

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY JULY 8, 1985, 7:30 P.M.

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

Marilyn Myers Boulton
David Godschalk
Jonathan Howes
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Mayor Joseph L. Nassif was absent, excused. Also present were Acting Town Manager Sonna Loewenthal, Assistant Town Manager Ron Secrist, and Acting Town Attorney Michael Patrick.

Executive Session

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

Mayor Pro Tem Kawalec called the meeting back into order at 8:05 p.m. She stated that on April 9, 1985 the Council had denied a Special Use permit to the Windy Hill development and the denial was challenged in court. The judge ruled against the Town in this case. Council discussed in executive session how to proceed.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-131a, SUBJECT TO THE CONDITIONS IN RESOLUTION 85-R-68c, WITH THE CHANGE OF THE DATES FOR CONSTRUCTION TO BEGIN AND END ON JULY 8, 1986 AND JULY 8, 1991 RESPECTIVELY. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING ISSUANCE OF A SPECIAL USE PERMIT FOR WINDY HILL PURSUANT TO AN ORDER DATED JUNE 25, 1985 BY ORANGE COUNTY SUPERIOR COURT (85-R-131a)

WHEREAS, on June 25, 1985, the Honorable Judge Wiley F. Bowen of Orange County Superior Court entered an Order instructing the Town of Chapel Hill to issue a Special Use Permit for the Windy Hill planned development subject to certain conditions in resolution 85-R-68A, -68B, or -68C as submitted to Council on April 9, 1985; and

WHEREAS, the Town Council has directed counsel for the Town to prepare notice of and to submit an appeal regarding the above Order of the Superior Court; and

WHEREAS, it is the desire of the Council to comply with the Order of the Superior Court without limiting the Town's right to prosecute its appeal of the above Order;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Chapel Hill hereby directs the Town Manager to issue a special use permit for the Windy Hill planned development with the stipulations and conditions listed in resolution 85-R-68C as submitted April 9, 1985 with the change of dates for construction to begin and end to be July 8, 1986 and July 8, 1991 respectively.

BE IT FURTHER RESOLVED that Council's action hereby is to issue the special use permit for Windy Hill under protest; and that said special use permit shall become null and void if the Council's denial of the Windy Hill application for a special use permit is affirmed on appeal.

This is the 8th day of July, 1985.

202
Petitions

Ms. Ann Mertzbacher, speaking as a citizen, asked Council for aid in the removal of trash, tree limbs, brush, etc., which was piling up along the streets, especially in her neighborhood, Estes Hill.

Mayor Pro Tem Kawalec said that extra crews were being utilized to pick up the brush.

Council Member Howes said he knew the Public Works Department was aware of the problem and were working as hard as they could to get the trash picked up.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ACCEPT THE PETITION AND REFER TO THE MANAGER.

Council Member Boulton asked whether or not the problem was the lack of funds to pay overtime. Acting Town Manager Loewenthal replied that there was not enough funds budgeted for overtime for crews to work Saturdays until all the trash was picked up and still have funds available for the possibility of snow crews this winter. Council Member Boulton asked that the staff look into the exact amount needed to pay for trash pickup.

THE MOTION PASSED UNANIMOUSLY, (8-0).

Mr. Larry Koonce petitioned to speak to item 11, Pickard Lane street closing.

Ms. Virginia Cunningham asked to speak to item 7, Entranceways.

Ms. Melody Ivins, speaking as a citizen, petitioned for an investigation into the trees that were cut down in the area of 109 North Street.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ACCEPT THE PETITION AND REFER TO THE MANAGER TO BRING BACK A REPORT ON THE INCIDENT. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mr. Josh Gurlitz asked to speak to item 7, Entranceways.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADD AN ITEM 15 TO THE AGENDA, TO RECESS THE MEETING AND RECONVENE AT 3:00 P.M. ON JULY 9, 1985 FOR THE PURPOSE OF CALLING AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. THE MOTION PASSED UNANIMOUSLY, (8-0).

