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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MARCH 26, 1984, 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
Nancy Preston
R. D. Smith
Bill Thorpe

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

Resolution Acknowledging the Good Work and Dedicated Service of Master
Public Safety Officer Alvin Allen

Mayor Nassif read the following resolution:

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

OFFICE OF THE MAYOR

Telephone (919) 929-1111

A RESOLUTION BY THE CHAPEL HILL TOWN COUNCIL ACKNOWLEDGING THE GOOD WORK AND DEDICATED SERVICE OF MASTER PUBLIC SAFETY OFFICER ALVIN ALLEN

WHEREAS, Officer Alvin Allen served the citizens of the Town of Chapel Hill as a Police Officer, Public Safety Officer, Master Public Safety Officer, and Crime Prevention Officer for ten years; and

WHEREAS, as a Public Safety Officer, Officer Allen always acted with the spirit of a true public servant; and

WHEREAS, as Crime Prevention Officer in the past year, Officer Allen worked diligently to promote Community Watch and other citizen-involvement programs; and

WHEREAS, as a certified Criminal Justice Instructor, Officer Allen was dedicated to the training of new police recruits; and

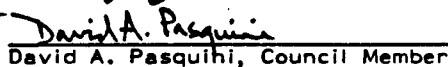
WHEREAS, during his years of service, Officer Allen demonstrated a concern for our citizens and community that was recognized by his being named "Officer of the Year" in 1980;

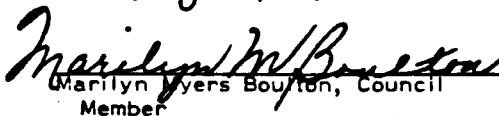
NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby acknowledges the good work and dedicated service of Officer Alvin Allen.

This the 12th day of March, 1984.


Joseph L. Nassif, Mayor


Beverly Kawalec, Mayor Pro-tem


David A. Pasquini, Council Member


Marilyn Myers Boulton, Council Member


R. D. Smith, Council Member


Winston Broadfoot, Council Member


Nancy S. Preston, Council Member


Jonathan Howes, Council Member


Bill Thorpe, Council Member

Public Forum for Comments on Interim Budget Report

Mr. Taylor highlighted the Manager's 1984-85 Interim Budget Report that had been presented to the Council on March 12, 1984 (please refer to Council minutes of that meeting).

No citizens requested to speak re the Manager's Interim Budget Report. Dr. Parker Reist addressed the Council during "Petitions" re a request for supplement funds for the Animal Protection Society.

Mr. Taylor responded to Councilmember Smith that no funds in the 1984-85 budget had been allocated to address water drainage and flooding problems in Chapel Hill. He felt that these concerns could be addressed by the Council in the Capital Improvements Budget proposals.

Mr. Taylor responded to Councilmember Broadfoot that a follow-up report on the McManis Management Assessment would be forthcoming in the 1984-85 Recommended Budget and would include a report on the internal study of the Police Department.

Councilmember Broadfoot proposed that a salary increase for the Council (from \$3,000 to \$4,000/year) would be proportionate with salaries for councilmembers of municipalities with a population of over 25,000. Council salaries had not increased since 1976. He requested Council's consideration and public response, so the Council could make a recommendation to the Manager for inclusion in the budget.

Councilmember Howes endorsed this proposal, as the Council's workload had increased.

Councilmember Thorpe expressed opposition to the Performance-Based Pay Plan and requested that the staff provide the Council with figures of less than 15% for merit increases.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PRESTON, TO REFER THIS ITEM TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Petitions

--Mr. Taylor stated that Mr. Henry Whitfield had requested to withdraw his petition (re purchase of land).

--Mr. Lightning Brown, a citizen, expressed concern for the effects of condominium conversion in Chapel Hill on tenants, potential condominium owners, and on the tight rental market in Chapel Hill. He requested that the Council consider on tonight's agenda the scheduling of a public hearing in April to hear citizens' concerns on condominium conversion and consumer protection.

Mayor Nassif stated that opposition from Councilmembers Pasquini and Howes automatically denied Mr. Brown's request.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO REFER THIS REQUEST TO THE MANAGER AND STAFF FOR A REPORT TO THE COUNCIL IN MAY. THE MOTION CARRIED UNANIMOUSLY.

--Ms. Nancy Randall and Mr. Ronald Ginsburg requested to speak on Agenda #5 (re Woodlake Subdivision).

--Dr. Parker Reist petitioned the Council to consider a supplement of \$15,000 to the Animal Protection Society for the operation of the Orange County Animal Shelter as implementation of the Chapel Hill Leash Law had resulted in an increased level of activities at the Shelter for the Town.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THE LETTER SUBMITTED BY DR. REIST BE CONSIDERED AS PART OF THE RECORD OF THE PUBLIC FORUM INTERIM BUDGET COMMENTS AND THAT THE LETTER AND REQUEST BE REFERRED TO THE MANAGER FOR CONSIDERATION IN THE BUDGET PROCESS.

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Mayor Nassif stated that the matter of animal shelter fees for Chapel Hill and Orange County should be considered. Councilmember Smith felt that Carrboro should contribute to the operation of the Animal Shelter. Dr. Reist explained that Carrboro had a shelter of its own, but that the Orange County Animal Shelter provided euthanasia services for Carrboro's dogs.

THE MOTION CARRIED UNANIMOUSLY.

--Councilmember Thorpe requested that the monthly report from Attorney Michael Patrick be submitted to the Council.

