

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MAY 13, 1985, 7:30 P.M.

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

- David Godschalk
- Jonathan Howes
- David Pasquini
- Nancy Preston
- Bill Thorpe

Council Members Marilyn Myers Boulton, Beverly Kawalec, and R. D. Smith were absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Acting Town Attorney Michael Patrick.

Public Hearing on Manager's Recommended Budget

Town Manager David R. Taylor made a brief presentation listing the major issues in the Manager's Recommended Budget. These included no tax increase; continuing the same level of service as last year; creating a funding plan for capital improvement reserve; no change in transit fares; increasing on-street parking to \$.01 per minute; no new personnel; and providing for a continuation of the performance-based pay plan. He said he felt the budget met the goals and objectives that were set forth by Council in work sessions and also the expectations of the community as they were implied through public meetings.

John Thomas, representing the Transportation Board, said the Board recommended 1) an increase in fares from \$.50 to \$.60 per trip, 2) extension of transit service to the Weaver Dairy Road area, 3) (active) marketing of the transit services, 4) an increase in E-Z Rider service and Shared Ride evening service, and 5) an increase in public parking fees. (For complete text, see Clerk's file).

Ms. Edie Eldridge, speaking as a citizen, spoke in support of the E-Z Rider service extension. She cited problems she has experienced in getting E-Z Rider service and the frustrations and inconveniences it has created.

Ms. Kathy Herr, representing Women's Health Counseling Services, asked Council to allow her organization to resubmit their funding request to the Human Services Advisory Board. She felt that an inadvertant omission on her part had resulted in the Human Services Advisory Board's recommendation to Council that no contract be awarded to her organization.

Lightning Brown, speaking as a citizen, spoke in support of Greenways and Open Space acquisition and for it to be financed by a special 3¢ tax levy for two years. He said this would produce \$500,000 over two years.

Mr. David McGuire, speaking as a citizen and in response to a recent news article on the subject, spoke against decreasing police patrols in residential neighborhoods in order to increase foot patrols in commercial areas. He stated that he felt the number of patrol officers should be increased and that they remain in patrol cars.

Mr. Dick Clifford, speaking as a citizen and for Child Care Networks, said that most of the organization's efforts were in the information and referral area. He requested that Council refer the Child Care Network request back to the Human Services Advisory Board for reconsideration for additional funds.

Jacques Menache, representing the ArtSchool, requested Council allocate \$5,000 for the ArtSchool, especially since 85% of those who use the ArtSchool are from Chapel Hill.

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Council Member Preston asked if Orange County funded the Art School. Mr. Menache said no, but that they had requested funds from the County this year.

Mr. Len Van Ness, representing the Chamber of Commerce, said they were pleased to see a recommended budget without a tax increase; however, the Chamber was concerned about the growth of the Town, its effect on Town operations and the diverting of Capital Improvement funds to pay for operating costs. Mr. Van Ness also said the Chamber was concerned with the Town's increased dependence on federal assistance for Transportation needs. He said its expenditures should be shared by its principal beneficiaries. (For complete text, see Clerk's file).

Julie Andresen, speaking as a citizen, spoke in support of open space acquisition.

Council Member Thorpe stated, in response to Mr. McGuire's comments, that the Council had asked the Manager to do a study on the Public Safety System. He also cautioned Mr. McGuire not to believe everything he read in the newspaper.

The Council agreed to hold a work session on the recommended budget on May 21 at 7:30 p.m.

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

Public Hearing on the Proposed Paving of Marcus Road

Manager Taylor made a brief presentation on the proposed paving of Marcus Road. He stated if Council approved the project, the paving would be completed at the same time as the other streets in the immediate area which had been previously approved by Council action.

Mr. John Rushing, speaking as a resident of Marcus Road, asked whether or not utility installation would be included at this time. Manager Taylor replied no.

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

Petitions

Mr. Gerald Groon, speaking as a resident of Glendale Drive, petitioned Council to control the speed of vehicles on East Franklin Street in the vicinity of Glendale Drive. He suggested that a traffic signal should be installed at the intersection. (For a copy of the petition, with signatures, see the Clerk's file).

Council Member Howes agreed with Mr. Groon that something should be done and done soon to ensure the safety of the residents and drivers along East Franklin Street.

Council Member Godschalk agreed that it was a critical situation and that the Town should act now to ease the problem.

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

Ms. Alice Ingram, representing the Planning Board, asked to speak to item 9, Highway Improvement requests.

Council Member Thorpe asked what was the timetable for further discussion on hiring a new Town Attorney. He felt there was a need to move on this item. Mayor Nassif replied that the applications were being copied so that each Council Member could review prior to meeting to discuss the applicants.