Council Member Howes stressed to the members of the media present, that the Council was going to interview a candidate for Town Attorney and they had forgotten to send a notice, but they wanted all to know what the purpose of the meeting was, and therefore the reason for requesting this meeting be recessed.

Glen Lennox Expansion

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-132. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION EXTENDING THE TIME LIMIT FOR SUBMITTAL OF THE MANAGER'S FINAL REPORT ON THE GLEN LENNOX EXPANSION PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT APPLICATION (85-R-132)

BE IT RESOLVED by the Council of the Town of Chapel Hill that, in accord with Subsection 8.4.7 of the Development Ordinance, it hereby extends the time limit for submittal of the Town Manager's final report on the Glen Lennox Expansion application for a Planned Development-Housing Special Use Permit to September 9, 1985 to allow the applicant time to address issues raised at the June 17, 1985 public hearing.

This the 8th day of July, 1985.

Mill Race

Roger Waldon, Planning Director, gave a brief presentation on the planned development-housing proposal for a 72 unit development. He said the site was located on the east side of Hillsborough Street and contained approximately 14 acres, 11 of which are zoned R-3 and 3 are zoned R-4. A total of 4.36 acres are within the Resource Conservation District. Mr. Waldon said there had been some changes in the design since the public hearing. These changes were in the reduction in the number of buildings (four to three), percent of undisturbed area (33 to 57%), and the height of the buildings (3 to 5 stories). Mr. Waldon said traffic volume projections would not exceed the existing capacity of Hillsborough Street. He said the staff recommended the entrance/exit be a one way loop to provide better site distance for exiting onto Hillsborough Street, and that the Floor Area be reduced to 101,203. Mr. Waldon said the site was affected by the Resource Conservation District (RCD). He stated that the corners of all three buildings and the planned driveway access were presently located inside the RCD and concluded saying the developers would need a variance from the Board of Adjustment to allow them to build the private drive access.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 85-R-133a, WITH THE AMENDMENT THAT STIPULATION 12 READ THAT ALL BUILDINGS BE SHIFTED OUTSIDE OF THE RESOURCE CONSERVATION DISTRICT.

Council Member Pasquini expressed concern that the new site plan had not been reviewed by the Planning Board and Appearance Commission.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON FOR A SUBSTITUTE MOTION TO REFER BACK TO THE PLANNING BOARD AND APPEARANCE COMMISSION FOR RECOMMENDATION.

Council Member Boulton inquired why the Boards had not reviewed the new site plan. Acting Town Attorney Michael Patrick replied that advisory board review was not required under the Ordinance, and that at the public hearing on this proposal the Council had referred the item only to the Manager and Developer for consideration of revisions.

Council Member Thorpe said the Council requested the matter to come back to Council. If it was desired for it to go to the advisory boards, it should have been stated at that time, not now.

THE SUBSTITUTE MOTION FAILED, 3-5 WITH COUNCIL MEMBERS BOULTON, PASQUINI, AND PRESTON VOTING IN FAVOR.

Council Member Smith expressed concern over the height of the buildings. He felt they should be limited to no more than four stories. He also felt there should be protective barriers placed around the trees that are to remain.

Council Member Pasquini felt there had already been and that Council was requiring too many changes tonight in the site plan for Council to make a decision without further Planning Board or Appearance Commission review.

Mr. John McAdams, representing the developer, agreed to the discussed four story limitation.

COUNCIL MEMBERS GODSCHALK AND HOWES AGREED TO FURTHER AMEND THEIR MOTION TO INCLUDE STIPULATIONS REQUIRING BARRIERS TO THE DRIP LINES TO BE PLACED DURING CONSTRUCTION AROUND THE TREES TO REMAIN AND THAT THE BUILDINGS BE NO MORE THAN FOUR STORIES IN HEIGHT. THE MOTION PASSED, (7-1) WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

