

MINUTES OF A WORK SESSION HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA,
MONDAY, OCTOBER 2, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Council Member Wallace was absent.

Also in attendance were: Town Manager David Taylor, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Public Safety Director Cal Horton, Planning Director Roger Waldon, Planning Coordinator Chris Berndt, Transportation Planner David Bonk and Town Attorney Ralph Karpinos.

Culbreth Park Housing Proposal

Mayor Howes stated that the Homeownership Challenge Fund had been recognized as the most outstanding program of its type in the nation by the Housing Trust Fund. Mayor Howes noted that the Town receives housing funding from this group (\$605,000 for Tandler and \$1.5 million for Culbreth Park).

Planning Director Roger Waldon stated that the Culbreth Park Housing proposal before the Council this evening had been included on previous Council agendas for discussion. Mr. Waldon noted that the intent of the project is to develop housing in the Town for low and moderate income families. Mr. Waldon stated that the purposes of the evening's discussion were three: to explain the proposal in greater depth; to outline staff proposals; and to permit a dialogue between the Council, applicant and staff.

Mr. Waldon stated that two decisions are needed: whether or not to proceed with the proposal and how much money will be allocated if the decision is made to proceed.

Mr. Waldon said that fifty-two dwelling units are proposed for Culbreth Park, of which twelve will be sold at market rate, ten as public housing units, and thirty as subsidized units. Mr. Waldon said that it is remarkable to look at the potential range of incomes in the Culbreth Park neighborhood. Mr. Waldon noted that the evening's discussion would focus on the thirty subsidized units.

Mr. Waldon noted that the Town is being asked to provide \$420,000 in second mortgage funds. Mr. Waldon noted that the Culbreth Park proposal was initiated by a private developer, rather than

Council Member Godschalk requested further clarification of the concept of "profit not taken". Mr. Waldon stated that there is a real monetary difference between the cost of getting the unit on the ground and its actual value. Council Member Godschalk inquired whether the Town would hold a second mortgage on profit not taken. Mr. Waldon said yes.

Ms. Berndt reviewed possible source of funds for the \$420,000 of second mortgage funds requested by the developers of Culbreth Park, including: monies from the local housing loan trust fund, Community Development Block Grant Funds, or funds from the Town's General Fund.

Mr. Waldon stated that additional detail concerning the project had been provided in the staff's memorandum to the Council. Mr. Waldon noted that Tina Vaughn, Housing and Community Development Director, and Judy Russell and Glenn Davis of her staff were available to answer any Council questions about Culbreth Park.

Mr. Waldon stated that if future discussions head in the direction of project adoption, staff will draft resolutions to express the Council's intent of Town participation in the Culbreth Park program.

Mayor Howes noted the presence of Peter Rumsey in the audience.

Adam Stein, a principal in the Culbreth Park proposal and President of Stein Development Corporation, introduced other principal project participants to the Council. Mr. Stein stated that one-third of all housing units currently constructed in West Germany are built by non-profit groups. Mr. Stein said he would be glad to respond to any questions by the Council. Mr. Stein said he was proud of the hard work and efforts to date by the Council, Town staff and Mr. Woods in considering the Culbreth Park subdivision.

Mr. Woods showed a site plan depicting the mix of housing units. Mr. Woods noted that special efforts were being made to make duplexes look like single family homes.

Mr. Woods said that the chairperson of the Planning Board recently said that Culbreth Park was the best subdivision cluster plan recently presented to that board. Mr. Woods said that Culbreth Development has worked hard to identify funding sources to reduce the Town's financial involvement. Mr. Woods said that low income families, and ultimately, very low income families, will occupy the homes in Culbreth Park subdivision.

Mayor Howes requested further clarification of the concept of profit not taken. Mr. Woods said that a 1100 square foot home with a market value of \$110,000 can be constructed for \$95,000. Mr. Woods said that this \$15,000 difference serves as the first part of the second mortgage. Mr. Woods said that 28% of the

Mayor Howes said that the Town as buyer and seller of property would be a unique role. Mayor Howes inquired whether a non-profit group might serve in an administrative role. Mr. Woods said that Culbreth Development Corporation hopes that an agreement would permit administration to be turned over to a non-profit corporation in the future.

