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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, AUGUST 22, 1983, 7:00 P.M.

Mayor Pro-tem Boulton called the meeting to order. Councilmembers present were:

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 Town Attorney, Grainger Barrett.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION.

THE MOTION CARRIED UNANIMOUSLY.

At 8:04 P.M., the Executive Session was adjourned to the Regular Meeting and Mayor Pro-tem Boulton reconvened the meeting.

Petitions

-- Mr. Gordon Steele, a Chapel Hill citizen, submitted a petition with 155 signatures requesting the protection of Coker Hills residents from excessive traffic.

Mr. Steele requested that the proposed Oxford Hills development be restricted to 106 units, with no exit onto Elliott Road. A second request was to enforce speed limits on the collector roads in Coker Hills. Mr. Steele also requested that the Council endorse the Town Manager's recommendation for a September 19, 1983, public hearing.

-- The Council granted the request of Ms. Mary R. Oberst to speak on Agenda Item #4 (re zoning of the Maddry property).

-- Mr. John McAdams requested permission to speak on Agenda Item #5 (re proposed Oxford Hills development). The Council granted the request.

Minutes (June 27; July 5; July 11, 1983)

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE JUNE 27, 1983, MINUTES OF THE EXECUTIVE SESSION BE APPROVED AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE MINUTES OF A REGULAR MEETING ON JUNE 27, 1983, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE MINUTES OF JULY 5, 1983, BE APPROVED AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF THE JULY 11, 1983, MINUTES AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

Discussion of a Resolution to Reconvene a Public Hearing on September 19, 1983,
on a Proposed Modification of the Laurel Hill V Planned Development-Housing
Special Use Permit

Mr. Taylor stated that on July 11, 1983, a motion to reconvene a public hearing on this item had failed to pass with a vote of 3 to 4.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY THAT THIS ITEM BE CONTINUED AT A SPECIAL MEETING TO BE SCHEDULED FOR THURSDAY, AUGUST 25, 1983, AT 4:00 P.M.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Development Ordinance (zoning of the Maddry property)

Mr. Taylor stated that on July 5, 1983, the Council had voted to annex the Maddry property. On July 5 the Council also voted to table discussion of zoning of the Maddry property and on July 11 the Council deferred action re zoning at the request of Mr. "Skip" Moore, representative for the applicants.

Mr. Taylor stated that the staff, Manager, and Planning Board recommended adoption of resolution 83-R-39a (to zone the Maddry property R-1 and R-4).

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF 83-O-39b (to zone the Maddry property R-1 and R-3).

Mr. Jennings estimated that an R-3 zone would permit 8 dwelling units per acre; R-4 would allow approximately $13\frac{1}{2}$ dwelling units per acre.

Mr. Moore informed the Council that for economic reasons the applicants "could not afford to hold the land" if the land were zoned R-3. An R-4 zone designation was preferred.

Mr. Moore stated that "we would respectfully request that this Board zone it R-4; if you don't zone it R-4, then we would humbly request that you reconsider the annexation."

Councilmembers Broadfoot and Pasquini both felt that R-4 density would be too high. Councilmember Pasquini stated that there had never been a guarantee for any specific zoning designation.

Ms. Mary R. Oberst, a resident of Quail Run stated that she and several other property owners near the Maddry property had not been notified and were not aware of the possible zoning change because they did not live within 500 feet of the property.

Mr. Taylor stated that all persons owning property within 500 feet of the Maddry property had been notified, as required by the Chapel Hill Development Ordinance. Advertisements had also been placed in The Chapel Hill Newspaper.

Ms. Oberst submitted a letter addressing concerns for the increasing density in the area.

Councilmember Smith felt that the Council should discuss the validity of the 500-foot distance when considering density standards at the August 29, 1983, work session.