Minutes of March 12, 1984

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE MINUTES OF MARCH 12, 1984, BE APPROVED AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Plat for Woodlake Subdivision

Ms. Nancy Randall, 351 Carlton Drive, requested that the applicant's Project Fact Sheet be corrected to read that the pavement width of Carlton Drive is 20 feet, not 27 feet. She submitted a petition and a letter to the Mayor for the records. The petition was from area residents who opposed the extension of Carlton Drive and expressed concerns re traffic impact. The petition requested that if the extension was deemed necessary, that the link be opened only to emergency vehicles and not open to through traffic.

Mr. Ron Ginsburg, 353 Carlton Drive, submitted photos which he had taken in the last two weeks of current conditions of Carlton Drive and the nature of the surrounding neighborhood, submitting that changes in this road would alter the quality of life of this neighborhood. He stated that the developer had no objection to the deletion of the proposed Carlton Drive/Parker Avenue connection.

Mr. Mike Jennings, Planning Director, stated that the proposed subdivision contained approximately 339 acres and was located on the west side of U.S. 15-501, between Culbreth Road and Dogwood Drive. In light of proposed future design for U.S. 15-501, staff recommended that U.S. 15-501 be improved where dual frontage existed (to create a median-divided highway). Left-turn lanes into and out of the proposed subdivision at all intersections with U.S. 15-501 were also recommended, as well as sidewalks on both sides of Parker Avenue; the applicant, however, objected to the latter recommendation.

Staff recommended that Parker Avenue be shifted to achieve better alignment with adjoining properties for future extension. To provide future access to Culbreth Road, staff recommended that Radnor Drive be stubbed out to the development's northern property line. Staff felt that Carlton Drive should be connected to the proposed subdivision to provide dual access. It was felt that the nature of the road itself would not encourage through traffic.

The applicant proposed to create a 28-acre lake and a 10-acre recreation area to meet recreation requirements. A 20-foot wide access easement would be provided around the lake. Additional access was proposed at the northeast and northwest lake portions for recreational and emergency purposes. Staff recommended strict monitoring of the construction of the dam.

The applicant objected to Duke Power's request that an 8-10 foot graded shoulder on the side of all roads be provided for utility installation. The Planning Board concurred with the applicant's request that utility easements be located along the rear of the property. Mr. John McAdams, representing the applicant, stated that compliance with this request would require excessive grading, tree removal, and expense. It was anticipated that Duke Power might concur with the proposal that the 20 to 30-foot area around the lake could be used for this easement. Mr. McAdams requested that the applicant be permitted to provide rear property line easement, should Duke Power concur.

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The applicant requested that sidewalks on both sides of Parker Avenue were approved that the requirement be part of the approval of future developments.

Mr. McAdams stated that little siltation would occur as a result of this development, but that siltation from future off-site development was expected. Mr. McAdams stated to Councilmember Boulton that residents on the lake's perimeter would have exclusive use of the 20-foot open space areas and that the Homeowners' Association would care for this area.

Councilmember Broadfoot opposed the 20-foot public access around the lake, as it would adversely affect the privacy of residents along the lake's perimeter. Mr. Jennings stated that the 20-foot area was part of the recreation space and, as such, access by all residents was required. The lake (without the 20-foot recreational space) would meet recreation space requirements.

Mr. McAdams stated to Councilmember Kawalec that because of the steepness of the terrain, a lake would be the best active recreational use of this area. Development of this area would result in extensive damage to the land. Councilmember Kawalec felt that this area could be satisfactorily used as green open space, and that the lake created unnecessary problems. Mr. McAdams felt that more than adequate green space already existed on the site. The lake would be an asset to the development.

Mr. McAdams stated that annexation had not been considered. Councilmember Smith felt that streets should be constructed to meet Town standards, if annexation was a consideration. He expressed concerns for safety precautions around the lake, privacy of lake-front residents, and safety of downstream developments from run-off.

Mayor Nassif stated that the buffer and design of proposed Parker Avenue was ideal. He felt that some of the lots on Coachlight Place and Harrison Drive should be shifted so that drainage of the lots could be improved. He opposed the lake because of difficulties of access and limited usability for all of the development's residents. This area could be just as attractive as natural open space.

Councilmember Boulton felt that access problems to open space areas would not be different from those for a lake. Councilmember Howes concurred, stating that this lake was not large enough to be concerned with boat access, and would probably be used more for passive enjoyment.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF RESOLUTION 84-R-48b.

Proposed Amendment #1. COUNCILMEMBER THORPE MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER BOULTON, THAT THE SIDEWALKS PROPOSED FOR PARKER AVENUE BE LOCATED ON ONLY ONE SIDE.

Councilmember Howes opposed the amendment, stating that two sidewalks would be needed in the future. Councilmember Kawalec felt that pedestrian and bicyclist access was needed.

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

Proposed Amendment #2. COUNCILMEMBER PASQUINI MOVED TO AMEND THE MAIN MOTION BY DELETING THE STIPULATION TO STUB OUT RADNOR DRIVE. THE MOTION TO AMEND FAILED FOR LACK OF A SECOND.

Proposed Amendment #3. COUNCILMEMBER HOWES MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER SMITH, THAT PRIOR TO FINAL PLAT APPROVAL BY PHASE, THE DEVELOPER REQUEST ANNEXATION.

Mr. Taylor responded to Councilmember Boulton that provision of Town services to this non-contiguous development would not be a problem because of the insignificant distance from the Town.

Councilmember Thorpe expressed opposition to the proposed amendment, stating that the Town might not be able to provide Town services as soon as 1985.

Mr. Barrett expressed concern about the proposed stipulation.

Mayor Nassif stated that he felt it would be best for the development to be built to Town standards--then, when developed, annex.

