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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, APRIL 28, 1986, 7:30 P.M.

Mayor James C. Wallace called the meeting to order. Council Members present were:

Julie Andresen
Jonathan Howes
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe
Arthur Werner

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

Petitions

Lightning Brown, speaking as a resident, asked to speak to item #8, Transportation Improvement Plan. He also asked the Council to consider the letter from the Quaker Society of Friends contained in their packet when discussing item #12, resolution against apartheid. He said the resolution should also pertain to any business which discriminates based on marital status, affectional preference or physical handicap.

Alice Cross, speaking as a resident, asked to speak to item #15a, no parking on Fern Lane.

Yonnie Chapman, speaking as a citizen, asked to speak to item #12, resolution against apartheid.

Pat Evans, representing the Planning Board, asked to speak to items #3 (Winding Ridge) and #8 (Transportation Improvement Plan), and also to speak as a citizen to item #11, sidewalk priorities.

Minutes

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT THE AMENDMENT TO THE MINUTES OF MARCH 24, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF APRIL 14, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

Winding Ridge

Roger Waldon, Planning Director, gave a presentation on the application for revocation of a Special Use Permit for 60 townhouses and simultaneous application for preliminary plat approval of a 27-lot subdivision. He said the site was 12.5 acres between Airport Road and Bolinwood Drive. Mr. Waldon stated the access and circulation for the proposed subdivision would be the same as in the planned development. He said the major concern revolved around the provision of recreation space. The applicant could provide recreation space on site by eliminating several proposed lots or he could meet the recreation area requirement with Council approved off-site land.

Council Member Andresen asked what amount of cut and fill would be needed to build the road within the site. Mr. Waldon said he did not know the exact amount (approximately 15 feet) but that the grade was below the maximum allowed for this type of road.

Pat Evans, representing the Planning Board, said the Board had voted 6-2 in favor of the project but had expressed deep concern about the topography of the site and the affect the proposed subdivision would have on storm water run-off.

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Council Member Smith suggested the Council decide what type of recreation space (on or off-site) would be appropriate for the proposal prior to recommending approval of the preliminary plat.

Council Member Werner expressed concern about the recreation space and also the storm water management plan.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER THE PROPOSAL BACK TO THE MANAGER FOR RECOMMENDATION ON THE RECREATION AREA AND INCLUSION OF THE THE FINAL STORM WATER MANAGEMENT PLAN IN THE PRELIMINARY PLAT APPROVAL.

Jack Smyre, an engineer representing the applicant, spoke in support of approval of the preliminary plat without requiring a final determination of the recreation space. He said the applicant would prefer to provide recreation area off-site, but would provide what was required by the ordinance and suitable and acceptable to both the Council and the Parks and Recreation Commission. He stated that the preliminary plans were just that, preliminary, and that the applicant would, if this plat were approved, be working on improvements and alternatives to the road and storm water run-off problems.

Council Member Howes stated he felt the current Special Use Permit for the 60 townhomes was a better development for this site. He said he disliked the quality of the site planning in this proposal and was concerned that more disturbance would occur if the site were considered for a single-family subdivision. He suggested a cluster home development as a possible alternative.

Mr. Smyre replied that the site as proposed would create less impervious surfaces and would have the same access and circulation of the current approved development.

Council Member Thorpe commented that the Council needed to have all pertinent information on a proposed development prior to making a decision.

Council Member Smith stated that the applicant proposed that custom designed homes would be built in the proposed subdivision, but there was no way of insuring that the homes would be built with the least amount of disturbance to the site. Mr. Smith also asked how the applicant could provide for buffer easements and maintenance in a subdivision. Manager Taylor replied that the these conditions could be provided through a homeowner's association or restrictive deed covenants. Mr. Smyre said he felt the market would assure that the homes built would be suitable for the site.

Council Member Preston also expressed concern regarding the steepness of the slopes and the site design, but she did approve of the decrease in impervious surface.

Council Member Andresen agreed with Council Member Preston and also expressed concern that the Town standards would require a street that had so much cut and fill.

Council Member Howes said the lack of specific recreation space was a statutory issue and needed to be resolved, but he felt the quality of the proposed site was lacking.

Mayor Wallace spoke in favor of the referral.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH THE PREVIOUS QUESTION. THE MOTION PASSED UNANIMOUSLY, (8-0).

THE MOTION TO REFER PASSED UNANIMOUSLY, (8-0).

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Major Capital Needs

Manager Taylor made a brief presentation on his recommendation for the Council to direct him to prepare for a Town General Obligation Bond Referendum in November of 1986. He said the bond referendum would be held in order to provide for some of the major capital needs identified by the Council. Manager Taylor listed the items proposed for the bond issue and the amounts: \$2.5 million for open space and Southern park; \$.8 million for fire protection; \$4 million for library improvements; and \$2.5 million for thoroughfare plan implementation. He said the sites had not been selected for the open space acquisition, southern park or library, because he did not feel the site was crucial to the bond referendum. Mr. Taylor said he had not included a new meeting room and office space at this time because he had wanted to keep the referendum to approximately \$10 million, even though there was a pressing need for both a new meeting facility and office space. He said he proposed scheduling the sale of the bonds over several years so as to stagger the cost to the tax payers.

Council Member Preston spoke in support of the bond referendum and suggested the Council hold a work session to discuss the proposal.

Manager Taylor suggested holding a work session on May 5th at 7:30 to discuss the bond referendum and recommended operating budget. The Council agreed to hold a work session on May 5th with discussion in the first hour on the capital needs and the second hour on the budget.

Manager's Recommended Budget 1986-87

Manager Taylor presented his recommended budget for fiscal year 1986-87. He said it was a balanced budget with a transfer of \$500,000 from the Fund Balance and a small increase of 1.5 cents in the Transportation Tax in response to expected cuts in federal funding for the Transportation operating budget. He said the revenues for the Town were 45% from taxes, 37% state shared revenues, and 18% from fees, licenses, charges, etc. Mr. Taylor said the biggest item in the budget was personal services which included funds for some new positions, a 5% market pay adjustment, additional overtime for police and fire, the performance based pay plan, and longevity payments. He said the number of positions proposed was still fewer than there were in the Town in 1982. Mr. Taylor concluded by saying the Town needed to make it a goal to be totally self-sufficient from federal funds. He said with the small increase in the Transportation Tax for 1986-87 the Town was taking one of the first steps toward reducing dependency on the federal government for program operations. He said if the Town's federal subsidy was not cut then the funds received from the 1.5 cent increase in the Transportation Tax would be placed in a reserve fund.

Affordable Housing Program

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-4-28/R-3.1

Pat Evans, representing the Planning Board, endorsed the project, but spoke against using the land between McCauley Street and Merritt Mill Road feeling this land should be left available for Thoroughfare plan improvements.

