

MINUTES OF A PUBLIC HEARING HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MONDAY, SEPTEMBER 18, 1989

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Also in attendance were: Assistant to the Mayor Beverly Kawalec, Student Liaison to the Council Bill Hildebolt, Town Manager David Taylor, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Public Safety Director Cal Horton, Town Attorney Ralph Karpinos, Assistant to the Attorney Richard Sharpless and Planning Director Roger Waldon.

Mayor Howes noted that technical problems postponed the beginning of the meeting until 7:38 P.M. Mayor Howes also announced that Council Member Wallace was absent excused from the hearing due to illness.

Tree Protection Ordinance Public Hearing

Planning Director Roger Waldon stated that he would be assisted by Urban Forestry Officer Adam Kuby during this evening's presentation to the Council. Mr. Waldon stated that the proposed ordinance is complex, having many features requiring the Council's attention. Mr. Waldon said that the variety of community opinions concerning tree protection necessitated language compromises in some sections of the ordinance.

Council Member Herzenberg introduced members of the Tree Protection Task Force in attendance at this evening's meeting: Gordon Mitchell, Jim Haar, Kathy Harris, Larry Touchstone, Claire Cooperstein, Ruth Thomas, Gertrude London, Walter Trott, Jill Ridkey and David Swanson. Council Member Herzenberg thanked all the members of the Tree Protection Task Force for their assistance. Council Member Herzenberg also commended the efforts of Adam Kuby and Stephanie Snipes (Collins).

Mr. Waldon said the need for tree protection had come to the Council's attention when vegetation was removed at North Columbia and North Streets. Mr. Waldon said that this situation touched a sensitive nerve in the community. Mr. Waldon stated that some recent developments had led to the rapid and unnecessary removal of trees on some sites. Mr. Waldon stated that a tree protection ordinance drafted in the spring of 1988 was felt to be too strong by developers, while not strong enough for preservationist groups. Mr. Waldon said that the Tree Protection Task Force was formed to examine the issue of tree protection more broadly.

Mr. Waldon said there is a need for the Council to adopt a tree ordinance as a part of the Town's development ordinance.

A three and one-half minute video, stressing the need for tree protection was presented by Adam Kuby, who produced the tape.

Mr. Waldon said the Town staff believes that some trees are currently being unnecessarily lost during the course of development. Mr. Waldon stated that the adoption of more stringent tree protection regulations could make a difference. Noting the complexity of tree protection regulations, Mr. Waldon stated that only one draft ordinance, the one formulated by the Tree Protection Task Force and recommended by the Town Manager, was before the Council this evening. Mr. Waldon outlined the main sections of the ordinance, as follows: (1) General provisions and intent; (2) Permit requirements; (3) Applications to undeveloped land; (4) Applications to developing land; (5) Public land provisions; (6) Rare and specimen trees; (7) Administrative mechanisms (enforcement). Mr. Waldon said that an eighth section, separate from the Tree Ordinance, outlines requirements for buffer maintenance.

Mr. Waldon reviewed major issues still under consideration, including site supervision requirements. Mr. Waldon said that on-site supervision is the keystone provision of the ordinance. Mr. Waldon added that a fine equivalent to one and one-half times the value of destroyed trees is proposed. Mr. Waldon said some found this to be too lenient, while others think it to be too stringent. Mr. Waldon stated that the cost of ordinance implementation will have a minimal impact, contrasted with the cost of trees lost after development is completed. Mr. Waldon said that if the ordinance is adopted, staff recommends that it become effective upon adoption and apply to all applications in the Town's approval processes. Mr. Waldon stated that standards would not be applied to projects already under construction.

Mayor Howes noted that no action, other than referral to the Town Manager, would be taken by the Council this evening.

Planning Board Chairperson Bruce Guild said that the Planning Board had no recommendation on the proposed ordinance. Mr. Guild stated that Planning Board observations were summarized in a memorandum previously distributed to the Council. Mr. Guild concluded his remarks by noting that some developers might find it less expensive to pay penalties rather than protect trees.

Council Member Andresen inquired whether the Planning Board had discussed exemptions for residential development. Mr. Guild said there had been no direct discussions of this nature, although he stated that possible exemption of duplexes had been mentioned. Council Member Andresen inquired about the proposed time limit on buffer maintenance. Mr. Guild said that newer buffers should be monitored for maintenance standards.

