

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JUNE 27, 7:30 P.M.

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

- Julie Andresen
- David Godschalk
- Joe Herzenberg
- Nancy Preston
- James Wallace
- Roosevelt Wilkerson, Jr.

Council Members Werner and Pasquini 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 in the continuation of the June 23rd meeting held earlier this evening the Council had adopted a resolution in support of the sale of water to Chatham County. He asked Council Member Andresen to summarize the agreement.

Council Member Andresen said the agreement directed OWASA to approve the agreement in form and substance on June 28 and to execute the agreement on September 30, 1988. She stated that the agreement also stated that Chatham County and Chapel Hill acknowledged that they must act wisely in the interest of the citizens and pledge their best faith efforts to deal responsibly with the issues of mutual interest; that Chatham County and Chapel Hill will undertake to work cooperatively with each other and other area jurisdictions to identify areas of mutual concern, including land development policies, to reach initial agreement by September 15, 1988 on mutually agreeable basic principles that would guide the jurisdictions in developing coordinated and complementary land use plans and growth management policies; and to develop a statement of procedures and timetable goals by September 15, 1988 as a framework for on-going cooperative efforts in these areas.

Bill Lowery, representing the Chatham County Board of Commissioners, said the Commissioners were looking forward to productive meetings on cooperative planning and appreciated the support of the Council in the sale of water by OWASA.

Mayor Howes and Council Member Andresen thanked all those involved in the negotiations, including Eddie Mann, Judith Wegner, Mary Hayes Holmes and Council Members Godschalk and Wallace.

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Mayor Howes said that Council Member Preston was celebrating her thirtieth wedding anniversary that evening and would not be able to attend the remainder of the meeting. He said that Council Member Godschalk also was celebrating his twenty-fifth wedding anniversary that day.

Public Hearing on Paving Maple Drive

Manager Taylor said the Council, on May 25, called this public hearing to consider a resolution of intent to pave Maple Drive with assessments of 50% to the adjoining property owners. He stated that the Council had accepted a valid paving petition for paving Maple Drive on August 25, 1971.

There were no citizen comments.

Council Member Andresen commented that Maple Drive was off of Mt. Bolus Road which did not have curb and gutter. She asked if there was a reason why the proposal for Maple Drive included curb and gutter. George Small, Engineering Director, replied that the petitioners had been given the opportunity of paving via mat and seal or with the traditional paving with curb and gutter, and the residents had selected traditional paving. He said the staff proposed to pave including curb and gutter within the current roadway and not disturb much of the adjoining properties so as to limit the impact on the adjacent properties.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Petitions

Ron Strauss, Tom Biek, Mr. Morris and John Brickhouse asked to speak to agenda item #11, Unstead Drive.

Bob Williams asked to speak to agenda item #14, Tractor-crawler bid.

Vaida Thompson presented a petition to the Council requesting that the Orange Water and Sewer Authority be made to abide by the RCD requirements when placing a sewer interceptor to serve North Forest Hills. She said the residents were concerned about the possible detrimental effects the placement of this interceptor could have on Booker Creek. She said the RCD ordinance indicated that areas under its regulations could be used for such a purpose as a sewer interceptor if a practical alternative were not available.

Council Member Andresen stated that this concern raised an excellent policy issue for the Council and the ASA to consider in that when it was not practical to place a sewer line in a location that was not

within the RCD then what other matters come into play with regard to limiting the amount of damage done to the area. She agreed that this was an area the Town needed to review.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO REFER TO THE MANAGER. THE MOTION PASSED UNANIMOUSLY, (7-0).

Alan Rimer, representing the Planning Board, petitioned the Council for additional time in which to bring back the Planning Board's report on the proposed Tree Ordinance. He asked that the Planning Board report to the Council in August with a timetable for further action.

Council Member Preston said she felt this was a reasonable request and asked that information on how trees were currently protected under the Town's ordinances be compiled to aid the Council in its review and discussion of the issue.

Council Member Wilkerson asked if there had been any input from the Homebuilder's Association. Mr. Rimer replied yes and that there had also been input from various other groups like the Sierra Club, as well as individual citizens. He said the Board planned to continue to solicit input from all concerned.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO GRANT AN EXTENSION TO TIME NECESSARY FOR THE PLANNING BOARD AND STAFF TO REPORT BACK TO THE COUNCIL ON THE PROPOSED TREE ORDINANCE AND THAT THE PLANNING BOARD REPORT TO THE COUNCIL IN AUGUST ON AN ESTIMATED TIMETABLE FOR FURTHER ACTION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Mr. Rimer also urged the Council Members to attend the July 12 work session with the Planning Board. He pointed out that it was an important meeting for the Board because the Board would be trying to get direction from the Council on various projects including the Comprehensive Plan.

Council Member Andresen stated that since it was an important meeting she felt it would be beneficial to have it cablecast.

Mr. Rimer responded that the Board was concerned that the cablecasting would hamper the "openness" of the discussions and that the meeting room did not lend itself to televising joint meetings because of the manner in which the room had to be set up.

Manager Taylor said that he needed to know if the Council wanted the meeting cablecast so that he could arrange for the cable company to provide the service. He said he felt the room could be set up to accommodate all the Council and Planning Board and still be

accessible to the cameras. He said it would not be as smooth or polished looking procedure, but that it could be done.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO HAVE THE MANAGER ARRANGE TO HAVE THE JULY 12 WORK SESSION WITH THE PLANNING BOARD CABLECAST.

Mayor Howes asked Mr. Rimer if this would be acceptable to the Planning Board. Mr. Rimer replied that all the Board wanted was an atmosphere that was conducive to a free exchange of ideas without any politicizing of the issues. He said he did not want the Council to be placed in a position through comments made at a work session that would hamper its ability to address each issue without any constraints.

Mayor Howes said that he was not in favor of televising work sessions because he did not feel the meeting room was conducive to cablecasting when the room was being used for a meeting of more than the Council in attendance.

Council Member Wallace commented that the Manager felt setting up the room would not be a problem.

