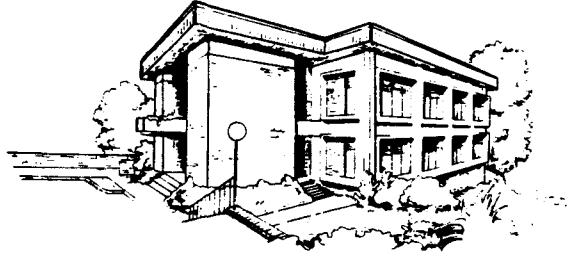


TOWN OF CHAPEL HILL


306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

TO: COUNCIL MEMBERS: MARILYN MYERS BOULTON
JONATHAN HOWES
BEVERLY KAWALEC
DAVID PASQUINI
NANCY PRESTON
R. D. SMITH
BILL THORPE

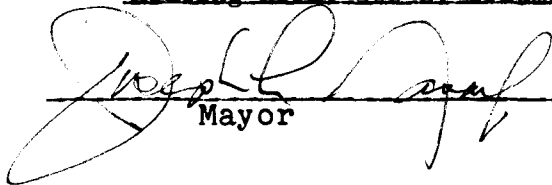
You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the Meeting Room, at 7:30 on January 30, 1985, to discuss the items of business listed on the agenda of the regular Council Meeting scheduled for Monday, January 28, 1985




Mayor


ACCEPTANCE OF NOTICE

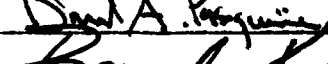
We, the undersigned, members of the Chapel Hill Town Council, hereby accept notice of a Special Meeting of the Council, called by Honorable Joseph L. Nassif, Mayor, to be held in the Meeting Room, 306 N. Columbia St., Jan. 30, 1985 at 7:30 pm.




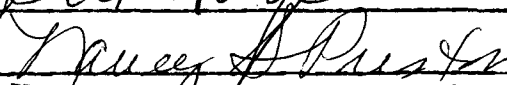
Mayor

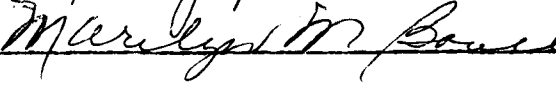


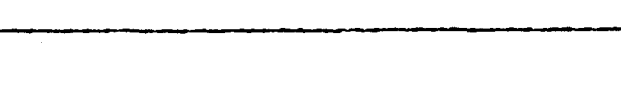












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MINUTES OF A SPECIAL MEETING TO DISCUSS THE ITEMS OF BUSINESS
LISTED ON THE AGENDA OF THE REGULAR COUNCIL MEETING
SCHEDULED FOR MONDAY, JANUARY 28, 1985,
HELD BY THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, WEDNESDAY, JANUARY 30, 1985, 7:30 P.M.

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

Marilyn Myers Boulton
Jonathan Howes
Beverly Kawalec
David Pasquini
R. D. Smith
Bill Thorpe

Council Member Nancy Preston arrived late. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Town Attorney Grainger Barrett.

Mayor Nassif opened the meeting by asking for a moment of silence in memory of Council Member Winston Broadfoot who passed away on January 22, 1985.

Public Hearing regarding sexually oriented programming on cable TV. Mr. George Coxhead asked for postponement of the hearing until March or April. He stated he would prefer scheduling the hearing for a night other than the regular meeting night and in a larger room. Mr. Coxhead suggested using Grey Culbreth Junior High School auditorium and requested to be allowed to show film clips related to the hearing topic. Council Members Howes and Kawalec said they preferred not to postpone the hearing. Council Member Pasquini said he was in favor of postponing, especially since there were so few people present wishing to discuss the item.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE TO POSTPONE. THE MOTION CARRIED (6-2), WITH COUNCIL MEMBERS KAWALEC AND HOWES VOTING AGAINST.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO REFER TO THE MANAGER FOR RECOMMENDATIONS ON THE ADDITIONAL REQUESTS. THE MOTION PASSED (6-2), WITH COUNCIL MEMBERS HOWES AND KAWALEC VOTING AGAINST.

Petitions
None.

Minutes
COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO APPROVE THE MINUTES OF JANUARY 7, 1985 AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY (8-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO APPROVE THE MINUTES OF JANUARY 14, 1985 AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY (8-0).

The Oaks II application for subdivision preliminary plat approval
Manager Taylor stated that the Town had received letters from Goforth Properties, Inc. and John R. McAdams Company in which they had agreed to comply with the provisions stated in the draft Resource Conservation District ordinance presented to Council on January 22, 1985. The Manager then recommended adoption of 85-R-15b with an additional stipulation indicating the agreement to abide by the proposed Resource Conservation District provisions.



