

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MONDAY, APRIL 10, 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 R. Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos and Planning Director Roger Waldon.

Ceremonies

Mayor Howes requested that City of Raleigh Council Member Mary Watson Nooe and Raleigh City Manager Dempsey Benton come forward to make a presentation to the Town's Public Works staff.

Council Member Watson Nooe read the following resolution into the record:

WHEREAS, the City of Raleigh suffered the tragic misfortune of being struck by a tornado in the early hours of November 28, 1988; and,

WHEREAS, the City of Raleigh suffered the loss of two precious lives and the destruction of homes, businesses and personal property; and,

WHEREAS, within hours after the tornado struck, the Town of Chapel Hill offered assistance and then sent personnel and equipment to come to the aid of the City of Raleigh in this time of need.

NOW, THEREFORE, be it resolved, that the Raleigh City Council wishes to extend its gratitude and appreciation to the Town of Chapel Hill.

FURTHERMORE, while this tornado left in its wake devastation which will be remembered for many years to come, the recovery efforts were expedited and strengthened through the generous efforts of the Town of Chapel Hill; and,

For this, the hearts of all in our City are full of appreciation. You have earned our sincere gratitude.

This twenty-first day of February, 1989.

(Signed) Avery C. Upchurch
Mayor, City of Raleigh

Mayor Howes thanked Council Member Watson Nooe for the resolution, noting that the City of Raleigh was a good friend and neighbor of the Town of Chapel Hill. Mayor Howes individually acknowledged each of the Public Works employees for their efforts, as follows:

Sanitation Division

Clifton Edwards
Llewellyn Ware
John Stroud

Construction Division

Lonnie Degraffenreidt
Ricky Goodnight
Charles Mitchell
Joe Riggsbee

Streets Division

Roger Alston
Willie Brooks
John Council
Jeppie Foushee
William Minor
Stanley Parrish

Also in attendance, representing the Public Works Department, were: Streets Superintendent Tommy Tapp, Construction Superintendent Bridges Pendergraph, and Public Works Director Bruce Heflin.

Council Member Watson Nooe said that Chapel Hill was a good neighbor and friend of Raleigh. She added her thankfulness that municipalities can act quickly to assist their neighbors in need.

City Manager Benton said that a total of seventeen municipalities had assisted in tornado clean-up efforts. He noted that without this relief, recovery efforts would have been much slower.

Stop Signs and Speed Policies Public Hearing

Mike Neal, Assistant Engineering Director, said that a staff report on proposed stop and speed policies had been presented to the Council on March 27th. He noted that the report addressed pedestrian safety, excessive speeds, unsafe driving conditions and other related factors. Mr. Neal stated noted that each stop sign situation request involved unique factors.

Council Member Preston inquired about the staff's conclusion that stop signs on some streets had not slowed down traffic. Mr. Neal said this finding was based on samples of radar at mid-block locations between stop signs. He noted that observed average peak speeds did not show any significant decrease. Council Member Andresen said that residents in the Elliott Road area felt that speeds had been greatly reduced by the installation of stop signs. Town Manager Taylor said that peak speeds had not greatly decreased, noting that cars accelerate to similar pre-stop sign speeds.

Council Member Wallace asked whether intersections with stop signs were any safer for pedestrians due to the installation of the signs. Mr. Neal stated that stop signs may have a positive effect. He noted that younger pedestrians tend to become confused at stop sign intersections.

Barbara Rodbell, 306 Elliott Road, expressed strong disagreement with staff's conclusion that stop signs do not slow traffic. Ms. Rodbell said that prior to the installation of stop signs, drivers repeatedly ignored speed limits in the area. She stated that the addition of stop signs had slowed traffic on Elliott Road. Ms. Rodbell advocated the use of stop signs to slow traffic and maintain the character of neighborhoods. Ms. Rodbell proposed an amendment to the manager's recommended resolution, as follows:

"All Stop Signs placement and speed limits on the affected roads in effect as of 4/10/89 in the Town of Chapel Hill will be maintained and exempt from the proposed Policy for Placement of Stop Signs and Assignment of Speed Limits dated 4/10/89 and that the additional stop sign placements under consideration for Clayton Road be exempt from this policy."

