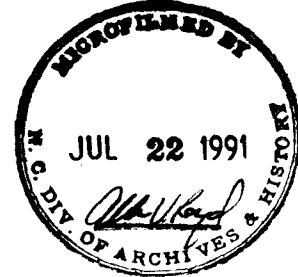


MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MARCH 28, 1988, 7:30 P.M.

Mayor Jonathan B. Howes called the meeting to order. Council Members present were:

David Godschalk
Joe Herzenberg
David Pasquini
Nancy Preston
James C. Wallace
Arthur Werner
Roosevelt Wilkerson



Council Member Andresen 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 Howes recognized and said the Council wanted to thank Bryan Bailey, past UNC Student Body President for his work in furthering the good relationship between the Council, Town and students at the University. He stated that the Council had recently approved the appointment of a UNC Student Liaison to act as a formal liaison between the students and the Council and that the Student Body President would be responsible for the liaison. He introduced the new UNC Student Body President, Kevin Martin, and said the Council was looking forward to working with him.

Mayor Howes also introduced a member of the City Council of the London, England Borough of Trent, Councillor Gwen Tookey. He said she was in the area visiting relatives and desired to see how Chapel Hill's Council operated. Ms. Tookey thanked the Mayor for the introduction and said she was pleased to be at the meeting. She commented that she had been on the Trent Council for twenty years. She said she found the Town to be fascinating, especially the quality of Chapel Hill's refuse collection.

Public Forum on Potential Legislative Requests

Greg Feller, Assistant to the Manager, gave the staff presentation. He stated that the purpose of the public hearing was to receive citizen and Council comments on potential legislative requests. He said the deadline for submittal to the General Assembly was June 8. Mr. Feller stated that draft bills were proposed for 1) adequate public facilities management which included authorization for traffic management; 2) entertainment tax of up to \$1.00 per ticket in facilities seating 15,000 or more; 3) tree protection regulations to extend to the Town's planning jurisdiction outside the Town limits and include requirements to protect soil around trees; 4) financial disclosure of the Mayor and Council Members' interest in business and real property; 5) campaign finance disclosure; 6) towing vehicles from

off-street Town-owned parking facilities; 7) repeal of section in Town Charter which limits flexibility of the Council with regard to membership on the Board of Adjustment; and 8) other matters which might be suggested by citizens or the Council this evening.

Public Facilities

Peter Thorn, representing the Homebuilders' Association, said the Association was concerned about the proposed Adequate Facilities Ordinance and Tree Ordinance and hoped that there would be other public hearings at which they would be discussed. Mayor Howes replied that this public hearing was to receive comments on a request to the General Assembly to grant Chapel Hill the authority to establish those ordinances. He said that if the authority were granted then the Town would proceed with developing the ordinances and would hold public hearings on the proposals.

Mr. Thorn introduced Bill Kalkoff the new Executive Officer of the Association.

There were no comments from the Council.

Entertainment Tax

Roland Gudiz, speaking as a citizen, spoke in support of the entertainment tax because it was a tax that would benefit all of Chapel Hill's citizens, would be a voluntary tax, and would be paid primarily by individuals outside of Chapel Hill. He said he felt the this tax was the fairest and least painful levy Chapel Hill could enact and would offer the University the opportunity to be a better corporate citizen in Chapel Hill.

There were no comments from the Council.

Tree Regulations

Claire Cooperstein, representing the local chapter of the Sierra Club, said that the Town had been working on a resource management ordinance and that the Sierra Club had been working with the staff. She spoke in support of the proposal so that the Council would be authorized to establish a tree ordinance. She said the Sierra Club would prefer that the draft legislative request state that "... alteration of trees and shrubs and soils on public and private property..." instead of "...shrubs and their surrounding soils..." because the Club wished more protection from removal of any top soil.

Helen Urquhart, speaking as a citizen, spoke in support of the proposal for tree regulations. She said there was a tree in her neighborhood that was in the right-of-way that residents wanted and had worked hard to save from destruction from encroaching development. She said this past week it had been severely damaged in the process of developing the adjoining property. She

said that if there were a tree ordinance, this would not have been allowed to occur.

There were no comments from the Council.

Disclosure of Financial Interests of the Mayor and Council

There were no citizen comments.

Council Member Preston asked that the Council be provided with information on what other area municipalities had this regulation and of any other way to address the issue of potential conflicts of interest.

Disclosure of Campaign Finance Information

There were no citizen comments.

Council Member Preston asked for information on what other municipalities of less than 50,000 in population have this regulation.

Towing of Vehicles From Town Parking Facilities

There were no citizen comments.

There were no comments from the Council.

Board of Adjustment Composition - Repeal of Charter Section

There were no citizen comments.

There were no comments from the Council.

Other Matters

There were no citizen comments.

There were no comments from the Council.

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

Public Forum on Interim Budget Report

Manager Taylor said the key issues in the budget for 1988-89 were the method of debt financing for the 1986 Bond Referenda and the Landfill operations. He said that he proposed two options for the debt financing: increasing the tax rate by 2.5 cents per year for the next four years or creating a reserve fund from the 1/2 cent sales tax revenues restricted for water and sewer purposes. He said the latter would require that the Council request the

Local Government Commission for an exemption to use those funds. Manager Taylor stated that the landfill would become a major issue for the budget for the next several years. He said he anticipated increasing tipping fees over the next few years in an effort to help offset the increasing costs required to meet stricter environmental standards. He commented that in the next year the Town would be completing the use of the current north side site and move operations to the south side site. Mr. Taylor also said that the budget report did not include methods of funding the increased planning programs the Council had indicated it wanted addressed: tree ordinance, traffic ordinance and neighborhood planning programs.

