

MINUTES OF A MEETING HELD BY THE MAYOR AND COUNCIL OF THE TOWN OF
CHAPEL HILL, MONDAY, JANUARY 28, 1991 AT 7:00 P.M.

Mayor Pro Tem Preston called the meeting to order, noting that she would preside at this evening's meeting, due to the illness of Mayor Howes.

Council Members in attendance were Julie Andresen, Joyce Brown, Joe Herzenberg, Alan Rimer, James C. Wallace, Arthur Werner and Roosevelt Wilkerson, Jr. Also in attendance were Assistant to the Mayor Lisa Price, Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Planning Director Roger Waldon, Assistant to the Attorney Richard Sharpless and Town Attorney Ralph Karpinos.

Continuation of Chapel Hill North Public Hearing

Council Member Rimer suggested that concerns related to the Town's sign standards be referred back to the staff for further research and recommendations. He also suggested that the staff draft a condition of approval requiring double-wall fuel tanks and active tank monitoring for any service stations at Chapel Hill North. Council Member Rimer also requested that the staff continue to work on developing stormwater runoff alternatives for the project. He inquired why interior buffer requirements were so stringent. Mr. Waldon reviewed the buffering requirements, noting that the more stringent standards had been recommended due to concerns of adjoining property owners. Council Member Rimer noted that some concern had been expressed about the proposed number of parking spaces. He suggested that ten or twenty percent of the spaces be composed of porous pavers (Turfstone).

Council Member Herzenberg stated that signage for the proposed theater on the site was of special concern. He said that he had been very taken by the Transportation's recommendation to the Council concerning Chapel Hill North. Council Member Herzenberg requested that the Town staff reexamine anticipated levels of service at NC 86 and Weaver Dairy and Eubanks Roads.

Council Member Andresen suggested that the proposal not be approved until all transportation issues were resolved. She suggested that the Town perform its own traffic study for Chapel Hill North. Council Member Andresen stressed the need to make Chapel Hill North a special place which would meet the needs of all, especially pedestrians. She suggested that lighting other than cobra head street lights be used, so that lights from the property did not pose nuisances for adjoining properties. Council Member Andresen said it was worrisome that underground gasoline storage tanks could possibly be sited next to drinking water wells.

Council Member Wilkerson requested that materials submitted by Northwoods residents earlier in the day be entered into the record of the hearing. Mayor Pro Tem Preston concurred with the request.

Council Member Brown expressed concern about the advisability of constructing major retail and commercial projects during trying economic times. She also expressed concern that the large number of proposed parking spaces on the site would prove detrimental to the use of mass transportation. Council Member Brown requested additional information concerning a possible traffic reduction plan and the status of the Chapel Hill North park and ride lot. Council Member Brown also inquired about the source and accuracy of the estimated \$500,000 of estimated additional tax revenue for the project.

Council Member Wallace noted that the developer, Town staff and adjoining property owners had been involved with the project proposal for a long time. He noted that many questions concerning the proposal remained unresolved. Council Member Wallace expressed special concern about the possible inclusion of a gas station in the project. He added his concern about the possible siting of parking under high intensity electrical lines.

Council Member Andresen suggested that signage concerns be considered separately from the pending development application. Council Member Rimer noted the need to address movie theater and ground signage matters in the near future. Council Member Andresen inquired when the Chapel Hill North proposal could be brought back to the Council for future consideration. Mr. Horton responded that the proposal could be brought back in March. He suggested that the matter of signage standards be referred to the staff for separate consideration.

Mayor Pro Tem Preston said she was generally a proponent of the project. She expressed confidence that the project could be one of high quality. Mayor Pro Tem Preston said she had a number of concerns about the need for traffic signals and the possible relocation of entrances to the Northwood subdivision. She suggested that the staff address the Transportation Board's concerns in its follow-up report and recommendation to the Council. Council Member Brown requested that the staff address the need for air quality monitoring in its follow-up report.

Mayor Pro Tem Preston requested the applicant's statement regarding proposed conditions of approval. Mr. Strom said it was difficult to make such a statement, prior to the Council's decision concerning possible modification of sign standards. Mr. Strom said he would be able to make a better statement once modifications to the sign ordinance were adopted. Mr. Strom said he had reached tentative agreement with Perkins Drive property owners concerning access to the site from Weaver Dairy Road. He added that right-of-way for Perkins Road could be dedicated, if necessary. He noted that only one sidewalk, not two, as outlined in condition number nine, would be needed on the west side of Perkins Drive.

Mr. Strom added that he would be unable to meet proposed condition of approval number eighteen. Mr. Strom suggested that "no trucks" be inserted in condition nineteen, if needed, instead of "impossible".

Mr. Strom said he was unable to accept the proposed deletion of some parking spaces outlined in condition number twenty-four. Mr. Strom requested clarification of proposed condition number twenty-seven.