A copy of Ms. Rodbell's complete remarks is on file in the Town Clerk's Office.

Frances Weaver, 407 Elliott Road, said she had observed a marked decrease in speeds on Elliott Road since stop signs were installed. Noting the draft Comprehensive Plan's commitment to protecting existing residential neighborhoods, Ms. Weaver proposed several revisions to the draft stop sign and speed policies.

Rahkesh Sahreen, 410 Elliott Road, cited a recent study of perceived driver skill. On a three point continuum of better to worse than average, 80% of drivers rated themselves as better than average drivers. He noted that this result was illogical and counterintuitive. Mr. Sahreen said that the installation of stop signs on Elliott Road had resulted in greater safety for residents of the area. Mr. Sahreen noted the dangerous potential of a walkway at Elliott and Curtis. He said that children find it difficult to judge traffic, adding that stop signs help in this regard. He asked the Council to consider common sense factors in arriving at their decision.

Debbie Harper, 311 Elliott Road, said that prior to the installation of stop signs, high school students drove above the posted speed and screeched their tires when turning corners. Ms. Harper said that as President of the E.C. Leonard playground committee, she was greatly concerned about people who do not slow down when travelling through the Elliott Road area.

Bill Murphy, a resident of 406 Elliott Road since 1971, took issue with the staff's finding that speeds had not been reduced following the installation of stop signs. Mr. Murphy said that speeds had been reduced on Elliott Road. He added that there had been no apparent decrease in the volume of traffic.

Dr. Miles Fletcher challenged the use of the Willow Drive study showing no difference between pre and post stop sign speeds in the area. He noted that no speed data had been gathered prior to the installation of stop signs. He noted that speed had been reduced in the area, from an average of approximately 40 MPH to 31 MPH at present. Dr. Fletcher said that when a neighborhood is threatened by increased or reckless traffic, safety considerations should take precedence.

Darcy Berger, a resident of the Timberlyne neighborhood, noted that the recent installation of stop signs on Kingston Drive in her neighborhood had worked well, with speeds having decreased. She expressed her support for the residents of Elliott Road.

Terry Zug, President of the Oaks Homeowners Association, said he would support a uniform plan for a general stop sign and speed policy. Mr. Zug noted that individual neighborhoods have unique characteristics which make them different from any other. Mr. Zug stated that the designation of collector street fell beneath major and minor arterials. He said that collector streets are not intended to move traffic through neighborhoods. Mr. Zug said he concurred with Frances Weaver's earlier remarks concerning speed policies and collector streets. Mr. Zug noted that the ultimate objective of stop sign and speed policies was concern for safety. He concluded his remarks by urging the Council to use stop signs and speed policies to maintain the character of neighborhoods.

Rick Hollowell, a resident of Shady Lawn Road, said he had seen the Town's traffic problems become worse in recent times. He related a personal experience of receiving a ticket for speeding on Elliott Road. He suggested that experience was more effective in controlling his speed than the use of stop signs. Mr. Hollowell inquired whether the installation of stop signs solved traffic problems or moved them elsewhere. He observed that many drivers do not come to a full stop at stop signs. Mr. Hollowell concluded his remarks by proposing that the level of scrutiny for three and four-way stop sign intersections be carefully examined.

Council Member Werner inquired whether staff intended to recommend removal of any existing stop signs. Mr. Neal said that this possibility was not being considered. Council Member Werner asked whether the proposed policies were intended to address future situations. Mr. Neal said that this was correct.

Council Member Andresen inquired about the potential impact of the proposed policies on Clayton Road. Mr. Neal said that if the policy were implemented as currently drafted, stop signs would be

recommended at the Audubon and Curtis intersections on Clayton Road.

Council Member Andresen said that she would not support the stop and speed policy as currently drafted, as it did not address safety and tranquility issues.

