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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, NORTH CAROLINA, WEDNESDAY, MARCH 15, 1995

Mayor Broun called the meeting to order. Council Members in attendance were Joyce Brown, Joe Capowski, Pat Evans, Lee Pavão, Barbara Powell, Jim Protzman and Rosemary Waldorf. Council Member Chilton was absent excused. Also in attendance were Town Manager Cal Horton, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Finance Director James Baker, Planning Director Roger Waldon and Town Attorney Ralph Karpinos.

There were no ceremonies or hearings.

Item 3 Petitions

George Esser, representing Joint Orange Chatham Community Agency (JOCCA), said his agency had provided varied programs, including meals, to local senior citizens since 1968. He stated that presently about sixty-five persons received daily noontime meals through JOCCA's program. Noting that meals funding had not increased since 1987, Mr. Esser stated that JOCCA had continue to provide the full program with a small deficit each year. He said that JOCCA was requesting that the Town provide annual funding of \$15,000 to cover a portion of meals and staffing costs of the program.

Council Member Waldorf inquired whether JOCCA was making similar funding requests to other local government agencies. Mr. Esser said yes, saying that the Town of Carrboro currently provided a greater annual appropriation to JOCCA than the Town. He also stated that both Orange and Chatham counties currently provided annual program matching funds.

Council Member Powell inquired whether additional funding would make it possible to expand a senior crafts program being offered by JOCCA. JOCCA Executive Director Gloria Williams said additional funding support would help to restore the crafts program to three days per week. She also said JOCCA had a full curriculum of programs to enhance the lives of area senior citizens.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO REFER THE MATTER TO STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Broun noted that a petition had been received from the St. Paul A.M.E. Church concerning sidewalk and curb and guttering improvements along Merritt Mill Road.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO REFER THE MATTER TO STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Chris Moran, representing the Interfaith Council (IFC), requested the Council's support of Project Homestart, a new transitional

housing program for very low income individuals and families. Noting the potentially tenuous status of state and federal funding of such programs, Mr. Moran said the IFC requested that the Council grant expedited review of the special use permit modification being sought by Project Homestart.

Council Member Brown inquired whether or not design of the project's buildings had been completed. Mr. Moran said the buildings were in process of being designed by GGA Architects.

Council Member Brown said she hoped that strong consideration would be given to achieve the greatest possible energy efficiency and solar gains in the buildings. Mr. Moran said efforts would be made to do so.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER PROTZMAN, TO REFER THE MATTER TO STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Kimberly Kaiser, a historic district resident, expressed her concern about the proposed demolition of the Sparrow Farmhouse. Ms. Kaiser requested that the Council consider reviewing all future subdivisions in the Town's historic districts.

Council Member Capowski stated that his neighborhood had experienced similar concerns about proposed rooming houses a few years ago.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO REFER MS. KAISER'S PETITION TO STAFF.

Council Member Brown noted that at the February 27th staff had been asked to prepare a report about duplex and rooming house concerns. Noting that the report was scheduled for consideration by the Council at its March 27th meeting, Council Member Evans suggested that Ms. Kaiser share this information with interested parties. Ms. Kaiser said she would do so.

Council Member Evans noted that the Council could ask the Historic District Commission to review proposed subdivisions in the Town's historic districts. Ms. Kaiser stated that mishandling of subdivision applications could negatively impact neighborhoods.

Council Member Brown noted that the Historic District Commission had recently adopted several resolutions concerning the review of subdivisions in historic districts. Mr. Horton stated that staff could prepare a catalogue of options and processes for Council consideration.

THE MOTION TO REFER WAS ADOPTED UNANIMOUSLY (8-0).

Lightning Brown, speaking on behalf of the Orange County Lesbian and Gay Association, thanked the Council for their support of a proposed change in Orange County's Civil Rights Ordinance to provide protections for gays and lesbians. He also said the Town was celebrating the twentieth anniversary of a personnel policy to protect gays and lesbians in the work place.

Council Member Brown noted that a legislative lobbying session on transit matters would be held on March 29th at the General Assembly in Raleigh. Council Member Brown said she hoped citizens and Council Members would be able to attend the session.

Council Member Pavão said a petition had been received from residents of Collums Road, requesting roadway paving between Virginia and Dixie Drives.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO REFER THE MATTER TO STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Noting that he had recently visited the renovated Chapel Hill Day Care facility in the former Town library building, Council Member Protzman commended the day care staff for an excellent renovation project. He also encourage interested parties to visit the facility.

Mr. Horton noted that he had placed a resolution at the Council table this evening requesting reopening of the Meadowmont public hearing for the entry of the East Entranceway report into the record of the hearing. Noting that Council Member Chilton was absent this evening, Mr. Horton said it would be consistent with Council policy to bring the matter back for consideration at the March 27th meeting. Noting that she would be unable to attend the March 27th meeting, Council Member Evans asked whether there would be other opportunities for Council comments and questions. Mr. Horton said the hearing was scheduled to be reopened in May. Mayor Broun inquired whether it was correct that the Council was only receiving the East Entranceway report relative to the Meadowmont proposal at the March 27th Council meeting. Mr. Horton said this was correct.

Item 4.1 Consent Agenda

Council Member Brown requested removal of items g and k. Council Member Capowski requested removal of item h. Council Member Waldorf requested removal of item d.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO ADOPT THE BALANCE OF THE CONSENT AGENDA (ITEMS A, E, F, I AND J). THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

March 15, 1995

A RESOLUTION ADOPTING MINUTES AND VARIOUS RESOLUTIONS AND ORDINANCES (95-3-15/R-1)

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

- a. Minutes of February 13th, 15th and 20th.
- b. Deleted.
- c. Deleted.
- d. Scheduling work session with advisory boards and commissions (R-4).
- e. Calendar for considering requests for performance agreements to be funded with hotel-motel taxes (R-5).
- f. Apple Chill street fair arrangements (R-6 and O-1).
- g. Acquisition of Neville tract south of Eubanks Road with land acquisition reserve funds of the Orange Regional Landfill (R-7).
- h. Increasing amount of sewer plumbing connection costs which may be funded with Community Development grant funds through the sewer loan program (R-8).
- i. Alternate resolutions (R-9a and b) and an ordinance (O-0.1) concerning a funding request by the Apple Chill Cloggers. Manager recommends adoption of R-9a, denying the funding request.
- j. Receiving description of potential changes in the service plan for the Downtown Service District (for May 17th public hearing). (R-10).
- k. Computer system bids (R-11a and b).

This the 15th day of March, 1995.

A RESOLUTION ESTABLISHING A PROCESS AND SCHEDULE FOR REVIEWING PROJECT PROPOSALS FOR USE OF HOTEL/MOTEL TAX REVENUES (95-3-15/R-5)

WHEREAS, the Council has adopted criteria for considering project proposals for use of hotel/motel tax revenues; and

WHEREAS, the Council will approve a total amount to be allocated for these project proposals as part of the budget process for FY 1995-96; and

WHEREAS, the Town staff will evaluate project proposals and make recommendations to the Council in June, 1995;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorize the following schedule and process for the review and allocation of funds from hotel/motel tax revenues:

March 15, 1995

April 10, 1995: Mail notices to organizations on an ongoing mailing list informing them that applications are available.

April 12, 1995: Advertise in a local newspaper that hotel/motel tax grant applications and criteria are available. Send application forms and copies of Council approved criteria to organizations and individuals upon request.

April 12 - May 19, 1995: Accept applications from all interested individuals and organizations.