Council Member Werner inquired about the possible timeframe for a sign ordinance text amendment. Mr. Horton said that these recommendations could be developed by March, but no sooner than the Council's February 25th meeting. Mayor Pro Tem Preston noted that this timeframe would delay the Council's consideration of the Chapel Hill North development proposal. Council Member Werner noted that signage was not the most pressing issue in the application. He inquired whether Council Member Rimer was willing to withdraw his earlier request for separate consideration of sign regulations. Council Member Rimer said yes, noting that he had a number of questions to raise about possible changes to existing sign standards.

Council Member Andresen said it would take a considerable amount of time for the staff to respond to the Council's questions this evening. She suggested that the Council vote on the Chapel Hill North project once any needed changes to the sign ordinance were adopted. Mr. Horton noted that any new sign regulations would apply to the Chapel Hill North development, since no applications for signs had been made to date. Council Member Wallace said that Mr. Strom appeared to desire resolution of sign standards prior to Council consideration of his special use permit application.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO RECESS THE HEARING TO MARCH 4TH. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER RIMER MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO REFER THE MATTER TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Regular Meeting of January 28, 1991

Ceremonies

Mayor Pro Tem Preston recognized retiring Public Works employee Robert Farrar. She noted that Mr. Farrar had given over twenty-seven years of devotion and patience to his position with the Town. Public Works Director Bruce Heflin said that Mr. Farrar had been involved in a variety of capacities in the Streets Division, and had handled his responsibilities very well.

Mayor Pro Tem Preston recognized retiring Fire Department employee Samuel Price. Mayor Pro Tem Preston stated that Mr. Price had given over twenty-one years of dedicated service to the department and residents of the Town. Fire Chief Dan Jones said that Mr. Price was highly respected by his peers for a job well done.

Petitions

Roland Giduz urged the Council to approve agenda item 14d concerning local government revenue sources. Mr. Giduz noted that in his letter of December 27th, he had urged the Council to initiate the study of an entertainment tax. He said that the State Assembly's bill deadline was rapidly approaching. Mr. Giduz stated that the Council generally supported the concept of an entertainment tax, but University officials still appeared opposed to the idea.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO RECEIVE AND REFER THE PETITION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Pro Tem Preston noted that there had been a great deal of media coverage concerning the Orange County Greens petition concerning the provision of sanctuary. She noted that this evening's meeting was not intended to serve as a public hearing on this matter. Council Member Preston stated that the Council's procedures provided for six minutes of speakers on each petition subject. Council Member Wilkerson inquired whether each side would receive three minutes. Council Member Preston said this was correct. Council Member Brown said she had understood the procedure to provide for six minutes of discussion by each side. Dan Coleman, representing Orange County Greens, said supporters of the petition would need a total of six minutes for two presentations. Mayor Pro Tem Preston suggested that each side have an equal number of speakers.

Mr. Coleman read the following proposed resolution language into the record:

Whereas, Chapel Hill has for many years been in the forefront of the call for social justice and peace.

Whereas, Chapel Hill has a long tradition of citizens taking courageous stands to attain great social and political goals.

Whereas, the reliance of democracy on the moral force of its citizenry is nowhere more critical than in matters of war and peace.

And whereas, we recently honored the birthday of Martin Luther King, Jr., whose commitment to non-violent civil disobedience as a tool for change was equalled only by his great moral vision.

Therefore, be it resolved, that we, the Town Council of Chapel Hill, North Carolina, do declare our town to be a sanctuary for those persons who wish to decline to serve in the U.S. Military or any other military or related service for reasons of moral conscience, for war-tax resisters, and for those engaging in non-violent civil disobedience in opposition to war. We further declare that the obligation of city employees to cooperate with federal and state employees in the apprehension or persecution of these dissenters rests solely with their individual consciences.

Mr. Coleman noted that Reverend Buddy Olney had received a call earlier in the day from a reservist in Raleigh, interested in investigating the possibility of becoming a conscientious objector. Reverend Olney said that the matter before the Council was a difficult question with deep feeling. Reverend Olney said that the time to debate the rightness or wrongness of the war in the gulf had long since passed. He expressed his opposition to the war, noting that the Community Church had agreed to serve as a sanctuary for individuals not wanting to kill or be killed in a war. Reverend Olney urged the Council to adopt the proposed resolution presented earlier by Mr. Coleman.

Joe Elinoff expressed his opposition to the proposed resolution. Mr. Elinoff said it would be disastrous for the United States and world to allow Saddam Hussein to have major control over the world's oil production. He stated that the United States' essential role was to prevent Iraq's development of nuclear and chemical weapons. Mr. Elinoff said that the proposed resolution was unconstitutional and unenforceable. Mr. Elinoff read the a letter to the Council into the record of the hearing. A copy of Mr. Elinoff's letter is on file in the Town Clerk's Office.

Philip Sullivan, 101 Dunbar Drive, said that there were adequate existing legal aids for persons desiring conscientious objector status. Mr. Sullivan stated that there was no need for the Town to provide sanctuary. He said that adoption of a sanctuary resolution would create significant adverse publicity for the Town.

