

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, AUGUST 26, 1985, 7:30 P.M.

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

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

Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, Acting Town Attorney Michael Patrick, and Town Attorney Ralph Karpinos.

Mayor Nassif introduced and welcomed Ralph Karpinos as the new Town Attorney.

Petitions

Ms. Venus Alexander introduced a petition with 53 signatures protesting the planned establishment of a shelter and soup kitchen by the Inter-Faith Council (IFC) on South Graham Street. She listed several reasons for their objections. (For a copy of petition see Clerk's files.)

Mr. Henry Jones, representing Jones/Hester Funeral Home, spoke against the planned shelter.

Mr. Brooks, speaking as a citizen and building contractor, spoke against issuing the IFC a permit to expand the site of the proposed shelter. He cited the lack of parking facilities as a means for denial.

Mayor Nassif asked the Manager to state the ordinance which allows shelters in certain zones. Acting Town Attorney Michael Patrick replied that an amendment to the Development Ordinance allowed shelters as a permitted use in the Town Center zones and as such the question of compliance with the zoning ordinance would not come back before the Council. He said there were certain requirements in the ordinance pertaining to parking and it was the function of the Building Inspector and the Planning Department to insure compliance.

Council Member Pasquini asked that the petition be referred to the Manager for a response and that the report include options available to the citizen group.

Council Member Smith agreed with Council Member Pasquini and asked that a meeting be set up with the Town, citizen group, and the Inter-Faith Council in order to discuss the situation.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE TO REFER TO THE MANAGER WITH A REPORT TO BE BROUGHT BACK TO COUNCIL AT THE NEXT REGULAR MEETING AND THAT A MEETING TO DISCUSS THE SITUATION, INCLUDING OPTIONS AVAILABLE TO THE NEIGHBORHOOD RESIDENTS BE ARRANGED WITH ALL AFFECTED PARTIES. THE MOTION PASSED UNANIMOUSLY, (9-0).

Mr. Grainger Barrett, an attorney representing Carolina Cab, asked to speak to items 10d&e, taxicab franchises.

Phyllis Cameron, Patricia Walker, Willie Dixon, and Jerry Noifeld also asked to speak to items 10d&e.

Mr. Skip Moore, an attorney representing Jon Harder, petitioned Council to investigate the possibility of irregularities in the implementation of the Community Development Grant applicable to University Heights area.

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COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER FOR A REPORT BACK TO COUNCIL ON SEPTEMBER 23RD. THE MOTION PASSED UNANIMOUSLY, (9-0).

Dr. William Kohn, representing the Downtown Chapel Hill Association, petitioned Council to keep the proposed Rosemary Square development on parking lot #1 as previously planned and for Council to grant final approval of the site plan. He said the Association felt the project could only improve the downtown area.

Minutes

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF THE JUNE 24, 1985 REGULAR MEETING AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF THE JUNE 24, 1985 SPECIAL MEETING AS CORRECTED, THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF JUNE 28, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF JULY 1, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT THE MINUTES OF JULY 8, 1985 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF JULY 9, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT THE MINUTES OF JULY 15, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT THE MINUTES OF JULY 23, 1985. THE MOTION PASSED UNANIMOUSLY, (9-0).

Major Capital Needs

Manager Taylor made a presentation on the Town's capital needs. He listed four specific items. These included a southern park and fire station, a library, and a meeting facility/municipal office spaces. He said the Town was outgrowing its present office, storage and meeting facilities and mentioned two potential resources to meet these space needs: the Post Office/Court facility and the Old Police Building. He said the Old Police Building could be viewed for actual use or as a means of funds through its sale.

Manager Taylor further stated that there were several options available to answer the space needs problem for the Library and included using the Old Police Building, expanding the present facility, building on parking lot #2 or the Pearsall property, and purchasing the Southern Bell building.

Manager Taylor stated that this represented a status report on capital needs and suggested the proposed courses of action as: exploring possible sites for a southern park and fire station, request the Library Board of Trustees to evaluate the five expansion options listed above, negotiate with the County regarding a joint Local Government Center, employ jointly with the County a consultant to estimate County and Town space needs and costs to provide them, and to consider holding a bond referendum in May or November, 1986 to fund some or all of these projects.

Manager Taylor said this report represented a change in the staff's thinking with regard to the Old Police Building. A recent engineering study of the building revealed the design of the interior space would allow flexibility in renovations, which was not previously believed possible when it was thought that many of the walls were load bearing.

Council Member Godschalk said he felt it might be too constricting to limit the Library Board to review options only in the downtown area. He also felt the proposed space needs consultant should examine the Municipal Building as well as the Old Police Building for potential expansion uses.

Mayor Nassif said he did not think expansion of the present Municipal Building was a viable option, especially with respect to providing additional parking for any increased use and the potential loss of many trees.

Council Member Thorpe said he was against expanding the Library at its present location. He also said it should be made clear to the County that the Town was interested in and planned to move forward on the expansion of meeting facilities, so it was important for the County officials to let the Town know in a timely manner if they were interested in a joint proposal.

Council Member Pasquini spoke in support of selling the Old Police Building and other unused Town property and in support of a southern park and fire station. He also spoke against limiting the Library expansion to downtown and against a joint facility with the County at this time. He suggested sending the report back to the Manager.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 85-R-146A.

Council Member Howes agreed with Council Member Godschalk that the Library Board of Trustees should be given more leeway in selecting potential sites for Library expansion.