Council Member Werner noted that the Town is an ozone non-attainment area. He stated the importance of reducing automobile pollution in Town.

Council Member Godschalk said that stopping the flow of traffic in one area would move the flow elsewhere.

Mayor Howes asked when the item could be placed on the agenda for Council consideration. Town Manager Taylor responded that staff would offer several alternatives to the Council at their April 24th meeting.

Petitions

Council Member Andresen noted that a study to examine alternative airport sites was under way in Orange County. She noted that the current Horace Williams facility could continue operations at its current capacity or be expanded. Council Member Andresen expressed concern about the proximity of the current facility runways to three nearby schools. Noting that the County was holding hearings on this matter, she requested a follow-up report from Town Manager Taylor on these discussions. Council Member Andresen said that a public hearing would be held on May 24th to elicit public comment. Council Member Godschalk concurred with Council Member Andresen's concern. He suggested that Council Member Andresen serve as the Council's representative at the May 24th hearing.

Mayor Howes said that a status report was needed on the airport situation. Council Member Werner noted that a public meeting concerning the airport would be held on May 1st at 3:30 P.M. Town Manager Taylor said that he would return with a comprehensive report on May 8th.

Council Member Preston requested that draft minutes of the Council have a note on the cover page, stating the availability of audio and/or video tapes for listening or viewing by the general public. Town Manager Taylor suggested that this could be addressed in the Council's Procedures Manual.

Minutes of March 20 and March 27, 1989

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO APPROVE THE MINUTES OF MARCH 20TH AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO APPROVE THE MINUTES OF MARCH 27TH AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Neon Signs

Planning Director Roger Waldon noted that the Council had held a public hearing on neon signs on March 20th. Mr. Waldon said that sixteen downtown merchants had initially requested changes to the sign ordinance relative to neon signs. Mr. Waldon summarized pro and con arguments of neon signs, noting that the staff had not changed its tone on the issue.

Mr. Waldon reviewed staff's conclusions concerning neon, as follows:

- (1) The proliferation of neon signs will damage appearance of the Town.
- (2) Controlled, creative use of neon is desirable.
- (3) The best solution is qualitative review.
- (4) Implementing qualitative review will be difficult.
- (5) Staff should attempt to establish a qualitative review process in concert with the Appearance Commission.
- (6) Efforts should be focused on enforcement of current sign regulations.

Council Member Andresen inquired whether Town Attorney Karpinos' recommendations of March 20th were included in the ordinance choices before the Council this evening. Mr. Waldon said that Ordinance B paralleled Town Attorney Karpinos' earlier advice. Mr. Waldon noted that Ordinance C would permit the limited use of neon signs in the Town Center.

Council Member Godschalk inquired whether it would be acceptable for merchants with neon signs to turn them off until a final decision is made in this matter. Mr. Waldon said that this would be a reasonable enforcement approach.

Lucy McCarrow, representing the Ridgewood/Briarcliff and Chapel Hill Garden Clubs, said that the present sign ordinance pertaining to neon should be maintained and enforced. She noted that thirteen merchants had signed an earlier petition in opposition to the use of neon signs.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION C.

Council Member Wallace suggested enforcing current regulations while provisions of the Sign Ordinance are being reviewed.

Mayor Howes noted that Ordinance C would permit some flexibility, permitting current neon signs to remain in place.

Council Member Preston requested that Mr. Waldon review the content of Ordinance C. Mr. Waldon said that Ordinance C would permit neon signs in the TC-1 and TC-2 zoning districts, with the size of signs limited to two square feet per zoning lot. He added that Council adoption of Ordinance C would require the removal of some neon signs.

Council Member Godschalk inquired whether Ordinance C addressed "historic" neon signs. Mr. Waldon said the ordinance as drafted did not.