Phil Thomas said he supported individuals' right to speech and the rights of persons desiring conscientious objector status. Mr. Thomas noted that his son had been killed while serving in the Persian Gulf.

Mayor Pro Tem Preston thanked all parties for their petitions to the Council.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO RECEIVE THE ORANGE COUNTY GREENS AND MR. ELINOFF'S PETITIONS.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER RIMER, TO MAKE A SUBSTITUTE MOTION, TO NOT RECEIVE THE ORANGE COUNTY GREENS' PETITION, SINCE IT WAS NOT GERMANE TO TOWN POLICY OR MATTERS.

Council Member Brown said that the Council had a responsibility to encompass and represent all citizen viewpoints. Council Member Werner said that Council Member Brown was correct, but the petition presented this evening was not germane. Council Member Werner stated that the petition suggested actions which would most likely be ruled illegal. Council Member Werner expressed his support for Council Member Wilkerson's and Rimer's substitute motion.

Council Member Andresen said she supported the Council receiving the petition. She noted that she did not support any illegal actions. Council Member Herzenberg said that the matter before the Council was a troubling one. He noted the Council's practice of receiving all petitions from interested parties. Council Member Herzenberg said that the original motion was only to receive the Orange County Greens petition. He encouraged his colleagues to receive the petition.

Mayor Pro Tem Preston said that the substitute motion was on the floor for consideration. Council Member Rimer expressed his support for Council Member Wilkerson's substitute motion, noting that receiving the petition would require some type of follow-up action by the Council.

A MOTION FOR CONSIDERATION OF THE SUBSTITUTE MOTION WAS PLACED ON THE FLOOR AND ADOPTED BY A VOTE OF 5-3, WITH COUNCIL MEMBERS ANDRESEN, BROWN AND HERZENBERG VOTING NO.

THE SUBSTITUTE MOTION WAS PLACED ON THE FLOOR AND ADOPTED BY A VOTE OF 6-2, WITH COUNCIL MEMBERS BROWN AND HERZENBERG VOTING NO.

Mayor Pro Tem Preston said that the matter of sanctuary was a highly charged emotional issue. She expressed the Council's appreciation for the community's expression of opinion on the matter.

A BRIEF RECESS FOLLOWED RECEIPT OF THE PETITION.

Dr. Ray Sturner said he strongly supported Council adoption of an ordinance requiring the use of helmets by all bicycle riders in the Town. Dr. Sturner stated that the leading cause of death from head injury was attributable to falls from bicycles. Dr. Sturner said that use of helmets reduced the incidence of head injury by eighty five percent and brain injuries by eighty eight percent. He noted that approximately forty-three percent of adults and seven percent of children in the community currently wore bicycle safety helmets. Dr. Sturner said greater education concerning the importance of bicycle safety was needed.

Council Member Rimer noted that his wife works with head injured adults. He noted the importance of informing bicycle riders about the best type of protection gear to purchase.

Council Member Werner suggested that the Council refer the petition to the Manager and Attorney to work with Dr. Sterner in promoting the use of bicycle safety helmets.

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

Council Member Andresen inquired when the Council could discuss its long term priorities and goals. Mr. Horton responded that he was recommending that the Council hold three to six work sessions to review major policy issues of Town departments. He noted that the Council's February 4th meeting would be an opportunity for citizens to express their opinions concerning the Town's operating budget, Community Development program and related items. Council Member Andresen suggested that the Council use some of the time at one of its budget work session meetings to discuss its budgetary goals and priorities. Council Member Rimer expressed his concurrence that time was needed for this purpose. He suggested that the Council discuss goals and priorities during the second half of the third work session in February, proposed to occur on February 21st.

Minutes of January 12, 1991

Council Members Andresen, Brown and Herzenberg requested revisions in the draft minutes.

COUNCIL MEMBER RIMER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT THE MINUTES OF JANUARY 12, 1991, AS REVISED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mixed-Use Regulations

Planning Director Roger Waldon provided an overview of twenty-two items which had been proposed for possible modification. Mr. Waldon said that amendments were recommended for eight of these items, nine were recommended for additional follow-up by staff, and five had no changes recommended. Mr. Waldon noted that the Council did not appear to wish to act on sign regulations for mixed-use developments this evening. Mayor Pro Tem Preston inquired about the types of signs currently permitted for mixed-use development. Mr. Waldon said that the staff was recommending that one sign indicating the developer's name be permitted at each entrance to a development.

Mr. Waldon noted that the staff was recommending the provision of seventy-five foot minimum buffer and building setbacks. Council Member Rimer inquired how delivery trucks would be handled. Mr. Waldon said that service roads at the rear of properties were encouraged. Mayor Pro Tem Preston inquired about the staff's response to the Design Review Board's and developer's concerns about buffering and setback requirements. Mr. Waldon emphasized the importance of having similarly sized buffers and setbacks. Council Member Rimer noted that a larger setback would encourage parking between buildings and streets. Council Member Werner added that the provision of a minimum setback would always allow for greater building setbacks. Council Member Rimer reiterated his support for a fifty foot requirement.

