

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, OCTOBER 17, 1988, 7:30 P.M.

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

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

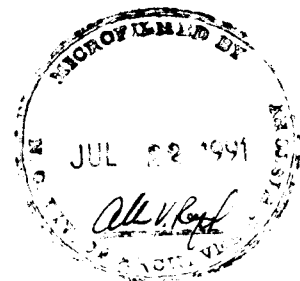
Council Member Wallace was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ronald Secrist, Town Attorney Ralph Karpinos and Planning Director Roger Waldon.

Mayor Howes noted the outstanding achievement of Dr. Gertrude Elion and Dr. George Hitchings, winners of the 1988 Nobel Prize in Medicine. Mayor Howes added that he hoped that more formal recognition of these individuals by the Council would occur in the future.

Skateboard Ramps

Roger Waldon, Planning Director, stated that the Town is seeking to regulate the location and development of skateboard ramps. He noted that the Town Manager and Planning Board had alternate recommendations to the Council concerning skateboard ramps. Mr. Waldon showed a graphic to the Council with three separate drawings. The first group of ramps, those less than four feet high and/or twelve feet in length, are not regulated by the Town. The second grouping, including those between four and ten feet high, and twelve and thirty feet in length, are subject to the Town Code regulations as to number of users and hours of operation. Any ramps greater than ten feet high or thirty feet long are declared public nuisances and are prohibited by Town Code. Mr. Waldon noted that the text amendment before the Council this evening is intended to address the middle category (ramps regulated by the Town Code).

Mr. Waldon stated that the text amendment addresses four key points:



- (1) Definition of a skateboard ramp
- (2) Establishment of amortization schedules
- (3) Visual screening from adjacent properties
- (4) Minimum lot size

He outlined the differences between Options A and B presented to the Council. Mr. Waldon stated that Option A (Manager's recommendation) would allow outdoor ramps as an accessory use. He added that this option stipulates fifty foot setback and visual screening requirements. The minimum lot size in residential areas is five acres. Option B (Planning Board recommendation) is more restrictive, allowing skateboard ramps only on lots where the principal land use is a public use facility. A one hundred foot setback will be required in residential areas, thirty feet in non-residential areas. Lots must be a minimum of five acres.

Council Member Godschalk asked whether a public use facility could exist on private (non-profit) land. Mr. Waldon responded no, stating that public use facilities are those occupied by municipal or other governmental agencies. Council Member Godschalk asked whether the YMCA would be considered a public use facility. Mr. Waldon responded that it is not, rather, the YMCA is considered to be a non-profit recreational facility.

Mr. Waldon noted that the Planning Board recommends Option B by a vote of 6-3. Dissenting Planning Board members were of the opinion that ramps four to ten feet high and twelve to thirty feet in length should not be regulated as a land use by the Town.

Town Manager Taylor stated that he recommends Option A to the Council.

Mike Kelly, a local skateboard enthusiast, stated that many small children would get in trouble if the option of skateboarding was not available. Mr. Kelly stated that he had skateboarded at numerous facilities around the country. He stated that it is common practice for skateboarders to sign "hold harmless" waivers at many public facilities. Mr. Kelly expressed concern about the injury potential of ramps

less than thirty feet in length. He suggested that forty feet is a more realistic dimension. Mr. Kelly stated that the City of Vancouver, British Columbia, Canada has a mini-ramp available to smaller skating enthusiasts.

Council Member Andresen asked Mr. Kelly whether he considered a smaller ramp to be one less than twelve feet long. Mr. Kelly responded that a ramp less than twelve feet would be considered a mini-ramp. He added that many towns provide a big ramp for older participants and a smaller ramp for smaller youths. Mr. Kelly stated that forty feet is the maximum desirable ramp length and sixteen to twenty feet the maximum desirable height. Council Member Andresen stated that the Council is not trying to regulate smaller ramps and they are currently allowed.

Mayor Howes asked whether thirty feet was too short for a skateboard ramp. Mr. Kelly responded yes, adding a description of the skateboard facilities he had visited in Ocean City, Maryland.

Mayor Howes stated that he favored the adoption of Option B, the more restrictive option, as recommended by the Planning Board. Mayor Howes said that he was not making any promises, but asked Mr. Kelly how he would feel about siting a skateboard ramp at a reclaimed landfill site on Eubanks Road sometime in the future. Mr. Kelly stated that he would be deeply appreciative of any assistance the Town would provide to skateboarding enthusiasts. Mayor Howes pledged a commitment to all work together on the issue.

Herman Lloyd asked whether Mr. Kelly was a college student. Mr. Kelly responded that he is not a college student, but a resident of the area, living on Legion Road.

John Riebel, a resident of Oakwood Drive, stated that he lives four blocks from Rogerson Drive. Mr. Riebel said that he wants to locate a good place in Town for skateboarding. Mr. Riebel encouraged Mr. Kelly to speak with Mike Loveman, Parks and Recreation Director, to discuss the formation of an association of skateboarders. Mr. Riebel concluded his remarks by stating that he has tolerated the noise from skateboarders in his neighborhood for the past three years. He asked why a three year amortization period was being recommended.

Brooke Lamb, a resident of Carrboro, told the Council that the platforms where skateboarders stand in preparation for

their rides made Mr. McLean's ramp on Rogerson Drive out of compliance with Town regulations. Mr. Lamb suggested that metal ramps be considered in the future as these will result in less noise, maintenance and no injuries due to splinters. Mr. Lamb concluded by stating his willingness to meet with the Council, Town staff or anyone else to move ahead on developing skateboarding facilities.

Scott McLean told the Council that his skateboard ramp at 45 Rogerson Drive is now in compliance with Town regulations. He told the Council that their message was clear: ramps are not justified in residential areas. He said that difficulties, principally financial, had been encountered in forming a skateboarding association. Mr. McLean added that a preliminary insurance estimate for skateboarding coverage is \$5,000 per year. Mr. McLean stated that monies were also needed to study the matter further as well as to provide facilities within the Town's parks and recreation department. He concluded by urging the Council to pledge monies to skateboarding interests.

Mayor Howes asked whether it would be necessary to carry liability insurance if individual skateboarders sign waivers. Mr. McLean responded that waivers will provide some degree of, but not total, protection. Mr. McLean added that running an association of skateboarders on Town land may prove too difficult.

Council Member Werner asked whether a \$5,000 outlay for insurance coverage would be sufficient if the Town ran the skateboard facility at a Town facility. Mr. McLean responded that the umbrella liability insurance would cover the activity, however the Town would assume the risk of losing insurance if a lot of claims occurred and the Town was proven negligent.

Council Member Werner asked the Town Manager to look at various options to resolve the problems at hand and provide skateboarding facilities in the Town.

Council Member Godschalk asked Mr. McLean whether his ramp is currently in use. Mr. McLean responded that it is not, as he has cut it down to meet Town regulatory requirements. He added that he had hopes of moving the ramp, but it appears easier to build a new one.

