

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, SEPTEMBER 26, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the meeting to order. Councilmembers present were:

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

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

Certificates of Appointment

Mayor Nassif presented Certificates of Appointment to the following Board/Commission members, expressing appreciation for their contribution to the Town of Chapel Hill.

--Al Mebane, Human Services Advisory Board
--Lynn Cox, Parks and Recreation Commission

Petitions

The following petitions were made to the Council:

--Ms. Gina Cunningham requested to speak on Agenda Item #6 (extension of the Chapel Hill planning jurisdiction).
--Mr. Leonard Van Ness, of the Chamber of Commerce, requested to speak on Agenda Item #8 (OWASA's proposed moratorium on water connections/extensions).
--Mr. Hinsdale requested permission to speak on Agenda Item #7 (proposed zoning of certain properties).
--Mr. Everett Billingsley requested permission to speak on Agenda Item #8 (re OWASA's proposed moratorium on water connections/extensions).

The Council granted all requests.

Minutes (September 12, 1983)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE MINUTES OF SEPTEMBER 12, 1983, AS CORRECTED.

Councilmember Broadfoot requested that the records show that his comments during the September 12, 1983, Council meeting (re OWASA rates showing favoritism to the University of North Carolina) were proved incorrect by documentation of current OWASA rates from Mr. Pat Davis, Systems Development Manager with OWASA.

THE MOTION CARRIED UNANIMOUSLY.

Presentation on Proposed Teen Center

Mr. Tommy Gardner, representing the Downtown Chapel Hill Association, submitted documentation for a Teen Center to be located in the basement of the Court/Post Office Building on Franklin Street, requesting a commitment from the Town of Chapel Hill prior to further pursuit of the proposal.

The Rev. Gordon Dragt, representing the Downtown Chapel Hill Association, stated that there was a great need in Chapel Hill for a teen center, referencing the large number of teens on Franklin Street on Friday and Saturday nights who had no appropriate place to meet friends of their age group. The Council's support was greatly needed to address this concern.

Councilmember Broadfoot felt that the report was not specific in stating what was needed from the Council. Rev. Dragt responded that the need was for a commitment from the Council for renovation of the ground level entrance of the building as well as for provision of utilities.

Councilmember Broadfoot suggested that the matter be referred to the Manager. Mr. Taylor responded that this matter had been discussed on several occasions with himself as well as with the Assistant Town Managers. Mr. Taylor stated that it was the preliminary estimate that the center would require approximately \$5,000 to renovate the Henderson Street entrance to the building and an additional \$5,000/year for utilities.

Councilmember Pasquini asked if the proposed center could initially do with less funds or use contributions to first test the idea; if it worked, funds could be allocated later.

Mr. Gardner responded that the primary request at this point was for space commitment.

Mayor Nassif asked if Mr. Gardner could supply a list of estimated costs, possible contributions, and how and when the space would be used if the Council assured the allocation of the space. Mr. Gardner felt it would be preferable to first have a commitment from the Council for space (with any stipulations).

Councilmember Kawalec did not feel that the Council should commit funds at this time because plans were still not specific.

Rev. Dragt felt that the question from the community was "would there be space if we generate community interest."

Councilmember Howes felt the problems was "who will take the first step?"

Ms. Tracy Matcham, a Chapel Hill High School student, stated that teens desired a place for dancing and bands from their age group. She stated that a center would offer a variety of acceptable and affordable activities for students in Chapel Hill as eating out was expensive and "almost all movies in Chapel Hill are "R" rated and students under 18 cannot go."

Ms. Sarah Laughhunn, a Grey Culbreth Jr. High School student, stated that students had inquired re the status of the proposed center. She stated that she had also been contacted by a person offering to help the center schedule local bands.

Councilmember Boulton asked the students how long should the Council give for the center to become successful.

Ms. Matcham felt that interest in the center would increase as students became aware of its existence. She felt interest would continue as long as the need existed and entertainment was varied and appropriate for the age group.