Council Member Herzenberg said that whether or not the meeting was cablecast, the press would be present and report on what occurred.

THE MOTION CARRIED, (6-1), WITH MAYOR HOWES VOTING AGAINST.

David Holzham, petitioned the Council to review the policy for granting noise permits for events to be held in Town parks. He said that last weekend there had been a "rap" music contest in Umstead Park that had totally disrupted any other use of the park.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER TO THE MANAGER AND PARKS AND RECREATION COMMISSION. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Andresen said that the County was in the process of considering holding a bond referendum for various issues, one of which could be for a reservoir in northern Orange County. She said such a reservoir would not benefit the residents of Chapel Hill but since 70% of the residents of Orange County lived in Chapel Hill they would in essence be paying for the reservoir. She asked if there were any feeling from the Council on whether or not the Council should address this issue at this time and whether or not the Council should have the Manager report to the Council at the next meeting on the status of the proposal.

Council Member Preston left the meeting at this time, 8:08 p.m.

Mayor Howes said that even though this was a complicated issue, he felt it was premature for the Council to be considering expressing its views on the matter at this time, when the County had not made decision on whether or not this issue would be on a bond referendum. He said it would be more appropriate after a referendum was called, and he felt the matter would be decided by the voters if it were placed on the ballot.

Council Member Wallace agreed with Mayor Howes and said that as of yet there was no organized support for this issue and no information on how such a reservoir would be established and operated. He said he would prefer to have more detailed information and clarification before making a recommendation to the County.

Manager Taylor suggested asking someone from the County Board of Commissioners attend the July 5 meeting to discuss the issue.

The Council agreed to have the Manager request a member of the Orange County Board of Commissioners attend the July 5 meeting, if possible, to discuss the water reservoir issue.

Mayor Howes asked the Council if it would prefer to delay nominations and appointments to Boards and Commissions until the next regular meeting when there would be more Council Members in attendance. The Council agreed.

Attorney Karpinos reported that there had been three lawsuits filed against the Town's proposed annexation of Area 1. He said a judge in Orange County had ruled to delay the effective date of annexation from June 30, and that the Superior Court in Durham had entered an order to transfer the two lawsuits filed in Durham County to Orange County so that all the cases would be heard in Orange County.

Minutes

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF JUNE 1, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Herzenberg said that on page 8, Council Member Preston's comments regarding the Old Town Hall being nominated to the National Register of Historic Buildings should state that the Old Town Hall was being considered for nomination to the National Register of Historic Buildings.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF JUNE 13 AS CORRECTED. THE MOTION PASSED UNANIMOUSLY, (7-0).

Janus-Tree House

Roger Waldon, Planning Director, said that the proposal was for a Special Use Permit for a group care facility to be located in an existing house at 52 Dogwood Acres Drive. He said there were four findings which must be made in order for a Special Use Permit to be issued: that the use was located, designed and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; that the use complied with all required regulations and standards of the applicable chapter in the Development Ordinance; that the use was located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property; and that the use conforms with the general plans for the physical development of the Town as embodied in the Development Ordinance and Comprehensive Plan. Mr. Waldon stated that the staff felt competent evidence was given at the public hearing and provided in the applicant's application to allow the Council to make these four findings. He said a more detailed explanation of the findings could be found in the staff memorandum to the Council. (For further information, see Clerk's files.)

Council Member Andresen said that there had been some concern that the current location of Janus-Tree House had not been well maintained. She asked if additional language could be added to the resolution of approval to insure adequate maintenance of the facility. Ms. Andresen also said that there had been concern that adequate personnel be on-site at all times to insure the safety of the neighborhood. She asked if language to this effect also be included in the resolution of approval.

Council Member Wilkerson asked the Town Attorney if he had had a chance to review the court cases discussed by the attorney for the Dogwood Acres residents at the Council's May 16 public hearing as having a bearing on this application. Town Attorney Karpinos responded that he had reviewed the Hobby case. He said that the Hobby case and the other Appellate Court decisions referred to by the residents, in his opinion, would not prevent the Council from legally acting to approve this Special Use Permit. He stated that he had not reviewed the trial court decision in Cumberland County and therefore had no opinion on that case. He said he did not feel the Cumberland County case constituted any kind of binding legal precedent at this time and would not limit the Council's authority to act in this matter.

Council Member Wilkerson asked for clarification of the definition of residential use versus group home use. Mr. Karpinos said the important point in this matter was that the Town's Development Ordinance provided that a group care facility was a use, which with a Special Use Permit, could be placed in a residential district. He said it was not relevant to ask the question as whether or not this was a residence and therefore whether or not it was appropriate in a residential district as a legal matter because legally, this type of

facility was allowed with a Special Use Permit. Attorney Karpinos said that if the Council elected to issue a Special Use Permit for this facility then it would be a lawful use in the zoning district.

Council Member Andresen suggested amending stipulation #6 to state that the facility and grounds should be maintained with a high degree of care; and that stipulation #11 be amended to state that adequate supervisory personnel be on site at all times that residents of the facility were on site.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-6-27/R-1A WITH AMENDMENTS TO STIPULATION #6 TO ADD THAT THE EXTERIOR OF THE STRUCTURE BE MAINTAINED IN GOOD REPAIR AND STIPULATION #11 TO ADD THAT ADEQUATE SUPERVISORY STAFF BE ON SITE AT ALL TIMES WHEN RESIDENTS OF THE FACILITY ARE PRESENT.

Council Member Herzenberg said he knew people who lived on Mallette Street, the current location of Janus-Tree House, and that a number of them did not even know Janus-Tree House was there. He said he knew there was concern from the neighbors in Dogwood Acres over locating this facility there and he hoped that these concerns would be proven groundless. He said he hoped that Janus-Tree House would prove to be as good a neighbor in Dogwood Acres as it had been on Mallette Street.

Council Member Wallace asked if there were a time limit proposed for the Special Use Permit. The Town Attorney replied no.

