

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, AUGUST 27, 1984, 7:30 P.M.

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

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

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

Presentation of Certificates

Mayor Nassif presented Certificates of Appointment to the following recent appointees to Town boards and commissions:

Olga Morrison and Gertrude London - Parks and Recreation Commission.  
Joe Herzenberg - Library Board of Trustees  
Charlie Nelson and Grace Wagoner - Appearance Commission  
Lyman Ford - Human Services Advisory Board

Certificates will be mailed to the following:

Don Thompson, Carol Mead and Albert Wurth - Transportation Board  
Stuart Nelson and Mattie Arrington - Parks and Recreation Commission  
Marcia Herman-Giddens and Johnnie L. Peace, Sr. - Board of Adjustment  
Jake Wicker - Personnel Appeals Committee  
Aarne Veslind and Mae McLendon - Planning Board  
Margaret Siefert - Library Board of Trustees  
Jon Condoret and Donald Shaw - Appearance Commission  
Mary Jane Burns and Paul Morris - Human Services Advisory Board

Mayor Nassif and the Council congratulated and welcomed each of the new members and expressed Council's appreciation to them for agreeing to serve.

Petitions

Mr. Robert Page, representing the developers of the proposed Commons at Woodlyn, requested that Council withdraw Agenda item #4; Consideration for a Special Use Permit for the Commons at Woodlyn. Mr. Page indicated that he wished this item to be withdrawn since it did not appear that there was a consensus among the Council or the residents as to the appropriateness of the proposal.

Council Member Broadfoot stated although he did not oppose the idea to withdraw the item, he felt the Council should have an opportunity to discuss the matter at the appropriate time on the agenda.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO APPROVE THE PETITION REMOVING ITEM #4 FROM THE AGENDA OF AUGUST 27, 1984.

Council Member Smith asked if the proposed project would come back to Council as currently designed. Mr. Page responded that it would not. Council Member Pasquini requested that the Manager, upon resubmittal of the project, place the item on a public hearing schedule, because significant changes will have occurred. Council Member Pasquini stated that he would not be interested in the item coming back directly to the Council for a third time.

Mayor Nassif asked Town Attorney Barrett if it were up to Council to determine if the item ought to go before a public hearing if resubmitted.

Attorney Barrett responded yes, the item would come back before the Council with a staff recommendation and Council would determine if the project would be rescheduled for a public hearing.

Council Member Broadfoot said that he would withdraw his interest in speaking about the project at the time when it was scheduled to appear on the agenda because he felt it would be unfair for the Council to vote the project down, thus, restricting the project to be considered again for one year.

THE MOTION CARRIED UNANIMOUSLY.

Town Attorney Grainger Barrett introduced Richard Sharpless to the Council. Mr. Sharpless recently joined the staff as a part-time legal assistant. The Mayor and Council welcomed Mr. Sharpless to the Town.

Minutes of June 25, 1984

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE JUNE 25, 1984 MINUTES AS AMENDED.

Minutes of July 2, 1984

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT THE JULY 2, 1984 MINUTES AS AMENDED.

Commons at Woodlyn - Request for a Planned Development-Housing Special Use Permit

The item was withdrawn from the Agenda at the request of the developer and the request was approved by unanimous vote of the Council. (See discussion under Petitions.)

Amendments to the Development Ordinance - Request to Extend Staff Reports

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 84-R-167.

Council Member Kawalec stated that although she was not opposed to the request to extend the staff reports, she felt a number of the proposed amendments had been under consideration for considerable time and it may be appropriate to act upon some of them prior to a report of the Growth Management Task Force.

Council Member Broadfoot said that it appears that Council has difficulty getting items it wishes to consider on the agenda because developers put their items on the agenda first and the changes that Council may wish to make would affect developments.

Town Attorney Grainger Barrett, responding to the inquiries from Council about the delay of these reports, indicated that he had requested Council allow him time over the summer to do detailed legal research on many of these issues. As a result of this research, he found that new ordinances or regulations adopted by Council would not necessarily be decided based upon the overall Development Ordinance, but on its application to individual parcels of land. Attorney Barrett said he asked staff to take a look at the individual characteristics of some of the parcels that could be affected; for instance, pertaining to floodplain regulations. At the time of his request, the Planning Department was understaffed.

Council Member Kawalec said she felt the reasons Town Attorney Barrett gave were, in her opinion, more reasonable for extending the staff reports rather than merely awaiting the report from the Growth Management Task Force.

