

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL  
MUNICIPAL BUILDING, MONDAY, JUNE 11, 1984, 7:30 PM

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

Marilyn Myers Boulton  
Winston Broadfoot  
Jonathan Howes  
Beverly Kawalec  
David Pasquini  
Nancy Preston  
R. Dee Smith  
Bill Thorpe



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

PUBLIC HEARING

COMMUNITY DEVELOPMENT GRANT - PROJECTS TO BE FUNDED FROM THE CLOSING OF 1981 FUNDS

Assistant Town Manager Sonna Loewenthal said this public hearing is to discuss the reallocation of \$90,000 in unspent program funds (from a 2.1 Million Dollar grant from the Small Cities program) and \$87,000 of program income (from the sale of lots, and sales tax refunds). She said the staff is proposing three projects on which to spend the money. First is a contribution to the University Heights Street paving project. The Town submitted a successful application to the Department of Natural Resources for this project. At that time staff proposed that \$75,000 of unspent CD money be used toward this project; but now that we have a better sense of what the preliminary cost estimates are, staff recommends that an additional \$15,000 be allocated to the project, making the total recommended contribution \$90,000. Ms. Loewenthal said that by obligating this \$90,000 the Town will be in a position to close out this program with HUD.

Ms. Loewenthal said the second proposal is for playground improvements at the Elliott Woods, Chase Park, Airport Road, and Ridgefield public housing projects. The Council directed, in July 1983, that program income should be used for these projects. The funds are now available, and staff is recommending that \$31,000 be spent at these four playground sites. Ms. Loewenthal said the funds would be used to purchase equipment, which would then belong to the owners of the sites, who would then be responsible for maintenance of the equipment. She said staff recommends that contracts be executed between the Town and the two groups who own the projects, in order to specify responsibility in this matter.

Ms. Loewenthal said the third proposal for use of the program income funds is to complete the Barclay Road sewer project. The Town had requested \$142,000 for this project last year, and only received \$86,000. She said this area has one of the worst failing septic-tank problems in the Town, and staff feels, as does OWASA, that it's one of the highest-priority areas that needs sewer in the Town limits. With the availability of an additional \$56,000 in CD program income funds, which can be added to the funds from the State CD grant, the project could be completed.

Ms. Loewenthal said it will be necessary for the Town to formally reallocate the funds before HUD's deadline of September 1, 1984. In addition, should Council approve the projects as proposed, staff will submit documentation to the State for the completion of approvals for the Barclay Road sewer project.

Town Manager Taylor said his preliminary recommendation is that the \$90,000 from the 1981 project--\$15,000 of which has not been previously allocated, but earmarked for the streets in University Heights--and the \$87,000 from program income be allocated to the playground equipment and to the Barclay Road sewer project.

Mr. Curtis Harper, with In-Chu-Co, said he supports the recommendation

to provide recreational facilities for the low-income housing projects. For a long time In-Chu-Co has been concerned about the condition of recreational facilities in these units, and we see this as an opportunity to improve the quality of life of the residents of these communities as well as provide for better safety for the people who live there. He said In-Chu-Co is anxious to work out contractual agreements with the Town by which these improvements can be made.

Mr. Red Kruck, of 200 Barclay Road, asked if sewers will be put in Barclay Road. Mayor Nassif said that is the recommendation before Council. Mr. Kruck asked if Council will vote tonight. Mayor Nassif said no. Town Manager Taylor asked Mr. Kruck if he supports the use of the money for this project. Mr. Kruck said yes.

Mr. K. B. Tripp, of Cooper Street, thanked the Town for pursuing the CD funds for the sewer in University Heights.

Ms. Sarah Sherer, of Justice Street, said she supports the expenditure of this money for sewers in University Heights. She said some people have just had new septic tanks put in, and asked if these people would be required to participate in the program; and if so, would there be an additional fee that these funds do not cover. Assistant Town Manager Loewenthal said the CD funds will cover the extension of sewer and any tap-on fees that OWASA requires, but they will not cover plumbing fees to hook up the individual houses.

Mr. Beard said he supports using the CD money for sewer in University Heights.

Council Member Pasquini asked who will be responsible for placing the playground equipment. Assistant Manager Loewenthal said the owners would be responsible for providing the labor to install the equipment, and then to continue maintenance. Mr. Pasquini asked if the Housing Authority could do the work under contract with the Town. Assistant Manager Loewenthal said that could be considered. Mr. Pasquini requested that this be considered as one way to help subsidize the operation of the Housing Authority, rather than supporting some outside organization.

Council Member Broadfoot asked if this expenditure is approved, is staff prepared to make an argument against an identical request of the Town at a later date. He said these recreation facilities have existed before, and have been torn up. Town Manager Taylor said Council agreed, last July, to make this assistance available if these funds became available, with a contract to specify responsibility. He said the owners would clearly understand that all maintenance or replacement would be their responsibility.

Council Member Broadfoot asked if that means that no one should read into Council's approval of this expenditure that the equipment will be maintained by the Town in the future, unless Council makes a different decision later. Town Manager Taylor said that is correct. Council Member Broadfoot asked what possible rationale there would be in denying an equal or identical request from the Housing Authority at a later date. Mr. Taylor said at some point the Town may have to consider such a request. But the staff's recommendation is to help provide a decent environment in subsidized housing projects for people that are low and moderate-income.

Council Smith asked when the Barclay Road sewer project could be begun. Town Manager Taylor said possibly late fall; that there are many things involved in getting a project like this started, and that staff will push it as fast as possible. Council Member Smith said he hopes this will be expedited quickly. Mayor Nassif asked if a consultant will be drawing the plans. Town Manager Taylor said yes. He said staff believes that most of the people in the area want the sewer, and therefore they will cooperate with the Town in providing the easements.