Mr. James Slater, a student, felt 6 months would be an appropriate time to determine success.

Ms. Kathy Gray, a student, stated that the Keywannettes and the Drive-A-Teen Clubs had expressed support for the center and offered to sponsor the opening night.

Councilmember Smith asked if the students who were downtown on Friday and Saturday nights had been surveyed re their interest in a center, since the center was proposed to get teens off Franklin Street. Ms. Gray responded that she was one of the teens who was on Franklin Street with no other place to go. A place for students on Friday and Saturday nights was desirable.

Ms. Matcham stated that she felt that the Town Recreation Center did not provide sufficient space or equipment for teen activities. Rev. Dragt stated that a teen center was not intended to compete with the Town's teen centers. Councilmember Smith asked if use of Town centers had been considered, then move to a larger place if a center was successful; then the Council would not be so hesitant to consider funds. Rev. Dragt did not feel this would pull teens off Franklin Street.

Rev. Dragt assured Councilmember Smith that "membership" did not mean "exclusion." He also stated that the Advisory Council consisted of students and community leaders. Councilmember Smith suggested that the Board of Directors should include a teen member.

Councilmember Howes stated that two considerations were paramount: (1) was this in the best interest of the Town, and (2) if so, how could this be paid for (liability costs, etc.).

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT A RESPONSE TO THESE QUESTIONS BE BROUGHT BACK TO THE COUNCIL.

Councilmember Broadfoot felt that more "specifics" were necessary re cost, usage, etc.

Councilmember Smith requested that the Manager also consider future court needs.

Mayor Nassif stated that he preferred to commit the space, contingent on approval of plans. He also stated that he would not be opposed to "membership" requirements.

Councilmember Wallace felt that a problem could be that if the Council did not approve later plans, it would seem awkward to retract any commitments. He supported the motion.

Councilmember Smith felt that it was appropriate to get information before commitment and the group should feel encouraged by the motion. He stated that he would not oppose exclusion of persons from other counties.

THE MOTION CARRIED UNANIMOUSLY.

Order Extending the Maximum Period During Which Bonds and Bond Anticipation Notes May Be Issued

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

ORDER EXTENDING THE MAXIMUM PERIOD DURING WHICH BONDS AND BOND ANTICIPATION NOTES MAY BE ISSUED UNDER A BOND ORDER ENTITLED "BOND ORDER AUTHORIZING THE ISSUANCE OF \$3,625,000 SANITARY SEWER BONDS OF TOWN OF CHAPEL HILL" ADOPTED BY THE GOVERNING BODY OF THE TOWN OF CHAPEL HILL ON SEPTEMBER 13, 1976 (83-R-140)

WHEREAS, the Council of the Town of Chapel Hill has filed an application with the Local Government Commission requesting an extension of the maximum period during which bonds and bond anticipation notes may be issued by the Town pursuant to a sanitary sewer bond order adopted by the governing body of the Town on September 13, 1976, from a period of seven years to a maximum period of ten years expiring on November 1, 1986; and

WHEREAS, the Commission has entered an order approving said proposed extension; and

WHEREAS, the Council has held a public hearing on said proposed extension as required by G.S. 159-64;

NOW, THEREFORE, BE IT ORDERED by the Council of the Town of Chapel Hill, as follows:

Section 1. The maximum period of time during which bonds and bond anticipation notes may be issued by the Town pursuant to the sanitary sewer bond order adopted by the governing body of the Town on September 13, 1976, shall be extended from seven to ten years, such ten-year period to expire on November 2, 1986.

Section 2. This order shall take effect 30 days after its publication following adoption as provided by G.S. 159-64.

FURTHERMORE, the Town Clerk is authorized and directed to publish the above order with an accompanying notice of adoption in the form required by law.

This the 26th day of September, 1983.

THE MOTION CARRIED UNANIMOUSLY.

