

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

Mayor Pro-Tem Beverly Kawalec called the meeting to order. Council Members present were:

Jonathan Howes  
David Pasquini  
Nancy Preston  
R. D. Smith  
Bill Thorpe

Mayor Joseph L. Nassif arrived late. Council Member Marilyn Myers Boulton was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist and Acting Town Attorney Michael Patrick.

Certificates of Appointment

Mayor Pro-Tem Kawalec presented certificates of appointment to Prince Edward Taylor, Jr. and David Oakes and thanked them for their willingness to serve on the Parks and Recreation Commission.

Petitions

Mr. Henry Whitfield, speaking as a citizen, petitioned Council to fill the vacancy on the Council before continuing with any other business.

Mr. Bill Graves, speaking as a citizen and resident of Markham Court, asked to speak to item 5, Oxford Hills Subdivision. Mayor Pro-Tem Kawalec asked Mr. Graves to speak on the item at this time. Mr. Graves stated that he represented the Chapel Hill Alliance of Neighborhoods, the Coker Hills Association and the Lake Forest Association. He spoke in favor of the development and asked Council to approve the plans for the Oxford Hills Subdivision. He also urged Goforth Properties, Inc. to terminate its appeal of the court decision regarding the denial of the Oxford Hills Special Use Permit and to proceed with the development of Oxford Hills subdivision. (For complete text, see Clerk's file).

Council Member Thorpe asked that when the Neighborhood Alliances presented petitions they include on the petition the names of the chairpersons of these groups so that the Council may know whom to contact for additional information.

Minutes

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT THE MINUTES OF FEBRUARY 18, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT THE MINUTES OF FEBRUARY 25, 1985 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Mayor Pro-Tem Kawalec asked Council to move to item 10, the Consent Agenda, in order to await the arrival of the Mayor whose input was felt to be needed on the items pertaining to the Development Ordinances and budget.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO MOVE TO ITEM 10, THE CONSENT AGENDA. THE MOTION PASSED UNANIMOUSLY, (7-0).

Consent Agenda

Council Member Smith asked to remove item a, the extension of the Teen Center lease, from the Consent Agenda.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-51 (NOTE: ITEM 10A WAS REMOVED). THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (85-R-51)

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

- b. Apple Chill Street Closings and Parking Restrictions (85-R-53 and 85-0-21).
- c. Parking Restriction - Valley Park Drive (85-0-22).
- d. Parking Restriction - Pritchard Avenue (85-0-23).
- e. Sale of Surplus Buses (85-R-54).

This the 11th day of March, 1985.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (APPLE CHILL, 1985) (85-0-21)

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

That on the 21st day of April, 1985, between the hours of 12:45 and 8:00 p.m. there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, or on either side of Henderson Street between Franklin and Rosemary Streets between the above hours.

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

This the 11th day of March, 1985.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (85-0-22)

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL:

SECTION I

THAT SECTION 21-27 OF THE TOWN CODE OF ORDINANCES, "NO PARKING ANY TIME" IS AMENDED BY INSERTING THE FOLLOWING THEREIN, IN APPROPRIATE ALPHABETICAL ORDER:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Valley Park Drive	West	Valley Park Drive	Dead End

SECTION II

This ordinance shall be effective beginning on Monday, April 1, 1985.

SECTION III

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This is the 11th day of March, 1985.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (85-0-23)

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

SECTION I

That Section 21-27.1c of the Town Code of Ordinances, "No Parking Between 9:00 a.m. and 4:00 p.m., Monday - Friday," is amended by inserting the following therein, in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Pritchard Ave.	West	A point 204' North of the center line of Rosemary Street	A point 429' north of the center line of Rosemary Street
Pritchard Ave.	West	A point 194' south of the center line of Carr Street	Noble Street

SECTION II

This ordinance shall be effective beginning on Monday, April 1, 1985.

SECTION III

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This is the 11th day of March, 1985.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (APPLE CHILL, 1985 (85-R-53)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets on Sunday, April 21, 1985 from 11:00 a.m. to 8:00 p.m., to allow the holding of the Apple Chill Street Fair and clean-up of the streets following the fair.

This the 11th day of March, 1985.

A RESOLUTION DECLARING TWO ITEMS OF PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE SALE OF SAID PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BID (85-R-54)

WHEREAS, Article 12 of General Statutes 160A and Section 4.16 of the Charter of the Town of Chapel Hill authorize the Town to dispose surplus personal property; and

WHEREAS, the Town has received an offer to purchase two 1959 GMC buses; and

WHEREAS, the Council proposed to accept said offer;

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

1. That the following items of personal property are hereby declared

surplus:

- a. 1959 GMC Bus VIN TDH45123076  
1959 GMC Bus VIN TDH45123076
2. That the Purchasing Agent of the Town of Chapel Hill shall be and is hereby authorized to dispose of this surplus personal property in accordance with G.S. 160A-269.
3. That the items shall be sold on an "as is" and "whereas" basis and the Town makes no guarantee of and assumes no responsibility for any of the items.

This the 11th day of March, 1985.

