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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, JANUARY 23, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

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

Ceremonies

Mayor Howes asked Pat Crotts, Personnel Director, to come forward to recognize recently retired employees of the Town. Ms. Crotts displayed a plaque recognizing employees who had served the Town for twenty or more years upon their retirement. The Council commended four long-term employees, as follows: Bobby Pendergraph, Fire Department (26 years, 2 months); C.B. Williams, Fire Department (28 years, 11 months); Ann Cogdell, Police Department (29 years, 3 months); and Marvin Morris, Fire Department (29 years). The Council also recognized the efforts of retiree Lysandra Stroud, Public Works Department (17 years, 6 months).

Mayor Howes noted the extraordinary dedication of these long-serving Town employees.

Petitions

Ronald W. Merritt, Attorney for Chapel Hill Country Club, Inc., requested that the Council correct the Oaks II subdivision plan in order to preserve the existing easement and right-of-way for a golf course crossing along Lancaster Drive.

Council Member Andresen asked how the error had occurred. Mr. Merritt responded that the plans for the Oaks II subdivision had not been submitted to the Chapel Hill Country Club.

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

Libby Luddington, representing the Triangle Land Conservancy and Chairman of the Orange County Land Conservancy, presented an inventory of regional natural areas and wildlife habitats to the Council. She noted that the inventory contained general information about sites in Orange County. She provided one copy each of the report to Mayor Howes and Roger Waldon, Planning Director. Ms. Luddington provided copies of the Executive Summary to each

of the Council Members. Ms. Luddington expressed her willingness to address the Council at a later date to explain the document.

Council Member Herzenberg requested that Town staff consider holding one of the Town's biennial street fairs (Apple Chill or Festifall), preferably Festifall, on West Franklin Street.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO STAFF FOR FURTHER INVESTIGATION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Pasquini noted that Council Member Wilkerson had recently been honored with the Martin Luther King Citizenship Award on January 15, 1989.

Council Member Pasquini requested that staff report to the Council on a petition expressing concerns with the Town's performance-based pay plan.

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

### Minutes

Council Member Preston requested several modifications to the minutes of January 4, 1989.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE MINUTES OF JANUARY 4, 1989 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Members Preston and Werner requested amendments to the minutes of January 9, 1989.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF JANUARY 9, 1989 AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT THE MINUTES OF JANUARY 12, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Werner requested that the title of the January 14th document be changed to reflect that this was a summary, not minutes, of the Council Retreat.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO APPROVE THE SUMMARY OF THE COUNCIL'S JANUARY 14, 1989 RETREAT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Proposed Parks and Recreation Bond Referendum

Town Manager Taylor reviewed the spirit of the resolutions before the Council. He noted that Resolution A would rescind the previous Council actions in this matter. Mr. Taylor outlined the proposed new timetable for the bond referendum:

Public Hearing	February 27th
Adoption of Bond	
Order/Call Election	March 6th
Bond Election	May 2nd

Council Member Andresen asked about the status of bonds for affordable housing. Town Manager Taylor responded that Council had indicated a desire at this time to consider only bonds for parks and recreation purposes.

Council Member Pasquini said he felt that the Council was somewhat split on the amount of bonds to be introduced (\$5 million versus \$9 million) to the voters. Town Manager Taylor responded that after the public hearing the Council could propose a bond referendum in any amount between zero and \$9 million.

Margaret Taylor, representing the Alliance of Neighborhoods, encouraged the Council to move ahead on the schedule proposed in Resolution B.

Hershel Slater, Chairman of the Parks and Recreation Commission, endorsed the proposed parks and recreation bond referendum. He noted the rapidly expanding recreational needs of community areas, particularly in the areas of aquatics and softball.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 1, RESCINDING THE BOND ORDER FOR PARKS AND RECREATIONAL FACILITIES. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION RESCINDING THE INTRODUCTION OF A BOND ORDER FOR PARKS AND RECREATIONAL FACILITIES (89-1-23/R-1)

WHEREAS, the Town Council of the Town of Chapel Hill introduced a bond order on September 12, 1988 authorizing the issuance of \$5 million in General Obligation bonds for parks and recreational purposes; and

WHEREAS, the Town Council called a public hearing for January 23, 1989 on the matter of authorizing the issuance of said bonds; and

WHEREAS, the Town Council expressed its desire on January 14 to increase the amount of bonds to be considered for said purposes from \$5 million to \$9 million;

WHEREAS, under N. C. General Statutes, increasing the amount of a proposed bond order after its introduction requires that new proceedings on the increased amount be initiated;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby rescinds the introduction of the bond order authorizing the issuance of \$5 million in General Obligation bonds for parks and recreational purposes as introduced on September 12, 1988.

BE IT FURTHER RESOLVED that the Public Hearing previously called for January 23, 1989 on the matter of authorizing the issuance of said bonds is hereby rescinded.

This the 23rd day of January, 1989.

Council Member Godschalk stated his intent to vote against Resolution 2. Council Member Godschalk said that it would be misleading to change the amount proposed for facilities following the public hearing. He expressed concern about the impact of the proposed bonds on tax rates. Council Member Godschalk noted that an inventory of open space in the Town would be completed shortly.

Council Member Wallace said that timeliness is critical in considering the Town's parks and recreation needs. Council Member Wallace said that discussion of the parks and recreation facility bonds had begun in August, 1988. He encouraged the Council to move along with the proposed revised schedule.

Council Member Andresen noted that no decision had been reached whether the parks and recreational facilities bond referendum will be held. She accented the need to look at all the Town's needs, rather than handling them on a piecemeal basis.

Council Member Preston stressed the importance of public input in establishing long-term facilities needs of the Town.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 2, DIRECTING THE TOWN MANAGER TO PREPARE FOR A MUNICIPAL GENERAL OBLIGATION BOND REFERENDUM IN MAY, 1989. THE MOTION WAS ADOPTED 8-1, WITH COUNCIL MEMBER GODSCHALK DISSENTING.

A RESOLUTION DIRECTING THE MANAGER TO PREPARE FOR A MUNICIPAL GENERAL OBLIGATION BOND REFERENDUM IN MAY, 1989 (89-1-23/R-2)

WHEREAS, the Council of the Town of Chapel Hill recognizes needs for providing parks and recreational facilities, open space, greenways, and entranceways; and

WHEREAS, the Council wishes to preserve the character of the community; and

WHEREAS, bond financing is an equitable means of financing projects which have a useful life of 15 or more years, and future taxpayers who benefit would share their cost;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Manager to take all steps necessary (including, without limitation, selection of bond counsel, publishing legally-required notices, and filing application materials with the N. C. Local Government Commission) to prepare for a bond referendum to be held on May 2, 1989, concerning the following purpose and amount:

Purpose: To pay capital costs of providing parks and recreational facilities within and without the corporate limits of the Town, including the acquisition and development of land for community and neighborhood parks, entranceways, greenways, and open spaces.

Amount: \$9 million.