Herman Lloyd, a resident of Oakwood Drive, stated that he strongly advocated recreational activities. Mr. Lloyd noted that the ramp on Mr. McLean's property is dangerous with or without platforms. He noted that he has lived with the problems of a skateboard ramp in his neighborhood since 1986. He said he felt the Town should create ramps in parks. Ramps are too noisy and unsightly in neighborhoods.

Mr. Lloyd stated that Town Building Inspection staff had informed him that projects of less than \$5,000 (such as Mr. McLean's skateboard ramp) do not require building permits. Mr. Lloyd read a list from the May 5th edition of the The Chapel Hill Newspaper of residential improvements of less than \$5,000 requiring building permits. Mr. Lloyd added that he had been told that recreation structures do not require permits. He added that swimming pools and tennis courts do, so why not skateboard ramps? Mr. Lloyd also stated that the skateboard site is in the RCD, and should be subject to the provisions of the ordinance.

Mr. Lloyd told the Council that he has spent over \$2,000 to fight the skateboard ramp to date. He added that other Towns have assisted in the provision of skateboard ramp facilities. He stated that the issue before the Council is not a neighborhood issue, but a Town-wide one. Mr. Lloyd concluded his remarks by informing the Council that if the ramp on Rogerson Drive is offered to the Town, Mr. Loveman has said he would recommend against accepting it.

Mike McCarly told the Council that he was a former skateboard rider on Rogerson Drive. He added that there had been no skating at Mr. McLean's ramp in over three months.

Elmer Oettinger, a resident of Oakwood Drive, said that older citizens are not being unreasonable to skateboarders. He said that older persons have children and grandchildren and had fought for recreation facilities in the past. He added that no one is questioning Mr. McLean's motivation. Mr. Oettinger stated that he had four points for the Council to consider:

- (1) The Council should not grandfather a public nuisance, as this could discriminate against one section of Town.

- (2) Mr. McLean has cut down his ramp to be in compliance. If a three year amortization period is granted, there is nothing to prevent operation of the skateboard ramp.
- (3) The skateboard ramp is a visual eyesore. The neighborhood in which the ramp is located has a lot of beauty. Mr. Oettinger asked that the ramp be removed for the sake of the local environment.
- (4) All parties involved want harmony. Mr. Oettinger added that he was counting on the Council's good judgement and integrity in this matter.

Council Member Preston asked why a three year amortization provision existed in the draft ordinance, particularly in light of Mr. Oettinger's comments about not grandfathering a public nuisance. Town Attorney Karpinos stated that three years is a legally defensible period for amortization of facilities such as skateboard ramps. He added that public nuisances should be removed immediately. He stated that Town regulations permit thirty days to bring nuisances into compliance. Mr. McLean has done so, therefore his ramp is no longer a public nuisance, and is now subject to regulation of the Town Code regarding number of riders and hours of use. The ramp is potentially (if ordinance is adopted) a non-conforming land use.

Council Member Preston asked whether it would be possible to shorten the amortization period from three years. Town Attorney Karpinos suggested that since the purpose is to regulate land use, he would recommend against shortening the amortization period.

Council Member Werner asked where the Town is in terms of providing public facilities for skateboarding. Council Member Preston asked Mr. Loveman how negotiations were proceeding with skateboard enthusiasts.

Mike Loveman, Director of Parks and Recreation, stated that on July 11th, the Parks and Recreation Commission reported to the Council and identified major issues such as safety, liability and how other towns administer skateboarding facilities. Mr. Loveman outlined four steps being taken by

Town staff regarding skateboarding facilities. First, an effort is being made to ascertain the current and future demand for such facilities. Second, if an addressable demand is identified, staff will move forward with identifying possible sites. Third, Mr. Loveman stated that public lands other than parks may be explored for facility siting. Finally, he noted that budget priorities play a role in funding skateboard facilities and operations. Other citizens have other demands for new facilities.

Mr. Loveman added that he had met with Mr. McLean about forming and maintaining a skateboarders' association. Mr. Loveman stated that there was some degree of difficulty in obtaining liability insurance for skateboarding facilities. He added that the Town's current liability coverage does not now cover skateboarding. Mr. Loveman suggested that if a new ramp is installed, it should be coated with a steel surface to enhance safety and reduce noise levels. He noted that if an association of skateboarders can be formed, a suitable location for a ramp has been identified. Mr. Loveman concluded his remarks by noting that the acquisition of liability insurance is the largest obstacle concerning skateboard ramps in the Town. He added that Town staff will continue to balance demands for new recreation services with available resources.

Council Member Wilkerson inquired how much it would cost for additional liability insurance coverage. Mr. Loveman responded that the applicable figures have not yet been furnished to the Town by carriers.

Council Member Werner asked what the staff envisions as a reasonable resolution date. Mr. Loveman responded that liability insurance coverage is a major issue standing in the way of rapid resolution. He added that the Town does not currently have the components in place to operate a safe skateboard ramp facility.

Council Member Preston asked whether the Parks and Recreation Commission had heard from skateboarders. Mr. Loveman stated that several enthusiasts had addressed the Parks and Recreation Commission. He added that the rapport between the two groups was very good. Council Member Preston asked how much it would cost to construct an adequate skateboarding facility. Mr. Loveman said that it would cost approximately \$5,000 to build a new steel ramp.

Council Member Preston asked whether skateboarding facilities are popular in other communities. Mr. Loveman responded yes. He added that Wilson has a facility which operates on an informal basis without a formal skateboarding association. He added that the facility is not supervised or maintained by the City of Wilson. Council Member Preston asked whether any cities contacted by Town staff had experienced claims for negligence due to skateboarding related injuries. Mr. Loveman stated that none were identified in cities contacted by staff. He added that he understands the State of Virginia has a statute making municipalities immune from such causes.

Council Member Godschalk noted that the Council has spent far more time on the skateboarding issue than he had anticipated and he is frustrated with staff's inability to deal with it. He noted that the problem at hand was blessed with an abundance of talent. Council Member Godschalk requested that the Town Manager present an effective and timely solution to the Council.

COUNCIL MEMBER GODSCHALK MADE A MOTION TO REFER THIS ITEM TO THE TOWN MANAGER WITH EMPHASIS FOR A COMPREHENSIVE SOLUTION. COUNCIL MEMBER HERZENBERG SECONDED THE MOTION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Public Hearing--Westcourt SUP

Town Manager Taylor requested that Agenda Item #2, "Westcourt Special Use Modification (SUP-85-M-17)," dated October 17, 1988 be entered into the record of this hearing, along with the following:

- Planning Staff Report for Special Use Permit (SUP85-M20), dated September 1, 1987.
- Applicant's statement of justification, dated July 7, 1988.
- Land Development Permit Application of West Franklin Preservation Partners, dated July 7, 1988.
- Special Use Permit application of West Franklin Preservation Partners, dated November 23, 1987.



-Minutes of the October 19, 1987  
Town Council Public Hearing on  
the Westcourt Application for a  
Special Use Permit.