Council Member Werner asked if the staff had had any discussions with OWASA on the proposal to use 1/2 cent sales tax revenues for debt financing and not for water and sewer projects. He asked if the staff felt OWASA would increase their fees in response to the loss of revenues. Manager Taylor replied no. He said that OWASA had not had use of the funds in their budget and would not have use of the funds regardless of the proposal for debt financing. He said OWASA set its rates without considering the potential revenue source of the 1/2 cent sales tax. He commented that Carrboro had been granted the exemption from the Local Government Commission for several years.

Council Member Werner said that the proposal would mean that certain water and sewer projects would not be funded. Mr. Taylor replied that it was a possibility but that he proposed keeping the current \$500,000 of the 1/2 cent sales tax revenues for water and sewer projects.

Council Member Godschalk commented that the high cost of hooking up to water and sewer often came as a shock to individuals recently annexed into the Town. He said the Council would need to look at the equity involved in those individuals who would have to hook up to water and sewer versus the benefit of the lack of tax on the entire citizenry.

Manager Taylor said that even if the Town gave the funds to OWASA there was the possibility that OWASA would not use the funds to benefit the individuals in newly annexed areas. Council Member Godschalk stated that the Council could designate where the funds would be used.

Council Member Pasquini said he lived in an area that was just now connecting to OWASA sewer lines so he understood the problems of having to make that payment. He said that even if the Town were to give the funds to OWASA he felt there would be a problem with the funds being used in the manner which the Council desired. He said if the Town were to consider designating the use of the 1/2 cent sales tax funds it should also look at using the funds to aid areas already annexed into the Town who have not received sewer and not just those in newly annexed areas. He commended the Manager for his innovative approach to the debt

financing and said he looked forward to discussing this issue further.

Council Member Wallace said the Council should remember the legislative history of the 1/2 cent sales tax funds and that there had been strong support in the Legislature for use of these funds for water and sewer projects. He said if exemptions were to become numerous the Legislature might review the entire program.

Mayor Howes commented that the 1/2 cent sales tax revenues for water and sewer projects had been set up by the Legislature to help areas foster economic development and to upgrade existing operations. He said these conditions were not present in Chapel Hill.

Helen Urquhart, speaking as a citizen, spoke in support of funding for a forester and arborist if the tree ordinance was approved.

Jay Sargosa, speaking as resident of Orange County, said the Council should look at the long term view of financing operations and not just the next year. He said the Town should be developing methods of paying for services for when the Town's corporate limits were at the maximum expected.

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

Petitions

Kurt Jenne, speaking as a citizen, asked to speak to item #7, Calling Public Hearing on Skateboard Ramps.

Kathy Harris, representing the Greenways Commission, asked to speak to item #8, Capital Improvements Program.

United Christian Fellowship

Jerome Hughes and Margaret Edwards petitioned the Council for an amendment to the noise ordinance to hold a community crusade with outdoor amplification from 4:30 to 9:30 p.m. on July 12 through July 15.

Council Member Herzenberg asked why the amplified equipment would be needed. Mr. Hughes responded that the event would be held at the Ridgefield ballfield and that the amplification equipment would be needed to reach individuals in the back of the ballfield.

Ms. Edwards said a noise ordinance amendment for amplified equipment would also be needed for Memorial Day, May 30.

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

Minutes

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT THE MINUTES OF FEBRUARY 1, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT THE MINUTES OF MARCH 14, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (8-0).

The Oaks II, Phase V - Preliminary Plat

Roger Waldon, Planning Director, said that the proposal was for the preliminary plat for The Oaks II, Phase V subdivision that would be located on the east and west side of New Castle Drive between Lancaster Drive and the Orange/Durham County line. He said the Council had requested information on whether or not the applicant should be required to provide anew the recreation area for this 7-acre tract and if the applicant should be required to make a payment-in-lieu that represented a difference between a payment under the old formula and a payment under the current formula. Mr. Waldon said the staff believed that it was not appropriate for the applicant to be required recreation area again. He said the recreation area requirement for this 7-acre parcel was met when the entire subdivision was approved and therefore the applicant should not be required to provide recreation area twice. Mr. Waldon said that the staff also did not believe that it was appropriate to require an additional payment because the recreation area for the entire subdivision including these 7 acres had been met in 1986.

Mr. Waldon said the Council had also asked if The Oaks III, as approved by Durham County, would meet Chapel Hill's subdivision requirements. He said the staff had reported that the subdivision would meet Chapel Hill's subdivision requirements with the exception of complying with Chapel Hill's Resource Conservation District.

Mr. Waldon stated that a question had also been asked if the area were to be annexed, whether or not Chapel Hill would be required to honor the preliminary plat approval of Durham County. He said the Town Attorney advised the staff that the answer was yes. He said the staff recommended approval of Resolution A.

Council Member Pasquini expressed concern about the two stub-outs and cross traffic. He also asked if The Oaks III would be in Chapel Hill. Mr. Waldon said that part of The Oaks III was in an area under consideration for annexation by the Town, but that the future annexation agreement between Chapel Hill and Durham would

prevent the entire subdivision from being under consideration for annexation by Chapel Hill.