Council Member Preston asked Mr. Harper for data showing the number of children over and under 12 years of age in the two projects owned by In-Chu-Co. Mayor Nassif asked Mr. Harper to give the information to the Manager.

Mayor Nassif said that not all of the units in University Heights will be on OWASA water, they will still have wells. He said he thinks perhaps

the Town should have water provided to all the residents who will get sewer with this project, so there will not be a problem about how they get charged for sewer, or whether they are being undercharged or overcharged by OWASA. He said the Town used to have an ordinance that required Town residents to hook on to water and sewer. He said this is a good way to assure that a healthy condition exists, whether the house is owned or rented. He said they could use their wells to water the flowers and grass, but they would be connected to the water.

Town Manager Taylor said staff will determine if the Town has such an ordinance, and if we have the authority to adopt such an ordinance. Attorney Barrett said he thinks the ordinance may have been rescinded when OWASA took over the system.

Mayor Nassif said he thinks the best thing to do would be to require everyone within the Town limits to hook on to water. He said he thinks the water main is in the street, but some houses haven't tapped on. He said he would recommend making the water available as a part of this project, so the whole area will be complete. Town Manager Taylor said staff would look at the matter and report back.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, THAT THIS MATTER BE REFERRED TO THE MANAGER.

THE MOTION CARRIED UNANIMOUSLY. (9 to 0)

Petitions

Mr. Joseph Kahl asked that he, or Mr. Kaufman, be allowed to speak to Agenda #5 (Lystra Woods).

Mr. Henry Whitfield asked that he be allowed to speak to Agenda #8 (development of Municipal Parking Lot #1).

Council Member Howes introduced Mr. David Raeling, from the University of Copenhagen, who is a former member of his city council in Dragor. He welcomed Mr. Raeling to Chapel Hill.

Minutes of May 14 and 21

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, THAT THE MINUTES OF MAY 14 BE ADOPTED AS CORRECTED.

THE MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADOPT THE COUNCIL MINUTES OF MAY 21, 1984, AS CORRECTED.

THE MOTION CARRIED UNANIMOUSLY.

Greenfields - Request For A Planned Development-Housing Special Use Permit

Mr. Jennings said the developer has agreed to shift the stub-out to the east to access both the 9½-acre tract and the 1½-acre tract. He said there is some concern as to whether the stub-out would create a cross-connector with Erwin Road, and staff feels it can be made circuitous enough that it won't create a cross-connector. He said the Sage Road connector will remove some of the traffic. He said the applicant has provided supplementary information about buffers and screening to Council, and staff would rather have a completion date for the whole project rather than for each phase.

Council Member Pasquini asked Mr. Jennings to explain an earth berm. Mr. Jennings said that is a hill of dirt which absorbs noise, and visually screens. Council Member Pasquini asked how high the berm will be on this project. Mr. Stewart Aiken said the berm will be approximately 3 to 4 feet higher than the parkway. He said this berm would be planted in flowering bulbs, shrubs, and cedar trees. Council Member Pasquini asked how high the berm will be above the road. Mr. Aiken said it would vary. Mr. Pasquini asked if, when the road is higher than the berm, there would be housing there. Mr. Aiken said there will be no place where the road is above the elevation of the finished floors.

Council Member Pasquini asked Mr. Aiken if he will develop adjacent property. Mr. Aiken said no.

Council Member Thorpe said the developer knows what he wants to build in the first phase, and a beginning and completion date should be applied for and required of the developer. He said this is a measure to keep speculators from applying for development approvals. Mike Jennings said that consistently developers get into projects, then begin another phase before completing the other, because of the marketability of what they are building. He said staff is recommending requiring a starting and completion date for the entire project in order to allow developers to change phases if they need to.

Council Member Preston said the phasing is of concern to her too. The developer said at the public hearing that he would be finished with the entire project in 3 to 4 years. She said this would put a strain on the water system. She said there are a lot of things attractive about this development, most obvious is the building of Sage Road. But she said the density should be carefully considered. She said the impervious coverage is well over the recommended level. She said a constituent has said they are concerned that these building would be prefab, and she said she doesn't think that came out in the public hearing. Mr. Aiken said the apartments are not prefab, but the townhouse design is for modular units. He said this only speeds up the construction time.

Council Member Smith asked Mr. Aiken how much experience he has had with using a berm as a noise control measure. Mr. Aiken said the earth berm is a proven noise control measure, that the quality of the denseness of the material is what is the deterrent of the movement of the noise. Mr. Aiken said he has no experience with an earth berm, but certainly has studied about it and thinks it can be well supported and documented.

Council Member Smith said he is concerned that the 5-lane facility will carry a tremendous amount of traffic, and with the additional building that will take place in that area in the next few years, there will be even more traffic. He said the closeness of those apartments to that road is a concern relevant to noise. He asked Mr. Aiken why he chose that particular baffle. Mr. Aiken said staff recommended the berm and he concurs. He said the only wall that is contiguous to the parkway is a solid wall, there is no glass in that wall (which is the biggest source of noise infiltration). The earth berm will be planted with flowers, shrubs, and cedar trees. Mr. Aiken said he feels this combination would solve the noise problem.

Council Member Broadfoot said he will vote against this project and every other large project until Chapel Hill gets additional and adequate reservoir capacity in place. He said that based on the 1980 N.C. Supreme Court Case of Woodhouse vs Board of Commissioners, you can't capriciously pick and say the Town will approve this project, yet not approve another on the basis that we lack a public service capacity. He said Council is supposed to consider what is in the record from the public hearing, but that public hearings are quasi-judicial proceedings, and members may take judicial note of things which are common knowledge--not related to only one project--in the community. He said he relies on the fact that Chapel Hill has one of the worst ratios in the State of North Carolina of million-gallons-per-day use vs reservoir capacity. He said that projects which have a substantial impact can be turned down by any member of Council relying on the fourth finding, without asking that the proponent prove a thing, just taking a judicial notice of that which is obvious and all around us. Mr. Broadfoot said it is for that reason that he will vote against this project and every other one that comes before Council that is of any size to have a substantial impact, until Chapel Hill gets a better water capacity.