Roger Waldon, Planning Director, made the staff presentation. Mr. Waldon noted that one condition of the Council's approval of the Westcourt Special Use Permit (SUP) on November 23, 1987 was that construction begin within one year (November 23, 1988). He stated that the applicant is seeking a modification to the SUP, extending the starting date to November 23, 1989 and the date of completion to November 23, 1991. He concluded by saying that staff recommended approval of the extension request.

Robert Anderson, one of seventy limited partners in the project, stated that he wants to see the project carried forward, as it would be an asset to the downtown Chapel Hill area. He told the Council that he is asking for time to regroup the efforts of those involved with the project.

Ken Broun, an attorney representing the majority of project partners, told the Council that the partners had no dissent on the question of project date extension. Mr. Broun stated that the project is behind schedule. He noted that the limited partners in the project are seeking direction. He added that the general partners had recently been substituted. Mr. Broun added that several developers had expressed great interest in the Westcourt project. Mr. Broun concluded by stating that the partners are seeking the extension to continue economic vitality in project investment in downtown Chapel Hill.

Council Member Andresen asked whether the developers of Westcourt may come back before the Council with a request for redesign of the project. Mr. Broun responded that this was possible. He added that the ultimate course of action was not clear at this time. Council Member Andresen asked whether it was necessary for the Council to grant an extension in order to keep the project viable. Mr. Broun responded yes.

Mr. Waldon stated that the Planning Board and Town Manager recommend granting the extension for a period of one year, as requested.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO REFER THE ITEM TO THE MANAGER FOR FUTURE COUNCIL ACTION. MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Public Hearing--Renaming Special Use Zoning, Conditional Use Zoning

Roger Waldon, Planning Director, said the Council was being asked to consider a text amendment to the Development Ordinance. Mr. Waldon gave a brief overview of the Planning Staff Report. Mr. Waldon indicated that there had been confusion in the community over planning nomenclature. He added that the purpose of the text amendment is to clarify these points of confusion.

Council Member Preston concurred with Mr. Waldon's remarks concerning the confusing nature of special use and conditional use zoning. Mr. Waldon noted that special use zoning cases are handled as matters of rezoning. He added that the two processes occur simultaneously with two public hearings.

Council Member Preston asked whether similar action could be taken with special use permits (calling them conditional use permits), if the Council approved the change for special use zoning. Mr. Waldon responded that such a change could not be made with the information currently before the Council. Town Attorney Karpinos added that since the item was not a part of the advertisement of this hearing, action could not be taken without another public hearing.

Council Member Preston noted that the conditional use permit does not cover all situations. She asked whether the scope of the special use permit could be expanded. Town Attorney Karpinos responded that an extensive rewrite of the applicable ordinance would be necessary to accomplish this.

Council Member Godschalk stated that he felt the Town Manager's recommendation made the most sense of the two presented to the Council. Mr. Waldon noted that the Planning Board had recommended against the change by a vote of 8-1, citing the linkage between special use permits and special use zoning as a further source of confusion.

Bob Joesting told the Council that many people were confused about the use of terms "special use" and "conditional use". Mayor Howes asked whether the distinction had proved problematic to the Board of Adjustment in the past. Mr. Joesting responded no, since the Board of Adjustment had no

direct handling of the issue. He added that he wasn't sure whether citizens will be any less confused due to this clarification. He said he thought the concept of special use zoning was a bad principle.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER THIS ITEM TO THE TOWN MANAGER FOR FUTURE CONSIDERATION. MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADJOURN THE MEETING. MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Meeting was adjourned at 9:12 p.m..



MINUTES OF JOINT TOWN COUNCIL/PLANNING BOARD MEETING OF  
TUESDAY, OCTOBER 18TH, 7:30 P.M.,  
CHAPEL HILL MUNICIPAL BUILDING MEETING ROOM

Mayor Pro Tem Pasquini called the meeting to order. Mayor Howes was attending Homecoming festivities on Franklin Street and arrived at 8:25 P.M.. Council Members present were:

- |                   |                     |
|-------------------|---------------------|
| Julie Andresen    | Nancy Preston       |
| David Godschalk   | Arthur Werner       |
| Joseph Herzenberg | Roosevelt Wilkerson |

Mayor Pro Tem Pasquini announced that Council Member Wallace was absent, excused, this evening. Planning Board Members in attendance were: Chairperson Rimer, Board Members Credle, Guild, McCurdy, McLendon, Maltbie, and White.

Also present were Town Manager David R. Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos and Planning Director Roger Waldon.

Mr. Waldon provided a brief overview of the Strategic Report to the Council and members of the Planning Board.

Council Member Preston stated that according to the table on page 67 of the Strategic Report, the Town attained its greatest density to date in the 1940's.

Mr. Credle stated that he had submitted three pages of comments relating to the Strategic Report to the Planning Department staff. He added that these items should be discussed as they directly impacted the future of the Town.

Mr. Waldon noted that the charts in the report were a good starting point for discussion. He noted that the Town's environment was "fraying around the edges", particularly in the areas of steep slope protection and air quality. He added that the priorities of community facilities and the environment often conflict.

Council Member Godschalk noted that the Transfer of Development Rights (TDR) had been proposed as a Countywide program.

Council Member Preston asked whether scenic views were designated in the Town's land-use plan. Mr. Waldon responded that a few key view areas are identified.

Council Member Preston inquired about sections of the report referring to the conservation of fossil fuels. Mr. Waldon stated that certain elements of the plan emphasize denser development patterns which will lessen distances travelled and will employ

alternative modes of transportation. Mr. McCurdy suggested the possible implementation of a bus system employing alternate fuels.

Council Member Werner stated that he was hesitant about adopting general policies. Chairperson Rimer noted that the Planning Board concurred with Council Member Werner's concerns. He added that charts in the back of each section outlined recommended policy guidelines.

Council Member Godschalk noted that before individuals are willing to buy TDRs (Transfer of Development Rights), they have to be able to see the possible benefits of such a transaction. He added that such transfers have worked well elsewhere, but additional incentives may be needed locally. Town Attorney Karpinos offered to provide information concerning the Transfer of Development Rights.

Mr. Rimer asked whether the Council would like the Planning Board to make recommendations on the Transfer of Development Rights. Council Member Godschalk responded that the Council is seeking to mold a strategy for handling Transfer of Development Rights. Council Member Werner added that the Council is seeking specific information to proceed with making hard choices.

Council Member Preston inquired as to the nature of concerns relating to the protection of steep slopes. Mr. Waldon responded that erosion is a major concern. He stated that extensive grading, cutting and filling contribute to the erosion problem. Chairperson Rimer stated that the Town needs to examine roads that feed steep slopes.

Council Member Godschalk asked for examples of the "frayed environment" cited by Mr. Waldon in his earlier remarks. Mr. Waldon listed air quality, erosion and stormwater quality as key environmental concerns. Council Member Rimer added that he is concerned about the preservation of open space.

Mr. Rimer stated that the design guidelines outlined in the Strategic Report look at conventional energy sources as well as good solar planning techniques. He added that attention should be paid to the codification of recycling facility requirements.

Mr. Waldon noted that the provision of affordable housing is made more difficult by higher development standards. He added that the institutional gap needed to be plugged, with adequate land resources and monies being made available to address these needs.

Council Member Herzenberg suggested that the Town staff provide a "human" example for each section of the report.

Mr. Credle inquired what the Planning Board's role was in the evening's proceedings. Mr. Rimer responded that substantive comments were being brought to the attention of the Council for their consideration.

Council Member Preston stated that language relating to affordable housing on page 23 of the Strategic Report should state "at least 10%" instead of "less than 10%".

Council Member Godschalk asked what the Town's level of fair share commitment to affordable housing should be. He added the need for the Town to collaborate with the University in meeting the needs of student and faculty/staff housing, that should be reflected on page 19 of the draft report. Council Member Wilkerson stated that he had worked extensively with the Habitat for Humanity. He asked whether Council Member Godschalk was proposing the implementation of quotas. Council Member Godschalk stated that his goal is to assure that each community do their fair share of housing the low income people of the region. Council Member Wilkerson asked whether communities would be inclined to perform at a minimum level (i.e., their fair share). Council Member Godschalk responded that a minimum was being offered. Mr. Credle inquired how the Town's fair share would be established and administered. Council Member Godschalk responded that the Town would be responsible for meeting a minimum standard.

Mr. Rimer asked if there was any support for a real estate transfer tax. Council Member Werner responded that there had been discussion of this within the context of a larger program. Council Member Godschalk stated that local governments are selecting revenue programs from an expanding menu of ideas.

Mr. Credle stated that he favored a Town-wide tax to support affordable housing efforts.

Mr. Guild asked rhetorically, "Where does the final cost fall?" He stated that ultimately costs are borne by other housing units.

Mayor Howes noted that the Cities of Raleigh and Durham have earmarked some general fund monies for affordable housing.

Mr. Credle noted a reference on page 32 of the Strategic Report to a forty year commitment. Mr. Credle suggested that a periodic review would be in order. Chris Berndt, Long Range Planning Coordinator, noted that H.U.D. guidelines make reference to a twenty year time horizon for affordable housing.

Council Member Andresen mentioned the need to examine sites for the location of the Town's homeless shelter.

Town Manager Taylor urged the Council and Planning Board to focus their energies on identifying five policy debates for discussion at their next session. He specified issues such as road systems, density transfer (TDR), density bonuses, and commercial development.

The meeting was adjourned at 8:58 P.M.

CONTINUATION OF JOINT TOWN COUNCIL/PLANNING BOARD MEETING  
OCTOBER 18TH; THURSDAY, OCTOBER 27TH, 7:30 P.M.,  
CHAPEL HILL MUNICIPAL BUILDING MEETING ROOM

Mayor Howes called the meeting to order. Council Members Andresen (arrived at 8:30 P.M.), Godschalk (arrived at 7:45 P.M.), Herzenberg and Werner were present as were Planning Board Chairperson Rimer and Board Members Credle, Guild, McCurdy, McLendon, Maltbie, Raney and White and Parks and Recreation Board Chairperson Hershel Slater.

Also present were Town Manager David Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos and Planning Director Roger Waldon.

Mayor Howes stated that the objective of the two sessions between the Council and Planning Board was to formulate a draft Strategic Report document to take the community for citizen consideration.

Roger Waldon, Planning Director, stated that the main planning problems facing the Town are: (1) traffic and transportation congestion, (2) lack of low and moderate income housing, (3) vanishing open space, (4) loss of Town character, (5) loss of pedestrian scale, and (6) depletion of available landfill space. He added that items approaching consensus solutions are: (1) cooperation between the Town and University, (2) Increased transit services and bikeways, (3) Establishment of an adequate public facilities ordinance, (4) Steep slope regulations, (5) Air and water quality monitoring, (6) Establishment of a non-profit housing corporation, and (7) Expansion of the recycling program.

In addition, Mr. Waldon outlined the more controversial planning issues facing the Town, including: (1) Compact development, (2) Design standards, (3) Limiting commercial development, (4) Connection of neighborhood streets, (5) Mandatory housing regulations, (6) Compilation of a Transportation Management Ordinance, and (7) Location of a new landfill site.

Council Member Godschalk asked why Mr. Waldon characterized parks and greenways as a problematic situation in his earlier remarks. Mr. Waldon responded that the Town does not have sufficient



resources to adequately meet the open space demands of a growing population.

Mayor Howes noted that Hershel Slater, Chairperson of the Parks and Recreation Commission was in attendance at this evening's proceedings. He invited Mr. Slater to address the Council and Planning Board members on the status of parks, greenways and related facilities.

Mr. Slater stated that the demand for many Town recreational facilities are far outstripping the available capacity.

Mr. Waldon also noted inadequacies in the number of neighborhood parks. Council Member Godschalk asked what standards had been used to establish this inadequacy. Mr. Waldon responded that a national survey of standards had been employed for this determination. Kimberly Brewer, Planning Department Staff Member, added that the Town is projected to need double the number of existing parks by the year 2025. She added that only 5% of the projected 2025 greenway needs are currently in place.

Mr. Waldon noted that developers are not anxious to make payments in lieu of parkland dedication. He noted that the Council's past policy has been to acquire land in lieu of monies. Mr. Credle suggested that the Town perform an inventory of open space.

The group turned its attention to Town Character. Council Member Godschalk questioned a statement on page 52 of the Strategic Report concerning the expansion of historic and appearance districts.

Mayor Howes noted the need to balance student housing and low-income housing needs with those of historic and appearance districts.

Council Member Werner noted that the downtown area has been historically student oriented. He added that many students felt that an anti-student bias is emerging in the Town. Council Member Werner stated that students have a stake in the future of downtown Chapel Hill, and should have input into the planning for it.

Town Manager Taylor suggested that the Council hold a debate on the future of the downtown area.

Mr. Raney asked whether the downtown area could ever be viable again. Council Member Herzenberg noted the importance of getting surrounding neighborhoods involved in the process of planning for the future of the downtown area. Mr. Rimer stated that the downtown area had received a tremendous amount of attention in the

last year. Mr. Rimer proposed a dialogue be opened with the Downtown Commission to discuss the future of the area.

Mr. Credle stated he felt that the downtown area is overemphasized. He cited limited parking as a frequent problem. He added that outlying shopping centers are becoming increasingly popular. Council Member Werner cautioned that the downtown debate should not overwhelm other important issues.

Council Member Godschalk stated that the City of Raleigh has recently introduced a new transit station which seems to be working well in the downtown area.

Mr. Waldon provided an overview of the 1986 Council Goals and Objectives report, focusing his attention on the consideration of activity centers. Council Member Godschalk asked whether certain types of activities should be encouraged in activity centers. Council Member Werner stated that some communities may see activity centers as a great idea, but may not want them in actual practice. He added that if the Town wants to encourage a pedestrian community, sidewalks must be provided.

Council Member Andresen noted that proposed policies in the community facilities section of the Strategic Report do not encourage creative approaches on the part of developers.

