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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE TOWN  
OF CHAPEL HILL, NORTH CAROLINA, MONDAY, FEBRUARY 24, 1992

Mayor Broun called the meeting to order. Council Members in attendance were Julie Andresen, Joyce Brown, Joe Herzenberg, Joe Capowski, Mark Chilton, Arthur Werner and Roosevelt Wilkerson, Jr. Council Member Alan Rimer was absent excused. Also in attendance were Assistant to the Mayor Lisa Price, Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Engineering Director George Small, Planning Director Roger Waldon, Parks and Recreation Director Michael Loveman and Town Attorney Ralph Karpinos.

Mayor Broun noted that the first item for the Council's consideration this evening were resolutions honoring the public service of Mr. Herb Stout and Mr. Brian Benson.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT A RESOLUTION HONORING THE PUBLIC SERVICE AND MEMORY OF HERB STOUT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Broun read the following resolution into the record of the hearing.

A RESOLUTION HONORING THE PUBLIC SERVICE AND MEMORY OF HERB STOUT, WAKE COUNTY COMMISSIONER AND CHAIRMAN OF THE BOARD OF DELEGATES TO THE TRIANGLE J COUNCIL OF GOVERNMENTS

WHEREAS, Herb Stout devoted most of his time and considerable energies to the betterment of the Triangle region; and

WHEREAS, Herb Stout served for seven years as a vocal Wake County Commissioner who was not afraid to challenge prevailing attitudes; and

WHEREAS, Herb Stout was an advocate for improved schools, water quality protection, better health and human services, increased low-income housing, better roadsides, countywide growth management, improved regional and county telephone service, federal funding assistance to federally mandated programs, and many other important issues; and

WHEREAS, Herb Stout was providing dynamic leadership as Chairman of the Triangle J Council of Governments; and

WHEREAS, Herb Stout inspired many others to become involved in civic, educational and social service areas; and

WHEREAS, we, along with his family, friends, colleagues, and constituents shall deeply miss his spirited, creative, kind and generous nature;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Chapel Hill that the Council hereby honors the public service of

HERB STOUT

and urges citizens to remember him and his contributions to the people of Chapel Hill and the Triangle region.

This the 24th day of February, 1992.

Council Member Andresen noted that she had attended a number of meetings with Mr. Stout. She said that Mr. Stout brought new energy and enthusiasm to the Triangle J Council Government as its Chairman of the Board of Delegates. Council Member Andresen said Mr. Stout would be deeply missed.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO ADOPT A RESOLUTION HONORING THE PUBLIC SERVICE AND MEMORY OF BRIAN BENSON. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Broun read the following resolution into the record of the hearing.

A RESOLUTION HONORING THE PUBLIC SERVICE AND MEMORY OF BRIAN BENSON, SENIOR PLANNER AND DIRECTOR OF LAND USE AND DEVELOPMENT FOR THE TRIANGLE J COUNCIL OF GOVERNMENTS

WHEREAS, Brian Benson was an esteemed senior planner at the Triangle J Council of Governments since 1985; and

WHEREAS, Brian Benson had far reaching responsibilities for land use and transportation planning; and

WHEREAS, Brian Benson worked extensively to coordinate local and regional planning issues; and

WHEREAS, Brian Benson staffed the Regional Appearance Commission and the Triangle Development Awards program; and

WHEREAS, Brian Benson led the development of the Geographic Information System at the Triangle J Council of Governments; and

WHEREAS, Brian Benson was working on his doctoral dissertation in geography at the University of North Carolina at Chapel Hill; and

WHEREAS, Brian Benson was a dedicated, energetic and highly-skilled professional who worked easily with public and private leaders and planners all over the Triangle region; and

WHEREAS, we, along with his family, friends and colleagues, shall deeply miss his cooperative, warm and caring nature;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby honors the public service of

BRIAN BENSON

and urges citizens to remember him and his contributions to the people of Chapel Hill and the Triangle region.

This the 24th day of February, 1992.

Item 3 Petitions

Michael Brown said he was interested in working with local public schools to paint a mural on a retaining wall on Henderson Street. Mr. Brown requested the Council's support in referring the proposal to the Historic District Commission. Council Member Andresen inquired who had selected the proposed design of an oversized pencil graphic. Mr. Brown said a number of parties had played a role in the selecting the design, including those funding the mural. Council Member Andresen said she thought the mural would add vitality to the Town. She inquired whether the proposed mural would require review by the Historic District Commission. Mr. Horton said that although such a review might not be required, it was a good idea to refer it as a matter of courtesy. Mayor Broun said Mr. Horton would prepare a petition for submittal to the Historic District Commission.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE TOWN MANAGER.

Council Member Herzenberg said the proposed design was wonderful. Mr. Brown requested assistance in reviewing his mural proposal. Council Member Andresen inquired whether it would be possible to expedite review of Mr. Brown's proposal. Mr. Horton said he believed that this could be accommodated.

THE MOTION TO REFER WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (8-0).

Vernessa Taylor, representing the Rural Opportunities Corporation, provided an overview of the Public Housing Empowerment Program. Ms. Taylor said she had been working with public housing residents for the past six months on a program to provide computer literacy skills. She provided an overview of the program's elements.

