

MINUTES OF A PUBLIC HEARING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, SEPTEMBER 19, 1988, 7:30 P.M.

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

- Julie Andresen
- David Godschalk
- Joseph Herzenberg
- David Pasquini
- Nancy Preston
- James C. Wallace
- Arthur Werner
- Roosevelt Wilkerson, Jr.

Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ronald Secrist, Town Engineer George Small and Town Attorney Ralph Karpinos.

Mayor Howes noted that the cablecasting crew was experiencing technical difficulties and the meeting would start without cable operation. He also noted there had been technical problems with the previous Council cablecast on September 12th. Consequently, the first four to five minutes of the meeting were unavailable for telecast.

Mayor Howes related to the audience that the Council would be considering two items at this evening's meeting, both concerning rights-of-way and road closings.

Public Hearing on request to close part of Laurel Hill Road right-of-way (near North Carolina Botanical Garden)

Town Manager Taylor introduced George Small, Town Engineer, to make the staff presentation.

Mr. Small stated that the University is requesting that a portion of Laurel Hill Road be closed as a public street.

Mr. Small indicated that he spoken to representatives of the Botanical Gardens and affected neighborhood groups. Using a map of the area, he cited as neighborhood concerns:

- (1) If Laurel Hill Road were closed, there would be more Botanical Garden traffic through the King's Mill area.
- (2) The existing steep grade on Laurel Hill Road could pose a problem in bad weather particularly, if other

"escape routes" are closed.

Mr. Small concluded by noting that the closing of Laurel Hill Road would permit the linkage of the currently disjoint portions of the Botanical Gardens.

Council Member Preston inquired whether Laurel Hill Road is a City maintained road. Mr. Small responded that it is. He further noted that the 15-501 Bypass adjoining the Botanical Garden is a State-maintained road. Council Member Preston asked if Laurel Hill Road would be turned over to the University as a private street. Mr. Small said that this would be the case if the request were granted.

Council Member Andresen asked Mr. Small about the possibility of installing a traffic light at the 15-501 Bypass and Mason Farm Road. Mr. Small said that the ultimate decision for signal installation lies with the State Department of Transportation (D.O.T.). In the past, the Department of Transportation indicated that installation of the signal would be premature since additional roadway construction (bypass widening) is planned in the area. Mayor Howes responded that he was told that the D.O.T. would respond favorably to a request for signalization.

Council Member Preston asked when the Botanical Garden anticipated closing Laurel Hill Road. Mayor Howes said that Mr. White, the Garden's Director would brief the Council on this matter. Council Member Preston asked Mr. Small whether he had spoken to residents of the Highland Woods neighborhood. Mr. Small said that he had not personally spoken to any residents of the Highland Woods neighborhood.

Council Member Werner asked Mr. Small to address the steep hill concerns expressed by neighborhood groups. Mr. Small stated that there were severe grades in the area which make driving in bad weather extremely treacherous. Mr. Small said that correcting these problems would take a great deal of effort.

Dr. Peter White, Director of the Botanical Gardens, explained that the Gardens had several reasons for requesting the closing of Laurel Hill Road. First, he cited the safety of school children. He said that the closing of Laurel Hill Road would remove a busy road from the garden. Second, he noted that the development of the garden would be aided by uniting the garden, thus preserving the garden's character. Next, Mr. White cited anticipated improvements to the Manning Drive intersection. Dr. White added that the closing of Laurel Hill Road would result in the reduction of non-neighborhood traffic, making the area of the Botanical Garden a quieter and safer place. Finally, Dr. White stated that the road closing would create an opportunity for the preservation of trees and the installation of additional

landscaping. He said the Garden favored the installation of a traffi signal at Mason Farm Road.

Dr. White concluded by saying that the Kings Mill neighborhood was in favor of the Botanical Garden's request for street closure. He added that the garden planned to post a "not a through street" sign on Laurel Hill Road.

Council Member Preston asked whether sound barriers were contemplated along the boundaries of the Botanical Gardens. Dr. White responded that the State proposed to build a wall (sound barrier) around the garden's frontage as a part of the bypass widening project.

Town Manager Taylor stated that he recommended the closing of Laurel Hill Road.