Roger Waldon, Planning Director, gave a brief presentation on the Oaks II subdivision. He said the site was located between Ephesus Church Road and that part of the existing Oaks subdivision along Pinehurst Drive. Mr. Waldon stated that the staff had received a preliminary site plan in which the developer took into consideration the requirements of the proposed Resource Conservation District. He said the key issues centered on the traffic and vehicular access and that the more difficult questions dealt with east/west movement and the desirability of connecting the new subdivision with existing streets that were stubbed out in the Briarcliff subdivision. Mr. Waldon also said that the staff disagreed with the developers' plans for recreation space and suggested a further stipulation be included in the resolution to address this issue.

Lightning Brown, representing the Planning Board, stated that the Board recommended approval of the preliminary plat. There was a tie vote which dealt strictly with the linking of Manly and LeClair Streets. (For complete text of the Planning Board comments regarding traffic mobility, see the Clerk's file).

Council Member Pasquini asked whether the full Planning Board had voted on the issue. Mr. Brown replied that at the first meeting, eight members were present and voted and at the second meeting, all ten members were present and voted. Council Member Pasquini then asked for clarification on the site plan and recreation stipulations. Manager Taylor replied that the site plan that the staff had just received shifted the street approximately 50 feet so as to allow for the larger lots required under the proposed Resource Conservation District. He also said that the site plan Council had received was a preliminary plat and that the final plats were never exactly like the preliminary plats. Manager Taylor said the stipulation requiring the developers to conform with the proposed Resource Conservation District would require the plat would be amended to that effect. The revised stipulation regarding recreation space would require that the recreation space would be provided in a location to be approved by the Manager, or alternatively that a payment in lieu of recreation space be made to the Town.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER BOULTON, FOR ADOPTION OF RESOLUTION 85-R-15C.

Council Member Boulton asked what was the purpose of connecting Manly and LeClair Streets with the new developments. Mr. Waldon replied that it was to help disperse traffic, to connect the neighborhoods and to aid Town vehicle access for service provision.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO AMEND THE MOTION TO DELETE STIPULATION 25, WHICH PROHIBITED THE CONNECTION WITH MANLY AND LECLAIR.

Council Member Thorpe stated he felt the connections were not needed and that traffic would increase through these existing neighborhoods.

Council Member Howes said he didn't feel there would be any significant increase in traffic in that area. He stated that the connections had been anticipated all along and that those roads had been stubbed out with the expectation that they would be connected to an adjoining neighborhood.

Mayor Nassif asked what was planned for Pinehurst Drive in the Thoroughfare Plan. Manager Taylor said it was to be a north/south artery, not a major thoroughfare, but more than a residential type street and it would connect with Burning Tree Drive. Mayor Nassif asked what was projected for east/west connections over to the Interstate 40 interchange. Mr. Taylor said that in the current Thoroughfare Plan, there was nothing shown to connect

eastward but anticipated that there would be a connection to the east as that property developed, which was why he had recommended that the streets in the development be stubbed out to the east. Mayor Nassif stated that he would vote against the amendment but for the main motion because Council had expressed a desire to open up new developing areas to the east but that Chapel Hill was not going to invite the traffic coming off of Interstate 40 to have a short-cut through residential into commercial sections that were along the by-pass. He felt traffic should follow the route of the main thoroughfares. The Manager stated he didn't think people would choose to go through these neighborhoods when they could easily get on to Farrington Road to connect with Ephesus Church Road which was a thoroughfare, but that it would be possible to do so if the streets were connected.

Council Member Smith expressed concern about allowing developments in an area that had previously been denied development. He questioned the reason why the original Oaks development stopped at Cleland Drive and wondered whether the Planning Board needed to review the project again, especially with the new items as presented and that there was a tie vote. Mr. Taylor was not certain why the development stopped at that point but suggested that the development had been planned in stages and that was the extent of that stage.

THE AMENDMENT FAILED TO PASS (4-4), WITH COUNCIL MEMBERS BOULTON, HOWES, KAWALEC AND PRESTON VOTING FOR THE AMENDMENT AND COUNCIL MEMBERS THORPE, PASQUINI, NASSIF AND SMITH VOTING AGAINST THE AMENDMENT.

COUNCIL MEMBER PRESTON THEN MOVED TO AMEND THE MOTION TO RESERVE A RIGHT-OF-WAY AT LECLAIR STREET, SECONDED BY COUNCIL MEMBER HOWES.