COUNCIL MEMBER HOWES, MOVED SECONDED BY COUNCIL MEMBER PRESTON TO AMEND THE MOTION TO INCLUDE UNDER ITEM 2 THE ADDITION OF THE PHRASE "AND SUCH OTHER SITES AS THEY DEEM APPROPRIATE."

Mayor Nassif spoke against the amendment because he felt the Library should be located in the downtown area where the transportation system is centered. He said that Chapel Hill was attempting to revitalize the downtown area and to place the Library outside of the population center would be remiss of the Council.

Council Member Preston said she felt the downtown areas suggested in the memorandum were inappropriate because of the traffic volume and because the University has several libraries already in use in the downtown area. She said expansion of the present Library site was not favored because it is in the Historic District. She said the public transportation system would go to wherever the Library was situated. Council Member Preston suggested the University Mall area as a potential location.

THE MOTION PASSED, (7-2) WITH MAYOR NASSIF AND COUNCIL MEMBER SMITH VOTING AGAINST.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO ADD TO ITEM #3 "TO ANALYZE THE OLD POLICE BUILDING AND MUNICIPAL BUILDING SITES AND SURROUNDING AREAS."

Council Member Howes said the Municipal Building site had originally been planned for expansion and should therefore be included in the study.

Council Member Pasquini and Boulton said they were not sure there was a need for a joint facility and that the Council should discuss the idea further before any plans for a consultant were finalized.

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Mayor Nassif suggested a change in the wording of the resolution to state the Town would "explore" (rather than "negotiate") the possibility of a joint facility and that two Council Members and County Commissioners meet with the Managers of the Town and County to discuss this issue.

THE AMENDMENT PASSED (9-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO INCLUDE A MEETING OF TWO COUNCIL MEMBERS AND COUNTY COMMISSIONERS WITH THE TOWN AND COUNTY MANAGERS TO EXPLORE THE POSSIBILITY OF A JOINT FACILITY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Kawalec questioned the wisdom of having all of these issues on one bond referendum and also requested the Library Board of Trustees' input on possible building sites be submitted early in November so the Manager would have the benefit of their thinking prior to reporting back to Council on November 25th.

THE MOTION, AS AMENDED, PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO TAKE CERTAIN STEPS TOWARD MEETING THE MAJOR SPACE NEEDS OF THE TOWN (85-R-146a)

AS, the Council of the Town of Chapel Hill recognizes the need for a community park and fire station to serve the southern part of Town; the need for expanded library facilities; and the need for additional public meeting space and municipal office space;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is directed to:

1. Explore the area in the southern part of the community and continue discussions with owners of potential sites for a community park and fire station;
2. Request the Library Board of Trustees to evaluate the following options as sites of potential library facilities: expansion of the present site, the Old Police Building, Church Street parking lot, Parking Lot #2, the Southern Bell Building, and such other sites as they deem appropriate;
3. The Town Manager along with two Town Council Members and County Commissioners and County Manager meet to explore the need for and possibility of a Joint Local Government Center at the Old Police Building; and employ, with the County, a consultant to estimate space needs and costs, to analyze the Old Police Building and Municipal Building sites and surrounding areas, and to prepare a preliminary site plan.
4. Report to Council on these topics by November 25, 1985.

This the 26th day of August, 1985.

Site Plan Review

Council Member Howes asked Council to remove from the September 16th Public Hearing agenda the proposed Development Ordinance Text Amendment regarding site plan review.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-147. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CONCERNING CONSIDERATION OF A PROPOSED DEVELOPMENT ORDINANCE TEXT AMENDMENT ON SITE PLAN REVIEW (85-R-147)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby removes from the September 16, 1985 public hearing agenda the proposed Development Ordinance Text Amendment to provide that the Council would conduct site plan reviews.

BE IT FURTHER RESOLVED that the Council hereby rescinds resolution 85-R-136 of July 8, 1985.

This the 26th day of August, 1985.

Rosemary Square Site Plan Worksession

Manager Taylor made a brief presentation on the status of the Rosemary Square project. He said that he expected the refined site plan to be ready by mid-September for Council to review in its role as co-owner. Manager Taylor recommended a work session for Council to discuss the site plan drawings.

Council Member Pasquini asked that the site plans be available to Council at least two weeks prior to the work session. Mr. Philip Szostak, the project architect, speaking from the audience, agreed to deliver the site plans to the Town by September 11th.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO HOLD A WORKSESSION ON SEPTEMBER 24, 1985 AT 7:30 P.M. TO DISCUSS THE ROSEMARY SQUARE SITE PLAN. THE MOTION PASSED UNANIMOUSLY, (9-0).

Naming of I-40 In Orange County

Council Member Kawalec asked Carol Strang of the Orange County Commission on Women to give a brief presentation on the request to name the section of Interstate 40 in Orange County for Harriet Morehead Berry.

Ms. Strang gave a brief presentation on the request which has been endorsed by the several other local governments in Orange County. She enumerated many of the programs and tasks accomplished by Ms. Berry in her attempts to establish a better road system in the state. Ms. Strang said Ms. Berry was known as "North Carolina Mother of Good Roads" but that no road in North Carolina was named in her honor. Therefore the Commission on Women was petitioning the North Carolina Department of Transportation to name the section of Interstate 40 in Orange County the Harriet Morehead Berry Highway.

Council Member Smith asked the group to try to get the entire section of Interstate 40 from Raleigh to its intersection with Interstate 85 named in her honor.

