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MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, MONDAY, APRIL 24, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Council Member Preston was absent excused.

Also in attendance were: Town Manager David Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos, and Dave Roesler, Development Coordinator.

Seat Belt Safety Trophy

Mayor Howes asked that Council Member Wallace, and Bill Hunter and Don Rinefort of the Highway Safety Research Center come forward for a brief ceremony. Mayor Howes noted that it was during Mr. Wallace's tenure as mayor that the Mayor of Santa Fe, New Mexico issued a challenge to other municipalities, to urge the increased usage of safety belts in automobiles. Mayor Howes showed the permanent and roving trophies to those in attendance and viewers of the cablecast.

Council Member Wallace stated that by remembering to clasp their seat belts together, citizens could help to keep automobile death rates low.

Mayor Howes noted the critical role of the Highway Safety Research Center in urging the Town to participate in the seat belt challenge.

Mr. Hunter said that the seat belt usage rate for Chapel Hill was approximately 80%, as contrasted with only 60% on a Statewide basis. Mr. Hunter said that Town residents would have to faithfully continue to wear their seatbelts in order to keep the trophy in Chapel Hill.

Approval of March 28, April 5, 10 and 12 Council Summaries/Minutes

Council Member Werner noted that text on pages 3 and 4 did not flow together. Mayor Howes noted that this was likely due to a

word processing error. He requested that the Town Clerk rectify this situation.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO APPROVE THE SUMMARY OF THE MARCH 28TH WORKSESSION, CORRECTING THE SITUATION BETWEEN PAGES THREE AND FOUR. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT THE SUMMARY OF THE APRIL 5TH WORKSESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Herzenberg requested one minor correction on page 8 of the April 10th Council minutes.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE MINUTES OF THE APRIL 10TH COUNCIL MEETING AS MODIFIED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT THE SUMMARY OF THE APRIL 12TH WORKSESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Rosemary Square

Mayor Howes noted that the Council would be hearing from the partners and developers of Rosemary Square this evening.

Mr. Jim Adams, representing the Rosemary Group, noted that one of the things promised in exchange for the Council's affirmative vote on a time extension for the project was to let the Council know of the progress of the project and a forecast of whether the project would be possible. Mr. Adams said the conclusion had been reached that given time considerations, it would not be possible to develop a condominium/hotel project. Mr. Adams said there was no sense in putting the Town, developer or piece of property through a protracted delay. Mr. Adams noted the Rosemary Group's interest in working with the Town in the future on other projects, particularly those involving joint cooperation of the Town and University.

Council Member Andresen asked whether the University had indicated any interest in joint development to him. Mr. Adams said no, adding that this would best be broached by the Town, should they be interested in doing so.

Council Member Werner asked Mr. Adams to further clarify the conclusion of his earlier remarks. Mr. Adams said the project could not be built as a conventional hotel in the approved design nor could it be built as a condominium/hotel in the time that had been provided.

Mayor Howes inquired whether the Tax Reform Act of 1986 had a measurable impact on the marketability of units. Mr. Adams indicated that this had been a complicating factor.

Council Member Andresen asked whether the Rosemary Group would be able to meet the Town at closing. Mr. Adams said no.

Mr. Adams thanked the Council for the time and effort devoted to the consideration of the Rosemary Square project.

Mayor Howes thanked Mr. Adams for his interest in the community. Mayor Howes said that staff would consider what they had heard and would advise the Council on recommended future steps. Mayor Howes thanked Mr. Adams for the straightforward and honest manner in which he and other representatives of the Rosemary Group had dealt with the Council.

Mr. Adams expressed the willingness of the Rosemary Group to work with the Town on other projects in the future.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO THE MANAGER AND ATTORNEY FOR THEIR RECOMMENDATION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Proposed Park and Ride Facility

Development Coordinator Dave Roesler came forward to be sworn.

Town Manager Taylor requested that the applicant's project information and related materials be entered into the record of the hearing. Mayor Howes concurred.

Development Coordinator Dave Roesler summarized the principal points concerning the park and ride facility, to wit: staff provided a larger, more detailed area map; the unfeasibility of an alternate site due to topographical concerns; the provision of an additional 63 feet of buffering between the Finley Forest subdivision and the park and ride facility; and the height of light poles on the site. Mr. Roesler concluded his remarks by noting the Manager's recommendation of Resolution A.

Transportation Director Bob Godding said that the Town had worked closely with the University to find land for the park and ride facility. He added that no satisfactory alternate sites had been identified by the University.

Council Member Herzenberg inquired about the difference in the amount of glare between using twenty and thirty-foot high lighting fixtures at the facility.

Ron Smith, project architect, said that eighteen thirty-foot high shoebox type lighting fixtures were proposed for the facility. He said that if twenty or twenty-five-foot high fixtures were used, more of them would be needed, creating more lighting intensity in limited regions, possibly resulting in glare problems.

Council Member Andresen inquired about the advantages of shoebox-type lighting fixtures. Mr. Smith noted that the fixtures were used at airports, due to the ability to concentrate and direct the light beams. Council Member Herzenberg inquired further about possible glare problems. Mr. Smith that employing a lesser number of taller lighting fixtures would result in better visibility throughout the facility. Mayor Howes stated that there would be a tradeoff between the height and number of poles on the lot.

David Rooks, representing Finley Forest, said that residents adjoining the proposed facility needed every foot of available clearance. He stated that Mr. Gurlitz had provided an alternate parking lot layout to the University and Town. Mr. Rooks concluded his remarks by expressing his appreciation to the Council for any assistance they could provide.

Council Member Andresen asked whether the staff had evaluated Mr. Gurlitz's proposed plan. Mr. Godding said that the plan had been evaluated, adding that the plan would take the lot off its current site.

Mayor Howes asked Mr. Godding whether he, acting as the applicant, was agreeable to the conditions of approval. Mr. Godding said that he was. He noted the principal source of funding for the facility was a Federal capital grant.

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

Council Member Godschalk said that adding another sixty-three feet of buffer was helpful.

Council Member Wallace said that the proposed location for a parking facility was wrong. Noting his intent to vote against Resolution A, he said that further modifications to the facility were possible.

Council Member Wilkerson said he intended to vote against Resolution A. Council Member Wilkerson said proposed modifications to the site were unsatisfactory.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 1A. THE MOTION WAS ADOPTED BY A

VOTE OF 6-2, WITH COUNCIL MEMBERS WALLACE AND WILKERSON DISSENTING.

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR TOWN OF CHAPEL HILL N.C. 54 PARK AND RIDE LOT (89-4-24/R-1a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Park and Ride Lot proposed by the Town of Chapel Hill, on property identified as Chapel Hill Township Tax Map 66, Lot 12, if developed according to the Staking Plan, Grading and Storm Drainage Plan, and Erosion Control Plan dated February 13, 1989, as modified by the attached revised site plan, dated April 13, 1989, 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 provisions 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 April 24, 1990 (one year from the date of the Council approval) and be completed by April 24, 1992 (two years from the date of the Council approval).
2. That final street plans, grading plans, utility plans, stormwater management plans (with hydrologic calculations), and buffer planting and maintenance plans be approved by the Town Manager before issuance of a Zoning Compliance permit for application for final plat approval, and that such plans conform to plans approved by this application and the design standards of the Development Ordinance and the Design Manual.
3. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
4. That final utility plans, including a street lighting plan, be approved by the Town Manager, OWASA, Duke Power, Southern

Bell, Public Service Co., and Carolina Cable before issuance of a Zoning Compliance Permit.

5. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance permit.
6. That tree protection fences be installed along the perimeter of all clearing area limits to protect existing tree stands and their root system, before issuance of a Zoning Compliance permit.
7. That a "C" type buffer be provided around the perimeter of the development at a width of at least 100 feet to the east and at least 30 feet on the north, south, and west.
8. That a lighting plan, detailed landscape plan, and landscape maintenance schedule, including a berm within the 160-foot buffer, be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit.
9. That the applicant design the park and ride facility to maximize the distance between the bus turnaround and the Finley Forest development.
10. That a lighting plan be approved by the Town Manager which is designed to direct illumination away from the Finley Forest development.
11. That the bus schedule will be arranged to minimize the standing time of buses at this park and ride lot.
12. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
13. That if any of the above conditions is held invalid, approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the N.C. 54 Park and Ride Lot in accordance with the plans and conditions listed above.

This the 24th day of April, 1989.

Culbreth Park Preliminary Plan

Development Coordinator Dave Roesler came forward to be sworn.

Town Manager Taylor requested that the applicant's and other related materials be entered into the record of the hearing. Mayor Howes concurred.

Mr. Roesler said that a proposed bus stop pull-off was not at a desirable location. Mr. Roesler noted that Resolution B reflected this recommendation. In addition, Mr. Roesler noted the applicant's desired flexibility in dedicating the recreational area to the Town or a homeowner's association. Mr. Roesler said that staff did not oppose this condition. Mr. Roesler said that the Manager's recommendation was Resolution B. Mr. Roesler said the Planning Board recommended Resolution A, requiring the bus stop pull-off and dedication of the recreational area to the Town.

Council Member Andresen inquired about the proposed street lighting plan. Mr. Roesler stated that staff had met with officials from Duke Power to establish a unified street lighting plan.

Council Member Werner asked whether a timeframe was needed for the dedication of recreational areas. Mr. Roesler noted that dedication normally took place prior to recordation of final plat.

Council Member Andresen said she hoped that a new spirit of flexibility would prevail between applicants and staff in handling development applications.

Runyon Woods thanked the Council for the expedited processing of the Culbreth Park subdivision application. He noted that Chuck Collins would be visiting in the near future, to discuss the concept of land trusts. Mr. Woods said that the Culbreth Park subdivision would be willing to serve as the home for ten of the Town's new public housing units.

Council Member Wilkerson commended Mr. Woods for his offer of assistance in the siting of the Town's public housing units.

Council Member Pasquini inquired how much time had been saved by virtue of the expedited development review process. Mr. Roesler said a minimum of two months had been saved. Mayor Howes asked whether any other applicants had been effected by the expedited processing. Mr. Roesler said that no other applications had been negatively impacted.

Council Member Pasquini said that OWASA was working to resolve the question of a lift station versus gravity sewer relative to the Culbreth Park application.

Mayor Howes asked Mr. Woods whether he concurred with the proposed conditions of approval. Mr. Woods said that he was agreeable with the proposed conditions of approval. He added that

most provisions of the Subdivision Ordinance had good reasons for their inclusion.

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

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 2B. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR CULBRETH PARK CLUSTER SUBDIVISION (89-4-24/R-2b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the subdivision proposed by Colie Development Company for AHP, Incorporated, of Chapel Hill, N.C., on property identified as Chapel Hill Township Tax Map 122, Block B, Lot 8, if developed according to Preliminary Plat dated January 6, 1989, the Preliminary Water and Sewer plan dated January 4, 1989, and the Preliminary Erosion Control and Drainage plan dated January 4, 1989, would comply with the following cluster development requirements from Subsection 17.8.2 of the Development Ordinance:

1. The development tract is at least two (2) acres in size;
2. Public water and sewer connections available for each lot;
3. The total number of building lots is not greater than the number determined by dividing the total gross land area by the minimum gross land area;
4. The recreation area reserved within the tract conforms to the recreation standards of Section 17.9; and
5. The minimum amount of land reserved as recreation area is the sum of all reductions in minimum gross land area as a result of the cluster form of development, or the minimum recreation area reservation required in Subsection 17.9.2, whichever is greater.

These findings are conditioned on the following:

1. That Culbreth Road be improved along the property frontage to 1/2 of a 41-foot cross-section with curb and gutter and sidewalk; 1/2 of a 70-foot right-of-way be dedicated; and an appropriately tapered left turn lane be added.
2. That internal streets be improved to a 27-foot cross-section with curb and gutter and a 50-foot right-of-way. A section

of curb along street 'A' along the RCD shall be deleted to allow sheet flow of storm water onto the Recreation Area.

3. That a vehicle turnaround be provided on street 'D'.
4. That final street plans, grading plans, utility plans, stormwater management plans (with hydrologic calculations), and buffer planting and maintenance plans be approved by the Town Manager before issuance of a Zoning Compliance Permit of application for final plan approval, 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 Design Manual.
5. 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.
6. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
7. That prior to paving streets, utility service laterals be stubbed out to the front property lines of each lot. Sanitary sewer at laterals shall be capped off above ground.
8. That plans for improvements to state maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit.
9. That final utility plans, including street lighting plan, be approved by the Town Manager, OWASA, Duke Power, Southern Bell, Public Service Gas Company, and Carolina Cable before issuance of a Zoning Compliance Permit.
10. That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
11. That a fire flow report be 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.
12. That tree protection fences be shown on the final plans and installed at the limits of clearing to protect existing trees and their root systems before the initiation of land disturbing activities.
13. That sight distance easements be provided on the final plat.

14. That the final plat indicate a type 'C' buffer and restricted access easement along Culbreth Road.
15. That the final plat indicate pedestrian and non-motorized vehicle access easements within the Recreation Area and that the Recreation Area be deeded "to the Town of Chapel Hill, or to a Homeowners Association for Parks and Recreation Purposes Only."
16. That a 20-foot pedestrian/non-motorized vehicle easement with a pathway be provided on the final plat in the vicinity of lots 6, 7, & 34, 35. Prior to issuance of any Certificates of Occupancy, signs, approved by the Town Manager, shall be erected indicating public access to Culbreth Junior High School.
17. That a pedestrian/non-motorized vehicle easement be provided on the final plat within an appropriate distance of the centerlines of Wilson Creek and Fan Creek that would allow for an improved pedestrian pathway. This distance shall be approved by the Town Manager.
18. That the names of the developments and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
19. That a sidewalk be provided along, at least one (1) side of each street, where a lot fronts a street.
20. That as part of the final plat approval, the developer shall submit a plan providing for the maintenance of any landscaped island or buffers, to be approved by the Town Manager.
21. That an encroachment agreement for any landscaped island be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
22. That the boundaries of the Resource Conservation District be shown on the final plat and plan with a note indicating that "Development shall be restricted within the Resource Conservation District in accordance with the Development Ordinance."
23. That all variances necessary for development within the Resource Conservation District be obtained before application for final plat or final plan approval.
24. That a note be added to the final plat indicating that refuse collection may be restricted to curb-side service.

25. That any restrictive covenant applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
26. That no lot be created that would require a Resource Conservation District Variance in order to be built upon.
27. That the final plat indicate the buildable area on all lots which contain a portion of the Resource Conservation District.
28. That if the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed; to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plat.
29. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
30. That no Certificate of Occupancy be issued for a phase of the subdivision until all required public improvements for that phase are completed; and that a note to this effect shall be placed on the final plat.
31. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
32. That if any of the above conditions is held invalid, approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Preliminary Plat approval of Culbreth Park Subdivision in accordance with the plans and conditions listed above.

This the 24th day of April, 1989.

Council Member Herzenberg said it was good to see people doing something about affordable housing.

Joint Planning Land-Use Plan Amendments

Brad Torgan, Planner, said that the proposed amendments required adoption by Carrboro, Orange County and the Town. Mr. Torgan showed a vicinity map of the three proposals. Mr. Torgan said all three planning staffs recommended denial of the Envirotek application, and approval of the Cazwell and Carrboro

applications. He said the Chapel Hill Planning Board recommended denial of Envirotek by a 7-0 vote; approval of Cazwell by a 7-0 vote; and approval of Carrboro by a 4-3 vote.