Council Member Wallace commented that he supported the goal of maintaining the integrity of neighborhoods. He also said he felt that it was incumbent upon the people of Chapel Hill to take care of its own, because if it did not, then who would. Mr. Wallace said he had spoken to the neighbors nearby the current location of Janus-Tree House and they were not even aware of the nature of the facility.

Council Member Godschalk said that he would not vote for anything that he would not be willing to have in his own neighborhood and his neighborhood had previously had a similar use and there were no problems associated with it.

Council Member Herzenberg said that prior to leaving the meeting, Council Member Preston had expressed support of the project.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR JANUS-TREE HOUSE, INC. (88-6-27/R-1a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Group Care Facility proposed by Janus-Tree House, on property identified as Chapel Hill Township Tax Map 124, Block C, Lot 1, if developed according to the Site Plan dated February 9, 1988 and the conditions listed below, would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Development Ordinance, including all applicable provision of Article 12, 13, and 14, and the applicable specific standards contained in Section 18.7, and with all other applicable regulations;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Council that based on the evidence presented at the May 16, 1988 Public Hearing and the June 27, 1988 memorandum to the Council from the Town Manager, the Council makes these findings.

These findings are conditioned on the following:

1. That construction begin by June 27, 1989 and be completed by June 27, 1990.
2. That the existing North Circle Drive driveway entrance be improved to Town standards prior to issuance of a Certificate of Occupancy for the building.
3. That with this approval, a modification of the land use intensity standards of Section 13 of the Development Ordinance is granted permitting the existing development despite the apparent noncompliance with the floor area limitations.
4. That with this approval, a modification of the buffer and screening requirement of Section 14 of the Development Ordinance is granted permitting the existing vegetation to serve as the perimeter buffer.

5. That a detailed landscape plan (identifying the existing vegetation) and a landscape maintenance plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. This landscape plan shall also provide a vegetative buffer screening the parking area.
6. That the structure retain its single-family appearance, that the exterior of the structure be maintained in good repair, that no sign or external identification other than that required by postal regulations be permitted, and that any exterior changes must be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
7. That a recombination plat, combining the three platted lots into one lot, be approved and recorded prior to issuance of a Zoning Compliance Permit.
8. That certification be required from the Orange County Health Department verifying the adequacy of the septic tank waste disposal system to serve the proposed use.
9. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility plan/lighting, grading and stormwater management plan, right-of-way/easement plats, fire flow report) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.
10. That permitted uses be limited to those indicated in the applicant's Statement of Justification and that the maximum number of "Willie M" clients be limited to the minimum number required by federal, State, or local law. Use by any organization other than Janus-Tree House or its successor agency shall not be permitted.
11. That a telephone with listed number, or telephone number supplied to neighborhood residents, be provided to facilitate communication with adult supervision 24 hours a day, and that adequate supervisory staff be on site at all times when residents of the facility are present.
12. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
13. If any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council finds that public purposes are satisfied to an equivalent or greater degree with the specific modifications to the Development Ordinance regulations which are identified in the above conditions.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the Janus-Tree House Special Use Permit in accordance with the plans and conditions listed above.

This the 27th day of June, 1988.

Zoning Annexed Area - Riggsbee Property

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT ORDINANCE 88-6-27/O-1. THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE ZONING NEWLY-ANNEXED LAND - AREA 3 (88-6-27/O-1)

WHEREAS, the Council of the Town of Chapel Hill has annexed property described as Annexation Area 3 identified on the attached map; and

WHEREAS, the Council has considered appropriate zoning designations for this property in the context of surrounding land uses and zoning, and in the context of Chapel Hill's Comprehensive Plan; and

WHEREAS, the Council finds that Residential-2 zoning of this site would be consistent with the Town's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that R-2 zoning be assigned to the above-mentioned property as designated on the attached map.

This the 27th day of June, 1988.

Entranceway and Corridor Study

Manager Taylor stated that the staff had reviewed the request within the context of the Entranceway Study and discussed the proposal with NCDOT officials, who indicated that the proposal would not be damaged as a result of future widening of 15-501.

Council Member Andresen expressed support for the proposal and said she felt it was a good way to spend bond proceeds.

Council Member Herzenberg thanked Ms. Cunningham for her work and idea for entranceway improvement.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 88-6-27/R-2. THE MOTION PASSED UNANIMOUSLY, (7-0).

Council Member Godschalk commented that he hoped the landscaping would include native perennials and not annuals which would have to be replanted each year.

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING IMPLEMENTATION OF A PORTION OF ENTRANCEWAY AND CORRIDOR STUDY (88-6-27/R-2)

WHEREAS, the Council of the Town of Chapel Hill on May 9, 1988, adopted the Master Landscape Plan: Entranceway Corridors, Chapel Hill, N. C., March, 1988, as part of the Comprehensive Plan of the Town of Chapel Hill; and

WHEREAS, such plan identifies specific locations for landscaping improvements; and

WHEREAS, funding is available for such work from proceeds from the bond issue for open space;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to negotiate with a landscape architectural firm for the design plan for landscaping improvements along a portion of US 15-501 between the overpass at Ram's Plaza and the end of the median near the Mariakis Greek Restaurant to have the plan reviewed by the Parks and Recreation, the Greenways and the Appearance Commission, and to spend up to \$25,000 from proceeds from the bond issue for open space for the project design and its implementation.

This the 27th day of June, 1988.

