

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, NOVEMBER 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
- Nancy Preston
- R. D. Smith
- Bill Thorpe
- Arthur Werner

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

Petitions

Josh Gurlitz, speaking as a citizen, asked to speak to item #8, Architect and Engineer Selection Policy.

Harry Poole and Floyd McKissick, Jr. asked to speak to item #6, Cloverleaf Zoning.

Jean Stewart, speaking as a citizen, asked to speak to item #10, Greendale Park.

UNC Non-voting Member on the Council

Bryan Bailey, representing the UNC Student Government Association, presented the Council with a petition requesting the appointment of a non-voting UNC student on the Chapel Hill Town Council. He said there were important issues discussed by the Council which affected the students attending the University. He stated that although many of the students were only in the area temporarily they felt they should have some voice in those areas which most directly affected them, like the noise ordinance. Mr. Bailey urged the Council to give this petition strong consideration.

Council Member Werner asked what issues, other than the noise ordinance, would interest the students. Rob Friedman, speaking as a student at the University, said the students were interested in the transit system, housing, environment and growth management issues.

Council Member Preston said this idea had been raised during the election campaign and that she thought it had merit.

Council Members Pasquini and Howes stated that they felt this petition should be received and referred to the Attorney.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER SMITH TO REFER TO THE ATTORNEY AND TO DISCUSS THIS ISSUE AT THE COUNCIL'S RETREAT IN JANUARY. THE MOTION PASSED UNANIMOUSLY, (9-0).

Minutes

Council Member Werner stated that on page 2, Bob Margison's name was misspelled and on page 5 Ken Meardon's name was misspelled.

Council Member Preston stated that on page 10, her comment should be that "... the value of the property would appreciate because it would be an office."

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF NOVEMBER 9, 1987 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (9-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT THE MINUTES OF NOVEMBER 10, 1987 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (9-0).

Westcourt - Application for Special Use Permit

Council Member Pasquini asked for clarification of the chart in the report on downtown parking uses. Mr. Waldon responded that the chart indicated the ratio of parking spaces per square foot of building with the applicant proposing one space per 400 square feet. He said this translated into about one parking space per dwelling unit. Mr. Waldon stated that this met the requirements of the Development Ordinance but that the staff felt the applicant should also be required to let prospective buyers of this condition.

Council Member Pasquini commented that he was concerned about the potential for parking overflowing into the adjacent residential areas and that it might be that the Ordinance needed to be reviewed if the one parking space per unit did not appear to be adequate.

Council Member Godschalk said he commended the entrepreneurial spirit behind the project and he wished there had been full scale drawings of the proposal included in the packet material, but that he did have some concerns. He said he did not like the blank facade on the brick wall on Franklin Street and he was not sure of the relationship between the two sites with regard to pedestrian access between the two buildings. He asked what was the proposed access and could it cause confusion and parking conflicts. Mr. Waldon responded that the applicant proposed to use the existing sidewalk on Rosemary Street at the pedestrian path between the two buildings, as well as adding a sidewalk along the drive adjacent to the Pharmacy Building.

Council Member Andresen said she would have liked to have a map indicating the adjacent property uses. She said redevelopment was needed in this area but that she had some concerns about the site design and appearance issues. Ms. Andresen expressed concern about the box-like facade, the height of the buildings, especially the building fronting Rosemary Street, and the awkward relationship between the two buildings.

Council Member Preston agreed with the concerns expressed by Council Members Andresen and Godschalk. She wondered whether or not the building fronting Rosemary Street could be reduced by one story in the first tier.

Council Member Smith commented that the brick wall on Franklin Street was a concern. He also expressed concern about the open wells adjacent to the residential parking entrance of the Franklin Street building. Mr. Smith suggested that display cases could be set into the brick wall along Franklin Street to break up the facade.

Council Member Thorpe asked if the questions being posed by the Council that evening should have been asked at the public hearing and addressed by the applicant at that time. Town Attorney Karpinos said that at the public hearing there had been a time for questions and comments but that this did not preclude questions and comments of the Council of the developer at this time.

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

Council Member Howes suggested that the developer might like to comment on the Council's questions.

Guilford Waddell, speaking as the developer, said that the residents of each building would have assigned parking spaces located in the building in which they reside, and that the extra parking at the Rosemary Street site would be for employees of the commercial and office uses. He said he would prefer not to delay the project and that he was more than willing to work with the Appearance Commission on the concerns expressed.

Council Member Smith said he was still concerned that residents from one building would use the parking spaces in the other building.

Mayor Wallace said he felt the project would be a credit to Chapel Hill and especially this area of Town. He said he thought the Council should consider Mr. Waddell's idea of letting the Appearance Commission address the Council's concerns.

Council Member Andresen said she was reluctant to see the project terminated but she felt the concerns and problems identified had serious implications and were more than cosmetic and therefore

she questioned whether they were appropriate to be addressed by the Appearance Commission.

Council Member Godschalk asked for clarification of the 50 parking spaces at the Westcourt facility on Rosemary Street. He said the staff memorandum indicated that these spaces were for residents, patrons and employees. Mr. Waddell said that he proposed that the parking spaces be used by employees and residents' guests.

Council Member Howes said the concern about the height and number of parking spaces were fundamental issues which could be used as reasons to deny the project but that he felt the other concerns could be addressed by including them as stipulations.

Mr. Waddell said that he had used the Development Ordinance in designing the project and had adhered to its restrictions and stipulations.

Mayor Wallace asked if the project exceeded the height limits. Mr. Waddell replied no.

Bob Anderson, architect for the project, said the parking concept was for the residents to be allowed one parking space per unit in the garage portion of their building. He said the resident parking would be separate from the commercial/retail and employee parking. He stated that patron parking for the commercial/retail areas would be in the garage area of the Franklin Street site. Mr. Anderson said the employee parking would be located at the Rosemary Street site. He commented that the applicant could have chosen to make a payment into the parking fund rather than provide on-site parking.

Council Member Andresen said the Special Use Permit process allowed for the Council to use discretion in approving/denying projects. She said she still had concerns about the project.

Council Member Howes said the building met the requirements of the ordinance and that he felt the other concerns could be addressed using stipulations. He urged the Council to vote on the project and not to delay.

Council Member Werner agreed with Council Member Howes and said that the ordinance had maximum and minimum requirements for parking and height. He said he did not think the project abused any of those requirements. He pointed out that when the Council had zoned the area Town Center it had taken into consideration that buildings would be built that were the maximum height allowed and that parking would be at a premium. He said he thought the Council should vote on the project that evening.

Council Member Preston reiterated her concerns about the fourth level of the first tier of the building on Rosemary Street.

