

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MONDAY, MAY 8, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Council Member Pasquini was absent excused.

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

Public Hearing on the Manager's Recommended Budget for 1989-90

Finance Director Jim Baker highlighted issues relating to the Operating Budget for 1989-90. Mr. Baker stated that the estimated total Town budget for 1989-90 was \$27.7 million, of which \$18.8 million was the General Fund budget. He provided brief overviews of the General, Transportation, Landfill and Parking Funds.

Council Member Andresen inquired about the Town's contribution to the Regional Solid Waste Study. Mr. Baker said that the study would cost approximately \$200,000, 50% of which would be paid by the City of Durham.

Bill Waggoner, a resident of Ridgefield Road for the past ten years, said that he was experiencing acute mosquito infestation problems in his neighborhood. Mayor Howes noted that the Council had received a letter from Mr. Waggoner outlining his concerns. Mr. Waggoner requested that the Town initiate a study of the problem and provide funds for mosquito control. Mayor Howes asked whether the problem was a long-standing one. Mr. Waggoner said that the problem was not nearly as acute during periods of drought.

Clara Yager, 233 Knollwood Drive, Secretary to the Planned Parenthood Board, said that the Human Services Advisory Board (HSAB) had identified teen pregnancy as one of the key issues currently facing the Town. Ms. Yager said that the HSAB recommended funding Planned Parenthood at a level of \$1,500 for FY 1989-90. She expressed concern that this cut in funding would necessitate the elimination of educational services to high-risk pre-teens and their parents. Ms. Yager requested that funding for Planned Parenthood be increased to \$7,000. for FY1989-90.

Verla Insko, Orange County Women's Center, said that the HSAB had recommended a funding cut for her agency. Ms. Insko said that the Orange County Women's Center provided free clerical support to Orange Congregations in Mission, an agency previously not funded by the Town. Ms. Insko asked the Council to add \$1,500 to the \$3,500 previously recommended by the Human Services Advisory Board.

Claire Millar, Director of the Dispute Settlement Center, said that her agency funding had been recommended for a \$2,000 cut. Ms. Millar said the Dispute Settlement Center wished to fund a school program designed to teach children how to mediate. Ms. Millar requested that the Council re-evaluate the HSAB's recommended funding level for the Dispute Settlement Center.

Council Member Andresen asked what message was contained in the Human Services Advisory Board recommendations for funding cuts. Town Manager Taylor said that Mr. Mebane, Chairperson of the Human Services Advisory Board, might best address Council Member Andresen's concerns. Mr. Taylor said that the \$60,000 in agency funding recommended by the Human Services Advisory Board reflected an increase of \$5,000 over current year funding.

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

Approval of April 24th Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF APRIL 24TH AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Rosemary Square

Town Manager Taylor noted that the Council had received no written reply to a letter recently forwarded to the Rosemary Group concerning termination of the Rosemary Square project. Mr. Taylor said that Jim Adams, President of the Rosemary Group, was in the process of getting Board approval to terminate the Rosemary Square agreement.

Robert Varley said that the site of the proposed Rosemary Square project was originally acquired by downtown merchants in the 1950's as a site for parking. He suggested that the Council look at the Civic Center parking facility in Raleigh as a model for parking in downtown Chapel Hill. Mr. Varley recommended the Rosemary Square site be used for parking for downtown merchants.

Council Member Wallace requested a brief synopsis of Resolution 1a. Town Attorney Karpinos said the resolution authorized the Mayor to sign an agreement to terminate the Rosemary Square agreement after the developers had signed the same agreement.

Mr. Karpinos said the termination agreement specified formal termination of the original development agreement and released both parties from damage claims by the other party. He noted that Town Manager Taylor had sent a letter to the developer saying the Council would consider mutual release from the agreement at this evening's meeting.

Council Member Wallace inquired about the purpose of Resolution 1b. Town Attorney Karpinos said this resolution was a statement by the Town accepting earlier statements of the developer as a repudiation of the Rosemary Square agreement. Council Member Wallace asked whether passage of the two resolutions would mean that the Town considered the Rosemary Square agreement to be void. Mr. Karpinos said this was correct. He noted that nullification of repudiation remained an option to the developer but that it was not expected based on discussions with the developer. Mr. Karpinos stated the staff would send a copy of Resolution 1b to the developer and request that the developer clarify within ten days his position if Resolution 1b did not accurately reflect it.