THE MOTION CARRIED UNANIMOUSLY.

A RESOLUTION SCHEDULING REPORTS FROM THE MANAGER ON ITEMS RELATED TO LAND USE ISSUES (84-R-167)

BE IT RESOLVED by the Council of the Town of Chapel Hill that in accord with Section 19.3.6 of the Development Ordinance, the Council hereby extends the period for the Manager's reports on the following topics, to the regular Council meeting falling 30 days after the report of the Growth Management Task Force is presented:

- N.C. 54 rezoning proposal (from R-4 to R-1)
- buffers and screens
- nonconformities in the R-4 zone caused by Development Ordinance text amendments
- development review procedures and status of infrastructure
- floodplain development regulations
- starting and ending dates on Special Use Permits
- limit on length of public hearing agendas

This the 27th day of August, 1984.

Density - Adding the Definition to the Development Ordinance

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE (84-0-57).

Council Member Broadfoot said he requested a definition of density be added to the Development Ordinance since the term appeared on page one of the Ordinance.

THE MOTION CARRIED UNANIMOUSLY.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (84-0-57)

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

SECTION I

DELETE Section 18.76 (Reserved) and RENUMBER Sections 18.31 - 18.75 to 18.32 - 18.76.

SECTION II

INSERT new Section 18.31 to read as follows:

18.31 Density: The average number of families, persons, or housing units per acre of land.

SECTION III

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

This the 27th day of August, 1984.

Board and Commissions - Procedures

Council Member Kawalec reported that a discussion of procedures for Town Boards and Commissions was held at the June 25 meeting. At that meeting it was suggested the Council consider holding a work session on the item in the fall. Ms. Kawalec said a number of Council Members have since related to her that they do not feel it is necessary to have a work session on this item. She said she would agree that a work session is

not necessary, because the report on June 25 suggested minor clarifications in procedures for working with Town advisory boards and commissions.

Council Member Howes said he perceived no reason for a work session. He said he feels boards and commissions need to meet with Council from time to time and discuss issues of mutual interest.

Council Member Kawalec said the report presented to Council on June 25 indicated a desire for an annual meeting with each board or commission.

Council Member Broadfoot agreed that an annual meeting with boards and commissions should be held; however, he felt the meeting should occur during a council work session and not sandwiched within a regular meeting. Council Member Boulton said she agreed, that there was no need for a work session and that the report with suggested changes ought to be scheduled again on a future regular meeting agenda. Council Member Smith said he felt boards and commissions ought not to appear before Council during annual budget consideration, but relay their comments and opinions on department budgets through the Manager. Council Member Thorpe said he felt it was very important that people sit down with the new members of the advisory boards and commissions and answer their questions so that they may better understand their role.

Council Member Kawalec said she would meet with the Manager to place discussion of the item on a future council agenda.

Transportation Improvements - Consideration of Priorities by the  
Transportation Advisory Committee for the Durham Urban Area

Mayor Nassif summarized a listing of priorities of road improvements tentatively approved in June by the Transportation Advisory Committee for the Durham Urbanized area. Mayor Nassif is the town's representative on this committee. Mayor Nassif indicated that he amended a motion by committee members to approve the priority listing, subject to approval of all representative governing boards since there were slight differences in the priority from what Council had recommended earlier. He pointed out that improvements to the 15-501/54 Bypass was listed as the top priority.

Council Member Smith asked if the extension of NC 54 from the Durham County line to Interstate 40 was included in this listing of priorities. Mayor Nassif said they were not; however, that improvement was part of the interstate system and would be completed. Council Member Smith said he hoped the Town would consider the entire length of Merritt Mill Road for improvements since the Town Council had earlier indicated that this was a high priority.

Council Member Thorpe indicated that he would like to commend Mayor Nassif for the fine job he did in handling the Thoroughfare Plan with State Department of Transportation officials. Mayor Nassif responded that he appreciated Mr. Thorpe's praise and said that he felt a great deal of credit should go to Representative Anne Barnes, who played a crucial role in advocating Chapel Hill's position with the Department of Transportation. Mayor Nassif asked each Council Member to consider thanking Representative Barnes for her hard work and efforts on their behalf.

Council Member Boulton asked if the priority listing report was something that the Town would be receiving all the time now. She said she had not seen one previously and was not aware of all the streets listed throughout the urbanized area. Mayor Nassif responded that this was an initial attempt on the part of the Transportation Advisory Committee and he felt it was well done.

