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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, MAY 9, 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
Arthur Werner
Roosevelt Wilkerson

Council Members Andresen and Wallace were 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 commented that Durham Morning Herald reporter, Paul Brown, who had been covering Chapel Hill government for the past three years would no longer have that beat and would be moving up into the management of the paper. He thanked Mr. Brown for his efforts in reporting on the actions of the Town Council.

Public Hearing on Skateboard Ramps

Ralph Karpinos, Town Attorney, said the Council, on March 28, called this hearing to receive evidence and comment from the public on whether or not skateboard ramps constituted public nuisances and whether or not they should be prohibited or subject to regulation by the Town. He said the Town had general police power authority under the General Statutes of the State to regulate and abate public nuisances upon the determination that a particular activity or type of activity was harmful to the public health, safety or welfare of the community.

Mr. Karpinos stated that evidence from the public at this hearing might establish whether or not a particular skateboard ramp on Rogerson Drive, which was presently the subject of a private nuisance lawsuit, was in fact a public nuisance affecting the community in general. He also said that evidence and comments at this hearing might establish a basis for the Council's future consideration of regulation of the use of such facilities in terms of time of day, hours of operation, number of users and size of such facilities.

He stated that it had been recently suggested that the Town might consider agreeing to the ramp on Rogerson Drive being moved to a Town park facility as a means of resolving the problem on Rogerson Drive. Mr. Karpinos said that the issue of whether or not the Town wanted to provide skateboard ramp facilities as part of its parks and recreation program was a separate issue and

consideration of moving the ramp to a park facility raised questions of the Town's park policies, liability insurance, and whether or not the Town wanted to have such a facility as part of the recreation program.

Robert Epting, an attorney representing the complainants in a civil suit about the skateboard ramp, said that he had discussed with both parties of the civil suit the possibility of reaching an out-of-court compromise. He said that both parties had agreed that ramp owner, Mr. Scott McLean, would donate the skateboard ramp and the neighbors would pay for its relocation to a local public park. Mr. Epting stated that he understood that the Town would have to discuss whether or not to operate a skateboard ramp and that this would take time, but that his clients would prefer that in the interim the Town would accept the ramp and maintain it until a final solution was made.

Council Member Godschalk thanked Mr. Epting for his efforts in working out a solution to the problem of the Rogerson Drive skateboard ramp. He said he felt the public hearing was still needed in relation to other, future skateboard ramps of this size and nature and where they might be located.

Scott McLean, speaking as the owner of the skateboard ramp, said he was willing to accept the compromise proposed by Mr. Epting. He stated that he felt the ramp provided a physical outlet for skateboard enthusiasts. He said that either his son or he were present when the ramp was in operation and that he required waivers from the parents of the children who used the ramp. Mr. McLean said that he felt skateboarding was a sport in which the Town needed to invest.

Council Member Preston asked what kind of safety measures were used by Mr. McLean at his skateboard ramp. Mr. McLean said that he encouraged the skateboarders to use protective gear and that he required waivers from the parents.

Council Member Preston asked if Mr. McLean's ramp was the largest in the area. Mr. McLean replied no, he believed one in Garner was larger.

Council Member Godschalk asked for the dimensions of Mr. McLean's skateboard ramp. Mr. McLean replied that it was approximately 36'x16'x12' high.

Ken McIntyre, speaking as a resident, spoke against having the skateboard ramp in the neighborhood. He presented a videotape of the ramp in use.

John Riebel, speaking as a resident, spoke against having the ramp in the neighborhood. He said he was not against the use of the ramp or the sport but felt it would be more appropriate in a park setting. (For copy of text, see Clerk's files.)

Peggy Riebel, speaking as a resident, said that the ramp had deprived her of the use of her backyard and urged the Council to have it removed to a public park. (For copy of text, see Clerk's files.)

Bill Eichmann, speaking as a resident, also spoke against having the ramp in the neighborhood. He read a letter to the Council from his wife in which she also requested that the ramp be removed from the area. (For copy of text, see Clerk's files.)

Sharon Spangler, speaking as a resident, stated that the noise from the ramp often made her have to leave her apartment and go the library in order to study. (For copy of text, see Clerk's files.)

Herman Lloyd, speaking as a resident, spoke against having the skateboard ramp in the neighborhood. He said that the noise was bothersome and that the users of the ramp trespassed on his and other neighbors property in their efforts to get the ramp. He also said that he was concerned about the property values in the area because of the ramp. He pointed out that one couple had already sold their home because of the noise from the ramp. Mr. Lloyd said that he was unsure of the status of an apartment he rented out because the current renter could not recommend another tenant because of the noise and nuisance created by the skateboard ramp. He stated that when the ramp had been first built a Town building inspector notified Mr. McLean that the ramp was built without a building permit and was nonconforming. He said that the Town at that time had the authority to have the ramp dismantled, place a fine on the builder and revoke the licence. Mr. Lloyd said that subsequently he had been told that the ramp was a recreation facility and therefore a permit was not needed. He commented that a permit was needed for a swimming pool or tennis court and asked what was the difference between those uses and a skateboard ramp. He also said that part of the skateboard ramp was located within the Resource Conservation District and that any structure built within the RCD had to have a variance from the Board of Adjustment. He said he had been told that the regulations did not apply because the structure was recreational. He said that the RCD ordinance stated that certain recreational uses were permitted within the RCD as long as they did not require extensive walls or fences. Mr. Lloyd stated that in conjunction with the ramp, there was a 72' fence on a 75' lot. He asked the Council for assistance in eliminating this public nuisance from the neighborhood.

Elmer Oettinger, speaking as a resident, said that when he went into the area around the skateboard ramp he found it to be loud and represented a public nuisance and was an eyesore on the neighborhood. He said the Council needed to find a way to preserve Chapel Hill as a liveable and enjoyable place.

John Anderson, speaking as a resident, said he felt the skateboard ramp was incongruous for the neighborhood and not

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appropriate for the neighborhood. He said he was not against noise and was supportive of kids but that the ramp would be put to better use elsewhere.

Kurt Jenne, speaking as a resident, said he was not from the Rogerson Drive/Oakwood neighborhood but that he had a son who was involved in skateboarding. He stated that he did not think the Town should get involved in a private nuisance case like the Rogerson Drive issue. He also stated that he was not sure the Rogerson Drive skateboard ramp or skateboard ramps in general were public nuisances as defined by the Council's memorandum. He said he felt skateboarding was a healthy outlet that tones the physical abilities and agilities of those involved. Mr. Jenne said the Council would have to determine how to provide the skateboarders with the benefits they have been enjoying without alienating others. He said he supported the proposal to move the ramp to a public facility where it would have Town supervision. Mr. Jenne said that if this were done, he hoped it was done promptly and that there would not be a long period where the skateboarders would be without the use of the ramp. He stated that there were questions that the Town would have to answer when addressing the issue of skateboard ramps in general. He said the Town would have to look at the implications of ramps on the Town as a whole, and whether or not skateboard ramps were any different than an above-ground backyard swimming pool, etc. which attract neighborhood kids. He said whatever was decided it should reflect the needs of both the neighbors and skaters.

Council Member Godschalk said that he hoped a solution could be found for the Rogerson Drive issue but that at the same time it was apparent that the regulations of the community would not prevent a similar ramp or larger ramp from being built elsewhere in the Town. He said he would welcome Mr. Jenne's thoughts on this part of the issue.

Mr. Jenne said he did not have any suggestions at this time and also said that he could not say the benefits of a skateboard ramp outweighed the disbenefits to the neighbors. He said that however, that so far in the process of dealing with the Rogerson Drive skateboard ramp, there had been little consideration of the outcomes desired by the individuals using the ramp who are also citizens of Chapel Hill.

Bert Lamb, speaking as a resident of Carrboro and user of the Rogerson Drive skateboard ramp, said he enjoyed using the ramp and that skateboarding was a sport just like basketball, tennis, etc.

Jake McLean, speaking as a resident and son of the owner of the skateboard ramp, introduced a petition which stated that the skateboard ramp provided a healthy and honest recreational experience for the children of Chapel Hill and that if skateboarding could not be encouraged by the Town government, then its citizens should not be forbidden by law from participating in the

sport. He also introduced a petition which stated that the signers had observed the use of the ramp and believe the benefits afforded the skaters far outweighed the minimal or negligible disturbance caused to the neighbors. (For copy of petitions, see Clerk's files.) He urged the Council to make skateboarding available to all the citizens of Chapel Hill.

Chris Harlos, speaking as a resident, said he lived next door to the skateboard ramp and that he had found the users to be courteous. He said he felt the users derived some personal benefit from having helped build the ramp and in their use of the facility. He said he sympathized with the neighbors concern over the noise issue even though the noise did not bother him.

Roy Baroff, speaking as a resident, said the issue was how to resolve the problem in an equitable solution to all involved and to consider the users of the ramp as well as the neighbors.

Council Member Herzenberg asked that the Manager respond to Mr. Lloyd's comments regarding the building permit and RCD. He also asked that the staff address the issue of whether or not such a ramp could be allowed within the Historic District without a Certificate of Appropriateness.

Council Member Preston agreed that in discussing the issue, both points of view, and the needs of both sides should be kept in mind. She said she liked the idea of a compromise with the placement of the ramp in a public facility but asked that information be provided on the ramifications of such a move.

Council Member Wilkerson asked that the report also include information on the possible increased liability costs to the Town if it operated the skateboard ramp.

Council Member Werner complimented Mr. Epting for devising the compromise plan and the residents for their apparent lack of rancor on this issue. He said he hoped the staff could report back to the Council as soon as possible on the questions raised.

Council Member Pasquini said that he was also interested in the potential liability costs to the Town for injuries and if the Town could have a waiver disavowing any responsibility for injuries sustained while using a skateboard ramp.