A Joint Resolution Requesting the Board of Durham County Commissioners to Approve the Exercise of Extraterritorial Jurisdiction by the City of Durham and the Town of Chapel Hill in Areas Outside the Respective Municipal Limits

Mr. Taylor informed the Council that this matter had been approved by the Durham City Council and the Planning Board. The Manager recommended approval of the resolution.

Mr. Taylor stated that failure of the Council to act would result in the entire area going under the jurisdiction of the City of Durham.

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

A JOINT RESOLUTION REQUESTING THE BOARD OF DURHAM COUNTY COMMISSIONERS TO APPROVE THE EXERCISE OF EXTRATERRITORIAL JURISDICTION BY THE CITY OF DURHAM AND THE TOWN OF CHAPEL HILL IN AREAS OUTSIDE THE RESPECTIVE MUNICIPAL LIMITS (83-R-141)

WHEREAS, the North Carolina State Legislature has enacted a provision of the General Statutes which provides cities with the authority to exercise extraterritorial jurisdiction in a portion of the surrounding county;

WHEREAS, the statutory provisions are designed to give cities regulatory authority outside municipal boundaries for zoning, building inspections, subdivision regulations and street closings in areas of existing or projected development and areas of critical concern to the City;

WHEREAS, The City of Durham and the Town of Chapel Hill are interested in the continued growth and development of the community and are sincerely concerned with the issues of protection of property values, encouragement of orderly community development, safeguarding the public welfare, and continued land use planning;

WHEREAS, the General Statutes of North Carolina require the City and the County to agree upon the area within which each will exercise its regulatory powers;

NOW, THEREFORE, BE IT RESOLVED that the City of Durham and the Town of Chapel Hill request the Board of Durham County Commissioners to adopt a resolution approving the exercise of extraterritorial jurisdiction, by the City of Durham and the Town of Chapel Hill, in an area outside the respective city limits, as provided by the statute.

By order of the Council of the Town of Chapel Hill this 26th day of September, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing for November 21, 1983, to Consider Amendments to the Development Ordinance

Mr. Taylor explained that the proposed resolution would allow the consideration of a Durham County representative on the Planning Board and Board of Adjustment. This would need to be approved by Durham County. Appointments would be made by Durham County.

The Manager recommended adoption of the proposed resolution.

Ms. Gina Cunningham, Chair of the Planning Board, stated that the Board had not reviewed this matter but a phone canvas indicated the unanimous approval of the Board.

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

A RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 21, 1983, TO CONSIDER AMENDMENTS TO THE DEVELOPMENT ORDINANCE (83-R-142)

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 November 21, 1983, in the Meeting Room of the Chapel Hill Municipal Building to consider increasing the membership of the Planning Board and Board of Adjustment by one member each, who shall reside in the unincorporated part of Durham County within Chapel Hill's Extraterritorial Planning Area.

This the 26th day of September, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Scheduling a Special Public Hearing for November 21, 1983

Mr. Hinsdale, representing Coker Hills and the north side of Estes Drive (on the north and south sides of the Pritchard property), stated that residents concurred with the recommendation to down-zone the property to R-1 only. He also stated that he preferred an October public hearing rather than a January public hearing.

Mr. Taylor asked that the Manager's recommendation be revised to read November 21, 1983 instead of January, 1984.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 143b WITH THE DATE CHANGED FROM JANUARY 16, 1984, TO NOVEMBER 21, 1983.

Councilmember Broadfoot asked Mr. Taylor if it could be guaranteed "that the status quo [of proposed developments] would not have changed [by the time of the November 21st public hearing] so that we will have the opportunity to make this change if we see so fit." Mr. Taylor responded that he could not make that guarantee.

COUNCILMEMBER BROADFOOT, therefore, MOVED A SUBSTITUTE MOTION TO ADOPT RESOLUTION 143a TO HOLD THE PUBLIC HEARING ON OCTOBER 10, 1983.

Mr. Barrett responded to Councilmember Broadfoot that Council's most prudent action would be "to move with a specific proposal to rezone it appropriately with dispatch."