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

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE TOWN AN AGREEMENT TO TERMINATE DEVELOPMENT AGREEMENT AND MUTUAL RELEASE (89-5-8/R-1a)

WHEREAS, the Town of Chapel Hill and the Fraser Development Company of North Carolina entered into a certain Second Amended and Restated Development Agreement providing for certain public and private improvements to be constructed on a certain site at the intersection of Rosemary and Henderson Streets; and

WHEREAS, Mr. James Adams, President of the Rosemary Group, Inc., successor to Fraser Development Company, Inc., appeared before the Town Council on April 24, 1989 and stated that the Rosemary Group, Inc., would not be able to proceed to closing as provided in the Development Agreement between the Town and the Rosemary Group, Inc.; and

WHEREAS, the Council finds that the Rosemary Group, Inc., has met its obligation under the Development Agreement to take steps and perform actions reasonably calculated to satisfy the conditions to closing; and

WHEREAS, the Council finds it to be in the best interest of the Town of Chapel Hill to conclude its agreement with the Rosemary Group, Inc., in accordance with the terms of the attached termination document;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby approves the attached AGREEMENT TO TERMINATE DEVELOPMENT AGREEMENT AND MUTUAL RELEASE and authorizes the Mayor to sign the agreement substantially in the form attached on behalf of the Town of Chapel Hill, following execution of said document by the Rosemary Group, Inc..

This the 8th day of May, 1989.

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

RESOLUTION ACKNOWLEDGING REPUDIATION BY THE ROSEMARY GROUP, INC., OF THE DEVELOPMENT AGREEMENT FOR ROSEMARY SQUARE AND STATING THE INTENT OF THE TOWN OF CHAPEL HILL NOT TO PERFORM UNDER THAT AGREEMENT (89-5-8/R-1b)

WHEREAS, the Town of Chapel Hill and Rosemary Group Inc. are parties to a certain Development Agreement which proposes certain public and private improvements to be constructed on property near the intersection of Rosemary and Henderson Streets; and

WHEREAS, on April 24, 1989, Mr. James Adams, president of the Rosemary Group, Inc., appeared before the Chapel Hill Town Council and stated that the private improvements under the Development Agreement cannot be built as a conventional hotel nor as a condominium hotel and further stated that the Company would not place the Town in a posture where it would take some action regarding its bonds on the parking deck and further stated that the company would not give the Town notice of closing; and

WHEREAS, the Council finds the statements by Mr. Adams to clearly indicate the intention of the Rosemary Group to not go forward with the closing as provided for in the Development Agreement and to therefore constitute a repudiation of the contract and an anticipatory breach;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the statements by Mr. Adams on behalf of the Rosemary Group, Inc. to be a repudiation of the Development Agreement and further states its intent, based on said repudiation and anticipatory breach, to not continue with steps otherwise required to be taken by the Town in anticipation of closing.

BE IT FURTHER RESOLVED that the Council directs the Manager to forward a copy of this resolution to officers of the Rosemary Group, Inc.

This the 8th day of May, 1989.

Oaks II/Pinehurst Drive Stop Signs

George Small, Engineering Director, said that the Council had received a petition on November 8, 1988, requesting the installation of two stop signs and a reduction in speed limit from 35 MPH to 25 MPH on Pinehurst Drive. Mr. Small said that the speed limit had been lowered, but action of the stop signs had been delayed in anticipation of a new stop sign policy. Mr. Small said that Pinehurst Drive had fairly good sight distances, sidewalks on both sides of the street and a speed limit below design speed for the street. Mr. Small said the Manager's recommendation was to take no action on the request for stop signs. He added that an alternate resolution had been prepared to provide stop signs, should the Council so direct.

Council Member Andresen asked how the problem of speeding might best be addressed. Mr. Small said that since Pinehurst Drive is a wide street, people want to speed up. He stated that active enforcement of limits was the best way to lessen speeding problems.