Mayor Pro Tem Pasquini said he had many questions concerning the Culbreth Park subdivision proposal. Mayor Pro Tem Pasquini inquired whether the guaranteed rate of return will be the same for two comparable housing units. Mr. Woods said yes. Mayor Pro Tem Pasquini inquired how profits from home improvements will be distributed to sellers. Ms. McGee said that such profits will be returned to the homeowner in total, rather than a 50/50 equity split. Ms. McGee said that significant improvements will be discouraged, since this will get away from the purpose of the program.

Mr. Woods said that siding on Culbreth Park homes will last for approximately one hundred years, well above State building code standards. Mr. Woods added that staining, roofing, carpeting and interior painting will all be needed in the near term.

Mayor Pro Tem Pasquini inquired whether the market rate houses had been appraised. Mr. Woods said the homes had been appraised at \$123,000. He added the importance of selling these homes at \$125,000 each to generate necessary initial cash flows.

Mayor Pro Tem Pasquini inquired whether the buyer requirements for Tandler had been evaluated. Mr. Waldon said that housing eligibility requirements for Tandler will be applied heavily to Culbreth Park. Ms. McGee concurred that similar provisions from the Tandler program will be emulated. Mr. Woods said that Tandler served as a role model for the Culbreth Park proposal.

Council Member Godschalk said he was impressed with the work done by Culbreth Park Development Corporation and Town staff on the proposal to date. Council Member Godschalk requested clarification of the concept of profit not taken as applied to second mortgages. Ms. McGee said that profit not taken is not anyone's profit, but is applied to project expenses.

Town Manager Taylor stated that market rate houses will likely be built first, to generate a project cash flow. Mr. Woods said that every unit not constructed as a subsidized unit is a lost opportunity.

Council Member Godschalk inquired whether Culbreth Park Development Corporation is concerned about the marketing of the twelve market rate units. Mr. Woods said that Culbreth Park Development Corporation will have \$2 1/4 million at risk immediately. He added that any resulting cash shortages will be out of private funds.

Mayor Howes said that the Town's level of involvement needs to be determined. Mayor Howes expressed appreciation for Council Member Wilkerson's remarks. Mayor Howes noted that important new housing initiatives are being proposed.

Council Member Wilkerson noted that the Town's fiscal contribution for Culbreth Park would be less than that expended for Tandler.

Mayor Howes said that based on Council discussion this evening, staff should continue to work with Culbreth Park Development Corporation in the development of Culbreth Park subdivision. Mayor Howes stated that any recommended programs resulting from these discussions should be circulated to the Council before scheduling them for final Council action. Town Manager Taylor said he would present an item for Council consideration on October 23rd or November 10th.

Mayor Pro Tem Pasquini requested that the recommendation include a comparison of Tandler to the proposed Culbreth Park project. Mayor Pro Tem Pasquini inquired about the status of the Tandler Homeownership report. Mr. Waldon responded that the demand report will be completed by late October, while the supply report will be provided at a later time. Town Manager Taylor stated that a comparative analysis of Tandler and Culbreth Park could be provided separately.

Council Member Andresen inquired whether the Planning Department is doing a Tandler study. Mr. Taylor said no.

Council Member Preston expressed congratulations to Mr. & Mrs. Stein, Mr. Woods, and other members of the Culbreth Park Development Corporation for their efforts to date.

Level of Service Discussion

Council Member Preston noted that the Council had made earlier decisions to have service level D as the lowest tolerable level for traffic in the Town. Town Manager Taylor said this was correct. He added that if the Council did not wish to maintain this policy, staff could outline tradeoffs from changing the policy.

Planning Director Roger Waldon stated that Transportation Planner David Bonk and Town Engineer George Small were available to answer any Council questions. Mr. Waldon stated that two Council policy decisions had been made in the last five to six years to have a minimum level of service D.

David Bonk said he would principally be addressing capacity questions this evening. Mr. Bonk stated that capacities of roadways and intersections are directly tied to overall service levels. Mr. Bonk said that if the Council desired a higher Town-wide service level, road widening and improvements might be needed.

intersection improvements. Council Member Werner noted that efforts to create and apply an "Adequate Public Facilities Ordinance" had been unsuccessful to date. Council Member Godschalk said such an effort had been made with the Gateway Master Plan application.