Council Member Pasquini asked if The Oaks III were annexed by Chapel Hill would homes built in areas Chapel Hill would consider part of the Resource Conservation District be nonconforming once the area were annexed and what affect would this have on rebuilding if the homes were destroyed. Mr. Waldon said the RCD ordinance had in it a date that indicated that development that existed on or before that date would not be covered by the ordinance. He said if there were portions of The Oaks III which might ultimately be annexed by the Town of Chapel Hill and there was a lot that was not built upon and was constrained by the RCD the owner of the lot would need to go through the Town's variance process. Town Attorney Karpinos said he agreed that a variance would be needed for the lot which had not been built upon and he believed that the Town's ordinance addressed the issue of uses that were damaged to an extent greater than 50% and when they could be rebuilt. He said the Town's ordinance would apply and the property owner would have to comply with either the variance requirements or rebuilding under the nonconforming features standards.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT RESOLUTION 88-3-28/R-1A. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR THE OAKS II-PHASE V SUBDIVISION (88-3-28/R-1A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that The Oaks II-Phase V subdivision proposed by Goforth Properties, Inc., identified as Chapel Hill Township Tax Map 137, part of Lot 10, if developed according to the preliminary plat dated June 1987, and the conditions listed below, would comply with the provisions of the Development Ordinance;

1. That the extension of New Castle Drive and the construction of Galloway Drive be improved to Class B street with sidewalk according to Town standards.
2. That final street plans, grading plan, utility plans, street lighting plan, stormwater management plans (with hydrologic calculations), be approved by the Town Manager before issuance of Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
3. That sight triangle easements be provided on the final plat.

4. That the developers shall be responsible for placement and maintenance of temporary regulatory traffic signs before issuance of any Certificate of Occupancy until such time that the street system is accepted for maintenance by the Town.
5. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
6. If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plat.
7. That final utility plans, including a street lighting plan, be approved by the Town Manager, OWASA, Duke Power, Southern Bell, Public Service Gas Co., and Carolina Cable before issuance of a Zoning Compliance Permit.
8. That prior to paving streets, utility service laterals be stubbed out to the front property lines of each lot. Sanitary sewer laterals shall be capped off above ground.
9. That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
10. That names of the development and its streets and house/building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
12. That tree protection fences be installed to protect significant existing trees and their root systems, before issuance of a Zoning Compliance Permit.
13. That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
14. That no Certificate of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.
15. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

16. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for preliminary plan approval for The Oaks II, Phase 5 Subdivision in accord with the plans and conditions listed above.

This the 28th day of March, 1988.

Municipal Building Expansion

Council Member Preston said the proposal was for the Council to approve a resolution directing the architects to proceed from the design and model presented that evening to detailed design drawings and application for Site Plan approval. She said the resolution also called for a work session on April 19 to review interior plans for the Council Chamber.

Dan Huffman, representing Hager, Smith and Huffman, presented the schematic design for the building expansion.

Council Member Godschalk expressed concern that the plans included excavating for parking. He said the southwest corner of the parking lot would be 16' below the current grade. He also expressed concern that the projected cost at this stage of the plans was already over budget.

Assistant Town Manager Sonna Loewenthal said it was correct that the excavation would cost approximately \$70,000 more than if the site were not excavated. She said however, that the \$70,000 figure was just an estimate based on 5 initial borings taken on the site. Ms. Loewenthal said that additional borings would be made before any excavation was done and that it was not possible to say definitively that the cost would be \$70,000.

Council Member Godschalk said that the total estimated cost for the proposed schematic was over the \$2 million budget. Ms. Loewenthal replied yes and that the costs would have to be reduced.

Mayor Howes asked how costs would be reduced. Ms. Loewenthal said that at this point the cost estimates were preliminary and once additional design work was done it would be possible to figure a more accurate cost estimate and would be possible to figure how to cut the costs.

Mayor Howes asked if the preliminary costs were figured on gross square footage multiplied by the cost per square foot. Mr. Huffman replied yes and that they had asked the contractor of the original building to look up the figures from the present building. He said from this point on there would be more detailed cost estimates on the building and materials.

Council Member Herzenberg asked when the additional borings would be done. Mr. Huffman responded that if the proposal was approved that evening they would proceed with this as soon as possible. Council Member Herzenberg asked if there results showed rock instead of soil in the area to be excavated when would this information be made available. Mr. Huffman replied that they would try to have that information by the April 19 work session.

Council Member Werner commented that he was not in favor of the suggested clock tower. He asked how tall it would be. Mr. Huffman replied that the clock tower had been suggested as a method of identifying the building from the street. He said the model showed it to be 16' above the roof level.

Council Member Wallace asked how many trees were estimated to be removed with the proposal. Mr. Huffman replied approximately 16 to 18 trees.

Council Members Pasquini and Wallace said they hoped there would be opportunity to discuss the exterior and interior design at the work session.

Council Member Preston said that the Municipal Building Expansion Committee was arranging a trip to Hickory, N.C. to view the Council Chamber there and invited the Council Members to go along on this trip. She said the trip was tentatively set for April 8.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-3-28/R-2. THE MOTION CARRIED, (7-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION DIRECTING THE ARCHITECTS OF THE MUNICIPAL BUILDING EXPANSION TO DEVELOP DESIGN DRAWINGS AND AN APPLICATION FOR SITE PLAN APPROVAL FROM THE SCHEMATIC DESIGNS PRESENTED IN THE COUNCIL (88-3-28/R-2)

WHEREAS, the Council, the Appearance Commission, the Planning Board, the public, and the Municipal Building Expansion Committee have all contributed to the design work to date for the Municipal Building Expansion; and

WHEREAS, the firm of Hager Smith and Huffman have presented to the Council drawings and a model of a schematic design for the project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the architects are directed to develop the work presented tonight into detailed design drawings and an application for Site Plan approval.

BE IT FURTHER RESOLVED that the Council, in its role as owner, shall have an opportunity to comment on and authorize its application before the Planning Board acts.