Mayor Broun said the program was an excellent idea. He noted that Ms. Taylor's program was trying to obtain computers from a number of local businesses. Council Member Wilkerson said he had spoken with Assistant to the Manager Greg Feller about the possibility of obtaining computers for Ms. Taylor's program. Ms. Taylor said the proposed start-up date for her program was April 2nd. She said

that at least eight computers were needed. Ms. Taylor thanked Council Member Wilkerson for his assistance in acquiring two computers.

Sherry Anscher, Chairperson of the Parks and Recreation Commission, requested a joint work session with the Commission and the Council prior to budget adoption to discuss goals of the Parks and Recreation Commission.

Andy Sachs, Chairperson of the Greenways Commission, requested that the Council hold a joint work session with the Greenways Commission on the same evening. Mayor Broun said the Council would arrange to hold joint sessions with both commissions.

Council Member Andresen said that Chatham County would be very likely to request water service from the Orange Water and Sewer Authority in the near future. She noted that such a request would affect the long-range plans of many local governments. Council Member Andresen noted that OWASA Board Chairperson Lois Herring had briefed local government officials on the anticipated request. She suggested that the Council ask Mayor Broun to write a letter to Ms. Herring, requesting a delay in negotiations, since the Council needed to discuss the matter at length. Council Member Andresen inquired whether the Council would endorse such a letter. Mayor Broun said he concurred with Council Member Andresen's approach to this matter.

Council Member Werner said he was glad that Council Member Andresen had brought this matter to the Council's attention. He said that Ms. Herring's letter to the Council implied more than original statements on the proposal. Council Member Werner said discussion of the matter might be appropriate at the April 1st Assembly of Governments meeting. Council Member Brown said she was glad that Council Member Andresen had brought this matter forward. She said the matter needed to be discussed by the Council and all concerned. Council Member Herzenberg suggested that the Council schedule discussion of the matter as soon as possible. Mayor Broun noted the need to obtain more specific information from Chatham County concerning the scope of the request. Council Member Andresen noted that OWASA might have additional information on this matter. Mr. Horton said that OWASA had not received any additional information from Chatham County to the best of his knowledge. Council Member Capowski said the Assembly of Governments meeting was scheduled for two hours. He said that discussion on the OWASA/Chatham County request merited more than a portion of the two hour meeting. Mayor Broun said that the item merited more extensive discussion.

Mayor Broun said there appeared to be Council consensus for him to write a letter to Ms. Herring reflecting the Council's intentions concerning the provision of water to Chatham County by the Orange Water and Sewer Authority.

Council Member Herzenberg requested that the Town Manager check into reports of heavy traffic on Laurel Hill Road. He suggested that traffic might be diverted to Manning Road. Council Member Herzenberg also noted that the Facilities Naming Committee was attempting to complete its work on a draft policy. He requested that council members having suggestions on naming facilities submit their suggestions to Assistant to the Mayor Lisa Price within the next week.

#### Item 4 Boards and Committees

Mayor Broun said the resolution before the Council was the first step in implementing recommendations of the Task Force to Reduce Violent Crime and Illegal Drug Abuse. Mayor Broun noted that Council Member Wilkerson had agreed to serve as the chairperson of the leadership committee. He noted that Council Members Chilton and Herzenberg and four other citizens had also agreed to serve on the committee.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT RESOLUTION 0.1.

Council Member Andresen noted the importance of providing sufficient flexibility for the committee to carry out its programs. Council Member Wilkerson said the committee's charge and structure would be flexible.

THE MOTION TO ADOPT RESOLUTION 0.1 WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPOINTING AND CHARGING THE LEADERSHIP COMMITTEE AS A PART OF THE TOWN'S RESPONSE TO THE RECOMMENDATIONS OF THE TASK FORCE ON REDUCING VIOLENT CRIME AND ILLEGAL DRUG ABUSE  
(92-2-24/R-0.1)

WHEREAS, the Task Force on Reducing Violent Crime and Illegal Drug Abuse has studied these topics and has developed 49 recommendations for this community to implement; and

WHEREAS, the Council resolved on January 14, 1992 to support a comprehensive community-wide effort to implement these recommendations; and

WHEREAS, the first step in this effort is to appoint and charge the Leadership Committee;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby appoints the following people to the Leadership Committee:

Council Members

Roosevelt Wilkerson, Jr.  
Mark Chilton  
Mayor Pro Tem Joe Herzenberg

Task Force Members

Alexandra Brownstein  
Adam Goldstein  
Melvin Hurston  
Elsie Pickett

AND BE IT FURTHER RESOLVED that the Council hereby charges the Leadership Committee with the following responsibilities:

- recruiting and recommending a person for Council appointment as Volunteer Coordinator
- defining and recommending to the Council a charge for each Committee
- recruiting and nominating a chair for each committee to be appointed by the Council
- recruiting and nominating at least a core group of members for appointment by the Council to each committee
- establishing a schedule and process for each committee's reporting
- reviewing the work plan and schedule developed by each committee to ensure maximum coordination and cooperation
- recommending additional members, to be appointed by the Council, including representatives of the Board of County Commissioners and the Carrboro Board of Aldermen, to expand the Leadership Committee to include a monitoring function
- making other recommendations as appropriate to the Council regarding the reduction of violent crime and substance abuse

This the 24th day of February, 1992.