Council Member Herzenberg inquired about the use of neon on interior walls of an establishment. Mr. Waldon responded that some elements of the ordinance would require judgment to administer. Mr. Waldon said that neon signs in small areas which were conspicuously bright and visible would be subject to standards. He added that signs not clearly visible from the right-of-way would require consideration on a case-by-case basis.

Council Member Andresen asked how the Varsity Theater neon sign would be handled. Mr. Waldon responded that the Appearance Commission was in the process of developing a mechanism to address historical signs. Council Member Andresen followed up by inquiring about time frames for implementation of standards. Mr. Waldon said that merchants having non-conforming signs would be given a period in which to conform. He noted that this period would occur later in the case of the historical theater signs.

Mayor Howes inquired about the status of the sign regulation study currently being conducted by the Appearance Commission. Mr. Waldon said that the study had been somewhat disrupted by the special attention devoted to neon sign issues.

Council Member Andresen noted the similarities between Ordinance C and the Appearance Commission recommendation to the Council.

Council Member Preston asked whether any of the ordinance options would permit neon throughout the Town. Mr. Waldon said no.

Mayor Howes noted the difficulty of justifying neon use in the TC-1 and TC-2 areas while not permitting neon at establishments outside the Town Center area such as the Flying Burrito restaurant on Airport Road.

Council Member Pasquini expressed his preference that the Council not take action on this item tonight.

COUNCIL MEMBER ANDRESEN WITHDREW HER EARLIER MOTION. COUNCIL MEMBER PRESTON CONCURRED IN HER ACTION.

Mr. Waldon proposed amending Ordinance C to permit neon in CC, NC, TC-1 and TC-2 zoning districts. Council Member Andresen inquired whether this modification would permit the use of neon in suburban shopping centers. Mr. Waldon said yes.

Council Member Wallace said he agreed with Council Member Pasquini's earlier remarks about not acting this evening.

Mayor Howes noted that by waiting to act, a better ordinance would be achieved.

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

NC 54 Park and Ride Lot

Planning Director Waldon noted that a public hearing had been held on March 20th concerning this application. Mr. Waldon reviewed previous concerns about the impact of the proposed facility on the adjoining Finley Forest subdivision. Mr. Waldon showed an area map, depicting the site's proximity to the Continuing Education Center and Laurel Hill Parkway.

Mr. Waldon said that the Town, as applicant, had agreed to the Planning Board's recommended conditions of approval. He added that the bus loading area had been shifted on the site. Mr. Waldon said that the hours of operation would be tied to ridership demand, with 6:30AM to 7:00PM being the probable hours of bus service. Mr. Waldon said that it would be possible to reduce the number of parking spaces from the proposed five hundred and twelve. He noted the importance of keeping the objective of the lot in mind before choosing to act. Mr. Waldon said that proposed site was a good one for a park and ride facility. He stated that the Town Manager recommended adoption of Resolution B to the Council.

Council Member Andresen inquired whether the University would have to meet Town standards if the University took ownership of the lot at the end of the ten year lease. Mr. Waldon said this was correct.

Council Member Andresen asked who would be responsible for the maintenance of easements. Mr. Waldon said that Laurel Hill Parkway would be a state maintained road in the future. Council Member Andresen asked whether there were any assurances that the area would be properly mowed. Mr. Waldon said that there was a specific maintenance plan for vegetation at the park and ride lot. Mr. Waldon stated that he would need to look at the Continuing Education Center Site Plan for more detailed information.

Council Member Andresen said she like the concept of shoebox fixtures for lighting, but expressed concern about the thirty foot height of the lights. Transportation Director Bob Godding said that previous discussions with Dewberry and Davis, project designers, had concluded that reducing the height of the lights would require more lighting fixtures. Council Member Andresen inquired how many thirty foot fixtures were proposed. Mr. Godding said approximately twelve.

Council Member Godschalk asked whether it would be possible to move the lot further away from the Finley Forest property line, noting that it was much less important to buffer the roadway than the neighborhood. Mr. Godding said that such a repositioning was possible.