Council Member Preston asked how long the 25 MPH speed limit had been in place. Mr. Small said approximately six months. Council Member Preston inquired about the impact of the reduced speed limit on speeds in the area. Mr. Small said no speed study had been performed since the implementation of the new limit.

Council Member Preston asked whether residents of the area had been notified of Council consideration of the item this evening. Mr. Small said this had occurred. Council Member Preston proposed that the Council take no action at this time.

COUNCIL CONCURRED WITH THE MANAGER'S RECOMMENDATION THAT NO ACTION WAS NEEDED AT THIS TIME.

Clayton Road Traffic Concerns

George Small, Engineering Director, said a petition to close Clayton Road to through traffic had been deferred from an earlier meeting. Mr. Small said staff had looked at several alternatives concerning cul-de-sacs, chokers and other means of traffic control.

Mr. Small said that reducing the width of Clayton near Curtis could result in some safety problems. He said that good signing in the area would offset some of these potential problems.

Council Member Preston asked whether the width of Clayton Road was thirty-three feet and the choker eleven feet. Mr. Small said this was correct. Council Member Preston asked whether two cars could simultaneously fit into the remaining pavement area. Mr. Small said yes.

Council Member Preston said that after looking at the situation around Clayton Road and visiting with area residents, she appreciated the creative solution that staff had brought to the Council.

Council Member Andresen inquired about the designation of streets in the area. Mr. Small said that Elliott, Clayton and Curtis Roads were all considered to be collectors. He noted that this designation was being examined within the context of review of the Design Manual.

Council Member Andresen praised Mr. Small for his creativity. Council Member Andresen said that cars travelling at about 10 MPH in the area of the Estes Hills Elementary School would actually be a positive outcome. Council Member Wilkerson expressed concern that no stop sign was proposed at the crosswalk near the school on Elliott Road. Mr. Small said that staff would review alternatives concerning this situation in the near future.

Council Member Preston said some alignment adjustments were necessary to the intersection of Elliott and Curtis Roads.

Council Member Werner complemented Mr. Small for his innovative solutions to the Clayton Road situation. Council Member Werner asked whether it would be possible to install a stop sign in the middle of the street. Mr. Small said he would recommend against such installation; it would create a very dangerous situation, since people are not accustomed to stopping there.

Arthur Hawley, a resident of Clayton Road for ten years said he was seeking a politically acceptable, feasible engineering solution to the situation on Clayton Road. Mr. Hawley showed a topographical profile of Clayton Road to the Council. He expressed concern that there was limited sight distance on Clayton Road. Mr. Hawley showed an exhibit of the proposed traffic island on Clayton Road. Mr. Hawley said that citizens who had been contacted were not opposed to a traffic island on Clayton Road.

Sylvia Clements, 1603 Curtis Road, said she was concerned that the four families residing on Curtis Road had no input in addressing the Clayton Road alternatives. Ms. Clements said residents of Clayton Road want a fair and equitable voice in the matter before the Council.

Council Member Werner said that the traffic study and realignment proposals were bad ideas.

Council Member Godschalk said that if traffic on Clayton Road were constricted, it would have to go elsewhere. He asked whether it was equitable to decrease traffic on Clayton Road while increasing it on Elliott and Curtis Roads. Council Member Godschalk said he liked the idea of installing the same number of stop signs on Elliott and Clayton Roads.

Council Member Andresen said she liked the idea of installing a choker, but did not favor an engineering study of the area.

Town Manager Taylor said the worst thing to do would be to install a choker on Clayton Road. Town Manager Taylor recommended the installation of stop signs to the Council. Council Member Wilkerson said that prior to this evening he was in favor of stop signs and a choker. He expressed concerns about safety if a choker were to be installed. Additionally, Council Member Wilkerson said that Ms. Clements and her neighbors should be involved in any decisions which could impact traffic on Curtis Road.

Mayor Howes said he would be inclined to vote against a choker on Clayton Road. He noted that there was no support for Resolution A, calling for an engineering study of the area.

Council Member Wallace suggested that additional information was needed prior to Council action.

Council Member Godschalk said the choker was a potentially dangerous idea. He proposed moving ahead with the stop signs at this evening's meeting.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 1B.