Council Member Smith asked if the extension of the Teen Center lease had any budget implications. Manager Taylor responded that other than the payment of the utilities (which is already occurring), it had no bearing on the budget. Council Member Thorpe asked why it was requested for a one-year renewal and not two. Manager Taylor replied that the lease approved by Council last year was for one year with the option to renew for one year. Mr. Taylor said Council could approve a lease for a longer term next year should they choose.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT RESOLUTION 85-R-52. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RENEWING A LEASE FOR A PORTION OF THE POST OFFICE/COURT BUILDING FOR A TEEN CENTER (85-R-52)

WHEREAS, the Council of the Town of Chapel Hill on December 5, 1983 pursuant to G.S. 160A-272 authorized the Manager to enter into a lease for a portion of the Post Office/Court Building for a Teen Center; and

WHEREAS, the term of said lease was for one year, renewable for one subsequent one-year term upon the approval of the Council; and

WHEREAS, Teen Center, Inc. entered into a lease with the Town for approximately 2400 sq. ft. of space in the basement of the Post Office/Court Building on April 16, 1984; and

WHEREAS, Teen Center, Inc., in accord with said lease, has notified the Town Manager in writing of its desire to renew the lease for a one-year period effective April 16, 1985;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Town Manager pursuant to Council's resolution of December 5, 1983 and the lease dated April 16, 1984, to enter into, on behalf of the Town, a renewal agreement for the lease to the Teen Center, Inc. of approximately 2400 sq. ft. in the basement of the Post Office/Court Building at 179 E. Franklin Street, for the operation of a teen center, for a term of one year commencing on April 16, 1985.

This the 11th day of March, 1985.

Mayor Pro-Tem Kawalec called a recess at 7:50 p.m., for ten minutes or until the Mayor arrived, whichever occurred first. Mayor Pro-Tem Kawalec reconvened the meeting at 8:00 p.m. She stated that Council would begin with item 8, the Interim Budget Report for FY 1985-86.

#### Interim Budget Report for Fiscal Year 1985-86

Manager Taylor made a presentation on the Interim Budget Report for 1985-86. He stated that if the Town received the revenue that it had in the past years, including those from the state and federal government, then the budget would be balanced with no increase in the property tax rate. He further stated that though he expected a 6.4% increase in State shared revenues, there was a serious question on whether or not General Revenue Sharing from the federal government would continue. He also said

that Mass Transit operating funding was presently scheduled to end in September of 1986, with little hope for refunding. He stated that as such, the Council could count on at least a \$300,000 reduction in revenues in Fiscal Year 1985-86 and a \$600,000 reduction in revenues in Fiscal Year 1986-87. Therefore, the Council needed to discuss alternatives for replacing this expected reduction in federal funds. Manager Taylor stated that the alternatives ranged from a reduction in services for the entire \$600,000 in Fiscal Year 1985-86 to a 6.5% property tax increase in Fiscal Year 1985-86 to cover the expected reduction in funds. He further urged Council to address the problem of General Revenue Sharing cut-offs this year and the Urban Mass Transit cut-offs next year. He summed up by saying that the budget presented to Council was approximately 12 million dollars, that he expected there to be some problems in balancing revenues and expenditures due to the possibility of losing some federal funding, and that he would like feedback from the Council on this matter.

Council Member Smith asked the Manager if any discussion had been held with UNC and Carrboro regarding the Transit System. Manager Taylor replied that at this time no discussion had been held, and that the expectation was that the current levels of service would continue.

Council Member Preston asked the Manager for a list of possible expenditure reductions to meet the expected \$600,000 decrease in funds from the federal government.

Council Member Howes stated that of the options available, he regarded reduction in services as the least palatable. He said that though he was not in favor of a tax increase, he favored the service reduction option the least.

Mayor Nassif asked how the budget would be structured with a \$600,000 reduction in services and without a tax rate increase. He questioned the budget amount for revenues generated in 1984-85 versus the estimated amount for 1985-86. The difference was approximately one million dollars and without a tax increase. The Mayor then questioned increasing spending when supposedly the Town had tightened up services due to a management audit. Mayor Nassif asked the Manager to show how he justified an increase in spending if the Town's operations had been tightened. The Mayor said he might favor a tax increase if the Manager could show this and justify the need. Mayor Nassif also asked for information on positions which could be eliminated by attrition. Manager Taylor replied that the Town had tightened up its services and that the number of Town personnel was less now than it had been in past years. He said he would prepare the information requested by the Mayor.

Council Member Pasquini stated that he was not in favor of a tax increase and that he felt there needed to be substantial reasons for asking for one. He asked that if the Manager asked for a tax increase that he supply the figures to support the need. Manager Taylor asked if Council Member Pasquini would be willing to use the half cent sales tax for operations. Council Member Pasquini said that this would be fine with him.

Mayor Nassif stated that he was against this idea and that balancing the budget could be achieved through other means. Manager Taylor stated that balancing the budget without an increase in revenues would be hard without adversely affecting some services now being provided or without sacrificing the replacement of heavy machinery. He further stated that the increases in the budget were largely due to the performance pay plan, improving equipment and putting money into infrastructure improvement. Mayor Nassif said that Personnel represented approximately 75-80% of the total budget and that equipment purchases should be projected for multiple years. He said the Council needed to know what the needs would be and how to plan for future purchases. Mayor Nassif then said that it may be that the Town needed to re-evaluate some of the departments to see if there was a need to further reorganize to get better use of people and equipment. Manager Taylor responded by saying that the staff does give a report on the equipment replacement needs with the formal budget and that the replacement of the equipment was designed so as not to cause a large demand for resources in one specific year. However, he stated that it had gotten to the point where, for example, the Town needed one to two new garbage trucks each year at a cost of \$100,000 each.