Council Member Godschalk said skateboard ramps were a real issue and the Council would have to attempt to resolve the future of the Rogerson Drive skateboard ramp which he hoped could be accomplished through the Town or through a club or association, etc. He said the Council would also have to decide how it would address future ramps. He said it was clear that the noise ordinance, building permit regulation, nor development ordinance were designed to deal with this issue. Mr. Godschalk said the Council would have to work out a solution dealing with matters of

scale, degree and location, and it might be that a task force should study the issue.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE MANAGER AND ATTORNEY.

Mayor Howes said that there were also large, privately owned tracts of land in the area that might be suitable location for the skateboard ramp.

THE MOTION PASSED UNANIMOUSLY, (7-0).

Mayor Howes asked when the Council could expect the staff report on this issue. Manager Taylor responded that June 13 would be the earliest date. He said there were significant issues associated with the Town's involvement in skateboard ramps.

Public Hearing on 1988-89 Budget

Manager Taylor said that this hearing was to receive citizen comments on the proposed budget for fiscal year 1988-89. He said the highlights of the budget were the method of repayment of debt incurred from the sale of general obligation bonds. He said the Town had received an exemption from the Local Government Commission on the 1/2 cent sales tax revenues. He said the Council had the option of using these funds or increasing the tax rate by 2.5 cents this year and the next two years to repay the debt.

Mr. Taylor stated that 43% of the General Fund revenues come from taxes with the Town having approximately \$1.482 billion tax base, 40% of the General Fund revenues is from State-shared revenues and 17% of the General Fund revenues come from various sources. He said personnel accounted for 63% of the General Fund expenditures, 32% was for operating expenses and 5% was for capital expenses not associated with the Capital Improvement Plan. He said the budget included funding for performance contracts with human service agencies and visitor and cultural events. He said there were no major changes in operating expenses but that there were requests for additional positions. Mr. Taylor stated that the budget called for a 3% across-the-board salary adjustment and that there had been some reclassifications. He said he proposed increasing the Town's contribution to the 401k program for all employees to 5% in accord with the State requirement for the Town's contribution for law enforcement officers. Mr. Taylor said he proposed continuing the health benefits plans and that there would be a 35% increase in Town costs for these benefits.

He stated that he proposed maintaining the \$.03 tax rate for the Transportation Fund and that fares would remain the same. He said he anticipated the federal operating assistance would continue to be received. Mr. Taylor said that he recommended increasing the tipping fees at the landfill to \$10 to \$12 a ton with an additional charge for ash. He said this was done in response to increased needs associated with the closing of the

current landfill section and opening of the new section across the road.

Manager Taylor stated that with moderate inflation and stable service levels he expected to continue with a stable tax rate over the next five years. He said he was pleased to recommend this budget to the Council.

There were no citizen comments.

Council Member Wilkerson asked for information on the projected cost to the Town for the 401k plan over the next five years; the fuel cost for Town vehicles, excluding police and fire vehicles; and why the Planning Department had a 53% increase in its budget over the last two years while most of the other departments had much smaller growth.

Council Member Werner asked what was the cost to the Town for the increased tipping fees. Manager Taylor responded that he thought it was around \$90,000.

Council Member Werner asked what was the projected average increase in employees' salaries. Manager Taylor replied 4.5%.

Council Member Pasquini expressed concern that the personnel costs were high. He said he did not think the area businesses would be granting 7.5% increases. He asked why the Manager wanted to increase the 401k contribution for all employees. Manager Taylor replied that personnel costs as a percentage of the total expenditures for the Town had remained relatively constant (approximately 63%) over the last 10 years. He stated that the 401k funding of 5% for all employees was in keeping with his policy of equity to all employees. He said the State was requiring that the Town's contribution to this fund for law enforcement personnel be increased to 5%. Mr. Taylor stated that the Town's payment into the retirement system was scheduled to be reduced by 3% in FY 1988-89 and that he recommended using those funds to pay for the increase in the 401k plan.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODS-CHALK REFER TO THE MANAGER AND THAT A WORK SESSION TO DISCUSS THE BUDGET WILL BE HELD ON WEDNESDAY, MAY 25 AT 6:00 IN THE MUNICIPAL BUILDING MEETING ROOM. THE MOTION PASSED UNANIMOUSLY.

Petitions

Virginia Cunningham asked to speak to item #7, Entranceways Master Plan.

Pete Thorn and Bob Anderson asked to speak to item #15a, Local Bill Requests.

Minutes

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF APRIL 18, 1988 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (7-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT THE MINUTES OF APRIL 25, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Woodlake Subdivision Lake and Dam Special Use Permit

Manager Taylor said this was a request for an extension on the staff report.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 88-5-9/R-1. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DEFERRING CONSIDERATION OF THE SPECIAL USE APPLICATION FOR THE WOODLAKE DAM AND LAKE (88-5-9/R-1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council defers consideration of the special use application for the Woodlake Dam and Lake and extends to July 11, 1988 the period for the Manager's report on this matter.

This the 9th day of May, 1988.

Water Quality Critical Area

Roger Waldon, Planning Director, said the Council held a public hearing on the proposed water quality critical area development ordinance text amendment on April 18. He said the proposed new overlay zoning district would surround those portions of Jordan Lake which were within Chapel Hill's jurisdiction. He stated that the proposal would establish a zone that was defined as those areas within 1/2 mile of the Corps of Engineers property around the Jordan Reservoir and restrict the kinds of uses in this area and establish some impervious surface limitations. Mr. Waldon said the proposal was similar to those adopted by the City of Durham. He stated that at the public hearing there had been a comment from Dan Garner regarding the definition of the district. Mr. Garner had suggested that rather than defining the overlay district as 1/2 mile from the Corps property, he proposed the Town define the area as 2 miles from the permanent pool of Jordan Lake, as Durham County had defined the area. Mr. Waldon said the staff had reviewed Durham County's and Durham City's regulations, and the Triangle J Council of Governments' work and believe that the staff proposal was the most appropriate and mirrored what the City of Durham had adopted.

Council Member Godschalk said his interpretation of Mr. Garner's comments was not that he was suggesting a two-mile limit but rather the ridge line. Mr. Waldon responded that Durham County's ordinance which had the two-mile limit from the permanent pool of the lake was well short of the ridge line that would define this basin. He said Durham County's two-mile limit stopped short of NC 54. Mr. Waldon stated that in 1984, Triangle J had recommended two levels of protection for the lake, the critical area and a limited industrial area. He said that the staff proposed the kind of regulation proposed by Triangle J as a limited industrial area that would limit the amount of uses that could be located there. He said Triangle J had suggested the limited industrial area be 1/2 mile from the Corps property.

Council Member Godschalk stated that he did not think it was likely that there would be any type of industrial development in that area. Mr. Waldon agreed but said there could be proposals for service stations, with underground storage tanks.

Council Member Godschalk said that he felt the long extension of the critical area, north of NC 54, was somewhat unnecessary in terms of development expected in that area with Chapel Hill's zoning ordinance.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT ORDINANCE 88-5-9/O-1. THE MOTION CARRIED, (6-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

The ordinance, as adopted, reads as follows:

AN ORDINANCE ESTABLISHING A WATER QUALITY CRITICAL AREA OVERLAY ZONING DISTRICT (88-5-9/O-1)

WHEREAS, the protection of water quality in B. Everett Jordan Lake is in the public interest, and will promote the health, safety and general welfare of all citizens in the Piedmont of North Carolina; and

WHEREAS, it is the responsibility of all local governments with jurisdiction over land draining into Jordan Lake to take measures to protect the lake's water quality; and

WHEREAS, uses of land closest to the lake are especially critical to the lake's water quality; and

WHEREAS, the protection of the area's natural environment is called for in the Town's Comprehensive Plan; and

WHEREAS, the Town Council finds that the Water Quality Critical Area district DOTA is needed to achieve the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends the Chapel Hill Development

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Ordinance, to add a new Article 9 as described on the following pages.

ARTICLE 9 WATER QUALITY CRITICAL AREA DISTRICT

9.1 Intent

The Water Quality Critical Area District is intended to be applied in a portion of the New Hope watershed draining to Jordan Lake in order to ensure long-term water quality of the Jordan Lake Reservoir, to protect possible future sources of drinking water for the Town and surrounding localities, and to control pollution sources affecting water quality.

The District is intended to implement general guidelines endorsed by the Triangle J Council of Governments for the Falls and Jordan Lake reservoirs on April 25, 1984, in the category of "Limited Industrial Areas" used in those guidelines.

In the interpretation and application of this Article, all provisions shall be: (a) considered as minimum requirements, (b) strictly construed in favor of the public interest and community benefit, and (c) deemed neither to limit nor repeal any other powers provided by Town ordinance or State statute.

9.2 Definitions

Definitions of terms used in this Article, where not otherwise defined in this Article, are contained in Article 2.

9.3 Establishment of Water Quality Critical Area District

The Water Quality Critical Area District is established for certain lands within the New Hope watershed as a District that overlays other zoning districts established in Article 12. The area shall be defined as an area extending one-half mile from the Corps of Engineers property line.

9.4 Development in Water Quality Critical Area District

This Article shall apply to development and land-disturbing activities within the District after the effective date (May 9, 1988) of this Article unless allowed pursuant to a variance authorized by this Article and approved by the Board of Adjustment.

This Article shall not apply to the continued use, operation or maintenance of any development existing, or for which construction had substantially begun, or for which preliminary plat approval, site plan approval, or special use permit approval has been received on or before May 9, 1988. With respect to the requirements of this Article, such development shall not be considered as nonconforming within the meaning of Article 22 of this Chapter.

Within the Water Quality Critical Area District, the expansion, reconstruction, rehabilitation, or renovation of a development existing on or before May 9, 1988 is prohibited unless:

- 1) the expansion, reconstruction, rehabilitation, or renovation is permitted by Section 9.5 and meets the standards of Section 9.6 and 9.7; or
- 2) the expansion, reconstruction, rehabilitation, or renovation is permitted by a variance authorized by this Article and approved by the Board of Adjustment; or
- 3) the expansion, reconstruction, rehabilitation, or renovation results in no greater than a 10% increase in the allowable impervious surface requirements of Section 9.6 (12% for unsewered areas; 30% for sewer areas).