Council Member Smith expressed concern about who would be responsible for the upkeep of the right-of-way.

THE AMENDMENT FAILED TO PASS (4-4) WITH COUNCIL MEMBERS BOULTON, HOWES, KAWALEC, AND PRESTON VOTING FOR THE AMENDMENT AND COUNCIL MEMBERS THORPE, PASQUINI, SMITH AND NASSIF VOTING AGAINST.

The motion passed unanimously (8-0).

THE RESOLUTION AS ADOPTED, READS AS FOLLOWS:

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR THE OAKS II SUBDIVISION (85-R-15c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby approves the application for preliminary plat approval for The Oaks II Subdivision, located on property identified as Chapel Hill Township Tax Map 52, Lots 6D and 6E, in accord with the preliminary plat dated December 3, 1984 and utilities plan dated November 21, 1984, and subject to the following conditions:

1. That a plat subdividing the Durham County part of the site from the Orange County part of the site and combining the 3-acre rectangular part of the site adjacent to the Chapel Hill Country Club clubhouse with the Chapel Hill Country Club property be recorded before submittal of an application for final plat approval.
2. That Pinehurst Drive be constructed with a 37-foot-wide roadway cross-section (to match its existing roadway section) with curb-and-gutter, sidewalks on both sides, and a 90-foot-wide right-of-way.
3. That a left turn lane be provided on Pinehurst Drive at its intersection with Ephesus Church Road.
4. That driveway access to Pinehurst Drive and Oakgrove Drive be limited to a single-driveway open lot, and prohibited completely for those lots that also front on another street.

5. That the Pinehurst Drive bridge over Little Creek be designed to accommodate the 100-year flood.
6. That Oakgrove Drive be constructed with a 41-foot-wide roadway cross-section with curb-and-gutter, sidewalks on both sides, and a 90-foot-wide right-of-way, and extend from the site's western boundary to the Durham County line.
7. That grade-separated intersections be provided where the golf course's pedestrian and golf cart trails cross Pinehurst Drive and Oakgrove Drive, and that easements for golf cart access be dedicated across lots where necessary to allow perpendicular crossings of streets.
8. That a T-turnaround be constructed at the southern end of Tinkerbell Road.
9. That White Oak Drive, Fox Hollow Road, and Oak Hill Drive be constructed with a 33-foot-wide roadway cross-section with curb-and-gutter, a sidewalk on one side, and a 60-foot-wide right-of-way, that the rights-of-way for Fox Hollow Road and Oak Hill Drive be extended to stub out onto the adjacent property to the east, that temporary turnaround be constructed at the end of each street, and that signs be posted noting future extension of roads.
10. That York Place, Lynwood Place, Black Oak Place, Ashley Place, and Treetop Place be constructed with a 27-foot-wide roadway cross-section with curb-and-gutter and 50-foot-wide right-of-way.
11. That Ephesus Church Road be improved along the site's frontage to $\frac{1}{2}$ of a 41-foot-wide roadway cross-section with curb-and-gutter, a sidewalk, and a 70-foot-wide right-of-way.
12. That final plans for all proposed streets be approved by the Town Manager before issuance of a Zoning Compliance Permit and that final plans for Ephesus Church Road improvements be approved by the Town Manager and NCDOT before issuance of a Zoning Compliance Permit.
13. That a stormwater management plan with hydrologic calculations be approved by the Town Manager before issuance of a Zoning Compliance Permit. Such plan shall provide for the channelization of the main stream running through the northwestern part of the site, but design the channelization to avoid additional flooding and erosion problems on downstream properties.
14. That all roadways be constructed so that their finished subgrades are at least 18" above the 100-year flood elevation and that all roadway crossings of floodplains incorporate stormwater pipes adequate to allow passage of flood waters and equalization of water surface on each side of the roadways.
15. That a 30-foot-wide drainage easement be provided centered along the flowline of all perennial streams and man-made drainageways.
16. That final utility plans be approved by the Town Manager, OWASA, Duke Power, Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit. Such plans shall provide for public water service and gravity-flow sewage service to all lots, the extension of water lines to the existing segment of Pinehurst Drive, and shall show all proposed off-site improvements. All lines shall be underground.
17. That prior to paving streets, utility service laterals be stubbed out to the front property lines of each lot. Sanitary sewer laterals shall be capped off above ground.