Council Member Howes stated that the reason for this discussion on ways to reduce expenditures was because of expected reductions in the federal General Revenue Sharing Funds. He said it was not because of mismanagement or overspending on the part of the state.

Mayor Nassif agreed with Council Member Howes, but said that they had to face reality. He said that the Manager was pointing out the need to wean the Town away from the dependency on General Revenue Sharing, especially if it ceased to continue.

Capital Improvements

Manager Taylor made a presentation on the Manager's recommended Capital Improvement Program. He said that the Capital Reserve Fund, by June 30th of this year, would be one million dollars. The plan had been to spend \$500,000 and to keep \$500,000 in the reserve fund. Mr. Taylor said that with the receipt of valid paving petitions, the plan now was to spend \$700,000 of the one million on infrastructure and environmental improvements. He recommended adoption of two ordinances -- a project ordinance and a budget ordinance -- for the \$700,000 improvements. He also recommended that general obligation bonds be considered for financing four major projects: the Municipal Building expansion; Library expansion; Southern Community Park; and a fire station south.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT ORDINANCE 85-0-19.

Council Member Kawalec asked if the Town would be getting back any of the \$350,000 being spent for street paving. Manager Taylor replied that the assessment would be for approximately 40%, which would be received by the Town within the next ten years. Council Member Kawalec then asked where this revenue would go. The Manager replied that at present, this money went into the general fund as a miscellaneous revenue item. However, if Council wished, these assessments could be put into the Capital Reserve Fund.

Council Member Kawalec asked if the \$150,000 line item for the North Forest Hills Park would be spent totally for the park. She said that it had been noted that the land for that park had been taxed at \$4,000 per acre, and if the land didn't cost the entire \$150,000, what would happen to the rest of the money. The Manager replied that he hoped the land and park development would not cost the entire \$150,000 and that the remainder of the money was for land acquisition and other open space.

Council Member Kawalec asked the Manager why he decided to put off the acquisition of the right-of-way at Dobbins Drive and Erwin Road. The Manager replied that of the improvements planned, he had had to decide which one could be put off so that the Town could pave the streets that were petitioned to Council. He said it became a matter of prioritizing. Council Member Kawalec disagreed and said that it was not really a need to prioritize because they still had \$300,000 to spend. She then asked the Manager how he had decided to spend \$700,000 versus \$800,000 or the entire million dollars available. The Manager said that originally, he had only planned to spend half of the reserve, but with the paving petitions and Council asking for that paving to be done, he had been forced to spend more than \$500,000. He said that obviously Council could spend the entire one million dollars. But, he encouraged them not to do so because he felt there would be something to come up in the future, with a very high priority, that Council would want to do, and if Council used the entire one million dollars, the funds would not be there.

Council Member Kawalec stated that she was against this Capital Improvement Budget as it stood in that she was interested in more open space acquisition. She wondered if Council wouldn't like to make a gesture to show their desire to retain some of the open spaces in Chapel Hill by putting a small amount in the budget for greenways mapping and acquisition. Manager Taylor replied that he felt that Council was already making that commitment. He said that if the proposed North Forest Hills Park plan did not cost \$150,000, then the remainder would be used for greenways and open space. He also said that in the budget for next year, the Planning Department was requesting to convert a part time Draftsman to full time, whose responsibility would be the mapping for which the Entranceway Task Force had requested.

Mayor Nassif disagreed with Council Member Kawalec's implication that the Council was only interested in investing in asphalt and concrete. He stated that this Council had a record for acquiring greenways, parkland and recreation areas. He stated that this was the first time in approximately 15 years that the town was going to undertake any significant paving.

Council Member Kawalec said that she wasn't disagreeing with the improvements, both past and present, but reiterated that most of the expenditures had been for projects other than greenways. She further stated that if there needed to be \$500,000 spent on road improvements, she would be in favor of asking the citizens through a bond issue if this was the way in which they wanted their money to be spent.

Council Member Smith stated that the Council had unanimously agreed that they wanted these improvements done immediately. He hoped that the Council would not consider eliminating any of the improvements recommended by the Manager, especially since those citizens most affected were not at the meeting. He said that if Council was concerned about more money for greenways, then they would have the opportunity to express that wish when Council got the budget. He said the Manager had shown a preliminary budget without a tax increase and that if the people wanted more money in the budget for the greenway system and were willing to pay for them, then Council could increase taxes for that purpose.

Council Member Kawalec stated that she wasn't advocating taking any money out of the Capital Reserve fund already targeted for other projects but rather to have Council spend more of the Capital Reserve fund money.

Council Member Pasquini stated that he thought it ironic that on one agenda item, the preliminary budget, Council was saying that they didn't have enough money to balance the budget and that on another agenda item, the Capital Improvements program, Council was trying to think of ways to spend more money.