9.5 Permitted Uses

In addition to the requirements or permitted uses indicated in the underlying zoning district, or any applicable overlay zone, the following restrictions shall apply to the Water Quality Critical Area.

9.5.1 Residential

No additional restrictions will be placed on the type of residential land use permitted within the District.

9.5.2 Industries/Businesses

No industries or businesses that produce, store, or use reportable quantities of hazardous materials, as defined by EPA's most recently promulgated Hazardous Substances or Priority Pollutants lists, are allowed in the Water Quality Critical Area District.

9.5.3 Toxic or Hazardous Waste Disposal

No facilities which recycle or dispose of toxic or hazardous wastes may be located within the Water Quality Critical Area District.

9.5.4 Underground Fuel or Chemical Tanks

No underground fuel or chemical storage tanks shall be permitted. For the purposes of this section, underground refers to the burial of such tank below the surface of the ground or the covering of them by a berm built above grade.

Spill containment measures must be taken for any fuel or chemical tank.

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9.6 Intensity Regulations

9.6.1 Land Use Intensity Regulations

The intensity regulations are those generally applicable to the underlying zoning district, or any applicable overlay zone.

9.6.2 Additional Intensity Regulations

In order to prevent an excessive amount of stormwater runoff from damaging the water quality of the reservoirs, it is desirable to encourage as much infiltration as possible of runoff from hard surfaces onto land areas which can absorb and filter runoff. For the purpose of this section, an impervious surface is defined as a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include but are not limited to: roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, and any concrete, asphalt, or compacted gravel surface.

Any development in the Water Quality Critical Area District shall be subject to the following limitations on the amount of impervious surface and land disturbance on any zoning lot.

Impervious Surface Limitation: In sewered areas: thirty percent (30%) of land within the District.

In unsewered areas: twelve (12%) of zoning lot within the District.

In Resource Conservation Districts: Six percent (6%) of land within the Resource Conservation District (note: cross-reference to Section 5.5.2.2.).

Land Disturbance Limitation: Forty percent (40%) of land within the District.

9.7 Sewer Service Standards for Development in the Water Quality Critical Area District

The purpose of these standards is to prevent discharges of untreated or inadequately treated wastewater into the water supply. The following standards shall apply to any portion of a development or, as appropriate, to any land disturbance, within the District:

9.7.1 Wastewater Treatment Facilities

No privately owned discharging wastewater treatment facilities shall be allowed within the Water Quality Critical Area District, and no expansions of existing private discharging wastewater treatment facilities shall be allowed.

9.7.2 Pretreatment Plants

Pretreatment facilities to prepare wastewater for discharge into the public wastewater collection or treatment system shall be allowed in the area.

9.7.3 Private Surface Discharge Facilities

After a three-year time period from the date public sewer becomes available to an area (extended to or adjacent to property), no person shall continue to operate or use a private surface discharge sewage treatment system or individual septic system within the Water Quality Critical Area District.

9.8 Variance from Board of Adjustment

9.8.1 Application

An owner of property who alleges that the provisions of this Article leave no legally reasonable use of the property may apply to the Board of Adjustment for a variance. An application for a variance shall be filed with the Town Manager in accord with the provisions of Subsection 24.4.1. In addition to the materials required by that subsection, the application must also comply with applicable submittal requirements.

On receipt of a complete application, the Town Manager shall cause an analysis to be made by appropriate Town staff based on the findings required in Subsection 9.8.2. Within a reasonable period of time, the Town Manager shall submit the application and a report of his or her analysis to the Board of Adjustment.

9.8.2 Required Findings

- a) The review of the Board of Adjustment shall extend to the entire zoning lot that includes area within the District. The Board of Adjustment shall grant a variance, subject to the protections of this Article, if it finds:
 - 1) That the provisions of this Article leave an owner no legally reasonable use of the zoning lot; and
 - 2) That a failure to grant the variance would result in extreme hardship; and
 - (a) That the hardship complained of is one suffered by the applicant rather than by neighbors or the general public;
 - (b) That the hardship relates to the applicant's property rather than to personal circumstances;

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- (c) That the hardship is peculiar to the applicant's property, rather than a hardship shared by the neighborhood or resulting from the existence of nonconforming situations in the vicinity;
 - (d) That the hardship is not the result of the applicant's own actions; and
- 3) That the variance will not substantially interfere with or injure the rights of others whose property would be affected by granting of the variance; and
 - 4) That the variance will not result in a violation of the provisions of Article 22 by allowing the enlargement, expansion, extension, or the greater permanence or intensity of a nonconforming use or feature.

In making such findings, the Board of Adjustment shall consider the uses available to the owner in the underlying zoning district.

- b) The Board of Adjustment shall grant the minimum variance necessary to afford appropriate relief under this section. The Board may attach such reasonable conditions to the grant of a variance as it deems necessary to achieve the purposes of this Article.
- c) The Board of Adjustment shall not grant any variance if it finds that such a variance would:
 - 1) result in significantly increased velocity of flow or deposit of sediment; or
 - 2) result in significantly increased erosion, significant additional threats to public safety; or
 - 3) result in significant threats to water quality.

9.8.3 Burden of Proof

Any owner of property applying to the Board of Adjustment for a variance from the provisions of this Article shall have the burden of establishing that such variance should be granted by the Board.

9.8.4 Referral

The Board of Adjustment, before taking final action on an application for a variance, may refer such application to Town advisory boards or commissions.

9.8.5 Review Criteria

In reviewing applications for variances pursuant to this Article, the Board of Adjustment shall consider all technical evaluations, all relevant factors, other provisions of statute or ordinance, and:

- a) the danger to life and property due to flooding, sedimentation, and/or erosion damage at the site;
- b) the importance of the services provided by the proposed development to the community;
- c) the availability of alternative locations for the proposed use;
- d) the compatibility of the proposed use with existing and anticipated development within the vicinity;
- e) the relationship of the proposed use to the comprehensive plan and the stormwater management plan for that area;
- f) the danger that issuance of the variance will set a precedent for future development which cumulatively may increase threats to ensuring the water quality of Jordan Lake Reservoir;
- g) the effect to water quality of Jordan Lake Reservoir; and
- h) the degree to which drainage conditions in the vicinity would be improved by the proposed development.

9.9 Correction of Violations

The owner of any land within the Water Quality Critical Area District shall be presumed responsible for any violation of this Article committed on his or her property. The owner of any land within the Water Quality Critical Area District shall be responsible for correcting any activity undertaken therein in violation of this Article. In addition, any other person found in violation of this Article shall be liable as provided by law. The Town may institute any appropriate action to restrain or prevent any violation of this ordinance or to require any person who has committed any such violation to correct the violation or restore the conditions existing before the violation. The Town Manager shall enforce this article as provided for in Article 23.

9.10 Other Approvals Required

No permit or approval required to be issued by the Town under the provisions of this Article shall be valid until all other permits or variances for the same proposal required by any other ordinance of the Town or statute of the State of North Carolina or United States have been received from those agencies from which such permits or variances are required.

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9.11 Records and Filings

The Town Manager shall maintain records of all development permits, approvals, or variances regarding development within the Water Quality Critical Area District. Such records shall include all actions on applications for such permits, approvals, or variances, as well as as any conditions attached thereto.

The Town Manager shall notify any applicant in writing of the decision on any application for any permit, approval, or variance with respect to property within the Water Quality Critical Area District and shall file a copy of it with the Town's Planning Department.

The applicant shall record any variance with the Orange County Register of Deeds within sixty (60) days after written notice of approval of such variance by the Board of Adjustment.

BE IT FURTHER ORDAINED that this amendment to the Development Ordinance shall be effective upon adoption.

This the 9th day of May, 1988.

Entranceways Report - Master Landscape Plan

Chris Berndt, Planner, said in 1986 the Council had authorized an entranceways study and in July of 1987 the Town hired Paton-Zucchini Associates to undertake this study. She said the purpose of the study included surveying existing entranceways; designing an overall approach to developing a master landscaping plan; and recommending implementation and phasing approaches. She introduced Larry Zucchini of Paton-Zucchini to discuss the landscape plan.

Larry Zucchini, representing Paton-Zucchini Associates, said the study identified five principal types of entranceways: boulevards, developed corridors, urban streetscapes, rural corridors, and bypass corridors. He said they had studied 26 miles of roadway and had looked at broadening the study to include urban streetscape, form, signage and lighting. He stated that besides the five principal types of entranceways, the study had also included key gateways, special vistas and major intersections. Mr. Zucchini said that for each type, the existing conditions were identified, landscape and streetscape responses suggested and summary recommendations made. He said the entranceway corridor was defined as an area generally 250' outside of each side of the rights-of-way.

Council Member Godschalk asked if the consultants' study included details on specific types of trees, plants, etc. in each of the key areas. He said he expected to see more information on the kind of spaces available in the entranceways and the

opportunities or problems associated. Mr. Zucchini said they had addressed the viewscape but had not separated areas out. He said they had recommended varieties of trees for use in the entranceways but not specific plantings for specific corridors.

Council Member Preston said she liked the idea of adding medians in large roads like Airport Road. She asked if the consultants had experience in re-fitting roads in this manner. Mr. Zucchini replied that he did not personally know of any re-fitted areas.

Alan Rimer, representing the Planning Board, said the Board had voted in favor of the recommended master plan. He said the Council needed to instruct the staff to work with NCDOT to get trees planted in the median of Airport Road.