Mr. Anderson said he did not think the impact or feeling on Rosemary Street of this project would be negative. He pointed out that the surrounding properties were zoned for Town Center and many of them were for sale. He commented that he understood that there was another project in the works for the site between the Pharmacy site and the proposed Westcourt on Rosemary.

Council Member Godschalk suggested modifying the Manager's recommendation to change stipulation #6 to read that the parking spaces were for employees, not patrons.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HOWES FOR A SUBSTITUTE MOTION TO ADOPT RESOLUTION 87-11-23/R-1B WITH THE AMENDMENT THAT STIPULATION #6 STATE THAT THE PARKING SPACES WOULD BE FOR EMPLOYEES.

Council Member Preston asked if the makers of the motion would also include a stipulation that the applicant consider reducing the first tier of the Westcourt on Rosemary facility by one story on the Rosemary Street exposure and if possible add this space to the second tier.

COUNCIL MEMBERS HOWES AND GODSCHALK AGREED TO THIS AMENDMENT.

Council Member Andresen said she would like to vote in favor of the project but that she felt there were concerns that needed to be addressed by the applicant and reviewed by the Council prior to approval of the project.

THE SUBSTITUTE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS PASQUINI AND SMITH VOTING AGAINST.

Council Member Pasquini said that he would prefer that the stipulation #11 relating to what the Appearance Commission would do be re-written to state that the criterion would be followed. Attorney Karpinos prepared the stipulation #11 as follows: "That detailed building elevations be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit, and that the Appearance Commission shall ensure that the following actions are taken in the design of the building elevations:

1. Provide attractive building frontages that create inviting indoor and outdoor spaces usable from the sidewalk and street.
2. Maintain pedestrian interest by replacing blank walls and other dead spaces with display spaces and other similar features at the ground level.
3. Large or continuous wall planes shall be avoided. Reduction of size and bulk by dividing the building mass into smaller-scale components is highly encouraged.

4. Restraint shall be used in the number of different building materials used.
5. Building materials similar to those in predominant use on the street, or nearby, shall be used.
6. Wall detailing shall recess glass surfaces in shadow as deeply as possible - highly reflective materials that create glare are to be avoided.
7. Architectural detailing of windows, doors, and ornaments shall be harmonious and compliment each other and the building as a whole.
8. Consideration shall be given to reducing the height of the first tier facing Rosemary Street by one story, and if possible, adding that space to the second tier..."

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO AMEND THE MOTION TO INCLUDE THE ATTORNEY'S REWORDING OF STIPULATION #11. THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS ANDRESEN AND SMITH VOTING AGAINST.

THE MOTION, AS AMENDED, CARRIED, (6-3), WITH COUNCIL MEMBERS ANDRESEN, PASQUINI, AND SMITH VOTING AGAINST.

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR WESTCOURT AT FRANKLIN/ROSEMARY (87-11-23/R-1B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Westcourt at Franklin/Rosemary buildings proposed by Mr. Guilford Waddell, representing West Franklin Preservation Partners, Inc., on property identified as Chapel Hill Township Tax Map 85, Block M, Lots 17, p/o of 19, and 20, if developed according to the preliminary site plan dated July 31, 1987 and the conditions listed below, would:

1. be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and the applicable specific standards contained in Section 18.7 and 18.7.2, and with all other applicable regulations;
3. be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or be a public necessity; and

4. conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following:

1. That construction begin by November 23, 1988 and be completed by November 23, 1990.
2. That a signed agreement with the N.C. Pharmaceutical Association for a vehicular cross-easement for use of the parking lot and driveways be submitted to the Town Manager prior to issuance of the Zoning Compliance Permit.
3. That 10 feet (10') of additional right-of-way be dedicated along the site's frontage with West Rosemary Street, and be recorded prior to issuance of a Building Permit.
4. That final plans for the location of refuse container(s) be at one consolidated location, serving both sites, and be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
5. That final plans show location of a loading space, preferably not on Franklin Street.
6. That parking lot plans indicating that 50 spaces at the Westcourt at Rosemary site will be provided and reserved for the employees of Westcourt at Franklin be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
7. That final plans demonstrating compliance with Town recreation area standards be approved by the Parks and Recreation Commission prior to issuance of the Zoning Compliance Permit.
8. That a bus stop and amenities be shown on the final site plan and be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
9. That adequate sight distance be provided at the West Rosemary Street entrance/exits, and at the Church Street entrance/exit.
10. That a work zone traffic control plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That detailed building elevations be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit,

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and that the Appearance Commission shall ensure that the following actions are taken in the design of the building elevations:

1. Provide attractive building frontages that create inviting indoor and outdoor spaces usable from the sidewalk and street.
2. Maintain pedestrian interest by replacing blank walls and other dead spaces with display spaces and other similar features at the ground level.
3. Large or continuous wall planes shall be avoided. Reduction of size and bulk by dividing the building mass into smaller-scale components is highly encouraged.
4. Restraint shall be used in the number of different building materials used.
5. Building materials similar to those in predominant use on the street, or nearby, shall be used.
6. Wall detailing shall recess glass surfaces in shadow as deeply as possible - highly reflective materials that create glare are to be avoided.
7. Architectural detailing of windows, doors, and ornaments shall be harmonious and compliment each other and the building as a whole.
8. Consideration shall be given to reducing the height of the first tier facing Rosemary Street by one story, and if possible, adding that space to the second tier.
12. That a lighting, sign plan and landscape plan including a landscape maintenance plan be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit.
13. That the final utility/lighting plan be approved by OWASA, Duke Power, Southern Bell, Public Service of N.C. and Carolina Cable and the Town Manager before issuance of a Zoning Compliance Permit.
14. That a note be placed on the final plans indicating the method of refuse pick-up, and that the Town will only be responsible for refuse pick-up at the dumpster location at the Westcourt at Franklin Building.
15. That the developer be responsible for the cost of installing a traffic signal at the intersection of W. Franklin Street and Church Street, and that these improvements be made prior to issuance of the Certificate of Occupancy.

16. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility, grading and stormwater management plan, right-of-way/easement plats, fire flow report) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.
17. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
18. 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 the Westcourt at Franklin/Rosemary Special Use Permit in accordance with the plans and conditions listed above.

This the 23rd day of November, 1987.

Cloverleaf Annexation

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HOWES TO ADOPT ORDINANCE 87-11-23/O-1. THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER SMITH VOTING AGAINST.

(To see ordinance, as adopted, see Cloverleaf Zoning)

Cloverleaf Zoning

Harry Poole, speaking as the President of the Northwoods Homeowners Association, asked the Council to consider zoning the property to OI-1 instead of MU-OI-1.