15-501 Bypass - Naming

Mayor Howes said that the Town had received a request to support the naming of 15-501 Bypass as Fordham Boulevard in honor of Chancellor Christopher C. Fordham, III. He said the Carrboro Aldermen and Orange County Commissioners had already adopted a resolution in support of this motion. Mayor Howes said he supported the proposal, but felt that the area of 15-501 which should be renamed as Fordham Boulevard be that section between Erwin Road and Smith Level Road so

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that there would not be confusion on the street and mailing addresses of the businesses and homes along 15-501 between Erwin Road and Interstate-40.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-6-27/R-4 WITH THE AMENDMENT THAT THE PORTION OF HIGHWAY 15-501 TO BE NAMED FORDHAM BOULEVARD BE FROM ERWIN ROAD TO SMITH LEVEL ROAD. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION REQUESTING THAT A PORTION OF HIGHWAY 15-501 BE NAMED IN HONOR OF CHANCELLOR CHRISTOPHER C. FORDHAM, III AND NAMING THE PORTION OF HIGHWAY 15-501 WITHIN THE CHAPEL HILL TOWN LIMITS FORDHAM BOULEVARD (88-6-27/R-4)

WHEREAS, Dr. Christopher C. Fordham, III served in exemplary manner as Chancellor of the University of North Carolina at Chapel Hill from 1980 to 1988; and

WHEREAS, Chancellor Fordham will retire on June 30, 1988, thus ending an era of outstanding educational leadership; and

WHEREAS, Chancellor Fordham has pledged his continued support and dedication to the educational system of the State; and

WHEREAS, Chancellor Fordham worked diligently with the Town and the Department of Transportation to secure funding for the upgrading of Route 15-501 through Chapel Hill; and

WHEREAS, The Chapel Hill Town Council wishes to join the North Carolina Department of Transportation in honoring one of North Carolina's finest educators,

NOW, THEREFORE, BE IT RESOLVED that the Chapel Hill Town Council requests that the Board of Transportation name the portion of Highway 15-501 from the Chapel Hill Town limits to the Highway 54 intersection Fordham Boulevard in honor of Chancellor Christopher C. Fordham, III; and

BE IT FURTHER RESOLVED that the Chapel Hill Town Council names that portion of Highway 15-501 within the Town limits, from Erwin Road to Smith Level Road, Fordham Boulevard.

This the 27th day of June, 1988.

Library Committee Report

Mayor Howes reported that the Library Committee had evaluated the architects under consideration for designing the new Library and had presented the Town Manager with their recommendations. He said negotiations were underway with the architectural firm recommended by the Committee.

Pritchard Park

Mayor Howes said that the proposal was to name the 30-acre tract recently acquired for the Library site and park as Pritchard Park. He stated that the Town had purchased the land from the Pritchard family. He said that Mr. William Pritchard, Jr. had contracted with the Town to transfer to the Town \$100,000 to help develop the park if the Town would name the park Pritchard Park.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 88-6-27/R-5.

Council Member Wallace said he felt this was a good idea.

Mayor Howes thanked the Pritchard family for selling the property to the Town for the park and Library site and for the gift of \$100,000.

THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

RESOLUTION NAMING PARK AND APPROVING CONTRACT FOR RECEIPT OF A DONATION FROM WILLIAM G. PRITCHARD, JR. (88-6-27/R-5)

WHEREAS, the Town of Chapel Hill, on May 13, 1988, completed the purchase of a 30 acre tract of land from William G. Pritchard Jr. and his family for a park and library site; and

WHEREAS, the property had been owned by the Pritchard family for over 50 years; and

WHEREAS, the Pritchard family has long ties with the Town of Chapel Hill; and

WHEREAS, a member of the Pritchard family served as mayor of Chapel Hill in the 1800's; and

WHEREAS, William G. Pritchard Jr. has offered to donate to the Town of Chapel Hill the sum of \$100,000 for improvements to the proposed park to be developed on the site purchased from his family.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby names the park to be developed on the 30 acre site acquired from the Pritchard Family "Pritchard Park."

BE IT FURTHER RESOLVED that the Council hereby approves the attached contract and authorizes and directs the Manager to sign the contract for and on behalf of the Town.

This the 27th day of June, 1988.

Town Hall Expansion - Site Plan

Roger Waldon, Planning Director, said the request was for approval of the site plan for the Town Hall expansion. He said the application was for a 16,500 square foot addition with 25 parking spaces making a total of 101 parking spaces on site. He stated that parking was currently not sufficient and even with the spaces to be added with the expansion there would still be a problem with parking. He said the proposal included establishing a parking management plan for the site. Mr. Waldon also said that included in the proposal were stipulations relating to tree protection, construction access points and a landscape management plan.

Council Member Godschalk said that these were desirable conditions but he would like to know the estimated impact on the overall budget of these proposals.

Sonna Loewenthal, Assistant Town Manager, responded that the architect was in the process of refining the budget for the project.

Council Member Andresen said that someone had mentioned that the Town might be exceeding its regulations with regard to the floor area and open space credit. Mr. Waldon responded that the staff had reviewed the numbers carefully and that the proposal was close to the maximum allowable floor area for the site. He said the Development Ordinance allowed for an addition of 10% to the open space credit if the net land area bordered on streets or an accredited open space.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-6-27/R-6A. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION APPROVING AN APPLICATION FOR SITE PLAN APPROVAL FOR THE TOWN OF CHAPEL HILL MUNICIPAL BUILDING (SPA-80-A-1) (88-6-27/R-6a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Hall Expansion proposed by the Town of Chapel Hill, on property identified as Chapel Hill Township Tax Map 80, Block A, Lot 1, if developed according to the site layout plan dated April 12, 1988, the grading plan dated April 12, 1988, and building outline sections dated April 12, 1988 and the conditions set forth below:

1. That construction begin by June 27, 1989 and be completed by June 27, 1991.
2. That the pedestrian walkway along the west side of the new building be extended to Stephens Street.
3. That a Landscape and Resource Management Plan be approved by the Town Manager prior to issuance of the Zoning Compliance permit.
4. That the location of tree protection fences be shown on the final grading plan and that tree protection fences be installed to protect significant existing trees and their root systems, before issuance of a Zoning Compliance Permit.
5. That a parking management plan, designed to enhance use of available parking for visitors to Town Hall, to minimize automobile trip generation, and to improve traffic flow at nearby heavily congested intersections in Town such as Columbia and Rosemary Streets, Estes Drive and Airport Road, be approved by the Town Manager after review and consideration by the Transportation Board, prior to issuance of the Zoning Compliance Permit.
6. That a materials staging plan be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
7. That a work traffic control plan for Stephens Street, North Columbia Street and Airport Road be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
8. That a bus shelter and pedestrian walkway bridge be constructed from the building to Airport Road.
9. That sight triangle easements be provided on the final plat.
10. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
11. That final street plans, grading plans, utility plans, storm-water management plans (with hydrologic calculations), and buffer planting and maintenance plans be approved by the Town Manager before issuance of the Zoning Compliance Permit or application for final plat approval, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.