18. That easement documents as required by OWASA be recorded before final plat approval, and that the property owner bear the cost of any 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 or until such time as OWASA policy may change.
19. That if channelization of the main stream does not allow the provision of sufficient buildable area on each lot for a single-family dwelling, lots shall be combined or lot lines shall be realigned to provide sufficient buildable area.
20. That lot lines be realigned to ensure that the subdivision will conform to the requirements of the Resource Conservation District Ordinance currently under consideration by the Town Council.
21. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
22. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
23. That the development may be phased in accord with a phasing plan approved by the Town Manager.
24. That Manly and LeClair Streets not be connected to Pinehurst Drive.
25. That recreation space be provided in a location to be approved by the Town Manager, or, alternatively, that a payment in lieu of recreation space be made to the Town.

This the 30th day of January, 1985.

Proposed Rosemary Square Project

Council Member Preston stated she was in favor of this project but wondered if Council would like to give the public more opportunity to speak on the matter. She asked if Council delayed the action for a period of 30 to 60 days, what would be the effect on the project? Manager Taylor said he was not sure exactly what would be the effect of a delay, but stated that with the present schedule, closing was set for sometime in late summer with construction to begin at that time. A delay would probably mean the loss of at least one construction season.

Council Member Boulton stated that the Council needed to move forward on this project and suggested approving the project and possibly holding public hearings on the exhibits.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, FOR A DELAY OF THE PROJECT FOR FOUR WEEKS.

Council Member Pasquini agreed with Council Member Preston regarding the lack of public input. He felt that the majority of the public were not fully aware of just what this project entailed and suggested that putting a copy of the project proposal in a newspaper for public perusal.

Council Member Howes felt that there had been ample opportunity for public input, that the Town had supplemented its staff with two expert consultants, and that the Council had formed a committee to study the project. He felt the Council should vote on the issue that night.

Council Member Smith stated that he had received calls concerning possible traffic and parking problems but that Council should not table the project because of potential traffic increases. He further stated that the number of parking spaces would be increased and that the project would change downtown Chapel Hill, but the question was whether the change would be in the best interest of the Town. He felt that it would. He then stated that

the project had been discussed for over a year with more than adequate time for citizen input. Council Member Smith said the project had been shown and discussed with various groups in the community and he wondered that if the people had something to say, why hadn't they said it then. Council Member Smith stated that there shouldn't be a delay and that Council should decide the issue that night.

Council Member Thorpe stated that he felt that Council members should go out and inform their constituents regarding the project and not have it published in the newspapers. He felt that Council should stay in touch with their constituents. He also stated that Council had held public hearings on this project, had indicated their interest in the project by spending money for consultants and that Council should vote on the project that night.

Council Member Kawalec stated she understood the conflicting issues that had been presented and that the problem of parking in downtown Chapel Hill was not new and not confined to this project. She agreed with Council Member Smith that the project would have a major impact on downtown Chapel Hill and not all of it would be good. However, she felt that the pluses outweighed the minuses and that the project was the best for that lot and the best for Chapel Hill and a delay would not do anything more than delay the construction.

THE MOTION WAS DEFEATED (2-6) WITH COUNCIL MEMBERS PASQUINI AND PRESTON VOTING IN FAVOR OF THE MOTION.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER BOULTON, FOR ADOPTION OF 85-R-16, WHICH ALLOWED THE MAYOR TO SIGN THE AGREEMENT FOR THE PUBLIC/PRIVATE DEVELOPMENT. THE MOTION CARRIED UNANIMOUSLY (8-0). The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR A PUBLIC/PRIVATE DEVELOPMENT, "ROSEMARY SQUARE," IN DOWNTOWN CHAPEL HILL (85-R-16)

BE IT RESOLVED by the Council of the Town of Chapel Hill that, subject to fulfillment of certain conditions listed below, the Council hereby approves, and authorizes the Mayor to sign on behalf of the Town, the "Development Agreement - Rosemary Square, Chapel Hill, North Carolina," dated November 1, 1984, which agreement was submitted to the Council at its November 12, 1984 regular meeting, and which agreement shall be retained with the permanent records of the Council's regular meeting of January 28, 1985; provided, that the Council's approval of the agreement is subject to fulfillment of the following conditions:

1. The Garage Utilization Agreement submitted as Exhibit D with the proposed contract dated November 1, 1984 shall be revised and must be approved by both the Town Council and the Fraser Development Company of North Carolina; the approval of the revised Utilization agreement by both parties shall be a condition which must be satisfied before the closing date.
2. A detailed description of the air space (Exhibit C of the agreement), generally described in the Plans dated November 1, 1984 and prepared by Phillip Szostak and Associates, shall be approved by the Town and Fraser Company as part of the final plans and specifications; such approval shall be a condition of closing.
3. A plan for alley improvements (Exhibit G), as generally described in the Fraser Company's proposal as amended November 1, 1984 and the preliminary plans dated November 1, 1984, shall be prepared and approved by both the Town and the Fraser Company; such approval shall be a condition of closing.
4. If the Fraser Company's actual design and administrative costs, as determined in accord with Section 8.3 of the contract, total less than \$400,000, the Company shall make additional public improvements approved by the Town, or make a payment to the Town, to make up the difference.