Floyd McKissick, Jr., an attorney representing the property owner, spoke in support of the MU-OI-1 zoning. He said it was consistent with the Land Use Plan and that the concerns of the neighbors could be addressed when the property was proposed to be developed. He pointed out that with the mixed use zoning there would be a Special Use Permit for the entire site and that individual projects would not be developed but would follow a master plan.

Council Member Andresen said she liked the mixed use idea but had a problem with having it on this site. She said she was concerned about the allowable heights and the potential for increased traffic on Eubanks Road.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 87-11-23/O-2A.

Council Member Godschalk spoke in favor of the motion. He said he felt there were compelling arguments for the mixed use zoning, especially with the adopted Land Use Plan. He said the Council had been very careful when deliberating the use of mixed use and applying it to certain areas, especially the I-40 interchanges. He said if the Council did not zone this portion mixed use then it destroyed the basis for mixed use in this area. Mr. Godschalk stated that the Council could control the buffers, height, etc, with the Special Use Permit. He said he felt if the property were not zoned mixed use he did not think a mixed use project would be forthcoming.

Council Member Werner said he agreed that during the planning process for the Land Use Plan that the mixed use concept had been greatly deliberated but that from the comments at the public hearing on the proposed rezonings he thought there was some question on the use of mixed use zoning. He said this area was right across from residential uses and he was concerned about the potential impact and the fact that Eubanks was not a major road. He said he would rather be conservative and wait until there was a mixed use project that could be used as a benchmark for what kind of developments would occur with this zoning designation.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI FOR A SUBSTITUTE MOTION TO ADOPT ORDINANCE 87-11-23/O-2B.

Council Member Preston said the Council had discussed mixed use when it adopted the Land Use Plan, but that she was concerned about the traffic impact on Eubanks and the surrounding residential area. She said she was not really concerned about the densities because she felt it could be handled with the buffers, etc. She said the Council did not have to zone the property that evening and wondered if it would make sense to wait the sixty days to consider the effect of zoning the property.

Council Member Smith said that he was not against the mixed use concept but that he did not think it was suitable at this site, especially since its only access was via Eubanks Road. He also said he did not like the configuration of the site with the small stretch of land adjoining the two larger tracts.

Council Member Godschalk commented that the property was directly adjacent to the I-40 right-of-way and that he felt it would be better to have access to the site via Eubanks Road rather than N.C. 86 since it was so close to the intersection. He agreed that the site configuration was not the best. Mr. Godschalk stated that he felt the height concerns could be addressed with the buffer requirements. He stated that as he read the ordinance, in order to get the maximum height of 90' then any building would have to be set back 222' from Eubanks Road.

Council Member Howes said that Chapel Hill had a good opportunity and substantial responsibility in zoning the areas adjacent to the Interstate-40 interchanges. He agreed that the Council

should be sensitive to the neighbors concerns and said that it might be better to delay zoning the property until further consideration could be given to all the ramifications.

Manager Taylor stated that the Council needed to zone the property within 60 days of the effective date of annexation and that it would take six affirmative votes of the Council in order to zone the property on the first reading of the zoning ordinance. He suggested that if the Council wished to delay action on the zoning, then the Council might want to reconsider the effective date of the annexation.

Council Member Pasquini stated that he had some of the same concerns addressed by Council Member Smith with regard to Eubanks Road and the site configuration. He said he felt the property owner should acquire the interior tracts and then the entire area could be zoned and developed as mixed use.

THE SUBSTITUTE MOTION FAILED, (0-9).

THE MOTION TO ADOPT ORDINANCE 87-11-23/O-2A FAILED TO PASS, (1-8), WITH COUNCIL MEMBER GODSCHALK VOTING IN FAVOR.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HOWES TO RECONSIDER ORDINANCE 87-11-23/O-1. THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO AMEND ORDINANCE 87-11-23/O-1, SECTION II, TO MAKE THE EFFECTIVE DATE OF ANNEXATION DECEMBER 31, 1987. THE MOTION PASSED UNANIMOUSLY, (9-0).

ORDINANCE 87-11-23/O-1 AS AMENDED PASSED UNANIMOUSLY, (9-0).

The ordinance, as amended, reads as follows:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (87-11-23/O-1)

WHEREAS, the Council has petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Chapel Hill Municipal Building, 306 North Columbia Street, Chapel Hill, N.C., 27514, at 7:30 p.m. on the 19th day of September, 1987, after due notice of publication on the 4th and 13th days of September, 1986; and

WHEREAS, the Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, North Carolina:

SECTION I

By virtue of the authority granted by G.S. 160A-31, as amended, the following described property is hereby annexed and made part of the Town of Chapel Hill as of midnight, December 31, 1987.

The areas to be annexed are described as follows:

BEGINNING at a point in the northern right-of-way line of Eubanks Road, said point marking the intersection of the northern right-of-way line of Eubanks Road with the proposed western right-of-way line of Interstate Highway No. 40 as shown on a survey by William Jerry Autry, dated October 23, 1983; running thence from said beginning point South 87 degrees 12 minutes 27 seconds West with the northern right-of-way line of Eubanks Road 157.06 feet to a point, thence North 85 degrees 19 minutes 35 seconds West with the northern right-of-way line of Eubanks Road 403.75 feet to an iron stake; thence North 2 degrees 17 minutes 29 seconds East 242 feet to an iron stake; thence North 85 degrees 36 minutes 25 seconds West 900 feet to a point; thence North 2 degrees 15 minutes East with the Eastern line of the "Sparrow" tract 624.53 feet to a point; thence North 87 degrees 26 minutes 28 seconds West with the northern line of said "Sparrow" tract 246.25 feet to a point; thence South 2 degrees 35 minutes 12 seconds West with the western line of said "Sparrow" tract 852.83 feet to an iron stake in the northern right-of-way line of Eubanks Road; thence North 84 degrees 47 minutes 42 seconds West with the northern right-of-way line of Eubanks Road 279.35 feet to an iron stake; thence North 80 degrees 8 minutes 22 seconds West with the northern right-of-way line of Eubanks Road 168.97 feet to a State highway monument; thence North 75 degrees 45 minutes 13 seconds West with the northern right-of-way line of Eubanks Road 591.86 feet to an iron stake; thence North 0 degrees 15 minutes 54 seconds West with the Eastern line of the "Mellott" tract 710.27 feet to an iron stake located in the right-of-way of Piedmont Electric Company; thence South 87 degrees 22 minutes 53 seconds East 1,967.99 feet to an iron stake marking the southeast corner of the "Erber" tract; thence South 47 degrees 56 minutes 22 seconds East with the proposed western right-of-way line of Interstate Highway No. 40 as shown on the Autry survey 64.64 feet to a point; thence continuing with the said proposed western right-of-way line of I-40 South 47 degrees 56 minutes 22 seconds East 166.61 feet to a point; thence continuing with the said proposed western right-of-way line of I-40 South 40 degrees 21 minutes 42 seconds East 172.25 feet to a point; thence continuing with the said proposed western right-of-way line of I-40 South 31 degrees 39 minutes 44 seconds East 480.06 feet to a point; thence continuing with the said proposed western right-of-way line of I-40 South 33 degrees 9 minutes 46 seconds East 114.95 feet to a point; thence continuing with the said proposed western right-of-way line of I-40