Minutes

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT THE MINUTES OF APRIL 15, 1985, AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE MINUTES OF APRIL 22, 1985, AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0).

The Minutes of the April 29, 1985 budget work session were accepted as submitted.

Human Services Advisory Board Report

Ms. Patricia Sullivan, Chair of the Human Services Advisory Board, made a brief presentation on the Human Services Advisory Board's recommendations for funding services addressing the Human Services Needs Report. She listed the six priority categories as identified in the Needs Report: poor economic conditions; sexual assault and abuse; housing--home ownership, rental housing and emergency housing; day care, at-risk youth; and nutrition--elderly and homebound. She said that the Board recommended 12 performance agreements with local human service agencies totalling \$41,450.

Council Member Thorpe asked Ms. Sullivan to respond to Ms. Herr's statements regarding the Women's Health Counseling Services. Ms. Sullivan responded that the organization's proposal did not address those needs which had been targeted as high priority. She said it wasn't that the Board felt the agency was not good or was not providing a good service, but rather it was not doing things which were considered of a high priority.

Council Member Pasquini asked if the Coalition for Battered Women, the Orange County Women's Center and the Women's Health Counseling Center were the same. Ms. Sullivan and Human Services Coordinator, Tina Vaughn, replied that they shared the same address, but were separate entities.

Council Member Preston asked how Meals on Wheels services were distributed. Ms. Sullivan replied that requests were made by individuals and organizations but that the agency (Meals on Wheels) needed to be more aggressive in identifying persons who need the services.

Council Member Preston also suggested that the North Carolina Botanical Gardens might aid disadvantaged youth by a work/study program which would teach them the fundamentals of gardening. This could possibly be used as experience when applying for jobs.

Council Member Preston also asked for clarification on the proposals of Child Care Network, Dispute Settlement Center, JOCCA, and North State Legal Services. She asked for a copy of the application from Planned Parenthood.

Ms. Sullivan told the Council that her term on the Human Services Advisory Board was ending this year and that she would not be seeking reappointment. She thanked the Council and Board members for allowing her to serve on the Human Services Advisory Board and for their cooperation and support.

Emergency Housing Facilities

Manager Taylor made a brief presentation and outlined the changes made in the staff recommendation since the Public Hearing. These changes included eliminating the term "chronically ill," reducing the maximum size for a residential support facility to 30 families and shelters to 25 people, and requiring 500 feet between these facilities.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 85-0-21b.

Council Member Thorpe asked if this ordinance were adopted, would the Special Use Permit still be required. Manager Taylor replied yes.

Council Member Godschalk said he felt that having only 500 feet separating these facilities was inadequate. Council Member Pasquini agreed.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO AMEND ORDINANCE B TO ELIMINATE THE SPECIAL USE PERMIT FOR SHELTERS IN RESIDENTIAL AREAS AND THUS NOT ALLOW SHELTERS WITHIN RESIDENTIAL AREAS.

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Council Member Thorpe said the Special Use Permit could be denied if shelters were too close.

Council Member Godschalk spoke against using the Special Use Permit process and in favor of designating where the uses should be permitted by right and not letting them go anywhere else.

Council Member Howes said the Special Use Permit process provided flexibility to Council and its use was philosophically acceptable to the community.

Mayor Nassif stated that he didn't feel that a Special Use Permit for shelters would be granted in residential areas.

THE AMENDMENT FAILED TO PASS, (2-4), WITH COUNCIL MEMBERS GODSCHALK AND PASQUINI VOTING IN FAVOR.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO AMEND THE MOTION TO CHANGE THE DISTANCE BETWEEN FACILITIES FROM 500 FEET TO 1000 FEET.

COUNCIL MEMBER PRESTON MOVED TO AMEND THE MOTION TO INCLUDE A SPECIAL USE PERMIT FOR NEIGHBORHOOD-COMMERCIAL ZONES. THE AMENDMENT FAILED TO PASS FOR LACK OF A SECOND.

THE MOTION, AS AMENDED, FAILED TO PASS, (3-3), WITH COUNCIL MEMBERS THORPE, HOWES AND PRESTON VOTING FOR THE MOTION.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT ORDINANCE 85-0-21d.

Council Members Howes and Preston spoke in support of emergency housing facilities in residential areas.

THE MOTION FAILED TO PASS, (3-3), WITH COUNCIL MEMBERS PASQUINI, GODSCHALK AND NASSIF VOTING IN FAVOR.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER TO THE MANAGER AND ADVISORY BOARDS FOR FURTHER STUDY THE MEANS OF ALLOWING RESIDENTIAL SUPPORT FACILITIES AND SHELTERS IN RESIDENTIAL ZONES.