Council Member Smith stated that the Council had decided not to use the land between McCauley St. and Merritt Mill Road as part of the Thoroughfare plan and that this issue should be put to rest. Manager Taylor replied that as far as the staff was concerned the issue was at rest.

Council Member Howes expressed disappointment with the Planning Board in their recommendation.

Council Member Pasquini stated he hoped there would be public hearings early in the Request for Proposal process so that public opinion could be heard.

Council Member Andresen stated again her concern that this proposal might become too much for the Town staff to administer.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO IMPLEMENT A HOMEOWNERSHIP DEMONSTRATION PROGRAM (86-4-28/R-3.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to implement a homeownership demonstration program as generally described in the Manager's reports to Council of March 24 and April 28, 1986, including preparation of a Request for Proposal to develop two housing sites on Legion Road and McCauley Street.

This the 28th day of April, 1986.

Housing Loan Trust Fund

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-4-28/R-3.2 THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REFERRING PROPOSED CHANGES IN THE HOUSING LOAN TRUST FUND TO ADVISORY BOARDS (86-4-28/R-3.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby refers proposed changes in the Housing Loan Trust Fund to the Planning Board, Human Services Advisory Board, and Housing Authority Board of Commissioners for their review and comment at the June 9 Council meeting.

This the 28th day of April, 1986.

Community Development Plan

Pat Evans, representing the Planning Board, said the Board had voted 6-1 in favor of recommending adoption.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-4-28/R-4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF A FINAL STATEMENT FOR A 1986 COMMUNITY DEVELOPMENT ENTITLEMENT GRANT 86-4-28/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to submit the Final Statement for the Community Development Program, as described in the Manager's memorandum to the Council dated April 28, 1986, to the U. S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein, for an estimated grant of \$243,000 in Community Development Entitlement funds.

BE IT FURTHER RESOLVED that the Manager is hereby directed and designated as the authorized representative of the Town to act in connection with submission of the Final Statement and to provide such additional information as may be required.

This the 28th day of April, 1986.

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Transportation Improvement Program

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 86-4-28/R-5C.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO AMEND THE MOTION TO CHANGE SECTION C, FEDERAL-AID URBAN FUNDING, TO HAVE ITEM #2 COME AFTER ITEM #4. THE MOTION PASSED UNANIMOUSLY, (8-0).

Council Member Pasquini asked Mr. Taylor about the status of the proposed traffic signal at the intersection of Airport and Piney Mountain Roads. Manager Taylor responded that the funds for the signal had been received from the developer of the Misty Woods project and NCDOT would install the signal. He said DOT wished to have Municipal Drive redesigned to intersect with Airport Road across from Piney Mountain Road.

Lightning Brown, speaking as a resident, asked the Council to consider removing the proposed Pittsboro Street extension from the priority needs list. He commented that during the election the candidates had supported this proposal.

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

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (86-4-28/R-5c)

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

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

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

A. Federal-Aid Primary Funding

1. Widen US 15-501 from US 15-501 Bypass to the Chatham County line to a median-divided four lane cross-section;
2. Improve US 15-501 intersection with Sage Road and Scarlett Drive;
3. Improve and extend frontage roads along US 15-501 from Franklin Street to the I-40 interchange;
4. Widen and improve US 15-501 from Franklin Street to the I-40 interchange.

B. Federal-Aid Secondary Funding

1. Widen NC 86 from Homestead Road to the I-40 interchange to a 5-lane urban cross-section;
2. Build the missing section of the Weaver Dairy Road alignment from Weaver Dairy Road (SR 1733) to Erwin Road (SR1734);
3. Build Laurel Hill Parkway from US 15-501 to NC 54 along new alignment;
4. Widen and improve Mt. Carmel Church Road SR 1008) from US 15-501 to the Chatham County line;
5. Widen Old Durham-Chapel Hill Road from Scarlett Drive to the Durham County line.

C. Federal-Aid Urban Funding

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

D. Transportation System Maintenance

1. Purchase and install improved traffic signal system.
2. Improve Estes/Airport Road intersection.
3. Improve Estes/Franklin intersection.
4. Improve Piney Mountain Road/Airport Road intersection.

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

1. Widening the US 15-501/NC 54 Bypass from the existing 2 lanes to at least 4 lanes;
2. Widening S. Columbia Street from Mt. Carmel Church Road to Manning Drive from the existing 2-lane section to a 4-lane curb and gutter section;
3. Widening Merritt Mill Road (SR 1927) from Cameron Avenue to S. Greensboro Street (SR 1919) to a 41-foot cross-section;
4. Replacement of the Morgan Creek Bridge at US 15-501 with a new bridge; and
5. Bicycle improvements along Estes Drive between Airport Road (NC 86) and the Carrboro town limits; and
6. Train gates on Cameron Avenue.

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

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

This the 28th day of April, 1986.

Public Transportation for Triangle Area

Dr. Gorman Gilbert said that NCDOT was doing a study composed of a team of researchers of the transportation needs for the Triangle area. He said this study would provide information on transportation trends and projections for the area, study options for public transportation (including express bus service, light rail & commuter lanes), and organizational options for a regional transportation structure.

Council Member Howes commented that he felt Triangle J Council of Governments (COG) should have been involved with the project from its inception since they were involved in these kinds of projects and felt NCDOT had slighted the COG with regard to the organization of this study.

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Dr. Gilbert said he would come back before the Council to share the results of the study.

Annexation

Manager Taylor asked Greg Feller, his assistant, to give the presentation on the areas recommended for annexation.

Greg Feller gave a presentation on the areas recommended for intent to annex. He said the staff had grouped the areas into 3 larger areas and labeled them Area A, B, & C. He pointed out on a map the locations of each area. Area A included an area south of I-40, east of N.C. 86, north of Weaver Dairy Road, and west of Carol Woods and Coventry Townhouses; an area south of Weaver Dairy Road, east of N.C. 86, north of Westminster Drive, and west of the Timberlyne Shopping Center property; and an area south of Weaver Dairy Road between the Cedar Hills and Timberlyne subdivisions. Area B included portions of Erwin, Sage and Weaver Dairy Roads; the Kirkwood, McGregor Place and Greenfields developments; Heusner tract and houses along Dobbins Road. Area C included areas generally west of the present Town limits from Eastowne office park south to Ephesus Church Road, including parts of Eastowne, Lakeview Drive, Colony Lake development, Forsyth subdivision, and Colony Woods East subdivision, and areas west of Pope Road in Durham County, and some small areas east of Pope Road. He said the areas meet the qualifications State law required as necessary for Town-initiated annexation and that the staff recommended a June 23 hearing date.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 86-4-28/R-6.1

Council Member Smith asked if the Manager's Recommended Budget included adequate funds and personnel to take care of providing services to any annexed area. Manager Taylor replied that the annexation report included a list of additional services needed and serve thereas, the amount of funds necessary to provide such services and expected revenues from annexing the areas proposed. He said he wanted to keep the budget separate from the annexation issue, and that additional funds, personnel, and equipment would be requested by amending the budget after its adoption, if the areas were annexed.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION STATING THE INTENT OF THE TOWN OF CHAPEL HILL TO CONSIDER ANNEXING THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION (86-4-28/R-6.1)

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

Section 1. That it is the intent of the Town Council of the Town of Chapel Hill to consider annexing the following described territory pursuant to Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

BEGINNING at a point on the present Town limits on the east margin of the N.C. 86 right-of-way at the northwest corner of Westminster Drive (also known as Cardinal Street), which point is the southeast corner of lot 26 of Chapel Hill Township Tax Map 24; running thence in a westerly direction across the right-of-way of N.C. Highway 86 for a distance of approximately 60 feet to a point on the west margin of N.C. 86; running thence along the west margin of N.C. 86 for a distance of approximately 735 feet to a point which is the southeast corner of lot 13A of Chapel Hill Township Tax Map 18 (the Town's Fire Station property), and which point is on the present Town limits; running thence with the present Town limits for a distance of approximately 315 feet along the west margin of N.C. 86 to the northeast corner of said lot 13A at the intersection of N.C. 86 and Weaver Dairy Road (SR 1733); running thence in an easterly direction across N.C. 86 for a distance of approximately 60 feet to the northeast corner of the right-of-way at the N.C. 86 Weaver Dairy

Road intersection; running thence along the east margin of N.C. 86 for a distance approximately 1,800 feet, which N.C. 86 right-of-way abuts lots 10 and 3A of Chapel Hill Township Tax Map 17; and which N.C. 86 right-of-way extends to the southeast corner of the intersection of the N.C. 86 and Interstate-40 rights-of-way; thence following the southern margin of the I-40 right-of-way in an easterly direction approximately 5,600 feet, which I-40 right-of-way is adjacent to lots 3A and 15 of Chapel Hill Township Tax Map 17; and which I-40 right-of-way line extends to the present corporate limits at the northwest corner of lot 16 of Chapel Hill Township Tax Map 17 (the Carol Woods residential development); thence following the present corporate limits (for the remainder of this description of the boundary of the proposed annexation area) along the west boundary of the said lot 16 (Carol Woods) in a southerly direction for a distance of approximately 911 feet; thence in a westerly direction for a distance of approximately 129 feet to a point; thence in a southwesterly direction for a distance of approximately 70 feet to a point at the northeast corner of lot 2A of Chapel Hill Township Tax Map 25 (the Coventry residential development); thence in a westerly direction along the northern boundary of said lot 2A for a distance of approximately 341 feet to the northwest corner of said lot 2A; thence in a southerly direction along the west side of said lot 2A and the west side of lots 1 through 4 of block C, Chapel Hill Township Tax Map 25E and the west side of lot 5 of block B, Chapel Hill Township Tax Map 25E for a distance of approximately 666 feet to the southwest corner of the said lot 5, which corner is the southwest corner of the Coventry development; thence along the north margin of the Weaver Dairy Road right-of-way in an easterly direction for a distance of approximately 465 feet to the southeast corner of lot 6 of block A, Chapel Hill Township Tax Map 25E; thence in a southerly direction across the right-of-way of Weaver Dairy Road for a distance of approximately 60 feet to a point at the present corporate limits and the northeast corner of lot 2C of Chapel Hill Township Tax Map 25; thence in a southerly direction along the east side of lots 2 and 2c of Chapel Hill Township Tax Map 25 for a distance of approximately 913 feet to a point which is a corner in the west boundary of lot 1, Block A, of Chapel Hill Township Tax Map 25C; thence in a southwesterly direction a distance of approximately 1110 feet along the southeast boundary of lots 2 and 1B of Chapel Hill Township Tax Map 25; thence in a northerly direction along the west boundary of the said lot 1B for a distance of approximately 735 feet to a point at the northeast corner of lot 40, block D of Chapel Hill Township Tax Map 24G, thence in a westerly direction along the north boundary of the said lot 40 and lot 41 of the same block and map for a distance of approximately 260 feet; thence in a northwesterly direction for a distance of approximately 122 feet along the northeast boundaries of lots 42 and 42A of block D, Chapel Hill Township Tax Map 24G to the northeast corner of the said lot 42A; thence along the west boundary of lots 29A and 29 of Chapel Hill Township Tax Map 24 for a distance of approximately 843 feet to the northwest corner of said lot 29; thence in a northerly direction with the west property line of said lot 29 for a distance of approximately one foot to a point; thence in a westerly direction parallel to the southern margin of the Weaver Dairy Road right-of-way for a distance of approximately 391 feet to a point approximately 1 foot north of the northwest corner of lot 11 of block C, Chapel Hill Township Tax Map 24G, which point is in the centerline of a Duke Power Company easement; thence in a southerly direction for a distance of approximately one foot to the southern margin of the Weaver Dairy Road right-of-way; thence with the southern margin of the Weaver Dairy Road right-of-way in a westerly direction for a distance of approximately 2,451 feet to a point; thence in a southerly direction for a distance of approximately 517 feet to a point, thence in a southerly direction for a distance of approximately 387 feet to a point on the northern margin of the right-of-way of Westminster Drive (also known as Cardinal Street); thence in a westerly direction along the northern margin of Westminster Drive for a distance of approximately 420 feet to a point on the east margin of N.C. 86, which point is the point of BEGINNING.

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Section 2. That a public hearing on the question of annexing the above-described territory will be held in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 (just north of the fire headquarters station at Airport Road and N. Columbia Street) at 7:30 o'clock, p.m., on the 23rd day of June, 1986, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the Town of Chapel Hill will be given an opportunity to be heard.

Section 3. That a report of plans for extending services to the above-described territory be made available for public inspection at the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

Section 4. That a legible map of the area to be annexed and a list of persons holding freehold interests in property in the area to be annexed who have been identified be posted in the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

Section 5. That notice of said public hearing shall be given by publication and first class mail, as required by G.S. 160A-49.