Council Member Andresen noted that Council Members Chilton, Herzenberg and herself would present a report concerning the current vacancy on the Orange Water and Sewer Authority board of directors. Council Member Herzenberg noted that it had been a pleasure to work with the committee.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO NOMINATE ALL ORANGE WATER AND SEWER AUTHORITY APPLICANTS. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Item 5 Amendments to Public Housing Lease Agreement

Mr. Horton noted that Town Attorney Ralph Karpinos had outlined a number of options for Council consideration this evening. Mr. Karpinos said that two primary issues had been raised at the February 10th meeting concerning proposed amendments to the lease agreement. He stated that the first issue was a proposal to evict tenants on the basis of alleged drug activity. Mr. Karpinos said the second issue was the degree of proof required to terminate such lease agreements. Mr. Karpinos noted that he had drafted three resolutions for the Council's consideration. He briefly reviewed the intent of each of the resolutions. Mr. Karpinos said the degree of proof necessary was the same as that used in civil courts. He also stated that if a tenant were evicted and found not guilty of charges, the tenant's lease would be reinstated or alternative housing would be provided when available. Mr. Karpinos noted that public housing tenants had the right to review the proposed new conditions. He stated that the staff recommended adoption of resolutions 1a and 1c as a means to protect the rights of all public housing residents.

Council Member Andresen inquired how resolutions 1a and 1c differed. Mr. Karpinos said that resolution 1a clarified the standard of proof to be established by the Town before a hearing panel. Council Member Andresen inquired whether conditions contained in resolution 1c would make it more difficult to press charges. Mr. Karpinos said that resolution 1a would place the burden of proof on the Town to prove that a tenant had violated the terms of their lease. Council Member Andresen inquired whether resolution 1a was a revision of existing policies. Mr. Karpinos said it was a clarification of existing policy. He added that resolution 1c included changes reviewed by public housing tenants. Mr. Karpinos also said that federal officials had adopted standards for public housing lease agreements. He stated that changes in resolution 1b would require review by public housing tenants. Council Member Capowski inquired how long this review would take. Mr. Karpinos estimated that the review would be approximately 1 1/2 to 2 months. Council Member Andresen said this was quite a long delay. Mayor Broun noted that some citizens had asked to speak on the matter.

Patricia Davies, President of the 751 Pritchard Avenue Resident Council and member of the Housing Advisory Board, requested that the Council adopt resolution 1c. Ms. Davies said that residents of public housing demanded the opportunity to live in a safe and healthy environment. She stated that public housing tenants had been working hard to remove drug use and drug dealers from their

neighborhoods, although they appeared to be coming back. Ms. Davies said that the safety of children was the primary reason to adopt the proposed resolution.

Sam Baron, a member of the local civil liberties union, said he had a strong interest in this matter. Mr. Baron said the Town should be tough on drug dealers, since they were a menace to others. Mr. Baron stated that he applauded the efforts of public housing tenants. He expressed concern, on the basis of newspaper accounts, that the Council might be moving too rapidly without enough discussion of due process in evicting tenants. Mr. Baron said the entire matter needed to be examined carefully, to be consistent with the law and the protection of civil liberties. He suggested that the Council appoint a citizen's committee to discuss proposed revisions to the lease agreement. Mr. Baron said such action would be consistent with the values of the Town's citizens.

Vernessa Taylor said she had worked with public housing tenants for a considerable period of time. She emphasized the importance of property owners being able to protect themselves against drug dealers and users. Ms. Taylor stated that the Town should protect its property and tenants and move out those violating the rules of public housing. She urged the Council to adopt resolutions 1a and 1c this evening.

John Lattimer said living in public housing was a privilege, rather than a right. He stated that the housing authority's right to evict was not an invasion of people's rights.

Ella Pruitt, a former resident of 751 Pritchard Avenue Extension, said that drug problems had become worse recently. She stated that children residing in public housing deserved a better quality of life.

Council Member Wilkerson said speakers from the 751 Pritchard Avenue Extension neighborhood had addressed the matter before the Council eloquently. He stated that there was not adequate time for the Town to examine the issue. Council Member Wilkerson emphasized the importance of developing a suitable environment for young people. He urged the Council to unanimously adopt resolutions 1a and 1c this evening. Council Member Chilton suggested that the Council adopt resolutions 1a and 1c and modify resolution 1b to consider additional changes in the future. He suggested that the issue of reinstatement of tenants could be discussed in the near future. Council Member Herzenberg said he concurred with Council Member Chilton's suggestion. He also suggested that the Housing Advisory Board examine resolution 1b.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO ADOPT RESOLUTION 1A.

