

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MARCH 12, 1984, 7:30 P.M.

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

Marilyn Boulton
Winston Broadfoot
Jonathan Howes (arrived later)
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Also present were Assistant Town Manager, Sonna Loewenthal, and Town Attorney, Grainger Barrett.

Community Development Needs and Objectives for 1984 Entitlement Grant--Public Hearing

Ms. Loewenthal stated that this public hearing was to receive comments on the needs and objectives for spending approximately \$350,000 in Community Development funds. This amount would be received each year for three fiscal years under HUD's Entitlement Program and would be used in accordance with objectives and eligible activities of the Community Development Program.

Mr. Judson Barrett, Director of the Housing Authority, requested that the Council consider the following recommendations from the Housing Authority:

1. Continuation and restructuring of the Housing Loan Trust Fund to provide additional funds for eligible families in Community Development areas, with the possibility of a city-wide program.
2. Support funds for the Chapel Hill Tenants' Organization (for office space and technical assistance for voluntary efforts).
3. Provide access from the 751 Pritchard Street housing project to Umstead Park, as this site could not adequately accommodate on-site recreational facilities.

Ms. Marie Roberson, President of the Chapel Hill Tenants' Organization, stated that staff assistance and office space for the Tenants' Organization would allow them to work in the areas of teenage pregnancies and drug problems.

Ms. Lynn Gerber, a member of the Inter-Church Council Housing Corporation, stated that Elliott Woods and Chase Park housing projects were built 10 years ago and were now desperately in need of repairs. Because of the low-to-moderate income of the tenants, rent increases were not desirable and resulted in deferred maintenance caused by lack of sufficient funds. She estimated that outside funds of approximately \$153,000 would be needed to address the following areas:

1. "Re-work" hot water heaters and furnaces;
2. Replace one-half of the kitchen ranges;
3. Correct erosion problems and cover exposed drainage pipes;
4. Re-side the housing units with vinyl siding; and
5. Add insulation.

In response to Mayor Nassif, Ms. Gerber stated that she could provide a financial statement to the Council on each housing unit, and how renovation would be maintained.

Ms. Curtis Harper, Vice President of the Inter-Church Council Housing Corporation, responded to Councilmember Broadfoot that poor construction

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had contributed to the current problems. In addition, the organization felt that rent could not be increased to keep up with the rate of inflation. The Tenants' Organization was pleased with the new management of these projects.

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, offered the Chamber's assistance to the Inter-Church Council Housing Corporation and the Chapel Hill Housing Authority, if needed.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board recommended that the highest priority for allocation of funds be for the creation of housing opportunities for moderate and low income persons in Chapel Hill. Upgrading of housing conditions and homeownership opportunities also needed to be addressed. Mr. Reeve stated that housing for low and moderate income persons was in direct competition with student housing. The Board felt that student housing needs should be explored with the University.

Mr. Lightning Brown, reporting on a recent discussion by the Planning Board re Community Development priorities, proposed that the Council consider studying the possible use of Community Development Entitlement Funds for the construction of a student dormitory in an effort to relieve the pressure on the housing market in Chapel Hill.

Ms. Mary Hargraves, a resident of 503 Edwards Drive, expressed concern for the need for homeownership of quality homes for low-to-moderate income families. She also felt that private accommodations for guests of tenants in housing projects were needed, at little or no cost to the guests.

Ms. Pat Sullivan, Chair of the Human Services Advisory Board, stated that housing needs for low-to-moderate income people was a top priority in Chapel Hill. The Board recommended that the Town Council focus Community Development monies on housing and that the management focus energies toward efforts to help ease the housing problem.

Councilmember Broadfoot stated for the record that steps should be taken to assure that when home ownership was made possible, that that home did not revert to rental property at a later time.

Councilmember Smith suggested that the Tenants' Organization get fill dirt from local construction companies as donations. Ms. Gerber responded to Councilmember Smith that approximately one-quarter of the ranges had been replaced in 10 years; refrigerators had been replaced as needed; and the heaters and furnaces needed total replacement due to poor venting which had caused corrosion. The venting problem had been corrected.

Councilmember Smith requested that the Manager explore ways to construct less expensive housing for low-to-moderate income people. He suggested that the Town consider building homes on the land that was bought for the extension of McCauley Street. Mayor Nassif stated that this direction had been given to the Manager previously and a report was forthcoming.

