

MINUTES OF A REGULAR MEETING OF THE MAYOR
AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, FEBRUARY 11, 1985, 7:30 P.M.

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

Marilyn Myers Boulton
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

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

Certificates of Appointment

Mayor Nassif presented Certificates of Appointment to recent Board appointees and thanked them for their willingness to serve the Town. Those present and receiving certificates were: Roy Lindahl, Community Appearance Commission; Ann Hamby, Community Appearance Commission; Elizabeth Williams, Historic District Commission; Mike Culpepper, Historic District Commission; Richard Palmer, Transportation Board; and Joanne Peerman, Planning Board. Gary Freeze was not present but also received a certificate for his appointment to the Historic District Commission.

Rental Rehabilitation Program - Public Hearing

Roger Waldon, Planning Director, stated the Town was applying to the North Carolina Housing Finance Agency for federal funding for the Rental Rehabilitation Program to increase the supply of adequate rental housing to families of low or moderate income levels. The program was targeted toward municipalities with less than 50,000 people and in areas not serviced by the Farmer's Home Administration, and specifically targeted toward rental units. Mr. Waldon stated that matching grants would be available for up to 50% of the rehabilitation cost for a maximum of \$5,000 per unit.

Council Member Smith asked whether the units had been inspected and landlords given time to repair them, and if the Town had standards for rent control. He was concerned with the possibility of displacing some renters. Mr. Waldon replied that HUD prohibits rent control and the design of the program tries to regulate rent through the marketplace.

Council Member Thorpe expressed concern over the potential for landlords to raise rents because they could rent one unit to 5 or 6 students.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Petitions

Mr. Steve Graber, Bob Holloman and Judge Roberson Everett asked to speak to agenda item 5; Resource Conservation District. Mayor Nassif asked Council if they wished to hear the petition.

It was consensus of Council not to hear the petition because ample opportunity for public comment on this issue had been provided.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO DENY THE REQUEST. THE MOTION PASSED, (7-1), WITH COUNCIL MEMBER BOULTON VOTING AGAINST.

Ms. Barbara Jacobson, Kathy Harris, and Mr. Pearson Stewart asked to speak to agenda item 7, Greenways Task Force Report.

Mr. John Mabe asked to speak to agenda item 8, Franklin Hills Preliminary Plat Approval.

Watts Hills, Jr., speaking as a citizen, requested Council have the staff prepare its recommendation for defining shelters prior to March 19, 1985, and to define where shelters could be located, by April or May. He was concerned that the current schedule would not require these decisions before sometime this summer (for complete text, see Clerk's file).

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO REFER MR. HILL'S PETITION TO THE MANAGER FOR RECOMMENDATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Minutes

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT THE MINUTES OF JANUARY 22, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY (8-0).

Resource Conservation Areas

Council Member Thorpe was concerned that using March 19, 1984 as the benchmark date in reality meant that property owners had paid taxes on land whose use had changed.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT ORDINANCE 85-0-3.

COUNCIL MEMBER THORPE MOVED TO AMEND THE MOTION TO DELETE MARCH 19, 1984 AND INSERT FEBRUARY 11, 1985. THE MOTION FAILED FOR LACK OF A SECOND.

Council Members Pasquini and Howes asked whether or not any residential type units, specifically condominiums, were covered. Mr. Barrett replied that the ordinance included condominiums to the degree that an individual unit was disturbing land the same way that a single family or duplex resident would.

Mayor Nassif asked if there was a special zone on the floodplain overlay. Mr. Barrett replied that the zone displaced the current zone so that there would not be R-3 density within the floodplain zone. He stated that the permitted uses were equivalent of rural transition or a .019 floor area ratio.

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

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO CREATE A RESOURCE CONSERVATION DISTRICT IN THE TOWN OF CHAPEL HILL WITHIN THE FLOODPLAIN AND ALONG PERENNIAL STREAMS, AS AN OVERLAY DISTRICT TO OTHER USE DISTRICTS IN THE DEVELOPMENT ORDINANCE (85-0-3)

WHEREAS, the areas within the Town's planning jurisdiction along or near watercourses are multi-purpose areas of great importance to the Town and to residents within its planning jurisdiction; and

WHEREAS, such areas are a precious natural environmental resource of the Town and its citizens; and

WHEREAS, it is appropriate for the Town to exercise its police power to promote the public health, safety and welfare to protect and preserve such areas on behalf of all the residents of the Town and its planning jurisdiction; and

WHEREAS, the Town's Comprehensive Plan has for many years recognized that areas along and near watercourses are sensitive environmental areas, and that such areas are particularly vulnerable to the effects of human alteration as development occurs; and

WHEREAS, the 1978 Natural Environmental Characteristics Report of the Town's Comprehensive Plan recommended severe restrictions on development within the 100 year floodplain fringe as well as within the 100 year floodway, and similar restrictions along other perennial streams not part of the 100 year floodplain; and

WHEREAS, the Town of Chapel Hill has experienced substantial growth and development over at least the last fifteen years; and

WHEREAS, the pace of such growth and development has accelerated over the last three years; and

WHEREAS, further growth and development in Chapel Hill as well as the entire Research Triangle area is projected to continue for the foreseeable future; and

WHEREAS, a consequence of growth and development to date has been greater, more frequent and more severe flooding problems along the Town's watercourses, and which flooding has caused recurrent damage to property and residences; and

WHEREAS, such growth will contribute to even greater, more frequent, and more severe floods along the Town's watercourses; and

WHEREAS, severe restrictions on future, additional development along or near the Town's watercourses will substantially reduce the future danger to persons or property from flood conditions; and

WHEREAS, it is the Town's policy and intention to act promptly with respect to development along or near the Town's watercourses before flooding conditions and problems become intolerable or become a clear and present danger to human life; and

WHEREAS, significant amounts of development along and near the Town's watercourses can pose threats of degradation or contamination of the Town's actual or potential water supply sources; and

WHEREAS, severe restriction of development along or near the Town's watercourses can preserve and maintain natural vegetative buffers which assist in infiltrating water runoff before it enters such watercourses, which moderate runoff by reducing it, and generally act as filters for runoff before it reaches the watercourses; and

WHEREAS, significant amounts of development along or near the Town's watercourses substantially increases the possibility of sedimentation or erosion problems associated with the Town's watercourses; and

WHEREAS, sedimentation and erosion can degrade the quality of water in the Town's watercourses, reduce their water-carrying capacity, and cause their channels to shift and meander; and

WHEREAS, retention of natural vegetative or other buffers can reduce sedimentation and erosion by absorbing some runoff and by reducing the velocity of precipitation and other runoff, and by holding soil with root systems and layers of leaves or needles; and

WHEREAS, it is appropriate to preserve the areas along and near watercourses as natural areas of scenic beauty and attraction, serving nearby residents as open spaces or as greenbelts which improve the quality of life in Chapel Hill and provide areas for outdoor recreation and leisure activities (such as hiking, jogging, biking, bird watching, and other pursuits); and

WHEREAS, many of the areas along and near watercourses are particularly suitable for open space uses and if developed are lost for all time for such uses; and

WHEREAS, preserving natural vegetative buffers along and near watercourses improves air quality by adding oxygen to, filtering dust and air-borne pollutants from, and cooling the air; and

WHEREAS, preserving natural vegetative buffers along and near watercourses will buffer and reduce noise from urban activities such as highways and commercial activities by blocking or reducing sound transmission; and

WHEREAS, severe restrictions on development along and near watercourses will assist in preserving plantlife and other flora and fauna in and around the Chapel Hill urban area, and the areas along and near watercourses provide water, light, soils, and air suitable for a variety of plantlife ecosystems; and

WHEREAS, the areas along and near watercourses are the nesting, breeding and feeding areas for a variety of small game and constitute some of the few natural habitats preserved for wildlife within the Chapel Hill urban area, which areas afford wildlife some measure of refuge from the direct intrusion of man's urban activities; and

WHEREAS, the New Hope Audubon Society has reported the return of over thirty species of fish to Morgan Creek alone, and the presence of beaver, otter, mink, herons and waterfowl in the vicinity of the Town's watercourses, and further reports the breeding of species in the floodplain such as the Red-shouldered Hawk, Swainson's Warbler, and the Prothonotary Warbler, and has reported sighting the Bald Eagle and other eagles along Morgan Creek near Lake Jordan; and

WHEREAS, the watercourses serve a vital function as access corridors through urban areas for a number of wildlife species, such as bobcat, deer, turkeys, raccoons, squirrels, grey foxes, and pileated woodpeckers; and

