

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MARCH 23, 1987, 7:30 P.M.

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

- Julie Andresen
- David Godschalk
- Jonathan Howes
- David Pasquini
- R. D. Smith
- Bill Thorpe
- Arthur Werner

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

Mayor Wallace commented that with the consent of the Council they would take a break at 10:00 p.m. to see where they were on the agenda and decide whether or not to recess the meeting to another date. The Council agreed.

Public Hearing on Proposed Annexation Area - South of Morgan Creek

Sonna Loewenthal, Assistant Town Manager, gave the staff report on the proposal to annex approximately 50 acres southeast of the intersection of 15-501 South which included the developments of Sycamore Run and Old Bridge subdivisions. She said the Council passed a resolution of intent to annex on January 26 and on February 9 the Council received and approved a service plan report, and called a public hearing on the proposed annexation for March 23. Ms. Loewenthal stated that notices were sent to all the owners of record of property within the annexation area, and that notices were published in the Chapel Hill Newspaper on March 8, 15, & 22. She said the Council could adopt an annexation ordinance between 10 and 90 days after this public hearing. Ms. Loewenthal stated that the annexation plan included no additional personnel or equipment to be required to provide municipal sanitation, fire, and police services to the annexed area, and that the Town would assume maintenance of streets which were now publicly maintained or built or improved to Town standards. She said highway 15-501/54 Bypass, US 15-501 South, and the interchange of the two would be maintained by the State, while the Town would maintain Mallard Court and Old Bridge when it was complete and the warranty expired. Ms. Loewenthal stated that the area would be provided with shared-ride "feeder" service as it similarly provides in areas of the Town with low demand for bus service. She said major water and sewer lines had already been extended to the area and that most of the area was already connected to those lines. She said in accord with policies of the Orange Water and Sewer Authority, the cost of further service

extensions would be borne by the benefitting or requesting property owners. Ms. Loewenthal concluded that all Town services would be provided to the annexed area on a similar basis and in the same manner as in the present Town limits.

Gary Lubarsky, speaking for the Sycamore Run Homeowners' Association, petitioned the Council to consider the answers to several questions from the homeowners about the annexation, prior to the Council adopting an annexation ordinance. He said the questions dealt with the tax rate, bus service, sidewalks, road maintenance, and recreation space. (For copy of petition, see Clerk's files.) Mr. Lubarsky also stated that the homeowners were in the process of filing suit against the developer to recover funds and for other damages. He suggested that the Council might want to defer action on the annexation until all the questions were answered.

Council Member Thorpe asked how often the Homeowners' Association met. Mr. Lubarsky replied that the Board of Directors met once a month.

Council Member Smith asked the Manager to look at the subdivision plat and approval documents to be sure that all the Town requirements had been met.

Eric Myers, speaking as a resident of Sycamore Run, asked for clarification of the fire protection service which would be offered, and he asked what would be their fire rating as a result of the annexation. Mr. Taylor responded that the fire service would be provided by the Town, with supplementary service provided by the North Chatham Volunteer Fire Department as per State Statute. He said the fire rating would be the same as it was in the other areas of the Town of Chapel Hill.

Jerry Bruno, speaking as a resident, asked what procedures were available to him to protest the annexation. He suggested that the Council wait to annex the area once the Azalea Drive and Bayberry Drive areas were developed. He said if the Council did this it would allow them to include Mt. Carmel Church Road in its maintenance, and that this would provide a solution to many of the problems the residents face with traffic and maintenance of the road. He asked why the Council had not included the Azalea Drive and Bayberry Drive area in the current annexation proposal.

Manager Taylor replied that the reasons for annexing a portion of the area was due to the extension of water and sewer lines and other utilities. He said the availability of those services made one are more timely to annex now.

Lou Brown, speaking as a resident, spoke in support of the annexation. He stated that he had served in Town governments before and that he was aware of the benefits that came from annexation, not least of which were the services which would be

provided and the opportunity now available to exercise the right to vote on issues affecting the Town.

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

Public Hearing on Organizational Alternatives for the Chapel Hill Housing Authority

Ron Secrist, Assistant Town Manager, gave the staff presentation on the alternatives for organization of the Chapel Hill Housing Authority. He said the purpose of the forum that evening was to receive citizen comment on the appropriate future relationship between the Town and the Housing Authority. He stated that in October the Housing Authority requested that the Council conduct a joint study with the Authority to determine the appropriate relationship between the Town and Housing Authority in light of recent federal housing cutbacks and the growing needs of public housing in Chapel Hill. He said the Housing Authority Board also requested that due to the recent resignation of the Executive Director of the Authority that the Town provide interim management assistance as it had in 1983. Mr. Secrist stated that the Town began the current management assistance in November. He said over the past few months, the Housing Authority Commissioners with the assistance from Housing Authority staff and Town staff had studied several alternative ways that the Town and Authority might work together to provide public housing services. He stated that an important part of the study included a trip to two North Carolina communities who had recently strengthened the relationships between their respective local governments and the Housing Authority. Mr. Secrist said the Housing Authority had also held a public hearing on January 15 for residents of public housing to comment on the alternatives. He said on March 9 a report was presented to the Council on the proposed alternatives. He said included in the report was a history of the Authority, including a budget analysis, and a description of the 312 units (272 of which were built with HUD funds and therefore fall under HUD guidelines while the 40 year debt on the units is outstanding). Mr. Secrist said the three categories of alternatives presented in the report were 1) maintaining the existing organizational structure with a strengthened interlocal cooperation agreement between the Town and Housing Authority; 2) the Town and Housing Authority could enter into a management services agreement or operations agreement that would enable direct and ongoing involvement of the Town in public housing activities in the community; and 3) create a Town Department of Housing which would redirect the Housing Authority's resources to the Town in accord with State law, and the Town would assume all responsibility for public housing services and create an advisory housing board. He said five members of the Housing Authority Board favored creating a Town department, while four proposed that the Town and Housing Authority enter into a management services agreement. Mr. Secrist said following comments from citizens this evening, the

staff would recommend that the Council refer the comments to the Manager and Attorney for a follow-up report and recommendation to the Council.

Roosevelt Wilkerson, Jr., speaking as a representative of the Chapel Hill Housing Authority Board of Directors, said public housing was in dire need in Chapel Hill. He said he felt the Town and Council were in the best position to help manage and sustain the functions of the Housing Authority. He said with any of the proposals the Council needed to ensure that there would be maintenance on the units and further interest in the needs of the tenants; that the 312 housing units remained as public housing units; and that a forum be available for the tenants to air their concerns. He said in his opinion, and that of four other Board of Directors, the Town offered the best advantages to the Housing Authority in that as a Town department, the Housing Authority would have equal standing with all Town services; it would have the supervision and management skills of a Housing Authority Director, an Assistant Town Manager, and the Town Manager; and it would have an informed and committed advisory board which would include tenant members. He said that whatever alternative chosen by the Council it needed to take seriously the problems and concerns expressed by the residents and that the residents needed to be a part of any plan.

Marjorie Land, speaking as a member of the Housing Authority Board of Directors, spoke in support of the alternative of having a management services agreement with the Town. She said she felt she spoke for the tenants as well as three other Board members in that they felt it was important to keep the Housing Authority separate from the Town. She introduced into the record a petition signed by the tenants of the public housing units. (For copy of petition, see Clerk's files.) Ms. Land stated that the Housing Authority needed the Town's continuing support, but that she would prefer the support to come via a management services agreement. She commented that funds for the Authority had been diminished but that funds were still available. She stated that the tenants wanted and needed to be involved in the process of deciding the future of the Housing Authority. She said that what the Authority needed was a permanent, dedicated administrator.

George Gamble, representing the Association of Community Agencies in Orange County, urged the Council to remember and consider the human factors in whatever decision they make. He asked the Council to include tenant input and desires in the decision making process. He suggested that any administrative board include tenants, human service agency representatives, and concerned citizens; that a residents' association be encouraged and supported; and that the Town hire a least one social worker to work with the tenants.

Anne Freeman, speaking as a public housing tenant, spoke in support of keeping the Housing Authority a separate entity from the Town. She said if the Town were to take over the Authority

there would be no guarantee that those currently living in the units would be able to stay. She also questioned where the funds allocated to the Housing Authority had been spent. She commented that all the units were in dire need of maintenance and that it appeared little if any funds had been spent in this area.

Council Member Pasquini commented that according the budget figures for the Housing Authority it had only budgeted 9% of the budget for maintenance.

Marie Roberson, speaking as a member of the Board of Directors and as a tenant of the public housing units, commented that her research had shown that those Housing Authorities turned over to local governments had been eventually sold to private entities. She said there was no guarantee that this would not happen here. Ms. Roberson stated that she would prefer to see the Authority kept as a separate entity, but that they needed a strong, dedicated administrator.

Michelle Cotten, speaking as a public housing resident, said she was not sure which alternative was best but that the Housing Authority and tenants needed help. She asked that the Council provide this help.

Mary Hackney, speaking as a public housing resident, said she was speaking for those tenants living on social security. She also said she was not sure which was the best alternative but wondered if the status of the social security recipients would remain the same regardless of what alternative was chosen. Rosemary Waldorf, speaking as Chair of the Housing Authority Board of Directors, replied that no matter who operated the Authority the guidelines for eligibility of tenants remained the same. She said if one was a tenant prior to any change in organization then one would remain a tenant unless his income changed or some infraction occurred.

Betsy Tumer, speaking as a tenant, asked the Council if it had ever attended one of the tenant meetings and if not, that they be informed when the next meeting occurred so that they could have a broader view of what problems exist at the Authority.

Kathy Putnam, speaking as a resident, said she worked with human service agencies and as such knew the benefits which occurred when those affected by a change were included in the process of change. She urged the Council to have the tenants involved in whatever program they decided upon, both in the management and policy issues.

Odessa Cotten, speaking as a tenant, spoke in support of the Authority becoming a department of the Town. She said she had no reason to be afraid that if the Town took over the operations, people would be evicted from their units.

Council Member Smith said that the Town did not have the authority to decide who could and could not live in the housing units. He said HUD set the guidelines and the Town, if it were to take over the Authority, would have to abide by those rules. He questioned the number of staff employed by the Authority and the cheap material apparently purchased by the Authority for constructing and maintaining the units. He said it appeared that often it took too much time to get things done at the Authority. He said the Authority needed a good manager who would visit the sites and take an interest in the needs of the tenants.

Council Member Pasquini asked the Manager to provide information on the costs to the Town for each option, with projections of costs for approximately 10 years when the item was brought back to the Council for consideration. He also asked that the Town ask Carrboro and Orange County for recommendations and assistance since both governments were involved.

Council Member Andresen said she believed the Council was concerned that the housing units be maintained in good condition and that it was important to have a forum for the tenants to express their concerns.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO REFER TO THE MANAGER.

Council Member Thorpe spoke in support of having an executive director of the Authority because such an individual would be able to make spot decisions on issues. He said the Authority needed a strong, conscientious manager. He pointed out that any change in the structure of the Authority would mean a change in the way services were provided. He said when the Authority was first established it had been set up as a separate entity and that there were probably good reasons for this.

Council Member Werner asked the Manager to provide information on whether or not there was any difference in eligibility for funding between the alternatives.

Council Member Howes pointed out that the Town was dealing with the question of the Housing Authority not just because their Executive Director resigned, but because of overall cutbacks in federal funding. He said that as such, it put local governments in the difficult position of trying to find a way to ensure that public housing was available for its citizens. He said that the rents paid by the tenants of public housing did not provide enough revenue to maintain those units which meant a substantial amount of funding has to be acquired elsewhere. Mr. Howes said that if the Town were to provide these services it needed to find that doing so was in the community's best interest. He said the tenants were a part of the community and as such deserved the same care and treatment as any other citizen of Chapel Hill.

Council Member Godschalk said that he had been listening to the comments made that evening by the tenants and their complaints about services not being provided and he wondered why they wanted the Authority to remain as a separate unit as it was currently and not become a part of the Town. He asked the Manager to lay out the regulations on who could and could not live in public housing and what the Town could and could not do to the current tenants with all the alternatives.

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

Mayor Wallace reminded those present that at 10:00 p.m the Council would make a decision as to how far they would proceed with the evening's agenda and if and when a continuation of this meeting would be held.

Manager Taylor commented that Mr. Gerry Barrett had requested that item #11, North Street Subdivision, be deferred from this agenda until a later date as he was unable to attend this meeting. He suggested that the Council defer this item to its continuation of this meeting if the Council continued the meeting to a date next week, otherwise it would go on the April 13 agenda which was already tentatively scheduled to take over six hours.

Public Forum on Manager's Interim Budget

Manager Taylor said this was a public forum to hear citizen comment on the interim budget for fiscal year 1987-88. He said the County had not completed its revaluation of property, so that the final figures were not available for the Town to use in preparing its budget. He said therefore, the Town was using an equalization rate to estimate revenues. Mr. Taylor commented that currently there was a \$180,000 difference between expected revenues and expenditures but that he expected to eliminate this difference through an increased revenue picture or reducing expenditures over the next two months.

Olivia Ludington, representing the Triangle Land Conservancy, said the group was attempting to raise funds to finance a natural land inventory and that they were working with area agencies with this project. She said they needed \$15,000, and that they had already raised \$5,000 and were requesting \$7,000 from Orange County and would like \$2,000 each from Carrboro and Chapel Hill.

Council Member Werner commented that he thought this seemed like an inexpensive way for the Town to identify open space areas and to place priorities on those areas.

Council Member Godschalk agreed with Mr. Werner and pointed out that Orange County and Chapel Hill were behind Durham on this matter as Durham had already completed their study. He said the information would be helpful with the work on the rural buffer, etc.

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Council Member Thorpe said that last year a group had petitioned the Council for two separate clean-up campaigns. He said the two events were not enough to keep Chapel Hill looking good. He suggested the Manager consider some way of funding further clean-up campaigns throughout the year.

Council Member Pasquini commented that he had been contacted by the Orange County Rescue Squad to request a donation from the Town to purchase new equipment or for building renovation.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (8-0).

Petitions

Pat Evans, speaking as Vice-Chair of the Planning Board, petitioned the Council to postpone its scheduled April public hearing to rezone 18 areas until a later date. She said the Board requested this because they would prefer to wait until the major elements of the Comprehensive Plan were completed so that they would have the information from that report to aid them in their review of the proposals. Ms. Evans said that three of the main elements in the Comprehensive Plan (demographic report, public facilities report and transportation report) were scheduled to be completed soon. She said these reports along with the recommendations from the Design Task Force on visual and design features of development and the new University of North Carolina Land Use Plan would provide important information and facts to use in their deliberations. She requested that the Council delay the public hearings until this information was available and studied by the Planning Board, but that the hearings be delayed no later than November of 1987.

The consensus of the Council was that when it discussed potential Council meeting dates rescheduling later in the agenda it would address this issue.

Grainger Barrett, representing the Chapel Hill - Carrboro Chamber of Commerce, petitioned to speak to item #5a, Legislative Requests.

Mike Brough, an attorney representing Piedmont Communications Inc., petitioned the Council for direction and consideration of a matter relating to the establishment of an antenna on top of the NCNB Plaza building. Mr. Brough said that his client was working with Cellular One to set up an antenna in Chapel Hill in order to meet federal requirements for establishing appropriate service for the area. He said that when his client had approached the Town to erect a new antenna on the top of the NCNB Plaza building he had discovered that he could not do so because it would be a nonconforming feature. Mr. Brough said this had come as a surprise because the Town had erected and still maintained an antenna on the same site. He stated that in an effort to abide by the ordinance and still have an antenna on the site, his

client had negotiated to purchase one of the old antennas on the site which was proposed to cease being used. He said conversations with the Planning staff and Planning Board indicated that purchase of this antenna and then removal and replacement with an upgraded, but virtually the same antenna would not constitute increasing the nonconformity but just a continuation of the nonconformity. Mr. Brough said, however, that subsequent conversations with the Town Attorney had indicated that this might not be true, therefore he was requesting guidance and interpretation from the Council on this issue prior to having his client enter into financial negotiations for the antenna.

Council Member Howes said that this seemed like a reasonable request.

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

Watts Hill, Jr., petitioned to speak to items #10, Cameron Avenue subdivision, and #12a, Homeownership Policies.

Council Member Howes commented that Council Member Preston had requested that she be excused from this meeting. He asked for the Council's ruling on this matter. The Council agreed to excuse Ms. Preston from the meeting.

Council Member Pasquini requested that when the staff scheduled the Housing Authority policy issue agenda that they include time for the Council to discuss this matter in detail and not expect a decision that same evening.

Minutes

Council Member Godschalk stated that on page 5, the second paragraph should state "...the Development Ordinance did not allow for the Town to require...", and that on page 20 he would like further clarification of what was Dr. Smythe's response to the comment that the homes were in the Resource Conservation District.

Council Member Andresen stated that on page 4, the citizen representing The Oaks Homeowner's Association was Terry Zug, and that on page 5, first paragraph, that Mr. Howes had also commented that closing Umstead Drive to through traffic could not be ruled out as an option. Council Member Howes said he did not remember his exact comments and asked the Clerk to make the correction if necessary.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF FEBRUARY 25, 1987 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (8-0).

Legislative Requests

Grainger Barrett, representing the Chapel Hill - Carrboro Chamber of Commerce, said the Board of Directors of the Chamber had after long deliberations had voted to adopt a resolution supporting a hotel/motel tax if 50% of the proceeds went toward promoting tourism. He said the Board did not indicate how much if any of the funds should be given to the Chamber for promoting tourism.

Council Members Howes and Godschalk said the Manager's recommendation was that one third of the funds be earmarked for the Chamber to use to promote the travel industry. They asked if Mr. Barrett could comment on why the Chamber was requesting that 50% of the funds be used for travel issues. Mr. Barrett responded that he did not know, but that the Chamber vote had been prior to the Manager making his recommendation.

Council Member Smith said he hoped the Chamber would negotiate with the Manager and support any amount the Council decided to earmark for promoting tourism.

Council Member Werner said the Council had solicited comments from the public at the forum held February 25 and he felt this issue should not be negotiated with the Chamber. He said the Council represented the entire Town not just the Chamber.

Council Member Andresen commented that several people had called her to question whether or not the Town should promote tourism.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-3-23/R-1.1.

Council Member Howes pointed out that this resolution said the Council supported state-wide enabling legislation and did not address the issue just being discussed.

Council Member Godschalk asked Mr. Howes whether he thought the General Assembly would take on the three issues. Mr. Howes said that the League of Municipalities had recently adopted four resolutions to be supported in the General Assembly and that one of them had been to encourage legislation to provide for a broad range of alternative revenue sources for municipalities.

Council Member Thorpe spoke against the resolution saying he felt all of the proposed new revenue sources were bad ideas.

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

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING STATE-WIDE ENABLING LEGISLATION FOR HOTEL/MOTEL, REAL ESTATE TRANSFER AND ENTERTAINMENT TAXES (87-3-23/R-1.1)

WHEREAS, municipalities and counties need alternatives to additional use of ad valorem taxes in order to provide greater stability in budgeting for services to the public; and

WHEREAS, municipalities and counties need infrastructure projects such as road construction and capital outlays such as schools, purchasing land for public facilities and preserving special areas of natural environment; and

WHEREAS, recent cost and gasoline tax revenue projections for highway and thoroughfare needs in North Carolina indicate that localities will often need to contribute a local funding share to obtain timely design and construction of needed improvements; and

WHEREAS, State-wide enabling legislation would allow cities and counties to decide whether and how much of a revenue authorization to use in light of local needs;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council encourages the General Assembly to authorize cities, towns and counties to levy the following taxes:

A hotel/motel tax of up to 3% of room charges;

A real estate transfer tax of up to 1%, and

An entertainment/admissions tax of up to \$1 per paid ticket for events in facilities with more than 15,000 seats.

This the 23rd day of March, 1987.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-3-23/R-1.2 AS AMENDED AS FOLLOWS:

"BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL THAT THE COUNCIL REQUESTS THE NORTH CAROLINA GENERAL ASSEMBLY TO AUTHORIZE THE TOWN COUNCIL OF CHAPEL HILL TO LEVY A TAX OF UP TO 3% OF ROOM CHARGES BY HOTELS AND MOTELS; ALLOCATION OF THE REVENUES COLLECTED FROM THIS TAX WOULD BE DECIDED BY THE TOWN COUNCIL EACH YEAR DURING ITS ANNUAL BUDGETING PROCESS WITH PARTICULAR CONSIDERATION GIVEN TO PROVIDING FUNDING FOR VISITOR INFORMATION SERVICES AND SUPPORT OF CULTURAL EVENTS;

BE IT FURTHER RESOLVED THAT THE COUNCIL REQUESTS THE GENERAL ASSEMBLY TO EXPEDITE CONSIDERATION ..."

Council Member Smith questioned supporting both a state-wide and a local enabling act.

Council Member Howes said that there was no problem in supporting both legislations. He said the General Assembly might not get around to adopting state-wide legislation but might be inclined to grant a local act.

Council Member Godschalk commented that the motion on the floor deleted the reference of earmarking one third of the revenues collected from the proposed tax to the Chamber for promoting tourism. He asked if, when this legislation had passed for other municipalities, it had specified a particular amount for promoting the travel industry. He also commented that he thought this motion would be sending a negative response to the Chamber.

Manager Taylor replied that the localities which had this enabling legislation passed had generally specified a particular amount for the tourism.

Council Members Werner and Andresen commented that their motion did not rule out the possibility that the Chamber would receive a portion of the funds for tourism programs. Mr. Werner also commented that he thought it would be poor policy for the Town to collect a tax and give the proceeds to one specific private entity to do with as they saw fit.

Council Member Howes said that Wake County had specified a certain amount, but that the League of Municipalities' recent action had not specified the specific purpose of the funds.

Manager Taylor commented that as a result of the adoption of the proposed motion, he would expect to requests from area groups with each budget preparation.

Council Member Smith said that he was afraid that the motion would sending a bad message to the General Assembly. He said the Town would be introducing legislation for a tax, for which the revenues had not been designated for a specific purpose. He said he was especially concerned since similar bills which had been passed by the General Assembly had included specifics on how the funds would be used.

Council Member Howes said that Mr. Smith's point was good, but that what the Council needed to say was that it would use the same procedure to allocate these funds as it did all other funds during the budgeting process.

THE MOTION CARRIED, (5-3), WITH COUNCIL MEMBER GODSCHALK, SMITH, AND HOWES VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING THE GENERAL ASSEMBLY TO AUTHORIZE A HOTEL-MOTEL TAX IN THE TOWN OF CHAPEL HILL (87-3-/23/R-1.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the North Carolina General Assembly to authorize

the Town Council of Chapel Hill to levy a tax of up to 3% of room charges by hotels and motels; allocation of the revenues collected from this tax would be decided by the Town Council each year during its annual budgeting process with particular consideration given to providing funding for visitor information services and support of cultural events;

BE IT FURTHER RESOLVED that the Council requests the General Assembly to expedite consideration of this requested bill so that the Town may enact this tax for the full fiscal year beginning July 1, 1987.

BE IT FURTHER RESOLVED that the Council directs the Town Attorney to draft a local bill for submittal to the General Assembly representatives of districts including the Town of Chapel Hill.

This the 23rd day of March, 1987.

Mayor Wallace said that since it was after 10:00 p.m. he would like the Manager to make a recommendation on how to proceed with the remainder of the agenda. Manager Taylor suggested that the Council continue with the agenda until 11:00 p.m when it could recess the meeting until a further date. He asked that agenda items #14 and #15a be included in the discussion this evening.

Council Member Godschalk commented that the Council needed to make a decision on the Joint Planning Area Land Use Plan (Agenda #8) proposed changes that evening because the County needed this information as soon as possible.

Mayor Wallace asked for a consensus of when the Council could meet to consider those agenda items not addressed that evening. The Council agreed to recess the meeting until Tuesday, March 31, at 7:30 p.m in the Municipal Building Meeting Room.

Smoke Detectors

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 87-3-23/R-2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL ACT REGARDING SMOKE DETECTORS (87-3-23/R-2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the General Assembly to adopt a local act enabling the Town of Chapel Hill to require smoke detectors in residences where such detectors are not already required under North Carolina building and fire codes.

BE IT FURTHER RESOLVED that the Council directs the Town Attorney to draft a bill for submittal to the General Assembly members who represent districts including the Town of Chapel Hill.

This the 23rd day of March, 1987.

Retirement Benefits for Local Law Enforcement Officers

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-3-23/R-3.

Council Member Pasquini asked for clarification of this issue. Council Member Howes responded that the League of Municipalities supported a position to repeal legislation passed last year which required supplemental retirement benefits for law enforcement officers. He said the administration of the separation allowance for these officers was creating administrative and recordkeeping burdens for localities. He stated that if the General Assembly would not repeal the legislation, the League hoped it would agree to fund and administer it.

Manager Taylor stated that the current legislation in essence required the Town set up and operate a retirement system. He pointed out that the Town did not currently have the expertise to do this.

Council Member Godschalk commented that it was important for localities to go on record either for or against this issue since it had strong support by the State Attorney General.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION URGING RECONSIDERATION OF STATE-MANDATED BENEFITS FOR LOCAL LAW ENFORCEMENT OFFICERS (87-3-23/R-3)

WHEREAS, the General Assembly in 1986 required supplemental retirement benefits for law enforcement officers which are not provided to other local government employees; and

WHEREAS, the mandate for these benefits will require the Town of Chapel Hill to spend approximately \$220,000 annually (or over 2 cents on the Town's tax rate) to fund these benefits; and

WHEREAS, the administration of the "separation allowance" for retiring law enforcement officers would present a significant administrative and recordkeeping burden to Town officials; and

WHEREAS, the separation allowance encourages experienced officers to retire at the earliest eligible date, thus depriving the community of their experience and expertise,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council strongly urges the General Assembly to reconsider its actions in the 1986 session concerning costly benefits required exclusively for law enforcement officers. The Council requests that the General Assembly eliminate the program, or fully fund the program with state appropriations.

BE IT FURTHER RESOLVED that, if the separation allowance program is continued, the program should be administered by officials with the State of North Carolina having the actuarial and financial expertise to run such a retirement program.

This, the 23rd day of March, 1987.

Legislative Goals of the League of Municipalities

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-3-23/R-3.1

Council Member Werner asked if there were any specific reason to support only three of the goals purported by the League. Council Member Howes responded that he had suggested only those which he felt directly affected Chapel Hill and its citizens.

Council Member Werner asked that water and wastewater funding be added to the resolution. Council Members Howes and Smith agreed to add this to their motion.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ENDORSING THE LEGISLATIVE GOALS OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES (87-3-23/R-3.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that in addition to other resolutions on legislative matters, the Council generally endorses the 1987 Legislative Goals of the North Carolina League of Municipalities, and the Council expresses special support for legislation regarding:

1. Allowing use of municipal tax funds for housing for low and moderate income families.
2. Protection of watersheds.
3. Prohibiting sale of detergents and other cleaning agents with phosphates.
4. Wastewater funding.

This the 23rd day of March, 1987.

Transportation Advisory Committee

Council Member Thorpe stated that the Transportation Advisory Committee planned to hold a meeting on Thursday, April 2 at 7:30 p.m. to present ideas to the elected officials of Orange County, Durham County, Chapel Hill, Carrboro, and Durham on area transportation issues. He said he felt it was important that as many of the Council Members as possible should attend this meeting.

Subdivision Procedures - Two Step Process Proposal

Council Member Andresen said she had noticed that in reviewing many of the subdivision plans recently, questions were being raised which merited careful consideration and that often she did not feel she had the time to do so without deferring the item to another meeting. She said the Council had several options in which to establish a two-step process from amending the Development Ordinance, adopting a resolution, to adopting a resolution to set the procedure as part of the Council's Procedures Manual. She said she proposed that the Council add to its Procedures Manual a policy statement that subdivision review would be a two-step process whereby at the first meeting the Council would hear the presentation and receive questions and comments which would be referred to the Manager and Attorney for a follow-up report at a later meeting.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-3-23/R-4A.

Council Member Godschalk said he disagreed with stating that the Council would ordinarily have the two-step process. He said he would prefer the wording to be that the Council "may, if necessary" have such a process. He said he was concerned that such a procedure would place the Council so much further behind schedule with the agenda process, and just add further red tape to the development process.

Council Members Werner and Andresen disagreed saying that the proposal allowed for discretion on the part of the Council.

Council Member Pasquini said the present situation allowed for the Council to defer at will any item. He said he would prefer not to see subdivision requests continually referred back to the Manager or for them to take two meetings.

Council Member Andresen commented that the Council had referred several recent subdivision requests back to the Manager and she felt it was important to let the developers know the rules.

Council Member Howes said he did not think the procedure needed to be lengthened but that if the Council were to decide to change its procedures, this needed to be done via an amendment to the Development Ordinance rather than as a part of the Council's administrative procedures manual.

Council Member Godschalk said he disagreed with calling a public hearing to amend the Development Ordinance because once again the Council would be adding more red tape to the process. He commented that he agreed with a memorandum sent by the Mayor to the Council suggesting that the Council try to keep their meetings running more efficiently by asking the Manager and staff any questions on the proposals prior to the Council meeting at which it was deliberated.

Council Member Werner stated that many of the questions which arise at the Council meetings with regard to subdivisions are posed by citizens in attendance.

Council Member Howes suggested that this item be deferred to the next meeting of the Council on March 31. The Council agreed.