Mayor Howes said that installation of a choker was not a sensible solution to the problem at hand. He stated his personal preference for the installation of stop signs.

Council Member Werner asked that the item come back before the Council in the future, with an analysis of the traffic situation after the signs are installed and a review of alternative traffic control ideas.

COUNCIL MEMBER WERNER WITHDREW HIS EARLIER MOTION, WITH CONCURRENCE FROM COUNCIL MEMBER HERZENBERG, SECONDER OF THE EARLIER MOTION.

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

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (89-5-8/O-2a)

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

SECTION I

That Section 21.13(c) right-of-way and stop regulations is amended by inserting the following therein in appropriate alphabetical order:

Clayton Road/Audubon Road

SECTION II

That Section 21.13(a) right-of-way and stop regulations is amended by inserting the following therein in appropriate alphabetical order:

Through Streets

Clayton Road (eastbound)

Stop Streets

Clayton Road (westbound)

SECTION III

This ordinance shall be effective on Monday, July 10, 1989.

SECTION IV

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

This the 8th day of May, 1989.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO DIRECT THE TOWN MANAGER TO COLLECT TRAFFIC INFORMATION ON CURTIS, CLAYTON AND ELLIOTT ROADS AND STUDY CREATIVE TRAFFIC CONTROL DEVICES AND REPORT BACK TO THE COUNCIL IN THE FALL. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Orange County Airport Study

Ms. Pam Jones, Orange County Director of Purchasing, said that an inventory of potential airport sites in the Orange County had been compiled and evaluated. She noted that a 3,100 square foot terminal building was proposed for the facility, with future expansion to 4,400 square feet. Ms. Jones said that the airport facility would require a site of three hundred acres.

Ms. Jones said an initial listing of twenty sites had been narrowed to six plus the current Horace Williams facility. She said that sites 1, 3, 4, 7, 10 and 13 had been eliminated due to extensive earthwork requirements. She added that sites 18, 19 and 20 had been eliminated due to accessibility considerations and sites 2, 6, 12, 14 and 15 were eliminated due to other

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obstructions and earthwork considerations. Ms. Jones stated that sites 5, 8, 9, 11, 16, 17 and Horace Williams were still under active consideration.

Ms. Jones said preliminary estimates indicated the facility would cost approximately \$8.9 million to construct. She said that the State (NCDOT Aviation) would pick up 50% of planning costs and the Federal Aviation Administration would pay considerable portions of other costs.

She said that the timetable called for site selection to occur by the end of June, with State funding requested in July. Ms. Jones said the facility would hopefully be open for traffic by 1995.

Council Member Werner inquired about the likelihood of the project moving ahead without cooperation from AHAC and the University of North Carolina. Moses Carey, Chair of the Orange County Commissioners, said that the stimulation of economic development was the primary goal of siting an airport facility. Mr. Carey said it was not Orange County's responsibility to determine what happened to Horace Williams Airport.

Council Member Werner said that one of Chapel Hill's interests was to move Horace Williams Airport. He noted that even when a new facility is completed, Horace Williams would not necessarily cease operations.

Council Member Andresen inquired about the University's level of interest in the airport program. Mr. Carey said that University officials had met with County staff, expressing their interest in driving time to the airport facility as a high priority. Council Member Andresen stated that the University was on record as saying that if a suitable site other than Horace Williams were identified as an airport facility, they would move their base of aviation operations. She asked why Horace Williams was still on the site list, in view of these circumstances. Mr. Carey said Horace Williams was left on the list because it is an operable site.

Council Member Andresen said the airport had been built in 1940, with paving taking place in the 1970's.

Stephen Levine, representing SCRAP (Stop the County Regional Airport Proposal) said that the proposed facility would most likely not replace the current Horace Williams facility. Mr. Levine expressed concern that environmental issues concerning the airport facility had not been adequately addressed. Mr. Levine also said that it had not been proven that a new airport would aid Orange County in its economic development efforts.

Rosemary Waldorf, 200 Huntington Drive, requested that the Council include the Seawell Elementary and Chapel Hill High Schools in its resolution concerning airport facilities. Ms. Waldorf said that the current Horace Williams should not be expanded.