Council Member Pasquini also asked where the sidewalk on North Columbia Street would be built. The Manager stated that it would be from Caldwell Street to Carr Street. Council Member Pasquini then asked when the Town would divest itself of certain properties, like the Old Police Building, and use that money for other projects such as greenways? The Manager replied that at present he was having a Structural Engineer do a feasibility study of the Old Police Building to discover how the building could be structurally used. This would aid in the decision on the Library and Municipal Building expansion plans. Manager Taylor went on to say that the only reason for this discussion, on the one million dollars and how to spend it, was because Council had been prudent in the past two years in the budgets that they had adopted.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

**AN ORDINANCE TO ADOPT A CAPITAL PROJECTS ORDINANCE FOR STREET IMPROVEMENTS (85-0-19)**

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section I**

The projects authorized are the Merritt Mill Road Improvements for which Council on February 11 authorized a contract with the N. C. Department of Transportation, and Street Petition Improvements for Farrington Drive, Emily Road, Partin Street and Martha Lane. Funds for the Merritt Mill Road Improvements are provided from \$300,000 from a Grant Agreement between the Town and the North Carolina Department of Transportation (Project No. 9.8070356); \$70,000 from Community Development Grant funds from the U. S. Department of Housing and Urban Development; and \$100,000 from the Town's Capital Reserve Fund. Funds for the Street Petition Improvements for Farrington Drive, Emily Road, Partin Street and Martha Lane in the amount of \$350,000 are provided from the Town's Capital Reserve Fund.

Section II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the capital projects within the terms of these grant document(s), the rules and regulations of the U. S. Department of Housing and Urban Development, and the North Carolina Department of Transportation, and the budget contained herein.

Section III

The following revenues are anticipated to be available to complete these projects.

<u>Merritt Mill Road Improvements</u>		
N. C. Department of Transportation Grant		\$300,000
Community Development Funds		\$ 70,000
From Capital Reserve Fund		\$100,000
	Subtotal	<u>\$470,000</u>
<u>Street Petition Improvements</u>		
(Farrington Drive, Emily Road, Partin Street, Martha Lane)		
From Capital Reserve Funds		\$350,000
	Subtotal	<u>\$350,000</u>
	TOTAL	\$820,000

Section IV

The following amounts are appropriated for the Projects:

<u>Merritt Mill Roads Improvements</u>		
Design		\$ 40,000
Construction		\$430,000
	Subtotal	<u>\$470,000</u>
<u>Street Petition Improvements</u>		
Design		\$ 35,000
Construction		\$315,000
	Subtotal	<u>\$350,000</u>
	TOTAL	\$820,000

Section V

The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to provide the accounting to HUD as required by the grant agreement(s) and federal regulations, and to the N. C. Department of Transportation as required by the grant agreement.

Section VI

Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to HUD and the N. C. Department of Transportation in an orderly and timely manner.

Section VII

The Manager is directed to report annually on the financial status of each project in Section IV and on the total project revenues received.

Section VIII

Copies of this capital project ordinance shall be entered into the minutes of Council and copies filed within five days of adoption with the Manager, Finance Director and Clerk.

This is the 11th day of March, 1985.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT ORDINANCE 85-0-20. THE MOTION PASSED UNANIMOUSLY, (7-0).



The Ordinance, as adopted, reads as follows:

**AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1984 (85-0-20)**

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1984" as duly adopted on May 29, 1984, be and the same is hereby amended as follows:

**Section I**

That \$250,000 in the Capital Reserve Fund for capital improvements is hereby removed from the Capital Reserve Fund and transferred to the Capital Improvements Fund in the amounts and for the purposes as follows:

Sidewalk Construction on North Columbia Street	\$ 30,000
Stormwater Management Program	\$ 50,000
Street Design Improvements to improve Traffic Flow	\$ 20,000
Acquisition of Park Land and Other Open Space	\$150,000

**Section II**

That \$450,000 in the Capital Reserve Fund for capital improvements is hereby removed from the Capital Reserve Fund and transferred to the Capital Projects Fund in the amounts and for the purposes as follows:

Merritt Mill Road Improvements	\$100,000
Street Petition Improvements to Farrington Drive, Emily Road, Partin Street and Martha Lane	\$350,000

This is the 11th day of March, 1985.

Council Member Preston asked the Manager when Council needed to discuss or to decide on the Bond Referendum. Manager Taylor replied that the Bond process took approximately four months, so that Council could decide in June for a November Referendum or in late fall for a spring Referendum. He encouraged Council to wait making this decision until after the Engineering report is reviewed on the Old Police Building.

Council Member Preston asked if all four of the projects should be included in one referendum. Manager Taylor stated that he felt all four should be included but that each should be a separate issue to be voted on separately.

Council Member Kawalec asked that low to moderate income housing be considered to be included in upcoming Capital Improvement programs and be put on land already owned by the Town.

Amendments to the Development Ordinance for a Zoning Atlas Amendments  
Rezoning Undeveloped Land R-4 or R-5 to R-3.

Mayor Nassif asked if Area 7 (along Erwin and Weaver Dairy Roads) wasn't already surrounded by R-4 and R-5 development, and if so, it wouldn't make sense to downzone this parcel of land. Manager Taylor replied that he believed the surrounding property was zoned R-4 and R-5.

Council Member Kawalec questioned whether rezoning some of these properties would create islands of R-3 in areas of R-4 and R-5 and Community Commercial.

Council Member Smith asked when the Land Use Plan was to be updated. The Manager replied that he expected the work to be finished in late fall or early winter. Council Member Smith asked if the Planning Board would make recommendations on the zoning after the Land Use Plan was updated. The Manager replied that after the update, the next logical step would be for the Board to look at all the properties with regard to how they fit the Land Use Plan and then make specific recommendations for rezoning. The Manager also said that these recommendations would probably not occur until at least this time next year.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT ORDINANCE 85-O-14b, WITH THE INCLUSION OF AREA 7 IN THE EXCLUSION CLAUSE.

