

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, MONDAY, MARCH 20, 1989, 7:30 PM

Mayor Howes called the meeting to order.

Council Members present were:

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

Council Members Wallace and Werner were absent excused.

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

Mayor Howes noted the attendance of a photojournalism class at this evening's meeting. Mayor Howes added that although parking at the Municipal Building was difficult at present, due to construction of the Town Hall expansion, the long-range benefits would be very beneficial. Mayor Howes said that the Council would be holding public hearings on three items this evening, with approximately one hour allocated for each.

Neon Signs

Roger Waldon, Planning Director, noted that the Town Development Ordinance contained sign regulations within design criteria. Mr. Waldon said that the Town had many attractive signs which added to the appearance of the community. Mr. Waldon stated that neon signs are currently prohibited, as are flashing and moving signs. He noted that the Development Ordinance had contained a neon sign prohibition since 1981.

Mr. Waldon said that several businesses had recently installed neon signs in their storefronts, despite the prohibition. Mr. Waldon observed that the Inspections Department had conducted an inventory of neon signs and cited the businesses in violation of sign regulations.

A petition from sixteen downtown business proprietors was received in January, 1989, requesting that the Town re-evaluate its sign regulations. The petition was referred to the Town Manager for further consideration. Mr. Waldon said that there was a wide variety of strong opinions on both sides of the issue.

Mr. Waldon presented a brief slide show, exhibiting a sampling of neon signs currently in place throughout Town. Mr. Waldon stated that neon signs had been in place for

extended periods of time in some locations, such as the Carolina and Varsity Theater marquees.

Mr. Waldon reviewed the recommendations of advisory boards and commissions. The Appearance Commission recommended allowing limited use of neon in the Town Center. The Historic District Commission concurred with this recommendation, adding the recommendation that neon signage possibly be prohibited in the Historic District. The Planning Board recommended retaining the prohibition against neon signs, creating an ordinance amendment addressing historically significant neon signs such as the theater marquees. Mr. Waldon said that Town Manager Taylor concurred with the recommendation of the Planning Board. Mr. Waldon stated that neon was a powerful medium. He added that merchants feel that neon signs draw customers to their establishments.

Council Member Preston inquired whether the neon sign prohibition had been in place since 1981. Mr. Waldon said yes. Council Member Preston asked whether any of the neon signs in place had been approved by the Town. Mr. Waldon stated that neon signs currently in use were either non-conforming or illegal. He clarified that non-conforming signs are those which were initially legally approved, but do not meet current sign provisions. He added that most neon signs in the Town are illegal.

Council Member Herzenberg asked whether the Varsity Theater marquee would have to be removed. Mr. Waldon said that the sign would not have to be removed if it were brought into compliance. He added that the proposed historic sign provision might address this situation.

Council Member Andresen inquired whether there was any way to amend the Sign Ordinance to allow the Appearance Commission to employ qualitative sign standards. Mr. Waldon responded that this would be difficult to implement, given the manner in which the ordinance is written. He added that making signs special uses was not a good idea. He proposed the possibility of making the Town Center a special appearance district, permitting the Appearance Commission to make judgements on certificates of appropriateness for signs.

Council Member Godschalk inquired whether the Manager's preliminary recommendation would result in the Inspections Department requesting merchants to take down neon signs. Mr. Waldon said that this was correct. He added that notices had been forwarded to owners of non-conforming establishments. Mr. Waldon noted that the Town Manager had the option of imposing a \$25 per day civil penalty for businesses which did not comply with Town sign regulations.

Council Member Godschalk asked whether other towns had regulations prohibiting neon signs. Mr. Waldon said that few communities had restrictive sign provisions similar to Chapel Hill.

Alan Rimer, Chairperson, Planning Board, said that the Town Center should not be singled out as a location accepting neon signs. He stressed the need for a qualitative means for the review of signs. Mr. Rimer stated that the Carolina and Varsity Theater marquees were a part of the downtown streetscape which warranted special consideration.

Mr. Rimer suggested that some business people were using changeable and moveable signs to circumvent neon sign regulations. He noted that language could be adjusted to incorporate language for billboards. Mr. Rimer concluded his remarks by stating that the whole sign ordinance should be re-examined.

Council Member Preston inquired about the timetable for the sign ordinance. Mr. Rimer noted that this effort was on-going, with the Appearance Commission making a report to the Planning Board and the Council.

Cassandra Sloop, Chairperson, Appearance Commission, noted that the Commission reviews signs for conformity with ordinance provisions, as well as how signs will blend in with their surroundings. Ms. Sloop added that enforcement of sign ordinances should be a focus of the Town's efforts. She concluded her remarks by noting that the Appearance Commission, vote by a vote of 6-4, had recommended adoption of Ordinance A to the Council.

Mr. Waldon said that the Historic District Commission concurred with the recommendation of the Appearance Commission, with the exception of adding a provision to prohibit neon signs in the Historic District.

Town Manager Taylor stated that his preliminary recommendation was Ordinance B.

Roy Lindahl, Vice-Chairperson, Appearance Commission, said that the Appearance Commission had denied sign applications in the past, only to see the signs installed without Town approval. He noted that the Appearance Commission was in the process of reviewing the Town sign ordinance. He expressed the need to educate the public and develop a consensus in the community concerning signs. Mr. Lindahl said that he applauded the process for evaluating sign regulations, underscoring the need for enforcement of current sign regulations.

Lucy McCarrow, representing the Ridgewood/Briarcliff Garden Club, said that neon signs were not needed in the Town. Ms.

McCarrow said that if a merchant had a good product or service to offer, people will find it. She stated that if the signs have to be removed, merchants should be given a reasonable period of time to comply.

Ms. McCarrow stated that two communities in Florida have regulations prohibiting the use of neon signs. Ms. McCarrow concluded her remarks by urging the Council to think carefully and seriously about the issue before voting.

Harold White, Manager, University Square, noted that the principal sign at his establishment was backlit by neon. Mr. White noted that merchants were seeking the privilege of utilizing tasteful and helpful neon signs.

Eric Fullagar, Assistant Manager, The Trail Shop, stated that there was no neon in his place of business. Mr. Fullagar urged the Council to consider making sign regulations more flexible, permitting the use of neon. Mr. Fullagar stated that qualitative review of signs was needed.

Erwin Shatzen, co-owner, Pepper's Pizza, stated that he had a petition signed by over sixteen hundred individuals requesting the Council to consider amending the Town's existing sign regulations. Mr. Shatzen said that there were many existing attractive, tasteful neon signs in Town. Mr. Shatzen said that he would support an amendment to the Sign Ordinance allowing for qualitative review of signs.

Mr. Shatzen said that Danny Fox, President, Downtown Chapel Hill Association, had polled thirty-six downtown merchants concerning neon signs. Mr. Fox's poll found that twenty-four were in favor of neon signs, five were against, and seven merchants abstained. Mr. Shatzen expressed his support of the Appearance Commission recommendation concerning qualitative review of signs. Mr. Shatzen read a letter into the record from Heidi Chapman, Attorney at Law, to Mayor Howes. In her letter, Ms. Chapman stated that many people like neon. She expressed her support for the use of neon signs by merchants. A copy of Ms. Chapman's letter is on file in the Town Clerk's Office.

Terry Boren, President, Copytron Copying, suggested that neon should be judged like other sign mediums. Mr. Boren said that there are many subtle, attractive uses of neon in Chapel Hill. He stated that subtle use of low-intensity neon should be permitted, complemented by qualitative review of signs. Mr. Boren said that neon signs under two square feet should receive administrative approval, while those larger than two square feet should be subject to criteria related to percentage of window area.