Council Member Kawalec indicated that she was glad to see this type of priority listing; however, she did not feel comfortable with the indicated improvements to frontage roads along the 15-501 Bypass. She said she was not sure the Council had sufficiently discussed the implications of improving frontage roads.

Town Manager Taylor said the Council had not discussed frontage road improvements in detail and that further discussions and study could be held during next year's revisions to the Transportation Improvement Program. Council Member Kawalec indicated that would be a good idea and agreeable to her.

Council Member Preston asked how the proposed one-way pairing of South Columbia and Pittsboro Streets would work. Mayor Nassif summarized proposed traffic movements in that area.

COUNCIL MEMBER BROADFOOT MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION (84-R-168).

THE MOTION CARRIED UNANIMOUSLY.

A RESOLUTION REGARDING PRIORITIES FOR TRANSPORTATION IMPROVEMENTS (84-R- )

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby endorses the transportation improvement priorities as approved by the Durham - Chapel Hill - Carrboro Transportation Advisory Committee on June 20, 1984.

This the 27th day of August, 1984.

Budget and Capital Improvement Plan Schedule - for 1985-86 Operating Budget and 1985-90 Capital Improvement Plan

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT RESOLUTION (84-R-169).

THE MOTION CARRIED UNANIMOUSLY.

A RESOLUTION REGARDING THE PROCESS FOR DEVELOPING THE 1985-86 BUDGET AND 1985-90 CAPITAL IMPROVEMENT PLAN (84-R-169)

BE IT RESOLVED by the Chapel Hill Town Council that the Council adopts the following timetable for developing the 1985-86 Budget and 1985-90 Capital Improvement Plan:

<u>DATE</u>	<u>BUDGET</u>	<u>CIP</u>
Monday, October 1		Public Forum held by Council for citizens' requests, suggestions, comments
Monday, November 12 (at beginning of Regular Meeting)	Public Forum for comments/requests re 1985-86 Budget	Manager's Preliminary CIP submitted to Council and referred to Advisory Boards
Tuesday, November 20	HSAB's Annual Community Needs Forum	
Monday, January 7		Public Forum for citizens' comments and advisory board recommendations on Preliminary CIP; and Work Session re priorities, funding methods
Monday, January 14 (after Regular Meeting)	Work Session; informal direction to Manager re Budget Goals	

Monday, January 28 (at beginning of Regular Meeting)	HSAB presents report on HS Needs to Council	
(after Regular Meeting)	Additional Work Session if necessary	
Monday, March 11	Interim Budget Report to Council	Manager's Recommended CIP to Council
		Consideration of CIP by Council
Monday, March 25 (Regular Meeting)	Public Forum on Interim Budget Report	
Monday, April 22 (Regular Meeting)	Manager submits Recommended Budget to Council	
Monday, May 13 (Regular Meeting)	Public Hearing on Recommended Budget	
	HSAB makes recommendations on contracting for services	
Tuesday, May 28 (Regular Meeting)	Budget Adoption	
Monday, July 8	Publication of Adopted Budget	

(HSAB = HUMAN SERVICES ADVISORY BOARD)

#### Annual Reports

Council Member Preston, who serves as Council Liaison to the Joint Orange-Chatham Community Action Agency presented 1983-84 statistics on that agency's operations. Council Member Preston provided Council with statistics on the agency's housing assistance, housing rehabilitation, referral, weatherization, training, employment opportunities and nutrition programs.

Council Member Broadfoot serves as the Council's Liaison to the Orange County Human Services Advisory Commission. He reported to the Council that Mr. Keith Aldridge, formerly associated with the Interfaith Council, had left his position and had been replaced by Mr. Chris Moran. Mr. Aldridge served on the Human Services Advisory Commission. Mr. Moran will not serve on the Commission; however, the Interfaith Council representative will be Peg Politzer. Council Member Boulton asked Council Member Broadfoot to distinguish between the Interchurch Housing Cooperation and the Interfaith Council.

Council Member Howes serving as Council Liaison to the Triangle J Council of Governments reminded Council Members that 1984 is the 25th anniversary of Triangle J COG and its predecessor the Research Triangle Regional Planning Commission. The anniversary will be celebrated at the organizations's annual dinner on September 26 at the McKimmon Center in Raleigh. Keynote Speaker will be Mr. James Summers, Secretary of the North Carolina Department of Natural Resources and Community Development.