Ms. Waldorf said that she had spoken to Paul Burke, Manager of the Horace Williams facility, who confirmed that the University was in the process of making enhancements to the facility.

Council Member Herzenberg proposed that the two schools cited by Ms. Waldorf be incorporated into the resolution.

Council Member Herzenberg said he had heard about the proposed runway expansion at Horace Williams. Council Member Herzenberg requested a follow-up report from the Town Manager.

Council Member Andresen said that the Council needed to receive a report as soon as possible. She asked whether the University had spoken to the Town concerning proposed expansion. Town Manager Taylor said the Town had received a verbal request to repave the existing runway and to surface 500 feet of currently unpaved runway at the site.

Council Member Andresen asked whether the University would give formal notice to the Town before proceeding with paving. Mr. Taylor said this was correct.

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

A RESOLUTION SUPPORTING CONSIDERATION OF ALTERNATIVES TO THE HORACE WILLIAMS AIRPORT (89-5-8/R-8)

WHEREAS, Horace Williams Airport is close to several developed neighborhoods including single- and multi-family residences; and

WHEREAS, Horace Williams Airport is less than a mile from Phillips Jr. High School, Chapel Hill High School, Seawell and Estes Hills Elementary Schools; and

WHEREAS, airports should be located outside of developed, urban areas; and

WHEREAS, the Orange County Board of Commissioners is considering alternative locations for a public general aviation airport to serve Orange County; and

WHEREAS, the Commissioners will hold public hearings on May 24 in Hillsborough and on May 25 in Chapel Hill on the alternative locations; and

WHEREAS, the Commissioners may select a site for a new airport in late June;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council:

1. Strongly supports the current consideration by the County Commissioners of six alternatives to the present Horace Williams Airport site; and
2. Expresses its appreciation to the Commissioners for the quality of work in analyzing the alternative locations and in establishing a process to enable comments by all interested parties including the general public in all of Orange County.

This the 8th day of May, 1989.

Modification of Special Use Permit--304 West Franklin Street

No additional parties were present to be sworn.

Roger Waldon, Planning Director, said that the subject property was located between Fowler's and Ham's on West Franklin Street. He said that eleven parking spaces would be required for the facility. Mr. Waldon said that Council had a great deal of flexibility since this was a modification of a Special Use Permit.

Mayor Howes stated for the record that the applicant had submitted a letter concurring with conditions of approval. A copy of said letter is on file in the Office of the Town Clerk.

Council Member Godschalk asked why it was desirable to reduce the number of parking spaces required. Mr. Waldon said that reducing the number of parking spaces would allow more room for loading in the rear of the building.

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

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 3B. THE MOTION WAS ADOPTED BY A VOTE OF 7-1, WITH COUNCIL MEMBER GODSCHALK DISSENTING.

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR 304 WEST FRANKLIN STREET (89-5-8/R-3b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the 304 West Franklin Street additions, proposed by Richard H. Dawson, on property identified as Chapel Hill Township Tax Map 85, Block M, Lot 23, if developed according to the Site Plan dated February 15, 1989, the Shading and Drainage Plan dated February 15, 1989, and the conditions listed below, would:

2. Comply with all required regulations and standards of the Development Ordinance, including all applicable provision of Article 12, 13 and 14, and the applicable specific standards contained in Section 18.7, and with all other applicable regulations;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or be a public necessity; and
4. Conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that it finds in this particular case that public purposes are satisfied to an equivalent or greater degree with a modification of Subsection 14.6.2 of the Development Ordinance permitting fewer than twenty (20) parking spaces in the Town Center-2 District.

These findings are conditioned on the following:

1. That construction begin by May 8, 1990 (one year from the date of the Council approval) and be completed by May 8, 1991 (two years from the date of the Council approval).
2. That the applicant provide verification that the underground fuel storage tanks have been removed from the property to the satisfaction of the Town Manager.
3. That detailed building elevations, landscaping plan, and landscape maintenance plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That the parking spaces along the northern property line be removed.
5. That a "Do Not Enter" sign(s) be placed at an appropriate location along the northwestern corner of the building so as to prohibit vehicles from entering this driveway and exiting the site via the easternmost driveway.
6. That the final utility/lighting plan be approved by OWASA, Duke Power, Carolina Cable, Public Service Gas, and Southern Bell, and the Town Manager, before issuance of a Zoning Compliance Permit.
7. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility plan/lighting, grading and stormwater management plan with hydrologic calculations, storm drainage easement plat, fire flow report) conform to the approved preliminary plans and demonstrate compliance with the above conditions

and the design standards of the Development Ordinance and the Design Manual.

