

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, APRIL 1, 1985, 7:30 P.M.

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

Jonathan Howes  
Beverly Kawalec  
Nancy Preston  
R. D. Smith  
Bill Thorpe

Council Members Marilyn Myers Boulton and David Pasquini were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Manager Ron Secrist and Acting Town Attorney Michael Patrick.

Public Hearing Regarding Sexually Oriented Programming on Cable TV

Manager Taylor made a brief presentation stating that Council had called for this hearing at the February 25th regular meeting and that its purpose was to get input from the citizens on this issue.

Mr. George Coxhead, speaking as a citizen, spoke against sexually oriented programming on cable television. He felt some programs, especially on the Playboy Channel, were obscene. Mr. Coxhead expressed concern about the suitability of this material for teenagers and the apparent ease of availability of this material to teenagers. He urged the Council to pass an ordinance prohibiting the showing of sexually oriented programming on cable television.

Mr. Rob Showers, an attorney with the U.S. Attorney's Office in Raleigh, said that cities could make it a public nuisance for continuous broadcasting of obscene material on cable television through a public nuisance type of cable obscenity ordinance or as part of the franchise contract.

Mr. Paul Lindsay, speaking as President of the Chapel Hill - Carrboro Chapter of the American Civil Liberties Union, commended the Town Council for holding the public hearing to ascertain public opinion on this issue. He said the Union recognized the seriousness of the problems of child pornography and sexual abuse in our society but the way to fight against these problems was through education, boycotts, etc. -- not through asking government to pass an ordinance to restrict what adults can watch on television in their own homes. He urged Council to take no action on this matter.

Ms. Fiona Givens, speaking as a citizen, spoke in favor of an ordinance prohibiting pornography on cable television, stating that pornography has a tendency to promote sexually deviant behavior in adults and teenagers.

Ms. Eleanor Kinnaied, speaking as a citizen, spoke against having the Council pass an ordinance prohibiting sexually oriented programming on cable television. She said she was against pornography but she felt that it wasn't for the Council to regulate what one views in the privacy of one's home.

Mr. W. Sands Hobgood, speaking as a citizen, also spoke against having the Council legislate against sexually oriented programming on cable television because to do so would constitute censorship. He also said that the group that Mr. Coxhead represented did not represent 100% of the community.

Ms. Susie Bolotin, speaking as a citizen, spoke against censorship and against any ordinance to limit cable programming.

Mr. Albert Sawyer, speaking as a citizen, spoke against the Council passing an ordinance limiting cable television programming.

Ms. JoAnn West, speaking as a citizen, spoke against obscenity on cable television and for legislation to prohibit it from occurring.

Ms. Dorothy Teer, speaking as a citizen, spoke against pornography and the Playboy Channel and in favor of the Council taking a stand against pornography. She stated that pornography degraded women and encouraged deviant behavior in those who regularly view pornographic material.

Ms. Pat Rust, speaking as a citizen, spoke against the Playboy Channel because of its obscene content and the way it degrades women.

Mr. Ronnie Lewis, speaking as a citizen, spoke against sexually oriented programming on cable television because of its adverse affect on the youth of the community.

Ms. Sybil Skakle, speaking as a citizen, spoke against sexually oriented programming on cable television.

Mr. Fred Wardlaw, speaking as a citizen, spoke against sexually oriented programming on cable television.

Mr. Dave Reynolds, speaking as a citizen, also spoke against sexually oriented programming on cable television.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (6-0).

Public Forum on Manager's Interim Report on Preparation of 1985-1986 Budget

Manager Taylor made a presentation in which he listed several service and program reductions that would be necessary to balance the 1985-86 General fund operating budget under the conditions that General Revenue Sharing funds were not available, no increase in the tax rate. The service/program reductions included the eliminations of the line item expenditures throughout Town services, the Police Social Work/Crisis Intervention Unit, the Library Bookmobile, deferral of new garbage trucks and other Public Works Department equipment and street resurfacing and reconstruction. Manager Taylor concluded that he felt a combination of the available alternatives proposed in the initial interim budget report was a better way to balance the upcoming budget, rather than compensating for the expected reductions only through service reductions. He went on to say that continuation of the Capital Improvements Program was an important management objective.