Council Member Howes also provided Council Members with an update on the status of Cable TV legislation, the issue of anti-trust immunity and the recent recommendation of the board of the North Carolina League of Municipalities favoring a reduction in the majority of affirmative votes needed of a council in cases of zoning protest petitions.

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Council Member Kawalec reported to the Council as a member of the N.C. League Economic Development Committee, that she had been asked to participate in a strategic planning workshop which will be held on September 5. She reported she had asked some members of the Council and staff to participate in this conference with her.

Town Manager David Taylor highlighted his annual report to the Town Council. Town Manager Taylor indicated that the previous fiscal year had been a busy and rewarding one for the staff. He cited accomplishments in the areas of Joint Planning, Thoroughfare Planning, purchasing of a major portion of Parking Lot #2, negotiations for a public-private development on Parking Lot #1, Growth Management, financial stability of the town, implementation of the Management Audit and the implementation of an approved public information program.

Mayor Nassif expressed his concern over the reported annual percentage of employee turnover, most notably within the Police Department. He requested staff develop specific means to cope with turnover so that the staff and Council could fully understand its implications and asked staff to present a plan to the Council in the next operating budget.

Council Member Boulton said she felt that Council would be interested in knowing how many years of service employees had when they terminated from the Town. She also felt it would be interesting to know if Chapel Hill's turnover within the Police Department was high in comparison with other communities. Town Manager David Taylor responded that the staff is also concerned with the level of turnover and would be working on presenting a specific plan of action to the Council.

#### Consent Agenda

Council Member Pasquini requested that item d. be removed from the Consent Agenda. Council Member Thorpe requested that item e. be removed. Council Member Howes asked item j. be withdrawn from the Consent Agenda.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT RESOLUTION (84-R-170) except for items d, e, and j.

THE MOTION CARRIED UNANIMOUSLY.

The Consent Agenda Resolution, and the resolutions and ordinances adopted thereby, were adopted as follows:

#### A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND ORDINANCES (84-R-170)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Manager:

- a. Certificate of Completion of projects funded from 1981 Community Development (CD) grant. (84-R-171)
- b. Amendment of CD project ordinance. (84-O-58)
- c. (Deleted)
- f. Budgetment amendment for additional funding of Law Enforcement Officers (LEO) retirement system due to reduced State funding (\$44,353). (84-O-59)
- g. Award of contract for sale of surplus scrap metal. (84-R-175)
- h. Award of contract for sanitation trucks. (84-R-176)
- i. Authorization to apply for additional grant funding of transit planning. (84-R-177)

This the 27th day of August, 1984.

/A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT A CERTIFICATE OF COMPLETION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE 1981 COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM GRANT (B-81-DS-37-0006) (84-R-171)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to submit a Certificate of Completion to the U.S. Department of Housing and Urban Development (HUD) for the 1981 Community Development Block Grant Small Cities Program of the Town of Chapel Hill, and to provide any additional information or to execute any additional documentation that may be requested by HUD.

This the 27th day of August, 1984.

/AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM ORDINANCE" (84-O-58)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 3. Reflect the following increase in revenues:

<u>Source</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
CD Small Cities	2,106,734	2,012	-	2,108,746

Section 4. Reflect the following increases and decreases in appropriations to activities:

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year Revised</u>
Acquisition of Real Property	\$465,426		51,562	413,864	144,918
Disposition of Real Property	4,590		3,625	965	275
Public Facilities and Improvements	507,279	85,642		592,921	150,492
Clearance Activities	30,167		1,793	28,374	15,477
Relocation Payments and Assistance	131,980		13,057	118,923	9,128
Rehabilitation and Preservation	758,552		4,553	753,999	309,947
General Administration	206,090		6,390	199,700	71,775
Non-Departmental	2,650		2,650		
TOTAL	\$2,106,734	85,642	83,630	2,108,746	702,012

This the 27th day of August, 1984.



AN ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE  
FOR THE FISCAL YEAR BEGINNING JULY, 1984 (84-0-59)

SECTION I

BE IT ORDAINED by the Council of the Town of Chapel Hill, the following appropriations are hereby made:

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Police				
Administration	237,808	2,926		240,734
Support Services	257,532	3,000		260,532
Patrol	1,330,500	32,147		1,362,647
Detectives	274,985	6,280		281,265

SECTION II

Revenues

Appropriated Fund Balance	550,000	44,353	594,353
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This the 27th day of August, 1984.