WHEREAS, preserving areas of natural vegetative buffers along and near watercourses enhances the value of nearby properties, and will enhance the natural beauty and attributes that make Chapel Hill a pleasant place to live, providing plentiful green spaces, trees, plants, vegetation, and wildlife; and

WHEREAS, the aesthetic charm and appearance of the Town and its planning jurisdiction will be benefitted and served by a network of natural areas and buffers following the watercourses lacing through the Town and its planning jurisdiction; and

WHEREAS, many of the areas along and near watercourses are subject to periodic inundation which results in the threat of loss of life and property, health and safety hazards, disruption of emergency access and provision of essential Town services, disruption of commerce, extraordinary public expenditures for flood protection and relief, and damage to public facilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;;

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

SECTION I

The Development Ordinance is amended by adding Article 10 thereto to read as follows:

10.1 Intent

The Resource Conservation District is intended to be applied to the areas along watercourses within the Town's planning jurisdiction in order to preserve the water quality of the Town's actual or potential water supply sources, to minimize danger to lives and properties from flooding in and near the floodways, to preserve the water-carrying capacity of the Town's watercourses and to protect them from erosion and sedimentation, to retain open spaces and greenways to protect their environmentally sensitive character, to preserve urban wildlife and plant life habitats from the intrusions of urbanization, to provide air and noise buffers to ameliorate the effects of development, and to preserve and maintain the aesthetic qualities and appearance of the Town.

In the interpretation and application of this Article, all provisions shall be: (a) considered as minimum requirements, (b) strictly construed in favor of the public interest and community benefit, and (c) deemed neither to limit nor repeal any other powers provided by Town ordinance or state statute.

10.2 Definitions

Where not otherwise defined by this ordinance, the definitions contained in Article IV of Chapter 5 of the Town Code of Ordinances, "Flood Damage Prevention Ordinance," shall apply to this Article.

10.3 Establishment of Resource Conservation District

10.3.1 A Resource Conservation District Elevation is hereby established, and defined to be that elevation two (2) feet above the 100 year floodplain elevation, as said 100 year elevation is delineated in the official Town floodplain maps.

10.3.2 The Resource Conservation District is hereby established as a district which overlays other zoning districts established in Article 3. The Resource Conservation District shall consist of the area bounded by the Resource Conservation District Elevation and the areas within buffer zones established as follows:

- a) 50 feet from the bank of a perennial stream drainage less than one square mile, plus land with a slope greater than 15%, up to 75 feet from such a bank, and
- b) 50 feet from the bank of a perennial stream draining one square mile or more, plus land with a slope greater than 15%, up to 100 feet from such a bank.

Measurements shall reflect the horizontal, linear distance from the stream bank.

The Resource Conservation District is further delineated by classifying it in two parts. The Resource Conservation-I District is hereby delineated as those areas of the Resource Conservation District generally south and east of a line established as follows: beginning at a point where the centerline of Erwin (a.k.a. Mount Moriah Church) Road meets the northeastern most point of the Town's extraterritorial planning jurisdiction; thence south along the centerline of Erwin Road to the centerline of U. S. Route 15-501; thence west along the centerline of U. S. Route 15-501 Business to a point 1000 feet west of the U. S. Route 15-501 Business/Estes Drive intersection; thence south and west generally parallel to Estes Drive to the centerline of U. S. Route 15-501 By-pass; thence west along the centerline of U. S. Route 15-501 By-pass to its intersection with Manning Drive; thence generally south and east along the 300-foot elevation as shown on U.S.G.S. official topographic maps to its intersection with the southern boundary of the Town's extraterritorial jurisdiction. The Resource Conservation-II District is delineated as those areas of the Resource Conservation District generally north and west of said line.

The Board of Adjustment upon recommendation of the Town Manager is authorized to adopt such guidelines and criteria for the interpretation and application of this Article, and to make such reasonable adjustments to the boundary of the Resource Conservation District, as shall recognize the greater potential for, and severity of, flooding conditions in the Resource Conservation-I District, as well as the generally lower and flatter terrain of such district.

The use of any land or structure within the Resource Conservation District shall comply with the use regulations applicable to the underlying zoning district.

10.4 Development in Resource Conservation District

After March 19, 1984, no new development shall be permitted, nor shall any land be disturbed (other than accessory land disturbing activities ordinarily associated with single-family or duplex residential uses), within the Resource Conservation District except as permitted by Section 10.5 or pursuant to a variance authorized by this Article and approved by the Board of Adjustment.

The status of any development existing or for which construction had substantially begun on or before March 19, 1984 shall be considered irrespective of the provisions of this Article, except as follows:

- (i) any development existing or for which construction had substantially begun on or before March 19, 1984 that is damaged or destroyed to the extent of 50% or more of its assessed taxable value due to casualty loss from fire, storm, flood or vandalism may be rebuilt or replaced, if otherwise permitted by law or ordinance, pursuant to any appropriate permit or approval;

- (ii) any development existing or for which construction had substantially begun on or before March 19, 1984, that is demolished, rehabilitated or renovated to the extent of 50% or more of its assessed taxable value, may be rehabilitated or renovated, if otherwise permitted by law or ordinance, pursuant to any appropriate permit or approval; provided, that the owner of such development shall have the burden of demonstrating to the Town Manager, or such body as has jurisdiction over the issuance of any appropriate permit or approval, that the entire development, as renovated, replaced or rebuilt, will benefit the public by improving (a) the development's provision of open spaces or greenways, (b) its effect on maintaining the water quality of the Town's actual or potential water supply sources, and (c) protection of persons and property from dangers caused by flooding.

Notwithstanding the foregoing provisions of this Section, no development or land disturbance shall be permitted within the floodway except to the minimum required by public necessity or by state or federal law.

10.5 Permitted Uses Within Resource Conservation District

10.5.1 Subject to the use regulations for the underlying zoning district, the following uses shall be permitted uses within the Resource Conservation District:

- a. pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, and other similar agricultural and related uses which do not require extensive land disturbing activities or fences;
- b. ground level loading areas, parking areas, and other similar ground level area uses;
- c. lawns, gardens, play areas and other similar uses;
- d. golf courses, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar public and private recreational uses that do not require extensive use of fences or walls;
- e. public utility and storm drainage facilities that are public necessities;
- f. streets, bridges and other similar public, community uses where there is no practical alternative to their location within the Resource Conservation District.

Permitted uses shall be subject to the provisions of Sections 10.7 and 10.8.

10.5.2.1 Irrespective of intensity regulations generally applicable to the underlying zoning district, any development permitted within the Resource Conservation District shall comply with the following modified LUI ratios:

LUI Rating: 6 # Use Group: A,B,C FAR: .019 OSR: .93 LSR: .85 RSR:N/A

10.5.2.2 Any development in the Resource Conservation District shall be subject to the following limitations on impervious surfaces and land disturbing activities:

Impervious Surface Limitation: In Water Quality Critical Area: 6% of lot within the Resource Conservation District; In sewer area outside Water Quality Critical Area: 30%; In unsewered area outside Water Quality Critical Area: 12%.

Land Disturbance Limitation: 40%.

10.5.3. Any development or land disturbance permitted in the Resource Conservation District (other than accessory land disturbing activities ordinarily associated with single family or duplex residential uses) shall be pursuant to a site plan approval or, as appropriate, pursuant to special use or planned development approval.

10.6 Variance From Board of Adjustment

10.6.1 An owner of property who alleges that the provisions of Sections 10.4 and 10.5 leave no legally reasonable use of his property remaining may apply to the Board of Adjustment for a variance. An application for a variance shall be submitted to the Town Manager. The Town Manager shall prescribe the forms on which such applications shall be made. The Town Manager may require any information in connection with an application that is reasonably required to make a determination regarding the application for a variance.

No application shall be accepted by the Town Manager unless it is complete. Applications which are not complete shall be returned promptly to the applicant, with a notation of the deficiencies in the application.

Upon receiving a complete application, the Town Manager shall make an investigation of it and forward it within a reasonable period of time to the Board of Adjustment, together with his recommendation thereon, and an evaluation by appropriate Town departments, including Planning and Engineering, for the Board's consideration.

10.6.2 The review of the Board of Adjustment shall extend to the entire zoning lot within which the Resource Conservation District lies. The Board of Adjustment shall grant a variance, subject to the protections of this Article, if it finds that the provisions of Sections 10.4 and 10.5 leave an owner no legally reasonable use of his property remaining, if such a variance is necessary or desirable in order to achieve fairness and substantial justice to such an owner, and if a failure to grant the variance would result in extreme hardship. In making such determination, the Board of Adjustment shall consider the uses available to the owner for the entire zoning lot within which the Resource Conservation District lies.