20A
The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT FOR MILL RACE (85-R-133a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing proposed by Mill Race Associates, if developed in accordance with the preliminary site development plan and storm drainage plan dated June 26, 1985, the preliminary elevations dated January, 1985, the building profiles and envelope plan dated May 16, 1985, 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 July 8, 1986 and be completed by July 8, 1989.
2. That $\frac{1}{2}$ of a 60-foot-wide right-of-way be dedicated along the site's frontage with Hillsborough Street (measured from the centerline of the existing roadway).
3. That the roadway of the one-way private drive be dedicated as a fire lane to prohibit cars from parking on the roadway so as to hinder emergency vehicle access.
4. That the 12 parking spaces adjacent to Building #1 be redesigned as angled parking.
5. That a 15-foot-wide public pedestrian/non-motorized vehicle easement be dedicated along the sidewalk parallel to Hillsborough Street.
6. That drainage easements be dedicated over those parts of the site within twenty-five (25) feet of the centers of Bolin Creek, Mill Creek, and the unnamed stream traversing the western part of the site.
7. That a 10-foot-wide strip of additional sanitary sewer easement be dedicated along and abutting the existing sanitary sewer easement containing the Bolin Creek sewer main.
8. That the proposed underground electrical, gas, telephone, and CATV lines be located beneath or immediately adjacent to the internal roadways, parking areas, and existing easements, so as to avoid additional land disturbance.
9. That dumpster pads be provided in locations convenient to the dwellings and accessible to Town garbage trucks.
10. That the recreation area and pedestrian/non-motorized vehicle easement approved as part of the preliminary plat for the North Street Development subdivision be dedicated before issuance of a Zoning Compliance Permit.

11. That the floor area be reduced to comply with the maximum floor area allowed by the appropriate application of the floor area ratios for the R-4, R-3, and overlay Resource Conservation District.
12. That all buildings be shifted outside of the Resource Conservation District.
13. That protective barriers to the drip lines be placed during construction around the trees to remain.
14. That the buildings be no more than four stories in height.
15. That the names of the development and the proposed private street be approved by the Town Manager as not duplicating, or being similar to, names of existing developments and streets.
16. That the detailed utility plans be approved by OWASA, Duke Power, Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit.
17. That a variance allowing the proposed street crossing of the unnamed stream in the western part of the site be obtained from the Board of Adjustment before issuance of the Special Use Permit.
18. That easement documents as approved by OWASA be recorded for utility easements before issuance of a Zoning Compliance Permit, and that the property owner bear the cost of any assessments required by OWASA for maintenance of fire hydrants until such time as this responsibility is assumed by a homeowners association or a public entity.
19. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility plan, grading and stormwater management plan, and right-of-way/easement plats private road construction plan) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.
20. That continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with applicable provisions of the Chapel Hill Development Ordinance and regulations thereunder.
21. If any conditions shall be held invalid or void, then this permit shall be void and of no effect.

BE IT FURTHER RESOLVED that the Council hereby approves a Planned Development-Housing Special Use Permit in accordance with the plans and conditions listed above.

This the 8th day of July, 1985.

Traffic Safety

George Small, Town engineer, gave a presentation on a Town traffic safety study that was a result of petitions from citizens on East Franklin Street in the vicinity of Glendale, Davie, and Roosevelt Drive. He said the staff recommended the following: 1) request NCDOT to study the possibility of widening E. Franklin St. and realigning the section between Boundary St. and Howell Lane; 2) have the Police Department focus efforts to control speeds on this section of Franklin Street; and 3) prohibit left turns to and from Roosevelt Drive at the intersection with E. Franklin street, subject to construction of a raised median island. Mr. Small said that NCDOT did not recommend a traffic signal at the Glendale/Franklin intersection because neither the present volume of turning traffic nor the accident patterns met DOT's standards for signalization. He also said that a traffic signal along this section of Franklin Street could increase the danger for rear end collisions.

Council Member Godschalk spoke in support of active police enforcement of the speed limit along Franklin Street and against widening East Franklin. He also felt prohibiting left turns at Roosevelt Drive would only be a temporary measure that probably would not ease the situation. He said a traffic signal was necessary.

