

**AN EXCERPT OF THE MINUTES OF A CLOSED SESSION OF  
THE CHAPEL HILL TOWN COUNCIL  
OCTOBER 22, 2007**

Attending: Mayor Kevin Foy, Mayor pro tem Bill Strom, and Council Members Laurin Easthom, Sally Greene, Ed Harrison, Cam Hill, Mark Kleinschmidt, Bill Thorpe, and Jim Ward, Town Manager Roger Stancil, and Town Attorney Ralph Karpinos.

Mayor Foy called the closed session to order at 9:15 p.m.

Mr. Karpinos reviewed the status of the Rayfield vs. Town of Chapel Hill case and the proposed settlement offer from the Plaintiff's Attorney. Mr. Karpinos included in his report the remarks from Susan Burkhart, the attorney representing the Town in the case. The Council discussed the pros and cons of negotiating to try to resolve the case so as to avoid going through the appeal filed by the Plaintiff in the North Carolina Court of Appeals.

The Council by consensus agreed that it would not negotiate, as part of any settlement, any change to its prior determination regarding the location of the road in the approved subdivision. The Council agreed that if the Plaintiff wished to seek modification of the road alignment, an application for subdivision modification or a new subdivision will need to be considered through the normal public process under the Land Use Management Ordinance.

The Council discussed the possibility of agreeing to some reduction in the amount of the payment in lieu of recreation space in response to the Plaintiff's proposal to pay a total of \$30,000 for this purpose. The Council voted to authorize the Attorney to negotiate on behalf of the Town a reduction of no more than \$15,000 in the amount that the Town would accept. Council Member Thorpe voted against authorizing the monetary offer.