Council Member Pasquini asked for confirmation of just what area surround Area 7. The Manager replied that property north and northwest of Area 7 were zoned R-2 and that there was Community-Commercial, Office/Institutional, R-5, and R-4 along the other sides. Council Member Pasquini said that even so, it appeared that the majority of the area surrounding Area 7 was zoned R-2. He said that he would like to delete the inclusion of Area 7 in the motion for ordinance b.

Council Member Howes stated that he was in favor of the Manager's and Planning Board's recommendation to deny all of the rezoning. He said that he felt it was an unnecessary reaction to what was going on in the community with regard to growth.

Mayor Nassif agreed with Council Member Howes but stated that downzoning didn't mean that that land could not be zoned upward again. He stated he would vote for the ordinance because he felt that the majority of the Council was in favor of it.

Council Member Howes stated that Council had not been disposed to rezone in the past, and that this action would tend to shift the nature of the debate about planning in the community to where the argument was about rezoning rather than about the merits of a specific proposal.

Council Member Preston said that she would really rather prefer to have the Planning Board come back to Council with a recommendation on each parcel of land but that that would take too long. She said that she saw the proposed ordinance as a stop gap measure to help Council to get a handle on the situation. She went on to say that she was pleased with the recommendation from the Growth Management Task Force on a public facilities ordinance, which would be another measure to aid in keeping growth under control.

Council Member Kawalec asked if it wouldn't be possible to look at Chapel Hill and decide where high density development should go after this ordinance passed, if indeed it did pass.

She said that when Council adopted the new zoning ordinance in 1981, they had tried to make every new zone correspond with the previous zone, so that what Council had inadvertently done was to perpetuate the mistake for areas which had been wrongly zoned prior to 1981. She went on to say that Council could still decide where high density would go after the ordinance passed, if indeed it did pass.

Council Member Smith said that when they had changed the zoning map in 1981, Council did look at high density needs and had zoned accordingly. He said that Council may not have done as thorough a job as was necessary, but that they had decided that high density was appropriate along the major arteries.

Mayor Nassif stated that the Task Force, under question from Council, stated that they didn't think that the zones were too dense and that they didn't think that that was the problem. He also said that with the 1981 rezoning, Council had gone through and evaluated the areas and taken out a lot of R-4, R-5, and R-6 zones. He felt that Council had been pretty thorough, especially when one looked at the percentage of R-4 and R-5 zoning in the greater acreage of Chapel Hill. He said this percentage was a relatively small amount.

THE MOTION FAILED TO PASS (4-3) WITH COUNCIL MEMBERS SMITH, HOWES, AND THORPE VOTING AGAINST THE MOTION.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-43a. THE MOTION FAILED TO PASS (4-3), WITH COUNCIL MEMBERS PRESTON, KAWALEC AND PASQUINI VOTING AGAINST.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADOPT RESOLUTION 85-R-43c. THE MOTION FAILED TO PASS (2-5), WITH COUNCIL MEMBERS SMITH AND KAWALEC VOTING IN FAVOR OF THE MOTION.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-43d. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DENYING A PROPOSED REZONING (85-R-43d)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies a proposed amendment to the Zoning Atlas of the Chapel Hill Development Ordinance to change the zoning classification of the following property: Chapel Hill Township Tax Map 66, Lot 1.

This the 11th day of March, 1985.

Mayor Nassif questioned why there was a separate resolution for Cambridge Place. Manager Taylor responded that when the staff had advertised for the public hearing on the potential rezoning they had inadvertently omitted the property for Cambridge Place. Therefore, to be fair, if Council downzoned all of the other parcels of land, then that lot should also be downzoned. He said before Council could change the downzoning on the lot there had to be a public hearing, hence, resolution 85-R-44, which would call a public hearing to discuss the matter.

Mayor Nassif called for a five-minute recess at this point. It was 9:42 p.m.

Council reconvened at 9:47 p.m.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO RECONSIDER RESOLUTION 85-R-43a. THE MOTION PASSED (6-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

Council Member Kawalec stated that she had reconsidered the rezoning question, and that Council had made a commitment last December to deal with development issues between December and March. She said that Council had, in fact, spent a considerable amount of time discussing these issues. During this time, Council also had to adjust to personal losses and upsets on the Council. These facts, she said, lead her to believe that it was in the Council's and public's best interests for Council to make every effort to deal with this issue of development and density at this time. She further said that many of the actions that Council had taken, separate from rezoning, would reduce the density in Chapel Hill. Council Member Kawalec said she felt that Council should move forward and address other issues, so she wanted to change her vote and vote in favor of resolution 85-R-43a.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-43a.

Council Member Preston spoke in support of the motion and urged the Planning Board and staff to get the information on the Land Use Plan and recommendations back to Council as soon as possible.

Mayor Nassif stated that even though it appeared resolution 85-R-43a was going to pass, that property owners and developers should be warned that the ordinance did not guarantee them that they would have the density that was the optimum and maximum level within the R-4 and R-5 zonings. He also said that it was important that the designs for developments fit the land, and that if they did not, the developers would not see Council approve the plans.