Lynn Moore, Manager of the Courtyard Shopping Area, noted that several of the Courtyard's tenants make subtle use of neon. She said that if one business chooses to employ neon signs, not all other businesses will necessarily follow suit. Ms. Moore proposed the use of qualitative sign review standards.

Grainger Barrett, Attorney at Law, representing Copytron, said that the Appearance Commission currently employed quantitative standards for sign review. Mr. Barrett said that imagination and ingenuity were needed to expand the scope of guidelines. Mr. Barrett cited several examples of attractive neon signs in Chapel Hill. Mr. Barrett concluded his remarks by stating that it was his observation that most everyone wants qualitative review of signs.

Josh Gurlitz, Member of the Downtown Commission Corporation Executive Board, said that he supported a performance-based ordinance, particularly in the downtown area, which he cited as a unique and fragile place. Mr. Gurlitz said that establishing qualitative review standards might be difficult. Mr. Gurlitz offered the assistance of the Downtown Commission Corporation in the drafting of sign standards.

Council Member Preston inquired about the proposed timetable for the Sign Ordinance. Cassandra Sloop, Chairperson Appearance Commission, indicated that the revisions would likely be completed by the end of June.

Council Member Andresen asked whether Planning staff supported qualitative review of signs. Mr. Waldon responded that staff felt qualitative review was a good idea. He added that the Appearance Commission had a wide range of flexibility in this area.

Council Member Andresen inquired whether there were any legal impediments to adopting qualitative review by the Appearance Commission. Town Attorney Karpinos responded that he saw no problems with this process. Mr. Karpinos expressed concern about restricting neon signs to the business logo only.

Council Member Godschalk said that the Town should accept the offers of expert assistance from parties at this evening's public hearing.

**COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).**

NC 54 Park and Ride Lot

Mayor Howes noted that the Council had received several letters from citizens concerning this proposal. Mayor Howes indicated that the letters had been referred to Town staff for their consideration.

Town Manager Taylor requested that the applicant's statement of justification, project fact sheet, and related materials be entered into the record of the hearing along with the contents of Agenda Item #2. Mayor Howes concurred.

Planning Director Roger Waldon stated that the Town's Transportation Department, represented by Transportation Director Robert Godding, was the applicant for this project. Mr. Waldon added that he would serve in the role of regulator for consideration of this application.

Mr. Waldon said that a 512-space park and ride lot was being considered for a special use permit. He showed an area map, depicting the project site and the adjacent construction of the Continuing Education Center facility. He noted the proximity of Finley Forest condominiums to the subject site. Mr. Waldon stated that bus loading and unloading would occur in the park and ride lot. He observed that the availability of park and ride lots is one of the stated objectives of the Comprehensive Plan. Mr. Waldon noted that the site is in a Water Quality Control Area. As a result, a detailed stormwater management plan must be approved prior to the issuance of a zoning compliance permit.

Mr. Waldon stated that there were several significant environmental and neighborhood concerns about the proposed project. Mr. Waldon noted that the application included a seventy-five foot buffer between the parking lot and the Finley Forest subdivision. The residents are seeking a one hundred foot buffer, with berming and vegetation. The residents also expressed a desire to move the site as far to the southwest as possible. Finley Forest residents also expressed concern about security, stating the possibility of the parking lot being used as a gathering place at night.

Mr. Waldon said that some of the buildings in Finley Forest are very close to the proposed parking lot. Mr. Waldon noted that at the time of Finley Forest's approval, there were no buffering and minimal setback requirements. Mr. Waldon concluded his remarks by stating that the Planning Board had recommended a larger buffer on the facility boundary, with berms serving as part of the buffer. Additionally, the Planning Board recommended that lighting be directed away from residences in the area.

Town Manager Taylor's preliminary recommendation to the Council was Resolution B, as recommended by the Planning and Transportation Boards.

Bob Godding, Transportation Director and applicant, noted that the park and ride project was included in the Town's CIP and Transportation Improvements Program. Mr. Godding said that the purpose of the lot was to redirect those riding in single occupancy vehicles onto buses. Mr. Godding said that construction of 800 feet of roadway would be required to access the lot. Mr. Godding added that the project would be a joint venture of the Town and the University of North Carolina, supplemented by a ten year lease agreement. Mr. Godding said that funding for the project would be 80% Federal, 10% State and 10% Local.

Mr. Godding stated that there was demonstrated demand for a park and ride lot in this part of the Town. He noted that the Town had formerly leased the land that has been developed as Glenwood Square. He said that many commuters currently use the Slug's at the Pines parking lot as an unofficial park and ride facility.

Mr. Godding said that the proposed project had been discussed at several public meetings, with area residents making several suggested design changes: relocation of the bus turnaround area; a one hundred foot buffer; and reduction of idling time for buses.

Ron Smith, Dewberry and Davis, said that thirty foot, 400 watt shoebox-type light fixtures would be used to light the facility. Mr. Smith stated that this type of fixture would minimize light dispersal to adjoining properties.

Mr. Smith showed a diagram depicting a cut-through of the park and ride lot, with a four foot high landscape berm and six to eight feet tall wax myrtles. Mr. Smith noted that there would be minimal disturbance of existing vegetation on the site.

Council Member Godschalk asked what the closest point of approach would be to Finley Forest Road. Mr. Smith said between 340 and 420 feet.

Council Member Preston asked whether it would be possible to see the globes in the lighting fixtures. Mr. Smith said this would only be possible by standing directly underneath.

Mr. Godding said that the lot would be used for inbound and outbound commuters, with the lot open, but not served by transit, twenty-four hours a day. He said that the number of buses per day could vary between fifteen and fifty per day, depending upon ridership demand. Mr. Godding observed that the Plantation Plaza park and ride lot in Carrboro is currently in operation between 6:30 am and 11:30 pm. Mr. Godding also said that those using the lot would park as close to the bus stop as possible, rather than on the periphery of the lot, closest to Finley Forest.

Mr. Godding outlined efforts to find another site for the park and ride lot. The University expressed a desire to locate the lot adjacent to the Continuing Education Center and further, desired the ability to shut down the lot for special events, allowing only those with permits to enter the facility. He said that the University did not consider other sites suitable.

Council Member Wilkerson asked whether there was any reason that alternate sites had not been discussed earlier. Mr. Godding said there was none.

Council Member Pasquini asked whether the University intended to use the facility for special events. Mr. Godding said that this would be possible.

Council Member Preston inquired about the buffering strategy around Finley Forest. Messrs. Godding and Smith outlined the proposed plans.

Alan Rimer, Chairperson, Planning Board, said that the Planning Board recommended additional screening and buffer, with minimization of bus idling time. Mr. Rimer said that berming and four to six foot cuts in the existing terrain would mitigate buffering concerns. Mr. Rimer noted that at least two other local developments, Bolin Creek Center and Performance Chevrolet, employ shoebox lighting at their facilities. Mr. Rimer concluded his remarks by noting that the Planning Board, by an 8-0 vote, recommended Resolution B to the Council.

Town Manager Taylor said that the Transportation Board recommended Resolution A, with a 100 foot buffering provision, to the Council.

Cassandra Sloop, Chairperson, Appearance Commission, noted that her panel had not seen the detailed plans for the special use permit application. Ms. Sloop said that the Appearance Commission had concerns that this lot be well-planned, as this was the first of several contemplated by the Town. Ms. Sloop said that a wide expanse of pavement would have to be screened in this project. She added that street and landscaping improvements were needed at the inception of the project. Ms. Sloop recommended that the Council not act in this matter until the Appearance Commission had an opportunity to fully evaluate the proposal.