Councilmember Howes preferred the wording of resolution 143a with a public hearing scheduled for November 21, 1983, as this resolution addressed the Council's concerns and incorporated the most appropriate public hearing date.

Mr. Barrett informed Councilmember Smith that proposals before the Council could be rezoned before final approval.

COUNCILMEMBER BOULTON SECONDED THE MOTION.

Councilmember Howes felt that this would still be considered as the Council's "acting with deliberate dispatch" as it would be giving adequate public notice for a November 21, 1983, public hearing. Councilmember Wallace concurred. Councilmember Howes asked if the next course of action after the public hearing would be to refer the matter to the Manager. He felt that if a public hearing were scheduled for October 10, a Special Use request might be scheduled on the agenda unnecessarily, pending a response to the rezoning issue from the Manager. Mayor Nassif concurred.

VOTE ON THE SUBSTITUTE MOTION WAS DEFEATED 1 TO 8 WITH COUNCILMEMBER BROADFOOT SUPPORTING, AND COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 143a, WITH THE PUBLIC HEARING SCHEDULED FOR NOVEMBER 21, 1983.

Councilmember Kawalec stated that her vote supporting this motion should not be interpreted that there had, in fact, been an error. The words "may have been inadvertently and incorrectly designated" in the proposed resolution should be emphasized.

VOTE ON THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

RESOLUTION SCHEDULING A SPECIAL PUBLIC HEARING FOR NOVEMBER 21, 1983 (83-R-143a)

WHEREAS, the Council of the Town of Chapel Hill has become aware that certain properties may have been inadvertently and incorrectly designated in the adoption of the zoning atlas; and

WHEREAS, the Council wishes to assure that these properties are developed to the intensity generally intended by Council for various classes of property when Council adopted the zoning atlas on May 11, 1981; and

WHEREAS, the Council deems it of the utmost urgency to properly and promptly designate said properties due to accelerated development activity throughout the Town this year resulting from sharply improved economic and business conditions,

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council declares that an emergency exists and calls a special public hearing at 7:30 P.M. on November 21, 1983, in the Meeting Room of the Municipal Building, 306 N. Columbia Street to consider the following zoning atlas amendments,

	<u>Property</u>			<u>Current Designation</u>	<u>Proposed Designation</u>
Kingswood Apts.	Map 122	Block B	Lot 3 and 3A	R-5	R-4
Camelot Apts.	Map 48	Block A	Lot 21	R-4	R-3
Ridgefield Park Apts.	Map 52		Lot 11	R-4	R-3
Village Green Condominiums	Map 77	Block A		R-4	R-3
Undeveloped tract of approximately 30 acres north of Franklin Street and South of Velma Road	Map 38	Block B	Lot 18	R-1, R-4 and 5	R-1
Portion of undeveloped tract of approximately 27 acres on east side of Old Oxford Road, south of Markham Drive	Map 27	Block A	Part of Lot 3A	R-4	R-2

BE IT FURTHER RESOLVED that the Council requests the Planning Board to review the proposed amendments and make a recommendation to be submitted for the public hearing in accord with Section 19.3.4 of the Development Ordinance.

This the 26th day of September, 1983.

A Resolution Concerning Water Demand and Resources

Mr. Leonard Van Ness, of the Chamber of Commerce, commended OWASA for encouraging water conservation and reducing water usage.

He felt that the Council should not debate Councilmember Broadfoot's resolution without further information, as there was currently public confusion re water alternatives. He stated that OWASA would hold a public hearing on October 12, 1983, to consider a temporary moratorium on extension of water services during mandatory conservation. He requested that this agenda item be postponed until after that public hearing and that Chapel Hill and Carrboro, Orange County, the Chamber of Commerce, and OWASA work together to formulate growth policies consistent with the limited water supply and pending efforts to resolve the water shortage.

Mr. Everett Billingsley, Executive Director of OWASA, stated that the public hearing would propose a temporary moratorium on extensions of OWASA's water distribution system during the period of mandatory conservation.