Council Member Wallace noted the great need for park and ride lots. He expressed regret that past opportunities for land acquisition had been missed. He added concern about the short term of the lease agreement (ten years). Council Member Wallace said that Council Member Godschalk's suggestion concerning moving the lot was very good. Council Member Wallace said he would vote against the proposal as currently drawn. He urged that an extension of the lease period be sought.

Mayor Howes suggested that buffering be added and lighting fixtures be lowered.

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

Orderly Development Mechanisms

Planning Director Roger Waldon stated that the Council had held a work session on March 28th to discuss orderly development mechanisms. He noted that two specific ideas had been proposed at this session: a cap on approvals, to protect against sharp development booms; and small area plans, involving the drafting of proposed land-use plans for undeveloped areas. Mr. Waldon said that the Town Manager recommended putting the idea of development caps on hold, while focusing on small area plans in undeveloped portions of the Town.

Mr. Waldon said that a proposed implementation schedule proposed focusing on the Comprehensive Plan until late June. The revised land-use plan, focusing on undeveloped areas, would occur in July through November, with action on the new land-use plan taking place in the Spring of 1990. Mr. Waldon said that Resolution A was recommended for Council approval. He noted that Resolution B outlined a plan for annual development caps.

Council Member Werner inquired about potential risks associated with downzoning of property. He asked whether downzoning might

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actually encourage early development begun before the effective date of the downzoning. Mr. Waldon said that this was possible.

Council Member Godschalk asked how downzoning would be implemented. Mr. Waldon said that land could be zoned rural transition. Council Member Godschalk asked whether it would be possible to downzone prior to the adoption of land-use plans. Mr. Waldon said that this was a possibility.

Council Member Andresen asked Mr. Waldon which areas of Town he saw as most undeveloped at present. Mr. Waldon said that the northwest area, inside and outside the Town limits was relatively undeveloped. He noted that the Morgan Creek area to the south was also undeveloped, as was the Weaver Dairy/Erwin Road area.

Mayor Howes inquired whether enabling legislation would be needed in addition to the adoption of Resolution B in order to implement development caps. Mr. Waldon said that no additional legislation was needed beyond Resolution B.

Council Member Godschalk suggested that Resolution A's timetable could be modified to have downzoning public hearings precede the consideration of small area land-use plans. Town Manager Taylor said that this would be preferable. Council Member Preston said that the proposed schedule was very ambitious. Council Member Pasquini noted that the Council was taking the first step toward the adoption of a Public Facilities Ordinance.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 2a, AMENDING THE DATE OF REZONING PUBLIC HEARINGS TO SEPTEMBER, 1989, AND COUNCIL ACTION TO OCTOBER, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

RESOLUTION SETTING A TIMETABLE FOR CONSIDERATION OF GROWTH MANAGEMENT INITIATIVES (89-4-10/R-2a)

BE IT RESOLVED by the Chapel Hill Town Council that the following schedule be considered as a tentative timetable for consideration of the Town's Comprehensive Plan and Growth Management Mechanisms, provided as guidance to Town Staff and Planning Board in the preparation of appropriate reports and materials. The schedule may be amended as work proceeds, in response to progress and circumstances.

BE IT FURTHER RESOLVED that the Council requests the Town Manager and Planning Board to periodically report on progress on these items.

- April 12: Public Hearing on Comprehensive Plan
- May 1: Work Session; Focus on Goals & Objectives
- May 8: Council adoption of 5 Technical Reports
- May 22: Council adoption of Goals & Objectives
- June 26: Council adoption of Strategic Report

- July-Nov: Staff and Planning Board preparation of Draft Land Use Plan, Small Area Plans
- Sept: Public Hearing on Rezonings
- Oct: Council action on Rezonings

- Jan '90: Public Hearing on Revised Land Use Plan
- March: Council adoption of Land Use Plan.

This the 10th day of April, 1989.