Mr. Watts Hill, Jr., speaking as an individual, expressed his "shock at the thought of using funds to build dormitories for students." He stated that he felt that this was "an appalling idea." Referencing the existing housing projects, Mr. Hill stated that repair of what was already in existence should be a first priority.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT THE MATTER BE REFERRED TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY (8 to 0).

Mayor Nassif declared the public hearing closed.

Petitions

Mayor Nassif stated that due to the absence of one Councilmember, the Council could take no action on petitions not already on the agenda.

--Mr. Mel Rashkis requested permission to speak at this time on Agenda #7 (re a public hearing in June). He stated that he supported the proposed resolution to hold a public hearing in June; this would allow

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an application to be considered in March with possible approval in June, rather than October.

--Mr. Watts Hill, Jr., representing the Chamber of Commerce, requested permission to speak on Agenda #7 (re a public hearing in June), and Agenda #8 (re the Thoroughfare Plan), if necessary.

--Mr. Hill, speaking for himself, requested permission to speak on Agenda #11a (proposed off-street parking fund).

--Mr. Henry Whitfield, a citizen, requested permission to speak on Agenda #8 (re the Thoroughfare Plan).

--Councilmember Kawalec requested that the Council schedule a public hearing on Thursday, March 29, 1984, at 7:30 P.M. for the presentation of the three proposed developments for downtown Chapel Hill.

The Manager's Office was directed to advertise the public hearing and notify the developers of the request for the presentation.

Minutes (February 20, and February 27, 1984)

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF THE MINUTES OF FEBRUARY 20, 1984, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY (8 to 0).

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PASQUINI, THAT THE MINUTES OF FEBRUARY 27, 1984, BE ADOPTED AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY (8 to 0).

Interim Budget Report for 1984-85

Mr. James M. Baker, Finance Director, outlined the Interim Budget, as submitted to the Council (refer to Clerk's files).

Mr. Baker stated that the 1984-85 General Fund Budget, totalling \$11,582,000, could be balanced:

1. With no increase in the property tax rate;
2. While maintaining basically the same services and programs as provided in 1983-84; and
3. Establish a significant Capital Reserve Fund for future capital improvements.

Revenue for 1984-85 was estimated at \$11,032,000. Major revenue sources would include:

1. Property taxes;
2. State-shared revenues (including fire protection services for State-owned properties, and proposed 1/2% local option sales tax);
3. Investment incomes;
4. General Revenue Sharing funds.

Preliminary expenditure estimates for 1984-85 totalled \$11,582,000 and included:

1. A transfer of \$685,000 to the Capital Reserve Fund;
2. The proposed Performance-Based Pay Plan at approximately \$575,000;
3. Approximately the same level of service and programs as provided in 1983-84.

Mr. Baker stated that the ability to establish and continue a Capital Reserve Fund program was based on the assumption that Orange County would soon adopt the 1/2% local option sales tax; therefore, he urged the

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Council to support action to adopt the tax as soon as possible.

An increase in transit fees from 40¢ to 50¢ in off-peak periods was proposed.

No increase in Transportation tax was recommended. Enterprise funds, supported by user fees and charges, were anticipated to have adequate revenues to provide the same services as in 1983-84.

Mr. Baker stated that the Recommended Budget would include a detailed departmental breakdown of expenditures.

Councilmember Smith felt that capital needs in the Public Works Department should not be deferred to the point of creating hazardous conditions.

Councilmember Thorpe expressed opposition to the possibility of an employee earning a 15% merit increase in the proposed Performance-Based Pay Plan. Mayor Nassif requested that the Manager provide a detailed analysis for 5%, 10%, and 15% merit increases in the new plan.

At the request of Councilmember Kawalec, Mr. Baker stated that he would provide the percentage of employee pay that was budgeted and not spent during the last 3-5 years.

Ms. Loewenthal responded to Councilmember Kawalec that she would provide a copy of the procedures (from the State) necessary for Chapel Hill to petition for an exemption from the State law (which required a percentage of these funds to be allocated for water and sewer purposes), should the County approve the 1/2¢ local option sales tax. Councilmember Kawalec requested that the Council be kept informed re any discussion/-negotiations among management, County, and State.