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Council Member Andresen said she did not know whether it was useful to debate the merits of adding section fourteen of the lease. Council Member Andresen said she preferred to adopt resolutions 1a and 1c this evening and consider resolution 1b at another time. Council Member Chilton said he was suggesting that section fourteen be discussed by public housing residents and the Housing Advisory Board. Council Member Werner suggested that the Council neutralize wording in resolution 1b and ask the Housing Advisory Board to evaluate the amended wording. Council Member Brown said she preferred to deal with the entire matter this evening. Mayor Broun said his concerns about constitutional rights were fully addressed in resolution 1a. Mayor Broun said he favored Council Member Chilton's suggestion.

RESOLUTION 1A WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CLARIFYING THE PROOF REQUIRED FOR UPHOLDING A LEASE TERMINATION UNDER THE TOWN'S PUBLIC HOUSING PROGRAM (92-2-24/R-1a)

WHEREAS, the U.S. Department of Housing and Urban Development encourages and sometimes requires periodic revisions to public housing Lease Agreements; and

WHEREAS, it considering such amendments the Council believes it appropriate to clarify the standards under which a public housing lease may be terminated;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that if a grievance proceeding is conducted under the Town's Public Housing Grievance Procedures to contest the termination of a lease, the termination shall not be upheld by the Housing Advisory Board Hearing Panel unless the case for termination is established before the Panel by the greater weight of the evidence.

This the 24th day of February, 1992.

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

A RESOLUTION ADOPTING A REVISED LEASE AGREEMENT FOR THE PUBLIC HOUSING PROGRAM (92-2-24/R-1c)

WHEREAS, the U.S. Department of Housing and Urban Development encourages and sometimes requires periodic revisions to public housing Lease Agreements; and

WHEREAS, revisions to the Lease Agreement of Chapel Hill's Public Housing Program are necessary as required by the U.S. Department of Housing and Urban Development;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Lease Agreement for the Public Housing Programs as follows:

- 1. Amend Section 5 by adding the following paragraph:
  - D. If a handicap accessible unit is made available to a nondisabled tenant, the tenant agrees to be transferred upon availability of a non-accessible unit so that the accessible unit can be made available to a disabled applicant or tenant.
  
- 2. Amend Section 7, paragraph (B) and (F), by adding the following:
  - B. and not engage in or permit any use of the unit for business or commercial purposes, other than use, with written approval from the Town, for business or commercial purposes incidental to the primary use of the unit as a private dwelling for the authorized occupants.
  
  - F. that he/she, any member of his/her household, or guests shall not engage in any drug-related illegal or criminal activity in/on or near public housing premises. Public housing premises means all Town of Chapel Hill public housing neighborhoods wherever located.
  
- 3. Amend Section 8 by adding the following paragraph:
  - D. Regular exterior site inspections will be made of each dwelling unit to determine if the outside of the dwelling unit is maintained in a clean and safe condition. The inspection will also determine if there is any trash or debris around the outside of the dwelling unit. (Trash and debris include items that have been thrown out by the tenant, or others, such as broken furniture, boxes, paper, bricks, tires, bottles, food, cans or anything that the tenant has indicated to the Town that he/she does not intend to use.) Failure to remove trash or debris after receipt of three notices from the Town shall result in termination of lease.

This the 24th day of February, 1992.

Council Member Werner suggested that the Council refer section fourteen of the public housing lease agreement, concerning reinstatement of tenants, to the Housing Advisory Board. Mayor Broun noted that resolution 1b included many items in addition to section fourteen.

COUNCIL MEMBER CHILTON MOVED THE ADOPTION OF RESOLUTION 1B, EXCEPTING THE FIRST AND LAST "BE IT RESOLVED" CLAUSES. THE MOTION DIED FOR LACK OF A SECOND.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER SECTION 14 OF THE PUBLIC HOUSING LEASE AGREEMENT TO THE HOUSING ADVISORY BOARD.

Council Member Wilkerson inquired whether the proposed motion would include referral to individual resident's councils. Council Member Werner said he would accept this as a friendly amendment. Mr. Horton noted the importance of providing notice and an opportunity to comment to residents of public housing. Council Member Capowski stated that anyone could petition the Council on the matter at any time. Noting that everyone makes mistakes from time to time, Council Member Herzenberg noted that section fourteen dealt with the possibility that the Town might make a mistake. He said such mistakes were likely to occur infrequently. Council Member Herzenberg said the Council was asking the Housing Advisory Board and public housing tenants to identify a remedy for correcting mistakes concerning improper evictions. Council Member Andresen said she did not support the motion. She urged the Council to take all necessary actions to assure a drug-free and safe environment in public housing.

Council Member Brown said Council Member Andresen's concerns would be addressed by adopting resolution 1b. She noted that it was important for the Council to look at the issue of tenant reinstatement. Council Member Brown said she would support the motion on the floor. Mayor Broun stated that the motion on the floor was to refer the matter to the Housing Advisory Board and residents of public housing communities for consideration of possible adoption of clause number fourteen.

THE MOTION WAS PLACED ON THE FLOOR AND ADOPTED BY A VOTE OF 5-3, WITH COUNCIL MEMBERS ANDRESEN, CAPOWSKI AND WILKERSON VOTING NO.