South 56 degrees 17 minutes 51 seconds East 211.03 feet to a point; thence continuing with the said proposed western right-of-way line of I-40 South 19 degrees 30 minutes 2 seconds West 33.14 feet to the point of BEGINNING.

BEING 36.34 acres more or less, and being a portion of the land conveyed to Marvin P. Hogan by deed recorded in Book 350, Page 427 of the Orange County Register of Deeds.

This property is the same property described in a deed to I-40/86 Cloverleaf Associates recorded in Book 517, Page 413 of the Orange County Register of Deeds.

SECTION II

Upon December 31, 1987, the above described territory 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. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION III

The Manager of the Town of Chapel Hill shall cause to be recorded in the offices of the Orange County Register of Deeds and the Orange County Board of Elections, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section I hereof, together with a duly certified copy of this ordinance.

This the 23rd day of November, 1987.

Willow Drive Stop Regulations

Bill Smith, speaking as a resident, said some of the residents had been dismayed that this item was before the Council for consideration. He said he was not aware of evidence that the stop signs were ineffective and dangerous. He urged the Council not to repeal the stop signs.

Council Member Thorpe said that he had requested that this item be discussed because he had received numerous comments from other residents who felt the stop signs were not working and were in fact dangerous. He stated that he wished some of those who had contacted him had been present at this meeting.

Miles Fletcher, speaking as a resident, spoke in favor of retaining the stop signs.

Council Member Andresen said that she had also received telephone calls and a letter. She suggested that the Manager report back

to the Council in six months on the effectiveness of the stop signs.

Council Member Pasquini suggested that the Police Department also prepare a report on the safety aspect of the stop signs.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER THORPE TO REFER THIS MATTER TO THE MANAGER AND POLICE TO INVESTIGATE THE ALLEGATIONS OF SAFETY AND TO REPORT BACK TO THE COUNCIL WITHIN SIX MONTHS. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Thorpe said that he hoped the citizens who had complained of the safety and ineffectiveness of the stop signs would attend the meeting when this was next discussed.

Seawell School Road Speed Limits

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-11-23/R-1.1.

Council Member Andresen said this was probably one of the most abused roads in Town for speeding. She asked how enforceable was a 35 mph speed limit.

Council Member Godschalk commented that he felt it could be enforceable but at a high cost for personnel and equipment. He agreed that there needed to be some changes in the way the railroad crossing was handled but that he did not think changing the speed limit would improve this situation. He said the Town needed to lobby for railroad crossing bars.

Council Member Smith said the only thing that would work would be strict enforcement of the speed limit by issuing traffic citations. He said that he would prefer that the speed limit be 25 mph.

Council Member Andresen asked what was the current speed limit. Mr. Taylor responded that it was 45 mph.

THE MOTION CARRIED, (8-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING THE NORTH CAROLINA BOARD OF TRANSPORTATION TO SET SPEED LIMITS OF 35 AND 25 MPH FOR SEAWELL SCHOOL ROAD (87-11-23/R-1.1)

WHEREAS, members of the Board of Education of the Chapel Hill-Carrboro City School District have indicated a preference for a speed limit of 25 mph on Seawell School Road; and

WHEREAS, the Chapel Hill Town Council on October 26, 1981 adopted a school zone speed limit of 25 mph for morning and afternoon hours on Seawell School Road; and on November 23, 1987 adopted a 35 mph speed limit for other times;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the North Carolina Board of Transportation to adopt concurring ordinances to set a speed limit of 35 mph on Seawell School Road from Estes Drive to Homestead Road except from 7:30 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m. on school days, at which time the speed limits shall be 25 mph.

This the 23rd day of November, 1987.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 87-11-23/O-4A. THE MOTION CARRIED, (7-2), WITH COUNCIL MEMBERS GODSCHALK AND SMITH VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (87-11-23/O-4a)

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

SECTION I

That Section 21-11 of the Town Code of Ordinances, "Speed Regulations," is amended by inserting the following in appropriate order:

(3) Thirty-five miles per hour":

Seawell School Road within the corporate limits.

SECTION II

That all ordinances in conflict herein are hereby repealed.

SECTION III

This ordinance shall be effective December 31, 1987.

This the 23rd day of November, 1987.

Vicious Animals

Council Member Thorpe said that he had requested this report in response to growing concern over Pit Bull terriers. He said he

hoped the Council would adopt an ordinance which would protect its citizens from vicious dogs.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-11-23/R-1.2. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING THE KEEPING OF VICIOUS ANIMALS WITHIN THE TOWN OF CHAPEL HILL (87-11-23/R-1.2)

WHEREAS, there exists a great amount of pedestrian and bicycle traffic in the Town of Chapel Hill; and

WHEREAS, unleashed dogs and vicious animals can pose a threat to the safety of these pedestrians, bicycle riders and other Town citizens; and

WHEREAS, other communities throughout the United States have had reported incidents of attacks on citizens by vicious dogs, and in particular, by a breed of dogs commonly known as "pit bulls";

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to proceed with the review of the Town's present animal control ordinance and to study, as a part of any proposed amendment to that ordinance, the possibility of a provision to prohibit, within the Town limits, any breed of dog, and in particular pit bulls, which has been shown by prior incidents to be vicious and dangerous and a threat to the citizens of Chapel Hill.

This the 23rd day of November, 1987.

Architects and Engineers Selection Policy

Josh Gurlitz, speaking as the President of the Design Council of Chapel Hill and Carrboro, spoke in support of an established policy on the selection of architects and engineers. He urged the Council to use local talent whenever possible. He said that other area municipalities stated that they notified area architects of projects but that in reality Chapel Hill architects were not notified of area municipal projects. (For a copy of statement, see Clerk's files.)

Council Member Howes asked if there were a Triangle association of architects and engineers. Mr. Gurlitz responded that there was an area architectural association but not an engineering association.