Councilmember Pasquini requested to know the estimated figure for merit increases under the old pay system, with market adjustments, compared to the proposed Performance-Based Pay Plan.

Capital Improvements Program--Resolution Adopting a Timetable for Consideration of Capital Improvement Needs

Ms. Lowenthal stated that staff recommended that consideration of the Capital Improvements Program be delayed until early fall. At that time, staff would submit a list of capital needs for Council's consideration. Priorities, time frames, and funding sources would also be considered.

(Councilmember Howes arrived.)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THE FOLLOWING RESOLUTION BE ADOPTED:

A RESOLUTION ADOPTING A TIMETABLE FOR CONSIDERATION OF CAPITAL IMPROVEMENT NEEDS (84-R-34)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following process and timetable for considering capital improvement needs for 1984-89:

1. The annual budget to be adopted in the spring of 1984 will include an appropriation of a lump sum amount to a Capital Reserve Fund without specification of projects.
2. In September or October, 1984, the Manager shall report to Council identifying capital improvement needs for 1984-89, recommending priorities and funding sources (such as Capital Reserve Fund, Community Development grant funds, and the local option half-cent sales tax, if enacted).
3. Council will then determine its priorities and specify appropriations for particular projects.

This the 12th day of March, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Transportation User Fee Policy

Mr. Bob Godding, Transportation Director, explained to Councilmember Pasquini that current pass prices were calculated by multiplying the base single adult fare times 450 (or 2 trips per day for 225 days), then discounted to a reasonable pass price.

Mr. Godding explained to Councilmember Smith that the goal was to reach the State average of .38 for cost/revenue ratio. Based on actual current expenditures and revenue, and the decline in ridership, he did not feel that the projected average of .34 for 1984-85 would be reached. Councilmember Broadfoot asserted that the goal of reaching a .38 average was a directive from the Council and questioned the slow progress in reaching this goal. Mr. Godding stated that there had been a steady increase in the cost/revenue ratio for the past 6 years from .25.

Ordinance Amending the Chapel Hill Development Ordinance (re Adult Day Care Centers)

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF ORDINANCE 84-0-19b.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO AMEND THE MAIN MOTION BY DELETING THE WORDS "an accessory or" FROM SECTION I OF PROPOSED ORDINANCE 84-0-19b, AND SUBSTITUTE THE WORD "a" IN ITS PLACE.

THE MOTION TO AMEND THE MAIN MOTION FAILED TO PASS 3 TO 6 WITH COUNCILMEMBERS PASQUINI, BROADFOOT, AND SMITH SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, KAWALEC, HOWES, PRESTON, AND MAYOR NASSIF OPPOSING.

THE MAIN MOTION, TO ADOPT THE FOLLOWING ORDINANCE, CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PRESTON, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS SMITH, AND PASQUINI OPPOSING:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-0-19b)

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

SECTION I

AMEND Section 4.3 Use Group B to add "Adult Day Care Facility" as an accessory or special use in RT, R-1, R-2, R-3, R-4, R-5 and R-6 districts and as a permitted principal or accessory use in TC1, TC2, CC, NC, OI-1, OI-2, OI-3, PD-H, PD-SC(N), PD-SC(C), PD-OI and PD-MU districts.

SECTION II

DELETE Section 8.7.5 and RENUMBER 8.7.2 through 8.7.4 as 8.7.3 through 8.7.5.

SECTION III

ADD new Section 8.7.2 as follows:

8.7.2 Adult Day Care Facility

1. The zoning lot on which an Adult Day Care Facility is located shall have access onto an arterial or collector street in R-1 and R-2 zoning districts.

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SECTION IV

DELETE Section 18.4 and RENUMBER Sections 18.2 and 18.3 as 18.3 and 18.4.

SECTION V

ADD new Section 18.2 as follows:

18.2 Adult Day Care Facility: A use of land and buildings that provides care on a regular basis to aging, disabled or handicapped adults away from their homes, and by persons other than family members, guardians, or custodians, and where a payment, fee or grant is made for such care. The term Adult Day Care Facility shall not be construed to include a Group Care Facility.

SECTION VI

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of March, 1984.