This the 23rd day of January, 1989.

Revised Bond Authorization Timetable for  
Parks and Recreation Bonds

<u>Action</u>	<u>Dates for May 2 Referendum</u>
Adoption of Resolution Rescinding Introduction of Bond Order of September 12, 1988	January 23 (Monday)
Adoption of Resolution of Intent to Apply for Sale of Bonds	January 23 (Monday)
Publish Notice of Intention to Apply to LGC for Approval of Issuance of Bonds	January 26 (Thursday)
Introduce Bond Order; Call Public Hearing	February 13 (Monday)
Publish Bond Order with Notice of	

Public Hearing	February 17 (Friday)
Public Hearing	February 27 (Monday)
Adopt Bond Order and Call Election	March 6 (Monday)
Publish Bond Order as Adopted	March 17 (Friday)
Publish Notice of Election	March 17 (Friday)
Publish Notice of Election	March 24 (Friday)
Last Day to Register for Election	April 3 (Monday)
Election	May 2 (Tuesday)

Timberlyne Office Park South

Roger Waldon, Planning Director, said that American Board of Pediatrics (the applicant) was seeking a modification to the Timberlyne Office Park South Subdivision, located at Weaver Dairy Road and Kingston Drive. Mr. Waldon showed an area map, outlining access points to the site.

Mr. Waldon said that Plan A (the applicant's proposal) would increase the size of lot 5 while decreasing the size of lot 8. He noted that the American Board of Pediatrics proposes to drain an existing pond on their site and replace it with a detention basin. Mr. Waldon stated that Plan B would reconfigure open space, reducing the size of the pond.

Mr. Waldon noted that the staff memorandum reviewed four key issues:

- (1) Modification to open space--adjustments to several lot lines are proposed by the applicant. This would impact the configuration of the development's approved open space.
- (2) Status of existing pond--retention, elimination or reduction in size of on-site pond.
- (3) Road Improvements--Original (August, 1981) approval of the preliminary plat required improvements to Weaver Dairy Road. A letter of credit for this purpose expired in 1986.
- (4) Future applications--A future small expansion would be possible by the American Board of Pediatrics.

Mr. Waldon provided a brief overview of the four resolutions, noting their impacts. Mr. Waldon said that Resolution A would approve the American Board of Pediatrics request. Resolution B would approve the recommendation of the Town Manager and Planning Board. Resolution C would supplement Resolution B with requirements for the American Board of Pediatrics to complete improvements to Weaver Dairy Road. Resolution D would deny the applicant's request for modification.

Council Member Andresen asked what percentage of the pond would remain under Plan B. Mr. Waldon responded that the applicant could best address this question. Council Member Andresen asked why improvements to Weaver Dairy Road had been tied to the Timberlyne Shopping Center. Mr. Waldon said that there had originally been one applicant for the office park and shopping center. He noted that a previous Council had shifted the responsibility for roadway improvements to the shopping center. Mr. Waldon said that due to a series of unfortunate oversights, the letter of credit intended for roadway improvements expired before being called.

Council Member Andresen noted that the American Board of Pediatrics had sought the signatures of adjoining property owners on a quit claim deed for the pond, a dedicated facility. Mr. Waldon said that he had consulted with several parties seeking clarification of the term "dedicated". He added that final plat requirements stipulate that a note be included clarifying whose land is dedicated to and for what purpose.

Council Member Andresen asked whether property owners within 500 feet of this proposed modification had received notification. Mr. Waldon responded that notification had occurred. Council Member Andresen said that she had spoken to a property owner who had signed the quit claim deed but had not received notice of the proposed modification.

Council Member Werner said that he saw no connection between the change in need for extra space and the status of the pond. Mr. Waldon responded that Plan A, calling for removal of the pond, was the best site design according to the applicant. Council Member Werner asked whether the Zoning Ordinance stipulated that the applicant may not impact natural areas. Mr. Waldon said that this was a difficult question to answer, suggesting that the applicant may provide a better outline of their intentions.

Council Member Godschalk asked whether lot one of the subdivision was currently vacant. Mr. Waldon responded that this was correct.

Council Member Godschalk noted that lot 8 had some frontage along Weaver Dairy Road. He asked whether future site plan requirements could be attached requiring improvements to Weaver Dairy Road. Mr. Waldon responded that this would be contingent upon the type of development proposed for the lot. Mayor Howes asked why access to lot 8 could not be attained from Weaver Dairy Road. Mr. Waldon said that the Development Ordinance requires access from the street of lower classification.

Council Member Wilkerson asked whether the pond on the site was performing a stormwater management function. Mr. Waldon responded that this was correct. Council Member Andresen asked whether future development plans for the site would need to retain the stormwater management functions. Mr. Waldon said yes.

Mark Hudson, representing the American Board of Pediatrics, said that his client preferred a dry detention basin on the site to a downsized pond with a fence. He expressed the desire of the American Board of Pediatrics to preserve open vistas on the site. He noted that there was little cost difference in the two approaches.

Mr. Hudson said that a dry basin would be less of a public nuisance. He added that the American Board of Pediatrics owns three lots in the subdivision, adding that none of the other property owners want responsibility for the pond. Mr. Hudson said that the existing pond is approximately three feet deep, with silt occurring in the pond at the rate of several inches per year. Mr. Hudson reaffirmed the American Board of Pediatrics' preference for a plan involving a detention basin rather than the pond.

Mayor Howes inquired about the willingness of the American Board of Pediatrics to undertake improvements to Weaver Dairy Road. Mr. Hudson responded that the improvements were tied to the development of Timberlyne Shopping Center. Mr. Hudson said that the American Board of Pediatrics should not be required to do street widening since only one lot was involved in the modification request before the Council.

Council Member Werner asked why the American Board of Pediatrics was concerned about pond liability. He cited other developments in the Town with ponds. Mr. Hudson said that ponds are an attractive nuisance. He said that many citizens at the Planning Commission public hearing said they like to visit the pond. Mr. Hudson said that the pond is on private land but has not been posted due to the American Board of Pediatrics' desire to be a good neighbor.



Council Member Godschalk proposed having the Triangle Land Conservancy serve as conservator of the pond, noting their expertise in this area.

Council Member Andresen asked how the pond size would be impacted under Plan B. Mr. Hudson said that the pond would be approximately one-third of its current size under this plan.

Mayor Howes asked whether the dam would be rebuilt. Mr. Hudson responded no. He said that a drainage system would be installed underneath the newly configured pond. Mayor Howes asked whether Plan A contemplated any work on the dam. Mr. Hudson responded that Plan A involved modifications to the dam while Plan B would involve installation of piping for drainage of the pond.

Pam Freeze, 119 Basswood Court, noted that Dr. Brownlee had met with neighborhood residents but said that the parties were unable to reach agreement. She asked residents of her neighborhood to rise. Ms. Freeze expressed concern that the original subdivision plat called for dedication of permanent open space with the pond to remain in place. She asked what the ramifications were for other open space in Town. Ms. Freeze stated her belief that there is no formally organized property owner's association for the Timberlyne Office Park South Subdivision.