Roy Lindahl, Community Appearance Commission Chairperson, reviewed the Commission's discussions of August 16 and 30, highlighting their recommendations that Section 11.4.5 should elaborate on the training of on-site supervisors, while Section 11.4.6 should provide more information about tree standards. Mr. Lindahl added that the Commission found that language concerning tree protection areas and root zones is too vague. Mr. Lindahl said that the Appearance Commission is especially concerned about enforcement standards, particularly how the declaration of trees as a public nuisance is determined. Mr. Lindahl stated that the Appearance Commission approved the ordinance in principle by a vote of 8-1.

Jeanette Gay Eddy, Board of Adjustment Chairperson, said that the Board's sole concern was the feasibility of administration of the ordinance. Ms. Eddy said that Board of Adjustment members were pleased to see definitions within the ordinance and suggested the addition of specific standards and objective criteria for the landscape management plan. Ms. Eddy said that all thirteen members had voted in favor of recommending the Tree Protection Ordinance to the Council.

Gertrude London said that on August 16th, the Commission voted 8-1 to support the recommendation of the Tree Protection Task Force in principle. Ms. London stated that the Parks and Recreation Commission had provided several pages of comments concerning the ordinance to the Council.

Town Manager Taylor said that the proposed ordinance as written will conserve and preserve trees. He added that the Tree Protection ordinance is a good one. Town Manager Taylor said he recommended that the draft ordinance and comments be referred to him, with a view of returning to the Council by October 23rd.

Council Member Herzenberg said that Tree Protection Task Force members Gary Saleeby and Pete Thorn were also in attendance this evening.

Mayor Howes said that approximately one hour was set aside for citizen comments on the proposed Tree Protection Ordinance.

Bill Kalkhof, President of the Chapel Hill-Durham Homebuilders' Association, said that the issue before the Council is a complex one. Mr. Kalkhof said that developers and builders currently do a good job of protecting trees in the community. Mr. Kalkhof suggested that the Homebuilders' Association supports a voluntary tree protection program. He said that this was the preferable course given program start-up costs for the Town and the need for affordable housing. Mr. Kalkhof stated that the proposed fine for tree damage could easily be as high as \$15,000 to \$20,000. He added concern that one Town staff person would be inadequate to manage the program. Mr. Kalkhof noted that the agenda

materials did not refer to a vote of the Tree Protection Task Force concerning the proposed ordinance. Mr. Kalkhof said that there is quite a significant split among members of the Task Force. Mr. Kalkhof stated that housing costs in Chapel Hill are currently the highest of any community in the southeastern United States.

He concluded his remarks by expressing hope that the Town will step back and think about initiating a voluntary tree protection program.

Pete Thorn, past President of the Homebuilders of Durham and Chapel Hill said he supports the Tree Protection Task Force recommendation to eliminate tree protection standards for single family and duplexes on single family lots. Mr. Thorn said this action will assist first-time homebuyers. Mr. Thorn expressed concern that efforts to save trees will preclude some buyers from the housing market. Mr. Thorn urged the Council to maintain a residential exclusion. Mr. Thorn added that the cost of on-site tree supervisor would be prohibitive.

Mr. Thorn stated that language in Section 11.6.3 pertaining to rare and specimen trees within one hundred feet of the right-of-way should be offset with other language concerning tree preservation in setback areas. Mr. Thorn added that a constructive penalty of planting new trees would be preferable to fines of between 100% and 150% of tree replacement cost. Mr. Thorn stated his support for a three year review of the ordinance. Mr. Thorn concluded his remarks by thanking the Council, particularly Mayor Howes and Council Member Herzenberg, for their consideration in this matter.

Council Member Godschalk inquired how much was expended for landscaping in the Abbott's Colony project. Mr. Thorn said that approximately an additional \$900 per home was expended to relocate sewer lines and related items pertaining to preserve vegetation.

Claire Cooperstein, a member of the Tree Protection Task Force and the Sierra Club, said the draft tree ordinance before the Council is not a perfect one. Ms. Cooperstein said that field experience is needed to see how the ordinance will work in practice. Ms. Cooperstein stated that the Sierra Club's Research Triangle Group endorses the tree protection ordinance as presented.

Ms. Cooperstein said that there would be increased costs if the ordinance is not passed, because trees damaged by development can die a year or two after homes are occupied. Ms. Cooperstein stated that duplex houses on individual lots should be exempted. Ms. Cooperstein read a petition stressing the need for a broad tree protection ordinance.