Mr. Anders Lunde, a resident of Sourwood Drive, said he supports the garden's request to "control" Laurel Hill Road. He noted that the garden has a fine national and international reputation. He added that the consolidation of the garden property is important for the protection of citizen interests. Mr. Lundy expressed grave concern about individuals abusing the Botanical Garden property by making short cuts through the Garden's parking lot. He suggested that changing driver's habits, by the closing of Laurel Hill Road, would pose a minor inconvenience.

Mr. Gordon Mitchell, a resident of Dogwood Drive, said that he had three children at Glenwood Elementary School. He urged the Council to build bikeways in the Botanical Garden neighborhood. Mr. Mitchell noted that 200' of right-of-way was available along the 15-501 Bypass. He concluded by asking the Council to keep Laurel Hill Road open.

Mr. Moyer Smith, a resident of the Kings Mill neighborhood and a member of the Garden Foundation. He stated that there were at least two alternatives to closing Laurel Hill Road, these being: making the lower part of Laurel Hill a one-way street or by adding speed bumps to the road. He stated that his major concern was the safety of neighborhood people. Mr. Smith feels that the road is banked the wrong way, making turns dangerous, even in dry weather. He urged the Council not to make any decision concerning the road closing until the Town Engineer can thoroughly evaluate the situation.

Ms. Rose McAllister, a resident of Davie Circle, has been a volunteer at the Botanical Gardens for fifteen years. Ms. McAllister said that getting children (approximately 4,000 per year) across Laurel Hill Road is dangerous. Ms. McAllister said that the Town is growing rapidly and urged the Council to close Laurel Hill Road in order to bring the garden altogether.

Mr. Roy Mitchell, a resident of Sourwood Circle, requested the installation of a crossover and turn lane at Laurel Hill Road and 15-501 Bypass. He said that Laurel Hill Road is a time-saving, stress-reducing convenience for neighborhood residents. In opposing the closing of Laurel Hill Road, Mr. Mitchell said that such an action would result in a substantial increase of traffic on other area streets. Mr. Mitchell proposed the installation of speed bumps or greater traffic patrol along Laurel Hill Road. In concluding, Mr. Mitchell asked that the Council decide not to close Laurel Hill Road until improvements to the 15-501 Bypass are completed. He said if the road were closed, emergency service vehicles would experience increased response times to the neighborhoods.

Ms. Kathy Schweitzer, 1124 Sourwood Drive, stated that the Botanical Gardens are a major asset to her neighborhood. Ms. Schweitzer said that she opposed the closing of Laurel Hill Road. She encouraged the Council to make improvements in the left turn situation at the intersection of Laurel Hill Road and Coker Lane. Ms. Schweitzer advocated the use of speed bumps on Laurel Hill Road.

Ms. Betty Lou Chenka appeared, expressing concern about the safety of school children in the Botanical Garden area.

Mr. George Wheless, a resident of Coker Lane, asked the Council to consider the possibility of building a walkway over Laurel Hill Road or the construction of a tunnelway underneath the roadway, rather than closing it. This would correct the pedestrian safety problem that has been raised.

Mr. Haven Wiley stressed the importance of the Botanical Garden in the area's quality of life. He stated that all the citizen's points concerning traffic were well taken. He concluded by saying that the Botanical Garden is an area of tranquility and peacefulness.

Ms. Phyllis Barrett, a resident of Laurel Hill Road, noted that the original developer of the Botanical Garden had the opportunity to construct the Gardens on the right hand side of the road, but elected not to do so. Ms. Barrett proposed that the Gardens be relocated as a part of the Botanical Garden Master Plan. She opposed the closing of the road.

Council Member Preston asked Ms. Barrett when she moved onto Laurel Hill Road. In addition, she inquired about the number of homes on Kings Mill Road. Ms. Barrett stated that she had moved onto Laurel Hill Road in 1952, the first resident to do so. She clarified the layout of the road and the number of driveways.

Council Member Herzenberg asked what method was used to temporarily close roads in the Botanical Gardens. Ms. Barrett said that sawhorses with signs attached were placed in the roadway by University officials.

Dr. Judson Van White, a resident of the Highland Woods neighborhood, expressed concern about the turning situation at the intersection of Mason Farm Road and 15-501 Bypass. He said that traffic on the Bypass is unremitting, making it virtually impossible to make a safe left or right turn from Mason Farm Road. Dr. Van White pointed out the high-use facilities in the area including the university intramural fields, St. Thomas More School, and Finley Golf Course. Dr. Van White said that he was seeking relief now, given the need to cut through the Botanical Garden parking lot in order to exit the neighborhood safely. He concluded by saying that if Laurel Hill Road were closed, traffic in the neighborhood would increase considerably.