THE MOTION PASSED (6-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION DENYING PROPOSED AMENDMENTS TO THE ZONING ATLAS (85-R-43a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies proposed amendments to the Zoning Atlas of the Chapel Hill Development Ordinance to change the zoning classification of the following 50 properties:

1. Chapel Hill Township Tax Map 24, Lot 37
2. Chapel Hill Township Tax Map 24, Lot 38A
3. Chapel Hill Township Tax map 26, Lot 15
4. Chapel Hill Township Tax Map 26, Lot 15A
5. Chapel Hill Township Tax Map 26, Lot 17
6. Chapel Hill Township Tax Map 26, Lot 17D
7. Chapel Hill Township Tax Map 26, Lot 19
8. Chapel Hill Township Tax Map 26, Lot 35
9. Chapel Hill Township Tax Map 27, Block A, Lot 3
10. Chapel Hill Township Tax Map 27, Block A, Lot 5
11. Chapel Hill Township Tax Map 27, Block A, Lot 6
12. Chapel Hill Township Tax Map 27, Block A, Lot 10
13. Chapel Hill Township Tax Map 27, Block B, Lot 1
14. Chapel Hill Township Tax Map 27, Block B, Lot 3
15. Chapel Hill Township Tax Map 27, Block B, Lot 7
16. Chapel Hill Township Tax Map 27, Block B, Lot 9
17. Chapel Hill Township Tax Map 27, Block B, Lot 10
18. Chapel Hill Township Tax Map 27, Block B, Lot 11
19. Chapel Hill Township Tax Map 27, Block B, Lot 13
20. Chapel Hill Township Tax Map 27, Block D, Lot 17
21. Chapel Hill Township Tax Map 27, Block D, Lot 18
22. Chapel Hill Township Tax Map 29, Lot 2
23. Chapel Hill Township Tax Map 29, Lot 2A
24. Chapel Hill Township Tax Map 29, Lot 2B
25. Chapel Hill Township Tax Map 29, Lot 2C
26. Chapel Hill Township Tax Map 29, Lot 2F
27. Chapel Hill Township Tax Map 29, Lot 2G
28. Chapel Hill Township Tax Map 29, Lot 3
29. Chapel Hill Township Tax Map 30, Lot 5
30. Chapel Hill Township Tax Map 30, Lot 6
31. Chapel Hill Township Tax Map 30, Lot 6C
32. Chapel Hill Township Tax Map 30, Lot 8C
33. Chapel Hill Township Tax Map 47, Block A, Lot 4
34. Chapel Hill Township Tax Map 47, Block A, Lot 5
35. Chapel Hill Township Tax Map 47, Block A, Lot 5A
36. Chapel Hill Township Tax Map 52, Lot 6B
37. Chapel Hill Township Tax Map 52, Lot 6D
38. Chapel Hill Township Tax Map 52, Lot 6E
39. Chapel Hill Township Tax Map 66, Lot 1
40. Chapel Hill Township Tax Map 71, Block A, Lot 1
41. Chapel Hill Township Tax Map 71, Block C, Lot 19
42. Chapel Hill Township Tax Map 79, Block B, Lot 3D
43. Chapel Hill Township Tax Map 79, Block B, Lot 21
44. Chapel Hill Township Tax Map 79, Block B, Lot 22
45. Chapel Hill Township Tax Map 79, Block B, Lot 23
46. Chapel Hill Township Tax Map 80, Block B, Lot 24
47. Chapel Hill Township Tax Map 83, Block A, Lot 1A
48. Chapel Hill Township Tax Map 91, Block E, Lot 1
49. Chapel Hill Township Tax Map 91, Block E, Lot 2
50. Chapel Hill Township Tax Map 122, Block B, Lot 16

This the 11th day of March, 1985.

Dwelling Units Per Acre Limitations and Land Use Intensity Ratios

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT RESOLUTION 85-R-45. THE MOTION CARRIED (6-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION TO RETAIN PRESENT LIMITS ON DWELLING UNITS PER ACRE (85-R-45)

BE IT RESOLVED by the Council of the Town of Chapel Hill retains unchanged Section 5.8 of the Development Ordinance which sets limits on dwelling units per acre.

This the 11th day of March, 1985.

Minimum Setbacks

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT ORDINANCE, 85-O-16.

Mayor Nassif stated that he would vote in favor of the ordinance but that he still felt Council was trying to make a design out of words. He said that this was an impossibility because in some instances in design, one might want a particular building not to be set that far back and that Council would not have the option to do so. He said that flexibility was being diminished.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0-16)

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

#### SECTION I

SUBSTITUTE the word "chapter" for the word "subsection" in the first sentence of the first paragraph of subsections 5.9.4 (Minimum Street Setback) and 5.9.6 (Minimum Interior Setback).

#### SECTION II

INSEPT the following as the second paragraph in subsections 8.8.6.4, 8.8.7.4, 8.8.8.4, 8.8.9.4, and 8.8.10.4, Intensity Regulations:

The minimum street setback required for any structure, or part thereof, shall be fifty (50) feet. The minimum interior setback required for any structure, or part thereof, shall be twenty-five (25) feet.

#### SECTION III

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

This the 11th day of March, 1985.

#### Bufferyard and Screening Requirements

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT ORDINANCE 85-0-17.

Council Member Kawalec stated that she thought Mr. Bob Anderson would like to address the Council on this issue.

Mr. Bob Anderson, speaking as an architect and citizen, said that in the present Design Manual, there were use groups for buffers. He said that they differed according to building use. Mr. Anderson said with the new proposed ordinance, the basic principle use in use group B buffers was the same as the basic principle use in the use group C buffers. He said that he thought it was inappropriate to require basically the same buffers for different use groups. Mr. Anderson asked Council to reduce the requirements for buffers in use group B. He also felt the canopy trees shown in the buffer examples were out of scale and that the requirements for using these canopy trees in the buffers were not realistic.