206
Council Member Boulton said there needed to be increased enforcement of speed zones throughout all of the Town.

Council Member Smith said that a traffic signal was needed at the Glendale intersection regardless of NCDOT's standards. He cited the school bus traffic that utilizes that area as a reason for a traffic signal.

Council Member Thorpe said he agreed with Council Member Godschalk and realized the role politics plays in getting new traffic signals.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-135. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING TRAFFIC SPEED ENFORCEMENT ALONG EAST FRANKLIN STREET (85-R-135)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recognizes the difficult traffic conditions that exist along E. Franklin Street in the vicinity of the intersection of Davie Circle, Glendale Drive and Roosevelt Drive as detailed in the Town Manager's reports of July 8, 1985. Having reviewed the results of vehicle speed samples and accident records for this area taken in June, 1985, the Council hereby directs the Town Manager to arrange for active police enforcement of posted speed limits in this vicinity, at a time and frequency deemed appropriate by the Manager in light of traffic conditions in said area and the overall community needs for assignment of Public Safety Officers.

This the 8th day of July, 1985.

COUNCIL MEMBER SMITH MOVED FOR COUNCIL TO REQUEST NCDOT TO STUDY THE SIGNALIZATION OF THE GLENDALE/E. FRANKLIN INTERSECTION IN LIGHT OF SCHOOL BUS TRAFFIC. THE MOTION DIED FOR LACK OF A SECOND.

Council Member Howes said he believed it would be futile to only request NCDOT to study the issue.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO REQUEST THE MANAGER TO CONDUCT A SIGNALIZATION STUDY, WORKING WITH NCDOT IF POSSIBLE, TAKING INTO ACCOUNT ALL FACTORS AND THE POSSIBILITY OF TOWN FINANCING. THE MOTION PASSED UNANIMOUSLY, (8-0).

Mr. Smith asked that the study include the demographics of the surrounding neighborhoods.

Site Plan Review

Council Member Howes spoke in support of calling a public hearing to consider amending the Development Ordinance to provide for Council action on applications for site plan approval.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-136. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING REGARDING AN AMENDMENT OF THE DEVELOPMENT ORDINANCE (85-R-136)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing at 7:30 pm on September 16, 1985 in the Meeting Room of the Municipal Building, 306 North Columbia Street, on amending the Development Ordinance to provide that the Town Council shall act on applications for site plan approvals, which applications are now submitted to the Planning Board pursuant to Article 15 of the Development Ordinance.

This the 8th day of July, 1985.

Entranceways Task Force Recommendations

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER THE MANAGER'S RECOMMENDATION TO THE ENTRANCEWAYS TASK FORCE, APPEARANCE COMMISSION, AND PLANNING BOARD TO BE BROUGHT BACK TO COUNCIL AT THE EARLIEST POSSIBLE DATE. THE MOTION PASSED UNANIMOUSLY, (8-0).

Greenways Commission

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-O-40. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO ADD AN ARTICLE X TO CHAPTER TWO OF THE CODE OF ORDINANCES TO ESTABLISH A GREENWAYS COMMISSION (85-O-40)

SECTION I

BE IT ORDAINED by the Council of the Town of Chapel Hill that it hereby adds an Article X of Chapter Two of the Code of Ordinances of the Town of Chapel Hill to read as follows:

Article X. Greenways Commission

Sec. 2-150. Created; named.

A Greenways Commission is hereby authorized for the Town of Chapel Hill.

Sec. 2-151. Membership; terms.

The Greenways Commission shall consist of seven (7) members appointed as hereinafter provided. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two members shall be appointed for a period of two (2) years, and three (3) members shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves. The terms of all members shall expire on the 30th day of June following the end of the final year of their terms.

Sec. 2-152. Appointments; vacancies.

The members shall be appointed and vacancies filled as prescribed in Section II.D-2 of the Council's Procedures Manual.

Sec. 2-153. Meetings; chairperson.