Town Manager Taylor said that adoption of Resolution B was his preliminary recommendation to the Council.

David Rooks, attorney representing the Finley Forest Homeowners Association, said that the closest Finley Forest units were eleven feet from the property line of the

proposed facility. Mr. Rooks said he was pleased with the Manager's and Planning Board recommendations as far as they went.

Mr. Rooks cited Section 14.1, stating that there would be adverse impacts on Finley Forest as a result of the park and ride lot. Mr. Rooks cited possible noise pollution, odor and lighting problems as concerns of Finley Forest residents. Mr. Rooks said that the proposed facility was the only park and ride lot located adjacent to private residences.

Mr. Rooks expressed concern about the proposed hours of operation and the potential use of the lot as a gathering place for teenagers and others. Mr. Rooks said that if the application were granted, the hours of operation should be limited. Mr. Rooks asked that the Town be treated as an applicant similar to any other developer. Mr. Rooks concluded his remarks by suggesting that one-way grating could be installed in the lot to permit access at any time.

Richard Gurlitz, Architect and resident of Finley Forest, said that the site contained over six hundred acres. He suggested that the location of the lot be moved to allow greater buffering between the residences and the facility. Mr. Gurlitz said that more discussion was needed with the University to find the proposed use of the balance of the tract. Mr. Gurlitz inquired whether it would be possible to build a 350, rather than 512, space facility. Council Member Preston asked whether Mr. Gurlitz's plan had been made available to Mr. Godding. Mr. Gurlitz said that his proposal was relatively new and thus had not been shared with Mr. Godding.

Louis A. Minter, 236 Brookberry Circle, expressed deep concern about the proposed park and ride facility. Mr. Minter said he thought he was moving into a suburban rural area when he purchased his property. Mr. Minter said that the residential character of the area would be destroyed if the park and ride facility were approved.

Edward L. Brainard said that his father had purchased lots in the area because they offered peace and quiet. Mr. Brainard said that he would like to see the community atmosphere preserved as much as possible.

Adrien Stakely, a resident of Summerlook Circle, said she had purchased her property for its rural character. She said that trees in the area had either been cut down or were in the process of dying. Ms. Stakely stated that she did not want buses, odors and sewage problems in her neighborhood. Ms. Stakely noted that fewer people might be interested in purchasing Finley Forest properties if the park and ride lot application is approved.

Mike Kernoble, 232 Finley Forest Drive, stated that his unit was the first one next to Laurel Hill Parkway. He asked why only University land had been examined for siting of the park and ride facility. Mr. Kernoble said that his unit is located sixty feet from the roadway. He added concern about drunk drivers in the area during special events. Mr. Kernoble concluded his remarks by saying that the park and ride lot should not be located near Finley Forest subdivision.

Bill Schwing, 118 Finley Forest Drive, said that the proposed location was too far from NC 54. Mr. Schwing suggested that the Town and University look at other sites for locating the facility. Mr. Schwing said that the City of Durham should assist in setting up park and ride lots. Mr. Schwing expressed concern about the potential for tailgate parties and drunken drivers in the area.

Elaine Stansberry said that she had been a teacher for twenty years. Ms. Stansberry stated that she found the woods near her condominium conducive to her writing. Ms. Stansberry noted her enthusiasm for the William and Ida Friday Educational Building, proposed for siting in the area of Finley Forest. Ms. Stansberry expressed three concerns about the proposed park and ride facility: security, noise pollution and air pollution. Ms. Stansberry requested that the lot be moved as far away as possible from Finley Forest residences.

Tom Bryan, Member of the Finley Forest Condominium Association, observed that people might be living next to a parking facility. He stated that the University and Town had changed during the forty years he has lived in the area. Mr. Bryan expressed concern that the quality of life was being sacrificed for the sake of expediency.

Moon Young Lee, 209 Summer Walk Circle, said that he liked the wooded area in which he resided (Finley Forest). He stated that all members of his family experienced allergy problems. Mr. Lee expressed concern about the safety of children in light of additional traffic in the area. He asked why the Town and University had not presented the proposed project to the residents at an earlier date.

David Rooks said that substantial adverse impacts would be placed upon residents of Finley Forest by approval of the park and ride facility.

Council Member Andresen inquired about the status of road clearing and the plans of the University for the park and ride facility land parcel.

Town Manager Taylor noted that there were very few trees between the Finley Forest subdivision and the roadbed. Mr.

Taylor added that he was not certain whether the University had a plan for the Mason Farm tract.

Council Member Wilkerson said that clearing in the area was being done by the State rather than the Town. He noted that the State was also responsible for inspection of the road clearing project. Council Member Wilkerson expressed concern that destruction of foliage was occurring in this area.

Council Member Pasquini asked what the Town had done to locate alternate sites. In addition, he asked which residents had been notified in the area. Town Manager Taylor responded that the Town was working with the University in evaluating site selection. He added that residents on mailing lists for this item would receive answers to their questions and concerns.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

#### Culbreth Park Subdivision

Town Manager Taylor requested that the materials of Agenda Item #3 (Culbreth Park Subdivision) be entered into the record of the hearing along with the applicant's project fact sheet, justification and other related materials. Mayor Howes concurred.

Mr. Waldon stated that due to recent litigation, subdivisions were being brought to the Council on public hearing nights. Mr. Waldon said that Culbreth Park subdivision proposed to offer cluster housing to low and moderate income families. He said that staff had been directed by Council to expedite processing of the subdivision application and negotiate with the applicant for possible Town involvement in the project. Mr. Waldon noted that the subdivision application, not the financing concept, was being discussed at this evening's hearing.

Mr. Waldon said that a fifty lot subdivision was being proposed on fifty acres. Mr. Waldon showed a vicinity map, pinpointing the subject property near Culbreth Junior High School and Southbridge subdivision. He said that some lots in the subdivision were in the Resource Conservation District (RCD), adding that there were steep slopes throughout the center of the site. Mr. Waldon noted that the steep slopes would be preserved in the recreation area. Mr. Waldon said that two acres of recreation area were required, as contrasted with five acres proposed by the applicant. Mr. Waldon stated that streets in the

subdivision would be single-loading with curb and gutter on one side.

Mr. Waldon said that lot sizes would be smaller since a clustering concept was being employed. He added that a gravity flow sewage system would be preferable to lift stations. Mr. Waldon concluded his remarks by noting the need to obtain the developer's concurrence with conditions of subdivision approval.

Council Member Andresen inquired about the size of proposed lots, saying that some of the lots seemed very small. Council Member Andresen asked how much frontage was available on the smaller lots. Mr. Waldon estimated minimum frontage to be fifty feet. He stated that smaller lots were necessitated by the goal of achieving affordable housing. Council Member Andresen observed that smaller lots were located on flat land, while larger lots were on steeper land.

Runyon Woods, President, Colie Development Company, said that his objective was to attain ninety foot lot widths in the subdivision. He added that if there were no parks or open space, a one hundred foot lot width could be achieved. Mr. Woods stated his desire to achieve an appearance of more trees and less houses. Mr. Woods said that the Tandler subdivision is much more dense in appearance than Culbreth Park subdivision. Mr. Woods concluded his initial remarks by noting that special efforts were being made to protect steep slopes. He stated his objective of achieving a unique and exemplary subdivision plan.

Mr. Woods requested that the proposed full-scale bus pull-off on Culbreth Road be relocated. He added concern that it was premature to stipulate deeding of land for parks and recreation purposes until all negotiations had been completed with the Town.

Council Member Andresen noted that lots 26 and 27 were in the Resource Conservation District. She inquired how construction would be handled on these lots. Mr. Woods said that careful calculations had been made to construct outside the RCD. He said that lot number 30 could possibly be lost due to RCD considerations. Mr. Woods said that he had performed research on the Tandler housing program and the Town's housing policy. Mayor Howes said that the Council would be delighted to have Mr. Woods comments in writing.

Town Manager Taylor said that Mr. Woods appeared to accept all conditions of approval except conditions 1 and 15. Mr. Woods said he would accept all the remaining conditions.

Alan Rimer, Chairperson, Planning Board, said that the Planning Board recommended Resolution A to the Council by a

unanimous vote of 10-0. Mr. Rimer noted that Culbreth Park subdivision was the first true cluster subdivision reviewed by the Planning Board. He added that no traffic impact analysis was available at the Planning Board consideration of Culbreth Park, but traffic did not appear to be a major issue in the subdivision. Mr. Rimer concluded his remarks by noting that the Planning Board was somewhat torn in making its recommendation due to the on-going negotiations between the Town and developer.

Town Manager Taylor said that his preliminary recommendation to the Council was adoption of Resolution A. He noted the need to continue the public hearing to the Council's April public hearing session, where the developer could present additional evidence. Mr. Taylor said that complex subdivisions may necessitate several hearings by the Council. He added that the proposed processes were somewhat cumbersome, but were recommended to the Council by the Town Attorney and himself. Mayor Howes said that a heavy burden was being placed on the Council, which might warrant seeking changes in legislation.

COUCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

The meeting stood adjourned at 10:37PM.

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, MONDAY, MARCH 27, 1989 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

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

Budget Forum

Town Manager Taylor noted that Finance Director Jim Baker had made an initial budget presentation to the Council at their March 13th meeting. Mr. Taylor said that preliminary estimates indicated an \$800,000 gap between projected expenditures and revenues for Fiscal Year 1989-90. He noted that the largest expenditure increase was for expansion to a Town-wide recycling program. Mr. Taylor said that significant increases were also expected in the Town's employee insurance program. Mr. Taylor stated that an advertisement eliciting the comments of citizens on the Town budget had been placed in The Chapel Hill Newspaper. Mr. Taylor concluded his remarks by saying that comment forms were available at this evening's meeting.

Mayor Howes said that the Manager's recommended budget would be presented to the Council on April 24th. He noted that this would provide ample opportunity for citizen input.

Martin Smith requested that Blue Line Shuttle Bus service be expanded to include summer service.

Hershel Slater, Chairperson, Parks and Recreation Commission, said that about 25% of the Parks and Recreation Department budget is returned to the General Fund by revenue production. He stated that the department had a new leadership team which faced many challenges. Mr. Slater said that the Parks and Recreation staff had the support of the Parks and Recreation Commission.

Francis Di Giano, representing Cleanscape, Inc., requested funding for ridding Town streets of litter on "G' Litter Day". He said that the Council had provided approximately \$3,500. per annum in the past. Ed Rehkopf said that the original budget for G'

Litter Day had been \$4,500. Mr. Rehkopf said this had been pared down to \$2,250. Messrs. Di Giano and Rehkopf requested funding of \$2,250. for G'Litter Day activities.

Susan Condon concurred with Martin Smith's remarks concerning expansion of Blue Line Shuttle services. Bob Krick likewise spoke in favor of service expansion.

Council Member Godschalk requested operational information and inquired which entity or entities provided funding for Blue Line Shuttle Service. Town Manager Taylor stated that full service was provided when the University is in session. Mr. Taylor said that the party requesting new service, UNC and Duke in this case, pays for first year operating costs. Mr. Taylor observed that the citizens who had spoken appeared to be asking for regular service during the summer and reduced service periods.

Council Member Werner requested a breakout of Town recycling and landfill costs. He said that these costs were likely to increase substantially in future years. Council Member Werner requested a listing of options for funding of these programs.

Council Member Pasquini inquired about the date of the first budget work session. Town Manager Taylor said that this was scheduled for May 10th. Mr. Taylor urged citizens in the cable audience to write or call him with their budgetary comments, adding that he would pass them all on to the Council.

Council Member Andresen inquired about curbside refuse pick-up. Mr. Taylor responded that information would be presented to the Council on this issue. Council Member Pasquini requested that Mr. Taylor respond directly to citizen comments about the budget. Mr. Taylor said he would do so, adding that he would respond to the Council in cases where citizens had chosen to be anonymous in their response.

### Petitions

Grainger Barrett said he was present to answer any Council questions concerning the proposed University Village project.

Neal Harrell, 1005 Pinehurst Drive, said neighborhood residents had petitioned for the installation of two or four-way stop signs along a one and a quarter mile stretch of Pinehurst Drive (at the intersections of Lancaster and Sheffield/Linwood Drive). He said that there are approximately eighty children under the age of twelve residing in this area. Mr. Harrell stated his belief that stop signs slow down traffic. He requested that the Council consider installing stop signs at the two intersections.

Emma Jean Levi, Attorney at Law, said she was representing three local taxi operators whose permits had been suspended by Town Manager Taylor on March 13th. Ms. Levi said that the existing Town Ordinance regulating Taxi Operator Permits was unreasonable and unjust. Ms. Levi stated that the ordinance called for a sixty to one hundred and twenty day revocation when operators had accumulated six "points" within a two year period. She noted that City of Durham provisions called for a thirty-day revocation. Ms. Levi added that the current Town Ordinance has no language to address prayers for judgement. Ms. Levi requested that the Council direct the Town Manager to reissue the taxi permits pending appeal, since the three drivers in question are without their means of making a living. She described the difficulties of one driver in particular.

Mayor Howes noted that Ms. Levi was requesting an ordinance change and Council action on the revoked permits.

Town Attorney Karpinos stated that Council could, by motion, enter a stay of the Town Manager's earlier decision, pending a full review. He said that the effect of this action would be to reinstate the permits of the affected drivers until April 10th. Council Member Wallace said he had no difficulty following this course of action.

Town Manager Taylor said he saw no leeway in suspending the permits. He suggested that ordinance language should be examined for possible changes.

Mayor Howes asked what the position of the Town would be if the Council stayed the Manager's decision and an accident occurred involving one of the operators. Town Attorney Karpinos noted it could be alleged that the Council acted improperly, exposing the Town to potential liability.

Council Member Preston asked whether one of the drivers was in a worse situation than the other two. Ms. Levi said that all three drivers had difficult situations. Council Member Preston asked Ms. Levi if she was seeking a stay for all three operators. Ms. Levi said yes.

Council Member Pasquini asked whether this was the first time that taxi operator licenses had been suspended by Town Manager Taylor. Mr. Taylor said that he believed this was correct.

Mayor Howes stated that it was unusual for the Council to act without written information before them. He noted that appeals of this type were made to the Council, following the Manager's initial recommendation.

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Council Member Wilkerson inquired whether all the infractions were moving violations. Ms. Levi said yes. She noted that one of the operators had received a prayer for judgement for an earlier stop sign violation.

Council Member Wilkerson asked whether any vehicular accidents were involved in the three cases. Ms. Levi responded that there were none to the best of her knowledge.

Council Member Werner said that traffic violations normally involved the imposition of fines or increased insurance rates. He noted his inclination to grant the stay request.

Council Member Preston noted that granting the stay would permit the drivers to operate their vehicles between March 27th and April 10th.