THE MOTION PASSED, (5-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 85-0-21E, WHICH WOULD ALLOW SHELTERS AND RESIDENTIAL SUPPORT FACILITIES TOWN CENTER, COMMUNITY COMMERCIAL, AND OFFICE-INSTITUTIONAL ZONES.

Council Member Thorpe said that he felt these facilities should not be limited to commercial zones.

THE MOTION CARRIED, (5-1), WITH COUNCIL MEMBER THORPE VOTING AGAINST.

A second reading will be held on May 28.

Franklin Hills

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 85-R-81B. THE MOTION CARRIED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING A MODIFICATION OF THE UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT FOR FRANKLIN HILLS (85-R-81b)

WHEREAS a Unified Housing Development Special Use Permit was issued by the Town of Chapel Hill on the 23rd day of July, 1979 for development of a project in accordance with the plans dated April 8, 1979 and June 5, 1979, and the conditions set forth in the approval of a Special Use Permit; and

WHEREAS Landworks/Franklin Hills Limited Partnership for Franklin Hills has filed an application for modification of the Unified Housing Development Special Use Permit;

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby finds that the modification of a Unified Housing Development Special Use Permit proposed by Landworks/Franklin Hills Limited Partnership for Franklin Hills, if developed in accordance with the plans dated April 8, 1979 and June 5, 1979 and the conditions set forth below:

1. Would be located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;
2. Would comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations.
3. Would be located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following:

1. That construction begin by August 1, 1982, and be completed by November 13, 1986.
2. That Deepwood Road be constructed to Town standards with a minimum paved cross-section of 27 feet back-to-back of curb and gutter and a paved sidewalk on one side of the street. The detailed plans for such road shall be approved by the Town Manager prior to construction.
3. That the proposed turning lane on Elizabeth Street and the proposed improvements to the sight distance along the street be completed prior to issuance of any certificate of occupancy. Plans for such improvements shall be approved by the Town Manager prior to construction.
4. That the design and construction of the public and private drives and streets serving the individual clusters of units be reviewed and approved by the Town Manager prior to construction.
5. That no proposed street names (public or private) duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
6. That an extension of the proposed pedestrian path with the Bolin Creek Townhouses development be dedicated across the subject property to connect with Deepwood Road. The alignment of such easement shall be approved by the Town Manager and shall have a minimum width of 20 feet.
7. That all units connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
8. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each cluster of units. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.
9. That sewer and utility easements be dedicated as required by the Town Manager.
10. That the number, location, and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permits.

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11. That provisions for refuse collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
 12. That evening use of the recreational facilities be limited to 10 p.m. and that the source of lighting not be visible from adjacent residential properties.
 13. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any grading permit and start of construction of improvements.
 14. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of any certificate of occupancy. The maintenance of the detention basin shall be the responsibility of the homeowners association.
 15. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
 16. That a detailed landscape/planting plan including detailed sign and lighting plans and screening of the proposed refuse collection facilities be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy. Such plan shall show adequate mechanical means for watering landscaped areas.
 17. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
 18. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.
 19. That paved areas be set back as far as possible from trees to be retained.
 20. That a recordable plat showing all dedicated rights-of-way and easements be submitted to the Town Manager prior to issuance of a building permit.
 21. That prior to issuance of a building permit or grading permit a revised site plan incorporating the required stipulations shall be approved by the Planning Board. Adjustments to the original plan required to comply with the required stipulations shall not be considered a Modification of the Special Use Permit.
 22. That a recordable plat showing the land area subject to the Unified Housing Development Special Use Permit, as modified, be submitted to the Town Manager for approval prior to the issuance of the Modified Special Use Permit and that said recordable plat, as approved by the Town Manager, be recorded by the applicant with the Office of the Register of Deeds for Orange County at the same time the Modified Special Use Permit is recorded.
 23. That the area subject to the Unified Housing Development Special Use Permit, as modified, include the area shown as Phase I on the plat of survey previously recorded in Plat book 33, page 44, Orange County Registry, plus an additional area of at least 16,081 square feet of gross land area located across Elizabeth Street from Phase I.
 24. If any conditions shall be held invalid or void, then this permit shall be void and of no effect.

25. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with application provisions of the Chapel Hill Development Ordinance and regulations thereunder.

BE IT FURTHER RESOLVED that the Council hereby revokes the Unified Housing Development Special Use Permit granted for this development on the 23rd day of July, 1979.