May 22 - June 5, 1995: Staff would evaluate all grant proposals based upon Council approved criteria and develop recommendations for allocating grant funding. Copies of all hotel/motel tax grant proposals would be available for review by the Council on May 21, 1995.

June 26, 1995: Council would consider applications and staff recommendations and could take action assuming previous adoption of the FY 1995-96 budget which would include the amount of hotel-motel tax proceeds to be distributed for visitor information and cultural events.

June 27, 1995: Upon Council approval, staff would begin to negotiate performance agreements with all individuals and organizations selected to receive grants.

This the 15th day of March, 1995.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (APPLE CHILL '95) (95-3-15/O-1)

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

That on the 23rd day of April or the 30th day of April, 1995 between the hours of 12:30 p.m. 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 beginning no later than 7:00 a.m. and remaining until the streets are reopened 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 15th day of March, 1995.

A RESOLUTION AUTHORIZING THE CLOSING OF PORTIONS OF FRANKLIN AND HENDERSON STREETS FOR THE 1995 APPLE CHILL STREET FAIR (95-3-15/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 23, or April 30, 1995, from 10:30 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 15th day of March, 1995.

A RESOLUTION RECEIVING POTENTIAL CHANGES IN THE SERVICE PLAN FOR THE DOWNTOWN SERVICE DISTRICT (95-3-15/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby receives the following proposed amendment to the service plan for the Downtown Service District:

Alter the types of services or the level of a service to be funded from the Downtown Service District tax in one or more of the following ways:

- * add any service permissible under State law for the downtown service district, including any current Town service or service which the Town is legally authorized to provide. For example, downtown service district tax funds could be used to supplement police protection, street lighting, etc.
- * expand or otherwise change a current service:
 - Mid-day trolley buses
 - Supplemental sidewalk cleaning
 - Public capital improvements
 - Promotional activities
 - Marketing publications
- * reduce or delete any of the present services as listed above.

This the 15th day of March, 1995.

Item 4.2 Information Report

Lucille Moorefield, speaking on behalf of several residents of the Colony Woods subdivision, said while her neighborhood received refuse pick-ups on Mondays and Thursdays, the Colony Woods East subdivision received pick-ups on Tuesdays and Fridays. Ms. Moorefield requested that the Council alternate refuse pick-ups on Town holidays. She stated that Colony Woods residents would be happy to prepare and distribute fliers making residents aware of changes in refuse collection routes on holidays. Council Member Evans said she hoped the matter could be addressed within the context of the Town's budget. Council Member Evans also said she continued to supported the viewpoints she had raised on the matter last year.

Item 5 Presentation of Preliminary Report on 1995-96 Budget and Related Capital and Housing Matters

Mr. Horton said his preliminary recommendation to the Council for the 1995-96 Town budget was continuation of a 59.1 cent per \$1,000 property tax rate. He also said it appeared likely that the General Assembly would replace revenues formerly collected from intangible taxes. Mr. Horton noted that he was recommending increases in planning, development, engineering and cemetery fees and in parking violation fines. He also stated that the preliminary recommended budget allowed for the continued funding of twelve police officers adding during the current fiscal year.

Mr. Horton stated that he recommended no increase in the Transportation Fund tax rate, despite an anticipated 30% decrease in federal transportation operating assistance. He also noted that it was quite likely that increases in landfill tipping fees would be recommended by the Landfill Owners Group. Mr. Horton said that information concerning the future of the Town's Housing Fund relative to federal program funding was unclear. He also stated that it appeared the Parking Fund revenues would exceed expenditures during the next fiscal year.

Stating that approximately 2/3 of budget expenses were employee salaries, Mr. Horton noted that personnel staff was surveying employee salaries in the Triangle area. Mr. Horton said his preliminary recommendation was for an average increase of 4.2%. He also presented a brief overview of options for adjusting the proposed budget. Noting that a public forum on the preliminary budget would be held on March 29th, Mr. Horton said he welcomed the Council's additional guidance in the matter.

James McEnery, a resident taxpayer and member of Tax Watch, said a recent newspaper article had erroneously indicated that the Town would hold a preliminary budget forum on March 12th. Mr. McEnery also requested information concerning the Town's projected 1995-96 income as soon as possible. Mayor Broun noted that a public forum

to receive citizen comment on the proposed budget would be held on Wednesday, March 29th at 7:00 p.m. in the Council Chamber. Mr. McEnery said this did not allow sufficient time for review of the proposed budget by citizens.

Council Member Evans noted that the University's policy for parking meter violations was an initial fine of \$10, with an additional fine of \$5 if the vehicle was not moved by the time of the enforcement officer's return visit. She suggested that the Town consider implementing a similar policy. Council Member Evans said she hoped the staff would provide detailed information about proposed position reclassifications.

Council Member Protzman requested additional information concerning a proposal to add a position in the Parking Services Division. Council Member Protzman also said it was very challenging to address position classification inequities within the context of a pay and classification system. Mr. Horton said he could provide additional detail on both matters.

Council Member Waldorf requested that the staff's follow-up report contain information about levels of Town employee turnover. She also requested information about the percentage of employees receiving merit increases in recent years.

Council Member Waldorf inquired about the status of the solid waste study. Assistant Town Manager Sonna Loewenthal reported that the first working paper would be completed by late April or early May. She noted that the delay was principally attributable to a request by the citizen's advisory group for a modification in the collection options to be studied. Council Member Protzman inquired whether there was a specific target completion date for the working paper. Ms. Loewenthal said the paper would likely be completed by late April. Council Member Protzman suggested setting a specific target date. Ms. Loewenthal said she would check on that date and report back. Mr. Horton noted that the Town of Carrboro and Orange County were also actively involved in the overall process. Noting the large fiscal scope of the Landfill Fund, Council Member Protzman said it was essential to have significant additional prior to moving ahead on the Town's proposed budget.

Noting that only a portion of the study would be completed by late April, Council Member Brown said the Council would be able to make some preliminary decisions concerning refuse collection options.

Council Member Waldorf inquired whether the proposed commercial collection fee would influence all existing commercial in a fairly equitable manner. Mr. Horton said a number of customers had already chosen to contract for this service.

Council Member Waldorf said it would be desirable to include funding for sidewalk projects in the Town's small capital

improvements fund. She suggested that one possible funding source was excess operating revenues. Council Member Capowski stated that one reason that no property tax rate increase was proposed was because a portion of the Town's fund balance was used to offset shortfalls. Council Member Waldorf said she thought it was reasonable to use a portion of the year-end fund balance for small capital improvement projects. Noting that some funds had been identified during the current fiscal year for small capital projects, Mr. Horton said it was also important to protect the level of the Town's fund balance.

Council Member Capowski inquired whether the Town's bus system was currently subsidized from the Town's General Fund. Mr. Horton said no. He noted that his preliminary recommendation was for the Council to consider a shifting of a portion of the tax rate for transit operations. Council Member Capowski also inquired whether or not the Town contributed funds to the Chapel Hill-Carrboro School System for some of its training programs. Mr. Horton said although no funds were currently contributed, the School System had requested that the Council review this possibility for funding of training and apprenticeship programs. He noted that the Town had an informal cooperation agreement with the Chapel Hill-Carrboro School System concerning facility use.

Council Member Brown inquired about Town funding commitments for the DARE Program. Mr. Horton said funding for this program was currently included in the Police Department's budget. Council Member Brown said she wanted to discuss the DARE program in greater detail during the budget process given recent studies questioning the program's overall effectiveness in reducing drug use among young people.

Council Member Powell inquired whether the estimated cost of the proposed Hargraves Center gymnasium was a total of \$760,000 or \$800,000. Mr. Loveman stated that the estimated total cost was \$800,000.

Council Member Brown requested that the staff's follow-up report contain information about the number of new positions added to the Town's payroll over the past five years. Mr. Horton said staff would gladly provide this information. Stating that a significant amount of money had been expended on a new cost accounting system for the Town, Council Member Brown requested a status report on the system's costs to date and benefits realized from the new system. She also requested additional information about offsetting costs of a gas recovery system. Mr. Horton said staff would report back to the Council on these matters.

Council Member Protzman requested that staff provide a five-year summary trend of investments and expenditures in constant dollars over this time period. Mr. Horton said staff could prepare a graphical analysis of this information for the Town Council.

Council Member Powell said she was not fond of pay systems tied exclusively to merit since they were sometimes misused or confusing to employees. Council Member Brown said she also shared these concerns. Council Member Protzman stated that he had some concerns about merit systems. Council Member Protzman emphasized the importance of rewarding extraordinary performance and creative innovation by employees.

Proposed Capital Program

Mr. Horton presented an overview of the proposed Capital Improvements Program, noting that projects having a total cost of \$330,000 were recommended during fiscal year 1995-1996, including \$50,000 for a proposed skateboarding facility.

Council Member Protzman inquired whether or not the Town shared its Fire Department training facilities. Mr. Horton said yes, noting that the departments that shared it also provided the Town with mutual aid assistance as needed. Mr. Horton added that these other departments might be able to assist with facility repair costs.

Council Member Evans said it would be desirable to have Town funds which could be leveraged for programs such as streetscape. Noting that it would be quite difficult to set aside these funds, Mr. Horton said staff would attempt to do so.

Council Member Pavão inquired about the status of Phase II of the Bolin Creek greenway project. Mr. Loveman stated that funding of \$300,000 had been identified for this project. Council Member Pavão inquired whether these were surplus, rather than new. funds. Mr. Horton said this was correct.

Council Member Capowski inquired whether there were sufficient funds to construct the Hargraves Center gymnasium. Mr. Horton said \$800,000 was sufficient funding to provide a basic facility, with upgrades taking place when and if future funding permitted.

Council Member Capowski asked about the Town's contingency plans in the event of cost overruns for the proposed Hargraves Center gymnasium. Mr. Horton said there would be several options including scaling down the project, cutting other programs or seeking additional funding from other sources. Council Member Capowski said the Council might wish to consider the possibility of having another bond election for parks and open space in the near future.

Council Member Pavão inquired whether there was about \$190,000 in reserve for parks-related capital projects. Mr. Horton said these funds were tentatively earmarked for greenways projects.

Council Member Brown inquired about the Town's process for selecting architects for projects such as the proposed gymnasium.

Mr. Loveman said a total of twelve proposals were received for the project, of which five architectural firms were interviewed for thirty minutes each by the Parks and Recreation Commission and Town staff. He noted that consensus among all parties had been achieved in selecting the project's architect.

Council Member Brown said she hoped it would be possible to modify future processes so that the Citizen's Energy Task Force could be involved in the selection process. Mayor Broun said he favored the proposal if it would not result in greatly increased project costs. Council Member Brown said it would be desirable for the Citizen's Energy Task Force to review plans for the Hargraves Center Gymnasium.

Proposed 1995-1996 Housing Budget

Housing and Community Development Director Tina Vaughn presented an overview of the proposed budget, noting that the principal elements were preventative maintenance, pest control, repair of vacant units and installation of playground equipment. Ms. Vaughn also noted that the proposed budget called for replacing all stove and refrigerators units in two public housing communities.

Council Member Waldorf inquired about the ratio between federal subsidies and rental income from housing units. Ms. Vaughn stated that this varied widely, depending upon the existing performance funding formula.

Council Member Powell said she was pleased to see an emphasis being placed on preventative maintenance. She inquired about the condition of the van used by public housing residents for a variety of purposes. Ms. Vaughn said the van was in good condition, with the lease for the van to be renewed in May, 1995.

Council Member Evans inquired why the total rental income collected during the early part of 1995 was less than that collected during the same period in 1994. Ms. Vaughn indicated that a number of units at the South Estes community were currently being renovated. She also stated that some residents were employed during some months and then unemployed in subsequent months which affects their rental rates. Council Member Evans inquired about the basis for replacing all refrigerators and stoves in a given housing community. Ms. Vaughn stated that the units generally required a high degree of maintenance. She added that stoves and frost-free refrigerators were generally replaced at ten year intervals.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO ADOPT RESOLUTION 12.1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN OPERATING BUDGET FOR THE LOW RENT CONVENTIONAL HOUSING PROGRAM FOR JULY 1, 1995 THROUGH JUNE 30, 1996 FOR PROJECT NO (S) 46-1, 2, 3, 4, 5, 6, 7, 9, 10. (95-3-5/R-12.1)

WHEREAS, the manager has submitted a budget for fiscal year ending June 30, 1996; and

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

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, all proposed rental charges and expenditures will be consistent with provisions of law and the Annual Contributions Contract; and

WHEREAS, the Council hereby certifies that the Town's Authority is in compliance with the provisions of Section 207 (a) of the Consolidated Annual Contributions Contract in that the Town's Authority shall at least once a year reexamine the income of the families living in the project(s); and

WHEREAS, all persons responsible for 75 or more units of public housing are hereby certified by an approved certifying organization; and

WHEREAS, pursuant to Section 307, Part II of the Consolidated Annual Contributions Contracts, the Town's Authority hereby certifies that all administrative salaries are comparable to local practice, based on a comparability study dated January 1989 which is on file for HUD review;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the operating budget as submitted by the Town Manager on March 15, 1995 for the fiscal year ending June 30, 1996.

This the 15 day of March, 1995.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO ADOPT RESOLUTION 12.2. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CONFIRMING THAT THE PERSONS RESPONSIBLE FOR HOUSING MANAGEMENT DUTIES HAS BEEN CERTIFIED BY AN APPROVED CERTIFYING AGENCY (95-3-15/R-12.2)

WHEREAS, Tina Vaughn, Director of the Department of Housing, and Harold Wolfe, Housing Officer, have been certified by the National Association of Housing and Redevelopment as Public Housing Managers; and

WHEREAS, the National Association of Housing and Redevelopment Officials is an approved Certifying Agency; and

WHEREAS, these persons perform housing management duties;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the persons involved in the performance of housing management duties meet certification requirements as set forth in Federal Register Volume 41, Number 190. Wednesday, September 29, 1976; pp 43088-43092, and the salaries of such persons are an eligible operating expenditure.

This the 15th day of March, 1995.

Item 6 208 West Franklin SUP Request

Noting a potential conflict of interest, Council Member Protzman requested recusal from the matter. Mayor Broun granted his request.

Mr. Horton requested that materials pertaining to the application be entered into the record of the hearing. Mayor Broun concurred with the request.

Mr. Waldon stated that the Transportation Board had reviewed the proposal at its March 7th meeting. He noted that staff continued to believe that the proposal was a good one. Mr. Waldon said staff recommended the adoption of Resolution A.

Council Member Brown inquired whether the applicant had any objections to the recommendations made by the Transportation Board concerning a transportation management plan. Mr. Waldon said he was not aware of any such objections.

Council Member Capowski noted that a property owner in the vicinity of the proposed project had contacted him about a number of concerns related to dumpsters and electrical wires. Mr. Horton stated that staff would be glad to work on these operational concerns.

Ron Strom, the applicant, expressed his concurrence with the proposed conditions of approval.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Brown suggested amending Resolution 13a to incorporate revised language concerning a transportation management plan. Council Member Waldorf inquired whether this would be legally permissible. Mr. Horton stated that conditions of approval ran with the land, rather than individual applicants.

Stating the downtown area had serious traffic problems, Council Member Brown said it was important to adopt conditions of approval which would help to mitigate these difficulties. Mayor Broun said it was important to provide the applicant and staff some flexibility regarding conditions of approval relative to the transportation management plan.

Expressing concern that it would represent a form of double taxation, Council Member Evans said she was opposed to requiring the applicant to purchase bus passes for employee use. Council Member Capowski noted that the proposed transportation management plan would permit the applicant to voluntarily purchase bus passes.

Council Member Brown said it was important to take steps to reduce the number of persons driving to and from worksites in single-occupant vehicles.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT RESOLUTION 13A.

COUNCIL MEMBER BROWN MOVED THAT THE RECOMMENDATIONS OF THE TRANSPORTATION BOARD CONCERNING THE APPLICANT'S TRANSPORTATION MANAGEMENT PLAN BE INCLUDED IN THE PROPOSED CONDITIONS OF APPROVAL. THE MOTION FAILED FOR LACK OF A SECOND.

RESOLUTION 13A WAS ADOPTED UNANIMOUSLY (7-0), WITH COUNCIL MEMBER PROTZMAN EXCUSED.

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR 208 WEST FRANKLIN STREET (FILE NUMBER 85.M.21A) (95-3-15/R-13a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the office/retail building, proposed by Dale Dixon and Associates, PA on property identified as Chapel Hill Township Tax Map 85, Block M, Lot 21A, if developed according to the site plan for CMS Building dated January 3, 1995 and the conditions listed below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, 14, and 18, and with all other applicable regulations (with the exceptions listed below);
3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, and

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- 4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council finds, in this particular case, that the following modifications to the regulations satisfy public purposes to an equivalent or greater degree:

- 1. Modification of Subsection 14.6.9 of the Development Ordinance to allow an off site loading zone;
- 2. Modification of Subsection 14.6.5.c to allow the applicant to use the street setback between the proposed structure and Rosemary Street for parking;
- 3. Modification of current provisions of Subsection 14.12.7 to allow the outdoor cafe to not be screened from Franklin Street;

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for the Special Use Permit for 208 West Franklin Street in accordance with the plans listed above and with conditions listed below:

Stipulations Specific to the Development

- 1. That construction begin by March 15, 1997 (two years from the date of Council approval) and be completed by March 15, 1998 (three years from the date of Council approval).
- 1.b. That a recombination plat, recombining the two lots that are the subject of this application, shall be recorded in the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit.

Required Improvements

- 2. Right of Way Dedication: That the applicant dedicate half of a 60-foot right-of-way along Rosemary Street prior to issuance of a Zoning Compliance Permit.
- 3. Sidewalk Required: That the applicant install a 5 foot wide concrete sidewalk along the property's frontage on Rosemary Street prior to issuance of a Certificate of Occupancy.
- 4. Transportation Management Plan: That a Transportation Management Plan be approved by the Town Manager in accordance with Section 14.6.2 and in partial fulfillment of required off-street parking prior to issuance of a Zoning Compliance Permit. The Management Plan shall include:
 - a. Quantifiable traffic reduction goals and objectives;

- b. Provision for designation of a Transportation Coordinator;
- c. Provision for an annual Transportation Survey and Annual Report to the Town Manager;
- d. Ridesharing incentives;
- e. Public Transit incentives.

5. Parking Lot to Town Standards: That the internal drive aisles, and parking lot be constructed to Town standard and that any alternate paving used in the parking lot have the same load bearing capacity as the Town's standard pavement design.

Stipulations Related to State and Federal Governments Approvals

6. Approval of Encroachment Agreements: That any required State permits or encroachment agreements be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

7. Landscape Plan Approval: That a detailed landscape plan, landscape maintenance plan, and lighting plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.

8. Landscape Protection Plan: That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Building Elevations

9. Building Elevation Approval: That detailed building elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Utilities

10. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

11. Utility/Lighting Plan Approval: That the final utility and lighting plans, including the Streetscape Lighting Plan, be approved by Orange Water and Sewer Authority, Duke Power, Public Service Company, Southern Bell, and the Town Manager before issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

12. Solid Waste Management Plan: That a detailed solid waste management plan, including a recycling plan and plan for management of construction debris be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit; and that the site design of the dumpster location be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
13. Detailed Plans: That final detailed site plan, grading plan, utility/lighting plans, including the Streetscape Lighting Plan, stormwater management plan (with hydraulic calculations), landscape plan and landscape management plan be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
14. Erosion Control: That a soil erosion and sedimentation control plan be approved by Orange County and be submitted to the Town Manager before issuance of a Zoning Compliance Permit.
15. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
16. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
17. Non-severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for 208 West Franklin Street in accordance with the plans and conditions listed above.

This the 15th day of March, 1995.

Item 7 Blue Cross/Blue Shield Parking Facility

Mr. Horton said the applicant's proposal was for the construction of a five-level, 300 space parking structure.

Mr. Waldon said the proposal had been well received by the Town's development review advisory boards. Stating that the proposed structure would achieve a reduction in impervious surface area and help to reduce drainage runoff, Mr. Waldon said staff recommended adoption of Resolution A.

Dallas Allford said the applicant accepted the proposed conditions of approval.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO ADOPT RESOLUTION 14A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR THE EASTOWNE BUILDING 600 PARKING DECK (SUP-26-17H) (95-3-15/R-14a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the parking deck proposed by Blue Cross/Blue Shield of NC, on property identified as Chapel Hill Township Tax Map 26, Lot 17H, if developed according to the Site Plan dated August 10, 1994 (revised November 7, 1994) and the conditions listed below:

- 1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- 2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, 14, and 18, and with all other applicable regulations;
- 3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- 4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council finds, in this particular case, that the following modification of the regulations satisfies public purposes to an equivalent or greater degree:

- 1. Modification of Subsection 13.11.2 of the Development Ordinance to allow the provision of 128,476 square feet of open space; and
- 2. Modification of Subsection 5.5.1 of the Development Ordinance to allow the construction of a parking deck partially within the Resource Conservation District.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for the Eastowne Building 600 Parking Deck in accordance with the conditions of the Special Use Permit recorded in Deed Book 70, Page 81 of the Orange

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County Register of Deeds, the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

- 1. A. That construction begin by March 15, 1997 and be completed by March 15, 1998.
- B. That a bicycle rack(s) be provided near the entrance to Building 600.
- 2. Required Improvements
 - A. That a sidewalk be built to Town standards along the subject property's Eastowne Drive frontage in the public right-of-way.
 - B. That a Transportation Management Plan be developed, and that the Town Manager review and approve this plan prior to issuance of a Zoning Compliance Permit. The Transportation Management Plan shall include:
 - a. provision for designation of a Transportation Coordinator for the building;
 - b. provision for submittal of an annual Transportation Survey and Annual Report to the Town Manager;
 - c. quantifiable traffic reduction goals and objectives; and
 - d. provisions for disseminating transit and ridesharing information.

The Transportation Management Plan shall be reviewed on an annual basis by the Town Manager. Upon reviewing the annual report, the Town Manager may suggest changes to the existing programs or may suggest additional programs. The Plan may also be amended to reflect the results of the Town's ongoing study of alternative transportation programs.

Stipulations Related to the Resource Conservation District

- 3. Boundaries: That the boundaries of the Resource Conservation District be shown on the final plat and final plans with a note indicating that "Development shall be restricted within the Resource Conservation District in accordance with the Development Ordinance."

4. Variances: That all variances necessary for development within the Resource Conservation District be obtained before application for final plans approval.

Stipulations Related to State and Federal Government Approvals

5. State or Federal approval(s): That any required State or Federal permits or encroachment agreements be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
6. NCDOT approval: That plans for improvements to state-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

7. Landscape Plan Approval: That a detailed landscape plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. The detailed landscape plan shall comply with the following landscape buffer requirements:
- Type A buffer (minimum 15 feet wide) along the subject property's Eastowne Drive frontage; and
 - Type B buffer (minimum 20 feet wide) along the property's southern and eastern property lines.
8. Parking Lot Landscaping and Shading: That the detailed landscape plan demonstrate compliance with Section 14.6.6 of the Development Ordinance regarding parking lot landscaping and shading by vegetation.
9. Landscape Protection Plan: That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulation Related to Building Elevations

10. Building Elevation Approval for Special Use Permit applications: That detailed building elevations be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit.

Stipulations Related to Water, Sewer and Other Utilities

11. Utility/Lighting Plan Approval: That the final utility plan be approved by the Duke Power Company, GTE, Orange Water and Sewer Authority, and the Town Manager before issuance of a Zoning Compliance Permit.

12. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

13. Solid Waste Management Plan: That a detailed solid waste management plan, including a recycling plan and plan for management of construction debris, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
14. Detailed Plans: That final detailed site plan, grading plan, utility plan, stormwater management plan (with hydraulic calculations), landscape plan and landscape management plan be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
15. Erosion Control: That a soil erosion and sedimentation control plan be approved by the Orange County Erosion and Sedimentation Control Officer, and documentation certifying that approval be submitted to the Town, before issuance of a Zoning Compliance Permit.
16. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
17. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
18. Non-severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Special Use Permit Modification for the Eastowne Building 600 Parking Deck in accordance with the plans and conditions listed above.

This the 15th day of March, 1995.

Item 8 State Employees Credit Union SUP Request

Mr. Waldon said staff recommended adoption of Resolution A. He noted that Resolution B would place a cap on the number of spaces on site and make optional, rather than required, a pedestrian connection to an adjacent shopping center.

Council Member Capowski inquired about the status of negotiations concerning the proposed pedestrian connection. Bob Anderson, the applicant's representative, said Kenan Oil had decided to deny pedestrian access. Council Member Capowski inquired about the possibility of a fence between the proposed credit union and the shopping center. Mr. Anderson said there was already such a fence in place. He added that the credit union had agreed to pay for the proposed pedestrian connection. Mayor Broun said he thought this matter was best handled by powers of persuasion. Mr. Karpinos said he fully concurred.

Council Member Evans said she believed that the owners of the shopping center would also be concerned about pedestrian safety in the area.

Mr. Anderson expressed the applicant's concurrence with the proposed conditions of approval.

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

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT RESOLUTION 15A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN APPLICATION FOR SPECIAL USE PERMIT FOR THE HAMILTON ROAD STATE EMPLOYEES CREDIT UNION (SUP 65-B-2)(95-3-15/R-15a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Hamilton Road State Employees Credit Union, proposed by O'Brien/Atkins, on property identified as Chapel Hill Township Tax Map 65, Block B, Lot 2, if developed according to the site development plan dated August 24, 1994, and the conditions listed below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, 14 and 18, and with all other applicable regulations, except for the modification being requested below;
3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for Special Use Permit for the Hamilton Road State Employees Credit Union in accordance with the plans listed above and with conditions listed below:

Stipulations Specific to the Development

1. Construction Deadlines: That construction begin by March 15, 1997 (two years from the date of Council approval) and be completed by March 15, 1998 (three years from the date of Council approval).
2. Parking Space Number and Location: That at least 18 spaces, and up to 36 parking spaces be constructed initially. If, at a future date, the need for the remaining 7 spaces is demonstrated, those spaces may be constructed for a total of no more than 43 spaces.
3. Required Improvements:
 - a. That sidewalks be provided in the following locations:
 - * 5-foot sidewalks along both street frontages;
 - * from Prestwick Road to the building in the vicinity of the drive aisle from Prestwick Road; and
 - * from Hamilton Road to the building.
 - b. That a pedestrian path be installed in the northwest corner of the site to link this site to the Glenwood Square Shopping Center, with stairs if necessary, if agreement can be reached with the adjacent property owner.
 - c. That a bike rack be provided near the building entrance.
 - d. That adequate horizontal and vertical sight distances be reserved at all proposed entrances.
 - e. That a streetlighting plan be developed by the applicant for streetlighting along the road frontages, for review and approval by the Town Manager and Duke Power.

Stipulations Related to Landscape Elements

4. Landscape Plan Approval: That a detailed landscape plan (including the buffer plantings), landscape maintenance plan, and lighting plan be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit. The Landscape Plan shall include:

- a. Detailed planting plans for the following buffers:
- * a Type B buffer (minimum width 10 feet) along the northern and western property lines; and
 - * a Type C buffer (minimum width 20 feet) along the eastern and southern property lines.
- b. The Type B buffer along the western property line shall be:
- * located on-site or off-site, outside utility easements; or
 - * designed to fulfill the Town's landscape buffer standards and meet the planting restrictions associated with the easements for OWASA and any other utility company; or
 - * approved as an alternative buffer by the Appearance Commission.

If an off-site buffer is approved, a landscape buffer easement on adjacent property shall be recorded in the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit.

- c. A landscape strip at least 5 feet wide between the buildings and the parking lots and drive aisles.
 - d. Provisions for shading of at least 35% of the pavement.
 - e. Street tree plantings along the street frontages.
 - f. Screening of parking areas from adjacent properties and roadways.
5. Landscape Protection Plan: That a tree survey, identifying significant vegetation to be preserved and indicating how it will be protected during construction, be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

The Landscape Protection Plan shall include standard landscape protection notes and a detail of the proposed tree protection fencing. The clearing limit lines should account for the locations of utilities and stormwater management improvements.

Stipulation Related to Building Elevations

6. Building Elevation, Lighting, and Signage Approval: The detailed plans for building elevations, lighting, and signage

shall be reviewed for approval by the Appearance Commission. The building elevations and lighting plans shall be reviewed for approval prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Water, Sewer and Other Utilities

7. Fire Flow: That a detailed fire flow report shall be prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
8. Stormwater Management Plan: That a detailed stormwater management plan, based on the Hydros computer model, be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
9. Utility/Lighting Plan Approval: That the final detailed utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power, Southern Bell, Public Service Company, Cablevision, and the Town Manager, before issuance of Zoning Compliance Permit. The property owner shall be responsible for assuring these utilities are extended to serve the building.

Miscellaneous Stipulations

10. Solid Waste Management Plan: That a detailed solid waste management plan, including a recycling plan and plan for management of construction debris, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

A refuse storage system other than a dumpster, such as roll-out carts, may be used initially if an active recycling program is incorporated in the credit union's daily operations. However, prior to issuance of a Zoning Compliance Permit, the final plans shall designate a future dumpster pad location on the site (with the location to be approved by the Town Manager) so that a dumpster may be located on the site, should it be deemed necessary in the future. The number, location, orientation, and size of the recycling containers shall be approved by the Town Manager.

11. Detailed Plans: That final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydrologic calculations), landscape plan and landscape maintenance plan be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance all applicable conditions and the design standards of the Development Ordinance and the Design Manual.

- 12. Certificates of Occupancy: That no Certificates of Occupancy be issued until all required public improvements are completed.
- 13. Sight Triangle Easements: That sight triangle easements be provided for all entrances.
- 14. Erosion Control: That a detailed soil erosion and sedimentation control plan, be approved by the Orange County Erosion Control Officer and the Town Manager before issuance of a Zoning Compliance Permit.
- 15. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 16. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 17. Non-severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for Special Use Permit for the Hamilton Road State Employees Credit Union in accordance with the plans and conditions listed above.

This the 15th day of March, 1995.

Item 9 Airport Road Mini-Mart Special Use Permit

Mr. Waldon said staff recommended adoption of Resolution A, with conditions. Grey Moody, the applicant, accepted the proposed conditions of approval.

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

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO ADOPT RESOLUTION 16A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION APPROVING AN APPLICATION FOR MODIFICATION OF THE SPECIAL USE PERMIT FOR THE AIRPORT ROAD MINI-MART (SUP 24..35) (95-3-15/R-16a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Airport Road Mini Mart proposed by Mr. Grey Moody on property identified as Chapel Hill Township Tax Map 24, Lot 35, if modified according to the proposed Special Use Permit Modification, the site plan dated August 1, 1994 (revised December 22, 1994), and the conditions listed below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, 14, and 18, and with all other applicable regulations except the modifications being requested below;
3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council finds, in this particular case, that the following modifications to the regulations satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 14.6.6 of the Development Ordinance regarding parking landscaping standards to allow less than 35 percent of the convenience store's parking area to be shaded by vegetation as well as the lack of a 5 foot wide planting strip between the building and the pavement;
2. Modification of Subsection 14.12.6 of the Development Ordinance regarding minimum landscape buffer provisions to allow reduced width landscape buffers to be provided on-site.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for Special Use Permit Modification for the Airport Road Mini-Mart in accordance with the plan listed above and with conditions listed below:

Stipulations Specific to the Development

1. A. That construction begin by March 15, 1997 and be completed by March 15, 1998.
- B. That, if it does not already exist, half of a 100-foot right-of-way be dedicated along the Airport Road frontage prior to issuance of a Zoning Compliance Permit.
- C. That the side-loading dumpster be replaced with a front-loading dumpster, and that a dumpster pad, built to Town standards, be provided, the location of the dumpster and pad to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- D. That at least nine parking spaces be provided, preferably on site, or in accordance with Section 14.6.2 of the

Development Ordinance regarding the provision of off-site parking spaces.

- E. That the recombination which would enlarge the subject property and reduce the size of the surrounding Tarheel Mobile Park property be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

2. Required Improvements

- A. That Airport Road be improved to half of a 70 foot cross-section including curb and gutter, sidewalk, and bike lane.
- B. That the wooden light pole in the planting island adjacent to Airport Road be relocated to an area outside the planting island so that overhead wires will not interfere with the growth of proposed canopy trees.

Stipulations Related to State and Federal Government Approvals

- 3. State or Federal approval(s): That any required State or Federal permits or encroachment agreements be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
- 4. NCDOT approval: That plans for improvements to state-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

- 5. Landscape Plan Approval for Special Use Permit applications: That a detailed landscape plan and landscape maintenance schedule be approved by the Appearance Commission and the Town Manager prior to the issuance of a Zoning Compliance Permit. The detailed landscape plan shall attempt to include the following landscape buffers:
 - Type D buffer (minimum 30 feet wide) along the Airport Road frontage;
 - Type C buffers (minimum 20 feet wide) along the north, south, and east property lines.

If the applicant proposes alternate buffers along any portion of the property lines, the applicant shall submit alternate buffer plans for review and approval by the Appearance Commission prior to issuance of a Zoning Compliance Permit.

Stipulation Related to Building Elevations

6. Building Elevation Approval for Special Use Permit applications: That detailed building elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. The proposed canopy over the gas pump area shall be integrated into the architecture of the existing convenience store building.

Stipulations Related to Water, Sewer and other Utilities

7. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be submitted to the Town Manager for review and approval prior to issuance of a Zoning Compliance Permit.
8. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power, Public Service Company, Southern Bell, and the Town Manager prior to issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring these utilities are extended to serve the development.

Miscellaneous Stipulations

9. Solid Waste Management Plan: That a detailed solid waste management plan, including a recycling plan and plan for management of construction debris, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. Stormwater Management Plan: That a stormwater management plan using the Town's Hydros model be submitted to the Town Manager for review and approval prior to issuance of a Zoning Compliance Permit.
11. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
12. Sight Triangle Easements: That sight triangle easements be provided on the final plat.
13. Erosion Control: That a detailed soil erosion and sedimentation control plan shall be reviewed for approval by

the Orange County Erosion Control Officer prior to issuance of a Zoning Compliance Permit

- 14. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 15. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 16. Non-Severability; That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Special Use Permit Modification for the Airport Road Mini-Mart in accordance with the plans and conditions listed above.

This the 15th day of March, 1995.

Item 10 Proposed Legislative Program

Mr. Horton said staff had prepared a resolution for Council consideration this evening outlining a request for a number of local bills. He noted that staff hoped that the level of fire protection funding could be continued or increased.

Noting recent changes in the make-up of the General Assembly, Council Member Brown inquired whether it was the appropriate time to proceed with proposals for entertainment and impact taxes. Mr. Horton said the Town's interests would likely be best served by minimizing the number of proposals concerning potentially controversial matters such as tax or fee increases.

Council Member Evans noted that North Carolina Department of Transportation Board Member Gorman Gilbert was working with Town staff on a proposal to permit food and other vending on public sidewalks.

Council Member Capowski stated that Carrboro's Town Attorney said he did not believe it was necessary to receive State enabling authority in order to exercise inclusionary zoning provisions. Mr. Horton said he believed that the Town would be best served by receiving such authority from the State. Council Member Brown noted that past requests for inclusionary zoning authority had been unsuccessful.

Mayor Broun said he hoped the Town would be able to receive approval of enhanced local and state gun control measures in future legislative sessions, as a means of reducing violence in communities.

Council Member Brown suggested reaching out to the development community to work on inclusionary zoning programs. Council Member Powell and Mayor Broun expressed their concurrence with this approach. Council Member Waldorf inquired whether Council Member Brown was suggesting the formation of a formal lobbying group. Council Member Brown said this was correct.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO ADOPT RESOLUTION 17. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION OF THE TOWN COUNCIL OF CHAPEL HILL ADOPTING A LEGISLATIVE PROGRAM FOR THE 1995 SESSION OF THE GENERAL ASSEMBLY (95-3-15/R-17)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following legislative program:

1. Requests for local bills (requests are set forth in more detail in attached draft bills)
 - * Authorization to increase the Town's motor vehicle license fee from \$10 to \$15.
 - * Authorization of "inclusionary zoning" requirements that new residential development of at least 10 acres or 10 residential units include housing units or dedicated nearby land or a payment to support housing for low- to moderate-income families with a density bonus to the developer.
 - * Authorization to enact Town ordinances regulating possession and consumption of alcohol in public rights of way.
 - * Changing the Town Charter regarding the procedure for filling vacancies in the office of Mayor and Council which occur within the municipal election filing period established under current State law.
 - * Clarification that the Town has authority to allow temporary structures (for sales of food or other vending) in public sidewalks along State highways.
 - * If the Orange County Board of Commissioners requests authorization to add sexual orientation to the categories covered in the County's Civil Rights Ordinance, supporting this request.
2. Statewide Legislation
 - * Authorizing local governments to sell special obligation bonds to pay for landfill site costs.

- * If the intangibles tax is repealed, replacing the funding for local governments with an equivalent revenue including a comparable growth factor; and with the replacement revenue dedicated by statute and not subject to annual appropriations.
- * Supporting current legislation to restore, effective in 1995-96, the growth in previously frozen State-shared revenues.
- * Supporting continuation of current State funding for fire protection services to the University and Hospitals as a minimum, and an increase if possible.
- * Seeking increased State support of transit operating costs, and to establish a permanent source of these State funds.
- * Supporting continuation of environmental protection standards in consideration of unfunded mandates.
- * Opposing any proposed legislation to treat downzoning of land as a taking of property.
- * Supporting protection of wetlands.
- * Generally supporting the NC League of Municipalities' legislative goals, except for the League's support of a referendum on a public lottery.

This the 15th day of March, 1995.

Item 11 Proposed Merger of Parks and Recreation
and Greenways Commissions

Mr. Horton noted that both the Parks and Recreation and Greenways Commissions had outlined a number of reasons why they did not feel it was desirable to merge the commissions. Mr. Horton said he thought there were several good reasons for merging the two commissions.

Greenways Commission Member Andrea Rohrbacher said the Commission opposed the proposed merger for the reasons outlined in their memorandum of February 8th to the Council. Ms. Rohrbacher noted that the Greenways Commission realized the benefits and importance of the two commissions meeting to discuss matters of mutual concern. She requested that the Council maintain separate commissions.

Martin Feinstein, Chairperson of the Parks and Recreation Commission, said the Commission had met twice on the proposed merger and had voted at both meetings to oppose the proposal.

Stating the importance of well-focused efforts on parks and recreation and greenways concerns, Mr. Feinstein requested that the Council maintain separate commissions.

Pam Hemminger, a member of the Greenways Commission, said the commission had very full meeting agendas. She also said that although the Commission understood the need to save staff time, there were a number of ongoing greenways projects which were only partially completed. Ms. Hemminger expressed concern that the merging of the two commissions would result in the loss of some persons, commission members, dedicated to providing good community service. She also suggested that the proposed merging of the two commissions might be examined some time in the future.

Lightning Brown stated that greenways were treasured public facilities, especially during more challenging economic times. Mr. Brown said it was important for the Town to continue to have an active and strong Greenways Commission. He also stated that the Greenways Commission could coordinate some of the activities which might have been handled by the recently sunsetted Stormwater Management and Tree Protection Committees.

Council Member Pavão said he had a number of concerns about maintaining two separate commissions. Council Member Pavão said he was encouraged by the two commissions' willingness to work together on items of mutual interest. Council Member Pavão stated that the two commissions were dealing with one type of constituent, Town residents, rather than two different types of people. He suggested amending Resolution 18 to provide a comfortable time span for merger of the two commissions.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER PROTZMAN, TO ADOPT RESOLUTION 18, AS AMENDED.

Council Member Powell inquired whether it was necessary that the two commissions merge in the future. Mayor Broun said the proposal was only to ask the two commissions to develop a possible merger plan for the future. Council Member Pavão stated that he was particularly concerned with the impression of some people that the two commissions were dealing with different publics. He said it would be desirable to overcome this impression.

Council Member Capowski inquired why it would be expected that merger of the commissions was any more likely in the future. Council Member Powell said she thought it was best that the commissions make their own decisions on whether or not to merge sometime in the future. Council Member Capowski expressed concern that the Council was giving the commissions an unnecessary assignment. Council Member Brown said it was incumbent upon the Council to revisit the possibility of merging the commissions in the future. She also expressed concern that the proposed

resolution language sounded somewhat like a mandatory merging of the commissions.

Council Member Evans suggested adding "and budget recommendations" to item two of the proposed resolution. Council Member Pavão concurred with the proposed amendment. Noting that he did not want to place an additional work load burden on the two commissions, Council Member Capowski said he would vote against the proposed resolution.

RESOLUTION 18, AS AMENDED, WAS ADOPTED BY A VOTE OF 7-1, WITH COUNCIL MEMBER CAPOWSKI VOTING NO.

A RESOLUTION AFFIRMING THE CONTINUATION OF THE RESPONSIBILITIES OF THE PARKS AND RECREATION AND GREENWAYS COMMISSIONS AS SEPARATE ADVISORY BOARDS (95-3-15/R-18)

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

1. That the Council hereby affirms the present policy that there shall be both a Parks and Recreation Commission and a Greenways Commission with responsibilities as set forth in the Town Code.
2. That the Council requests the Commissions to meet jointly to consider proposed new developments which include potentially both parks and recreation and greenways elements, so that citizens and applicants will be able generally to attend one meeting for the Commission's deliberations regarding such developments, rather than having to attend two separate meetings of the Commissions. The Commissions shall also meet jointly to develop their budget recommendations to the Town Council.
3. That the Council charges the commissions to work together to formulate a plan for merging the commissions and to outline their opinions concerning the desirability of such a proposal.

This the 15th day of March, 1995.

Item 12 Extending Duration of Cable Television Franchise Agreement

Council Member Capowski stated that since the Federal Communications Commission was taking longer than anticipated to make a ruling on converter boxes, he suggested that the Council extend the Town's existing cable franchise agreement for a period of six months.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO ADOPT RESOLUTION 19.

Council Member Pavão inquired about the possible benefits from the proposed extension. Council Member Capowski said the anticipated ruling would address whether or not cable television franchising authorities had some discretion on converter box related matters.

Council Member Protzman said the Federal Communications Commission's recent actions were clearly toward the deregulation of matters. He also stated that there appeared to be a movement toward more, rather than fewer, converter boxes in cable systems. Council Member Capowski noted that Cablevision's abiding by FCC rulings did not void Cablevision's right to appeal. Mr. Karpinos noted that there was nothing to preclude the Town's cable franchise negotiating team from reopening discussions about converter boxes in the future.

Council Member Protzman inquired whether there were any additional costs associated with the proposed extension. Council Member Capowski said the only cost item was time. Council Member Protzman said although he did not like the general concept of an extension, he would support the proposed resolution.

Council Member Capowski said he thought it was worthwhile for the Town to grant a time extension. Council Member Pavão inquired whether the proposed time extension would impact Cablevision's proposal to rebuild its cable delivery system. Council Member Capowski said yes. Mr. Horton noted that it was important for the Town to learn more about plans to rebuild cable television systems in adjoining communities. Council Member Waldorf inquired whether the proposed extension might impact the proposed rebuilding of the local cable television system. Mr. Horton said this was correct. He also said possible rebuilding could be discussed with the cable company in the near future.

RESOLUTION 19 WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION PROPOSING AN EXTENSION OF THE TERM OF THE CABLE TELEVISION FRANCHISE ORDINANCE FROM JULY 5, 1995 TO JANUARY 31, 1996 (95-3-15/R-19)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council proposes, subject to concurrence by Time Warner Entertainment Company, L.P., to extend the term of the present cable television franchise from July 5, 1995, through January 31, 1996, pending a decision by the Federal Communications Commission regarding the Town's authority in a franchise renewal process to restrict an operator's requirements that cable customers use converter boxes.

BE IT FURTHER RESOLVED that if the company accepts the proposed six-month extension of the present franchise, the Council authorizes the Council's negotiating team (Manager, Attorney and

Council member Capowski) to meet with the company to hear their renewal proposal and to report back to the Council.

This the 15th day of March, 1995

Item 13 Process for Citizen Notification of Council Agenda Items

Assistant to the Manager Greg Feller presented an overview of the proposed changes in the citizen notification process.

Joan Bartel expressed concern that some citizens were being locked out of the participation process because of a lack of adequate notice of public meetings. She requested that efforts be made to get information to citizens in a more timely manner.

Council Member Brown requested a staff follow-up report about citizen concerns on public notification matters. She said it was essential that the Town do a better overall job concerning citizen notification.

Council Member Capowski inquired about notification processes for development projects in historic districts. Mr. Waldon presented an overview of notification processes for such projects, including "minor" subdivisions (those with four or fewer lots). He noted that the Historic District Commission had requested that staff review the process for notifying the Commission and citizens about proposed developments in historic districts. Mr. Waldon added that staff was examining minor subdivision notification processes for the entire town. He also noted that a follow-up report on subdivision notification processes would be made at the Council's March 27th meeting.

Noting that some historic district residents were concerned about flag lots, Council Member Evans suggested that some improvements could also be made in processes related to flag lots.

Council Member Brown said it was desirable for the Town to surpass State regulations concerning public notification processes. Addressing earlier concerns about insufficient lead time for notification to citizens, Mayor Broun stated that the Council had consistently been open to longer review periods when needed due to inadequate notification of citizens.

Council Member Waldorf suggested that staff look into the possibility of wider dissemination of the Council's future agenda listing. Mayor Broun said he did not object to the Manager looking into this matter in greater depth.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT RESOLUTION 20. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING A STATEMENT OF POLICY REGARDING NOTICE TO COMMUNITY ORGANIZATIONS AND CITIZENS WHO MAY BE AFFECTED BY OR INTERESTED IN MATTERS ON THE TOWN COUNCIL AGENDA (95-3-15/R-20)

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

1. Reaffirms the policies in the Comprehensive Plan (excerpt attached) regarding the importance of citizen participation and of giving information to citizens;
2. Directs the Manager to continue the Town's public notice processes as set forth in a report to the Council dated December 5, 1994.
3. Directs the Manager to evaluate and to implement further improvements in the public notice process and to make a follow-up report to the Council by November, 1995.

This the 15th day of March, 1995.

Item 14 Discussion of Consent Agenda Items

Setting Meeting with Boards and Commissions

Noting that she could not be in Town on April 19th, Council Member Waldorf inquired about the possibility of moving the proposed meeting to April 20th. Mayor Broun suggested that the Council consider rescheduling the meeting to a date certain at its March 27th meeting.

Acquisition of Neville Tract

Council Member Brown said she felt there was insufficient information to proceed with the matter this evening. She stated that the materials before the Council did not address whether or not the Neville tract had the right kind of soil to serve as a landfill cover. Council Member Brown also emphasized the importance of hearing from neighborhood residents about the proposal land acquisition. Council Member Brown suggested that the matter be sent back to the Landfill Owners Group for further review and discussion.

Landfill Administrator Gayle Wilson said staff suggested adoption of the proposed resolution as a means of addressing a soil deficit of about 200,000 cubic yards at the Town's landfill site. He stated that the soil on the tract was both suitable and sufficient for the landfill's needs. Mr. Wilson also noted that the Orange County Board of Commissioners had authorized acquisition of the tract at its March 8th meeting. He added that the Carrboro Board of Aldermen had referred the matter to its LOG representative, Alderman Nelson, at its meeting on March 14th. Mr. Wilson noted

that the Town had been engaged in long-term negotiations for proposed acquisition of the Neville tract. He said staff requested that the Council adopt the proposed resolution this evening, authorizing acquisition of the Neville tract.

Noting that the owner of the Neville tract would enjoy access across the Greene tract, Mr. Karpinos noted that acquisition of the Neville tract would merge the two properties effectively removing the access easement across the Greene Tract and allowing the Greene tract greater use potential. (The future use would be determined by the three local owners of the Green Trace, Orange County, the Town of Carrboro and the Town).

Council Member Capowski inquired about the inception date for discussions with owners of the Neville tract. Mr. Karpinos said negotiations had begun in 1986. He stated that the family's representatives were ready to move ahead on the matter.

Council Member Powell expressed concern that there was no representative of the family in attendance at this evening's meeting. She inquired about the possibility of deferring a decision to a future meeting. Mr. Horton said it was important to move ahead as soon as possible since the soil was needed and the Neville heirs were willing to sell the property. Mayor Broun noted that the Council's LOG representative had voted in favor of the proposed acquisition. Council Member Powell stated that other matters, such as the concerns of adjacent property owners, had arisen recently.

Council Member Brown suggested referring the matter back to the Landfill Owners Group for them to address concerns about possible future uses of the Neville tract.

Council Member Capowski inquired whether it was necessary for all three governments to approve the land acquisition. Mr. Horton said it was generally a good practice for all three bodies to concur on major proposals of this type. Stating that the next LOG meeting was scheduled for March 23rd, Mayor Broun said he saw no harm in deferring the matter to the Council's March 27th meeting. Council Member Brown suggested that the matter be placed on the regular, rather than consent, agenda at the March 27th meeting.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER WALDORF, TO TABLE THE MATTER AND TO PLACE THE ITEM ON THE MARCH 27TH MAIN AGENDA FOR CONSIDERATION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Sewer Loan Program

Council Member Capowski said Citizens for Sewer representatives had never intended to ask the Town to completely buy down the cost of providing sewer service. He noted that Ms. Williford had already

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received approximately \$3,955 in sewer service subsidies from the Town. Stating that he thought the Town had already done enough, Council Member Capowski said he did not favor providing additional subsidies for sewer service.

Mr. Feller said staff was recommending that the Town provide an additional \$800 sewer service subsidy to Ms. Williford. Council Member Protzman inquired whether there were any precedent-setting implications relative to annexation matters. Mr. Karpinos said staff was still examining the Town's overall policy. Council Member Protzman said although this was a difficult call, he tended to agree with Council Member Capowski.

THE COUNCIL TOOK NO ACTION ON THE MATTER.

Computer System Bid Award

Council Member Brown inquired whether there was any relationship between the computer system and the cost accounting system. Mr. Horton said there was none. Council Member Brown emphasized the importance of having a coordinated Town-wide system for purchasing computers. Mr. Horton said that Finance Department staff, in conjunction with other departments, was working to assure compatibility between computers.

Council Member Capowski expressed concern that the proposed hardware might be outdated within a few years. Noting the rapid advances in computer technologies, Mr. Horton said he believed this was possible.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO ADOPT RESOLUTION 11A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION AWARDED A BID FOR THE PURCHASE OF A RISC COMPUTER (95-3-15/R-11a)

WHEREAS, the Town of Chapel Hill solicited formal bids by legal notice in the Chapel Hill News on January 29, 1995, in accordance with G.S. 143-129 for a RISC Computer; and

WHEREAS, the following bid was received and opened on February 15, 1995:

<u>Vendor</u>	<u>Cost</u>
I.B.M. Corporation	\$38,396

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of I.B.M. Corporation in the amount of \$38,396 for a RISC Computer in accordance with G.S. 143-129.

This the 15th day of March, 1995.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO ADOPT RESOLUTION 11B. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION AUTHORIZING THE LEASE PURCHASE OF A RISC COMPUTER (95-3-15/R-11b)

BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council hereby authorizes the Manager to accept the computer lease purchase proposal offered by First Citizens Bank at an interest rate of 5.56% and to execute the necessary legal documents to complete the lease purchase of RISC computer equipment.

This the 15th day of March, 1995.

There was no need for a closed session.

The meeting concluded at 10:57 p.m.