Council Member Andresen asked whether factors other than points had been considered in the Manager's decision. Town Manager Taylor said his decision was based purely on points and pertinent ordinance language.

Mayor Howes said that the Council was not necessarily establishing a precedent.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO GRANT THE STAY REQUESTED BY MS. LEVI, FOR THE PERIOD MARCH 27 TO APRIL 10, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Mrs. George Steele requested to speak on item 12, Stop Sign and Speed policies. Mayor Howes said that this was not a public hearing. Council Member Wallace suggested that the Council hold a public hearing at a future date. Council Member Werner concurred with his remarks.

Mayor Howes said that the item would be deleted from this evening's agenda, with a public hearing to occur at a future date. Town Manager Taylor said it would be necessary for the Council to authorize a public hearing.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO DELETE AGENDA ITEM #12 FROM THIS EVENING'S AGENDA AND TO AUTHORIZE A FUTURE PUBLIC HEARING ON THE TOWN'S STOP SIGN AND SPEED POLICIES. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

John McCormick, Attorney for Chapel Hill-Carrboro School District, requested to speak on Agenda Item #5. Town Attorney Karpinos noted that the Public Hearing for this item had been closed.

Council Member Herzenberg said that an organizational meeting to initiate a sister city relationship in Nicaragua would be held on Wednesday, March 29th at 7:30 P.M. in the Municipal Building Meeting Room.

Minutes of February 20, 27 and March 6

Council Member Herzenberg noted one modification on page 16 of the February 27th minutes.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT THE MINUTES OF FEBRUARY 20, 27 AND MARCH 6TH, INCORPORATING THE CHANGE REQUESTED BY COUNCIL MEMBER HERZENBERG. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

University Village

Planning Director Roger Waldon stated that a public hearing had been held on February 20th. He noted that all issues except access and circulation had been satisfactorily addressed.

Mr. Waldon said that access to the University Motor Inn would remain unchanged. He noted that the Manager recommended adoption of Resolution C to the Council. Mr. Waldon stated that Resolution A called for the closing of Prestwick Road; Resolution B would require full improvements to Prestwick Road and Resolution C would include the placement of barriers to prevent vehicular movements between Prestwick and Hamilton Roads.

Council Member Andresen requested that Mr. Waldon show the options on a vicinity map. He did so, noting that there were areas of inadequate sight distance near the site.

Council Member Wallace expressed concern that a proposed hotel project could throw off the balance of the area. He stated that the University Village project could do more harm than good to the Glenwood School.

Mayor Howes requested that Grainger Barrett come forward to respond to a question from Town Attorney Karpinos. Mayor Howes noted that the public hearing was not being reopened.

Town Attorney Karpinos asked Mr. Barrett whether his client was agreeable to the conditions outlined in Resolution C. Mr. Barrett responded affirmatively.

John McCormick, Attorney representing Chapel Hill-Carrboro Schools, encouraged the Council to adopt Resolution C.

Council Member Wallace said he was unsure of the proposal's potential impact. He stated that the Council was acting on this

matter without perfect information. Council Member Wallace indicated he would vote against the proposal.

Council Member Godschalk stated that the staff did a good job in handling complex site problems.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 1C. THE MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH COUNCIL MEMBER WALLACE DISSENTING.

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR UNIVERSITY VILLAGE (89-3-27/R-1c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Planned Development proposed by University Inn Associates, on property identified as Chapel Hill Township Tax Map 65, Block C, Lot 3, if developed according to the Site Plan dated December 1, 1988; the Grading Plan Dated December 1, 1988; and the Utility Plan dated December 1, 1988 and the existing conditions of proposed layout dated December 1, 1988 and the conditions below 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 provision of Article 12, 13 and 14, 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.

These findings are conditioned on the following:

1. That construction begin by March 27, 1990 (one year from the date of the Council approval) and be completed by March 27, 1992 (two years from the date of the Council approval).
2. That access be provided onto Prestwick Road.
3. That Prestwick Road be improved from Finley Golf Course Road to the shopping center driveway to a class "B" street, without curb and gutter.

4. That physical barriers be constructed to prohibit vehicular movements between the shopping center driveway and Hamilton Road.
5. That a sidewalk/bikelane be provided in the Prestwick Road right-of-way between the shopping center driveway and Hamilton Road.
6. That one of the following be completed before issuance of a Certificate of Occupancy: either (a) a traffic signal be provided at the intersection of Finley Golf Course Road and NC 54, or (b) the applicant make available a sum of \$45,000 to fund construction of such a signal, in a form approved by the Town Manager.
7. That the property owner execute a maintenance agreement, specifying the property owner's responsibilities for maintenance of shoulder and ditch sections along Prestwick Road, in a form approved by the Town Manager.
8. That the internal circulation system be redesigned to include a one-way spur connecting the University Motor Inn main entrance with the University Village retail area, to allow one-way movements to the retail area from NC 54.
9. That the main internal drive aisles be built to standards adequate, as approved by the Town Manager, for truck and service vehicle traffic.
10. That a stormwater management plan (with hydrologic calculations using the Town's Hydros Model) be approved prior to the issuance of the Zoning Compliance Permit; and, that this stormwater management plan demonstrate the effect that this development will have on the existing downstream drainage infrastructure; and in the event that the existing drainage infrastructure cannot handle the storm discharge of a 10-year storm (after retention/detention of this site's post-development runoff), then this development should take appropriate action to mitigate the problem.
11. That the intersection of N.C. 54 and Rogerson Drive be improved to provide adequate turn lanes within the median; and that final plans be approved by NCDOT and the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That final plans indicate full compliance with Town buffer and parking lot landscape standards and location; and that detailed landscape plan and landscape maintenance schedule be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit.

13. That all refuse collection facilities conform to Town standards.
14. That final utility plans, including a street lighting plan, be approved by the Town Manager, OWASA, Duke Power, Southern Bell, Public Service Gas Co., and Carolina Cable before issuance of a Zoning Compliance Permit.
15. That easement documents as required by OWASA and the Town Manager be recorded before the issuance of the Certificate of Occupancy.
16. That final street plans, grading plans, utility plans, and landscape/soil management plans be approved by the Town Manager before issuance of the Zoning Compliance Permit, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
17. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
18. That sight triangle easements be provided on the final plat.
19. That the developers shall be responsible for placement and maintenance of temporary regulatory traffic signs before issuance of any Certificate of Occupancy until such time that the street system is accepted for maintenance by the Town.
20. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
21. That tree protection devices be shown on the grading plan; and that tree protection fences be installed to protect significant existing trees and their root systems, before issuance of an Engineering Construction Permit and a Building Permit.
22. That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
23. That no Certificate of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.

24. That detailed building elevations and unified sign plan be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit.
25. That plans for improvements to State-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit.
26. That a construction access plan and a building materials storage plan be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
27. That continued validity and effectiveness of the approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
28. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the drive-up window in accordance with the above-referenced plans and Section 18.7.18 of the Development Ordinance.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the University Village Special Use Permit in accordance with the plans and conditions listed above.

This the 27th day of March, 1989.

State Employees Credit Union

Town Manager Taylor said that the applicant had requested that two stipulations pertaining to site utilities, public improvements and parking and lighting arrangements, be deleted from the resolution of approval. He noted that staff concurred with this request.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 2A. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR STATE EMPLOYEES' CREDIT UNION/ELLIOTT ROAD (89-3-27/R-2a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the State Employees' Credit Union Addition, on property identified as Chapel Hill Township Tax Map 46, Block B, Lot 5A, if developed according to the Site Improvement Plan dated June 1982 (revised November 10, 1988) and the conditions listed below, 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 provision of Article 12, 13 and 14, and the applicable specific standards contained in Section 18.7, 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.