Council Member Howes said he substantially agrees with Council Member Broadfoot's conclusions about this project; however, he thinks it is improper of the Council to penalize this developer on those grounds for a matter which is entirely outside his control. He said perhaps this will penalize the present residents of this community, but nonetheless, all are trying to play by the rules of the game as they are now set forth. Mr. Howes said it would seem to be entirely appropriate for the Council to consider a moratorium on development which would apply to all developers, and would allow the Council to reach the same conclusion each time they are called on to do so. He said the fact of the matter is

that a moratorium is not in place, and he wonders if this project should be turned down on those grounds, if any court would find this a valid basis for so doing.

Council Member Howes said he thinks this project is a good one in a good location. It is well-designed for what it is, and he thinks it deserves support on those grounds. He said the percentage of impervious surface question is valid, but he feels Council is misinterpreting the rules as they were laid down by the State and as proposed by the Council of Governments, to apply a 30% limitation in this kind of location this far away from water supply sources.

Council Member Howes said the berm is well designed, and the houses face away from the freeway. He said the berm seems to be a particularly important design feature in this case. That the berm is a design feature which will make these units more attractive in that location by building the berm with the vegetation on top of it to help disperse the sound and make those houses more attractive.

Council Member Preston said she feels the recommendations from the State to say that all impervious surfaces that are within the watershed of the sources of water in question are to be considered, and this project certainly lies within the watershed, as does all of Chapel Hill. She said she thinks it is a very pertinent point. She said she feels the project is too dense, that the developers are just trying to get too much on the land. She said there are things about the project that are good. She said she is disturbed, however, when Council gets a project that has something in it that the Town wants, and that Council will lean over backward to approve these projects. She said that is not the way to go about it.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO SEND THIS PROJECT BACK TO THE DEVELOPER TO CONSIDER AND HOPEFULLY REDUCE THE DENSITY.

Council Member Pasquini asked for a review of the transfer of density in this project and how it affects the project. He also asked if Council can vote on the transfer of density as a separate issue.

Attorney Barrett said if the consequence of a density transfer is an effect which causes Council to fail to make a finding, Council can not approve the project. Council can not consider the density transfer in and of itself, but rather the consequences of the transfer, if those consequences in turn lead Council to fail to make a finding.

Council Member Pasquini said he remembers that one of the reasons this was voted down when the transfer of density issue was brought up was that, while Council always has the option to review a project based on transfer of density, staff implied that Council really doesn't need to change or eliminate transfer of density because it always has the option to vote on it as a separate issue.

Attorney Barrett said this has been a legal question before him for a long time, that he has always been emphatic, and is his absolute consistent opinion as he has advised Council. He said he has given the same opinion to Council.

Mike Jennings said Council does have discretion on reduction of land area for a planned development.

Mayor Nassif said he doesn't think the density of this project is too great. He said Council has the option to reduce the density to whatever, but that it could cause the buildings to be spread out on the land.

Council Member Preston said she likes the clustered buildings, but feels they don't need that much cluster. She said there is too much land covered, that she is concerned by the amount of coverage by impervious surfaces; and feels there would be more open space if some of the units were taken out.

Council Member Pasquini said Council should look at each piece of property separately as to density and reasonable design. He said he would like to see the housing units set back from Sage Road Extension, but if the developer can't do that within the plan submitted, perhaps they need to eliminate some of the units. Mr. Pasquini said he doesn't

want to vote against the project, but there are some minor design changes which he would like to see.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO REFER AND RETURN THE PROJECT TO THE DEVELOPER FOR REVIEW OF THE DESIGN IN RELATION TO THE SCALE, THE SETBACK, THE USE, AND THE SCOPE.

Mr. Jennings said the density in the R-4 area of this project is 12.4 dwelling units per acre; the density in the R-2 area is 6.22 dwelling units per acre; which makes the overall density for the entire project area 6 dwelling units per acre.

Council Member Smith asked Mr. Jennings if there is any area in which the setbacks do not conform to Town standards. Mr. Jennings said no. Mr. Smith asked what could the maximum density of this project be. Mr. Jennings said it is below maximum density.

Council Member Smith said that if the Council wants to deal with scale, setback, use, and scope, now is not the time to do it. He said when a developer meets town standards, we don't have any valid reason for making a developer change his plans. He said he doesn't see the rationale of sending this project back to the developer. That if Council wants to deal with those factors, do it in the ordinance so developers can design their projects based on the stated requirements.

Mayor Nassif said he finds the scale, use, and scope in this project handled in a most articulate and sensitive way. He said the apartments are the most exquisite he's seen in Chapel Hill. He said it would be valid if Council wishes to have the buildings set back more; that Council should say specifically which ones. He said this can be handled in a stipulation, and he would support a vote to move the big building from the property line. He said he thinks the developer can do that. Mayor Nassif said he is not so concerned about the smaller houses being so close to the street because berms do work well. He said he thinks the berm is the way to handle the baffling, and that it will be successful. He said visually it will be good, and he thinks the design quality is outstanding. He said when Council Members have problems about some of the details of a project, they should make a motion about those; that if Council feels the project is no good in design, it should vote no. He said Council should be making distinctions between good and bad projects. He said this project is not a bad project.

Council Member Smith said he thinks these points should have been brought up and referred to the Manager and Developer at the Public Hearing.