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

Proposed Amendment #4. COUNCILMEMBER HOWES MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER BOULTON, TO STIPULATE THAT THE APPROVED PRELIMINARY AND FINAL PLATS BE MARKED TO INDICATE THAT THE TOWN INTENDS TO ANNEX THE AREA, PHASE BY PHASE.

Councilmember Pasquini felt that this should be stipulated on all areas outside the Town's limits. To isolate one area was unfair. Councilmember Thorpe concurred.

Mr. Barrett advised the Council that new annexation statutes required that the Town adopt a resolution identifying areas that would be subject to annexation.

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

Proposed Amendment #5. COUNCILMEMBER PASQUINI MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER SMITH, TO DELETE STIPULATION #10 (that Carlton Drive not be extended to Parker Avenue; that Carlton Drive be a cul-de-sac).

Councilmember Smith felt that the proposed subdivision would adversely impact the Carlton Drive neighborhood.

Mayor Nassif stated that currently Carlton Drive did not meet Town standards. If annexation took place, improved roads would be necessary. Therefore, it would be wise to dedicate a right-of-way, leaving an option for the future.

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

Proposed Amendment #6. COUNCILMEMBER HOWES MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER PRESTON, THAT STIPULATION #10 IN THE PROPOSED RESOLUTION ALSO PROVIDE THAT THE RIGHT-OF-WAY FOR CARLTON DRIVE BE DEDICATED AS SET FORTH ON THE PLANS, BUT TO REQUIRE THAT PAVEMENT BE TERMINATED 20 FEET SHORT OF THE PROPERTY LINE. (This would require a temporary turn-around.)

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

Proposed Amendment #7. COUNCILMEMBER HOWES MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER KAWALEC, THAT THE LOTS IN THE AREA OF COACHLIGHT PLACE (lots 48, 49, 65, and 66) BE READJUSTED TO IMPROVE DRAINAGE, SUBJECT TO THE TOWN MANAGER'S APPROVAL, THAT THE DRAINAGE OF LOTS NEAR THE MAJOR DRAINAGE TRIBUTARY (lots 45, 46, 47, and 48) BE RECONSIDERED FOR BUILDABILITY; AND THAT ADJUSTMENTS TO PARKER AVENUE BE MADE.

THE MOTION TO AMEND CARRIED UNANIMOUSLY.

Proposed Amendment #8. COUNCILMEMBER PRESTON MOVED TO AMEND THE MAIN MOTION, SECONDED BY COUNCILMEMBER SMITH, THAT THE PROPOSED LAKE BE DELETED AND THAT THE AREA OF THE PROPOSED LAKE REMAIN OPEN GREEN SPACE.

Mr. Roscoe Reeve, Chair of the Planning Board, stated that the Board felt that an active recreation area was important for a development of this size. Alternatives to a lake would be a park on the south side or passive open space.

Councilmember Howes stated that since there was no Town policy re lake construction, there was no adequate basis to deny the request.

Mayor Nassif stated that Chapel Hill had been engaged in a lawsuit with Lake Forest. Even though it was not proven in court that the Town was negligent, \$60,000 of Town insurance was spent to dredge the lake, as the Town was accused of siltation in the lake. He stated that the Town had no way to assure that siltation of this lake would not occur from future developments. Therefore, he felt it was prudent on the Town's part to deny the lake to avoid a lawsuit. Councilmember Howes concurred, but felt that a policy was needed first.

VOTE ON THE MOTION TO AMEND FAILED TO CARRY 4 TO 5 WITH COUNCILMEMBERS BROADFOOT, PRESTON, SMITH, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, PASQUINI, KAWALEC, AND HOWES OPPOSING.

Proposed Amendment #9. COUNCILMEMBER SMITH MOVED TO AMEND THE MAIN MOTION THAT STIPULATION #5 BE CHANGED TO READ THAT ALL STREETS WOULD BE CONSTRUCTED TO CLASS "A" STANDARDS. THE MOTION FAILED FOR LACK OF A SECOND.

VOTE ON THE MAIN MOTION, AS AMENDED (by amendments #4, #6, and #7) PASSED 6 TO 3 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BROADFOOT, SMITH, AND PRESTON OPPOSING.

THE ADOPTED RESOLUTION, AS AMENDED, IS AS FOLLOWS:

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR WOODLAKE SUBDIVISION (84-R-48b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Preliminary Plat dated January 25, 1984, for Woodlake Subdivision located on property identified as Chapel Hill Township Tax Map 126, Block A, Lot 4, subject to the following:

1. That additional right-of-way be dedicated along the property's frontage on the east side of U.S. 15-501 (shown as Future Development Site C). This additional right-of-way shall be measured 130 feet from the existing centerline of U.S. 15-501. The right-of-way proposed to be dedicated along the west side of U.S. 15-501 may be reduced to 30 feet measured from the existing centerline.
2. That U.S. 15-501 be improved along the frontage of the portion of the property designated as Future Development Site C to provide a median-divided highway. That the new roadway section of U.S. 15-501 along the frontage of Site C be 24 feet wide with 10-foot wide shoulders. That the existing roadway of U.S. 15-501 be widened to 24 feet with 10-foot wide shoulders along the property's entire frontage on the west side of U.S. 15-501. Plans shall be approved by the Town Manager and NCDOT.
3. That left-turn lanes be provided into and out of the subdivision at all three intersection points with U.S. 15-501. Plans shall be approved by the Town Manager and NCDOT.
4. That a sidewalk be provided on both sides of Parker Avenue.