Virginia Cunningham also spoke in favor of the proposed entranceway plan, although it did not address all the issues stated by the Entranceways Task Force in their report of 1984. She said medians with trees was a good idea. She said that she would like to see a pilot project along 15-501 between Ephesus Church Road and Elliott Street where the median was planted with trees and shrubs and the streetscape was also improved with plantings. She said she had discussed this with the consultants and they had indicated that the cost would only be around \$25,000.

Council Member Preston said she thought this was a good idea but that she did not want the work done by the Town to be destroyed by NCDOT when NCDOT made the improvements to the Bypass. She asked if the area suggested for work by Ms. Cunningham was in the area that would be improved under the Bypass Improvements. Manager Taylor said the Bypass Improvements would include part of the area between Ephesus Church Road and Elliott Road. Ms. Cunningham stated that she had been assured that her proposal would not be affected by the Bypass Improvements.

Council Member Godschalk asked what were some of the issues that were not addressed by the study but had been of concern to the Entranceways Task Force. Ms. Cunningham replied that pedestrian crosswalks, which were individualized or specialized to make them easy to see, had not been included.

Council Member Herzenberg commented that there used to be tasteful "welcome to Chapel Hill" signs at the entrances to Chapel Hill and that he would like to see something like that included.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-5-9/R-2. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING THE ENTRANCEWAYS REPORT AS PART OF THE COMPREHENSIVE PLAN (88-5-9/R-2)

WHEREAS, the Council of the Town of Chapel Hill finds that the visual beauty of the Town's entranceways are a valuable design asset contributing significantly to the character and appearance of the Town; and

WHEREAS, the appearance of Chapel Hill along these entranceway corridors contributes ecologically and aesthetically to the growth and economic prosperity of the Town; and

WHEREAS, the Council established the Entranceways Task Force to explore ways to protect and manage this valuable resource; and

WHEREAS, the Council directed that the Town undertake a more detailed study of the design concepts along major entranceways;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the Master Landscape Plan: Entranceway Corridors, Chapel Hill, N. C., March, 1988 as part of the Comprehensive Plan of the Town of Chapel Hill.

This the 9th day of May, 1988.

Human Services Advisory Board Performance Agreement Recommendations

Al Mebane, representing the Human Services Advisory Board, said the Board had completed its review and assessment of human service needs for the citizens of Chapel Hill and recommended that the Town enter into performance agreements with eleven agencies for a total cost of \$54,500. He said this amount was a 12% increase over last year and that the Town's portion of the agencies' funding ranged from 1% to 8%.

Council Member Pasquini asked if the agencies requesting funding for 1988-89 were the same as had requested funding last year. Mr. Mebane replied yes.

Council Member Pasquini expressed concern that the Town might be getting into a pattern whereby agencies previously funded were able to acquire an advantage over new agencies. Mr. Mebane responded that he did not believe this to be true. He stated that the Board issued requests for proposals and then evaluated the requests that were received. He said it would be nice, for example, to rotate out one agency each year so that there would be a new agency being funded each year but often there were no other agencies either presenting proposals or which met the requirements for being funded.

Council Member Pasquini thanked the Human Services Advisory Board for all the work they do on behalf of the Town.

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Council Member Herzenberg also thanked the Board for their work. He stated that the performance agreements did not always state that the funds should be used to aid those economically disadvantaged and he felt they should.

Council Member Preston said that she was glad to see that the Board recommended that the Day Care Services and Child Care Networks be consolidated into one agency since they both addressed the need for affordable day care. She asked why the Board was suggesting phasing out of the funding for North State Legal Services. Mr. Mebane responded that Chapel Hill was the only municipality in the seven-county area served by North State that funded the agency. He stated that the majority of North State's funding was from the Federal Government.

Council Member Preston asked for clarification of the Coalition for the Prevention of Adolescent Pregnancy in association with Planned Parenthood. Olga Acosta, Human Services Coordinator, replied that this was to be a coalition of various groups sponsored by Planned Parenthood to look into the issue of adolescent pregnancy.

Council Member Wilkerson commended the Board for its work. He said that he was concerned that there had been no proposals for working with children and youths on drug awareness. He said this was an important issue in Chapel Hill and needed to be addressed. He also asked why the Orange County Women's Center had presented a proposal to the Human Services Advisory Board for \$5,000 and another proposal to the Parks and Recreation Commission for \$1,400. He asked if the two proposals were not essentially the same. Mr. Mebane replied that he had not been aware that the Women's Center had also made a request to the Parks and Recreation Commission but expected that the proposals were probably similar.

Hotel/Motel Tax Funds Recommendations by the Parks and Recreation Commission

Richard Baddour, representing the Parks and Recreation Commission, said the Commission had reviewed 21 proposals by 19 organizations requesting a total of over \$160,000. He said the Commission established a subcommittee to review the proposals and that the subcommittee had carefully weighed the elements of each proposal using the criteria established by the Commission. He said the Commission recommended that \$50,000 be allocated among 17 projects.

Council Member Werner asked if the Commission had discussed funding two or three projects with larger amounts rather than the 17 projects with smaller amounts. Mr. Baddour said this had been discussed but that the Commission had felt all the projects had merit.

Council Member Werner expressed concern that the proposal included recommendations to fund the Greenways Commission, which was an

advisory board of the Council, and the Orange County Department on Aging. He said he was not sure these groups should receive funding from the Town, especially since they received funding from other governmental sources.

Council Member Pasquini agreed with Council Member Werner and said he was also not sure the N.C. Botanical Gardens and Orange County Women's Center were areas that met the criteria of providing visitor information and cultural events. He asked the Town Attorney if the legislation had indicated what constituted visitor information or cultural events. Ralph Karpinos, Town Attorney, replied that the legislation had not specified what constituted visitor information or cultural events and that the legislation stated that only 10% of the hotel/motel tax funds had to be used for these purposes. He stated that any amount over the 10% could be used for whatever purpose deemed appropriate by the Council.

Council Member Godschalk suggested that the Council provide further guidelines next year on what types of projects they felt would be suitable for the use of the funds. He also said that he felt the funds should be given to a smaller number of projects so that the project would have more impact on the community as a whole.

Council Member Herzenberg said that often a small amount of funding could have a large impact on a group. He agreed that the Council should tighten its guidelines for next year. He said he felt by and large the Parks and Recreation Commission had done an excellent job.

Council Member Preston agreed that the Commission had done a good job, especially as this was their first venture. She said she shared the concerns about spreading the funding too thin. She said the Council needed to look at the definition of cultural events. Ms. Preston said she felt the projects that fell under this category should be more people oriented. She stated that she was disturbed with the Orange County Women's Center request for funding from both the Human Services Advisory Board and the Parks and Recreation Commission.

Mayor Howes agreed that the Council needed to look at the policy and guidelines for distributing these funds. He said part of the reason why the Council had requested that the Parks and Recreation Commission handle this process was so that the first year could be a test run. He said the Council would need to set the policies in the upcoming year. Mayor Howes thanked the Commission for all their time and work on the project.

Forest Creek II Subdivision - Request for Change in Sidewalk Location

Manager Taylor said this was a request to amend the Preliminary Plat for Forest Creek Subdivision to place the sidewalk on the east side of Piney Mountain Road.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 88-5-9/R-3. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR FOREST CREEK SUBDIVISION [28-3,5 & 29-3E] (88-5-9/R-3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Forest Creek Subdivision proposed by Mr. J.P. Goforth, identified as Chapel Hill Township Tax Map 28, Lot 3 & 5 and Tax Map 29, Lot 3E, if developed according to the Preliminary Subdivision Plan dated August 8, 1987, and the conditions listed below, would comply with the provisions of the Development Ordinance.

1. That Piney Mountain Road be improved from the Eastwood Road intersection along this site's frontage to: the equivalent of 1/2 of a 41-foot cross-section with curb and gutter; with dedication of 1/2 of a 70-foot right-of-way; and, a 5-foot wide paved sidewalk installed along the east side.
2. That Eastwood Road be improved to 1/2 of a 33-foot wide cross-section with curb and gutter and a 5-foot wide paved sidewalk along this site's frontage and extending to the Piney Mountain Road intersection, and that Shady Lawn Road be paved to an asphalt width of 22-feet, with curb and gutter on the south side, along the property's frontage.
3. That Road 'A' be built to class 'B' standards for pavement width and to class 'C' for all other design standards, and that a paved sidewalk be located on one side of the street.
4. That all utility easements necessary for the extension of sanitary sewer to the site be approved by OWASA and recorded prior to the issuance of the Zoning Compliance Permit.
5. That a note be placed on the final plat denying direct driveway access onto Piney Mountain Road and Eastwood Road for those lots adjacent to Piney Mountain Road and Eastwood Road.
6. That a Type 'C' buffer be provided along the site's frontage with Piney Mountain Road and Eastwood Road, and that a landscape plan, including a landscape maintenance plan, be approved by the Town Manager and plants installed prior to any Certificate of Occupancy being issued.
7. That the greenway recreation area be dedicated and deeded to the Town prior to the issuance of the Zoning Compliance Permit.

8. That a 30-foot wide pedestrian, non-motorized vehicle easement, with a path, be provided between lots 16 and 17 and lots 5 and 6, and that these easements be shown on the final plat.
9. That a Homeowners Association with the capability to place a lien on property of members that do not pay their dues, be established to be responsible for the maintenance of the landscape buffers along the site's frontage with Piney Mountain Road and Eastwood Road, and the recreation area adjacent to Piney Mountain Road.
10. That sight triangle easements be provided on the final plat.
11. 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.
12. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
13. If the Town Manager approves a phasing plan, no Certificate 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.
14. 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.
15. 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.
16. That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
17. 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.
18. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
19. That the boundaries of the Resource Conservation District be shown on the final plat and plan with a note indicating that "Development shall be restricted within the Resource

Conservation District in accordance with the Development Ordinance."

