

35

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, NOVEMBER 14, 1988, 7:30 P.M.

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

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

Also in attendance were David R. Taylor, Town Manager, Assistant Town Managers Sonna Loewenthal and Ronald Secrist, Town Attorney Ralph Karpinos and Planning Director Roger Waldon.

Mayor Howes announced that there were no ceremonies this evening.

Public Forum--Budget

David Taylor, Town Manager, stated that the Town budget process is an extensive one, with many of opportunities for public input. He added that suggestions for new programs, changes in existing services, and revenue sources would be welcomed. Mr. Taylor stated that the final budget document will be submitted to the Council in late April, with Council consideration of the budget occurring in late May.

Mayor Howes asked whether any members of the audience would like to comment on the Town Budget. Since no one indicated a desire to speak, Mayor Howes surmised that the members of the community appeared to be generally satisfied in this regard.

Town Manager Taylor read into the record a letter from Liz McGeachy, favoring expansion of the Town recycling program. Council Member Preston underscored Ms. McGeachy's comments, noting the 33% response rate achieved by the trial recycling program to date. Council Member Preston also noted that a friendly competition between Chapel Hill and Carrboro has been initiated by Blair Pollock, Town recycling coordinator. Mayor Howes added that the neighborhood response to the recycling program has been good.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Petitions

Dr. Gertrude Willis, President of the Carol Woods Neighborhood Association, said that she was anxious to have the speed limit along Weaver Dairy Road reduced to 35 MPH. She added that the Weaver Dairy area is no longer a rural community, reiterating the urgency to the Council of reducing the speed limit.

Mayor Howes asked whether Dr. Erle Peacock was present. Dr. Peacock had earlier asked to address the Council. Since Dr. Peacock was not present, the Council elected to hear Dr. Peacock's remarks later in the evening, upon his arrival.

A petition was received by the Council from property owners of the Oaks II neighborhood requesting four-way stop signs and the lowering of speed limits along Pinehurst Drive.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE TOWN MANAGER. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Ms. Evelyn Howard requested that the Council post a street sign at the corner of Lindsay Street and Nunn Lane.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Werner noted that due to a recent annexation by the Town, there are now two streets in Chapel Hill named White Oak Way. Council Member Werner asked the staff to investigate this duplication.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Werner noted that the "Cat's Cradle" was no longer operating in Chapel Hill. He added that the owners are in the process of finding a new location, adding that it would be a tragedy for the Town to lose this institution of national reputation. Council Member Werner requested that the Town staff work with the Cat's Cradle owners to identify a suitable location for their enterprise.

Council Member Andresen suggested that the Cat's Cradle owners solicit the knowledge and support of the Chapel Hill/Carrboro Downtown Commission in attempting to relocate their business. Council Member Werner stated that the Cat's Cradle owners had contacted the Chapel Hill/Carrboro Downtown Commission, but had

received no response, since the Commission was only recently organized.

Council Member Pasquini requested a clarification of the Town's role envisioned by Council Member Werner. Council Member Werner responded that the Town staff has extensive knowledge of available properties in the area.

Mayor Howes stated that the Council should request the cooperation of the Chapel Hill/Carrboro Downtown Commission. Mr. Josh Gurlitz, representing the Chapel Hill/Carrboro Downtown Commission, stated that the group's Executive Committee was meeting on Wednesday, November 16th. He stated that the Cat's Cradle situation will be addressed at that meeting.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REQUEST THE JOINT COOPERATION OF THE CHAPEL HILL/CARRBORO DOWNTOWN COMMISSION AND TOWN STAFF IN THE RELOCATION EFFORTS OF THE CAT'S CRADLE. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Preston stated that Council Members had received copies of the feasibility report on findings of the Solid Waste Task Force. Council Member Preston added that a presentation of the report will be made at the November 28th Town Council meeting. Council Member Preston also announced that a public forum on the Solid Waste Task Force report will be held at Jordan High School on the evening of December 8th.

Mayor Howes proposed a Council retreat on Saturday, January 14th, 1989. No site for the retreat has yet been determined.

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE MINUTES OF THE OCTOBER 17TH COUNCIL MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Andresen noted a correction to the Joint Council/Planning Board meeting of October 18th. At that meeting, Council Member Andresen requested that a section addressing the needs of pedestrians in the Town be added to the Strategic Report. The Town Clerk noted the correction. Mayor Howes noted that page numbers should be provided on all future minutes presented to the Council.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF THE OCTOBER 18TH SESSION AS CORRECTED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE MINUTES OF THE OCTOBER 24TH COUNCIL MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF THE OCTOBER 27TH SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Regional Public Transportation Report

Patrick B. Simmons, Assistant Director, Technical Services, North Carolina Department of Transportation, told the Council that NCDOT, through the Technical Advisory Committees and Technical Coordinating Committees, is seeking to establish a regional public transit authority in the Triangle. Mr. Simmons noted that the Council had been provided with a packet of materials outlining the possible structure, governance, and financing of a regional public transit authority.