Council Members Thorpe and Howes spoke in support of naming the segment of Interstate 40 in Orange County for Ms. Berry.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 85-R-149. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION IN SUPPORT OF NAMING INTERSTATE ROUTE 40 IN HONOR OF MS. HARRIET MOREHEAD BERRY (85-R-149)

WHEREAS, Harriet Morehead Berry (July 22, 1877 - March 24, 1940) was a native of Hillsborough and a long-time resident of Chapel Hill and Orange County; and

WHEREAS, Harriet Morehead Berry from 1917 - 1921 was a leader in the North Carolina good roads movement; and

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WHEREAS, Ms. Berry, as acting head of the North Carolina Geological and Economic Survey, led the North Carolina Good Roads Association in an attempt to secure legislation to construct a state system of hard surface roads; and

WHEREAS, upon failure to secure an adequate law, she exerted strenuous efforts between 1919 and 1921 to speak in 89 of North Carolina's 100 counties, and disseminated news releases, letters, petitions, and circulars; and

WHEREAS, through her efforts, the membership of the North Carolina Good Roads Association increased from 272 to 5500; and

WHEREAS, in 1921 she led a unified and enthusiastic good roads movement to the General Assembly and emerged with a road law that created a powerful state highway commission and committed North Carolina to the construction of a state system of modern highways; and

WHEREAS, Josephus Daniels, long-time editor of the Raleigh News and Observer, wrote, "To her credit stands one of the most stupendous pieces of legislation in the history of the state, the authorization of a state-wide system of roads"; and

WHEREAS, in 1962 the state highway commission authorized placement of a bronze plaque in the Highway Building commemorating Harriet Morehead Berry as "North Carolina Mother of Good Roads"; and

WHEREAS, no highway in North Carolina is named for Ms. Berry; and

WHEREAS, Interstate Highway 40 is now under construction in Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests that the North Carolina Board of Transportation, in recognition of Ms. Berry's contributions and leadership, name the Orange County segment of Interstate Highway 40 the Harriet Morehead Berry Highway.

This the 26th day of August, 1985.

Sign Regulations

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-150. THE RESOLUTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON AMENDMENTS TO THE DEVELOPMENT ORDINANCE REGARDING SIGNS (85-R-150)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing is scheduled for Monday, September 16, 1985, at 7:30 p.m. in the Municipal Building at 306 N. Columbia Street to consider the following proposed changes to the Development Ordinance:

1. Reductions in maximum sign area.
2. Reductions in maximum height of free-standing signs.
3. Requirement that internally illuminated signs consist of dark background and light letters and be of non-reflective material, and limit letters to certain colors.
4. Increases in distance between ground signs.
5. Requirement that wall or projecting signs be located either over or on either side of doorways.
6. Requirement that projecting signs be centered over doorways.
7. Reductions in size and height of development identification signs.
8. Prohibition of pole signs.

This the 26th day of August, 1985.

Payment in Lieu - Cooper Square

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-151A.

Council Member Pasquini asked why the Manager recommended payment in lieu of recreation space. Manager Taylor replied that the available space within the project which is comprised of five separate lots was very small and with a 3+ acre potential park site adjacent it seemed more appropriate to accept payment in lieu.

Council Member Pasquini said he felt there needed to be more green space within the project and that this development exemplifies the need for Council to have site plan review.

THE MOTION PASSED, (8-1) WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING A PAYMENT IN LIEU OF IMPROVED RECREATION SPACE FOR THE COOPER SQUARE II DEVELOPMENT (85-R-151a)

WHEREAS, the Cooper Square II development, consisting of 5 separate zoning lots, is required to provide a total of 3,647.3 square feet of improved recreation space; and

WHEREAS, this is a small area and it could be provided in 5 very small segments; and

WHEREAS, Ephesus Park is near Cooper Square II; and

WHEREAS, a 3+ acre park is planned for the immediate neighborhood of Cooper Square II;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the request by the Forum Development Corporation to make a payment in lieu of improved recreation space for the Cooper Square II projects, located on property identified as Chapel Hill Township Tax Map 27A, Block D, Lots 1, 1A, 1B, 1C and 1D, subject to the following conditions:

1. That the amount of the payments be determined in accordance with Section 5.7.10 of the Development Ordinance.
2. That the payment in lieu of improved recreation space be made by the developer to the Town prior to issuance of a Zoning Compliance Permit, or that a legally binding instrument approved by the Town Manager be executed to provide for payment of the sum agreed upon under Section 5.7.10 before issuance of a Certificate of Occupancy.

This the 26th day of August, 1985.

Transit Facility Bids

Manager Taylor recommended authorizing him to negotiate to reduce the bid price for general construction with the lowest bidder, Delta Builders to bring the costs within the available funds. He said if they were unable to reduce the price he would recommend rejecting the bid.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 85-R-152. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO NEGOTIATE A CONTRACT FOR GENERAL CONSTRUCTION OF THE TRANSPORTATION DEPARTMENT ADMINISTRATIVE OFFICE BUILDING (85-R-152)

WHEREAS, the Town Council of the Town of Chapel Hill has solicited formal bids by legal notice on July 5, 1985 in accordance with G.S. 143-129 for construction of the Transportation Department's Administrative Office Building; and

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WHEREAS, the following bids have been received and opened on August 6, 1985:

<u>Contractor</u>	<u>Bid Amount</u>
Delta Builders	\$134,836
A.R. Russell Builders	\$173,440
Security Building Company	\$157,000

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, Delta Builders, to obtain a bid price within the funding limits available for this project; and if this negotiation is not successful, the Manager is directed to reject all bids, redesign, readvertise, and re-bid the project.