Dick Johnson, 6 Timberlyne Road, told the Council that he had lived in the area for approximately ten years. He said that the pond in question drains into the Magnolia Stables pond. Mr. Johnson noted that both of these ponds have silted up in recent years, due to development in the area. He expressed concern that the American Board of Pediatrics was using liability as an excuse to get rid of the pond. He urged the Council not to act hastily in this matter.

Jay Dunbar, 15 Timberlyne Road, said that he lives opposite from the pond. Mr. Dunbar asked if a serious liability concern is involved, why is the property not posted. Mr. Dunbar said that the pond is a valued natural feature of north Chapel Hill. He said that although the pond is not a stormwater detention basin, it functions well as one. Mr. Dunbar said that the pond is a viable one, with a lot of wildlife living in the nearby environs. Mr. Dunbar said that he would like to see the Council preserve the pond. He questioned whether other property owners in the subdivision would have signed the quit claim deed if they had known of the American Board of Pediatrics' plans for development. Mr. Dunbar said that the original developers of the property had good intent. He concluded his remarks by noting that it would be a shame to reverse this history of good intent.

Rebecca Margolese-Malin, 5 Balsam Court, said that the American Board of Pediatrics intends to set aside open space in lot 8 to

compensate for the proposed building expansion. She noted that the proposed new open space overlays buffer, effectively decreasing the amount of open space. Ms. Margolese-Malin added that if Weaver Dairy Road is expanded to four lanes, there will be less open space.

Council Member Preston asked how the matter of title to the pond could be cleared up. She noted the dichotomy of views concerning the pond between those saying the pond is working well attracting wildlife, versus those saying the pond is silting up.

Council Member Werner noted the American Board of Pediatrics' desire to have lot lines moved to accommodate the building expansion and to remove the pond from the site. He added that he saw no compelling reason to grant the applicant's request for modification. Council Member Werner said that the owner has an obligation to maintain dedicated open space and the pond.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 3D, DENYING THE APPLICANT'S REQUEST. THE APPLICANT REQUESTED THE OPPORTUNITY TO SPEAK PRIOR TO A VOTE OF THE COUNCIL.

Bob Brownlee, representing the American Board of Pediatrics, said that his group's efforts to make an addition to their building was several months behind schedule. He expressed the desire of the American Board of Pediatrics to create a cosmetically pleasing environment. He noted that proposed building in the pond area was tied to the layout of the existing building on this lot. Dr. Brownlee said that the amount of open space was not being reduced, rather, an even exchange was being offered.

Dr. Brownlee noted that people trespass on the American Board of Pediatrics' land, but no posting has occurred in the spirit of being a good neighbor. Dr. Brownlee said he was greatly concerned about pond liability issues, particularly in his capacity as a pediatrician. Dr. Brownlee said it would be unreasonable to leave the pond area unfenced.

Council Member Andresen asked whether there are any plans to build on lot 8. Dr. Brownlee indicated that there are no plans to build at this time. He noted that due to the internal layout of the existing building, lot 8 was not as desirable for proposed expansion as the site under consideration. Council Member Preston sought clarification of the reason for siting of the building. Dr. Brownlee responded that the pond is a day-to-day eyesore, requiring serious attention. Council Member Preston asked what type of attention was required. Dr. Brownlee said that the pond should be drained and a standpipe installed.

Council Member Wilkerson asked whether it would be possible to get a larger pond than the one proposed in Plan B (one-third size). Bruce Ballentine said that this would be possible. He noted that the new pond would involve a 3:1 slope design. Council Member Werner asked what the extent of the existing pond slope was. Mr. Ballentine responded that the existing slope is somewhat flatter, and steeper near the dam. Mr. Ballentine added that the current dam is in unsatisfactory condition.

Council Member Pasquini said that no clear consensus had been reached on this issue this evening. He noted that the original developers had permanently dedicated open space in March, 1982 with the perpetual responsibility to maintain this condition. Council Member Pasquini added that he had heard no compelling argument to fill in the pond area.

Council Member Wilkerson proposed that the Council take no action this evening, suggesting that the applicant meet with concerned area residents and Town staff.

COUNCIL MEMBER WILKERSON PROPOSED A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO TOWN STAFF, IN ORDER THAT THE STAFF, RESIDENTS, AND APPLICANT MIGHT MEET TO FURTHER DISCUSS THIS APPLICATION.

Council Member Wallace noted that the inception of this project occurred approximately ten years ago. He expressed concern that certain conditions of the original Timberlyne Shopping Center application had not been met prior to issuance of certificates of occupancy. Council Member Wallace expressed concurrence with Council Member Pasquini's remarks that many gaps existed, with the facts yet to be provided. Council Member Wallace said that he supported Council Member Wilkerson's motion as a temporary expedient.

Mayor Howes noted that the Council was having to deal with a series of failed promises. He added that there was no intention on the part of the Council or staff to put the American Board of Pediatrics in a more difficult position. He noted the important role of the American Board of Pediatrics in the community and neighborhood. Mayor Howes said that he would support the motion to refer. He suggested that the American Board of Pediatrics should investigate the possibility of transferring maintenance of the pond to the Triangle Land Conservancy, or alternatively working with architects for a new site configuration. Council Member Wallace echoed Mayor Howes remarks concerning the Council's desire to assist the American Board of Pediatrics with its efforts.

COUNCIL MEMBER WALLACE CALLED THE QUESTION. COUNCIL MEMBER WILKERSON'S MOTION TO REFER WAS ADOPTED UNANIMOUSLY (9-0).

### Skateboard Ramps

Mr. Secrist noted that skateboard ramps were not addressed in the Town Code until recently. Mr. Secrist said that the Town now regulates when ramps may be used, has defined what a ramp is, and regulates the number of users at one time.

Mr. Secrist said that the Text amendment before the Council would limit ramps to large lots with adequate setbacks and screening. He added that existing ramps might be considered non-conforming uses under these provisions. Mr. Secrist said that the regulations will apply to both old and new skateboard ramps. Mr. Secrist noted that an existing skateboard ramp is in the process of being dismantled.

Mr. Secrist noted the possibility of establishing a public skateboarding facility in Southern Community Park. Cost estimates of such a facility are approximately \$30,000, plus \$11,000 per annum maintenance. Mr. Secrist added that the Town is not in a position to recommend operating its own skateboard facility, since the Town's insurance coverage excludes archery and skateboarding from a listing of covered activities. The Town has located one carrier willing to provide skateboarding coverage, but the annual premium would be \$50,000 with a \$25,000 deductible. Mr. Secrist said that as insurance companies develop risk coverage patterns for skateboarding facilities, the cost of insurance coverage may decrease.