The Board of Adjustment shall grant the minimum variance necessary to afford appropriate relief under this section. The Board may attach such reasonable conditions to the grant of a variance as it deems necessary to achieve the purposes of this Article.

10.6.3 Any owner of property applying to the Board of Adjustment for a variance from the provisions of this Article shall have the burden of establishing that such variance should be granted by the Board, except as such burden is altered by Section 10.6.4.

10.6.4 If the Resource Conservation District overlays more than 75% of the area of a zoning lot, the owner of that lot shall be presumed entitled to a variance, but such presumption may be rebutted by substantial evidence before the Board of Adjustment.

10.6.5 The Board of Adjustment, before taking final action on an application for a variance, shall refer such application to the Planning Board, Appearance Commission, and other Town boards or commissions as appropriate, for comment. The Board shall not take final action on such an application until it has received and considered such comments.

The Board of Adjustment shall not grant any variance if it finds that such a variance would result in significantly increased flood heights, significantly increased velocity of flow or deposit of sedimentation, significantly increased erosion, significant additional threats to public safety, significant threats to water quality, the removal of significant urban wildlife habitat, extraordinary public expense, public nuisance, or would conflict with the provisions of any other law or ordinance. The Board of Adjustment may refuse to grant any variance if it finds that the owner of any lot, or any predecessor in interest, has subdivided such lot in an attempt to avoid or evade the provisions of intent of this Article.

10.6.7 In passing on applications for variances pursuant to this Article, the Board of Adjustment shall consider all technical evaluations, all relevant factors, other provisions of statute or ordinance, and:

- a. the danger to life and property due to flooding, sedimentation, and/or erosion damage at the site;
- b. the danger that structures or materials may be swept onto other lands to the injury of others;

- c. the danger to life and property from flood waters backed up or diverted by any obstruction or by debris collected by the obstruction.
- d. the susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner;
- e. the importance of the services provided by the proposed development to the community;
- f. the necessity to the facility of a waterfront location, where applicable;
- g. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- h. the compatibility of the proposed use with existing and anticipated development;
- i. the relationship of the proposed use to the comprehensive plan and any flood plain management program for that area;
- j. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- k. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
- l. the effects of the proposed development on the heights, velocity, duration, and rate of rise of the flood waters upstream and downstream of the proposed site;
- m. the costs of maintaining or restoring public services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
- n. that susceptibility of water supply and sanitation systems to contamination and unsanitary conditions during and after floods; and
- o. the danger that the issuance of the variance will set a precedent for future development in the Resource Conservation District which cumulatively may increase the flood hazard.

10.7 Requirements for Site Plans

Every application for development of land wholly or partially within the Resource Conservation District, except for a single family home or duplex (or accessory land disturbing activities normally associated with single family or duplex residential uses), shall include the following:

- a. a utilities plan;
- b. a grading plan showing existing and final contours;
- c. a sedimentation and erosion control plan;
- d. a storm water management plan;
- e. a soils analysis;
- f. a topographic map of the site, at two foot intervals, showing the location of streams, watercourses, stormwater runoff channels, etc.; the limits of the floodway and floodplain; existing or proposed storm and sanitary sewers and sewer outfalls; septic tank systems and outlets, if any; existing and proposed structures and development; and the 100 year and 10 year flood elevations and limits;

- g. channel profiles for watercourses, at a minimum horizontal scale of 1:60, and minimum vertical scale of 1:10, showing the elevations of the watercourse bed; channel banks, if any; waterway openings of existing and proposed culverts and bridges within and near the site; and size and elevation of existing or proposed sewer and drain outlets; and the 100 year and 10 year flood elevations and limits; and the boundaries of the Resource Conservation District elevation.
- h. a survey of existing vegetation, including a tree and shrub survey; and a landscape plan for the completed development; trees and shrubs of potential value to wildlife shall be identified;
- i. a wildlife habitat survey showing the types of habitat on site and their potential as habitats for various species of wildlife and identifying any relevant limiting factors.
- j. description of proposed storage of materials and of waste disposal facilities;
- k. certificate from a registered professional engineer or architect, with respect to floodproofing, or from a registered professional engineer or surveyor with respect to elevation, that any floodproofing measures or finished elevations meet the requirements of this Article.

10.8 Standards for Development in Resource Conservation District

The following standards and criteria shall apply to any portion of a development or, as appropriate, to any land disturbance, within the Resource Conservation District;

- a. the lowest habitable floor elevation of all permanent structures shall be placed at least eighteen inches above the Resource Conservation District elevation and in such a manner as to not adversely impede the flow of waters;
- b. wherever practicable, a natural vegetative buffer at least 50 feet wide from either bank of the watercourse shall be retained;
- c. ditches, culverts, downspouts, parking and loading areas, any paved areas and roads shall be designed so as to minimize the direct discharge of storm water runoff into watercourses;
- d. no stormwater discharge shall be allowed directly off an impervious surface into the channel of a watercourse;
- e. safe and convenient access shall be provided to any development at least eighteen inches above the Resource Conservation District elevation; utility lines, roads and driveways shall be located as much as feasible parallel to the flow of waters; where any roads, driveways or utility lines necessarily must cross a watercourse, such crossing shall be located and designed so as to allow convenient access by wildlife through and beyond such crossing, and shall be designed to safely convey floodwaters to the same extent as before construction of said crossings;
- f. street crossings, utility lines, recreational and greenway facilities and recreational-related surfaces may be permitted in the buffer area, but only to the minimal extent necessary;
- g. the site plan shall be designed to minimize adverse environmental and flooding effects on the Resource Conservation District and to achieve the purposes of this ordinance; permanent structures shall be located, to the maximum extent feasible, as far from the watercourse, and as close to the outer boundary of the Resource Conservation District, as is practical; permanent structures shall be clustered as much as practicable, to minimize land disturbance, to maximize undeveloped open space, and to maximize retention of natural vegetation and buffers;
- h. water supply and sewer systems shall be designed to prevent the infiltration of flood waters into the systems, and discharges from the systems into flood waters, and to avoid impairment during

- flooding to minimize flood damage; finished floor elevations to be served by sanitary sewer shall be at or above the rim elevation of the nearest upstream manhole cover; sanitary sewer manholes must be provided with locking, watertight manhole covers, or be elevated to a height sufficient to prevent submersion or infiltration by floodwaters; all sewer and sewer outfall lines shall use gravity flow to a point outside the Resource Conservation District or be otherwise approved by the Town Manager and OWASA;
- i. all gas, electrical and other facility and utility systems shall be located and constructed to minimize flood damage;
 - j. to the maximum extent feasible, all utility and service facilities shall be installed, constructed and otherwise protected so as to remain operational should floodwaters reach the Resource Conservation District elevation plus eighteen inches;
 - k. land disturbing activity shall be kept to the minimum feasible; the smallest practicable area of land shall be exposed at any one time during development; such minimal area shall be kept exposed as short a duration of time as is practical; temporary vegetation or mulching shall be used as needed to protect exposed areas; natural plant covering and vegetation shall be retained and protected to the maximum degree practical when developing the site, as shall natural features and terrain.
 - l. filling shall be permitted only if necessary to afford a legally reasonable use of the property; in any event, cutting or filling shall not be permitted if any change in the hydraulic characteristics of the watercourse would result.

10.9 Removal of Illegal Structures

The owner of any land within the Resource Conservation District shall be presumed responsible for any violation of this Article committed on his or her property. The owner of any land within the Resource Conservation District shall be responsible for removing any structure or improvement placed therein in violation of this Article. In addition, any other person found in violation of this Article shall be liable as provided in this ordinance.

10.10 Warning and Disclaimer of Liability

With respect to flood hazard, the degree of protection required by this Article is considered reasonable for regulatory purposes. Larger floods than anticipated or protected against herein can and will occur on occasion. This Article does not imply that land outside the Resource Conservation District or uses or variances permitted or allowed within such district will be free from flooding or flood damages. This Article shall not create any liability on the part of the Town, or any officer or employee thereof, for any flood damages that result from reliance on this Article or any administrative decision or process lawfully made thereunder.

10.11 Other Approvals Required

The granting of any permit, variance or approval under this Article shall in no way affect any other type of approval required by any other ordinance or statute of the Town, state, or United States, but shall be an added and separate requirement.