BE IT FURTHER RESOLVED that the Council sets a work session on Tuesday, April 19 at 7:30 p.m. to discuss with the architects and the MBE Committee the interior designs for the Council Chamber.

This the 28th day of March, 1988.

Skateboard Ramps - Calling for Public Hearings on Regulating

Attorney Karpinos said the proposal was in response to a petition from Council Member Godschalk. He said he had researched this matter and discussed it with other staff and prepared two resolutions which were not necessarily mutually exclusive. He stated that the first resolution would call a public hearing to seek to hear from the public as to the nature and extent of the particular skateboard ramp on Rogerson Drive, as well as skateboard ramps in general. He said the idea was that if there were sufficient evidence presented at the hearing there could be a basis under the Town's Police power to regulate skateboard ramps or a particular skateboard ramp as a public nuisance. He said the question would be in the evidence at a hearing would have to address the question of whether the skateboard ramp or skateboard ramps in general injure the community's health, safety and welfare and therefore justifying some kind of police power regulation of the facility. He said the evidence could also show that skateboard ramps were private problems, possibly private nuisances interfering with the enjoyment of neighboring property. Mr. Karpinos said there was a lawsuit brought by private individuals with respect to the Rogerson Drive skateboard ramp and as best he could tell the lawsuit had ceased activity and that the efforts by the private individuals to seek a remedy had not gone forward.

Mr. Karpinos said the second resolution was an attempt to consider the matter under the land use regulation authority of the Town. He said the proposal was to call a public hearing to consider an amendment to the Development Ordinance to address the future installation of skateboard ramps but would leave any existing skateboard ramps as nonconforming uses. He said the proposal would consider requiring minimum lot sizes, minimum buffers or other types of setbacks, as well as prohibition on residential zoned property.

Mayor Howes asked if the Attorney had a preference of between the two approaches. Attorney Karpinos said he did not know that the Town would hear sufficient evidence at any public hearing that would establish the particular ramp at Rogerson Drive to constitute a public nuisance as he understood the law with regard to public nuisances, but that there may be some room for police power regulation with perhaps to the time of day in which the

facility could be used or the number of people who could use it at one time. He said there was no current evidence that the facility violated any present provision of the Town ordinances.

Kurt Jenne, speaking as a resident, stated that his son was a skater and that he and his son would be out of town on the evening of April 11 and would like to attend the hearing and speak to the issue. He suggested deferring the hearing to May 9.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-3-28/R-3.1.

Council Member Godschalk stated that the skateboard ramp on Rogerson Drive was not a normal quiet backyard occurrence. He said that if evidence could be produced then he felt the best way to regulate the matter was as a public nuisance. He said he had no preference for the date of the public hearing.

COUNCIL MEMBERS GODSCHALK AND HERZENBERG AGREED TO AMEND THEIR MOTION TO STATE THAT THE PUBLIC HEARING WOULD BE HELD ON MAY 9.

Council Member Werner stated that he felt the proposed public hearings were more than what was needed in this instance. He said he felt there were many other skateboard ramps within the Town which did not constitute public nuisances. He said he was not in favor of outright banning of skateboard ramps and that this was what it appeared to him would be the end result of the proposed public hearings.

Council Member Godschalk stated that he felt the issue was a concern to the citizens of the Town, especially the residents of Rogerson Drive. He said the purpose of the public hearing would be to see if there were evidence that that type of skateboard ramp was not suitable for a residential neighborhood and should be located at a park, etc. with sufficient buffers to limit the intrusion on the neighborhood.

Council Member Wallace said the Town had the police power to remove any public nuisance. He said he felt he could declare the skateboard ramp on Rogerson Drive as a public nuisance and then act accordingly. He said the ideal place for such a ramp may be at the new Southern Park.

Council Member Preston questioned the language of the resolution where it said it would consider the "possible" prohibition of skateboard ramps and she asked if the wording of the resolution left open the possibility of moving the ramp to an area where it could be better used as a recreational facility. She said she understood the Rogerson Drive ramp was a nuisance for the neighbors but it did provide an area for the children to play.

Attorney Karpinos stated that the purpose of the public hearing would be to get public comment on the possible prohibition or regulation of skateboard ramps in residential areas.

Mayor Howes said there was a lot of open space near Rogerson Drive where it could possibly be moved. He said he would support the resolution but he said he agreed with Council Member Werner's concerns about the approach being used. He said he was supporting the resolution in the search for a solution to the problem. He said he would have preferred that the neighbors work out the problem between themselves.

Council Member Herzenberg said that this was another instance that might have been better served by the neighbors taking their dispute to the Dispute Settlement Center.

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

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING FOR CONSIDERATION OF AMENDING THE TOWN CODE TO REGULATE AND POSSIBLY PROHIBIT THE USE OF SKATEBOARD RAMPS (88-3-28/R-3.1)

WHEREAS, the Town staff, including the Police and Inspections Department, have investigated numerous complaints regarding the operation of a skateboard ramp in a residential area of Chapel Hill; and

WHEREAS, as a result of these investigations it has been determined that there are no violations of any current ordinances of the Town; and

WHEREAS, the Council has received numerous complaints regarding the this situation and believes that the public health, safety and welfare of the citizens of Chapel Hill warrant consideration of the possible prohibition of skateboard ramps or regulation of their use because they may constitute a public nuisance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it calls a public hearing for May 9, 1988, to hear public comment on the possible prohibition of skateboard ramps or regulation of such facilities in residential areas as public nuisances.