Town Manager Taylor said that approval of the Envirotek application at I-40 and NC 86 would necessitate a major change in the land-use plan in this area. Approval of the other two requests would not significantly impact the land use plan.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 3B, DENYING THE ENVIROTEK AMENDMENT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION DENYING THE APPLICATION OF LUP-4-89, AN AMENDMENT TO THE JOINT PLANNING AREA LAND USE PLAN (ENVIROTEK, INC.) (89-4-24/R-3b)

WHEREAS, the Council of the Town of Chapel Hill has considered the application of Envirotek, Incorporated, to amend the Joint Planning Area Land Use Plan by creating a Commercial Activity Transition Node on 159 acres near the I-40 interchange and south of New Hope Church Road and redesignating another 265 acres north of the proposed node from Rural Buffer to Agricultural Residential, and

WHEREAS, the Council of the Town of Chapel Hill has determined that the proposed amendment cannot be justified as "due to changing conditions in a particular area of the County," does not correct an error or omission in the Joint Planning Area Land Use Plan, and is incompatible with the operating principles of the Joint Planning Area Land Use Plan;

BE IT RESOLVED by the Council of the Town of Chapel Hill that it denies Joint Planning Area Land Use Plan LUP-4-89 - Envirotek, Incorporated.

This the 24th day of April, 1989.

Town Manager Taylor said that the Cazwell application involved a small piece of property in Orange County between the county line and a road right-of-way. He said that the great majority of the land was located in Durham County and was served by Durham utilities.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 4A, APPROVING THE CAZWELL AMENDMENT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING THE APPLICATION OF LUP-5-89, AN AMENDMENT TO THE JOINT PLANNING AREA LAND USE PLAN (CAZWELL, INC.) (89-4-24/R-4a)

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WHEREAS, the Council of the Town of Chapel Hill has considered the application of Cazwell, Incorporated, to amend the Joint Planning Area Land Use Plan by redesignating 1.45 acres east of Kerley Road along the Durham County line from Rural Buffer to Ten Year Transition, and

WHEREAS, the Council of the Town of Chapel Hill has determined that the proposed amendment can be justified as "due to changing conditions in a particular area of the County," and is compatible with the operating principles of the Joint Planning Area Land Use Plan;

BE IT RESOLVED by the Council of the Town of Chapel Hill that it approves Joint Planning Area Land Use Plan LUP-5-89 - Cazwell, Incorporated.

This the 24th day of April, 1989.

Town Manager Taylor said that the area of the proposed Carrboro amendment was currently designated as rural buffer for protection of Duke Forest.

Rob Williford, Carrboro Planning Director, said the application requested the removal of the four hundred foot buffer around Duke Forest. He said the area was proposed to be rezoned RR, with an allowable density of one unit per acre.

Council Member Godschalk inquired about Duke University's position in this matter. Mr. Williford said that Duke had changed its position on several occasions, but currently requested that the buffer be retained.

Council Member Andresen asked how the Carrboro Board of Aldermen had voted on this application. Mr. Williford said a vote would be held on April 25th.

Council Member Pasquini asked why Carrboro was requesting the land use plan amendment. Mr. Williford said that an application for development at Rogers and Eubanks had been received which brought to light administrative problems with the four hundred foot buffer. The location of the line split numerous properties, requiring zoning approvals from both Orange County and the Town of Carrboro.

Council Member Andresen asked whether the Carrboro Planning Board's vote for approval was 4-3. Mr. Williford said this was correct.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO DEFER CONSIDERATION TO THE MAY 8TH MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Howes said the Council had a genuine interest in knowing the Carrboro Board of Alderman's position on this application.

Council Member Herzenberg inquired about the status of the Greene tract. Town Manager Taylor said Council had voted earlier to adopt a resolution recommending RT zoning.

Stop/Speed Policy

Town Manager Taylor said that staff had prepared three alternative policies in response to earlier discussions by the Council. Mr. Taylor said that policy C was recommended for Council adoption. Council Member Andresen asked how policies B and C would work in relation to national standards.

Engineering Director George Small noted that national traffic code standards were fairly stringent. He said that the proposed policies offered more flexibility to the Council.

Council Member Andresen asked whether stop signs would have been placed along Elliott Road had policy C applied at that time. Mr. Small said that stop sign installation would likely have not occurred. He added that installation would not have been precluded under the proposed criteria. Council Member Andresen inquired about the Kingston Drive and Clayton Road situations. Mr. Small said there was a better chance that these would have been installed.

Mayor Howes asked whether the Council could make exceptions to the policy. Mr. Small said yes.

Council Member Wallace expressed concern about the proposed policies. He asked whether the burden of proof for stop sign installation fell on neighborhood residents. Mr. Small said that Town staff would evaluate requests on a case by case basis.

Council Member Werner said that most stop signs involved political decisions. He noted that the Council had often disagreed with staff recommendations in the past. Council Member Werner said policy C was the clearest of the three.

Council Member Herzenberg said he preferred policy B over policy C, stating it offered greater flexibility to the Council.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT POLICY C. THE MOTION WAS ADOPTED BY A VOTE OF 5-3, WITH COUNCIL MEMBERS ANDRESEN, HERZENBERG AND WALLACE DISSENTING. A RESOLUTION IMPLEMENTING POLICY AND GUIDELINES FOR INSTALLATION OF STOP SIGNS AND ASSIGNMENT OF SPEED LIMITS (89-4-24/R-6)

WHEREAS, increasing traffic volumes throughout Town have resulted in corresponding increases in the number of stop sign and speed limit requests to control that traffic; and

WHEREAS, the Town does not have written policy or guidelines to use when making recommendations in response to stop sign and speed limit requests;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the attached policy for Placement of Stop Signs and Assignment of Speed Limits shall be used as a general guide in decisions on placing stop signs and assigning speed limits on Town streets, and will be included in the Engineering Department's Policies/Procedures Manual.

This the 24th day of April, 1989.

A POLICY FOR PLACEMENT OF STOP SIGNS
AND ASSIGNMENT OF SPEED LIMITS

OBJECTIVE: It is the policy of the Town of Chapel Hill to install stop signs and assign speed limits that will promote the safe, efficient, and orderly movement of vehicles throughout the Town while preserving existing residential neighborhoods and providing safe and accessible means for pedestrian movement adjacent to and across Town streets.

GUIDELINES: The following guidelines shall be considered when evaluating placement of stop signs and assignment of speed limits on Town streets. In general, the Town of Chapel Hill places signs of all types in accordance with the recommendations of the Manual on Uniform Traffic Control Devices for Streets and Highways (M.U.T.C.D.), published by the U.S. Department of Transportation. This policy includes the general M.U.T.C.D. recommendations and supplements them with more specific guidelines directed to situations expected to arise in Chapel Hill.

STOP SIGNS

Stop sign(s) may be warranted at an intersection where one or more of the following conditions exist:

1. Intersection of a less important road with a main road where application of the normal right-of-way rule is unduly hazardous.
2. Intersection of a minor street entering a through highway or street.
3. Unsignalized intersection in a signalized area.

4. Intersection where a combination of high speed, restricted sight distance, and serious accident record indicates a need for control by stop sign(s).
5. Intersection which intercepts identified pedestrian route(s) carrying significant pedestrian volume.
6. Intersection on a street without curbs or sidewalks when such streets are carrying traffic volume significantly above that for which the street was designed.
7. Intersection with existing irregular stop sign placement, where additional sign(s) would improve safety.
8. Unsigned intersection within an existing series of intersections with stop signs.