The Greenways Commission shall regularly hold meetings at such time and places as it shall determine. It shall annually elect one member to serve as chairperson and preside over its meetings. It may create and fill such other offices and committees as it may deem necessary.

All meetings of the Commission shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the N. C. General Statutes.

The Commission shall keep a record of its meetings, including attendance of its members; its resolutions, findings, recommendations and actions.

A quorum of the Commission, necessary to take any official action, shall consist of four (4) members. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

268

Sec. 2-154. Duties; powers.

The Greenways Commission shall have the following powers and duties:

- a. Develop and propose for Council consideration a master Greenways plan, including a proposed timetable for development and listing of potential greenway properties and extensions.
- b. Along with property owners and neighborhood organizations in areas along greenway corridors, identify potential property and easements to accomplish the greenway plan.
- c. Work with neighborhoods to develop specifications for appropriate design, use, and maintenance and security of greenways.
- d. Promote awareness of the greenways program among Town residents. For example, publish maps and trail guides for use of Greenways.
- e. Advise Council regarding the status of needs of the greenway system annually during consideration of the Capital Improvements Program and annual operating budget. Recommend property to be acquired and trails to be constructed.
- f. Work with community groups to encourage the development and maintenance of greenway trails.
- g. Work with regional organizations and Greenway Commissions to coordinate regional greenway plans, encouraging linking of greenway systems when beneficial to Chapel Hill citizens.
- h. Review proposals for subdivision or development of land in the identified greenway corridors, and make recommendations to the Planning Board regarding provision or dedication of property or easements to accomplish the greenway plan.
- i. Recommend and promote alternative funding sources for acquisition and maintenance of greenways.

SECTION II

This ordinance shall be effective upon its final adoption according to law.

This the 8th day of July, 1985.

Bids of Construction of Parking Lot #5

Acting Town Manager Loewenthal stated that revised copies of the agenda item were distributed at the beginning of the meeting.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 85-R-138 REVISED. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO NEGOTIATE A CONTRACT FOR CONSTRUCTION OF PARKING LOT #5 (85-R-138)

WHEREAS, the Town Council of the Town of Chapel Hill has solicited formal bids by legal notice on June 11, 1985, and readvertised said legal notice in accordance with G.S.143-129 on June 28, 1985 for Construction of Parking Lot #5; and

WHEREAS, the following bids have been received and opened on July 5, 1985:

<u>Contractor</u>	<u>Base Bid</u>	<u>Bid Alt. #1</u>	<u>Bid Alt. #2</u>	<u>Bid Alt. #3</u>	<u>Bid Alt. #4</u>
Kirkpatrick Brothers, Inc.	\$290,813.99	\$10,810.00	\$18,975.00	\$160,000.00	(No Bid)
Nellow Teer Company	\$299,005.00	\$ 9,979.20	(No Bid)	(No Bid)	\$5,340.00

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is authorized to negotiate with the low bidder, Kirkpatrick Brothers incorporated, to obtain a base bid price within the funding limits available for this project; and in failing to do so, the Manager is directed to reject all bids, redesign, readvertise, and rebid the project.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill rejects all bids for Alternates 1, 2, 3 and 4.

This the 8th day of July, 1985.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-0-41 REVISED. THE MOTION PASSED UNANIMOUSLY, (8-0).

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 1985" (85-0-41)

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, 1985" as duly adopted on June 3, 1985, be and the same is hereby amended as follows:

Article I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Church St. Parking Facilities Bond Fund	249,905	250,000		499,905
<u>Revenues</u>				
Church St. Parking Facilities Bond Fund				
Appropriated Fund Balance	249,905	250,000		499,905

This the 8th day of July, 1985.

Lease of Parking Lot #6 to Foushee Realty

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-139.

Council Member Pasquini spoke against the motion stating he would rather have the Town sell the lot if it was not needed for public use.

THE MOTION PASSED, 7-1 WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A LEASE WITH FOUSHEE REALTY (85-R-139)

WHEREAS, the Town of Chapel Hill has acquired Lot 6 of Chapel Hill Tax Map 85, Block K; and

WHEREAS, the land is not needed immediately for a public purpose, but may be so needed in the short-term future; and

WHEREAS, the land is currently in use as a private parking lot;

210
BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is authorized to execute a lease with Foushee Realty, Inc. which includes the following points:

- A 12-month term beginning May 1, 1985.
- Use of the land solely as a parking lot with maintenance required by the Lessee.
- A hold-harmless provision for the Town as well as public liability insurance held by the Lessee naming the Town as insured.
- Rent of \$300 per month.

This the 8th day of July, 1985.

South Columbia-Pittsboro One-Way Pair

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-140. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION CONCERNING IMPLEMENTATION OF THE COLUMBIA-PITTSBORO STREETS ONE-WAY PAIR (85-R-140)

WHEREAS, the North Carolina Department of Transportation and the Town of Chapel Hill propose to make certain street and highway improvements consisting of the improvement and construction of NC 86 (Columbia Street) from Pittsboro Street to Cameron Avenue and Pittsboro Street from Columbia Street to Cameron Avenue; and,

WHEREAS, the Department of Transportation and the Town of Chapel Hill propose to enter into an agreement for construction of the aforementioned highway improvement whereby the Department agrees to design the project plans and provide and install all traffic signals and equipment, provide pavement marking and signing; and,

WHEREAS, the Municipality agrees to acquire any required right-of-way, provide for the adjustment of utilities, and perform the channelization work; and,

WHEREAS, said agreement further provides for the Department of Transportation to reimburse the Town of Chapel Hill for the actual contract construction costs of the project.

NOW, THEREFORE, BE IT RESOLVED that Project 9.8070358, Orange County, is hereby formally approved by the Town Council of the Municipality of Chapel Hill and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department of Transportation.

This the 8th day of July, 1985.

Council Member Thorpe expressed dissatisfaction that NCDOT did not plan to replace the traffic signal at the intersection of Pittsboro and McCauley Streets at the time of the initial implementation of the one-way pair. He suggested the Mayor write a letter to NCDOT expressing the Council's concerns.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 85-O-42.

Council Members Boulton, Pasquini, and Preston expressed concern over the use of Pittsboro Street by trucks.

THE MOTION FAILED TO PASS, 5-3, WITH COUNCIL MEMBERS PASQUINI, PRESTON, AND THORPE VOTING AGAINST.

A second reading will be necessary at the next meeting.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON FOR THE MAYOR TO WRITE A LETTER TO NCDOT RECONFIRMING THE COUNCIL'S DESIRE TO HAVE A NEW, SYNCHRONIZED SIGNAL AT THE INTERSECTION OF PITTSBORO AND MCCAULEY STREETS. THE MOTION PASSED UNANIMOUSLY, (8-0).

Council Member Howes asked Ms. Loewenthal what was the practical effect of the delay until a second reading would be scheduled. Acting Manager Loewenthal replied since Council was not scheduled to meet again until August 26, the pairing would not be implemented, even if ready, before UNC opened for fall semester.

Pickard Lane

Jerry Koonce, speaking as a citizen, said he was available to answer any questions with regard to a letter he sent to Council in which he recommended the Council deny the request to temporarily close Pickard Lane on August 24th and 25th.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 85-R-141b. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DENYING A REQUEST TO CLOSE PICKARD LANE (85-R-141b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request to close Pickard Lane from 4 pm Saturday, August 24 to 1 am Sunday August 25 for a party.

This the 8th day of July, 1985.

Tax Appraisals for Durham County Residents

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 85-R-142a. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING THE TAX APPRAISALS ESTABLISHED BY DURHAM COUNTY AS THE BASIS FOR TAXING CERTAIN PROPERTIES SITUATED WITHIN THE TOWN OF CHAPEL HILL PURSUANT TO PROVISIONS OF G.S. SECTION 105-328 (85-R-142a)

BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Council hereby directs that the tax appraisals for properties in Durham County within Chapel Hill shall be 100% of the appraised valuation established by Durham, and that said valuations shall be used as the basis for taxing these properties.

This the 8th day of July, 1985.

Consent Agenda

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT RESOLUTION 85-R-143. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolutions and ordinance, as adopted, read as follows:

A RESOLUTION APPROVING AN ORDINANCE AND RESOLUTIONS (85-R-143)

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

- a. Certification of Fire/PSO Roster (85-R-144)
- b. Inspection of Town-owned Bridges by NC DOT (85-R-145)
- c. Project Ordinance for 1985 Community Development Grant (85-0-43)

This the 8th day of July, 1985.

212
A RESOLUTION AUTHORIZING CERTIFICATION OF FIREFIGHTERS (85-R-144)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Mayor Joseph L. Nassif is hereby authorized to certify to the North Carolina Firefighter's Pension Fund the attached roster of Firefighters and Public Safety Officers employed by the Town of Chapel Hill on June 30, 1985.

This is the 8th day of July, 1985

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NC DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION (85-R-145)

WHEREAS, the Town of Chapel Hill has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the Town of Chapel Hill shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the Town Council of the Town of Chapel Hill and the Manager of this Municipality is hereby empowered to sign and execute the required agreement between the Town of Chapel Hill and the Department of Transportation.

This the 8th day of July, 1985.

AN ORDINANCE TO ADOPT A COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE (85-O-43)

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 projects authorized are the Community Development projects as approved by Council on May 28, 1985 (85-R-88c); funds are as contained in the Funding Approval and Grant Agreement (B-85-MC-37-0016) between the Town and the U. S. Department of Housing and Urban Development (HUD). The projects are known more familiarly as the 1985 Entitlement Community Development Grant.

SECTION II

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

SECTION III

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

Community Development Grant - 1985	\$345,000
------------------------------------	-----------

SECTION IV

The following amounts are appropriated for the projects:

Housing Rehabilitation Program	\$ 26,000
Homeownership Opportunity Program	\$195,500
Capital Improvements	\$ 70,000
General Administration	\$ 39,500
Contingency	\$ 14,000
TOTAL	\$345,000

SECTION V

The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to HUD as required by the grant agreement(s) and federal and state regulations.

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 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 grant revenues received.

SECTION VIII

Copies of this grant 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 the 8th day of July, 1985.

Nominations and Appointments to Boards and Commissions

Council Member Boulton suggested delaying making the appointments to the Human Services Advisory Board, Parks and Recreation Commission, and the Planning Board until August.

Council Member Godschalk said he would prefer not delaying the appointments to the Planning Board because of the work needed to be done this summer on the Land Use Plan.

Council Member Thorpe agreed with Council Member Godschalk and said that the Council should make all the appointments they could from the applicants available.

Board of Adjustment

Council Member Howes nominated Roberta Black.
Council Member Thorpe nominated Charles House.
Council Member Preston nominated James Ellis.

To fill two regular seats on the Board of Adjustment the following vote was taken:

- Jeannette Gay Eddy (8): Boulton, Godschalk, Howes, Kawalec, Pasquini, Preston, Smith, Thorpe
- T. Boyd Spiller (7): Boulton, Godschalk, Howes, Kawalec, Pasquini, Preston, Smith
- Charles House (1): Thorpe

Jeanette Gay Eddy and T. Boyd Spiller were appointed.

214

To fill two alternate seats on the Board of Adjustment the following vote was taken:

- Charles House (7): Boulton, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe
- James Ellis (5) Godschalk, Kawalec, Pasquini, Preston, Smith
- Roberta Black (4) Boulton, Howes, Kawalec, Thorpe

Charles House and James Ellis were appointed as alternates.

Community Appearance Commission

To fill three seats on the Community Appearance Commission the following vote was taken:

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO APPOINT JAMESCINA DEGRAFFENREIDT, ANNE HAMBY, AND ROY LINDAHL TO THE COMMUNITY APPEARANCE COMMISSION BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Jamescina DeGraffenreidt, Anne Hamby, and Roy Lindahl were appointed.