THE MOTION FAILED (2 to 7) WITH COUNCIL MEMBERS PASQUINI AND PRESTON VOTING FOR THE MOTION AND COUNCIL MEMBERS THORPE, BOULTON, BROADFOOT, KAWALEC, HOWES, AND SMITH, AND MAYOR NASSIF VOTING AGAINST THE MOTION.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 84-R-128.

Council Member Pasquini said he would like for the building to be screened, or moved back from the road. Mr. Aiken said he would provide a more dense buffer, and will re-angle the building so that most of the building is further away from the street.

Council Member Pasquini suggested that the developer plant a somewhat impenetrable screen on the berm. Mr. Aiken said he could assure that he would make every effort to do that, and in addition would move the building as described.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO AMEND THE MOTION TO APPROVE TO HAVE THE BUILDING IN QUESTION TURNED ON A DIAGONAL, AND LANDSCAPE IT WITH A BUFFER OF HEDGES THAT ARE SIX FEET TALL AS WELL AS TREES ON EACH END, AND TO RECOMMEND THAT THE APPEARANCE COMMISSION AND MANAGER REVIEW THE SCREENING ALL THE WAY AROUND THE PROJECT WHEN THE LANDSCAPE PLAN COMES BACK.

THE MOTION CARRIED UNANIMOUSLY. The amendment becomes part of the main motion, which is to adopt Resolution #128.

Mayor Nassif said he thinks it is important that everyone understand the water situation in Chapel Hill. He said he knows it is a critical problem and on everybody's mind, but that Chapel Hill has always had droughts, and water has been a concern in Chapel Hill over the years. He said people should review the history of all the water and water supply of the University and Chapel Hill, and that will give a better perspective of that situation. He said it is not accurate for Council to say it will refuse every project on the grounds there is not water. OWASA has been working on the problem, and by the time most of this development is ready to come on line, we are going to have water. He said Chapel Hill has been through one moratorium on development, and the result was a lot of septic tanks which now we are trying to get sewer lines to because the septic tanks are going bad. He said he doesn't want to get into that situation again. He said the land will be developed, that the State does not permit Council not to permit development. He said Council must proceed rationally. He said Council is doing a good job of scrutinizing projects, and he encourages members to continue to do that. He said that not all projects should be approved. That each should be weighed on the merits of design and compliance with ordinances. He said he thinks this project does all of this.

THE MOTION CARRIED 6 TO 3 WITH COUNCIL MEMBERS THORPE, BOULTON, SMITH, KAWALEC, AND HOWES, AND MAYOR NASSIF VOTING FOR THE MOTION, AND COUNCIL MEMBERS PASQUINI, BROADFOOT, AND PRESTON VOTING AGAINST THE MOTION. Resolution 84-R-128 was adopted as follows.

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO SUMMEY BUILDING SYSTEMS, INC. (84-R-128)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Mixed Use Special Use Permit proposed by Summey Building Systems, Inc., if developed in accordance with the plans submitted March 21, 1984, and the stipulations and conditions set forth below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That the new construction of Sage Road be tied into the existing pavement of Sage Road. Plans shall be subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That a work zone traffic control plan for Erwin Road during construction be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit.
3. That a bus stop with concrete pad, bench and shelter be provided on the west side of the proposed public street approximately 100 feet west of the entrances to the Townhouses. That a bus stop with a pull-off, concrete pads, bench and shelter be provided in the vicinity of the easternmost parking area for the apartment complex. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

- 8
4. That the proposed stubout street to the east be constructed to the property's eastern boundary; that the alignment be shifted so that the extension of the roadway (but not necessarily all of the 60' right-of-way) could be placed on the 9.5 acre tract to the east; and that a sign be placed at its terminus indicating the road is subject to future extension. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
  5. That the entrance to the apartment complex intersect the proposed public street at a 90 degree angle, that the travel lanes for the median-divided section align with the lanes for the non-divided section, and that the turning radii meet Town standards. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
  6. That parking spaces for the apartment complex be provided at a ratio of 2 per two-bedroom unit. That a reasonable number of parking spaces be designated for visitors in the clubhouse/pool parking lot. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
  7. That the internal roadways and parking areas meet Town design standards and be constructed to Town standards and have curb and gutter. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
  8. That a plan demonstrating compliance with the landscaping, buffer-yard and screening requirements of Article 6 be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
  9. That a left-turn lane be provided on Erwin Road at its intersection with Sage Road subject to adequate right-of-way being available. Plans shall be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit.
  10. That a fire flow report demonstrating compliance with the requirements of the Design Manual be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and that an on-site flow test demonstrating actual flow be approved by the Town Manager prior to issuance of a Certificate of Occupancy.
  11. That a detailed grading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include provisions for protection of existing vegetation to be retained. Such provisions shall be in place prior to beginning of construction.
  12. That a phasing plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
  13. That the recreation facilities be available to all residents of the development.
  14. That a plat dedicating all easements and street rights-of-way including any off-site easements or rights-of-way necessary to serve the development be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit.
  15. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
  16. That the property owner bear the cost of any lawful assessments required by OWASA for maintenance of fire hydrants until such time as this responsibility is assumed by a homeowners association or a public entity.
  17. That plans showing the location and detailed design of dumpster pads and screening be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
  18. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.



19. That the public improvements for each phase be completed before a Building Permit is issued for the next phase.
20. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance permit for each phase.
21. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for each phase.
22. That a stubout be provided from the public loop road to the 3.5 acre lot to the west of the townhouse portion of the development. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
23. That the Articles of Incorporation and Bylaws of the Homeowner's Association be approved by the Town Manager prior to issuance of a Certificate of Occupancy.
24. That the apartment building closest to the western property line be rotated on a diagonal, according to the developer's revised plans, as presented to the Council, to obtain an increased setback from the property line.
25. That a hedge buffer and a minimum 6-foot tree buffer be provided along Erwin Road, said buffer to be approved by the Community Appearance Commission and the Town Manager.
26. If any of the above conditions shall be held invalid or void, then this permit shall be void and of no effect.
27. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with applicable provisions of the Chapel Hill Development Ordinance and regulations thereunder.
28. That construction begin by June 30, 1985 and be completed by June 30, 1989.