- 9. Where the interest of public safety dictate.
- 10. Intersection of two collector streets that provide primary service to an area and carry nearly equal traffic volumes, which makes clear assignment of right-of-way difficult.
- 11. Intersection adjacent to facilities such as parks, pools, schools, or other facilities which significantly increase and concentrate pedestrian and vehicular traffic in a localized area.
- 12. Intersection within a specific street network that carries through traffic on a route which is less desirable than on an alternative route or designated thoroughfare.

Stop sign installation will normally not be recommended in the following situations:

- 1. At mid-block locations.
- 2. Solely for the purpose of controlling vehicular speeds.
- 3. At locations where a stop would create a high likelihood of rear-end collisions.
- 4. On major arterials or thoroughfares.
- 5. At locations where yield signs will provide adequate control without requiring full stops.
- 6. At railroad crossings.

Stop sign installations will be evaluated by Town engineering staff and judged in accordance with these guidelines to avoid potentially detrimental use of this highly restrictive traffic control measure. Evaluations will consider alternatives to stop sign installations which may include construction of sidewalks, improvement of sight distance, construction or improvement of alternative traffic routes, or other site-specific improvements in lieu of stop sign placement.

SPEED LIMITS

In general, speed limits will be assigned on the basis of street classification as follows:

- Local.....25 mph
- Collector.....25-35 mph
- Arterial (Major and Minor).....45 mph

Changes in existing speed limits and/or posting of speed limits other than those generally recommended by street classification will be considered in situations where:

1. Changes in use of property(s) adjacent to a street create changed speed limit conditions.
2. Changes in vehicular or pedestrian traffic patterns on a given street create changed speed limit conditions.
3. The proximity or locations of parks, pools, schools, driveways or other facilities increase and concentrate vehicular and pedestrian traffic on a given street or streets.
4. Street design will not accommodate the speed limit normally recommended, or the posted speed limit.
5. Changes will create a more uniform, continuous speed limit throughout a defined travel corridor.

Speed limits below 25 mph will not be considered on public streets with the exception of special zones such as schools or hospitals.

Speed limits will be evaluated by Town engineering staff to create conditions where the Town street system can be utilized efficiently and safely at speeds that can be adequately enforced. Evaluations will include review of alternatives to speed limit changes which may include street improvements, construction of alternative routes, control of access, or other site-specific improvements in lieu of speed limit changes.

Council Member Godschalk requested that staff should indicate potential impacts on other streets when making recommendations relative to stop sign installation.

1989-90 Proposed Budget

Town Manager Taylor said he was pleased to be able to present to the Council a budget with a tax rate adjustment of just one and a half cents. Mr. Taylor said he initially thought this figure would be closer to five cents. Mr. Taylor noted that the solid waste program was proposed for expansion. He noted that a \$235,000 increase in landfill fees is anticipated. Mr. Taylor said that there was very strong community support for a recycling program. Mr. Taylor stated that he was able to pare the adjustment from five to one and a half cents by expenditure reductions and the use of contingency funds.

Mr. Taylor said increased fees were proposed in the Inspections, Engineering, Planning and Public Works departments. He noted

that Planning fees would recoup one-half of costs, rather than one-third, as in the past. Mr. Taylor said three reports were included in the budget document, one each on solid waste collection, performance based pay plan, and housing policy options.

Mr. Taylor said that more program requests had been received than could be accommodated by the Town's revenue stream. As a consequence, choices and tradeoffs had to occur. Mr. Taylor said the Town is in good strong financial condition. Mr. Taylor noted the previous scheduling of two worksessions on the budget--May 10 and 16th. Mr. Taylor said a public hearing on the budget was slated for May 8th.

Council Member Godschalk said he was uncertain about the status of Mr. Taylor's housing program recommendations. Mr. Taylor noted that only Housing and Urban Development funds were used for day-to-day operations of the Town's housing program. He contrasted the use of bonds to a pay as you go program for any new housing programs that the Town may undertake. No new programs are included in the recommended budget. Mr. Taylor noted that he hoped a discussion of policy options would occur at the budget work session.

Council Member Godschalk said that the Council had favored a pay as you go approach at their retreat in January. Mr. Taylor said he had not understood the direction to be that clear.

Council Member Godschalk asked how much would be derived from a one and a half cent tax rate adjustment. Mr. Taylor said approximately \$250,000.

Mayor Howes expressed his preference for a pay as you go housing program over bonds. Mayor Howes noted the dates of the Budget public hearing, worksessions and proposed adoption date (May 22nd).

1989-90 Public Housing Operations Budget

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 7A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN OPERATING BUDGET FOR THE LOW RENT CONVENTIONAL HOUSING PROGRAM FOR JULY 1, 1989 THROUGH JUNE 30, 1990. FOR PROJECT NO (S) 46-1, 2, 4, 5, 6, 7, 9 (89-4-24/R-7a)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1990; and

WHEREAS, the Council has determined that the proposed expenditures are necessary in the efficient and economical operations of

the Housing Authority for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207 (a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year re-examine the income of families living in the Project (s); and

WHEREAS, all persons responsible for 75 or more units of public housing are hereby certified by an approved certifying organization's; and

WHEREAS, pursuant to Section 307, Part II of the Consolidated Annual Contributions Contracts, the Town's authority hereby certifies that all administrative salaries are comparable to local practice, based on a comparability study dated January, 1988 which is on file for HUD review.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the operating budget as submitted by the Town Manager on April 24, 1989 for the fiscal year ending June 30, 1990.

This the 24th day of April, 1989.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 7B. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN OPERATING BUDGET FOR THE LOW RENT CONVENTIONAL HOUSING PROGRAM FOR JULY 1, 1989 THROUGH JUNE 30, 1990. FOR PROJECT NO (S) 46-3 (89-4-24/R-7b)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1990; and

WHEREAS, the Council has determined that the proposed expenditures are necessary in the efficient and economical operations of the Housing Authority for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

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WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207 (a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year re-examine the income of families living in the Project (s); and

WHEREAS, all persons responsible for 75 or more units of public housing are hereby certified by an approved certifying organization's; and

WHEREAS, pursuant to Section 307, Part II of the Consolidated Annual Contributions Contracts, the Town's authority hereby certifies that all administrative salaries are comparable to local practice, based on a comparability study dated January, 1988 which is on file for HUD review.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approved the operating budget for the fiscal year ending June 30, 1990.

This the 24th day of April, 1989.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 7C. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CONFIRMING THAT THE PERSON RESPONSIBLE FOR HOUSING MANAGEMENT DUTIES WILL BE CERTIFIED BY AN APPROVED CERTIFYING AGENCY (89-4-24/R-7c)

WHEREAS, Tina Vaughn, Director of the Department of Housing and Community Development, was certified by the National Association of Housing and Redevelopment Officials as a Public Housing Manager on May 10, 1988; and

WHEREAS, the National Association of Housing and Redevelopment Officials is an approved Certifying Agency; and

WHEREAS, this person performs housing management duties;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the person involved in the performance of housing management duties will meet certification requirements as set forth in Federal Register Volume 41, Number 190, Wednesday, September 29, 1976,; pp.43088-43092, and the salary of such person is an eligible operating expenditure.

Onis the 24th day of April, 1989.

Housing Advisory Board Composition

Council Member Andresen said Ordinance 1 would expand the number of Housing Advisory Board members from 9 at present to 12.

Council Member Herzenberg noted the importance of the Housing Advisory Board devoting attention to long-range as well as short-term matters. Council Member Wilkerson concurred in his remarks.

Council Member Andresen said the concept of two subcommittees had been proposed to examine near and long-term issues.

Town Attorney Karpinos noted that a quorum would still be five members.