Ms. Dee Kiester, speaking as a citizen, spoke in support of maintaining the Police Social Work/Crisis Intervention Unit. She cited the fact that if the unit were eliminated, the police officers who would take over their work would have to go to a School of Social Work to be truly effective. She also said that the Unit performed a necessary function and was serviced by agencies outside of the police department.

Mrs. Dee Gamble, speaking as a citizen, spoke in support of retaining both the Police Social Work/Crisis Intervention Unit and the Library Bookmobile. She said both services add to the quality of the Town.

Ms. Cathy Travers, speaking as Director of the Orange/Durham Coalition for Battered Women, spoke in support of maintaining the Police Social Work/Crisis Intervention Unit.

Mr. Joe Sparling, speaking as a citizen, spoke in support of maintaining Town services, especially the Police Social Work Unit. He said he felt citizens were not ready for a lot of

cutting in services and were willing to pay to keep these services with more taxes if necessary.

Ms. Lisa Price, speaking for the Library Board of Trustees, spoke in support of retaining the Library service. She said the Bookmobile had provided a cultural resource for neighborhoods in Chapel Hill since 1972, and that the Board and Friends of the Library felt it was an important part of the community services offered by the Town.

Mr. Joe Straley, speaking as a citizen, spoke against cutting services and in favor of increasing taxes, if necessary, to maintain current service levels.

Mr. Fred Stang, speaking as a citizen, spoke in favor of maintaining the Police Social Work Unit because citizens do get help from this group.

Mr. Lightning Brown, speaking as a citizen, spoke against service cuts. He suggested using the  $\frac{1}{2}$  cent sales tax to replace the General Revenue Sharing funds to balance the budget without service reductions. He also said that there was a need for more open space acquisition and for cable-televised Council meetings. Mr. Brown suggested that increasing the tax rate by 3 cents this year and next could enable the Town to accomplish the above programs.

Ms. Audrey Layton, speaking as a citizen, spoke against cutting the Police Social Work Unit.

Council Member Smith said he was against cutting the Police Social Work/Crisis Intervention Unit because it perform a needed service to the community. He also said the Town needed the Public Safety Officers to patrol more in the neighborhoods.

Council Member Smith suggested that instead of buying a new bookmobile, the Town should just replace the engine in the existing model. He then spoke in favor of some form of tax increase in order to help balance the budget.

Council Member Thorpe stated that the cutting of any services would be a painful thing to do. He said he hoped that when the Manager brought back his recommended budget it would allow for Council to choose between alternatives because it was time for all factions to be involved in balancing the budget.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (6-0).

Petitions

Mr. Frans Van Baars presented the Town with a poster painting of Chapel Hill.

Mr. Phil Bridges, speaking for the UNC South Campus Jam Committee, petitioned Council for a noise permit for April 14, 1985.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ACCEPT THE PETITION AND REFER IT TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (6-0).

Mr. Bruce Ballentine, representing the Timber Hollow developers, asked to speak to item 7, Special Use Permit for Timber Hollow. Mayor Nassif replied that since the item involved a Special Use Permit, Mr. Ballentine would only be allowed to answer questions from Council.

Council Member Howes informed Council that Sir Desmond Heath, an expert on local government, would be speaking at UNC on April 2, 1985.

Minutes

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE MINUTES OF MARCH 11, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF MARCH 18, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0).

Nomination and Appointment to Vacant Council Seat

Council Member Preston nominated Dr. David Godschalk to fill the vacancy on the Town Council. She gave a brief presentation in which she detailed his background and his accomplishments.

Council Member Thorpe said that it would have been appropriate for Council to have held a public forum on this issue whereby the nominees could be questioned as to their qualifications and stand on issues.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO APPOINT DAVID GODSCHALK TO FILL THE VACANCY ON THE TOWN COUNCIL BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (6-0).

Council Member Howes suggested that Council prepare a procedure for filling an unexpected vacancy on the Town Council and that in deciding on this procedure, the Council review the process that was used to fill this vacancy.

Timber Hollow-Revised Application for Planned Development-Housing SUP (PD -29-3)

Roger Waldon, Planning Director, gave a brief presentation in which he detailed some of the revisions already executed by the developer and those which the staff felt were still needed. The additional changes included redistributing some of the parking spaces, relocating the clubhouse and some buildings.

Council Member Smith expressed concern about the entrances into the development. He felt that the development should not exit into a single-family development as was planned. He also expressed concern about traffic in general and its impact on Piney Mountain Rd.