12. That final utility plans be approved by the Town Manager, OWASA, Duke Power, Southern Bell, Public Service Gas Co., and Carolina Cable before issuance of the Zoning Compliance Permit.
13. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of the Zoning Compliance Permit.
14. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
15. That if any of the above conditions is held invalid, approval shall be void.

BE IT FURTHER RESOLVED that the Council approves the Site Plan for the Town of Chapel Hill Municipal Building.

This the 27th day of June, 1988.

Umstead Drive

George Small, Engineering Director, said that on February 25, 1987 the Council received a petition expressing concerns about the relationship of Umstead Drive to Umstead Park. He said the staff had reviewed the petition and studied the issue. Mr. Small stated that there were several alternatives available to the Council ranging from closing Umstead Drive as a through street at the park, adding a signalized pedestrian crosswalk at the park, realigning Umstead Drive around the park, installing stop signs on Umstead at each intersection, and constructing sidewalks along Umstead Drive. He said the staff recommended constructing a sidewalk along Umstead Drive, installing stop signs at intersections, and installing a signalized pedestrian crosswalk at the park entrance.

Council Member Andresen thanked Mr. Small for the complete analysis of the situation and alternatives. She asked where the stop signs would be placed. Mr. Small responded that stop signs would be placed on Umstead at Bradley Road, Pritchard Avenue, and Village Drive.

Ron Strauss, speaking as a citizen, said that a lot of work had been done by the staff in reviewing the situation and alternatives. He said that he accepted the staff proposal and that he felt the stop signs and pedestrian crossing would help.

Tom Biek, speaking as a citizen, said he was concerned about pedestrian safety in the area and felt that the sidewalk and pedestrian crossing would help.

Mr. Morris, speaking as a citizen, spoke in support of the staff recommendation.

John Brickhouse, speaking as a citizen, said that he would prefer the closure of Umstead Drive at the park but that he was glad to see something being done. He also said he felt there should be stricter enforcement of the speed limits on Umstead Drive and Airport Road.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 88-6-27/R-7A, WHICH ALSO MEANT ADOPTION OF ORDINANCES 88-6-27/O-2 AND 88-6-27/O-3.

Mayor Howes complemented the staff for their good job in addressing this complex issue.

THE MOTION PASSED UNANIMOUSLY, (7-0).

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

A RESOLUTION AUTHORIZING THE MANAGER TO PROCEED WITH INSTALLATION OF A SIGNALIZED PEDESTRIAN CROSSWALK ACROSS UMSTEAD DRIVE AT UMSTEAD PARK AND TO PLACE STOP SIGNS ON UMSTEAD DRIVE AT BRADLEY ROAD, PRITCHARD AVENUE, AND VILLAGE DRIVE (88-6-27/R-7A)

WHEREAS, Umstead Drive is a connector street between two major thoroughfares and is carrying increasing volumes of through traffic, and;

WHEREAS, no facilities exist along or across Umstead Drive to serve pedestrian and/or bicycle traffic, and;

WHEREAS, a major Town park is bisected by Umstead Drive and a parallel greenway is proposed adjacent to Umstead Drive, both of which attract bicycle and pedestrian traffic;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is directed to design and install a signalized pedestrian crossing on Umstead Drive at Umstead park including, the necessary warning signs and park modifications to steer pedestrians to the crosswalk and to eliminate parking along Umstead Drive, and;

BE IT FURTHER RESOLVED that the manager is directed to have stop signs installed on Umstead Drive at Bradley Road, Pritchard Avenue, and Village Drive, and;

BE IT FURTHER RESOLVED that Chapter 21 of the Code of Ordinances is amended in accordance with the attached ordinances.

This the 27th day of June, 1988.

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Section III

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

This the 27th day of June, 1988.

Colony Woods Drainage

George Small, Engineering Director, said the issue of the drainage problem at 509 Colony Woods Drive had been discussed by the Council on several occasions over the past three years. He said the staff had reviewed the situation and presented several alternatives. He stated that the alternatives ranged from increasing the pipe sizes under Colony Woods Drive and constructing a detention basin; improve the entire drainage system from 509 Colony Woods Drive to Ephesus Church Road; purchase the Denton house and lot; raise the floor level of the Denton's house; and defer action until the Town Drainage Policy and Ordinance were established. Mr. Small stated that the staff recommendation was to improve the existing drainage system from Colony Woods Drive to Ephesus Church Road. He said this would involve the Town accepting the Denton's offer to pay for the necessary materials to repair the pipes under Colony Woods Drive (approximately \$6,000), that the Town request NCDOT to increase the pipe capacity under Ephesus Church Road (approximately \$30,000) and that the Town pay for the remaining construction costs (approximately \$25 - 30,000).

Council Member Andresen spoke in support of the proposal.

Council Member Godschalk asked what would be the difference in costs to the taxpayer in the staff recommendation and Resolution B which directed the Manager to proceed with the design and construction of storm drainage facilities only at 509 Colony Woods Drive. Mr. Small responded that the net cost would essentially be the same if NCDOT agreed to improve the pipes under Ephesus Church Road. He said the cost of Resolution B was \$35,000 and the cost of Resolution C was \$70,000, \$35,000 of which was hoped to be funded by NCDOT.

Council Member Godschalk commented that the problem was the result of development in Durham County and that the principals involved had been unable to get just compensation from the developer for his actions.

Peter Denton, speaking as the owner of 509 Colony Woods Drive, thanked Mr. Small and his staff for their work and the Council for their time and consideration. He said he would prefer that the resolution include a ceiling for the cost of the materials for improving the pipes under Colony Woods Drive. He also asked the Manager what would be the method of payment.

Manager Taylor replied that he had no objection to including language in the resolution stating that the cost of the materials up to \$6,000 be charged to the Dentons. He said he had assumed that the payment would be upfront, prior to any work being done, but that this could be worked out. He said the Town would expect to place a lien on the property if the payment was not made all at one time.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 88-6-27/R-8C WITH THE ADDITION THAT IT STATE THAT THE COST OF MATERIALS TO BE CHARGED TO THE DENTONS NOT EXCEED \$6,000. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION DIRECTING THE TOWN MANAGER TO IMPROVE THE ENTIRE DRAINAGE SYSTEM FROM COLONY WOODS DRIVE TO EPHEBUS CHURCH ROAD. (88-6-27/R-8c)

WHEREAS, upstream development within the drainage area appears to have created flooding adjacent to 509 Colony Woods Drive; and

WHEREAS, said flooding regularly inundates the living areas of the residence at 509 Colony Woods Drive; and

WHEREAS, the potential exists for other drainage problems along the drainage system below 509 Colony Woods Drive;

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to proceed with the design and construction of drainage improvements from the vicinity of 509 Colony Woods Drive to Ephesus Church Road; and

BE IT FURTHER RESOLVED, that the Council requests the N.C.D.O.T. to fund and construct the necessary drainage improvements within the right-of-way of Ephesus Church Road; and

BE IT FURTHER RESOLVED, that the Council directs the Manager to charge all costs for materials to improve the drainage system under Colony Woods Drive, not to exceed \$6,000 to the owner(s) of property at 509 Colony Woods Drive, Mr. & Mrs. Denton.

This the 27th day of June, 1988.

Service and Funding Relationship Study

Manager Taylor said the proposal was to authorize the Institute of Government to conduct a study on the service and funding relationships among the local governments in the area. He said the information derived from the study would help each jurisdiction in preparing its budget for programs which affect more than one jurisdiction.

Council Member Wallace said he thought it was a great idea and would be of value in making intergovernmental planning decisions.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 88-6-27/R-9. THE MOTION PASSED UNANIMOUSLY, (7-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING A STUDY BY THE UNIVERSITY OF NORTH CAROLINA INSTITUTE OF GOVERNMENT (88-6-27/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council supports, and authorizes the Town Manager to participate in, a study of service and funding relationships among local governments in Orange County; such study is to be generally as described in the memorandum of June 13, 1988 from Mr. Jake Wicker of the UNC Institute of Government.

This the 27th day of June, 1988.

Tractor Crawler Bid

Manager Taylor said that this item had been referred back to the staff at the Council's May 25 meeting. He said the tractor crawler was rebid using conditions and options which allowed vendors a more competitive process and resulted in the receipt of a bid from an additional vendor. He said the vendors were asked to bid on some of all of the options which included 1) outright purchase with a one year/six month warranty; 2) outright purchase with a three year/six month warranty; 3) outright purchase with a five year/six month warranty; and 4) total cost with a five year warranty, initial cost of equipment, guaranteed maximum maintenance/repair (5 year or 7500 hour), and guaranteed repurchase/buy back price. He said the two lowest bids with a five year warranty were N.C. Equipment (\$241,750) and Gregory Poole (\$242,291). Mr. Taylor said for the additional \$541 of the Gregory Poole bid the Town could acquire a ceiling on the repair costs and a guaranteed buy back. He said that as such, the staff recommended accepting the total cost bid of Gregory Poole.

Council Member Wilkerson said that he felt it was interesting that only Gregory Poole Equipment presented a total cost bid and did not bid via the outright purchase. He said he would be interested in seeing what the maintenance costs, etc. would be in three years on the tractor crawler. Manager Taylor responded that the total cost bid of Gregory Poole was the same as the outright purchase bid with the five year warranty with some additional safe guards added included.

Bob Williamson, representing N.C. Equipment Company, said that his company had been the low bidder and that as such the contract should be granted to his company. He said that N.C. Equipment had chosen not to bid under the total cost bid because it could not afford to have a performance bond or letter of credit of the amount needed.

Council Member Wallace expressed concern that the Town was using total cost bidding to the detriment of qualified vendors. He said although he respected the staff's technical ability in relation to the expected lifespan of the equipment and potential repairs he felt the issue of total cost bidding should be discussed further as a policy issue.

Council Member Wilkerson said that he did not believe the additional \$541 would result in a noticeable savings to the Town over the next five years and that he was concerned by using the total cost bid method of awarding contracts it would be locking the Town into one or two vendors.

Manager Taylor replied that N.C. Equipment had stated that it was not that they could not provide a total cost bid but that they chose not to make this kind of bid.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN TO ADOPT RESOLUTION 88-6-27/R-10. THE MOTION CARRIED, (5-2) WITH COUNCIL MEMBERS HERZENBERG AND WILKERSON VOTING AGAINST.

Council Member Wallace commented that he had voted in favor of the motion in order to proceed with the purchase of the equipment and not because he was in favor of total cost bidding.

The resolution, as adopted, reads as follows:

A RESOLUTION AWARING A BID FOR THE PURCHASE OF A TRACTOR CRAWLER (88-6-27/R-10)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on May 29 in accordance with G.S.143-129 for one (1) Tractor Crawler for the Landfill; and

WHEREAS, the following responses and bids were received and opened on June 9:

<u>Vendor</u>	<u>Model/Make</u>	<u>Bid</u>
E.F. Craven Co.	Fiattallis 79048725	Option I: \$246,800
		Option II: 252,218
		Option III: 256,088
		Total Cost: No Bid

N.C. Equip. Co.	Dresser TD-25G	Option I: \$233,528
		Option II: 239,750
		Option III: 241,750
		Total Cost: No Bid

Gregory Poole Equip Co.	Caterpillar D8N	Option I: No Bid
		Option II: No Bid
		Option III: No Bid
		Total Cost: \$242,291*

*Includes five year warranty, maximum maintenance cost of \$80,710, and a guaranteed buy-back price of \$110,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accept the bid of Gregory Poole Equipment Co. in the amount of \$242,291 with a maximum guaranteed maintenance cost of \$80,710 and a guaranteed optional repurchase price of \$110,000 after five years for a Tractor Crawler in accordance with G.S.143-129.

This the 27th day of June, 1988.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT ORDINANCE 88-6-27/O-4. THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987" (88-6-27/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 Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>APPROPRIATIONS</u>				
LANDFILL FUND Operations	894,976	242,291		1,137,267

ARTICLE II

REVENUES

LANDFILL FUND Fund Balance	403,976	242,291		646,267
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This the 27th day of June, 1988.

Consent Agenda

Council Member Herzenberg asked to remove item #e from the consent agenda.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT RESOLUTION 88-6-27/R-11 MINUS ITEM #E. THE MOTION PASSED UNANIMOUSLY, (7-0).

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS
(88-6-27/R-11)

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. Transportation grant application (R-12)
- b. Transportation contracts (R-13)
- c. Bids for equipment
 - Truck (R-14.1)
 - Engine analyzer (R-14.2)
 - Generator (R-14.3)
 - Playground equipment (R-14.4)
- d. Mat and seal road improvements bids (R-15)

- f. Retirement contributions by new employees (0-6)
- g. Budget amendment (0-7)

This the 27th day of June, 1988

Transportation Grant Application

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (88-6-27/R-12)

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation program of projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of applications for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant files an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

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

1. That the Town Manager is authorized to execute and file applications on behalf of the Town of Chapel Hill with the U. S. Department of Transportation and the North Carolina Department of Transportation, to aid in the financing of operating, capital and planning assistance projects pursuant to Sections 5, 9A, and 9 of the Urban Mass Transportation Act of 1964, as amended.

2. That the Town Manager is authorized to execute and file with such applications an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Town Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the applications for the program of projects.
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the Town Manager is authorized to execute grant agreements on behalf of the Town of Chapel Hill with the U. S. Department of Transportation for aid in the financing of the operating, capital, and planning assistance program of projects.

This the 27th day of June, 1988.

Transportation Contracts

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING EXECUTION OF CONTRACTS WITH THE UNIVERSITY OF NORTH CAROLINA AND THE TOWN OF CARRBORO IN 1988-89 (88-6-27/R-13)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Town Manager to execute on behalf of the Town, and in accord with adopted Memorandum of Understandings for transit services, contracts with the University of North Carolina and the Town of Carrboro for the Town to provide them public transportation services, provided said contracts not increase the net costs of Town of Chapel Hill transit services and are substantially in accord with the adopted budget of the Town of Chapel Hill.

BE IT FURTHER RESOLVED that the Manager is authorized to enter into an agreement, and sign on behalf of the Town agreements, authorizations or franchises as required with the City of Durham to operate transit services within the city limits of Durham as negotiated.

This the 27th day of June, 1988.

Truck with Stake Body - Bid

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING A BID FOR A TRUCK WITH STAKE BODY (88-6-27/R-14.1)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on May 29, 1988 in accordance with G.S> 143-129 for a truck with stake body; and

WHEREAS, the following bid was received and opened on June 9, 1988 as follows:

<u>Vendor</u>	<u>Item</u>	<u>Make/Model</u>	<u>Cost</u>
Worth Keeter, Inc.	One (1) Ton Cab/Chassis Stake Body	Ford 351 Midwest H124	\$11,866.16 <u>4,195.00</u>
Total:			\$16,061.16

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the bid of Worth Keeter, Inc. in the amount of \$16,061.16 for a truck with stake body.

This the 27th day of June, 1988.

Engine Analyzer - Bid

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING A BID FOR A COMPUTERIZED MODULAR ANALYZER (88-6-27/R-14.2)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on May 29, 1988 in accordance with G.S. 143-129 for a Computerized Modular Analyzer; and

WHEREAS, the following bids were received and opened on June 8, 1988 as follows:

<u>Vendor</u>	<u>Model</u>	<u>Price</u>
Bear Automotive Service Equipment Co.	Bear 40-950B	\$17,306.50
	(Trade-in)	<u>-(1,000.00)</u>
	Net	\$16,306.50

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Sun Electric Corp.	Sun MCA-3000		\$26,212.33
		(Trade-in)	<u>-(1,297.64)</u>
		Net	\$24,655.16

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council rejects the low bid of Bear Automotive in the amount of \$16,306.50 and accepts the bid of Sun Electric Corporation in the amount of \$24,655.16.

This the 27th day of June, 1988.

Generator - Bid

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING A BID FOR A GENERATOR (88-6-27/R-14.3)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on May 29, 1988, in accordance with G.S. 143-129 for a generator; and

WHEREAS, the following bids were received and opened on June 8, 1988, as follows:

<u>Vendor</u>	<u>Make/Model</u>	<u>Bid</u>
Covington Diesel, Inc.	Kohler 20 ROZ	\$9,489
Gregory Poole Equip. Co.	Generac SD-025	11,946
E. F. Craven Co.	Multiquip DCA25SSAI	16,214

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accept the low bid of Covington Diesel, Inc., for a generator in the amount of \$9,489.

This the 27th day of June, 1988.

Playground Equipment - Bid

The resolution, as adopted, reads as follows:

A RESOLUTION REJECTING BIDS FOR PLAYGROUND EQUIPMENT FOR (88-6-27/R-14.4)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on May 8, 1988, in accordance with G.S. 143-129 for playground equipment; and

WHEREAS, five bids were received and opened on May 19;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council rejects the bids opened on May 19 for playground equipment so that staff may rebid the equipment in order to create a more competitive bidding process by including vendors which were inadvertently overlooked in the original process.

This the 27th day of June, 1988.

Mat and Seal Road Improvements - Bid

The resolution, as adopted, reads as follows:

A RESOLUTION ACCEPTING BID AND AWARDING CONTRACT FOR MAT AND SEAL STREET IMPROVEMENTS (88-6-27/R-15)

WHEREAS, the Town of Chapel Hill has solicited bids by advertisement in The Chapel Hill Newspaper on May 22, 1988 for mat and seal street improvements; and

WHEREAS, the following bids were received and opened on June 6, 1988:

<u>Bidder</u>	<u>Bid Amount</u>
Lee Paving Company	\$36,463.50
Thompson Arthur Company	\$70,901.25

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the low bid of Lee Paving Company in the amount of \$36,463.50 and awards the contract for mat and seal street improvements as outlined in plans and specifications for nine streets Town-wide.

This the 27th day of June, 1988.

Retirement Contributions - New Employees

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CHAPEL HILL CODE OF ORDINANCES (88-6-27/O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 14 of the Chapel Hill Code of Ordinances be amended as follows:

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SECTION I

DELETE Sec. 14-61 (North Carolina Local Governmental Employees' Retirement System) and Section 14-62 (North Carolina Law Enforcement Officers' Benefit and Retirement Fund):

Sec. 14-61 North Carolina Local Governmental Employees' Retirement System.

Each employee who is expected to work for the Town more than 1,000 hours annually, shall join the North Carolina Local Governmental Employees' Retirement System effective at the end of their initial six month probationary period or any extension thereof as a condition of employment; Department Heads and law enforcement officers who serve probationary periods of 1 year shall join the North Carolina Local Governmental Employees' Retirement System, with the approval of their supervisor, after 6 months unless performance is below standard. Employees who are already members of the North Carolina Local Governmental Employees' Retirement System or the North Carolina Teachers and State Employees' Retirement System at the time they are hired may choose to enroll in the retirement system on the date of hire, or may choose to enroll at the completion of their probationary period.

Sec. 14-62 North Carolina Law Enforcement Officers' Benefit and Retirement Fund

Law enforcement officers primarily engaged in enforcing the criminal laws of the state are eligible for membership in the North Carolina Law Enforcement Officers' Benefit and Retirement Fund.

All law enforcement officers shall choose to be members of the Law Enforcement Officers' Benefit and Retirement Fund or North Carolina Local Governmental Employees' Retirement System as a condition of employment. Such choice will be indicated in writing by the employee effective at the end of six months of employment; or, if the employee is already a member of the North Carolina Law Enforcement Officers' Benefit and Retirement Fund, the North Carolina Local Governmental Employees' Retirement System, or the North Carolina Teachers' and State Employees' Retirement System at the time he or she is hired, the employee may elect to be enrolled in the North Carolina Law Enforcement Officers' Benefit Retirement Fund or the North Carolina Local Governmental Employees' Retirement System effective upon date of hire.

And REPLACE with the following:

Sec. 14-61 North Carolina Local Governmental Employees' Retirement System.

Each employee who is expected to work for the Town more than 1000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System upon employment.

This the 27th day of June, 1988.

Year-End Budget Amendment

The ordinance, as adopted, reads as follows:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1987" (88-6-27/O-7)

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

ARTICLE I

<u>APPROPRIATIONS</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND				
Library	770,499	4,779		775,278
Non-Departmental				
Transfer to Capital Reserve	624,658		524,658	100,000
Transfer to Debt Service	867,887	524,658		1,392,545
Contingency	57,546		5,000	52,546
Legal	98,389	5,000		103,389
Manager	735,118	18,648	10,000	743,766
Finance	331,950	10,000		341,950
Police				
Patrol	2,356,725		25,000	2,331,725
Fire				
Suppression	1,092,501	25,000		1,117,501
Public Works				
Streets	1,468,532		12,000	1,456,532
Sanitation	1,317,419		31,000	1,286,419
General Services	597,516	43,000		640,516
Public Housing Fund	0	684,161		684,161

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ARTICLE II

REVENUES

GENERAL FUND

Grants	242,242	23,427	265,710
Public Housing Fund	0	684,161	684,161

This the 27th day of June, 1988.

Wheeled Vehicles on Sidewalks - Franklin and Henderson Street

Council Member Herzenberg said he was concerned that there currently was not enforcement of the prohibition of skateboards, bicycles, etc. on the portion of the sidewalk along Franklin Street already covered under the Town Code. He also said that outlawing bicycles, skateboards, etc. on sidewalks would give more credence to the idea of having a skateboard park.

Council Member Andresen asked why the staff was recommending prohibiting bicycles, etc. on this portion of Franklin and Henderson Streets. Ron Secrist, Assistant Town Manager, replied that the staff had been aware of a problem with wheeled vehicles on the sidewalks in this area because of the large number of pedestrians. He said the staff expected to increase the enforcement of this ordinance in the near future.

Council Member Godschalk commented that there were a large number of pedestrians on the sidewalks in this area and that the proposal was reasonable.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT ORDINANCE 88-6-27/O-5. THE MOTION PASSED UNANIMOUSLY, (7-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING SECTION 21-3 OF THE TOWN CODE OF ORDINANCES RELATED TO THE OPERATION OF BICYCLES, SKATEBOARDS, ROLLER SKATES AND SCOOTERS ON CERTAIN PUBLIC STREETS (88-6-27/O-5)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 21-3 of the Town Code of Ordinances be amended as follows:

Section I

It shall be unlawful for any person to ride a bicycle, skateboard, roller skates or scooter on the sidewalk on either side of Franklin Street between Robertson Lane and the western boundary of the Town,

on either side of Rosemary Street between Henderson Street and the western boundary of the Town, or on either side of Columbia Street between Rosemary Street and Franklin Street. It shall be unlawful to leave a bicycle unattended on the sidewalk on either side of Franklin Street between Henderson Street and Columbia Street, except when placed in the stands provided for that purpose and located within three (3) feet of the outside edge of the sidewalk. A person found in violation of this section shall be subject to a civil penalty not to exceed five dollars (\$5.00).

Section II

This ordinance shall be effective upon the posting of appropriate signs.

Section III

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

This the 27th day of June, 1988.

Executive Session

There was no executive session.

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

The meeting adjourned at 10:30 p.m.