Council Member Andresen said it was important to retain a certain number of seats for tenants of public housing.

Council Member Werner inquired about the feasibility of two separate boards. Council Member Andresen said this idea could possibly be examined in the future.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT ORDINANCE 1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE AMENDING ARTICLE XI, SECTION 2-161 OF THE CODE OF ORDINANCES (89-4-24/O-1)

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

SECTION I

That Section 2-161. Membership, terms of the Town Code of Ordinances is amended by DELETING the following:

The housing advisory board shall consist of nine (9) members appointed as hereinafter provided.

and ADDING in its place:

The housing advisory board shall consist of twelve (12) members appointed as hereinafter provided.

SECTION II

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

This the 24th day of April, 1989.

Nominations for Appearance, Greenways and Parks and Recreation Commissions

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

Development Impact Tax

Council Member Andresen said the concept was a good one. She added that parties should not be discouraged just because one of the government units would not be participating. Council Member Andresen inquired how monies from the impact tax could be allocated. Council Member Godschalk said monies could be used for roads, drainage, police and fire stations, and other growth related infrastructure. He added that a rebate of 25% of the fees would go to the County to assist public education efforts.

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

A RESOLUTION SUPPORTING THE CONCEPT OF AN IMPACT TAX FOR ORANGE COUNTY (89-4-24/R-9a)

WHEREAS, an Intergovernmental Work Group on Alternative Revenues has been working for some time to identify alternative revenue sources for the County; and

WHEREAS, the Work Group has identified the Impact Tax as the best alternative resource to the ad valorem tax; and

WHEREAS, Orange County, Chapel Hill and Carrboro held a public hearing on March 30 to determine the views of the citizens on the issue of an impact tax;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council supports the concept of an impact tax for Orange County substantially as presented in the attached draft bill.

This the 24th day of April, 1989.

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

A RESOLUTION IN SUPPORT OF AFFORDABLE HOUSING UNDER AN IMPACT TAX (89-4-24/R-9b)

WHEREAS, Orange County has requested that legislation be introduced to the 1989 General Assembly which would authorize the County to levy a tax on the impact of land development; and

WHEREAS, Orange County local elected officials recognize the potential effect of a development impact tax upon the cost of housing in the County;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Chapel Hill pledges that the availability of affordable housing will continue to be a public goal, and

BE IT FURTHER RESOLVED that the Council supports the exemption from the impact tax of publicly owned housing.

This the 24th day of April, 1989.

Council Member Andresen asked whether there had been any discussion of monies allocated to affordable housing. Council Member Werner said monies were intended to offset impacts by new developments. He added that the impact tax was not an appropriate vehicle for funding affordable housing programs.

Vending on Public Sidewalks

Greg Feller, Assistant to the Manager, said that the Council had extended the ordinance for a period of ninety days on January 9th. Mr. Feller said discussions had been held in early February to discuss the inclusion of the sales of crafts by sidewalk vendors, as well as extending the days of the week on which sales could occur. Mr. Feller said the response to expansion was negative by downtown merchants.

Mr. Feller summarized the proposed ordinance. He said that the Downtown Association Board had recommended approval of the measure at their April 17th meeting. Mr. Feller noted that the ordinance would permit downtown merchants to engage in sidewalk vending in front of their business any day of the week and permit events organized by tax-exempt groups once per month at three locations (in front of the Franklin Street post office, Town parking lot #5 and 440 West Franklin). Mr. Feller concluded his remarks by stating that the Manager recommended adoption of Ordinance 1.1.

Council Member Andresen asked whether events would be limited to tax-exempt organizations. Mr. Feller said this was correct. He noted that organized events would be most effective in drawing people downtown.

Council Member Werner asked whether events would be held once a month. Mr. Feller said this was correct. Council Member Werner

asked why once a month was proposed. Mr. Feller said publicity efforts could focus on the event.

Council Member Godschalk asked whether the experimental (ninety day) ordinance had not worked. Mr. Feller said there was very little effect on downtown activity.

Council Member Werner asked what the rationale was for permitting merchants to sell outside. Mr. Feller said no additional parking was required for this activity. Council Member Werner asked how the activity would draw more people downtown. Mr. Feller said that there were some advantages to outdoor sales.

Betty Maultsby said she was wearing three hats in her remarks: as a citizen, merchant and craftsperson. Ms. Maultsby noted that she had over twenty years experience as a merchant. She expressed concern about the lack of affordable retail space in the downtown area.

Ms. Maultsby expressed concern that non-profit organizations had access to the downtown area every day of the year, while craftspersons had access on only two days (Festifall and Apple Chill). Noting the proposed addition of monthly events for vendors, Ms. Maultsby said most arts and crafts events lasted one or two days rather than four.

Ms. Maultsby proposed that an area be set aside at the corner of Franklin and Church Street each Sunday morning for the sale of arts and crafts. She recommended that vendors be charged a fee in addition to requiring a business license. Ms. Maultsy noted her opposition to the passing of the August, 1988 street vending ordinance.

Ms. Maultsby urged the Council not to pass the ordinance as drafted. She said that few merchants were complying with insurance requirements for sidewalk vending. Ms. Maultsby showed the Council photographs of sidewalk vending activity in Town and Charlottesville, Virginia.

Mr. Drew Maultsby suggested that artisans' quality of work should be used as an equitable basis for evaluation. He said that sponsors of events should have qualitative discretion for deciding which vendors should participate. Mayor Howes asked Mr. Maultsby whether he was proposing a juried process. Mr. Maultsby said that this could be left to the discretion of sponsors. He said that the ordinance would not have to require a juried process.

Town Attorney Karpinos said that the Town could not turn over police power authority to private individuals. Mr. Maultsby said that many precedents existed wherein Towns had turned over sidewalks and streets to private event sponsors.

Margie Haber, Co-Chairperson of the Downtown Commission said that there had been many requests for sidewalk cafe operation. Ms. Haber noted that only one merchant at University Square disagreed with the vending ordinance as currently proposed.

Council Member Werner inquired about Ms. Maultsby's involvement in the process to date. Ms. Maultsby said she had not been involved thus far. Council Member Werner said he would like to see some of Ms. Maultsby's ideas included in the ordinance.

Council Member Herzenberg noted that the sidewalks belonged to all, not just the operators of individual businesses. Council Member Werner expressed his concurrence, stating that sidewalks should be opened up or completely shut down. He expressed his preference for opening up sidewalks for vending.

Council Member Godschalk said that Ms. Maultsby idea of holding craft fairs on Sundays was an interesting one.

Council Member Pasquini said he would like to see the process opened up. Council Member Herzenberg noted that the center of Town belonged to everyone.

Town Manager Taylor said that the heart of the issue was the use of sidewalks by merchants and vendors. He said that Council guidance this evening was to open the process up.

Council Member Wilkerson expressed his concurrence with the remarks of Council Members Herzenberg, Pasquini and Werner.

Ms. Haber said the Downtown Commission had earlier proposed opening up sidewalks, but had withdrawn the proposal after receiving many negative comments from downtown businesses.

Mayor Howes said the choices of the Council were not easy. He said that some intriguing ideas had been presented to revitalize the downtown area.

Council Member Werner asked Town Attorney Karpinos to summarize the currently effective sidewalk vending ordinance. Mr. Karpinos responded that the provisions of the 1971 sidewalk ordinance currently applied.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Downtown Service District

Mr. Feller said that Town Manager Taylor was asking that the Council receive the report this evening, adding that no formal

action would be required. Mr. Feller noted that a public hearing on the plan would be held on May 22nd. He noted that the TC-1 and TC-2 were proposed for inclusion in the service district. Mr. Feller said that a number of tax-exempt parcels were not impacted by the service district. Mr. Feller said that two trolleys would be the largest use of funds. He added that sidewalk cleaning would be done by means of a vacuum machine.