BE IT FURTHER RESOLVED that the Council hereby approves a Planned Development-Housing Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 11th day of June, 1984.

Lystra Woods, Phase II - Request For Preliminary Plat Approval

Mr. Jennings said the property is located on Fearington Road and is part of the previously-platted 9-lot subdivision. The problem with this particular part of this subdivision always has been the extent of road improvements to what is now called Zapada Lane which is a necessary access to a 21-acre plat in that area. The first time this project came to the Town, the Council approved 9 lots, and required road improvements. The applicant then decided to go with 2 lots, both of which have frontage on Old Lystra Road, and no road improvements. Although right-of-way dedication was required, the stipulation was put on it that if these lots were divided in any more than 2 lots, road improvements would be required. The applicant now wants to subdivide the 2 lots into 4 lots. The principal issue is that the applicant proposed a 20-foot ditch cross-section road, and staff recommends a 27-foot class B road with curb and gutter. The applicant opposes this recommendation. The Planning Board looked at whether the outer loop would be able to provide access to the land-locked properties, and they decided it would, but staff wants to assure dual access, and therefore continues to recommend road improvements.

Mr. Coppola said Mr. Kahl is not a developer, but a private individual who is proposing to subdivide his 2 lots to create a neighborhood around him, and he proposes to build a 20-foot state specification road. Mr. Coppola urged Council to approve this request for a number of reasons. He said the road will be more than adequate to serve the lots he proposes and that Mr. Kahl proposes no impediments to the road, so that a developer of the 21-acre tract could improve the road to a 60-foot right-of-way to access that property. He said Mr. Kahl should not have to spend 10's of thousands of dollars to subsidize a potential 21-acre development. He said the other question is: should 4 very small lots be taxed with the burden of building this excess road capacity. Mr. Coppola said Mr. Kahl will probably not build the excessive road to get approval for subdividing his lots. He said Mr. Kahl is being reasonable in what he proposes for this road; that it is a practical and conscionable request.

Town Manager Taylor said he would not classify these as small lots, and staff believes that the road should be improved to the standards they've recommended.

Roscoe Reeve reported for the Planning Board. The Planning Board supports the standards staff recommended for the road, and feels that this is one case in which it can clearly demonstrate reasons for upholding those standards.

Council Member Broadfoot said this request has come to Council three times: December 79 for 6 lots; March 83 for 2 lots; and January 84 for 4 lots. Mr. Kahl said the other requests were by different owners, that he is ready to begin building right away.

Council Member Broadfoot said some of this property can be further subdivided. He asked about the open space, and said it seems the Town is assuming the open space will stay as it is. Mr. Jennings said the open space is calculated on the potential number of units for the plat, not the actual number of lots. The ordinance allows one to recombine lots where there are two acres or less, and in no more than three lots.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 84-R-129.

Council Member Preston asked why the Planning Board thinks the 27-foot width is necessary. Mr. Reeve said this is a standard the Board holds for all requests. The potential rights-of-way are what we require in order to meet the demands of this project, and the potential development of surrounding property, which we could not ask the 21-acre developer to improve. That seems to put a burden upon this owner, who only wants the 4 lots, and yet is the standard that ought to be applied to this area for the full development of the area. These standards apply particularly in the relationship between this and its access to Old Lystra Road, and what will probably be the first access to the 21-acre property. This then becomes a burden upon the owner to decide whether he wishes to develop his property, to keep it the way it is, or even to combine it to larger lots. If the area is to develop to the size he proposes here, and his neighbor were to do the same, this size road would be necessary in order to maintain an adequate movement of traffic onto Old Lystra Road.

Mayor Nassif asked where the water will go. Mr. Reeve said it would flow laterally to the end of the property, then fall off. Mayor Nassif said the Town never requires that the run-off water be channeled properly, that it is released at the edges of property, and then erodes ditches. He said maybe the developer can put in drainage channels, which would be environmentally better. He said perhaps this is a compromise that can be reached with the owner, that the street wouldn't have to be 27 feet, because that includes back-to-back curb, but it could be a distance that would handle the traffic and permit the shoulders and the drainage ditches to work for us.

Council Member Boulton asked if the Planning Board would not recommend a traffic street narrower than 27 feet because of the potential traffic on the street. Mr. Reeve said that is correct.

Mayor Nassif said he thinks a compromise can be made. Town Manager Taylor said neither of the other developers have come forth with any proposals for development.

11

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO AMEND THE MOTION TO CHANGE STIPULATION #1 IN RESOLUTION 84-R-129 BY ADDING THE SENTENCE: IF THE DEVELOPER CAN DEMONSTRATE TO THE MANAGER'S SATISFACTION THAT A ROAD DESIGN DIFFERENT FROM THAT STIPULATED WOULD ACHIEVE THE TOWN'S OBJECTIVES, THAT THE MANAGER IS AUTHORIZED TO SUBMIT SUCH REQUEST TO THE COUNCIL. SUCH REQUEST SHALL NOT CONSTITUTE A MODIFICATION OF THE SPECIAL USE PERMIT.

THE MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

The adopted Resolution, as amended, is as follows.