Council Member Godschalk said that the information provided by the Town staff was very useful. He inquired about the rationale for the Planning Board's recommendation for siting of skateboard facilities. Mr. Waldon said that the Planning Board wanted to make the ordinance restrictive without ruling out the possibility of future Town operation of a skateboarding facility. Council Member Godschalk asked if it would be possible for a private skateboarding club to be formed upon adoption of the proposed recommendation. Mr. Waldon said that private club formation would be possible.

Council Member Wallace inquired about the extent to which the Town would be obligated if an accident were to occur to a skateboard ramp user, the level of insurance coverage needed by the Town, and whether the Town assumed any liability in this matter by adopting the ordinance. Town Attorney Karpinos said that he did not foresee any potential liability resulting from ordinance adoption.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT ORDINANCE 1A, THE MANAGER'S RECOMMENDATION. THE MOTION WAS ADOPTED 8-1, WITH COUNCIL MEMBER WALLACE DISSENTING.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE  
(89-1-23/O-1a)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendments to the Chapel Hill Development Ordinance defining outdoor skateboard ramps, regulating the installation of outdoor skateboard ramps within the Town's zoning jurisdiction, and creating rules regarding the elimination of any outdoor skateboard ramp made nonconforming by the amendment, and finds that the amendment achieves the purposes of the Comprehensive Plan;

SECTION I

CREATE a new subsection 2.88.1 to read as follows:

2.88.1 Outdoor Skateboard Ramp: A ramp or other similar type of structure used for skateboarding or similar or related purposes which is between four (4) feet and ten (10) feet in height, and between twelve (12) and thirty (30) feet in length. Ramps smaller than four (4) feet in height and twelve (12) feet in length are not subject to the regulations in this Chapter. Ramps greater than ten (10) feet in height or thirty (30) feet in length are prohibited.

**DOCR: Section 22.6, Nonconforming Outdoor Skateboard Ramps.**  
**Town Code, Chapter 11, Sections 11-13 and 11-14**

SECTION II

ADD a new use, "Outdoor Skateboard Ramp (See Article 12.6)," to Section 12.3, Schedule of Use Regulations to follow "Mobile Home Park" under Use Group A and designate it as permitted as an Accessory use ("A") in the TC-1, TC-2, CC, NC, OI-3, OI-2, OI-1, I, R-6, R-5, R-4, R-3, R-2, R-1, R-1A, and RT zoning districts and the PD-H, PD-SC(N), PD-SC(C), PD-OI, PD-MU, and PD-I Planned Developments.

SECTION III

AMEND Subsection 12.6 to read as follows:

12.6 Modified Use Regulations for Certain Uses

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12.6.1 Uses Requiring Special Access

Each of the following principal uses shall be permitted in R-1A, R-1 and R-2 zoning districts only if the zoning lot on which such use is located fronts on either an arterial or collector street:

- a) Church
- b) School, Elementary or Secondary
- c) Public Cultural Facility
- d) Child Day Care Center

12.6.2 Outdoor Skateboard Ramps

Outdoor skateboard ramps shall be permitted as an Accessory use ("A") in the R-6, R-5, R-4, R-3, R-2, R-1, and R-1A zoning districts only if:

- 1) The minimum gross land area for the zoning lot is at least five (5) acres;

Outdoor skateboard ramps shall be permitted only if:

- 1) The outdoor skateboard ramp structure, or any part thereof, is located at least 100 feet from any property boundary where the property's use or zoning is residential and 30 feet from any non-residential property boundary. This setback is to be measured perpendicular to the lot line or street right-of-way; and
- 2) The outdoor skateboard ramp structure is adequately screened such that it is not visible from all adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Appropriate screening devices may include solid decorative brick walls, wood fences, berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or combination of the above.

SECTION IV

RENUMBER the Subsection 22.6 to be 22.7.

SECTION V

RENUMBER the existing Subsection 22.7 to be 22.8.

## SECTION VI

ADD a new Subsection 22.6 to read as follows:

22.6 Nonconforming Outdoor Skateboard Ramps

22.6.1 Definition

A nonconforming outdoor skateboard ramp is an outdoor skateboard ramp which was lawfully established prior to the effective date of this chapter or a subsequent amendment thereto, but which does not conform to the regulations applicable to such outdoor skateboard ramps and is not a public nuisance.

**DOCR: Section 12.3 and 12.6**

22.6.2 Regulations

Nonconforming outdoor skateboard ramps may be continued subject to the following limitations:

- a. No nonconforming outdoor skateboard ramp shall be extended, enlarged, moved, or otherwise altered unless such outdoor skateboard ramp is made to conform to the current regulations of this chapter.
- b. When a nonconforming outdoor skateboard ramp is demolished or damaged to the extent of more than fifty percent (50%) of its value, such outdoor skateboard ramp shall be eliminated or made to conform to the current regulations of this chapter.
- c. When the repair, maintenance, or replacement cost of a nonconforming outdoor skateboard ramp exceeds one hundred dollars (\$100), such outdoor skateboard ramp shall be eliminated or made to conform to the current regulations of this chapter.

22.6.3 Amortization of Nonconforming Outdoor Skateboard Ramps

Any nonconforming outdoor skateboard ramp shall be either eliminated or made to conform to current regulations of this chapter in accord with the following schedule:

- a. Within three (3) years after the date of the notice of nonconformity required in Section 22.8

**CR: Town Code, Chapter 11, Section 11-14.****SECTION VII**

CHANGE the Development Ordinance reference at the end of the first paragraph of Subsection 22.3.3 from "Section 22.6" to "Section 22.7."

**SECTION VIII**

CHANGE the Development Ordinance reference in the second paragraph of Subsection 22.3.3 from "Section 22.6" to "Section 22.7."

**SECTION IX**

CHANGE the Development Ordinance reference at the end of the second paragraph of Subsection 22.4.3 from "Section 22.6" to "Section 22.7."

**SECTION X**

CHANGE the Development Ordinance references at the end of Subsections 22.5.3.a, 22.5.3.b, and 22.5.3.c from "Section 22.7" to "Section 22.8."

**SECTION XI**

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the proposed amendments to the Chapel Hill Development Ordinance regarding outdoor skateboard ramps.

This the 23rd day of January, 1989.

**Neon Signs**

Roger Waldon, Planning Director, said that the Appearance Commission was in the process of discussing changes to the Town's Sign Ordinance. He noted that the staff would draft proposed changes resulting from these discussions. Mr. Waldon said that a report would be forthcoming shortly from the Community Appearance Commission and staff. Mr. Waldon proposed reporting back to the Council on February 27th concerning neon signs.



Council Member Andresen said that the situation was broader than neon signs. She suggested developing design criteria and performance standards for signs.

Mr. Waldon said that it would be possible for staff to provide a narrow report concerning neon signs at the February 27th meeting.

Council Member Andresen urged Mr. Waldon to share a letter from Josh Gurlitz, former chairperson of the Community Appearance Commission, with members of that body. Mayor Howes suggested first examining the narrow issue of neon signs, with a follow-up on broader sign issues and their ramifications.

Council Member Herzenberg said that the Historic District Commission should also review the issue.

Town Manager Taylor said that staff would review the entire sign issue, with particular attention paid to neon signs in a report to the Council on February 27th. He noted that other sign-related issues will be addressed in a timely fashion.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO ADOPT RESOLUTION 5, NOTING THE INCLUSION OF THE HISTORIC DISTRICT COMMISSION IN THE REVIEW PROCESS. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION REQUESTING A REPORT FROM THE APPEARANCE AND HISTORIC DISTRICT COMMISSION REGARDING NEON SIGNS (89-1-23/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the Community Appearance Commission and Historic District Commission to prepare a report on the subject of neon signs and their regulation by the Chapel Hill Development Ordinance.

BE IT FURTHER RESOLVED that the Commissions are requested to make such a report to the Council at the Council's regularly scheduled February 27 meeting.

This the 23rd day of January, 1989.

#### Culbreth Park Housing

Roger Waldon, Planning Director, noted that the Council had been requested to direct Town staff to expedite this subdivision application, enter into negotiations for a land trust, and to examine subsidy sources. Mr. Waldon said that staff concurred with the request for expedited review and would move as rapidly as possible in this regard. He added that the concept of the Town taking title to the land was an interesting one, warranting exploration of how this might work as well as how other communities

have handled similar situations. Mr. Waldon concluded his remarks by stating that second mortgages will be discussed within the context of the Town's Capital Improvement Program (CIP).

Town Manager Taylor stated that a two cent increase in the property tax rate would provide approximately \$250,000. Council Member Pasquini asked what the Town's outlay would be in a worst case scenario, a 100% subsidy. Mr. Taylor responded that this would involve an outlay of \$1.25 million.

Council Member Pasquini said that Mr. Wood's proposal was an interesting idea worth further exploration. He noted that he did not want to see a tax increase this year. Town Manager Taylor said that the proposal would be evaluated by Town staff based on its merits. Mayor Howes suggested that the proposal be handled within the context of the budget process.

Council Member Werner said that the project could be built as relatively affordable housing without Town involvement. Mr. Woods responded that under this condition, he could see some circumstances in which no lower interest funds would be received.

Ms. Margaret Taylor, speaking on behalf of the Alliance of Neighborhoods, said that she was not in opposition to the project at this time. She added that the Alliance of Neighborhoods realizes the varying housing needs of residents of the Town. She noted that some people are uneasy due to the fact that there is no well-thought out Town policy on housing. Ms. Taylor asked how other priorities would be impacted if the Town chose to become fiscally involved in housing. Ms. Taylor said that the Council and staff should think things through very carefully in this matter. She concluded her remarks by noting that the League of Women Voters will hold a forum concerning housing on January 31st at Binkley Church. Mayor Howes thanked Ms. Taylor for her remarks.

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

A RESOLUTION DIRECTING THE TOWN MANAGER TO EXPEDITE PROCESSING OF CULBRETH HILLS SUBDIVISION APPLICATION, AND TO ENTER INTO LAND TRUST DISCUSSIONS (89-1-23/R-6)

WHEREAS, the Town of Chapel Hill has received an application for preliminary plat approval for Culbreth Park Subdivision; and

WHEREAS, the developers of Culbreth Park intend to provide private subsidy to the project to increase affordability of the houses that will be constructed; and

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WHEREAS, the developers of Culbreth Park have stated their intention to create a Land Trust for the subdivision to assure long-term affordability, and have indicated their intent to transfer title to the subdivision to the Town upon completion and sale of houses; and

WHEREAS, efforts to increase affordability promote the Town's Goals and Objectives, as articulated in Chapel Hill's Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is directed to:

- 1) Expedite processing of the Culbreth Park application in a manner that will speed review without sacrificing breadth or depth of analysis; and
- 2) Enter into discussions with the developer of Culbreth Park to explore whether the Town should take title to the lots and common areas upon its completion, and if so, the mechanisms to do so.

This the 23rd day of January, 1989.

#### Hotel/Motel Revenues

Council Member Andresen said that she greatly appreciated the concise answers provided in the Hotel/Motel Revenues report. She noted that Mr. Baddour was comfortable with usage of "and" or "and/or" language. Council Member Andresen said that the use of "and" tended to favor visitor information proposals.

Council Member Werner noted that the use of "and/or" provided greater flexibility. He added that using "and" dramatically reduced flexibility, potentially resulting in a decreased number of applications. Mr. Baddour noted that he was very comfortable with the use of "and/or" language.

Council Member Godschalk said he felt that the hotel/motel revenues should not be spread around as seed money. Council Member Godschalk stated that large grants should be given to a select number of agencies, in order to show results over a short period of time. He concluded his remarks by noting that he favored allocating monies to entranceways and visitor information services.

Council Member Andresen noted that a proposal had been received to establish a raised garden for the handicapped and elderly at the North Carolina Botanical Gardens. Council Member Preston said that the monies should be used as an impetus for new and exciting programs. She added the importance of being given the option to examine many worthwhile programs. Council Member

Godschalk reiterated his desire for emphasis to be placed on entranceways and visitor information services. Council Member Preston said that other projects such as sculpture for the new municipal building and other programs should receive consideration for funding.

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

A RESOLUTION ESTABLISHING CRITERIA FOR CONSIDERING PROPOSALS FOR USE OF HOTEL/MOTEL TAX REVENUES (89-1-23/R-7b)

BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Parks and Recreation Commission, having been designated as the advisory body authorized to administer the Transient Occupancy Tax grant program and to make recommendations for performance agreements to the Council, shall consider the following guidelines and criteria in reviewing proposals:

#### CRITERIA

AN ORDINANCE TO IMPOSE A TRANSIENT OCCUPANCY TAX IN THE TOWN OF CHAPEL HILL (87-6-22/O-1)

#### Section 19-16 Use and Distribution of Tax Revenue

The Council shall decide on the allocation of the revenues collected from this tax annually during its budgeting process with particular consideration given to providing funding for visitor information services and support for cultural events, and not less than ten percent (10%) of the annual revenues shall be used for those purposes.

#### DEFINITIONS

Visitor Information  
Services:

any type of service program or information that attracts visitors to or serves visitors in Chapel Hill.

Cultural Events:

activities that enhance the intellectual, physical, or social well-being of the community.

Proposals may address either, Visitor Information Services or Cultural Events or both.

#### GUIDELINES

The following factors will be considered in screening and assessing the proposals for recommendations to the Council:

1. Impact on the community
  - a. The potential for enhancing local hotel/motel occupancy.
  - b. The types of cultural events proposed at times when other activities are at a minimum.
  - c. Whether or not the proposal is made by a Chapel Hill citizen or organization.
  - d. The potential for bringing together different segments of the community.
  - e. The potential for enhancing the well-being of the community and its visitors.
  - f. The potential for providing cultural services to neglected elements in the community.
  - g. The potential for the creation or enhancement of a permanent Town facility or program.
2. Creativity of the proposed project or program.
3. Other general factors
  - a. More than one application from an organization may be submitted. Each proposed project will be assessed on its individual merits.
  - b. Applications of governmental organizations will be reviewed on the same basis as those of non-governmental organizations.
  - c. The amount of requested funds intended for personnel costs to complete individual projects will be examined.
  - d. The application should reveal the reliability (soundness) of the organization.
  - e. The amount of time and involvement required of the Town staff to implement the performance agreements will be reviewed.
  - f. The ability of the organization to receive funding from other sources will be considered.

PROCEDURES

The following are among the procedures to be used in gathering data on the proposed projects.

1. Potential applicants will be informed of the criteria and guidelines used to make recommendations to the Council.
2. Applicants will be advised that funding, if approved, is not guaranteed for future years. An application will be required for each year that funds are allocated.
3. Applicants will provide a statement of the objectives of each proposed project, and describe how it would fulfill the intent of the ordinance.
4. Applicants will be informed that the amount allocated for a project may not be the same as that requested.
5. Applicants will be required to identify other projected sources of funding for the proposal.

This the 23rd day of January, 1989.

Amberly Subdivision

Council Member Pasquini said that a public meeting on the Amberly Subdivision has been scheduled by the Division of Environmental Management (D.E.M.) for February 2nd. He noted that a list of eight specific concerns with the proposed design of the wastewater treatment system will be discussed at this session.

Council Member Werner commended Council Member Pasquini for his work in this matter. He stated that it was his understanding that the Town of Carrboro had already approved the Amberly development. Council Member Werner asked what would happen if the D.E.M. denied the developer's request. Council Member responded that he was unsure of the developer's other options.

Council Member Preston said that the document listing concerns of the Town was well done. She added that the meeting site had been changed to Carrboro Elementary School. Mayor Howes inquired about the status of the Camp-Dresser-McKee report. Council Member Godschalk responded that pages from the report had been excerpted into Mr. Pasquini's document, adding that the committee had not yet acted to adopt the report. Council Member Andresen commended Council Member Pasquini for his efforts. Council Member Pasquini responded that Assistant to the Town Manager Greg Feller had been instrumental in composing the document.

Mr. Szostak, developer of Amberly, said that the subdivision would have an average lot size of 1.3 acres. He added that the Amberly subdivision was included in the Camp-Dresser-McKee study configuration. Mr. Szostak said he requested public water and sewer service in February, 1986. He said that the Camp-Dresser-McKee recommends public water and sewer for Amberly subdivision, with OWASA being recommended as the party to maintain and own the utilities. Council Member Wallace asked Council Member Pasquini if this was his understanding of the study. Council Member Pasquini responded no.

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

A RESOLUTION REGARDING COMMENTS BY THE TOWN COUNCIL OF CHAPEL HILL FOR THE DIVISION OF ENVIRONMENTAL MANAGEMENT'S PUBLIC MEETING ON THE PROPOSED WASTEWATER SYSTEM FOR THE AMBERLY CLUSTER DEVELOPMENT (89-1-23/ R-8)

WHEREAS, University Lake stores water used in serving approximately 58,000 customers of the Orange Water and Sewer Authority in the Towns of Chapel Hill and Carrboro and surrounding areas of Orange and Durham Counties;

WHEREAS, the North Carolina Division of Environmental Management will hold a public meeting at 7:00 pm on February 2nd, 1989 at Carrboro Elementary School on a proposed community wastewater system for the Amberly development in the University Lake watershed in close proximity to University Lake; and

WHEREAS, the Council desires to comment on the proposed wastewater system;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council submits the following statement to the Division of Environmental Management:

1. Relationship of wastewater system to density of development.  
The proposed wastewater system would support a density of development which exceeds recommendations in the Camp Dresser & McKee study of University Lake watershed.

Camp Dresser & McKee believes that "...the optimum residential lot size for a land use control strategy is 5 acres...[this] zoning strategy is necessary to minimize future water quality degradation through the use of land use controls alone. In order to rely upon the 2-acre lot development pattern...it will be necessary to implement structural BMP's [Best Management Practices, i.e., stormwater detention facilities] to achieve water quality levels equivalent to 5-acre lot zoning alone..." [page 6-7 of the

draft final report, University Lake Watershed Study, December, 1988].

The Amberly development would have an overall density of about 1.3 acres per housing unit.

The Division of Environmental Management should consider the Camp Dresser & McKee study in light of (1) the firm's experience and knowledge in the field of watershed protection and management and (2) the clear relevance of the study to consideration of wastewater systems in the University Lake watershed such as that proposed for Amberly.

2. Location of wastewater drainfields. Some drainfields, reserve drainfields and the package treatment plant in the proposed design would be within or close to steep slopes. Some drainfields would be close to an intermittent stream which is tributary to University Lake. Because stormwater runoff carries most of the pollutants which reach a water reservoir, this stream is a significant consideration in evaluating facilities in its vicinity. The Amberly site is about 6,300 feet from University Lake.

3. Operating experience. The reliability and experience of S-A Utilities Inc. in operating wastewater systems should be considered.

S-A Utilities has not received a license to operate the Amberly system.

4. Consequences of failure for public drinking water supply. Failure of the proposed wastewater system for Amberly would have potentially serious consequences for University Lake, which serves approximately 58,000 citizens in the Orange Water and Sewer Authority's service area.

5. Relationship to WS - 1 designation. The Environmental Management Commission has designated University Lake watershed as a WS - 1 (highest quality) water supply. Proposed wastewater systems such as for Amberly should therefore receive careful scrutiny by the Division of Environmental Management.

The Division's "Guidelines for Obtaining a Protective Surface Water Classification," (December, 1987) state in part that "Control measures within the (water supply) critical area should include: 1) no sewer connections (allow only septic tanks) [emphasis added] except to deal with specific problems; 2) density limits on new development of 6% impervious surface or 1 dwelling/ 2 acres;..." (page 6 of the Guidelines).

Although the Amberly development is not within the Guidelines' minimum watershed critical area 1/2 mile from the reservoir, the



Camp Dresser & McKee study notes that stormwater from the area including the Amberly site would reach the Lake within 2 to 3 hours of rainfall, and that pollutants may be carried in streamflow for 12 to 16 hours after a storm (pages 3-24 and 3-25 of the draft final report, University Lake Watershed Study).

It is clear that runoff from the site will reach the reservoir. Therefore the site should be considered a part of the critical area around University Lake although it is not within the minimum critical area defined in the Guidelines.

It is understood that the overall Amberly design is not under consideration by the Division of Environmental Management. However, whether to approve a private community wastewater system is at issue in light of the Guidelines, among other considerations.

6. Risks associated with community wastewater systems. The risks associated with community wastewater systems near University Lake deserve careful consideration. As noted in the Camp Dresser & McKee Report, Community [wastewater] systems may involve complex operating equipment and procedures and may require continuous monitoring by a trained operator. Community systems also collect wastewater flows from a number of houses (e.g., an entire subdivision) which are concentrated at a central treatment facility. Operational problems may result in untreated discharges of relatively high wastewater flows at a single location, thereby posing considerable water quality risks compared to individual septic tank systems...Community systems are a relatively high risk level because of the greater potential for a surface water discharge in the event of a system failure...[emphasis added]. [pages 8-7, -8 and -9 of the draft final report, University Lake Watershed Study.]

The report also notes that "This innovative technology [community systems] does not have a long-term track record of successful applications in North Carolina, particularly at the community system level..."

7. Public interest. The State standards for wastewater systems such as that proposed for Amberly should be construed in favor of the public interest.

8. General and specific suitability in University Lake watershed area. There is legitimate concern both as to whether the University Lake watershed area nearest the reservoir is a suitable location in general for private community wastewater systems, and as to the suitability of the system proposed for Amberly.

BE IT FURTHER RESOLVED that the Council expresses its appreciation to the North Carolina Division of Environmental Management for holding the public meeting on the proposed wastewater system

and for the opportunity for the Council and other organizations and citizens to provide information to the Division.

This the 23rd day of January, 1989.

Board and Commission Appointment Process

Ron Secrist, Assistant Town Manager, said that this item had first been brought to the Council on November 28, 1988. Mr. Secrist said that resolution 9 would amend the appointment process and resolution 10 would move Appointments to an earlier position on future Council agendas.

Council Member Werner asked whether an earlier cut-off date for applications would be possible. Council Member Werner said he was concerned about last minute applications. Mr. Secrist responded that there are some unforeseen circumstances when an insufficient number of applications are received which necessitated some last minute submittals.

Council Member Preston asked whether there was any language in the Council Procedures Manual addressing the length of Council meetings. Mr. Taylor responded that there is no formal language addressing this matter.

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

A RESOLUTION AMENDING THE COUNCIL'S PROCEDURES MANUAL REGARDING THE NOMINATION AND APPOINTMENT PROCESS FOR TOWN BOARDS AND COMMISSIONS (89-1-23/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council's Procedures be amended as follows:

Section II(E), paragraph 1, "Nomination and Appointment Process, is hereby amended as follows:

At the first regular meeting of the Council in January, the Town Clerk shall notify the Council and all Chairs of boards and commissions of those members of boards and commissions whose terms expire June 30. The Town Clerk shall advertise vacancies from January through March in a medium of general circulation within the community and such other means as may be deemed effective, including, but not limited to mailings, to community organizations, public service announcements, and letters of invitation to citizens who have expressed interest throughout the year.

Mid-year vacancies shall be filled from applications on file without special advertising efforts unless requested by the Council.

No later than March 10, the Town Clerk shall distribute to the respective boards and commissions the applications that have been received, to date, from citizens wishing to serve.

The board or commission may review all applications and recommend candidates to the Council for each vacancy. The board or commission's recommendation shall be submitted in writing to the Council no later than April 25. If a board or commission elects not to recommend applicants, it's requested that the board or commission notify the Council of this decision in writing by April 25. Notwithstanding recommendations from boards and commissions, the Town Clerk shall forward the name(s) and application(s) of all persons interested in appointment to a board or commission to the Council for its consideration.

At the meeting in which the applications and any recommendations are submitted to the Council, the Council members may make nominations. No name may be put in nomination unless that individual has filed an application with the Town Clerk. At the next regular meeting following receipt of the applications, the Council may make additional nominations and make appointment(s), provided that the application of the nominee has been distributed to the Mayor and the Council in the agenda packet for the meeting at which the appointment(s) are made; provided further that the requirements of this paragraph regarding applications being filed and distributed shall not apply to Council nominations and appointments to OWASA.

Beginning with the first regular meeting in May, and through the second regular meeting in June (4 consecutive regular meetings of the Council) the Council may consider appointments to three boards and commissions per meeting.

#### Term Expirations

All board and commission terms shall expire on June 30.

#### Consecutive Terms

No one shall serve on an advisory board or commission for more than two consecutive full terms. Following a one-year absence, an individual is eligible to serve again.

#### Resignations

Resignations shall be submitted in writing to the chair of the board or commission, who shall notify the Council through the Mayor's office. The Town Clerk shall promptly schedule the Council's consideration of the vacancy, so an appointment may be made within 45 days of receipt of the resignation.

#### Residence Required

All appointees, except for those appointed seats filled by a County Board of Commissioners as provided by law, shall be residents of the Town.

Applicants shall list both their residence and mailing addresses, if different.

#### Dual Membership

An incumbent on a board shall not be considered for appointment to another board unless he or she resigns before filing an application, or is in the least 6 months of a term.

#### Application File

The Town Clerk's Office shall keep applications on file through two spring appointment cycles. Applicants are encouraged to indicate on their applications if they wish to have their applications on file for a shorter period.

#### Applicants' Preference for Board

Applicants are strongly encouraged to apply for one board but may apply for more than one if their preferences are ranked.

#### Full Term for Appointments to Vacancies Due to Resignations, etc.

When a vacancy occurs before the scheduled end of a term, the person appointed to such vacancy shall serve a 3-year term (4 years for a seat on the Library Board of Trustees) plus any additional months necessary to have such term expire on June 30 if the vacancy occurs after January 1 but prior to June 30.

#### Leave of Absence

Leaves of absence from boards shall be approved by the Council and shall not exceed 4 months. No interim appointments will be made.

Information on Persons with Expiring Terms

At the meeting when board recommendations and applications are submitted to the Council, the Town Clerk shall give the Council a report on the attendance of those board members whose terms are expiring and are seeking reappointment, and the race and gender composition of each board and commission. In addition, the application for membership on Town boards and commissions shall include a request for the applicant's occupation and avocation. The application form shall also include a statement encouraging interested applicants to visit a meeting of the board or commission they may be interested in serving on.

Final Action

Final action making an appointment or discharge or removal by the Council must be taken in an open meeting. If the Council considers an appointment to a committee, commission, or board, except a committee composed of members of the Council, in executive session, it must, before making that appointment, present at an open meeting a written list of the persons being considered for the appointment, and that list must be made available for public inspection in the Office of the Town Clerk on the same day. The Council may not make the appointment before the 7th day after the day on which the list was presented.

Voting

The practice of the Council has been to vote by ballot when making appointments to boards and commissions. North Carolina statute states the following regarding ballot voting: "If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the Office of the Town Clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed."