Triangle Land Conservancy--Natural Areas Inventory

Pearson Stewart, President, Triangle Land Conservancy, noted that the Natural Areas Inventory was much more than a park or playground report. Mr. Stewart said that the Conservancy welcomed the Council's help as a conservancy contact. He noted that future efforts will be devoted to encouraging private owners to protect natural areas. Mr. Stewart thanked the Council for their moral and financial support.

Council Member Godschalk said that the inventory was a document to be proud of.

Mayor Howes stated that the Triangle Land Conservancy is a vital force in identify and conserving natural areas. He said that the organization was richly deserving of the moral and financial support of the Council.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 3. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION OF APPRECIATION TO THE TRIANGLE LAND CONSERVANCY (89-4-10/R-3)

WHEREAS, the Council of the Town of Chapel Hill helped to initiate and finance an inventory of natural areas in Orange County by the Triangle Land Conservancy; and

WHEREAS, Dawson Sathers and Steve Hall undertook and completed this study for the Triangle Land Conservancy; and

WHEREAS, protection of open space, including unique biological areas, is an important, timely issue in the community;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council expresses its appreciation to the Triangle Land Conservancy, under the leadership of Pearson Stewart and Livy Ludington, and to Dawson Sathers and Steve Hall for preparation of Inventory of the Natural Areas and Wildlife Habitats of Orange County, December 1988.

BE IT FURTHER RESOLVED that the Town shall use the Inventory of Natural Areas in developing its long-range open space plans and its review of land development applications.

This the 10th day of April, 1989.

Taxicab Ordinance/Appeals

Police Chief Arnold Gold said that proposed ordinance changes did not relate to safety concerns. Chief Gold reviewed the applicable ordinance sections. Chief Gold said that three drivers had received sufficient points to be suspended. He noted that Chapel Hill had the most restrictive point system of any municipality in the State. Chief Gold also said that an amendment based on N.C. Statute Chapter 20 was also being proposed, whereby individuals found guilty of serious crimes would be ineligible for taxicab operator permits.

Council Member Andresen asked whether any of the points accumulated by the drivers involved vehicular injuries. Chief Gold said no. Council Member Andresen inquired about the genesis of points on the drivers' records. Chief Gold said the points were assessed for excessive speed.

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

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES (89-4-10/0-2)

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

SECTION I

That Section 20-18 be amended to read:

Procedure and criteria for approving applications for taxicab franchises.

After giving due consideration to the information set forth on the application and such other competent, relevant and material information and evidence as may be presented by interested parties, the manager may authorize the issuance of a franchise to the applicant and may make it subject to reasonable conditions relating to operational standards or conditions. The franchise application shall be denied if the manager finds that:

- (a) The applicant has not complied with all the provisions of this article;
- (b) The criminal record of the applicant (or of the officers, directors, supervisory employees, or corporate applicant, if any) is such that it would

be against the public interest and welfare for such an application to be granted.

SECTION II

That Section 20-24(c) be repealed and that Section 20-24(d) be changed to 20-24(c).

SECTION III

That Section 20-35, Point system; Section 20-36, Effect of accumulation of points; and Section 20-37, Removal of points; be repealed.

SECTION IV

That Section 20-38 be amended to read:

Refusal to issue a permit; grounds for suspension, revocation.

Upon consideration of the applications and the reports attached thereto, the manager shall either approve or reject the application. The manager shall refuse to grant or renew the taxicab or limousine driver's permit for any applicant or driver;

- (a) Who does not possess a valid driver's license unconditionally issues (except for condition 1 requiring corrective lenses and condition 9 requiring that handicapped drivers use adaptive equipment) to the applicant by the State of North Carolina;
- (b) Who has been determined by a physician that due to a physical or mental condition, including but not limited to habitual use of, dependence on, or addiction to, drugs or alcohol, is such that it would be unsafe to passengers or to the public generally for such a person to drive a taxicab or limousine;
- (c) Who is unable to read, write or speak English;
- (d) Who knowingly has made a false statement or knowingly has given false information on the application for a taxicab or limousine driver's permit or in providing supplemental information requested by the Town;
- (e) Who has been convicted of or has entered a prayer for judgment continued to a crime involving the driving of an automobile resulting in death within a five (5) year period immediately before the date of application;