Mr. Simmons stated that a key feature of regional public transit authorities is their independence and responsiveness, since they are ultimately accountable to local government officials. Mr. Simmons noted that the proposed region incorporates Wake, Orange, and Durham counties. The scope of services envisioned would include car pool matching, vans, and buses. The use of light rail systems might also be considered in the future.

Mr. Simmons told the Council that fine-tuning of financing mechanisms would be needed, adding the caveat that the mechanisms be adequate, reliable and sustained over time.

Mr. Simmons added that the authority board should be limited to ten or fewer seats. He provided a brief overview of the proposed options for governance of the authority.

Council Member Andresen asked Mr. Simmons why a regional authority was needed. Mr. Simmons responded that no single unit of government operates locally to administer public transit throughout the three county (Durham, Orange, Wake) region. He stated that a new entity is needed to coordinate public transit in this area.

Council Member Andresen asked what the goals of the proposed authority would be in the first stage of development. Mr. Simmons responded that the authority's first mission would be to develop a transit linkage between the Raleigh, Durham and Research Triangle Park and surrounding communities. Council Member Andresen inquired whether this development would involve regional buses, light rail or some other mode of transportation. Mr. Simmons responded that buses would certainly be involved, as might light rail in the future.

Council Member Preston asked for clarification as to who would elect authority members if the third of three processes of governance were chosen. Mr. Simmons stated that the elected members would consist of County Commissioners. He noted that this approach was not recommended. Mayor Howes noted with concern that options providing for only one type of appointment (i.e., County appointees, etc.) would be somewhat shortsighted. Mayor Howes added that he favored the third option (representation from county, city and region) offered by Mr. Simmons. Council Member Godschalk said that urban interests should be represented directly on the authority board.

Council Member Preston stated that financing of the authority would ideally be tied to vehicle use. Mr. Simmons noted that the bulk of financing options offered in the NCDOT draft report were tied to vehicle use. Council Member Preston stated that the use of the phrase "connectivity" was unnecessary, as "connecting" would have been just as good.

Council Member Pasquini inquired about the involvement and input of other governmental entities to date concerning regional transit. Mr. Simmons stated that the NCDOT draft report will be presented to other area government bodies. Following this, the draft subcommittee will be fine-tuned by the Technical Coordinating Committee (TCC) and joint Technical Advisory Committee (TAC) before being drafted in final report form for final endorsement by area boards. Mr. Simmons stated that the final report will hopefully be adopted early in the next State legislative session.

Council Member Pasquini asked that when the report comes before the Council again it should outline the pros and cons of regional transit authority membership for the Town.

Town Manager Taylor noted that this evening would be an optimal opportunity for the Council to provide feedback on governance and financing of the proposed regional transit authority.

Council Member Herzenberg stated his preference for vehicle related revenues to finance a regional authority.

Council Member Pasquini stated his belief that the transit authority revenue source should be controlled by the State of North Carolina, utilizing a vehicle other than a current revenue source. He noted with concern that smaller communities may tend to feel slighted in developing a regional transit authority. Mr. Simmons responded that care needed to be taken in assuring fair representation of all involved parties.

Council Member Andresen stated that she has a strong interest in user fees. Council Member Andresen stated that it was difficult to buy into a proposed program with only very preliminary

information. Mayor Howes noted that the Council was not being asked to make any type of endorsement at this evening's meeting. Mr. Simmons stated that NCDOT is eager to attain input from all entities interested in the regional public transit concept.

Council Member Wallace noted the value of moving in a regional direction. Council Member Wallace asked rhetorically how far the Town should move on this issue. He cautioned strongly against engaging in overkill overnight, stressing the need for joint cooperation between the Town and University in the development of possible regional transit authority involvement.

Design Guidelines Report

Roger Waldon, Planning Director, stated that Alan Rimer, Chairman of the Planning Board and Design Task Force was in attendance at this evening's Council meeting. Mr. Waldon provided a brief overview of the types of materials contained in the various color sections of the agenda item. Mr. Waldon noted that the design guidelines attempt to balance conflicting interests (Town character versus maintenance and expenses). He added that the collective staff opinion was that the proposed design guidelines are good.

Mr. Waldon noted that the guidelines contain some absolutes relating to steep slopes whereas the staff proposes to minimize, not prohibit disturbance on steep slopes. He added that the guidelines encourage the use of landscaping on median islands, although maintenance cost is clearly an issue. Mr. Waldon also stated the staff recommends the installation of curb and gutter on local streets whereas the guidelines do not.

Mr. Waldon stated that the Design Task Force recommends adoption of the Design Guidelines to the Council. He added that a key to good design and use of the guidelines is to meet with applicants early in the development process. Mr. Waldon noted the critical criteria for measuring the worth of the guidelines is simple, "Do the guidelines result in the type of development sought by the Council?"

Bruce Ballentine, representing the Chapel Hill/Carrboro Design Council, commended the efforts of the Design Task Force, noting that the proposed design guidelines provide an excellent summary of what the Town considers to be good design.

Council Member Godschalk asked Mr. Ballentine whether no curb and guttering on local streets was a good idea in his professional opinion as an engineer. Mr. Ballentine responded that the absence of curb and gutter was recommended only under certain conditions, involving certain types of terrain. Council Member Godschalk asked whether sufficient incentives were provided in

the draft guidelines to encourage good design. Mr. Ballentine responded that the draft guidelines contain sufficient flexibility to encourage, but not dictate, good design.