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR LYSTRA WOODS, PHASE II (84-R-129)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary plat dated March 26, 1984 for Lystra Woods, Phase II located on property identified as Chapel Hill Township Tax Map 126, Block B, Lots 4, 4D, and 4E, subject to the following:

1. That Zapata Lane be improved to Class B standards (27' width with curb and gutter) with a temporary turn-around and a sign indicating its potential future extension. Plans shall be approved by the Town Manager prior to approval of the final plat. If the applicant can demonstrate to the Manager's satisfaction that a road design different from that stipulated would achieve the Town's objectives, the Manager is authorized to approve said request.
2. That utility easements as required by OWASA and the Town Manager be shown on the final plat.

This the 11th day of June, 1984.

Development Ordinance - Amendments To Land Use Intensity Ratios

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-O-43)

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 Subsection 5.11.1 (Schedule of Intensity Regulations for Use Group A) to read as on the attached table.

SECTION II

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

This the 11th day of June, 1984.

THE MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION.

12

A RESOLUTION EXTENDING THE TIME PERIOD FOR THE MANAGER'S REPORT TO COUNCIL ON CHANGES TO THE LAND USE INTENSITY RATIOS FOR R-4 DISTRICTS, AND NONCONFORMITY PROVISIONS (84-R-130)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the time period for the Manager's report to Council on nonconformity provisions to August 27, 1984.

This the 11th day of June, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Re An Ordinance Rezoning 6 Properties From R-4 To R-6:

Town Manager Taylor said he recommends denial of this ordinance because the action Council took on the land use intensity ratio causes several properties to be non-conforming. He said staff wants to address the entire issue of non-conformity. At this time two large plats are non-conforming by about 3%, and the plats on McCauley Street are non-conforming to a maximum of about 14%. If they are rezoned to R-6, additional floor area ratio of up to approximately 37% will be allowable for the large plats. Staff doesn't feel that is what Council intends, and thinks a better approach is to deny this at this time, look at the non-conforming issue; and if we cannot solve it another way, then Council may wish to reconsider.

Council Member Boulton asked if Council could take no action. Mayor Nassif said the Attorney has said Council should take action on all things that come before Council.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE FOLLOWING RESOLUTION.

A RESOLUTION DENYING ZONING ATLAS AMENDMENTS (84-R-131)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the following Zoning Atlas amendments from R-4 to R-6, as heard at the Council's hearing on May 23:

#### SECTION I

The property identified as Chapel Hill Township Tax Map 87, Block A, Lot 6 (Georgetown Row), located on the north side of McCauley Street and containing 0.53 acre and one-half of the adjoining right-of-way of McCauley Street.

#### SECTION II

The property identified as Chapel Hill Township Tax Map 87, Block B, Lot 10, located on the north side of McCauley Street, and containing 0.29 acre and one-half of the adjoining right-of-way of McCauley Street.

#### SECTION III

The property identified as Chapel Hill Township Tax Map 87, Block E, Lot 5, located on the south side of McCauley Street, and containing 0.28 acre and one-half of the adjoining right-of-way of McCauley Street.

#### SECTION IV

The property identified as Chapel Hill Township Tax Map 87, Block F, Lot 3 (McCauley Place Townhouses), located on the south side of McCauley Street, and containing one-half of the adjoining right-of-way of McCauley Street.

The property identified as Chapel Hill Township Tax Map 66, Lot 2 (Finley Forest), located on the west side of Barbee Chapel Road, and containing 38.33 acres.

## SECTION VI

The property identified as Chapel Hill Township Tax Map 27, Block A, Lot 9 (Foxcroft Apartments), located on the north side of U.S. 15-501 and containing 21.12 acres, and one-half of the adjoining rights-of-way of U.S. 15-501 and Old Oxford Road.

## SECTION VII

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

This the 11th day of June, 1984.

THE MOTION CARRIED UNANIMOUSLY.

Road Improvements In Connection

Mayor Nassif said this issue continues to come up, especially on collector street and major thoroughfares. That for the most part these are roads the State would widen. He said he doesn't disagree with requiring right-of-way from developers, but the traffic on these roads are not generated only by these projects, nor do the projects add a significant percentage of traffic on the roads. The traffic is coming from out of town and through town, and movement all around town. He said he thinks the Town should adopt policies that are different for major thoroughfares and collector streets. That we should wait for the State to build these major streets. He said major collector streets on the Thoroughfare Plan would be improved by the State, and that the Department of Transportation has done less for Chapel Hill over the years because our streets are not in poor condition, and that is because we require developers to improve them.

Council Member Kawalec said she is concerned about how to define these different levels of streets; and that there is an inequity in requiring a developer to build a new section of road, but not require the developer on an already-established section of road to pay for it. She said she feels there are some major equity questions involved in this issue. She said she thinks the biggest problem Chapel Hill will face is that these roads will simply not be built. This policy would place, to a certain extent, the cost of the growth of the community on the citizens who are already here. Ms. Kawalec said she thinks Council should be aware that is what it would be doing, and be sure that is what Council wants to accomplish--rather than having citizens moving into Chapel Hill pay the cost of moving in.

Council Member Smith pointed out that 'the squeaky wheel gets the grease'; that Chapel Hill should tell the State to build the roads.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THIS MATTER TO THE MANAGER FOR STUDY AND RECOMMENDATION BACK TO THE COUNCIL.

Council Member Thorpe said he agreed with the Mayor, that we do things the State should be doing.

Council Member Broadfoot said this does need to be looked at. He requested that the Manager identify the various classes and definitions of roads in Chapel Hill, then specify which ones, by definitions, we should or should not require a developer to improve.

Town Manager Taylor said he understands the Council is requesting the staff to do a report with pros and cons and recommendations for a policy position by the Council, and to do this by classification of streets.

THE MOTION CARRIED UNANIMOUSLY.