Council Member Andresen also stressed the need for establishing a water service policy for outside the urban service area. Council Member Werner stated that such a policy exists whereby OWASA provides service when other systems fail.

Council Member Godschalk stated that the most salient demographic fact evident in the Chapel Hill area is the increased number of retirees and the needs that accompany this segment of the population. Town Manager Taylor stated that recent statistics indicate that by the mid-1990's the United States will have a greater number of senior citizens than teenagers. Mayor Howes noted the daily increasing number of conflicts between the needs of older and younger citizens.

Ms. Maltbie stated that outlying commercial areas are more convenient than downtown to many citizens. She added that the transit system should be re-evaluated to see if it is serving the destination needs of the public. Council Member Andresen stated that she would like to see downtown attain greater vitality.

Ms. McClendon said that many people shopped in Durham before the advent of shopping centers in Chapel Hill.

Mr. Guild noted the variety of available methods to determine the projected Town population. Mr. Waldon noted that the population

projections in the Strategic Report would be even higher if the Town had not previously taken certain steps in the planning process. He added that increased population led to increased traffic and other planning problems.

Council Member Godschalk stated that population forecasts are unreliable. He added that the projection that the Town will be "filled" by the year 2025 is purely an artificial concept.

Mayor Howes stated that downtown Chapel Hill as a regional center ranks with the State Capital (Raleigh) as a recognizable point.

Mr. Waldon stated that transportation, in his opinion, is the most difficult problem facing the Town in the future. He noted the problems of increased traffic congestion, increased air pollution levels, and the proposed clustering of housing along transitway corridors. He added that arterial roads are currently clogged since there is not a good secondary road system in place.

Council Member Godschalk encouraged cooperation with the University in handling parking. He added concern that park and ride lot implementation does not appear to be proceeding smoothly.

Town Manager Taylor noted that UMTA (Urban Mass Transit Association) has approved the Park and Ride lot on Highway 54 in concept, adding that construction of the project by the Summer of 1989 is possible. He added concern that the Town is ahead of the University in terms of the Continuing Education Center project and related parking concerns. Mr. Taylor concluded his remarks by noting that the number of hours of service provided by the transit system have increased 22% over last year.

Mr. Raney expressed concern that buses contribute obnoxious fumes to the environment. He proposed that alternate means of mass transit be explored.

Ms. Maltbie stated that local roads should be better utilized. She added concern that collector streets are overutilized.

Council Member Godschalk stated that park and ride lots could be the potential core for future activity centers. He noted that Alexandria, Virginia has already implemented such a program.

Council Member Andresen stated that the report does not directly address pedestrians. She asked whether sidewalks should be emphasized in future goals of the Town. Council Member Andresen stated that she would like a section addressing the needs of pedestrians added to the report. Mayor Howes proposed the possible use of the greenway system as pedestrianways.

Mr. Guild stated that traffic problems occur at two peak commuting periods each day (early morning and late afternoon). He proposed that area employers be encouraged to make use of flextime, staggering the work hours of their employees. Mayor Howes raised the possibility of asking the North Carolina Memorial Hospital to consider such an alternative.

Ms. White noted parking problems at the University, whereby employees vie for parking spaces as close as possible to their worksites.

Mr. Credle stated that he had submitted his comments on the Strategic Report to the Planning Department.

Town Manager Taylor asked whether the Mayor and Council were comfortable with community consideration of the Strategic Report document at this time. Mayor Howes responded that it is critical to get the document to the public. He added the importance of beginning a broad community dialogue in an expeditious fashion.

The meeting was adjourned at 8:58 p.m..

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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, OCTOBER 24, 1988, 7:30 P.M.

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

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

Also present were Ronald Secrist, Acting Town Manager, and Ralph Karpinos, Town Attorney.

Mayor Howes announced Professor Richard Beckman's Photojournalism class was in attendance at this evening's meeting as part of a class assignment.

Mayor Howes noted that Town Manager David Taylor and Assistant Town Manager Sonna Loewenthal were absent this evening due to their attendance at the International City Management Association (ICMA) Conference in Charlotte.

Mayor Howes also stated that his office had received several calls concerning the observance of Halloween in the Town. Mayor Howes affirmed that Halloween will be officially recognized on Monday, October 31st, the traditional date of observation.

Petitions

Council Member Godschalk announced that Orange County had been presented with an Achievement Award from the National Association of Counties, recognizing completion of a Joint Planning Agreement between Orange County and the Towns of Carrboro and Chapel Hill. Mayor Howes thanked Council Member Godschalk for notice of this achievement.

Council Member Herzenberg requested that the Town Manager examine the possibility of closing a portion of Franklin Street, possibly West Franklin Street in observance of Halloween in 1989.

Town Attorney Karpinos announced that a consent judgement had been reached on the Orange County Women's Center case. Mayor Howes congratulated all parties who had been involved in reaching the settlement.

Minutes of September 29th and October 10th

Council Members Andresen, Preston and Herzenberg noted corrections to pages 1, 2, 3, 4, 9 and 15 of the minutes of September 29th.



COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT THE MINUTES OF THE SEPTEMBER 29TH COUNCIL MEETING AS AMENDED. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Godschalk noted a correction to page 20 and 21 of the minutes of October 10th.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE MINUTES OF THE OCTOBER 10TH COUNCIL MEETING AS AMENDED. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Presentation of 1987-88 Audit Report

Ms. Jan Llewellyn, a representative of Touche, Ross & Company, told the Council that the Town's 1987 Audit Report conformed to Certificate Achievement Standards (as promulgated by GFOA, Government Finance Officer's Association), the highest recognition a report of this type can receive.

Ms. Llewellyn provided an overview of the report organization: transmittal letter, financial section (containing the auditor's opinion), ten year historical/statistical data, and the single audit documentation section. Ms. Llewellyn stated that the report warranted an unqualified opinion, that is, all financial statements were presented fairly by the Town. She added that 1987-88 financial statements of the Town were not completely comparable to reports of other years due to new reporting procedures. Ms. Llewellyn cited the public housing and pension funds as two areas having new reporting requirements.

Ms. Llewellyn stated that the Town had an undesignated fund balance on June 30, 1988 of \$1,657,000. Ms. Llewellyn noted that a "healthy" fund balance for a town similar to Chapel Hill is 8-12% of the Town's budget. Chapel Hill's balance falls at the mid-point of this range. Ms. Llewellyn noted that next year's anticipated undesignated fund balance will be 9.5% of the Town's budget.

Ms. Llewellyn told the Council that the Management Letter cited no material weaknesses. She added that some discrepancies in reporting had occurred due to high turnover in position assignments within the department. Jim Baker, Finance Director, will provide a management response to the audit's findings to the Council in the near future.

Mayor Howes thanked Ms. Llewellyn and Touche Ross for their efforts in compiling the audit report.

Council Member Andresen inquired why a limited evaluation procedure was employed for this audit. Ms. Llewellyn responded that since internal controls of the Town have been strong over the years, an audit of narrower scope was used. She added that the findings of the report utilized standard wording common to other audit reports of this type.