8. That sight triangle easements be provided on the final plat and recorded prior to issuance of a Zoning Compliance Permit.
9. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
10. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
11. That tree protection fences be installed to protect significant existing trees and their root systems, before issuance of a Zoning Compliance Permit.
12. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
13. If any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the 304 West Franklin Street Special Use Permit Modification in accordance with the plans and conditions listed above.

This the 8th day of May, 1989.

Car Wash DOTA

Roger Waldon, Planning Director, said a summary of ordinance impacts was contained on page six of the Manager's memorandum to Mayor and Council. Mr. Waldon said that Resolution B was the Manager's revised recommended proposal.

Council Member Werner expressed concern that staff was recommending round the clock staffing of future facilities, while this did not occur at an existing car wash facility at the corner of Franklin Street and Estes Drive. Mr. Waldon said that twenty-four hour staffing of the facility would help assure a clean and safety establishment.

Council Member Werner said he was not comfortable with the staffing stipulation. Council Member Werner said the requirement would have a negative cost impact on the viability of car washes. Council Member Herzenberg concurred with Council Member Werner's remarks.

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Council Member Preston suggested that staff requirements could be inserted into requirements later, if they were determined to be necessary. Mr. Waldon said that this would be possible.

Mayor Howes acknowledged that Council had received a letter from Mr. Glover outlining suggested conditions for car wash operation. Mayor Howes said that the Council had not had an opportunity to evaluate this proposal. He proposed that Council defer action until May 22nd.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER TO STAFF FOR ADDITIONAL ANALYSIS. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Joint Planning Area Land Use Plan Amendment

Town Manager Taylor noted that the Carrboro Board of Aldermen had voted to approve the proposed amendment. Mr. Waldon said that Town Manager Taylor recommended Council adoption of Resolution 4A, recommending approval of the amendment.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 4A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Comprehensive Plan Components

Council Member Andresen asked whether the background materials contained any policies or were purely statistical data. Town Manager Taylor said that one could draw policy implications from the data.

Council Member Werner said he felt it would be premature to adopt the reports at present. Town Manager Taylor said that all documents could be adopted at one time in the future.

THE COUNCIL DEFERRED ACTION ON THIS ITEM.

Human Services Advisory Board Performance Agreements for 1989-90

Al Mebane, Chairperson of the Human Services Advisory Board, said that board was currently composed of all white members. He said that membership from the black community was needed. He requested Council assistance in this effort.

Mr. Mebane said that proposals totalling \$99,000 in funding requirements were received by the Human Services Advisory Board (HSAB). He said the availability of \$60,000 in funding necessitated compromises on the part of the HSAB.

Mr. Mebane said that school dropouts were a major concern of the board, but no proposals addressing this situation were received.

Council Member Preston said she was impressed by the Human Services Advisory Board's proposal review process.

Council Member Werner thanked Mr. Mebane for his efforts.

Mayor Howes stated that the funding recommendations of the Human Services Advisory Board would be discussed by the Council in the budget process.

Council Member Herzenberg said that the Human Services Advisory Board had presented a generally excellent memorandum of recommendation to the Council. Council Member Herzenberg said some recommendations were vague on their face, noting that some of the proposals contained more detail. Mr. Mebane said that the missions of some agencies were quantifiable, while others were not.

Mayor Howes asked when the Human Service agency recommendations should be further discussed. Town Manager Taylor suggested that the Council begin discussions at their May 10th work session.

Parks and Recreation Performance Agreements for 1989-90

Richard Baddour, Vice Chairperson of the Parks and Recreation Commission, said that the \$25,000 allocated to the Chamber of Commerce was for a very important project (an informational magazine representing all facets of the community).

Council Member Preston thanked Mr. Baddour and the Parks and Recreation Commission for their work on performance agreements.