5. That the following streets be improved to Class "A" standards (33-foot width with curb and gutter, 60-foot right-of-way and a sidewalk on one side): Scottsdale Drive, Charrington Drive, Dresden Lane, Carlton Drive, Fairhaven Drive, and Radnor Drive.
6. That Harrison Drive may be improved to Class "B" standards with a paved sidewalk on one side (27-foot width with curb and gutter, 50-foot right-of-way), rather than the Class "A" standard shown on the Preliminary Plat.
7. That the remaining streets may be built to Class "C" standards (27-foot wide with curb and gutter in a 50-foot right-of-way), rather than the Class "A" standard shown on the Preliminary Plat.
8. That Radnor Drive be stubbed out to the north property line.
9. That the applicant revise his plans to show utility easements in the rear lot lines, where practicable, as approved by the Town Manager.
10. That the functional roadway connection to Carlton Drive not be made until Parker Avenue is extended to Smith Level Road. That bollards or similar physical separation be provided between the two portions of Carlton Drive until Parker Avenue is extended to Smith Level Road. That Carlton Drive be dedicated to the property line, but to require that pavement be terminated 20 feet short of the property line. That a temporary T-turnaround be provided at the end of Carlton Drive. Plans shall be approved by the Town Manager in conjunction with the construction plans for Carlton Drive.
11. That signs approved by the Town Manager be placed at the ends of the stubbed out roads indicating that they are subject to further extension.
12. That Parker Avenue be shifted northward on the west boundary of the property approximately 190 feet so that it stubs out entirely on the Shelby J. Maddy property (Tax Map 122, Block B, Lot 8A) and that Parker Avenue be shifted southward on the east boundary of the property approximately 90 feet so that its extension would be placed entirely on the Carol C. Smith et al. property (Tax Map 128, Block B, Lot 1).
13. That the plans for Parker Avenue and the improvements to U.S. 15-501 be approved by the Town Manager and NCDOT prior to approval of the Final Plat.
14. That the plans for the remaining streets be approved by the Town Manager prior to approval of the Final Plat.
15. That workzone traffic control plans be approved by the Town Manager as part of the construction plans for U.S. 15-501.
16. That pedestrian/non-motorized easements be provided from Hermitage Place and Red Oak Place to the open space.
17. That pedestrian/non-motorized vehicle easements be provided from Delocourt Place, Dresden Place and Tiffany Place to Culbreth Junior High School.
18. That a 40-foot wide pedestrian/non-motorized vehicle easement be provided along the west side of Wilson Creek.
19. That an additional recreation area be provided on the north end of the lake in Section I, and on the north end of the lake in Section II. The location of these areas shall be approved by the Town Manager in conjunction with approval of the Final Plat.
20. That a pedestrian/non-motorized vehicle easement be provided from Ansley Place to the lake.
21. That an access easement be provided to the dam from Tiffany Place for dam maintenance and inspection purposes.

- 22. That the Homeowners' Association submit an annual dam inspection report prepared by a registered engineer with expertise in dam design to the Town Manager.
- 23. That compaction tests be conducted by a testing laboratory for each lift as the dam is constructed, and that the results of these tests be submitted to and be approved by both the North Carolina Department of Natural Resources and Community Development, Land Quality Section, and the Town Manager.
- 24. That sediment traps be provided at inflow points to the lake. That design of these traps be approved by the Town Manager prior to construction. That the Homeowners' Association be responsible for maintenance.
- 25. That the lots in the area of Coachlight Place (lots 48, 49, 65, and 66) be readjusted to improve drainage, subject to Town Manager approval; and that the drainage lots near the major drainage tributary (lots 45, 46, 47, and 48) be reconsidered for buildability.
- 26. That utility easements as required by OWASA be shown on the Final Plat. These easements shall include easements to adjoining properties.
- 27. That plans for water and sewer be approved by the Town Manager and OWASA prior to approval of the Final Plat.
- 28. That easement documents as required by OWASA be provided prior to approval of the Final Plat.
- 29. That plans for the location and installation of fire hydrants be approved by the Town Manager upon considering the recommendation of the Carrboro Fire Chief prior to approval of the Final Plat.
- 30. That the property owner bear the cost of any lawful assessments required by OWASA for maintenance of fire hydrants until such time as the responsibility is assumed by a homeowners association or a public entity.
- 31. That the water lines be looped by tying into the existing 8-inch water line at Carlton Drive.
- 32. That the 12-inch water line be extended along the property's entire frontage with U.S. 15-501.
- 33. That the approved Preliminary and Final Plats be marked to indicate the Town's intent to annex the area at an appropriate stage of development.

This the 26th day of March, 1984.

Resolution Recommending in Concept that the OWASA Board of Directors Approve the "Preliminary Long-Range Capital Improvements Budget 1983-98"

Mayor Nassif questioned Mr. Everett Billingsley, Executive Director of OWASA, re a time frame to correct problems of the Bolin and Booker Creek interceptors. The Town had allocated \$3.6 million, and funds were available for OWASA to correct this problem.

Mr. Billingsley responded that OWASA was currently surveying the lines and slopes to understand the problem before designing the project. He stated that the project could be completed in approximately two years.

Councilmember Broadfoot suggested that the Town consider hiring an independent contractor to correct the problem.