These findings are conditioned on the following:

1. That construction begin by March 27, 1990 (one year from the date of the Council's approval) and be completed by March 27, 1991 (two years from the date of the Council approval).
2. That detailed building elevations, landscaping plan, and landscape maintenance plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. An "A" type buffer is required along Elliott Road and "B" type buffers along the side and rear property lines. Alternative buffers to be approved by the Appearance Commission.
3. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
4. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above
5. If any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the State Employees' Credit Union Special Use Permit Modification in accordance with the plans and conditions listed above.

This the 27th day of March, 1989.

Elementary and Secondary Schools DOTA

Planning Director Roger Waldon said that staff recommendations were unchanged from the February 20th Public Hearing. Mr. Waldon stated that Ordinance C was recommended for Council adoption.

Council Member Andresen inquired whether it was correct that standards for site plan review were much more fixed than those for special uses. Mr. Waldon said yes.

Council Member Herzenberg said he opposed granting exemptions to existing development standards. He requested a clarification of how regulations would be modified in this case. Mr. Waldon reviewed the proposed DOTA modification.

Council Member Andresen expressed her desire to work with the school system to save money. She asked whether the school district would realize any time savings. Mr. Waldon said yes.

Council Member Andresen stated her support for Ordinance A.

Council Member Pasquini expressed his concurrence with Council Member Andresen's preference.

John McCormick, Attorney for Chapel Hill-Carrboro School District, said that school project architects had estimated that special use applications cost an additional \$30,000. Mr. McCormick said that the school district was not seeking a diminution of standards, but was requesting a quicker, less expensive review process.

Council Member Werner inquired about the genesis of the \$30,000 estimate. Mr. McCormick said that this cost was attributable to the costs of documentation, form completion, and attendance at meetings.

Council Member Godschalk noted that the \$30,000 cost differential impacted all using the special use process. He added that Ordinance C would maintain buffering and landscaping standards. Council Member Godschalk said that the school district was under extraordinary pressures, warranting expediting application reviews.

Council Member Preston stated that some school sites already exceeded their intensity standards. She inquired why site plan applicants would choose to employ the special use process. Mr. Waldon said that where structures already exist on a site, the Council has the flexibility to modify regulations and ask the applicant to go through the special use process. Town Manager Taylor noted that land use intensity ratios will apply to all sites.

Council Member Pasquini asked whether the modifications were recommended for public or private schools. Town Manager Taylor said that the revised standards would apply to both public and private elementary and secondary schools.

COUNCIL MEMBER ANDRESEN MOVED ADOPTION OF ORDINANCE 1A, WHICH DID NOT PROCEED FOR LACK OF A SECOND.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT ORDINANCE C. THE MOTION WAS ADOPTED BY A VOTE OF 6-3, WITH COUNCIL MEMBERS ANDRESEN, HERZENBERG AND PASQUINI IN OPPOSITION.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (89-3-27/O-1c)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Chapel Hill Development Ordinance to make specific adjustments for elementary and secondary schools, and finds that an amendment is appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and 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 the first paragraph of Subsection 13.7.1 to read as follows:

The Land Use Intensity (LUI) ratios applicable to development on any zoning lot shall be those ratios established in Section 13.11 for the zoning district in which such zoning lot is located and for the use group to which the principal use of the zoning lot belongs, with the exception of elementary and secondary schools. For elementary and secondary schools, a LUI rating of 38 shall apply with the related LUI ratios, minimum setbacks and maximum height established in Section 13.11, unless a higher LUI rating is established. LUI ratios shall be applied to the gross land area of the zoning lot.

#### SECTION II

AMEND the \*Key in Section 12.3 at the end of the Schedule for Use Group A, Use Group B, and Use Group C to read as follows:

\*Key: "--" Not Permitted; "A" Permitted as an Accessory Use; "P" Permitted as a Principal Use if floor area of proposed

development is less than 20,000 square feet and area of disturbed land is less than 40,000; otherwise, permitted as a Special Use in all districts except OI-3 and for all uses except existing Elementary and Secondary Schools. In OI-3 "P" Permitted as a Principal Use, "S" Permitted as a Special Use. For existing Elementary and Secondary Schools "P" Permitted as a Principal Use.

### SECTION III

CREATE a new first paragraph for Section 18.2 to read as follows:

A Special Use Permit may be requested for any development authorized by this Ordinance. If a Special Use Permit is requested but not required, that particular permitted use may be established only after issuance and recordation of a Special Use Permit.

### SECTION IV

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

This the 27th day of March, 1989.

#### Comprehensive Plan

Town Manager Taylor said that a work session on the Comprehensive Plan would be held on April 5.

Alan Rimer, Chairperson, Planning Board, noted that approximately two and one-half years effort had been devoted to the Comprehensive Plan to date. He commended the staff for doing a good job in coordinating public forums.

Mr. Rimer said that the Town was not immune from pollution and environmental problems. He added that there had been extensive Planning Board discussion concerning affordable housing for low and middle income Town residents. He added that community facility needs were being addressed in a smooth and rational manner. Mr. Rimer said that transportation was the single largest issue in the Comprehensive Plan.

Mr. Rimer provided an overview of the an update of the steps taking in composing and reviewing the Comprehensive Plan. He expressed the need for presenting and adopting a rational plan to guide the community in the future.

Mr. Rimer reviewed the balancing of policy trade-offs. He noted the need for the Council to provide guidance to the Planning Board in these matters.

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Mr. Rimer noted the need for Town/University interaction and cooperation in handling mutual problems. He expressed the importance of University representation on Town advisory boards and commissions.

Mr. Rimer added that the impact of performance standards on housing costs should be examined. He also stressed the need for developers to provide some form of affordable housing in the community.

Mr. Rimer also expressed the need for tying roadway width and construction to neighborhood densities. He added that the placement of commercial sites might be limited to designated activity centers, supplemented by possibly redefining the meaning of activity centers.

Mr. Rimer said that transportation factored into four of the eight policy tradeoffs considered by the Planning Board. He urged the Council to give serious consideration to transportation issues.

Mayor Howes said that a Comprehensive Plan work session would be held on April 5th, with a public hearing to occur on April 12th. He added that the Council would have a work session on the Adequate Public Facilities Ordinance tomorrow evening (March 28th).

Council Member Werner asked why the work session was being held prior to the public hearing. Mr. Rimer noted that there were two Comprehensive Plan work sessions, with the second scheduled for May 1st.

#### Regional Transportation Authority

Mayor Howes said that David King of the North Carolina Department of Transportation (NCDOT) had made an earlier presentation to the Council on this proposal.

Council Member Andresen inquired about the relationship between NCDOT and a proposed regional transportation authority. Mayor Howes responded that the authority would be a separate, free-standing entity, with possible funding from NCDOT. Council Member Andresen asked whether NCDOT would provide staff to the authority. Mayor Howes said no.

Mayor Howes said that Pat Simmons was present to answer any questions of the Council. Mayor Howes said that nine of eleven local House representatives supported the proposed authority. He added that the matter had been referred to committee for further consideration. Mayor Howes said that final bill contents should be known in three to four weeks.

Council Member Herzenberg inquired whether there was any substantial opposition to the proposed legislation. Mr. Simmons said that a vast majority was receptive to the proposal.

Council Member Pasquini inquired about funding of the authority. Mayor Howes noted that funds might be derived from the sale of vehicle stickers. Mr. Simmons added that initial funding might be received from the Legislature. Mayor Howes said that monies might also come from public transportation fareboxes.