Mr. Rimer stated that a rebuttal to the use of curb and gutter, as recommended by the Town staff, would be provided at the next Council meeting when curb and guttering was discussed.

Town Manager Taylor stated that he hoped to get Council feedback for referral to the Design Task Force and Town staff. He stated that it may be possible to formulate a final report for the December 12th Council meeting, with the design guidelines being in force by January 1, 1989.

Council Member Andresen said that she had served on the Design Task Force for two and a half years. She added that the Proposed Design Guidelines as presented this evening were generically good, adding that the Parks and Recreation Commission had made excellent suggestions concerning the guidelines. Council Member Andresen said that developers should be rewarded for good design. Council Member Andresen proposed that a group outside of Town staff be convened to synthesize staff comments on the Proposed Design Guidelines.

Council Member Godschalk suggested that the Proposed Design Guidelines initially be distributed in a looseleaf notebook, permitting for necessary modifications during a trial period. He cited the principal objective of the guidelines as an incentive for developers to follow the proposed guidelines.

Town Manager Taylor suggested having two or three projects work through the development process using the Design Guidelines.

Council Member Werner said that if the Proposed Design Guidelines were adopted, changes to the Design Manual and Development Ordinance would be implicitly endorsed. Town Manager Taylor responded that the Proposed Design Guidelines and Design Manual are on an equal footing. He added that adoption of the proposed Design Guidelines will not change the Development Ordinance, only its interpretation.

Council Member Werner said that a quantification of expenses relating to the adoption of the Proposed Design Guidelines would be helpful, so the Council could be forewarned about ultimate costs.

Mr. Rimer urged the Council to adopt the Design Guidelines as quickly as possible, adding that a postponement of one year would be a bad idea.

Council Member Preston stated that she was simply overwhelmed by the amount of work performed by various individuals in pulling

together the Proposed Design Guidelines. Council Member Preston expressed concern that the draft document was not specific enough in outlining a vision of the Town (i.e., types of building materials, etc.). Council Member Preston also cited some instances where photographs in the draft did not correspond well to the text. Council Member Preston stated that guidelines relating to steep slopes should be more flexible and street stubouts should be connected. Council Member Preston said she felt that a trial period for the Design Guidelines would be a good idea.

Council Member Pasquini stated that the Council should be more actively involved in development of the Design Guidelines. He urged the Council to carefully examine individual policy issues as they relate to the Design Guidelines. Council Member Godschalk raised the possibility of holding a work session to consider the Proposed Design Guidelines.

Town Manager Taylor welcomed the participation of the Council in formulating the Proposed Design Guidelines. Mr. Taylor suggested that the staff identify major policy issues and refer the final draft of the Proposed Design Guidelines to the Council for their consideration.

Council Member Pasquini proposed that policy issues be addressed in a piecemeal fashion, two or three items at a time. Council Member Wilkerson urged the Council to get involved in the formulation of the Proposed Design Guidelines. Council Member Wallace said that the Council should keep its options open, concentrating on bringing together the Town's various planning documents in concert with the Proposed Design Guidelines.

Town Manager Taylor said that the Town staff would work with the Design Task Force on a policy issue paper for the December 12th Council meeting, with possible adoption of the Design Guidelines occurring at the first Council meeting in January.

Mayor Howes suggested that the Council may want to hold a separate meeting to address the Proposed Design Guidelines. He added that no action was needed this evening by the Council.

Westcourt Special Use Permit

Town Manager Taylor noted that there was no opposition to the developer's extension request at the October 17th Council Public Hearing. Mr. Taylor added that a new general partner had joined the partnership since the October 17th meeting. Mr. Ken Broun, representing Westcourt, stated two new general partners had been selected, and proposals from several developers were under review.

Council Member Andresen stated that she opposed the extension request since the new partner may elect to redesign the project. Council Member Pasquini asked whether redesign of the project was likely. Mr. Broun responded that redesign was a very real possibility. He added that an extension was necessary to maintain the viability of the project. Council Member Godschalk stated that he favored the extension, citing the potential boost in vitality in the downtown area. Mayor Howes added that he would be voting in favor of the extension request.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 2a, GRANTING EXTENSION TO THE WESTCOURT CONSTRUCTION DEADLINES. THE MOTION WAS ADOPTED (8-1), WITH COUNCIL MEMBER ANDRESEN DISSENTING.