Parking Facility - Tentative Selection of Rosemary Square Proposal for Negotiation Purposes

Mr. Henry Whitfield said this development is using town land, deviates from anything done before, and involves a great expenditure of money by the Town. The traffic congestion problems are going to be hard to solve, and will affect the safety and convenience of the entire

population for that reason, because in order for the population to get through Town, they must travel either on Rosemary or Franklin Street. He said this project could cause property owners to tear down buildings and re-build, and ask the Town to provide parking. That would change the facade of that block of Town. In order to support the new project, Chapel Hill will have to look for a tourist business, which is not in line with our heritage. If the project is viewed by voters as good for Chapel Hill, there would be no problem receiving the necessary expenditures by having a referendum at the fall election. He asked that Council make no further expenditure of funds or make commitments to development until it has been explored as to what the people of Chapel Hill think of the project.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 84-R-132.

Council Member Broadfoot said he feels the Town has no experience with this, there is no way we can start to talk about the financing, there is no way the Fraser Company can respond to any changes in design and construction that we would ask unless they know what the split is and how it will work.

COUNCIL MEMBER BROADFOOT OFFERED A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER SMITH, TO DELAY CONSIDERATION OF THIS ITEM UNTIL COUNCIL HAS IN HAND THE FINANCIAL CONSULTANT'S REPORT.

Council Member Kawalec asked the Town Manager to comment. Town Manager Taylor said staff has had one very preliminary meeting with some of the officials of the Fraser Company to let them know the sentiment of the Council's work session, and that this matter would be on the Agenda tonight. At that time we informed them that the first order of business we would have with them, if Council approves the recommended action before it, would be to talk about a general schedule and a general outline of things that had to be done. Number one on that list is the financial data and financial information that Mr. Broadfoot is talking about. We see us needing this resolution adopted by Council so that we know we are talking to the people Council wants us to talk to, before we start asking for financial information. We must hire consultants to help us analyze all the proformers, and that will be a continuing thing. He said as design and other issues come up, as Council comes up with a design, and there is a mix of uses; as all these mixes change during deliberation, proformers come out every time, and those must be analyzed. We must hire a consultant to help us with this, pending Council's action on this matter. He said a delay would mean a delay of work.

Council Member Broadfoot said the information he wants in hand is: what it is we would charge them, and how would we work out this inter-relationship. Mayor Nassif said first we have to know what their proformer is and what their financial statements are; you can't even relate that to anything until you have a project before you. You have to know a relationship between what we're proposing to put there, as to what that land is to be worth.

Council Member Boulton said she wants to assure Council that we're getting these consultants, we're not going to make a move before we talk to the consultants, and we will not make a binding decision without coming back to Council.

Council Member Thorpe said he would like to ask that the committee that has worked on this so far to continue to work, and that the Mayor be the spearhead of that group, rather than to just limiting the work to the staff, who have put in so much work on it already. Mayor Nassif said he has no objections to that.

THE SUBSTITUTE MOTION FAILED TO CARRY (7 to 2) WITH COUNCIL MEMBERS BROADFOOT AND SMITH VOTING FOR THE MOTION, AND COUNCIL MEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, PRESTON, AND THORPE, AND MAYOR NASSIF VOTING AGAINST THE MOTION.

THE ORIGINAL MOTION CARRIED UNANIMOUSLY. (9 to 0) The resolution was adopted as follows.

A RESOLUTION AUTHORIZING NEGOTIATION OF TERMS WITH THE FRASER COMPANY FOR A JOINT PUBLIC PARKING/PRIVATE DEVELOPMENT PROJECT IN THE TOWN CENTER (84-R-132)

WHEREAS, the Council of the Town of Chapel Hill issued in November, 1983 a Request for Proposals for development of short-term public parking along with additional uses on Municipal Lot #1; and

WHEREAS, three responsive proposals were received by the deadline of March 1, 1984; and

WHEREAS, the Council has held a public hearing to hear comments on these three proposals and has held two work sessions to discuss them; and

WHEREAS, the Council considers that, although all three proposals are responsive to the published Request for Proposals, none of the three should be accepted in exactly the form presented; and

WHEREAS, the Council considers it most appropriate to ask for redesigning and reconsideration of proposals from one potential developer at a time;

WHEREAS, Council has reached a consensus at its May 30 work session regarding concerns and issues to be resolved in the negotiations;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Mayor and Town Manager to negotiate terms with the Fraser Company for the financing, design, construction, and operation of its Rosemary Square proposal for a joint public parking/private development project on Town-owned property in the Town Center (Tax Map 80A, Lot 10, and the northern part of Lot 12).

BE IT FURTHER RESOLVED that this authorization shall be valid for a period of 90 days from the date of passage of this resolution, or for such further time period consented to by the Fraser Company and Council, and that a draft agreement be submitted to Council.

This the 11th day of June, 1984.

Council Member Pasquini left the meeting.

Data Processing Services - Proposal to Contract With Orange County

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION.

A RESOLUTION AUTHORIZING THE MANAGER TO SIGN AN AGREEMENT WITH ORANGE COUNTY TO PROVIDE DATA PROCESSING SERVICES TO THE TOWN (84-R-133)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and hereby authorizes, the Town Manager to enter into a 5-year agreement with Orange County for data processing equipment and support services as described in the Town Manager's report dated June 11, 1984, a copy of which shall be retained with the records of this meeting.

This the 11th day of June, 1984.

THE MOTION CARRIED UNANIMOUSLY. (8 to 0)

## Legislative Matters

Council Member Howes reported on legislative issues being considered by the General Assembly. He said the municipal rights-of-way item arises out of the State's proposal to replace the present bridge from Atlantic Beach to Morehead City, and in so doing they will take over some of the city street without the consent of Morehead City. The League has opposed this takeover, or the statute that would be passed to enable this takeover, because it feels a very serious precedent would be set by passage of the legislation. This would allow the State to claim any of our roads, take them over, and improve them to any extent they wish, which really violates the whole spirit in which Municipal Thoroughfare Planning has been done in this state over the years. He said he thinks it is likely to pass, so the League has taken a very strong position against it.