5. The Town and Fraser Company must approve an agreement on accommodating appropriate judicial operations and use of the Post Office building; such approval shall be a condition of closing.
6. Before execution of the contract by the Mayor, the Town Attorney shall revise the text of the proposed contract dated November 1, 1984 to incorporate such terms as shall satisfy the above conditions established by Council in adopting this resolution. The Town Attorney may but need not make such revisions by appending this resolution to the contract and adding references to this resolution in appropriate sections.
7. Closing shall not take place unless and until all items enumerated herein and in the proposed contract dated November 1, 1984, for which items Council's approval is necessary, shall have been approved by the Council.

This the 30th day of January, 1985.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT 85-R-17, GRANTING THE ECONOMIC CAPITAL DEVELOPMENT PROJECT. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

AN ECONOMIC DEVELOPMENT PROJECT RESOLUTION REGARDING ROSEMARY SQUARE (85-R-17)

WHEREAS, there exists in the Town center a shortage of adequate, safe and convenient off-street parking, which condition contributes to traffic congestion within the Town center and which condition, if permitted to continue, could stifle economic development and revitalization in the Town Center; and

WHEREAS, the Town is the owner of a parcel of land containing approximately 1.2 acres, more or less, situate on the south side of East Rosemary Street, which the Town acquired by direct purchase, and which parcel of land is presently known and designated as Municipal Parking Lot No. 1, and the northern third of the Post Office/Court site, as more fully described on Exhibit A to the Agreement; and

WHEREAS, the Town has the power pursuant to its Charter, as amended, to engage in economic capital development projects within certain defined areas of the Town as established by the Town Council;

WHEREAS, the Town has negotiated an agreement (The Agreement") with the Fraser Development Company of North Carolina, for the development of certain property in the Town Center as an economic capital development project;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the area (the "Economic Capital Development Area") consisting of the Site as described in Exhibit A of the Agreement, the Rosemary Square Air Space, the Alley along the east south and west sides of the Lot 1 property, the area between the rear facades of the East Franklin Street Stores (as defined in the Agreement) and the southern-most boundary of the Alley, sidewalks adjacent to the Site, portions of Henderson Street and East Rosemary Street adjacent to the site, the Post Office Alley, and the pedestrian walkway between East Franklin Street and the Site, is in need of an economic capital development project consisting of, among other things, a jointly owned public/private garage and a mixed use residential, inn, commercial and office facility (all as more fully described in the Agreement) which will aid in alleviating traffic congestion within the Town Center, provide additional and needed public parking, promote economic development and revitalization in the Town and tend to avoid the growth of conditions of blight and deterioration endemic to urban areas throughout the State and the Country; and designates the above-described area, and the Rosemary Square Project as described in the Agreement, as an economic capital development project area.

This the 30th day of January, 1985.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADOPT 85-R-18, AUTHORIZING THE MANAGER TO TAKE VARIOUS ACTIONS IN CONNECTION WITH THE ROSEMARY SQUARE PROJECT. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO TAKE VARIOUS ACTIONS IN CONNECTION WITH THE ROSEMARY SQUARE PROJECT (85-R-18)

WHEREAS, Article I of the Development Agreement between the Town of Chapel Hill and the Fraser Development Company of North Carolina for the Rosemary Square project provides that the Manager shall be the Authorized Town Representative in connection with various aspects of the agreement; and

WHEREAS, Section 2.3 of said Agreement contemplates that the Manager would be duly authorized to take such actions as may be necessary to perform and carry out the provisions of the agreement;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Chapel Hill hereby authorizes the Manager to sign various documents and instructions and to take various other actions on behalf of the Town, in connection with matters including but not limited to the following:

1. the Rosemary Square air space deed, subject to an easement for public access to the plaza area; and the 40-year Ground Lease;
2. easements for subjacent and lateral supports of the private improvements; for construction, inspection and repair of the structural support system for the private improvements; and for pedestrian and vehicle access to the parking garage;
3. the Parking Garage deed effective for a 40-year term and, upon Council's approval, the Garage Lease, effective for a subsequent 40-year term, for the 35% private interest in the Garage;
4. the garage construction contract, upon Council's approval; and the construction administration agreement;
5. the plan for Alley Improvements and agreement with Franklin St. Merchants regarding commercial deliveries and refuse disposal;
6. applications for approval of a Certificate of Appropriateness for the portion of Rosemary Square in the Town's Historic District; for approval of the site plan for the portion of the project outside the Historic District; and for approval of a sign plan;
7. application(s) to the North Carolina Local Government Commission regarding issuance of parking revenue bonds and/or parking revenue bond anticipation notes.
8. other actions including execution of documents in accord with Council's approval of the Rosemary Square agreement between the Town and the Fraser Company.

This the 30th day of January, 1985.

Council Member Howes suggested the Manager recognize the consultants who worked with the staff on the Rosemary Square Project. Manager Taylor introduced the two consultants, Don Donadio of the law firm of Carlyle and Womble, and Mr. Michael Nelson of Touche Ross. He stated that the Town was grateful for their hard work on the project.

Mayor Nassif stated that he felt it was important for all Council Members to have their say and to vote their convictions, but that he hoped Council didn't put themselves into a situation that would say to the public that the Council had not studied or spent enough time on a project. The Council should not give the impression that they had not studied an issue and shouldn't argue over this fact.

Soliciting and Peddling after sunset

The motion for adoption of 85-0-2 was on the floor for a second reading carried over from the meeting of January 14, 1985. Council Member Preston asked if this ordinance addressed non-profit groups. Mr. Barrett stated that this ordinance affected only businesses and not activities which might be considered first amendment communication as they were exempted.

THE MOTION PASSED (7-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

Boards and Commissions Procedural Policy Changes

Council Member Kawalec made a brief presentation on certain procedural changes regarding Boards and Commissions, that she and Council Member Boulton had felt presented problems.

A series of consensus votes followed.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, THAT THE MANAGER PREPARE A RESOLUTION TO ACCOMPLISH THE FIRST EIGHT ITEMS IN SECTION A AS LISTED IN THE REPORT FROM MAYOR PRO-TEM KAWALEC DATED JANUARY 28, 1985.

Council Member Smith expressed concern on item 6, regarding the attendance of the incumbents. He felt it was unnecessary and that the Board would not recommend someone who didn't regularly attend. Council Member Boulton stated that from talking with some of the members of Boards, she felt some Board members are reluctant not to recommend incumbents for reappointment regardless of attendance.

Mayor Nassif then stated that he felt there was a more serious problem than just cleaning up the language and that he felt that Council needed to overhaul the entire Boards and Commissions procedures. Council Member Howes said that the problem was not in the structure but rather that Council had not been taking advantage of their role in the process.

THE MOTION PASSED (6-2) WITH COUNCIL MEMBERS NASSIF AND SMITH VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED THAT THE MANAGER PREPARE A RESOLUTION FOR SECTION 2, ITEM 3b, REGARDING INFORMATION FROM BOARDS REGARDING APPOINTMENTS, TO THE MANAGER. THE MOTION FAILED FOR LACK OF A SECOND.

Council Member Thorpe stated that although he was in favor of this idea he wanted to remind Council that this would mean that Council, itself, would have to go out and solicit applicants for the Boards and Commissions.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REQUEST ITEM 3c, INFORMATION FROM BOARDS REGARDING APPOINTMENTS, BE INCLUDED IN A RESOLUTION BY THE MANAGER. THE MOTION PASSED, (5-3), WITH COUNCIL MEMBERS BOULTON, SMITH AND NASSIF VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON THAT ITEM 1, TERM EXPIRATIONS IN JUNE, BE INCLUDED IN A RESOLUTION BY THE MANAGER. THE MOTION PASSED UNANIMOUSLY (8-0).

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEM 2, RESIDENCY IN CHAPEL HILL, BE INCLUDED IN A RESOLUTION BY THE MANAGER. THE MOTION PASSED, (7-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEM 4, TWO TERM LIMITS, BE INCLUDED IN A RESOLUTION BY THE MANAGER. THE MOTION PASSED, (6-2), WITH COUNCIL MEMBERS SMITH AND THORPE VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEM 5, DUAL MEMBERSHIP, BE INCLUDED IN A RESOLUTION BY THE MANAGER. THE MOTION PASSED, (6-2), WITH COUNCIL MEMBERS SMITH AND NASSIF VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEM 6, FOUR MONTH LEAVE OF ABSENCE WITHOUT INTERIM APPOINTMENT, BE INCLUDED IN A RESOLUTION BY THE MANAGER.