Councilmember Howes asked if the bond agreement, between Chapel Hill and OWASA, would be affected by a moratorium. Mr. Billingsley replied that he did not feel that the agreement would be affected.

Councilmember Howes asked if a moratorium would give "graphic political credence" to the concerns of Chapel Hill citizens that might expedite problems with the Cane Creek project. Mr. Billingsley was not sure if the impact would be either beneficial or adverse. The primary concern was to maintain a water supply for current citizens and to support economic growth.

Mr. Billingsley stated that OWASA felt additional "connections" for commitments for building permits, and extensions to projects approved by OWASA could be accommodated. The moratorium would be on additional extensions and connections to the system.

Mr. Billingsley stated that, in OWASA's opinion, treatment to the University and to the Towns would be the same.

Councilmember Wallace felt that if Chapel Hill did not have the quarry and additional water from Hillsborough, the problem would be more severe. He stated that he saw no additional sources of water within 3-4 years. There would be at least one more drought before then. OWASA proposed a moratorium "until existing capacity is achieved." Councilmember Wallace stated that he preferred Councilmember Broadfoot's resolution for a moratorium until there was "an increase in reservoir capacity." This would be equal to the Town's acknowledgment to its citizens of the severity of the problem.

Councilmember Broadfoot suggested a surcharge on water during dry months. There could also be an increase in the cost of water as usage increased. He also felt there should be an ordinance in Chapel Hill re use of ground water.

Mr. Billingsley responded to Mayor Nassif that it would be difficult for OWASA to limit construction by the University.

Mr. Taylor responded to Mayor Nassif that it would probably take from 1 to 3 years for approved developments to complete construction, if the developments were built at all. Councilmember Broadfoot felt that a moratorium should be placed on developments that had not begun construction.

Mr. Taylor responded to Mayor Nassif that the Town had no control of the ground water table for drilling wells. Neither did the Town have the authority to deny a request for a subdivision within extraterritorial jurisdiction, if the subdivision proposed to build on a well.

Mayor Nassif felt that Councilmember Broadfoot's resolution was extreme and not logical. It would be unreasonable to not allow an infill property owner to build on property on which he paid taxes. OWASA's methods were more appropriate.

Councilmember Wallace felt developers should consider all available sources of water before requesting approval from the Council and expecting water to be provided.

Councilmember Wallace proposed that the OWASA moratorium be in effect until March 1, 1984.

Councilmember Boulton stated that opposition to Councilmember Broadfoot's motion was not to be interpreted as a lack of concern for water shortage. Mayor Nassif concurred.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF RESOLUTION 83-R-144.

COUNCILMEMBER STRALEY MOVED TO AMEND THE MOTION BY CHANGING THE WORDS "until there is an increase in reservoir capacity of the OWASA system" TO "under any and all appropriate and legal conditions to assure the public health, safety, and welfare in the OWASA service area."

THE MOTION FAILED FOR LACK OF A SECOND.

COUNCILMEMBER SMITH MOVED A SUBSTITUTE MOTION THAT THE COUNCIL TAKE NO ACTION UNTIL THE RESULTS OF THE OCTOBER 12, 1983, PUBLIC HEARING BY OWASA WERE KNOWN.

COUNCILMEMBER BOULTON SECONDED THE MOTION.

Mr. Billingsley stated that OWASA would like to know what action the Town would like to have OWASA consider.

VOTE ON THE SUBSTITUTE MOTION FAILED 2 TO 7 WITH COUNCILMEMBERS SMITH AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, STRALEY, AND WALLACE OPPOSING.

COUNCILMEMBER HOWES MOVED TO AMEND THE MAIN MOTION, BY CHANGING THE WORDING OF THE "BE IT RESOLVED" SECTION TO READ:

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the Orange Water and Sewer Authority to work with local governments in its service area to consider all legal and appropriate measures to balance demand with water resources, including consideration of the possibility of a moratorium on water system connections until there is an increase in the water system capacity of the OWASA system.