10.12 Records and Filings

The Town Manager shall maintain records of all development permits, approvals or variances and, as appropriate, of any conditions thereon, and also of actions on applications for such permits, approvals or variances, with respect to property within the Resource Conservation District. Variances granted for the relocation or alteration of watercourses shall be reported to adjacent jurisdictions that may be affected by the action, and to the North Carolina Department of Natural Resources and Community Development. The Town Manager shall report any variances granted to the Federal Insurance Administration unless exempted from this requirement by such Administration.

The Town Manager shall notify any applicant in writing of the decision on any application for any permit, approval or variance with respect to property within the Resource Conservation District and shall file a copy of it with the Town's Planning Department.

The applicant shall record any variance granted with the Orange County Register of Deeds within 60 days after written notice of approval of such variance by the Board of Adjustment.

10.13 Resource Conservation District Guide

The Town Manager shall cause to be prepared a Resource Conservation District Guide. Such guide shall contain presumptive criteria and guidelines for interpretation of this Article and evaluation of applications to develop or disturb land within the Resource Conservation District, as well as design and construction standards, consistent with the general performance standards contained in this Article.

SECTION II

AMEND Section 5.7.3 of the Development Ordinance by adding a sentence at the end thereof as follows:

Where a lot is partially within the Resource Conservation District, the maximum allowable Floor Area of the portion of the lot outside of the Resource Conservation District shall be calculated as the sum of:

- (a) the product of (1) the Floor Area Ratio of the portion of the zoning lot outside the Resource Conservation District, and (2) the area in square feet of the portion of the zoning lot outside the Resource Conservation District; and
- (b) the product of (1) the LUI Floor Area Ratio applicable to a permitted use in the Resource Conservation District, and (2) the area in square feet of the portion of the zoning lot within the Resource Conservation District.

SECTION III

This ordinance shall be effective upon its final adoption as by law provided and shall apply to any development begun after March 19, 1984.

This the 11th day of February, 1985.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 85-0-4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance as adopted, reads as follows:

AN ORDINANCE MAKING TECHNICAL AMENDMENTS TO ARTICLE IV OF CHAPTER 5 OF THE TOWN CODE OF ORDINANCES (85-0-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Article IV of Chapter 5 of the Town Code of Ordinances is hereby amended as follows:

SECTION I

- (a) ADD a new Section 5-53(19) to read as follows:

"19. Impervious Surface means those surfaces which do not absorb water. They include all buildings, parking areas, driveways, roadways, sidewalks, and any areas of concrete or asphalt. In the case of supply yards, outdoor areas of stored materials constitute impervious surfaces."

- (b) ADD a new Section 5-53(20) to read as follows:

"Land Disturbing Activities mean those activities or processes which disturb, displace or otherwise disrupt in situ vegetation or inorganic materials, including but not limited to clearing, grubbing and grading."

- (c) RENUMBER the current Section 5-53(19) through (27) as 5-53(21) through (29).

SECTION II

DELETE Section 5-54.

SECTION III

REWRITE Section 5-53(3) to read as follows:

"Reviewing all proposals to relocate or alter the channels of watercourses to assure that all legal requirements have been satisfied."

SECTION IV

Paragraph 1 of Section 5-56 is REWRITTEN to read as follows:

"There shall be maintained in the office of the Building Inspector or of the Planning Department of the Town of Chapel Hill official Base Floodway or Floodplain Boundary Maps and official Base Flood Profiles, which designate and delineate areas of special flood hazard, floodways, and base flood elevations for all reaches of watercourses subject to any floodplain or Resource Conservation District regulation of the Town. Said documents shall be reviewed and updated as appropriate by the Administrator at least once every ten years. The official Base Floodway and Floodplain Boundary Maps and Base Flood Profiles and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance, and applicable to any Resource Conservation District regulation of the Town as appropriate. The referenced Maps and Profiles shall be based on the Federal Insurance Administration's scientific and engineering report entitled 'The Flood Insurance Study for the Town of Chapel Hill, North Carolina,' and accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated April 17, 1978, and any revision thereto; and for streams not covered in said Insurance Study, maps drawn and certified by a registered professional engineer and approved by the Administrator."

SECTION V

Sections 5-58, -59, -60, -61, -62, -63, -64, -65, -66, -67, -68, and -69 are DELETED.

This the 11th day of February, 1985.

Human Services Needs Report

Ms. Pat Sullivan, Chair of Human Services Advisory Board, gave a brief synopsis of the Human Services Needs Report. She identified several needs that the HSAB felt could be met by either the Town or Orange County. One such need was an Audio Loop for the hearing impaired to enable their participation in public meetings.

Council Member Howes expressed interest in the Audio Loop and asked the Manager to study this issue.

Council Member Smith was concerned about the needs of the mentally ill and the failure of the HSAB to address this issue in their report. Ms. Sullivan stated that the needs report did not represent all the areas of need but just those the Board felt were most pressing. She also stated that the responsibility of helping the mentally ill was the prime responsibility of the Mental Health Association, a County agency.

Greenways Task Force Report

Lightning Brown, representing the Greenways Task Force, thanked several people including members of the staff, task force, and neighborhood groups, for their help in preparing the report. He said Greenways involved nature protection, trail development, alternative transportation and a variety of recreation options. Mr. Brown stated that there was a need for an ongoing effort and recommended the establishment of a Greenways Commission.

Ms. Barbara Jacobson, representing the Triangle Greenway Council, spoke in support of the report.

Ms. Kathy Harris, representing the Triangle group of the Sierra Club, encouraged the Council to accept the report and said the Sierra Club was most willing to help plan, develop and mark the greenways trail network.

Mr. Pearson Stewart, representing the Board of Directors of the Triangle Land Conservancy, said Chapel Hill was in need of as much variety as it could get if it wanted to maintain its unique character, and the Greenway System would provide variety, both physically and aesthetically.

Council Member Boulton stated she wasn't sure there needed to be a separate Greenways Commission since much of their work was associated with the Parks and Recreation Department and Commission. Mr. Brown said the Parks and Recreation Commission should be involved, but a separate Greenways Commission would be able to address questions on open space not recreationally related.

Council Member Pasquini asked how the Greenways Task Force was planning to map the greenway system. Mr. Brown stated it would be done through a hired survey and that the Town was already doing so as part of the floodplain planning. Manager Taylor stated that the Town had to do some surveying for the Resource Conservation District but he wasn't sure if what the Town planned would suffice for the Greenways Task Force.

Council Member Preston stated that she was impressed with the report and felt that the Greenways Task Force should be a separate entity and continue on. She urged the Manager to get back to the Council quickly on this matter. Council Member Smith agreed with Council Member Preston and stated that he would like to see money set aside in the budget for the greenways.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER TO THE MANAGER AND FOR THE MANAGER TO BRING BACK AN AMOUNT IN THE BUDGET FOR GREENWAYS.

COUNCIL MEMBER PASQUINI MOVED TO AMEND THE MOTION BY STATING THAT THE MANAGER RESPOND TO THE REPORT AND PROPOSE A PLAN FOR FINANCING THE GREENWAYS SYSTEM, SECONDED BY COUNCIL MEMBER BOULTON.

Council Member Howes offered a friendly amendment to say that the Council accepted the report with commendation and appreciation. Council Member Boulton stated that Council Member Howes' use of the word accept did not mean to adopt but rather to receive; therefore, Council should receive the report, not accept. Council Member Boulton then asked Mr. Barrett for clarification of accept verses adopt. Mr. Barrett stated that it did not mean adopt if the Council's intent was to receive the report.

Mayor Nassif asked Council Member Howes if he meant for Council to adopt or accept the report. Council Member Howes stated he meant for Council to accept the report. The amendment was accepted by Council Member Pasquini and the motion reads as follows:

COUNCIL MEMBER PASQUINI MOVED FOR COUNCIL TO ACCEPT THE REPORT WITH COMMENDATION AND APPRECIATION, AND FOR THE MANAGER TO RESPOND TO THE REPORT AND PROPOSE A PLAN FOR FINANCING THE GREENWAYS SYSTEM, SECONDED BY COUNCIL MEMBER BOULTON. THE AMENDMENT CARRIED UNANIMOUSLY (8-0). THE MOTION AS AMENDED, PASSED UNANIMOUSLY (8-0).

Franklin Hills Preliminary Plat Subdivision Approval

Roger Waldon, Planning Director, stated that this was a request for a subdivision to be located on the southeast side of Bolin Creek and northwest side of East Franklin Street between Elizabeth Street and Tenney Circle and Lone Pine Hill Subdivision. He stated concern over the access and topography of the site.

The Planning Board recommended adoption of resolution 85-R-24a. The Manager recommended adoption of 85-R-24b to postpone action until the Franklin Hill Special Use Permit on the site is modified.

