

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, NOVEMBER 8, 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
Joseph Straley
Jim Wallace

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

Petitions

COUNCILMEMBER SMITH MOVED TO REFER THE ORANGE INDUSTRIES FUNDING REQUEST (for a new Orange Industries Workshop) TO THE HUMAN SERVICES ADVISORY BOARD AND MANAGER. COUNCILMEMBER BOULTON SECONDED THE REQUEST. THE MOTION CARRIED UNANIMOUSLY.

Minutes (October 25, 1982)

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE MINUTES OF OCTOBER 25, 1982, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

University Heights--Status Report on Study of Zoning Map Amendment Requests and Related Annexation and Sewer Issues

Mr. Taylor stated that staff needed additional time to study possible implications of a recent North Carolina Supreme Court decision as it related to sewer line extension issues involved in the request.

Councilmember Wallace agreed that no action should be taken by Council until all factors had been considered.

Councilmember Broadfoot encouraged Council to expedite approval of the annexation request, expressing concern over sewer problems of area residents. Councilmember Howes concurred.

COUNCILMEMBER HOWES MOVED ADOPTION OF ORDINANCE 82-O-44 (to amend the Chapel Hill Development Ordinance) AND THE SECTIONS CONTAINED THEREIN AS APPROVED, INDIVIDUALLY, BY COUNCIL. COUNCILMEMBER STRALEY SECONDED THE MOTION.

Councilmember Wallace asserted that the issue of rezoning should be considered after the question of annexation had been resolved. He proposed a report from the Town Manager.

COUNCILMEMBER SMITH MOVED TO DELAY CONSIDERATION OF THE ISSUES UNTIL THE TOWN MANAGER AND ATTORNEY COULD PREPARE A STATUS REPORT ON ANNEXATION, SEWER, AND REZONING CONSIDERATIONS, SUCH REPORT TO BE PRESENTED TO COUNCIL ON FEBRUARY 14, 1983. COUNCILMEMBER BROADFOOT SECONDED THE MOTION.

Councilmember Howes supported the motion, feeling that the issues of zoning, sewer, and annexation should be considered simultaneously.

Councilmember Kawalec expressed her opposition to the motion. She felt that it was not fair to area residents to delay action again. She felt that the issues of zoning, sewer, and annexation were not related and asserted that Council could act to rezone before taking action on the question of annexation.

VOTE ON THE MOTION (to delay consideration) CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, PASQUINI, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER KAWALEC OPPOSING.

Ordinance to Extend the Corporate Limits of the Town of Chapel Hill, North Carolina (Duke Power Company)

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (82-O-82)

WHEREAS, the Chapel Hill Town Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Municipal Building, 306 N. Columbia Street at 7:30 P.M. on the 25th day of October, 1982, after due notice by publication on the 14th day of October, 1982; and

WHEREAS, the Town Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, North Carolina:

SECTION I

By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made part of the Town of Chapel Hill as of the 8th day of November, 1982.

BEGINNING at an iron stake at the northwest intersection of N.C. Highway 86 and S.R. 1777 (Homestead Road), said iron marking the southeast corner of the property described herein and as shown on the plat recorded at Plat Book 35, Page 111, Orange County Registry; running thence south with the extended eastern line of Chapel Hill Township Tax Map 24, Lot 41 approximately 40 feet to the centerline of S.R. 1777; proceeding thence west with the centerline of said road 217.72 feet to the extended western line of Chapel Hill Township Tax Map 41, Lot 41B; proceeding thence north with said extended line 40 feet to a point in the northern right-of-way line of S.R. 1777; running thence north 58 degrees 51 minutes west 761.43 feet with the northern margin of the right-of-way of S.R. 1777; running thence with said right-of-way a counterclockwise turning curve with a radius of 1,178.02 feet and a distance of 382.88 feet to an iron; running thence north 11 degrees 39 minutes west 345.92 feet; running thence with the line of property of Kay Maddrey Creech and William W. Creech south 85 degrees 31 minutes east, 1,483.21 feet to an iron in the western margin of the right-of-way of N.C. Highway No. 86 (said right-of-way being measured as being 45 feet on either side of the centerline of said highway); running thence with said right-of-way south 17 degrees 20 minutes west 308.48 feet to an iron; running thence with said right-of-way a counterclockwise turning curve with a radius of 3,323.41 feet and a distance of 590.87 feet to the point and place of BEGINNING. This is the parcel shown on the plat recorded at Plat Book 35, Page 111, Orange County Registry and a portion of adjacent right-of-way of S.R. 1777.