BE IT FURTHER RESOLVED that notice of this hearing be mailed to those persons whose names and addresses are on file as having previously written the Town regarding the skateboard ramp on Rogerson Drive.

This the 28th day of March, 1988.

Capital Improvements Program - 1988-93

Sonna Loewenthal, Assistant Town Manager, presented the Manager's recommended 1988-93 Capital Improvements Program. She said this

was the first comprehensive, long-range projection of needs and resources in several years. She indicated that the program called for all the Capital Reserve funds in the third year of this program to be dedicated to the renovation of the existing Municipal Building. Ms. Loewenthal stated that for some projects all the funding needs had not been determined and would require continual refining of the needs assessments. She stated that the staff as a result of citizen comments at the public forum had reviewed the funding needs and sources. She said the Greenways Commission had requested increased funding to \$50,000 annually and the Parks and Recreation Commission had expressed concern about the level and timing of park improvements funding. Ms. Loewenthal said the staff proposed increasing funding for greenways from \$125,000 to \$150,000 - two years at \$25,000 and two years at \$50,000. She said that the \$50,000 increase in funding for greenways had been taken from the funding for storm-water management. She stated that the staff also had reallocated the funds for athletic facility lighting replacement so that work could begin in 1988-89. Ms. Loewenthal also stated that increased funding for bikeways was possible due to NCDOT funding of \$244,000.

Council Member Preston asked what had been the greenway allocation before the proposed CIP. She said she thought it had been at a higher level for several years. Ms. Loewenthal said that the funding had been \$50,000 for a couple of years and that at this point there were plans to spend the backlog of that money. Council Member Preston said that greenways had been allocated \$50,000 for the current fiscal year and that these funds had not been spent. Ms. Loewenthal said the funds were being spent on the greenways being planned along Umstead Drive. Council Member Preston said that the proposed funding represented a reduction in the amount of funds anticipated by the Greenways Commission for greenways. Manager Taylor said that in the current budget, greenways funding was at \$50,000 and that the prior year funding had been \$25,000, the year before that \$11,000, \$18,000, and \$5,000 respectively.

Kathy Harris, representing the Greenways Commission, urged the Council to restore more funding to the greenways. She said they had been told that the greenways would be funded at \$55,000 per year and already had faced cutbacks. She said the greenways represented transportation corridors and would be used instead of automobiles. She said the Town needed to complete the main master plan for the greenways.

Council Member Werner asked if the funding for a bikelane on Erwin Road was for additional paving or just striping. Ms. Loewenthal said she thought it was just for striping. Council Member Werner expressed concern if Erwin were to be used for bicycles without widening.

Council Member Werner asked what the Town expected to accomplish with the \$150,000 funding for greenways. Manager Taylor

responded that he was not sure exactly what would be accomplished, but that the Town had laid out a system of greenways and were working toward completion. He said this involved purchasing easements, property acquisition, surveying, etc. and that the funding amount would determine to some extent the schedule of completed greenway trails.

Council Member Werner asked if there were not funds available from the 1986 Bond referenda for greenways. Manager Taylor replied that of the \$2.5 million bond referendum on parks and open spaces, approximately \$1.5 million would go toward purchase do development of the Southern Park. He said that would leave about \$1 million for additional open space acquisition, greenways, entranceways, park improvements, etc. He pointed out that the Town had already purchased property along Franklin Street as an entranceway with the funds and that one of the possible sites for the new Library included more land than was necessary for the Library and that funds from the Parks and Open Space bonds would have to be used to help purchase that site if it were chosen. Manager Taylor said that there would still be funds available from the Bond referendum for the Council to use on greenways if it so desired. He said the proposed CIP and accompanying ordinances dealt with the funding of the CIP from the Capital Reserve Fund and that if the Council wished to set aside funds from the bonds then he had no problems with that and suggested that the Council make a separate motion to that effect.

Council Member Werner said the Council and staff should be aware and try to prevent expensive projects with marginal cost overruns to wipe out smaller less expensive projects.

Council Member Godschalk said he was pleased with the development of a 5-year CIP. He said even with the 5-year proposal the Council would appropriate funds each year and would determine necessary funding at those times. He commented that he was not aware of the Council ever promising any program a five-year entitlement as suggested by Ms. Harris. Manager Taylor agreed and said to his knowledge this had not been done.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT ORDINANCE 88-3-28/O-1.

Council Member Herzenberg said he was in favor of providing additional funding for greenways from the bond funds.

Council Member Wilkerson asked if the removal of \$25,000 from the stormwater management program to the greenways would be detrimental to the stormwater program. Manager Taylor replied that the stormwater management program was one of the programs which the staff had not completely determined the funding needs and that the funds allocated would be used for more work and testing of the program.

THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987 (88-3-28/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1987" as duly adopted on May 26, 1987, be and the same is hereby amended as follows:

Article I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Capital Improvement Fund	923,283	50,000		973,283
<u>Revenues</u>				
Capital Improvement Fund				
Fund Balance	872,283	50,000		922,283

This the 28th day of March, 1988.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 88-3-28/O-2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987 (88-3-28/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1987" as duly adopted on May 26, 1987, be and the same is hereby amended as follows:

Section I

That \$450,000 in the Capital Reserve Fund for capital improvements is hereby removed from the Capital Reserve Fund and transferred to the Capital Improvements Fund in the amounts and for the purposes as follows:

Projects	Amounts
Environmental Improvements	
Stormwater Management	\$ 24,000
General Municipal Improvements	
Public Works Facility	\$115,000
Roof Maintenance	51,000
Facilities Waterproofing	48,000
Other Extraordinary Maintenance	10,000
Subtotal	<u>\$224,000</u>
Leisure Activity Improvements	
Athletic Facilities Light	
Replacement	\$ 20,000
Greenways	25,000
Subtotal	<u>\$ 45,000</u>
Transportation Improvements	
Sidewalks	\$ 30,000
Bikeways	10,000
Paving by Petition	80,000
Traffic Signal Upgrade	37,000
Subtotal	<u>\$157,000</u>
Total	\$450,000

This the 28th day of March, 1988.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON THAT IT WAS THE CONSENSUS OF THE COUNCIL TO SET ASIDE \$100,000 OF THE 1986 PARKS AND OPEN SPACE BOND REVENUES FOR GREENWAYS, SUBJECT TO ANNUAL REVIEW AND APPROPRIATION. THE MOTION PASSED UNANIMOUSLY, (8-0).

Bond Sale

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-3-28/R-4. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO TAKE ALL ACTIONS NECESSARY FOR THE SALE OF \$5,000,000 OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENTS PROJECTS (88-3-28/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager and Town Attorney to take all actions necessary for the sale of \$5,000,000 of General

Obligation bonds for capital improvement projects as approved by referendum in November, 1986.

This the 28th day of March, 1988.

Weaver Dairy Road Extension Right-of-Way Dedication

Manager Taylor said the the approval of the Northwoods V subdivision had included shifting Weaver Dairy Road extension somewhat to the south. He said that this would mean that part of the necessary right-of-way for the road would need to be on Town-owned land near the fire station. He said the proposal would authorize him to execute the necessary deeds to NCDOT for the right-of-way.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-3-28/R-5. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE TOWN MANAGER ON BEHALF OF THE TOWN TO EXECUTE DEEDS DEDICATING RIGHT-OF-WAY (88-3-28/R-5)

WHEREAS, the Town Council has approved a preliminary plat for Northwood V Subdivision, in the vicinity of Weaver Dairy Road Extension; and

WHEREAS, the developer of Northwood V subdivision has agreed to construct a portion of Weaver Dairy Road Extension through the proposed subdivision, as called for on the Town's adopted Thoroughfare Plan; and

WHEREAS, the alignment of the road extension was shifted to allow a greater buffer area between the new road and existing residential neighbors; and

WHEREAS, the re-alignment requires some right-of-way for the new road over land currently owned by the Town of Chapel Hill;

NOW THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to execute, on behalf of the Town, the necessary documents granting public right-of-way to the North Carolina Department of Transportation, for the construction of Weaver Dairy Road Extension, as indicated on the attached map.

This the 28th day of March, 1988.

ood Drive at Apple Chill Street Fair

Mayor Howes said the proposal was for the Council to sponsor a booth at Apple Chill to benefit the Inter-Faith Council's pantry. He said the he and the Council would staff the booth and encourage citizens to bring non-perishable foods to the booth.

Council Member Wallace said he thought it was a very good idea.

Council Member Werner said the Mayor should set up a schedule of times for the Council to staff the booth.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-3-28/R-6. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ENDORSING A FOOD DRIVE SPONSORED BY THE MAYOR AND COUNCIL (88-3-28/R-6)

WHEREAS, the Mayor and Council are concerned about the issue of hunger in our community; and

WHEREAS, the Inter-Faith Council operates a pantry to provide food in emergency situations; and

WHEREAS, the pantry needs re-stocking periodically to assist with the efforts of the area churches and congregations who routinely supply food;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Chapel Hill do hereby call upon all of the citizens of Chapel Hill who attend Apple Chill Fair to show their concern for the hungry by bringing food to the Food Drive booth at the Fair to donate to the Inter-Faith Council's pantry.

BE IT FURTHER RESOLVED that the Mayor and Council will staff a booth at Apple Chill Fair to greet the citizens who donate food and to accept their donations.

This the 28th day of March, 1988.

Consent Agenda

Council Member Werner asked that items #a and #c be removed from the consent agenda.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 88-3-28/R-7 MINUS ITEMS #A AND C. THE MOTION PASSED UNANIMOUSLY, (8-0).

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

A RESOLUTION APPROVING AN ORDINANCE AND VARIOUS RESOLUTIONS
(88-3-28/R-7)

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:

- b. Apple Chill Street Fair - parking regulations and street closing (April 17) (R-9, O-3).
- d. Closing of Raleigh Street on UNC Campus for Springfest concert Saturday, April 9 (R-11).
- e. Calling hearing on petition to annex Riggsbee property (west of Pope Road, north of Clark Lake) (R-12).
- f. Asphalt Supply Contract (R-13).
- g. Teen Center Lease (R-14).
- h. Publishing notice of assessment liens (R-15).

This the 28th day of March, 1988.

Apple Chill - Parking Regulations and Street Closing

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

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND
HENDERSON STREET (APPLE CHILL '88) (88-3-28/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets on Sunday, April 17, 1988 from 11:00 a.m. to 8:00 p.m., to allow the holding of the Apple Chill Fair and clean-up of the streets following the Fair.

This the 28th day of March, 1988.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF
FRANKLIN AND HENDERSON STREETS (APPLE CHILL '88) (88-3-28/O-3)

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

That on the 17th day of April, 1988, between the hours of 12:30 and 8:00 p.m. there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, or on either side of Henderson

Street between Franklin and Rosemary Streets between the above hours.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said streets during such hours on said date. The Police Department is further authorized to remove, tow, and impound automobiles and vehicles of any kind which are parked on said streets during such hours in contravention of this Ordinance. In light of the large number of pedestrians expected in the Street Fair area, the Council hereby determines that vehicles in the restricted area would constitute a special hazard requiring prompt removal. The owner shall be responsible for and pay storage and moving costs of any vehicle removed pursuant to the provisions of the Ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicle.

This the 28th day of March, 1988.

Springfest - Closing Raleigh Street

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF RALEIGH STREET ON APRIL 9, 1988 (88-3-28/R-11)

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 6:30 p.m. on Saturday, April 9, 1988, subject to the following conditions:

- Representatives of Henderson Residence College and the Springfest '88 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 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 6:30 p.m. Saturday, April 9, 1988.
- The Officers of Henderson Residence College and the Springfest '88 Committee shall abide by the directives of the Town Police Department.

- 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 28th day of March, 1988.

Calling Public Hearing on Petition for Annexation - Riggsbee Property

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING ON ANNEXING A PORTION OF STRATFORD GLEN SUBDIVISION (RIGGSBEE PROPERTY) (88-3-28/R-12)

WHEREAS, the owners of property which is the site of the proposed Section II of Stratford Glen Subdivision have petitioned the Town of Chapel Hill to annex said property located north of Clark Lake Drive, west of Pope Road and east of White Oak Drive; and

WHEREAS, the Town Clerk has certified to the Council the sufficiency of said petition pursuant to N. C. General Statute 160A-31;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for 7:30 p.m. Monday, April 11, 1988 in the Municipal Building Meeting Room, 306 N. Columbia Street, Chapel Hill, N. C., 27516, on this annexation petition for Section II of the Stratford Glen Subdivision.

BE IT FURTHER 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 28th day of March, 1988.

Asphalt Supply Contract

The resolution, as adopted reads as follows:

A RESOLUTION REJECTING BIDS FOR ASPHALT AND TACK (88-3-28/R-13)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on February 28, 1988, in accordance with G.S. 143-129 for Asphalt and Tack for street patching; and

WHEREAS, the following bids were received and opened on March 9, 1988:

<u>Item</u>	<u>Lee Paving Sanford</u>	<u>C.C. Mangum Raleigh</u>	<u>Nello Teer Durham</u>
2000 Tons I-2 Asphaltic Concrete	\$23.30/Ton = \$47,000.00	\$23.50/Ton = \$47,000.00	\$27.00/Ton = \$54,000.00
100 Tons H-B Asphalt	\$24.00/Ton = \$ 2,400.00	\$21.00/Ton = \$ 2,100.00	\$27.00/Ton = \$ 2,700.00
5000 Gallons Tack Coat (AC-20)	\$1.25/Gal. = \$6,250.00	\$2.00/Gal. = \$10,000.00	\$2.00/Gal. = \$10,000.00
500 Gallons Tack Coat (CRS-2)	\$2.00/Gal. = \$ <u>1,000.00</u>	\$2.50/Gal. = \$ <u>1,250.00</u>	\$2.00/Gal. = \$ <u>1,000.00</u>
Totals	\$56,650.00	\$60,350.00	\$67,700.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the above bids of Lee Paving, C.C. Mangum, and Nello Teer in response to the Town's request for bids be rejected.

This the 28th day of March, 1988.

Teen Center Lease

The resolution, as adopted reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO A LEASE FOR A PORTION OF THE POST OFFICE/COURT BUILDING FOR A TEEN CENTER (88-3-28/R-14)

WHEREAS, the Council of the Town of Chapel Hill is supportive of wholesome recreation and social activities for local teenagers; and

WHEREAS, the Council has determined that space in the basement of the Post Office/Court Building as indicated by the shaded areas on the attached floor plan will not be needed by the Town for the term of the lease as proposed; and

WHEREAS, pursuant to General Statute 160A-272, a notice of intent to enter into a lease agreement with Teen Center, Inc. was published on March 16, 1988;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is hereby authorized to enter into, and to sign on behalf of the Town, a lease with Teen Center, Inc. for approximately 2,400 square feet in the basement of the Post Office/Court Building at 179 E. Franklin Street for the operation

of a Teen Center, said lease being substantially in the form as presented by the Manager in reports to the Council on March 14 and March 28, 1988, for a period of one year with a provision for a subsequent one-year term upon Council approval.

This the 28th day of March, 1988.

Assessment Liens - Publishing of Notice

The resolution, as adopted reads as follows:

A RESOLUTION SELECTING THE DATE FOR THE ADVERTISEMENT OF DELINQUENT ASSESSMENT LIENS (88-3-28/R-15)

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, 1988 in accord with G.S. 105-369.

This the 28th day of March, 1988.

Mat and Seal - Resolutions of Intent

Council Member Werner asked if the resolutions committed the Town to paving the streets. Manager Taylor replied that adoption of the proposed resolutions would call a public hearing on the scheduling of pavement of those streets with mat and seal and to set the preliminary assessments for the paving. He said Public Works would begin preparing contract documents for the paving.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTIONS 88-3-28/R-8.1, 88-3-28/R-8.2, 88-3-28/R-8.3, 88-3-28/R-8.4, 88-3-28/R-8.5, 88-3-28/R-8.6, 88-3-28/R-8.7, 88-3-28/R-8.8, 88-3-28/R-8.9, AND 88-3-28/R-8.10. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolutions, as adopted, read as follows:

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON MAPLE DRIVE (88-3-28/R-8.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Maple Drive during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Maple Drive, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Maple Drive is an existing gravel road, presently maintained by the Town.

3. The Town would install mat and seal street improvements on Maple Drive and assess owners of property abutting the improved sections of Maple Drive at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON BUTTONS ROAD (88-3-28/R-8.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Buttons Road during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Buttons Road, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Buttons Road is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Buttons Road and assess owners of property abutting the improved sections of Buttons Road at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and

5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON HOOT OWL LANE (88-3-28/R-8.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Hoot Owl Lane during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Hoot Owl Lane, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Hoot Owl Lane is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Hoot Owl Lane and assess owners of property abutting the improved sections of Hoot Owl Lane at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON SPRING DELL LANE (88-3-28/R-8.4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Spring Dell Lane during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Spring Dell Lane, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Spring Dell Lane is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Spring Dell Lane and assess owners of property abutting the improved sections of Spring Dell Lane at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON BARTRAM DRIVE (88-3-28/R-8.5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Bartram Drive during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Bartram Drive, and the petition has been determined to be valid under G.S. 160A-217(a); and

2. Bartram Drive is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Bartram Drive and assess owners of property abutting the improved sections of Bartram Drive at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON SHADY LAWN EXTENSION (88-3-28/R-8.6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Shady Lawn Ext. during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Shady Lawn Ext., and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Shady Lawn Ext. is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Shady Lawn Ext. and assess owners of property abutting the improved sections of Shady Lawn Ext. at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs

shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and

5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON FERN LANE (88-3-28/R-8.7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Fern Lane during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Fern Lane, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Fern Lane is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Fern Lane and assess owners of property abutting the improved sections of Fern Lane at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and

6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON IRIS LANE (88-3-28/R-8.8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Iris Lane during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Iris Lane, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Iris Lane is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Iris Lane and assess owners of property abutting the improved sections of Iris Lane at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON LEDGE LANE (88-3-28/R-8.9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Ledge Lane during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Ledge Lane, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Ledge Lane is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Ledge Lane and assess owners of property abutting the improved sections of Ledge Lane at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

A RESOLUTION OF INTENT TO UNDERTAKE MAT AND SEAL STREET IMPROVEMENTS ON CAMERON COURT (88-3-28/R-8.10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for mat and seal street improvements on Cameron Court during the summer of 1988.

1. The Town has received a petition requesting mat and seal improvements on Cameron Court, and the petition has been determined to be valid under G.S. 160A-217(a); and

2. Cameron Court is an existing gravel road, presently maintained by the Town.
3. The Town would install mat and seal street improvements on Cameron Court and assess owners of property abutting the improved sections of Cameron Court at an equal rate per foot of frontage; and
4. The assessment amount will be 100% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 3 annual installments with interest at an annual rate of 8%, the first of which will be due and payable 60 days after the assessment roll confirmation; and
6. The Town herewith calls a public hearing at 7:30 p.m. on Monday, April 25, 1988 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 28th day of March, 1988.

Library and Parks and Recreation Funding Request for Orange County

Council Member Werner said he thought this was a good idea but that he felt the Town of Carrboro should also be approached to participate in funding.

Mayor Howes commented that he would ask that the Intergovernmental Working Group's charge be widened to include matters like this.

Council Member Werner suggested adopting two resolutions, one to request funding from Orange County and one to request funding from Carrboro based on the survey information as to use of the facilities by residents of Carrboro. The Council agreed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT RESOLUTION 88-3-28/R-10.1. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION OF SUPPORT FOR AND REQUESTING CONTINUATION OF FUNDING BY ORANGE COUNTY FOR MUNICIPAL LIBRARY AND PARKS AND RECREATION SERVICES (88-3-28/R-10.1)

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 Public Library and Parks and Recreation services; and

BE IT FURTHER RESOLVED that the Council requests County funding in 1988-89 in the amount of 27.7% (Preliminarily projected to be \$217,611) of the budget of the Town's Library and 28.6% (Preliminarily projected to be \$369,980) of the Chapel Hill Parks and Recreation Department operating 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 28th day of March, 1988.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADOPT RESOLUTION 88-3-28/R-10.2. THE MOTION PASSED UNANIMOUSLY, (8-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING FUNDING FROM THE TOWN OF CARRBORO FOR TOWN OF CHAPEL HILL LIBRARY AND PARKS AND RECREATION SERVICES (88-3-28/R-10.2)

WHEREAS, the Town of Chapel Hill's Library and Parks and Recreation services are available to all residents of Carrboro on the same basis as for Chapel Hill residents; and

WHEREAS, the Town Council of Chapel Hill believes that payment from other local governments based upon the percentage of use of these Town services by those who do not live within the corporate limits of the Town of Chapel Hill is fair and equitable; and

WHEREAS, within the last six months the Town has conducted residency surveys of 1,058 library card holders and 2,507 recreation program registrants;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests in the spirit of cooperation funding from the Town of Carrboro in 1988-89 in the amount of 11% (preliminarily projected to be \$86,416) of the budget of the Town's Library and 14.8% (preliminarily projected to be \$191,407) of the Chapel Hill Parks and Recreation Department operating budget, these percentages representing the percentage of Carrboro residents' use of Town of Chapel Hill Library and Parks and Recreation services as determined by survey; 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 funding to the Carrboro Board of Aldermen at the appropriate Town budget hearing.

This the 28th day of March, 1988.

Boards/Commissions - Planning Board - Nominations and Appointment

Council Member Werner suggested deferring the appointments until the next regular meeting in the hope that Council Member Andresen would be present. The Council agreed.

Boards/Commissions - Appearance Commission - Nominations and Appointment

Council Member Werner suggested deferring the appointments until the next regular meeting in the hope that Council Member Andresen would be present. The Council agreed.

Executive Session

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

The meeting adjourned to executive session at 10:13 p.m.

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

The meeting adjourned at 10:20 p.m.