Proposed Modification of a Special Use Permit to Bolin Creek East Association

Ms. Loewenthal stated that concerns at the public hearing had been expressed re the proposed entranceways and the size of the proposed buildings. Mr. Al Rimer, architect, had prepared a model of the proposed structures, and explained that the proposed buildings would be lower and less wide than the plans previously reviewed by the Council.

Ms. Loewenthal explained to Councilmember Boulton that Airport Road was a State maintained street and any light at the intersection of Green Street and Airport Road could only be approved by the State, according to traffic needs and available funds.

Councilmember Smith expressed opposition to traffic routing under the buildings; he did not oppose parking under the buildings.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF RESOLUTION 84-R-35d, TO DENY THE REQUEST.

Councilmember Boulton felt that a compromise could be reached, rather than deny the request.

Mayor Nassif suggested that the project:

1. Re-route traffic to the back of the site, rather than under the buildings; parking would remain under the buildings as proposed;
2. Retain the Green Street entrance and the entrance near Bolin Heights;
3. Delete the proposed entrance across from the A&P store;
4. Move the buildings as far forward as possible on the site, while still maintaining setbacks;
5. Construct pedestrian bridges from the sidewalk to the buildings.

Mr. Rimer responded to Councilmember Boulton that the proposed tree buffer would not be deleted.

Mr. Rimer responded to Councilmember Kawalec that the building height could be reduced by another 3 1/2 feet, if the traffic were routed to the rear of the site, as there would no longer be the need for building height to accommodate emergency vehicles.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board felt that routing traffic under the building was preferable to deletion of green space.

Councilmember Smith expressed concern for the need for a traffic light at Green Street/Airport Road.

THE MOTION TO ADOPT RESOLUTION 84-R-35d, TO DENY THE REQUEST, FAILED TO PASS 3 TO 6 WITH COUNCILMEMBERS SMITH, BROADFOOT, AND PASQUINI SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, KAWALEC, HOWES, PRESTON, AND MAYOR NASSIF OPPOSING.

Mr. Jennings stated that the Mayor's suggestions for changes in the proposed development were similar to the original plans to the staff by the applicant. Staff had opposed the original plans as they favored added buffer and safety on Airport Road and desired more green space.

COUNCILMEMBER THORPE MOVED ADOPTION OF RESOLUTION 84-R-35a (as proposed by the Community Appearance Commission). THE MOTION FAILED FOR LACK OF A SECOND.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE REQUEST BACK TO THE MANAGER, PLANNING STAFF, AND DEVELOPER, TO BE PRESENTED TO THE COUNCIL NO LATER THAN APRIL 9, 1984, WITH APPROPRIATE CHANGES PROPOSED BY THE COUNCIL. THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, PRESTON, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Resolution Amending the Schedule of Public Hearings on Applications for Special Use permits and Amendments to the Development Ordinance

Councilmember Boulton stated that the proposed resolution to add a public hearing in June would help relieve pressure of public hearings scheduled in September. Councilmember Smith opposed changing the Council's procedures for one developer.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF RESOLUTION 84-R-36.

Mayor Nassif opposed the motion. He referenced the 1983 "emergency" public hearings that, to this date, only two proposals out of 5 had begun. He felt that it would be better for the Council to expand their schedule, than to continually make exceptions to their schedule. Councilmember Boulton explained that this was not an emergency hearing, but was an amendment to the previously adopted schedule for public hearings.

Councilmember Smith asserted that many Chapel Hill citizens were away during summer months and were not able to participate in hearings scheduled at that time. For this reason, the Council had always followed a reduced schedule for hearings. He opposed the motion.

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, asserted that Town government should not stop doing business during the summer, as development did not stop during the summer.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED 6 TO 3 WITH COUNCILMEMBERS THORPE, BOULTON, PASQUINI, KAWALEC, HOWES, AND PRESTON SUPPORTING, AND COUNCILMEMBERS BROADFOOT, SMITH, AND MAYOR NASSIF OPPOSING:

A RESOLUTION AMENDING THE SCHEDULE OF PUBLIC HEARINGS ON APPLICATIONS FOR SPECIAL USE PERMITS AND AMENDMENTS TO THE DEVELOPMENT ORDINANCE (84-R-36)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends resolution 83-R-172a of November 14, 1983, by adding the third Monday in June to the list of public hearing dates.