Council Member Howes stated that he felt that this item was an affront to the university affiliated people who served on the Boards and Commissions because they generally take a one-year leave of absence in their work.

Council Member Smith stated that he felt interim appointments were good because it gave another person some experience with working with the Boards and Commissions.

THE MOTION PASSED, (5-3), WITH COUNCIL MEMBERS SMITH, HOWES AND NASSIF VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEM 7, REGARDING ANNUAL REPORTS, BE INCLUDED IN A RESOLUTION BY THE MANAGER. THE MOTION PASSED 7-1 WITH COUNCIL MEMBER SMITH VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEM 8, RECOMMENDATIONS TO COUNCIL ON LAND DEVELOPMENT AND PLANNING MATTERS, BE INCLUDED IN A RESOLUTION BY THE MANAGER. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, A SUBSTITUTE MOTION TO TABLE THE MATTER. THE MOTION PASSED, (6-2), WITH COUNCIL MEMBERS BOULTON AND KAWALEC VOTING AGAINST.

Second quarterly reports

Council Member Preston stated that JOCCA had had a very successful year and she distributed copies of the agency's annual report. (For further information see the Clerk's file).

Council Member Howes stated had no additional report regarding Triangle J Council of Governments.

Manager Taylor stated that the complete Second Quarterly Report was included in the packet and he had no further report.

Council Member Boulton left the meeting at this time, 10:05 p.m.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO EXCUSE COUNCIL MEMBER BOULTON FOR THE REMAINDER OF THE MEETING.

Council Member Howes stated that he wasn't sure Council Member Boulton wanted to be excused.

THE MOTION FAILED TO PASS (3-4), WITH COUNCIL MEMBERS KAWALEC, PRESTON AND THORPE VOTING IN FAVOR.

Consent agenda

Council Member Smith asked Council to remove item b from the consent agenda.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT 85-R-19, CONSENT AGENDA WITH ITEMS A AND C. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (85-R-19)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the resolutions submitted by the Manager in regard to the following:

- a. Calling of public hearings for citizens' suggestions on use of 1985 Community Development grant (\$350,000; hearings February 25 and April 22). (85-R-20).

- c. Calling of public hearing February 25 on proposed paving of Partin Street (paving petition submitted to the Town meets requirements in State law for validity). (85-R-22).

This the 30th day of January, 1985.

RESOLUTION CALLING TWO PUBLIC HEARINGS FOR 1985 COMMUNITY DEVELOPMENT "ENTITLEMENT" GRANT (85-R-20)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing at 7:30 p.m. on Monday, February 25, 1985 in the Meeting Room of the Municipal Building, 306 North Columbia Street, to hear citizen proposals and comments on Community Development (CD and housing needs and objectives in order to develop a plan for the 1985 CD "entitlement" grant.

BE IT FURTHER RESOLVED that the Council hereby calls a second Public Hearing at 7:30 p.m. on Monday, April 22, 1985 in the Meeting Room of the Municipal Building, 306 North Columbia Street, to hear citizen comments on the Town's CD performance and on a draft CD plan (Proposed Statement).

This the 30th day of January, 1985.

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF PARTIN STREET (85-R-22)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Partin Street during fiscal year 1985-86.

1. The Town has received a petition for the paving of Partin Street including curb and gutter, and the petitions have been determined to be valid under G.S. 160A-217(a); and
2. Partin Street is comprised of approximately 700 linear feet of gravel road located at the north end of Piney Mountain Road; and
3. The Town would pave the unpaved portions of Partin Street to Town standards and assess owners of property abutting the presently unpaved sections of Partin Street at an equal rate per foot of frontage; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable 60 days after the assessment roll confirmation with interest, at an annual rate of 6%; and
6. The Town herewith calls a public hearing at 7:30 p.m. on February 25, 1985 in the Municipal Building, to consider adoption of a resolution to undertake the above-described project, 306 North Columbia Street.

This the 30th day of January, 1985.

North Carolina Finance Agency Public Hearing

Council Member Smith wanted to know what effect this resolution, 85-R-21, would have on the application for the Home Ownership Opportunity Grant. The Manager replied that this was a separate issue and that the Home Ownership Opportunity Grant was State funded, while the Rental Rehabilitation Program Grants were Federally funded.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT 85-R-21. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER APPLICATION FOR 1984 AND 1985 FEDERAL RENTAL REHABILITATION PROGRAM FUNDS (85-R-21)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing at 7:30 p.m. on Monday, February 11, 1985 in the Meeting Room of the Municipal Building, 306 North Columbia Street, to hear citizen comments on the draft application for 1984 and 1985 federal Rental Rehabilitation Program funds, for submission to the North Carolina Housing Finance Agency; and to hear comments on a possible change to the 1984 CD entitlement program to fund the administrative costs of the Rental Rehabilitation Program.