Council Member Kawalec stated that she would like to see the changes recommended by the Manager on a site plan. She also said that what was presented to Council on a site plan was not always the way a development was built. Manager Taylor replied that changes that occur after Council approval of a Special Use Permit were minor.

Mayor Nassif also said he would like to see a site plan showing the Manager's recommended changes. He said he liked the natural drainage overlay. He also said he'd like to see a stipulation added to protect the trees during construction.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT RESOLUTION 85-R-56b.

COUNCIL MEMBER SMITH MADE A SUBSTITUTE MOTION TO REFER TO THE MANAGER TO HAVE THE DEVELOPERS ELIMINATE THE ACCESS TO MENDEL DRIVE AND TO DEVELOP AN ACCESS ONTO AIRPORT ROAD. THE SUBSTITUTE MOTION FAILED FOR LACK OF A SECOND.

Council Member Kawalec suggested that Mendel Drive be made a one-way road into the Timber Hollow development.

Mayor Nassif said he didn't foresee a problem with Mendel Drive because he did not expect many of the Timber Hollow residents to use that exit to reach Piney Mountain Road. He said that he would rather see an entrance off of Airport Road than make Mendel Drive one-way into the development.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO AMEND THE MOTION TO INCLUDE A STIPULATION FOR A RIGHT TURN LANE INTO AND OUT OF THE DEVELOPMENT OFF OF AIRPORT ROAD.

George Small, Town Engineer, said the staff had studied this issue and had concluded that because Airport Road was extremely wide at the point where the right turn in, right turn out entrance into Timber Hollow would be would encourage drivers to execute U-turns in order to turn left. He went on to say that the Thoroughfare Plan calls for the widening of Piney Mountain Road and adding traffic signals at the intersection of Piney Mountain Road and Airport Road.

THE AMENDMENT FAILED TO PASS, (1-5), WITH COUNCIL MEMBER SMITH VOTING IN FAVOR OF THE MOTION.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO AMEND THE MOTION TO ADD A STIPULATION REQUIRING THE DEVELOPERS TO PUT FENCES AROUND THE TREES DURING CONSTRUCTION, AS WELL AS PROHIBITING THE DEVELOPER FROM MOVING OR DESTROYING ANY TREES BEYOND 15 FEET FROM THE BUILDINGS. THE MOTION PASSED UNANIMOUSLY, (6-0).

THE MOTION AS AMENDED FAILED TO PASS, (4-2), WITH COUNCIL MEMBERS SMITH AND PRESTON VOTING AGAINST THE MOTION.

#### Paving of Four Streets

Manager Taylor made a brief presentation on the proposed resolutions with assessment of property owners for 50% of final actual costs for the paving of Emily Road, Farrington Drive, Martha Lane, Partin Street and part of Piney Mountain Road, Kingston Drive, Kingston Court and Riggsbee Road.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-57, ASSESSMENT RESOLUTION FOR PAVING OF EMILY ROAD AND FARRINGTON DRIVE. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

#### Paving of Four Streets

Manager Taylor made a brief presentation on the proposed resolutions with assessment of property owners for 50% of final actual costs for the paving of Emily Road, Farrington Drive, Martha Lane, Partin Street and part of Piney Mountain Road, Kingston Drive, Kingston Court and Riggsbee Road.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-57, ASSESSMENT RESOLUTION FOR PAVING OF EMILY ROAD AND FARRINGTON DRIVE. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR PAVING OF EMILY ROAD AND FARRINGTON DRIVE (85-R-57)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake the paving of Emily Road and Farrington Drive with related improvements including curb and gutter, storm drainage, and other improvements as described in the preliminary resolution adopted by Council on January 14, 1985.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. Fifty percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.

3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 1st day of April, 1985.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-58, ASSESSMENT RESOLUTION FOR PAVING OF MARTHA LANE. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR PAVING OF MARTHA LANE (85-R-58)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake the paving of Martha Lane with related improvements including curb and gutter, storm drainage, and other improvements as described in the preliminary resolution adopted by Council on January 14, 1985.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. Fifty percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 1st day of April, 1985.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT RESOLUTION 85-R-59, ASSESSMENT RESOLUTION FOR PAVING OF PARTIN STREET. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR PAVING OF PARTIN STREET (85-R-59)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake the paving of Partin Street with related improvements including curb and gutter, storm drainage, and other improvements as described in the preliminary resolution adopted by Council on January 28, 1985.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.