SECTION II

Upon and after the 8th day of November, 1982, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. Said territory shall be subject to municipal taxes according to G.S. 160A-31(e), as amended.

SECTION III

The Mayor of the Town of Chapel Hill shall cause to be recorded in the office of the Register of Deeds of Orange County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in SECTION I hereof, together with a duly certified copy of this ordinance.

SECTION IV

Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Chapel Hill.

This the 8th day of November, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Development Ordinance

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (82-O-83)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Development Ordinance be amended as follows:

SECTION I

That the property identified as Chapel Hill Township Tax Map 24, Lot 41 located on the northwest corner of Homestead Road and N.C. 86 and containing approximately 18 acres of land be added to the Chapel Hill Zoning Atlas and be classified Office/Institutional-2. The legal description of such property is as follows:

BEGINNING at an iron stake at the northwest intersection of N.C. Highway 86 and S.R. 1777 (Homestead Road), said iron marking the southeast corner of the property described herein and as shown on the plat recorded at Plat Book 35, Page 111, Orange County Registry; running thence south with the extended eastern line of Chapel Hill Township Tax Map 24, Lot 41 approximately 40 feet to the centerline of S.R. 1777; proceeding thence west with the centerline of said road 217.72 feet to the extended western line of Chapel Hill Township Tax Map 41, Lot 41B; proceeding thence north with said extended line 40 feet to a point in the northern right-of-way line of S.R. 1777; running thence north 58 degrees 51 minutes west 761.43 feet with the northern margin of the right-of-way of S.R. 1777; running thence with said right-of-way a counterclockwise turning curve with a radius of 1,178.02 feet and a distance of 382.88 feet to an iron; running thence north 11 degrees 39 minutes west 345.92 feet; running thence with the line of Kay Maddrey Creech and William W. Creech south 85 degrees 31 minutes east, 1,483.21 feet to an iron in the western margin of the right-of-way of N.C. Highway No. 86 (said right-of-way being measured as being 45 feet on either side of the centerline of said highway); running thence with said right-of-way south 17 degrees 20 minutes west 308.48 feet to an iron; running thence with said right-of-way a counterclockwise turning curve with a radius of 3,323.41 feet and a distance of 590.87 feet to the point and place of BEGINNING. This is the parcel shown on the plat recorded at Plat Book 35, Page 111, Orange County Registry and a portion of adjacent right-of-way of S.R. 1777.

SECTION II

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

This the 8th day of November, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving a Site Plan for the Harder Office Building

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

A RESOLUTION APPROVING A SITE PLAN FOR THE HARDER OFFICE BUILDING (82-R-202)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the office building proposed by Jon Harder on Lot 2, Block A, Chapel Hill Township Tax Map 27A, if developed in accordance with the plans submitted October 19, 1982, and the conditions listed below, would comply with all provisions of the Development Ordinance.

1. That the dumpster location be approved by the Town Manager.
2. That a storm drainage plan be approved by the Town Manager.
3. That the sidewalk along Sage Road shown on the site plan be constructed to Town standards before issuance of a Certificate of Occupancy.
4. That a revised plan meeting conditions #1 and #2 listed above be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

BE IT FURTHER RESOLVED that the Council approves the site plan for the Harder Office Building in accordance with the plans submitted October 19, 1982, and the conditions listed above.

This the 8th day of November, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Report on Petition for Recreational Improvements at Elliott Woods and Chase Park Apartments

Mr. Taylor submitted the following reasons for management's recommendation to deny the September 13, 1982, request for recreational equipment by residents of Elliott Woods and Chase Park Apartments:

1. It should be the responsibility of the property owner to provide recreational equipment at a private apartment complex.
2. Town funding for recreational facilities for low income residents on sites that were not owned by the Town should be done only in a town-wide program, and on a priority basis.

If the Council were to approve the request, management recommended that a performance contract basis be used and that a study of low income housing needs be made to help in establishing a priority list.

Management would be willing, however, to advise citizens on park development and to help citizens raise money.

Councilmember Straley elaborated that the Town should be aware of all the demands and then decide if this was an appropriate direction to take at the next budget session.

COUNCILMEMBER STRALEY MOVED THAT THE TOWN COUNCIL REQUEST THAT THE TOWN MANAGER INFORM THE COUNCIL AS TO WHETHER THE FUNDING OF PROJECTS FOR THE IMPROVEMENT OF RECREATIONAL FACILITIES FOR LOW INCOME RESIDENTS ON SITES NOT OWNED BY THE TOWN CONSTITUTED AN APPROPRIATE USE OF TOWN FUNDS.

AND FURTHER, IF THE EXPENDITURE OF TOWN FUNDS FOR SUCH PURPOSES WERE FOUND TO BE APPROPRIATE, THAT THE MANAGER PROVIDE THE COUNCIL WITH AN INVENTORY OF SUCH NEEDS.

BE IT FURTHER RESOLVED THAT THE MANAGER ADVISE THE COUNCIL REGARDING A PROCEDURE BY WHICH PRIORITIES FOR MEETING THESE NEEDS MIGHT BE DETERMINED.

COUNCILMEMBER SMITH SECONDED THE MOTION.

Councilmember Broadfoot opposed the consideration of "putting something on property" without hearing from the landlord. It should also be determined whether a landlord could afford such an expense for the tenants.

Councilmember Smith expressed his desire to have the Manager advise Council if there were available Community Development funds that could be used to offset the expense. Mr. Taylor responded that research would be needed to determine if such expenditure of Community Development funds were proper. Mayor Nassif stated that Community Development programs would have to be "re-worked" to transfer any funds.

THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER BROADFOOT OPPOSING.

Mayor Nassif stated that funding for such lots was not the main problem; maintenance of these lots was a more critical factor.

Auditors' Report on the Town's Financial Status for 1981-82

Mr. Michael L. Nelson, representing Touche Ross & Co., presented the "Report on Examination of Combined Financial Statements and Supplementary Information--Year Ended June 30, 1982" (please refer to files in the Clerk's Office).

Mr. Nelson stated that the most significant factor shown by the audit was that the undesignated Fund Balance for the current year was \$599,000. This was an increase of approximately \$306,000 over last year (\$293,000). The Local Government Commission recommended approximately 8-10% of budgeted expenditures in General Fund. The current figure (\$599,000) was slightly more than 7%, or a bit below the recommended range. This, however, was an improvement over last year, which was less than 4%.

Mr. Nelson explained the key elements that combined to produce the change in the Fund Balance position:

- Revenue exceeded the budgeted amount by \$138,000
- Expenditures were under the budgeted amount by \$570,000

Mr. Nelson felt that improvements could still be made, but congratulated staff and management for bringing this Fund Balance level to a more appropriate level.

Councilmember Broadfoot asked if the use of a modified accrual basis meant that depreciation expenses were omitted. Mr. Nelson explained that depreciation was not a cash expenditure item. It was accounted for in other areas of the financial statement rather than just at the detail level. The depreciation was not a line item that had been budgeted for and should, therefore, be monitored carefully.

Councilmember Howes felt that the report needed more direction on how to read it and more explanations for the figures.

Councilmember Wallace approved of the aesthetic aspects of the report.

Mayor Nassif expressed appreciation to the staff and management for their work and for meeting the deadline.

Consent Agenda

Councilmember Broadfoot requested deletion of Consent Agenda item "a" (re policy of non-discrimination).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES (82-R-203)

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

- b. Budget amendment (General Fund) (82-O-84).
- c. Budget amendment (General and Transportation Funds - Transit and Thoroughfare Planning Grants) (82-O-85).
- d. Budget amendment (Library Fund) (82-O-86).
- e. Temporary parking restrictions on Franklin Street on morning of December 4 for annual Christmas Parade (82-O-87).

This the 8th day of November, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinances Adopted on the Consent Agenda

The following ordinances were adopted on the Consent Agenda:

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1982" (82-O-84)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled an "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1982" as duly adopted on June 28, 1982, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund-Police				
Administration	194,022		6,255	187,767
General Services	240,911		7,500	233,411
Detective	206,343		6,066	200,277
DUI Enforcement	0	66,070		66,070
Legal	98,846	1,383		100,229
Nondepartmental- (Contingency)	17,389		1,383	16,006
<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Grants	76,600	46,249		122,849

This the 8th day of November, 1982.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1982" (82-O-85)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled an "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1982" as duly adopted on June 28, 1982, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Planning				
General	201,030		22,799	178,231
Thoroughfare Planning	0	17,617		17,617
Transit Planning	0	11,181		11,181
Transportation Fund				
Administration	158,598		9,111	149,487
Transit Planning		38,219		
Nondepartmental (Contingency)	85,461	5,157		90,618

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Grants	122,849	24,784		147,633
Appropriated Fund				
Balance	325,000		18,785	306,215
Transportation Fund				
Transit Planning Grant	0	34,265		34,265

This the 8th day of November, 1982.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1982" (82-O-86)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled an "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1982" as duly adopted on June 28, 1982, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Gift Fund	16,000	2,600		18,600
Library Operations Fund	455,687	2,600		458,287

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Gift Fund	16,000	2,600		18,600
Library Operations Fund	455,687	2,600		458,287

This the 8th day of November, 1982.

AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A CHRISTMAS PARADE (82-O-87)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street from Boundary Street to the western Town limits on December 4, 1982, from 6:00 A.M. until 12:30 P.M.

This the 8th day of November, 1982.

Resolution Adopting a Policy of Non-Discrimination Regarding Minority-Owned and Women's Business Enterprises

Councilmember Broadfoot asked if management required non-discrimination throughout Town government.

Mr. Taylor responded that the Town did have this policy.

Councilmember Broadfoot expressed his opposition to adoption of this resolution as management had adequately covered the issue through Town policy.

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

A RESOLUTION ADOPTING A POLICY OF NON-DISCRIMINATION REGARDING MINORITY-OWNED AND WOMEN'S BUSINESS ENTERPRISES (82-R-204)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the following policy for Minority Business Enterprise participation in projects financed by the U.S. Department of Transportation.

The Town of Chapel Hill shall not discriminate in any manner on the basis of age, race, color, creed, national origin, sex, or non job-related handicap and will take affirmative action to ensure that certified minority and women's business enterprises have the maximum opportunity to participate in the performance of projects financed with funds from the United States Department of Transportation. The Town Manager shall develop and implement a Minority Business Program as required by 49 CFR Part 23.

This the 8th day of November, 1982.

Mr. Taylor stated that this was Council's policy, whether stated and/or adopted or not. The adoption of this resolution would not be formally publicized, but would be "publicized" through the course of regular Town business. Mr. Taylor responded to Councilmember Broadfoot that the Town would actively solicit and seek out minority businesses. It was a goal to make sure that minority businesses and groups received ample notification of bids, etc.

THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER BROADFOOT OPPOSING.

Board of Adjustment--Nominations and Appointments

(Council had nominated Mr. Joesting on October 11, 1982.) Councilmember Broadfoot nominated Mr. Charles House.

Councilmember Howes supported the nomination of Mr. Joesting and would support a nomination for Mr. House to the alternate position (which would be vacated if Mr. Joesting were appointed).

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO CLOSE THE NOMINATIONS. THE MOTION CARRIED UNANIMOUSLY.

The following vote was taken:

Mr. Robert Joesting: 6 votes (Councilmembers Kawalec, Straley, Howes, Smith, Boulton, and Pasquini)

Mr. Charles House: 3 votes (Councilmembers Wallace, Broadfoot, and Mayor Nassif)

Mr. Robert Joesting was appointed to the permanent position of the Board of Adjustment.

Councilmember Boulton nominated Ms. Shann Tracy to fill the alternate position created by the appointment of Mr. Robert Joesting to the permanent position on the Board of Adjustment.

Councilmember Broadfoot nominated Mr. Charles House for the alternate position.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO CLOSE THE NOMINATIONS. THE MOTION CARRIED UNANIMOUSLY.

The following vote was taken:

Ms. Shann Tracy: 6 votes (Councilmembers Boulton, Kawalec, Straley, Smith, Howes, and Mayor Nassif)

Mr. Charles House: 3 votes (Councilmembers Pasquini, Broadfoot, and Wallace)

Ms. Shann Tracy was appointed to the alternate position of the Board of Adjustment.

Historic District Commission--Recommendations/Nominations

Council received the recommendations from the Historic District Commission for the reappointment of Mr. Phil Rees and Mr. John Gulick. A third recommendation from the Commission would be submitted later.

Councilmember Broadfoot nominated Ms. "Luke" Page. Councilmember Kawalec stated that Ms. Louise Oldenburg would submit an application for appointment to this Board and that she would like to place her name in nomination.

Orange County Energy Commission--Notification of Vacancy

Council was notified of the resignation of Mr. Ronald Strauss from the Orange County Energy Commission. Mayor Nassif suggested that the regular procedure be followed by the Clerk's Office for this vacancy.

As there was no further business to come before Council, the meeting was adjourned at 9:15 P.M.

Joseph L. Nassif, Mayor

David B. Roberts, Clerk