Council Member Preston asked what action was being requested of the Council. She noted that other jurisdictions had suggested ways to modify language in the proposed bill. Council Member Preston expressed the importance of having a Council appointee on the Regional Transportation Authority panel. Mayor Howes noted that the draft legislation called for the Council to make an appointment to the Authority.

Mayor Howes said that the proposed Regional Transportation Authority would have significant authority. Council Member Godschalk added that this was a badly needed authority.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 4. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING IN CONCEPT A PROPOSAL FOR A REGIONAL TRANSPORTATION AUTHORITY (89-3-27/R-4)

WHEREAS, public transportation services are needed in the Research Triangle Region, and

WHEREAS, elected officials from Orange, Durham and Wake Counties have developed a proposal for the governance, finance and functions of a Regional Transportation Authority, and

WHEREAS, the proposal has been examined by the Chapel Hill Town Council,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Chapel Hill, that the Council supports in concept the proposal for the Regional Transportation Authority as outlined on Attachment 1.

This the 27th day of March, 1989.

#### Thoroughfare Planning

David Bonk, Transportation Planner, provided an overview of proposed revisions to the Durham-Chapel Hill Carrboro Thoroughfare Plan, he reviewed the following roadways: Pittsboro Street

Extension, Whitfield Road and Whitfield Road/Eubanks connector, Jack Bennett Road, Farrington Road (Laurel Hill Parkway) between N.C. 54 and U.S. 15-501, I-40 Interchange, and the proposed Outer Loop (Northern Freeway).

Council Member Andresen noted that Orange County Commissioners were not in favor of a connector between I-40 and I-85. She said that the North Carolina Department of Transportation should be contacted to begin widening of U.S. 15-501 as soon as possible. Council Member Andresen added that Orange County Commissioner Don Willhoit saw the widening of U.S. 15-501 South and related connectors as a package.

Council Member Godschalk said that the staff recommendations before the Council were useful. He said that if citizens felt that there were better alternatives to the ones proposed, these should be brought to the attention of the Council.

Mayor Howes noted the importance of getting the Town and University thinking together in handling the Pittsboro Street Extension issue.

Council Member Godschalk noted that the decision not to widen the U.S. 15-501 bypass approximately ten years ago was costing the Town much more to do now.

Council Member Andresen noted the lead role of NCDOT in the planning of Pittsboro Street Extension. She said that she was not impressed by NCDOT planning for neighborhoods and planning. She expressed the need for active Town involvement in this planning process.

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

A RESOLUTION REFERRING THE PROPOSED REVISIONS TO THE DURHAM-CHAPEL HILL-CARRBORO THOROUGHFARE PLAN TO THE CHAPEL HILL TRANSPORTATION AND PLANNING BOARDS THE COORDINATION AND CONSULTATION COMMITTEE AND THE TOWN MANAGER FOR REVIEW AND COMMENT (89-3-27/R-5)

WHEREAS, a series of revisions to the adopted Chapel Hill-Carrboro thoroughfare plan have been proposed for approval to the Town Council; and

WHEREAS, the Town Council wishes to solicit comment on these proposed changes from the Town's advisory boards;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby refers the 1985-2010 Durham-Chapel

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Hill-Carrboro Thoroughfare Study to the Chapel Hill Transportation Board, Planning Board, Joint Town/University Coordination and Consultation Committee and the Town Manager for their review and comment.

This the 27th day of March, 1989.

1989-90 Chapel Hill Transportation Improvement Program

Town Manager Taylor noted that the highway element recommendations were identical to those recommended to the Council in 1988-89. He noted that some additions had been made to bicycle program requests.

Council Member Herzenberg asked what the linkage was between the Transportation Improvement Program and the Thoroughfare Plan. Mr. Bonk said that the Transportation Improvement Program was a tool for communities to make known their near and long-term thoroughfare needs to NCDOT.

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

A RESOLUTION AUTHORIZING SUBMISSION OF THE TOWN OF CHAPEL HILL'S ANNUAL TRANSIT ELEMENT TO THE DURHAM-CHAPEL HILL-CARRBORO TRANSPORTATION ADVISORY COMMITTEE FOR INCLUSION IN THE TRANSPORTATION IMPROVEMENT PROGRAM (89-3-27/R-6)

WHEREAS, the Town of Chapel Hill is required to submit an annual transit element to the Durham-Chapel Hill-Carrboro Transportation Advisory Committee; and

WHEREAS, the Town of Chapel Hill's annual element will be included in the regional Transportation Improvement Program;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests that the Transportation Advisory Board includes the attached Chapel Hill annual transit element to the Transportation Improvement Program for the Durham-Chapel Hill-Carrboro Urban Area.

This the 27th day of March, 1989.

Town Manager Taylor stated that the highway element was the same as last year, except that the N.C. 86 had been identified for right-of-way protection between Homestead Road and Interstate 40.

Council Member Preston inquired about the nature of problems concerning signalization at Raleigh and Country Club Roads. Mr.

Bonk said that there was a need to improve intersection efficiency through the use of protected turning movements.

Council Member Preston asked about proposed improvements at Franklin and Boundary Streets. Mr. Bonk responded that left-turn protection and storage was proposed for this intersection.

Council Member Herzenberg suggested that the number five priorities be eliminated from categories B (Federal-Aid Secondary Funding), C (Federal-Aid Urban Funding), and D (Transportation System Management), since there were only four priorities in category A (Federal Aid Primary Funding).

Council Member Werner asked which priorities would receive serious funding consideration. Town Manager Taylor said that number one and two priorities would generally receive consideration.

Mr. Bonk said that if the Legislature approves a Highway Funding during its session, more monies might be available.

Town Manager Taylor stated that it would cost approximately \$750,000 to install a system for Town-wide signalization improvement.

Mr. Bonk said that system improvements were being made to make intersections more responsive to traffic flow. He noted recent improvements at Airport Road and Estes Drive.

Council Member Andresen inquired about the U.S. 15-501 and I-40 intersection. Mr. Bonk said that this was an extremely complicated intersection with many turning movements. He noted that NCDOT had chosen to use predetermined signal timing to address this situation.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 6.1, INCORPORATING COUNCIL MEMBER HERZENBERG'S SUGGESTION TO ELIMINATE PRIORITY FIVE FROM CATEGORIES B, C AND D, AS NOTED IN THE DISCUSSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

**A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (89-3-27/R-6.1)**

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following road improvements in the State's Transportation Program;

A. Federal-Aid Primary Funding

1. Widen U.S. 15-501 from U.S. 15-501 Bypass to the Chatham County line to a median-divided four lane cross-section;
2. Improve U.S. 15-501 intersection with Sage Road and Old Durham/Chapel Hill Road;
3. Widen and improve U.S. 15-501 from Franklin Street to the I-40 interchange.
4. Improve and extend frontage roads along U.S. 15-501 from Franklin Street to the I-40 interchange;

B. Federal-Aid Secondary Funding

1. Widen N.C. 86 from Homestead Road to the I-40 interchange to a 5-lane urban cross-section;
2. Build Sage Road Extension from existing Weaver Dairy Road (S.R. 1733) to Erwin Road (S.R. 1734);
3. Build Laurel Hill Parkway from U.S. 15-501 to N.C. 54 along new alignment;
4. Widen and improve Mt. Carmel Church Road (S.R. 1008) from U.S. 15-501 to the Chatham County line;

C. Federal-Aid Urban Funding

1. Widen existing Sage Road, 2-lane segment north of U.S. 15-501;
2. Widen and improve Weaver Dairy Road from Sage Road Extension to N.C. 86;
3. Widen N.C. 86 from Estes Drive to Homestead Road to a 5-lane urban cross-section;
4. Complete the connection of Frances Street from the U.S. 15-501 Bypass via Willow Drive to Ephesus Church Road (S.R. 1742);

D. Transportation System Management

1. Purchase and install improved traffic signal system.
2. Improve the signalization at Raleigh Street/Country Club.
3. Complete improvements at Dobbins/Erwin intersection.
4. Improve left turn storage at Franklin/Boundary intersection.