Mr. John Mabe, an attorney representing the developers, stated the developers would like Council to adopt resolution 85-R-24a, approving the preliminary plat. He also stated that the developers took the position that there was no obligation to obtain a modification of the special use permit and no requirement that other phases of the development be constructed.

Manager Taylor stated that the staff took the position that the only thing that could happen with property at this time was that the Special Use Permit had to be amended. He said the developers had no right to build other units without the amendment to the Special Use Permit which would grant them an extension of time on the completion deadline.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-24b.

Council Member Preston asked the purpose of the planned public hearing tentatively scheduled for May. Manager Taylor replied that it was to modify the existing Special Use Permit to change the boundary so that the property on which the subdivision lies would be excluded from the Special Use Permit and then would be free to be considered for another Special Use Permit, subdivision, etc.

Council Member Thorpe asked why the developers were in this situation. Mr. Barrett replied that the project had been approved for 60 condominium units to be built in phases. The Special Use Permit had a standard provision regarding construction which ended in 1982. All that had been built to date was phase one, 15 condominium units, and no other phase has been begun or completed. Mr. Barrett stated that, although some of the approved development had been built, the provision of the Special Use Permit on the end of construction had passed. He said the Special Use Permit had been used, but not fully.

Council Member Thorpe was concerned that the developers were not apparently aware of the policies or rules regarding their Special Use Permit.

Council Members Kawalec, Pasquini and Preston expressed concern over the project with regard to vehicle access and topography.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION POSTPONING ACTION ON FRANKLIN HILLS SUBDIVISION PRELIMINARY PLAT (85-R-24b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby tables action on the application for preliminary plat approval of the Franklin Hills Subdivision until after it has acted on the application for Modification of the Franklin Hills Special Use Permit, currently applicable to that part of the subdivision site identified as Chapel Hill Township Tax Map 76, Block A, Lot 1.

This the 11th day of February, 1985.

Completion Time Limits for Development Permits

Manager Taylor made a brief presentation on the resolution and ordinance regarding revoking expired Special Use Permits and modifications and amending the development ordinance.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, FOR ADOPTION OF ORDINANCE 85-0-5. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0- 5)

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

SECTION I

AMEND Section 8.6 to read as follows:

8.6 Expiration and Revocation of Special Use Permit Approvals

8.6.1 Special Use Permit Binding on Land

A Special Use Permit or Modification of Special Use Permit shall run with the land covered by the Permit or Modification. Once construction authorized by a Special Use Permit or Modification of Special Use Permit is started, no development other than that authorized by the Permit or Modification shall be approved on that land unless the Permit or Modification is first modified in accord with Section 8.5, or voided or revoked in accord with the provisions of this section.

8.6.2 Starting Time Limit

If the use, construction, or activity authorized by Council approval of an application for a Special Use Permit or Modification of Special Use Permit is not started within twelve (12) months of the date of approval, or within such further time stipulated in the approval, the approval shall automatically expire and any Town permit issued pursuant to the approval shall be void. The Town Manager shall determine whether the use, construction, or activity has started.

8.6.3 Completion Time Limit

If all construction and actions authorized or required by a Special Use Permit or Modification of Special Use Permit are not completed by the completion date stipulated in the Permit or Modification, the permit holder may request an extension of the completion time limit from the Town Manager. The Town Manager may grant a single extension of the time limit for up to twelve (12) months if he determines that: a) the permit holder submitted the request within sixty (60) days of the completion date; b) the permit holder has proceeded with due diligence and good faith; and c) conditions have not changed so substantially as to warrant Council reconsideration of the approved development.

If all of the construction and actions authorized or required by a Special Use Permit or Modification of Special Use Permit are still not completed by the extended completion date granted by the Town Manager, the permit holder may, within 60 days of the revised completion date, request additional extensions of the completion time limit from the Council. The Council may grant extensions of the time limit for periods of up to twelve (12) months if it makes determinations a) - c) above.

8.6.4 Abandonment of Special Use Permit

On request by the holder of a Special Use Permit or Modification of Special Use Permit, the Town Manager shall approve the abandonment of the Permit or Modification if he determines that: a) no construction or activity authorized by the Permit or Modification has been started and the starting time limit has not yet expired; or b) the development or use authorized by the Permit or Modification no longer requires a Special Use Permit; and c) the permit holder has submitted a signed affidavit clearly stating his intent to abandon the Permit or Modification. If the Town Manager approves the abandonment, it shall not be effective until the affidavit of abandonment is recorded in the office of the appropriate County Register of Deeds.

8.6.5 Cessation of Use

If the use(s) authorized by a Special Use Permit or Modification of Special Use Permit ceases for a continuous period of twelve (12) months, the Permit or Modification shall automatically become void.

8.6.6 Revocation of Special Use Permit

If any conditions of a Special Use Permit or Modification of Special Use Permit, including completion time limits, or requirements of this chapter applicable to the Permit or Modification are violated, the Council may revoke the Permit or Modification.

The Council may reinstate a revoked Special Use Permit or Modification of Special Use Permit if it determines that: a) the holder of the revoked Permit or Modification submitted a request for reinstatement to the Town Manager within ninety (90) days of the revocation; b) the violations that were the cause of the revocation have been corrected; and c) the development fully complies with all conditions of the Permit or Modification and all applicable requirements of this chapter.

SECTION II

INSERT a new criterion a) in the second paragraph of Section 8.5, Modification of Special Use Permit, to read:

- a) A change in the boundaries of the site approved by the Council shall constitute a modification;

and RELETTER current criteria a) through f) as b) through g).

SECTION III

AMEND Section 15.5 to read as follows:

15.5 Modification of Zoning Compliance Permits

The Town Manager may approve a Modification of Zoning Compliance Permit for changes to plans approved under site plan review or sign plan review as long as such changes continue to comply with the approving action of the Planning Board or Appearance Commission, as appropriate, and all other applicable requirements. The Town Manager shall not have the authority to approve a Modification for any substantial changes to plans approved under site plan review or sign plan unless such changes are specifically required by a condition of approval.

If a substantial change is proposed, the Town Manager shall require the filing of an application for approval of the modification. An application for Modification of a Zoning Compliance Permit shall be reviewed in accord with the procedures established in Section 15.4.

SECTION IV

INSERT a new Section 15.6 to read as follows:

15.6 Expiration and Revocation of Zoning Compliance Permit Approvals

15.6.1 Starting Time Limit

If the use, construction, or activity authorized by approval of an application for a Zoning Compliance Permit or Modification of Zoning Compliance Permit is not started within six (6) months of the date of approval, or within such further time stipulated in the approval, the approval shall automatically expire and any Town permit issued pursuant to the approval shall be void. The Town Manager shall determine whether the use, construction, or activity has started.

15.6.2 Completion Time Limit

If all construction and actions authorized or required by a Zoning Compliance Permit or Modification of Zoning Compliance Permit are not completed by the completion date stipulated in the Permit or Modification, the permit holder may request an extension of the completion time limit from the Town Manager. The Town Manager may grant extensions of the time limit for periods of up to twelve (12) months if he determines that: a) the permit holder submitted the request within sixth (60) days of the completion date; b) the permit holder has proceeded with due diligence and good faith; and c) conditions have not changed so substantially as to warrant reconsideration of the approved development. The Town Manager shall determine whether or not all construction and actions authorized or required have been completed.

15.6.4 Revocation of Zoning Compliance Permit

If any conditions of a Zoning Compliance Permit or Modification of Zoning Compliance Permit, including completion time limits, or requirements of this chapter applicable to the Permit or Modification are violated, the Town Manager may revoke the Permit or Modification.

The Town Manager may reinstate a revoked Zoning Compliance Permit or Modification of Zoning Compliance Permit if he determines that: a) the holder of the revoked Permit or Modification submitted a request for reinstatement within ninety (90) days of the revocation; b) the violations that were the cause of the revocation have been corrected; and c) the development fully complies with all conditions of the Permit or Modification and all applicable requirements of this chapter.

SECTION V

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

This the 11th day of February, 1985.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 85-R-25a. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REVOKING EXPIRED SPECIAL USE PERMITS AND MODIFICATIONS OF SPECIAL USE PERMITS (85-R-25A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the uses authorized by the following Special Use Permits or Modifications of Special Use Permits no longer exist on the site covered by the Permits or Modifications, and have ceased for a continuous period of at least twelve (12) months:

1. Powell Nursing Home Quasi - Public Building Special Use Permit (approved November 20, 1962) and Modification of Special Use Permit (approved July 16, 1963); Chapel Hill Township Tax Map 27, Block F, Lot 2 (Ephesus Church Road).
2. Tops/Sunoco Automobile Service Station Special Use Permits (approved May 18, 1970) and Modification of Special Use Permit (approved January 10, 1977); Chapel Hill Township Tax Map 47, Block A, Lot 18 (E. Franklin Street).
3. Lessler Tutoring School Quasi - Public Building Special Use Permit (approved August 17, 1970); Chapel Hill Township Tax Map 83, Block F, Lot 13 (Stephens Street).
4. Christian Science Offices Quasi - Public Building Special Use Permit (approved July 6, 1971); Chapel Hill Township Tax Map 83, Block F, Lot 18 (Stephens Street).
5. Delta Delta Delta Sorority House Special Use Permit (approved July 8, 1974 and recorded in DB 250, page 1127 of the Orange County Registry); Chapel Hill Township Tax Map 86, Block E, Lot 10 (Pittsboro Street).
6. Saralyn Apartments Unified Housing Development Special Use Permit (approved February 24, 1975 and recorded in DB 255, page 1619 of the Orange County Registry); Chapel Hill Township Tax Map 87, Block E, Lot 6 (McCauley Street).
7. Phillips' Law Office Quasi - Public Building Special Use Permit (approved May 10, 1976); Chapel Hill Township Tax Map 74, Block A, Lot 1 (E. Franklin Street).

BE IT FURTHER RESOLVED that the Council hereby revokes the Special Use Permits and Modifications of Special Use Permits listed above in accord with Section 8.6 of the Development Ordinance.

This the 11th day of February, 1985.

Height Limits

The Manager stated that the Staff felt the current flexibility in the ordinance was adequate and recommended denying the proposed amendment.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, FOR ADOPTION OF 85-0-6b (reduces height limit to 60' in cc, O12, R4 and R5 zones).

COUNCIL MEMBER PASQUINI MOVED TO AMEND THE MOTION TO CHANGE THE HEIGHT LIMIT TO 50 FEET AND ADD R-3 ZONE, SECONDED BY COUNCIL MEMBER PRESTON. THE MOTION FAILED BY A VOTE OF 3 TO 5 WITH COUNCIL MEMBERS KAWALEC, PASQUINI AND PRESTON VOTING FOR THE MOTION.

Council Member Preston stated that she felt there should be a height limit of 50 feet with the provision that Council be given the discretion that, if the developer could convince Council that a taller building was desirable on the piece of land, Council could allow a higher secondary height. Mayor Nassif and Council Member Howes both felt that the current ordinances were adequate.

BY A VOTE OF 5-3, THE MAIN MOTION WAS NOT ADOPTED, WITH COUNCIL MEMBERS THORPE, NASSIF AND HOWES VOTING AGAINST THE MOTION. A SECOND READING OF THE ORDINANCE WILL AUTOMATICALLY BE TAKEN AT THE NEXT COUNCIL MEETING.

Minimum Land Area Requirements for Land Development

Manager Taylor recommended denying the proposed amendment.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT 85-0-7c.

Mayor Nassif and Council Member Howes both stated they were against the motion, feeling that there were a lot of small projects which would not be allowed to be instructed.

Council Member Smith stated that there needed to be provisions against commercial development infringing on residential areas.

A SUBSTITUTE MOTION WAS MADE BY COUNCIL MEMBER KAWALEC, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT 85-0-7a.

Council Member Kawalec stated that the reason she moved for adoption of 85-0-7a was because she was afraid that 85-0-7c would be defeated, and she didn't want to see both the deletion of Section 8.8.3, and the 5 acre minimum land requirement turned down. She said she had been unsure of whether she could have reintroduced this issue if the ordinance 85-0-7c was defeated. She said if she could be sure that she could make this motion, 85-0-7a, if the original motion, 85-0-7c, was defeated, then she would withdraw her motion. Council Member Howes, however, refused to withdraw his second to her motion of 85-0-7a. Therefore, the substitute motion of 85-0-7a remained on the floor for a vote.

THE SUBSTITUTE MOTION PASSED, (6-2), WITH COUNCIL MEMBERS PASQUINI AND BOULTON VOTING AGAINST. IT BECAME THE MAIN MOTION. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0- 7a)

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 Subsection 8.8.3, Additions to Existing Planned Developments and Planned Developments in Similar Zoning Districts Not Subject to Minimum Area Requirements, and SUBSTITUTE "Reserved."

SECTION II

SUBSTITUTE the phrase "Subsection 8.8.2" for the phrase "Subsections 8.8.2 and 8.8.3" in the first sentence of Subsections 8.8.6.2, Minimum Land Area, and 8.8.7.2, 8.8.8.2, 8.8.9.2, and 8.8.10.2, Land Area Requirements.

SECTION III

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

This the 11th day of February, 1985.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT 85-0-7b (ESTABLISHES A 5 ACRE MINIMUM FOR RESIDENTIAL PLANNED DEVELOPMENT). BY A VOTE OF 5-3, THE MOTION WAS NOT ADOPTED, WITH COUNCIL MEMBERS THORPE, HOWES AND SMITH VOTING AGAINST. A SECOND READING OF THE ORDINANCE WILL AUTOMATICALLY BE TAKEN AT THE NEXT COUNCIL MEETING.

Gross Land Area

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT ORDINANCE 85-0-8.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO AMEND THE MOTION TO DELETE GROSS LAND AREA AND INSERT NET LAND AREA.

Council Member Kawalec spoke against Gross Land Area concepts, stating that Council could use the special use permit process for requiring developers to provide street development and because she felt Gross Land Area concept was too complicated and unnecessary. The amendment failed 3-5 with Council Members Smith, Preston and Pasquini voting for the amendment.

COUNCIL MEMBER PASQUINI MOVED TO TABLE THE MOTION. THE MOTION FAILED FOR LACK OF SECOND.

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

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0- 8)

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

SECTION I

AMEND Section 5.5.1, Gross Land Area Defined, to delete the first two sentences and insert the following text:

The gross land area of a zoning lot shall be constructed as all area within its boundaries (net land area) plus half of the adjoining 1) publicly-owned or otherwise permanently dedicated open space, such as parks, recreation areas, water bodies, cemeteries, and the like, and 2) public streets, provided: a) the width of such credited open space shall be limited to a number of feet equal to the Land Use Intensity (LUI) rating applying to the lot; and b) the total amount of credited open space shall not exceed ten percent (10%) of the net land area of the zoning lot, except that such limit shall not apply to open space dedicated to the Town between May 12, 1981 and December 5, 1983 and open space in the Town Center-1 or Town Center-2 districts.

SECTION II

AMEND Section 18.50, Gross Land Area, to read as follows:

18.50 Gross Land Area: All area within the boundaries of a zoning lot (net land area) plus half of the adjoining 1) publically-owned or otherwise permanently dedicated open space, such as parks, recreation areas, water bodies, cemeteries and the like, and 2) public streets, provided: a) the width of such credited open space and streets shall be limited to a number of feet equal to the Land Use Intensity (LUI) rating applying to the lot; and b) the total amount of credited open space shall not exceed ten percent (10%) of the net land area of the zoning lot, except that such limit shall not apply to open space dedicated to the Town between May 12, 1981 and December 5, 1983 and open space in the Town Center-1 and Town Center-2 districts.

SECTION III

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

This the 11th day of February, 1985.

Dedication of Recreation Areas and Payment in Lieu of Recreation Space

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT ORDINANCE 85-0-9. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING ARTICLES 5 AND 7 OF THE DEVELOPMENT ORDINANCE (85-0-9)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Article 5 and 7 of the Chapel Hill Development Ordinance be amended as follows:

Section I

In Sections 7.9.1, 7.9.2, 7.9.3, 7.9.4, 7.9.5, and 7.9.6 DELETE the following phrases and INSERT in lieu thereof, respectively, the indicated phrases:

DELETEINSERT

"reserve recreation areas"	"provide or dedicate recreation areas"
"reservation of recreation areas"	"provision or dedication of recreation areas"
"reserved"	"provide or dedicated"
"in lieu of dedication"	"in lieu of provision or dedication"
"dedicate land"	"provide or dedicate land"
"land dedication"	"land provision or dedication"
"reservation"	"provision or dedication"

Section II

RESTATE Section 7.9.5 to read in its entirety as follows:

Payments in Lieu of Provision or Dedication

"Any subdivider required to provide or dedicate recreation area pursuant to this section may, with the approval of the Council, make a payment in lieu of provision or dedication, provide or dedicate land for required recreation space, or may make a combination of land dedication or provision and payment."