#### Item 6 Citizen's Energy Task Force

Mr. Horton said staff had reviewed materials in detail concerning the Town's possible participation in the Environmental Protection Agency's Green Lights Program. He noted that the EPA would allow no changes in language pertaining to specifics of individual community's programs. Mr. Horton stated that some of the program's provisions might be difficult for the Town to accept. He suggested that a party other than Town staff might review the materials. Mr. Horton also suggested that the Town might leave out items not consistent with Town practices. Mr. Horton said he believed it would be worthwhile to appoint a group of citizens to work on these matters. He also noted the importance of receiving support from local utility providers in reviewing the proposed program.

Council Member Brown said she appreciated the work of the staff on this matter. She said it was a good approach to establish a citizen's energy task force. Council Member Brown suggested that the following revisions be made to resolution two: (1) eliminate the words "working largely independent of Town staff" from the second "whereas", (2) add the words "and conservation and use of renewables" to charge number four of the task force, and (3) add charge number five "make a "progress report to the Council six months from the origin of the task force and make a final report to the Council after twelve months".

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 2 AS PRESENTED.

COUNCIL MEMBER BROWN MOVED, SECONDED BY COUNCIL MEMBER CHILTON, TO ADD COUNCIL MEMBER'S PROPOSED AMENDMENTS TO RESOLUTION 2.

Mr. Horton suggested that the Council maintain language in the resolution pertaining to working independently of Town staff. He said staff support would be made available to arrange schedules, provide meeting notices and make sure that meeting places were available. He expressed hope that leadership for the task force would come from local citizens and utility providers. Mr. Horton stated that Town cooperation would be needed in conducting energy audits of Town facilities. He noted that elements of the Green Lights Program would require expenditures. Mr. Horton said the general idea of a task force would be broadened by adding a charge concerning conservation and the use of renewables. Council Member Brown said language in the resolution was important in establishing how the task force would work with the Town. She noted that the task force's role was to bring recommendations to the Council.

Council Member Werner suggested removing the words "working largely independently of Town staff" from the second "whereas" in resolution 2 and deleting the third "whereas". Council Member Herzenberg accepted these proposals as friendly amendments. Council Member Werner expressed concern that examination of renewables would significantly broaden the task force's mission. Council Member Andresen said she concurred with the proposed compromise position. She expressed support for the task force to work independently of Town staff. Council Member Andresen said that Town resources would be needed to examine energy matters. Council Member Andresen said she was opposed to broadening the charge of the task force. Council Member Capowski suggested that the Council examine the matter as a three-step process. He said the first step was to conduct a survey of how energy was currently handled in facilities. Council Member Capowski said the second step was to determine whether money should be expended upfront. He said the final step was to monitor possible savings and implementation. Council Member Brown said she did not think the activities of the task force would require much time from Town

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staff. She noted that the Alternative Energy Corporation and Duke Power had already undertaken energy audits.

Mr. Horton said the five year time horizon of the Green Lights Program was a reasonable time for implementation of any elements, in cooperation with local utility providers. Council Member Werner said he objected to adding conservation and renewables to the charge of the task force. Council Member Brown said her approach might offer a good way to address objectives of the Town's Comprehensive Plan. She noted that an energy workshop had been held in the Council Chamber recently with suggestions for directions and that the original petition from citizens was broader than the Green Lights program. Council Member Brown said the task force would examine a number of issues in addition to the EPA's Green Lights Program. Council Member Brown agreed to delete her reference to conservation in her proposed amendment. Council Member Werner expressed concern that the examination of renewables was too broad for the task force. Council Member Andresen expressed her concurrence.

THE MOTION TO AMEND RESOLUTION 2 AS PROPOSED BY COUNCIL MEMBER BROWN, WAS PLACED ON THE FLOOR. THE MOTION FAILED BY A VOTE OF 3-5, WITH COUNCIL MEMBERS BROWN, CHILTON AND HERZENBERG VOTING YES.

THE MAIN MOTION, TO ADOPT RESOLUTION 2, INCLUDING FRIENDLY AMENDMENTS, WAS PLACED ON THE FLOOR AND ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ESTABLISHING A CITIZENS' ENERGY TASK FORCE  
(92-2-24/R-2)

WHEREAS, energy conservation is a part of the Town of Chapel Hill's Comprehensive Plan and other policy statements; and

WHEREAS, the Council believes that a task force of citizens can make an important contribution to the reduction of energy use by Town citizens, institutions and governmental bodies; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby establishes a Citizens' Energy Task Force, with up to 25 members to be appointed; and

BE IT FURTHER RESOLVED that the Council charges the Task Force to:

1. review the Environmental Protection Agency's Green Lights Program with a view to implementing all program elements,
2. prepare a specific plan of action for such implementation, such plan to include the use of technical assistance and other resources from the local utilities and other institutions,
3. recommend to the Council whether to formally join the Green Lights Program, with its technical assistance and its

requirements for reporting and completion of energy surveys and all retrofitting within 5 years,

- 4. make recommendations to the Council about other measures that could be taken to promote energy efficiency in Chapel Hill.
- 5. make a progress report six months from origination of the task force and a final report after twelve months.

This the 24th day of February, 1992.