2. Fifty percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 1st day of April, 1985.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-60a, DIRECTING THE TOWN MANAGER TO PAVE CERTAIN DIRT STREETS AND ASSESS HALF OF THE COST TO ABUTTING PROPERTY OWNERS. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DIRECTING THE TOWN MANAGER TO PAVE CERTAIN DIRT STREETS AND ASSESS HALF OF THE COST TO ABUTTING PROPERTY OWNERS (85-R-60a)

WHEREAS, the Council of the Town of Chapel Hill has directed the improvement of Emily Road, Farrington Drive, Martha Lane and Partin Street, in response to valid petitions; and

WHEREAS, approximately 80 feet of Piney Mountain Road, 20 feet of Riggsbee Road, and 195 feet of Kingston Drive and Kingston Court will remain unpaved between two paved through streets;

BE IT RESOLVED that the Council directs the Town Manager to initiate the procedures (including calling of a public hearing with notice at least 10 days prior) after Emily Road, Farrington Drive, Martha Lane and Partin Street have been paved, to improve to Town standards the aforementioned dirt streets, and to assess owners of abutting property as authorized in Section 6-12 of the Town Charter.

This the 1st day of April, 1985.

Growth Management

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO DEFER ITEM 9, GROWTH MANAGEMENT, TO THE APRIL 9, 1985 COUNCIL MEETING. THE MOTION PASSED UNANIMOUSLY, (6-0).

Annexation, Areas Under Consideration

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-62, IDENTIFYING THE AREA DESCRIBED IN THE RESOLUTION AS BEING UNDER CONSIDERATION FOR ANNEXATION. THE MOTION PASSED UNANIMOUSLY, (6-0)

The resolution, as adopted, reads as follows:

A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR ANNEXATION (85-R-62)

BE IT RESOLVED by the Council of the Town of Chapel Hill that:

Section 1

That pursuant to G.S. 160A-49(i), the following described areas are identified as being under consideration for annexation by the Town of Chapel Hill, under the provisions of Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

1. Northwood Subdivision on N.C. 86 North and Eubanks Road

2. Sedgefield Subdivision on Whitfield Road and the unincorporated property bounded by Whitfield Road on the north, Weaver Dairy Road on the south, N.C. 86 on the west and the western property line of Carol Woods extended north to Whitfield Road on the east
3. Unincorporated land bounded by Stateside Drive, Timberlyne Development, N.C. 86, and Weaver Dairy Road
4. Unincorporated land bounded by Weaver Dairy Road, Cedar Hills Subdivision, and Timberlyne Subdivision
5. Kirkwood (previously Hickory Hill) Planned Development on Erwin Road
6. Eastowne Office Park and Eastowne Hills Office Subdivision
7. East and West Lakeview Drive
8. Unincorporated area between the intersection of East Lakeview Drive with Old Durham Road and Colony Woods North, including the Lassiter-Currie Subdivision
9. Meadow Lane/Winter Drive area
10. Dogwood Place Planned Development on U.S. 15-501 South
11. Sycamore Run Subdivision on Mt. Carmel Church Road
12. The unincorporated property bounded by Sycamore Run Subdivision on the east, Mount Carmel Church Road on the south, U. S. 15-501 South on the west, and the Meadow Lane/Winter Drive area on the north
13. Southbridge Subdivision on Culbreth Drive
14. Highpark (previously Bennett's Ridge) Planned Development on Culbreth Drive and the unincorporated properties between High Park Planned Development and U.S. 15-501 South and between High Park and Morgan Creek
15. Woodlake Subdivision on U.S. 15-501 South and the unincorporated property bounded by U.S. 15-501 South on the east and Woodlake Subdivision on the north, west, and south
16. Tate Apartments Planned Development on Smith Level Road
17. The Highlands Planned Development on Erwin Road
18. Unincorporated land bounded by U.S. 15-501 East on the south, Erwin Road on the east, Kirkwood Planned Development on the north, and Summerfield Crossing on the west
19. Greenfields Planned Development on Erwin Road
20. Unincorporated land bounded by U.S. 15-501 East on the south, Duke Power Substation property, Erwin Road, and The Highlands Planned Development to the west, Greenfields Planned Development to the north, and Central Carolina Bank property and Sage Road to the east
21. Windy Hill property and adjoining tract to the northeast
22. Unincorporated area between present city limits and I-40, bounded by U.S. 15-501 on the north and N.C. 54 on the south
23. Unincorporated area bounded by N.C. 54 on the north, Barbee Chapel Road on the south and west, and land of the U.S. Army Corps of Engineers on the east
24. Unincorporated area bounded on the south by a line 600' south of the southern right-of-way of U.S. 15-501, on the east and north by New Hope Creek and on the west by Eastowne