Mr. Jerry Fernall, Transportation Chairman of the Ronald McDonald House, told the Council that he would cast a strong vote for the installation of a traffic light at Mason Farm Road and 15-501 Bypass. Mr. Fernall said that this was the only workable solution to the problem at hand.

Mr. John Schwab stated that he supports the request of the Botanical Garden to close Laurel Hill Road, adding that a traffic signal at Mason Farm Road is needed immediately.

Ms. Barbara Palmer, House Manager of Ronald McDonald House, told the Council that her facility serves as home for up to twenty visiting families per day. Ms. Palmer echoed Dr. Van White's observation concerning the difficulty of left turns from Mason Farm Road onto the 15-501 Bypass.

Council Member Werner asked Mr. Small whether the grade concerns on Laurel Hill Road could be addressed. Mr. Small stated that a superelevation of the street base would help to an extent, but a steep hill would still exist on Laurel Hill. Council Member Werner asked whether the installation of bike lanes on Laurel Hill Road were viable. Mr. Small stated that lanes could be constructed in the right-of-way leading up to the Botanical Gardens. Council Member Werner asked Mr. Small about the possibility of installing a traffic light at Mason Farm Road and 15-501 Bypass. Mr. Small said that the Town could ask the State D.O.T. to examine it. Council Member Werner asked Mr. Small what alternatives there were to closing a portion of Laurel Hill Road. Mr. Small ruled out the installation of speed bumps as impractical and unworkable. Mr. Small cited intense police patrols as the most viable alternative to the closing of a portion of Laurel Hill Road.

Council Member Godschalk inquired whether or not there would be a greater need for traffic light installation if the main entrance for the Botanical Garden were located off Mason Farm Road. Mr. Small responded that such an entrance location would increase the likelihood of the need for signal installation.

Council Member Wallace said that he sees the need for a traffic light at Mason Farm Road and 15/501 Bypass. Council Member Wallace added that he doubts superelevation of Laurel Hill Road would resolve the concerns of neighborhood residents. Council Member Wallace added that he sees no alternative to the signalization of Mason Farm Road and 15/501 Bypass.

Council Member Andresen asked Mr. Small whether it would be helpful to make a case for the installation of the traffic light to the Department of Transportation prior to Council action on the closing of Laurel Hill Road. Mr. Small said that since closure of the road is not an immediate need of the Botanical Garden, he would contact the Department of Transportation for feedback on traffic light installation.

Council Member Herzenberg inquired how many individuals had attended the neighborhood meeting concerning the plans of the Botanical Garden. He was informed that approximately twenty-five persons were in attendance.

Council Member Wallace noted that there had been no call for an Environmental Impact Statement (EIS) on the 15-501 Bypass widening project to date. Council Member Wallace cautioned the Council that negotiating for traffic light installation with the Department of Transportation can be a very delicate issue.

Council Member Preston asked whether there were other solutions to the problems presented the Council this evening. Mr. Small stated that there are severe grade problems with Laurel Hill Road, which would exist to some extent after superelevation of the roadway surface. Mr. Small stated that the installation of a traffic light at Mason Farm Road and 15-501 Bypass would be the better solution.

Council Member Preston noted that having Mason Farm Road as the main entrance for the Botanical Garden would have a major impact on the entire neighboring area.

Council Member Godschalk noted that during a visit to the People's Republic of China, he had received very positive response to the international reputation of the North Carolina Botanical Gardens.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO REFER THE REQUEST FOR CLOSING PART OF LAUREL HILL

ROAD RIGHT-OF-WAY TO THE TOWN MANAGER. THE MOTION PASSED UNANIMOUSLY (9-0).

Mayor Howes noted that additional time was needed on this item in order to fully involve neighborhood residents and groups. Town Manager Taylor agreed that more time was necessary to resolve all the issues pending.

Council Member Wallace noted that he thinks the existing wastewater treatment plant at the foot of Laurel Hill will not be there in ten to fifteen years, opening the possibility of a new entrance for the Botanical Garden.