Item 7 N.C. 86 Roadway Design Alternatives

Town Engineer George Small provided an overview of the project and the resolution before the Council. He noted that N.C. 86 north had been a high priority project for the Council for a number of years. Mr. Small stated that the Council had authorized investigation of possible improvements in 1990, including the capability to incorporate bicycle lanes and landscaping into the designs. He said that three preliminary alternatives had been drafted for Council consideration. Mr. Small said the staff recommended adoption of resolution 3.

Council Member Andresen inquired whether data was being gathered for possible installation of traffic signals at I-40 and Eubanks Road. Mr. Small said it was a good idea to plan for this possibility. Council Member Werner inquired whether the widening project ended at Weaver Dairy Road or I-40. Mr. Small said I-40. Tom Goodwin, project consultant, presented possible roadway alternatives for N.C. 86. He noted that the alternatives took into account the needs of pedestrians and bicyclists. Council Member Andresen inquired whether all roadway sections were the same width. Mr. Goodwin said yes. He noted that a symmetrical roadway alignment, as proposed in alternative one, was the cheapest available construction alternative and involved the lowest cost for right-of-way acquisition. Mr. Goodwin said alternative two proposed two lanes in each direction, with a median opening at Stateside Drive. He said the basic advantage of this approach was the inclusion of landscaping. Mr. Goodwin said alternative three was similar to alternative two, but would accommodate more landscaping options, since the median flared from twenty-four to sixty feet. He noted that this alternative was the easiest in terms of construction and straightening out curves.

Council Member Andresen inquired whether right-of-way was in place for pursuing any of the alternatives. Mr. Goodwin said no. Council Member Werner asked about the extent of the sixty foot flair. Mr. Goodwin said the flair would extend from Stateside Drive to Weaver Dairy Road. Council Member Werner inquired why it was not possible to have a median north of Weaver Dairy Road. Mr.

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Small said that all the turning maneuvers in the area made this difficult to accommodate.

Council Member Capowski inquired whether the staff knew what it would cost to maintain Weaver Dairy Road at present and in the future for each of the three alternatives. Mr. Horton said the staff was not able to answer this question in great detail. Council Member Capowski asked whether the Town would be responsible for the cost of landscaping along N.C. 86. Mr. Horton said yes. Public Works Director Bruce Heflin said some back-up assistance was currently provided to the State for removal of snow on N.C. 86. He said the staff would provide additional information on Council Member Capowski's inquiry about maintenance costs for the three alternatives. Council Member Capowski said he was concerned about having a situation similar to South Columbia Street wherein the State agreed to build a five-lane section of roadway, with the Town being responsible for paying for bicycle lanes, landscaping and other facilities. Mr. Horton said the Town might be more fortunate in the case of N.C. 86 since local congressional representatives were attempting to secure additional funding for the project.

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CONDUCT A JOINT PUBLIC MEETING WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REGARDING THE PROPOSED IMPROVEMENT OF N.C. 86 BETWEEN HOMESTEAD ROAD AND I-40, AND CALLING A TOWN PUBLIC HEARING ON THE PROPOSED IMPROVEMENT PROJECT (92-2-24/R-3)

WHEREAS, the Chapel Hill Town Council has expressed interest for several years in having the North Carolina Department of Transportation improve N.C. 86 north of Homestead Road to Interstate 40; and

WHEREAS, the Town has prepared a draft report concerning improvement alternatives for N.C. 86 north of Homestead Road; and

WHEREAS, the North Carolina Department of Transportation has expressed interest in developing and funding a project to improve N.C. 86 north of Homestead Road.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to conduct a joint public meeting with the North Carolina Department of Transportation to present general information and solicit citizen comments about the proposed improvement of N.C. 86 between Homestead Road and Interstate 40.

BE IT FURTHER RESOLVED that the Council calls a public hearing to be held on Monday, April 20, 1992 at 7:30 p.m. in the Chapel Hill

Town Hall for the purpose of hearing comments on the proposed improvement of N.C. 86 between Homestead Road and Interstate 40.

This is the 24th day of February, 1992.

Item 7.1 Transportation Improvements Program

Mr. Horton said the Town had received notification that the State Department of Transportation was seeking advice on the Town's roadway and bikeway schedule. He noted that the State had an unusual interest in advancing the roadway schedule due to funding considerations. Mr. Horton said he was recommending that the Council resubmit its current priority listing. He stated that there would likely be an opportunity to review the priorities for the forthcoming year. Mayor Broun inquired whether the Town would be ineligible for participation if the priorities were not submitted by March 6th. Mr. Horton said the State might assume disinterest on the Town's part or that the Town's current priorities continued to be acceptable.