Council Member Preston asked whether the small glitches as noted in the management letter would jeopardize future certificates of excellence in reporting. Ms. Llewellyn stated that she did not anticipate any adverse impact due to these findings.

Resolution Calling a Public Hearing on Amending the Development Ordinance

Roger Waldon, Planning Director, stated that a suggested change to the Development Ordinance had been made by Mr. Joe Hakan, President of the Downtown Commission. The proposed change streamlines site plan review procedures. The change proposes that projects changing to a less intensive land use will be reviewed by the Manager instead of the Planning Board. Mr. Waldon stated that a public hearing date of November 21st is recommended to the Council.

Joe Hakan stated that he concurred with Mr. Waldon's remarks. Mr. Hakan added that the ordinance amendment had been discussed in detail at the recent Public-Private Partnership Conference in Champaign-Urbana, Illinois.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 1, CALLING THE PUBLIC HEARING ON AN AMENDMENT TO THE DEVELOPMENT ORDINANCE. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION CALLING A PUBLIC HEARING (88-10-24/R-1)

WHEREAS, a proposal has been brought to the attention of the Town Council, suggesting that the Chapel Hill Development Ordinance be amended; and

WHEREAS, the specific proposal calls for amendment of Article 19 of the Development Ordinance, to authorize Town Manager approval of development requests when the request involves a change in use from one use group to a lower intensity use group;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing be called to discuss this proposal, such hearing to be scheduled for 7:30 p.m. on Monday, November 21, 1988, in the Chapel Hill Municipal Building Meeting Room.

This the 24th day of October, 1988.



Downtown Trolley Shuttle Buses

Ronald Secrist, Assistant Town Manager, outlined the trolley shuttle plan. He stated that the Federal Government and State of North Carolina has approved funding for 90% of anticipated project outlays, with the remaining 10% funding from the Downtown Commission to follow. He added that the trolleys should be in operation in the Fall of 1989.

Ms. Debi Dibbert, Co-Executive Director of the Chapel Hill-Carrboro Downtown Commission, told the Council that there is tremendous enthusiasm for the trolley proposal. She added that implementation of the program will aid in eliminating some of the parking problems currently experienced in the downtown area.

Council Member Godschalk stated that local funding had been pledged. He asked when these pledges will be collected. Mr. Secrist responded that the pledged funds would be collected prior to the execution of contracts for purchase.

Council Member Pasquini noted from the report in the agenda material that the Town would recover approximately \$30,000 of the estimated \$55,000 of anticipated annual operating costs. Mr. Secrist responded that a proposal for managing operating costs would be presented to the Council at a later date. Currently, a municipal services district is being looked into as an instrument for financing operations.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 2, CONCERNING LOCAL CAPITAL COSTS OF DOWNTOWN TROLLEY SHUTTLE BUSES. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH THE DOWNTOWN COMMISSION FOR THE LOCAL SHARE OF THE CAPITAL COSTS OF THE DOWNTOWN TROLLEY SHUTTLE PROJECT (88-10-24/R-2)

WHEREAS, the Council supports the efforts of the Chapel Hill-Carrboro Downtown Commission created following the 1987 Public-Private Partnership Conference; and

WHEREAS, the Downtown Commission has identified traffic congestion, the availability of convenient parking, and mobility within the downtowns of Chapel Hill and Carrboro as areas in need of improvement; and

WHEREAS, the Downtown Commission and the Council believes the implementation of a downtown fare-free shuttle trolley service may help alleviate the problems facing the downtown areas;

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to enter into an agreement with the Downtown Commission for the local share of the capital cost of purchasing the trolleys.

This the 24th day of October, 1988.

Land Purchase Agreement

Ronald Secrist informed the Council that negotiations had been completed for the acquisition of 36.27 acres of property. The subject land will be a passive park and greenway project. Mr. Secrist stated that in concert with the wishes of the deceased owner, Mr. Richards, the land was made available to the Town. The acquisition cost is \$20,000. Mr. Secrist said that property owners abutting the acquired land had been notified.

Kathy Harris, a member of the Greenways Commission, stated that the \$20,000 price tag for the land was a bargain. She added that the acquisition will nicely complement the sixteen acres which the Town already owns in this area. Ms. Harris encouraged the adaptation of trails through the wetland areas. Ms. Harris stated that in her role as school teacher and librarian, she had recently taken approximately fifty children to visit the Eno River area. She added that the newly acquired property has huge potential for a wetland habitat study area. Ms. Harris concluded by suggesting that benches be added along the trails, so people can enjoy watching wildlife in its natural habitat.

Roscoe Reeve thanked the Town staff and other individuals for their efforts in acquiring the parkland. In addition, he thanked the Council for their assistance and consideration in this matter.

Council Member Werner inquired where suitable parking facilities for park users could be located nearby. Mr. Reeve responded that parking is available at the end of Emory Lane and the end of Little Creek near the Glen Lennox field. Mr. Reeve added that parking is also available on Brigham Road, where one can walk all the way to the bridge at the Country Club.

Council Member Preston inquired about the significance of detail lines on an area map which was provided to the Council. Mr. Secrist responded that the lines designated three separate parcels to be acquired by the Town. Council Member Preston asked whether all of the land (52 plus acres) was categorized as wetland. Mr. Secrist responded that some property near the end of Brigham Road was potentially developable, although the land would be intended for preservation as a wetland area if purchased by the Town.

Council Member Herzenberg stated that he wanted to make it clear that the Town was not buying a swamp. He said he walked the area extensively and was impressed with its beauty.

Mayor Howes stated that the original intent was for Mr. Richards to donate the land to the Town. Upon Mr. Richards' death, it became necessary to acquire the land through a probating process.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 3, AUTHORIZING THE PURCHASE OF THIRTY SIX ACRES FOR GREENWAY/PARK PURPOSES. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING THE PURCHASE OF A THIRTY-SIX ACRE PARCEL FOR PUBLIC OPEN SPACE PURPOSES (88-10-24/R-3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby gives final authorization for the purchase of Lots 5 and 5B, Tax Map 52, and Lot 1, Tax Map 52D, Block F, Orange County, from the Estate of E. N. Richards, for public purposes as park, greenway, and community open space for the negotiated sum of \$20,000.

BE IT FURTHER RESOLVED that the Council hereby ratifies, affirms and approves the contract for said property, as the contract of the Town for the purchase of said property, said contract having been signed by the Town Manager on behalf of the Town pursuant to instructions given in executive session on August 23, 1988.

BE IT FURTHER RESOLVED that the Council authorizes the Manager and Attorney to deliver the agreed to purchase price and execute all necessary documents to complete said transaction.

This the 24th day of October, 1988.

#### Housing Assistance Plan

Tina Vaughn, Director of Housing and Community Development, told the Council that she was seeking authorization to forward the Housing Assistance Plan application before them to the Housing and Urban Development (H.U.D.) regional office in Greensboro. Ms. Vaughn stated that the plan outlines the housing needs and goals of the Town for fiscal years 1986-87, 1987-88, and 1988-89. She added that the 1988-89 plan includes construction of twenty-four public housing units funded by H.U.D. grant monies. She added that the 1987-88 plans were being amended to include administration of the construction of the twenty-four new units. Ms. Vaughn added that plans call for the construction of thirty-five units in the Tandler project, eleven of which have been constructed to date.