Historic District Commission

Council Member Preston nominated Allen Irvine.

To fill one seat on the Historic District Commission the following vote was taken:

- Allen Irvine (5): Boulton, Howes, Kawalec, Pasquini, Preston
- David Woodley (3): Godschalk, Smith, Thorpe

Allen Irvine was appointed.

Human Services Advisory Board

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO DELAY APPOINTMENTS TO THE HUMAN SERVICES ADVISORY BOARD. THE MOTION PASSED UNANIMOUSLY, (8-0).

Orange Water and Sewer Authority

Council Member Howes nominated Robert Peck.

To fill two seats on the Orange Water and Sewer Authority the following vote was taken:

- John Hickey (5): Boulton, Godschalk, Kawalec, Pasquini, Preston
- Robert Peck (5): Boulton, Howes, Pasquini, Smith, Thorpe
- Raymond Burby (3): Godschalk, Howes, Smith
- Margaret Miller (3): Kawalec, Preston, Thorpe

John Hickey and Robert Peck were appointed.

Parks and Recreation Commission

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO DELAY APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION TO AUGUST. THE MOTION PASSED UNANIMOUSLY, (8-0).

Personnel Appeals Committee

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO APPOINT JUDITH EASTMAN AND NICHOLAS HOLLAND TO THE PERSONAL APPEALS COMMITTEE BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Judith Eastman and Nicholas Holland were appointed.

Planning Board

Council Member Thorpe nominated Lightning Brown and Alice Ingram.
 Council Member Boulton nominated Al Rimer.
 Council Member Pasquini nominated David Brower.
 Mayor Pro Tem Kawalec nominated Roberta Black and Berry Credle.
 Council Member Howes nominated Fetzer Mills.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO DELAY THE APPOINTMENTS TO THE PLANNING BOARD UNTIL AUGUST. THE MOTION FAILED TO PASS, 4-4, WITH COUNCIL MEMBERS BOULTON, KAWALEC, SMITH, AND THORPE VOTING IN FAVOR.

To fill four seats on the Planning Board the following vote was taken:

First Vote:

- David Brower (7): Boulton, Godschalk, Howes, Kawalec, Pasquini, Preston, Smith
- Lightning Brown (7): Boulton, Godschalk, Howes, Kawalec, Pasquini, Preston, Thorpe
- Alice Ingram (8): Boulton, Godschalk, Howes, Kawalec, Pasquini, Preston, Smith, Thorpe
- Alan Rimer (3): Boulton, Pasquini, Smith
- Roberta Black (2): Kawalec, Smith
- Berry Credle (2): Godschalk, Preston
- Fetzer Mills (1): Howes

Second Vote:

- Roberta Black (1): Smith
- Berry Credle (2): Kawalec, Preston
- Alan Rimer (4): Boulton, Godschalk, Howes, Pasquini

Council Member Thorpe left the meeting after the first vote.

Third Vote:

- Berry Credle (0)
- Alan Rimer (7): Boulton, Godschalk, Howes, Kawalec, Pasquini, Preston, Smith

David Brower, Lightning Brown, Alice Ingram, and Alan Rimer were appointed.

Transportation Board

Council Member Boulton nominated Charles Antle.
 Council Member Pasquini nominated Robert Moorhead and Patricia Wallace.

To fill five seats on the Transportation Board the following vote was taken:

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO APPOINT CHARLES ANTLE, ROBERT MOORHEAD, RICHARD PALMER, JOHN THOMAS, AND PATRICIA WALLACE TO THE TRANSPORTATION BOARD BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Charles Antle, ^{Richard} Moorhead, Richard Palmer, John Thomas, and Patricia Wallace were appointed.

216

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO RECESS THE MEETING UNTIL 3:00 P.M. JULY 9, 1985, IN ORDER TO HOLD AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting recessed at 11:00 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells
Town Clerk