David Maner, District Manager for Duke Power stated that Council Member Herzenberg and the Tree Protection Task Force faced the difficult tasks of catering to many different interests and opinions concerning the proposed tree protection ordinance. Mr. Maner requested that approval of the ordinance be held. Mr. Maner outlined specific concerns about sections of the ordinance, particularly those relating to landscaping standards. Mr. Maner asked whether annual permits would allow new construction work, such as line extensions and connection of circuits, not associated with new development. Mr. Maner said it would be unreasonable to require a permit for each project. Mr. Maner said he hoped that the Council took into account Duke Power's obligation to provide safe, reliable service at a reasonable cost. Mr. Maner expressed his appreciation for the opportunity to provide input concerning the ordinance.

Larry Touchstone, representing Duke Power, said that landscaping provisions play a critical role in the impact of the tree ordinance. Mr. Touchstone expressed his concern about the effect of landscaping standards on above and below ground electrical service. Mr. Touchstone stated that proposed underground utility regulations in the tree ordinance would prevent trenching in critical root zones, meaning that boring or hand digging would be necessary.

Mr. Touchstone stated that the use of boring is not cost-effective. Mr. Touchstone added that boring is an imprecise means for construction, since there is a lot of rock in the area which diverts boring equipment.

Mr. Touchstone stated that it would be possible to site several utilities in a very narrow strip, although this would not be a desirable situation. Mr. Touchstone stated the importance of having an area in which to operate safely. Mr. Touchstone said that costs of boring and hand-digging would ultimately be passed along to utility customers. Mr. Touchstone concluded his remarks by stating that citizens want reliable utility service. He stated that efforts should be made to balance tree and landscape protection with affordable utility service.

Mark Collins, Manager of Corporate and Community Affairs for Southern Bell, said his corporation supported the tree ordinance to protect aesthetic beauty, but had several concerns. Mr. Collins stated that these comments had been presented to the Council in a letter from Mr. Collins to Town Manager Taylor. Mr. Collins said that Southern Bell looks forward to working with the Tree Protection Task Force and Town residents in drafting a Tree Protection Ordinance.

Danny Stancil of Southern Bell noted that placement of telephone service to individual houses often requires making a bore, and thus a small pit is required. Mr. Stancil said that this type of

call is normally completed within one or two days. Mr. Stancil said that Southern Bell would favor a blanket permit to cover this type of situation. Mr. Stancil noted that up front coordinated utility planning is encouraged in new developments. Mr. Stancil added that he did not see the need for protective tree fencing in the case of small-scale projects. Mr. Stancil also said that he would like telephone outages to be treated as emergencies under the terms of Section 11.2.4. Mr. Stancil concluded his remarks by requesting that site permits on smaller jobs be available for inspection rather than conspicuously posted.

Randy Hauser, General Manager of Carolina Cable, said he supports the spirit and goals of the proposed ordinance. Mr. Hauser said he was confident that a workable solution could be found. Mr. Hauser stated that there is insufficient evidence of tree damage, adding that the cost of protection measures will ultimately be borne by subscribers. Mr. Hauser stated that boring is more expensive and less accurate than trenching. Mr. Hauser stressed the importance of maintaining safe distances between different types of utility lines. Mr. Hauser suggested that utilities be issued blanket permits on an annual basis. Mr. Hauser also inquired whether section 11.5.5 of the draft ordinance would preclude all work in the right-of-way.

Mr. Hauser suggested that section 11.6.4 could be clarified concerning tree and shrub roots under a property line.

James Haar, representing the Alliance of Neighborhoods, urged the Council to vote in favor of the proposed ordinance. He noted that the ordinance is presented in draft form, subject to revisions. Mr. Hodd said that some Town advisory boards are leaning toward more stringent standards, instead of favoring relaxation.

Gordon Mitchell, speaking as a homeowner and real estate broker, said that Council Member Herzenberg had done a good job of leading the Tree Protection Task Force. Mr. Mitchell said that trees and open space provide an aesthetically pleasing combination. Mr. Mitchell said that provisions of the Tree Protection Ordinance find the accused guilty until proven innocent. Mr. Mitchell proposed that quadrplexes also be exempt from tree protection requirements. Mr. Mitchell showed a map depicting sites having one, two, three or four apartments. Mr. Mitchell noted that the Town of Carrboro currently has a tree protection ordinance. Mr. Mitchell concluded his remarks by noting that some trees may be coming down too quickly, but current tree protection provisions in the development ordinance might address this situation.

Gary Bronson stated that half of the tree removals by his firm are necessitated by improper pruning and care or by construction activity.

Robert Joesting stated that the cost of tree protection in some developments might be quite high. Mr. Joesting suggested that the Council could ask the staff to calculate the cost of tree protection for the Tandler development. Mr. Joesting said that the public nuisance standards in section 11.4.9 might prove confusing to developers. Mr. Joesting added that the proposed fine of 150% of estimated tree costs is very reasonable. Mr. Joesting suggested that a fine of 150% of the value of trees plus trees to replace the ones damaged could also be the prescribed punishment. Mr. Joesting concluded his remarks by stating that the latest draft of the tree protection ordinance is fairer to the needs of developers than previous drafts.

Jack Gibson, a homeowner in the Colony Lake neighborhood, said there had been recent construction-related tree damage in his neighborhood. Mr. Gibson stated that some of this damage was depicted during the earlier videotape presentation. Mr. Gibson said that some current ordinance standards are not being met. Mr. Gibson expressed concern that the Town's Urban Forestry Officer, Adam Kuby, is currently overworked, and therefore unable to follow-up on development-related tree problems.

Barney Coop said that the critical root zone of a tree could comprise one to one and a half times the size of the tree itself. Mr. Coop said he understood the situation of utility providers, noting that boring is very dangerous and not very accurate. Mr. Coop said some compromises are needed in the tree protection ordinance. Mr. Coop stated that construction damage plays a major role in damage to trees. He added that weed killers also kill broad leaf plants or trees. Mr. Coop said that tree damage can take two to seven years to evidence itself.

Bob McGregor of ArborTech, said he likes the Town's standard of living and quality of life. Mr. McGregor said it is ridiculous to worry about additional costs of 1 to 1 1/2% for tree protection measures. Mr. McGregor said that the cost of protection now is little compared to costs later on. Mr. McGregor stated that it is very expensive to remove trees after they die. Mr. McGregor stated that boring is acceptable but impractical. Mr. McGregor said that some contractors do cause significant damage to trees.

Council Member Herzenberg inquired about the status of proposed landscaping standards. Adam Kuby responded that the Tree Protection Task Force had begun looking at standards last October. Mr. Kuby said that standards will require contractors and developers to have basic knowledge about pruning, tree placement and related matters. Mr. Kuby stated that the tree protection ordinance and standards will be developed independently. Mr. Kuby said that standards are currently being adapted to taken into account the special needs of utility installation.

Mayor Howes inquired whether landscaping standards had to be adopted by Council. Mr. Waldon said that they do not have to be, since this would be an administrative document. Mr. Waldon said that the standards do not have the same force of law as the tree protection ordinance. Mayor Howes said there appeared to be some policy embedded in the proposed tree standards. Mr. Waldon said that the main policies are contained in the ordinance not the standards.

Council Member Andresen requested a rough estimate of the total area effected by the proposed ordinance compared to the area not covered by the ordinance.

Council Member Preston inquired about the procedure for Council comments concerning the tree protection ordinance. Mayor Howes indicated that Council comments could be presented this evening. Council Member Preston said she would like to see draft landscaping standards prior to possible adoption of the tree protection ordinance. Council Member Preston expressed dissatisfaction with language concerning public nuisance provisions, noting that it appeared to go against current Town practices. Mr. Kuby said that the staff will evaluate this situation. Council Member Preston inquired whether the Town's Urban Forestry Officer would be available to consult with all those interested in tree protection. Town Manager Taylor said yes.

Council Member Werner suggested that joint utility planning in developing areas should be encouraged in the future, including coordinated trenching. Council Member Werner noted that several advisory boards had recommended that O&I-3 zoned areas not be exempted from tree protection standards. He added that adoption of the ordinance should not be slowed due to the non-resolution of this issue. Council Member Werner suggested that the University of North Carolina and Town foresters should meet to make similar sets of rules. Council Member Werner indicated that the University was willing to hold such a meeting.

Council Member Godschalk requested that Town Manager Taylor bring back policy alternatives and estimated costs for the proposed tree protection ordinance to the Council. Town Manager Taylor said this would be done.

Council Member Andresen noted that the Horace Williams area is a potential site for future development.

David Maner noted that Duke Power is negotiating with Southern Bell for joint utility trenching. He added that installation of some utilities are mutually exclusive. Mr. Maner encouraged the Council to consider the proposed tree protection ordinance in concert with proposed landscaping standards.

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

Mixed-Use Development Ordinance Text Amendment

Planning Director Roger Waldon said that this Development Ordinance Text Amendment provision would change mixed-use development criteria. Mr. Waldon noted that two areas of the Town, the two interchanges with Interstate 40 (U.S. 15-501 and N.C. 86) are currently zoned for mixed-use development.

Mr. Waldon noted that Town staff is currently examining a series of master plan applications effecting small property owners. Mr. Waldon stated that the proposed amendment would address smaller parcels in the context of the master planning process. Mr. Waldon said that the Manager's recommendation is to deny the application presented, allowing time for a more comprehensive review of the process.

Mr. Rudolph, the applicant, said he was not before the Council to debate whether the mixed-use ordinance needs to be amended.

Mr. Rudolph said there is a consensus that the amendment is a good idea, but staff feels such action is premature. Mr. Rudolph said he had begun the application process about one year ago, speaking to Ron Strom about the Chapel Hill North Master Plan application. Mr. Rudolph stated that Mr. Strom found there was an economic disincentive to include Mr. Rudolph's and his partners ten acres in the same application as the forty acres in the proposed Chapel Hill North project. Mr. Rudolph said that it is not currently possible to have a ten acre master plan approved. Mr. Rudolph said he has been holding together a group of property owners, interested in developing a master plan, for a period of about one year. Mr. Rudolph said that joint planning is preferable to individual tract development.

Council Member Preston inquired whether a twenty acre minimum is currently required for master plans. Mr. Rudolph said yes. Council Member Preston asked whether it would be possible that the smaller part of a large project could begin before the main project. Mr. Rudolph said this is possible but unlikely, if planning occurs in a compatible manner

Council Member Andresen inquired whether Mr. Rudolph saw the proposed amendment as a way to have guarantees. Mr. Rudolph said yes, noting that a master plan costs \$10,000 to \$15,000 to produce. He added that it is difficult to get three or four small property owners to spend that amount of money on a process with uncertain outcomes.

Council Member Werner requested that staff prepare a map showing other parcels which might be in the same situation as Mr. Rudolph

and his partners. Town Manager Taylor said such a map will be provided to the Council in the future.

Planning Board Chairperson Bruce Guild said that the Planning Board had voted 10-0 to recommend denial of the request. Mr. Guild said the Planning Board is concerned about how two master plans could be integrated compatibly, noting that this would be contrary to the original intent of the mixed-use ordinance.

Mr. Guild added that a petition in the Council's agenda materials was not available at the time the Planning Board considered this application. Mr. Guild said the Planning Board feels that the entire mixed-use section of the development ordinance deserves further examination.

Town Manager Taylor said he recommended denial of the request, but added that the concept of mixed-use zoning should be further explored.

Mr. Jack Gibson said he agreed with the staff recommendation.

Mr. Robert Joesting said that significant revisions need to be made to the mixed-use ordinance. Mr. Joesting said there is a need for a residential component in master planning. Council Member Godschalk said that Mr. Rudolph's plan would expand the scope of planned development. Council Member Godschalk added that he was not sure that Mr. Rudolph's application was either premature or a bad idea.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER THIS ITEM TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Fine Arts Institutions Development Ordinance Text Amendment

Planning Director Roger Waldon reviewed the two proposed ordinances before the Council on this matter. Mr. Waldon said that ordinance A is the applicant's proposal and ordinance B includes staff input in addition to the applicant's proposal. Mr. Waldon said that the land use being contemplated, a ballet or dance school, is not currently addressed in the development ordinance. Mr. Waldon noted that the closest similar designations are permitted to operate in commercially zoned areas only. Mr. Waldon noted that a ballet school is not a commercial use as defined in the present ordinance.

Mr. Waldon stated that ballet schools may currently operate in areas zoned Town Center, Commercial and Office Institutional. Mr. Waldon said that the applicant proposes that ballet schools be permitted to operate in R-5 and R-6 zones. Mr. Waldon noted that these uses are principally located along major thoroughfares. Mr. Waldon stated that the differences between proposed

ordinances A and B were outlined on page three of the summary memorandum presented to the Council.

Gretchen Vickery, ballet school operator and applicant, said she has operated her business for nine years in a shopping center. Ms. Vickery stated that a shopping center is not a good location for a dance school. Ms. Vickery said that her school serves as a nucleus for community arts programs and provides cultural enrichment. Ms. Vickery requested that the Council ease the burden of locating dance schools. Ms. Vickery said she was grateful to the Planning Board and Planning Department for improvements to her initial proposal. Ms. Vickery stated that it would be preferable to avoid the special use process in residential areas.

Planning Board Chairperson Bruce Guild said that the proposal was a good idea which was made better by staff modifications. Mr. Guild indicated that Planning Board voted 9-1 in favor of recommending resolution B to the Council.

Town Manager Taylor said he concurred with the Planning Board recommendation of resolution B.

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

Countryside Subdivision Streets

Town Engineer George Small said that residents of the Countryside subdivision had petitioned the Town in 1986 for street maintenance. Mr. Small noted that it is Town policy for private drives to be brought up to acceptable maintenance standards prior to Town acceptance. Mr. Small noted that residents are assessed for 100% of costs. Mr. Small stated that all but one property owner in the Countryside subdivision had signed the petition requesting street paving. Mr. Small said that if the Council authorized proceeding with the paving project, staff will work up actual assessment costs to individual property owners.

Mike Hining, 108 Country Road, said that one owner who had not signed the petition was being stubborn, but supported the paving project. Mr. Hining said he was appreciative that the Town is willing to take over roadway maintenance.

Walton Helsabeck, 104 Country Road, said that any consideration by the Council in this matter would be greatly appreciated.

Council Member Preston inquired whether the fact that one property owner had not signed the petition would cause any difficulties. Town Attorney Karpinos stated that a unanimous petition is not required in situations of this type. Mr. Karpinos stated that the draft resolution will address this situation. Council

Member Preston inquired whether the procedure was in line with State statutes. Mr. Karpinos said yes.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER THIS ITEM TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mat and Seal Improvements

Engineering Director George Small said that the mat and seal process helps to lessen dust and provides a longer period between roadway maintenance. Mr. Small stated that nine Town streets received mat and seal treatments last year. Mr. Small added that mat and seal projects require a certain scale to attract bids from contractors. Mr. Small stated that all five streets would be bid as one job to achieve such an economy of scale. Mr. Small reiterated that owners will be assessed at 100% of project costs. He added that owners may make one payment or three installments.

Coker Drive

No citizens indicated a desire to speak.

Evergreen Lane

Ralph Young said that Evergreen Lane is a one-lane road which is dusty and difficult in inclement weather. Mr. Young said that twenty property owners about the lane, fourteen of whom signed the mat and seal petition. Mr. Young expressed concern about bids being received in excess of \$4 per front foot. Mr. Young encouraged the Engineering Department to do all they can to keep costs down. Mr. Young encouraged the Council to move ahead with this project.

Ron Davis, 705 Gimghoul Road, spoke concerning Evergreen Lane and Glandon Drive. Mr. Davis expressed concern about dust rising from the current roadway base. Mr. Davis added that providing a mat and seal treatment might create a more inviting trafficway, encouraging greater speeds in his neighborhood. Mr. Davis stated that two new property owners had not signed the petition, since the two former property owners had previously signed the petition in good faith. Mr. Davis expressed concern about the installation of curb and gutter. Mr. Davis requested that residents have the opportunity to reconsider the mat and seal process.

Bernice Way said that nineteen out of twenty residents favor the petition for mat and seal treatment of Evergreen Lane.

Marilyn Pratt said she does not have a lot of problems with Evergreen Lane except for Sunday morning church traffic. Ms. Pratt said it would be advantageous to mat and seal Evergreen Lane.

Glandon Drive

Mr. Davis' comments, referring to Evergreen Lane and Glandon Drive, are noted above.

Mason Farm Place

No citizens expressed a desire to speak.

Hillcrest Circle

Richard Crider, 110 Hillcrest Circle, said he is in favor of mat and seal since it will help keep dust levels in check.

Council Member Preston inquired whether curb and gutter was planned for installation on any of the five streets. Mr. Small said no, noting that mat and seal treatments extend from ditch to ditch.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO REFER COMMENTS FROM THE FIVE SEPARATE HEARINGS TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting was adjourned at 10:40 p.m.