Planning Director Roger Waldon stated that a long-term approach is needed. Mr. Waldon said that staff could pay special attention to newly developing areas and use this approach in small area development plans.

Council Member Godschalk said that as more roads reach and surpass service level D, the less happy residents will be with their quality of life.

Council Member Andresen inquired about the status of traffic signal improvements. Town Manager Taylor responded that the Town has been trying to get the State Department of Transportation to approve a traffic signal system for Chapel Hill-Carrboro for about three years. Mr. Taylor noted that the Department of Transportation paid for the initial study. Mayor Howes noted that this effort could be continued in concert with the thoroughfare planning process.

Town Manager Taylor said it would be possible for staff to contrast service level "C" with level "D" in future small area plan reports to the Council.

Council Member Godschalk requested that staff investigate current service levels on key Town thoroughfares. Mr. Taylor said this would be done for NC 86, East Franklin Street, Estes Drive and other key roadways.

The work session stood adjourned.

Petitions

C.J. Coates, a local businessman, said he had encountered problems with storm drainage at 304 West Franklin, during site development work. Mr. Coates said that storm drainage pipes on the site were undersized, requiring replacement. Mr. Coates said that the Town would have had to replace the pipes in the near future. Noting that 20% of his total project cost was for the replacement of storm sewer pipe, Mr. Coates requested Town reimbursement for his outlays for storm drainage.

Council Member Wilkerson inquired when this item could be back before the Council. Town Manager Taylor said either October 23 or November 13.

Council Member Wallace inquired how much Mr. Coates had expended to date on storm drainage. Mr. Coates said approximately \$23,000 to date.

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

Matthew Widen stated that a crosswalk across Airport Road to Town Hall was needed. Mayor Howes said he was sympathetic to this suggestion.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO THE TOWN MANAGER FOR A STAFF REPORT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Carolyn Squires, 211 Pritchard Avenue, asked to address the Council concerning the Noise Ordinance. Ms. Squires said she represented the concerns of residents of Pritchard Avenue and Short Street. Ms. Squires noted that her neighborhood group had met with Public Safety Director Cal Horton on October 8th to discuss noise ordinance concerns.

Ms. Squires stated that there had been three recent noise-related incidents in her neighborhood. Ms. Squires suggested that the Council make several changes to the Noise Ordinance including: banning noise permits in residential neighborhoods (excluding sororities and fraternities); reducing the maximum permissible decibel level from 75 to 50 decibels; and prohibiting the performance of live bands after 9:00 p.m. Ms. Squires said that if the first two suggestions were not feasible, all residents within three hundred yards of a proposed party should be required to sign a release.

Ms. Squires expressed concern that some parties in the Short Street/Pritchard Avenue area last until 5 or 6 a.m. the following morning. Ms. Squires requested that the Police Department be given additional regulations to control disturbances of the

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

Council Member Werner asked when the Millwood Court drainage matter would return to the Council. Town Manager Taylor said a report would be presented on October 23.

Council Member Godschalk said that he and Council Member Andresen were continuing work with the Watershed Task Force. Council Member Godschalk noted that the Task Force will complete its recommendations in the near future. Council Member Godschalk requested feedback on how the Council would like to consider the Task Force report. Mayor Howes inquired whether it would be possible to place this item on the October 23rd Council agenda. Town Manager Taylor said yes. Town Manager Taylor suggested that the item could be considered as a report, with a follow-up work session, if deemed necessary by the Council. Council Member Andresen stated that a report would be furnished to the Council following the Watershed Task Force meeting on October 12th. Council Member Godschalk stated that negotiations and work on Task Force recommendations were proceeding well.

Mayor Howes stated that candidates for the Chapel Hill Town Council will appear on a candidate forum to be cablecast by Carolina Cable on Thursday, October 26th at 7:30 p.m. in the Municipal Building Meeting Room. Mayor Howes added that a phone-in forum for School Board candidates will be held on October 19th. Mayor Howes also noted that the League of Women Voters will hold a discussion on watershed protection on Wednesday, October 11th at 7:30 p.m. at Phillips Junior High School on Estes Drive.