A RESOLUTION CONCERNING THE SALE OF SURPLUS SCRAP METAL (84-R-175)

WHEREAS, the Town of Chapel Hill has solicited by legal notice on July 18, 1984 for the sale of surplus scrap metal formal bids and the following bids have been received and opened on August 7, 1984:

<u>Item</u>	<u>Barker's Auto Salvage</u>	<u>Donald Rountree</u>
5000 lbs. Scrap Metal	\$22.00/Ton	\$10.00/Ton

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Barker's Auto Salvage in the amount of \$22.00/Ton for surplus scrap metal.

This the 27th day of August, 1984.

A RESOLUTION ACCEPTING BIDS FOR TWO (2) CAB AND CHASSIS WITH REAR-LOAD PACKER BODIES (84-R-176)

WHEREAS the Town of Chapel Hill has solicited by legal notice on July 15, 1984 formal bids for two (2) cab and chassis with rear-load packer bodies and the following bids have been received and opened on August 7, 1984:

<u>Company</u>	<u>Two Cab &amp; Chassis</u>	<u>Two Rear-Load Packer Body</u>	<u>Installation Included in Body Price</u>	<u>Total Bid</u>
Carolina Waste Equipment Amlet	\$61,422.00	\$36,850.00	Included in Body Price	\$98,272.00
BCO, Inc. Raleigh	No Bid	\$28,718.00	Included in Body Price	\$28,718.00
Nauey Carolina Trucks Charlotte	\$73,632.00	No Bid	No Bid	\$73,632.00
Quality Equipment and Supply Charlotte	No Bid	\$29,396.00	Included in Bid Price	\$29,396.00
John Robbins Motors Greensboro	\$69,964.00	No Bid	No Bid	\$69,964.00
Sanco, Corp. Winston-Salem	No Bid	\$27,228.00	Included in Bid Price	\$27,228.00

Worth-Keeter, Inc.  
Charlotte

No Bid	\$27,154.00	\$1,020.00	\$28,174.00
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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects the bid of Carolina Waste Equipment as for two cab and chassis as non-responsive and accepts the bid of John Robbins Motor Co., for two cab and chassis in the amount of \$69,964.00 and further rejects the bid of Sanco Corp., for two rear-load packer bodies (including installation) as non-responsive and accepts the bid of Worth-Keeter Inc. for two rear-load packer bodies (including installation) in the amount of \$28,174.00.

This the 27th day of August, 1984.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PLANNING GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (84-R-177)

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant; including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of applications for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. That the Town Manager is authorized to execute and file an application on behalf of the Town of Chapel Hill with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of planning projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended.
2. That the Town Manager is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation or the North Carolina Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Town Manager is authorized to furnish such additional information as the U.S. Department of Transportation or the North Carolina Department of Transportation may require in connection with the applications for the projects.
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the Town Manager is authorized to execute grant agreements on behalf of the Town of Chapel Hill with the U.S. Department of Transportation and the North Carolina Department of Transportation for aid in financing of the planning projects.

This the 27th day of August, 1984.

Shady Lawn Road - Request for Quitclaim of Unaccepted Right-of-Way

Council Member Pasquini requested this item be removed from the Consent Agenda and be considered separately. Council Member Pasquini said it appeared that there was a considerable amount of pertinent information missing from the report of the agenda item. Council Member Pasquini said that the map attached to the report appeared to indicate that the owners already had two lots and they were adding another section that is now a right-of-way; therefore, making one of the lots larger.

Town Manager Taylor stated that was correct; however, the right-of-way was already part of lot #1, but the lot is subject to the right-of-way. Mr. Taylor indicated by eliminating the interest in the right-of-way, the lot becomes more usable. Council Member Pasquini asked Town Manager Taylor why the Town does not require the owners to make any improvements along Shady Lawn Road Extension. Town Manager Taylor responded that historically the Town has not required road improvements from subdivisions involving a very small number of lots. Council Member Pasquini said he felt that road improvements would be warranted given the present condition of the roadway. Council Member Pasquini said he wished this item would be considered in a Public Hearing.

Mayor Nassif felt the maps provided were hard to follow and he was confused by a staff recommendation in November, 1983, which is now the opposite. Mayor Nassif said that Council Member Pasquini comments were well taken, in that the Town may need the road in the future.