This the 23rd day of January, 1989.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 10. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AMENDING THE COUNCIL'S PROCEDURES MANUAL REGARDING THE ORDER OF THE AGENDA (89-1-23/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council's Procedures Manual be amended as follows:

Section I(B), paragraph 4, "Order of the Agenda," is hereby amended as follows:

4. Order of the Agenda. The Council has directed that the agenda be set in the following order:
  - a. Ceremonies.
  - b. Public hearings, if any.
  - c. Oral and written petitions.
  - d. Approval of Minutes.
  - e. Items having wide public concern or likely to result in the personal appearance of citizens interested in them.
  - f. Appointments.
  - g. Consent Agenda - items of a routine nature will be placed on the Consent Agenda to be voted on in a block. The Mayor and the Manager will decide which items will be placed on the Consent Agenda. Any item may be removed from the Consent Agenda by the request of the Mayor or any member of the Council at the time during the Council meeting that the Consent Agenda is considered.
  - h. Routine matters of a housekeeping nature with little public interest; i.e., contracts, staff reports, etc.

This the 23rd day of January, 1989.

Mayor Howes noted that Council Member Wallace had left the Council meeting without requesting to be excused. It was noted that his votes would therefore be registered affirmative for the balance of the meeting.

#### General Assembly Legislation

Town Manager Taylor said that three major issues: the tree ordinance, inclusionary zoning, and a public facilities ordinance had been identified as the major items meriting consideration in the State Legislature. Mr. Taylor said that this did not preclude the Town's involvement in other North Carolina League of Municipalities (NCLM) backed legislation. Mr. Taylor concluded his

remarks by noting his desire to address any other items of concern of the Council.

Council Member Herzenberg said that a local bill concerning disclosure of Council Member's property interest should be added to the short list outlined by Town Manager Taylor. Mayor Howes noted that the Council would decide which items to pursue following the public forum. Council Member Herzenberg said he was proposing a bill requiring public officials to list real property holdings in Chapel Hill.

Council Member Godschalk inquired about including impact taxes on a list of possible legislative issues. Town Manager Taylor suggested that a joint public hearing be held on this matter, with further discussion to occur at the Assembly of Governments meeting on February 18th.

Council Member Preston inquired about controlling stop sign and red light violators by means of higher fines. She asked whether special legislation would be required to raise these fines. Town Manager Taylor responded that special legislation would be needed.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 11, ADDING COUNCIL MEMBER HERZENBERG'S REQUEST FOR A BILL ADDRESSING PROPERTY INTEREST DISCLOSURE. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION REGARDING THE PROCESS FOR CONSIDERING LOCAL BILL REQUESTS TO THE GENERAL ASSEMBLY (89-1-23/R-11)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following process for considering legislative requests in 1989 to the General Assembly:

Consideration of calendar and potential legislative requests to be considered in public forum	January 23
Publication of display ads on public forum	January 27 February 12
Public forum	February 13
Report from Manager and Attorney; referral to Mayor for discussion with legislative delegation and other local governments	March 6
Report from the Mayor; consideration by the Council of resolution(s) on	March 27

local bill requests

Submittal of local bill requests to the legislative delegation with proposed draft bills early April

BE IT FURTHER RESOLVED that the public forum on February 13 shall be on the following potential requests for local bills:

1. Tree Protection/Landscape Management
2. Inclusionary zoning requirements that new development include housing for low or moderate income families.
3. Adequate public facilities and/or transportation management ordinances.
4. Disclosure of real property interests in Chapel Hill by Mayor and Council.

This the 23rd day of January, 1989.

Calling Joint Public Hearings

Town Manager Taylor said that March 9th and March 23rd were being proposed as alternate dates for joint public hearings. Mr. Waldon noted that if there were no pending applications, the meeting could be cancelled. He noted that one application requiring attention had already been received. He added that the County's original request was for March 9th, but some individuals had indicated problems with meeting on this date. The alternate date of March 23rd was thus proposed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 12, WITH PROPOSED MEETING DATES OF MARCH 23 AND SEPTEMBER 14. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION CALLING PUBLIC HEARINGS (89-1-23/R-12)

WHEREAS, the Town of Chapel Hill is a party to a Joint Planning Agreement with Carrboro and Orange County; and

WHEREAS, the Joint Planning Agreement calls for Joint Public Hearings to consider changes to the Agreement, and to the Land Use Plan and zoning for the Joint Planning Area;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that such Joint Public Hearings with the Carrboro Board of Aldermen and the Orange County Board of Commissioners be scheduled for March 23, 1989 and September 14, 1989 at 7:30 p.m., at a location to be determined and published.



This the 23rd day of January, 1989.

### Quarterly Reports

Mayor Howes reported that membership on the Triangle Housing Partnership Board had been completed with the recent appointment of Vice-Chancellor Boulton as the University's representative. Mayor Howes stated that the Triangle J Council of Governments had not met since December, the Transportation Advisory Committee would meet next week, and the Library Committee would next meet on January 24th.

Council Member Pasquini said that the Orange Water and Sewer Authority was involved in several land purchases at present. He referred Council Members to a memorandum he had provided for additional information. Council Member Werner asked if OWASA had purchase land at Lake Jordan. Council Member Pasquini indicated that formal action on this item would occur on January 26th.

Council Member Preston stated that she had recently visited several homes assisted by JOCCA programs. She noted that JOCCA's involvement left many homeowners with greatly improved living situations. Council Member Preston showed photographs to Council Members of a home renovated with a \$27,800. grant. She stated that as a result of the grant, a young family otherwise unable to do so was able to stay in their home. Council Member Preston commended JOCCA's work.

Council Member Preston said that despite an increase in tip fees, the volume of solid waste at the landfill has increased by 10%. She indicated that she was unsure of the reason for this phenomena. Council Member Preston said that this trend underscored the need to address the problem of solid waste. She noted her commitment to ask for more aggressive recycling efforts. Council Member Preston suggested possibly coordinating recycling efforts with the Triangle J Council of Governments. Council Member Preston stressed the importance of education programs and the search for a new landfill in Orange County. She concluded her remarks by noting that there is no quick and easy solution to the problems at hand.

Council Member Preston stated that the low bid for the Town Hall expansion was higher than expected. Council Member Preston indicated that staff would present additional information on the Town Hall expansion at the February 13th Council meeting.

Council Member Andresen said that water quality monitoring was under active consideration of the Wastewater Planning Committee of the Triangle J Water Resources Committee. She noted that the City of Durham is currently experiencing major problems with its

wastewater planning. Council Member Andresen referred Council Members to her report for additional information.

Council Member Godschalk stated that the Intergovernmental Work Group on Alternative Revenues would next convene on February 18th.

Council Member Herzenberg noted that the Tree Protection Task Force would meet on January 24th to discuss a variety of Town and voluntary tree programs.

Town Manager Taylor asked Council Members to read through the quarterly report document provided in their agenda packets. He encouraged the Council to use this information as a basis for consideration of the 1989-1990 Town budget. Town Manager Taylor said that he would be happy to respond to any questions of the Council concerning the quarterly report document.

#### Greenways Commission Nominations

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO NOMINATE ALL FOUR CANDIDATES FOR FURTHER CONSIDERATION BY THE GREENWAYS COMMISSION AND COUNCIL. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

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

The meeting stood adjourned at 10:55 P.M.

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

Executive session adjourned at 11:09 P.M.