BE IT FURTHER RESOLVED that the deadline for submittal of special use applications and requests to amend the Development Ordinance for hearings on June 18, 1984, shall be March 26, 1984; in future years, the deadline for applications for the June hearings shall be established by the Manager consistent with the application deadlines for other hearings.

This the 12th day of March, 1984.

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Resolution Regarding the Thoroughfare Plan

Mayor Nassif stated that this was a supplemental resolution to the Thoroughfare Plan that encouraged a spirit of co-operation with the Carrboro Board of Aldermen in Thoroughfare Planning. He had delivered a copy of the resolution to Carrboro's Mayor, Jim Porto.

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 84-R-37.

Councilmembers Boulton and Thorpe concurred with the proposed resolution as an effort to reach an agreement on the Thoroughfare Plan.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY (9 to 0):

A RESOLUTION REGARDING THE THOROUGHFARE PLAN (supplement to resolution of October 24, 1983) (84-R-37)

WHEREAS, although Chapel Hill and Carrboro are individual municipalities, the Chapel Hill Town Council desires to act in a spirit of cooperation with the Carrboro Board of Aldermen in Thoroughfare Planning;

WHEREAS, Chapel Hill and Carrboro together constitute the urban center of southern Orange County, and are economically united as one community; and

WHEREAS, the Towns of Chapel Hill and Carrboro have historically cooperated in areas such as providing public transit services, creating the Orange Water and Sewer Authority, adopting the previous Thoroughfare Plan, and developing a Joint Planning process for land use in southern Orange County; and

WHEREAS, the periodic, timely review of the Thoroughfare Plan is consistent with sound principles of urban planning, policy-making and state law; and

WHEREAS, the Chapel Hill Town Council adopted a Thoroughfare Plan on October 24, 1983, which differs from the Plan adopted by the Carrboro Board of Aldermen only in regard to an extension of Estes Drive;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Council approves the following as a supplement to the resolution of October 24, 1983, adopting the Thoroughfare Plan:

The Town Council agrees that, upon request by either the Carrboro Board of Aldermen or the Chapel Hill Town Council, and upon mutual agreement by both governing bodies, the Estes Drive Extension and any other possible or proposed facility may be considered for inclusion into the Joint Chapel Hill-Carrboro Thoroughfare Plan.

This the 12th day of march, 1984.

Mayor Nassif directed management to notify the Town of Carrboro re adoption of the resolution.

Mr. Henry Whitfield, a citizen, spoke in support of the resolution.

Report on Utility Cut-offs in Chapel Hill

Ms. Loewenthal stated that utility companies in Chapel Hill followed regulations established by the North Carolina Utilities Commission to prevent cut-offs during winter months that would cause undue and serious hardships. There were also local agencies that offered financial assistance to people in need.

Councilmember Broadfoot stated that he would like for the report to include more information on how Chapel Hill could financially assist citizens or coordinate assistance among agencies. Councilmember Preston asserted that local agencies were offering various methods of assistance. Councilmember Boulton felt that agencies could state what area help was most needed. Councilmember Smith concurred. Mayor Nassif stated that these concerns could be addressed during the budget process.

Resolution Authorizing a Service Agreement with Orange County for a Sheltered Workshop

Ms. Loewenthal stated that a change of circumstances necessitated a change in appropriations from Orange Enterprises to Orange County.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF RESOLUTION 84-R-38.

Mr. Bill Laws, Assistant County Manager, stated that the County had reached an agreement with the Orange County Enterprises Board for the Orange Industries Program to purchase a site and construct a building. Because of this agreement, Orange County requested transfer to the County of the \$25,000 that the Town of Chapel Hill had agreed to allocate to the project.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PRESTON, SMITH, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BROADFOOT, AND PASQUINI OPPOSING:

A RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH ORANGE COUNTY FOR A SHELTERED WORKSHOP (84-R-38)

WHEREAS, the Council of the Town of Chapel Hill on June 27, 1983, appropriated \$25,000 for a performance agreement with Orange Enterprises for acquiring a new sheltered workshop serving handicapped residents; and

WHEREAS, the Council, on December 12, 1983, reaffirmed Town support for the project at another site then under consideration; and

WHEREAS, the Orange County Board of Commissioners approved a proposal on February 21, 1984, authorizing the County to purchase a suitable site near I-85 and N. C. 86 and construct a sheltered workshop which would be leased on a long-term basis to Orange Enterprises, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill approves, and authorizes the Town Manager to sign on behalf of the Town, an agreement with Orange County for sheltered workshop services to the handicapped that makes special provision for the handicapped residents of Chapel Hill.