THE MOTION (to adopt the following resolution) CARRIED 6 TO 2 WITH COUNCILMEMBERS WALLACE, PASQUINI, BROADFOOT, STRALEY, SMITH, AND BOULTON SUPPORTING, AND COUNCILMEMBERS KAWALEC AND HOWES OPPOSING.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (83-O-39b)

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 part of Chapel Hill Township Tax Map 24, Lot 25B, located approximately 600 feet east of N.C. 86 containing approximately 22 acres of land be classified R-3. The legal description of such property is as follows:

BEGINNING at the northern right-of-way of Butternut Drive adjacent to the Dedicated Open Space for Timberlyne Subdivision, Phase II, Section 2, running in a westerly direction along the southern property line of the Maddry Property (tax map description 24-25B) approximately 860 feet to a point, running thence in a northerly direction approximately 650 feet to a point on the southern boundary line of Timberlyne Village Subdivision, Phase II, running thence with the southern boundary line of Timberlyne Village Subdivision, Phase II in an easterly direction approximately 1,150 feet to a point, running thence in a southerly direction fifty feet west and parallel to the common Maddry/Timberlyne Subdivision Phase II, Section 2 boundary line approximately 850 feet to a point, running thence in a westerly direction fifty feet north and parallel to the northern right-of-way of Butternut Drive approximately 460 feet to a point, running thence in a southerly direction fifty feet to the northern right-of-way of Butternut Drive and the POINT OF BEGINNING encompassing approximately 22 acres.

SECTION II

That the property identified as part of Chapel Hill Township Tax Map 24, Lot 25B located approximately 600 feet east of N.C. 86 containing approximately 1.7 acres of land be classified R-1. The legal description of such property is as follows:

BEGINNING at the northern right-of-way of Butternut Drive adjacent to the Dedicated Open Space for Timberlyne Village Subdivision, Phase II, Section 2, running in a northerly direction fifty feet to a point, running thence in an easterly direction fifty feet north and parallel to the northern right-of-way of Butternut Drive approximately 460 feet to a point, running thence in a northerly direction approximately 850 feet to a point on the southern boundary of Timberlyne Village Subdivision, Phase II, running thence in an easterly direction fifty feet to a point that is the northeast corner of the Maddry Property, running thence along the eastern boundary line of the Maddry Property approximately 900 feet to a point that is the southeast corner of the Maddry Property and is on the northern right-of-way of Butternut Drive, running thence in a westerly direction along the northern right-of-way of Butternut Drive approximately 510 feet to the POINT OF BEGINNING encompassing approximately 1.7 acres.

SECTION III

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

This the 22nd day of August, 1983.

Mr. Moore stated that he would later ask the Council to reconsider the July 5, 1983, annexation of the Maddry property.

Resolution Calling a Public Hearing to Consider Modification to the Oxford Hills Planned Development-Housing Special Use Permit

Mr. Taylor stated that this item had been rescheduled from the July 11, 1983, meeting at the request of the applicant.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF ORDINANCE 83-R-112a.

Mr. John McAdams, representing the applicant, explained that the July 11, 1983, request for a delay was to give the applicant a chance to consider the Planning Board's proposed stipulation for a 50-foot buffer along the front of the property.

Mr. McAdams stated that the 50-foot buffer stipulation would reduce the square footage of 8 lots, making the lots too small to accommodate the proposed duplexes. The buffer would also prevent the lots from fronting on the public right-of-way.

Mr. McAdams requested that the Council consider:

1. Allowing the 50-foot easement to be located on the property.
2. Allowing the lot sizes to be reduced so that the number of lots could be increased, and the applicant could increase the number of single family units from 14 to 18, eliminating the former consideration for duplexes.

Mr. McAdams stated that the number of proposed units would be reduced from 233 to 180. This reduction would address grading concerns that had been expressed by the Council.

Mr. Taylor assured Councilmember Broadfoot that zoning densities would be scheduled for consideration at the September 19, 1983, public hearing if the Council reached a consensus at the August 29, 1983, work session re which concerns they wished to have addressed.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER MODIFICATIONS TO THE OXFORD HILLS PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT (83-R-112a)

WHEREAS, the revised plans for Oxford Hills and the stipulations proposed by the Planning Board and Manager represent a significant deviation from the site plan and recommended stipulations heard at the June 20, 1983, public hearing; and

WHEREAS, the Special Use Permit process does not allow the Council to consider evidence that was not presented at the June 20, 1983, Public Hearing; and

WHEREAS, all interested parties would therefore not be allowed to submit additional evidence on these changes to the site plan and stipulations outside of a Public Hearing;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for September 19, 1983, to consider the proposed changes to the request.

This the 22nd day of August, 1983.

Discussion of a Resolution Approving the Site Plan for Kensington Trace Condominiums

Mr. Jennings stated that the request was to construct 135 dwelling units on 10 acres of land located on the north side of Weaver Dairy Road between McClamrock Circle and Weatherstone Drive.

Mr. Jennings stated that a Unified Business Special Use Permit had been approved in 1979 for an office park on this tract; in 1980 a Modification of the Special Use Permit was approved to include the Village Companies property. This site was zoned Office/Institutional-2 and was part of Lot 41 of Chapel Hill Township Tax Map 17.

Mr. Jennings stated that the proposed development would be 13.5 dwelling units per acre (i.e., an average sized dwelling unit would be 1,364 sq.ft.). This density was less than that previously allowed in the old Zoning Ordinance. The proposed floor area ratio of .404 would exceed the floor area ratio of most projects in Chapel Hill.

The 1977 Land Use Plan designated this area as low density residential. This property was now zoned Office/Institutional-2, to correspond with the 1979 Special Use Permit.

Recommendations of the Orange County Planning staff had been incorporated into the proposed resolution.

The Planning Board and Manager recommended adoption of proposed resolution 83-R-124 (to approve the site plan for Kensington Trace Condominiums).

Councilmember Pasquini stated that he had understood that the original request was for an office park; however, the request now was for a residential development. He stated that he would prefer to have the tract changed to R-4 zoning rather than developed as Office/Institutional-2.

Councilmember Smith felt that the proposed development was too dense, compared with surrounding developments. Mr. Jennings explained that the current density ratio for this area was 61.4% low density and 38.6% high density. Normal ratio would be 70/30. Mr. Jennings felt that the reason for the higher-than-normal high density was due to the increase in high density development along Weaver Dairy Road. Councilmember Smith felt that the density of the entire area should be taken into consideration when evaluating this request.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF RESOLUTION 83-R-124 (to approve the site plan for Kensington Trace Condominiums).

Councilmember Howes stated that there was a need in Chapel Hill for more residential development and this was an appropriate response to this need.

Councilmember Straley was assured by Mr. Bruce Ballentine, developer, that proposed buffers would be sufficient for the development.

Councilmember Broadfoot stated that this area had been designed as low density in 1977. Since then, a higher density had been approved, and now a higher density use was being requested. He disapproved of this gradual increase.

Councilmember Smith supported Councilmember Broadfoot's comments. He stated that in 1977 a public hearing had been held to solicit citizen input. Since then, however, the density had gradually increased with no citizen input. He stated that he would not support the request unless citizens had an opportunity to present their views to the Council.

Mr. Jennings stated that the Development Ordinance encouraged mixed uses within zoning districts in order to control the intensity of development (by controlling the amount of floor area).

Councilmember Smith stated that when this project was approved, the property was not zoned for mixed use. There was a need for citizen input.

THE MOTION (to adopt resolution 83-R-124) FAILED TO PASS WITH A VOTE OF 3 TO 5 WITH COUNCILMEMBERS STRALEY, HOWES, AND BOULTON SUPPORTING, AND COUNCILMEMBERS WALLACE, KAWALEC, PASQUINI, BROADFOOT, AND SMITH OPPOSING.

Mr. Barrett questioned the Council's intent (by failing to pass the motion to approve the request). Councilmember Howes stated that because some Councilmembers wished to see various aspects of the Development Ordinance changed was not sufficient grounds to oppose the resolution.

Councilmember Kawalec felt that a public hearing would be desirable, whether or not it was required by the Development Ordinance.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE VOTE TO ADOPT RESOLUTION 83-R-124 BE RECONSIDERED.

THE MOTION TO RECONSIDER THE PREVIOUS MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, A SUBSTITUTE MOTION THAT THE COUNCIL SCHEDULE A PUBLIC HEARING ON THIS REQUEST FOR SEPTEMBER 19, 1983, FOR THE PURPOSE OF OBTAINING PUBLIC COMMENTS AND FURTHER INFORMATION ON THE QUESTION OF THE PROPOSED DEVELOPMENT'S CONFORMITY WITH THE STANDARDS OF THE DEVELOPMENT ORDINANCE FOR SITE PLANS.

THE SUBSTITUTE MOTION CARRIED UNANIMOUSLY.

THE VOTE TO MAKE THE SUBSTITUTE MOTION THE MAIN MOTION CARRIED UNANIMOUSLY.

Report on Proposed Extension of the Chapel Hill Extraterritorial Planning Jurisdiction into Durham County

Mr. Taylor explained that this agenda item was to consider the extension of the Chapel Hill Extraterritorial Planning Jurisdiction into Durham County. Durham County currently administered development regulations in this area.

Mr. Taylor recommended that the Council refer the proposal to the Planning Board for further consideration and recommendation.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE PROPOSAL BE REFERRED TO THE PLANNING BOARD FOR ITS CONSIDERATION AND REPORT

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Straley stated that the Triangle J Council of Governments was interested in obtaining government input re the appearance of the I-40 corridor.

Discussion of One-half Cent Local Option Sales Tax

Councilmember Broadfoot stated that the State Legislature had given county commissioners the right to impose a $\frac{1}{2}\%$ local option sales tax. A portion of the tax would go to county municipalities with various optional and required uses. Councilmember Broadfoot felt that there were questions related to some of these options.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO REQUEST THE MANAGER TO STUDY THE AVAILABILITY OF THE $\frac{1}{2}\%$ LOCAL OPTION SALES TAX AND SUBMIT A REPORT OF POSSIBLE USES FOR CHAPEL HILL TO THE COUNCIL FOR ITS CONSIDERATION.

Councilmember Smith felt that such a study would be a waste of the Manager's time since the County Commissioners would also need to compile this information before reaching a decision re a referendum. He felt that it would be better for Orange County to make a decision and then have the Manager complete a study that would aid the Council in formulating a position.

Councilmember Wallace felt that information re how such a tax would affect Chapel Hill would assist the County Commissioners in its deliberations.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, STRALEY, AND WALLACE SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Resolution Accepting Gifts of Funds and Property for Improvement and Expansion of Emily Braswell Perry Park

Mayor Pro-tem Boulton stated that the proposed resolution was to accept a gift of \$2,850 from the William D. Perry Estate for improvements to the Emily Braswell Perry Park and to accept the deed to a one-acre open space area from Greenwood Point Investors.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF RESOLUTION 83-R-125.

Councilmember Smith felt that there should be definite plans for the use of the one-acre tract. Mr. Ron Secrist, speaking for the Recreation Commission, stated that the open space area was wooded and would be an appropriate addition to the park which was void of trees.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION ACCEPTING GIFTS OF FUNDS AND PROPERTY FOR IMPROVEMENT AND EXPANSION OF EMILY BRASWELL PERRY PARK (83-R-125)

BE IT RESOLVED that the Council of the Town of Chapel Hill accepts the gift of approximately \$2,850, from the estate of the late William D. Perry, for the purpose of landscaping and beautifying the Emily Braswell Perry Park; and

BE IT RESOLVED that said landscaping and beautification shall be accomplished generally as described in the Manager's report to Council on this item dated August 22, 1983, a copy of which shall be filed with the records of this meeting; and

BE IT FURTHER RESOLVED that the Council accepts title to and delivery of the deed for the approximately one acre parcel of open space dedicated by the developer of the Greenwood Point subdivision, adjacent to the Emily Braswell Perry Park and more specifically described in the copy of the deed attached hereto and incorporated herein by reference, said acre also being the lot marked "Open Space" on the subdivision plat for Greenwood Point subdivision.

This the 22nd day of August, 1983.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1983"

Mayor Pro-tem Boulton stated that adoption of proposed ordinance 83-O-42 would reflect the acceptance of \$2,850 from the William D. Perry Estate for improvements to the Emily Braswell Perry Park and acceptance of the deed to a one-acre open space area from Greenwood Point Investors.

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

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (83-O-42)

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, 1983" as duly adopted on June 27, 1983, be and the same is hereby amended as follows:

ARTICLE I				
<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Parks & Recreation				
Parks Maintenance	284,844	2,848		287,692

ARTICLE II				
<u>Revenue</u>				
General Fund				
Other	8,620	2,848		11,468

This the 22nd day of August, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Site Improvements and Alterations to Post Office and Court Facilities

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR SITE IMPROVEMENTS AND ALTERATIONS TO POST OFFICE AND COURT FACILITIES (83-R-126)

WHEREAS, the Town of Chapel Hill has solicited formal bids on July 3, 1983, and the following bids have been received:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate I</u>	<u>Alternate II</u>	<u>Alternate III</u>	<u>Total</u>
Delta Construction Co. Durham, N.C.	25,133	4,385	6,733	6,325	42,576
Muirhead Construction Co. Durham, N.C.	28,000	10,000	7,500	9,000	54,500
Security Building Co. Chapel Hill, N.C.	43,500	10,000	7,600	11,000	72,100
Trout & Riggs Construction Co. Durham, N.C.	51,170	10,850	8,170	11,610	81,800
C.C. Woods Construction Co. Durham, N.C.	53,500	11,251	8,417	10,658	83,826

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the base bid and alternate bids numbered I, II, and III by Delta Contruction Company in the amount of \$42,576.00.

This the 22nd day of August, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Awarding a Contract for Construction of Hillsborough Street Sidewalk

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

A RESOLUTION AWARDING A CONTRACT FOR CONSTRUCTION OF HILLSBOROUGH STREET SIDEWALK (83-R-127)

WHEREAS, the Town of Chapel Hill has solicited formal bids on July 3, 1983 and re-advertised said Bid in accordance with G.S. 143-132 on July 24, 1983, and the following bids were received in response to said readvertisements:

<u>Grand Total Bidder</u>	<u>Unit Price Extension</u>
Kirkpatrick Brothers, Inc. Burlington, N.C.	\$36,068.00
Security Building Company, Inc. Chapel Hill, N.C.	\$34,119.00

WHEREAS, Town negotiated with the apparent low bidder to bring the bid within the project budget, and said negotiation resulted in a revised bid of \$25,519 from the apparent low bidder, Security Building Company;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Security Building Company, Inc., in the negotiated amount of \$25,519.00.

This the 22nd day of August, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend the "Ordinance Concerning Appropriations and Raising of Revenue for the Fiscal Year Beginning July 1, 1983"

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

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (83-O-43)

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, 1983" as duly adopted on June 27, 1983, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Capital Improvements	28,000	72,000		100,000

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Capital Improvement Fund Balance	28,000	72,000		100,000

This the 22nd day of August, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Discussion of Amendment to 1983-84 Budget to Provide for Payments to the Law Enforcement Officers' (LEO) Retirement System

Mayor Pro-tem Boulton stated that proposed ordinance 83-O-44a would amend the 1983-84 Budget to provide for payments to the LEO Retirement System (1.1% to the Basic Benefits Fund in lieu of payments to the Special Benefits Fund for police employees with 10 or more years of service).

Mayor Pro-tem Boulton stated that an alternate ordinance (83-O-44b) recommended 1.1% to the Basic Benefits Fund and 1% to the Special Benefits Fund.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF ORDINANCE 83-O-44a.

Mr. Taylor explained that approximately 12-14 months ago, the Council discussed the differences between the Basic Benefits Fund and the Special Benefits Fund of LEO. Mr. Taylor stated that "the State, we think, is slowly getting out of funding the Basic system of LEO." The Budget Bill passed in 1983 by the State Legislature "appropriated the same amount of funds that had been appropriated in the previous biennial." The Town would have to make up the difference of 1.1% to keep the fund sound.

The LEO Retirement System had to be approved by IRS so that contributions made by officers (or members of LEO) could be classified for deferred compensation purposes, and not be taxed).

One criteria for approval was that contributions made to the Special system had to be the same for all police employees, with no special contribution for seniority. Mr. Taylor stated that he felt that in the future the State would probably drop its appropriation entirely and the Town would have to begin paying the full amount for the Basic system. Mr. Taylor stated that ordinance 83-O-44a provided for Basic contributions but did not provide additional funds for the Special Fund. The alternate ordinance (83-O-44b) provided for a budget amendment, should the Council elect to continue contributions to the Special Benefits Fund.

Mr. Taylor stated that the cost would be approximately \$12,500 per percentage amount contributed. Three percent for all police employees would cost approximately \$37,000 more than currently budgeted.

Councilmember Straley stated that he would like to support a 3% across-the-board contribution. Mr. Taylor responded that it would be advisable to hold this matter over to the September 12, 1983, meeting of the Council in order to provide appropriate figures.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO TABLE THE MATTER, AWAITING THE PREPARATION OF AN ALTERNATIVE ORDINANCE THAT WOULD REFLECT A 3% CONTRIBUTION.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, AND WALLACE SUPPORTING, AND COUNCILMEMBER BROADFOOT OPPOSING.

Councilmember Pasquini asked if the Manager would also prepare a statement re the impact of a 3% contribution on the budget.

Reports

Orange County Human Services Advisory Commission. Councilmember Broadfoot stated that the Human Services Advisory Commission was recommending to the Orange County Commissioners the adoption of a minimum housing code.

Triangle J Council of Governments. Councilmember Howes stated that the "Executive Newsletter" had been sent to each of the Councilmembers. He stated that the principal concern of COG had been to represent the local governments in the region dealing with water quality standards of Falls of the Neuse and Jordan Lake.

Annual Report on Activities of Town Departments. Mr. Taylor stated that the Annual Report had been submitted to the Council (please refer to files in the Clerk's office).

Mr. Taylor informed Councilmember Broadfoot that all of the 268 complaints re minimum Housing Code compliance (listed in the report) were made by the tenants against the landlord. All public housing units were inspected approximately every two years.

Consent Agenda

Councilmember Smith requested that Consent Agenda Item "a" (re the value of an easement for the Tanyard Branch Greenway) be removed for discussion.

Mayor Pro-tem Boulton requested that Consent Agenda Item "b" be removed for discussion (re parking on Sykes Street).

Councilmember Broadfoot requested removal of Consent Agenda Item "d" (re prohibiting parking on part of Pritchard Avenue) from the Consent Agenda for purposes of discussion.

Resolution Concerning Acquisition of a Parcel for Greenway

Councilmember Smith asked if the value of the property was based on the fact that there was an easement going through the property. Ms. Loewenthal responded that the existing easement was not related to the greenway and was part of the lot being considered for acquisition. Ms. Loewenthal further explained that only one lot in the proposed greenway remained unacquired, and that that property was currently in litigation.

Councilmember Broadfoot felt that the Council should "stick with" the original appraisal (\$6,000), unless the appraisal was proved erroneous and unfair. Mr. Taylor explained that the original appraisal and the owner's appraisal differed; it was, therefore, "more prudent to settle this case at a compromise figure of \$7,500....."

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

A RESOLUTION CONCERNING ACQUISITION OF A PARCEL FOR GREENWAY (83-R-129)

WHEREAS, this Council has previously authorized a price of \$6,000 to acquire Tax Map Parcel 94-B-24B, owned by Charles L. James, for the town's greenway system; and

WHEREAS, a new appraisal of said tract, in an amount of \$8,500, has been submitted to the Town for consideration by Council; and

WHEREAS, the attorney handling this condemnation action estimates that additional acquisition expenses of some \$2,000 will be incurred if this litigation proceeds; and

WHEREAS, Council has reviewed this new information and now deems it appropriate to authorize an acquisition price of \$7,500 as fair market value for this tract;

NOW, THEREFORE, BE IT RESOLVED, that the Council authorizes an acquisition price of \$7,500 fair market value for Tax Map Parcel 94-B-24B;

BE IT FURTHER RESOLVED, said price of \$7,500 is authorized and conditioned upon the prompt termination of litigation in this matter by all parties.

This the 22nd day of August, 1983.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, AND WALLACE SUPPORTING, AND COUNCILMEMBER BROADFOOT OPPOSING.

Ordinance Amending Chapter 21 of the Code of Ordinances (re parking on the east side of Sykes Street between Craig and Gomain streets)

The ordinance proposed the deletion of parking restrictions on the east side of Sykes Street between Craig and Gomain streets.

Mayor Pro-tem Boulton stated that she had no objection to the request, but felt that other residents should be aware of the proposed change in parking restrictions.

Mr. Taylor stated that all persons in this block had agreed to the request; persons in a second block, however, had disagreed. Mr. Bill Morris, Town Engineer, stated that there were no driveways or permitted parking on the east side of Sykes Street between Craig and Gomain streets. The resident making the request depended on a relative to attend to her needs. The relative had no place to park nearby. Mr. Morris stated that to permit parking in this area would not create a hazardous situation.

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

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (83-O-45)

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

Section 1. That Section 21-27 of the Town Code of Ordinances, "No Parking as to Particular Streets," is amended as follows:

a) By deleting the following:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Sykes	East	Rosemary Street	50' north of Gomain Avenue

and,

b) By inserting in lieu thereof, in appropriate alphabetic order, the following:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Sykes	East	Whitaker Street	62' north of the centerline of Craig Street
Sykes	East	182' north of Craig St.	50' north of Gomains Avenue

Section 2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 22nd day of August, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting an Encroachment Agreement for 524 E. Franklin Street
Four-inch Sewer Lateral

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

A RESOLUTION GRANTING AN ENCROACHMENT AGREEMENT FOR 524 EAST FRANKLIN STREET FOUR-INCH SEWER LATERAL (83-R-130)

WHEREAS, the Reverend and Mrs. Peter James Lee, owners, have asked the Town for an encroachment agreement for a four-inch diameter private residential sewer lateral serving 524 East Franklin Street to run down South Boundary Street right-of-way; and

WHEREAS, the Town Manager has determined that the relocated lateral will not interfere with the use, improvement or maintenance of Boundary Street, or present any safety hazard;

THEREFORE, BE IT RESOLVED by the Town Council that it approves, and authorizes the Town Manager to execute on behalf of the Town, an encroachment agreement with the Reverend and Mrs. Peter James Lee for the four-inch sewer lateral, as described in the Town Manager's memorandum to Council dated August 22, 1983, which memorandum shall be retained with the records of this meeting.

This the 22nd day of August, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending Chapter 21 of the Code of Ordinances (re parking spaces for the handicapped in front of 303 and 305 Pritchard Avenue)

Councilmember Broadfoot felt that an ordinance to address the problem of blocking of drives should be prepared by the Town Attorney for Council consideration.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER PASQUINI, THAT THE MATTER BE REFERRED TO THE MANAGER FOR A RECOMMENDATION TO THE COUNCIL.

Councilmember Kawalec felt that the ordinance could be voted on now, and the Manager could submit a recommendation to the Council at a later date.

COUNCILMEMBER BROADFOOT (maker of the motion) AND COUNCILMEMBER PASQUINI (seconder of the motion) WITHDREW THE MOTION (to refer the matter to the Manager).

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING ORDINANCE, WITH THE UNDERSTANDING THAT THE MANAGER WOULD HAVE THE NEED FOR A HANDICAPPED PARKING SPACE IN THIS AREA REVIEWED IN 6 MONTHS, AND THAT THE MANAGER WOULD SUBMIT A RECOMMENDATION TO THE COUNCIL ADDRESSING THE PROBLEM OF VEHICLES BLOCKING DRIVEWAYS:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (83-O-46)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 21-27 of the Town Code of Ordinances, ""No Parking as to Particular Streets," is amended by inserting the following therein, in appropriate alphabetic order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Pritchard Avenue	West	194' south of the centerline of Carr Street	243' south of the centerline of Carr Street"


This the 22nd day of August, 1983.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, SMITH, STRALEY, AND WALLACE SUPPORTING AND COUNCILMEMBER PASQUINI OPPOSING.

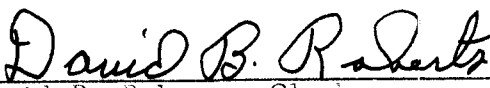
Nominations (Community Appearance Commission)

Councilmember Howes nominated Mr. Jessie Page; Councilmember Pasquini nominated Mr. Ralph Bass; and Councilmember Kawalec nominated Mr. Don Shaw for appointment to the Community Appearance Commission.

At 10:23 P.M., COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE MEETING BE RECESSED TO THURSDAY, AUGUST 25, 1983, at 4:00 P.M. in the Meeting Room.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk