

45

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, OCTOBER 14, 1985, 7:30 P.M.

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

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

Council Member Marilyn Myers Boulton was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Managers Sonna Loewenthal and Ron Secrist, and Attorney Ralph Karpinos.

Petitions

Katherine Emerson, representing the League of Women voters, asked to speak to item 7, Entranceways report.

Dr. William Kohn, representing the Downtown Chapel Hill Association, asked to speak to item 14a, Rosemary Square site plan, and he read a statement from the Association endorsing the Rosemary Square project and complimenting the Council for their work to get this project underway.

Mr. Lee Troutner, speaking as a citizen, asked to speak to item 15, Legal assistance to Town employees.

Mr. Mel Rashkis, speaking as a citizen, petitioned Council to annex the area associated with the proposed Chandler's Green subdivision off Weaver Dairy Road.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO RECEIVE THE PETITION OF MR. RASHKIS AND REFER IT TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Council Member Thorpe asked that the Town get a reply from NCDOT regarding the Town's request for a new traffic light at the intersection of McCauley and Pittsboro Street. Mr. Thorpe felt this reply was necessary before implementation of the Pittsboro-South Columbia one-way pair.

Council Member Howes expressed appreciation to the Council and citizens of Chapel Hill for the flowers and letters of sympathy they sent to him in response to the recent death of his mother.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF SEPTEMBER 16, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT THE MINUTES OF SEPTEMBER 23, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT THE MINUTES OF SEPTEMBER 24, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT THE MINUTES OF SEPTEMBER 30, 1985 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

46

Sign Regulations

Manager Taylor said that the memorandum on the subject was provided in the meeting packet and the staff was available to answer any questions.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 85-O-63b.

Council Member Godschalk suggested that the wording in Section V, Location Requirements, be changed so as not to imply that signs above doorways could not be more than 8' above the ground. Manager Taylor said that replacing the comma after "doorway to the building" with a semi-colon would accomplish this.

Council Member Smith asked how many signs would be nonconforming, and how many businesses would not meet the 100' frontage requirement with this proposed amendment to the sign ordinance. Manager Taylor replied that he was not certain of the exact numbers. Council Member Smith said he was concerned about the possibility of more nonconforming than conforming signs as a result of these proposed changes.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-O-63b)

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

Section I

SUBSTITUTE the following for the second sentence of the fourth paragraph of Section 6.13.6, General Limitations:

Internally illuminated signs, other than window signs, shall consist of a dark background and light letters or message. The letters or message of internally illuminated signs shall consist of nonreflective material.

Section II

AMEND subsections 6.13.7 and 6.13.8 to change all references to "free-standing sign(s)" except that in 6.13.8.2.c, to refer to "ground sign(s)".

Section III

AMEND Subsection 6.13.8.1.c) to read as follows:

Ground signs shall be limited to one sign per street frontage, provided that the zoning lot on which the sign is located has at least one hundred (100) feet of street frontage.

Section IV

AMEND Subsection 6.13.9 to read as follows:

6.13.9 Sign Area and Height Limitations

District	Ground Sign		Projecting Sign	Wall Sign
	Maximum Area Per Display Surface (sq.ft.)	Maximum Height (ft.)	Maximum Area Per Display Surface (sq.ft.)	Maximum Percentage Facade Coverage (%)
TC-2	8	8	8	5
TC-1	8	8	8	5
CC	15	8	8	5
NC	15	8	8	5
OI-1	15	8	8	5
OI-2	15	8	8	5
OI-3	15	8	8	5
I	15	8	8	5

The maximum area per display surface of any internally illuminated sign shall be one-half($\frac{1}{2}$) the maximum area per display area listed above.

Section V

Renumber Subsections 6.13.10 and 6.13.11 as 6.13.11 and 6.13.12, and

INSERT a new Subsection 6.13.10 to read as follows:

6.13.10 Location Requirements

Wall signs shall be located above the principal doorway to the building; or on either side of doorway such that the principle message is at eye level and that no portion of the sign extends higher than eight (8) feet above ground level.

Projecting signs shall be centered over the principal doorway to the building.

Section VI

AMEND the renumbered Subsection 6.13.11 a) to read as follows:

- a) Development identification signs containing the name and trademark of a planned development, provided such signs are limited to one ground sign at each principal point of access to the development, twenty (20) square feet in display area, and a maximum height of six (6) feet;

Section VII

AMEND the renumbered Subsection 6.13.11 c) to read as follows:

- c) Identification signs for individual establishments containing the name(s) and trademark(s) of the establishments, provided such signs are limited to wall signs with a maximum display area of fifteen (15) square feet.

Section VIII

DELETE Section 18.127, Reserved,

RENUMBER Sections 18.118 through 18.126 as Sections 18.119 through 18.127, and INSERT a new Section 18.118 to read as follows:

18.118 Sign, Ground: A free-standing sign attached to a contiguous structural base or planter box, which base or box shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground. Ground signs to do not include free-standing signs supported by poles.

This the 14th day of October, 1985.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-176b.

Council Member Preston asked what constituted the period of amortization for the cost of the sign. Manager Taylor replied that Council would have to set a specific length of time for the amortization of certain signs.

Mayor Nassif said that the Town would have to notify the owners of nonconforming signs to inform them of the period of amortization.

45
Council Member Thorpe asked for clarification of the date for the proposed public hearing. Manager Taylor replied that the resolution calls for a public hearing on Tuesday, January 21st.

THE MOTION PASSED UNANIMOUSLY, (8-0).

Manager Taylor commented that the staff would make a special effort to notify the business community of the hearing.

The resolution, as adopted, reads as follows:

RESOLUTION CALLING A PUBLIC HEARING ON AMENDMENTS TO THE DEVELOPMENT ORDINANCE REGARDING THE AMORTIZATION OF NONCONFORMING SIGNS (85-R-176b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing is hereby scheduled for Tuesday, January 21, 1986, at 7:30 p.m. in the Municipal Building at 306 N. Columbia Street to consider changes to Article 14 of the Development Ordinance to provide for the amortization of nonconforming signs.

This the 14th day of October, 1985.

Interstate 40 Overlay District

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT ORDINANCE 85-O-64. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (85-O-64)

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

SECTION I

AMEND Section 6.12.6 to add a new third column entitled "Interstate highway," change the title of the fourth column to read "Railroad; non-interstate principal arterial street," and insert the letter "E" in the new third column beside each row.

SECTION II

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

This the 14th day of October, 1985.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-177. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE CHAPEL HILL DESIGN MANUAL (85-R-177)

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

ADD the attached illustration to the end of Figure 9-1.

This the 14th day of October, 1985.

Chandler's Green

Mayor Nassif questioned whether or not the Council would be approving the preliminary plans for Chandler's Green based on Orange County or Chapel Hill's development ordinances.

Mr. Mel Rashkis, speaking for the applicant, asked that the Council approve the plans based on Chapel Hill's Ordinances. He said that he planned to petition Orange County to waive some of their requirements, specifically the 100' buffer, in lieu of the fact that he had petitioned Chapel Hill for annexation of the area.

Manager Taylor said the the Council recommended approval/denial based on the Town's Ordinances, and as such the 100' buffer would not be a requirement.

Council Member Pasquini suggested delaying this item until the question of what stipulations, Orange County's or the Town's, would be used when approving or denying the project.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-178b.

Council Member Preston stated that since the memorandum said the project was outside of the Resource Conservation District there was no need for stipulation #17 in the resolution. Manager Taylor agreed.

Mayor Nassif expressed concern over the apparent lack of concern on the part of the staff regarding the effect of new subdivisions located outside of the Town's zoning jurisdiction have on the road system in Chapel Hill. He hoped that the Town would study this problem and present a plan as to how to alleviate any potential problems as well as a method of incorporating these roads into the Town system.

Council Member Pasquini asked for clarification of the buffer requirement along Weaver Dairy Road and Sunrise Drive. Manager Taylor replied that the buffer requirement along Weaver Dairy Road was for a Type D buffer. He said Sunrise Drive was not in the Town's planning jurisdiction but if it were a Type C buffer would be required. Council Member Pasquini asked that a stipulation be added to the resolution to the effect that a Type C buffer be required along Sunrise Drive

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH TO AMEND THE MOTION TO INCLUDE IN STIPULATION #7 THAT A TYPE C BUFFER BE REQUIRED ALONG SUNRISE DRIVE. THE MOTION PASSED, (7-1) WITH COUNCIL MEMBER HOWES VOTING AGAINST.

THE MOTION, AS AMENDED, PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING A PRELIMINARY SUBDIVISION PLAT FOR CHANDLER'S GREEN SUBDIVISION (SD-25-0-11) (85-R-178b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Preliminary Plat dated March 26 and 31, 1985 for Chandler's Green Subdivision, located on property identified as Chapel Hill Township Tax Map 17, Lot 17, and Tax Map 25, Lot 11, subject to the following:

1. That temporary turn-arounds to Town standards be provided at all stub-out streets, and provide a sign at the end of the road stating this street is subject to "future extension."
2. That a street with a 60-foot right-of-way be constructed to Town standards to stub out from Sweeten Creek Road to the eastern property line at the Carroll property to the east of this subdivision. Plans for this street shall be approved by the Town Manager prior to the approval of the Final Plat. This street shall be aligned with the proposed stub-out shown on the site plan providing access to property to the west.

- 50
3. That the recreation area be screened from adjacent properties by a suitable hedge screen and vegetation. Plans shall be approved by the Town Manager prior to approval of the Final Plat.
 4. That utility easements as required by OWASA be shown on the Final Plat. These easements shall include easements to adjoining properties.
 5. That a 10-foot non-access easement be provided along the rear of the lots adjoining the 60-foot public right-of-way at the northwest property line. This easement shall be labeled so as to prohibit driveway or vehicular access onto the 60-foot right-of-way.
 6. That Weaver Dairy Road be improved to $\frac{1}{2}$ of a 65' cross-section with curb and gutter and sidewalk, with dedication of $\frac{1}{2}$ of a 90' right-of-way along the site's frontage, to include a left turn lane on Weaver Dairy Road.
 7. That Sunrise Road be improved to $\frac{1}{2}$ of a 41' cross-section, with curb, gutter and sidewalk, with dedication of $\frac{1}{2}$ of a 70' right-of-way along the site's frontage, and that a buffer be provided along Sunrise Road that is at least equivalent to a Type C buffer as described in the Chapel Hill Development Ordinance.
 8. That Landing Drive be constructed as a cul-de-sac rather than stubbed-out to the property line.
 9. That final plans for all proposed streets be approved by the Town Manager before issuance of a Zoning Compliance Permit and that final plans for Weaver Dairy Road and Sunrise Drive Improvements be approved by the Town Manager and NCDOT before issuance of a Zoning Compliance Permit.
 10. That prior to paving streets, utility service laterals be stubbed out to the front property lines of each lot. Sanitary sewer laterals shall be capped off above ground.
 11. That easement documents as required by OWASA be recorded before final plat approval, 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.
 12. That plans for phasing the development be approved by the Town Manager prior to the approval of the Final Plat.
 13. That a stormwater management plan with hydrologic calculations be approved by the Town Manager before issuance of a Zoning Compliance Permit.
 14. That final utility plans be approved by the Town Manager, OWASA, Duke Power, Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit. All lines shall be underground.
 15. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
 16. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
 17. That a total of 3.21 acres of open space be shown on the final plat; or, at the applicant's option, a payment in lieu of open space reservation be made for the difference between open space required and provided.
 18. That drainage easements be provided through Lots 13, 14 and 18, as shown on the preliminary plat.
 19. That the proposed recreation area be moved outside of the existing Duke Power easement.
 20. That a pedestrian and non-motorized vehicle easement be dedicated coterminous with the existing Duke Power easement.

- 21. That the continued validity and effectiveness of this approval 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.
- 22. If any of the above conditions shall be held invalid or void, then this approval shall be void and of no effect.

This the 14th day of October, 1985.

Wilco Service Station

Council Member Kawalec expressed concern over the design of the proposal, saying that she did not like the way it was designed and wished the Town could require a specific design. Attorney Ralph Karpinos said that unless the Town designated Entranceways as special appearance districts the Town could not require specific designs.

Mr. Josh Gurlitz, representing the Community Appearance Commission, stated that the Commission had reviewed the project and could not approve an alternate buffer unless the plans for the site and building were substantially redesigned.

Mayor Nassif said he felt it would be a more viable project with a different site design. He said by moving the building forward and putting the gasoline pumps in the back of the site, the project would be greatly improved.

Council Member Smith expressed concern over the proposed requirement of curb and gutter and sidewalks on Airport Road. He felt they were unnecessary in light of the fact that the Town was requiring sidewalks on the opposite side of Airport Road and because it is not known when the State would widen Airport Road. He also questioned whether or not the State would put in curb and gutter when it did widen the road. Manager Taylor said that the Town's sidewalk plan called for sidewalks on both sides of Airport road and the stipulation for widening the road was consistent with Town policy and other examples exist along Airport Road.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE TO REFER THIS ITEM BACK TO THE MANAGER AND STAFF TO CONSULT WITH THE DEVELOPER REGARDING THE POSSIBILITY OF REDESIGNING THE SITE PLAN IN ORDER TO MOVE THE BUILDING FORWARD AND THE GASOLINE PUMPS BACKWARDS, AND TO HAVE THE MANAGER GIVE A STATUS REPORT TO THE COUNCIL ON NOVEMBER 12TH. THE MOTION PASSED UNANIMOUSLY, (8-0).

Entranceways Task Force Report

Ms. Katherine Emerson, representing the League of Women Voters, stated the League commended the Council for their foresight to appoint a task force on entranceways. She urged the Council to enact policies and regulations to assure that the entranceways to Chapel Hill were attractive and planned in an orderly fashion. (For copy of statement see Clerk's files.)

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-180a. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING AND APPROVING THE REPORT BY THE ENTRANCEWAYS TASK FORCE (85-R-180a)

WHEREAS the Council appointed an Entranceways Task Force in December 1983, and

WHEREAS, this Task Force thoroughly studied how to define and enhance the entranceways to Chapel Hill, and

WHEREAS the Entranceways Task Force prepared a set of recommendations presented to Council in December 1984,

52
BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts and approves this report, and as a first step in implementing the report requests the Task Force to more precisely define the Entranceways District and the Master Landscaping Plan.

This the 14th day of October, 1985.

Council Member Preston expressed appreciation for the effort and work provided by the Entranceways Task Force.

Rusten Report - Police/Fire Management Study

Mr. Allan Rusten gave a brief introduction to the report which was distributed to Council in late September. He said that even though there were some negative aspects to the report, there were also some positive aspects, notably the improvements in the public safety system and police department.

Council Member Thorpe said he felt there was a need for further clarification of the information relating to affirmative action policies in the Town, specifically more information on the reasons why there were no females and/or blacks in the upper echelons of the Police and Fire Departments. He also stated that it was a Town policy to encourage advancement within the system but that the employees were not to feel pressured to advance (become Public Safety Officers). Mr. Rusten replied that with regard to Affirmative Action hiring that he had not seen the tests, etc. which are used for advancement purposes. He said the report did recommend that a female PSO be promoted to MSO.

Council Member Pasquini commended the consultant on the report. He said he felt this type of report was needed in other Departments in the Town. He suggested that the Council refer this report to the Manager for recommendations and then have work sessions as needed to discuss the recommendations.

Council Member Godschalk said he appreciated the consultant pointing out the strengths and weaknesses in the Departments studied and asked for further input on the proposed consolidation of the two departments into one Public Safety Department. Mr. Rusten replied that he felt the situation was advantageous to further consolidate the two departments. He said it would involve reductions in administration, streamlining of work, bringing together some functions now operating separately such as scheduling, training, and public activities. He said there would be complexities in designing the new department and that the report was just suggesting that the Town should think along these lines with the next step in the near future. Mr. Rusten said a strong Public Safety Program flourishes in areas of low incidences of fires and crime.

Council Member Kawalec said she found the report extremely concise and complete and she was interested in the procedure from this point forward. She pointed out that Council needed to be able to separate the policy issues from the management issues.

Council Member Howes commented that he felt it was an excellent report. He said he was pleased to see the report state that there was more than enough manpower to have a footpatrol in the Central Business District.

Council Member Preston expressed appreciation for the conciseness of the report, but she said she was concerned about the manner in which the results were delivered. She said that whenever a report like this was completed and resulted in criticisms of specific Town employees, those employees should be informed of those facts prior to release of that information to the press. Council Member Preston then asked how the consultant had conducted the interviews with employees of the departments. She was concerned that there might have been a bias from the sample taken from the employees. Mr. Rusten replied that they had interviewed all of the upper management and supervisors of the departments and then done a random sample of lower level employees.

Council Member Smith questioned whether or not the problem of turnover as a result of the limited opportunity of advancement would be alleviated as a result of the proposed single department. Mr. Rusten said that the Town did not at present participate in a job rotation policy of personnel within the two departments. He said this tends to block opportunity for advancement of others. As a result, part of the report suggests the implementation of a rotation policy with a designated period for rotation.

Council Member Smith expressed concern that proposing Police training on Saturdays and Sundays might encourage more criminal activity during those hours when it was known that training was occurring and less officers were patrolling. Mr. Rusten replied that the study showed that at present both the Fire and Police Departments had several hours on Saturday and/or Sunday in which little or no work was scheduled, and as such this time would be better utilized for training purposes.

Council Member Smith also asked for clarification on the statements in the report dealing with over-hiring. Mr. Rusten said that typically the Police Department would have vacancies during the year. New recruits have to go through several weeks of training before becoming full time on the force. As such, the Department suffers a lapse of a full complement of employees. He suggested that the Town budget for a specific number of PSO positions above the necessary requirement so that the Town can hire and train employees without incurring a lapse in the number on staff and available for police/fire work.

Council Member Smith concluded by questioning the solvability factor used by the Police Department. Mr. Rusten replied that this factor was used as an indicator of the probability of solving certain crimes.

Council Member Thorpe stated that he hoped they were not placing too much emphasis on training versus actual performance.

Mayor Nassif said he was impressed with the brevity and thoroughness of the report, and appreciated the effort made in conducting the analysis. He said that even though it pointed out problem areas in the departments studied there were other areas in Town government where problems occur. Mayor Nassif said that the problems in these departments are not limited to the management level and that they have roots prior to the inception of the Public Safety Program. He said the Town, employees, management, and the Council should stop the bickering among themselves and strive to implement the actions passed by the Council in good faith. Mayor Nassif said he felt it was important for the Council to have these types of audits at least every 3 to 5 years because they serve as a means to evaluate the Manager and his management team. He hoped the Council would refer this report to the Manager for recommendations. The Mayor apologized to those concerned because the report was discussed in the news media prior to staff members involved being informed of its contents. The Mayor said the report was delivered in sealed envelopes to Council late one week and was to be distributed to the news media on Monday. Unfortunately, he said, information was given to the media over the weekend, not allowing the Manager to have the opportunity to inform certain employees.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER THE REPORT TO THE MANAGER TO REPORT BACK TO THE COUNCIL WITH RECOMMENDATIONS. THE MOTION PASSED UNANIMOUSLY, (8-0).

Status Report on Draingage Problems in Colony Woods

Mayor Nassif said that he had started preliminary discussions with Durham County and OWASA and that he had scheduled further meetings with OWASA and notified the Manager to hold further discussions with the Durham County Manager and County Commissioners.

54
Resolution of Appreciation for W. B. Buchanan of NCDOT

Mayor Nassif said that the Manager and he had gone to Mr. Buchanan of the NCDOT to request further funding for the Merritt Mill Road project and that Mr. Buchanan had been very receptive and had authorized \$100,000 in additional funding at this time. He felt it would be appropriate to formally express the Council and Town's appreciation.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-182. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION OF APPRECIATION FOR W. B. BUCHANAN, DIVISION 7 MEMBER NORTH CAROLINA BOARD OF TRANSPORTATION, FOR ALLOCATING AN ADDITIONAL \$100,000 IN FUNDING FOR IMPROVEMENTS TO MERRITT MILL ROAD (85-R-182)

WHEREAS, in February 1985, the North Carolina Department of Transportation and the Town of Chapel Hill entered into a cooperative agreement to realign, widen, and make other improvements to Merritt Mill Road, a major arterial Street connecting Greensboro Street in Carrboro to Franklin Street in Chapel Hill; and

WHEREAS, according to the agreement, the State committed \$300,000 to help pay for construction of this project; and

WHEREAS, the combined Town and State monies available for construction were insufficient to complete construction of Phase One (South Greensboro Street to Cameron Avenue) of the project; and

WHEREAS, Mr. W. B. Buchanan, who represents District 7 on the North Carolina Board of Transportation, responded promptly to the Town's need by allocating an additional \$100,000;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby expresses its gratitude and appreciation to Mr. W. B. Buchanan for allocating additional funding for the Merritt Mill Road project.