Council Member Howes said that what Mr. Gurlitz suggested was that Chapel Hill should restrain competition because Chapel Hill's architects were restrained from working in other areas. He

said he was sympathetic to Mr. Gurlitz's concerns but in general he was against any kind of artificial constraints in the free market.

Mr. Gurlitz said he believed the architects and engineers in Chapel Hill had the expertise to do most projects but that they had to be given the opportunity to prove it.

Council Member Preston commented that Raleigh and Durham stated in their policy that they advertised projects throughout the region but that Mr. Gurlitz indicated that this was not true.

Council Member Andresen said she liked the idea of the policy but wondered if there should be wording to the effect as to who actually did the work. She said often a project would be awarded to an architectural concern and that the work was not done by one of the principals.

Council Member Preston said she felt this could be addressed in the contract.

Council Member Godschalk said he felt this was addressed to some extent in Section II.A(3)(d) which discussed the use of key personnel.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER THORPE TO ADOPT RESOLUTION 87-11-23/R-2.

Council Member Thorpe spoke in support of the motion stating that this policy was needed.

Council Member Howes suggested deleting Section IV(f) which dealt with a travel allowance for individuals outside of a fifty mile radius. He said this in effect penalized those architects and engineers who lived within fifty miles of Chapel Hill. Manager Taylor said the purpose of that section had been to prevent local architects and engineers from billing the Town for transportation charges to and from their offices when their offices were in the Triangle.

COUNCIL MEMBERS GODSCHALK AND THORPE AGREED TO AMEND THEIR MOTION TO DELETE SECTION IV (F).

Council Member Howes commended Council Member Thorpe for bringing this item (the policy on architects and engineers selection) to the Council's attention. He said that he would be glad to write to the Mayors of Durham and Raleigh regarding the issue of notification of all area architects of municipal projects.

Council Member Smith commented that it should be noted that in order to meet the requirements regarding equal opportunity for minorities that local firms might not be chosen and that this needed to be understood and addressed in the policy. Manager

Taylor stated that the policy included the Town's affirmative action statement regarding the hiring of minorities.

Council Member Preston asked if the policy should include surveying work. Manager Taylor responded that he did not think the Town would have any surveying projects of the size addressed in the policy. He said most surveying was done with Town employees.

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

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING A POLICY ON SELECTING ARCHITECTURAL AND ENGINEERING SERVICES (87-11-23/R-2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the attached Policy on Selecting Architectural and Engineering Professional Services; and the Council hereby amends the Town Council's Procedures Manual by adding this resolution and the attached policy as Section III(D)(6).

This the 23rd day of November, 1987.

SELECTION OF ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES

- I. Public Policy
- II. Objectives
- III. Scope
- IV. Procedures

I. Public Policy

To select the best suited firm and/or individual(s) to provide professional architectural and engineering services to the Town based upon the demonstrated competence and qualification(s) of the firms and/or individual(s) to provide the type of services required.

II. Objectives

A. To select firms or individuals which are best suited to provide professional architectural and engineering services to the Town on a contractual or performance agreement basis, in consideration of:

1. Quality and timeliness of past work for the Town and other clients, as indicated by references or other research.
2. Amount of experience in performing work relevant to that sought by the Town.

3. Resources available to perform work and meet Town requirements, including:
 - a. ability to meet the desired schedule.
 - b. staffing and equipment.
 - c. training, knowledge and skills.
 - d. availability and commitment of key person(s).
 4. Proposed terms and conditions of service including:
 - a. responsiveness to the Town's request for proposals.
 - b. contractual obligations to other clients.
 - c. meeting regulatory requirements, e.g., in connection with grant-funded projects.
 - d. when applicable, providing performance guarantees, co-insurance and/or indemnification protections to the Town.
 - e. willingness of the firm to provide the desired services at a fair and reasonable fee. In accord with State law, fees shall be negotiated after selection of a firm or individual based on competence and qualifications.
 - f. any requirement for assistance by Town staff, use of Town office space or equipment, etc.
 - g. any other factors which the Town determines are relevant in considering a specific proposal or group of proposals.
- B. To enhance professional service opportunities for people who are members of minority groups or who are women, and for firms which are primarily owned by women and/or members of minority groups; to make selections without regard to race, color, sex, age, religion, national origin, marital status or non-job-related handicapped status.
 - C. To enhance opportunities for private businesses to provide services on terms which are in the best interest of the Town.
 - D. To comply with applicable national and State laws and regulations.

III. Scope

This policy shall apply to selection of architectural and engineering services.

IV. Procedures

- A. The Town shall request written proposals for architectural and engineering services when the expected cost of such services would exceed \$30,000, and the Town may use the following procedures for contracts of lesser amounts.

For services expected to cost more than \$30,000, the Manager shall:

1. Maintain files listing individuals, firms and associations which have requested in writing to receive notices of Requests for Proposals (RFPs). The Town may require the use of forms for this purpose.
 2. Send RFPs or notices of RFPs to any individuals, firms or associations which have filed written requests with the Town for such notices. The Town shall not be required to mail lengthy RFP documents, but may send RFP notices so that an interested party may pick up an RFP in a Town office. The Town may require RFPs to be returned and may require reasonable reimbursement for copying lengthy RFP documents.
 3. Cause RFPs to be announced and/or publicized at least in the Triangle area (Wake, Durham and Orange Counties) by such means as the Manager deems reasonable in cost and effectiveness; such methods may include publishing legal notices or advertising and issuing news releases, in addition to mailings to parties which have requested notice.
 4. Send RFPs or notices of RFPs to minority/female business organizations.
 5. Subject to applicable laws and regulations, the Town Manager or the Council, as applicable, shall award and enter into contracts on the basis of considerations generally described in Section II, Objectives.
- B. The Town Manager is authorized to enter into contracts on behalf of the Town pursuant to resolution 82-R-40 of March 8, 1982.

- C. Notwithstanding the above, the Town Council may direct the submittal to the Council of proposed agreements and/or resolutions requesting proposals, awarding contracts, etc.; and may prescribe advertising and proposal evaluation procedures for specific agreements.
- D. This policy shall be subject to and superseded by applicable laws, regulations and contracts.
- E. The term Town Manager shall include the Manager's designee.
- F. The Town Manager may issue administrative regulations and procedures to implement this policy.

WS-1 Classification of University Lake and Cane Creek Water Supplies

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-11-23/R-3.

Manager Taylor stated that he had received a hand delivered letter from Acting Director of OWASA, Pat Davis, urging support of the resolution.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING WS-1 CLASSIFICATION OF UNIVERSITY LAKE AND CANE CREEK WATER SUPPLIES (87-11-23/R-3)

WHEREAS, the Town Council along with other governing bodies, supports the careful protection of watershed areas; and

WHEREAS, the Town Council on November 24, 1985 authorized the Mayor to submit a letter to the N.C. Department of Natural Resources and Community Development supporting the WS-1 classification of Cane Creek and University Lake;

WHEREAS, University Lake and Cane Creek are the primary water sources for about 58,000 citizens served by the Orange Water and Sewer Authority in Chapel Hill, Carrboro, southeast Orange County and a portion of Durham County; and these water supplies may be shared with other areas in future years; and

WHEREAS, the OWASA Board of Directors earlier this year affirmed that University Lake is to continue as a long-term water supply for OWASA and the citizens it serves;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council reaffirms its support for the WS-1 classification of University Lake and Cane Creek, requests the North

Carolina Environmental Management Commission to approve this classification, and authorizes the Mayor or Mayor's designee to submit this resolution at the public hearing scheduled for December 16, 1987.

This the 23rd day of November, 1987.

Greendale Park

Jean Stewart, speaking as a citizen, said the discussion of Greendale Park should include recognition of Mary Frances and Phil Schinhan, and Watts Hill, Sr., and many of the residents of Hillcrest who were all involved in this project. She stated that the memorandum stated the park was abutted property along Glenhill Lane and that this was incorrect.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 87-11-23/R-4. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION NAMING A PUBLIC FACILITY GREENDALE PARK
(87-11-23/R-4)

WHEREAS, the Town's Greenway and Parks and Recreation Commission have requested the Council consider naming a 14-acre parcel along Battle Branch as Greendale Park in recognition of the two adjacent neighborhoods who contributed significantly to the property being preserved as park and open space; and

WHEREAS, the Council's policy on Naming of Public Facilities adopted in 1975 requires recommendations for naming facilities be submitted to the Council;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the 14-acre parcel along the certain section of Battle Branch in the vicinity of the Greenwood and Glendale neighborhoods be named Greendale Park and be referred to as same on all future Town maps and publications.

This the 23rd day of November, 1987.

Areas Under Consideration for Annexation

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 87-11-23/R-5. THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION IDENTIFYING THE AREAS DESCRIBED WITHIN AS BEING UNDER CONSIDERATION FOR ANNEXATION (87-11-23/R-5)

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

Section I

That pursuant to G.S. 160A-49(i), the following described areas are identified as being under consideration for annexation by the Town of Chapel Hill, under the provisions of Part 3, Article 4A of Chapter 160A of the General Statutes of North Carolina:

1. Unincorporated area north and west of the existing town limits, bounded to the west by the Southern Railroad right-of-way, the elementary and high school property, Homestead Road (S.R. 1777) and Rogers Road (S.R. 1729), and to the north by Eubanks Road (S.R. 1727), the site of the Town's current land fill, and the northern tributary of Old Field Creek.
2. Unincorporated area north and east of the existing town limits, northwest of U.S. Highway 15-501 East, and bounded to the north by the I-40 right-of-way.
3. Unincorporated area east of the existing Town limits and south of U.S. Highway 15-501 East, bounded to the west by the line established by the resolutions adopted on July 14, and July 22, 1986, by the Councils of Chapel Hill and the City of Durham and the judgement entered in the Chapel Hill vs. City of Durham annexation suit, and to the south by the Corps of Engineers property.
4. Unincorporated area south of the existing Town limits and Morgan Creek, bounded to the west by the right-of-way of Smith Level Road (S.R. 1919), and to the south by the Orange-Chatham County line and a natural ridge line located south and east of Wilson and Morgan Creeks.

The above areas are shown on attached map 1, which shall be incorporated into this resolution by reference, in accordance with NC General Statute 160A-49(i).

Section II

That a copy of this resolution shall be filed and displayed with the Town Clerk.

This is the 23rd day of November, 1987.

Consent Agenda

Council Member Thorpe asked that item #d be removed from the consent agenda.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 87-11-23/R-6 MINUS ITEM #D. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (87-11-23/R-6)

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

- a. Covington Place Annexation Hearing - January 20 (R-7).
- b. Extending Period for Manager's Report on Proposed Rezonings (R-8).
- c. Housing
 - (1) Budget Amendment for Public Housing (R-9).
 - (2) Write-off Procedure for Uncollectable Public Housing Rents (R-10).
 - (3) Waiving of Payment-in-Lieu of Taxes for Public Housing (PILOT) (R-11).
 - (4) Setting Just Compensation for Duke Power Property to be Acquired for Tandler Homeownership Project at Merritt Mill Road (R-12).
- e. Bids for Uniforms (R-14).
- f. Silver Cedar Court Parking Restriction (O-5).

This the 23rd day of November, 1987.

Covington Place Annexation - Calling a Public Hearing

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON ANNEXING THE PROPOSED COVINGTON PLACE PROPERTY (87-11-23/R-7)

WHEREAS, the owners of property which is the site of the proposed Covington Place Subdivision have petitioned the Town of Chapel Hill to annex said property located northeast of the intersection of Erwin Road and Weaver Dairy Road, and

WHEREAS, the Town Clerk has certified to the Town Council the sufficiency of said petition pursuant to N.C. General Statutes 160A-58.2,

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Council hereby calls a public hearing for 7:30 p.m. Monday, January 20, 1988, in the Municipal Building Meeting Room, 306 N. Columbia Street, Chapel Hill, N.C., 27514, on this annexation petition for Covington Place property.

BE IT THEREFORE RESOLVED that the Town Manager shall cause notice of the public hearing to be published, in a newspaper having general circulation in the municipality, at least 10 days before the date of the public hearing.

This the 23rd day of November, 1987.

Extending the Period for Staff Report on the November 18 Rezoning Public Hearings

The resolution, as adopted, reads as follows:

A RESOLUTION EXTENDING THE PERIOD FOR THE TOWN MANAGER'S REPORT ON MATTERS CONSIDERED AT THE NOVEMBER 18, 1987 HEARING ON REZONING PROPOSALS (87-11-23/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that pursuant to Section 20.3.6 of the Development Ordinance, the Council extends to February 22, 1988, the period for the Manager's report to the Town Council on matters scheduled for consideration at the November 18, 1987 public hearing.

This the 23rd day of November, 1987.

Budget Amendment - Housing

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE SUBMISSION OF REVISION NO. 1 TO THE OPERATING BUDGET FOR THE LOW RENT HOUSING PROGRAM FOR FISCAL YEAR 1987 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT CONVENTIONAL HOUSING PROGRAM, PROJECT NO(s) Nc 46-1,2,4,5,6,7, & 9 (87-11-23/R-9)

WHEREAS, the Town of Chapel Hill (formerly the Chapel Hill Housing Authority) has submitted an Operating Budget for fiscal year ending December 31, 1987; and

WHEREAS, the Town Council has determined that the proposed expenditures are necessary in the efficient and economical operation of the Public Housing Program for the purpose of serving low-income families; and

WHEREAS, the budget indicates a source of funding adequate to cover all proposed expenditures; and

WHEREAS, the budget does not provide for use of federal funding in excess of that payable under the Performance Funding System; and

WHEREAS, all proposed rental charges and expenditures will be consistent with provision of law and the Annual Contributions Contract; and

WHEREAS, the Town of Chapel Hill hereby certifies that it is in compliance with the provisions of Section 207(a) of the Consolidated Annual Contributions Contract in that the Town shall at least once a year re-examine the income of families living in the Project(s); and

WHEREAS, all Housing Managers, Assistant Housing Managers, or persons responsible for 75 or more units of Public Housing are hereby certified by an approved Certifying Organization; and

WHEREAS, pursuant to Section 307, Part II of the Consolidated Annual Contributions Contract, the Town of Chapel Hill hereby certifies that all administrative salaries are comparable to local public practice, based on a comparability study which is on file for HUD;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council does hereby approve Revision No. 1 to the Operating Budget for Fiscal Year ending December 31, 1987.

This the 23rd day of November, 1987.

Write-off Procedure for Uncollectable Public Housing Rents

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO DESIGNATE THE WRITE-OFF OF RENT COLLECTION LOSSES IN THE PUBLIC HOUSING PROGRAM (87-11-23/R-10)

WHEREAS, the U.S. Department of Housing and Urban Development requires that uncollectible rent accounts be designated as collection losses; and

WHEREAS, the Town Council may delegate the authority to approve the write-off of rent collection losses to a designated official;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to designate and approve the write-off of rent collection losses in the Public Housing Program in accord with HUD guidelines and after reasonable attempts have been made to collect past due accounts.

This the 23rd day of November, 1987.

Waiving Payment-in-Lieu of Taxes for Public Housing

The resolution, as adopted, reads as follows:

A RESOLUTION WAIVING PAYMENT IN LIEU OF TAXES BY THE PUBLIC HOUSING PROGRAM FOR THE PERIOD OF JANUARY 1 THROUGH JULY 12, 1987 (87-11-23/R-11)

WHEREAS, the Town of Chapel Hill entered into a Cooperation Agreement with the former Chapel Hill Housing Authority on November 26, 1962; and

WHEREAS, as part of the Cooperation Agreement, the Town agreed not to "levy or impose any real or personal property taxes upon the local Authority;" and

WHEREAS, the Housing Authority agreed to make annual "Payments in Lieu of Taxes" as payment for public services and facilities received; and

WHEREAS, the Town, upon receipt of such payments, is required by the Agreement to distribute proportional shares to other eligible taxing bodies; and

WHEREAS, the failure of the Housing Authority to make any Payment in Lieu of Taxes does not result in any interest, penalties or liens; and

WHEREAS, the Town waived 1985 and 1986 Payments in Lieu of Taxes enabling the funds to be used to make major repairs to Housing Authority units; and

WHEREAS, in accord with North Carolina General Statutes 157-4.1, the Town assumed responsibility for the public housing program from the Chapel Hill Housing Authority on July 13, 1987; and

WHEREAS, the Town desires to improve the condition and maintenance of public housing units in the community;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby formally waives the obligation of the public housing program to make a Payment in Lieu of Taxes for the period of January 1, 1987 to July 12, 1987 and designates the waived funds to be used for necessary maintenance and repairs to public housing units as identified as a part of the comprehensive inventory of public housing maintenance needs.

This the 23rd day of November, 1987.

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Just Compensation for Duke Power Easement - Tandler I

The resolution, as adopted, reads as follows:

A RESOLUTION ESTABLISHING JUST COMPENSATION FOR ACQUISITION OF DUKE POWER'S PROPERTY (Tax Map 91-G-11) (87-11-23/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has been determined on the basis of an appraisal by Kathleen K. Buck, Appraiser, and a review appraisal by Frederick K. Ruffin, Appraiser, that the just conversation of the property to be acquired for Community Development program purposes is as follows:

<u>Parcel No.</u>	<u>Owner</u>	<u>Interest To Be Acquired</u>	<u>Area</u>	<u>Just Compensation</u>
91-G-11	Duke Power Co.	Property	18,750 sq.ft.	\$9,600

BE IT FURTHER RESOLVED that the Council hereby certifies that to the best of its knowledge, the work of the appraiser, Kathleen K. Buck, and the review appraiser, Frederick K. Ruffin, 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 authorizing the Manager to acquire the property.

This the 23rd day of November, 1987.

Bids for Uniforms

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS FOR POLICE, FIRE AND TRANSPORTATION UNIFORMS (87-11-23/R-14)

WHEREAS, the Town of Chapel Hill has solicited formal bids by Legal Notice in The Chapel Hill Newspaper on November 1, 1987, in accordance with G.S. 143-129, for supplying Police, Fire and Transportation Uniforms; and

WHEREAS, the following bids have been received and opened on November 12, 1987:

<u>Police and Public Safety Officer Uniforms</u>	<u>Showety's Greensboro</u>		<u>Hub-Stinnette Raleigh</u>	
	<u>Unit</u>	<u>Extended</u>	<u>Unit</u>	<u>Extended</u>
1. 136 short sleeve shirts	20.00	2720.00	19.50	2652.00
2. 136 long sleeve shirts	22.50	3060.00	21.00	2856.00
3. 136 dress trousers	26.00	3536.00	24.00	3264.00

4.	24 car coat jackets	100.00	2400.00	90.00	2160.00
5.	24 light weight jackets	43.50	1044.00	41.50	996.00
6.	Winter Caps				
1.	30 Patrolman	15.50	465.00	14.50	435.00
2.	15 Officer	18.50	277.50	16.50	247.50
7.	Summer Caps				
1.	30 Patrolman	14.50	435.00	15.00	450.00
2.	15 Officer	17.50	<u>262.50</u>	17.00	<u>255.00</u>
Subtotal			\$14,200.00		\$13,315.50

Fire Officer Uniforms

1.	105 short sleeve shirts	12.50	1312.50	13.50	1417.50
2.	105 long sleeve shirts	14.50	1522.50	14.75	1548.75
3.	20 dress trousers	21.00	420.00	21.50	430.00
4.	3 dress trousers (gab.)	45.00	135.00	40.00	120.00
5.	5 dress jackets	70.00	350.00	62.00	310.00
6.	95 work trousers	16.75	1591.25	17.00	1615.00
7.	10 work jackets w/liners	40.00	400.00	36.00	360.00
8.	30 short sleeve coveralls	16.00	480.00	17.00	510.00
9.	30 long sleeve coveralls	17.50	525.00	18.00	540.00
10.	Patches (330 pieces)	1.15	379.50	1.50	495.00

Transportation Uniforms

1.	200 long sleeve shirts	14.50	2900.00	12.00	2400.00
2.	200 work trousers	18.50	3700.00	21.00	4200.00
3.	50 wind breakers	15.50	775.00	13.50	675.00
4.	175 short sleeve shirts (knit)	10.00	<u>1750.00</u>	11.00	<u>1925.00</u>
Subtotals			\$16,240.75		\$16,546.25
Total Bid			\$30,440.75		\$29,861.75

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Hub-Stinnette Uniforms of November 9, 1987, in the amount of \$13,315.50 for Police Uniforms and the bid of Showfety's of November 12, 1987, in the amount of \$16,240.75 for Fire and Transportation uniforms in response to the Town's request for bids published November 1, 1987, and opened November 12, 1987, in accordance with G.S. 143-129.

This the 23rd day of November, 1987.

Silver Cedar Court Parking Restrictions

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCE (87-11-23/O-5)

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

Section I

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

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Silver Cedar Court	East	Entire Length	

Section II

This ordinance shall be effective December 7, 1987.

Section III

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

This the 23rd day of November, 1987.

Election Canvass

Council Member Thorpe commented that he felt this item should be larger so that it could be easily read.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADOPT RESOLUTION 87-11-23/R-13.

Council Member Preston said that she would like to know the total number of voters who voted in the election.

Council Member Smith said he would like to know why the new Council Members were not immediately sworn in after the election.

THE MOTION PASSED UNANIMOUSLY, (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CERTIFYING THE RESULTS OF THE MUNICIPAL ELECTION (87-11-23/R-13)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the results of the November 3 Municipal Elections, as certified by the Orange County Board of Elections in its Certificate of Abstract of Votes dated November 5, 1987 and listed below, are hereby received and accepted.

ABSTRACT OF VOTES

Part of an election held for MAYOR AND TOWN COUNCIL on the Tuesday next after the first Monday in November A.D. 1987 it being the 3rd day thereof, in the County of Orange, North Carolina, at the places appointed by Law for holding elections in said County, and Town of Chapel Hill.

ELECTION PRECINCTS	MAYOR			TOWN COUNCIL								
	JULE ANTHONIS	JOSEPH B. BONES	DAVID H. LIFERENDE	CHARLES BALAN	ROBERT B. FRIEDMAN	JOE KIRKENDALL	KANGY SIMS PENTON	CASSIYRA L. SLOOP	BILL THORPE	ROBERT VARELY	JIMMY WALLACE	ROBERT WILSON
BATTLE PARK	192	201	12	9	69	227	296	91	158	79	221	204
CHICKER HILLS	290	219	12	23	70	263	354	156	207	98	323	288
COLONIAL KNIGHTS	147	229	6	17	82	243	246	94	145	65	173	241
COUNTRY CLUB	85	113	18	50	152	134	147	51	141	36	94	100
EAST FRANKLIN	94	152	31	27	96	203	178	40	110	59	113	138
EASTSIDE	305	324	16	19	145	442	449	247	293	105	391	340
ESTES HILLS	318	352	6	16	132	356	466	238	250	123	337	257
GLANWOOD	205	235	18	29	102	219	325	119	171	129	224	241
GREENWOOD	106	163	7	25	89	121	189	70	130	51	171	127
KINGS HILL	91	85	8	5	25	95	139	32	64	48	125	114
LINCOLN	78	139	9	22	69	107	136	21	110	21	55	148
MASON PARK	68	69	6	15	42	80	91	37	55	37	59	72
ROCKSIDE	94	233	5	20	36	204	196	38	219	29	80	246
ROOSEVELT	244	302	32	37	106	267	393	181	235	112	254	292
WALTER BARRY	317	316	17	27	111	336	458	212	277	102	335	371
WESTWOOD	157	144	11	9	77	166	203	164	124	44	139	184
WYMAN PERCINCT	35	56	1	6	17	69	66	27	34	22	46	43
AMSTER	43	43	1	4	9	43	71	32	32	13	41	52
TOTALS	2812	3907	216	360	1559	5775	6399	1807	2207	1178	3151	2632

STATE OF NORTH CAROLINA Orange COUNTY.

We, the undersigned, the County Board of Elections for said County, having opened, canvassed and judicially determined the original returns of the election in the several precincts in this County, held as above stated, do hereby certify that the above is a true abstract thereof and contains the number of legal ballots cast in each precinct for the office named, the name of each person voted for, and the number of votes cast for each person for Mayor and Town Council as aforesaid.

Given under our hands this 5th day of November, 1987.

Robert E. Leland
Walter P. ...
 County Board of Elections

This the 23rd day of November, 1987.

Boards and Commissions

Planning Board - Nominations

Council Member Howes nominated all the applicants.

Council Member Andresen nominated Kay Maltbie.

Council Member Preston nominated Thaddeus Moore.

Executive Session

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH TO ADJOURN TO EXECUTIVE SESSION FOR CONSIDERATION AND ACTION ON PERSONNEL MATTERS. THE MOTION PASSED UNANIMOUSLY, (9-0).

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

A MOTION WAS DULY MADE AND SECONDED TO RETURN TO REGULAR SESSION. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting returned to regular session at 11:10 p.m.

Council Member Godschalk said that it was the general feeling of the Council that the Manager had done an outstanding job this past year.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER SMITH TO SET THE MANAGER'S ANNUAL SALARY AT \$74,500, RETROACTIVE TO OCTOBER 1, 1987. THE MOTION PASSED UNANIMOUSLY, (9-0).

Council Member Thorpe said the Council had discussed the Attorney's performance and had felt that he had done a good job this year.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER WERNER TO SET THE ATTORNEY'S ANNUAL SALARY AT \$48,000, RETROACTIVE TO OCTOBER 1, 1987. THE MOTION PASSED UNANIMOUSLY, (9-0).

Manager Taylor stated that he appreciated the Council's confidence in him and he looked forward to the new year.

Bob Schwintz, speaking as a citizen, invited the Council to a Christmas Eve concert at the shelter.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (9-0).

The meeting adjourned at 11:15 p.m.