Approval of Minutes of September 12, 18 and 25, 1989

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF SEPTEMBER 12, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT THE MINUTES OF SEPTEMBER 18, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT THE MINUTES OF SEPTEMBER 25, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Joint Planning Agreement

Planning Director Roger Waldon said that the resolutions before the Council would accomplish two desirable outcomes: water and sewer extensions into the rural buffer would be prohibited and policies of local governments would be clarified.

The extension of public water and sewer lines through the Rural Buffer portion of the Joint Planning Area is permitted, provided the extensions are necessary to serve an essential public facility, such as a school, or to remedy a public health emergency not otherwise correctable, such as a failing septic tank or failing package treatment plant. In either case, the facility or site to be served may not be located in the Rural Buffer and no connections to lines so extended are permitted within the Rural Buffer. The extension of public water and sewer lines into or through the Rural Buffer for other purposes is prohibited.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Mayor to execute an amendment to the Joint Planning Agreement on behalf of the Town of Chapel Hill incorporating this addition.

This the 10th day of October, 1989.

Mr. Waldon stated that adoption of resolution 1.2 would clarify that if water and sewer service is extended, it will not serve development in the rural buffer.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 1.2. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION COMMENTING ON A PROPOSED AMENDMENT TO THE ORANGE COUNTY WATER AND SEWER POLICY (89-10-10/R-1.2)

WHEREAS, Orange County proposes the following amendment to its adopted Water and Sewer Policy:

PROPOSED AMENDMENT TO ORANGE COUNTY WATER AND SEWER POLICY

(Proposed changes to the Water and Sewer Policy are underlined)

GOAL 3 - DEVELOPMENT PATTERNS

B. Service Capability/Capacity/Extension Policies

3. Outside of Transition Areas, extensions of water or sewer systems will only occur to provide service to an essential public facility, such as a school, or to remedy a public health emergency not otherwise correctable, such as a failing septic tank or failing package treatment plant. The extension of public water and sewer lines through the Rural Buffer may occur, but, in either case, the facility or site to be served may not be located in the Rural Buffer. The extension of public water and sewer lines into or through the Rural Buffer for other purposes is prohibited.

WHEREAS, the request is consistent with and promotes the purposes of the Joint Planning Area Land Use Plan, adopted by the Chapel Hill Town Council, the Carrboro Board of Aldermen, and the Orange County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County Board of Commissioners approve the request.

This the 10th day of October, 1989.

Fine Arts Development Ordinance Text Amendment

Mr. Waldon stated that comments on this text amendment had been heard by the Council at the September 18th public hearing. Mr. Waldon noted that the amendment would create a new use, Fine Arts Educational Institution. Mr. Waldon said that if such facilities are permitted in R-5 or R-6 zoned areas, special use permits will be required. Mr. Waldon stated that staff recommends adoption of resolution B, approving the development ordinance text amendment.

Council Member Werner inquired why references to performance and exhibits had been added to the ordinance. Mr. Waldon stated that the staff was being as precise and complete as possible. Council Member Werner inquired whether admission fees could be charged. Mr. Waldon said there was nothing in the ordinance language to prohibit admission charges.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT ORDINANCE 2B. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (89-10-10/O-2)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Chapel Hill Development Ordinance to allow a Fine Arts Educational Institution in particular zoning districts with specific restrictions, and finds that the amendment is appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and achieves the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED that the Chapel Hill Development Ordinance shall be amended as follows:

SECTION I

INSERT a new Subsection 2.45.1, to read as follows:

Triangle J Land Use Resolution

Planning Director Roger Waldon said that a resolution was before the Council calling for each jurisdiction in the Triangle J Council of Governments region to analyze their growth policies and participate in a regional database. Mr. Waldon noted that the Council was not being asked to adopt Triangle J guidelines.

Council Member Andresen inquired how much staff time would be needed to collect data. Mr. Waldon said this would not be a major time commitment, since building permit and development application information is currently tabulated.

Mr. Waldon added that it would take a few months to implement the use of common land use classifications. He noted that this would not involve a significant amount of staff work.

Council Member Godschalk said there was great value in allowing all jurisdictions in the region to use the same land use language. Council Member Godschalk noted the importance of this relative to maintaining regional census data.

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

A RESOLUTION SUPPORTING REGIONAL LAND USE PLANNING EFFORTS
(89-10-10/R-4)

WHEREAS, the Triangle J Council of Governments has presented a report entitled "Triangle J Council of Governments, Land Use Guidelines," containing certain information and findings; and

WHEREAS, the Council of the Town of Chapel Hill recognizes that the increasingly urbanized and complex nature of the Region requires regional cooperation in order to preserve and protect those qualities that make the Triangle J Region a unique and desirable place to live;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that we pledge the following efforts:

1. assemble those documents which set forth our current policies related to growth (direction, intensity and pace), housing, critical environmental and natural areas, infrastructure, open space and economic development, analyze and summarize the documents, and provide the summary to the Triangle J Council of Governments,
2. an analysis of the local implications of implementing the recommending in the TJCOG report,

Waldon noted that the latter could involve modifications to landscaping and setbacks.

Todd Zaploski said his firm had acquired the Asheton Hill property approximately one and a half years ago. He added that his firm had also developed Windover Apartments. Mr. Zaploski stated that the density of the Asheton Hills project had been reduced, but the same building footprints would be used as building sites. Mr. Zaploski said that some units would be lost if setback and buffer requirements were increased. Mr. Zaploski stated that the market has steadily declined for condominium projects.

Council Member Andresen inquired whether the pond would remain on the site. Mr. Zaploski said yes. He noted that additional efforts to improve the site would be made as the local market improves. Mr. Waldon noted that setbacks vary between twenty-seven and fifty-two feet, allowing some room for landscaping and buffering. Council Member Andresen inquired about the present setback standard. Mr. Waldon said fifty feet.

Council Member Godschalk stated that newer units have a variation in angle to Erwin Road, giving a less linear look.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 5A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING A REQUEST FOR AN EXTENSION OF THE COMPLETION TIME LIMIT FOR ASHETON HILL (FORMERLY MCGREGOR PLACE AND FORMERLY THE HIGHLANDS) (89-10-10/R-5a)

WHEREAS, the Council of the Town of Chapel Hill has considered the application of McGregor Glen Development Group, to extend the completion time limit of the Special Use Permit for Asheton Hill for twelve (12) months;

WHEREAS, the Council finds that the permit holder submitted the request within sixty (60) days of the completion date, the permit holder has proceeded with due diligence and good faith, and conditions have not changed so substantially as to warrant Council reconsideration of the approved development;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the completion time limit is hereby modified. The new completion time limit is August 17, 1990.

This the 10th day of October, 1989.

Mr. Feller noted that the Town of Carrboro has asked to be informed of matters pertaining to airport operations. Mr. Feller added that both Chapel Hill and Carrboro were requesting annual operation reports from the airport.

Town Manager Taylor noted that the Town and University would continue to strive to enhance safety at the airport. Town Manager Taylor stated that the University has pledged to continue its dialogue with the Town about airport operations. Town Manager Taylor expressed his appreciation to Chancellor Hardin for the University's willingness to work with Town officials on this situation. Town Manager Taylor said adoption of resolution 6 was recommended to the Council.

Council Member Andresen expressed appreciation for the University's willingness to meet with Town officials concerning the status of the airport facility. Council Member Andresen proposed that two changes be made to resolution 6a prior to adoption by the Council. Town Manager Taylor concurred with Council Member Andresen's amendments to resolution 6a.

Council Member Werner requested further information concerning the term "private" facility. Town Manager Taylor stated that aviators could not use the facility without permission, except in case of emergency. Town Manager Taylor said that transient aircraft would not be permitted to land at a private facility. Council Member Werner inquired what would happen when aircraft are diverted, noting that he did not want to generate a situation where pilots would have to land on area roadways. Town Manager Taylor noted that planes directed to land at Horace Williams by personnel at Raleigh-Durham air control will be permitted to do so.

Council Member Wilkerson stated that the individual killed in the recent air crash near Horace Williams had not been directed to land at Horace Williams by RDU personnel.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 6A, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CONCERNING THE NEED TO MINIMIZE SAFETY RISKS ASSOCIATED WITH HORACE WILLIAMS AIRPORT (89-10-10/R-6a)

WHEREAS, the location of and aircraft operations associated with Horace Williams Airport have been of concern to the Town for many years; and

WHEREAS, the Chancellor and other representatives of the University of North Carolina at Chapel Hill have participated in several discussions with representatives of the Council and with interested citizens; and

around the airport, including limits on types and levels of activity such as those identified in the Chancellor's letters of August 4 and 31, 1989.

- * Planned or potential measures to further increase safety and/or reduce activity levels, and the University's plans in general for the Airport.

The Council requests the opportunity for the Town and other interested parties to receive information on proposed procedural changes and to offer comments.

- * An assessment of the effectiveness of previous changes in the regulation of Airport-related activities.
4. The Council requests the University to continue to enhance the safety of air operations associated with the Airport, with the goal of making safety improvements whenever practical.
 5. The Council affirms its desire that air operations at Horace Williams Airport, other than those for public purposes, be carefully limited until they are relocated.
 6. The Council welcomes and requests the opportunity from time to time to have discussions among representatives of the University, the Town, and other interested entities including community organizations, in the spirit of cooperation and good faith efforts to address matters of interest to the University.

BE IT FURTHER RESOLVED that the Council expresses its appreciation to Chancellor Hardin and the University administration for their diligent work to respond to concerns of citizens, to better control activities at the Airport and to make the Airport operations safer.

This the 10th day of October, 1989.

Mayor Howes noted that the University had been forthcoming in its willingness to discuss airport operations with Town officials and citizens. Council Member Wilkerson stated that the airport issue is a highly emotional one. Council Member Wilkerson said that Orange County Commissioners should be working on relocating the facility to a site in the County.

Coventry Townhomes

Public Works Director Bruce Heflin stated that the memorandum before the Council this evening recounted the history of refuse collection at Coventry Townhomes. Mr. Heflin noted that Mr.

Council Member Andresen noted that if residents post "no soliciting" signs on their property, they will theoretically have no interruptions from solicitors. Mr. Feller said this was correct, noting that signs of up to two square feet could be posted in conformity with sign regulations. Council Member Andresen said it was unfortunate that a broader solution could not be implemented. Mr. Feller said that State Law precluded other approaches such as banning nighttime peddling.

Council Member Godschalk inquired why "no trespassing" signs could not be used by individual property owners.

Mayor Howes inquired about the pleasure of the Council in this matter. Council Member Werner noted that Mr. Kessler concerns were about solicitations after dark. Town Attorney Karpinos acknowledged that this was correct, adding that the enforcement of specific solicitation hours was not recommended due to previous court rulings. Council Member Werner said that he did not want to see a spate of no soliciting or no trespassing signs on properties throughout Town.

Mayor Howes said it appeared that the Council did not wish to take action on this item at this time.

THE COUNCIL TOOK NO ACTION ON THIS MATTER.

NC 86 Speed Limit

Town Engineer George Small noted that Mayor Pro Tem Pasquini had recently requested an investigation of speed limits along NC 86. Mr. Small stated that this request had been approached in a manner similar to Estes Drive Extension. Mr. Small said that the observed 85% percentile speed limit along NC 86 was 42 MPH. He added that a 45 MPH speed limit would not be appropriate given this outcome. Mr. Small noted that the speed limit along NC 86 had been discussed with North Carolina Department of Transportation officials.

Mr. Small stated that NC 86 narrows north of Homestead Road, with rear-end accidents being quite common in this area. Mr. Small noted that an inadequate number of lanes contributed to these accidents, but reducing the speed limit might also reduce the incidence of accidents. Mr. Small suggested that it would be a good idea to implement a consistent speed limit along NC 86 from Rosemary Street to Weaver Dairy Road.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT ORDINANCE 5. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Wilkerson stated that passing the ordinance was a good idea, but needed to be supplemented by vigorous enforcement of posted speed limits. Council Member Werner said it was his observation that the Town was doing a good job of enforcing reduced speed limits.