This the 14th day of October, 1985.

Resolution Supporting Council Member Howes for 1st V. P. of NCLM

Council Member Kawalec said that she sponsored this resolution for the Council to show its support for Council Member Howes' bid for the position of 1st Vice President of the North Carolina League of Municipalities (NCLM) in their upcoming elections. She said Council Member Howes had been an active member in League activities and had served as 2nd Vice President and deserved the Council's support.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC TO ADOPT RESOLUTION 85-R-183. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING THE ELECTION OF CHAPEL HILL COUNCIL MEMBER JONATHAN B. HOWES AS FIRST VICE PRESIDENT OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (85-R-183)

WHEREAS, Council Member Jonathan B. Howes of Chapel Hill has served the North Carolina League of Municipalities as its Third Vice-President, as its Second Vice-President, as co-chair of the Revenue Sharing Task Force, as chairman of the Joint Regional Forum of the League and the North Carolina Association of County Commissioners, and as a member and subcommittee chairman of the Committee on the 80's; and

WHEREAS, he has been a member of the Board of Directors of the National League of Cities, currently serves on its Advisory Council, has served as Chair of NLC's Committee on Community and Economic Development, and as a member of the Committee on Natural and Economic Resources; and

WHEREAS, Council Member Howes has served as a board member and chairman of the Triangle J Council of Governments, and as a member and chairman of the Board of Directors of the Orange Water and Sewer Authority; and

WHEREAS, Mr. Howes has been a member of the Town Council since 1975, and served as Mayor Pro-tem from 1979 to 1981; and

WHEREAS, he is Director of the Center for Urban and Regional Studies at the University of North Carolina at Chapel Hill and has graduate degrees in both urban affairs and public administration; and

WHEREAS, Council Member Howes has a comprehensive and detailed knowledge of municipal government and urban affairs, and has earned the respect and appreciation of the many people with whom he works;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the Nominating Committee to nominate Jonathan B. Howes for the First Vice Presidency of the North Carolina League of Municipalities, and urges that he be elected by delegates to the League's 1985 Annual Meeting.

This the 14th day of October, 1985.

Downtown Bus Stop and Loading Zones

Mayor Nassif said that he felt the Manager needed to review the downtown bus stops and loading zone areas and times with the idea of possible changes to help alleviate some of the Town's parking and congestion problems on Franklin and Columbia streets.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 85-R-184.

Council Member Pasquini said he felt the the Downtown merchants should have an integral part in the discussion of any changes in the bus stops and loading zones.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DIRECTING THE TOWN MANAGER TO REVIEW AND MAKE RECOMMENDATIONS ON REVISING THE TIME RESTRICTIONS ON DOWNTOWN LOADING ZONES AND CHANGING CERTAIN DOWNTOWN BUS STOPS ON FRANKLIN AND COLUMBIA STREETS (85-R-184)

Regulation of Cable Television Rates

Manager Taylor said that under Section 10.85 of the Town Code, the Council decides in the fall of odd-numbered years whether or not to assume rate modification authority of cable television for the next two years. He said he recommended assuming rate modification authority for increases of more than 10% per year.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 85-R-185b. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING TOWN REGULATION OF CABLE TELEVISION RATES (85-R-185b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby assumes cable television rate modification authority in accord with Sec. 10-85 of the Town Code; provided, that Village Cable may institute a rate increase for a particular service within the time periods listed below upon 30 days' advance written notice to the Town Manager and without a public hearing, Town review or action by Council as described in Sec. 10-85(b)(3)(a) through (d) and 10-85(b)(4) and (5):

Exemption from Hearing, etc.

Period

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| 1. Up to 10% above rates in effect on the date of adoption of this resolution. | 1. December 1, 1985 through Nov. 30, 1986. |
| 2. Up to 21% above rates in effect on date of adoption of this resolution. | 2. From Dec. 1, 1986 until Council decides in 1987 whether to assume rate modification authority. |

This the 14th day of October, 1985.

Rosemary Square Site Plan

Council Member Preston expressed concern over the fate of two magnolia trees on the site. She hoped the developers would be able to use them in their plans. Mr. Whit Morrow, representing the Fraser Development Company of North Carolina, said that their landscape architect had looked at the trees and decided that the smaller of the two could be saved with little trouble, but that the larger tree would require more work and that it became a question of economics of whether or not it would be better to save the tree or to purchase and plant new ones, but they would continue to evaluate the possibility.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 85-R-186.

Council Member Pasquini said that he still had problems with the site plan, especially its scale, and therefore would vote against the resolution.

Council Member Godschalk said that he felt the plan was a good one and that he was in favor of the project.

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

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING THE ROSEMARY SQUARE SITE PLANS (85-R-186)

WHEREAS, the Town of Chapel Hill entered into a Development Agreement with the Fraser Development Company of North Carolina for a public-private project, Rosemary Square; and

WHEREAS, Section 5.14 of the Agreement provides that the Town and the Company are to apply jointly for various governmental permits, including a Zoning Compliance Permit approved by the Town's Planning Board and a Certificate of Appropriateness from the Historic District Commission; and

WHEREAS, on September 24, 1985 the Council in its role as co-applicant reviewed the Rosemary Square site plans printed September 11, 1985, and by consensus directed the Mayor and Manager to submit the site plans to the Planning Board and Historic District Commission; and

WHEREAS, the Planning Board on October 1, 1985 approved said site plans by a vote of 8-0 and authorized issuance of a Zoning Compliance Permit, subject to certain conditions; and

WHEREAS, the Historic District Commission on October 10, 1985 approved by a vote of 5-1 the site plans as presented, and authorized issuance of a Certificate of Appropriateness subject to certain conditions; and

WHEREAS, the Council finds that the proposed Rosemary Square parking satisfies the requirements of Section 6.6 of the Development Ordinance and the additional parking will satisfy the Town's objective of substantially increasing parking at the Rosemary Square site, as stated in the 1983 Request for Proposals to develop the site; and

WHEREAS, the Council finds that the utility and wall placement in the Rosemary Square hotel will allow the hotel condominium units to be readily converted for use as permanent residences;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and ratifies the submittal of, the Rosemary Square site plans identified as "printed September 11, 1985" and submitted to the Planning Board on October 1, 1985; that the Council accepts and concurs with the conditions of the Planning Board's approval on October 1, 1985 of a Zoning Compliance Permit for the Rosemary Square project, and of the Historic District Commission's approval on October 10, 1985 of a Certificate of Appropriateness; and that the Council directs the Manager to proceed in accord with the Development Agreement and previous authorization by Council (Resolution 85-R-18, adopted January 30, 1985), in the actions necessary for closing.

This the 14th day of October, 1985.

Legal Assistance to Town Employees

Mr. Lee Troutner, speaking as a citizen, asked Council to make an amendment to the proposed resolution to give the Manager the authority to grant legal assistance to Town employees.

Manager Taylor replied that the memorandum and resolution would require that the Manager determine whether or not a claim or suit filed against an employee met the specified requirements for providing a defense for that employee. He said once that determination was made the Council would determine whether or not and how much the Town would pay for legal services for the employee.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 85-R-187. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RELATING TO CLAIMS AND JUDGMENTS SOUGHT OR ENTERED AGAINST TOWN OFFICERS OR EMPLOYEES (85-R-187)

WHEREAS, It is the policy of the Council of the Town of Chapel Hill to provide protection to Town officers and employees who have claims filed against them or suits filed against them resulting from actions taken within the scope of their employment; and

WHEREAS, the Town feels obligated to defend such officers and employees, and to satisfy any claims or civil judgments against such officers and employees if the facts and circumstances giving rise to the claim or suit show that the officer or employee was engaged in the good faith performance of his/her duties on behalf of the Town when the incident giving rise to the claim occurred; and

WHEREAS, North Carolina General Statute 160A-167 authorizes Towns to defend, and pay civil judgments entered against officers and employees, when the acts giving rise to the claim are performed by the officer or employee in the course of his/her employment, and without fraud, corruption or malice;

NOW, THEREFORE, BE IT RESOLVED by the the Council of the Town of Chapel Hill that it shall be the policy of the Town of Chapel Hill to defend its officers and employees against claims and civil judgments, resulting from actions taken within the scope of their employment, and to satisfy same either through insurance or otherwise, unless it is determined that the officer or employee willfully:

1. Acts or fails to act because of actual fraud, corruption or actual malice;
2. Acts or fails to act as a result of, or at a time when, his/her own self-indulgence substantially impaired his/her judgment;
3. Acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to instructions from his/her superiors, or directly contrary to advice of the Town Attorney; or

- 58
4. Acts or fails to act in such manner as to constitute a criminal act (as for example, misappropriation of property or funds).

The Town Manager shall determine whether or not a claim or suit filed against an officer or employee meets the requirements specified herein for providing a defense for such officer or employee.

The Town Council, pursuant to the standards herein set forth, shall determine whether or not a claim or civil judgment entered against an officer or employee shall be paid by the Town. This may include costs associated with additional legal counsel retained by the officer or employee having a claim or judgment entered against them.

The terms "officer" and "employee" as used herein shall mean present or past officers or employees who might hereinafter have claims or judgments entered against them.

The policies specified herein with respect to payment of all or part of a claim made or civil judgment entered shall not be applicable unless notice of the claim or litigation is given to the Town Council prior to the time that the claim is settled or civil judgment is entered and in sufficient time for the Town to participate to the extent it deems necessary in said settlement discussions and litigation.

The policies specified herein with respect to providing a defense for any officer or employee shall not require the Town to pay any costs of defense incurred prior to the Town Manager's determination that the claim or suit filed meets the requirements specified herein.

This resolution shall constitute uniform standards under which claims made or civil judgments entered against the Town officers and employees shall be paid.

The Town Manager shall establish such administrative rules and regulations deemed necessary to carry out this policy.

This the 14th day of October, 1985.

Consent Agenda

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 85-R-188. THE MOTION PASSED UNANIMOUSLY, (8-0).

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND AN ORDINANCE (85-R-188)

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. Temporary closing of Tinkerbell Road. (85-R-189)
- b. Second Reading of Carter Limousine Franchise. (85-O-62)
- c. Audit of Church Street parking lot bond fund. (85-R-190)

This the 14th day of October, 1985.

A RESOLUTION AUTHORIZING THE CLOSING OF PART OF TINKERBELL ROAD (85-R-189)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of Tinkerbell Road from Fountain Ridge Road to Ferrell Road from 2:00 to 6:00 p.m. on Saturday, October 19, 1985 for a block party subject to the following conditions:

1. There shall be barricades with vehicles parked behind them at the ends of the closed area and with persons available to move vehicles so that emergency vehicles can enter if necessary.

- 2. The closed street area shall be cleaned of litter by 6:00 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 14th day of October, 1985.

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A LIMOUSINE FRANCHISE TO SARAH E. CARTER (85-O-62)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council finds that Sarah E. Carter has met all criteria as set out in Chapter 20, Article II, Section 18 of the Town of Chapel Hill Code of Ordinances and hereby authorizes the Town Manager to issue a limousine franchise for two limousines to Ms. Sarah E. Carter, 104 N. Graham Street, Chapel Hill, N.C.

BE IT FURTHER ORDAINED that said franchise shall be subject to the conditions of Chapter 20 of the Town Code of Ordinances regulating taxicabs, limousines and other for-hire vehicles operating within the corporate limits of the Town of Chapel Hill.

This the 23rd day of September, 1985. FIRST READING
This the 14th day of October, 1985. SECOND READING

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO AUDIT THE CHURCH STREET PARKING FACILITY BOND FUND (85-R-190)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it approves, and authorizes the Mayor of the Town of Chapel Hill to execute on behalf of the Town, a contract with the firm of Touche Ross and Company for an audit of the Church Street Parking Facility Bond Fund for the 1984-85 fiscal year for a fee of \$2,250.

This the 14th day of October, 1985.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned at 10:30 p.m.

Mayor Joseph L. Nassif



Nancy J. Wells
Town Clerk