20. That any restrictive covenant applicable to lots adjacent to the Resource Conservation District not require greater setbacks than those required by the Development Ordinance.
21. That no lot be created that would require a Resource Conservation District Variance in order to be built upon.
22. That the final plat indicate the buildable area on all lots which contain a portion of the Resource Conservation District.
23. That tree protection fences be installed to protect significant existing trees and their root systems, before issuance of a Zoning Compliance Permit.
24. 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.
25. That final street plans, grading plans, utility plans, stormwater management plans (with hydrologic calculations), and buffer planting and maintenance plans be approved by the Town Manager before issuance of Zoning Compliance Permit of the 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.
26. 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.
27. That plans for improvements to State-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit.
28. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
29. 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 Forest Creek Subdivision in accord with the plans and conditions listed above.

This the 13th day of January, 1988.
Amended this the 9th day of May, 1988.

Municipal Building Expansion - Abandoning Special Use Permit on Municipal Building

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-5-9/R-4A. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION ABANDONING THE MUNICIPAL BUILDING AND FIRE STATION SPECIAL USE PERMIT (88-5-9/R-4a)

WHEREAS, the Chapel Hill Board of Alderman approved a Special Use Permit for the Municipal Building and Fire Station on March 8, 1971;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the Municipal Building complex, located on property identified as Chapel Hill Township Tax Map 80, Block A, Lot 1, no longer requires a Special Use Permit, and all conditions of the Special Use Permit have been satisfied.

BE IT FURTHER RESOLVED that the Council, in its role as owner, directs the Town Manager to prepare and sign an affidavit clearly stating the Town's intent to abandon the Special Use Permit.

BE IT FURTHER RESOLVED that the Council hereby approves the abandonment of the Municipal Building and Fire Station Special Use Permit subject to the recordation of the signed affidavit by the Town Manager.

BE IT FURTHER RESOLVED that the Council approval of the abandonment of the Special Use Permit shall not be effective until the affidavit of abandonment is recorded in the office of the Orange County Register of Deeds.

This the 9th day of May, 1988.

Joint Planning Hearing - Scheduling Hearing for June 30

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 88-5-9/R-5. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REGARDING JOINT PLANNING HEARINGS (88-5-9/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby concurs in scheduling joint planning hearings with the Orange County Board of Commissioners and Carrboro Board of

Aldermen at 7:30 p.m. on June 30, 1988 at a location to be determined by the County Commissioners.

This the 9th day of May, 1988.

Planning Board Work Session with the Council

Alan Rimer, Planning Board Chair, said that a work session of the Council with the Planning Board had been tentatively set for June 29. He said the purpose of the work session was to for the Board to give the Council a brief review of the status of various projects and to identify and discuss the conflicts in the Goals and Objectives with regard to policies.

The Council said it could not meet on June 29.

Mr. Rimer suggested that the meeting be changed to July 12.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 88-5-9/R-6 AS AMENDED TO STATE THAT THE WORK SESSION WOULD BE HELD ON JULY 12. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SCHEDULING A WORK SESSION (88-5-9/R-6)

WHEREAS, the Chapel Hill Planning Board is preparing a revision of Chapel Hill's Comprehensive Plan; and

WHEREAS, the Planning Board has requested that the Council schedule a work session with the Planning Board to review key policy issues raised during preparation of the Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby schedules such a work session with the Planning Board for 7:30 p.m. on Tuesday, July 12, 1988 in the Chapel Hill Municipal Building Meeting Room.

This the 9th day of May, 1988.

Quarterly Meeting with Parks and Recreation Commission and Transportation Board

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 88-5-9/R-7 SETTING THE JOINT MEETING FOR WEDNESDAY, JUNE 1. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SETTING A DATE FOR A WORK SESSION WITH THE PARKS AND RECREATION COMMISSION AND TRANSPORTATION BOARD (88-5-9/R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests that the Parks and Recreation Commission meet with the Council at 7:30 p.m. on June 1, 1988, and that the Transportation Board meet with the Council at 8:30 p.m. on June 1, 1988, in accordance with established procedures of holding quarterly meetings with the advisory boards. Both Boards are invited to have dinner with the Council at 6:30 p.m. that evening. The meetings will be held in the Meeting Room of the Municipal Building.

This the 9th day of May, 1988.

Triangle Housing Investment Fund

Roger Waldon, Planning Director, said this proposal was to authorize execution of an interlocal agreement with Raleigh and Durham to create a Triangle Housing Investment Fund to aid in the development of low and moderate income housing.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-5-9/R-8. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT (88-5-9/R-8)

WHEREAS, the municipalities of Chapel Hill, Durham, and Raleigh have been studying needs for affordable housing; and

WHEREAS, the three municipalities jointly applied for a grant from the Z. Smith Reynolds Foundation, requesting funds to assist with establishment of a regional housing investment fund; and

WHEREAS, the three municipalities jointly committed \$20,000 for the purpose of beginning start-up and organizational tasks in order to establish a regional housing investment fund; and

WHEREAS, the three municipalities need a formal mechanism to continue effective work on this initiative;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it hereby authorizes the Mayor, on behalf of the Town, to execute an interlocal agreement with the municipalities of Raleigh and Durham, as indicated on the following pages.

This the 9th day of May, 1988.

10-6-47, 176

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LETTER OF AGREEMENT

TRIANGLE HOUSING INVESTMENT FUND

The City of Raleigh, City of Durham, and Town of Chapel Hill, North Carolina, express support and commitment to the establishment of the Triangle Housing Investment Fund (hereinafter referred to as the "Fund").

The purpose of the Fund is to raise private capital to support development and conservation of low-income housing in the Research Triangle Area. The Fund will maintain a regional focus on issues of housing affordability and housing quality by bringing together local government officials, business leaders, churches, neighborhood and civic leaders, and residents.

Prior to the Fund's incorporation as a private, non-profit organization, there is a need to direct the start-up and organization of the Fund, and to oversee the Fund's financial and administrative affairs. Therefore, the municipalities of Raleigh, Durham, and Chapel Hill agree to cooperate to organize and manage the start-up activities of the Fund.

ROLE OF THE MUNICIPALITIES

The municipalities of Raleigh, Durham, and Chapel Hill shall participate in the management and oversight of the Fund prior to incorporation and as necessary prior to the Fund receiving a tax-exempt designation.

Prior to incorporation, the Mayors of the municipalities shall together act as the policy-making body for the Fund, and give direction as to the priorities of the Fund.

The City Manager of each municipality shall also designate a representative (hereinafter referred to as "Designee") to participate collectively with the other Designees to set administrative procedures, establish a budget, approve expenditures, and hire personnel. The Designees may act to propose guidelines for borrowing and lending, prepare legal and organizational ground work, and manage any contributions and loans received from public, private, and charitable sources. During this start-up period, the Designees may also undertake efforts to secure initial fundraising commitments, and to identify initial projects.

The City of Raleigh, in consultation with the municipalities of Durham and Chapel Hill, shall directly administer the Fund, manage and disburse funds, manage personnel, and provide general staff support.

Actions by the Designees or other officials of the City of Raleigh related to the administration of the Fund or disbursement of monies will be in accordance with all applicable State statutes, and other rules of fiscal control applicable to local government units.

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The parties do hereby enter into this letter of agreement.

Avery Upchurch
Mayor, City of Raleigh

Date

Wib Gulley
Mayor, City of Durham

Date

Jonathan Howes
Mayor, Town of Chapel Hill

Date

Tandler Homeownership Project - Participation in the North Carolina Housing Finance Agency Mortgage Assistance

Sonna Loewenthal, Assistant Town Manager, said the proposal was to change the Development Agreement between the Town and Capricorn/Isler, Associates to allow the Town to take advantage of a new form of housing assistance offered by the NCHFA for a limited period of time. She said the proposal would mean the Town would take a third lien instead of the second lien which would go to NCHFA for those buyers who were able to take advantage of the additional financing. Ms. Loewenthal said NCHFA would pay \$50 to \$100 per applicant on the monthly mortgage payment of eligible applicants up to a total of \$300 per month for a maximum of ten years. She stated that the repayment to NCHFA would be the lesser of the full NCHFA subsidy paid or 30% of the market appreciation. She said this meant the Town's chance of full repayment upon resale or refinancing would be slightly reduced. Ms. Loewenthal stated that if the market appreciation was very low and the house changed hands or was refinanced in three years it could be possible that the Town would not recoup its share of the market appreciation. She said if there were no market appreciation no money would be repaid to the NCHFA and the Town would recoup the total of its mortgage but no accrued interest. She said the staff felt that it was highly unlikely that the market appreciation would be so low and the term of ownership so short and therefore felt the risk was worth taking. Ms. Loewenthal stated that time and funding limitations would keep the number of houses sold with this program to only four or five of the total of 35 houses.

Council Member Pasquini asked if there were any other way to assure that the Town recouped all the funds it invested. Ms. Loewenthal replied that the Town would still recoup its second mortgage but that it might not recoup the interest accrued on the mortgage based on the appreciation.

Council Member Pasquini asked how long it would take to recoup the interest if appreciation were 7%. Ms. Loewenthal replied approximately three years.

Council Member Godschalk commented that the maximum amount being offered by NCHFA was \$36,000 and that it would not apply to all the homes. He said he was concerned that it added an extra level of complication to the entire process. He urged the staff to be sure to explain the provisions in detail to perspective buyers.

Manger Taylor commented that the process was even further complicated by the fact that the NCHFA proposal must be used by June 30.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-5-9/R-9. THE MOTION PASSED UNANIMOUSLY, (7-0).

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The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO MAKE CHANGES TO THE DEVELOPMENT AGREEMENT, HOMEOWNERSHIP PROGRAM (88-5-9/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the program concepts on buyer selection criteria and recapture provisions/resale controls as generally outlined in the Manager's memorandum to the Council of March 23, 1987, and directs the Manager to make necessary changes to recapture provisions in order to participate in the N. C. Housing Finance Agency Mortgage Assistance Program.

BE IT FURTHER RESOLVED that the Council approves the program concepts as follows:

Recapture Provisions

- Third mortgage from the Town at 6% annually due upon sale; and share of market appreciation based on percentage of equity in the property.
- The owner shall be required to pay the Town the 6% interest on the third mortgage and the Town's share of the appreciation to the extent that the fair market value of the house exceeds the original sales price, plus the amount owed to the North Carolina Housing Finance Agency.
- This recapture provision only applies to property owners participating in the North Carolina Housing Finance Mortgage Assistance Program.

This the 9th day of May, 1988.

Legislative Requests

Mayor Howes said that the Mayor Pro-Tem, Manager and Attorney and he had met with the local delegation and discussed the various potential bills. He said the delegation had reminded them that the short session had a limited agenda and that in general it did not take up any local legislation and especially non that could be considered controversial. He said therefore he recommended that the entertainment tax and public facilities ordinance proposals not be introduced.

Pete Thorn, representing the Durham-Chapel Hill Homebuilders Association, requested that the Council defer requesting authority for the tree ordinance and landscape management amendments. He said that he did not think this authority should be granted until a viable and acceptable ordinance had been developed that addressed costs and equity.

Council Member Werner said the request was to extend the current authority to the extraterritorial areas and enhance the authority to include planting and alteration of trees and shrubs and

protecting the soils around them. He said it did not mean that the proposed tree ordinance would be adopted.

Bob Anderson spoke against requesting legislation at this time. He said he felt it was too generalized and would lack the detail necessary to address some of the issues the tree ordinance would want to address. He said there could be things in the ordinance which would not be covered by the legislation and then the Council would have to make another legislative request.

Council Member Herzenberg spoke in support of the legislation. He said the practical effect of not making the request would be to delay action on the tree ordinance.

Board of Adjustment Composition

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI TO ADOPT RESOLUTION 88-5-9/R-10.1. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL BILL CONCERNING COMPOSITION OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CHAPEL HILL (CHARTER REVISION) (88-5-9/R-10.1)

WHEREAS, the Council of the Town of Chapel Hill has entered into a Joint Planning Agreement with the Town of Carrboro and Orange County, which agreement provides for appointment of a representative from the Transition Area in the environs of Chapel Hill; and

WHEREAS, the present Town Charter restricts the number of members of the Board of Adjustment to 10 and requires 7 Town appointees notwithstanding the general State law; and

WHEREAS, the Council desires to have the greater flexibility available through the general statute;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the Senators and Representatives of districts including the Town of Chapel Hill to introduce a local bill to amend the Town Charter concerning the Board of Adjustment as provided in a draft bill in substantially the form attached hereto.

BE IT FURTHER RESOLVED that the Council authorizes the Mayor to transmit this resolution to the legislators representing the Town.

This the 9th day of May, 1988.

Draft 5/9/88

A BILL TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL
REGARDING THE TOWN'S BOARD OF ADJUSTMENT

SECTION I

The Charter of the Town of Chapel Hill (Chapter _____, 19 _____
Session Laws) is hereby amended by repealing Section 5.11 there-
of.

SECTION II

This act shall be effective upon ratification.

Towing from Town Parking Lots

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WILKER-
SON TO ADOPT RESOLUTION 88-5-9/R-10.2. THE MOTION PASSED UNANI-
MOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL BILL CONCERNING TOWING VEHICLES
FROM OFF-STREET TOWN PARKING FACILITIES (88-5-9/R-10.2)

WHEREAS, the general statutes provide procedures for towing
vehicles from private property and from public streets; and

WHEREAS, similar authority is needed for off-street Town parking
facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of
Chapel Hill that the Council authorizes the Mayor to transit this
request with a draft bill in substantially the form attached
hereto.

This the 9th day of May, 1988.

Draft 5/9/88

A BILL TO AUTHORIZE THE TOWING OF ILLEGALLY PARKED VEHICLES
FROM PARKING LOTS OWNED BY THE TOWN OF CHAPEL HILL

SECTION I

The governing board of the Town of Chapel Hill is hereby author-
ized to enact reasonable ordinances with respect to the parking
of motor vehicles in any off-street parking facilities owned by
the Town of Chapel Hill and to enforce those ordinances.

SECTION II

Any motor vehicle parked in a Town-owned parking lot, when such lot is clearly designated as such by a sign no smaller than 24 inches by 24 inches stating the ordinance regulations with respect to that lot and proximately displayed at the entrance thereto, in violation of an ordinance adopted pursuant this act may be removed from such lot to a place of storage operated by the Town of Chapel Hill and the registered owner of that vehicle shall become liable for removal and storage charges. No person acting as an agent for the Town of Chapel Hill shall be held to answer in any civil or criminal action to any owner, lienholder, or other person legally entitled to the possession of any motor vehicle removed pursuant to this act except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid lot to place of storage.

SECTION III

This article shall be effective upon ratification.

Disclosure of Campaign Financing

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-5-9/R-10.3.

Council Member Godschalk said he was concerned that the end result of this proposal would just be additional red tape for citizens wishing to serve on the Council.

Council Member Herzenberg responded that the net result of the legislation would be that each candidate to send to the Board of Election a copy of a list of contributions of over \$100. He said each candidate should already be keeping this information.

Council Member Preston asked if any other municipality under 50,000 required this statement. Town Attorney Karpinos replied that there were none to his knowledge.

Council Member Herzenberg replied that he felt it would be in keeping with Chapel Hill's goal of open government.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL BILL CONCERNING CAMPAIGN REPORTS BY CANDIDATES FOR CHAPEL HILL MUNICIPAL OFFICES (88-5-9/R-10.3)

WHEREAS, the general statutes do not require candidates in municipalities with less than 50,000 population to submit periodic reports; and

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WHEREAS, the Chapel Hill Town Council desires authority to enact such a requirement for Chapel Hill municipal candidates;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the Senators and Representatives of districts including the Town of Chapel Hill to introduce and support a local bill requiring candidates for Chapel Hill municipal offices to file campaign reports in the manner required of candidates in jurisdictions with more than 50,000 population.

BE IT FURTHER RESOLVED that the Council authorizes the Mayor to transmit this resolution with a draft bill in substantially the form attached hereto.

This the 9th day of May, 1988.

Draft 5/9/88

A BILL TO REQUIRE CAMPAIGN REPORTING BY CANDIDATES FOR
MUNICIPAL ELECTION IN THE TOWN OF CHAPEL HILL

SECTION I

Notwithstanding any provision of Article 22A, Chapter 163 of the General Statutes to the contrary, the provisions of Part 2, Article 22A, Chapter 163 of the General Statutes, "Municipal Campaign Reporting", are hereby made applicable to municipal elections and election campaigns in the Town of Chapel Hill.

SECTION II

This act shall be effective upon ratification.

Disclosure of Real Property and Business Interests

The Council decided that instead of asking for legislation relating to the disclosure of each Council Member's interest in real property and business that it look at developing a code of ethics for Council Members.

Tree and Landscape Management Regulations

Attorney Karpinos stated that the proposal would broaden the authority of the Town to include the extraterritorial areas under its current landscape ordinances and would also embellish the authority to include planting and substantial alterations to trees, shrubs and their surrounding soils.

Council Member Godschalk asked why the Town would want to regulate planting of trees. Mr. Karpinos responded that there were occasions where it was necessary to replace trees that had been destroyed by and during development and this would give the Town more authority in dealing with this issue and it would aid in the implementation of other ordinances like those involving entranceways.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-5-9/R-10.5. THE MOTION CARRIED, (6-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST.

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING A LOCAL BILL CONCERNING PROTECTION AND REGULATION OF TREES, SHRUBS AND SURROUNDING SOILS (88-5-9/R-10.5)

WHEREAS, the Town Charter of Chapel Hill authorizes the Town to regulate the removal of trees on public and private property in the Town; and

WHEREAS, the Council of the Town of Chapel Hill desires to consider additional means of regulating trees, shrubs and surrounding soils in the Town and the Town's extraterritorial planning jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the Senators and Representatives of districts including Chapel Hill to introduce and support a local bill to supplement the Town's present authority concerning protection of trees.

BE IT FURTHER RESOLVED that the Council authorizes the Mayor to transmit this resolution with a draft bill in substantially the form attached hereto.

This the 9th day of May, 1988.

Draft 5/9/88

A BILL TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO ALLOW ADOPTION OF ORDINANCES FOR PROTECTION OF TREES AND OTHER LANDSCAPE AND ENVIRONMENTAL FEATURES

SECTION I

Section 5.33 of the Charter of the Town of Chapel Hill (Chapter 473, 1975 Session Laws, as amended by Section 1, Chapter 330, 1977 Session Laws) is hereby amended to read as follows:

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Sec. 5.33. Landscape regulations.

The Town is authorized to adopt ordinances after holding a public hearing thereon, to regulate planting, removal, and substantial alteration of trees and shrubs and their surrounding soils on public and private property within the Town and its extraterritorial planning jurisdiction in order to preserve, protect, and enhance valuable natural resources of the community, and to protect the health, safety, and welfare of its citizens.

SECTION II

All development and zoning ordinances of the Town enacted and all steps taken by the Town to enact development and zoning ordinances prior to the effective date of this act which would have been valid hereunder are hereby validated, ratified and confirmed.

Public Facilities Legislation

The Council took no action on this request.

Entertainment Tax Legislation

The Council took no action on this request.

OWASA - Chatham County Agreement

Mayor Howes stated that the Manager and he had met with a Chatham County delegation and held a good, positive discussion. He said both groups acknowledged joint needs and agreed to try to establish an intergovernmental work group. He suggested that the participants be 2 members from Chapel Hill, 2 from Chatham County; 1 from Carrboro; 1 from Orange County and 1 from OWASA. Mayor Howes recommended that Council Members Julie Andresen and Roosevelt Wilkerson be the Town's representatives and that he would also meet with the group for the first few meetings. He suggested that the Council forward its recommendations to the other governing bodies. The Council agreed.

Council Member Werner asked if there were a June 30 deadline for the agreement with Chatham County and OWASA. Mayor Howes said he did not think so but that the June 30 deadline probably dealt with the joint application between Chatham County and OWASA for the Jordan Lake water supply and that he felt this could be accomplished separate from the agreement.

Employee Recognition

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WERNER TO ADOPT RESOLUTION 88-5-9/R-10.8. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted reads as follows:

A RESOLUTION OF APPRECIATION TO THE TOWN EMPLOYEES (88-5-9/R-10.8)

WHEREAS, May 21 is Employee Recognition Day in Chapel Hill and on that day the Town will recognize its employees for their dedication and service; and

WHEREAS, the philosophy of the Town of Chapel Hill is:

to be responsive, always working with an attitude of cheerful service,

to exhibit and nurture a spirit of teamwork, recognizing that all are working toward the same common goal,

to recognize that every person and every job have value and deserve our respect,

to be open to the opportunities inherent in change with an eye on the possibilities for tomorrow,

to be willing to take risks, make decisions, and recommend changes,

to deliver what we promise when we say we will or give ample notice if we cannot do so,

to say yes with pride and to say no with compassion, and

to always and in all ways be generative and not destructive; and

WHEREAS, the Council appreciates the efforts of all the employees to carry out this philosophy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council honors and thanks the employees for their outstanding service and their dedication to the citizens of Chapel Hill.

This 9th day of May, 1988.

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Bond Sale - Resolution Providing for Issuance of \$5,000,000 in General Obligation Bonds

Manager Taylor said that the Mayor, Finance Director and he had met with Moody's and Standard and Poors and had received an upgrade in the Town's bond rating to AA1 and AA+ from AA. He said Chapel Hill was the only municipality of its size with this rating.

Council Member Wilkerson asked if any minority firms were involved in the bond sale. Manager Taylor replied that the bonds were sold at public auction by the Local Government Commission and that banks usually bought the bonds. He said he was not sure how they were then placed in the securities market.

Council Member Wilkerson said that he would like to be sure that minority firms, not only the banks but the attorneys, etc. involved, had an opportunity to be involved.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 88-5-9/R-11. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION PROVIDING FOR THE ISSUANCE OF \$5,000,000 IN GENERAL OBLIGATION BONDS (88-5-9/R-11)

WHEREAS, the bond orders hereinafter described have taken effect, and it is desirable to make provision for the issuance of bonds authorized by said bond orders; NOW, THEREFORE,

BE IT RESOLVED by the Town Council of the Town of Chapel Hill, North Carolina (the "Issuer"), as follows:

1. Pursuant to and in accordance with the public building bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$2,000,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from June 1, 1988.

2. Pursuant to and in accordance with the parks and recreational facilities bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$1,650,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from June 1, 1988.

3. Pursuant to and in accordance with the library bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$500,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from June 1, 1988.

4. Pursuant to and in accordance with the street and sidewalk bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$500,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of twenty years, computed from June 1, 1988.

5. Pursuant to and in accordance with the firefighting facilities bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$350,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of ten years, computed from June 1, 1988.

6. The bonds to be issued pursuant to the bond orders described in paragraphs one through five, inclusive, of this resolution shall be issued as one consolidated bond issue of the aggregate principal amount of \$5,000,000 and shall be designated "Public Improvement Bonds, Series 1988," hereinafter referred to as the "Bonds." The Town Council has ascertained and hereby determines that the average period of usefulness declared in paragraphs one through five, inclusive, of this resolution is not less than thirty-five years computed from the date of the Bonds. The Bonds shall be dated June 1, 1988 and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof and such interest shall be payable on December 1, 1988 and semi-annually thereafter on June 1 and December 1. The Bonds shall mature, subject to the right of prior redemption as hereinafter set forth, annually on June 1, as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1990	\$200,000	1998	\$250,000
1991	250,000	1999	250,000
1992	250,000	2000	250,000
1993	250,000	2001	250,000
1994	250,000	2002	275,000
1995	250,000	2003	600,000
1996	250,000	2004	600,000
1997	250,000	2005	575,000

7. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book entry system will evidence ownership of the Bonds in the principal amounts of \$5,000 or whole multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on June 1, as set forth in the foregoing maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner

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of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Debt service will be payable to owners of Bonds shown on the records of DTC at the close of business on the day preceding a debt service payment date. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date, or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

8. The Bonds shall bear the manual or facsimile signatures of the Mayor and the Town Clerk of the Issuer and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said Commission or of a representative designated by said Secretary and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

9. The Bonds and the endorsements thereon shall be in substantially the following form:

NO. R-

\$

United States of America
State of North Carolina

Town of Chapel Hill

PUBLIC IMPROVEMENT BOND, SERIES 1988

INTEREST RATE	MATURITY DATE	DATE OF ORIGINAL ISSUE	CUSIP
	June 1, _____	June 1, 1988	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The Town of Chapel Hill (hereinafter referred to as "Town"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the Town, Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at his address as it appears on the bond registration books of the Town, interest on such principal sum from the date of this bond or from the June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a June 1 or December 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on December 1, 1988 and semi-annually thereafter on June 1 and December 1 of each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for such interest, which shall be the day (whether or not a business day) next preceding such interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, bond orders adopted by the Town Council of the Town on September 8, 1986 (the "Bond Orders")

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and a resolution adopted by said Town Council (the "Resolution") to pay capital costs of improving library facilities, streets and sidewalks, parks and recreational facilities, public buildings and firefighting facilities. The issuance of this bond and the contracting of the indebtedness evidenced thereby have been approved by a majority of the qualified voters of the Town voting at an election held in the Town on November 4, 1986.

The bonds maturing on and after June 1, 1999 shall be subject to redemption prior to their stated maturities at the option of the Town on or after June 1, 1998, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent (1/2 of 1%) of the principal amount of each bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent (2%) of such principal amount. If less than all of the bonds of different maturities are called for redemption, the bonds to be redeemed shall be called in the inverse order of their maturities. If less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

Not more than sixty (60) days nor less than forty-five (45) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the Town shall cause a notice of such redemption to be mailed, postage prepaid, to The Depository Trust Company ("DTC") or its nominee. On the date fixed for redemption, notice having been given as aforesaid, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such bonds or portions thereof on such date and, if moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to DTC and immobilized in its custody. The book entry system will evidence ownership of the bonds in principal amounts of \$5,000 or whole multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its

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participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Debt service will be payable to owners of bonds shown on the records of DTC at the close of business on the day preceding a debt service payment date. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

The Bond Registrar shall keep at its office the books of the Town for the registration of transfer of bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution mentioned hereinafter until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Town has caused this bond [to be

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manually signed by] [to bear the facsimile signatures of] the Mayor and the Town Clerk of the Town and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated June 1, 1988.

(SEAL)

Mayor

Town Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

John D. Foust
Secretary, Local Government
Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned bond orders and resolution.

TOWN OF CHAPEL HILL DIRECTOR OF FINANCE
as Bond Registrar

BY: _____
Authorized Signatory

Date of Authentication: _____

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ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____

the within Bond and irrevocably appoints _____

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

10. The Bonds maturing on and after June 1, 1999 shall be subject to redemption prior to their stated maturities at the option of the Issuer on or after June 1, 1998, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each Bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent (1/2 of 1%) of the principal amount of each Bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each Bond to be redeemed, provided that such premium shall not exceed two percent (2%) of such principal amount. If less than all of the Bonds of any maturity are called for redemption, the Bonds to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bonds by \$5,000. For so long as book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC and its participants shall determine which of the Bonds within a maturity are to be redeemed by lot. If less than all of the Bonds of different maturities are called for redemption, the Bonds to be redeemed shall be called in the inverse order of their maturities.

Not more than sixty (60) days nor less than forty-five (45) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be mailed, postage prepaid, to DTC or its nominee. Each such notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such bond will be issued.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held

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by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

11. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such ex-

change or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to this Section 10.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including the redemption premium, if any, and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The Director of Finance is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office at the Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

12. The Local Government Commission of North Carolina is hereby requested to sell the Bonds and to state in the Notice of Sale of the Bonds that bidders may name one rate of interest for part of the Bonds and another rate or rates for the balance of the Bonds. The Bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said Bonds which shall be accepted by said Local Government Commission.

13. The Mayor, the Town Clerk and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by said Local Government Commission.

14. The Official Statement dated April 29, 1988 setting

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forth financial and statistical data in connection with the offering of the Bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the Town Council of the Issuer has examined copies of the Official Statement and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the administration of the Issuer. The Town Council of the Issuer does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

15. The Issuer covenants, to the extent permitted by the Constitution and laws of the State of North Carolina, to comply with the provisions of the Internal Revenue Code of 1986 (the "Code") as enacted into law to the extent required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes.

16. The Issuer hereby represents that (i) the proposed \$5,000,000 Public Improvement Bonds, Series 1988, authorized by Section 1 hereof, are not private activity bonds as defined in the Code and (ii) the Issuer, together with any subordinate entities, reasonably expects that it will not issue more than \$10,000,000 of tax-exempt obligations (other than private activity bonds) during calendar year 1988. In addition, the Issuer hereby designates the above-mentioned Bonds as "qualified tax-exempt obligations" for the purposes of section 265(b)(3) of the Code.

17. The Mayor and the Town Clerk, and the other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

The motion having been duly seconded, and the resolution having been considered, it was adopted by the following vote:

AYES:

NAYS:

This the 9th day of May, 1988.

* * * * *

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Greenwood Road Parking

George Small, Town Engineer, said the request was to remove on-street parking from the west side of Greenwood Road between Raleigh Road and Stagecoach Road. He said the staff had visited the site and reviewed the request and concluded that the request was not consistent with conditions which usually precipitated recommending approval. He said, therefore, the staff recommended no change in the current parking regulations.

Council Member Preston asked if there were a house located at the corner of Stagecoach and Greenwood Road. Mr. Small replied that he was not sure but that if there was it did not have a driveway connection onto Greenwood Road.

Council Member Preston asked if the residents knew of the staff recommendation. Mr. Small replied that the agenda item was sent to the petitioners.

No action was taken by the Council.

Rosemary Square Monthly Status Report

Manager Taylor presented the report and said the the developer had received a response from the Securities and Exchange Commission regarding the additional filings and that the company expected to begin marketing in mid-May.

Tandler Homeownership Program Monthly Status Report

Manager Taylor presented the report.

Council Member Pasquini commented that he did not see much change from last month. He asked when the Council could expect more work to accomplished and additional houses sold.

Marshall Isler and Pete Thorn, representing Capricorn/Isler Associates, said that they had started all the homes in Phase I and expected five closings by the end of the month. They said that all but two homes in Phase II had contracts. They stated that Phase III was not being marketed actively until all the soil problems had been solved.

Council Member Wilkerson asked how many houses had been sold or contracts signed had occurred since the developer had taken over the marketing. Mr. Isler replied that he did not have that information available that evening, but would provide it.

Consent Agenda

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 88-5-9/R-12. THE MOTION PASSED UNANIMOUSLY, (7-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (88-5-9/R-12)

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

- a. Transit Grant Ordinance and Budget Amendment (O-3,4).
- b. Ridgefield Housing Rehabilitation Contract (R-13).
- c. Private sale of land near Legion Road for Tandler Program (R-14).
- d. Parking restrictions - West Cameron Avenue (O-5).
- e. Agreements with volunteer fire departments (R-15).
- f. Mat & Seal assessment resolutions (R-16.1 through 16.9).
- g. Asphalt supply contract (R-17).

This the 9th day of May, 1988.

Transit Grant Ordinance and Budget Amendment

The ordinances, as adopted, read as follows:

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT PROJECT (88-5-9/O-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION I

The project authorized is a Transit Capital Grant from FY 1985 federal funds, more specifically known as Urban Mass Transportation Administration Grant NC90-X072, awarded under the Urban Mass Transportation Act of 1964, as amended. The project provides funds for a transit capital project.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with their implementation of the project within the terms of the grant agreement executed with the Urban Mass Transportation Administration and the North Carolina Department of Transportation and within the funds appropriated herein.

SECTION III

The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application.

Urban Mass Transportation Administration Grant	\$542,400
North Carolina Department of Transportation	\$ 67,800
Town of Chapel Hill (local match)	\$ <u>67,800</u>
TOTAL	\$678,000

SECTION IV

The following amounts are appropriated for the project:

Engineering & Design	\$ 29,000
Construction	\$580,000
Administration	\$ 11,000
Contingency	\$ <u>58,000</u>
TOTAL	\$678,000

The Manager is directed to report annually on the financial status of the project in an information section to be included in the Annual Report. He shall also keep the Council informed of any unusual occurrences.

SECTION V

Copies of this project ordinance shall be entered into the minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director and Clerk.

This the 9th day of May, 1988.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987 (88-5-9/O-4)

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

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Article I

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u> <u>Budget</u>
<u>Appropriations</u>				
Transportation Fund	3,149,065	20,000		3,169,065

Article II

Revenues

Transportation Fund

Fund Balance	72,576	20,000		92,576
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This the 9th day of May, 1988.

Ridgefield Housing Rehabilitation Contract

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE PUBLIC HOUSING IMPROVEMENTS PROJECT (88-5-9/R-13)

WHEREAS, the Town of Chapel Hill has solicited formal bids by advertisement in the The Chapel Hill Newspaper on April 3, 1988 in accordance with G.S. 143-129 for the Public Housing Improvements Project; and

WHEREAS, the following Bids were received and opened on April 14, 1988:

<u>Contractor</u>	<u>Bid Amount</u>
A.K. Martin and Associates	\$161,167.23
Four Seasons Design and Remodeling Center	\$ 93,000.00
Skylight Exchange	\$ 74,000.00
Taylor Homes Improvements	\$ 70,230.00*

*Bid was rejected because the required bid bond was not submitted with the proposal as required by law (G.S. 143-129) and;

WHEREAS, the Town and the lowest responsible bidder have negotiated and agree to a reduction in the project scope to meet budget limitations; and

WHEREAS, the proposed reduced project scope will consist of all bid improvements for twenty (20) units at the Ridgefield neighborhood, as shown on plans and specifications; and

WHEREAS, the estimated cost for the reduced project scope improvements is approximately \$60,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Skylight Exchange in the amount of \$74,000.00, and award the contract for the Public Housing Improvements Project subject to the reduction in the project scope from twenty-four (24) units to twenty (20) units at the Ridgfield neighborhood, to be paid at the unit prices bid of \$60,000.00.

This the 9th day of May, 1988.

Tandler Homeownership - Sale of Land near Legion Road

The resolution, as adopted, reads as follows:

RESOLUTION AUTHORIZING THE SALE OF PROPERTY (LEGION ROAD)
(88-5-9/R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the sale of community development property under the provisions of G.S. 160A-457 consisting of Tax Map 27, Block D, Lot 21 (p/o) off Legion Road to Capricorn/Isler Associates, Inc., a North Carolina business corporation, for residential purposes in accordance with the Town's 1984-1986 Community Development plan as adopted by the Council.

BE IT FURTHER RESOLVED that the Council authorizes the sale subject to the following terms: sale is fee simple, subject to a requirement that the property be used for residential purposes in accordance with the Development Agreement between Capricorn/Isler Associates, Inc. and the Town of Chapel Hill; and payment for the property shall be due in accordance with the approved Development Agreement with the sales price being the fair market value of \$195,000, as established by Ms. Kathleen Buck, appraiser.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to execute the sale of said property in accordance with the terms of the Development Agreement between the Town of Chapel Hill and Capricorn/Isler Associates, Inc.

This the 9th day of May, 1988.

West Cameron Avenue - Parking Restrictions

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES
(88-5-9/O-5)

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

SECTION I

That Section 21-21.1 of the Town Code of Ordinances, "Tow zones" is amended by inserting the following in appropriate alphabetical order:

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<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
W. Cameron St.	North	West curb line of Merritt Mill Rd.	Graham St.
W. Cameron St.	South	West curb line of Merritt Mill Rd.	A point 200 ft. east

SECTION II

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>
W. Cameron St.	North	West curb line of Merritt Mill Rd.	Graham St.
W. Cameron St.	South	West curb line of Merritt Mill Rd.	A point 200 ft. east

SECTION III

This ordinance shall be in effect Monday, May 16, 1988.

SECTION IV

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

This the 9th day of May 1988.

Fire Department Agreements - Annexation

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING CONTRACTS WITH THE NEW HOPE AND PARKWOOD VOLUNTEER FIRE DEPARTMENTS (88-5-9/R-15)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to enter into five-year agreements pursuant to State law with the New Hope and Parkwood volunteer fire departments for services to the annexation areas described in the annexation ordinances adopted on April 25, 1988. Such agreements shall provide that the Town will pay annual payment amounts calculated as the product of (1) the applicable fire district tax rate in effect on the date of adoption of the resolutions of intent to consider annexing the areas (January 13, 1988) and (2) the annual County property valuations for the applicable annexed fire district area.

This the 9th day of May, 1988.

Mat and Seal Assessment Resolutions

The resolutions, as adopted, read as follows:

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON BUTTONS ROAD (88-5-9/R-16.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Buttons Road with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON HOOT OWL LANE (88-5-9/R-16.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Hoot Owl Lane with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

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BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON SPRING DELL LANE (88-5-9/R-16.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Spring Dell Lane with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.

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3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON LEDGE LANE (88-5-9/R-16.4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Ledge Lane with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

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A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON BARTRAM DRIVE (88-5-9/R-16.5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Bartram Drive with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON SHADYLAWN EXTENSION (88-5-9/R-16.6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Shadylawn Extension with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on

the basis of frontage abutting the project, at an equal rate per foot of frontage.

2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON FERN LANE (88-5-9/R-16.7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Fern Lane with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and

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payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON IRIS LANE (88-5-9/R-16.8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Iris Lane with related improvements as described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON CAMERON COURT (88-5-9/R-16.9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Cameron Court with related improvements as

described in the preliminary resolution adopted by Council on March 28, 1988.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 9th day of May, 1988.

Asphalt Supply Contract

The resolution, as adopted, reads as follows:

A RESOLUTION AWARDING A CONTRACT FOR I-2 ASPHALTIC CONCRETE, H-B ASPHALT AND TACK COAT (88-5-9/R-17)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on April 13 in accordance with G.S. 143-129 for I-2 Asphaltic Concrete, H-B Asphalt and Tack Coat for street patching; and

WHEREAS, the following bids have been received and opened on April 21:

<u>Item</u>	<u>Nello Teer</u>	<u>Lee Paving</u>
2000 Tons I-2 Asphaltic Concrete	\$25.90/ton = \$51,800	\$23.50/ton = \$47,000
100 Tons H-B Asphalt	\$24.80/ton = \$ 2,480	\$24.00/ton = \$ 2,400

5000 Gallons Tack Coat (AC-20)	\$1.90/gal. =	\$1.25/gal. =
	\$ 9,500	\$ 6,250
500 Gallons Tack Coat (CRS-2)	\$1.90/gal. =	\$2.00/gal. =
	\$ <u>950</u>	\$ <u>1,000</u>
Total:	\$64,730	\$56,650

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid by Nello Teer Company in the amounts as stated above in tabulation and reject the low, non-responsive bid of Lee Paving Company.

This the 9th day of May, 1988.

Executive Session

The executive session was deferred.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (7-0).

The meeting adjourned at 11:50 p.m.