Council Member Howes said the truck weight regulations issue arises because of a law passed by Congress, which would make many municipally-owned trucks illegal on Federal highways. This basically asks for a grandfathering provision to allow local governments to adjust to this over a long period of time.

He said Council has passed a resolution, and sent it to Chapel Hill's legislative delegation, about the Clean Detergent Bill. He said the League board, by a very close vote, took the position that it would seek postponement of any action on this in this short session. This was largely on the recommendation of the staff of the League, which feels that to open this issue in short session will open all kinds of issues relating to municipal waste water. He said he thinks it is most unlikely that the Legislature will act on this piece of legislation in this session.

Council Member Howes said the Law Enforcement Officers' Retirement System merger with Local Government Employees' Retirement System is a complex issue which has implications for Chapel Hill. Town Manager Taylor said Council has discussed how the LEO system should be funded. This bill would consolidate the law enforcement system with the system that other town employees belong to. He said the the problem with this is that it will cost the Local Government system about \$15,000,000 of its reserve funds to have the LEO system merged. He said the same system would provide retirement benefits vastly different for law enforcement employees than for other employees. Also, the Town would be responsible for paying for all of its employees. At the present time, the law enforcement system is primarily funded through state appropriations and court fees. This bill proposes that the state appropriations and the court fees would go to fund a supplemental system for law enforcement officers. The League discussed this at length, and they took the position that they should oppose this bill. They are not opposed to any city paying their fair share for its employees, but they are opposed to the change coming at this time. The change is proposed for January 1985, which is mid-year; no municipality has had notice or the opportunity to budget accordingly. The League is opposed to the change costing the existing system \$15,000,000 of the reserve fund. Mr. Taylor said staff hopes to at least get the effective date of the bill changed, if it will require substantial expenditures by the Town.

Council Member Broadfoot said he hopes the League will try to get a merger of the retirement systems, maybe get \$15,000,000 in appropriation, and eliminate this absolutely unwarranted difference in retirement benefits between law enforcement employees and those who aren't. Council Member Howes said he thinks that is the position the League is taking; however, the problem has always been the money issue. He said the law enforcement people have seen that they have a good deal going, and they don't want to see it changes.

Council Member Broadfoot said Chapel Hill's trucks, at any given weight, would do as much damage as anybody's trucks would. Town Manager Taylor said this move would allow Chapel Hill time so that the Town doesn't have to retrofit all the existing trucks with different axles immediately; that as we replace trucks, they will be purchased with the dual axles so they meet the weight limits.

Council Member Pasquini returned to the meeting.



Council Member Pasquini asked if the League will support intangibles tax. Council Member Howes said the League doesn't take a position on the intangibles tax, but objects to any repeal of any tax unless replacement revenue is provided; and this is a significant amount of revenue for this town and every other municipality in the state.

Council Member Boulton asked if Council Member Howes thinks the hotel/motel legislation will pass. Council Member Howes said he thinks there is a good chance the enabling legislation will pass.

#### Nominations for Various Advisory Boards

For the Board of Adjustment, the Council placed the following names in nomination for 4 vacancies.

Ed Bowen (Broadfoot)  
Russell McCormick (Broadfoot)  
Marsha Herman-Giddens (Kawalec)

For the Appearance Commission, the Council placed the following names in nomination for 2 vacancies.

Jon Condoret (Kawalec)  
Charles Nelson (Broadfoot)  
Karen Davidson (Boulton)  
David Woodley (Boulton)  
Donald Shaw (Preston)

For the Human Services Advisory Board, the Council placed the following names in nomination for 3 vacancies.

Paul Morris (INC. Council)  
Welbon DeLon (Council)  
Mary Jane Burns (Council)  
Lyman S. Ford (Council)  
Dorothy Gamble (Council)  
Nick Holland (Broadfoot)

For the Library Board of Trustees, the Council placed the following names in nomination for 2 vacancies.

Kenneth S. Brown (Council)  
Michael R. McVaugh (Council)  
Margaret Siefert (Preston)  
Joe Herzenbert (Thorpe)

For the OWASA Board, the Council placed the following names in nomination for 1 vacancy.

Betty Sanders (INC. Council)  
Bob Peck (Broadfoot)  
Betty White (Nassif)  
Roy Carroll (Nassif)

For the Parks & Recreation Commission, the Council placed the following names in nomination for 4 vacancies.

Mattie Arrington (Council)  
Olga Morrison (Council)  
William Haflett (Council)  
Stuart Nelson (Council)

For the Personnel Appeals Committee, the Council placed the following names in nomination for 1 vacancy.

Jake Wicker (Council)  
Donald S. Patterson (Council)  
Norman Block (Pasquini)

For the Planning Board, Council placed the following names in nomination for 2 vacancies.

Mae McLendon (INC. Council)  
Al Rimer (Council)  
Aarne Vesilind (Council)  
Phil Schinan (Broadfoot)

For the Transportation Board, Council placed the following names in nomination for 3 vacancies.

Jack Evans (INC. Council)  
Don Thomson (INC. Council)  
Carol Mead (Council)  
Albert Wurth (Council)  
Richard Palmer (Pasquini)

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO DELAY APPOINTMENTS UNTIL JULY 2.

THE MOTION CARRIED UNANIMOUSLY.

Executive Session

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADJOURN TO EXECUTIVE SESSION.

THE MOTION CARRIED UNANIMOUSLY.

---

Joseph L. Nassif, Mayor

---

Robin G. Rankin, Deputy Town Clerk