Council Member Herzenberg requested that the staff report back to the Council about the estimated increase in residential rentals at places such as Granville Towers.

Council Member Godschalk inquired about the status of Carrboro's deliberations. Mr. Feller said that Carrboro had not established a calendar for actions.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO RECEIVE THE MANAGER'S REPORT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Quarterly Reports

Mayor Howes reported that the Library Committee had received a report from the consultant relative to library activity and space needs.

Council Member Pasquini referred Council Members to a status report on OWASA he had provided to each of them. He noted that he would be happy to address any questions at their convenience.

Mayor Howes noted that Council Member Preston had similarly made status reports available to Council Members.

Council Member Andresen said she would submit a status report to Council Members. She noted that Ed Holland had recently begun working for OWASA.

Council Member Werner said that the Orange County Commissioners were completing the report of the Alternative Revenues Group this evening.

Council Member Herzenberg said that the most recent version of the tree ordinance had been distributed on April 21st. He noted that comments from Task Force members were requested within ten days. Mayor Howes noted State Representative Hackney had recommended only minor modifications to the tree ordinance legislation.

Town Manager Taylor encouraged Council Members to bring their quarterly report document to the budget worksessions.

Consent Agenda

Council Member Herzenberg requested that items 15a and 15(g)(1) be removed from the consent agenda for further discussion.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 13, ADOPTING CONSENT AGENDA ITEMS 15B-F, 15G2 AND 3. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (89-4-24/R-13)

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

- a. Fordham Boulevard parking restrictions (0-2).
- b. Stephens Street traffic (0-3).
- c. UNC orientation traffic August 26 (Cameron, Raleigh Street, Country Club). (0-4).
- d. UNC orientation traffic August 26 and 27 (Hooper, Battle, Senlac one-way traffic) (0-5).
- e. Noise ordinance change April 27 (0-6).
- f. Weaver Road right-of-way hearing (R-14).
- g. Bids
 - (1) Shelters/buses (R-15).
 - (2) Uniforms (R-16).
 - (3) Public Works loader (R-17).

This the 24th day of April, 1989.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (89-4-24/O-3)

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

SECTION I

That Section 21-10 "One-way Streets" of the Town Code of Ordinances is amended by deleting the following:

- (0) Traffic on Stephens Street shall move

only in a westerly direction from Airport Road to North Columbia Street.

SECTION II

That Section 21-10 "One-way Streets" of the Town Code of Ordinances is amended by inserting the following in appropriate order:

Traffic on Stephens Street shall move only in a westerly direction from a point 240 feet west of the center of Airport Road to North Columbia Street.

SECTION III

That Section 21-13 "Right-of-way and stop regulations" is amended by inserting the following in appropriate alphabetical order:

Through Street

Airport Road

Stop Street

Stephens Street

SECTION IV

This ordinance shall be effective Monday, May 1, 1989.

This the 24th day of April, 1989.

AN ORDINANCE PROVIDING FOR TEMPORARY ONE-WAY STREETS (89-4-24/0-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that on the 26th day of August, 1989 between the hours of 8 a.m. and 5 p.m.:

Raleigh Street shall be limited to one-way traffic, flowing north from South Road to Franklin Street; and

Cameron Avenue/Country Club Road shall be limited to one-way traffic, flowing east from Columbia Street to Gimghoul Road.

This the 24th day of April, 1989.

AN ORDINANCE TO DIRECT THE FLOW OF TRAFFIC ON BATTLE LANE, SENLAC ROAD AND HOOPER LANE ON AUGUST 26 AND 27, 1989 (89-4-24/0-5)

WHEREAS, traffic will be extremely congested in the Battle Park neighborhood while students are moving into dormitories on the UNC campus; and

WHEREAS, routing traffic in one direction on Battle Lane, Hooper Lane and Senlac Road will reduce congestion and allow traffic to flow more smoothly; and

WHEREAS, the University of North Carolina has requested traffic changes as described in a letter dated March 27, 1989 to the Town Manager; and

WHEREAS, the University of North Carolina has notified residents of Battle Lane, Hooper Lane and Senlac Road of the proposed traffic direction and will issue passes to residents which will allow them to travel in either direction on the streets; and

WHEREAS, the University of North Carolina will provide personnel to direct and monitor traffic;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that on Saturday, August 26, 1989 from 9 a.m. to 2 p.m. and on Sunday, August 27, 1989 from 9 a.m. to 8 p.m., vehicular traffic on Battle Lane shall travel only south to north, that vehicular traffic on Hooper Lane will travel only west to east, and that vehicular traffic on Senlac Road will travel only west to east; provided, that residents of Hooper Lane and Senlac Road may travel in the opposite direction.

This the 24th day of April, 1989.

AN ORDINANCE AMENDING CHAPTER 11 OF THE TOWN CODE OF ORDINANCES REGARDING NOISE CONTROL FOR A SPECIAL EVENT TO BE HELD ON APRIL 27, 1989 BETWEEN 3:30 P.M. AND 11:00 P.M. (89-4-24/O-6)

WHEREAS, Delta Squad (Drug Education Leads to Alternatives) of the University of North Carolina at Chapel Hill, as sponsor of a proposed musical event schedule for Thursday, April 27, 1989 from 3:30 to 7:30 p.m., has requested the Town Council to amend the Town's Noise Control Ordinance to enable the event to include outdoor amplified music; and

WHEREAS, a change in Chapter 11 of the Town Code of Ordinances regarding the time during which a permit to use sound amplifying equipment outdoors and to exceed the normal sound levels, would be required to approve this request; and

WHEREAS, the sponsors of the proposed musical event have worked cooperatively with University officials and the community at large to limit the effect of the event on surrounding neighborhoods; and

WHEREAS, officials of the University of North Carolina have indicated support for the event to be held on the Ehringhaus Field;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Chapel Hill that Chapter 11 of the Town Code of Ordinances is hereby amended as follows:

SECTION I

AMEND Section 11-39 (d) (3) as follows:

(3) Daytime/Evening sound levels in excess of sixty (60) dB(A) will be permitted upon the issuance of a permit and allow sound levels exceeding those set as follows:

Thursday Evening 75dB(A)
(3:30 p.m. - 11:00 p.m. Thursday)

Friday 75dB(A)
(5:00 p.m. - midnight Friday)

Saturday 75dB(A)
10:00 a.m. - midnight Saturday)

SECTION II

Section I of this Ordinance shall be effective only on April 27, 1989 between 3:30 and 11:00 p.m., after which time the previously adopted Ordinance shall again become effective.

This the 24th day of April 1989.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSURE OF AN UNUSED PORTION OF WEAVER ROAD BETWEEN GLENDALE DRIVE AND SANDY CREEK TRAIL (89-4-24/R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing a portion of Weaver Road right-of-way as shown on Orange County Tax Map #55, Block A and C, which said right-of-way is approximately 60 feet wide and 575 feet long; and calls a public hearing at 7:30 p.m. Monday, June 19, 1989 in the meeting room of the Municipal Building, 306 North Columbia Street, Chapel Hill on the proposed closing of said right-of-way.

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

This the 24th day of April, 1989.