COUNCILMEMBER BOULTON MOVED (1) ADOPTION OF RESOLUTION 84-R-49, (2) THAT A LETTER BE FORWARDED TO THE OWASA BOARD RE CONCERNS FOR A TIME FRAME FOR RESOLUTION OF THE PROBLEM, AND (3) THAT THE MAYOR APPEAR BEFORE THE OWASA BOARD TO EXPRESS THESE CONCERNS. COUNCILMEMBER PRESTON SECONDED THE MOTION TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION RECOMMENDING IN CONCEPT THAT THE OWASA BOARD OF DIRECTORS APPROVE THE "PRELIMINARY LONG-RANGE CAPITAL IMPROVEMENTS BUDGET 1983-1998" (84-R-49)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council commends the Orange Water and Sewer Authority for the fine work evidenced in the "Preliminary Long-Range Capital Improvements Budget 1983-1998."

BE IT FURTHER RESOLVED that the Council recommends that the OWASA Board of Directors adopt the proposal in concept with the following refinements:

- 1. That appropriate text indicate that water and sewer service will be extended to areas to be annexed by either Chapel Hill or Carrboro, according to mutually agreed-upon plans; and
- 2. That the Council of the Town of Chapel Hill will review and approve a detailed list of projects to be undertaken, their relative priorities, and the administrative and accounting arrangements to govern the relationship between the Town and OWASA, before the Town issues General Obligation Sanitary Sewer bonds.

This the 26th day of March, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif expressed to Mr. Billingsley the continued support of OWASA by the Council, stating that the Council's concern at this time was to resolve the problem as soon as possible.

Resolution Calling a Public Hearing to Consider Amendments to the Chapel Hill Development Ordinance

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF RESOLUTION 84-R-50.

Councilmember Kawalec felt that since there was a paragraph in the Development Ordinance that stated that an extension would be allowed, the advertisement should state that the Council's intent was that no provisions whatsoever would be made by the Council for extension of Site Plans or Special Use Permits.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO AMEND RESOLUTION 84-R-50 TO ADD THE FOLLOWING WORDS AT THE END OF PARAGRAPH ONE: "..., without provision for extension by the Council, as provided by Section 8.6 of the Development Ordinance."

THE MOTION TO AMEND THE MAIN MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, PRESTON, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION, AS AMENDED, CARRIED 5 TO 4 WITH COUNCILMEMBERS THORPE, PASQUINI, BROADFOOT, PRESTON, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC, HOWES, SMITH, AND BOULTON OPPOSING:

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-R-50)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing on April 16, 1984, at 7:30 P.M. in the Meeting Room of the Municipal Building, 306 N. Columbia Street to consider the following amendments to the Chapel Hill Development Ordinance:

- 1. Amending Section 8.6 Revocation of Special Use Permit to require that a Special Use Permit be null and void if construction has not begun within 1 year to 18 months after approval of the Special Use Permit, or within any period which Council deems appropriate, without provision for extension by the Council, as provided by Section 8.6 of the Development Ordinance.

2. Adding a new Section 15.5 Revocation of Site Plan Approval to require that a Site Plan be null and void if construction has not begun within 1 year to 18 months after approval of the Site Plan, or within any period which Council deems appropriate.

This the 26th day of March, 1984.

Resolution Calling a Public Hearing to Modify the Minimum Land Area Required for a Planned Development-Housing Special Use Permit

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

A RESOLUTION CALLING A PUBLIC HEARING TO MODIFY THE MINIMUM LAND AREA REQUIRED FOR A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT (84-R-51)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for April 16, 1984, at 7:30 P.M. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N. C., 27514 to consider the following:

1. An amendment to the Development Ordinance to require the gross land area for a Planned Development-Housing to be 5 acres or to such other size as the Council, following the public hearing, may deem appropriate.
2. An amendment to the Development Ordinance to delete Section 8.8.3 which allows for reduced size for Planned Developments.

This the 26th day of March, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing to Consider Requiring that Planned Developments Be Approved by a Zoning Atlas Amendment Instead of or in Addition to a Special Use Permit

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER REQUIRING THAT PLANNED DEVELOPMENTS BE APPROVED BY A ZONING ATLAS AMENDMENT INSTEAD OF OR IN ADDITION TO A SPECIAL USE PERMIT (84-R-52)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing on April 16, 1984, at 7:30 P.M. in the Meeting Room of the Chapel Hill Municipal Building, 306 North Columbia Street, Chapel Hill, N. C., 27514 to consider the following amendment to the Development Ordinance:

Require that Planned Developments be approved by a Zoning Atlas amendment instead of or in addition to a Special Use Permit.

This the 26th day of March, 1984.

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

Resolution Authorizing up to \$16,670 for Funding of the National Sports Festival

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF RESOLUTION 84-R-53.

Councilmember Broadfoot opposed the request, stating that the September 12, 1983, Council minutes reflected the statement by Mr. Campbell that "we are not here to ask for monetary support from the Town of Chapel Hill." He also opposed funding because of the impact on the Town's water supply from an influx of participants and spectators of the event.

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Mr. Hill Carrow, Chair of the North Carolina Communities Sports Festival, stated that the intent of the Joint Resolution of September 12, 1983, was to show community support to the U.S. Olympic Committee, not solicit funds. He submitted that the resolution before the Council tonight authorized funding for the National Sports Festival, but stated that he felt that actual funding would be remote.

Mayor Nassif stated that he felt that the State of North Carolina would overwhelming support an opportunity for its citizens to see the performance of dedicated athletes with outstanding physical and athletic abilities. He felt this was a once-in-a-lifetime opportunity and this gave Chapel Hill an opportunity to unite with other towns in support of these events to locate in the Research Triangle area. He felt the funds requested were affordable.

Councilmember Boulton stated that the Sports Company had hosted these events and had profited. She favored a show of support from Chapel Hill.

Mr. Carrow explained to Councilmember Smith that activities would be scheduled in Raleigh and Durham, as well as Chapel Hill.

