

156
MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JULY 14, 1986 7:30 P.M.

Mayor Pro-tem Bill Thorpe called the meeting to order. Council Members present were:

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

Mayor Wallace was absent, excused. Also present were Town Manager David R. Taylor, Assistant Town Manager Ron Secrist, and Town Attorney Ralph Karpinos.

Petitions

Betty Francisco, speaking as a resident, asked to speak to item #7, Morgan Bluff.

Grainger Barrett, an attorney representing the applicant, asked to speak to item #7, Morgan Bluff.

William Penn, an attorney representing the estate of Eben Merritt, asked that Mr. Merritt's widow, Ruby Merritt, be allowed to address the Council. Mrs. Merritt petitioned the Council to reconsider the land use designation proposed in the draft interim land use plan for her property along US 15-501 South across from the Watts Motel property. She commented that with the death of her husband in 1981, she was faced with a large death tax assessment based on the development potential of property they had left undeveloped. Mrs. Merritt said that the property was currently designated as commercial and had been assessed for taxes on that basis. She said the proposed change in land use for this property from commercial to low density residential would result in a tremendous financial hardship to her and her family. Mrs. Merritt requested that the Council allow the current land use plan to remain in effect for this property. (For copy of text, see Clerk's files.)

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO RECEIVE THE PETITION AND REFER IT TO THE MANAGER FOR HIS CONSIDERATION AND POSSIBLE ACTION THIS EVENING. THE MOTION PASSED UNANIMOUSLY, (8-0).

Messrs. Al West and G. Weinberg asked to speak to item #7, Morgan Bluff.

Tim Epperson asked to speak to item #15, Annexation.

Calvin Mellott asked to speak to item #9, Chapel Hill Industrial Park.

Bob Hagerman, an attorney representing the applicant, asked to speak to item #10, Glenmere Duplex Subdivision.

John Northern, an attorney representing the applicant, asked to speak to item #8, Bennett's Ridge.

Manager Taylor asked that item #15, Annexation, be moved to the end of the agenda (renumbered item #22).

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT THE MINUTES OF JUNE 24, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT THE MINUTES OF JULY 1, 1986 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

Site Plan Review

ORDINANCE 86-7-7/O-1A WAS ON THE FLOOR FOR A SECOND READING.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO AMEND THE MOTION TO READ UNDER SECTION I, "...TO READ ... OTHERWISE, PERMITTED AS A SPECIAL USE IN ALL DISTRICTS EXCEPT OI-3. IN OI-3 "P" PERMITTED AS A PRINCIPAL USE..."

Council Member Godschalk asked if the amendment would be permitted under what had been advertised for the public hearing and if the second reading of an ordinance allowed for an amendment without another reading. Attorney Karpinos replied that the amendment was within the scope of what was advertised for the public hearing and that the amendment did not change the intent of the original motion and therefore would not require another reading.

Council Member Werner asked if the amendment would exempt only the University campus property from the process or the entire OI-3 zone. Attorney Karpinos replied that the amendment would apply to the OI-3 zone.

Council Member Howes commented that he would vote in favor of the amendment but against the motion saying the amendment showed the glitches which would occur. He said the Council should have followed the Manager's recommendation to delay action on this issue until further information was available.

Council Member Godschalk asked what would be the schedule of projects if this ordinance passed. He commented that he had heard there could be a 6-9 month delay on projects before being acted upon. Roger Waldon, Planning Director, replied that there were 9 public hearings scheduled for next year, beginning in September, and that there was a limitation of 3 development items per public hearing. He said if a project were to be brought in tomorrow, the earliest it could be scheduled would be early October.

Mayor Pro-tem Thorpe agreed with Council Member Howes that the amendment points out some of the problems with the proposed ordinance. He said this amendment would exempt the University from coming before the Council for small projects but that the Council could expect to see numerous other projects taking up space on the Council's agenda.

THE AMENDMENT PASSED UNANIMOUSLY, (8-0).

THE MOTION, AS AMENDED, CARRIED, (5-3), WITH COUNCIL MEMBERS GODSCHALK, HOWES, AND THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (86-7-7/O-1A)

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 Subsection 4.3, Schedule of Use Regulations, as follows:

160
Under "KEY", change

"P" Permitted as a Principal Use

to read

"P" Permitted as a Principal Use if floor area of proposed development is less than 20,000 square feet and area of disturbed land is less than 40,000 square feet; otherwise, permitted as a Special Use in all districts except OI-3. In OI-3 "P" Permitted as a Principal Use.

SECTION II

That these amendments shall be applicable to all applications for Site Plan Review received after June 16, 1986.

SECTION III

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

This the 7th day of July, 1986. FIRST READING

This the 14th day of July, 1986. SECOND READING

Manager Taylor asked that the Council consider Ordinance 86-7-7/O-1c to allow for changes in the time limits for site plan review.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 86-7-7/O-1C. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING TIME LIMITS FOR SITE PLAN REVIEW
(86-7-7/O-1c)

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 Subsection 15.4.2, Action of the Application, by deleting the eighth paragraph:

"In the case of final action by the Planning Board or Appearance Commission, such action shall be taken within forty-five (45) days of the acceptance of an application or within such further time consented to by written notice from the applicant or by Council resolution."

and substituting the following:

"In the case of final action by the Planning Board or Appearance Commission, the Town Manager shall submit to the Planning Board or Appearance Commission a written analysis of the application and his recommendation.

If the applicant does not join in preliminary conferences with the Town Manager, the report shall be prepared within twenty-five (25) working days after the application is accepted, or within such further time consented to in writing by the applicant or by Council resolution. If the Town Manager fails to prepare a report to the Planning Board within this time limit, or extensions thereof, the application is recommended without conditions.

If the applicant participates in preliminary conferences with the Town Manager, the Manager will prepare his report to the Planning Board or Appearance Commission when further

conferences appear unnecessary. No time limits shall apply to the Manager's review when the applicant joins in preliminary conferences. However, the applicant may require the Manager to submit the application and his report to the Planning Board or Appearance Commission whenever the applicant wishes to end discussions with him. In such case, the Town Manager shall forward his report to the Planning Board or Appearance Commission at the next available regularly scheduled meeting.

The Planning Board or Appearance Commission shall take action within thirty-five (35) days of the meeting at which a complete application is accepted and Town Manager's report thereon is submitted to it or within such further time consented to in writing by the applicant or by Council resolution.

Section II

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

This the 7th day of July, 1986. FIRST READING
This the 14th day of July, 1986. SECOND READING

Height Limits

ORDINANCE 86-7-7/2D WAS ON THE FLOOR FOR A SECOND READING. THE MOTION CARRIED, (6-2), WITH COUNCIL MEMBERS HOWES AND THORPE VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (86-7-7/O-2d)

WHEREAS, the Town of Chapel Hill has experienced changing conditions in the last five years in the form of increased rates of growth leading to overcrowding of roads and other public facilities; and

WHEREAS, there exists increased public concern over these changed conditions, and with the pace and type of new development, as evidenced by public dialogue in recent municipal elections, and by the appointment of a Growth Management Task Force in 1984 to study these issues;

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

SECTION I

ADD the phrase "In the Town Center and Office/Institutional-3 zoning districts," to the beginning of the second paragraph of Subsection 5.9.11, Maximum Height.

SECTION II

INSERT a new second paragraph to Subsection 5.9.11, Maximum Height, to read as follows:

Except for in the Town Center and Office/Institutional-3 zoning districts, the height of a structure may exceed the primary height limitation established in Section 5.11, provided that for each foot the height of such structure exceeds the primary height limitation, the minimum street, solar, and interior setbacks applicable to that portion of the structure exceeding the primary height limitation shall be increased by two (2) feet (see Figure 5-3).

162

SECTION III

AMEND Figure 5-3 to label the current illustration "In the Town Center and Office/Institutional-3 zoning districts" and to add a second illustration of the revised building envelope applicable in all zoning districts except the Town Center and Office/Institutional-3 districts.

SECTION IV

That these amendments shall be applicable to all applications for Special Use Permits and Zoning Compliance Permits (other than those pursuant to an approved Special Use Permit) accepted by the Town after May 27, 1986, the date of scheduling of Public Hearing to consider these amendments.

SECTION V

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

This the 7th day of July, 1986. FIRST READING

This the 14th day of July, 1986. SECOND READING

Chapel Hill Land Use Plan

Manager Taylor said that it would be equally reasonable to designate the property across from Watts Motel property as neighborhood/commercial, particularly with regard to the Council's preferred designation of the Star Point area. He pointed out that there were very few undeveloped areas in the Chapel Hill planning jurisdiction that allowed for commercial development.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-1 WITH AN AMENDMENT TO DESIGNATE AS RETAIL/COMMERCIAL ON THE LAND USE PLAN, THE 5.9 ACRE TRACT ON THE WEST SIDE OF US 15-501 SOUTH, DIRECTLY ACROSS FROM THE EXISTING WATTS MOTEL, CURRENTLY ZONED NEIGHBORHOOD/COMMERCIAL.

Mayor Pro-tem Thorpe expressed concern about the Star Point area saying he felt the area should be designated as commercial instead of low density residential.

Council Member Godschalk suggested that the narrative accompanying the Land Use Plan could be revised to reflect the Council's intent to encourage commercial expansion and redevelopment of the area, but that the land use designation could be left as commercial and low density residential. The Council agreed to this suggestion.

Council Member Smith said the land use plan should stress that development of that area and other areas should not be allowed until further road improvements occur.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING A LAND USE PLAN (86-7-14/R-1)

WHEREAS the Town of Chapel Hill is authorized by State Enabling Legislation to prepare and adopt a Comprehensive Plan; and

WHEREAS a Land Use Plan is an integral component of the Town's Comprehensive Plan; and

WHEREAS the last revision of the Town's Land Use Plan was adopted in 1977; and

WHEREAS the Town of Chapel Hill has experienced significant changes and development since 1977 calling for revisions to the Goals and Objectives and Land Use Plan; and

WHEREAS on March 3, 1986 the Town Council adopted a new set of Goals and Objectives for the Town of Chapel Hill; and

WHEREAS the Town Council subsequently requested the Chapel Hill Planning Board to prepare a revise Land Use Plan for Chapel Hill based on those Goals and Objectives; and

WHEREAS the Chapel Hill Planning Board has prepared a revised draft Land Use Plan, which has been reviewed and discussed by the Town Council and the community at large; and

WHEREAS the atttached Land Use Plan, dated July 14, 1986, incorporates desirable revisions to the plan drafted by the Planning Board and reflects input from the citizens of Chapel Hill based on extensive public presentations of the Plan; and

WHEREAS the Plan will serve to promote the health, safety, and general welfare of this community and to provide for the orderly preservation and development of the Town consistent with the Town's Goals and Objectives;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Land Use Plan dated July 14, 1986, is hereby adotped as a component of the Town's Comprehensive Plan.

BE IT FURTHER RESOLVED that the Land Use Plan date October, 1977, which has been a component of the Comprehensive Plan, is hereby repealed.

This the 14th day of July, 1986.

Joint Land Use Plan

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-2B.

Council Member Andresen expressed concern over the Rogers Road/-Homestead Road area. She said she knew it was not in the Chapel Hill planning jurisdiction but wondered if Chapel Hill should add a statement that it would prefer that this area not be developed commercially.

Council Member Howes said this was something that the Council could discuss when it meets with Orange County and Carrboro to discuss joint planning, but that it should not be part of the joint land use plan.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

RESOLUTION RECOMMENDING ADOPTION OF A LAND USE PLAN FOR THE JOINT PLANNING AREA (86-7-14/R-2b)

WHEREAS, the Council of the Town of Chapel Hill and the Orange County Board of Commissioners have adopted a Joint Planning Agreement to establish a method of coordinated and comprehensive planning; and

WHEREAS, the Joint Planning Agreement provides for the development of a land use plan in the Joint Planning Area; and

WHEREAS, the staffs and governing bodies of both the Town of Chapel Hill and Orange County have sought public input at many points during the process of developing the plan.

BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby adopts a Land Use Plan for the Chapel Hill/Orange County Joint Planning Area, such being comprised of a set of maps and narratives contained in the document "Draft Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan," dated April, 1986.

1104
BE IT FURTHER RESOLVED that this adoption refers only to those portions of the draft Land Use Plan lying east of the line shown on Joint Planning Area maps, such line indicating the distinction between Chapel Hill's area of interest and Carrboro's area of interest, such line being part of the Joint Planning Agreement signed by Chapel Hill and Orange County.

BE IT FURTHER RESOLVED that the following specific changes be made conditions of the Town Council's approval of this plan.

Revisions to Map and Narrative:

1. In the Star Point area, along 15-501 at the Chatham County line, no expansion of the existing commercial uses should be permitted. The area that is not now developed for commercial uses should be designated "suburban residential."
2. Change all area north and east of I-40 to Rural Buffer.
3. Make the following changes in the vicinity of the I-40/NC 86 Interchange, to reflect the designations on the draft Chapel Hill Land Use Plan:
 - a. Delete all light industrial; make all areas "office," with emphasis on mixed use.
 - b. Call for public acquisition of area between landfill sites (public/private open space).
 - c. Change small triangle of O-I on south side of Eubanks Road, near railroad, to residential.
4. Change designation of area on Homestead Road, between school and railroad, and east of railroad, from urban residential to suburban residential.
5. Change designation of future landfill site to "Potential Landfill -- Pending Further Study."

BE IT FURTHER RESOLVED that the Council respectfully recommends that the Orange County Board of Commissioners adopt the Land Use Plan for the Chapel Hill/Orange County Joint Planning Area in the same form.

This the 14th day of July, 1986.

Council Member Howes commented that the adoption of the Joint Land Use Plan and the Chapel Hill Draft Interim Land Use Plan were important both for what it accomplished in designating land use for the next few years and for the amount of citizen involvement it was able to generate.

Council Member Godschalk said that the staff deserved a lot of credit for getting the work done on these two land use plans and he thanked them for their efforts.

Manager Taylor agreed saying it was important to thank the Planning staff, Planning Board, and Community Planning Task Force for a job well done.

Mayor Pro-tem Thorpe suggested that the Town might consider placing signs along undeveloped areas pointing out the land use designation and zoning.

Density Bonuses

Council Member Godschalk expressed concern over the numbers being proposed in the proposal. He said he was supportive generally, but he felt it would be better to defer this item until the staff could provide more examples and information on the income levels, bonus levels, and how this would affect Chapel Hill development.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER.

Council Member Preston also expressed concern about the number of units allowed for various zones. She said she understood the economics that make a project feasible, but felt that allowing 12 units in R-1 on only 17,000 square feet was too much.

Council Member Smith commented that the proposal was not addressing the entire spectrum of citizens who need affordable housing.

Council Member Andresen agreed that referring this item back to the Manager was a good idea. She also had concerns about the way the proposal allowed bonuses in R-4 and R-5 zones. She said she would prefer affordable housing to be single family residential dwellings.

Council Member Werner said that the information was available for the Council to consider. He said if the Council did not like the numbers, they should go ahead and change them and not send this back to the Manager.

Council Member Pasquini suggested that the Council hold a work session on all of the affordable housing issues.

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

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO HOLD A WORK SESSION ON AFFORDABLE HOUSING ITEMS BEFORE TAKING ACTION ON THE AFFORDABLE HOUSING PROPOSALS. THE MOTION PASSED UNANIMOUSLY, (8-0).

Morgan Bluff

Manager Taylor stated that the residents, applicant, and the Town staff had come to an acceptable agreement regarding the recreation space requirement for the project. He requested Resolution A be amended to reflect the agreement. The change in Resolution A was as follows: stipulation #3 would be deleted and in its place should be a statement that said "That the proposed recreation area to be dedicated be exempted from the recreation area suitability requirements of subsection 7.9.3, in accord with the provisions of Subsection 7.9.6.b, and a determination that the dedication of active recreation area would create undue hardship. That the proposed recreation area be joined in the Greenway system through a conservation easement in conjunction with the North Carolina Botanical Gardens, i.e. level one or two trails in the Task Force report."; and stipulation #4 would delete the last sentence regarding the 50' easement along the frontage of the street.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-7-14/R-3A AS AMENDED.

Council Member Werner expressed concern that the amendment was potentially waiving all access to the greenway.

Grainger Barrett, an attorney representing the applicant, replied that there was a sewer easement for access by the residents to the greenway and that public access would be via the Botanical Gardens or Town property further along US 15-501.

Council Members Andresen and Godschalk asked for a staff explanation of access to the greenway. Roger Waldon responded that generally public access to a greenway was in an area where parking could be allowed. He said this subdivision was not a proper place for such access. Attorney Karpinos stated that the State Statutes require that recreation space in subdivisions be provided for the primary benefit of the property owners and that it should be oriented toward the immediate neighborhood.

166
Therefore, all access points need not be considered in the context of Town-wide access.

Council Member Werner asked if the sewer easement would be considered a public right-of-way. Mr. Karpinos replied that it would not be considered a public right-of-way.

THE MOTION CARRIED, (6-2), WITH COUNCIL MEMBERS PASQUINI AND WERNER VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR MORGAN BLUFF SUBDIVISION (86-7-14/R-3A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the subdivision proposed by Jack Stutts on property identified as Chapel Hill Township Tax Map 70, Block D, Lot 6, if developed according to the preliminary site plan and preliminary drainage and utility plan dated May 20, 1986, the street profile dated May 19, 1986, and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That the current terminus of the Morgan Creek Road roadway and right-of-way be designed to accommodate its safe and smooth transition to its extension as a private street and that such design be coordinated with the street improvements approved as part of the Morgan Bend Subdivision.
2. That a plan and agreement ensuring the continued maintenance of the private drainage easement be approved by the Town Manager before issuance of a Zoning Compliance Permit.
3. That the proposed recreation area to be dedicated be exempted from the recreation area suitability requirements of subsection 7.9.3, in accord with the provisions of Subsection 7.9.6.b, and a determination that the dedication of active recreation area would create undue hardship. That the proposed recreation area be joined in the Greenway system through a conservation easement in conjunction with the North Carolina Botanical Gardens, i.e. level one or two trails in the Task Force report.
4. That the sanitary sewer easement proposed along the southern boundary of Lot #4 also be dedicated as a pedestrian easement for use by the owners of Lots #1 and #2 to access the proposed recreation area.
5. That the boundaries of the Resource Conservation District be shown on the final plat, and that the final plat note that development within the Resource Conservation District may be restricted.
6. That any restrictive covenants applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
7. That utility service laterals from utility lines located in streets be stubbed out to the front property line of each served lot before pavement of the streets, and that sanitary sewer laterals be capped off above ground.
8. That final street plans, grading plan, utility/lighting plan, and stormwater management plan (with hydrologic calculations) be approved by the Town Manager before issuance of a Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved as part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.

9. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit or final plat approval.
10. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
11. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for preliminary plat approval for Morgan Bluff Subdivision in accord with the plans and conditions listed above.

This the 14th day of July, 1987.

Bennett's Ridge

Roger Waldon, Planning Director, gave a presentation on the application for preliminary plat approval. He said the site was currently covered by a special Use Permit which allowed for a planned development called High Park on a 36.5 acre site, 27.6 acres south of Culbreth Road and 10.0 acres north of Culbreth Road. He said the applicant now requested that the Council revoke the Special Use Permit, while simultaneously approving a subdivision request for the southern 27.6 acres. This would leave the northern 10 acres without approval. He stated that under Section 7.2(b) of the Development Ordinance the northern 10 acres had been legally separated from the southern portion of the site by an action exempt from subdivision regulations, however the Special Use Permit still covered the entire site.

Mr. Waldon said the key features of the existing Special Use Permit were a four acre tract in the northern 10 acres between Culbreth Road and Morgan Creek intended to be given to the Town for use as a Town Park; road improvements to Culbreth Road; sidewalks along both sides of Culbreth Road. Mr. Waldon stated that the staff recommended that the conditions of the original Special Use Permit be made conditions of approval for the new proposal.

Mr. Waldon pointed out that the Resource Conservation District (RCD) overlapped much of the site. Since the application for the original Special Use Permit was received prior to notice of the pending RCD regulations being published the RCD did not affect to the original Permit. However, if the Special Use Permit were revoked and alternate development proposed, the proposed development would have to conform to RCD regulations. Mr. Waldon said that approximately 90% of the northern 10 acres of the site was within the Resource Conservation District.

Council Member Preston asked if the four acre tract for the park was within the Resource Conservation District and if the applicant had considered modifying the Special Use Permit and keeping the 10 acres part of the project. Mr. Waldon replied that the proposed park area was within the RCD and that the applicant appeared at this point not to want to modify the Special Use Permit.

John Northern, representing the applicant, Martin Development Group, said the applicant preferred the Planning Board's recommendation which did not require extensive road improvements, nor the deeding of a four acre tract for a Town Park. He said the Planning Board's recommendation more accurately reflected what the ordinance required. He said the applicant was against the Manager's recommendation because of the off-site conditions being demanded.

168
Alice Ingram, representing the Planning Board, said the Board had not discussed the stipulations in the Manager's recommendation because that information had not been available at the time the Board had reviewed the proposal.

Council Member Andresen commented that she hoped the location of the proposed roads could be changed so that they more followed the contours of the site. Mr. Northern said the applicant agreed with the desire to redesign some of the interior roads in an effort to reduce the amount of cut and fill.

Council Member Godschalk commented that this would make the grades steeper. He said the applicant's recommendation was for the Town to give up a park and road improvements it had been granted under the current Special Use Permit. He asked the applicant if they had any suggestions as to how to proceed to make the situation equitable to all concerned.

Mr. Northern replied that if the Special Use Permit were allowed to lapse, then the property would revert back to undeveloped and the conditions of the Permit would no longer apply.

Mr. Frank Martin, speaking as a member of the Martin Group, suggested that as a compromise the Group would donate the four acre tract in the northern 10 acres to the Town, but that the road improvements to Culbreth Drive not be required. He said that he was now proposing reducing the intensity of use of the property by 60% from 150 townhomes to 77 single-family units.

Manager Taylor responded that the northern 10 acres would have to eventually bear the cost of the requested road and sidewalk improvements. He said the opportunity to spread the costs was better at this point when a 77 unit development was being proposed than later when a proposal was presented for only the 10 acre tract.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-7-14/R-4B, THE MANAGER'S RECOMMENDATION.

Council Member Smith asked if the Class D street being required was a private street, and if so, he was against having private streets in areas that had the potential for annexation. He said these substandard streets would have to be rebuilt to Town standards when the area was annexed.

Council Member Preston asked how the interior street would cross the Resource Conservation District. Bruce Ballentine, engineer for the project, replied that the applicant planned to have an arched span over the water course.

Council Members Godschalk and Howes expressed concern that a compromise could not be met regarding the road improvements.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO AMEND THE MOTION TO AMEND STIPULATION #1 TO HAVE THE ROAD IMPROVEMENTS, INCLUDING THE SIDEWALK, MADE TO THAT PORTION OF CULBRETH ROAD FRONTING THE PROPOSED DEVELOPMENT.

Council Member Smith said that when the Council granted the original Special Use Permit, there were certain things they wanted when that property was developed. He felt the Council should be consistent with what had been planned.

Council Member Werner agreed, saying that the Manager's recommendation was not inconsistent with the Council's policies nor was it particularly straining to the applicant.

THE AMENDMENT FAILED, (3-5), WITH COUNCIL MEMBERS GODSCHALK, HOWES, AND THORPE VOTING IN FAVOR.

THE MOTION TO ADOPT RESOLUTION 86-7-14/R-4B CARRIED, (5-3), WITH COUNCIL MEMBERS GODSCHALK, HOWES, AND THORPE VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION REVOKING THE HIGH PARK PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT AND APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR BENNETT'S RIDGE SUBDIVISION (86-7-14/R-4B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the cluster subdivision proposed by the Martin Development Group, Inc. on property identified as Chapel Hill Township Tax Map 122, Block B, part of Lot 8, if developed according to the site plan dated June 4, 1986, the preliminary grading, storm drainage and erosion control plan dated June 6, 1986, the utility plan dated May 21, 1986, and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That the proposed improvements to Culbreth Drive include construction of a 5-foot-wide paved sidewalk on the south side of Culbreth Drive, from 15-501 to the paved entrance to Culbreth School; and include widening Culbreth Drive to a 41 foot wide roadway with curb and gutter, in a 70 wide right-of-way, along the following segment: beginning at 15-501, improving both sides to the point where Glenmere Subdivision begins; from that point, 1/2 of road improvements, on south side, along the site's frontage on Culbreth.
2. That the Class D streets be designated as private streets and that an agreement providing for their adequate maintenance be submitted as part of applications for final plan and final plat approvals and be recorded before or concurrent with recordation of the final plat.
3. That the recreation area suitability requirements of Subsection 7.9.3 be waived in accord with the provisions of Subsection 7.9.3.c) to allow the recreation area proposed along the eastern boundary of the site but outside of the proposed greenway pedestrian and non-motorized easement to count as recreation area.
4. That the 4 acre parcel labeled "Potential land to be dedicated for Town Park" on the High Park Special Use Permit site plan be deeded to the Town prior to issuance of a Zoning Compliance Permit.
5. That a Type C buffer be provided along the site's boundary with the Culbreth School property and along the site's frontage on Culbreth Drive. Any buffer easements shall be dedicated on the final plat. Any alternative buffers shall be approved by the Appearance Commission in accord with Subsection 6.12.8 of the Development Ordinance before application for final plan approval and be shown on that application's buffer planting plan. Such buffer planting plan shall include provision for, and agreements necessary to, the continued responsibility for and maintenance of buffer plantings. The approved buffer plantings shall be in place before issuance of any Certificate of Occupancy for a dwelling in the subdivision.
6. That lots 18 and 19 be combined into a single lot, that lots 41 and 42 be combined into a single lot, and that a drainage plan for lot 40 be approved by the Town Manager before issuance of a Zoning Compliance Permit.
7. That the boundaries of the Resource Conservation District be shown on the final plat and that all variances necessary for development within the Resource Conservation District be obtained before application for final plan or final plat approval.

- 170
8. That any restrictive covenants applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
 9. That utility service laterals from utility lines located in streets be stubbed out to the front property line of each served lot before pavement of the streets, and that sanitary sewer laterals be capped off above ground.
 10. That final street plans, grading plan, utility plan, storm-water management plan (with hydrologic calculations), and buffer planting plan be approved by the Town Manager before issuance of a Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved as part of this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
 11. That the final utility/lighting plan be approved by OWASA, Duke Power, Public Service Company of N.C., Southern Bell, and Village Cable before issuance of a Zoning Compliance Permit or final plat approval.
 12. That the final plat contain a note: "Development within the Resource Conservation District may be limited."
 13. That the applicant accepts and acknowledges that approval of his request for preliminary plat, with simultaneous revocation of the High Park Special Use Permit, leaves a 6 acre tract with no approvals and very limited development potential due to constraints of the Resource Conservation District.
 14. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
 15. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that, in accord with Subsection 8.6.6 of the Development Ordinance, the Council finds:

- a) that the construction authorized by the High Park Planned Development-Housing Special Use Permit has started and that the completion time stipulated for such construction has not yet expired; and
- b) that the holder of the Special Use Permit has requested its revocation in conjunction with an application for approval of a development other than that authorized by the Permit; and
- c) that the proposed subdivision, if developed in accordance with the stipulations listed above, incorporates adequate consideration of the site's already disturbed land area in its design and previous commitments made under the Special Use Permit process.

BE IT FURTHER RESOLVED that the Council hereby revokes the High Park Planned Development-Housing Special Use Permit, recorded in Record Book 489, Page 34 at the office of the Orange County Register of Deeds, and approves the application for preliminary plat approval for Bennett's Ridge Subdivision in accord with the plans and conditions listed above.

BE IT FURTHER RESOLVED that this revocation and preliminary plat approval shall become effective only after affirmative acceptance of the conditions listed above by the applicant. This revocation and preliminary plat approval shall become void if such acceptance is not received by the Town Manager by September 14, 1986.

This the 14th day of July, 1986.

This the 14th day of July, 1986.
Chapel Hill Industrial Park

Roger Waldon gave a presentation on the application for preliminary plat approval in the Joint Planning Area. He said under the Joint Planning Agreement the Town was to review applications for compliance with Orange County subdivision regulations, but with the use of urban rather than rural standards regarding streets and urban services. He said the Manager recommended approval of the subdivision subject to conditions requiring a sidewalk on Eubanks Road, improvements to Eubanks Road to Town standards and Town standards for Mill House Road.

Council Member Werner asked if there were water and sewer connections on the site. Mr. Waldon replied no, that the applicant proposed having water and sewer extended to the site by OWASA. Mr. Werner asked how the site would be served if OWASA did not extend its lines to the site. The applicant, Calvin Mellott, replied that the County had approved the site for wells and septic tanks and he did not anticipate an immediate extension of OWASA lines.

Council Member Andresen asked if the roads on the site crossed the perennial stream. Mr. Waldon replied that they did not.

Council Member Smith expressed concern over who would pay for the road improvements to the other side of Mill House Road, since the Town was recommending that one-half of the 30' roadway be improved by the applicant.

Council Member Werner expressed deep concern about granting approval to an industrial center that would use septic tanks. He expressed concern about possible well water contamination.

Mr. Mellott commented that the primary use for the site was to be for warehouse operations.

Jeffrey Hollings, speaking as a resident of Northwoods spoke against the proposal because of the possible well water contamination if the site were to use septic tanks. He said any plans should be contingent upon the availability of a water and sewer system being available. He also expressed concern over the traffic impact such a proposal would have on the neighboring residential area.

Council Member Howes asked if this project required dual approval or whether Chapel Hill just offered a recommendation to Orange County. He also pointed out that the land use was in conflict with what the Land Use Plan the Council had just adopted, even though current zoning allowed for light industrial development. Mr. Waldon replied that he believed this site to be under the area requiring dual approval.

Council Members Godschalk and Werner asked under what conditions could the Council deny the application and if the concerns expressed by the Council regarding land use and water and sewer connections could be added to Resolution C.

Town Attorney Karpinos replied that the application was for preliminary plat approval for a subdivision of land, not development of the land. He said the lack of water and sewer and the inconsistency of the site with the Land Use Plan could be added to resolution C recommending denial, but that as he read the Development Ordinance, these did not constitute qualifications necessary to deny the subdivision.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER TO THE MANAGER AND ATTORNEY. THE MOTION PASSED UNANIMOUSLY, (8-0).

Zinn Group Petition Regarding Glenmere Duplexes

172
Michael Brough, an attorney representing the Zinn Group, said the applicant had discovered when it began to build its Glenmere duplex subdivision that some of the lots as drawn did not meet the old density cap requirements. He said the developer desired to restructure the subdivision so that duplexes could be built on each lot. The staff had indicated to the applicant that the adoption of Ordinance 86-2-24/O-1a, which put into affect new density cap requirements, meant that any restructuring of lot lines meant the subdivision would have to meet the new requirements. Mr. Brough said that as the developer had been under the impression that the subdivision had been grandfathered in with the new ordinance and as such, the applicant did not think the Council meant to apply the new regulations to this subdivision. He asked that the Council adopt Resolution B which would allow the developer to redraw the lot lines in the Glenmere subdivision to allow establishment of 15,000 square feet lots for duplexes.

Council Member Godschalk asked how many lots were involved. Mr. Brough replied that two lots were involved.

Council Member Andresen asked what affect adoption of resolution B would have on other developments. Manager Taylor replied that the staff felt it would set a precedent for similar kinds of action whereby adjacent lots could be redrawn to create duplex lots.

Attorney Karpinos said that it would set a precedent in that lot lines could be changed without changing the lot of record. He commented that such an action by the Council would contradict the Council's setting of an effective date for the change in the ordinance. He pointed out that adoption of a resolution to change an ordinance was a bad precedent and encouraged the Council to adopt Resolution A.

Council Member Pasquini asked if the Council were to adopt Resolution A, how would the developer go about correcting the problem with the lot lines. Attorney Karpinos replied that they could apply for a Special Use Zoning.

Council Member Pasquini asked the developer how the shift in lot lines had occurred. Carol Ann Zinn replied that she had switched engineers in the middle of the project and that the error had been made. She pointed out that a unit was already on one of the disputed lots and that she could not wait for the Special Use Zoning process to resolve the issue. She commented that she had done this type of restructuring of lot line on other projects and never had this type of problem.

Council Member Godschalk commented that he felt the Council should deal with this issue as simply as possible. He said there were other issues more important for the Council to consider. Mr. Godschalk said with all due respect for the staff and their recommendation he felt resolution B should be adopted.

Council Member Werner agreed but was concerned about the potential for setting a precedent.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 86-7-14/R-6A. THE MOTION FAILED TO PASS, (4-4), WITH COUNCIL MEMBERS GODSCHALK, HOWES, PRESTON, AND THORPE VOTING AGAINST.

Council Member Godschalk suggested amending Resolution B to add "whereas this Council intends for this action to apply only to the adjustment of two lots mistakenly drawn in the Glenmere subdivision, and not to any other subdivision at any other time or any other place."

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-7-14/R-6B AS AMENDED. THE MOTION CARRIED,

(5-3), WITH COUNCIL MEMBERS ANDRESEN, SMITH AND WERNER VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION REGARDING APPLICATION OF ORDINANCE 86-2-24/O-1a TO GLENMERE SUBDIVISION (86-7-14/R-6B)

WHEREAS, the Council of the Town of Chapel Hill on February 24, 1986 adopted Ordinance 86-2-24/O-1a amending Section 5.8 of the Town Development Ordinance; and

WHEREAS, those amendments reduced the maximum number of dwelling units per acre in R-2 to four units per acre; and

WHEREAS, the fact that certain lots in Glenmere fail to meet the density cap standards of the Development Ordinance prior to this amendment was not contemplated at the time the ordinance was changed; and

WHEREAS, the Council finds that completion of the Glenmere development under the old density caps is consistent with the Council's intent in adopting Ordinance 86-2-24/O-1a; and

WHEREAS, this Council intends for this action to apply only to the adjustment of two lots mistakenly drawn in the Glenmere Subdivision, and not to any other subdivision at any other time or any other place.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the redrawing of lot lines in the Glenmere subdivision to allow establishment of 15,000 sq. ft. lots for duplexes does not constitute the creation of new lots subject to the greater minimum lot size with respect to this subdivision which was manifestly designed and intended as a duplex subdivision on the effective date of Ordinance 86-2-24/O1a.

This the 14th day of July, 1986

Overland Drive Right-of-Way Closing

Manager Taylor said the staff recommended denying the request to close the right-of-way.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-7-14/R-7B TO CLOSE THE RIGHT-OF-WAY. THE MOTION CARRIED, (7-1), WITH COUNCIL MEMBER HOWES VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION CLOSING THE OVERLAND DRIVE RIGHT-OF-WAY EAST OF COLONY WOODS DRIVE (86-7-14/R-7B)

WHEREAS, the present right-of-way is presently unnecessary for access to the properties abutting it; and

WHEREAS, the Council on May 12, 1986 adopted a resolution of intent to consider closing Overland Drive right-of-way east of Colony Woods Drive, and a public hearing thereon was held on June 23, 1986; and

WHEREAS, the closing of the Overland Drive right-of-way east of Colony Woods Drive would not be contrary to the public interest, and no individual owning property in the vicinity of the Overland Drive right-of-way would be deprived of reasonable means of ingress and egress to his or her property by the closing of said right-of-way;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts this order pursuant to North Carolina G.S. 160A-299 permanently closing the Overland

174
Drive right-of-way east of Colony Woods Drive for roadway purposes, subject to the reservation of a blanket utility and storm drainage easement to remain with the property for possible future needs by the Town and/or public utilities.

This the 14th day of July, 1986.

Rental Rehabilitation Status Report

Manager Taylor stated that this was a status report on the Rental Rehabilitation Program and Home Improvement Loan Program which the Council authorized the Manager to assume implementation of these programs in April. He said the staff believed the report represented good progress on implementing the programs.

Merritt Mill Road Just Compensation

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-8.1. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD RIGHT-OF-WAY (86-7-14/R-8.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Kathleen K. Buck, appraiser, and a review appraisal by Thomas Shiko, that the fair market value of the right-of-way to be acquired as part of the Town's improvements to Merritt Mill Road is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to Be Acquired</u>	<u>Area (Sq. Ft.)</u>	<u>Just Compensation</u>
47 (92-J-116)	H. E. Rayfield, Jr.	Land for ROW (includes improvements damaged) (Includes Improve-	1,532	\$10,800

BE IT FURTHER RESOLVED that the Council authorizes the Manager to acquire the property, and hereby certifies that to the best of its knowledge, the work of the appraiser Kathleen Buck, and the review appraiser, Thomas Shiko, with respect to the above property, has been performed in a competent manner in accord with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development.

This the 14th day of July, 1986.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 86-7-14/R-8.2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD RIGHT-OF-WAY (86-7-14/R-8.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Kathleen K. Buck, appraiser, and a review appraisal by Thomas Shiko, that the fair market value of the right-of-way to be acquired as part of the Town's improvements to Merritt Mill Road is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to Be Acquired</u>	<u>Area (Sq. Ft.)</u>	<u>Just Compensation</u>
25	Charles	Land for ROW	615	\$700.00

(91-H-6) Brooks, III

BE IT FURTHER RESOLVED that the Council authorizes the Manager to acquire the property, and hereby certifies that to the best of its knowledge, the work of the appraiser Kathleen Buck, and the review appraiser, Thomas Shiko, with respect to the above property, has been performed in a competent manner in accord with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development.

This the 14th day of July, 1986.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 86-7-14/R-8.3.

THE MOTION CARRIED, (6-2), WITH COUNCIL MEMBERS ANDRESEN AND PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD RIGHT-OF-WAY (86-7-14/R-8.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Kathleen K. Buck, appraiser, and a review appraisal by Thomas Shiko, that the fair market value of the right-of-way to be acquired as part of the Town's improvements to Merritt Mill Road is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to Be Acquired</u>	<u>Area (Sq. Ft.)</u>	<u>Just Compensation</u>
15, 16 (100-C-13)	Chapel Hill-Carrboro Board of Education	Land for ROW (Includes Improvements Damaged)	7,580	\$8,200.00

BE IT FURTHER RESOLVED that the Council authorizes the Manager to acquire the property, and hereby certifies that to the best of its knowledge, the work of the appraiser Kathleen Buck, and the review appraiser, Thomas Shiko, with respect to the above property, has been performed in a competent manner in accord with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development.

This the 14th day of July, 1986.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT RESOLUTION 86-7-14/R-8.4

Council Member Smith asked if Mr. Brooks was satisfied with this settlement.

Mayor Pro-tem Thorpe said he had contacted Mr. Brooks who had said he was agreeable with the settlement.

Mr. John Brooks commented that the Town said it would move his home to an agreed upon location and that he was satisfied with that.

Chris Berndt, Community Development Planner, stated that the types of assistance to which Mr. Brooks was eligible were just compensation for the property (\$44,000) and a replacement housing payment which was up to a maximum of \$15,000. She said the general idea was that Mr. Brooks would be compensated for the difference between the new situation cost and his present situation up, to a maximum of \$15,000, so that there should be no net increase in cost to Mr. Brooks. She said the staff would be working with Mr. Brooks very carefully to work out what the

176
specific numbers would be, but the general intent was that there would be no additional cost to Mr. Brooks.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD ACQUISITION, MR. JOHN BROOKS, MERRITT MILL ROAD, TAX MAP #91-G-20 (86-7-14/R-8.4)

BE IT RESOLVED by the Council of the Town of Chapel hill that it has determined on the basis of appraisals by Kathleen K. Buck and Thomas Heffner, appraisers, and a review appraisal by A.C. Robbins, that the fair market value of property to be acquired for the Merritt Mill Road improvement project is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq.Ft.)</u>	<u>Just Compensation Amount</u>
27	John Brooks	Land for ROW	545	\$ 9,900
(91-G-20)		Structure	720	\$ 29,500
		Entire Tract Land	9900	\$ 14,500

BE IT FURTHER RESOLVED that the Council hereby certifies that to the best of its knowledge, the work of the appraisers, Kathleen Buck and Thomas Heffner, and the review appraiser, A.C. Robbins, with respect to the above property, has been performed in a competent manner in accord with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development; and authorizes the Manager to acquire the property.

This the 14th day of July, 1986.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 86-7-14/R-8.5. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR MERRITT MILL ROAD RIGHT-OF-WAY (86-7-14/R-8.5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined on the basis of an appraisal by Kathleen K. Buck, a review appraisal by Thomas Shiko and a corrected appraisal by Kathleen K. Buck, that the fair market value of the right-of-way to be acquired as part of the Town's improvements to Merritt Mill Road is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest to Be Acquired</u>	<u>Area (Sq. Ft.)</u>	<u>Just Compensation</u>
18		Land for		
(90-A-1)	Theodore Parrish	ROW	1965	\$2,300.00

BE IT FURTHER RESOLVED that the Council authorizes the Manager to acquire the property, and hereby certifies that to the best of its knowledge, the work of the appraiser Kathleen Buck and the review appraiser, Thomas Shiko, with respect to the above property, has been performed in a competent manner in accord with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development.

This the 14th day of July, 1986.

University Heights

Manager Taylor said the memorandum represented the final report regarding the University Heights Sanitary Sewer Extension Project and included a budget amendment to provide necessary funds for the project construction and a resolution awarding a contract to the T. A. Loving Company.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 86-7-14/O-2.

Council Member Pasquini asked why the Town was having to pay this amount since he felt the Engineering firm Olsen & Associates had been at fault. Manager Taylor replied that the fault had not been entirely that of the Engineering firm. He said Olsen & Associates had done all of the additional design work without charge.

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

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986 (86-7-14/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

Section I

That \$45,000 from the 1/2-cent sales tax revenue held in the Capital Reserve Fund and restricted for water and sewer purposes, be hereby removed from the Capital Reserve Fund and transferred to the Capital Improvements Fund in the amount and for the purpose as follows:

University Heights Sanitary Sewer Project, \$45,000 (to connect six (6) dwelling units in University Heights to gravity sewer)

This the 14th day of July, 1986.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-9. THE MOTION CARRIED, (7-1), WITH COUNCIL MEMBER PASQUINI VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING THE BID AND AWARDED A CONTRACT FOR UNIVERSITY HEIGHTS SANITARY SEWER EXTENSION PROJECT (86-7-14/R-9)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice on May 25, 1986, and re-advertised said legal notice in accordance with G.S. 143-132 on June 15, 1986 for the University Heights Sanitary Sewer Extension Project; and

WHEREAS, the following bid has been received and opened on June 24, 1986:

T. A. Loving Company	\$42,720
----------------------	----------

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of and awards a contract to, the T. A. Loving Company in the amount of \$42,720.

This the 14th day of July, 1986.

176
Manager Taylor suggested moving item #19, Executive Session, to next on the agenda. Council agreed.

Executive Session

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND ACQUISITION OF REAL PROPERTY. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting adjourned to executive session at 10:20 p.m.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO RETURN TO REGULAR SESSION. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting came back into regular session at 10:40 p.m.

Council Member Howes commented that one of the most difficult issues the Council had dealt with had been the litigation the Town had been involved with the City of Durham over the mutual interest in annexing the property between the two municipalities. He said in an effort to work the problems out in an amicable way and way that was fair to the residents in these areas, the Town had been meeting with representatives from Durham to attempt to settle the pending lawsuit out of court and to settle we hope once and for all these jurisdictional matters in the territory roughly between N.C. 54 and U.S. 15-501. The representatives of each municipality met last week and went over the maps very carefully and came to a tentative kind of agreement which was then committed to resolution form and was adopted by the Durham City Council in their meeting this afternoon. He said an identical resolution had been put before the Chapel Hill Town Council tonight and for purposes of discussion he would like to move its adoption.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-23.

Council Member Howes said the purpose of this resolution was to, by mutual adoption by the two municipalities, to in affect ask the court to settle the lawsuit between the two cities with this agreement as part of that action taken by the court. In affect, this would work out an agreement between the two municipalities regarding their annexation plans that would extend from Cornwallis Road and the Orange County line in the north all the way down to the Jordan Lake reservoir on the south to the Chatham County line. He said if the resolution were adopted by this Council it would then be put before the court.

Council Member Preston commented that this was a momentous occasion with the two municipalities agreeing over something this important and sensitive. She said Durham had respected the Town's concern over the way the Town wanted to develop certain areas and the Town had respected the concern for Durham's tax base.

Council Member Smith asked the Manager to point out on the map where the dividing line would be between the two municipalities.

Manager Taylor said the line that would separate the two jurisdictions would be a line that generally ran along the Durham/Orange County line, starting at Cornwallis Road and then traveling south along the county line to the southern right-of-way line of Interstate-40, thence along the I-40 right-of-way line to Pope Road, then along the western right-of-way line of Pope Road to where Pope Road intersects with Ephesus Church Road, and then follows property lines (Dubose property) to where it intersects with the Corps of Engineers' property for Jordan Lake Reservoir, and then follows the Corps' property to NC 54, where it follows property lines around the developed property to Barbee Chapel Road, then south on Barbee Chapel Road to a point where it cuts across to the Corps of Engineers' property and thence south along

179

this line to Chatham County. He said the agreement was that Chapel Hill would not annex anything to the east of this line and Durham City would not annex anything to the west of this line either by petition or force.

Council Member Godschalk commended the Town's negotiating team for having done an excellent job.

THE MOTION TO ADOPT RESOLUTION 86-7-14/R-23 PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE LAWSUIT TOWN OF CHAPEL HILL v. CITY OF DURHAM 85CVS3108 (DURHAM COUNTY) AND APPROVING A LINE REPRESENTING THE LIMITS FOR FUTURE ANNEXATIONS BY THE MUNICIPALITIES OF CHAPEL HILL AND DURHAM (86-7-14/R-23)

WHEREAS, there exists a dispute between the City of Durham and Town of Chapel Hill over annexation of areas between the two municipalities; and

WHEREAS, a lawsuit, Town of Chapel Hill v. City of Durham 85CVS3108 (Durham County), was initiated challenging the validity of certain annexation actions taken by the City of Durham; and

WHEREAS, the City of Durham and Town of Chapel Hill have each taken other procedural annexation steps which conflict with immediate annexation steps and long-range annexation goals of the other; and

WHEREAS, substantial unresolved legal questions remain in the pending lawsuit; and

WHEREAS, the City of Durham and Town of Chapel Hill, through their respective governing bodies, believe it is proper and in the best interests of the municipalities, their citizens, and the urbanizing areas between the two municipalities to resolve their dispute and differences in these areas by consent and agreement rather than continuing litigation and to proceed to resolve regional concerns in a spirit of cooperation; and

WHEREAS, resolution of this conflict by consent and agreement will allow owners and purchasers of land in urbanizing areas between the two municipalities to know where to look for future urban services; and

WHEREAS, resolution of this conflict will aid long-range planning efforts of the two municipalities as the unincorporated areas urbanize or otherwise become eligible for annexation to one or both municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the settlement of the pending lawsuit between the Town of Chapel Hill and City of Durham by the execution of a Consent Judgement to include the following items:

- 1) That the line shown on the map attached hereto be established as being the line across which neither municipality
 - a) will accept or process any petition for annexation of any land; or
 - b) will initiate or process any unilateral annexation of any land; or
 - c) will take any other steps to annex any land.

It is the clear and express intent of the Town of Chapel Hill by adopting this resolution and authorizing the Consent Judgement, that the corporate limits of the Town of Chapel Hill, now located generally west and south of this line, will not cross the line to the east and north and that the corporate limits of the City of

180
Durham, now located generally east and north of this line, will not cross the line to the west and south;

- 2) That any actions taken in the past or future by either municipality to annex territory consistent with this line will not be challenged or interfered with by the other municipality.

BE IT FURTHER RESOLVED that it is the express intent of the Council of the Town of Chapel Hill that the adoption of a resolution in accordance with these terms by the Councils of Durham and Chapel Hill and settlement of the pending lawsuit in accordance with these terms shall constitute a binding agreement between the Town of Chapel Hill and City of Durham regarding future annexations by both municipalities.

BE IT FURTHER RESOLVED that the Council hereby authorizes and directs the Manager and Attorney to sign a Consent Judgment in the pending lawsuit to carry out the terms of this resolution.

BE IT FURTHER RESOLVED that this resolution by the Council of the Town of Chapel Hill is contingent upon adoption of a substantially identical resolution by the Council of the City of Durham by July 22, 1986.

This is the 14th day of July, 1986.

Annexation Ordinances Areas A, B, C

Manager Taylor said the staff recommended that the Council annex those areas previously designated as Area A and Area B. He presented a revised ordinance to annex that part of Area C that was west of Pope Road. He said this meant the Town would not annex the Devonshire subdivision or any other property east of Pope Road as agreed to in the immediately preceeding action taken by the Council.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT ORDINANCE 86-7-14/O-3.1. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (86-7-14/O-3.1)

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Council of the Town of Chapel Hill has taken into full consideration the statements presented at the public hearing held on the 23rd day of June, 1986, on the questions of this annexation; and

WHEREAS, the Council of the Town of Chapel Hill has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill;

Section 1. NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as follows: from and after midnight of the 31st day of August, 1986, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said 31st day of August, 1986, be extended to include said territory more particularly described by metes and bounds as follows:

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 of 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

182

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.

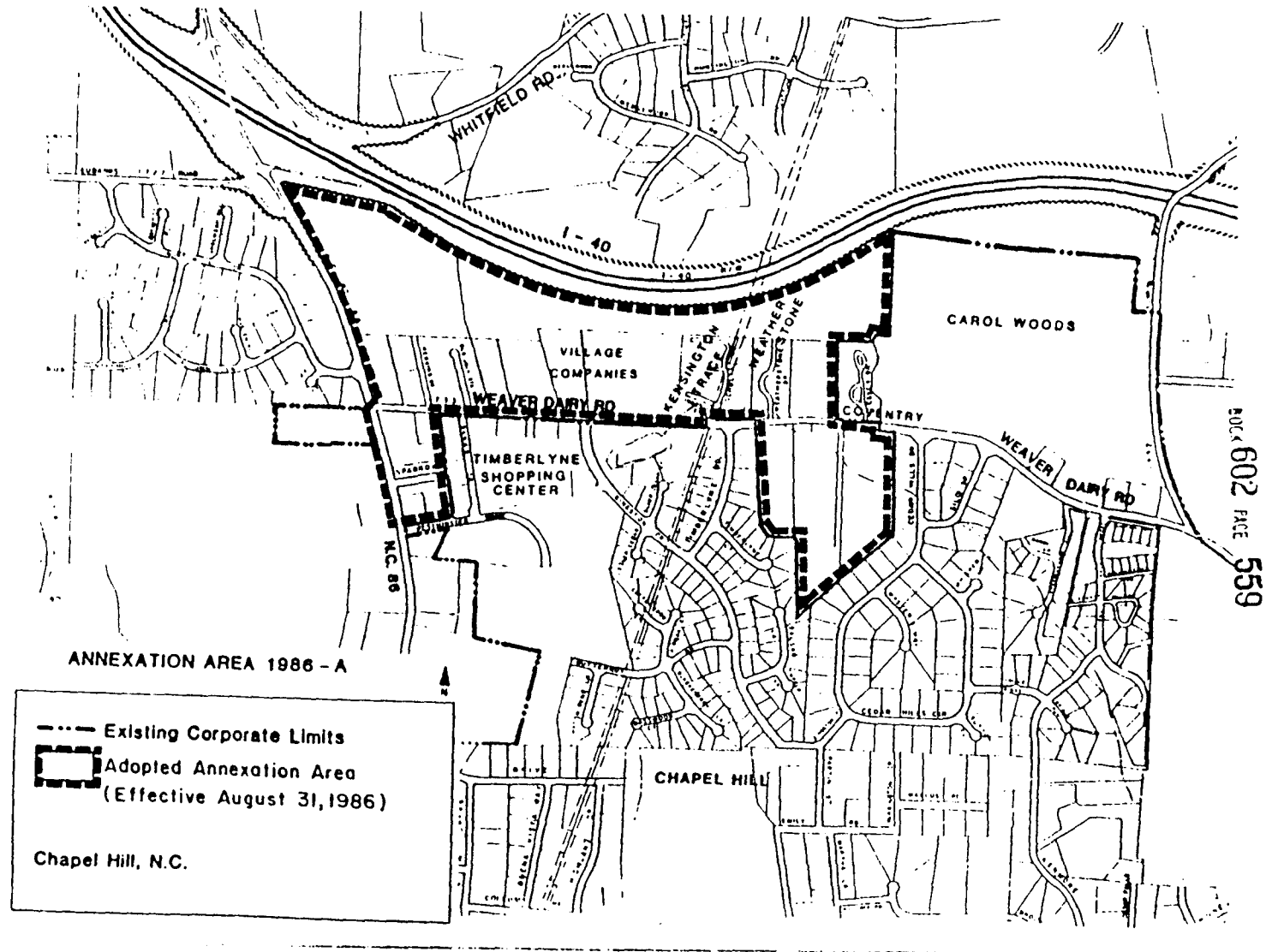
Section 2. The Council of the Town of Chapel Hill does hereby specifically find and declare that the above described territory meets the requirements of G.S. 160A-48, in that:

1. The area is contiguous to the Town of Chapel Hill.
2. Over one-eighth (12.5 percent) of the aggregate external boundary of the area under consideration coincides with the existing Town of Chapel Hill boundaries. About 57% of the annexation area boundary is contiguous with the present Town of Chapel Hill boundaries.
3. None of the area is within the boundary of an incorporated municipality.
4. The proposed boundaries of the area under consideration follow topographic features such as ridge lines, streams or creeks, wherever possible. Streets also are used as external boundaries.
5. The annexation area has a resident population of 704, and total land area of 195.56 acres, for a resident population density of 3.5 persons per acre. This density meets the criterion in G.S. 160A-48(c) (1).

Section 3. It is the purpose and intent of the Town of Chapel Hill to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Council of the Town of Chapel Hill on the 12th day of May, 1986, and filed in the office of the Clerk for public inspection.

Such services will include:

1. Refuse collection twice per week, as described in said report.
2. Maintenance and repair of any publicly-maintained streets (provided, that streets maintained by the N.C. Department of Transportation would have to be transferred to and accepted by the Town of Chapel Hill) or streets which are built or improved to Town of Chapel Hill standards for acceptance into the Town-maintained street system, and other street maintenance services as described in the report.
3. Police protection including periodic patrols, crime prevention investigation of crimes, enforcement of ordinances and statutes and other police services as described in the report.
4. Fire protection including suppression, preventive inspections, and code enforcement as described in the report.



5. Extension of water and sewer lines under financing policies of the Orange Water and Sewer Authority (OWASA), as described in the report.
6. Parks and recreation, library, housing and construction code enforcement, zoning and planning, public transportation and other services as described more fully in the report.

Section 4. The Council of the Town of Chapel Hill does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, public water trunk lines and sewer outfall lines are already extended into the annexation area, and no requests for water or sewer extensions in the annexation area have been received under G.S. 160A-47, so that no additional extensions of water or sewer lines into the area and no appropriations by the Town for such extensions are necessary under G.S. 160A-47. Property owners may have public water and sewer lines extended within the annexation area in accord with extension and financing policies of the Orange Water and Sewer Authority which apply in all of the Town of Chapel Hill.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

Section 6. The newly annexed territory described hereinabove shall be subject to Town of Chapel Hill taxes according to G.S. 160A-58.10.

Section 7. The Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Orange County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

This the 14th day of July, 1986.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 86-7-14/O-3.2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (86-7-14/O-3.2)

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Council of the Town of Chapel Hill has taken into full consideration the statements presented at the public hearing held on the 23rd day of June, 1986, on the questions of this annexation; and

WHEREAS, the Council of the Town of Chapel Hill has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill;

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

164
Section 1. From and after midnight of the 31st day of August, 1986, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said 31st day of August, 1986, be extended to include said territory more particularly described by metes and bounds as follows:

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, date 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; then 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 approximately 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. The Council of the Town of Chapel Hill does hereby specifically find and declare that the above-described territory meets the requirements of G.S. 160A-48, in that:

1. The area is contiguous to the Town of Chapel Hill.
2. Over one-eighth (12.5 percent) of the aggregate external boundary of the area under consideration coincides with the existing Town of Chapel Hill boundaries. About 66% of the annexation area boundary is contiguous with the present Town of Chapel Hill boundaries.
3. None of the area is within the boundary of an incorporated municipality.

4. The proposed boundaries of the area under consideration follow topographic features such as ridge lines, streams or creeks, wherever possible. Streets also are used as external boundaries.
5. The area as a whole is not yet developed for urban purposes; however, the portions of the area not yet developed for urban purposes constitute a necessary land connection between the present Town limits and areas developed for urban purposes within the annexation area and are contiguous to those areas on at least 60% of their external boundaries. These non-urbanized areas qualify for annexation under G.S. 160A-48(d) (2).

The Kirkwood development (as shown on the attached map) in the annexation area has 30 dwelling units with an estimated population of 75 in the 27.1 acre site for an average population density of 2.76 persons/acre. The McGregor Place development (as shown on the attached map) has 16 housing units and estimated population of 40 in the 7.8 acre site, for population density of 5.1 persons/acre. Thus these two development areas are urbanized areas under the criteria in G.S. 160A-48(c) (1).

The Greenfields development has certificates of occupancy for 104 multi-family dwelling units in the 37.9 acre site and is thus likely to meet the criteria for being developed for urban purposes in the near future as units are occupied. When all 104 units are occupied, the projected population of 260 would represent a density of 6.9 persons/acre.

The non-urbanized area excluding the McGregor Place and Kirkwood developments is contiguous on 73% of its boundary (10,675 linear ft./14,653 linear ft.) to the present Town limits and the urbanized Kirkwood and McGregor Place areas.

This non-urbanized area is a necessary land connection between the Town Limits and areas developed for urban purposes, and thus qualifies for annexation under G.S. 160A-48(d) (2).

Section 3. It is the purpose and intent of the Town of Chapel Hill to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Council of the Town of Chapel Hill on the 12th day of May, 1986, and filed in the office of the Clerk for public inspection.

Such services will include:

1. Refuse collection twice per week, as described in said report.
2. Maintenance and repair of any publicly-maintained streets (provided, that streets maintained by the N.C. Department of Transportation would have to be transferred to and accepted by the Town of Chapel Hill) or streets which are built or improved to Town of Chapel Hill standards for acceptance into the Town-maintained street system, and other street maintenance services as described in the report.
3. Police protection including periodic patrols, crime prevention, investigation of crimes, enforcement of ordinances and statutes and other police services as described in the report.
4. Fire protection including suppression, preventive inspections, and code enforcement as described in the report.

- 166
5. Extension of water and sewer lines under financing policies of the Orange Water and Sewer Authority (OWASA), as described in the report.
 6. Parks and recreation, library, housing and construction code enforcement, zoning and planning, public transportation and other services as described more fully in the report.

Section 4. The Council of the Town of Chapel Hill does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, public water trunk lines and sewer outfall lines are already extended into the annexation area and no request or petitions for extensions in the annexation area have been received under G.S. 160A-47 so that no additional extensions of water or sewer lines into the area and no appropriations by the Town for such extensions are necessary under G.S. 160A-47. Property owners may have public water and sewer lines extended within the annexation area in accord with extension and financing policies of the Orange Water and Sewer Authority which apply in all of the Town of Chapel Hill.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

Section 6. The newly annexed territory described hereinabove shall be subject to Town of Chapel Hill taxes according to G.S. 160A-58.10.

Section 7. The Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the register of deeds of Orange County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

This the 14th day of July, 1986.

Ray McNaul, speaking as a resident of Clark Lake, said he was concerned that the residents of Devonshire had not had input into the recent agreement between Chapel Hill and Durham as to which municipality would eventually annex it. He said he realized annexation of his property was inevitable but wondered just what would be his benefit in becoming part of Chapel Hill. He pointed out that the annexation plan did not include all of the property to the west of Pope Road.

Council Member Preston commented that the Council had listened to the concerns of the residents in Durham County and addressed these concerns in the land use plan and other actions the Council planned to take that evening.

Tim Epperson, speaking as a resident in the Area C annexation area, commented that the annexation by Chapel Hill would be a mixed blessing. He also wondered where was the benefit to the residents in Durham County. He pointed out that the phone system, mail system, and school system would still consider these residents as in Durham County and not in Chapel Hill.

Faye McNaul, speaking as a resident of Clark Lake, expressed concern about the water and sewer availability to the annexed area. She also urged the Council for watershed protection, air and water quality control measures, and comprehensive planning for development.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT REVISED RESOLUTION 86-7-14/O-3.3. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (86-7-14/O-3.3)

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Council of the Town of Chapel Hill has taken into full consideration the statements presented at the public hearing held on the 23rd day of June, 1986, on the questions of this annexation; and

WHEREAS, the Council of the Town of Chapel Hill has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill;

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

Section 1. From and after midnight of the 31st day of August, 1986, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said 31st day of August, 1986, be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING at a point on the present Town limits on the boundary of the Colony Woods Subdivision, which point is the northwest corner of lot 5, block 7, Durham County Triangle Township Tax Map 481, (which lot is the property of Ephesus Baptist Church) and which corner is also the southwestern most corner of lot 1 of said block 7, map 481; running thence along existing Town Corporate Limits and along the eastern property line of Colony Woods Subdivision N 05-15-22 E approximately 2,250 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 Clark Lake Road and along

the western right-of-way of Pope Road approximately 3,030 feet (including crossing Newton Drive) to the southeast corner of lot 6 of block 7, Durham County Triangle Township Tax Map 481; thence in a westerly direction approximately 699.31 feet along the northern line of lot 5 of block 7 of tax map 481 (which property is the Ephesus Baptist Church property) and which northern line of said lot 5 is also the southern lines of lots 6, 6a, 4, 3, 2, and 1 (being lots on the south side of Newton Drive) of block 7, map 481, to the Point or place of BEGINNING.

Section 2. The Council of the Town of Chapel Hill does hereby specifically find and declare that the above-described territory meets the requirements of G.S. 160A-48, in that:

1. The area is contiguous to the Town of Chapel Hill.
2. Over one-eighth (12.5 percent) of the aggregate external boundary of the area under consideration coincides with the existing Town of Chapel Hill boundaries.
3. None of the area is within the boundary of an incorporated municipality.
4. The proposed boundaries of the area under consideration follow topographic features such as ridge lines, streams or creeks, wherever possible. Streets also are used as external boundaries.
5. The area as a whole is not yet developed for urban purposes; however, the portions of the area not yet developed for urban purposes qualify under 160A-48(d)(1) or (2). The non-urbanized areas either (a) constitute a necessary land connection between the present Town limits and areas developed for urban purposes within the annexation area, and are contiguous to these areas on at least 60% of their external boundaries, or (b) they lie between the present Town limits and areas developed for urban purposes.

A 149.2 acre area primarily west of Pope Rd. (as shown on the attached map) including Clark Lake Rd., Newton Dr., and part of White Oak Dr. and Old Durham Rd., meets the definition of urbanized area under G.S. 160A-48(c)(2). This area has 74 dwelling units and estimated population of 193 for population density of 1.3 persons/acre. About 61% of the acreage in this area is in lots of 5 acres or less, and 88% of the lots are 1 acre or less in size.

A subarea in the Eastowne office park area (as shown on the attached map) consisting of lots 1 and 6 through 18 of Chapel Hill Township Tax Map 26A and lots 1 through 10 of Tax Map 26B is an urbanized area as defined in 160A-48(c)(3). In this subarea, 62.5% of the lots are used for commercial purposes and all of the remaining area is in lots of 5 acres or less. When lots 2 and 3 of Map 26A develop, they will also qualify for annexation as part of the Eastowne urbanized area under G.S. 160A-48(c)(3).

A subarea between East and West Lakeview Drives (as shown on the attached map) is also urbanized under the definition in 160A-48(c)(1) and (3). Of 8 lots in this subarea, 6 are used for residential purposes; the remaining lots are less than 5 acres in size. The subarea has 6 dwelling units and an estimated population of 14; the area has a total of 4.3 acres and population density of 3.3 persons/acre.

The non-urbanized portion of the Annexation Area "C" (excluding the Eastowne, Lakeview and 149.2-acre urbanized areas) is contiguous on 88% (24,772 linear ft./28,047 linear ft.) of its boundary with the present Town limits and perimeter of the above three urbanized areas. Thus the

non-urbanized area qualifies for annexation under G.S. 160A-48(d) (2).

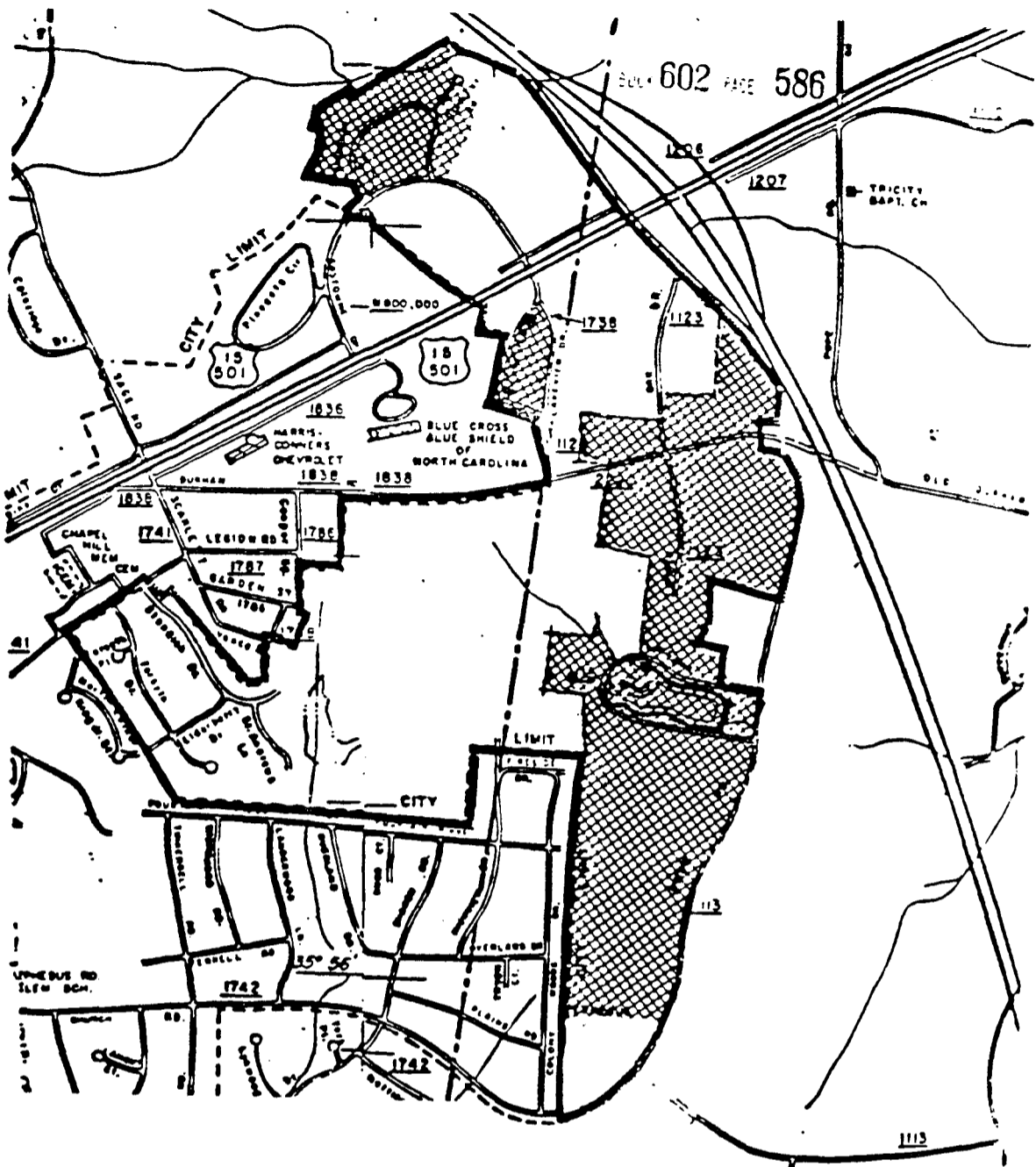
The portion of the non-urbanized area from Eastowne to the 149.2-acre and Lakeview urbanized area lies between the present Town limits and urbanized areas; the Town cannot service these two urbanized areas without extending a sewer outfall in the sparsely developed area. Thus this non-urbanized area qualifies for annexation under G.S. 160A-48(d) (1).

Section 3. It is the purpose and intent of the Town of Chapel Hill to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Council of the Town of Chapel Hill on the 12th day of May, 1986, and filed in the office of the Clerk for public inspection.

Such services will include:

1. Refuse collection twice per week, as described in said report.
2. Maintenance and repair of any publicly-maintained streets (provided, that streets maintained by the N.C. Department of Transportation would have to be transferred to and accepted by the Town of Chapel Hill) or streets which are built or improved to Town of Chapel Hill standards for acceptance into the Town-maintained street system, and other street maintenance services as described in the report.
3. Police protection including periodic patrols, crime prevention, investigation of crimes, enforcement of ordinances and statutes and other police services as described in the report.
4. Fire protection including suppression, preventive inspections, and code enforcement as described in the report.
5. Extension of water and sewer lines under financing policies of the Orange Water and Sewer Authority (OWASA), as described in the report.
6. Parks and recreation, library, housing and construction code enforcement, zoning and planning, public transportation and other services as described more fully in the report.

Section 4. The Council of the Town of Chapel Hill does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, public water lines are already extended into the annexation area; and public sewer lines are already extended into most of the annexation area as shown on a map of major water and sewer lines, which map is included in the annexation report adopted by the Council on May 12, 1986; and no requests or petitions for water or sewer extensions under G.S. 160A-47 have been submitted to the Town, so that no appropriations by the Town for water line extensions are necessary under G.S. 160A-47; and so that only one sewer outfall extension (in the vicinity of U.S. 15-501 east of East and West Lakeview Drive) is necessary, as shown on a map in the above-noted May 12, 1986 annexation report. The Council has allocated funds in the amount of \$172,000 for sewer extensions, including the above described sewer outfall, to the Orange Water and Sewer authority by resolution 86-3-24/R-1d adopted March 24, 1986 regarding transfer of funds under N.C. Senate Bill 2 to the Orange Water and Sewer Authority; the OWASA Board of Directors on March 27, 1986 accepted such funding allocation for the purposes designated by the Town; and on June 26, 1986 the OWASA Board of Directors adopted a capital project ordinance appropriating funds for such sewer extension into the annexation area; and the Town's allocation of



Annexation Area 1986-C

Urbanized Areas 

\$172,000 exceeds and is sufficient to pay the cost of the said outfall which is estimated to cost \$73,200.

Property owners may have public water and sewer lines extended within the annexation area in accord with extension and financing policies of the Orange Water and Sewer Authority which apply in all of the Town of Chapel Hill.

Section 5. From and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill.

Section 6. The newly annexed territory described hereinabove shall be subject to Town of Chapel Hill taxes according to G.S. 160A-58.10.

Section 7. The Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the offices of the registers of deeds of Orange and Durham Counties, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Orange and Durham County Boards of Elections as required by G.S. 153-288.1.

This the 14th day of July, 1986.

Mail Service to Annexed Area C

Manager Taylor said the memorandum recommended adoption of a resolution requesting the Postal Service to consider allowing changes in mailing addresses for the annexation area in Durham County.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 86-7-14/R-10. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING POSTAL SERVICES TO AREAS OF THE TOWN OF CHAPEL HILL IN DURHAM COUNTY (86-7-14/R-10)

WHEREAS, the Town Council of Chapel Hill decided on July 14, 1986 to annex areas of Durham County, as shown on the attached map, effective August 31, 1986 in accord with North Carolina laws on annexation; and

WHEREAS, numerous residents of the annexation area desire to have Chapel Hill mailing addresses, and expressed this desire to the Town Council at a public hearing on June 23, 1986; and

WHEREAS, the Town Council desires that residents of the Town of Chapel Hill have the opportunity to use Chapel Hill mailing addresses;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Chapel Hill hereby requests the U.S. Postal Service to consider allowing Chapel Hill residents who are served by the Durham Post Office to use mailing addresses ending with Chapel Hill, N.C., 27707 or other such zip code as may be applicable; and that the U.S. Postal Service develop administrative procedures so that mail properly addressed as to street and zip code will be timely delivered to such residents regardless of whether the city name included in the address is Chapel Hill or Durham; and that the Postal Service consider whether Town of Chapel Hill residents in Durham County should be served from a Chapel Hill Postal Station.

192
BE IT FURTHER RESOLVED that the Council hereby directs that copies of this resolution be transmitted to the Postmasters of Chapel Hill and Durham and to Congressmen Tim Valentine and Bill Cobey.

This the 14th day of July, 1986.

Telephone Service - Extended Area Service

Manager Taylor recommended adoption of a resolution to encourage a cost study and poll of telephone subscribers on whether calls between Chapel Hill/Carrboro, Hillsborough, and Durham should be toll-free and also encourages future study of whether Southern Bell's service area should include portions of the Town in Durham County.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 86-7-14/R-11. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ENCOURAGING A COST STUDY AND REFERENDUM REGARDING EXTENDED AREA SERVICE IN ORANGE AND DURHAM COUNTIES
(86-7-14/R-11)

WHEREAS, on June 23, 1986, residents of an annexation area in Durham County which is served by General Telephone expressed a desire to be able to make toll-free calls to Southern Bell exchanges in Chapel Hill; and

WHEREAS, the Chapel Hill/Carrboro Chamber of Commerce and other community groups have supported consideration of Extended Area Service and of other telephone service matters involving Chapel Hill and Durham; and

WHEREAS, the Chapel Hill/Carrboro-Durham area is defined as one urbanized area under federal census data; and

WHEREAS, employment, shopping, business, and cultural, and social activities are not limited by county or municipal boundaries; and Chapel Hill/Carrboro and Durham are increasingly linked by economic, social, and cultural activity;

NOW, THEREFORE, BE IT RESOLVED by the Town of Chapel Hill that the Council hereby requests the North Carolina Utilities Commission to have a study done of how Extended Area Service, enabling toll-free calls between Orange and Durham counties, would affect monthly phone rates and save residents and businesses on toll charges; and encourages the Commission to direct that a referendum of telephone subscribers be held.

BE IT FURTHER RESOLVED that the Council encourages the Utilities Commission as well as Southern Bell and General Telephone to consider in future years whether the entire Town of Chapel Hill, particularly as its boundaries may be amended in the future by annexations, should be in a unified franchise or service area for the convenience of citizens and for the best possible operation of service systems such as "911" emergency dispatching.

This the 14th day of July, 1986.

Contracts With Volunteer Fire Departments

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-12. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING CONTRACTS WITH THE NEW HOPE AND PARKWOOD WEST VOLUNTEER FIRE DEPARTMENTS (86-7-14/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to enter into agreements in accord with State law with the New Hope and Parkwood West Volunteer Fire Departments for services to annexation areas 1986-A, -B and -C as described in annexation ordinances adopted on July 14, 1986.

BE IT FURTHER RESOLVED that the Council authorizes the Manager to enter into mutual aid agreements with the Parkwood and Parkwood West Volunteer fire department.

This the 14th day of July, 1986.

Construction of Sewer Outfall in Annexation Area C

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-7-14/R-13. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING OWASA TO PROCEED WITH CONSTRUCTION OF A SEWER OUTFALL IN ANNEXATION AREA 1986-C (86-7-14/R-13)

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL that the Council hereby requests the Orange Water and Sewer Authority to proceed with design and construction of a sewer outfall line in annexation area 1986-C at the location previously recommended by OWASA staff and generally as shown on a map of major water and sewer lines and the proposed outfall included in the annexation service plan report adopted May 12, 1986 for area 1986-C; with construction of said outfall to begin as soon as is practical and to be completed by July 14, 1988 in accord with G.S 160A-47; and with plans, specifications, and bid and contract documents to be submitted to the Town Manager for review and approval.

This the 14th day of July, 1986.

Budget Amendment for Services to Annexed Areas

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT ORDINANCE 86-7-14/O-4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986" (86-7-14/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for Fiscal Year Beginning July 1, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>APPROPRIATIONS</u>				
GENERAL FUND				
Manager				
Information				
Services/Town				
Clerk	185,135	1,000		186,135

194

Public Works			
Streets	1,060,710	6,800	1,067,510
Solid Waste			
Collection	1,127,054	197,977	1,325,031
Fire			
Suppression	1,064,933	38,620	1,923,208
TRANSPORTATION			
FUND			
Operations	1,899,375	23,833	1,923,208

ARTICLE II

REVENUES

GENERAL FUND			
Property Tax	6,124,462	228,177	6,352,639
State-Shared			
Revenues	4,856,815	16,220	4,873,035
TRANSPORTATION			
FUND			
Property Taxes	624,513	23,833	648,346

This the 14th day of July, 1986.
Sanitation Workers - Additional Positions

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT ORDINANCE 86-7-14/O-5. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (86-7-14/O-5)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials Beginning July 1, 1986 (86-6-9/O-6) and October 1, 1986 (86-6-9/O-7)" as follows:

In Section IV, C, DELETE the lines:

	Full-time	Part-time	
	No.	No.	Grade
	Hrs.	Hrs.	
Sanitation Collector I	19	40	- - 11
Sanitation Equipment			
Operator I	11	40	- - 14
Sanitation Equipment			
Operator II	4	40	- - 15

and ADD the lines:

Sanitation Collector I	21	40	- - 11
Sanitation Equipment			
Operator I	12	40	- - 14
Sanitation Equipment			

This the 14th day of July, 1986.

Calling Public Hearing on Zoning for Annexation Areas

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-7-14/R-14. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON ZONING VARIOUS 1986 ANNEXATION AREAS (86-7-14/R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on Monday, September 15, 1986 in the Municipal Building Meeting Room, 306 North Columbia Street, to receive comments from the public on zoning by the Town of portions of the annexation areas 1986-A and -C not already zoned by the Town.

BE IT FURTHER RESOLVED that the Council directs the Manager to prepare proposed zoning atlas additions for the above-described areas and to submit said proposal to the Planning Board for consideration in accord with Article 19 of the Development Ordinance.

This the 14th day of July, 1986.

Additional Annexation Studies

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-7-14/R-15. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING FURTHER ANNEXATION STUDIES (86-7-14/R-15)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Manager to monitor the development and subdivision of unincorporated land designated by resolution adopted April 1, 1985 as being under consideration for future annexation and to make recommendations to the Council regarding initiation of proceedings to consider annexing additional areas which qualify in the future under State law.

This the 14th day of July, 1986.

Parking and Parking Meters

Council Member Pasquini spoke against removing 21 metered parking spaces at the request of two citizens. He suggested removing only the spaces at each intersection to University Square.

Council Member Godschalk agreed saying he did not understand the reasoning behind this request.

Assistant Town Manager Ron Secrist said the proposal was to remove six metered parking spaces in front of residences on the north side of Rosemary Street between Colonel Chutney's and the Western Sizzlin restaurants. He said these parking spaces create sight distance problems for people backing out of the driveways. He commented that since the spaces were not often used and the residents had asked that they be removed, it was hoped that nearby Lot #5 would provide sufficient parking spaces and enable the sight distances for the residents to be improved. He said

196
the fifteen spaces on West Franklin Street were divided into three sections; six spaces and then an entrance to University Square, four spaces and another entrance, and then there are five more parking spaces. He commented that if the Town were to eliminate two spaces on each section to improve sight distance, the sight distance would improve marginally but the number of spaces remaining would be very few.

Council Member Pasquini said it had never occurred to him that this was a major traffic hazard area.

Mr. Secrist said that NCDOT and the Town staff commented that sight distances would be improved if those spaces were removed. He commented that it was also hoped that Lot #5 would be able to aid the parking crunch created by the elimination of these on-street parking spaces.

Council Member Andresen spoke in support of the Manager's recommendation.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 86-7-14/O-6. THE MOTION CARRIED, (6-2), WITH COUNCIL MEMBERS GODSCHALK AND PASQUINI VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE REGARDING METERED PARKING SPACES (86-7-14/O-6)

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

SECTION I

Article V. Parking Meters, is hereby rewritten as follows:

"Sec. 21-29 Parking meter zones.

Parking meter zones are hereby established in the areas and public streets hereinafter described and designated, and the manner of and period of time for parking within said parking zones shall be as follows:

(a) East Franklin Street, south side:

One-hour parking from a point 120 ft. east of Old Fraternity Row to Henderson Street. Two-hour parking from Henderson Street to a point 600 ft. east of Henderson Street.

(b) East Franklin Street, north side:

One-hour parking from Columbia Street to Henderson Street, except for one fifteen-minute space at the post office.

One-hour parking from a point 403 feet east of the east curblane of South Columbia Street to a point 425 feet east of said curblane, for the parking only of motor scooters, motorcycles and two-wheeled motorized vehicles.

(c) West Franklin Street, south side:

Two-hour parking from Mallette Street to Graham Street.

(d) West Franklin Street, north side:

Two-hour parking from the intersection with Kenan Street to Graham Street.

(e) North Columbia Street, west side:

One-hour parking from Rosemary Street to a point 93 feet to the south.

(f) Henderson Street, east side:

One-hour parking from Rosemary Street to a point 176 feet south of Rosemary Street. The two (2) spaces nearest Franklin Street are to be used only as a commercial loading zone.

(g) Henderson Street, west side:

One-hour parking from Franklin Street to Rosemary Street with the exception of fifteen-minute parking in the first two (2) spaces from Franklin Street.

(h) South Roberson Street, east side:

One-hour parking between the southern right-of-way line of Franklin Street and a point one hundred fifty (150) feet southwardly therefrom.

(i) Pritchard Avenue, west side:

Two-hour parking from Rosemary Street to a point two hundred (200) feet north of Rosemary Street.

(j) South Graham Street, west side:

Two-hour parking from Franklin Street to a point three hundred forty (340) feet south of Franklin Street.

(k) North Graham Street, both sides:

Two-hour parking from Rosemary Street to Franklin Street.

(l) West Rosemary Street, north side:

Two-hour parking from Roberson Street to a point 600 ft. west of Church Street.

(m) North Roberson Street, west side:

Two-hour parking from Franklin Street to Rosemary Street.

Sec. 21-30. Hours of operation.

It shall be prohibited, without depositing a coin or coins or token or tokens as required by this article, to park in a parking space alongside of, next to or in front of such parking meters in said parking meter zones between the hours of 8:00 a.m. and 6:00 p.m. of each week day, Monday through Saturday, inclusive, excepting Sundays and the following legal holidays: New Year's Day (January 1st of each year), Easter Monday, Independence Day (July 4th of each year), Labor Day, Thanksgiving Day, and Christmas Day (December 25th of each year).

Sec. 21-31. Method of parking.

Any vehicle parked in any parking space laid out parallel with the curb shall be parked with the right side of said vehicle as near as possible to the parking meter controlling said space; and such vehicle shall be parked within the lines marked out on the street for such parking space in such parking meter zone.

Sec. 21-32. Use and operation of parking meters in parking meter zones.

18
Wherever parking meters are installed in the parking meter zones, the owner, operator, manager or driver of any vehicle desiring to park in any parking space designated at any such meter shall, upon entering the parking meter space, immediately deposit in such meter such proper token authorized by the Town of Chapel Hill for this purpose or coin of the United States as is required for such parking meter and as is designated by proper directions of the meter. The operator of such vehicle, after the deposit of the proper coin or coins or token or tokens, shall also set in operation the timing mechanism in operation when so required. Failure shall constitute a violation of this article. Upon the deposit of such coin or token, and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed in Section 21-33 hereof for the part of the street in which such parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space does not exceed the indicated unused parking time. If such vehicle shall remain parked in any such parking space beyond time limit set for such parking space, and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this article.

Sec. 21-33. Parking time limits.

- (a) Parking or standing a vehicle in a designated space with a fifteen-minute parking zone shall be lawful for fifteen (15) minutes upon deposit of the required parking rate as adopted by the Council of the Town of Chapel Hill.
- (b) Parking or standing a vehicle in a designated space within a one-hour meter zone shall be lawful for fifteen (15) minutes, thirty (30) minutes, and one hour upon deposit of the required parking rate as authorized by the Council of the Town of Chapel Hill.
- (c) Parking or standing a vehicle in a designated space within a two-hour parking meter zone shall be lawful for fifteen (15) minutes, thirty (30) minutes, forty-five (45) minutes, and one-hour upon deposit of the required parking rates as authorized by the Town.
- (d) Parking or standing a vehicle in a space designated for two-wheeled motorized vehicles shall be lawful for thirty (30) minutes, one hour, an hour and a half, or two (2) hours upon the deposit of the required parking rates authorized by the Council of the Town of Chapel Hill.

Sec. 21-34. Damaging meters.

It shall be unlawful for any person to deface, damage, tamper with, or to open without lawful authority, any parking meter. It shall be unlawful to deposit in any parking meter, any slug, device or substitute for a Town of Chapel Hill token or a lawful coin of the United States of America. Any violation of this Section 21-34 of this article shall be punishable as a misdemeanor. (Ord. No. 0-74-36, Sec. 5, 6-10-74.)

Sec. 21-35. Loading and unloading of delivery vehicles.

Within the parking meter zones defined in Section 21-29 hereof, spaces are provided for loading zones, bus stops (see Section 21-28) and other places in which no parking or limited parking is permitted. During the loading and unloading of delivery vehicles in the parking meter zones, the operators of such delivery

vehicles shall be permitted to complete loading and unloading without being required to deposit coins as hereinabove provided.

- (a) The space along the western curb and North Columbia Street described as follows:

Beginning at a point 105 feet north of the northern curblines of Franklin Street and ending 136 feet north of said curblines shall be reserved from 10:00 a.m. to 2:00 p.m. Monday through Friday as a thirty minute loading zone, with no parking allowed except for loading and unloading for no more than thirty (30) minutes at a time.

- (b) The space along the curb on the north side of West Franklin Street described as follows:

Beginning at the eastern curblines of West Franklin Street and North Graham Street to a point approximately 62 feet east of said corner; shall be reserved at all times as a loading zone, with no parking allowed except for loading and unloading.

- (c) The space along the curb on the south side of East Franklin Street, beginning at a point approximately 275 feet east of the east curblines of South Columbia Street to a point 355 feet east of said curblines shall be reserved between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday, and 7:00 a.m. and 10:00 a.m. on Saturdays as a loading zone, with no parking allowed except for loading and unloading.

- (d) The space along the curb on the east side of Henderson Street described as follows:

Beginning at a point at the curblines of the intersection of East Franklin Street and Henderson Street and extending 108 feet to the north of said curblines shall be reserved from 8:00 a.m. and 4:00 p.m. Monday through Friday, and 8:00 a.m. and 10:00 a.m. on Saturday as a loading zone, with no parking allowed except for loading and unloading.

- (e) In the space along the curb on the east side of North Roberson Street described as follows:

Beginning at a point 104 feet south of the centerline of West Rosemary Street to a point 148 feet south of said centerline; parking for the purposes of loading and unloading passengers will be permitted from 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m.

- (f) The space along the curb on the north side of East Franklin Street beginning at a point 457 feet east of the east curblines of South Columbia Street to a point 510 feet east of said curblines shall be reserved between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday, and 7:00 a.m. and 10:00 a.m. on Saturday as a loading zone, with no parking allowed except for loading and unloading.

- (g) Space along the curb on the north side of West Franklin Street, 140 feet to 184 feet west of the western curblines of Mallette Street.

- (h) The space along the curb on the south side of East Rosemary Street described as:

Beginning at a point 370 feet east of the east curblines of North Columbia Street at its intersection with Rosemary Street, continuing to a point 422 feet east of

200
said intersections, with no parking allowed at any time except for loading and unloading.

- (i) The space on the north side of West Rosemary Street from a point 148 feet west of the western curblineline of North Columbia Street to a point 188 feet west of said curblineline shall be reserved at all times as a loading zone, with no parking allowed except for the loading and unloading of vehicles.
- (j) The space along the eastern curblineline of South Columbia Street from a point 140 feet north of the northern curblineline of Cameron Avenue to a point 225 feet north of said northern curblineline shall be reserved between 7:00 a.m. and 4:00 p.m. Monday through Friday and 7:00 a.m. and 10:00 a.m. on Saturday as a loading zone, with no parking allowed except for loading and unloading.
- (k) The space along the curb on the south side of West Rosemary Street from a point 265 feet east of the eastern curblineline of North Roberson Street to a point 358 feet east of said curblineline shall be reserved from 8:00 a.m. to 5:00 p.m. as a loading zone, with no parking allowed except for loading and unloading.
- (l) The space along the western curb of North Columbia Street described as follows:

Beginning at a point 165 feet north of the northern curblineline of West Franklin Street and ending 205 feet north of said curblineline shall be served between 8:00 a.m. and 5:00 p.m. Monday through Friday as a thirty minute loading zone, with no parking allowed except for loading and unloading for no more than thirty (30) minutes at a time.

Sec. 21-36. Parking space reserved for handicapped individuals.

From and after the effective date of this ordinance (Sec. 21-36), the Town Manager is hereby authorized and directed to cause to be marked off and provided spaces located as hereinafter designated, which shall be marked and designated by appropriate signs as "reserved for handicapped parking." Each of the spaces hereinafter designated when so marked shall be for exclusive use for parking by a vehicle operated by or for the immediate benefit of a handicapped individual, and which said vehicle when using said space shall display an emblem to be provided by the Town indicating that said vehicle is being operated by or for the immediate benefit of such handicapped person and it shall be unlawful for other vehicles to park in such spaces. The places to be designated and marked are as follows:

- (1) The metered parking space located on the north side of East Franklin Street 434 feet east of the east curblineline of North Columbia Street, which is approximately 42 feet east of the crosswalk.
- (2) The parking space located on the north side of West Franklin Street 250 feet west of the centerline of Kenan Street.
- (3) The parking spaces so marked within the Municipal Parking Lots.
- (4) A parking space on the east side of Hamilton Road from a point approximately 54 feet south of the centerline of Berkley Road to a point 76 feet south of said centerline.

Sec. 21-37. Use of meter proceeds.

The proceeds derived from the use of parking meters shall be used as provided by law.

Sec. 21-37.1 Use and operation of parking meters in off-street parking lots.

When parking meters are installed in any of the off-street parking lots owned or operated by the Town of Chapel Hill, the owners, operators, managers or drivers of any vehicle desiring to park in any parking space designated at such meter, shall upon entering the parking meter space immediately deposit or cause to be deposited in such meter such proper coin or coins of the United States, or authorized token as is required for such parking.

When required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin, coins, or token, shall also set in operation the timing mechanism. Failure shall constitute a violation of this article. Upon the deposit of such coin, coins, or token, and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time for which said coin, coins or token have been deposited, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space, does not exceed the indicated unused parking time without the deposit of additional coins. If such vehicle shall remain in any such parking space beyond the time limit set on the meter as above prescribed, and if the meter shall indicate such illegal parking, then and in that event such vehicle shall be considered as parking overtime and beyond the legal parking time, and such vehicle shall be deemed a violation of this article. (Ord. No. 0-74-8, Sec. 1, 2-4-74.)

Sec. 21-38. Civil Penalties.

- (a) The penalty for any violation of Sections 21-29, 21-30, 21-32, and 21-33 shall be five dollars (\$5.00).
- (b) The penalty for violation of any other parking regulations of Articles IV and V of Chapter 21 shall be twenty-five dollars (\$25.00).
- (c) Upon receiving a citation, serving as notice of a violation of the parking regulations set forth in this Chapter, the owner or operator of the vehicle found in violation shall be responsible for the penalties herein established.
- (d) Any penalty for a parking violation that is not paid within 10 days of issuance will accrue an additional penalty of \$5 per 10 days it remains unpaid for the first 30 days. Any penalty for a parking violation that is not paid within 30 days of issuance will accrue an additional penalty of \$5 per month, up to a maximum total combined fine and penalties of \$25 per infraction. When the \$25 maximum is reached for either a single violation or more than one violation for the same owner or operator, he/she will be notified in writing of the intent of the Town to pursue claims through appropriate civil action. Once a civil action is initiated, any fees involved in the civil action will be added to the settlement in each action.
- (e) The penalties imposed under this section shall be collected solely as civil penalties and no parking penalties or fines shall be enforced through criminal misdemeanor process. This section shall not be construed as limiting any authority of the Town to tow or remove any vehicle violating any provision of Chapter

202
21 for which said removal is otherwise authorized and to charge the owner of such vehicle with the costs of removal and storage.

Sec. 21-39. Violations.

It shall be prohibited and a violation of the provisions of this article for any person:

- (1) To cause, allow, permit, or suffer a vehicle registered in the name of, or operated by such person, to be stopped, left standing or parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described, or to deposit in any parking meter any coin or token for the purpose of parking beyond the maximum legal time for the particular parking zone.
- (2) To cause or allow a vehicle to be stopped, left standing, or parked in a parking meter space while the parking meter for such space is displaying a signal indicating that the meter is not active.
- (3) To stop, leave standing or park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the space as designated by such lines or markings or in any manner inconsistent with the method of parking as prescribed in Section 21-31 of this article.
- (4) To deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this article.
- (5) To deposit or cause to be deposited in any parking meter any slug, device, metal substance, or other substitute for lawful United States coins or tokens as authorized by the Town of Chapel Hill for use in parking meters in this article. (Ord. No. O-75-47, Sec. 2, 7-28-75.)

Sec. 21-40. Reserved.

SECTION II

Section 21-27 of the Town Code of Ordinances is hereby amended as follows:

Section 21-27, page 862.6.4:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
West Franklin St.	South	Columbia Street	Mallette Street

Section 21-27, page 862.6.7:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
West Rosemary St.	North	Church Street	600 ft. west of Church Street

SECTION III

All provisions of the Town Code of Ordinances inconsistent with this ordinance are hereby repealed.

SECTION IV

This ordinance shall be effective on August 4, 1986.

This the 14th day of July, 1986.

Boards and Commissions

Council Member Howes nominated all the applicants.

Board of Adjustment

For two seats on the Board of Adjustment, the following vote was taken: FIRST VOTE

Louis Dworsky	(1)	Thorpe
John C. Mason	(3)	Howes, Preston, Smith
James Ellis	(3)	Andresen, Godschalk, Werner
Robert Joesting	(8)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe, Werner
Helen Urquhart	(1)	Pasquini

SECOND VOTE

Louis Dworsky	(1)	Thorpe
John C. Mason	(3)	Howes, Preston, Smith
James Ellis	(3)	Andresen, Godschalk, Werner
Helen Urquhart	(1)	Pasquini

THIRD VOTE

John C. Mason	(5)	Andresen, Howes, Preston, Smith, Thorpe
James Ellis	(3)	Godschalk, Pasquini, Werner

Robert Joesting and John Mason were appointed.

Community Appearance Commission

For three seats on the Community Appearance Commission, the following vote was taken.

Rebecca Clark	(5)	Howes, Preston, Smith, Thorpe, Werner
Cassandra Sloop	(7)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Werner
Larry Touchstone	(1)	Pasquini
Carol Whisnant	(1)	Andresen
Dana Staats	(8)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe, Werner

Rebecca Clark, Cassandra Sloop and Dana Staats were appointed.

Greenways Commission

For two seats on the Greenways Commission, the following vote was taken.

Patricia Briggs	(1)	Thorpe
Michael Fitzgerald	(0)	
Michael Gleason	(0)	

Vincent Kopp	(1)	Pasquini
Ann Loeb	(5)	Andresen, Godschalk, Howes, Preston, Werner
David Reed	(0)	
Dorothy Talbot	(7)	Andresen, Godschalk, Howes, Preston, Pasquini, Smith, Werner
Sandra Yaggy	(1)	Smith

Ann Loeb and Dorothy Talbot were appointed.

Historic District Commission

For two seats on the Historic District Commission, the following vote was taken.

John Gulick	(7)	Andresen, Godschalk, Preston, Pasquini, Smith, Thorpe, Werner
William Massengale	(6)	Andresen, Howes, Preston, Pasquini, Smith, Werner
Phil Rees	(3)	Godschalk, Howes, Thorpe
Gwen Loudermilk	(0)	

John Gulick and William Massengale were appointed.

Human Services Advisory Board

For two seats on the Human Services Advisory Board, the following vote was taken.

Jacqueline Beza	(0)	
Rebecca Clark	(1)	Smith
Richard Courtright	(7)	Andresen, Godschalk, Howes, Pasquini, Preston, Thorpe, Werner
Al Mebane	(8)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe, Werner
Russell Schulke	(0)	
Vincent Kopp	(0)	

Richard Courtright and Al Mebane were appointed.

Library Board of Trustees

For two seats on the Library Board of Trustees, the following vote was taken.

Kenneth Broun	(7)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Werner
Barbara Cryer	(0)	
Fredrick Lee	(8)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe, Werner
Robert Miller	(0)	
Marjorie Swenson	(0)	

Kenneth Broun and Fredrick Lee were appointed.

Orange Water and Sewer Authority

For three seats on the Orange Water and Sewer Authority Board of Directors, the following vote was taken. FIRST VOTE

Grainger Barrett	(1)	Andresen
Raymond Burby	(3)	Godschalk, Smith, Thorpe
Harold Langenderfer	(5)	Howes, Preston, Smith, Thorpe, Werner
James E. Laslie	(5)	Godschalk, Pasquini, Preston, Smith, Thorpe
Donald Lauria	(2)	Godschalk, Howes
Robert Peck	(4)	Andresen, Howes, Pasquini, Werner
Verla Insko	(4)	Andresen, Pasquini, Preston, Werner

SECOND VOTE

Robert Peck	(7)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe
Verla Insko	(1)	Werner

Harold Langenderfer, James Laslie, and Robert Peck were appointed.

Parks and Recreation Commission

For three seats on the Parks and Recreation Commission, the following vote was taken.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO APPOINT CAROLINE LINDSAY AND HERSHEL SLATER TO THE PARKS AND RECREATION COMMISSION BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Caroline Lindsay and Hershel Slater were appointed. One vacancy still exists.

Personnel Appeals Committee

For two seats on the Personnel Appeals Committee, the following vote was taken.

Connie Brite	(3)	Andresen, Pasquini, Werner
James H. Peace	(5)	Godschalk, Howes, Preston, Smith, Thorpe
Shann Tracey	(7)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Werner

James Peace and Shann Tracey were appointed.

Planning Board

For two seats on the Planning Board, the following vote was taken.

Donald Bergstrom	(0)	
Patricia Briggs	(0)	
Louis Dworsky	(0)	
Pat Evans	(5)	Godschalk, Howes, Preston, Smith, Thorpe
Vincent Kopp	(0)	

206

Herbert Posner	(0)	
Carol Whisnant	(2)	Andresen, Werner
Berry Credle	(8)	Andresen, Godschalk, Howes, Pasquini, Preston, Smith, Thorpe, Werner
Christina Krasny	(1)	Pasquini

Berry Credle and Pat Evans were appointed.

Transportation Board

Council Member Andresen commented that she had talked with members of the Transportation Board and felt the Council should review the charge of the Board with the possibility of broadening its duties and responsibilities. She suggested deferring making the appointments to this Board until the Council had time to review the charge of the Board.

Council Member Howes suggested reappointing Mr. Lanset to the Board but deferring the other appointment until later.

For two seats on the Transportation Board, the following vote was taken.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO APPOINT LAWRENCE LANSET TO THE TRANSPORTATION BOARD BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Lawrence Lanset was appointed. One vacancy still exists.

Design Task Force

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO APPOINT THE FOLLOWING TO THE DESIGN TASK FORCE: COUNCIL MEMBER ANDRESEN, DAVID BROWER, JON CONDORET, COUNCIL MEMBER GODSCHALK, JOSH GURLITZ, JOE HAKAN, KANI HUROW, ALICE INGRAM, ARTHUR MARKS, BETSY PRINGLE, ALAN RIMER, GARY SALEEBY, JOHN THOMAS, AND MAYOR PRO-TEM THORPE. THE MOTION PASSED UNANIMOUSLY, (8-0).

Orange County Economic Development Commission

Council Member Andresen nominated Gary Saleeby.

Council Member Godschalk nominated Dennis Howell.

For recommendation to one seat on the Orange County Economic Commission, the following vote was taken.

Dennis Howell	(5)	Godschalk, Howes, Preston, Smith, Thorpe
---------------	-----	------------------------------------------

Gary Saleeby	(3)	Andresen, Pasquini, Werner
--------------	-----	----------------------------

Dennis Howell was nominated.

Consent Agenda

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 86-7-14/R-16. THE MOTION PASSED UNANIMOUSLY, (8-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (86-7-14/R-16)

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

- a. Transit Services - budget amendment, pay plan amendment (O-7, O-8)
- b. Pay plan amendment - Legal Assistant (O-9)
- c. Bids for sanitation trucks and buses (R-17, 18 and 19)
- d. Calling public hearings on paving certain streets (R-20.1, 20.2 and 20.3)

This the 14th day of July, 1986.
AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986" (86-7-14/O-7)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

ARTICLE I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Appropriations</u>				
Transportation Fund				
Administration	317,190	5,750		322,940
Operations	1,923,208	75,745		1,998,953
Maintenance	452,605	9,665		462,270

ARTICLE II

Revenues

Transportation Fund	2,931,931	91,160	3,023,091
---------------------	-----------	--------	-----------

This the 14th day of July, 1986.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (86-7-14/O-8)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bond of Officials Beginning July 1, 1986 (86-6-9/O-7)" as follows:

In Section IV, C, DELETE the lines:

	<u>Full-time</u>		<u>Part-time</u>		<u>Grade</u>
	<u>No.</u>	<u>Hrs.</u>	<u>No.</u>	<u>Hrs.</u>	<u>No.</u>
Transportation					
Bus Driver I	38	37.5-40	20	varies	14

and ADD the lines:

Transportation					
Bus Driver I	40	37.5-40	20	varies	14

This the 14th day of July, 1986.

A RESOLUTION ACCEPTING BIDS FOR THREE (3) CAB AND CHASSIS EQUIPPED WITH A REAR-LOAD PACKER BODY (86-7-14/R-17)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on June 18, 1986 in accordance with G.S. 143-129 for three (3) cab and chassis with rear-load packer body; and

WHEREAS, the following bids have been received and opened on July 8, 1986:

<u>Company</u>	<u>Three Cab and Chassis</u>	<u>Three Rear-Load Packer Bodies</u>		<u>Total Bid</u>
Cardinal Int'l Trucks	\$112,239.36	No Bid	No Bid	\$112,239.36
Cavalier Corp.	112,935.00	49,608	Included in body cost	162,615.00
Fulton Trucks	135,132.00	No Bid	No Bid	135,132.00
John Robbins Motors	100,338.51	45,294	2,505	148,137.51
KABCO, Inc.	No Bid	44,745	Included in body cost	44,745.00
North State Ford	106,200.00	No Bid	No Bid	106,200.00
SANCO	No Bid	45,294	2,505	47,799.00
Sir Walter Chevrolet	101,094.84	No Bid	No Bid	101,094.84
Worth-Keeter Inc.	102,576.00	43,005	1,530	147,111.00
Worth-Keeter Inc.	113,889.80	43,005	1,530	158,434.80

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the low bid of John Robbins Motors in the amount of \$100,338.51 for three cab and chassis and the low bid of Worth-Keeter, Inc. in the amount of \$44,535 for three rear-load packer bodies including installation, in response to the Town's request for bids published June 18, 1986 and opened on July 8, 1986 in accordance with G.S. 143-129.

This the 14th day of July, 1986.

A RESOLUTION ACCEPTING BIDS FOR A CAB AND CHASSIS EQUIPPED WITH A FRONT-LOAD PACKER BODY (86-7-14/R-18)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on June 18, 1986 in accordance with G.S. 143-129 for a cab and chassis with front-load packer body; and

WHEREAS, the following bids have been received and opened on July 8, 1986:

<u>Company</u>	<u>Cab & Chassis</u>	<u>Front-Load Packer Body</u>	<u>Instal.</u>	<u>Total Bid</u>
Carolina Mack Sales, Raleigh	\$64,141	No Bid	No Bid	\$64,141

Carolina Waste Systems, Hamlet		\$29,862	Included in Body Cost	\$29,862
Cavalier Equipment Corp., Roanoke, Va.	\$66,503	\$34,415	Included in Body Cost	\$100,918
Kabco, Inc. Raleigh		\$30,605	Included in Body Cost	\$30,605
Sanco Corp. Winston-Salem		\$36,916	\$1,850	\$38,766
Worth-Keeter, Inc., Charlotte	\$65,493	\$27,795	\$1,200	\$94,488

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects the low bid of Carolina Mack Sales for a cab and chassis in the amount of \$64,141 and accepts the next low cab and chassis bid and low front-load packer body bid from Worth-Keeter, Inc. in the amount of \$94,488, in response to the Town's request for bids published June 18, 1986 and opened July 8, 1986, in accordance with G.S. 143-129.

This the 14th day of July, 1986.

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF EIGHT (8) THIRTY-FIVE FOOT ADVANCED DESIGN COACHES (86-7-14/R-19)

WHEREAS, the Council of the Town of Chapel Hill has solicited formal bids by legal notice on April 20, 1986 in accordance with G.S. 143-129 for purchase of eight (8) thirty-five foot advanced design transit coaches; and

WHEREAS, in accordance with the specifications, life cycle costs, performance and standardization values have been added to the total price bid; and

WHEREAS, the following bids have been received and opened on July 8, 1986:

<u>Item</u>	<u>General Motors Corporation</u>		<u>Flxible Corporation</u>	
	<u>Unit Price</u>	<u>Total</u>	<u>Unit Price</u>	<u>Total</u>
Eight Advanced Design Coaches	\$137,251.00	\$1,098,008.00	\$141,246.00	\$1,129,968.00
Delivery	949.00	<u>7,592.00</u>	448.00	<u>3,584.00</u>
Sub Total*		\$1,105,600.00*		\$1,133,552.00*
Life Cycle Cost, Standardization and Performance Values		<u>18,233.57</u>		<u>33,351.32</u>
GRAND TOTAL		<u>\$1,123,833.57</u>		<u>\$1,166,903.32</u>

*These amounts represent the actual dollar amount that would be subject to award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that a contract for the purchase of eight (8)

210
thirty-five foot advanced design transit coaches, in the amount of \$1,105,600, be awarded to the low bidder, General Motors Corporation; and

BE IT FURTHER RESOLVED that the Town Manager be authorized to exercise the Alternate One General Motors Corporation purchase option when the Town's 1986-87 UMTA capital grant application is approved.

This the 14th day of July, 1986.

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF A PORTION OF RIGGSBEE ROAD (86-7-14-R-20.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Riggsbee Road and;

1. The Town has received a petition for the paving of Riggsbee Road without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. The unpaved portion of Riggsbee Road comprises approximately 42 linear feet of gravel road located at its intersection with Martha Lane.
3. The Town would pave the unpaved portion of Riggsbee Road to Town standards and assess owners of property abutting the presently unpaved section of Riggsbee Road at an equal rate per foot of frontage; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 50 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.
6. The Town herewith calls a public hearing at 7:30 p.m. on August 25, 1986 in the Municipal Building, to consider adoption of a resolution to undertake the above-described project, 306 N. Columbia Street.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill, that resolution 86-6-23/R-4 is herewith rescinded.

This the 14th day of July, 1986.

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF A PORTION OF KINGSTON DRIVE (86-7-14/R-20.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Kingston Drive;

1. The Town has received a petition for the paving of Kingston Drive without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and

2. The unpaved portion of Kingston Drive comprises approximately 190 linear feet of gravel road located near its intersection with Partin Street.
3. The Town would pave the unpaved portion of Kingston Drive to Town standards and assess owners of property abutting the presently unpaved sections of Kingston Drive at an equal rate per foot of frontage; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 50 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.
6. The Town herewith calls a public hearing at 7:30 p.m. on August 25, 1986 in the Municipal Building, to consider adoption of a resolution to undertake the above-described project, 306 N. Columbia Street.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that resolution 86-6-23/R-6 is herewith rescinded.

This the 14th day of July, 1986.

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF A PORTION OF PINEY MOUNTAIN ROAD (86-7-14/R-20.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Piney Mountain Road and/

1. The Town has received a petition for the paving of Piney Mountain Road with curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. The unpaved portion of Piney Mountain Road comprises approximately 135 linear feet of gravel road from the end of current construction proposed at the beginning of the curve on Emily Road approximately 135 feet to the end of existing pavement on Piney Mountain Road.
3. The Town would pave the unpaved portion of Piney Mountain Road to Town standards and assess owners of the property abutting the presently unpaved section of Piney Mountain Road at an equal rate per foot of frontage; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 50 days after publication of a notice of confirmation of the assessment roll, or (b) if not more than 10 annual installments, with interest

at an annual rate of 6%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

6. The Town Council herewith calls a public hearing at 7:30 p.m. on August 25, 1986, in the Municipal Building Meeting Room, 306 N. Columbia Street, Chapel Hill, N.C., to consider adoption of a resolution to undertake the above-described project.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that resolution 86-6-23/R-4.1 is herewith rescinded.

This is the 14th day of July, 1986.

Barclay / Justice Sanitary Sewer Project - Acquisition of Easements

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 86-7-14/R-21. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO INSTITUTE CONDEMNATION PROCEEDINGS FOR THE BARCLAY ROAD/JUSTICE STREET SANITARY SEWER PROJECT (86-7-14/R-21)

WHEREAS, construction of the Barclay Road/Justice Street Sanitary Sewer Project is a high priority of the Town of Chapel Hill, and of the Orange Water and Sewer Authority, due to the failure of septic systems throughout the project area and the time limitations for use of grant monies scheduled for this project; and

WHEREAS, the acquisition of easements is necessary before undertaking the construction of this project; and

WHEREAS, the Town is negotiating fully and fairly with affected property owners and desires to complete acquisition by July 30, 1986;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it authorizes the Manager to acquire by voluntary purchase those easements listed in the Resolution Establishing Just Compensation for the Barclay/Justice Sewer Project Easements (86-4-14/R-11), and if unsuccessful, for the Attorney to institute condemnation proceedings under G.S. 40A-42 as necessary to complete the following acquisitions based on fair market values of resolution 86-4-14/R-11, or as subsequently modified.

This the 14th day of July, 1986.

Barclay/Justice Sanitary Sewer Project - Amendment to 1984 Project Ordinance and Authorization of 1/2 Cent Sales Tax

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 86-7-14/O-10. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND THE 1984 "COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE" (86-7-14/O-10)

BE IT ORDAINED by the Council of the Town of Chapel Hill tht the Project Ordinance entitled "Community Development Entitlement Grant Project Ordinance" as duly adopted on September 10, 1984 (84-O-63) be and the same is hereby amended as follows:

Section III. Reflect the folliwng sources of revenue (increase in program income by \$25,000):

<u>Activity</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year Revised</u>
Housing Rehabilitation Program	86,000		(13,500)	72,500
Homeownership Opportunity Program	152,000		(22,500)	129,500
Capital Improvements -- Pine Knolls Area	70,000		(4,000)	66,000
Playgrounds at Subsidized Housing Projects	31,000			31,000
Barclay Road Sewer Lines	59,000	76,500		135,500
General Administration	27,500			27,500
Contingency	<u>11,500</u>	<u> </u>	<u>(11,500)</u>	<u>0</u>
TOTAL	437,000	76,500	51,500	462,000

This the 14th day of July, 1986.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 86-7-14/O-11. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1986" (86-7-14/O-11)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1986" as duly adopted on June 9, 1986, be and the same is hereby amended as follows:

SECTION I

That \$50,000 from the 1/2 cent sales tax revenue held in the Capital Reserve Fund and restricted for water and sewer purposes, be hereby removed from the Capital Reserve Fund and transferred to the Capital Improvement Fund in the amount and for the purpose as follows:

Barclay/Justice Sanitary Sewer Project	\$50,000
----------------------------------------	----------

This the 14th day of July, 1986.

Bids for Sewer Improvements - Barclay/Justice Sewer Project

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK TO ADOPT RESOLUTION 86-7-14/R-22. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE BARCLAY ROAD/JUSTICE STREET SANITARY SEWER (86-7-14/R-22)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice on May 4, 1986, and readvertised said legal notice in accordance with G.S. 143-132 on May 27, 1986, for the Barclay Road/Justice Street Sanitary Sewer Community Development Project; and

WHEREAS, the following bids have been received and opened on June 12, 1986:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Laramore Construction Company	\$192,109.75
T. A. Loving Construction Company	\$246,925.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of and awards a contract to, Laramore Construction Company, in the amount of \$192,109.75.

This the 14th day of July, 1986.

University Lake Watershed

Council Member Andresen said that with recent developments in Carrboro and Orange County it appeared important for the Town to restate its previous position on development within the University Lake Watershed. She pointed out that in March of 1983, the Council had issued a statement to the effect that no public sanitary sewers should be extended further into the watershed area and that residential development should be on lots not less than 5 acres per dwelling unit. She suggested that the Town send a copy of this statement to Orange Water and Sewer Authority, Carrboro, and Orange County.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO HAVE THE MAYOR TRANSMIT A LETTER TO OWASA, THE TOWN OF CARRBORO AND ORANGE COUNTY REAFFIRMING THE COUNCIL'S POSITION AGAINST EXTENSION OF WATER AND SEWER LINES WITHIN THE UNIVERSITY LAKE WATERSHED. THE MOTION PASSED UNANIMOUSLY, (8-0).

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

The meeting adjourned at 12:00 midnight.