Council Member Smith said that, as he understood it, the amount of buffer area would vary according to the amount of plantings.

Mayor Nassif said he felt the ordinance was too restrictive and that some buildings didn't need to be screened. Council Member Pasquini disagreed, saying that the reason for this discussion was because individual home owners and developers were not putting up buffers and that there were several examples in Chapel Hill where buffers would be an improvement.

Council Member Thorpe asked how Council could give the developers the flexibility that the Mayor and Mr. Anderson had mentioned.

Manager Taylor replied that there was flexibility in that the width of the buffers was to be determined, to a large extent, by the density of the buffers. He said that the ordinance did not have the design flexibility of having or not having a buffer. Mr. Taylor went on to say that the staff had used the American Planning Association's book on Performance Zoning as a guide to determine for the number and type of trees and the width of the buffers.

Council Member Kawalec asked if the schedule of required buffers came from the Planning Association book. Manager Taylor replied that the Planning Association's book listed about ten gradations. He said that the staff had reduced these to six and the Planning Board had then reduced it to four different categories. Council Member Kawalec then asked if this schedule wasn't just an arbitrary judgement. Manager Taylor replied that he didn't feel that it was an arbitrary judgement, rather that it was a collective judgement of the Planning Board and staff.

Council Member Thorpe asked if the buffer limits could be changed through the accompanying resolutions, if the ordinance was adopted. Manager Taylor replied, no, that the use groups A through C were set up in the ordinance and not in the resolution.

THE MOTION PASSED (5-2), WITH COUNCIL MEMBERS THORPE AND HOWES VOTING AGAINST.

A second reading of ordinance 85-0-17 will be held on April 1, 1985.

Roger Waldon, Planning Director, made a brief presentation on the accompanying resolution. He said that, as a result of the public hearing, there had been concern over the potential overuse of fences and walls as a way to meet the buffer requirement. This issue was brought back to the Planning Board and Appearance Commission for review. The staff recommendation was that fences and walls be used with the approval from the Appearance Commission. The Appearance Commission concurred whereas the Planning Board disagreed, citing the value of fences and walls for buffering noises and odors.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADOPT RESOLUTION 85-R-47b. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE CHAPEL HILL DESIGN MANUAL (85-R-47b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it endorses the following changes to the Design Manual:

#### SECTION I

SUBSTITUTE the words "different development" for the words "significantly different types of land uses" in the first sentence of Section 9.A, Introduction, and INSERT the phrase "illustrates options for meeting buffer requirements," following the word "chapter" in the second sentence of Section 9.A, Introduction.

#### SECTION II

RENUMBER Sections 9.B through 9.D as 9.C through 9.E.

#### SECTION III

INSERT a new Section 9.B, Buffer Requirements, to read as follows, including the indicated insertions of the attached Figure 9-1, Buffer Types, and Figure 9-2.

#### B. BUFFER REQUIREMENTS

Figure 9-1 graphically indicates the width and screening specifications for each buffer type required by Subsection 6.12.6 of the Development Ordinance. Buffer specifications are stated in terms of the width of the buffer and the number of plant units required per one hundred (100) linear feet of buffer. Any of the options illustrated for the required buffer type shall satisfy the buffer requirements of the Development Ordinance. Each illustration depicts the total buffer located between two land uses.

Evergreens/conifers may be substituted for up to fifty percent (50%) of required canopy or understory trees. If the adjacent zoning lot contains a structure specifically designed to collect and use direct solar radiation, understory trees may be substituted for canopy trees where canopy trees would destroy solar access to solar collectors.

Evergreens and conifers shall be planted in clusters rather than singly to maximize their chances of survival.

Table 9-1 (at the end of this section) indicates recommended plant species for the vegetative types required within buffers.

If an alternative buffer is proposed in accord with Subsection 6.12.8 of the Development Ordinance, screening within such alternative buffer must be of sufficient height and density to provide a degree of visual obstruction and noise buffering equivalent to or exceeding that provided by the buffer width and planting specifications for the required buffer type. A wood fence or decorative wall may be used as part of the screening within an alternative buffer provided that the design of such fence or wall is visually compatible with that of adjacent fences, walls, and developments, and provided that vegetation is provided along the fence or wall that will break up its visual impact.

#### SECTION IV

AMEND relettered Section 9.D, Recommended Plant Materials, to read as follows:

##### 9.D Recommended Plant Materials

Table 9-1 lists plant materials by type (canopy trees, understory trees, shrubs, evergreen trees, and ground covers) and indicates those that are appropriate for the particular planting function required by the Development Ordinance (buffer, shading of parking areas, screening, general landscaping). Table 9-1 also shows the average mature height and spread of each species, the dimensions necessary to calculate shade projection of suitable shade trees, and the suggested spacing of suitable screening vegetation.

This the 11th day of March, 1985.

##### Bulletin Boards and Kiosks

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 85-0-18.

Council Member Kawalec questioned the size of the kiosks. She felt that 72 square feet was too large for a kiosk built on the sidewalk. Mayor Nassif agreed.

Manager Taylor stated that the 72 square feet was the maximum area allowed. He said that Council would approve each kiosk design, and that he didn't think Council would approve a kiosk, that big, to be put on the sidewalk, rather on that large may be appropriate in the Post Office plaza or Rosemary Square.