Town Attorney Grainger Barrett explained to Council that the quitclaim in question did not give up any Town authority over Shadylawn extension, and that there were two different right-of-ways being discussed.

Town Manager Taylor said that the primary reason that staff asked for the right-of-way in question originally, was for dual access to the tract of land which is now known as Eastwood Subdivision, because the staff did not know how that would be subdivided at the time. Since that land has now been subdivided and the Council has approved the plat, the subdivision has dual access without the need for the right-of-way in question. Therefore, the Town staff now feels that this right-of-way can be given up. Town Manager Taylor said that since Council Members have some reservations about the right-of-way, the staff would withdraw their recommendation to release the right-of-way and the Town's interest would be protected.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION (84-R-173b) DENYING A REQUEST FOR A QUITCLAIM DEED TO TERMINATE ANY TOWN INTEREST IN A PUBLIC RIGHT-OF-WAY ON THE WEST SIDE OF SHADYLAWN ROAD EXTENSION.

COUNCIL MEMBER KAWALEC MADE A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THE ITEM TO THE TOWN MANAGER FOR FURTHER STUDY.

THE SUBSTITUTE MOTION CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, PRESTON, THORPE AND MAYOR NASSIF VOTING FOR THE MOTION AND COUNCIL MEMBER SMITH VOTING AGAINST THE MOTION.

Council Member Smith requested further information on the Town's use of Shadylawn Road extension in delivering Town services.

Martha Lane - Petition for Paving

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT RESOLUTION (84-R-174).

Council Member Thorpe requested this item be removed from the Consent Agenda. Council Member Thorpe indicated he felt it was important that since this agenda item was in response to a request from residents that it be noted publicly. He said he wished to move its adoption.

THE MOTION PASSED UNANIMOUSLY.

A RESOLUTION RECEIVING A PETITION FOR PAVING OF MARTHA LANE  
(84-R-174)

WHEREAS, the Town has received a petition for paving of Martha Lane including curb and gutter and the petitions have been determined to be valid under G.S. 160A-217(a); and

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council receives said petitions for paving of Martha Lane, and the petitions shall be considered for funding in the 1985-90 Capital Improvement Program in conjunction with other Town-wide street improvement needs.

This the 27th day of August, 1984.

Festifall Street Fair - Request for Street Closing and Parking Prohibitions

Council Member Howes requested that this item be withdrawn from the Consent Agenda. He asked why the reference to McCorkle Place was included within the staff report. Assistant Town Manager Ronald Secrist responded that several years ago there was a problem with unauthorized vendors using the McCorkle Place as a selling location during the fair. University officials were disturbed over the condition that McCorkle Place was left following this use. Mr. Secrist said since that time, the Town has attempted to make it very clear that McCorkle Place is not a part of the street fair activity.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE (84-O-60).

THE MOTION CARRIED UNANIMOUSLY.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (FESTIFALL '84) (84-O-60)

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

That on the 7th day of October, 1984, between the hours of 12:45 and 8:00 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 between the above hours.

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 removal and storage of such vehicle.

This the 27th day of August, 1984.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION (84-R-178).

THE MOTION CARRIED UNANIMOUSLY.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREETS (FESTIFALL, 1984) (84-R-178)

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 Henderson Street between Rosemary and Franklin Streets on Sunday, October 7, 1984 from 11:00 a.m. to 8:00 p.m., to allow the holding of the Festifall Street Fair and clean-up of the streets following said fair.

This is the 27th day of August, 1984.

Boards and Commissions - Nomination

One seat on the Human Services Advisory Board - Council Member Thorpe nominated Roosevelt Wilkerson.

To fill one seat on the Library Board of Trustees - Council Member Howes nominated Ken Brown.

To fill one seat on the Planning Board - Council Member Smith nominated Joanne Peerman.

Council Member Broadfoot said he felt all nominations for boards and commissions should be attributed to a specific Council Member and not appear as a nomination of the whole Council which had been indicated in previous minutes of Council meetings. Mr. Broadfoot said that it was his opinion that the designation of "Council" next to an individual's name gave the nomination undue importance in comparison with a nomination attributed to a specific Council member.

Adjournment

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER THORPE A MOTION TO ADJOURN THE MEETING.

THE MOTION CARRIED UNANIMOUSLY. 9:15 pm.

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Robin G. Rankin, Deputy Town Clerk

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Joseph L. Nassif, Mayor