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 UP TO \$16,670 FOR FUNDING OF THE NATIONAL SPORTS FESTIVAL (84-R-53)

WHEREAS, the cities of Raleigh, Durham, and Chapel Hill have previously entered into a joint resolution requesting that the U.S. Olympic Committee locate the National Sports Festival in the Research Triangle area in either 1986 or 1987; and

WHEREAS, the National Sports Festival, if held in the Triangle, would have a great positive economic impact on the Town of Chapel Hill, would provide the Town with significant national and international exposure; and

WHEREAS, the National Sports Festival is an enormous part of the athletic development of young people in the United State and helps determine our nation's representatives in the Pan American and Olympic games; and

WHEREAS, the National Sports Festival would showcase Chapel Hill's excellent athletic facilities, its great university, and the superior style of life enjoyed by its residents; and

WHEREAS, the National Sports Festival in the past has involved as many as 6,000 volunteers working together to build substantial community spirit and to enhance their community image; and

WHEREAS, in each of the last two National Sports Festivals held, up to \$1 million in tickets has been sold and income has exceeded expenses so that both Festivals have made a profit; and

WHEREAS, the National Sports Festival is operated with the guidance, expertise, and administrative aid of the U.S. Olympic Committee and the National Governing Bodies of the 33 sports involved; and

WHEREAS, the National Sports Festival would bring excellent benefits to the Town of Chapel Hill and the State of North Carolina and to young athletes across the county; and

WHEREAS, the cities of Raleigh and Durham have adopted resolutions similar to this one whereby the three cities together would support an amount to cover total Festival expenses should they exceed Festival income from each and every source, up to and including, but in no case to exceed, \$100,000; and

WHEREAS, that amount would be divided among the cities in proportion to the relative sizes of their populations, so that the share for the City of Raleigh would be approximately \$50,000 and that for the City of Durham would be approximately \$33,330;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council desires to fully support the National Sports Festival and the efforts to bring the event to the Research Triangle Area; and

BE IT FURTHER RESOLVED that if and only if the Triangle area receives the bid for the National Sports Festival, and if and only if the total expenses for the Festival exceed the income to the Festival from each and every source, and if and only if the Festival organizers shall not be able to secure what is known as "risk insurance" to protect against any possible deficit the Festival may incur, then the non-tax funds from the Town of Chapel Hill shall be used to pay the amount by which total Festival expenses exceed income from each and every source up to and including, but in no case to exceed, \$16,670.

BE IT FURTHER RESOLVED that the Council approves, and authorizes the Town Manager to enter into on behalf of the Town, an agreement with the North Carolina Committee for the Sports Festival pursuant to this resolution.

This the 26th day of March, 1984.

Discussion and Letter to Congressman re Pending CATV Legislation

Mayor Nassif stated that a copy of the draft letter to Congressman Broyhill had been previously submitted to the Council. The letter expressed opposition to some of the provisions of H.R. 4103, the Cable Telecommunications Act of 1983.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER PRESTON, THAT THE MAYOR BE AUTHORIZED TO SEND THE LETTER AS DRAFTED.

Councilmember Broadfoot, referencing Council action of November 14, 1983, objected to the consideration of a motion as this item "was not listed on the agenda for discussion."

COUNCILMEMBER HOWES WITHDREW THE MOTION. Mayor Nassif offered to withdraw the letter and submit it under his own signature. Councilmember Smith felt that the Council should, regardless of irregularities, have input re legislation of cable television rate regulation.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE MAYOR BE AUTHORIZED TO SEND THE LETTER AS DRAFTED.

Councilmember Broadfoot stated that Council procedures required that an item be on the agenda before action could be taken. MAYOR NASSIF RULED THAT THE ITEM WAS ON THE AGENDA, WITH THE LETTER FOR ACTION.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO OVERRULE THE CHAIR.

THE MOTION TO OVERRULE THE CHAIR WAS DEFEATED 2 TO 7 WITH COUNCILMEMBERS PASQUINI AND BROADFOOT SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, KAWALEC, HOWES, PRESTON, SMITH, AND MAYOR NASSIF OPPOSING.

THE MOTION TO FORWARD THE FOLLOWING LETTER CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, PRESTON, SMITH, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER BROADFOOT OPPOSING:

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TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

OFFICE OF THE MAYOR

Telephone (919) 929-1111

March 26, 1984

Congressman James T. Broyhill
2340 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Broyhill:

The Chapel Hill Town Council has authorized me to write you expressing our opposition to portions of The Cable Telecommunications Act of 1983 (H.R. 4103), which is now pending before the House Energy and Commerce Committee.

The bill will adversely affect the ability of cities and towns to regulate cable television activities. While H.R. 4103 properly asserts the importance of developing a national cable policy and assures diversity of information, other provisions in the bill will lead to increased CATV rates in the future and to a reduction of services to consumers.

The major problems presented by H.R. 4103 as it is currently written fall into three basic areas: rate regulation, franchise renewal, and abrogation of contracts. Following is a brief summary of these three problem areas and our suggestions for improving the legislation.

Rate Regulation - Section 633(a) would prohibit local governments from regulating basic cable television rates except in communities served by less than four television signals or, under existing franchises, for the longer of five years or one-half the remaining life of the franchise. The Act (Sec. 602(2)(A)(B)) narrowly defines basic service as the lowest priced tier and the one including local broadcast signals, public, educational, and governmental access channels and other programming services specified by the franchise as basic service. Under many existing franchise agreements, basic service is the second or third tier, rather than the lowest priced tier. In such cases, franchising authorities would have no meaningful authority over basic service rates.