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- (f) Who has been convicted of or has entered a prayer for judgment continued to driving a motor vehicle while intoxicated within a three (3) year period immediately before the date of application;
- (g) Who has accumulated a sufficient number of points against his or her driving record under the schedule in Chapter 20 of the General Statutes of North Carolina to justify the suspension or revocation of a state driver's license;
- (h) Who has ever been convicted of or has entered a prayer for judgment continued to murder, manslaughter, rape, sexual assault, sexual abuse, sexual offense, armed robbery, kidnapping or abduction.

SECTION V

That Section 20-40 be amended to read:

Terms of suspension, revocation.

The manager shall revoke a driver's permit for any reason for which the manager shall refuse to issue or renew such a permit. If a driver's permit is revoked, his or her right to apply for another permit shall be suspended as follows:

- (a) Until a valid driver's license is unconditionally issued or reinstated (except for condition 1 requiring corrective lenses and condition 9 requiring that handicapped drivers use adaptive equipment) by the State of North Carolina.
- (b) For five (5) years following the conviction of or prayer for judgment continued for a crime involving an automobile which resulted in death.
- (c) For three (3) years following the conviction of or prayer for judgment continued for driving while intoxicated.
- (d) Permanently revoked for the conviction of or prayer for judgment continued for murder, manslaughter, rape, sexual assault, sexual abuse, sexual offense, armed robbery, kidnapping or abduction.

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

A RESOLUTION REMANDING TO THE MANAGER TAXI DRIVER PERMIT REVOCATION APPEALS (89-4-10/R-4)

WHEREAS, on April 10, 1989 the Council amended the Taxicab Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby remands to the Manager the appeals brought by taxicab drivers John Davis Butz, Donald Douglas Hedgepath, and Lacy Eugene Reaves for reconsideration of taxi driver permit revocations.

This the 10th day of April, 1989.

Rosemary Square

Town Manager Taylor said that Mr. Adams, President of the Rosemary Group was unable to attend this evening's meeting. Walter Daniels told the Council that Mr. Adams had experienced a business emergency and was unable to attend this evening's meeting.

Mayor Howes said he felt that the community should hear from Mr. Adams concerning the status of the Rosemary Square project. He suggested that the Council hear from Mr. Adams at the April 24th Council meeting.

Jack Tomkovick, owner of the Gold Connection, 128 East Franklin Street, said that downtown merchants were an "endangered species" due to inadequate parking. Mr. Tomkovick said that the downtown area needs a parking deck immediately. He stated that downtown merchants need the Council's help in resolving parking problems.

Council Member Pasquini inquired whether it would be possible to move the Rosemary Square Status Report up toward the front of the agenda. Mr. Taylor said yes.

Tandler Monthly Report

Julie Kahn, Carolina Cable, produced a five minute video on the Town's Tandler Housing Program and submitted it in a contest for videos about local government programs. She noted that eight finalists would be named by the Arts and Entertainment Network on May 20th.

Ms. Kahn's video was shown to the Council, citizens and viewers in the cable audience.

Mayor Howes noted that the Council would eagerly await the results from the Arts and Entertainment Network judging panel.

Town Manager Taylor stated that there had been one additional home closing since the last report to the Council in February, with several scheduled for April.

Consent Agenda

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

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS (89-4-10/R-7)

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

- a. Audit contract (R-8).
- b. Acquisition of Brooks/Lilley property north of Estes Drive for library/park purposes through eminent domain procedures (R-9).
- c. (Deleted)
- d. Bids for street resurfacing (R-11).

This the 10th day of April, 1989.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR AUDIT SERVICES (89-4-10/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor of the Town of Chapel Hill is hereby authorized to enter into a contract with the firm of Touche Ross and Company for audit services covering the activities in the 1988-89 fiscal year, in an amount not to exceed \$28,400.

This the 10th day of April, 1989.