Council Member Capowski inquired whether each of the categories were independent. Mr. Waldon briefly reviewed categories for the Transportation Improvement Program, noting that urban funds were for main roads and arteries, while primary funds were for roads such as U.S. 15-501. Council Member Capowski inquired whether priorities were listed from the top down. Mr. Waldon said yes. Council Member Capowski inquired about the scope of possible improvements to South Columbia Street. Mr. Horton said this was to be determined by the Council. Council Member Brown asked if the Columbia Street listing wasn't for right-of-way protection only. Mr. Horton said this was correct. Council Member Capowski said he was delighted that the program included bikeways. Council Member Brown noted that the Intermodal Transportation Act would provide greater flexibility for local governments in the area of alternative transportation. Noting that the Department of Transportation continued to place primary emphases on construction of roadways, Council Member Brown inquired about local input in transportation matters. Mr. Horton said it was very likely that a regional discussion would take place about the flexibility provided by the new law. Council Member Herzenberg said he hoped that Mayor Broun would consider using money for the Town's bus system. Mayor Broun said he was well aware of the pressing needs of the Town's bus system.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 3.1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM THE CHAPEL HILL TOWN COUNCIL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (92-2-24/R-3.1)

WHEREAS, it is the policy of the Town of Chapel Hill to develop a balanced transportation system for the citizens of Chapel Hill, to include roadways, public transit services, bicycle and pedestrian facilities; and

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets; and

WHEREAS, the State of North Carolina has requested that the Town reaffirm their previous project priority listing by March 6, 1992;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby reaffirms its previous priority rankings and requests the North Carolina Board of Transportation include the following transportation improvements in the State's Transportation Improvement Program;

A. Federal-Aid Primary Funding

1. Construct park/ride facility along U.S. 15-501 at I-40;
2. Widen and improve U.S. 15-501 from Franklin Street to the I-40 interchange;

B. Federal-Aid Secondary Funding

1. Construct Sage Road Extension from Weaver Dairy Road to Erwin Road;
2. Extend Weaver Dairy Road from Homestead Road to N.C. 86;
3. Widen and improve Homestead Road from High School Road to N.C. 86, to include safety and bicycle improvements;
4. Widen and improve Mt. Carmel Church Road from U.S. 15-501 to Chatham County line, to include safety and bicycle improvements;

C. Federal-Aid Urban Funding

1. Widen and improve N.C. 86 from Homestead Road to the I-40 interchange;
2. Widen Estes Drive to 14' travel lanes from Airport Road to Carrboro Town limits;

3. Improve South Columbia Street from Mason Farm to Fordham Blvd;
4. Widen and improve Weaver Dairy Road from Sage Road to N.C.86.

D. Transportation System Management

1. Improve the Franklin/Estes intersection;
2. Improve left turn storage at Raleigh/Country Club intersection and complete radius improvement at Franklin/Raleigh;
3. Improve left turn storage at Franklin/Boundary intersection and resignalize;
4. Complete intersection improvements at Dobbins Drive/Erwin Road.
5. Complete radius improvements at various intersections including Franklin/Elliott, Estes/Caswell and Rosemary/Columbia.

E. Bikeways

Independent Projects

1. Bolin Creek Bikeway (Phase II): from Elizabeth to Franklin Street;
2. Erwin Road: Widen shoulders from Weaver Dairy Road to Durham County line;
3. Pope Road: Widen shoulders from Ephesus Church Road to Old Durham Road;
4. Construct bicycle bridge over Morgan Creek to connect Ashe Place and Arboretum Drive;
5. Booker Creek Bikeway: from Booker Creek Road to Franklin Street;
6. Old Durham Road: Widen shoulders from Scarlette Drive to Pope Road.
7. Seawell School Road: Widen shoulders from Estes Drive to Homestead Road;
8. Culbreth Road: Widen shoulders from Smith Level Road to U.S. 15-501 South;

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9. U.S. 15-501 South: Include bikeway from Fordham Blvd, to Chatham County line.

Incidental Projects

1. N.C. 86: Include bikeway in widening project, Homestead Road to I-40;
2. South Columbia: Include bikeway in widening project, Fordham Blvd to Mason Farm Road;
3. U.S. 15-501 South: Include bikeway in widening, Fordham Blvd to Chatham County line.

This the 24th day of February, 1992.

Item 8 Consent Agenda

Council Member Andresen requested removal of item b. Mayor Broun requested removal of item e.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT THE BALANCE OF THE CONSENT AGENDA (ITEMS A, C AND D). THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND AN ORDINANCE  
(92-2-24/R-4)

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

- a. Minutes of January 27, February 3 and 5, 1992.
- b. Receiving petition and calling public hearing for Springcrest Subdivision annexation request (R-5).
- c. Arrangements for Annual Apple Chill Street Festival (O-1 and R-6).
- d. New Hope Corridor technical correction (R-7).
- e. Response to Orange Community Housing Corporation (R-8).

This the 24th day of February, 1992.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (APPLE CHILL '92) (92-2-24/O-1)

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

That on the 26th day of April or the 3rd day of May, 1992 between the hours of 12:30 and 8:00 p.m., there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, or on either

side of Henderson Street between Franklin and Rosemary Street between the above hours.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said streets during such hours on said date. The Police Department is further authorized to remove, tow, and impound automobiles and vehicles of any kind which are parked on said streets during such hours in contravention of this Ordinance. In light of the large number of pedestrians expected in the Street Fair area, the Council hereby determines that vehicles in the restricted area would constitute a special hazard requiring prompt removal. The owner shall be responsible for and pay storage and moving costs of any vehicle removed pursuant to the provisions of the Ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicles.