This the 26th day of August, 1985.

Taxicab and Limousine Franchise

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT ORDINANCE 85-0-45.

Mayor Nassif said he felt the Council did not need to regulate these franchises except for stating what vehicles could be used and what standards for drivers and operations are to be met. He would vote against the ordinance because he did not feel there needed to be so much regulation. Mayor Nassif said he did not feel Council should regulate the issuing of franchises or rate changes.

Council Member Howes said he felt there needed to be some regulations especially with regard to inspection standards but that the number of vehicles and fares should be able to set by the market place.

Council Member Smith agreed that some regulations were needed.

THE MOTION PASSED, (8-1) WITH MAYOR NASSIF VOTING AGAINST.

The ordinance, as adopted, reads as follows:

**ORDINANCE TO AMEND CHAPTER 20
OF THE CODE OF ORDINANCES
TO AUTHORIZE THE ISSUANCE OF FRANCHISES FOR
LIMOUSINE SERVICE
AND TO MAKE OTHER TECHNICAL AMENDMENTS
TO THE TAXICAB ORDINANCE (85-0-45)**

WHEREAS, there is an interest in the Town of Chapel Hill providing limousine services to interested residents and visitors to the Town of Chapel Hill;

WHEREAS, the provision of limousine services is not currently permitted in the Town of Chapel Hill;

AND WHEREAS, in order to allow for the provision of limousine services and to insure that said services promote the adequate and rational transportation system and the health, welfare and safety of the Town in its development;

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

Section 1. The title of Chapter 20 of the Code of Ordinances is hereby changed to read "Taxicabs and Limousines."

Section 2. Section 20-1 of the Code of Ordinances is hereby rewritten to read as follows:

"Section 20-1. Findings.

The town council finds that:

(a) The town should franchise taxicab and limousine service in order to promote the public safety and welfare;

(b) The North Carolina General Statutes authorize the town to regulate taxicab and limousine service;

(c) An adequate and rational transportation system, both public and private, is essential to the health, safety and welfare of the town and to its development;

(d) A mix and variety of transportation types, including for-hire transportation, aids the development of an adequate and rational transportation system;

(e) Taxicab and limousine service complements other types of transportation, including for-hire transportation, in Chapel Hill and there is a public demand for it;

(f) The public should be reasonably assured that taxicab and limousine service will be safe and dependable;

(g) The public should be reasonably assured that taxicab service will be provided at reasonable and uniform rates;

(h) In the absence of public involvement, it can be difficult for consumers of taxicab and limousine service to judge and compare aspects of taxicab and limousine service among taxicab and limousine operators;

(i) A reasonable number of taxicab operators in the taxicab service market is in the public interest in that it encourages competitive forces to operate, consistent with the Town's franchising of them;

(j) It is necessary that taxicab and limousine drivers, who deal regularly with the public and transport them at their direction, but under the driver's control, be safe and reliable drivers who will transport the public in a safe and dependable manner;

(k) Public approval of appropriate rates for taxicab service is necessary to minimize or avoid abuses relating to rates;

(l) Pertinent information should be clearly provided to customers being transported by taxicab and limousines;

(m) The town will promote its goal of a mixed variety of transportation types and an adequate and rational system of transportation by franchising taxicab and limousine operators and licensing taxicab and limousine drivers."

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Section 3. Section 20-2 of the Code of Ordinances is hereby amended by deleting the current definition of franchisee, owner, and operator and inserting the following:

"Franchisee, Owner, Operator. The terms "franchisee," "owner," or "operator" shall mean any individual, firm, corporation, or association of individuals who has applied for and received a franchise from the Town to operate a taxicab or limousine business."

Section 4. Section 20-2 of the Code of Ordinances is hereby amended by deleting the current definition of taxicab or for-hire vehicle and substituting the following definitions:

"For-Hire Vehicle. The term 'for-hire vehicle' shall include every vehicle driven and propelled by gasoline, electric motor or mechanical devices, other than motor buses operating along regular routes or trolleys, which shall be used for the purpose of carrying, transporting, or conveying any person from any one place to another, for which service a charge or fee is made.

Limousine. The term 'limousine' shall mean a "for-hire vehicle" for which charges or fees for use shall be based on the period of hours or days the vehicle is used and shall not be based on the numbers of miles operated, or zone covered. The term 'limousine' excludes vehicles for which business is solicited from the public on the streets of the Town of Chapel Hill and excludes taxicabs.

Taxicab. The term 'taxicab' is a for-hire vehicle for which public patronage is solicited and for which the charges are based upon the number of miles operated or zone covered. The term 'taxicab' excludes limousines.

Section 5. The Code of Ordinances is hereby amended to add the words "and limousine" after the word "taxicab" each time it appears in the following sections:

Section 20-22

Section 6. The Code of Ordinances is hereby amended by adding a comma and the word "limousine" after the word "taxicab" each time it appears in the following sections:

Section 20-3

Section 20-14

Section 20-17, lines 4, 7 and 14

Section 7. The Code of Ordinances is hereby amended by adding the words "or limousine" after the word "taxicab" each time it appears in the following sections:

- Section 20-4
- Section 20-15
- Section 20-16
- Section 20-18
- Section 20-19
- Section 20-20
- Section 20-22
- Section 20-24
- Section 20-26
- Section 20-27
- Section 20-31
- Section 20-32
- Section 20-33
- Section 20-34
- Section 20-36
- Section 20-38
- Section 20-40
- Section 20-42
- Section 20-45

Section 8. The Code of Ordinances is hereby amended by adding the words "or limousine" after the word "taxicab" when it appears in the following sections:

- Section 20-4, line 26
- Section 20-16(a)
- Section 20-16(f)
- Section 20-16(h)
- Section 20-16(j), line 3
- Section 20-27, line 5

Section 9. The Code of Ordinances is hereby amended by adding the words "or limousines" after the word "taxicabs" when it appears in the following section:

Section 20-27, lines 4, 5 and 8

Section 10. Section 20-21 of the Code of Ordinances is hereby amended in the following respects:

(a) The title of the Section shall read "Expiration of Franchises."

(b) The first sentence of Section 20-21 is rewritten to read as follows:

"Subject to the provisions of this article, a franchise for taxicabs shall remain in force and effect until midnight on the last day of the month two (2) years from the month of issuance."

(c) A new paragraph is added as the third paragraph of Section 20-21 as follows:

"Notwithstanding the foregoing provisions of this section, franchises for limousine service shall be perpetual in nature and shall not expire so long as the owner of said limousine service renews a privilege license for his business by October 1st of each year. In the event the owner of said limousine franchise fails to keep a privilege license in effect for his business, the franchise shall be automatically revoked."

Section 11. Section 20-25 of the Code of Ordinances is hereby deleted and the following is substituted as a new Section 20-25:

"A taxicab or limousine franchise may be suspended or revoked by the Council at any time in case the Council finds and determines that:

(a) the owner has failed to operate the taxicab or limousine service in accordance with the provisions of this Chapter;

(b) the franchisee has failed to register properly with the State, in the correct and true owner's name, any taxicab or limousine covered by the franchise;

(c) subsequent to the issuance of a franchise, the franchisee has been convicted of a felony, or a violation of any federal or state statute or town ordinance relating to the possession or sale of alcoholic beverages; or a violation of any federal or state statute or town ordinance relating to prostitution; or any federal or state statute or town ordinance relating to the use, possession or sale of drugs; or repeated violations of traffic laws or ordinances; or the franchisee becomes a habitual user of alcoholic beverages or drugs or chemicals which are controlled substances;

(d) the holder of any franchise has made a false or misleading statement on his or her application; or

(e) any other reason for which the council may properly have denied an application for the franchise.

In addition to the reasons set forth above, a taxicab franchise may be suspended or revoked by the council at any time in case the council finds and determines that the taxicabs of the owner have habitually and willfully charged a rate in excess of that provided by this chapter.

No franchise shall be suspended or revoked unless and until at least thirty (30) days written notice of the time and place of hearing shall have been given to the holder of such permit and such hearing by and before the council is duly had thereon.

The notice shall specify the grounds for the proposed suspension or revocation and shall state that the operator shall have the opportunity to appear at the hearing and present evidence and cross-examine witnesses against him or her."

Section 12. Section 20-26 of the Code of Ordinances is amended by deleting the word "taxicab" from said Section 20-26.

Section 13. Section 20-36 of the Code of Ordinances is hereby amended by adding the following sentence to the end of the current section:

"Entry of a prayer for judgment continued after a plea of guilty shall be considered a conviction for purposes of this Article."

Section 14. The title of Article IV of Chapter 20 of the Code of Ordinances is hereby amended by inserting the word "taxicab" before the word "operation."

Section 15. The title of Article V of Chapter 20 of the Code of Ordinances is hereby amended by inserting the word "taxicab" before the word "rates."

Section 16. Article IV of Chapter 20 of the Code of Ordinances is hereby amended by adding a new Section 20-79 as follows:

"Section 20-79. No Application to Limousine Service.

The provisions of this Article shall not apply to the operation of limousines pursuant to a franchise for limousine service issued by the Town."

Section 17. Article V of Chapter 20 of the Code of Ordinances is hereby amended by adding a new Section 20-94 as follows:

"Section 20-94. No Application to Limousine Service.

The provisions of this Article shall not apply to the operation of limousines pursuant to a franchise for limousine service issued by the Town."

Section 18. The Code of Ordinances is hereby amended by adding a new section 20-28 as follows:

"Section 20-28. Taxi and Limousine Franchises Mutually Exclusive.

Taxi franchises shall be issued separately from limousine franchises. No vehicle shall be listed and operated under a taxi franchise while listed as a vehicle under a limousine franchise."

Section 19. The first sentence of Section 20-4 of the Code of Ordinances is hereby amended to read as follows:

"If the town council shall refuse to grant, or shall revoke, a franchise to operate a taxicab or limousine business, or shall uphold the manager's decision to not grant or to revoke a permit to drive a taxicab, limousine or for-hire vehicle carrying passengers, the applicant or franchisee or permittee, as the case may be, shall have ten (10) days from the date of such action by the town council to appeal in the manner hereinafter provided and by certiorari to the Superior Court of Orange County, to have the action of the town council reviewed."

Section 20. Effective Date. This ordinance shall become effective upon its adoption by the Council.

Limousine Franchises

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT ORDINANCE 85-O-46. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-O-47. THE MOTION PASSED UNANIMOUSLY, (9-0).

State Statutes require a second reading of each franchise at the next regular Council meeting.

Taxicab Franchises

Grainger Barrett, an attorney representing Carolina Cab, asked Council to refer to the Manager for study the possibility of deregulating cab fares and investigate the possibility that Sarah Carter has been illegally operating a taxicab franchise within the Town.

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Ms. Phyllis Cameron, speaking for Carolina Cab, spoke against having any additional taxicab franchises. She said that she is licensed to operate 12 cabs but that only an average of 7 are used. She felt the market would not support more taxicabs.

Mr. Willie Dixon, speaking for Dixon Cab Company, spoke against additional taxicab franchises. He said he also does not use all his cabs on a regular basis.

Ms. Sarah Carter said that she was operating taxi service under Mr. Dixon's franchise and requested Council to approve her application to operate her own franchise.

Mr. L. C. Edwards also requested Council to approve his application for a taxicab franchise.

Council Member Thorpe asked Mr. Dixon if Ms. Carter was in fact operating under his franchise and therefore not operating illegally as was alleged earlier. Mr. Dixon replied that Ms. Carter did work with him and operated her taxis under his franchise.

Council Member Kawalec asked the Manager to have the Police Department enforce the law against parking taxicabs on the sidewalk and in no parking zones.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-O-48. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 85-O-49. THE MOTION PASSED UNANIMOUSLY, (9-0).

A second reading on these proposed franchises will be held at the next regular Council meeting.

Annual Reports

Council Member Howes said that it had been a quiet summer at Triangle J Council of Governments and that Council Member Kawalec attended the last meeting and would give the report. She said the COG annual meeting would be on September 25th and that Mayor Nassif was serving as Chair of the Transportation Advisory Committee and Council Member Howes was serving as Chair of the Economic Strategy Committee.

Council Member Preston said that she had nothing to report from JOCCA.

Manager Taylor made a brief presentation saying that it had been a busy year and one that the staff was proud of what had been accomplished.

Council Member Thorpe stated that no one had been appointed to fill the Council appointed vacancy on the Orange County Human Services Advisory Commission.

COUNCIL APPOINTED COUNCIL MEMBER THORPE TO THE ORANGE COUNTY HUMAN SERVICES ADVISORY BOARD COMMISSION BY ACCLIMATION.

Consent Agenda

Mayor Nassif asked that item 12b, Festifall, be removed.

Council Member Pasquini asked that item 12g, Parking on Shady Lawn, be removed.

Council Member Smith asked that item 12c, Park Rules, be removed.

Council Member Preston asked that item 12f, Stop regulations, be removed.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-153 MINUS ITEMS B,C,F, AND G. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (85-R-153)

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

- a. Accepting gift by Domino's Pizza/Danrik Ltd. for safety program. (85-R-154) and (85-O-50).
- d. Calling of hearing October 21 on amending Development Ordinance concerning payments in lieu of open space. (85-R-156).
- e. Closing of Braswell Court. (85-R-157).

This the 26th day of August, 1985.

A RESOLUTION ACCEPTING AN OFFER OF A GIFT FROM DOMINO'S PIZZA/DANRIK LTD. (85-R-154)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby accepts with appreciation and sincere thanks the offer of a cash gift from Domino's Pizza/Danrik Ltd. of Chapel Hill, North Carolina to assist in supporting Town safety programs. The gift is accepted pursuant to the conditions of the Council's Policy on the Acceptance of Gifts, adopted November 26, 1980.

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill hereby commends Domino's Pizza/Danrik Ltd. for its interest in promoting safety and safety awareness in Chapel Hill.

This the 26th day of August, 1985.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1985 (85-O-50)

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 10, 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>
GENERAL FUND				
Manager Administration	310,000	5,000		315,000

ARTICLE II

REVENUES

GENERAL FUND

Other Safety Program	15,200	5,000		20,200
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This the 26th day of August, 1985.

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A RESOLUTION CALLING A PUBLIC HEARING ON AMENDMENTS TO PAYMENT IN LIEU OF RECREATION SPACE PROVISIONS (85-R-156)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby calls a public hearing on October 21, 1985 to hear discussion about amendments to the Development Ordinance's provisions regarding payments in lieu of dedication of recreation space that are necessary to comply with recent enabling legislation adopted by the North Carolina General Assembly.

This the 26th day of August, 1985.

A RESOLUTION AUTHORIZING THE CLOSING OF PART OF BRASWELL COURT (85-R-157)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of Braswell Court on Monday, September 2 from 4:00 to 7:00 p.m. for a block party subject to the following conditions:

1. There shall be barricades placed at the end of the closed area with persons available to allow entry by emergency vehicles if necessary.
2. The closed street area shall be cleaned of litter by 7:00 p.m.
3. No alcohol shall be consumed in the public street right-of-way.
4. A permit for outdoor amplified sound shall be obtained from the Police Department if necessary under the Town's noise ordinance.
5. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 26th day of August, 1985.

Festifall

Mayor Nassif said he wanted the event to be better regulated with regard to drinking alcoholic beverages in the streets and also littering the streets. He asked the Manager to have the Police enforce the laws and to have the Parks Department tell the participants that the laws will be enforced.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT RESOLUTION 85-R-155. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (FESTIFALL '85) (85-R-155)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets on Sunday, October 6, 1985 from 11:00 A.M. to 8:00 P.M., to allow the holding of the Festifall street fair and clean-up of the streets following the fair.

This the 26th day of August, 1985.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER BOULTON TO ADOPT ORDINANCE 85-O-51. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (FESTIFALL '85) (85-0-51)

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

That on the 6th day of October, 1985, between the hours of 12:30 and 8:00 P.M. there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, or on either side of Henderson Street between Franklin and Rosemary Streets between the above hours.

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

This the 26th day of August, 1985.

Park Rules

Council Member Smith expressed concern about having Park employees confront patrons who are not behaving in an orderly manner. He felt the Police should patrol the areas and handle any problems which occur.

Acting Town Attorney Michael Patrick replied that the wording in the proposed rules for parks allows a Park employee to ask a patron to leave the premises if the person(s) was behaving in an unacceptable manner. However, any forcible eviction from a Park should be handled by the Police, and not a Parks and Recreation Department employee.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT ORDINANCE 85-0-52. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO PROVIDE RULES AND REGULATIONS FOR TOWN PARKS (85-0-52)

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

SECTION 1.

That the Code of Ordinances is hereby amended by adding the following as Section 12-2 of the Code of Ordinances:

Sec. 12-2 All persons in any park, playground, recreation or community center, swimming area or facility (collectively "Park") owned or controlled by the Town of Chapel Hill shall obey the regulations set out in 12-3. These regulations and other provisions of this ordinance may be enforced by any law enforcement officer within the officer's appropriate territorial and subject jurisdiction or by the Parks and Recreation Director, or by any Parks and Recreation Department employee so designated and empowered by the Parks and Recreation Director.

SECTION II.

That the Code of Ordinances is hereby amended by adding the following as Section 12-3 of the Code of Ordinances:

- Sec. 12-3
- (1) No person shall willfully mark, deface, disfigure, injure, tamper with, or without the authorization of the Town, displace or remove any structure, equipment, facility, or any other real or personal property, that is the property of or under the control of the Parks and Recreation Department.
 - (2) No person shall willfully damage, cut, carve, transplant or remove any tree, shrub, bush or plant within any Park except in maintenance or other activity under the direction of the Town.
 - (3) No person shall drive, park or ride any motorized vehicle in any Park except in areas so marked, signed or designated for motorized vehicular traffic and except in maintenance or other activity under the direction of the Town.
 - (4) No person shall dump, deposit, leave or place trash, rubbish, garbage, ashes wastes, broken glass or other rubbish within any Park, except in garbage, trash recycling or other property receptacles provided for the purpose. No person shall dispose of household garbage or rubbish within any Park.
 - (5) No person shall camp or stay overnight in any Park, except with written permission from the Parks and Recreation Director.
 - (6) Except for authorized personnel or agents of the Parks and Recreation Department or law enforcement personnel, no person shall enter any Park or remain in any Park during the hours the Park is closed to the public as set out in Section 12-1 above.
 - (7) Dogs, cats, horses and other pets are allowed within the Parks, subject to the provisions of the Town's Animal Control Ordinance, except in those areas specifically marked and designated that no dogs, cats, horses or other pets shall be allowed.
 - (8) No person shall solicit, peddle or beg within any park, or sell any merchandise or wares. This subsection shall not apply to (i) any concession franchise granted by the Parks and Recreation Department for a Park, or (ii) any solicitation or sale of goods by non-profit or civic groups, provided that a permit is obtained in advance from the Parks and Recreation Director or the Director's designee. No such permit shall be issued to any group more than once each year.
 - (9) No person shall carry, possess or use any firearm or other dangerous weapon within any Park. This section shall not apply to law enforcement or other government personnel acting within the scope of their employment.
 - (10) No person shall use, consume or possess any alcoholic beverages, beer or wine within the Park; no person shall use, consume or possess any narcotic drug or halucinogen or any other controlled substance within any Park without a valid physician's prescription for the substance.
 - (11) All persons in any Park shall obey all posted traffic regulations, signs and directions.
 - (12) No person shall swim or boat in Parks except in waters and in areas designated for such purpose or purposes by the Parks and Recreation Department.

- (13) No person shall engage, either verbally or physically, in any loud, disruptive or offensive conduct, or engage in any activity or sport in a manner which threatens the safety or welfare of other patrons of the Park, or which unreasonably impairs the public's opportunity to use and enjoy the Park.
- (14) All persons using or present in the vicinity of swimming pools or other water areas shall obey posted regulations and notices relating to conduct of patrons, safety requirements, and health and hygiene requirements.
- (15) Participants in organized league sports shall obey the special rules and regulations relating to such activities in the Park as prescribed by the Parks and Recreation Department.
- (16) No person other than Parks and Recreation Department personnel acting within the scope of their employment shall, without the permission of the Town, place, maintain or erect any sign, poster, notice or advertising device within any Park.
- (17) Any person shall immediately leave Park premises after being requested or directed to leave by the Parks and Recreation Director or the Director's designee. The Parks and Recreation Director or Director's designee shall make such a request only upon a reasonable belief that the person has violated the provisions of this section. Any person leaving or removed from the Park shall not re-enter the Park unless he or she obeys all regulations governing use of the Park.

SECTION III.

That the Code of Ordinance is hereby amended by adding the following as Section 12-4 of the Code of Ordinances:

Sec. 12-4 Each violation of the provisions of Sec. 12-3 of this Article shall be a misdemeanor.

SECTION IV.

This Ordinance shall be effective upon adoption.

This the 26th day of August, 1985.

Stop Regulations

Council Member Preston asked why certain roads were listed more than once. Manager Taylor replied that the ordinance indicated where every new stop sign and right of way was to be.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 85-O-53. THE MOTION PASSED UNANIMOUSLY, (9-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (85-O-53)

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

SECTION I

That Section 21-13 of the Town Code of Ordinances, "Right-of-Way and Stop Regulations" is amended by inserting the following therein, in appropriate alphabetical order:

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Through Streets

Piney Mountain Road
 Old Forest Creek Drive (N/S Leg)
 Old Forest Creek Drive
 Old Forest Creek Drive
 Old Forest Creek Drive
 Old Forest Creek Drive
 Piney Mountain Road
 Priestly Creek Drive
 Piney Mountain Road
 Piney Mountain Road
 Summerlin Drive
 Forbush Mtn. Drive
 Forbush Mtn. Drive
 Forbush Mtn. Drive
 Weaver Dairy Road
 Weaver Dairy Road
 Westminster Drive
 N.C. 86 (Airport Road)
 Weaver Dairy Road
 Old Oxford Road (East)
 Dobbins Drive
 Culbreth Road
 Westbury Drive
 Westbury Drive
 Braswell Road
 Braswell Road
 Braswell Road
 Barbee Chapel Road
 Finley Forest Drive
 Finley Forest Drive
 Summerwalk Circle
 Martin Luther King Drive

Stop Streets

Old Forest Creek Drive
 Old Forest Creek Drive(E/W Leg)
 Linnaeus Place
 Mendel Drive
 Darlin Drive
 Pinchot Lane
 Priestly Creek Drive
 Oosting Drive
 Oosting Drive
 Summerlin Drive
 Forbush Mtn. Drive
 Hampton Court
 Spencer Court
 Apple Street
 Kingston Drive
 Banks Drive
 Banks Drive
 Westminster Drive
 Regent Place
 Summerfield Crossing Road
 Summerfield Crossing Road
 Southbridge Drive
 Southbridge Drive
 Bristol Drive
 Bristol Drive
 Westbury Drive
 Juniper Point
 Finley Forest Drive
 Brookberry Circle
 Springberry Lane
 Springberry Lane
 Elderberry Street

SECTION II

That Section 21-11(B)(2) of the Town Code of Ordinances, "Speed Regulations" is amended by inserting the following therein in appropriate alphabetical order:

Old Forest Creek Drive
 Linnaeus Place
 Mendel Drive
 Darlin Circle
 Pinchot Lane
 Priestly Creek Drive
 Oosting Drive
 Summerlin Drive
 Forbush Mtn. Drive
 Hampton Court
 Spencer Court
 Kingston Drive
 Banks Drive
 Westminster Drive

Regent Place
 Summerfield Crossing Road
 Southbridge Drive
 Westbury Drive
 Bristol Drive
 Braswell Road
 Westbury Drive
 Juniper Point
 Finley Forest Drive
 Brookberry Circle
 Springberry Lane
 Summerwalk Circle
 Elderberry Street
 Martin Luther King Drive

SECTION III

This ordinance shall be effective on September 1, 1985.

SECTION IV

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

This the 26th day of August, 1985.

Parking on Shady Lawn

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO DELETE THIS ITEM WITH NO ACTION TAKEN BY COUNCIL AND REFERRED TO THE MANAGER FOR FURTHER STUDY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Human Service Advisory Board

Council Member Kawalec nominated Gwendolyn Moore.
Council Member R. D. Smith nominated Elizabeth Davis.

To fill three seats on the Human Services Advisory Board the following vote was taken:

- Lyman Ford (9): Boulton, Godschalk, Howes, Kawalec, Nassif, Pasquini, Preston, Smith, Thorpe
- Roosevelt Wilkerson (9): Boulton, Godschalk, Howes, Kawalec, Nassif, Pasquini, Preston, Smith, Thorpe
- Gwendolyn Moore (5): Godschalk, Howes, Kawalec, Preston, Thorpe
- Elizabeth Davis (2): Boulton, Smith

Lyman Ford, Roosevelt Wilkerson, and Gwendolyn Moore were appointed.

Parks and Recreation Commission

Council Member Howes nominated Richard Gitelson.
Council Member Kawalec nominated Roberta Douglas.

To fill four seats on the Parks and Recreation Commission the following vote was taken:

- Joel Bulkley (8): Godschalk, Howes, Kawalec, Nassif, Pasquini, Preston, Smith, Thorpe
- Kani Hurow (9): Boulton, Godschalk, Howes, Kawalec, Nassif, Pasquini, Preston, Smith, Thorpe
- Roberta Douglas (9): Boulton, Godschalk, Howes, Kawalec, Nassif, Pasquini, Preston, Smith, Thorpe
- Richard Gitelson (9): Boulton, Godschalk, Howes, Kawalec, Nassif, Pasquini, Preston, Smith, Thorpe

Joel Bulkley, Roberta Douglas, Richard Gitelson, and Kani Hurow were appointed.

Executive Session

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL. THE MOTION PASSED UNANIMOUSLY, (9-0).

Mayor Nassif called the meeting back into session at 11:10.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO AUTHORIZE THE TOWN TO INTERVENE IN THE TOWN'S BEHALF IN THE LITIGATION IN SUPERIOR COURT INVOLVING THE WILL OF WILBUR KUTZ. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE TO AUTHORIZE THE MANAGER TO NEGOTIATE PAYMENT OF ATTORNEY FEES FOR OFFICER STEPHEN RIDDLE. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO RECESS THE MEETING UNTIL WEDNESDAY, AUGUST 28TH, AT 5:00 P.M. IN ORDER TO CONTINUE THE EXECUTIVE SESSION ON PERSONNEL. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting recessed at 11:15 p.m.

Mayor Joseph L. Nassif

Nancy J. Wells
Town Clerk