"The payment in lieu of provision or dedication shall be the product of the number of acres to be dedicated multiplied by the fair market value of land being subdivided. The appraisal of the property to determine fair market value shall occur prior to the preliminary plat approval. The costs associated with the appraisal shall be borne by the developer. All payments received by the Town, pursuant to this section shall be used only for the acquisition or development of recreation, park or open space sites."

"In the case of disagreement between the Town and the developer as to fair market value, such determination shall be made by a special appraisal committee made up of one professional appraiser appointed by the developer, one professional appraiser appointed by the Council, and one professional appraiser appointed by the initial two members. The committee shall view the land and hear the contentions of both the Town and the developer. The findings of the committee shall be by majority vote and shall be certified to the Council within thirty (30) days of the time of appointment of the third member of the committee. The costs of the committee shall be borne by the developer."

Section III

ADD a new Section 5.7.10 to read in its entirety as follows:

Payments in Lieu of Improved Recreation Space

"Any developer required to provide space improved for the common active recreational use of residents of multi-family developments and planned developments pursuant to this section may, with the approval of the Council, make a payment in lieu of such improvement, provide improved recreation space, or may make a combination of improved recreation space and payment."

"The payment in lieu of improved recreation space shall be the product of the number of areas to be improved multiplied by the fair market value of the land being developed. The appraisal of the property determining fair market value shall occur prior to Council consideration of the special use permit. The costs associated with the appraisal shall be borne by the developer. All payments received by the Town pursuant to this section shall be used only for the acquisition or development of recreation, park or open space sites."

"In the case of disagreement between the Town and the developer as to fair market value, such determination shall be made by a special appraisal committee made up of one professional appraiser appointed by the developer, one professional appraiser appointed by the Council, and one professional appraiser appointed by the initial two members. The committee shall view the land and hear the contentions of both the Town and the developer. The findings of the committee shall be by majority vote and shall be certified to the Council within thirty (30) days of the time of appointment of the third member of the committee. The costs of the committee shall be borne by the developer."

Section IV

ADD a new Section 7.9.7 to read in its entirety as follows:

Substitution of off-site Land for Dedicated Recreation Space

"Any subdivider required to provide or dedicate recreation area pursuant to this section may, with the approval of the Council, dedicate recreation area outside the boundaries of the land being subdivided but in a nearby area of Town."

"The substitute dedicated recreation area shall be in a location acceptable to the Council, shall be comparably valued, and shall meet all suitability requirements as set forth under the provisions of Section 7.9.3 of this Ordinance."

Section V

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

This the 11th day of February, 1985.

Colony Lake Request for Extension of Time Limit

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT RESOLUTION 85-R-28a.

Council Member Smith asked whether or not the project could have been started at the same time as the road improvements were begun. Ms. LuAnn Neese, an attorney speaking for the developer, said that they were under the impression that they couldn't have begun the project until after all the land negotiations had been completed. She said Negotiations were not completed until December 27, 1984, after having begun on April 6, 1984.

Council Member Howes asked what would be the practical effect of denying this request. Manager Taylor stated that it would mean that the developer would have to post a bond. It would not mean that the developer would have to stop the project.

THE MOTION FAILED, (1-7), WITH COUNCIL MEMBER THORPE VOTING FOR THE MOTION.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT 85-R-28b. THE MOTION PASSED, (7-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST THE MOTION.

The resolution, as adopted, reads as follows:

A RESOLUTION DENYING AN EXTENSION OF THE STARTING TIME LIMIT STIPULATED IN THE COLONY LAKE PD-H SPECIAL USE PERMIT (85-R-28b)

WHEREAS, the Council of the Town of Chapel Hill amended Section 8.6 of the Development Ordinance, Voiding and Revocation of Special Use Permit Approvals, on October 22, 1984 to require that a Special Use Permit shall automatically expire if the construction authorized by its approval is not started within the time limit stipulated in the approval; and

WHEREAS, Council members specifically requested elimination of an opportunity to grant an extension of the starting time limit stipulated in a Special Use Permit during their consideration of the recent amendment of Section 8.6 of the Development Ordinance;

BE IT RESOLVED by the Council that it hereby denies the request of Carolina Communities, Inc. for an extension of the starting time limit stipulated in the Special Use Permit authorizing construction of the Colony Lake Planned Development-Housing.

This the 11th day of February, 1985.

Council Member Thorpe stated that the cost involved for the purchase of these units would be greatly increased by not allowing the extension. Council Member Thorpe said that he understood the Manager's position, but that Council had the opportunity to make sure that the houses could have been built at the least cost. He said he saw this move by Council as a sign that the Council was not really interested in providing affordable housing for Chapel Hill residents.

Council Member Smith stated that the Council had voted to amend the ordinance to refuse any extensions and that Council ought to abide by their previous actions.

Council Member Boulton left the meeting at this time.

Revenue Bonds

The Mayor stated that the purpose of the meeting was to consider and take action on (i) a Bond Order authorizing the issuance of revenue bonds of the Town to provide funds, together with other available funds, to pay the cost of providing a parking lot located at a site bounded by West Rosemary Street, Church Street and West Franklin Street in the Town of Chapel Hill and to provide for the securing thereof, and (ii) a resolution approving the sale of the revenue bonds and authorizing the execution and delivery of documents in connection with such financing.

The Mayor then submitted to the meeting forms of the Bond Order and other financing documents.

Council Member Smith introduced the Bond Order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF PARKING REVENUE BONDS OF THE TOWN OF CHAPEL HILL FOR THE PURPOSE OF PAYING THE COST OF PROVIDING A PARKING LOT LOCATED AT A SITE BOUNDED BY WEST ROSEMARY STREET, CHURCH STREET AND WEST FRANKLIN STREET IN THE TOWN OF CHAPEL HILL AND PROVIDING FOR THE SECURITY THEREOF", and moved that it be adopted together with such minor changes, insertions and omissions as the Mayor may approve. The Bond Order was considered by the Council.

Council Member Howes seconded the motion, and the motion was adopted. Those voting for the motion were Council Members Thorpe, Boulton, Pasquini, Nassif, Kawalec, Howes, Preston and Smith. No one voted against it.

The Mayor directed the Town Clerk to file a certified copy of the Bond Order with the Local Government Commission of North Carolina.

Council Member Smith introduced the following resolution and moved that it be adopted.

RESOLUTION APPROVING THE SALE OF \$1,000,000 TOWN OF CHAPEL HILL PARKING REVENUE BONDS, SERIES 1985, OF THE TOWN OF CHAPEL HILL AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, there have been submitted to this meeting the following:

- (1) Commitment Letters ("Commitment Letter"), from Central Carolina Bank & Trust Company (dated January 7, 1985), Wachovia Bank & Trust Company, N.A. (dated January 15, 1985, amended January 28, 1985), First Citizens Bank & Trust Company (dated January 3, 1985) and North Carolina National Bank (dated January 7, 1985).
- (2) Copy of extracts of minutes of meeting of the Executive Committee of the Local Government Commission of North Carolina held on February 5, 1985, approving the application of the Town for issuance of the Bonds and approving the private sale of the Bonds pursuant to the Commitment Letter.

WHEREAS, the Council desires to ratify certain actions of the Town Manager, to approve the sale of the Town of Chapel Hill Parking Revenue Bonds, Series 1985, in accordance with the Commitment Letter and to authorize the execution and delivery of documents and the taking of other actions in connection therewith:

NOW, THEREFORE,

BE IT RESOLVED by the Council of the Town of Chapel Hill, as follows:

1. The application by the Town Manager for approval of \$1,000,000 principal amount of revenue bonds of the Town of Chapel Hill (the "Bonds") for the purpose of providing funds to pay costs of the Project, as defined in the Bond Order heretofore approved by the Council, is hereby ratified and approved.
2. The offer in the form of the Commitment Letter submitted to this meeting is hereby accepted and approved, and the sale of the Bonds by the Local Government Commission of North Carolina in accordance therewith, at the aggregate purchase price of \$1,000,000, upon the terms and conditions set forth in the Commitment Letter, including the interest rate set forth therein, are hereby approved.
3. First Citizens Bank & Trust Company, Raleigh, North Carolina, is hereby named the Trustee under the Bond Order.
4. The Bonds shall bear interest at the rate of 70% of the Prime Rate of the Trustee as further set forth in the Bond Order, provided that such interest rate shall not exceed 11% per annum.
5. The Bonds, upon their execution in the form and manner set forth in the Bond Order, shall be authenticated by the Trustee and delivered to the purchasers upon payment of the purchase price therefore.
6. The Town of Chapel Hill will act as registrar and transfer agent in connection with the Bonds.
7. The Local Government Commission is hereby requested to sell the Bonds at private sale and without advertisement pursuant to the provisions of Section 159-123 of the General Statutes of North Carolina.
8. The Mayor, the Town Clerk, the Town Manager, the Finance Officer of the Town and the Town Attorney are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the issuance and sale of the Bonds.