This the 30th day of January, 1985.

Nominations and appointments to the Parks and Recreation Commission

Council Member Howes nominated David Oakes.

Council Member Pasquini nominated Richard Gitelson.

To fill one seat on the Parks and Recreation Commission, the following vote was taken: Jeff Gram - 1-Thorpe, David Oakes - 3-Howes, Preston, Smith, Richard Gitelson - 3-Kawalec, Nassif, Pasquini.

A second vote was needed. The following vote was taken: David Oakes - 5-Thorpe, Howes, Preston, Smith, Kawalec, Richard Gitelson - 2-Nassif, Pasquini.

David Oakes was appointed.

Mayor Nassif nominated Richard Gitelson and Council Member Thorpe nominated Prince Edward Taylor, Jr. for a vacant seat created by the resignation of Mattie Arrington.

Budget discussion for FY 1985-86

Council Member Preston asked whether or not the \$600,000 land acquisition request in the preliminary CiP included Greenways acquisitions. The Manager replied that it did not and that that amount was for land acquisition for a park-ride lot. Council Member Preston then asked for clarification of the suggestion of using General Obligation bonds for certain projects. Manager Taylor replied that the staff had identified four major projects for the Council to review and discuss. He stated he was seeking direction from the Council regarding appropriate timing and the method of financing. Council Member Preston said that she felt that the projects and the financing needed to be considered as soon as possible and she suggested they be included in a November referendum. Council Member Howes agreed.

Council Member Kawalec asked the Staff to contact OWASA to discuss joint planning of the Bolin Creek sewer replacement project in order to get a Greenway along it at low or no cost. She felt Council should include money in the budget for Greenways along those sewer lines since this project seemed to be one in which there would be little problem in getting the land, and since Council had the opportunity to work with OWASA, they should take advantage of it. Council Member Kawalec also felt that there should be money in the budget for the Greenway Commission for mapping of Greenway areas. She also wanted the Council to talk with the Art School regarding the rehabilitation of the Old Police Building. She felt that Council should at least hear their proposal. Council Members Smith, Nassif and Pasquini were against the idea. Council Member Kawalec also felt the Human Services Advisory Board's recommendations on ideas for additional low and moderate income housing for Chapel Hill were very good and that it was time for the Council to move on this issue. She requested that Manager place a certain amount of money in the budget for this.

Council Member Pasquini stated that there needed to be a more definitive plan, rather than just the recommendations expressed by the Human Services Advisory Board.

Mayor Nassif felt that the money should possibly come from a referendum rather than from the Town's budget.

Council Member Howes suggested that the Town needed to have the staff prepare a study regarding the cost involved and to look into the possibility of the private sector being a source of funds.

Council Member Smith said that the Town should look into low income housing on property which the Town already owns.

Mayor Nassif asked the Manager to look into allocating staff time for a program study for low to moderate income housing but not to include money for the actual housing in the budget.

Council Member Thorpe asked whether Martha Lane would be paved this year. The Manager stated that though it was not in the original CIP recommendation, it had since been included.

Mayor Nassif asked the Manager for the operating budget to be prepared with no tax rate increase. He also felt the Town needed to work with the Department of Transportation regarding street improvements, especially with regard to a study for Pittsboro Street extension. He reiterated that one-way pairing of Pittsboro and Columbia Streets was not the same as one-way pairing of Rosemary and Franklin Streets, but that the Council needed to take the step with regard to Pittsboro Street extension (that being a study) especially if the Council was serious about traffic and parking problems.

Council Member Kawalec then stated that she was in favor of spending money to try to solve traffic problems but she was concerned that the Council always seemed to find money for roads but not for open spaces, and she was convinced that citizens wanted more Town owned open spaces.

Council Member Howes stated that he considered the widening of the by-pass to be the number one priority for negotiations with DOT.

Council Member Preston stated that she would rather see a study of Sage Road extension. The Council asked the Manager to look into both projects (Pittsboro and Sage Road) with DOT.

Council Member Pasquini left the meeting at 10:50 p.m.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION. THE MOTION PASSED UNANIMOUSLY (8-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY (8-0).

The meeting adjourned at 11:00 p.m.

Mayor, Joseph L. Nassif

Nancy J. Wells, Information Services