BE IT FURTHER RESOLVED that, pursuant to Section 8.7.1 of the Development Ordinance, the Council hereby exempts the development, as proposed from the applicable regulations in the following respects:

1. The development prohibition contained in Section 10.4 is waived as to the portion of Building #2 that has been previously constructed in the Resource Conservation District is hereby waived, provided, however, that this exemption shall terminate automatically in the event that Building #2 is damaged, destroyed, demolished, rehabilitated or renovated to the extent of 50% or more of its assessed taxable value.
2. The building setback requirement of 25 feet from interior lot lines is hereby waived as to Building #2.
3. The buffer required by Section 6.12.2 of the Development Ordinance is hereby waived between Deepwood Road and the adjoining property to the north.
4. The plantings required by the screening requirements of Section 6.12.4 of the Development Ordinance are hereby waived.
5. The floor area requirements of Sections 5.7.3 and 5.11 are hereby waived to the extent that a floor area ratio less than or equal to .160 is required.
6. The requirement for improved recreation space of Sections 5.7.8 and 5.7.9 of the Development Ordinance is hereby waived.

BE IT FURTHER RESOLVED that the Council hereby approves a modification of a Unified Housing Development Special Use Permit in accordance with the plans as submitted and approved in the stipulations above.

This is the 13th day of May, 1985.

Growth Management and Land Use Plan

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 85-R-82. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DIRECTING PREPARATION OF A LAND USE PLAN (85-R- 82)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests that the Chapel Hill Planning Board, in cooperation with the staffs and Planning Boards of Orange County and Chapel Hill, prepare a draft Land Use Plan for Council review and consideration, such plan to include opportunities for citizen involvement as outlined on the attached schedule. The draft plan shall cover both the area within Chapel Hill's Planning Jurisdiction and the area within the Joint Planning Area.

This the 13th day of May, 1985.

Request for Projects on the State Highway Improvement Program

Ms. Alice Ingram, representing the Planning Board, spoke in support of the Manager's Recommendation.

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Council Members Godschalk, Howes and Preston asked for clarification of what was now under the Federal Primary, Secondary, and Urban-aid fund requests and what changes were being asked. Manager Taylor replied that the changes being asked were the result of the improvements being funded from other sources and the need for other improvements not previously requested.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADOPT RESOLUTION 85-R-83. THE MOTION CARRIED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (85-R-83)

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following road improvements in the State's Transportation Program:

A. Federal-Aid Primary Funding

1. Widen US 15-501 from US 15-501 Bypass to the Chatham County line;
2. Improve US 15-501 intersection with Sage Road and Scarlette Drive;
3. Improve and extend frontage roads along US 15-501 from Franklin Street to the I-40 interchange;
4. Widen and improve US 15-501 from Franklin Street to the I-40 interchange.

B. Federal-Aid Secondary Funding

1. Widen NC 86 from Homestead Road to the I-40 interchange;
2. Build the missing section of the Weaver Dairy Road alignment from Weaver Dairy Road (SR 1733) to Erwin Road (SR 1734);
3. Build Laurel Hill Parkway from US 15-501 to NC 54 along new alignment;
4. Widen and improve Mt. Carmel Church Road (SR 1008) from US 15-501 to the Chatham County line;
5. Widen Old Durham-Chapel Hill Road from Scarlette Drive to the Durham County line.

C. Federal-Aid Urban Funding

1. Widen Sage Road, from US 15-501 to the 5-lane section;
2. Complete Pittsboro Street extension from Cameron Avenue to Airport Road.
3. Widen and improve Weaver Dairy Road;
4. Widen NC 86 from Estes Drive to Homestead Road;
5. Complete the connection of Frances Street from the US 15-501 Bypass via Willow Drive to Ephesus Church Road (SR 1742).

BE IT FURTHER RESOLVED that the Council continues to endorse and support those projects currently programmed in the North Carolina Transportation Improvement Program, including:

1. Widening the US 15-501/NC 54 Bypass from the existing 2 lanes to at least 4 lanes (State TIP I.D. #U-2003);

2. Widening NC 54 from the Orange County line to the I-40 interchange from the existing 2 lanes to a 4-lane divided highway (State TIP I.D. #R-75);
3. Widening S. Columbia Street from Mt. Carmel Church Road to Manning from the existing 2-lane section to a 4-lane curb and gutter section (State TIP I.D. #U-624);
4. Widening Merritt Mill Road (SR 1927) from Cameron Avenue to S. Greensboro Street (SR 1919) to a 41-foot cross-section;
5. Replacement of the Morgan Creek Bridge at US 5-501 with a new bridge (State TIP I.D. #B-1311); and
6. Bicycle improvements along Estes Drive between Airport Road (NC 86) and the Carrboro town limits; and

BE IT FURTHER RESOLVED that the widening of the US 15-501/NC 54 Bypass (State TIP I.D. #U-2003) be rescheduled from 1989 to 1986.