Mayor Pro Tem Pasquini asked when the new speed limit signs would be posted. Mr. Small indicated that most signs are posted within thirty days. Mr. Small added that Town staff will meet with North Carolina Department of Transportation officials this week to discuss the widening of NC 86 near Stateside Drive.

Tandler Homeownership Program

Town Manager Taylor noted that there had been twenty seven closings to date, with three units still to be sold.

Compensation of Manager and Attorney

Mayor Howes stated that the Council reviews the performance of the Town Manager and Town Attorney on an annual basis. Mayor Howes noted that this year's review process had been coordinated by Council Member Godschalk. Mayor Howes added that the Council had met with Town Manager Taylor and Town Attorney Karpinos to discuss their individual performances.

Mayor Howes stated that the Town has outstanding employees in Mr. Taylor and Mr. Karpinos. Mayor Howes noted that areas of improvement had also been discussed during the reviews of the Manager and Attorney.

Mayor Howes stated that the Town Manager and Town Attorney have provided excellent service to the Council and community during the past year. Mayor Howes said that 6% adjustments to the Manager and Attorney's salaries are recommended, to respective levels of \$89,570 and \$63,600.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT ORDINANCE 6. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (89-10-10/0-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials Beginning October 1, 1989" (89-5-22/0-4) as follows:

Mat and Seal Street Improvements

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON COKER LANE (89-10-10/R- 8.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Coker Lane with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON EVERGREEN LANE (89-10-10/R-8.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Evergreen Lane with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON MASON FARM PLACE (89-10-10/R-8.4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Mason Farm Place with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, at an equal share per lot basis.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON HILLCREST CIRCLE (89-10-10/R-8.5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Hillcrest Circle with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 8%, the first of which would be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

Bridge Inspection Agreement

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION (89-10-10/R-10)

WHEREAS, the Town of Chapel Hill has requested the Department of Transportation to perform certain work under the Federal Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a consulting engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80%) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the Town of Chapel Hill shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the Council and the Manager of this Municipality is hereby empowered to sign and execute the required agreement between the Town of Chapel Hill and the Department of Transportation.

This the 10th day of October, 1989.

Bus Bids

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF FOURTEEN (14) THIRTY-FIVE FOOT ADVANCED DESIGN TRANSIT COACHES (89-10-10/R-12)

WHEREAS, the Council of the Town of Chapel Hill has solicited formal bids by legal notice on July 18, 1989 in accordance with G.S. 143-129 for the purchase of fourteen (14) thirty-five foot advanced design transit coaches; and

WHEREAS, in accordance with the specifications, life cycle costs, performance standardization values have been added to the total price bid; and

WHEREAS, the following bids have been received and opened on September 28, 1989:

<u>Item</u>	<u>Transportation Mfg. Corporation</u>		<u>Neoplan Corporation</u>	
	<u>Unit Price</u>	<u>Total</u>	<u>Unit Price</u>	<u>Total</u>
Fourteen Advanced Design Transit Coaches	\$167,523	\$2,345,322	\$170,710	\$2,389,940
Delivery	<u>1,448</u>	<u>20,272</u>	<u>1,450</u>	<u>20,300</u>
TOTAL*		<u>\$2,365,594</u>		<u>\$2,410,240</u>

*These amounts represent the actual dollar amount that would be subject to award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that a contract for the purchase of fourteen (14) thirty-five foot advanced design transit coaches, in the amount of \$2,365,594 be awarded to the low bidder, Transportation Manufacturing Corporation.

This the 10th day of October, 1989.

Marilyn Lane Improvements

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENTS ON MARILYN LANE (89-10-10/R-13)

WHEREAS, total project costs have been compiled for improvements on Marilyn Lane; and

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Conner Dr.	Both	The center of Willow Dr.	A point 240 feet west of the center of Willow Dr.

SECTION II

This ordinance shall be effective on Monday, November 6, 1989.

SECTION III

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

This the 10th day of October, 1989.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADJOURN THE REGULAR MEETING INTO EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The regular meeting stood adjourned at 9:52 p.m.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN FROM EXECUTIVE SESSION.