Council Member Werner noted that the \$25,000 proposed funding for the Chamber of Commerce project was the one major project in the group.

Appointments to Community Appearance, Greenways and Parks and Recreation Commissions

Community Appearance Commission

Council reappointed Mr. Larry Touchstone and appointed Mr. Milton Van Hoy to seats on the Community Appearance Commission. A third seat will be filled at the Council's meeting on May 22nd.

Greenways Commission

Council reappointed Ms. Anne Loeb and appointed Ms. Florence Gray Soltys to seats on the Greenways Commission.

Parks and Recreation Commission

Council reappointed Ms. Eleanor Scandlin, Mr. Richard Baddour and Mr. Herschel Slater to seats on the Parks and Recreation

Commission. A fourth seat will be filled at the Council's meeting on May 22nd.

Parties desiring to do so may inspect individual ballots in the Clerk's Office by appointment.

Nominations for Housing Advisory Board, Human Services Advisory Board and Personnel Appeals Committee

Council Member Preston noted that an application had been received from Ms. Velma Perry, seeking a seat on the Housing Advisory Board.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO NOMINATE ALL APPLICANTS PRESENTED TO, INCLUDING MS. PERRY, FOR THE AVAILABLE SEATS ON THE HOUSING ADVISORY BOARD, HUMAN SERVICES ADVISORY BOARD AND PERSONNEL APPEALS COMMITTEE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

New Hope Corridor Greenway Proposal

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 6. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION TO REFER THE PROPOSED NEW HOPE CORRIDOR GREENWAY TO THE CHAPEL HILL PARKS AND RECREATION COMMISSION, THE GREENWAYS COMMISSION, THE PLANNING BOARD AND THE TOWN MANAGER FOR THEIR RECOMMENDATIONS (89-5-8/R-6)

WHEREAS, elected officials from Durham County and Durham City, Chapel Hill and Orange County have been discussing the idea of creating a New Hope Corridor Greenway; and

WHEREAS, the Chapel Hill Town Council has been asked to consider a resolution of support for the greenway; and

WHEREAS, the Chapel Hill Town Council could benefit from the recommendations of its various advisory boards and Manager;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council refers the attached resolution and attendant material on the New Hope Corridor Greenway to the Chapel Hill Parks and Recreation Commission, the Greenways Commission, the Planning Board and the Town Manager and requests their recommendations.

This the 8th day of May, 1989.

Amendment to Town Council Procedures Manual

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

A RESOLUTION APPROVING AMENDED LANGUAGE IN THE TOWN COUNCIL PROCEDURES MANUAL (89-5-8/R-7)

WHEREAS, the Town Council conducts its meetings based on procedures outlined in the Town Council Procedures Manual; and

WHEREAS, it is important that citizens of Chapel Hill be aware of the availability of Town Council proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby incorporates the following language on Page 19 of the Town Council Procedures Manual (as denoted in bold print).

G. Record of Council Action

1. **Minutes.** General Statute requires that full and accurate minutes of the Council proceedings shall be kept and shall be open to inspection to the public. Parties wishing to examine Council minute books, listen to audio tapes or view videotapes of prior Council meetings may do so, by appointment, in office of the Town Clerk during regular business hours. A brief statement indicating this availability shall be made on the cover sheet of draft minutes of regular Council meetings. Upon request of any Council Member, the ayes and noes upon any question shall be taken and entered in the minutes. It has been the unwritten policy of the Council to record the ayes and noes on all matters, and should the Council vote in writing (as in the case of appointments) present Statute requires the ayes and noes be recorded in the minutes. The minutes as prepared for the consideration of the Council are draft minutes, and only when corrected and approved and entered into the official minute book do they become the official minutes of Council action.

This the 8th day of May, 1989.

Resolution Supporting House Bill 399 and Senate Bill 290 (Highway Funding)

Council Member Werner said he was resistant to siting new roads all over the place. Council Member Andresen said that the monies involved were for major arterial roads.

Council Member Werner said the bills appeared to be putting money into roads, not mass transportation and park and ride facilities. He said support of these bills would be inconsistent with previous Council discussions regarding alternatives to the single-occupant automobile.