Though the Council is sympathetic to the need of cable operators to raise rates in response to rising costs, we are opposed to legislation limiting the ability of local governments to regulate rates and negotiate the definition of basic service. A cable system is a practical monopoly with the operator in any given town typically having no competition. Consequently the cable subscriber is forced to pay the operator's rate or forego the system altogether. For this reason we recommend that the bill be revised to permit rate regulation of basic service and to allow the definition of basic service to be agreed upon through the franchising process.

Franchise Renewal - Section 635 establishes a procedure for franchise renewals which requires cities to negotiate first with the existing cable operator, whose application for renewal would have to be rejected before the city could entertain competitive bids. Under the proposed Act, cities would be required to renew the existing franchise unless the franchise authority found that: (1) the operator had not complied with the existing franchise; (2) the operators legal, technical, or financial qualifications had so changed as to impair the continued provision of service; (3) the facilities proposed are unreasonable; (4) the cable system's signal has not met FCC technical standards; or (5) the operator's renewal proposal is otherwise unreasonable.

A decision to deny an application for renewal or extension would be subject to de novo judicial review. Should cases progress to this stage, the courts could re-examine the process followed by the franchising authority and make a completely new finding as to whether the franchise should have been renewed.

We recommend that Section 635 be amended to allow for a more open and competitive franchise renewal process and that judicial review be restricted as it is in other areas of municipal administrative and legislative decision-making.

Abrogation of Contracts - Sections 634(d) and 631(e) set up procedures that allow a cable operator to assert significant changes in circumstances for both services and facilities and, therefore, decide not to provide these services and facilities. Remedy for the consumer would be through arbitration. We recommend that these sections be eliminated from the bill and that the franchise and state laws regarding such matters be allowed to govern. Our experience in dealing with such problems in Chapel Hill has shown that governing boards will act to modify franchise agreements when changes in circumstances or demand call for such modifications.

Other potential problems exist under Section 612, which allows franchising authorities to require the set aside of a "reasonable" number of channels for public, educational, or governmental (PEG) access programming and to establish rules and procedures for the use of these channels. While existing franchise agreements requiring the set aside of channels for PEG access are grandfathered, no criteria are specified for determining whether PEG access requirements are "reasonable." It seems to me that this omission leaves access requirements vulnerable to legal challenge. Further, PEG access channels under the Act cannot be used for non-programming purposes, which presumably means that access channels cannot be used for non-video services such as data transmission. This restriction will cause problems for cities such as Chapel Hill which use a portion of the institutional network to transmit government information in this manner.

As elected officials, we do not wish to over-regulate the cable television industry. However, because of the monopoly status of cable operations and the significant current and future importance of this medium, we

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think that a strong local franchising process is the best mechanism for assuring that consumers are adequately protected while allowing for a healthy local CATV industry.

Thank you for considering our comments as you review the provisions of H.R. 4103.

Sincerely,

Joseph L. Nassif
Mayor

JLN/rgr

cc: Avery C. Upchurch, Mayor of Raleigh
Charles Markham, Mayor of Durham
John W. Forbis, Mayor of Greensboro
Wayne Corpening, Mayor of Winston-Salem
Harvey B. Gantt, Mayor of Charlotte
James Porto, Mayor of Carrboro
Rep. Ike Andrews
Rep. Tim Valentine
Rep. Walter B. Jones
Rep. James G. Martin
Rep. Stephen L. Neal
Rep. Charles O. Whitley
Rep. W. G. Hefner
Rep. Charles Rose
Sen. Jesse A. Helms
Sen. John East
North Carolina League of Municipalities
National League of Cities
U. S. Conference of Mayors

Consent Agenda

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND AN ORDINANCE (84-R-54)

- a. A resolution approving just compensation for two parcels acquired for the Church Street housing project for elderly and handicapped persons (settlements in eminent domain proceedings)(84-R-55).
- b. A resolution (84-R-56) and an ordinance (84-O-22) closing portions of Franklin and Henderson Streets and temporarily prohibiting parking for the Apple Chill Street Fair (Sunday, April 29).
- c. A resolution authorizing an encroachment of right-of-way (for portion of rock wall to be rebuilt at 12 Cobb Terrace)(84-R-57).
- d. A resolution calling a public hearing on proposed closing of unused right-of-way south of Scarlette Drive (84-R-58).
- e. A resolution approving the temporary closing of Raleigh Street from noon to 9 P.M. on Saturday, April 14 (84-R-59).

This the 26th day of March, 1984.

Resolutions and an Ordinance Adopted on the Consent Agenda

The following resolutions and an ordinance were adopted on the Consent Agenda:

RESOLUTION CONCURRING IN SETTLEMENT OF CERTAIN EMINENT DOMAIN PROCEEDINGS BROUGHT BY THE CHAPEL HILL HOUSING AUTHORITY (84-R-55)

WHEREAS, the Chapel Hill Housing Authority has heretofore instituted eminent domain proceedings in order to acquire certain properties situated on Church Street in the Town of Chapel Hill for the acquisition and use by the Authority for public housing for the elderly; and

WHEREAS, title to the properties subject to condemnation has vested in the Chapel Hill Housing Authority and the only remaining issue before the Court is the establishment of the value of just compensation for the taking of the properties; and

WHEREAS, a tentative agreement has been reached between the Chapel Hill Housing Authority and persons having interest in certain of the properties subject to condemnation by the Authority;