Council Member Werner said it seemed inane to merely refer to air quality standards within the mixed-use ordinance. He suggested that the Council require hot spot analysis for larger mixed-use developments. Council Member Brown expressed her concurrence. Mayor Pro Tem Preston said the Council consensus appeared to be referral back to the staff on this item.

Council Member Andresen inquired whether the design guidelines addressed impervious coverage limits for parking decks. Mr. Waldon responded that he was not aware of any reference. Mr. Horton said that the staff could draft language concerning parking decks for the Council's consideration. Council Member Werner asked whether the design guidelines were consistent with mixed-use standards. Mr. Waldon responded that the design guidelines were intended to articulate good design standards, without direct reference to items such as setbacks or buffering requirements. Council Member Werner asked whether quantitative standards also applied. Mr. Waldon said yes. Council Member Rimer noted that although quantitative standards were set by the guidelines, developers had the right to make qualitative changes. Town Manager Horton said it was not the staff's intent to make the design guidelines inflexible.

Council Member Andresen stated that the provision of increased buffers was essential to good design. She also stressed the need for somewhat flexible buffering standards. Mayor Pro Tem Preston said she sensed that the Council would not be able to reach consensus on setback and buffering concerns this evening. Council Member Rimer suggested that the item be referred to the Town staff and Design Review Board for additional review. Council Member Andresen stated that there appeared to be consensus that buffering requirements should be changed. Council Member Wilkerson said a minimum requirement of fifty, rather than seventy-five feet, would permit greater flexibility. Council Member Brown suggested that building setback requirements also be reviewed by the staff and Design Review Board.

Council Member Rimer said he felt that mixed-use developments required special signage as a means of identifying major anchor

tenants. He noted that such signs could be handled tastefully. Council Member Rimer stated that ten-foot signs were not unattractive for automobiles driving past a site. He added that movie arcades could also be handled in an attractive manner.

Council Member Brown inquired about the size of proposed movie theater signs in the proposed Chapel Hill North development. Mr. Waldon referred the Council to pages 125 to 128 of the Chapel Hill North memorandum for proposed sign dimensions. Mayor Pro Tem Preston inquired whether all the signs would be in compliance with the proposed sign guidelines. Mr. Waldon responded that the ground and directional signs would be in compliance, but the proposed sign for the gasoline station would not be permitted along a roadway. Council Member Andresen said that the staff's recommendation not to permit signs along the side of the road appeared to be reasonable. Council Member Herzenberg said that a special exception should be made for permitting movie signs along roadways. Council Member Werner expressed concurrence about the utility of having movie signs clearly visible from roadways. Council Member Rimer suggested that the staff follow up with a recommendation concerning standards for movie signs. Mr. Horton said that the staff would develop recommendations for signage.

Mayor Pro Tem Preston noted that there was consensus concerning tree protection standards. Council Member Rimer noted that standard mixed-use developments would be built at five to seven times the proposed density of the Chapel Hill North project. He stated that phasing of the project was not needed. Council Member Brown asked whether it was possible that some parts of the project would never be built. Council Member Werner responded that this was possible. He expressed concurrence with Council Member Rimer that phasing could be an artificial constraint in future mixed-use development proposals.

Council Member Andresen stated that a combination of commercial and office uses was not a very creative mixture for a mixed-use proposal. Council Member Brown expressed concern that overbuilding had already occurred in some parts of the Town. Council Member Werner stated that the Council had no better knowledge of business markets than individual developers.

Council Member Herzenberg suggested that the Council maintain the option of permitting smaller parcels to tie onto mixed-use plans. Council Member Andresen expressed concern about opening a Pandora's box for future development complications. Council Member Werner said this could be mitigated by requiring developers to meet certain conditions of approval. Council Member Brown suggested that greater emphasis needed to be placed on the inclusion of residential components in future mixed-use development proposals.

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

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (91-1-28/O-1a)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Chapel Hill Development Ordinance changing the provisions of the Mixed Use Zoning Districts and Master Land Use Plan, 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

AMEND the last paragraph of Subsection 19.7.3.5 to read as follows:

The Town Manager shall then forward his report and the Planning board's recommendation to the Council at the next available Public Hearing scheduled for Master Land Use Plan applications.

SECTION II

REPLACE Subsection 19.7.3.6 with the following:

19.7.3.6 Public Hearing

After receiving the Town Manager's report and the Planning Board's recommendation or, if applicable, the expiration of the time limit prescribed in Subsection 19.7.3.5, the Council shall hold a hearing on the application at the next available regularly scheduled Public Hearing.

Notice of the date, time, and place of the Public Hearing shall be published in a newspaper of general circulation in the planning jurisdiction once a week for two (2) successive weeks, with the first notice to be published not less than ten (10) nor more than twenty-five (25) days prior to the date of the hearing.

The Public Hearing shall be open to the public and all interested persons shall be given the opportunity to

present evidence and arguments and to ask questions of persons who testify. The Council may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses to avoid undue delay. All persons who intend to present evidence at the Public Hearing shall be sworn.

The applicant shall bear the burden of presenting evidence sufficient to establish persuasively that the proposed development will comply with the criteria established in Subsection 19.7.2 and this Chapter.

A record of the proceedings of the hearing shall be made and shall include all documentary evidence presented at the hearing.

SECTION X

REPLACE the first paragraph of Subsection 4.3.4 and 4.4.4, Mixed Use Development Design Standards, with the following:

All design standards specified in Article 14 of this Chapter and in the Town's Design Guidelines in effect at the time a proposal is being reviewed shall apply to the design of development proposed as a mixed use development as defined by this Article with the following special provisions:

REPLACE Subsections 4.3.4(a and b) and 4.4.4(a and b) with the following:

- (a) Site Analysis: Any application for mixed use development shall include a site evaluation analysis which identifies the physical character and structure of the site. Elements of the site to be investigated include topography, slope conditions, soil characteristics and subsurface constraints, drainage patterns, vegetation, and other existing conditions.
- (b) Outparcels: Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed use development and physically separated from the remainder of the development. All plans for outparcels within a mixed use development proposal shall include a set of design criteria for the outparcel(s). These design criteria shall be prepared to maintain visual compatibility and overall design compatibility with the entire development. The criteria shall address the location, form, scale, materials and colors of structures as they relate to the design concept of the entire development, and shall be consistent with the Design Guidelines.

SECTION XI

REPLACE Section 4.1 with the following:

- 4.1 The Mixed Use Districts are intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in vicinity of key highway intersections in Chapel Hill. They are designed to facilitate stated public policies to encourage design which emphasizes lively, people oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office and commercial uses.

It is further intended that the Mixed Use Districts shall encourage development within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian circulation systems and mass transit to further reduce the need for private automobile usage. Mixed Use districts are intended to encourage development that allows multiple destinations to be achieved with a single trip.

When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian access shall be such as to provide appropriate transition and reduce potentially adverse effects.

SECTION XII

Any Master Land Use Plan approvals made prior to the effective date of this ordinance shall remain in full effect; Special Use Permit applications made pursuant to a valid Master Land Use Plan approval shall be governed by Development Ordinance provisions in place at the time of the Master Land Use Plan approval.

SECTION XIV

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of January, 1991.

Report on Northside Neighborhood

Planning Director Roger Waldon briefly reviewed a report on Northside neighborhood conservation proposals prepared by a group of University of North Carolina graduate students in planning. He stated that the report was a collaborative effort by the students, the professor, Town staff, and neighborhood residents and property owners. Mr. Waldon said that some ideas from the report would be presented for the Council's consideration in the future.

Mayor Pro Tem Preston recognized Dr. Bill Rohe and his students for composing a fine report. Dr. Rohe noted that his students had devoted a good deal of time and energy to compile and complete the report. He stated that the students had concluded that the Northside neighborhood needed special protection and conservation measures. Council Member Andresen said that zoning changes, rather than creation of an overlay district, could be considered.

Council Member Brown inquired whether the report's recommendations had been presented to Northside residents. Dr. Rohe stated that preliminary findings had been presented to the residents, but the final recommendations had not been formally presented. He noted that area residents did not appear to favor upzoning. Council Member Rimer said the project was a good example of a public-public partnership program. He noted that the report's Executive Summary did not do justice to the many good and creative ideas presented in the report. Council Member Herzenberg said he hoped that the student composers of the report had received high grades for a superior project.

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

A RESOLUTION RECEIVING THE REPORT OF THE DEPARTMENT OF CITY AND REGIONAL PLANNING CLASS ON CONSERVING THE NORTHSIDE NEIGHBORHOOD AND THANKING THE CLASS (91-1-28/R-1)

WHEREAS, The Town requested the assistance of the graduate class in City and Regional Planning in addressing the concerns of the residents of the Northside Neighborhood; and

WHEREAS, The class worked diligently during the fall semester of 1990 to produce the report; and

WHEREAS, The class has presented the report, "Conserving the Northside Neighborhood," to the Town Council;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Chapel Hill, that the Council receives the report and expresses appreciation for their excellent work to Professor William Rohe and to the members of the class: Wes Armstrong, Melissa Azlant, Donna Bell, Louise Brouillard, Deidre Coury, Susan Gibbs, Will Hearn, Roger Kiesel, Chris Monagle, Michael Riddle, Alison Riopel, Andy Rosen and Jennifer Taylor.

BE IT FURTHER RESOLVED that the Council refers this report to the Town Manager for recommendation of follow-up actions.

This the 28th day of January, 1991.

Orange County Visitor Development Authority

Assistant to the Manager Greg Feller reviewed the concept of a visitor development authority, noting that twenty percent of occupancy tax were being requested for operating expenses. He added that tourism dollars had a potential multiplier effect of three or four times. Mr. Feller stated that actual quantification was rather difficult. He said that benefits to the Town's private sector were potentially quite significant. Mr. Feller stated that the Manager's preliminary recommendation was to support the creation of a visitor development authority. He noted that a public forum to discuss the concept was proposed to occur on February 4th.

Council Member Andresen requested clarification of specific allocation requests and estimates. Mr. Feller briefly reviewed preliminary projections. Council Member Herzenberg inquired how much of the current \$50,000 hotel-motel tax allocation was devoted to visitor development. Mr. Feller said \$10,000 was currently allocated for visitor information. Council Member Rimer stated that it appeared quite appropriate to tax visitors and give them some enhanced services in return. He expressed the importance of supporting the proposal, due to its potential for long-term positive economic effects in the community.

Council Member Brown asked whether the Manager was recommending a ten percent allocation for funding of the proposed authority. Mr. Horton said yes. Council Member Brown requested additional information concerning Boulder, Colorado's visitor development authority. Mr. Horton said the staff would provide this information in the future. Council Member Herzenberg said he was not opposed to taxing visitors to the Town. He added that it was unfair to compare Boulder's taxing system to that of the Town, since the two systems were operationally disparate. Council Member Herzenberg stated that social programs are handled by municipalities in Colorado and counties in North Carolina. He expressed his general support for more visitor services.

Council Member Brown stated that although a one percent initial tax was proposed, it had a long-term cap of three percent. Council Member Rimer noted that the Council was under no obligation to increase this level of taxation beyond the initial level. He added that the Council had not debated whether a visitor industry was desirable for the community. Council Member Wilkerson urged that the current Council not be castigated for actions of previous Councils. He suggested that a percentage, rather than dollar allocation, was preferable.

Council Member Rimer requested that the staff reanalyze its projections, to get a handle on possible short and long-range outcomes. Mr. Horton noted that his preliminary recommendation was a one percent tax, with annual reviews by the Council. He added that there was no way to reliably project overall fiscal impacts of the proposed authority.

Council Member Herzenberg noted that although there had been no formal discussion of the attractiveness of tourism, it was nonetheless a big industry in the Town. Mayor Pro Tem Preston noted that the vital question was whether attracting visitors would be beneficial to the Town and entire county.

Sharon Finch said that the visitor industry was clean and practically invisible. She noted that the public forum on February 4th would be a good vehicle for public comment on the proposal.

Transportation Bonds

Town Engineer George Small noted that transportation bonds were used to fund bicycle lanes, sidewalks, and roadways. He briefly reviewed a table outlining the proposed allocation of approximately \$563,000 of proceeds of 1986 transportation bonds. Council Member Wilkerson inquired about the estimated cost of phased landscaping on Fordham Boulevard. Mr. Small stated that approximately \$200,000 would be needed for shrubs and landscaping. He added that approximately \$100,000 would be needed for entryway plantings to supplement State Department of Transportation plantings.

Council Member Herzenberg said the staff had presented a well-written and balanced memorandum. He expressed hope that the staff would keep an open mind in allocating funding for the Town's principal north-south corridor along Airport Road.

Council Member Brown inquired why the staff was recommending study of the possible widening of South Columbia Street. Mr. Small emphasized the need to study one-way pairing in the area. He noted that the staff hoped to present alternatives to the Council in the future. Council Member Andresen inquired about the deferral of a study of South Columbia Street. Town Manager Horton responded that the State Department of Transportation was not agreeable to one-way pairing of South Columbia. Council Member Andresen stressed the importance of the Council making Department of Transportation officials aware of the Town's roadway priorities.

Council Member Brown asked whether the Department of Transportation had ever constructed a roadway contrary to the wishes of a community. Mr. Horton said he was uncertain whether this had occurred. Council Member Herzenberg stated that the preferred method would be to restore two-way traffic in the area. Mr. Horton noted that the University had recently indicated that they did not

see how Cameron Avenue and South Columbia Street could be modified to accommodate four lanes. Council Member Brown noted that scale drawings of the proposed South Columbia Street roadway alternatives were available. She suggested that the contingency fund be left unspecified to any project. The Council agreed to this friendly amendment.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER RIMER, TO ADOPT RESOLUTION 3, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO UTILIZE REMAINING 1986 TRANSPORTATION BOND PROCEEDS FOR IDENTIFIED PRIORITY TRANSPORTATION IMPROVEMENT PROJECTS (91-1-28/R-3)

WHEREAS, the Town has transportation improvement needs in excess of funds presently available; and

WHEREAS, it is necessary to set priorities for key transportation improvement projects for completion as soon as possible; and

WHEREAS, a limited amount of funds remain available for transportation improvement projects from the 1986 bond referendum.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to proceed with those priority projects listed in TABLE ONE attached, and to utilize 1986 Transportation Bond funds as necessary.

This the 28th day of January, 1991.

Ruth Faison Shaw House

Assistant Town Manager Sonna Loewenthal stated that the staff recommended adoption of Resolution 4, which would convey title to the Ruth Faison Shaw Memorial Committee, on condition that Ms. Shaw's former residence be moved off its present site. She noted that the special use permit application for the library building would be presented to the Council in the near future.

Martha Whittinghill, representing the Ruth Faison Shaw Memorial Committee, thanked Mr. Horton for his comprehensive report to the Council. Ms. Whittinghill stated that the Committee was working with University and other local officials to find a suitable site for the home.

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

A RESOLUTION COMMITTING TO CONVEY THE RUTH FAISON SHAW HOUSE TO THE RUTH FAISON SHAW MEMORIAL COMMITTEE (91-1-28/R-4)

WHEREAS, the Ruth Faison Shaw Memorial Committee has requested that the Town convey the house at 112 Estes Drive to the Committee at no cost to the Committee; and

WHEREAS, the Committee plans to use the house to store and exhibit Ms. Shaw's paintings and to conduct fingerpainting classes; and

WHEREAS, Ruth Faison Shaw's accomplishments are part of local history and art therapy history; and

WHEREAS, the Council has a desire to preserve the local history and support the cultural arts and educational life of its residents whenever possible;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby resolves to convey the Ruth Faison Shaw house now located at 112 Estes Drive, to the Ruth Faison Shaw Memorial Committee at no cost to the Committee for the storage and exhibition of Ms. Shaw's paintings and for fingerpainting classes.

BE IT FURTHER RESOLVED that this commitment is conditioned on the Committee's moving the house to a different site.

This the 28th day of January, 1991.

Report of Senior Citizen Activities Task Force

Council Member Rimer thanked Reverend Robert Seymour and Parks and Recreation Director Mike Loveman for their work on the senior activity center proposal. Council Member Rimer stated that the task force had concluded that the Town deserved a senior activity center in the eastern part of the community as a supplement to existing programs. He emphasized the need to evaluate long and short-term space needs for senior activity programs. Council Member Rimer also stressed the task force's continuing responsibility in examining financing mechanisms for capital and operating costs of senior programs. He noted that no Council action was being requested this evening on the matter.

Council Member Rimer stated that Lee Pavao had identified a possible location for a senior activity center in the Galleria Shopping Center on Elliott Road. He noted that the significant challenges facing the task force were financing and ongoing program operations. Council Member Rimer noted that additional staff might be required to operate the new center. Noting Mr. Loveman's assistance to date, he requested that Mr. Loveman continue to work with the task force in evaluating alternatives for a new activity center.

Reverend Robert Seymour stated that the staff and elected officials had been very helpful in pursuing the senior activity center proposal. He noted that one of every five Town residents is a senior citizen. Reverend Seymour noted that he had visited many senior centers across the State. He said that the Town currently lagged behind other communities in its provisions of senior services.

Council Member Andresen inquired whether the proposal called for County funding of the program, supplemented by Town contributions of programming and space. Council Member Rimer said this was correct. Reverend Seymour stated that the initial estimated program cost would be between \$50,000 and \$75,000. Council Member Rimer noted that many volunteers were involved in the effort to make a new senior activity center into a reality. Council Member Rimer said he recommended that the matter be referred back to the staff for additional follow-up work on staffing, spacing, and establishing a cooperative agreement with Orange County. Reverend Seymour urged the Council not to delay this matter any further, since a critical need existed in the community. He noted that the task force had acquired the assistance of Anne Johnson, a coordinator of senior services in Durham for fifteen years.

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

Boards and Commissions

DIANE BACHMANN WAS APPOINTED TO THE COMMUNITY APPEARANCE COMMISSION. ORIGINAL VOTING BALLOTS ARE ON FILE IN THE CLERK'S OFFICE.

COUNCIL MEMBER WILKERSON NOTED THE DR. JOHN TURNER, DEAN OF THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF SOCIAL WORK, HAD AGREED TO SERVE AS THE CHAIRPERSON OF THE TASK FORCE ON REDUCING VIOLENT CRIME AND ILLEGAL DRUG ABUSE. THE COUNCIL ALSO MOVED, BY ACCLAMATION, TO APPOINT COUNCIL MEMBER WILKERSON AS THE COUNCIL'S REPRESENTATIVE TO THE TASK FORCE.

ALL APPLICANTS TO THE PLANNING BOARD WERE NOMINATED FOR APPOINTMENT CONSIDERATION AT THE COUNCIL'S FEBRUARY 11TH MEETING.

Quarterly Reports

Town Manager Horton said he would be happy to respond to any questions by the Council concerning quarterly reports. Hearing none, Mayor Pro Tem Preston asked whether any Council liaisons had any reports to make to the Council.

Consent Agenda

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (91-1-28/R-5)

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

- a. Second reading of amendment to Durham Cablevision franchise ordinance.
- b. Fordham Boulevard traffic control (R-6).
- c. Fordham Boulevard improvement project (R-7).
- d. Establishing process and timetable for legislative matters (R-8).
- e. Certified local government grant application (Botanical Gardens) (R-9).

This the 28th day of January, 1991.