This the 28th day of April, 1986.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-4-28/R-6.2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION STATING THE INTENT OF THE TOWN OF CHAPEL HILL TO CONSIDER ANNEXING THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION (86-4-28/R-6.2)

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

Section 1. That it is the intent of the Town Council of the Town of Chapel Hill to consider annexing the following described territory pursuant to Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

BEGINNING at a point on the present Town Corporate Limits line, the western right-of-way of Weaver Dairy Road, said point being located approximately 400 ft. northwest of the western right-of-way of Erwin Road (Mt. Moriah Church Road); running thence along the present Town Corporate Limits in a northwesterly direction approximately 250 ft. to point #155 according to the survey "Corporate Limits, Town of Chapel Hill," by Ballentine-Ayers, dated January 17, 1979; thence along the present Corporate Limits the following bearings and distances: N 89-53 W 219.12 ft., S 53-40 W 634.08 ft., S 01-37 E 478.00 ft., S 02-53 E 474.00 ft., S 01-07 W 200.00 ft., S 53-40 E 492.47 ft., S 18-57 E 1327.31 ft. to a point 1 ft. north of the northern right-of-way of U.S. Route 15-501; thence parallel to and one foot north of the northern right-of-way of U.S. 15-501 approximately 600 ft. to a point 1 ft. west of the western right-of-way of Erwin Road (Mt. Moriah Church Road); thence in a northerly direction parallel to and 1 ft. west of the western right-of-way of Erwin Road (Mt. Moriah Church Road) approximately 700 ft. to a point of intersection with the extended northern property line of Orange County, Chapel Hill Township Tax Map 27, Block B, Lot 16; thence in an easterly direction along the northern property line Lot 16 approximately 590 ft. to the northeast corner of Lot 16; thence in a southerly direction along the eastern property line Lot 16 approximately 440 ft. to a point 1 ft. north of the northern right-of-way of U.S. 15-501; thence in a northeasterly direction parallel to and 1 ft. north of the northern right-of-way of U.S. 15-501 approxi-

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mately 1200 ft. to a point on the western property line of Tax Map Lot 27A-A-2A; thence in a northwesterly direction along the western property line of Tax Map Lots 27A-A-2A and 2 approximately 325 ft. to the northwest corner of Lot 2; thence in an easterly direction along the northern property line of Lot 2 approximately 259 ft. to a point 1 ft. west of the western right-of-way of Henderson Street (Sage Road); thence in a northwesterly direction parallel to and 1 ft. west of the western right-of-way of Henderson Street (Sage Road) approximately 300 ft. to a point; thence across Henderson St. (Sage Road) approximately 31 ft. to a point on the eastern right-of-way of Henderson St. (Sage Road), the southeast corner of the plat of property of Summey Building Systems, Inc., dated March 1984; thence along a new Town Corporate Limits line as follows: running N 23-53-20 W 242.34 ft. to a point; thence N 04-01-43 E 1525.00 ft. to an iron pin; thence N 67-27-15 W 710.37 ft. to an iron pin on the eastern right-of-way of Erwin Road (Mt. Moriah Church Road); thence in a southwesterly direction along the eastern right-of-way of Erwin Road (Mt. Moriah Church Road) approximately 1500 ft. to a point; thence in a northwesterly direction across Erwin Road (Mt. Moriah Church Road) and along the western right-of-way of Weaver Dairy Road approximately 500 ft. to the point or place of BEGINNING.

Section 2. That a public hearing on the question of annexing the above described territory will be held in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 (just north of the fire headquarters station at Airport Road and N. Columbia Street) at 7:30 o'clock, p.m., on the 23rd day of June, 1986, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the Town of Chapel Hill will be given an opportunity to be heard.

Section 3. That a report of plans for extending services to the above described territory be made available for public inspection at the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

Section 4. That a legible map of the area to be annexed and a list of persons holding freehold interests in property in the area to be annexed who have been identified be posted in the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

Section 5. That notice of said public hearing shall be given by publication and first class mail, as required by G.S. 160A-49.

This the 28th day of April, 1986.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 86-4-28/R-6.3. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION STATING THE INTENT OF THE TOWN OF CHAPEL HILL TO CONSIDER ANNEXING THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF PUBLIC HEARING ON THE QUESTION OF ANNEXATION (86-4-28/R-6.3)

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

Section 1. That it is the intent of the Town Council of the Town of Chapel Hill to consider annexation of the following described territory pursuant to Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

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BEGINNING at an iron pin on the northern right-of-way of Ephesus Church Road, the southeast corner of Colony Woods Subdivision, Section Three, Phase Six; running thence along existing Town Corporate Limits and along the eastern property line of Colony Woods Subdivision N 05-15-22 E 2923.89 ft. to an iron pin, the northeast corner of Colony Woods Subdivision, Section Three, Phase Five; thence along the northern property line of said subdivision N 86-18-45 W 913.44 ft. to an iron pin, the northwest corner of Colony Woods Subdivision, Section Three, Phase Five; thence along the western property line of said subdivision S 07-19-20 W 558.10 ft. to an iron pin, the southwest corner of Lot 17, Colony Woods Subdivision, Section Three, Phase Five; thence along the northern property line of Colony Woods Subdivision, Section Three, Phases One and Two, and Section Two, N 83-01-00 W approximately 2220 ft. to the southwest corner of Forsyth Subdivision; thence in a northwesterly direction along the western property line of Forsyth Subdivision approximately 1540 ft. to a point on the southern right-of-way of Legion Road, the northwest corner of Forsyth Subdivision; thence along the southern right-of-way of Legion Road N 60-04-20 E 624.60 ft. to a concrete monument at the western right-of-way of Standish Drive; thence continuing with the southern right-of-way of Legion Road N 52-42-36 E 65.91 ft. to the eastern right-of-way of Standish Drive; thence along the eastern right-of-way of Standish Drive S 39-07-56 E 156.24 ft. to a point; thence N 52-40-21 E 98.89 ft. along the southern property line of a private cemetery to an iron pin, the northeast corner of Colony Lake Subdivision; thence along the common property line between Colony Lake Subdivision and University Heights Subdivision the following bearings and distances: S 39-47-33 E 293.98 ft., S 38-44-48 E 401.47 ft., S 38-53-16 E 262.15 ft., N 89-48-12 E 120.51 ft. to an iron pin; thence in a northerly direction approximately 380 ft. to a point on the southern right-of-way of Vance Street; thence S 79-27-09 E 26.99 ft. to the southeast corner of the Vance Street right-of-way; thence N 18-39-17 E 11.03 ft., S 71-58-37 E 200.05 ft., N 18-06-06 E 300.50 ft. to an iron pin, the northeast corner of Orange County Tax Map Lot 7-27A-F-1; thence in an easterly direction approximately 93 ft. along present Town Corporate Limits to a point; thence in a northerly direction along present Town Corporate Limits approximately 405 ft. to an iron pin, the southeast corner of Orange County Tax Map Lot 7-27A-D-6; thence S 89-39-32 E 170.45 ft. to an iron pin on the eastern right-of-way of Standish Drive; thence along the eastern right-of-way of Standish Drive and along present Town Corporate Limits N 01-31-35 E approximately 583 ft. to a point 1 ft. south of the southern right-of-way of Old Durham Road; thence in an easterly direction parallel to and 1 ft. south of the southern right-of-way of Old Durham Road approximately 1600 ft. to point #188 according to the survey "Corporate Limits, Town of Chapel Hill," by Ballentine-Ayers, dated January 17, 1979; thence along the present Corporate Limits the following bearings and distances: N 08-07 W 522.50 ft., N 71-46 W 300.49 ft., N 61-20 W 80.95 ft., N 09-39 E 601.29 ft., N 80-21 W 204.30 ft., N 09-39 E 95.00 ft., N 35-46 W 261.20 ft., S 61-03 W 85.00 ft., N 59-54 W 725.25 ft., N 07-45-30 W 205.12 ft., S 61-03 W 137.85 ft. to a point on the northern right-of-way of Eastowne Drive; thence along a new Corporate Limit line as follows: running along the northern right-of-way of Eastowne Drive approximately 400 ft. to the northwest intersection of Eastowne Drive and Providence Road; thence along the western right-of-way of Providence Road approximately 170 ft. to the southeast corner of Lot 1 of Eastowne Hills Subdivision Plat dated March 1981; thence along the southern property line of Lot 1 S 61-34-40 W 90.66 ft., N 70-00-00 W 340.00 ft. to the southwest corner of Lot 1; thence along the back property lines of Lots 1 through 9 of said plat the following bearings and distances: N 10-00-00 E 60.00 ft., N 28-00-00 E 100.00 ft., N 12-00-00 E 413.47 ft., S 77-11-28 E 10.00 ft., N 64-19-00 E 260.62 ft., S 02-15-32 W 85.00 ft., N 60-00-00 E 875.00 ft., S 80-31-00 E 287.08 ft., S 63-00-00 E 240.00 ft. to the northeast corner of Eastowne Hills Subdivision; thence in a southeasterly direction approximately 50 ft. to the southern right-of-way of Interstate 40; thence in a southeasterly direction approximately 1600 ft. along the southern right-of-way of Interstate 40 to a point on the northern right-of-way of U.S. Route

15-501; thence across U.S. 15-501 in a southeasterly direction approximately 2100 ft. along the southern right-of-way of Interstate 40 to the northeast corner of Durham County, Triangle Township Tax Map 478, Block 1, Lot 6; thence along the eastern property line of Lot 6 in a southerly direction approximately 280 ft. to the northern right-of-way of Chapel Hill Road; thence in a westerly direction along the northern right-of-way of Chapel Hill Road approximately 125 ft. to the southeast corner of Lot 6; thence in a southerly direction across Chapel Hill Road approximately 150 ft. to the northwest corner of Tax Map Lot 478-3-19; thence in a southerly direction along the western property line of Lot 19 approximately 140 ft. to the southwest corner of Lot 19; thence in an easterly direction along the southern property line of Lot 19 approximately 160 ft. to the western right-of-way of Pope Road; thence in a southerly direction along the western right-of-way of Pope Road approximately 1140 ft. to the southeast corner of Tax Map Lot 478-3-15; thence in a westerly direction along the southern property line of Lot 15 approximately 550 ft. to the eastern property line of Tax Map Lot 478-3-32; thence in a southerly direction along the eastern property line of Tax Map Lots 478-3-32, 33, 34, and 34A approximately 535 ft. to the northwest corner of Tax Map Lot 478-3-12; thence in an easterly direction along the northern property line of Tax Map Lots 478-3-12 and 14B approximately 202 ft. to the northeast corner of Lot 14B; thence in a southerly direction along the eastern property line of Lot 14B approximately 214 ft. to a point on the northern right-of-way of Lake Road, the southeast corner of Lot 14B; thence in an easterly direction along the northern right-of-way of Lake Road approximately 300 ft. to the western right-of-way of Pope Road; thence in a southerly direction across Lake Road and along the western right-of-way of Pope Road approximately 300 ft.; thence in an easterly direction across Pope Road 60 ft. to the northwest corner of Tax Map Lot 480-1-11; thence continuing in an easterly direction along the northern property line of Lot 11 approximately 500 ft. to the northwest corner of Tax Map Lot 480-1-11A; thence in a southerly direction along the western property line of Lot 11A approximately 200 ft. to the southwest corner of Lot 11A; thence in an easterly direction along the southern property lines of Tax Map Lots 480-1-11A and 14B approximately 880 ft. to a point in the western right-of-way of Interstate 40, the southeast corner of Tax Map Lot 480-1-14A; thence in a southerly direction along the eastern property line of Tax Map Lot 481-2-5 approximately 200 ft. to a point on the northern right-of-way of Beaumont Drive; thence in an easterly direction along the northern right-of-way of Beaumont Drive approximately 130 ft. to a point; thence in a southerly direction across Beaumont Drive along the eastern property line of Tax Map Lots 481-5-1 through 5 approximately 625 ft. to the southeast corner of Lot 5; thence in a westerly direction along the southern property line of Lot 5 approximately 201 ft. to a point on the eastern right-of-way of Randall Road; thence in a southerly direction along the eastern right-of-way of Randall Road approximately 120 ft. to the southwest corner of Tax Map Lot 481-5-6; thence in a westerly direction across Randall Road and along the southern property line of Tax Map Lots 481-4-1B through 11 approximately 1005 ft. to the southwest corner of Lot 11; thence in a northwesterly direction along the western property line of Lot 11 approximately 30 ft. to the southeast corner of Tax Map Lot 481-4-23; thence in a westerly direction along the southern property line of Lot 23 approximately 660 ft. to a point in the eastern right-of-way of Pope Road; thence in a southerly direction along the eastern right-of-way of Pope Road approximately 560 ft. to the northwest corner of Tax Map Lot 481-6-12; thence in an easterly direction along the northern property line of Lot 12 and the southern right-of-way of Davenport Road approximately 200 ft.; thence in a southerly direction along the eastern property line of Lot 12 approximately 180 ft. to a point on the northern property line of Tax Map Lot 481-6-1A; thence in an easterly direction along the northern property line of Lot 1A approximately 20 ft.; thence in a southerly direction along the eastern property line of Lot 1A approximately 155 ft.; thence in a westerly direction along the southern property line of Lot 1A approximately 220 ft. to a point on the eastern right-of-way of Pope Road; thence in a southerly direction along the eastern right-of-way of Pope Road and the western property lines of Tax Map Lots 481-6-2, 3 and 4 approximately 550 ft. to the northwest corner of Tax Map Lot 481-6-6; thence in an easterly direction along the northern

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property line of Tax Map Lots 481-6-6 and 7 approximately 310 ft. to the northeast corner of Lot 7; thence in a southwesterly direction along the eastern property line of Lot 7 approximately 372 ft. to a point on the northern right-of-way of King Road; thence in a northwesterly direction along the northern right-of-way of King Road approximately 103 ft. to the southwest corner of Lot 7; thence in a southwesterly direction 60 ft. to a point on the southern right-of-way of King Road; thence in a westerly direction along the southern right-of-way of King Road approximately 200 ft. to a point on the eastern right-of-way of Pope Road (Ephesus Church Road); thence in a southwesterly direction along the southern right-of-way of Pope Road (Ephesus Church Road) approximately 700 ft.; thence in a northerly direction 60 ft. across Pope Road (Ephesus Church Road) to the point or place of BEGINNING.

Section 2. That a public hearing on the question of annexing the above described territory will be held in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 (just north of the fire headquarters station at Airport Road and N. Columbia Street) at 7:30 o'clock, p.m., on the 23rd day of June, 1986, at which time plans for extending services to said territory will be explained and all residents and property owners in said territory and all residents of the Town of Chapel Hill, will be given an opportunity to be heard.

Section 3. That a report of plans for extending services to the above described territory be made available for public inspection at the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

Section 4. That a legible map of the area to be annexed and a list of persons holding freehold interests in property in the area to be annexed who have been identified be posted in the office of the Town Clerk at least thirty (30) days before the date of said public hearing.

Section 5. That notice of said public hearing shall be given by publication and first class mail, as required by G.S. 160A-49.

This the 28th day of April, 1986.

Council Member Howes asked what the plans were for annexing areas south and east of the town. Manager Taylor replied that the areas listed as under consideration were still under consideration but that the staff felt that those areas should be viewed individually and that the staff would be recommending annexation of other areas in the near future.

Sidewalk Priorities

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-4-28/R-7A.

Pat Evans, speaking as a resident, said this agenda item had not been reviewed by either the Planning Board or Transportation Board. She also questioned why the proposal was to put a sidewalk along Willow Drive on the opposite side from where a sidewalk currently exists.

Council Member Thorpe also wondered why the sidewalk along Willow Drive was not considered of utmost importance especially since there had been an accident on that road not too long ago. He said he felt the Town needed to put something down as a sidewalk even if it were just a gravel path.

Council Member Andresen agreed that there was a pressing need for sidewalks in Chapel Hill and that erecting gravel paths would be an improvement over the current situation for many streets.

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Council Member Smith suggested having the Manager provide an estimate of the cost of putting a gravel sidewalk on Willow Drive from Spruce Street to 15-501 and discussing the means of financing during the budget work sessions.

THE MOTION TO ADOPT RESOLUTION 86-4-28/R-7A PASSED UNANIMOUSLY, (8-0).

A RESOLUTION DESIGNATING THE PROJECT FOR USE OF 1986-87 BUDGET FUNDS FOR SIDEWALK CONSTRUCTION AND AUTHORIZING THE TOWN MANAGER TO PROCEED WITH PROJECT DEVELOPMENT (86-4-28/R-7a)

WHEREAS, the Council of the Town of Chapel Hill approved \$25,000 for sidewalk construction in the 1986-87 capital budget; and

WHEREAS, the projects listed as "first priority" in the Town's 1982 Sidewalk Plan have been reviewed; and

WHEREAS, the project which provides for the greatest public good, within the budget limitations, is the construction of sidewalk along the south side of Estes Drive from Caswell Road to a point approximately 1200 feet west;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Chapel Hill that the Town authorizes the use of the 1986-87 sidewalk funds in the amount of \$25,000 to be used for the design and construction of approximately 1200 linear feet of sidewalk along the south side of Estes Drive from Caswell Street west to the existing sidewalk.

This the 28th day of April, 1986.

Racial Equality and Opposition to Apartheid in South Africa

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-4-28/R-8.

Council Member Smith commented that the resolution exhibited the Town's feelings against apartheid and those businesses which promote apartheid whether it be directly or indirectly.

Yonnie Chapman, speaking as a citizen, spoke in support of the motion and thanked the Council and several University of North Carolina at Chapel Hill students for their efforts to discourage apartheid and to get information out to the public on the conditions in South Africa today.

Council Member Pasquini asked if the resolution would place any burden on the Town with regard to its financial operations. Manager Taylor replied that he did not feel it would place any undo burden on the Town.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION TO DECLARE THE TOWN OF CHAPEL HILL'S COMMITMENT TO RACIAL EQUALITY AND ITS OPPOSITION TO APARTHEID IN SOUTH AFRICA (86-4-28/R-8)

WHEREAS, Africans comprise 70% of the population of South Africa, but under South African law, they do not have citizenship, cannot vote, cannot buy or sell land, or live or work where they choose; and

WHEREAS, the racial separation or "apartheid" policy of the Republic of South Africa is morally repugnant; and

WHEREAS, the Chapel Hill Town Council is committed to racial justice and opposed to apartheid in South Africa;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, as follows:

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Section 1. Definitions

- A. The Town of Chapel Hill shall mean the municipal corporation chartered by the State of North Carolina, known as the Town of Chapel Hill, its agents or departments.
- B. "Public funds" shall mean all monies, grants and funds received by the Town of Chapel Hill from any source whatsoever or managed by the Town of Chapel Hill, its agents or departments, or received or managed by any entity which receives all its funds from or through the Town of Chapel Hill. This definition shall not include those instruments authorizing issuance, award, sale or purchase of bonds, certificates of indebtedness, notes or other fiscal obligations of the Town.
- C. The phrase "supports a policy of apartheid" shall mean conducting business with South Africa; providing loans directly to, underwriting securities of, advertising or otherwise promoting the sale of gold on behalf of, or otherwise providing financial support to the government of the Republic of South Africa or its agencies.

Section 2. Doing Business with Banks and Financial Institutions

- A. No public funds shall be or remain deposited in any bank or financial institution which supports a policy of apartheid as defined in Section 1C hereof which has any outstanding loan, other than loans for education, housing or health facilities available to all persons on a totally nondiscriminatory basis and located in the geographic areas accessible to all populations without any legal or administrative restrictions, to the Republic of South Africa, or its agencies.
- B. No public funds shall be or remain invested in the stocks, securities, or other obligations of any bank or financial institution which supports a policy of apartheid as defined in Section 1C hereof, which has any outstanding loan, other than loans for education, housing or health facilities available to all persons on a totally nondiscriminatory basis and located in geographic areas accessible to all populations without any legal or administrative restrictions, to the Republic of South Africa, or its agencies.
- C. Any public funds deposited or invested in a bank or financial institution described in subsections (A) or (B) of this section on the effective date of this resolution shall be withdrawn or divested in accordance with subdivision E of this section.
- D. All banks or financial institutions wishing to do business with the Town of Chapel Hill shall file with the Town Clerk a certificate signed by the President or other duly authorized officer of the bank stating that its board of directors has established and will adhere to a policy of hiring and promoting employees and officers without regard to race, color, creed, religious affiliation, sex, or national origin and that it does not support, either directly or through subsidiary or agent, a policy of apartheid as defined in section 1C. The Town Clerk shall make available for public inspection all certificates filed by banks and financial institutions in accordance with subsection (D) of this section.
- E. When the Director of Finance determines that public funds must be withdrawn or divested from a bank or financial institution because of noncompliance with the provisions of this Resolution, the Director of Finance shall advise the bank or financial institution in writing that the withdrawal or divestiture of public funds is required by the provisions of this resolution and shall accomplish such withdrawal or divestment within six (6) months after such notice if the bank or financial institution has not brought itself into compliance.

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F. No public funds shall be deposited or invested with banks or financial institutions which fail to submit the certificate required by subsection (D) of this section.

G. The Director of Finance may do business with a bank or institution which does not meet the criteria set forth in subsections (A) and (B) upon determination by the Town Council that doing business with such a bank or financial institution is necessary to obtain essential services which are not reasonably obtainable from another bank or financial institution.

Section 3. Prohibition of Purchases Originating in South Africa

Except as required by law, no Town agency or department shall purchase any finished or refinished agricultural or industrial products which originate in the Republic of South Africa unless the Purchasing Agent certifies to the Director of Finance that the purchase is necessary and there is no reasonable or lawful alternative to the purchase of that product.

Section 4. Award of Contracts

A. Except as required by law, no Town agency or department shall contract for goods or services with any company or person which supports a policy of apartheid as defined in section 1C hereof.

Section 5. Divestiture from North Carolina State Retirement System

The Chapel Hill Town Council requests the North Carolina State Treasurer to divest from the local government employees retirement fund all Town monies held in the Fund invested in:

- A. Any foreign or United States company or any subsidiary or affiliate thereof which supports a policy of apartheid; or
- B. Any bank or financial institution which makes loans to the Republic of South Africa or a government enterprise thereof except for those nondiscriminatory loans for education, housing or health facilities, or other loans deemed by the Trustees of the Retirement Funds to directly support apartheid, subject to and in accordance with the provisions hereinafter set forth.
- C. The Town Council recognizes that the contents of this section are merely of an advisory nature and not binding on the State Treasurer.

Foreign and United States companies and subsidiaries and affiliates hereof covered by subsection (A) shall be identified by reference to the most recent annual report of the American Consulate General of Johannesburg entitled, "American Firms, Subdivisions and Affiliates - South Africa," or by other procedures satisfactory to the Chapel Hill Town Council.

Banks or financial institutions covered by subsection (B) shall be identified from the records of the Interfaith Center on Corporation Responsibility, from affidavits of such institutions, or by other procedures satisfactory to the Trustees of the Retirement Fund.

This the 28th day of April, 1986.

Partnership between Federal, State and Local Governments

Council Member Howes commented that with the expected federal budget cuts there needed to be a reaffirmation of the need for a continuing partnership between the Federal, State and Local governments. He said the Federal government was planning to cut funds but at the same time were maintaining expectations of the same goals and services to be provided.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-4-28/R-9.

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Council Member Werner asked how the priorities within the resolution had been set. Council Member Howes said the resolution had been developed by the League of Municipalities and represented the goals/priorities expressed by their members.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

THE NEED FOR A CONTINUING PARTNERSHIP OF FEDERAL, STATE AND LOCAL GOVERNMENTS (86-4-28/R-9)

WHEREAS, over the past 50 years, a partnership has evolved among federal, state and local governments as the most effective mechanism for financing and implementing national policies at the local level; and this concept of cooperative federalism has been fundamental to the system of American government over this time; and

WHEREAS, the federal government is now facing substantial deficit problems, local government officials support the need to reduce the federal deficit, and even though local government programs have been reduced disproportionately over the last five years, local officials remain willing to bear additional fair share cuts in local assistance programs; and

WHEREAS, local government officials have no choice except to meet legal mandates such as those embodied in the Clean Water Act and face substantial local pressures to assist their citizens in meeting national objectives identified by the Congress such as safe and sanitary housing and access to the most basic of human services, which should be a basic human right of all of America's citizens; and

WHEREAS, federal and state governments have effectively preempted the most efficient tax resources, leaving local government with more regressive and less efficient tax resources; and the ability to raise taxes locally varies greatly and often does not match the need to raise revenues; and

WHEREAS, the federal government also controls the ability of local governments to raise their own revenues through the tax-exempt bond market.

NOW, THEREFORE, BE IT RESOLVED that the Town of Chapel Hill strongly supports the following principles:

1. A partnership of federal, state and local governments is the most effective means of serving citizens in an effort to meet national objectives set by the Congress.
2. In order to achieve these national objectives, at least some portion of the federal and state tax revenues should be transferred to local governments to undertake these services.
3. The federal, state and local government partnership must also extend to the ability of local governments to raise their own revenues through the issuance of tax-exempt bonds for traditional public purposes.

BE IT FURTHER RESOLVED, that North Carolina municipal governments have identified their highest priority federal assistance programs and therefore identified the most important elements (in priority order) of the federal-local partnership for municipal governments as follows:

General Revenue Sharing

Environmental Protection Agency Wastewater Facilities
Construction Grants

Community Development Block Grants

Federally Assisted Housing Programs

Urban Mass Transportation Administration Grants

Economic and Rural Development Assistance Programs

BE IT FURTHER RESOLVED, that the Town of Chapel Hill respectfully requests all elected representatives of the area including Chapel Hill to take a leadership role in maintaining and strengthening the federal-state-local partnership to achieve the principles identified above.

This the 28th day of April, 1986.

Quarterly Reports

Council Member Howes gave a report on the Triangle J Council of Governments (COG). He said the COG was in the process of electing officers for the upcoming year and discussing the Jordan Lake water allocations for the Triangle area.

Council Member Smith said the COG was also reviewing and discussing the need for affordable housing.

Council Member Werner had nothing to report from the Orange County Human Service Advisory Commission.

Council Member Preston gave a report on the Joint Orange-Chatham Community Action (JOCCA) agency. She said that JOCCA was in the final stages of developing its non-profit owned for profit business and it will be called Orange-Chatham Home Repair, Inc. and will serve as a training ground for home repair and rehabilitation services. She also said that JOCCA had opened a senior citizen facility in Siler City that had been built with 75% volunteer labor. Council Member Preston stated that JOCCA would celebrate its 20th anniversary on June 21st.

Council Member Thorpe gave a report on the Transportation Advisory Commission saying they met in March and were successful in securing the funding for the engineering work on 15-501 improvements to begin this summer.

Manager Taylor presented the staff quarterly reports and asked for comments and questions from the Council.

Manager Taylor gave a brief report on the implementation of the Rusten Associate's recommendations for the Police and Fire Departments. He reported of the 31 recommendations involving day to day operations 21 had already been implemented, 14 recommendations were to be considered as part of the budget, and 10 were in his recommended budget, and of the 4 recommendations requiring long range consideration, 1 was not recommended, 2 would be implemented later this year and 1 required further study.

Council Member Thorpe asked why the recommendation for an identification technician in the Police Department would be for a civilian and not a sworn police officer. Manager Taylor replied that the position would be highly technical in nature and the individual would not be required to be involved in any field work.

Council Member Smith commented that the emergency assistance notification process needed to be reviewed because he felt the amount of information requested by the police prior to responding to an emergency call was excessive.

Consent Agenda

The Council agreed to remove item (A), no parking on Fern Lane, from the consent agenda.

Council Member Howes asked that item (B), street resurfacing, and Council Member Smith asked that item (C), rescheduling land use plan hearing, be removed from the consent agenda.

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Fern Lane No Parking

Alice Cross, speaking as a resident of Fern Lane, spoke in support of the proposal to prohibit parking on one side of Fern Lane. She said this was especially needed since the opening of the UNC Student Activities Center. She asked about the possibility of this area being designated as a tow-away zone.

Manager Taylor replied that the area could not be legally designated as a tow-away zone unless the parking of vehicles along the road met the criteria within the ordinance for the towing of vehicles, i.e. created a hazard, hindered the safety and welfare of the citizens of the Town. He said the Town would ticket any vehicle parked in a no parking zone.

Council Member Andresen said she had talked with Chief Stone of the Police Department about the possibility of towing vehicles parked in a no parking zone. She felt the Town needed to be able to tow vehicles illegally parked, especially along Fern Lane.

Manager Taylor replied that the Town could put up signs which read "Tow-Away Zone" along with the no parking signs but that the Town would only tow under the regulations stated in the Town's ordinances.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT ORDINANCE 86-4-28/0-1. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (86-4-28/0-1)

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL:

Section I

That Section 21-27 of the Town Code or Ordinances, "No Parking as to Particular Streets," is amended by inserting the following therein, in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Fern Lane	North	Full length	

Section II

This ordinance shall be effective beginning on Monday, May 12, 1986.

Section III

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

This the 28th day of April, 1986.

Street Resurfacing Bids

Council Member Howes commented that he was glad to see this item before the Council as he had been urging the Town to resurface Hillsboro Street (which was included in the proposal to resurface) for several years.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 86-4-28/R-11. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AWARDDING A CONTRACT FOR RESURFACING OF STREETS (86-4-28/R-11)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on April 10, 1986 in accordance with G.S. 143-129 for the resurfacing of streets; and

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WHEREAS, the following bids were received, opened and publicly read on April 17, 1986:

	<u>Lee Paving Company</u>		<u>C.C. Mangum</u>		<u>REA Const. Co.</u>		<u>Hello Teer</u>		<u>B & B Paving Co.</u>	
<u>Item</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>	<u>Unit Price</u>	<u>Extended Price</u>
BASE BID										
Street Resurfacing										
a. 4200 tons - asphalt	\$30.90	\$129,780	\$34.98	\$146,916	\$41.32	\$173,544	\$33.90	\$142,380	\$44.30	\$186,060
b. 50 tons - patching	\$75.00	\$3,750	\$75.00	\$3,750	\$75.00	\$3,750	\$75.00	\$3,750	\$75.50	\$3,775
TOTAL		\$133,530		\$150,666		\$177,294		\$146,130		\$189,835
ALTERNATE I										
Utility Adjustments										
a. 75 manholes	\$100.00	\$7,500	\$175.00	\$13,125	\$200.00	\$15,000	\$150.00	\$11,250	\$151.00	\$11,325
b. 88 valve boxes	\$100.00	\$8,800	\$125.00	\$11,000	\$150.00	\$13,200	\$100.00	\$8,800	\$151.00	\$13,288
TOTAL		\$16,300		\$24,125		\$28,200		\$20,050		\$24,613
ALTERNATE II										
Surfacing Basketball Court										
65 tons - asphalt	\$35.00	\$2,275	\$45.00	\$2,925	\$41.32	\$2,685	\$62.00	\$4,030	\$50.00	\$3,250
TOTAL		\$2,275		\$2,925		\$2,685		\$4,030		\$3,250

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the April 17, 1986 Lee Paving Company Base Bid for street resurfacing in the amount of \$133,530, and Alternate II bid in the amount of \$2275 for surfacing a basketball court, and rejects all Alternate I bids; received in response to the Town's request for bids published April 10, 1986 and opened April 17, 1986 in accord with G.S. 143-129.

BE IT FURTHER RESOLVED that the Manager is authorized to execute a contract with Lee Paving Company in the amount of \$135,805 and to initiate and sign change orders that will increase the amount of street resurfacing work within the budgeted amount.

This the 28th day of April, 1986.

Land Use Plan - Rescheduling of Public Hearing

Council Member Smith said he would be unable to attend the hearing if it were held on June 19 as he would be out of town.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-4-28/R-12 WITH THE DATE OF THE HEARING TO BE JUNE 24, 1986 AND NOT JUNE 19, 1986. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

RESOLUTION CALLING A PUBLIC HEARING (86-4-28/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing be rescheduled to consider an interim Land Use Plan, this hearing to be held in the Chapel Hill High School Cultural Arts Building at 7:30 p.m. on June 24, 1986.

This the 28th day of April, 1986.

Board of Adjustment Nominations

Council Member Werner suggested delaying nominations for the current vacancy until the Council made its annual nominations for vacancies which will occur in June.

Council Member Howes said he would prefer to nominate and appoint someone to the current vacancy prior to the June 30th term expirations. He said the Board of Adjustment had requested that the Council do so. He nominated Roberta Black, Louis Dworsky, John Mason, and Helen Urquhart.

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Executive Session

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

The meeting adjourned to executive session at 10:00 p.m.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO RETURN TO OPEN SESSION. THE MOTION PASSED UNANIMOUSLY, (8-0).

The Council returned to open session at 10:32 p.m.

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

The meeting adjourned at 10:33 p.m.

Mayor James C. Wallace



Nancy J. Wells, Town Clerk