Joint Planning Area Land Use Plan - Proposed Changes

Council Member Godschalk stated that the proposal was to expand the transition areas for both Carrboro and Chapel Hill into areas currently designated as rural buffer. He said the purpose of the resolution was for Chapel Hill to go on record as to its stand on this issue.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT 87-3-23/R-5 AS AMENDED AS FOLLOWS:

"WHEREAS, the governments of Chapel Hill, Carrboro, and Orange County have adopted a 13 point agreement in principle, designed to protect the water supply watershed and to facilitate joint planning and to maintain working intergovernmental relations; and WHEREAS, the Joint Planning Area Land Use Plan map and text would need to be amended to carry out one element of the 13 point agreement -- the expansion of Carrboro's Transition Area north into the Bolin Creek drainage basin, with the understanding that this will forestall further water and sewer extensions into the University Lake watershed prior to completion of the proposed OWASA carrying capacity study and the adoption of its recommendations by the governing bodies involved; NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County Board of Commissioners amend the Joint Planning Area Land Use Plan in the following ways: If Carrboro will supply assurances that it will not seek to extend water and sewer lines into University Lake watershed prior to completion of the OWASA carrying capacity study, then: 1) Amend JOINT PLANNING AREA LAND USE PLAN map (as shown on the attached map) and text to change the land use classification on approximately 1,500 acres of land from Rural Residential to Transition..."

Mayor Wallace asked who would have control of the transition areas. Mr. Godschalk replied that the municipalities would provide the zoning map for the areas to Orange County who would adopt the zoning designations.

Council Member Andresen asked what was the difference between the extraterritorial jurisdiction and the transition area. Manager Taylor replied that in the extraterritorial jurisdiction the municipality had complete control, but in the transition area there was a joint agreement on the Joint Land Use Plan; the municipality would provide the zoning maps in accordance with the Joint Land Use Plan; the County would adopt the zoning ordinances consistent with the Joint Land Use Plan; and the municipality would administer the ordinances for development in the areas.

Council Member Smith expressed concern that Chapel Hill was getting involved in problems between Carrboro and Orange County especially since Chapel Hill and Orange County had already agreed to a Joint Land Use Plan.

Council Member Andresen spoke in support of the motion saying that intergovernmental cooperation was necessary. She asked if once this was adopted, would Chapel Hill have any way to further protect the University Lake Watershed. Council Member Godschalk said that he had tried to address that question in the resolution by linking Chapel Hill's approval with the adoption of the water carrying capacity study's recommendations.

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

The resolution, as adopted, reads as follows:

RESOLUTION RECOMMENDING CHANGES TO THE JOINT PLANNING AREA LAND USE PLAN (87-3-23/R-5)

WHEREAS, the governments of Chapel Hill, Carrboro, and Orange County have adopted a 13 point agreement in principle, designed to protect the water supply watershed and to facilitate joint planning and to maintain working intergovernmental relations; and

WHEREAS, the Joint Planning Area Land Use Plan map and text would need to be amended to carry out one element of the 13 point agreement -- the expansion of Carrboro's Transition Area north into the Bolin Creek drainage basin, with the understanding that this will forestall further water and sewer extensions into the University Lake watershed prior to completion of the proposed OWASA carrying capacity study and the adoption of its recommendations by the governing bodies involved;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County Board of Commissioners amend the Joint Planning Area Land Use Plan in the following ways:

If Carrboro will supply assurances that it will not seek to extend water and sewer lines into University Lake watershed prior to completion of the OWASA carrying capacity study, then:

1) Amend JOINT PLANNING AREA LAND USE PLAN map (as shown on the attached map) and text to change the land use classification on approximately 1,500 acres of land from Rural Residential to Transition. The property in question is located in the upper portion of the Bolin Creek drainage basin and is bounded generally by Duke Forest on the north, Union Grove Church Road (SR 1179) and Dairyland Road (SR 1112) to the west, NC Highway 86 and Buckhorn Creek to the south, and extending to the east of Rogers Road. The specific densities will be set by the Zoning categories.

2) Amend JOINT PLANNING AREA LAND USE PLAN map and text by providing boundary descriptions for Rural Buffer and Transition areas consistent with the county-wide Land Use Plan.

This the 23rd day of March, 1987.

Merritt Mill Road - Bids

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-3-23/R-11. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE MERRITT MILL ROAD IMPROVEMENTS PROJECT (87-3-23/R-11)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on February 8 and 15, 1987 in accordance with G.S. 143-129 for the Merritt Mill Road Improvements Project; and

WHEREAS, the following bids were received and opened on February 24, 1987:

<u>Contractor</u>	<u>Base Bid Amount</u>	<u>Bid Alternate (Deduct Sidewalk)</u>	<u>Base Bid Less Bid Alternate</u>
Crowder Construction Co.	\$ 817,000.65	\$ 28,312.80	\$ 788,687.85
C. C. Mangum, Inc.	\$ 887,435.35	\$ 35,692.20	\$ 851,743.15
Nello Teer Company	\$ 994,350.00	\$ 45,180.00	\$ 949,170.00
Lee Paving Company	\$1,024,469.47	\$ 22,590.00	\$1,001,879.47
(Engineer's Estimate)	\$ (852,433.00)	\$(30,120.00)	\$ (822,313.00)

and; WHEREAS, the Town and the low bidder have agreed to a reduction in project scope to meet budget limitations; and

WHEREAS, the proposed reduced project scope will consist of all base bid improvements for approximately 1800 feet from the vicinity of station 22+00 to the end of the project, as shown on the approved plans; and

WHEREAS, the estimated cost for the reduced project scope improvements is approximately \$500,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Crowder Construction Company in the amount of \$817,000.65, and award the contract for the Merritt Mill Road Improvements Project subject to the reduction in project scope from approximately 4000 feet to approximately 1800 feet, to be paid at the unit prices bid, and subject to approval of such award by the N. C. Board of Transportation.

BE IT FURTHER RESOLVED that, should funding become available, the Manager is authorized to execute a change order to expand the project to its original scope, using the same unit prices, and that this possibility shall be reflected in the contract document.

This the 23rd day of March, 1987.

Consent Agenda

Council Member Howes asked that item #C, Springfest, be removed from the consent agenda.

Council Member Werner asked that item #I, Calling Public Hearing on Annexation of The Oaks II, Phase 2B, be removed from the consent agenda.

Council Member Pasquini asked that item #A, Rescheduling of Meetings, be removed from the consent agenda.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-3-23/R-12 MINUS ITEMS #A, C, AND I. THE MOTION PASSED UNANIMOUSLY, (8-0).

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

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (87-3-23/R-12)

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

- b. Parks and Recreation/Library Funds - Request to County (R-14).
- d. Publication of unpaid assessments (R-16).
- e. CD Budget Amendment - \$25,000 (0-3).
- f. Shelter Grant Application (R-17).

- g. Asphalt Supplies (R-18).
- h. 3-Wheel Vehicle Supplies (R-19).

This the 23rd day of March, 1987.

A RESOLUTION OF SUPPORT FOR AND REQUESTING CONTINUATION OF FUNDING BY ORANGE COUNTY FOR MUNICIPAL LIBRARY AND PARKS AND RECREATION SERVICES (87-3-23/R-14)

WHEREAS, the Orange County Board of Commissioners has appropriated funds for several years to support municipal Library and Parks and Recreation services in southern Orange County in a spirit of cooperation between the County and the Town of Chapel Hill; and

WHEREAS, the Town's Library and Parks and Recreation services are available to residents of Orange County who do not live in Chapel Hill on the same basis as for Town residents; and

WHEREAS, the Town Council of Chapel Hill believes the policy of municipal support funding by the Orange County Board of Commissioners is commendable;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its appreciation for its policy of financial support of Chapel Hill Library and Parks and Recreation services; and

BE IT FURTHER RESOLVED that the Council requests County funding in 1987-88 in the amount of 24% (\$168,522) of the budget of the Town's Library and 29% (\$327,128) of the Chapel Hill Parks and Recreation Department budget, these percentages representing the percentage of non-Chapel Hill, Orange County residents using Town Library and Parks and Recreation services; and

BE IT FURTHER RESOLVED that the Mayor and Town Manager of the Town of Chapel Hill are authorized to transmit and formally present the request of the Town of Chapel Hill for municipal support funding to the Orange County Board of Commissioners at the appropriate County budget hearing.

This the 23rd day of March, 1987.

A RESOLUTION SELECTING THE DATE FOR THE ADVERTISEMENT OF DELINQUENT ASSESSMENT LIENS (87-3-23/R-16)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to advertise the Town of Chapel Hill delinquent assessment liens in the month of May, 1987 in accord with G.S. 105-369.

This the 23rd day of March, 1987.

AN ORDINANCE TO AMEND THE 1985 "COMMUNITY DEVELOPMENT ENTITLEMENT GRANT PROJECT ORDINANCE" (87-3-23/O-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Entitlement Grant Project Ordinance" as duly adopted on July 8, 1985 (85-0-43) be and the same is hereby amended as follows:

Section IV. Reflect the following increases and decreases in appropriations to activities:

<u>Activity</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year Revised</u>
Housing Rehabilitation Program	26,000	25,000		51,000
Homeownership Opportunity Program	195,500		11,000	184,500
Capital Improvements	70,000			70,000
General Administration	39,500			39,500
Contingency	<u>14,000</u>	<u> </u>	<u>14,000</u>	<u>-0-</u>
TOTAL	\$345,000	\$25,000	\$25,000	\$345,000

This the 23rd day of March, 1987.

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR EMERGENCY SHELTER GRANT PROGRAM FUNDS TO THE NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT (87-3-23/R-17)

WHEREAS, the needs of the homeless are a significant community concern; and

WHEREAS, the Town is supportive of the efforts of the Inter-Faith Council to operate an emergency shelter for the homeless;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Mayor to submit a grant application for \$5000 to the North Carolina Department of Natural Resources and Community Development for the Emergency Shelter Grant Program, including all understandings and assurances contained therein; and

BE IT FURTHER RESOLVED that the Council directs and authorizes the Town Manager to act as the official representative of the

Town in connection with the application and to provide such additional information as may be required.

This the 23rd day of March, 1987

A RESOLUTION AWARDDING A CONTRACT FOR I-2 ASPHALTIC CONCRETE, H-B ASPHALT AND TACK COAT (87-3-23/R-18)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on February 10, 1987 in accordance with G.S. 143-129 for the supply of I-2 asphaltic concrete, H-B asphalt and tack coat for street patching; and

WHEREAS, the following bids have been received and opened on February 25, 1987:

<u>Item</u>	<u>Lee Paving Sanford</u>	<u>Nello Teer Durham</u>	<u>C. C. Mangum Raleigh</u>
1800 Tons I-2 Asphaltic Concrete	\$22.65/ton = \$40,770.00	\$28.40/ton = \$51,120.00	\$27.70/ton = \$49,860.00
50 Tons H-B Asphalt	\$24.00/ton = \$1,200.00	\$24.25/ton = \$1,212.50	\$26.10/ton = \$1,305.00
9000 Gallons Tack Coat	\$1.25/gal. = \$11,250.00	\$1.90/ton = \$17,100.00	No Bid

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid by Lee Paving Company of February 25, 1987 in the amount of \$22.65/ton for I-2 asphaltic concrete, \$24.00/ton for H-B asphalt and \$1.25/gallon for tack coat in response to the Town's request for bids published on February 10, 1987 in accordance with G.S. 143-129.

This the 23rd day of March, 1987.

A RESOLUTION AWARDDING A BID FOR THE PURCHASE OF ONE (1) THREE-WHEEL VEHICLE (87-3-23/R-19)

WHEREAS, the Town of Chapel Hill solicited formal bids by legal notice in The Chapel Hill Newspaper on February 20, 1987 in accordance with G.S. 143-129 for a three-wheel vehicle; and

WHEREAS, the following bids were received and opened on February 26, 1987:

<u>Vendor</u>	<u>Price</u>
Eastern Turf Equipment Co., Inc.	\$ 7,334.00

Carolina Equipment Co., Inc.

\$ 8,136.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid by Eastern Turf Equipment Company, Inc. in the amount of \$7,334.00 for one (1) three-wheel vehicle in accordance with G.S. 143-129.

This the 23rd day of March, 1987.

Council Meetings

After general discussion the Council decided to delete #a rescheduling the April 21 public hearings in Ordinance-2.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT ORDINANCE 87-3-23/O-2 MINUS #A. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE RESCHEDULING TWO MEETINGS OF THE TOWN COUNCIL (87-3-23/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the schedule of meetings in 1987, previously adopted on August 25, 1986, as follows:

1. Monday, April 27 to Wednesday, April 29.
2. December 14 meeting is rescheduled to Monday, December 7, 1987.

This the 23rd day of March, 1987.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT RESOLUTION 87-3-23/R-13. THE MOTION PASSED UNANIMOUSLY (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AMENDING THE SCHEDULE OF JOINT PLANNING HEARINGS (87-3-23/R-13)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends the schedule of joint planning hearings, as previously adopted on August 25, 1986, as follows:

Reschedule Tuesday, September 8, 1987 to Tuesday, September 15, 1987

Reschedule Thursday December 10, 1987 to Tuesday, December 8, 1987

This the 23rd day of March, 1987.

Manager Taylor reminded the Council that the Planning Board had requested that the Council reschedule the public hearing on potential rezonings to a later date.

Council Member Godschalk spoke in support of this proposal.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER THORPE TO DEFER THE REZONING HEARINGS UNTIL THE FALL. THE MOTION PASSED UNANIMOUSLY, (8-0).

Springfest

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-3-23/R-15.

Council Member Howes said he just wanted to point out that this should indicate that the Council was not unresponsive to the needs of the students. He said that this proposal was indicative of good planning of an event in the proper location and at the proper time.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF RALEIGH STREET ON APRIL 11, 1987 (87-3-23/R-15) :

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of a portion of Raleigh Street between South road and Lenoir Drive from 11:00 a.m. and 5:30 p.m. on Saturday, April 11, 1987, subject to the following conditions:

- Representatives of Henderson Residence College and the Springfest '87 Committee shall comply with reasonable directives by the Town's Police and Fire Departments, and by the University administration and Police, to assure safety of persons and property in the vicinity of the street closing.
- Barricades must be placed at each end of the closed area with UNC Officers stationed to enable access for emergency vehicles if necessary.
- The portion of Raleigh Street right of way in the vicinity of the Springfest activities must be cleared of litter and debris by 5:30 p.m. Saturday, April 11, 1987.

- That Officers of Henderson Residence College and the Springfest '87 Committee shall abide by the directives of an agreement between them and the Town Police Department dated March 6, 1987.
- That failure to comply with these conditions could result in the revocation of the permit to use sound amplifying equipment and exceed the general sound levels to be issued by the Police Department.

This the 23rd day of March, 1987.

Annexation - Calling Public Hearing for The Oaks II, Phase 2B

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-3-23/R-20.

Council Member Werner asked if this annexation request addressed those areas in The Oaks which did not have fire service. Manager Taylor replied no, but that this petition for annexation was in part to ensure that the newly developing part of that development would have fire service. He said Goforth Properties had indicated that they would petition for annexation the areas in the other phases that they own and request that the other property owners do the same.

Council Member Thorpe asked if the County Club property would be included in the upcoming petition. Manager Taylor said it was in an area under consideration for annexation by the Town and would be expected to sign the annexation petition for the other parts of The Oaks development.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF CERTAIN AREA PURSUANT TO G.S. 160A-31, AS AMENDED (87-3-23/R-20)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Building Meeting Room at 7:30 o'clock p.m. on the 13th day of April, 1987.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at a control corner monument on the southern boundary of Ephesus Church Road, 35 feet perpendicular to the centerline and at the northeastern corner of Lot 1, Colony Woods - Section 1 (reference Plat Book 12 at Page 16), said point having a coordinate of N 794,282.44, E 1,996,784.65 on the North Carolina Grid System, and running thence with the right-of-way of Ephesus Church Road North $88^{\circ} 25' 02''$ East 123.33 feet to a point; thence, North $87^{\circ} 06' 00''$ East, 540.83 feet to a point; thence, along a curve to the right, having a Radius = 1385.11 feet and Length = 541.50 feet, a chord of South $81^{\circ} 42' 01''$ East, 583.06 feet to the intersection with the western boundary of Pinehurst Drive; thence with that right-of-way, along a curve to the right, having a Radius = 30.00 feet and Length = 51.27 feet, a chord of South $21^{\circ} 32' 31''$ East, 45.25 feet to a point; thence, South $27^{\circ} 25' 00''$ West, 134.07 feet to a point; thence along a curve to the right, having a Radius = 515.00 feet and Length = 400.73 feet, a chord of South $49^{\circ} 42' 30''$ West, 390.70 feet to a point; thence, along a curve to the left, having a Radius = 615.70 feet and Length = 811.32 feet, a chord of South $34^{\circ} 15' 00''$ West, 753.88 feet to a point; thence, South $03^{\circ} 30' 00''$ East, 107.80 feet to a point; thence, along a curve to the right, having a Radius = 4055.00 feet and Length = 460.03 feet, a chord of South $00^{\circ} 15' 00''$ East, 459.78 feet to a point; thence, South $03^{\circ} 30' 00''$ West, 70.47 feet to a point; thence, along a curve to the right, having a Radius = 555.00 feet and Length = 305.13 feet, a chord of South $18^{\circ} 45' 00''$ West, 301.30 feet to a point; thence, South $34^{\circ} 30' 00''$ West, 17.56 feet to a point; thence, along a curve to the left, having a Radius = 605.00 feet and Length = 343.18 feet, a chord of South $18^{\circ} 15' 00''$ West, 338.59 feet to a point; thence, South $02^{\circ} 00' 00''$ West, 50.00 feet to a point; thence leaving the right-of-way and with the common boundary with Lot 25, The Oaks II - Phase 1, North $88^{\circ} 00' 00''$ West, 265.38 feet to a point; thence, North $01^{\circ} 07' 00''$ East, 2384.06 feet to the point and place of beginning, containing 32.251 acres more or less.

BEING a tract known as The Oaks II - Phase 2B as recorded among the land records of Orange County, North Carolina, in Plat Book _____ at Pages _____ and _____.

Section 3. Notice of said public hearing shall be published in the Chapel Hill Newspaper, a newspaper having a general circulation in the Town of Chapel Hill, at least ten (10) days prior to the date of said public hearing.

This is the 23rd day of March, 1987.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WERNER TO RECESS THE MEETING UNTIL 7:30 P.M., TUESDAY, MARCH 31. THE MOTION PASSED UNANIMOUSLY, (8-0).

The meeting recessed at 11:10 p.m.