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

VOTE ON THE MAIN MOTION, AS AMENDED, CARRIED UNANIMOUSLY. The following resolution was adopted:

A RESOLUTION CONCERNING WATER DEMAND AND RESOURCES (83-R-144)

WHEREAS, the level of University Lake is less than 57 inches below full; and

WHEREAS, it has become necessary that mandatory water use restrictions go into effect; and

WHEREAS, the Town Council of Chapel Hill desires to assume an adequate supply of drinking water for residences existing or under construction;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the Orange Water and Sewer Authority to work with local governments in its service area to consider all legal and appropriate measures to balance demand with water resources, including consideration of the possibility of a moratorium on water system connections until there is an increase in the water system capacity of the OWASA system.

This the 26th day of September, 1983.

Resolution Supporting the Election of Councilmember Howes as Third Vice President of the North Carolina League of Municipalities

Councilmember Boulton stated that the resolution recommended the nomination of Mr. Howes to the Nominating Committee as Third Vice President of the North Carolina League of Municipalities. She stated that this recommendation was not to be interpreted as an endorsement for the re-election of Councilmember Howes to the Chapel Hill Town Council.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF RESOLUTION 145.

Councilmember Broadfoot opposed the motion as he felt support would be interpreted as endorsement for Mr. Howes' re-election. He did not feel that endorsement by the Council was necessary.

Councilmember Smith stated that endorsement would add weight, as other candidates had the support of their respective municipality.

VOTE TO ADOPT THE FOLLOWING RESOLUTION CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BROADFOOT AND PASQUINI OPPOSING:

A RESOLUTION SUPPORTING THE ELECTION OF COUNCILMEMBER HOWES AS THIRD VICE PRESIDENT OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (83-R-145)

WHEREAS, Councilmember Jonathan B. Howes has served the North Carolina League of Municipalities as co-chair of the Revenue Sharing Task Force, as chairman of the Joint Regional Forum of the League and the North Carolina Association of County Commissioners, and as a member and subcommittee chairman of the Committee on the 80's; and

WHEREAS, Councilmember Howes is a member of the Board of Directors of the National League of Cities, has served as Chair of NLC's Committee on Community and Economic Development and as a member of the Committee on Natural and Economic Resources; and

WHEREAS, Councilmember Howes has served as a board member and chairman of the Triangle J Council of Governments, and as a member and chairman of the Board of Directors of the Orange Water and Sewer Authority; and

WHEREAS, Mr. Howes has been a member of this Council since 1975, and served as Mayor Pro-tem from 1979 to 1981; and

WHEREAS, Councilmember Howes is Director of the Center for Urban and Regional Studies at the University of North Carolina at Chapel Hill; and

WHEREAS, Councilmember Howes has comprehensive and detailed knowledge of municipal government and urban affairs, and has earned the respect and appreciation of the many people with whom he works;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Chapel Hill hereby requests the Nominating Committee to nominate Jonathan B. Howes for the Third Vice Presidency of the North Carolina League of Municipalities, and urges that he be elected by delegates to the League's 1983 Annual Meeting.

This the 26th day of September, 1983.

Resolution Supporting the Reclassification of the Waters of Jordan Reservoir

Mayor Nassif excused Councilmember Wallace from discussion and vote of this matter.

Mayor Nassif addressed concerns of the Triangle J Council of Governments (COG) and other organizations re the quality of the water in Jordan Lake and The Falls Reservoir. COG felt that current water classification did not leave the water "nutrient sensitive" and safe for boating and swimming.

Mayor Nassif stated that the Jordan reservoir was "75% supplied by the Haw River, which [had] 'C' classification, ...(139 sources of pollutants going into it)...." The proposed resolution requested that the Jordan Lake be reclassified "B" to allow the waters to be nutrient sensitive and safe for boating and swimming.

Mayor Nassif felt that an "A-2" classification (safe for drinking) was not possible, as cleaning up the Haw River would be necessary in order to clean up Jordan Lake. The State had the authority to clean up Haw River, but the problem was knowing what chemicals would not be harmful to humans.