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town an opportunity to request bikeways facilities and landscaping in conjunction with any future State-supported road improvements programmed in the Town; and

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town the opportunity to participate in the design of any State-supported road improvements that might be programmed in the Town.

This the 13th day of May, 1985.

Rosemary Square Project Ordinance

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO ADOPT ORDINANCE 85-0-22. THE MOTION PASSED UNANIMOUSLY, (6-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO ADOPT A ROSEMARY SQUARE PROJECT ORDINANCE (85-0-22)

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 grant project ordinance is hereby adopted:

SECTION I

The project authorized is the Economic Development Project known as Rosemary Square consisting of, among other things, a jointly-owned public/private garage and a mixed use residential, inn, commercial, and office facility.

This project is located in an area that includes the land and airspace on Town-owned land currently used as a public parking lot and the parking and lawn area behind the Post Office, on the southwest corner of West Rosemary and Henderson Streets (as described more fully in Exhibit A of the Development Agreement between the Town and Fraser Co. of North Carolina) and including the Alley along the east, south and west sides of Lot 1 property, the area between the rear facades of the East Franklin Street stores (as defined in the Agreement) and the southern-most boundary of the Alley, sidewalks adjacent to the site, portions of Henderson Street and East Rosemary Street adjacent to the site, the Post Office Alley, and the pedestrian walkway between East Franklin Street and the site.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the project within the terms of the Development Agreement executed February 28, 1985, and Resolution 85-R-18 authorizing the Manager to take various actions in connection with the Rosemary Square project, and the budget contained herein.

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SECTION III

The following revenues are anticipated to be available to complete this project:

Bond Proceeds	3,500,000
Interest on Investments	165,600
Contribution from Parking Facilities Fund	<u>80,000</u>
Total	3,745,600

SECTION IV

The following amounts are appropriated for the project:

2,437,500	Construction
408,000	Debt Service Reserve
376,600	Capitalized Interest
128,600	Issuance Expenses
87,500	Consultant Services
80,000	Construction Inspection & Supervision
2,000	Travel
<u>225,400</u>	Contingency
3,745,600	Total

SECTION V

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

This is the 13th day of May, 1985.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE 85-0-23. THE MOTION PASSED UNANIMOUSLY, (6-0).

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" (85-0-23)

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:

Article 1

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Parking Facilities Fund				
Lot 1 Operations	89,400		40,000	49,400
Non-Departmental Contingency	86,125		40,000	46,125
Transfer to Rosemary Square Project Ordinance	0	80,000		80,000

This the 13th day of May, 1985.

Consent Agenda

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 85-R-84. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolutions, as adopted, read as follows:

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS (85-R-84)

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

- a. A Resolution calling a public hearing on the proposed closing of the eastern leg of the alley right-of-way in Rosemary Square. (Proposes public hearing for June 10 regular meeting). (85-R-85).
- b. A Resolution calling a public hearing on the proposed closing of the right-of-way of part of Whitehead Road. (Proposes public hearing for June 24 regular meeting). (85-R-86).

This the 13th day of May, 1985.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSING OF THE RIGHT-OF-WAY OF THE EASTERN LEG OF THE ALLEY IN ROSEMARY SQUARE (85-R-85)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m., on Monday, June 10, 1985, in the Meeting Room of the Municipal Building, 306 North Columbia Street, Chapel Hill, on the proposed closing of the right-of-way.

BE IT FURTHER RESOLVED that the Town Manager is hereby directed to publish and mail notices of the hearing as required by law.

This is the 13th day of May, 1985.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CLOSING OF THE RIGHT-OF-WAY OF PART OF WHITEHEAD ROAD (85-R-86)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m., on Monday, June 24, 1985, in the Meeting Room of the Municipal Building, 306 North Columbia Street, Chapel Hill, on the proposed closing of the right-of-way, approximately 175 feet long and 30 feet wide, which right-of-way is south of the southern end of Whitehead Circle, and is between lot 7, block B of Chapel Hill Township Tax Map 72 and lot 26, block C, Chapel Hill Township Tax Map 71.

BE IT FURTHER RESOLVED that the Town Manager is hereby directed to arrange publication and mailing of notices of the hearing as required by law.

This is the 13th day of May, 1985.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO ADJOURN. THE MOTION CARRIED UNANIMOUSLY, (6-0).

The meeting adjourned at 10:05 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells, Town Clerk