**E. Bikeways****Primary Project**

1. **Estes Drive:** Widen shoulders from Airport Road to Caswell.
2. **Franklin Street:** Widen off-road bikepath, Hillsborough to Plant Road.
3. **Us 15-501 South:** Widen shoulders from Morgan Creek to Country Line.
4. **Old Durham Road:** Widen shoulders from Scarlette Road to Pope Road.
5. **Erwin Road:** Widen shoulders from US 15-501 to Weaver Dairy Road.
6. **Umstead Road:** Widen shoulders from Airport Road to Estes Drive.
7. **Erwin Road:** Widen shoulders from Weaver Dairy Road to County Line.

**INCIDENTAL PROJECTS**

1. **South Columbia:** Include bikeway in widening project, ByPass to Manning Drive.
2. **Airport Road:** Include bikeway in widening project, Homestead Road to I-40.

**BE IT FURTHER RESOLVED** that the Council continues to endorse and support those projects currently programed in the North Carolina Transportation Improvement Program, and asks that funding be accelerated. Those projects include:

1. Widening the U.S. 15-501/N.C. 54 Bypass;
2. Widening S. Columbia Street from Mt. Carmel Church Road/Culbreth Road to Manning Drive from the existing 2-lane section to a 4-lane curb and gutter section;
3. Widen N.C. 86 from I-40 to Homestead Road;
4. Construct bicycle improvements along Weaver Dairy Road between Airport Road (N.C. 86) and Erwin Road and along the Bolin Creek greenway; and
5. Install train gates on Cameron Avenue.

**BE IT FURTHER RESOLVED** that the Council supports the widening and improvement of U.S. 15-501 from the Orange-Chatham County line south to Pittsboro.

**BE IT FURTHER RESOLVED** that the Council hereby requests that the State give the Town an opportunity to request bikeways facilities in conjunction with any future State-supported road improvements programmed in the Town.

This the 27th day of March, 1989.

Appointment to Orange Co. Human Relations Commission

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 9, RECOMMENDING THE APPOINTMENT OF JERRY SALAK TO THE ORANGE COUNTY HUMAN RELATIONS COMMISSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION RECOMMENDING APPOINTMENT OF A CHAPEL HILL CITIZEN TO THE ORANGE COUNTY HUMAN RELATIONS COMMISSION (89-3-27/R-9)

WHEREAS, there currently exists a vacant seat on the Orange County Human Relations Commission, the Town Council hereby recommends the appointment of Jerry Salak to the Orange County Commissioners for purposes of filling this vacancy.

This the 27th day of March, 1989.

Umstead Drive/Pritchard Avenue Project

Town Manager Taylor noted that two bids had been received for this project, with C.C. Mangum presenting the low bid of \$791,836. Mr. Taylor said that he recommended awarding the contract to C.C. Mangum, with funding from 1986 bonds.

Council Member Godschalk asked whether bids had changed from their first presentation. Mr. Taylor said it was not possible to determine this since the initial bids from contractors had been returned unopened.

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

A RESOLUTION AWARDDING A CONTRACT FOR THE UMSTEAD DRIVE REALIGNMENT AND SIDEWALK AND PRITCHARD AVENUE BRIDGE RECONSTRUCTION PROJECT (89-3-27/R-10)

WHEREAS, the Council of the Town of Chapel Hill has solicited formal bids by legal notice on February 22, 1989 in accordance with G.S. 143-129 for the Umstead Drive Realignment and Sidewalk and Pritchard Avenue Bridge Reconstruction Project; and

WHEREAS, the following bids have been received and opened on March 23, 1989:

| <u>Contractor</u>            | <u>Bid Amount</u> |
|------------------------------|-------------------|
| C. C. Mangum Company         | \$791,836.95      |
| Crowder Construction Company | \$941,961.50      |

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the contract for the Umstead Drive Realignment and Sidewalk and Pritchard Avenue Bridge Reconstruction Project be awarded to C. C. Mangum Company in the amount of \$791,836.95.

This the 27th day of March, 1989.

Consent Agenda

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 11, APPROVING ADOPTION OF RESOLUTIONS 12 AND 13, THE CONSENT AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

**A RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR MAT AND SEAL STREET IMPROVEMENTS ON CAMERON COURT (89-3-27/R-12)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby confirms the following as the final assessment roll for mat and seal street improvements on Cameron Court in accord with North Carolina General Statutes 160A-228:

| TAX MAP LOT | NAME                                  | ADDRESS                                     | FRONT FEET | ASSESSMENT |
|-------------|---------------------------------------|---|------------|------------|
| 7.86.A.27   | Helen Urquhart                        | 426 W. Cameron St.<br>Chapel Hill, NC 27514 | 229.4      | \$ 521.27  |
| 7.86.A.28   | Michael P. Moose<br>Sue A. Moose      | 117 Cameron Ct.<br>Chapel Hill, NC 27514    | 60         | \$ 136.34  |
| 7.86.A.28A  | Clementine R. Strowd                  | Rt. 3, Box 178<br>Chapel Hill, NC 27514     | 60         | \$ 136.34  |
| 7.86.A.32   | Roger L. Rudesill<br>Mary V. Rudesill | 110 Cameron Ct.<br>Chapel Hill, NC 27514    | 60         | \$ 136.34  |
| 7.86.A.33   | Horace W. Miller                      | 1208 Longleaf Dr.<br>Fayetteville, NC 28303 | 60         | \$ 136.34  |
| 7.86.A.34   | Eric Schopler<br>Margaret D. Schopler | Rt. 1, Box 182-B<br>Chapel Hill, NC 27514   | 60         | \$ 136.34  |
| 7.86.A.35   | Blanche Mattox                        | 428 Cameron Ave.<br>Chapel Hill, NC 27514   | 288.5      | \$ 655.56  |

|           |  |   |       |           |
|-----------|--|---|-------|-----------|
| 7.86.A.29 | Wilbur S. Kurtz Heirs<br>c/o Lucius Cheshire Sr. |   | 120   | \$ 272.68 |
|           | James R. Cherney<br>Teresa M. Gill               | 335 E. 51st st.<br>New York, NY 10022             |       |           |
|           | Town of Chapel Hill                              |   | 36    | \$ 81.80  |
| 7.86.A.30 | C.F. Wortham                                     | Cadys Hill<br>Rt. 2, Box 280<br>Hamover, VA 23069 |       |           |
|           |  |   | 18    | \$ 40.90  |
|           |  |   | <hr/> | <hr/>     |
|           |  | TOTAL:  | 991.9 | \$2253.91 |

This the 27th day of March, 1989.

**A RESOLUTION SELECTING THE DATE FOR THE ADVERTISEMENT OF DELINQUENT ASSESSMENT LIENS (89-3-27/R-13)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to advertise the Town of Chapel Hill delinquent assessment liens in the month of May, 1989 in accord with G.S. 105-369.

This the 27th day of March, 1989.

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

The meeting stood adjourned at 10:16 P.M.