Ms. Vaughn stated that the Housing Advisory Board had unanimously approved the Housing Advisory Plan presented to the Council this evening.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 4, AUTHORIZING SUBMITTAL OF THE HOUSING ASSISTANCE PLAN. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING SUBMISSION OF A HOUSING ASSISTANCE PLAN TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (88-10-24/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to submit a Housing Assistance Plan to the U. S. Department of Housing and Urban Development (HUD) by October 31, 1988 and to provide such additional information as HUD may require.

This the 24th day of October, 1988.

#### Quarterly Reports

Mayor Howes reported that the Triangle J Council of Governments will hold its annual dinner meeting on Wednesday, October 26th at the Raleigh Marriott. He added that tickets to this event were still available and invited interested parties to attend.

Council Member Andresen stated that the Triangle J Council of Governments will be discussing an emergency water resources agreement at a meeting on Wednesday morning, October 26th. She added that this item would come before the Council sometime in the future in the form of a formal agreement. Council Member Andresen added that the Water Resources Committee is principally engaged in discussing long-range water supply planning, although there has been some discussion of regional wastewater planning. Council Member Andresen concluded her remarks by stating that she would provide a report to the Council at a later date concerning the rebuilding of the UNC power plant on Cameron Avenue.

Mayor Howes stated that the mayors of Raleigh (Upchurch), Durham (Gulley) and Chapel Hill (Howes) are intimately involved with the efforts of the newly created Triangle Housing Partnership. Mayor Howes stated that three Chapel Hill residents: Grainger Barrett, Mae McLendon and Michael Stegman are serving on the Triangle Housing Partnership Committee. Mayor Howes added that a \$25,000 seed grant has been made to the partnership.

Mayor Howes reported that the Transportation Advisory Committee last met in mid-August. Mayor Howes noted that Blue Line Bus Service to Duke University had been added in mid-September.

Mayor Howes stated that three new members have recently been appointed to the Library Committee: Ed Hinsdale (neighborhood), Richard Baddour (Parks and Recreation Commission) and Council Member Joe Herzenberg.

Council Member Preston asked about the status of the Paul Green cabin at the site of the proposed new library. Mayor Howes responded that this item will be discussed by the Library Committee at their November 1st meeting.

Mayor Howes said that he, Kathy Thompson, Library Director, and several members of Ms. Thompson's staff will be visiting Charlotte on Tuesday, October 25th to tour that City's new library facilities.

Council Member Werner asked for the projected completion date of the Town library facility. Mayor Howes responded that late 1991 is the anticipated completion date. Council Member Werner asked whether this was the target date for the entire site or just the building itself. Mayor Howes that the 1991 date addressed only the library facility, adding that full park development may not have occurred by this date.

Council Member Pasquini stated that the Orange Water and Sewer Authority (OWASA) has had numerous meetings concerning the water agreement between OWASA and Chatham County. He added that a proposed memorandum of understanding was discussed on October 12th. Council Member Pasquini added that the OWASA Committee of the Whole was examining the possibility of moving their Wednesday meetings from 12:15 p.m. to 4:00 p.m.. He added concern about a lack of documentation in some OWASA policies, stating draft policies and procedures are being worked on.

Council Member Pasquini outlined a list of critical issues facing OWASA in the near term, including:

- Action notification to public officials
- Formulation of a mission statement
- Administration of policies
- Notification of public at large
- Designation of OWASA service area
- Responsibilities to area counties
- Possible expansion of service area
- Protection of watersheds
- Capital improvement projects
- Water supply management

Council Member Pasquini added other significant issues, including:

- North Forest Hills Service
- White Oak Drive Service
- Election of officers
- Expansion of storage at  
Stone Quarry Reservoir

Council Member Preston stated that she would like to see a list of policy concerns posed by Council Member Pasquini. Council Member Pasquini responded that he would be happy to share this information with Council Member Preston.

Council Member Andresen asked how discussion was proceeding on the Memorandum of Understanding. Council Member Pasquini stated that discussion had occurred, but it had not been particularly fruitful to date. He added that Mayor Howes had recently provided firm direction on how to proceed in this matter.

Council Member Herzenberg stated that he was encouraged by the proposed change in OWASA's Committee of the Whole meeting time. Council Member Pasquini concurred that this change was a good idea.

Council Member Werner commended Council Member Pasquini for his efforts on the OWASA Board. He inquired about the status of the OWASA/Chatham County water agreement. Council Member Pasquini responded that the agreement was in a position of no action. Council Member Werner asked whether or not Chatham County could decide to sign the agreement at a later date. He recommended to Council Member Pasquini that some action be taken to achieve closure on this agreement.

Council Member Preston reported that Joint Orange-Chatham Community Action (JOCCA) had been a cooperative effort between the two counties for over twenty years. Council Member Preston noted that the monthly meetings had been suspended recently in order to hold joint public hearings in the individual counties. She added that the hearings are a forum for examining service delivery and soliciting citizen comments. Council Member Preston added that the meetings had been well attended. Council Member Preston stated that \$20,000 has been made available to expand a nutrition program for the elderly.

Council Member Preston said that the Solid Waste Task Force (SWTF) is entering into a busy period. She said that the final draft of the regional study will be reviewed on November 3rd. A public review forum will be held on December 8th at Jordan High School. Council Member Preston said that she is hoping for significant press coverage of this event. Council Member Preston added that the Task Force will pull together all the comments into a final report for all member governments. She added that any solution to the solid waste dilemma will involve recycling. She added that recycling began on October 12th in Orange County with 28 to 30% of homeowners participating. Council Member

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Preston stated that three neighborhoods in the Chapel Hill area are participating in a bottle, aluminum can and newspaper recycling program through June 30th.

Council Member Preston displayed T-shirts which will be made available to volunteers of the recycling program. She commended the efforts of Blair Pollock, Recycling Coordinator with the Public Works Department for his enthusiasm and hard work.

Council Member Werner asked whether it would be possible to ban the use of plastic bags by supermarkets. Council Member Preston indicated that this item was under discussion by the Solid Waste Task Force. She added that neighborhoods participating in the recycling program had been selected carefully to reflect the overall characteristics of the Town.

Council Member Preston reported that the Town Hall Expansion Committee architects have been hard at work. She stated that preliminary building drawings are 95% complete and will be made available to contractors for a review period of about four weeks. Council Member Preston stated that the low bidder on the project will ideally be presented at the December 12th Council meeting. Council Member Preston added that firm commissioned by the Town is also working on the new Cary Town Hall, adding that bids for the Cary project came in under budget and she hopes that the same will happen in Chapel Hill.

Council Member Andresen, reporting on activities of the Triangle J Water Resources Committee, stated that a vote was approaching on state water allocations at Jordan Lake.

Council Member Godschalk reported that the Intergovernmental Work Group on Alternative Revenues had met on October 17th and will be meeting again on November 7th to discuss the use of Development Excise Taxes to fund public facilities. He outlined the distinction between impact fees, which are used to regulate land use, and impact taxes, which are used to raise revenues. Council Member Godschalk stated that the Work Group is pursuing impact taxes as they have greater flexibility in the way they are levied.

Council Member Preston asked who would be taxed in the instance of impact taxes. Council Member Godschalk stated that impact taxes are a tax on the business of development. Therefore, the developer or subdivider of property will bear the impact tax. Council Member Preston asked whether developers will be required to install infrastructure or alternatively pay impact taxes. Council Member Godschalk responded that the taxes will be applied to off-site improvements. Council Member Andresen asked what types of infrastructure would be included in "off-site improvements". Council Member Godschalk provided an extensive list of facilities including roads, schools, parks, and open space.

Council Member Herzenberg stated that the first meeting of the Tree Protection Task Force will be on Tuesday, October 25th. He added that he met with the Urban Forestry Officer and staff in the Public Works and Planning Departments to discuss the scope of the Task Force's activities and staff support needs. Council Member Herzenberg added that he has secured the services of Andrew Sax of the Orange County Dispute Settlement Center to aid with the efforts of the Tree Protection Task Force. Council Member Herzenberg projected that the work of the Task Force will be completed by the middle of winter.

Assistant Town Manager Ronald Secrist provided an overview of the Town Quarterly Report. He stated that the Comprehensive Plan is proceeding on schedule and is currently under review by the Council and Planning Board. Mr. Secrist added that landfill fees and tipping fees have increased over last year's figures. He added that brush collection has increased 49%. Mr. Secrist commended the efforts of Chief Arnold Gold and the Police Department in the handling of the Animal Control Ordinance.

Mr. Secrist added that there have been three major (those resulting in major losses) fires during the first three months of the fiscal year. He added that work had recently been completed on the Town's burn training facility, adding that training and demonstrations will begin shortly. Mr. Secrist stated that the Library's new Bookmobile has been in operation since July 12. Mr. Secrist also noted the initiation by the Transportation Department of Blue Line Bus Service between UNC and Duke. Mr. Secrist added that higher than average personnel turnover had been experienced this year but added that no definite patterns have emerged to date.

Council Member Andresen commented that the addition of a transportation planner position had opened the door to addressing bikeway and bike path needs throughout the Town. Council Member Andresen also expressed concern about the length of review time of development proposals in the Engineering Department. Mr. Secrist stated that the Transportation Planner is now under the direct supervision of Bob Godding, Director of Transportation. He added that strides are being made in terms of transit modeling. Mr. Secrist also assured Council Member Andresen that efforts are being made to improve the review period of engineering drawings.

Mayor Howes stated that the Quarterly Report had achieved media coverage for the first time in his memory. He encouraged interested citizens to examine the report in order to familiarize themselves with the day to day workings of the Town government.



Consent Agenda

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0). (COUNCIL MEMBER WILKERSON WAS EXCUSED AFTER CONSIDERATION OF THE HOUSING ASSISTANCE PLAN).

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (88-10-240/R-6)

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

- a. Marilyn Lane improvements with future assessments. (R-7)
- b. Awarding contract for regional land use/transportation study. (R-8)
- c. Transportation grant project ordinance. (O-1)
- d. Calling hearing on closing part of Monroe Street right-of-way. (R-9)
- e. Parking restrictions for holiday parade. (O-2)

This the 24th day of October, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR STREET IMPROVEMENTS ON MARILYN LANE (88-10-24/R-7)

BE IN RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake street improvements on Marilyn Lane including pavement repairs, resurfacing, and minor drainage improvements as described in the preliminary resolution adopted by the Council on August 22, 1988.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

- 1. Special assessments shall be levied, after completion and determination of actual final costs of the improvements, on the basis of equal shares for each of the eight property owners who signed the petition.
- 2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition and publication expenses, shall be assessed to the eight owners of property abutting the project who have signed the petition.

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- 3. The assessed property owners may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This is the 24th day of October, 1988.

A RESOLUTION AWARDING A CONTRACT FOR THE STUDY OF LAND USE AND PUBLIC TRANSIT (88-10-24/R-8)

WHEREAS, the Town Council of the Town of Chapel Hill solicited formal proposals by legal notice on July 17, 1988 in accordance with N.C. G.S. 143-129 for the study of the relationship between land use policies and public transportation; and

WHEREAS, the following proposals were received and opened on August 23, 1988;

CONSULTANT

LOCATION

Barton-Aschman, Inc.  
DeLeuw Cather, & Co.  
SG and Associates, Inc.

Washington, D.C.  
Cary, N.C.  
Annandale, VA

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the contract for the Land Use and Public Transit Study be awarded to Barton-Aschman in the amount of \$39,959.

This the 24th day of October, 1988.

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT PROJECT (88-10-24/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section I

The project authorized is a Transit Capital and Planning Grant from FY 1986 federal funds, more specifically known as Urban Mass Transportation Administration Grant NC-90-X082, awarded under the Urban Mass Transportation Act of 1964, as amended. The project provides funds for transit capital purchases and planning activities.

Section II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the Urban Mass Transportation Administration and the North Carolina Department of Transportation and within the funds appropriate herein.

Section III

The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application.

Urban Mass Transportation Administration Grant	\$629,628
North Carolina Department of Transportation Grant	78,703
Town of Chapel Hill (local match)	48,704
Downtown Commission	<u>30,000</u>
TOTAL	<u>\$787,035</u>

Section IV

The following amounts are appropriated for the project:

Transit Planning	\$ 76,880
Capital Engineering	670,255
Engineering and Design	<u>39,900</u>
TOTAL	<u>\$787,035</u>

Section V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Report. He shall also keep the Council informed of any unusual occurrences.

Section VI

Copies of this project ordinance shall be entered into the Minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director and Town Clerk.

This the 24th day of October, 1988.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSURE OF AN UNUSED PORTION OF MONROE STREET RIGHT-OF-WAY AT THE END OF DAWES STREET (88-10-24/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing an unused portion of the Monroe Street right-of-way as shown on Orange County Tax Map #89, and adjacent to Block K, Lot 9, and Block G, Lot 10, which right-of-way is approximately 30 feet wide and 250 feet long; and calls a public hearing at 7:30 p.m., Monday, November 21, 1988 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, on the proposed closing of said right-of-way.

BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to arrange publication and mailing of notices of the hearing as required by law.

This the 24th day of October, 1988.

AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A HOLIDAY PARADE (88-10-24/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street from Boundary Street to the western Town limits on Saturday, December 3, 1988 from 6:00 a.m. to 12:30 p.m. and authorizes the Police Department to cover parking meters accordingly.

This the 24th day of October, 1988.

Mayor Howes reminded all that there will be a joint meeting of the Town Council and Planning Board on Thursday evening, October 27th to discuss the Strategic Report.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADJOURN THE MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting adjourned at 8:59 p.m..