A RESOLUTION TO ACQUIRE PROPERTY FOR PUBLIC PARK AND LIBRARY PURPOSES; ESTES DRIVE (89-4-10/R-9)

WHEREAS, the property identified on the Orange County Tax Maps as parcel 7.39.B.10A abuts property recently acquired by the Town for a public park and as the site for the new Town of Chapel Hill Public Library; and

WHEREAS, said parcel has been determined by the Town to be needed to improve access opportunities to the park and library site from Estes Drive and add flexibility to the design of the park and library site; and

WHEREAS, the Council of the Town of Chapel Hill, on the basis of an appraisals by William S. Totten, MAI, on May 31, 1988 and by Thomas T. Hay, MAI, on December 15, 1988, has determined that just compensation for said property is \$180,850; and

WHEREAS, the Town's efforts beginning in February, 1988 to negotiate the voluntary sale of said parcel to the Town have been unsuccessful despite numerous discussions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager and Attorney to take the necessary steps, including the filing of eminent domain proceedings, to acquire fee simple interest in the following Chapel Hill property and to deposit with the Court the sum indicated if necessary to acquire said property:

<u>Owners</u>	<u>Parcel</u>	<u>Fair Market Value</u>
Mr. and Mrs. Charles Brooks IV and Mr. James P. Lilley	7.38.B.10A (2.63 acres)	\$180,850

This the 10th day of April, 1989.

A RESOLUTION AWARDING A CONTRACT FOR RESURFACING OF STREETS (89-4-10/R-11)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on March 5, 1989, in accordance with G.S. 143-129 for the resurfacing of streets; and

WHEREAS, the following bids were received, opened and publicly read on March 15, 1989:

Street Resurfacing
Base Bid

<u>Contractor</u>	<u>I-2 asphalt (6,685 T)</u>		<u>Patching Concrete (50 T)</u>	
	<u>Unit Price</u>	<u>Total</u>	<u>Unit Price</u>	<u>Total</u>
Riley Paving	30.25	202,221.25	50.00	2,500.00 = \$20
Lee Paving	32.49	217,195.65	50.00	2,500.00 = 21
Nello Teer	37.26	249,083.10	98.40	4,920.00 = 25
Barnhill	37.65	251,690.25	124.54	6,227.00 = 25
B&B Paving	37.75	252,358.75	100.00	5,000.00 = 25
CC Mangum	37.73	252,225.05	125.00	6,250.00 = 25
Rea Construction	42.00	280,770.00	100.00	5,000.00 = 28

Alternate I
Utility Adjustments

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<u>Contractor</u>	<u>Manholes (80)</u>		<u>Valve Boxes (100)</u>	
	<u>Unit Price</u>	<u>Total</u>	<u>Unit Price</u>	<u>Total</u>
Riley Paving	95.00	7,600.00	95.00	9,500.00 = \$ 1
Lee Paving	125.00	10,000.00	125.00	12,500.00 = 2
Nello Teer	149.50	11,960.00	149.50	14,950.00 = 2
Barnhill	135.00	10,800.00	130.00	13,000.00 = 2
B&B Paving	125.00	10,000.00	125.00	12,500.00 = 2
CC Mangum	190.00	15,200.00	170.00	17,000.00 = 3
Rea Construction	210.00	16,800.00	200.00	20,000.00 = 3

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the March 17 base bid of Riley Paving for street resurfacing in the amount \$204,721.25, received in response to the Town's request for bids published March 5 and opened March 15 in accord with G.S. 143-129.

BE IT FURTHER RESOLVED that the Manager is authorized to execute a contract with Riley Paving in the amount \$204,721.25 and to initiate and execute change orders that will increase the amount of street resurfacing work done up to within the budgeted amount.

This the 10th day of April, 1989.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADJOURN THE REGULAR MEETING AND MOVE INTO EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The regular meeting stood adjourned at 10:25 P.M.

Executive Session

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The Executive Session stood adjourned at 10:39 P.M.