Council Member Howes stated that the maximum area 72 square feet allowed for flexibility in design.

Council Member Pasquini asked who had the final word on approving the kiosks, where they would go, how large they would be, and what would be put on it. Manager Taylor replied that the Council would approve each kiosk design and placement, but that the staff would regulate what would be allowed on the kiosk. He said that what was planned was for there to be some general rules for placement and that once a month, each kiosk would be stripped and cleaned of all material.

Council Member Smith stated that he was worried about the responsibility or control of what could and could not be placed on the bulletin boards. He said that he was not in favor of allowing anything to be placed on the kiosks.

THE MOTION PASSED (6-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

The ordinance, as adopted, reads as follows:

**AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE  
(RE. O-18)**

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 the clause "and which is related in its subject matter to the premises on which it is located" from Section 6.13.2, Sign Defined.

**SECTION II**

INSERT the following at the end of Section 6.13.4, Signs Exempt from Regulations:

- m) Information kiosks or bulletin boards erected by or on behalf of a governmental body on public property or rights-of-way in the Town Center districts for the display of handbills or posters of community interest, provided such kiosks or bulletin boards contain no more than six (6) square feet in area per sign display surface, and a maximum of 72 square feet per kiosk or bulletin board.

**SECTION III**

INSERT the phrase "on which the signs are located" following the phrase "occupants of the premises" in part a) of Section 6.13.4, Signs Exempt from Regulation.

**SECTION IV**

INSERT the phrase "on which the signs are located" following the words "private property" in part e) of Section 6.13.4, Signs Exempt from Regulation.

**SECTION V**

INSERT the following sentence as the first paragraph of Section 6.13.6, General Limitations:

Except where specifically exempted by this chapter, the subject matter of any sign shall be related to the premises on which the sign is located.

**SECTION VI**

DELETE the clause ", and which is related in its subject matter to the premises on which it is located" from Section 18.116, Sign.

**SECTION VII**

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

This the 11th day of March, 1985.

**Oxford Hills Preliminary Plat**

Roger Waldon, Planning Director, made a presentation on the proposed Oxford Hills subdivision. He said that the site was east of old Oxford Road opposite its intersection with Ridgecrest Drive and Markham Drive. He said it contained 28.3 acres of which 19.75 was zoned R-2 and 8.55 acres were zoned R-1. He further said that approximately 8.7 of the 28.3 acres were in the Resource Conservation District and of that 8.7 acres, 7.7 were in the 100-year floodplain.



Council Member Pasquini was concerned that some of the lots within the Resource Conservation District had little buildable space, especially with the buffer requirements. He asked if the staff had investigated this issue. Council Member Pasquini further asked that a stipulation be added to a motion, when it is made, to explain to potential buyers what the Resource Conservation District was and what property owners would and could not build in this district.

Council Member Smith was concerned about the silt runoff from some of the lots, as they appeared relatively steep. He felt the Orange County Sediment Control procedures were not strong enough.

Council Member Preston asked the Manager what calling this (Oxford Hills), a cluster development meant. Manager Taylor replied that a cluster subdivision allowed for some of the open space to be concentrated in one area, as opposed to larger, separate lots. He said it did not have anything to do with the clustering of the buildings together. However, with the smaller lots, the houses would be closer together but still have to meet the minimum setback requirements.

Mr. John R. McAdams, representing the developers, stated that there were several stipulations with which the developers disagreed. He said that stipulation 1, which required curb and guttering on both sides of Old Oxford Road, was inappropriate. He felt that the developers should not have to put in curb and guttering on the opposite side of the development. Mr. McAdams also objected to stipulation 10, which called for a 30 foot wide pedestrian and non-motorized easement between lots 7 and 8. He said the developer would prefer not to have this area as a public connecting area, but rather only for the people living in the development. He also objected to stipulation 11, which was the buffer requirement, but that he said it was not a strong objection. He asked if the buffer requirements would require that the single-family developments provide the buffer on the single-family land because it was adjacent to a higher-density area use. Manager Taylor replied that this was so and that the average buffer width would be 20 feet.

Mayor Nassif said he was concerned that the major drainage plan did not follow the lay of the land. He said that the streets, Timber Place and Wilder Place, cut across the major drainage path. Mayor Nassif said that as the site plan stood, he would not vote for it, but that if the staff and the developer wanted to revise, then he would be in favor of that.

Council Member Smith asked if the staff had reviewed the preliminary plat from a major drainage standpoint. Manager Taylor replied that the staff had looked at it and were cognizant of the fact that the design would require major storm drainage.

Council Member Preston said that she was concerned that the run-off would go into the creek and would prefer to see another design.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER BACK TO THE MANAGER AND PLANNING BOARD WITH THE REQUEST THAT THE DEVELOPER REDESIGN. THE MOTION CARRIED UNANIMOUSLY, (7-0).

Resolution Calling for a Public Hearing Regarding Possible Charter Amendments to Reduce the Number of Council Members

This was a second reading of this resolution.

Council Member Kawalec stated that she regretted the wording of the resolution because it appeared to imply something she hadn't meant. She said that what she had meant was for it to allow for public discussion on the entire issue.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-42. THE MOTION FAILED TO PASS (4-3), WITH COUNCIL MEMBERS HOWES, PASQUINI AND THORPE VOTING AGAINST THE MOTION.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 11:05 p.m.

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Mayor Joseph L. Nassif

Nancy J. Wells, Information Services