BE IT RESOLVED by the Town of Chapel Hill that, on the basis of information supplied by L. Judson Barrett, Executive Director of the Chapel Hill Housing Authority, that fair and just compensation for the taking of certain property by the Chapel Hill Housing Authority for public housing for the elderly is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest To Be Acquired</u>	<u>Fair and Just Compensation</u>
84-I-37C (204 Caldwell)	James W.C. Pendergraph	Land & structure	\$26,500.00
84-I-39 (708 Church St.)	Bruce Caldwell Heirs: (Edwin Caldwell, Sr., Catherine Stanback, Minnie Caldwell Williams, Bruce Caldwell, and Lucille Caldwell Morrow)	Land & structure	\$31,500.00

BE IT FURTHER RESOLVED that the Council, on the basis of the information supplied by L. Judson Barrett, Executive Director of the Chapel Hill Housing Authority, hereby concurs in the settlement of the eminent domain proceedings instituted by the Chapel Hill Housing Authority with payment to be made to the above-named persons in accordance with the above-stated amount of just compensation in accordance with their respective interest in said properties.

This the 26th day of March, 1984.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (APPLE CHILL, 1984) (84-R-56)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets, on Sunday, April 29, 1984, from 11 A.M. to 8 P.M., to allow the holding of the Apple Chill Street Fair and clean-up of the streets following said fair.

This the 26th day of March, 1984.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (APPLE CHILL, 1984) (84-O-22)

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

That on the 29th day of April, 1984, between the hours of 12:45 P.M. and 8 P.M. there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, or on either side of Henderson Street between Franklin and Rosemary Streets.

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The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said streets during such hours on said date. The Police Department is further authorized to remove, tow and impound automobiles and vehicles of any kind which are parked on said streets during such hours in contravention of this ordinance. In light of the large number of pedestrians expected in the street fair area, the Council hereby determines that vehicles in the restricted area would constitute a special hazard requiring prompt removal. The owner shall be responsible for and pay storage and moving costs of any vehicle removed pursuant to the provisions of this Ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicle.

This the 26th day of March, 1984.

A RESOLUTION AUTHORIZING AN ENCROACHMENT OF A PORTION OF COBB TERRACE (84-R-57)

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 the owners of that certain property described as Lot 2 of Block C, Chapel Hill Township Tax Map 80, to allow part of a rock wall to encroach on the public right-of-way of Cobb Terrace as shown on the sketch by the Engineering Department dated March 2, 1984, and a survey map dated July 31, 1975 with annotations, copies of which sketch and map shall be retained with the records of this meeting. The agreement shall be subject to the following conditions:

- The rock wall shall extend into the right-of-way approximately 18 inches, or less.
- The owners shall bear the entire expense of constructing, maintaining and/or reconstructing the rock wall.
- The owners, and their successors in interest, shall agree to hold harmless and indemnify the Town from any and all claims which may arise from the construction, maintenance, repair, presence, reconstruction, or failure of the rock wall.
- The Town reserves the right to require the owners, and their assigns or successors in interest, to remove at their expense the portion of the rock wall which encroaches on the right-of-way, upon 120 days' notice in writing from the Town Manager, to allow Town improvements to the street or for other reasonable cause.
- The owners, and their successors in interest agree to prudently maintain the rock wall so it will not adversely affect the public health, safety or welfare.

The Manager may include in the agreement such other reasonable conditions as the Manager may deem appropriate, with the approval of the Town Attorney.

This the 26th day of March, 1984.

A RESOLUTION OF INTENT TO CONSIDER CLOSING AN UNOPENED PORTION OF SCARLETTE DRIVE AND CALLING A PUBLIC HEARING (84-R-58)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider permanently closing an unopened portion of right-of-way south of Scarlette Drive beginning at the corner formed by Scarlette Drive and Vance Street, and extending for a distance of approximately 135 feet west of Scarlette Drive across Chapel Hill Township Tax Map 27A, between Lot 1 of Block H and Lot 8 of Block I.

BE IT FURTHER RESOLVED that the Council hereby calls a public hearing on the question of closing said right-of-way at 7:30 P.M. on June 18, 1984, in the Meeting Room of the Municipal Building, 306 N. Columbia Street.

This the 26th day of March, 1984.

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MAR 20 1984

A RESOLUTION AUTHORIZING CLOSING OF A PORTION OF RALEIGH STREET ON APRIL 14, 1984 (84-R-59)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of the portion of Raleigh Street between South Road and Lenoir Drive from noon to 9:00 P.M. on Saturday, April 14, 1984, subject to the following conditions:

- Representatives of Henderson Residence College shall comply with reasonable directives by the Town's Police and Fire Departments, and by the University administration and security officers to assure safety of persons in the vicinity of the street closing.
- Barricades must be placed at each end of the closed area with persons stationed to assure access for emergency vehicles if necessary.
- The portion of Raleigh Street right-of-way in the vicinity of the Springfest activities must be cleared of litter and debris by 8 A.M. Sunday, April 15.
- Henderson Residence College must pay for any damages to public property as a result of or arising in connection with Springfest activities.

This the 26th day of March, 1984.

Nominations and Appointment--Parks and Recreation Commission

No additional names were placed in nomination.

The following vote was taken:

- Olga Morrison: no votes.
- Gertrude London: no votes.
- Mattie Arrington: 9 votes (Boulton, Broadfoot, Howes, Kawalec, Smith, Pasquini, Preston, Thorpe, and Mayor Nassif).

Mattie Arrington was appointed to the Parks and Recreation Commission to fill the unexpired term of Ms. Chick White. Ms. Arrington's term would expire June 30, 1984.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE MEETING BE ADJOURNED. The meeting was adjourned at 11:15 P.M.

Joseph L. Nassif, Mayor

Robin G. Rankin, Deputy Town Clerk