The above areas are shown on the attached map, which shall be incorporated in this resolution by reference.



Section II

That a copy of this resolution shall be filed with the Town Clerk.

This the 1st day of April, 1985.

Buffer and Screening Requirements, Second Reading

Ordinance 85-0-17 was on the floor for a second reading.

THE MOTION PASSED UNANIMOUSLY, (6-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-0-17)

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 "Buffers" for the word "Bufferyards" in the title and first sentence of Section 6.12.1.

SECTION II

SUBSTITUTE the phrase "a proposed development from adjacent major streets and different adjacent land uses or zoning designations" for the phrase "significantly different land uses on adjacent zoning lots" in the first sentence of Section 6.12.1, Purpose of Buffers.

SECTION III

AMEND Section 6.12.2, Bufferyards Required, to read as follows:

6.12.2 Buffers Required

A buffer is a strip of land together with the screening required thereon. Except as otherwise specifically provided in this chapter, the type of buffer required between a proposed development and adjacent streets, land uses or zoning designations shall be as specified in Subsection 6.12.6, Schedule of Required Buffers. Where the proposed development site and the adjacent land are both located within either Town Center District, no buffer shall be required.

Width and screening specifications for each buffer type shall be detailed and illustrated in the Design Manual. Screening required within buffers is intended to provide separation of spaces without necessarily eliminating visual contact between the spaces, and may consist of existing vegetation, planted vegetation, a landscaped earth berm, a decorative wall, a wood fence, or a combination of the above. Any of the options specified in the Design Manual for the required buffer type shall satisfy the buffer requirements of this section.

SECTION IV

AMEND Section 6.12.3, Location of Bufferyards, to read as follows:

6.12.3 Location of Buffers

Required buffers shall be located along the interior or street lot lines nearest the adjacent streets, land uses, or zoning designations except where such lot lines are intersected by crossing accessways or utility easements, or by a joint parking area. Buffers shall not be located on any portion of an existing or proposed street right-of-way or easement.

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SECTION V

DELETE Section 6.12.4, Screening with Bufferyards, and RENUMBER Sections 6.12.5 and 6.12.6 as 6.12.4 and 6.12.5.

SECTION VI

SUBSTITUTE the word "Buffer" for the word "Bufferyard" in the title and text of the renumbered Sections 6.12.4, Use of Bufferyard, and 6.12.5, Responsibility of Bufferyard.

SECTION VII

SUBSTITUTE the words "has been" for the word "is" in the first sentence of the second paragraph of the renumbered Section 6.12.5, Responsibility of Buffer.

SECTION VIII

INSERT the attached table as a new Section 6.12.6, Schedule of Buffer Requirements.

SECTION IX

SUBSTITUTE the word "buffer" for the word "bufferyard" in the first sentence of Section 6.12.7, Other Required Screening, and the first sentence of Section 6.12.8, Alternative Buffers and Screening.

SECTION X

AMEND Section 6.12.9, Existing Vegetation, to read as follows:

6.12.9 Existing Vegetation

Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to buffer and screening requirements.

SECTION XI

SUBSTITUTE the word "buffer" for the word "bufferyard" in the second sentence of Section 14.4.1., Definition.

SECTION XII

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

This the 1st day of April, 1985.