BE IT FURTHER RESOLVED that this action supersedes the portion of resolution 83-R-94 of June 27, 1983, concerning Orange Enterprises and resolution 83-R-191a of December 12, 1983, adopted by Council authorizing an agreement for sheltered workshop services to the handicapped.

BE IT FURTHER RESOLVED that the appropriation for payment pursuant to the above agreement shall be from non-tax sources.

This the 12th day of March, 1984.

Consideration of an Amendment to Chapter 11A of the Town Code (re Town Center District Off-street Parking Fund)

Ms. Loewenthal stated that in 1969 the Downtown Parking Fund was established which offered a business the option of providing parking spaces or making a payment in lieu of off-street parking to the Town Center Parking Fund. Businesses needing less than 20 spaces, however, did not have this option, and were required to pay rather than provide spaces. The fee of \$2,500 per parking space had not been changed since 1969.

Mr. Watts Hill, Jr., speaking for himself, stated that this was an important matter to the community. There had been no opportunity for the Downtown Chapel Hill Association or the Chamber of Commerce to consider this proposal. He requested that either (1) the Council defer this consideration until a later date, or (2) adopt proposed resolution 84-R-39b (re method of computing payments in lieu of off-street parking) with full discussion at a later date.

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(Mayor Nassif excused Councilmember Pasquini from the remainder of the meeting.)

Councilmember Kawalec felt that more information was needed re a suit, how this consideration would help revitalization efforts on Rosemary Street, and who would the parking benefit. She felt a public hearing should be held and wanted a recommendation from the Manager.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THIS MATTER BE REFERRED TO THE MANAGER FOR A RECOMMENDATION.

Mayor Nassif stated that Councilmember Pasquini was excused and would not be counted in the vote. THE MOTION CARRIED UNANIMOUSLY (8 to 0).

Resolution Approving a Payment into the Town Center Off-Street Parking Fund for Rosemary Street Center

Councilmember Smith felt that a developer should provide his own parking spaces, as the Town could not guarantee parking spaces just because a developer had paid into the parking fund.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT AGENDA #11b BE REFERRED TO THE MANAGER, TO BE BROUGHT WITH AGENDA #11a.

Mr. Josh Gurlitz, applicant, stated that to delay action on this item could cause difficulties in the completion of his project. He felt the two items (11a and 11b) should be considered separately.

Ms. Loewenthal explained that management had separated the two items in an effort to maintain clarity that the pending related proposals could be affected by proposed amendments to the Town Code.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, A SUBSTITUTE MOTION TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING A PAYMENT INTO THE TOWN CENTER OFF-STREET PARKING FUND FOR ROSEMARY STREET CENTER (84-R-40)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves a payment into the Town Center Parking Fund for up to 45 spaces for the Rosemary Street Center.

This the 12th day of March, 1984.

THE MOTION CARRIED 6 TO 2 WITH COUNCILMEMBERS THORPE, BOULTON, KAWALEC, HOWES, PRESTON, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BROADFOOT, AND SMITH OPPOSING. Councilmember Thorpe commended the staff for combining the consideration of these two proposals.

Consent Agenda

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (84-R-41)

- a. A resolution rejecting a bid for installation of bus shelters and related site work (only bid received exceeds budgeted funds by \$29,000)(84-R-42).
- b. A resolution authorizing an increase in the contract for improvements to the Post Office/Court site (for door on Henderson Street side accessible to handicapped persons; required under Teen Center lease)(84-R-43).
- c. A resolution authorizing release of Aetna Casualty and Surety from further claims for recent damages to Town safe (upon payment of \$11,640)(84-R-44).
- d. Resolutions approving leaves of absence of Ms. Alice Ingram from the Planning Board and Ms. Jane Norton from the Appearance

Commission. (Development Ordinance provides for loss of seat if more than 3 consecutive unexcused absences)(84-R-45 and 84-R-46).