A RESOLUTION APPROVING AN APPLICATION FOR A MODIFICATION TO THE SPECIAL USE PERMIT FOR WESTCOURT AT FRANKLIN/ROSEMARY (88-11-14/R-2a)

WHEREAS, a Special Use Permit for Westcourt was approved by the Council on November 23, 1987 and has been recorded in Deed Book 711, Page 1, of the Orange County Register of Deeds office; and

WHEREAS, the applicant, Mr. Guilford T. Waddell, III, has requested an extension of the construction start and completion dates; and

WHEREAS, a public hearing on this matter was held on October 17, 1988; and

WHEREAS, no physical changes have occurred in the vicinity of this proposed development; and

WHEREAS, the proposed development continues to comply with the requirements of the Chapel Hill Development Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the Westcourt at Franklin/Rosemary development, if developed according to the preliminary site plan dated July 31, 1987 and the conditions recorded in the Special Use Permit, would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13 and 14, and the applicable specific standards contained in Section 18.7 and 18.7.2, and with all other applicable regulations;

3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or be a public necessity; and
4. Conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby approves a modification to condition #1 of the approved and recorded Special Use Permit, modifying condition #1 to read as follows:

That construction begin by November 23, 1989 and be completed by November 23, 1991.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Westcourt at Franklin/Rosemary Special Use Permit Modification in accordance with the plans and conditions listed above.

This the 14th day of November, 1988.

Special Use/Conditional Use Zoning

Mayor Howes noted that Town Manager Taylor recommended adoption of this item, whereas the Planning Board recommended denial.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (88-11-14/O-1)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Chapel Hill Development Ordinance to rename Special Use District zoning to Conditional Use District zoning, and finds that the amendment is appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and/or achieves the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED that the Chapel Hill Development Ordinance shall be amended as follows:

SECTION I

AMEND Subsection 3.1.11 to read as follows:

3.1.11 Conditional Use Districts

For the CC, NC, OI-2, OI-1, I, and R-5 districts hereinabove described, there are hereby established parallel conditional use districts designated CC-C, NC-C, OI-2-C, OI-1-C, I-C, and R-5-C, pursuant to North Carolina General Statutes Section 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by Section 12.3 of this ordinance, Schedule of Use Regulations, for the parallel general use district are permitted only upon issuance of a Special Use Permit by the Council pursuant to Article 18 of this Ordinance.

SECTION II

AMEND Subparagraph (c) of Section 18.1 to read as follows:

c) All uses established in conditional use districts.

DOCR: Section 19.2, site plan reviews by the Town Council for special uses approve under previous zoning ordinance.

DOCR: Section 18.3.8, relationship of conditional use zone and special use permit applications.

SECTION III

AMEND the third paragraph of Section 18.2 to read as follows:

Any uses in conditional use districts, as described in Section 3.1.11, shall be established only after issuance and recordation of a Special Use Permit.

SECTION IV

CHANGE the term "special use zoning district" in the last paragraph of Section 18.5, second line, to read as follows:

conditional use zoning district

SECTION V

CHANGE the term "special use district" in the second paragraph of Subsection 18.6.1, second line, to read as follows:

conditional use district

SECTION VI

RENAME Section 18.9 as follows:

18.9 Uses in Special Use Districts

SECTION VII

CHANGE the term "special use districts" in the first paragraph of Section 18.9, first line, and the second paragraph of Section 18.9, first line, to read as follows:

conditional use districts

SECTION VIII

CHANGE the term "special use district" in the second paragraph of Section 18.9, third line, to read as follows:

conditional use district

SECTION IX

CHANGE the term "special use district", in the last paragraph of Section 20.2, first and fourth/fifth lines, to read as follows:

conditional use district

SECTION X

CHANGE the term "special use district", in the third paragraph of Subsection 20.3.3, to read as follows:

conditional use district

SECTION XI

CHANGE the term "special use district", in the first, second and fourth paragraph of Subsection 20.3.8, to read as follows:

conditional use district

SECTION XII

That it is the intention of this amendment to the Development Ordinance to change all reference in the ordinance to "Special Use Districts" or "Special Use Zoning Districts" to "Conditional Use Districts" or "Conditional Use Zoning Districts". Any subsequent discoveries of unchanged references are hereby authorized for renaming.

SECTION XIII

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 14th day of November, 1988.

Historic District Commission Consultant's Report

Chris Berndt, Long Range Planning Coordinator, told the Council that the Cameron-McCauley neighborhood had been analyzed from a historical district standpoint beginning in 1979. Ms. Berndt recognized a \$2,000. gift from the Chapel Hill Preservation Society for the role it played in completing the Historical District survey before the Council this evening. Ms. Berndt stated that the neighborhood meetings pertaining to historical districts had been well attended, with a high level of citizen interest. Ms. Berndt introduced Mary Reeb, the consultant responsible for compilation of the Northside and Cameron-McCauley neighborhood studies.

Ms. Reeb told the Council that she wanted neighborhoods to express their own individual identity. She stated that a total of twenty-five historically significant structures were identified in the Cameron-McCauley neighborhood. She elaborated that a core historical area had been identified, for possible consideration as a conservation zone.

Ms. Reeb said that the original integrity of structures in the Northside neighborhood had been compromised to a degree. She noted that three buildings in the neighborhood are eligible for historic recognition. Ms. Reeb stated that the residents of Church Street felt that their neighborhood should be protected. She added that a historical transition zone on Rosemary Street might be appropriate.

Council Member Preston stated that the Town could ideally perform a study of how all the Town's neighborhoods evolved. She commended Ms. Reeb for her efforts. Council Member Preston asked how the boundaries for the Cameron/McCauley district were determined. Ms. Reeb responded that diagramming a particular district is often times problematic. She added that the boundaries of the Northside district were topographically based. Ms. Berndt stated that the districts under consideration are study areas, adding that the boundaries outlined are not final ones. She added that the mission of the Historic District Commission will be to examine these study areas.

Council Member Andresen asked for a summarization of special appearance districts contrasted with conservation districts. Ms. Berndt responded that special appearance districts are those which embody special character. Conservation districts are areas in which the Council has made a policy statement support special protection of a particular district. Ms. Berndt added that there is currently no State legislation recognizing conservation districts.

Ms. Reeb stated that the Northside neighborhood indicated a desire not to engage in certification processes for historical recognition.

Former Council Member R.D. Smith told the Council that he wanted to make them aware of a few shortcomings in the Historic District report being presented to the Council this evening. Mr. Smith told the Council that the Hargraves Center was originally named for Mr. Hubert Robinson, Sr., the first Black Alderman in Chapel Hill. Mr. Smith expressed concern that few people in the Black community were involved in the formulation of the report. He urged that the Black community be included in the process. Mr. Smith suggested that all of the Potter's Field area be added to the Northside district.

Mr. Smith added that residents of the Northside area are seeking protection from the encroachment of commercial establishments into their neighborhood. Mr. Smith said that input from two members of the Black community in the compilation of the report was inadequate.

Council Member Godschalk concurred with Mr. Smith's concerns. He stated that the Town should not require the burden of certificates of appropriateness on residents of the Northside neighborhood. He urged the Council to establish a core historic area in the Cameron-McCauley neighborhood, requiring individual certificates of appropriateness.

Mr. Smith asked Ms. Reeb to check the accuracy of the fourth paragraph on page 8 of the Northside report. He stated that the name cited should have been Millie Kirkland, not Millie Thompson. Mr. Smith said that Edwin Caldwell, Sr. would be the best authority to provide an oral history of the Northside neighborhood.

Council Member Wallace stated that he concurred with Council Member Godschalk's remarks. He cited this project as a legitimate public/private venture, assuring that land in the neighborhood will not be sold to commercial interests.

Council Member Andresen stated that the best means to achieve neighborhood preservation needed to be determined by the Council.

Council Member Preston urged the Town Manager to pursue all necessary means to continue a vigorous historical district program.

Weaver Dairy/Sunrise Speed Limits

Town Manager Taylor stated that notice of the proposed reduction in speed limit had been sent to numerous individuals in the Weaver Dairy/Sunrise area. Mr. Taylor said that the Town staff

recommended the 35 MPH speed limit between the Timberlyne Shopping Center and Sunrise Road, near Cedar Falls Park.

Dave Heilig, a resident of the Cedar Hills neighborhood, said that the current 45 MPH speed limit on Weaver Dairy Road was appropriate.

Council Member Werner told the Council that he had received comments from neighborhood residents in the Weaver Dairy area noting concern that a drop in the speed limit on Weaver Dairy Road would lead to increased traffic on other area streets such as Kingston Drive, Piney Mountain, etc.. He added concern that drivers will be more inclined to use cut-throughs if speed limits were lowered. Council Member Werner stated that Weaver Dairy Road is dangerous at the curve near Cedar Falls Park. He proposed that speed limit be reduced from 45 to 35 MPH near this curve, a total distance of approximately two-tenths of a mile. Town Engineer George Small said that a reduction in the speed limit from 45 to 35 MPH does not create much cut-through traffic. He recommended against changing the speed limit for a short duration (2/10 of a mile at the curve near the park), questioning the effectiveness of such a measure.

Council Member Andresen stated that she favored the reduction in speed limit. She stated that driving Weaver Dairy Road at 45 MPH with light traffic is quite safe, but added that the road becomes more dangerous at this same speed as traffic volume becomes heavier. Council Member Wilkerson added that he felt 35 MPH would be an appropriate speed limit. He stated that it is difficult to maintain 45 MPH on Weaver Dairy Road when other drivers are proceeding at speeds in excess of 55 MPH.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT ORDINANCE 2, REDUCING THE SPEED LIMIT FROM 45 MPH TO 35 MPH. THE MOTION WAS ADOPTED (8-1) WITH COUNCIL MEMBER WERNER DISSENTING.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (88-11-14/O-2)

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

SECTION I

That Section 21-11 of the Town Code of Ordinances, speed regulations, is amended by deleting the following:

(4) Forty-five miles per hour:

- (i) Weaver Dairy Road for the portion within the corporate limits

SECTION II

That Section 21-11, Article A, of the Town Code of Ordinances, speed regulations, is amended by adding the following in appropriate alphabetical order.

(3) Thirty-five miles per hour:

Sunrise Road for the portion within the corporate limits.

Weaver Dairy Road from N.C. 86 to a point two tenths of a mile east of the center line of Sunrise Road.

Forty-five miles per hour:

All portions of Weaver Dairy Road from Erwin Road to a point two tenth of a mile east of the center line of Sunrise Road.

SECTION II

This ordinance shall be effective Monday, December 5, 1988.

SECTION III

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

This the 14th day of November, 1988.

Umstead Drive Realignment

Town Manager Taylor stated that he had personally met with both Herman and T.M. Greene, Jr., noting that both Mr. Greenes had signed options permitting the Town to purchase appropriate rights-of-way and easements for the realignment of Umstead Drive. He stated the Greenes desire to close the sale prior to Thanksgiving.

Council Member Godschalk stated that if the Town had gone to court in this matter, it would likely have involved more money to acquire the right-of-way and easements. Upon Council Member Herzenberg's request, Mr. Small identified a pedestrian easement in the area of the Greenes' properties.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO APPROVE RESOLUTION 5a. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING THE MANAGER TO PURCHASE CERTAIN PARCELS OF LAND FOR THE UMSTEAD DRIVE REALIGNMENT PROJECT (88-11-14/R-5a)

WHEREAS, improvement of the Umstead Road project is a high priority of the Town of Chapel Hill as evidenced by the appropriation for this project; and

WHEREAS, the acquisition of rights-of-way and easements is necessary before undertaking the construction of the project; and

WHEREAS, the Town has negotiated fully and fairly with affected property owners and desires to complete acquisition; and

WHEREAS, the Council heard comments and concerns of the property owner on October 10, 1988 and directed the Manager to consider options and alternatives for this project; and

WHEREAS, the Manager has considered other alignment options for this project and believes that the design as currently proposed is the most appropriate; and

WHEREAS, the Manager recommends that the Town purchase the necessary right-of-way and easement for \$28,500; and

WHEREAS, the Council finds that voluntary purchase of the necessary property for this amount is in the best interest of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to take the necessary steps to complete the following acquisition by purchase:

<u>Tract #</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq.Ft.)</u>	<u>Purchase Price</u>
3	Herman Greene (Tax Map 7.33.E.1)	Right-of-Way	12,855	Total } \$28,500
		Pedestrian Easement	2,527	

This the 14th day of November, 1988.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO APPROVE RESOLUTION 5b. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING THE MANAGER TO PURCHASE CERTAIN PARCELS OF LAND FOR THE UMSTEAD DRIVE REALIGNMENT PROJECT (88-11-14/R-5b)

WHEREAS, improvement of the Umstead Road project is a high priority of the Town of Chapel Hill as evidenced by the appropriation for this project; and

WHEREAS, the acquisition of rights-of-way and easements is necessary before undertaking the construction of the project; and

WHEREAS, the Town has negotiated fully and fairly with affected property owners and desires to complete acquisition;

WHEREAS, the Council heard comments and concerns of the property owner on October 10, 1988 and directed the Manager to consider options and alternatives for this project; and

WHEREAS, the Manager has considered other alignment options for this project and believes that the design as currently proposed is the most appropriate; and

WHEREAS, the Manager recommends that the Town purchase the necessary right-of-way and easement for \$9,000;

WHEREAS, the Council finds that voluntary purchase of the necessary property for this amount is in the best interest of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to take the necessary steps to complete the following acquisition by purchase:

<u>Tract #</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq.Ft.)</u>	<u>Purchase Price</u>
2	T. M. Greene, Jr. (Tax Map 7.33.E.1A)	Right-of-Way	3,463	Total } \$9,000
		Drainage Easement	1,345	

This the 14th day of November, 1988.

Jordan Lake Allocation

Mayor Howes stated that he was providing this item for consideration of the Council.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 6. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

RESOLUTION SUPPORTING THE ALLOCATION OF WATER FROM B. EVERETT JORDAN LAKE AND REQUESTING A 10 MGD ALLOCATION TO ORANGE WATER AND SEWER AUTHORITY (88-11-14/R-6)

WHEREAS, the North Carolina Environmental Management Commission on October 9, 1986 determined that the waters of the B. Everett Jordan Lake are suitable for withdrawal for potable uses; and

WHEREAS, the North Carolina Environmental Management Commission has adopted criteria to be used in making assignments of water withdrawals from the B. Everett Jordan Lake; and

WHEREAS, the Division of Water Resources of the North Carolina Department of Natural Resources and Community Development has made proposals for Level I and Level II allocations under the initial allocation procedures established by the Environmental Management Commission; and

WHEREAS, water service is provided by Orange Water and Sewer Authority to the Town of Carrboro, Town of Chapel Hill, The University of North Carolina at Chapel Hill, North Carolina Memorial Hospital, and surrounding contiguous areas; and

WHEREAS, Orange Water and Sewer Authority has presented documents to the Division of Water Resources showing a 19 MGD allocation is needed to meet high growth projections of its service area and at least a 10 MGD allocation is needed to meet normal growth projections of its service area.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town Council of the Town of Chapel Hill supports the allocation request made by Orange Water and Sewer Authority and requests that a minimum Level II allocation of 10 MGD be made to the Authority by the Environmental Management Commission in this initial allocation procedure.

2. That the Town Council of the Town of Chapel Hill urges the Environmental Management Commission to also make allocations to other applicants responsive to their respective requests in order that water resource planning, development, and construction can move ahead in the region in a systematic and reliable manner.

Adopted this 14th day of November, 1988.

Mutual Aid--Emergency Water Supply

Council Member Andresen informed the Council that the agreement before them was not a binding document, but a statement of cooperation during emergencies.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 7. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN A JOINT RESOLUTION CONCERNING MUTUAL AID DURING WATER SUPPLY EMERGENCIES (88-11-14/R-7)

WHEREAS, on October 26, 1988 the Triangle J Council of Governments Board of Delegates recommended that local boards approve the attached Joint Resolution establishing common local policies for mutual aid during water supply emergencies; and

WHEREAS, citizens of Chapel Hill have in the past benefitted from sharing of water with the Orange Water and Sewer Authority by other entities; and

WHEREAS, the Town supports the sharing of water to meet emergency short-term needs;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Mayor to sign on behalf of the Town, the above-described Joint Resolution as provided to the Town by letter dated November 1, 1988 from the Triangle J Council of Governments.

This the 14th day of November, 1988.

World University Games

Hill Carrow, President, North Carolina Amateur Sports, told the Council that he was presenting a resolution to the Council requesting the Town's support of an application for holding the World University Games in the Triangle in 1993. He noted that the Raleigh, Durham and Cary Councils have given support to the resolution presented to the Council this evening. Mr. Carrow expressed his confidence that the Triangle would be well prepared to handle an event of this magnitude by 1993. He stated that approximately 7,000 athletes representing approximately 130 countries are expected to participate. This compares to 4,000 participants at the U.S. Olympic Festival in 1987. Mr. Carrow stated that competition will occur in eleven sports, requiring extensive use of athletic facilities in the area.

Mayor Howes asked whether Mr. Carrow was seeking financial resources for this effort. Mr. Carrow stated that assistance would be sought at a later date perhaps with the provision of Town buses to transport athletes to various venues as was done during the Olympic Festival.

Council Member Herzenberg asked which other cities had applied for holding the 1993 World University Games. Mr. Carrow responded that two of the major cities seeking the Games were Buffalo, NY and Minneapolis-St. Paul, MN.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 8. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

JOINT RESOLUTION

(88-11-14/R-8)

WHEREAS, the World University Games is considered internationally as the most important university-related amateur sporting competition in the world; and

WHEREAS, the World University Games promotes amateur sports and tests the abilities of student athletes worldwide during a fourteen day period in July every two years; and

WHEREAS, despite the rich history of the World University Games they have never been held in the United States; and

WHEREAS, eleven colleges and universities located in the Research Triangle communities are equipped with some of the finest and most recognized accommodations and facilities for sports activities, and are where some of the country's greatest athletes choose to enroll; and

WHEREAS, the residents of North Carolina's Research Triangle area are deeply involved in and supportive of a wide range of competitive sports; and

WHEREAS, the Triangle communities are particularly proud of the tremendous success achieved in 1987 with the hosting of the U.S. Olympic Festival; and

WHEREAS, the citizens of the Triangle area accept with great pride the challenge of hosting the World University Games, the thousands of participating athletes and officials, and the many more thousands of visitors who would attend this prestigious event;

NOW, THEREFORE, BE IT RESOLVED THAT, with the generous support and cooperation of the Triangle area and its universities, the joint Councils of the cities of Raleigh, Durham, Chapel Hill, and Cary respectfully request the United States Collegiate Sports Council to select this area as its superbly qualified candidate, representing our country, for the

1993 World University Games, not only to further the cause of amateur sports for the youth of our world, but to share with the athletes, officials, and visitors the high quality of life we enjoy in the great State of North Carolina and the United States of America.

Avery Upchurch
Mayor, City of Raleigh, North Carolina

Wib Gulley
Mayor, City of Durham, North Carolina

Jonathan Howes
Mayor, City of Chapel Hill, North Carolina

Koka Booth
Mayor, City of Cary, North Carolina

Monthly Reports--Rosemary Square

Town Manager Taylor reported to the Council that legal counsel have been working on amendments to the Rosemary Square agreement. Mr. Taylor indicated that he expects that the amendments will be executed shortly.

Mr. Taylor added that representatives of the Rosemary Square project will make a quarterly status report to the Council at their December 12th meeting.

Council Member Herzenberg asked whether the Town had received documents referred to in a letter dated October 6th. Mr. Taylor responded that the Town had not yet received these documents.

Monthly Reports--Tandler

Mr. Taylor stated that the foundations have been poured for nine Tandler homes on Legion Road. Mr. Taylor also said that lots on East Merritt Mill Road have been staked for future Tandler homesites.

Council Member Godschalk noted that 165 applications for Tandler homes had been received by the Town to date. He asked whether the Town was adequately addressing affordable housing needs in the community. Town Manager Taylor responded that this was a difficult judgement to make. Mr. Taylor noted that no commitments have been made to date on ten homesites on East Merritt Mill. Mr. Taylor asked Tina Vaughn, Director of the Department

of Housing and Community Development, to provide the Council with additional information on the status of affordable housing.

Ms. Vaughn stated that all but seven of the Tandler housing units have been sold. Ms. Vaughn said that of the 165 applications received to date, 68 individuals met the program eligibility criteria. Ms. Vaughn added that seven more home purchase commitments are needed before the Town's affordable housing program will be operating on an "assembly line" basis.

Mr. Taylor noted that there is a very narrow income band for program eligibility. He added that down payments are difficult for many families who otherwise are qualified to participate.

Council Member Pasquini asked when the Town had instituted its low-cost housing program. Ms. Vaughn stated that the Tandler development agreement was signed in July, 1987.

Council Member Wilkerson stated that sensitivity should be given to the narrow program criteria. Council Member Wilkerson stated that he differed somewhat with Ms. Vaughn's remarks, feeling that as many as thirty more homes could be sold via programs such as Tandler.

Mayor Howes noted that the agreements for homes such as Tandler are very detailed and involved compared to standard home contracts.

Mr. Taylor stated that the mission of the Town is to provide good housing for those who otherwise may not be able to afford it. Mr. Taylor added that he and other key members of the Town staff had recently met with Dr. Michael Stegman to brainstorm strategies for addressing the housing needs of low and moderate income families.

Consent Agenda

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (88-11-14/R-9)

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. Release of State economic development funds to Council of Governments. (R-10)

- b. Parking budget amendment. (0-3)
- c. Reappropriation of encumbrances. (0-4)

This the 14th day of November, 1988.

RESOLUTION 88/89

BY

Town of Chapel Hill/Orange County

(88-11-14/R-10)

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntary organizations serving municipal and county governments, have established productive working relationships with the cities and counties across the state; and

WHEREAS, many counties and cities continue to need assistance in pursuing economic and community development opportunities, but federal assistance in the form of intergovernmental revenues has been severely curtailed in recent years; and

WHEREAS, the 1987 General Assembly has again recognized this need through the appropriation of \$990,000 each year of this biennium to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, support of local industrial development and other activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of members dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by a unit of government for release of these funds to our Regional Council, the available funds will revert to the state's General Fund; and

WHEREAS, in Region J funds in the amount of \$55,000 will be used to carry out the economic development plan approved by the COG Board of Delegates and especially to improve the economy of the counties and towns of the Region by strengthening ties to and consequently benefits of the Research Triangle Park.

NOW THEREFORE BE IT RESOLVED, that the Town of Chapel Hill requests the release of its \$3201.65 share of these funds to the Triangle J Council of Governments at the earliest possible time in accordance with the provisions of Chapter 830 of the 1987 Session Laws (HB 1515).

Adopted this 14th day of November, 1988.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1988" (88-11-14/O-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1988", as adopted on May 25, 1988, being the same is hereby amended as follows:

ARTICLE I

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Parking Facilities Fund	159,425	100,000		259,000

ARTICLE II

REVENUES

Parking Facilities Fund	159,425	100,000		259,425
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This the 14th day of November, 1988.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1988" (88-11-14/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1988", as adopted on May 25, 1988, being the same is hereby amended as follows:

ARTICLE I

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND				
Mayor	58,170	995		59,165
Town Manager				
Administration	433,671	2,302		435,973
Information Serv.	212,471	6,375		218,846
Personnel	284,432	3,916		288,348
Finance	426,328	3,000		429,328

Legal	105,105	2,500	107,605
Planning	612,629	6,731	619,360
Inspections	275,845	1,581	277,426
Engineering	336,303	657	336,960
Housing & Comm.Dev.	99,721	207	99,928
Public Works			
Administration	154,369	840	155,209
Construction	219,215		219,215
Streets	1,407,113	86,687	1,493,800
Equip. Services	586,546	51,883	638,429
Sanitation	1,538,381	16,220	1,554,601
General Service	682,386	37,497	719,883
Police			
Administration	294,591	363	294,954
Support Services	682,391	771	683,162
Patrol	2,420,663	13,091	2,433,754
Detective	423,837	69	423,906
Fire			
Administration	180,874	1,337	182,211
Suppression	1,225,687	21,155	1,246,842
Prevention	86,406	988	87,394
Parks & Recreation			
Administration	184,047	9,463	193,510
General Recreation	711,999	1,391	713,390
Parks Maintenance	404,976	10,485	415,461
Library	787,163	8,037	795,200
LANDFILL FUND	1,117,000	290,690	1,407,690
PARKING FACILITIES FUND	159,425	189	159,614
CHURCH STREET PARKING FACILITIES BOND FUND	221,300	104	221,404
TRANSPORTATION FUND			
Administration	391,897	1,935	393,832
Operations	2,496,388	783	2,497,171
Maintenance	601,077	682	601,759
CAPITAL IMPROVEMENTS FUND	1,214,872	118,705	1,333,577

ARTICLE II

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND FUND BALANCE	500,000	288,541		788,541
LANDFILL FUND FUND BALANCE	371,350	290,690		662,040
PARKING FACILITIES FUND				
FUND BALANCE	0	189		189
CHURCH STREET PARKING FACILITIES BOND FUND				
FUND BALANCE	0	104		104
TRANSPORTATION FUND FUND BALANCE	194,609	3,400		198,009
CAPITAL IMPROVEMENTS FUND				
FUND BALANCE	1,212,872	118,705		1,331,577

This the 14th day of November, 1988.

Executive Session

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADJOURN TO EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The meeting adjourned to Executive Session at 10:41 p.m..

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE EXECUTIVE SESSION.