Public Hearing on Request to close part of Right-of-Way at Dogwood-Woodland Intersection

Town Manager Taylor introduced Town Engineer George Small to make the staff presentation.

Mr. Small stated that this right-of-way closing request was initiated by a citizen, Ms. Anne Adams. Ms. Adams wants to make renovations to her house (a deck) but can not meet setback requirements due to right-of-way constraints. Mr. Small noted that Duke Power had been contacted about this request and would like to maintain a utility easement within the right-of-way. Mr. Small concluded by noting that closure of the right-of-way would permit the addition to Ms. Adams' house. Town Manager Taylor recommends closing of the right-of-way.

Council Member Godschalk asked Mr. Small whether the staff was unable to locate the owner of a triangular lot shown on an attached agenda exhibit. Mr. Small said that the Town owned the lot in question.

Ms. Adams, the petitioner for right-of-way closing, stated that if the right-of-way in question were used, a traffic triangle would be created. Ms. Adams said that she wishes to add a deck to back of her house. This action would exceed the setback requirements due to the need for right-of-way.

For Ms. Adams' clarification purposes, Mr. Small told Ms. Adams that she would be unable to build over the utility easement.

Council Member Godschalk added that the Orange Water and Sewer Authority also had easement rights within the right-of-way, thus maintaining the right to mow grass and other items in the area.

Mayor Howes asked whether Duke Power uses its easement in the area. Ms. Adams responded affirmatively.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE CLOSING OF PART OF RIGHT-OF-WAY AT DOGWOOD-WOODLAND INTERSECTION TO THE TOWN MANAGER. THE MOTION PASSED UNANIMOUSLY (9-0).

Council Discussion--Chatham County Cooperative Planning Negotiations

Council Member Andresen reported to the Council on recent meetings between Chatham County officials, Orange County, Carrboro and Chapel Hill officials including Council Member Wilkerson and herself. Council Member Andresen stated that the joint planning group had proposed agreements concerning thoroughfare planning, joint land-use planning, and water and sewer service. She added that the Town of Chapel Hill and Town of Carrboro are seeking to allay the fears of Chatham County by agreeing not to annex into Chatham's jurisdiction for the next six months to one year. Chatham County desires a ten year moratorium on annexation but may compromise to a two year timeframe. The Town of Chapel Hill and Town of Carrboro would like to establish a reciprocal agreement with Chatham County, prohibiting the construction of large developments in the area. Council Member Andresen concluded her remarks by noting that there had been no consensus on the agreement's final points. Ms. Andresen asked for guidance from the Council since the group was scheduled to meet again on September 21st.

Council Member Preston asked Council Member Andresen for further information concerning the prohibition of large developments in Chatham County. Council Member Andresen stated that negotiations bogged down on where major development would not occur in Chatham County. A problem arose delineating between rural and urban areas.

Council Member Andresen added that Alderman Bryan of the Town of Carrboro had proposed a compromise agreement having a duration of one year plus an additional one year if things were proceeding satisfactorily.

Council Member Godschalk asked whether the Chatham County delegation has a clear understanding of the existing transition area between urban and rural classifications.

Council Member Andresen said that the delegation did have a clear understanding. She added that a rural buffer area, in which no major development, will occur has been identified.

Council Member Herzenberg felt that the proposed water agreement ought to be postponed.

Mayor Howes noted that the possibility of scheduling a Special Meeting of the Council existed since the deadline for reaching an agreement on this matter is September 30th.

Council Member Andresen stated that Town Attorney Karpinos is examining the language of the agreement as proposed.

Council Member Preston asked the Town Attorney to expound upon the provision which would prohibit annexation for a period of two years. Town Attorney Karpinos stated that the Council could not bind a future Council. A proposed special act pending in the State Legislature may place a twenty year effective period on certain Council actions. Town Attorney Karpinos said that the limit is currently fourteen to fifteen months.

Council Member Andresen said that she would poll individual Council Members by telephone concerning the Chatham County agreement.

COUNCIL MEMBER WERNER MOVED, SECOND BY COUNCIL MEMBER PASQUINI TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PROPERTY, LITIGATION AND PERSONNEL MATTERS. THE MOTION PASSED UNANIMOUSLY (9-0).

The meeting adjourned to Executive Session at 9:30 p.m.

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