Council Member Herzenberg suggested that the resolution should be forwarded to the Durham County State Legislative representatives. He noted his intention to oppose the resolution.

Council Member Preston said she intended to support the resolution, since funding for the 15-501 Bypass was critical. She noted the Council's earlier support for the establishment of a regional transit authority.

Council Member Godschalk said he would support the resolution. Mayor Howes also said he would vote in favor of the resolution. Council Member Andresen passage of the resolution would enhance the Town's chances of receiving TIP funding.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 9. THE MOTION WAS ADOPTED BY A VOTE OF 6-2, WITH COUNCIL MEMBERS WERNER AND HERZENBERG VOTING NO.

A RESOLUTION SUPPORTING HOUSE BILL 399 AND SENATE BILL 290 (89-5-8/R-9)

WHEREAS, the General Assembly is considering House Bill 399 and Senate Bill 290 to provide revenue for a North Carolina Highway Trust Fund and additional funding for other highway programs; and

WHEREAS, such legislation would increase funding for the State's Transportation Improvement Program; and

WHEREAS, the Town of Chapel Hill has substantial highway needs;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its support for additional highway funding through Senate Bill 290 and House Bill 399.

BE IT FURTHER RESOLVED that the Council expresses its appreciation to Senators Ralph Hunt, Wanda Hunt, Kenneth Royall, and Russell Walker and Representatives Anne Barnes, Joe Hackney, Mickey Michaux, Jr., George Miller, Jr., and Sharon Thompson for their continuing support of the Town's transportation needs.

This the 8th day of May, 1989.

Status Report on Tandler Homeownership

Town Manager Taylor said that there had been ten closings on Tandler homes since the last report to Council in April.

Consent Agenda

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO ADOPT RESOLUTION 10. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS
(89-5-8/R-10)

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. 45 mph speed limit on N.C. 86 (0-5).
- b. Change in current Public Housing budget and related certification (R-11 and 12).

This the 8th day of May, 1989.

45 MPH Speed Limit on NC 86

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES
(89-5-8/O-4)

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

SECTION I

That Section 21-11 of the Town Code of Ordinances "Speed Regulations" is amended by deleting the following:

- (3) "Thirty-five miles per hour"
- (d) Airport Road (N.C. 86) from N. Columbia Street to the northern corporate limit.

SECTION II

That Section 21-11 of the Town Code of Ordinances "Speed Regulations" is amended by inserting the following in appropriate order:

- (3) "Thirty-five miles per hour"
- (d) Airport Road (N.C. 86) from Rosemary Street to a point .10 mile north of Estes Drive.

SECTION III

That Section 21-11 of the Town Code of Ordinances is amended by inserting the following in appropriate order:

- (4) "Forty-five miles per hour"
- (j) Airport Road (N.C. 86) from a point .10 mile north of Estes Drive to a point .46 mile north of Homestead Road.

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 (k) Airport Road from a point .19 mile south of Weaver Dairy Road northward to the corporate limits of Chapel Hill.

SECTION IV

This ordinance shall be effective beginning Tuesday, June 1, 1989.

SECTION V

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

This the 8th day of May, 1989.

A RESOLUTION APPROVING REVISION NO. 1 TO THE OPERATING BUDGET FOR THE LOW RENT CONVENTIONAL HOUSING PROGRAM FOR JULY 1, 1988 THROUGH JUNE 30, 1990 FOR PROJECT NO (S) 46-1, 2, 4, 5, 6, 7, 9 (89-5-8/R-11)

WHEREAS, the Town Manager has submitted a budget for fiscal year ending June 30, 1989; and

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

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditure; 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; 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 dates 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 Revision No. 1 to the Operating Budget for fiscal year ending June 30, 1989.

This the 8th day of May, 1989.

A RESOLUTION CONFIRMING THAT THE PERSON RESPONSIBLE FOR HOUSING MANAGEMENT DUTIES WILL BE CERTIFIED BY AN APPROVED CERTIFYING AGENCY (89-5-8/R-12)

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.

This the 8th day of May, 1989.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADJOURN THE MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY.

The meeting stood adjourned at 11:16 P.M.