Request for Funds from Orange County Board of Commissioners for Parks and Recreation and Library Services

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-63, SUPPORT AND REQUEST FOR CONTINUATION OF FUNDING BY ORANGE COUNTY FOR LIBRARY AND PARKS AND RECREATION SERVICES. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION OF SUPPORT FOR AND REQUESTING CONTINUATION OF FUNDING BY ORANGE COUNTY FOR MUNICIPAL LIBRARY AND PARKS AND RECREATION SERVICES (85-R- 63)

WHEREAS, the Orange County Board of Commissioners has appropriated funds for several years to support municipal Library and Parks and Recreation services in southern Orange County in a spirit of cooperation between the County and the Town of Chapel Hill;

WHEREAS, the Town's Library and Parks and Recreation services are available to residents of Orange County who do not live in Chapel Hill on the same basis as for Town residents; and

WHEREAS, the Town Council of Chapel Hill believes the policy of municipal support funding by the Orange County Board of Commissioners is commendable;

NOW THEREFORE BE IT RESOLVED by the Town Council of Chapel Hill that the Council hereby expresses its appreciation and gratitude to the Orange County Board of Commissioners for its policy of financial support of Chapel Hill Library and Parks and Recreation services; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Chapel Hill requests County funding in 1985-86 in the amount of 20% (\$119,313) of the budget of the Town's Library and 24% (\$230,463) of the Chapel Hill Parks and Recreation Department budget, these percentages representing the percentage of non-Chapel Hill, Orange County residents using Town Library and Parks and Recreation services; and

BE IT FURTHER RESOLVED that the Mayor of the Town of Chapel Hill is authorized to transmit and formally present the request of the Town of Chapel Hill for municipal support funding to the Orange County Board of Commissioners at the appropriate County budget hearing.

This the 1st day of April, 1985.

Status Report on Petition to Define and Clarify Zoning Regarding Shelters

Manager Taylor gave a brief report in which he said he planned for this item to be discussed at the Council's Public Hearing on April 15, 1985.

Consent Agenda

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 85-R-64. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (85-R-64)

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

- a. Closing part of Raleigh Street from 10 am - 9 pm on Saturday, April 13 (for Springfest; as in past years) (85-R-65).
- b. Advertising Liens for Unpaid Assessments (85-R-66).

This the 1st day of April, 1985.

A RESOLUTION AUTHORIZING CLOSING OF A PORTION OF RALEIGH STREET ON APRIL 13, 1985 (85-R-65)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of the portion of Raleigh Street between South Road and Lenoir Drive from 10 a.m. to 9 p.m. on Saturday, April 13, 1985, subject to the following conditions:

- Representatives of Residence Hall Association shall comply with reasonable directives by the Town's Police and Fire Departments, and by the University administration and security officers, to assure safety of persons and property in the vicinity of the street closing.
- Barricades must be placed at each end of the closed area with persons stationed to assure access for emergency vehicles if necessary.
- The portion of Raleigh Street right-of-way in the vicinity of the Springfest activities must be cleared of litter and debris by 9 p.m. Saturday, April 13.

This the 1st day of April, 1985.

A RESOLUTION SELECTING THE DATE FOR THE ADVERTISEMENT OF ASSESSMENT LIENS (85-R-66)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Clerk to advertise the Town of Chapel Hill assessment liens in the month of May, 1985, in accordance with G.S. 105-369.

This is 1st day of April, 1985.

Boards and Commissions: Notification Regarding Seats with Terms Expiring June 30, 1985

Manager Taylor said that this was a notice to Council of the upcoming vacancies on Advisory Boards and Commissions.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (6-0).

The meeting adjourned at 10:45 p.m.

\_\_\_\_\_  
Mayor Joseph L. Nassif

\_\_\_\_\_  
Nancy J. Wells, Information Services

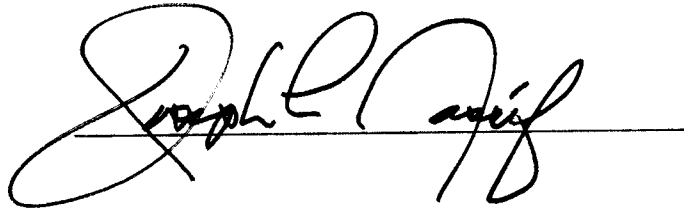
NORTH CAROLINA  
ORANGE COUNTY

OATH OF OFFICE

I, David Godschalk, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Council Member for the Town of Chapel Hill, so help me God.

A handwritten signature in cursive script, reading "David Godschalk", written over a horizontal line.

The above oaths were this day, April 9, 1985 subscribed and sworn to before me.

A handwritten signature in cursive script, reading "Joseph L. Craig", written over a horizontal line.