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR POLICE, FIRE AND TRANSPORTATION UNIFORMS (89-4-24/R-16)

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 WHEREAS, the Town of Chapel Hill has solicited formal bids by Legal Notice in The Chapel Hill Newspaper on March 12 in accordance with G.S. 143-129 for supplying Police, Fire, and Transportation uniforms; and

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

<u>Item</u>	<u>Hub-Stinnette Raleigh</u>		<u>Showfety Greensbo</u>
	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>
Fire Officer Uniforms			
1. 105 short sleeve shirts	13.00	1,365.00	14.75
2. 105 long sleeve shirts	15.00	1,575.00	17.00
3. 20 dress trousers	23.00	460.00	24.00
4. 3 dress trousers (gab.)	45.00	135.00	54.00
5. 5 dress jackets	70.00	350.00	78.00
6. 95 work trousers	18.00	1,710.00	20.00
7. 10 work jackets w/liner	38.00	380.00	44.00
8. 15 short sleeve coveralls	18.00	270.00	18.50
9. 15 long sleeve coveralls	19.00	285.00	19.50
10. Patches (330)	1.30	429.00	1.30
Transportation Uniforms			
1. 250 long sleeve shirts, blue	15.00	3,750.00	16.75
2. 15 long sleeve shirts, white	15.00	225.00	16.75
3. 250 short sleeve shirts, blue	13.00	3,250.00	14.50
4. 15 short sleeve shirts, white	13.00	195.00	14.50
5. 200 work pants, blue	19.00	3,800.00	20.00
6. 30 work jackets, blue	38.00	1,140.00	44.00
7. 560 emblems	1.00	560.00	1.30
8. Patches (amt. open)	1.00	open	1.30

Police and Public Safety Officer
Uniforms

1.	100 short sleeve shirts	21.00	2,100.00	24.00
2.	100 long sleeve shirts	23.00	2,300.00	26.75
3.	200 dress trousers	32.00	6,400.00	24.95
4.	15 jackets	100.00	1,500.00	104.00
5.	30 raincoats	25.00	750.00	24.95
6.	Winter Caps, (amt. open) Winter/Summer	19.00	open	20.00
Totals			<u>\$32,929.00</u>	<u>\$34.</u>

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Hub-Stinnette Uniforms, Inc. in the amount of \$32,929.00 for Police, Fire and Transportation Uniforms, Inc. in response to the Town's request for bids published March 12 and opened March 23 in accordance with G.S. 143-129.

This the 24th day of April, 1989.

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR A 4-WHEEL DRIVE LOADER (89-4-24/R-17)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on March 12 in accordance with G.S. 143-129 for a 4-Wheel Drive Loader; and

WHEREAS, the following bids were received and opened on March 23:

<u>Vendor</u>	<u>Cost</u>	<u>Delivery</u>	<u>Exceptions</u>
E.F. Craven	\$68,700.00	60-90 days	(4)
Case Power & Equipment	75,789.00	30-90 days	(4)
Gregory Poole Equip. Co.	77,589.00	60-90 days	None
L.B. Smith	83,971.39	45-90 days	None

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the lowest responsive bid of Gregory Poole Equipment, which noted no exceptions to the bid, in the amount of \$77,589.00 in response to the Town's request for bids published March 12 and opened March 23 in accordance with G.S. 143-129.

This the 24th day of April, 1989.

Council Member Herzenberg expressed concern that the Town and University currently enforced non-existing parking regulations in some areas while extensive violations were permitted in some of the older neighborhoods of the Town.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT CONSENT AGENDA ITEM 15A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES (89-4-24/O-2)

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

SECTION I

That Section 21-27 "No parking as to particular streets," is amended by inserting the following in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Fordham Boulevard (U.S. 15-501 Bypass)	Both	S. Columbia St.	E. Franklin St.

SECTION II

This ordinance shall be effective Monday, June 26, 1989.

SECTION III

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

This the 24th day of April, 1989.

Council Member Herzenberg said that Carrboro's bus shelters were more aesthetically pleasing than those of the Town. Bob Godding responded that the Town's shelters were more durable and easier to maintain. He said that the Town's facilities provided more shelter.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT CONSENT AGENDA ITEM 15G1. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH COUNCIL MEMBER HERZENBERG DISSENTING.

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF PREFABRICATED BUS STOP SHELTERS (89-4-24/R-15)

WHEREAS, the Town Council of the Town of Chapel Hill has solicited formal bids by legal notice on March 7, 1989 in accordance with G.S. 143-129 for the Purchase of Prefabricated Bus Stop Shelters; and

WHEREAS, the following bids were received and opened on March 29, 1989:

<u>Bidder</u>	<u>Amount</u>
Brasco, Inc.	\$29,530.00
Columbia Equipment Company, Inc.	\$29,730.00
Midwest American Shelter System	\$37,495.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the contract for the Purchase of Prefabricated Bus Stop Shelters be awarded to Brasco, Inc. in the amount of \$29,530.00, in response to the Town's advertisement for bids published March 7 and opened March 29 in accordance with G.S. 143-129.

This the 24th day of April, 1989.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO CONCLUDE THE REGULAR MEETING AND RECONVENE IN EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The regular meeting stood adjourned at 10:36PM.

Executive Session

A MOTION WAS DULY MADE AND SECONDED TO CONCLUDE THE EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Executive session adjourned at 10:49PM.

MINUTES OF A COMPREHENSIVE PLAN WORK SESSION HELD BY
THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MONDAY, MAY 1, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

Julie Andresen	David Pasquini
David Godschalk	Nancy Preston
Joe Herzenberg	Arthur Werner

Mayor Howes said that Council Members Wallace and Wilkerson were absent.

Also in attendance were: Town Manager David Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos, Planning Director Roger Waldon, Planning Staff Chris Berndt, Kimberly Brewer and Brad Torgan, and Transportation Staff David Bonk.

Mayor Howes stated that the Council was holding a work session on the Comprehensive Plan this evening. He added that if the Council did not complete consideration of the goals this evening, another work session might be held.

Mayor Howes recognized Brien Lewis, President of the UNC student body, who was present in the audience. Additionally, Mayor Howes announced the recent appointment of Bill Hildebolt as Student Liaison to the Council.

Planning Director Roger Waldon introduced staff members Kimberly Brewer, Brad Torgan, David Bonk and Chris Berndt. Mr. Waldon stated that these employees had been involved in the drafting of the Comprehensive Plan and could answer Council questions relating to the document.

Mr. Waldon reviewed the proposed Council schedule concerning the Comprehensive Plan and related processes. He noted that the proposed schedule was somewhat ambitious, but was a good target to shoot for.

Mr. Waldon said that there was a small number of key policy issues, as follows:

- (1) Infill/Compact Development--Making alternatives to the auto feasible.
- (2) Quantifiable Targets & Standards--suggested use of the language "the Town shall seek to.."

as applied to targets, with explanation of specific numerical targets.

- (3) Affordable Housing--stressed the importance of the Town assuring diversity of housing opportunities.
- (4) Transportation--achieving a balance between auto movement and neighborhood protection.

Council Member Andresen asked Mr. Waldon whether he felt these two items were not balanced in the 1986 Goals and Objectives. Mr. Waldon said that the 1986 document stressed neighborhood protection as a more important goal than automobile movement. He said that discussions with the Planning Board had indicated more balance was needed.

Council Member Andresen asked Alan Rimer, Planning Board Chairperson, whether he felt there was an imbalance between the neighborhood protection and automobile objectives. Mr. Rimer responded that there had been a change in the way things were looked at between 1986 and the present. Mr. Rimer stated that the Planning Board was seeking Council direction about balancing the two objectives. Council Member Andresen noted that area topography did not lend itself to a street grid system. Mr. Rimer agreed.

Mr. Waldon initiated a review of major controversial points throughout the document, beginning with the economy and employment section. He noted that there were relatively few changes in this section. He added that a new section on the University was included, as was new language addressing mixed-use development.

Council Member Preston inquired about "economically feasible" mixed-use development, as referenced in the Goals, Objectives and Policies. Chris Berndt noted that this phrase would be deleted from future drafts.

