulatory traffic signs upon issuance of any Certificate of Occupancy, until such time that the street system(s) are accepted for maintenance by the Town.

13. That the names of the development, its streets, and building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
14. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
15. That if any of the above conditions is held invalid, this approval shall be void.

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

This the 5th day of July, 1988.

Rosemary Square Monthly Report

Manager Taylor said the securities documents (prospectus) were in the process of being printed and that final design plans were moving along. He said the staff was preparing for a November 30 closing and that this meant there would be a steady flow of items before the Council for consideration beginning in August.

Tandler Homeownership Program Monthly Report

Manager Taylor said that there had been 2 additional closings since the last report. He stated that the weather was helping construction.

Council Member Pasquini said that ten units had not been sold and that the developer was requesting an increase in the price. He asked why the increase was requested. Manager Taylor replied that the increase was based on an increase in the costs of materials.

Marshall Isler, representing Capricorn/Isler Associates, Inc., said that Phase I was complete and that the construction contracts were soon to expire and that new contracts would have to be negotiated. He said the new contracts involved a 3.4% to 3.7% increase.

Mayor Howes commented that with the market as slow as it was, it might make more sense to reduce the cost of the homes.

Mr. Isler replied that the developer of the project did not view the market as slow. He said he felt sufficient prospects were available to purchase the homes.

Marilyn Lane Paving - Resolution of Intent

Manager Taylor requested that this item be deferred. He stated that the request for paving had been by petition and that today staff was notified by one of the original petitioners that they were in the process of selling their home. Mr. Taylor said that before proceeding further with this project the Town needed to have the new owner sign the petition.

Mayor Howes stated that he felt it was a shame that this project had to be delayed in this manner.

Fire/Police Roster

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION, 88-7-5/R-9. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING CERTIFICATION OF FIREFIGHTERS (88-7-5/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor is hereby authorized to certify to the North Carolina Firefighters' Pension Fund the attached roster of Firefighters and Public Safety Officers employed by the Town of Chapel Hill on June 30, 1988.

This the 5th day of July, 1988.

Board/Commission

Recommendations to Orange County

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO RECOMMEND BAGLEY, WHITE AND YANG TO THE BOARD OF ADJUSTMENT AND RANEY AND WITT TO THE PLANNING BOARD. THE MOTION PASSED UNANIMOUSLY, (7-0).

Amendment to the Procedures Manual - Applications for OWASA

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-7-5/R-10. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL REGARDING APPOINTMENTS TO THE ORANGE WATER AND SEWER AUTHORITY (88-7-5/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Council Procedures Manual is hereby amended as follows:

Section II(E), paragraph 1, "Nominations and Appointment Process (Resolution 85-R-29)", is hereby amended by changing the period at the end of the last sentence of the fourth paragraph to a semicolon and adding the following: "provided further that the requirements of this paragraph regarding applications being filed and distributed shall not apply to the Council's nominations and appointments to the Orange Water and Sewer Authority."

BE IT FURTHER RESOLVED that this resolution shall be effective upon adoption.

This the 5th day of July, 1988.

Board Nominations and Appointments

Council Member Herzenberg nominated all applicants on file.

Board of Adjustment

For three regular seats the following vote was taken.

Gay Eddy	(7):	Andresen, Godschalk, Herzenberg, Howes, Pasquini, Preston, Wilkerson
Ann Glassman	(5):	Andresen, Herzenberg, Howes, Pasquini, Preston
Conrad Noel	(2):	Godschalk, Howes
Betty Sanders	(6):	Andresen, Godschalk, Herzenberg, Pasquini, Preston, Wilkerson
Laura Steinberg	(0)	
Carole Wadlin	(0)	
Elizabeth Williams	(1):	Wilkerson

Gay Eddy, Ann Glassman, and Betty Sanders were appointed as regular members.

For one alternate seat the following vote was taken.

Conrad Noel	(6):	Andresen, Godschalk, Herzenberg, Howes, Pasquini, Wilkerson
Laura Steinberg	(0)	
Carole Wadlin	(0)	
Elizabeth Williams	(1):	Preston

Conrad Noel was appointed as an alternate member.

Community Appearance Commission

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO APPOINT ROY LINDAHL BY ACCLAMATION AND TO DEFER ACTION ON THE REMAINING VACANCIES. THE MOTION PASSED UNANIMOUSLY, (7-0).

Roy Lindahl was appointed.

Greenways Commission

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO APPOINT KATHRYN HARRIS, ELIZABETH MYERS AND PHILIP SLOANE BY ACCLAMATION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Historic Distric Commission

The Council deferred action.

Housing Advisory Board

The Council deferred action.

Human Services Advisory Board

For one seat the following vote was taken.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO APPOINT LYMAN FORD BY ACCLAMATION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Library Board of Trustees

For one seat the following vote was taken.

Lucia Anderson (0)
June Dunnick (0)
Jane Joyner (6): Andresen, Herzenberg, Howes, Pasquini
Preston, Wilkerson
Eric Leifer (0)
Barbara Rogers (0)
Nina Wallace (1): Godschalk
Virginia Young (0)

Jane Joyner was appointed.

Orange Water and Sewer Authority

For one seat the following vote was taken.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO APPOINT COUNCIL MEMBER PASQUINI BY ACCLAMATION. THE MOTION PASSED UNANIMOUSLY.

Parks and Recreation Commission

For four seats the following vote was taken.

Allan Anderson	(0)	
Joel Bulkley	(6):	Andresen, Godschalk, Herzenberg, Howes, Pasquini, Preston
Paul Mihos	(0)	
Charles Nottingham	(6):	Andresen, Godschalk, Howes, Pasquini, Preston, Wilkerson
Prince Taylor	(7):	Andresen, Godschalk, Herzenberg, Howes, Pasquini, Preston, Wilkerson
James Ward	(6):	Andresen, Godschalk, Howes, Pasquini, Preston, Wilkerson
David Yawars	(1):	Wilkerson

Joel Bulkley, Charles Nottingham, Prince Taylor, and James Ward were appointed.

Personnel Appeals Committee

The Council deferred action.

Planning Board

For one seat the following vote was taken.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO APPOINT ALAN RIMER BY ACCLAMATION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Transportation Board

The Council deferred action.

Executive Session

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND INTEREST IN REAL PROPERTY. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned to executive session at 10:15 p.m.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 10:25 p.m.