AN ORDINANCE AMENDING THE DURHAM CABLEVISION FRANCHISE ORDINANCE (91-1-14/O-3)

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

SECTION I

That the Council hereby amends the "Ordinance Granting a Franchise to Cablevision of Durham, Inc.....(88-2-8/O-1)" as follows:

REVISE Section 14 to read as follows:

Franchise area. The franchise area shall be the area which is both (1) within the Town of Chapel Hill corporate limits, as may be amended, and (2) in Durham County; and shall include East and West Lakeview Drives in Orange County.

SECTION II

This franchise ordinance amendment shall be effective upon adoption of two meetings of the Town Council and upon acceptance by Cablevision of Durham, Inc.

This the 14th day of January, 1991. (FIRST READING)

This the 28th day of January, 1991. (SECOND READING)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR STATE FUNDING OF A TEMPORARY TRAFFIC CONTROL OFFICER AT THE INTERSECTION OF FORDHAM BOULEVARD AND OLD MASON FARM ROAD (91-1-28/R-6)

WHEREAS, the Town and the North Carolina Department of Transportation have identified potential traffic congestion problems at the intersection of Fordham Boulevard and Old Mason Farm Road once Carmichael Street is closed at the NC 54 ramp; and

WHEREAS, this intersection serves the St. Thomas More School with its increased morning and afternoon traffic at the beginning and ending of the school day; and

WHEREAS, the Town would provide a temporary traffic control officer at this intersection, if deemed necessary by both the Town and the State, and the State would reimburse the Town for costs incurred in accordance with a municipal agreement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Mayor to execute a supplemental municipal agreement (U-2003) with the North Carolina Department of Transportation for State funding of a temporary traffic control officer at the intersection of Fordham Boulevard and Old Mason Farm Road.

This the 28th day of January, 1991.

A RESOLUTION REFERRING A REQUEST TO CLOSE THE INTERSECTIONS OF FORDHAM BOULEVARD/MASON FARM ROAD AND FORDHAM BOULEVARD/OTEYS ROAD TO THE TOWN MANAGER FOR EVALUATION UPON COMPLETION OF THE FORDHAM BOULEVARD IMPROVEMENT PROJECT (91-1-28/R-7)

WHEREAS, the Council has received a request to consider closing Mason Farm Road and Oteys Road at their intersections with Fordham Boulevard; and

WHEREAS, this request is one of several related requests for traffic control measures in this vicinity on other streets; and

WHEREAS, major improvements are under construction on Fordham Boulevard which will affect traffic patterns in this area of Town; and

WHEREAS, proposed development of the University transportation and building programs will affect traffic patterns in this area of Town; and

WHEREAS, it is the Council's desire to comprehensively evaluate the various traffic control requests in this area in relation to traffic patterns resulting from completion of the Fordham Boulevard construction and further decisions on the University transportation and building programs affecting the area;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council refers this and other related traffic control requests in the vicinity of Manning Drive and Fordham Boulevard to the Manager for a comprehensive evaluation, report, and recommendations upon completion of the Fordham Boulevard Improvement Project and establishment of the resultant traffic patterns on the adjacent street network.

This the 28th day of January, 1991.

A RESOLUTION ESTABLISHING A PROCESS FOR CONSIDERING LEGISLATIVE MATTERS (91-1-28/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the following process and calendar for considering legislative matters including those identified below as topics for the public forum:

- 1. Public forum on potential local bill requests and on proposed funding for Visitor Development Authority February 4
- 2. Manager's report and recommendations February 11
- 3. Meeting with legislators to discuss potential local bill requests and other legislative matters to be scheduled
- 4. Consideration by the Council of resolutions requesting legislators to introduce local bills; resolutions on other legislative matters March 4

Public Forum Topics

- * Proposed funding for Orange County Visitor Development Authority with a County-wide 1% hotel/motel tax and about \$50,000 of Chapel Hill hotel/motel tax revenues.
- * Authorization to increase the vehicle decal fee to a maximum of \$20.

This the 28th day of January, 1991.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CO-SPONSOR A CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION WITH THE BOTANICAL GARDENS FOUNDATION, INC. (91-1-28/R-9)

WHEREAS, the Botanical Gardens Foundation, Inc. would like to apply for a Certified Local Government Grant to produce a landscape and preservation plan for the Coker Arboretum; and

WHEREAS, the State Preservation Office requires all Certified Local Government Grant applications to be sponsored or co-sponsored by a Certified Local Government; and

WHEREAS, the Town of Chapel Hill is a Certified Local Government; and

WHEREAS, the Coker Arboretum is an outstanding community and University resource in need of preservation and restoration; and

WHEREAS, the Botanical Gardens Foundation, Inc. will provide any necessary matching funds and the Town of Chapel Hill will not be required to provide matching funds or staff time for the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to co-sponsor a Certified Local Government Grant application with the Botanical Gardens Foundation, Inc., and authorizes the Town Manager to submit the grant application to the State Preservation Office.

This the 28th day of January, 1991.

There was no Executive Session. The meeting adjourned at 11:24 p.m.