Council Member Preston seconded the motion and the motion was adopted. Those voting for the resolution were Council Members Thorpe, Boulton, Pasquini, Nassif, Kawalec, Howes, Preston and Smith. No one voted against it.

Revisions to Council Procedures Manual

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-29. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL (85-R-29)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends the Town Council Procedures Manual as follows:

INSERT after Section II (D)(4) a new subsection II (D)(5) as follows:

5. General Procedures

- a. Annual report. Advisory boards or commissions shall report to Council annually at the time most appropriate for the board. Boards shall inform the Manager's office a minimum of two weeks prior to the desired date to report to Council in order to be scheduled on an agenda.
- b. Orientation to Boards. The Town Manager or his designee is responsible for giving boards and commissions information on Town policies and procedures; including the purposes, powers and duties of each board, procedures for reporting to Council, attendance requirements and the boards' role in the appointment process.

In Section II(E)(1), Resolution 79-R-60, as amended on August 23, 1982, is restated to read in its entirety as follows:

A RESOLUTION SETTING POLICIES FOR FILLING SEATS ON ADVISORY BOARDS AND COMMISSIONS, EXPIRATION OF TERMS, AND NUMBER OF CONSECUTIVE TERMS (79-R-60)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends its policies for filling vacancies on Town Boards and Commissions to read as follows:

Nominations and Appointment Process

1. Each spring, at least eight weeks before a term expires, the Town Clerk shall notify Council of such expiration or vacancy and advertise the vacancy in a medium of general circulation within the community and by such other means as may be deemed effective. Mid-year vacancies shall be filled from applications on file without special advertising unless requested by Council.
2. At the request of a board, no sooner than two weeks after the advertisement has appeared, the Town Clerk shall give all applications to fill the vacancy to the relevant board or commission.
3. The board or commission may review all applications and may, at its option, recommend candidates for each vacancy. The name(s) and application(s) of the candidate(s) shall be forwarded to the Council with the application(s) of all other persons interested in the vacancy.
4. At the meeting in which the applications and any recommendations are submitted to Council, Council members may make nominations. No name may be put in nomination unless that individual has filed an application with the Clerk. At the next regular meeting following receipt of the applications, the Council may make additional nominations and make appointment(s), provided that the application of the nominee has been distributed to the Mayor and Council three days before the meeting at which the appointment(s) are made.

Term Expirations

All board and commission terms shall expire on June 30. Terms of members of the Historic District Commission which expire on December 31, 1985 are hereby extended to June 30, 1986.

Consecutive Terms

No one shall serve on an advisory board or commission for more than two consecutive full terms. Following a one year absence, an individual is eligible to serve again.

Resignations

Resignations shall be submitted in writing to the chair of the board or commission, who shall notify Council through the Mayor's Office.

Residence Required

All appointees, except for those appointed seats filled by a county Board of Commissioners as provided by law, shall be residents of the Town.

Applicants shall list both their residence and mailing addresses, if different.

Dual Membership

An incumbent on a board shall not be considered for appointment to another board unless he or she resigns before filing an application, or is in the last 6 months of a term.

Application File

The Clerk's Office shall keep applications on file through two spring appointment cycles. Applicants are encouraged to indicate on their applications if they wish to have their applications on file for a shorter period.

Applicants' Preference for Board

Applicants are strongly encouraged to apply for one board but may apply for more than one if their preferences are ranked.

Full Term for Appointments to Vacancies Due to Resignation, etc.

When a vacancy occurs before the scheduled end of a term, the person appointed to such vacancy shall serve a 3-year term (4 years for a seat on the Library Board of Trustees) plus any additional months necessary to have such term expire on June 30.

Leaves of Absence

Leaves of absence from Boards shall be approved by Council and shall not exceed 4 months. No interim appointments will be made.

Information on Attendance of Persons with Expiring Terms

At the meeting when board recommendations and applications are submitted to Council, the Clerk shall give Council a report on the attendance of those board members whose terms are expiring and are seeking reappointment.

This the 11th day of February, 1985.

Procedures Manual Change Regarding Agenda

Council Member Kawalec made a brief presentation on the procedural manual change regarding citizen input on the agenda. She stated that adopting the resolution would not change the Council's actual procedures, rather it would clarify them. Council Member Smith was concerned about the process of citizen input to the Council.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-30. THE MOTION PASSED, (7-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL (85-R-30)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby deletes paragraph 1(B)(2)(e) from the Town Council's Procedures Manual.

This the 11th day of February, 1985.

Consent Agenda

Council Member Thorpe asked to remove item c, Engineering Inspector position, from the Consent Agenda. Mayor Nassif stated that he objected to item a, Noise Permit for Fund Raising Event, but would not request it be removed from the consent agenda.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-31 (WITH THE DELETION OF ITEM C). THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND AN ORDINANCE (85-R-31)

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

- a. Noise Permit for fund-raising event (85-R-32)
- b. Improvements to Merritt Mill Road (85-R-33)

This the 11th day of February, 1985.

A RESOLUTION APPROVING AN EXEMPTION FROM THE TOWN'S NOISE ORDINANCE (85-R-32)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby grants an exemption from certain standards of the Town's noise ordinance, and approves the issuance of a special permit for, outdoor amplified sound between 2 pm and 5 pm on Friday, April 12, 1985 in connection with an event sponsored by the Pi Kappa Phi Fraternity to raise funds for the North Carolina Burn Center; provided, that the fraternity and other participants and any other sponsors of the event shall comply with other terms of the ordinance, including decibel limits; and shall cooperate and comply with reasonable directives of the Police Department in planning for and conduct of the event.

This the 11th day of February, 1985.

A RESOLUTION REGARDING AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO MERRITT MILL ROAD (85-R-33)

WHEREAS, the North Carolina Department of Transportation and the Town of Chapel Hill propose to make certain street and highway improvements consisting of the construction and improvement of SR 1927 (Merritt Mill Road) from Cameron Avenue to Park Road; and,

WHEREAS, the Department of Transportation and the Town of Chapel Hill propose to enter into an agreement for construction of the aforementioned highway improvement whereby the Town of Chapel Hill agrees to design the project plans, acquire the right of way and adjust utilities, award the construction contract, and supervise project construction; and,

WHEREAS, said agreement provides for the Town of Chapel Hill to be responsible for the costs of design and preparation of plans for the entire project, for the costs of engineering and supervision of construction of the entire project, and for administrative costs incurred in the acquisition of right of way of the project; and

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the Town of Chapel Hill to a maximum extent of \$300,000.00, for the actual contract construction costs of the project.

NOW, THEREFORE, BE IT RESOLVED that Project 9.8070356, Orange County, is hereby formally approved by the Town Council of the Town of Chapel Hill and that the Mayor and Town Clerk of the Town of Chapel Hill are hereby empowered to sign and execute the required agreement between the Town of Chapel Hill and the Department of Transportation.

This the 11th day of February, 1985.

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Engineering Inspector Position
Council Member Thorpe questioned why the Manager was requesting this additional position at this time. The Manager stated that the position had been requested last year during budget preparation he denied it. However, he said he had recently been convinced by the staff that with the increase in construction, that by spring, there would be a significant increase in street construction, which would create a strain on the resources now available in the Engineering Department and it was important sufficient inspection services of these public improvements be made.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 85-O-10. THE MOTION PASSED, (7-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (85-O-10)

BE IT ORAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position and Pay Plan etc., beginning October 1, 1984 (84-O-37)" as follows:

In Section IV, under ENGINEERING, DELETE the line:

<u>Full Time</u>		
<u>No.</u>	<u>Hrs.</u>	<u>Grade No.</u>
Engineering Inspector 1	37½	20

and ADD the line:

Engineering Inspector 2	37½	20
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This the 11th day of February, 1985.

Nominations and Appointments for the Parks and Recreation Commission

Council Member Thrope nominated Prince Edward Taylor, Jr.

The following vote was taken: Richard Gitelson - 1 - Pasquini

Prince Edward Taylor, Jr. - 6 -
Thorpe, Nassif, Kawalec, Howes,
Preston, Smith

Prince Edward Taylor was appointed.

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

The meeting adjourned at 10:30 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Information Services