Council Member Preston asked whether it would be possible to provide small commercial areas in some neighborhoods. Council Member Werner said that new neighborhoods abutting older neighborhoods had said they did not want this type of development. Council Member Preston proposed the creation of neighborhood commercial districts. Mr. Waldon noted that one of the policies in the document encouraged, but did not require, this type of development. Council Member Andresen said the idea was a great one in principle. Council Member Werner said the concept might not work in Chapel Hill.

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 Council Member Werner said he had problems with policy 1 as stated, since it was a statement of fact rather than a policy objective. He suggested that the language be used as a statement of introduction.

Continuing with the Environmental section of the document, Mr. Waldon said that language about air quality had been added. He added that special protection was recommended for drinking water supplies and scenic views.

Council Member Preston asked whether the Town currently examined development submittals for conservation and energy efficiency measures. Mr. Waldon said that more could be done in this regard. Mayor Howes asked whether natural environment policies and standards were codified in one place. Mr. Waldon said no.

Council Member Pasquini inquired about developers providing payment-in-lieu to the Town. Mr. Waldon said that the Planning Board and Parks and Recreation Commission were discussing this matter. He noted that the Parks and Recreation Commission would like to use the payment-in-lieu option more aggressively. He said that the payment option was not a very attractive to developers at present.

Addressing greenways acquisition, Mayor Howes asked how specific or quantifiable the Council wanted to be. Council Member Preston noted that there was more to acquiring land than buying it. Kimberly Brewer said that between 85 and 90% of the land had been acquired. She noted that the remaining parcels would be the most difficult to acquire. Ms. Brewer said that approximately 5% of the greenways system was currently in place.

Mayor Howes suggested the use of the term "the Town shall seek to" throughout the Goals, Objectives and Policies. Town Manager Taylor concurred. Mayor Howes noted that he did not want to put the Town in a difficult position in these litigious times. Council Member Preston agreed with Mayor Howes' comments.

Mr. Waldon said that the Town should think regionally in providing a "fair share" of affordable housing opportunities for low and moderate income families. Council Member Preston suggested changing language on page 7 to read "its" citizens rather than "all" citizens. Mr. Waldon said the statement was intended to refer to all Chapel Hill citizens. Council Member Werner suggested changing the statement to read "all its citizens".

Mr. Waldon said that more than 10% of housing is now affordable to low income families.

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Ms. Brewer said the fair share concept was intended to spread out the responsibility of providing affordable housing among the communities in the Triangle.

Council Member Werner suggested that the term "fair share" be taken out of the document, due to its jargon nature.

Kani Hurow, President of the League of Women Voters, said she was concerned about terms in quotes.

Mayor Howes noted that the term "fair share" was commonly used among planners.

Council Member Godschalk said that "fair share" meant that all communities would do their part in providing affordable housing.

Council Member Preston asked what percentage of housing units were considered "affordable" at present. Mr. Waldon said between 10% and 20% were affordable for those in the low-income bracket. Chris Berndt said that low income was defined by the United States Department of Housing and Urban Development (H.U.D.) as families making between 50 and 80% of the median income. She added that those making between 80 and 100% of the median income were categorized as moderate income.

Mr. Waldon said that annual building activity of approximately 500 housing units were anticipated in the Town. He said that approximately 50 units should be provided for those in the low and very low income categories (0-80% of median income).

Council Member Pasquini inquired about the number of affordable housing units constructed in the past five years. Mr. Waldon said that federal cutbacks in the past five years had made construction of affordable housing very difficult.

Council Member Werner asked whether the free market would have the impetus to construct affordable housing or whether Town intervention would be necessary. Mr. Waldon said there were many ways to construct low and moderate income housing.

Council Member Pasquini urged the Council to stay away from quantifiable goals. He said that unattainable goals should not be outlined.

Council Member Preston asked whether the 10 units for elderly and handicapped persons were part of the 50 unit objective. Mr. Waldon said yes.

Council Member Werner said that if the Town were unable to obtain enabling legislation for inclusionary zoning, other methods would have to be employed. Council Member Godschalk suggested that

monies could be allocated in the budget for low and moderate income housing programs. Mayor Howes said that program implementation could be included in the Strategic Report.

Council Member Pasquini said he had heard little consensus on many items in the Housing Goals, Objectives and Policies section. He indicated that the staff and Council may need to give more thought to these issues.

Town Manager Taylor said the key question was whether the Town should take an active role in providing affordable housing opportunities for those of low and moderate income means. Council Member Werner said there appeared to be a consensus on low income housing, but not moderate income housing.

Chris Berndt said that the United States Department of Housing and Urban Development (HUD) had recently evaluated income in the Triangle and found the median to be \$40,400 for a family of four. She added that 80% of this figure is \$32,320.

Council Member Preston inquired whether Tandler was targeted at those earning 80% or less of the median income. Ms. Berndt said this was correct. She added that the median income had increased by \$8,000 in the last two years.

Council Member Godschalk said that past Town efforts to provide affordable housing had generated controversy. He said that if the Town did not take a leadership position, any future programs would not work. Council Member Andresen said the Town had taken a leadership role, by virtue of its taking over the housing authority.

Council Member Preston requested information about getting the private sector to provide affordable housing opportunities.

Moving to the Transportation section, Mr. Waldon said that emphasis was given to encouraging selectively compact and denser development.

Mr. Waldon said the Town faced three transportation choices in the next twenty years:

- (1) A rapidly increasing level of automobile congestion.
- (2) Significant widening of arterial streets.
- (3) More active development of collectors.

Noting the minimum standard of service level "D", Council Member Godschalk asked whether the Town was experiencing this level at

present. Mr. Bonk said this standard was a continuation of the 1983 Thoroughfare Plan and that several intersections currently operate at service level "D".

Council Member Andresen inquired about the status of a collector road system. Mr. Bonk said the main thrust of a collector road system would be in new areas. He added that there were not many opportunities for providing such systems in existing developed areas.

Council Member Pasquini said that the policies in the Housing section were very detailed, as contrasted with three or four vague, all-encompassing policies in the Transportation section. He asked why there was such a difference between the two policies. Mr. Bonk responded that in transportation, each situation is relatively unique. He said that a combination of efforts is required to form a good transportation policy.

Council Member Pasquini asked why a statement about cross-connectors was not included in the document. Mr. Bonk said there was difficulty in defining what constituted a cross-connector. Council Member Pasquini said that one-half mile intervals and service levels were the only quantifiable standards in the Transportation section. Council Member Pasquini said a lot of people were interested in the use of cross-connectors.

Council Member Andresen said she would like to see the four policies on the bottom of page fourteen, recommended for deletion, included in future drafts of the document.

Mayor Howes requested clarification of the recommendation that parking availability be minimized to discourage automobile use. Mr. Waldon said that a distinction should be made between long and short-term parking. He said that short-term parking must be made available to maintain economic vitality. Ms. Berndt noted that this objective was stated on page 11 of the document.

Council Member Werner noted that the downtown area had the worst traffic and congestion problems. Mr. Waldon said the worst problems occurred at peak hours. Mr. Bonk added that commuters contributed the most to peak hour problems. Mayor Howes suggested using parking prices that would discourage use by commuters. Council Member Werner said commuters were either going to their office or a park and ride lot.

Mr. Bonk said that efforts were being made to encourage the use of public transportation. He noted that park and ride lots cater to people living in peripheral areas of communities.

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Council Member Godschalk said that attempts at behavior modification were being discussed. He said it would be desirable to have a whole transportation ordinance in place.

Mayor Howes said there had been a lot of productive discussion this evening. He suggested that Council hold another work session in the near future. Town Manager Taylor noted that the schedule was set at the Council's pleasure. Mr. Taylor suggested that the next work session occur on Wednesday, May 24th. He added that this would permit Mr. Waldon and his staff to provide additional information concerning housing and transportation policies and issues.