This the 24th day of February, 1992.

A RESOLUTION TO TEMPORARILY CLOSE A PORTION OF FRANKLIN STREET FOR THE ANNUAL APPLE CHILL STREET FAIR (92-2-24/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets on Sunday, April 26, or May 3, 1992, from 11:00 a.m. to 8:00 p.m., to allow the holding of the Apple Chill Street Fair and cleanup of the street following the Fair.

This the 24th day of February, 1992.

A RESOLUTION ADOPTING AN AMENDMENT TO THE JOINT PLANNING AREA LAND USE PLAN TO INCORPORATE THE NEW HOPE CORRIDOR OPEN SPACE MASTER PLAN (92-2-24/R-7)

WHEREAS, the Joint Planning Agreement requires that amendments to the Joint Planning Area Land Use Plan and Map must be adopted by Orange County, Chapel Hill, and Carrboro following a Joint Public Hearing by all three governing boards; and

WHEREAS, a Joint Public Hearing was held on October 10, 1991 to consider an amendment to the Joint Planning Area Land Use Plan and Map to incorporate the New Hope Corridor Open Space Master Plan;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the amendment to the Joint Planning Area Land Use Plan and Map as presented at the October 10, 1991 Joint Public Hearing incorporating the New Hope Corridor Open Space Master Plan.

This the 24th day of February, 1992.

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Council Member Andresen inquired whether the Council had previously approved a special use permit for this project. Mr. Waldon said he would need to check his files, but he believed that the Council had approved the project as a subdivision, rather than a special use permit. He noted that phase one of the subdivision was nearing completion. Council Member Andresen inquired when the subdivision had been approved. Mr. Waldon said several years ago.

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

A RESOLUTION CALLING A PUBLIC HEARING ON ANNEXING PHASES I AND II OF THE SPRINGCREST SUBDIVISION (92-2-24/R-5)

WHEREAS, the owners of property which is the site of Phase I and the proposed Phase II of the Springcrest Subdivision have petitioned the Town of Chapel Hill to annex said property located north of the intersection of Weaver Dairy Road and Erwin Road, on the west side of Erwin Road south of I-40; and

WHEREAS, the Town Clerk has received the petition and certified to the Council the sufficiency of said petition pursuant to N.C. General Statute 160A-58.1;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for 7:30 p.m., Monday, March 16, 1992, in the Town Hall Council Chambers, 306 North Columbia Street, Chapel Hill, NC 27516, on this annexation petition for phases I and II of the Springcrest Subdivision.

BE IT FURTHER RESOLVED that the Town Manager shall cause notice of the public hearing to be published, in a newspaper having general circulation in the municipality, at least ten days before the date of the public hearing.

This the 24th day of February, 1992.

Mayor Broun said he strongly favored the proposed resolution and project. He encouraged the Orange Community Housing Corporation to give serious consideration to the housing needs of persons making less than eighty percent of the median income. Council Member Andresen said the project was a worthwhile idea. She inquired whether it was possible for the development to include cluster housing. Ms. Dyer said that the Orange Community Housing Corporation had considered a number of different configurations for the site. She noted that the paramount consideration in deciding the types and number of units was their marketability. Council Member Andresen inquired how many units at Culbreth Park had been sold. Ms. Dyer said that all but five of the townhomes had been sold. Council Member Andresen encouraged Ms. Dyer to consider

cluster housing for the development. She inquired whether the lake on the site would be drained. Ms. Dyer said yes.

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

A RESOLUTION DIRECTING EXPEDITED PROCESSING AND OFFERING STAFF ASSISTANCE IN THE PREPARATION AND REVIEW OF THE ASHETON HILL SUBDIVISION APPLICATION (92-2-24/R-8)

WHEREAS, the Town of Chapel Hill has received a request from the Orange Community Housing Corporation to expedite processing of an application for a subdivision of the Asheton Hill site on Erwin Road; and

WHEREAS, the Corporation intends to provide homeownership opportunities for families with incomes below 80% of the area median income; and

WHEREAS, the Corporation's efforts to increase affordability of housing promote the Town's Goals and Objectives as articulated in Chapel Hill's Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is directed to expedite processing of the subdivision application of Orange Community Housing Corporation in a manner that will speed review without sacrificing breadth or depth of analysis.

This the 24th day of February, 1992.

Item 9 Information Reports

Council Member Capowski requested additional information about the history of the size of proposed landfill site number seventeen. Public Works Director Bruce Heflin said that individual sites were not specific to tax maps or parcels. He noted that general areas were initially identified, with land being added or taken away as the consultant's work on the matter proceeded. Council Member Brown inquired about the number of acres in the Greene Tract. Mr. Heflin said the Town owned one hundred sixty-nine acres at the Greene tract, but the site would be over two hundred acres if adjoining land were acquired.

Council Member Brown said she was concerned about Dr. Reist's report about the University's boiler plant facility. She inquired why the University was not going forward with information on this matter. Council Member Brown requested that the Town investigate this matter further. Mr. Horton said the staff would do so.

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

The regular session concluded at 10:06 p.m.

No report followed the Executive Session.