This the 12th day of March, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions Adopted on the Consent Agenda

The following resolutions were approved on the Consent Agenda:

A RESOLUTION REJECTING A BID FOR BUS SHELTER SITE WORK AND INSTALLATION OF PREFABRICATED BUS SHELTERS (84-R-42)

WHEREAS, the Town of Chapel Hill has solicited formal bids on January 8, 1984, and re-advertised said bid notice in accordance with G.S. 143-132 on February 1, 1984, and the following bid has been received:

<u>Bidder</u>	<u>Fixed Price Bid</u>
C & A Construction Company, Inc. Durham, N. C.	\$40,367.00

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council rejects the bid submitted by C & A Construction Company, Inc., on February 9, 1984, in the amount of \$40,367.00.

This the 12th day of March, 1984.

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A CHANGE ORDER WITH DELTA CONSTRUCTION COMPANY TO CONSTRUCT A NEW BASEMENT ENTRANCE TO THE COURT/POST OFFICE BUILDING (84-R-43)

WHEREAS, the Council of the Town of Chapel Hill has authorized the Town Manager to enter into a lease in which the Town agrees to provide an on-grade handicap access into the basement of the Court/Post Office Building; and

WHEREAS, pursuant to Resolution 82-R-40, the Town Manager has submitted a change order for the new entrance to the Council for its review;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it approves and authorizes the Town Manager to execute a change order for \$3,791 with the Delta Construction Company, under the contract dated August 30, 1983, to construct an on-grade entrance for handicapped access to the Teen Center in the basement of the Court/Post Office Building at 179 East Franklin Street.

This the 12th day of March, 1984.

A RESOLUTION REGARDING A RELEASE OF AETNA CASUALTY AND SURETY FROM FURTHER CLAIMS CONCERNING DAMAGE TO A TOWN SAFE AND OTHER PROPERTY ON DECEMBER 2, 1983 (84-R-44)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to sign on behalf of the Town, an agreement with Aetna Casualty and Surety to release it from further claims related to certain damages to a Town-owned safe which occurred on or about December 2, 1983; said agreement shall be in the form submitted with the Town Manager's report of March 12, 1984, a copy of which shall be retained with the records of this meeting.

This the 12th day of March, 1984.

RELEASE

In Consideration of Eleven Thousand Six Hundred Forty & 44/100***** Dollars,

to be paid by { Aetna Casualty & Surety } the receipt whereof is here-
(APPROPRIATE AETNA AFFILIATE COMPANY)

y acknowledged, I hereby release and forever discharge the said Company from all liability
under { Policy Certificate No. 25 SM 866727 FPS....., for or on account of loss or damage to property described in the

above { Policy Certificate, which occurred on or about the 2nd day of December 1983...
306 N. Columbia Street Chapel Hill, N.C. 27514

In Consideration of the payment of this sum, I hereby subrogate the said
Aetna Casualty & Surety } to the amount of such payment, to all rights of
(APPROPRIATE AETNA AFFILIATE COMPANY) recovery for such loss or expense against the persons, firms, corporations or estates which have caused
contributed to said loss; and I hereby further agree, upon demand, to execute all documents required
me and to co-operate with said Company in prosecuting all actions to effect such recovery.

Witness my hand and seal at 306 N. Columbia St Chapel Hill, N. C. day
19.....

In the presence of



.....(L.S.)
Town Manager

CAT. 283810
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A RESOLUTION GRANTING A THREE-MONTH LEAVE OF ABSENCE FROM THE
APPEARANCE COMMISSION FOR JANE NORTON (84-R-45)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the
Council hereby grants Jane Norton a leave of absence from the Community
Appearance Commission commencing February 15, 1984, and ending May
16, 1984.

This the 12th day of March, 1984.

A RESOLUTION GRANTING A THREE-MONTH LEAVE OF ABSENCE FROM THE
PLANNING BOARD FOR ALICE INGRAM (84-R-46)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the
Council hereby grants Alice Ingram a leave of absence from the Planning
Board commencing February 15, 1984 and ending May 16, 1984.

This the 12th day of March, 1984.

Nominations--Parks and Recreation Commission

There were no nominations from the Council at this time.

As there was no further business to come before the Council,
COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO
ADJOURN. THE MOTION CARRIED UNANIMOUSLY.

The meeting was adjourned at 11:01 P.M.

Joseph L. Nassif, Mayor

Deputy Town Clerk, Robin G. Rankin