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

A RESOLUTION SUPPORTING THE RECLASSIFICATION OF THE WATERS OF JORDAN
RESERVOIR (83-R-146)

WHEREAS, at its September 22 meeting, the Triangle J Council of Governments Water Resources Planning Committee expressed concern about the serious - and still unanswered - questions about the long-term health effects of toxic trace elements and synthetic organic chemicals which may be present in Jordan Lake and the Falls Reservoir; and

WHEREAS, NRCD officials cited at the May meeting of the Environmental Management Commission their lack of data on which to base conclusive statements on the presence or absence of these substances in the two reservoirs; and

WHEREAS, NRCD officials recently presented evidence to the Environmental Management Commission suggesting the widespread occurrence of chemical biocides in the surface waters of North Carolina; and

WHEREAS, existing standards for water supply sources fail to address the plethora of chemical species in the watersheds whose long-term health effects are still unknown; and

WHEREAS, the State's chief concern has been in establishing a mechanism for the reduction of phosphorous while continuing to protect the Jordan Lake for swimming and boating; and

WHEREAS, the Town of Chapel Hill's concern is especially acute for Jordan Lake, which has the potential for serving as a future regional water supply, because 75 percent of the Lake's water comes from the Haw River, which drains one of the most industrialized portions of North Carolina; and

WHEREAS, along the land drained by the Haw River, the Division of Environmental Management lists 139 known, direct dischargers, including municipal waste water treatment systems, industries, and residential sewage treatment systems; and

WHEREAS, the quality of the water in the Haw River is a primary determining factor of the quality of water in Jordan Lake; and

WHEREAS, no clean up of Jordan Lake is truly possible until efforts are made to clean up the Haw River, which is class "C" except for a small segment at Pittsboro and another segment near Oak Ridge, where the River is classed A-II; and

WHEREAS, current research at UNC-Chapel Hill has confirmed the presence of 52 synthetic organic pollutants in the Haw River, both identifiable and unidentifiable, whose effect on human and aquatic life is still undetermined; and

WHEREAS, the Town of Chapel Hill is concerned about the lack of data on substances which the State is not measuring because of insufficient technical and/or financial ability; and

WHEREAS, the Federal Pretreatment Program requires municipalities receiving industrial wastewater effluents to follow a three-phase program to minimize the potential for the discharge of toxic compounds into the municipal wastewater treatment plants as follows: Phase I requires an industrial user survey to ascertain which industries and types of potentially toxic chemicals are received by the municipal system; Phase II involves submission of a monitoring and regulatory plan based on the information gathered; Phase III includes implementation of a monitoring and regulatory program; and

WHEREAS, in North Carolina most municipalities have completed Phase I, only a few Phase II, and none of the towns along the Haw River have implemented Phase III; and

WHEREAS, under the Pretreatment Program, the city of Burlington alone has identified 239 industries which use the municipal sewer system for disposal of industrial wastes; and

WHEREAS, the UNC study shows that water at Oak Ridge, near the headwaters of the Haw River, is relatively free of organic pollutants, while revealing significantly more intense contamination in the industrial areas near the towns of Haw River and Bynum; and

WHEREAS, the TJCOG Water Resources Planning Committee recommends that the Jordan Lake be reclassified "B," which would protect it for boating and swimming as well as permit it to be classified nutrient sensitive in order to achieve the State goal of controlling phosphorous; and

WHEREAS, a bill was passed in the recently adjourned session of the North Carolina General Assembly calling for the Legislative Research Commission to conduct a study on the problems and methods of cleaning up the Haw River and Jordan Reservoir;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Chapel Hill hereby endorses the recommendation of the TJCOG Water Resources Planning Committee and urges the Environmental Management Commission to reclassify the Jordan Lake "B". The Council further herewith voices its support for a Legislative Research Commission study as called for in the recently enacted bill.

This the 26th day of September, 1983.

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THE MOTION CARRIED UNANIMOUSLY (8 to 0; Councilmember Wallace was excused from consideration of this issue).

Councilmember Wallace returned to the meeting at this time.

Resolution Authorizing the Execution of an Amendment to the Lease Between the Town of Chapel Hill and Orange County

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 83-R-147.

Councilmember Broadfoot opposed the motion as he felt the Town would lose money by providing space to a non-profit community group. Mr. Taylor responded that the County would have full responsibility for the building. Councilmember Broadfoot urged the Council to consider selling the building, and using the money for a more worthwhile purpose. Mr. Taylor responded that he was not satisfied with the return on this building, but it had been agreed from the start that an agreement would be made with the County until firmer decisions could be made.

VOTE TO ADOPT THE FOLLOWING RESOLUTION CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BROADFOOT AND PASQUINI OPPOSING:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE BETWEEN THE TOWN OF CHAPEL HILL AND ORANGE COUNTY (83-R-147)

WHEREAS, the Town of Chapel Hill leases space at 200 West Rosemary Street to the County of Orange, pursuant to a lease dated as of August 6, 1982, (the "lease");

THEREFORE, BE IT RESOLVED that the Town Council approves, and authorizes the Mayor to execute on behalf of the Town, an amendment to the Lease to extend the term on the Court Room, as added to the Leased Premises by the Second Amendment to the Lease, dated as of August 6, 1982, to and through September 30, 1984; to include as Leased Premises thereunder the area known as the Clerk's Offices and the second floor restroom (containing about 800 square feet) and so labelled on the attached plan, which is incorporated herein by reference, except that the rent for the Leased Premises as amended herein shall remain as provided as of the execution of the Second Amendment to the Lease dated as of August 6, 1982; and to provide that the term for the additional 800 square feet added to the leased Premises hereunder shall run to and through September 30, 1984.

This the 26th day of September, 1983.

Ordinance Granting a Taxicab Franchise to Mr. Banter Brooks (Second Reading)

This ordinance had been presented to the Council on September 12, 1983, and passed.

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

AN ORDINANCE GRANTING A TAXICAB FRANCHISE TO MR. BANTER BROOKS (83-O-50) (Second Reading)

WHEREAS, Mr. Banter Brooks has applied to the Town for a franchise to operate a taxicab business; and

WHEREAS, it appears to this Council that the public convenience and necessity would be served by granting said franchise and that Mr. Banter Brooks appears to be a proper person for said franchise;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that it grants a franchise to Mr. Banter Brooks to operate a taxicab business upon compliance with and pursuant to the provisions of Chapter 20 of the Town Code.

This the 26th day of September, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Nominations/Appointment--Community Appearance Commission

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT NOMINATIONS BE CLOSED.

The following vote was taken:

Jessie Page: 2 votes--Howes, Smith.

Ralph Bass: 4 votes--Pasquini, Boulton, Broadfoot, Straley.

Don Shaw: 2 votes--Mayor Nassif, Kawalec.

Karen Davidson: 1 vote--Wallace.

The second round of voting was as follows:

Jessie Page: 3 votes--Howes, Smith, Straley.

Ralph Bass: 4 votes: Boulton, Pasquini, Broadfoot, Wallace.

Don Shaw: 2 votes--Mayor Nassif, Kawalec.

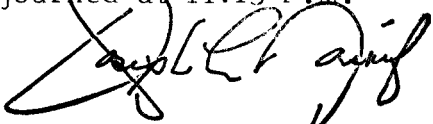
The third round of voting was as follows:

Jessie Page: 4 votes--Mayor Nassif, Howes, Smith, Straley.

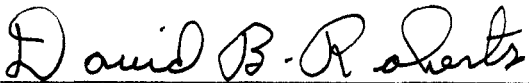
Ralph Bass: 5 votes--Kawalec, Boulton, Pasquini, Broadfoot, Wallace.

Mr. Ralph Bass was appointed to the Community Appearance Commission to fill an unexpired term.

As there was no further business to come before the Council, the meeting was adjourned at 11:15 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk