

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, APRIL 26, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
R. D. Smith
Joe Straley
Jim Wallace

Also present were Town Manager, David Taylor; Assistant Town Manager, Sonna Loewenthal; and Deputy Town Attorney, Grainger Barrett.

General Revenue Sharing Funds (Use in 1982-83)--Public Hearing

Mr. Taylor informed Council that this "proposed use public hearing" was to allow citizens to present proposals for use of these funds. A second "planned use public hearing" would be held in conjunction with the budget. Mr. Taylor stated that, based on the latest information received from the Office of Revenue Sharing, approximately \$538,000 was anticipated in Revenue Sharing Funds.

Mr. George Coxhead, a citizen, opposed use of General Revenue Sharing Funds for funding of various programs or salaries, as any cuts in these funds would affect the programs. He supported use of these funds for either capital improvements or "one-shot" items.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Petitions

Dr. David W. Barry, Mr. Joseph Kalo, Dr. Myron Silverman, Mr. Charles E. Smith, and Ms. Joy Cornwell requested permission to speak on Agenda #9 (approval of preliminary sketch for Lake Forest Estates Subdivision). Mr. John McAdams, representing the Lake Forest Association, offered to speak on this item, if Council should request.

Mr. Lightning Brown requested to speak on Agenda #4 with comments relating to the enforcement of the Village Cable Franchise Agreement.

Minutes

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE MINUTES OF APRIL 5, 1982, AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY.


Councilmember Straley, however, did not feel that the wording of Ordinance 82-0-24, adopted on April 5, 1982, accurately conveyed what he felt was Council's desire to not exclude volunteers from serving on the Human Services Advisory Board and would, therefore, propose an amendment to this ordinance at a later date.

Resolution Concerning Provisions of the Franchise Granted to Village Cable

Councilmember Howes, speaking for the committee appointed by Mayor Nassif, presented the proposed resolution for Council consideration, emphasizing two aspects of the resolution: (1) the intent of all parties concerned was that the bottom line valuation be placed at \$10 per subscriber. ("That was not to substitute for the market in establishing a value for 10% of the shares of stock in the company."); (2) the Foundation was not obligated to sell its shares back to Village Cable, or to anyone else, or at all.

Councilmembers Broadfoot and Wallace, committee members, reasserted that (1) stocks should be transferred to represent a 10% interest in the Village Cable Companies; (2) the committee was not establishing a value for the stock, but rather an understanding that Village Cable's proposal for a franchise had contemplated the offer of \$10 per subscriber at the time of sale; and (3) this was not an attempt to amend the franchise. Village Cable Foundation was the sole and complete owner, and free of 10% interest in Village Cable and had the option to sale or not to sale at any time.

Mayor Nassif requested that the following letter from Mr. Mebane Pritchett, Chairman of Village Foundations, be incorporated into the records:

*See'd 4-20-82
P*


INFORMATION ONLY
MEBANE M. PRITCHETT
POST OFFICE BOX 348
CHAPEL HILL, NORTH CAROLINA 27514

April 19, 1982

Mayor Joe Nassif
Town of Chapel Hill
Chapel Hill, NC 27514

Dear Joe:

Re: Village Companies Foundation, Inc.

As you know, the Village Companies Foundation Board has been waiting to receive a recommendation from the Town Council pertaining to our acceptance of 10% of the shares of stock of Village Cable, Inc. We are increasingly anxious to see this matter resolved and to begin serving the community in the manner intended.

We have recently received an offer to purchase the 10% interest in Village Cable for \$100,000.00. In addition, I understand that a Council Subcommittee on the Foundation is scheduled to make a recommendation to the Council at its April 26th meeting. Consequently, I have called a Foundation Board meeting for the 27th, at which time we plan to discuss the entire matter in full. It would be very helpful to us to know the Council's position by the time this meeting is held.

I know that you and the Council are interested in reaching a fair and proper solution to this situation, and we are very hopeful that such will soon be the case. I look forward to hearing from you, and we continue to be excited over the prospect of making a useful contribution to the community through this Foundation.

Sincerely,



cc: Mr. Robert B. Midgette

Deputy Town Attorney Grainger R. Barrett

Mayor Nassif stated that the offer to purchase the 10% interest in Village Cable for \$100,000.00, as stated in this letter, was made from Mr. Orville Campbell from the Chapel Hill Newspaper.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION CONCERNING PROVISIONS OF THE FRANCHISE GRANTED TO VILLAGE CABLE (82-R-85)

WHEREAS, in its "Application for Cable Television Franchise" for the Town of Chapel Hill, dated September 4, 1979, Village Cable, Inc., (Village Cable) proposed to establish the Village Companies Foundation, Inc., (the "Village Companies Foundation") for certain charitable purposes; and

WHEREAS, Village Cable further proposed to transfer, or to cause to be transferred, to the Village Companies Foundation such amount of shares of stock of Village Cable as represents a 10% interest in Village Cable; and

WHEREAS, the Town Council granted Village Cable a franchise to construct, operate and maintain a cable television system in Chapel Hill, and Village Cable's application, dated September 4, 1979, became incorporated in said franchise by reference; and

WHEREAS, the Town Council wishes to set forth its understanding of Village Cable's offer to transfer to the Village Companies Foundation such amount of shares of stock in Village Cable as represents a 10% interest in Village Cable, and its offer to purchase that 10% stock interest, all as set forth in its application dated September 4, 1979;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Chapel Hill:

1. The Town Council requests Village Cable to transfer, or to cause to be transferred, to the Village Companies Foundation such amount of shares of stock of Village Cable as will represent a 10% interest in Village Cable.
2. The offer by Village Cable to purchase Village Companies Foundation's shares of stock of Village Cable representing a 10% interest in Village Cable, as reflected and set forth in its application dated September 4, 1979, which application was incorporated by reference in the ordinance granting Village Cable a franchise to construct, maintain and operate a cable television system in Chapel Hill, is understood to be at a value of \$10 per subscriber.
3. Nothing in Village Cable's application, dated September 4, 1979, or in Town ordinances, obligates the Village Companies Foundation to sell its shares of stock in Village Cable.

This the 26th day of April, 1982.

Mr. Lightning Brown presented a "Statement to the Chapel Hill Town Council on cable television." (please refer to files in the Clerk's Office). Mr. Brown presented "facts related to the enforcement of the Cable Franchise Agreement as it applies to consumers." He concluded that "...the law demands that you interpret the Cable Franchise Agreement with the public's benefit in mind." He requested that Council delete paragraph numbered "2." of Resolution 82-R-85, regarding the value of stocks, as he felt "it would be irresponsible of you to leave such a determination up to the company."

Councilmember Howes asserted that Mr. Brown's comments were not relevant to the matter currently before Council. He, however, did feel that valid points had been raised by Mr. Brown which Council should consider at another time.

Mayor Nassif felt that Mr. Brown's interpretation (that Council was establishing a value to the stock) was incorrect. Mayor Nassif asserted that page 3 of 50 of the narrative of the proposal of Village Companies Foundation of 1979 stated a bottom line buy-back value and that it was the intent of the committee and Council to clarify that bottom line value. The intent, however, was not to establish a value of the stock.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Concerning Parking Penalties

Mr. Barrett presented the ordinance. Since recent State and subsequent Town laws restricted the use of towing, Council had requested that a study be done to consider an increase of parking fines as a deterrent to parking violations.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE CONCERNING PARKING PENALTIES (82-O-27)

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

SECTION I

The Council authorizes the Police Department to issue citations for parking violations in the following amounts:

- a. For overtime parking in metered spaces in the Central Business District:
 - if paid within 10 days \$ 1
 - if paid after 10 days \$ 5

- b. For all other violations Town-wide including, but not necessarily limited to, the following violations in the Central Business District:
 - illegal use of handicapped space
 - obstructing travel lane
 - parking too close to an intersection
 - parking in a fire hydrant zone
 - illegal parking in a loading zone \$25

SECTION II

All ordinances and resolutions in conflict with this ordinance are replaced.

SECTION III

This ordinance shall be effective on July 1, 1982.

This the 26th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

University of North Carolina Student Activities Center--Discussion of Proposed Street Improvements

Mayor Nassif reviewed the past request of the University of North Carolina to the North Carolina Department of Transportation to make several road improvements in conjunction with the construction of the Student Activities Center. Mayor Nassif requested that Council approve the draft letter which outlined support of the University's request for priority changes and road improvements related to this construction.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO APPROVE THE REQUEST AND THAT THE COUNCIL FORWARD THE FOLLOWING LETTER TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, WITH CORRECTIONS AS INDICATED:

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

OFFICE OF THE MAYOR

D R A F T

Telephone (919) 929-1111

April 27, 1982

Mr. William R. Roberson, Jr., Secretary
N.C. Department of Transportation
1 South Wilmington Street
Raleigh, N.C. 27600

Dear Mr. Roberson:

The Town of Chapel Hill ^{Activities} approved by special use permit the construction of UNC's Student ~~Athletic~~ Center with the following stipulations regarding road improvements:

- 1) Widening Manning Drive to four lanes between Ridge Road and U.S. 15-501.
- 2) Improving the intersection of Manning Drive and U.S. 15-501 to provide turn and acceleration lanes on U.S. 15-501.
- 3) Improving the intersection of Manning Drive and South Columbia Street/Pittsboro Road to provide turn lanes.
- 4) Widening South Columbia Street/Pittsboro Road between Manning Drive and Mason Farm Road.

These road improvements have been a part of Chapel Hill's overall thoroughfare planning for many years. Enclosed please find a copy of our priority street improvement listing, forwarded to DOT on April 28, 1981.

You will note from this list that our most important priority is four-laning US 15-501. Priorities 3 and 4 are widening Manning Drive and widening South Columbia Street/Pittsboro Road in its entirety. We could not require the University, as the developer of the Student ~~Athletic~~ ^{Activities} Center, to widen South Columbia/Pittsboro Street all the way to the bypass; this would have been an unreasonable request to make of a developer.

We anticipate that DOT will widen South Columbia Street/Pittsboro Road from Manning Drive to Farrington Road in 1990. However, if the four road improvements listed above are made soon to facilitate orderly flow of traffic from Student ~~Athletic~~ ^{Activities} Center events, and South Columbia

Street/Pittsboro Road south of Mason Farm Road remains two - lane, we will have problems. Traffic from the Student ~~Athletic~~ Center and the N.C. Memorial Hospital complex exits from Manning Drive onto US 15-501 and onto South Columbia/Pittsboro Road. A short four - lane stretch feeding a longer two - lane stretch will create a serious traffic bottleneck following Student ~~Athletic~~ Center events and during routine peak travel hours.

Thus, the Town Council of Chapel Hill, mindful the Town's highway improvement needs, respectfully requests that if DOT agrees to make the above improvements by the time the Student ~~Athletic~~ Center is completed, that DOT also accelerate the schedule for improvements to South Columbia Street/Pittsboro Road.

The Chapel Hill Town Council supports the University's highway improvement request as being consistent with the priority roadway improvements needs of the community.

Thank you for your consideration of our views.

FOR THE GOVERNING BOARD

Joseph L. Nassif
Mayor

JLN/rgr

cc: Richard Whitted, Chair
Orange County Board of Commissioners

Resolution Supporting the North Carolina Clean Water Bond Act of 1982

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION SUPPORTING THE NORTH CAROLINA CLEAN WATER BOND ACT OF 1981 (82-R-87)

WHEREAS, the 1981 General Assembly of North Carolina enacted the North Carolina Clean Water Bond Act of 1981; and

WHEREAS, the Clean Water Bond Act of 1981 authorizes the issuance of three hundred million dollars (\$300,000,000) in bonds, subject to the approval of the voters of North Carolina, to provide funds for the construction and improvements of wastewater treatment facilities and collection systems and water supply, treatment and distribution systems; and

WHEREAS, the Clean Water Bond Act of 1981 will promote efficient and environmentally compatible use of the State's water resources, and serve to protect the health, safety, and welfare of the citizens of North Carolina including the local community; and

WHEREAS, the Orange Water and Sewer Authority would be eligible to apply for and receive assistance from the State for financing water and sewer projects; and

WHEREAS, the citizens of Chapel Hill who are customers of the Orange Water and Sewer Authority would benefit from State financial assistance for local water and sewer projects;

NOW, THEREFORE, BE IT RESOLVED that the Chapel Hill Town Council:

1. Supports the North Carolina Clean Water Bond Act of 1981.
2. Urges the qualified voters of Chapel Hill to support passage of the Clean Water Bond Act Referendum.
3. Encourages the Orange Water and Sewer Authority, upon approval of the referendum, to apply for financial assistance at the appropriate time for water and sewer projects eligible to receive such assistance under the Act.
4. Directs the Mayor to forward a copy of this resolution to the Honorable James B. Hunt, Jr., Governor of North Carolina, and Betty B. Sanders, Chair, Orange Water and Sewer Authority.

This the 26th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Renewing Approval of the Preliminary Sketch for Farrington Hills Subdivision

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION RENEWING APPROVAL OF THE PRELIMINARY SKETCH FOR FARRINGTON HILLS SUBDIVISION (82-R-88)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby renews the approval of the preliminary sketch dated October 1, 1974, for Farrington Hills Subdivision subject to the following conditions:

1. That Bayberry Drive be paved to Town standards for a collector street without curb and gutter. That the plans and profiles of the street be approved by the Town Manager and N. C. Department of Transportation prior to construction.
2. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any Building Permits.
3. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
4. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any Grading Permit, Building Permit, start of construction of improvements, and submission of an application for final plat approval.

5. That all lots connecting onto the sanitary sewer system except for lot #38 within Section 5, be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted except for lot #38 within Section 5, such pump shall be located within 10 feet of the residence.
6. That prior to paving streets, utility service lines and laterals shall be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.
7. That water and sewer improvements shall be to the standards of OWASA and that all utilities be placed underground.
8. That prior to the sale of any lots within the development, a sign indicating that Bayberry Drive is subject to future extension shall be placed at its eastern terminus.

This the 26th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for Lake Forest Estates, Section 14

Mr. Mike Jennings, Planning Director, identified the property as being on the east side of the intersection of North Lakeshore and South Lakeshore Drives.

The request was for subdivision of approximately 8.2 acres of land (zoned R-1) into four residential building lots and two open space lots, with the remainder of the tract reserved for possible future development.

Staff felt that stipulations outlined in the resolution adequately addressed concerns for access, drainage, open space, intersection improvements, and development in the floodway fringe.

Mr. Roscoe Reeve, Chairman of the Planning Board, stated that the Planning Board strongly recommended denial of the request. The Board felt that this was a natural environment area and should be preserved. The Board also felt it would not be in the best interest of the Town to permit subdivision and development of the land as it was within the flood fringe and was quite wet.

Ms. Joy Cornwell, a resident of South Lakeshore, expressed her concern for development in this area, as she had experienced excessive flooding in the area on several occasions.

Dr. David Barry, 1810 South Lakeshore Drive, asked Council to support the Planning Board's 6 to 2 vote against approval of the request, as this area was considered a valuable natural resource which "provided a primary source of the chain of life for the entire lake and served as a valuable nesting and habitat area for wild birds and animals in this area." He referenced instances of excessive water in this area. He asserted that re-channalization of storm drainage beyond these lots was not possible under federal regulation and run-off would, therefore, be deposited in the backyards of lots #1, 2, and 3.

Dr. Charles E. Smith, who resided on the corner of South Lakeshore Drive and Rolling Road for 15 years, described this area as a "bog." He felt it was anachronistic to consider this change an improvement of this area of the lake. The lake needed this basin.

Dr. Joseph Kalo, 1802 South Lakeshore Drive, stated that any filling or draining or building of the wetlands was prohibited without a permit from the Corps of Engineers. He expressed his doubt that Council desired to approve a subdivision that would consist of a permanent swamp and mosquito area.

Mr. John McAdams, representing the Lake Forest Association, referenced two concerns of the Planning Board: (1) the proximity of development to the designated wetlands, and (2) the location of the building units within the flood plain. He asserted that construction would be at the edge of the floodway, which was allowed under the current local ordinance. The development met requirements of the Subdivision Ordinance and required no variances. The lots were not inside the wetlands designated by the Corps of Engineers.

Dr. Myron Silverman emphasized that the Association wished to sell these lots to gain funds to dredge the Lake so that it could again become usable. Siltation had caused the contour of the lake to change and had altered property lines of some of the lake-front owners. The Association wished to improve and restore and protect the environment of the area and he asserted that the Association "was not trying to sell swamp land." He stated that he had been assured by the Corps of Engineers that "it was perfectly buildable land."

Mr. Barrett responded to a question from Councilmember Smith that the area near the wetlands could not be filled or used for construction, but would be appropriate for gardening.

Mr. McAdams responded to Councilmember Smith that approximately 40 feet of land would be left after an average-sized unit were built on a lot. He also responded that minimum siltation could be expected as siltation would be stabilized with plantings, adhering to proper erosion control measures. Mr. McAdams felt that prior siltation had resulted from development that occurred prior to such regulations.

Councilmember Broadfoot withdrew himself from both discussion and vote due to conflict of interest.

Mayor Nassif stated that if technical requirements of the Subdivision Ordinance were met, the Council must approve it. As there were no technical deficiencies, even though he did not concur with the request, he would support the request.

Councilmember Kawalec did not believe that the current maps designating floodway and floodway fringe were accurate tools for Council's use in making such determinations and felt these maps should be corrected. Mayor Nassif asserted that such changes should be addressed through ordinance.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR LAKE FOREST ESTATES, SECTION 14 (82-R-89a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated March 31, 1982, for Lake Forest Estates, Section 14, located on property identified as Chapel Hill Township Tax Map 28, Lot 2A, subject to the following:

1. That South Lakeshore Drive be improved with a paved sidewalk and curb and gutter to a 33-foot, back-to-back of curb, cross-section along the entire frontage of this property, from Curtis Road to the northeast boundary of Lot 5 and that curb and gutter be extended along North Lakeshore Drive from Curtis to the existing curb and gutter.
2. That all utility and drainage easements be recorded on the final plat.
3. That the final working drawings for storm drainage with hydrologic calculations be approved by the Town Manager prior to issuance of a Grading Permit or start of construction.
4. That a maintenance easement with right of access for Town to maintain, remove sediment, clear water course, etc., in Town's discretion be dedicated at the end of the bridge over Booker Creek. The dimensions of this easement shall be approved by the Town Manager and the easement shall be recorded on the final plat.
5. That a revised preliminary sketch be submitted which accurately reflects the floodway boundaries, wetlands designation and existing sanitary sewer lines.
6. That the final plat contain a statement notifying prospective owners that development in the designated wetlands is prohibited unless a permit is issued by the U. S. Corps of Engineers under Section 404 of the Federal Clean Water Act.
7. That the final plat contain a statement assigning maintenance responsibility for the dedicated open space to the Lake Forest Homeowner's Association.

This the 26th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Community Development Grant Application and Program--Discussion

Ms. Loewenthal outlined the report on Community Development Grant possibilities for Fiscal Year 1982-83. Currently, the Community Development Program was in the transitional process of being transformed from Federal administration (by the Department of Housing and Urban Development) to the State administration (the Department of Natural Resources and Community Development). Regulations were not yet finalized by the State Legislature, but an imminent application deadline made application finalization desirable. Staff desired Council's input regarding the acceptability or unacceptability of proposals, alternative proposals, funding of proposals, or desired priority of proposals in order to expedite the application process. A final request to approve a resolution to submit the application would be made in early July. A public hearing was scheduled for May 4, 1982, with the Planning Board. As the financial data from the 1980 Census had not yet been received, staff would need to verify income levels of neighborhoods being considered for improvements under this grant.

Mr. Roscoe Reeve stated that the Planning Board strongly requested that Council consider the provision of low-to-moderate income housing opportunities to be a great need warranting high priority.

Ms. Loewenthal informed Councilmember Wallace that the application was a competitive process and that the award of one grant would not prejudice the award of a subsequent grant award.

Ms. Loewenthal responded to Councilmember Straley that possible spin-off development resulting from any improvements would be irrelevant to an application, unless it could be shown to benefit low-to-moderate income people. She responded to Councilmember Smith that Community Development funds for sewer extension would not conflict with OWASA policy. Details for reimbursement for Town payment for sewer extension had not yet been worked out by the State.

Mayor Nassif referenced a letter of Mr. Carl Gebuhr that asked Council to delay any direction to staff until the next meeting to allow the Housing Authority Board time to prepare a presentation to Council. Staff would combine input from both the Housing Authority and the Planning Board's public hearing and make a presentation to Council.

This item would be presented to Council at the next meeting.

Resolution of Support for and Requesting Continuation of Funding by Orange County for Municipal Library and Parks and Recreation Services

Mr. Taylor outlined various calculations that could be used to show a basis for a request for Library and Parks and Recreation support from Orange County: population, tax valuation, non-resident participation, and traditional basis.

Staff suggested that a committee from the Council meet with a committee of the Orange County Board of Commissioners to ask the County to continue to support our efforts, commend them for the cooperative policies that had existed in the past, and request money on the traditional basis as outlined by Mr. Taylor.

Mayor Nassif and Councilmember Howes supported staff recommendation, feeling that any confrontational posture would not be productive.

Councilmember Smith expressed concern for possible tax increase resulting from a compliance with our request for more financial support from the County.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 82-R-90.

Councilmember Broadfoot felt that past discussions to alter the figures shown in the resolution had been futile. COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT A SUBSTITUTE RESOLUTION (82-R-90b) BE ADOPTED TO SHOW FIGURES ASKING ORANGE COUNTY TO CONTRIBUTE \$150,000 FOR THE LIBRARY AND \$175,000 FOR PARKS AND RECREATION FOR THE COMING FISCAL YEAR AND THAT THE TWO BOARDS MEET TO DISCUSS THE BASIS FOR THESE FIGURES.

Councilmember Wallace suggested that Council could use the first resolution (82-R-90) as a "fall-back position," but state that Council felt that a larger amount of money was due. This was our opportunity to put it before them.

Councilmember Howes felt that it was hard to justify the figures presented in the substitute resolution. The figures shown in the original resolution were more appropriate.

Mayor Nassif stated that he would support a resolution which did not state any figures: simply express appreciation and gratitude for past financial support, state Council's desire to meet with a delegation of the Commissioners to discuss these financial matters, and present accompanying figures for their consideration--not committing ourselves, but being open for negotiation.

Councilmember Broadfoot concurred with Mayor Nassif's comments: to go to the County as a provider of services and request an annual contract to recover the pro rata cost of providing those services.

Councilmember Straley preferred to go with only information (not asking for a specific amount of funds), explain our hopes to provide services to all county members, but state that we wished to be compensated for providing these services.

COUNCILMEMBERS HOWES AND BOULTON WITHDREW THEIR MOTION TO ADOPT RESOLUTION 82-R-90; COUNCILMEMBERS BROADFOOT AND WALLACE WITHDREW THEIR SUBSTITUTE MOTION TO ADOPT RESOLUTION 82-R-90b.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION OF SUPPORT FOR AND REQUESTING CONTINUATION OF FUNDING BY ORANGE COUNTY FOR MUNICIPAL LIBRARY AND PARKS AND RECREATION SERVICES (82-R-90c)

WHEREAS, Orange County Commissioners have appropriated funds for several years to support municipal Library and Park and Recreation services in southern Orange County in a spirit of cooperation between the County and the Town of Chapel Hill; and

WHEREAS, the Town's Library and Parks and Recreation services are available to residents of Orange County who do not live in Chapel Hill on the same basis as for Town residents; and

WHEREAS, the Chapel Hill Town Council believes the policy of municipal support funding by the Orange County Commissioners is progressive and commendable; and

WHEREAS, the allocation of Park and Recreation funding between Chapel Hill and Carrboro in 1982-83 should be consistent with the 80/20 ratio of their respective populations of 32,000 and 8,100; and a 10% increase in Parks and Recreation funding for southern Orange County is requested; and

WHEREAS, the County has in the past contributed approximately 20% of the Chapel Hill Public Library budget;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its appreciation and gratitude to the Orange County Commissioners for their policy of financial support of Town Library and Parks and Recreation services; and

BE IT FURTHER RESOLVED that the Council respectfully requests the County Commissioners to provide municipal support funds for the Chapel Hill Public Library, and for the Chapel Hill Parks and Recreation Department; and

BE IT FURTHER RESOLVED that the Council respectfully requests that representatives of the Board of Commissioners meet at an early date with representatives of this Council to review the possible bases of such funding for Fiscal Year 1982-83.

This the 26th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif requested that Councilmembers Straley, Broadfoot, and Kawalec serve as committee members with the Orange County Board of Commissioners.

Ordinance Amending Chapter 20 of the Code of Ordinances (Taxicab Ordinance)

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HOWES, TO HOLD A WORKSESSION ON THE TAXICAB ORDINANCE. THE MOTION CARRIED UNANIMOUSLY. Council agreed to meet in mid-June.

Resolution Concerning the Improvements at the Franklin Street Court House/Post Office Building

Mr. James Webb, architect, presented a model of proposed renovations to the Court/Post Office Building. Proposed renovations were:

Phase II. Walkways and drainage along west side of building, including walk providing access to handicapped ramp at the rear of the building; plantings; grading; and preparation of working drawings.

Phase III. Expansion of front portico to include construction of ramp, new steps, cheek walls, and preparation of working drawings.

Phase IV. Improvement of front patio area including preparation of working drawings.

Phase V. Revision of Henderson Street entrance to downstairs offices, including new patio area and steps, and preparation of construction drawings.

Councilmember Smith felt that the first priority seemed to be the walkway toward the rear of the building. He felt that the placement of the handicap ramp should be in the front of the building rather than off to the side to provide more adequate access to both the Courtroom and the Post Office.

Mr. Webb responded that current funds had prompted the idea of phasing that would provide an interim solution for handicapped access until later plans could be implemented.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT COUNCIL APPROVE THE COMPLETION OF PHASE II AND PHASE III SIMULTANEOUSLY. He felt that to combine phases would save a substantial amount of money.

Councilmember Kawalec asked about funding for these phases. Mr. Taylor assured Council that if they desired to complete Phase II and Phase III simultaneously, the administration would incorporate these expenditures into the recommended budget.

Councilmember Kawalec felt that allocation of funds should be appropriated at budget time. COUNCILMEMBER KAWALEC MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER PASQUINI, TO ADOPT RESOLUTION 82-R-91.

Councilmember Howes felt that Councilmember Kawalec's procedural concerns had merit, but felt that necessary funds for Phase III were modest and could be worked out at this time.

VOTE ON THE SUBSTITUTION MOTION (to adopt Resolution 82-R-91) WAS DEFEATED 3 TO 6 WITH COUNCILMEMBERS KAWALEC, PASQUINI, AND BROADFOOT SUPPORTING, AND COUNCILMEMBERS WALLACE, BOULTON, HOWES, STRALEY, SMITH, AND MAYOR NASSIF OPPOSING.

Mr. Taylor stated that there was \$17,000 contingency in the Recommended Budget, which would allow for the \$10,000 needed.

VOTE ON THE MAIN MOTION (to approve the completion of Phase II and Phase III simultaneously) CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC, AND PASQUINI OPPOSING.

Quarterly Progress Reports

The Quarterly Progress Reports were submitted to Council.

Consent Agenda

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE CONSENT AGENDA AS FOLLOWS:

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS
(82-R-91.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the attached resolutions and ordinances:

- a. Advertising for bids for replacement of wooden bridge on Hillsborough Street. (82-R-92)
- b. Community Development (CD) funding for rehabilitation of rented housing. (82-R-93)
- c. Amendment to CD project ordinance for certain fringe benefit costs of Housing Authority Staff. (82-O-29)
- d. Amendment to Agreement with Housing Authority to reflect above fringe benefit costs. (82-R-94)
- e. Amendment to CD Project Ordinance for improvements at Hargraves Center. (82-O-30)
- f. Resolution concerning space leased to Town in Housing Authority office building. (82-R-95)
- g. Calling of public hearing May 17 on amendments to Zoning Ordinance text. (82-R-96)

This the 26th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinances/Resolutions Adopted by the Consent Agenda

A RESOLUTION REGARDING REPLACEMENT OF THE HILLSBOROUGH STREET BRIDGE
(82-R-92)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to advertise for bids to replace the wooden bridge on Hillsborough Street over Bolin Creek and, upon Council's award of a contract, to finance the project with funds remaining from the street improvement bond issue.

This the 26th day of April, 1982.

A RESOLUTION REGARDING COMMUNITY DEVELOPMENT REHABILITATION FUNDS FOR RENTAL HOUSING (82-R-93)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Community Development Rehabilitation Grants Program as outlined in the Manager's report to Council dated April 26, 1982, and authorizes the Manager to take the administrative actions necessary on the part of the Town to establish and operate this program in accordance with the general plans described in his report.

This the 26th day of April, 1982.

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (82-O-29)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 4: Reflect the following increase and decrease in appropriation to activities.

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year 1 Revised</u>
Acquisition of Real Property	\$ 409,550	\$ 815		\$ 410,365	\$ 93,870
Disposition of Real Property	6,000			6,000	700
Public Facilities and Improvements	462,600			462,600	245,385
Clearance Activities	27,600			27,600	8,200
Relocation Payments and Assistance	191,762	225		191,987	86,085
Rehabilitation and Preservation	730,115			730,115	194,265
General Administration	183,008	1,400		184,408	64,685
Non-Departmental	<u>89,365</u>	<u> </u>	<u>\$2,440</u>	<u>86,925</u>	<u>6,810</u>
TOTAL	\$2,100,000	\$2,440	\$2,440	\$2,100,000	\$700,000

This the 26th day of April, 1982.

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE AN AMENDED AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL AND THE HOUSING AUTHORITY FOR SERVICES RELATED TO THE SMALL CITIES COMMUNITY DEVELOPMENT PROGRAM (1979-80) (82-R-94)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to execute the above-mentioned agreement.

This the 26th day of April, 1982.

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (82-O-30)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 4: Reflect the following increase and decrease in appropriation to activities.

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year 3 Revised</u>
Acquisition of Real Property	\$ 410,365			\$ 410,365	\$182,480
Disposition of Real Property	6,000			6,000	3,900
Public Facilities and Improvements	462,600	\$19,850		482,450	64,850

Clearance Activities	27,600			27,600	14,500
Relocation Payments and Assistance	191,987			191,987	22,185
Rehabilitation and Preservation	730,115			730,115	298,440
General Administra- tion	184,408			184,408	63,490
Non-Departmental	<u>86,925</u>		<u>\$19,850</u>	<u>67,075</u>	<u>50,150</u>
TOTAL	\$2,100,000	\$19,850	\$19,850	\$2,100,000	\$700,000

This the 26th day of April, 1982.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AMEND THE 1979 AGREEMENT WITH THE HOUSING AUTHORITY REGARDING TOWN USE OF SPACE IN THE AUTHORITY'S BUILDING (82-R-95)

BE IT RESOLVED that the Town Council of the Town of Chapel Hill authorizes the Town Manager to negotiate an amendment to the 1979 agreement with the Housing Authority regarding the Town's use of space in the Authority's building. The amendment would stipulate that all of the 775 sq. ft. now controlled by the Town be vacated by December 31, 1982, and that all but the area encompassed by the smaller office be vacated on July 2, 1982, on the condition that the Authority agree to share evenly with the Town any proceeds derived from leasing the vacated space through December, 1983.

This the 26th day of April, 1982.

A RESOLUTION CALLING A PUBLIC HEARING ON FURTHER PROPOSED AMENDMENTS TO THE CHAPEL HILL ZONING ORDINANCE (82-R-96)

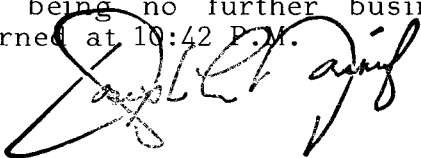
BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 P.M. on Monday, May 27, 1982, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider further amendments to the Zoning Ordinance.

This the 26th day of April, 1982.

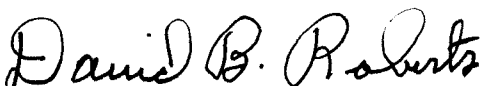
Notification of Vacancies

Council was notified of two vacancies on the Historic District Commission, and seven seats on the newly established Human Services Advisory Board.

There being no further business to come before the Council, the meeting was adjourned at 10:42 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk