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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, JULY 11, 7:30 P.M.

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

Julie Andresen  
David Godschalk  
Joe Herzenberg  
David Pasquini  
Nancy Preston  
Arthur Werner

Council Members Pasquini, Wallace and Wilkerson were absent, excused. Also present were Acting Town Manager Ronald A. Secrist and Town Attorney Ralph Karpinos.

Petitions

Adele Thomas asked to speak to item #10, Public Housing.

John Riebel asked to speak to item #7, Skateboard Ramps.

Betty Maultsby asked to speak to item #8, Sidewalk Vending.

Minutes

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE MINUTES OF JUNE 23, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE MINUTES OF JUNE 27, 1988 AS CIRCULATED. THE MOTION PASSED UNANIMOUSLY, (6-0)

Water Resources

Mayor Howes stated that the Council had requested an update on the Orange County water resources matters and that Shirley Marshall, Chair of the Orange County Board of Commissioners, was present to give the Council a status report.

Ms. Marshall said that the County had been involved in water resource issues for some time and had established a Water Resources Board and hired consultants to study the feasibilities of increasing the water supply in Orange County through the construction of a new reservoir. She said the Board expected to receive the capacity use report from the consultants at the Board's July 19 meeting. Ms. Marshall stated that the County was not currently involved in water

and sewer service except for their participation on the Orange Water and Sewer Authority Board of Directors, but that it was an issue which needed to be addressed in a unified, orderly way in these areas of Orange County not served by OWASA. She said that the County proposed a bond referendum in November which would include a request for \$1 million for a water reservoir.

Don Willhoit, speaking as a member of the Orange County Board of Commissioners, said the bond referendum, if passed, would allow the County to purchase land for a future reservoir. He said he viewed the proposal as a land use management issue. He pointed out that a water management plan would allow for better land development management. He stated that he felt the County needed to take the initiative to buy the land and reserve it so it would not be developed.

Council Member Andresen commented that there had been questions of equity from citizens in southern Orange who would not benefit directly from a reservoir in northern Orange but who would have to pay for the construction of the reservoir. Mr. Willhoit responded that there were various options as to the repayment of the bond like setting up a special tax district, charging for the lease of the water, etc.

Council Member Andresen said that approval of the bond referendum would mean that Orange County would be getting into the "water" business and that she wondered whether this would lead to a broader role of the County in County-wide water and sewer issues. Ms. Marshall responded that she did not feel that the proposal, which at this point was for the County to purchase the land needed for a reservoir, meant that the County was getting into the business of selling water.

Council Member Preston commented that the proposal was for a water management plan for central Orange County. She asked if northern Orange also needed a water management plan. Mr. Willhoit responded that the area deemed most in need of assistance was along the Interstate-40 corridor. Ms. Marshall replied that the rural northern townships appeared to have adequate water supplies to meet their current and anticipated needs.

Council Member Godschalk stated that he was glad to see this issue being referred to as a growth management tool but he wondered why the County did not just have OWASA expand its territory. Mr. Willhoit replied that the recent problems with OWASA pointed out the typical problems with water authorities and that Orange County felt it might not be suitable for the proposal.

Mayor Howes said that if the rate payers of southern Orange County were capable of buying and expanding the water system, then weren't the taxpayers of Hillsborough able to do the same. Ms. Marshall replied that Hillsborough residents were already paying a high cost

for water and sewer and that they currently represented a small portion of the tax base compared to what was anticipated in the area.

Council Member Werner said that if the proposal was to be viewed as a growth management tool then who was the reservoir anticipated to serve. Mr. Willhoit replied that he had said that water management was a growth management issue. He stated that Hillsborough had not set aside funds for a future reservoir and that somebody had to do it if the County did not want a proliferation of wells and septic tanks in the rapidly developing I-40 area. He said that Hillsborough's Mayor had suggested that the County purchase the land and then Hillsborough would develop the reservoir. Mr. Willhoit stated that he felt the proposal should be a partnership with the County purchasing the land, building the reservoir and identifying the revenue sources from which to repay the costs.

Mayor Howes said that with the anticipated growth in the Hillsborough area he felt Hillsborough should be more involved in joint planning with the County with an agreement like the County's with Chapel Hill and Carrboro. He said it might be a good idea to make this a condition of any participation of the County in a joint water venture.

Mr. Willhoit replied that the Town of Hillsborough currently had the County enforcing its subdivision ordinance within Hillsborough's extraterritorial district.

Council Member Werner asked who would be the driving force for the use of the water in the proposed new reservoir. Mr. Willhoit replied that if Hillsborough developed the reservoir then it would be Hillsborough, but if it were a joint effort then the County would be in control.

Council Member Andresen asked Mr. Willhoit to review the County's previous General Fund expenditures for water and sewer services.

Mayor Howes thanked the Commissioners for their report and said that this discussion pointed out the complexity of the issue.

#### OWASA - Durham Water Sale Agreement

Mayor Howes commented that included in the agenda was a memorandum from Mayor Pro-tem and OWASA Board Member Pasquini detailing a proposed agreement with Durham for the purchase of water by OWASA.

Council Member Preston said that she was glad to have received the memorandum and that this was the type of information the Council needed to receive from its representatives on the OWASA Board.

Joint Planning - Proposed Amendments to the Joint Planning Area Land Use Plan

Roger Waldon, Planning Director, said that this was the last step for Chapel Hill in implementing the revised Joint Planning Agreement. He said the proposal supported and approved proposed changes to the Joint Planning Area Land Use Plan which dealt primarily with the Transition Area in Carrboro.

Council Member Andresen asked what was meant by the proposed change of the Joint Planning Land Use Plan map and text for the land use designation on Horace Williams Airport and adjacent UNC land from public-private open space to future UNC development. Mr. Waldon replied that by designating an area public-private open space it meant that the land was not expected to be developed. He said that the University had requested that this designation be changed because ultimately the land would be developed and would not be permanent open space.

Mr. Waldon stated that there needed to be an amendment to the proposed resolution in the last paragraph to state that "...the Joint Planning Area Land Use Plan as described in the attached Notice of Public Hearing, published June 15 and June 22, 1988 and presented at the June 30, 1988..."

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 88-7-11/R-1 AS AMENDED. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION SUPPORTING THE PROPOSED CHANGES TO THE JOINT PLANNING AREA LAND USE PLAN (88-7-11/R-1)

WHEREAS, Chapel Hill, Carrboro, and Orange County adopted a Joint Planning Agreement on November 2, 1987; and

WHEREAS, Chapel Hill and Orange County adopted the Joint Planning Land Use Plan on October 13, 1986; and

WHEREAS, the Chapel Hill Town Council supports that proposed changes to the Joint Planning Area Land Use Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the proposed changes to the Joint Planning Area Land Use Plan as described in the attached "Notice of Public Hearing" published June 15 and June 22, 1988 and presented at the June 30, 1988 Joint Public Hearing and recommends that the Orange County Board of Commissioners adopt these proposed changes.

This the 11th day of July, 1988.

Joint Planning Area - Request for Zoning Atlas Amendment

Roger Waldon, Planning Director, said that the proposal was for Orange County to rezone the Joint Planning Transition Area from Orange County zoning designations to Chapel Hill zoning designations. He said the Planning Board's recommendation differed from the Manager's recommendation in that the Planning Board recommended R-1 zoning for an area north of Homestead Road, west of Airport Road and east of the railroad tracks and for an area north of Weaver Dairy Road, and the Manager recommended these areas be zoned R-2.

Council Member Godschalk asked why the Manager's recommendation was to zone the Greene tract R-1 since it is the site for the expansion of the landfill. Mr. Waldon replied that this was in response to citizen concerns that this area was not appropriate for expansion of the landfill. He said that landfills were permitted in Rural Transition zones with a Special Use Permit. Mr. Waldon stated that the landfill situation was currently under study and that the Manager felt that by zoning the area R-1 it would act as a holding zone until the final decisions were made.

Council Member Godschalk said he felt the RT zone was the holding zone. Mr. Waldon agreed but said that in this instance the staff felt that the citizens might not view the RT zone as a holding zone but rather as an indication that the Greene tract was to be the site for the expansion of the landfill.

Council Member Godschalk said he agreed that he did not feel the Greene tract was appropriate as a landfill site but the Town would need a new landfill site soon and if another location in not available then the Greene tract would probably be used. He expressed concern that zoning the area R-1 would send a conflicting message.

Council Member Preston said the Greene tract was currently being reserved as a landfill but that she and the Solid Waste Task Force recognized that the area was not appropriate and were looking for other sites. She said she did not know if the area should be zoned R-1 or RT and that the search for a new site was ongoing but that there was no other alternative available at this time.

Council Member Andresen commented that it would be 7 years before another landfill site was needed and that she did not see what the practical difference was in zoning the area R-1 or RT.

Council Member Godschalk replied that he felt it was an issue of what kind of message zoning the area R-1 gave. He said he felt zoning the area R-1 would give the adjacent properties a potentially false sense of security.

Council Member Werner said that since the land had been purchased for a landfill it did not mean it had to be the site of the next

landfill. He said by zoning the property R-1 it might give the staff and Task Force more impetus to locate a new site.

Mayor Howes said he was disappointed in the staff recommendation in that he felt it gave the impression that the property might not be used as a landfill and that this had not as yet been determined. He said by zoning the area R-1, the land would have to be rezoned in order for it to be used as a landfill.

Council Member Andresen said that she would prefer that the zoning of the property north of Weaver Dairy be R-1 since most of the adjoining property was zoned R-1.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 88-7-11/R-1.1A WITH THE AMENDMENT THAT THE AREA NORTH OF WEAVER DAIRY ROAD BE REZONED R-1.

Council Member Preston said that she did not have a problem with the Manager's recommendation in relation to the zoning north of Weaver Dairy Road. She stated that Chapel Hill needed areas zoned to allow for more affordable housing and that by zoning the area R-2 more lots per acre could be designed.

Council Member Godschalk said he agreed with the R-2 zoning for the area north of Weaver Dairy Road. He said the property was adjacent to R-5 and R-2 zones. He pointed out that the Chesley development was across Weaver Dairy Road from this property and that even though it was being developed as R-1 it was zoned R-2.

Council Member Andresen said that Weaver Dairy Road was still only two lanes and that there were already complaints about traffic in the area. She said she would prefer that the area be zoned R-1 until the road was widened.

Council Member Preston pointed out that anyone who developed in the area would have to widen the road as part of their development approval.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, FOR A SUBSTITUTE MOTION TO ADOPT RESOLUTION 88-7-11/R-1.1A. THE MOTION FAILED TO PASS, (4-2), WITH COUNCIL MEMBERS ANDRESEN AND WERNER VOTING AGAINST.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO AMEND THE MOTION TO ADOPT 88-7-11/R-1.1A AMENDED, TO CHANGE THE R-1 ZONING OF THE GREENE TRACT TO RT.

Council Member Herzenberg said that he shared some of the concerns about the conflicting message R-1 zoning could give but that he felt zoning the area R-1 could provide further impetus to find another site and that it would ease some of the concerns of the neighbors.

Mayor Howes said that he felt it could be deluding the neighbors.

THE MOTION TO AMEND FAILED TO PASS, (3-3), WITH COUNCIL MEMBERS ANDRESEN, HERZENBERG AND WERNER VOTING AGAINST.

THE MOTION TO ADOPT 88-7-11/R-1.1A AMENDED FAILED TO PASS, (3-3), WITH MAYOR HOWES AND COUNCIL MEMBERS GODSCHALK AND PRESTON VOTING AGAINST.

### Skateboard Ramps

Ronald Secrist, Acting Town Manager, said that on June 13 the Council had referred the report on outdoor skateboard ramps to the Manager and requested a follow-up report to include a recommendation from the Parks and Recreation Commission and additional alternatives for regulating skateboard ramps. Mr. Secrist said there were several alternatives for the Council's consideration and that they were not mutually exclusive. He said the Parks and Recreation Commission believed that the Town should play a part in providing this type of recreational facility. He stated that the proposed alternatives included: 1) [Ordinance A] prohibiting all skateboard ramps in residential zones except within Town Parks and Recreation facilities; 2) [Ordinance B] regulating skateboard ramps of more than 4 feet high or 12 feet long in residential zones and allowing their use to specific days and hours; 3) [Ordinance C] prohibiting skateboard ramps of more than 10 feet high or 30 feet long in residential zones; 4) [Resolution A] calling a public hearing for October to amend the development Ordinance to regulate skateboard ramps as a land use; and 5) [Resolution B] authorizing the Manager to enter into negotiations with a local skateboard club or association to lease Town-owned property for skateboarding facilities operated and maintained by the club.

Council Member Preston said that alternative 2 would allow for the skateboard ramp at 45 Rogerson Drive to remain in use but would regulate the times of use. Mr. Secrist agreed and said that alternative 5 would allow for the removal of the ramp if the owner was agreeable and that alternatives 1 and 3 would eliminate the ramp at 45 Rogerson Drive.

Council Member Herzenberg said he preferred alternative 3 because it addressed the current problem. He asked if there had been complaints to the Town about ramps which would fall under alternative 2. Mr. Secrist replied that the Town had received some, but not many, complaints with regard to noise on ramps falling into this category.

Council Member Andresen asked what would be the purpose of alternative 4. Mr. Secrist responded that alternative 4 would call a public hearing in October to consider amending the Development Ordinance to regulate skateboard ramps. He said the staff envisioned

the amendment would prohibit skateboard ramps in residential zones on lots less than five acres and would more clearly define what constituted a skateboard ramp.

Council Member Werner said he felt adoption of the Manager's recommendation, alternatives 2, 4 and 5 were, probably ones which could be passed by the Council that evening.

Council Member Herzenberg stated that there were two issues involved: skateboard ramps in general and the skateboard ramp at 45 Rogerson Drive.

Council Member Andresen asked why the staff did not recommend adoption of alternative 3. Mr. Secrist replied that the staff felt more comfortable in regulating large outdoor skateboard ramps as a land use.

John Riebel, speaking as a resident of Rogerson Drive, said that he and his neighbors felt the skateboard ramp at 45 Rogerson Drive constituted a public nuisance and as such the Town should order its removal. He said he felt alternative 2 was as unenforceable as the he felt the current noise ordinance was. He said the residents supported the removal of the ramp from the residential neighborhood and would be willing to help pay the cost for its relocation. (For copy of text, see Clerk's files.)

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT ORDINANCE 88-7-11/O-2B.

Council Member Herzenberg said that he did not think Ordinance B was needed but if Ordinance C was also adopted he would vote in favor of Ordinance B.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, FOR A SUBSTITUTE MOTION TO ADOPT ORDINANCE 88-7-11/O-2C.

Council Member Andresen asked if adoption of this ordinance would preclude adoption of Resolutions A and/or B. Mr. Secrist replied no and that if Resolution A were adopted it would apply to future skateboard ramps.

Council Member Werner asked the Town Attorney to comment on the validity of declaring the skateboard ramp at 45 Rogerson Drive as a public nuisance. Attorney Karpinos replied that the Town had the police power to abate public nuisances. He said in his opinion if Ordinance C were adopted and the owner did not voluntarily remove the skateboard ramp then the Town would have to decide if it wanted to take the matter to court. He said if the Town chose this route he did not feel under the laws regulating public nuisances that the Town would be upheld in court. He said the Town also would have the



choice of inverse condemnation and condemning the property and having it removed.

Council Member Werner asked if this matter became a legal issue, how long would it take. Attorney Karpinos responded that if the owner did not comply with the Council's decision then it could take at least a year in the courts.

Council Member Herzenberg commented that if the Council also adopted Resolution B the question of a lawsuit could be moot.

Council Member Werner agreed but said that adoption of Resolution B involved the owner's cooperation and that he felt adoption of Ordinance C could alienate the owner.

THE SUBSTITUTE MOTION FOR ADOPTION OF ORDINANCE 88-7-11/O-2C CARRIED, (5-1), WITH COUNCIL MEMBER WERNER VOTING AGAINST.

THE MOTION AS SUBSTITUTED CARRIED, (5-1), WITH COUNCIL MEMBER WERNER VOTING AGAINST. A SECOND READING OF THE ORDINANCE IS NECESSARY FOR FINAL ADOPTION AT THE NEXT REGULAR MEETING OF THE COUNCIL.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT ORDINANCE 88-7-11/O-2B.

Mr. Secrist commented that the ordinance should state "... Monday through Friday and Sunday... 2 - 6 p.m., Saturday ... 12 noon - 6 p.m..."

THE MOTION PASSED UNANIMOUSLY, (6-0).

The ordinance, as adopted, reads as follows:

AN ORDINANCE AMENDING CHAPTER 11 OF THE TOWN CODE OF ORDINANCES TO REGULATE THE USE OF OUTDOOR SKATEBOARD RAMPS IN AREAS ZONES RESIDENTIAL IN THE TOWN (88-7-11/O-2b)

WHEREAS, the use of outdoor skateboard ramps in residential zones may be a nuisance to neighboring residences because of noise, assemblies of skaters, and other related factors;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 11 of the Town Code of Ordinances is amended to regulate the use and operation of outdoor skateboard ramps beyond a certain size as follows:

SECTION I

Article I

Section 11-13 Outdoor Skateboard Ramps Regulated

The use or operation of an outdoor skateboard ramp made of wood or other material located within an area in the Town zoned residential and exceeding four feet in height or 12 feet in length is limited as follows:

Monday through Friday and Sunday	2 - 6 p.m.
Saturday	12 noon - 6 p.m.

In addition, during the days and times allowed, skateboard ramps are limited to one user at any one time.

SECTION II

All provisions of the Town Code of Ordinances inconsistent with this ordinance are hereby repealed.

This the 11th day of July, 1988.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 88-7-11/R-2A. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING A PUBLIC HEARING AND REFERRING TO THE PLANNING BOARD A PROPOSAL TO AMEND THE TOWN'S DEVELOPMENT ORDINANCE TO REGULATE INSTALLATION OF SKATEBOARD RAMPS IN THE TOWN LIMITS (88-7-11/R-2a)

WHEREAS, the Town has received numerous complaints regarding the use of skateboard ramps in residential areas of the Town; and

WHEREAS, protection of residential areas and their quiet enjoyment would achieve the purpose of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a public hearing for October 17, 1988 to consider an amendment to the Town's Development Ordinance to regulate the installation of skateboard ramps within the Town and to consider revisions to the Development Ordinance with respect to rules on the elimination of any skateboard ramps made nonconforming by said amendment.

BE IT FURTHER RESOLVED that this proposal be referred to the Planning Board for their review and recommendation to the Council.

This the 11th day of July, 1988.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 88-7-11/R-2B. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE DEVELOPMENT OF A PROPOSED LEASE OF TOWN-OWNED LAND FOR SKATEBOARDING FACILITIES (88-7-11/R-2b)

WHEREAS, the Council has received numerous complaints regarding the use of a skateboard ramp in a residential area; and

WHEREAS, the Council requested the Parks and Recreation Commission to consider the provision of skateboard activities in Town parks; and

WHEREAS, the Commission recommended in a report to the Council dated June 16, 1988 that the Town consider entering into a performance or lease agreement with a skateboarding club or association who would construct, operate and maintain skateboarding facilities on Town-owned land; and

WHEREAS, the owner of the skateboard ramp at 45 Rogerson Drive has offered to donate and neighboring residents have offered to contribute funds to help relocate the ramp to a Town park;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is hereby authorized to negotiate with a skateboard club or association a proposed lease or agreement to be subsequently considered by the Council in accord with State law; said agreement would allow the placement of skateboarding facilities on Town-owned land, provided the facilities are owned, operated and maintained by the club or association; said club or association would provide the required insurance coverage requested by the Town and to indemnify and hold harmless the Town as requested.

This the 11th day of July, 1988.

Council Member Preston asked how soon the staff would begin negotiations with the skateboard ramp owner. Mr. Secrist said that Mike Loveman, Parks and Recreation Director, would be in charge of this matter and that he expected him to proceed at once.

### Downtown Sidewalk Sales

Mr. Secrist stated that this report was in response to a petition from the Downtown Commission to allow sidewalk sales in the Downtown area. He asked Greg Feller, Assistant to the Manager, to give the staff report.

Mr. Feller stated that the proposal would allow certain commercial activities on downtown sidewalks for a six month trial period and at the end of that time the project would be evaluated. He said there was concern from the downtown businesses, especially those who front on Franklin Street, that sidewalk sales might present competition for their wares. He also said that several downtown merchants were interested in using the sidewalk for their own sales. Mr. Feller stated that the Chapel Hill-Carrboro Downtown Commission proposed to allow performing artists, sidewalk sales by downtown businesses, sale of flowers and two-dimensional art by vendors other than downtown businesses, and to allow special events such as art fairs and concerts. He said the staff proposal would enable sidewalk vending on a trial basis on Thursdays and Saturdays in designated areas and that the vendors would be issued licenses through the Town's Tax Office on a first come, first served basis. Mr. Feller stated that the area for sidewalk sales would be limited to approximately 30 spots on East and West Franklin Street and that a minimum of a 4' wide aisle must be made available for pedestrians and that the height of the displays could not exceed 4 feet.

Council Member Preston asked if the Downtown Commission and Association had talked with the property owners about the proposal. Mr. Feller replied that he did not know for certain but that what the groups had done was to identify areas along Franklin Street for sidewalk vendors which it was felt would have the least effect on the existing businesses.

Council Member Preston asked if two-dimensional art included jewelry. Mr. Feller said no and that Section 17-87 indicated that the term "two-dimensional art" would not include craft items such as woodwork, ceramics, pottery, fabrics, sculpture, etc.

Council Member Preston also said that she felt the area in front of University Florist should not be used for sidewalk vending since it could be used by a flower vendor and would be in competition with the existing business.

Council Member Godschalk asked what was the width of the sidewalk on the 100 block of Franklin Street. Mr. Feller replied that he believed it to be between 12 and 15 feet wide.

Council Member Godschalk said he felt that the width of the sidewalk was an important issue. He said that it appeared that the sidewalks needed to be at least 13' wide to allow for the vendors and cramped

pedestrian traffic. He said he was concerned that the vendor areas would create bottle necks along the sidewalk.

Council Member Werner asked what was the difference between the current ordinance regulating performing artists and the proposal. Mr. Feller replied that essentially it was the same but that the proposal added some further clarifications and that the proposal based its ordinance on legal findings.

Betty Maultsby, speaking as a citizen, spoke in favor of sidewalk vending along Franklin Street, but felt that the proposal was discriminatory and that there should not be a limit as to the type of vendors allowed on the sidewalk. She also said she did not feel the idea of sidewalk vending had been advertised enough so as to garner sufficient citizen input into the proposal. (For copy of text, see Clerk's files.)

Council Member Andresen said that she felt the Town needed to take a step in helping to revitalize downtown Chapel Hill. She agreed that she did not think the proposal met all the needs but that she felt it would be an important first step.

Joe Hakan, representing the Downtown Commission, agreed with Council Member Andresen and said that many of the downtown merchants would like to see additional services like food vendors allowed downtown. He urged the Council to adopt the proposed ordinance to allow for a six-month trial period.

Council Member Werner asked what would be the measure of success for the project. Mr. Hakan responded that success would be measured by the number of people doing business downtown.

Council Member Herzenberg said that he felt the Council's vote in 1971 to eliminate sidewalk sales had been a mistake and that he was glad to see the atmosphere had changed. He said he agreed with Ms. Maultsby's concerns but felt the proposal was a step in the right direction. He also said he would prefer that the vendors be allowed to operate on Thursdays, Fridays and Saturdays.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT ORDINANCE 88-7-11/0-3 WITH THE AMENDMENT THAT THE LOCATION IN FRONT OF UNIVERSITY FLORIST WAS DELETED.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO AMEND THE MOTION TO MAKE THE DAYS OF OPERATION THURSDAY, FRIDAY AND SATURDAY. THE MOTION TO AMEND PASSED UNANIMOUSLY, (6-0).

Council Member Godschalk said that he appreciated the work done by the staff and Downtown Commission on this proposal but that he had concerns about pedestrian movement and discrimination of vendors.

THE MOTION, AS AMENDED, CARRIED, (5-1), WITH COUNCIL MEMBER GODSCHALK VOTING AGAINST. A SECOND READING WILL BE NECESSARY BEFORE ADOPTION IS FINAL AT THE NEXT REGULAR MEETING OF THE COUNCIL.

### Design Guideline Implementation

Alan Rimer, representing the Design Task Force, presented to the Council for their consideration a set of Design Guidelines. He said the Task Force requested that the Council receive the guidelines and refer them to the staff, advisory boards and citizens for review and after review and consideration, adopt the guidelines as part of the Town's Comprehensive Plan. Mr. Rimer stated that the Task Force suggested that the Council direct that changes be made to the Town's Development Ordinance, Design Manual and Standard Engineering Specifications in order to implement the guidelines. He suggested that the Design Task Force be the ones to take the proposed guidelines to the citizens for their review.

Council Member Werner asked how Mr. Rimer proposed educating the public on the proposed guidelines. Mr. Rimer responded that he envisioned a process similar to the one being done by the Planning Board and staff in regard to the components of the Comprehensive Plan whereby one or two public meetings were held and presentations made to encourage discussion.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE PROPOSED DESIGN GUIDELINES TO THE STAFF, ADVISORY BOARDS AND PUBLIC. THE MOTION PASSED UNANIMOUSLY, (6-0).

Council Member Preston thanked Mr. Rimer and the entire Design Task Force for all their work.

### Public Housing - Application for Development of New Housing Units

Mr. Secrist said the federal government was accepting applications for new housing units. He stated that the proposal would authorize the submittal of an application for 24 new public housing units to the U.S. Department of Housing and Urban Development. He said the federal government was accepting applications for 5000 new public housing units nationwide and that the deadline for receipt of the applications was July 15, 1988. Mr. Secrist stated that the location of any new public housing units had not been decided at this time and would come later in the planning process if the grant were approved.

Adele Thomas, speaking as a resident and member of the Housing Advisory Board, said that she felt the policy should be amended to allow for more diversity of family sizes in the public housing units. She said the current policy favored placing large families together rather than interspersing large family dwellers with individual dwellers.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 88-7-11/R-3. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PUBLIC HOUSING PROGRAM

Resolution A  
(88-7-11/R-3)

PHA RESOLUTION IN SUPPORT OF PUBLIC HOUSING PROJECT

RESOLUTION NO. \_\_\_\_\_

Whereas, the United States Housing Act of 1937 provides that there shall be local determination of the need for public housing to meet needs not being adequately met by private enterprise; and

Whereas, under the provisions of the United States Housing Act of 1937, the Department of Housing and Urban Development (HUD) is authorized to provide financial assistance to public housing agencies for such housing;

NOW THEREFORE, BE IT RESOLVED BY THE Town Council 1 / OF THE Town of Chapel Hill 2 / (PHA) AS FOLLOWS:

1. Determination of Need. The PHA hereby determines that within its area of operation there is a need for low-income housing to meet needs not being adequately met by private enterprise.

2. Application and/or Proposal for Housing Assistance. The Town Manager 3 / of the PHA is hereby authorized to have prepared one or more applications and/or proposals for public housing assistance for development of up to 24 4 / dwelling units [and for a Preliminary Loan of up to \$ \_\_\_\_\_ ] 5 /; to sign and applications and/or proposals on behalf of the PHA and to submit them to HUD, said dwelling units to be provided as follows: 24 4 / dwelling units; by rehabilitation up to 0 4 / dwelling units, and by acquisition up to 0 4 / dwelling units.

3. Annual Contributions Contract (ACC). When an ACC is forwarded by HUD to the PHA for execution by the PHA, the Chairman or Vice Chairman is hereby authorized to execute such ACC on behalf of the PHA; and the Secretary is hereby authorized to impress and attest the official PHA seal on each ACC counterpart and submit to HUD executed counterparts and related documents as required by HUD.

4. General Depository Agreement. The Chairman or Vice Chairman is hereby authorized to execute on behalf of the PHA a General Depository Agreement(s) and/or Savings Depository Agreement(s) each in the form approved by HUD; and the Secretary is hereby authorized to impress and attest the official PHA seal on each counterpart and submit to HUD executed counterparts and related documents as required by HUD.

5. Funding for Project Development Cost.

(a) In order to fund the Development Cost of Housing projects pursuant to this Resolution or any other Resolution as may be required by HUD, the PHA hereby authorizes the issuance of obligations in its name at such times, in such amounts, and on such terms and conditions as HUD may direct or approve in accordance with the ACC.

(b) The Chairman or Vice Chairman is hereby authorized to prepare and execute such PHA obligations; and the Secretary is hereby authorized to impress and attest the official PHA seal, deliver the obligations to HUD or such other holders as HUD may direct, and accept payment therefor or cause payment to be made as directed or approved by HUD in accordance with the ACC.

(c) Each such PHA obligation shall be secured in such manner as may be provided and/or required by HUD in accordance with the ACC. All proceeds from such PHA obligations shall be deposited and used only as approved by HUD in accordance with the ACC.

6. HUD Regulations. In connection with the development and operation of any program or activity receiving Federal financial assistance under the United States Housing Act of 1937, the PHA will comply with all requirements under the applicable regulations of the Department of Housing and Urban Development, 24 CFR 841 or 24 CFR 805, as appropriate, and all HUD regulations relating to the operation of public housing projects.

7. Meaning of Terms. All terms used in this Resolution which are defined in the ACC shall have the meanings given to them in the ACC.

8. Effective Date. This Resolution shall take effect immediately.

RECORDING OFFICER'S CERTIFICATION

I, David R. Taylor 6/, the duly appointed, qualified and acting Secretary 3/  
of the Chapel Hill Housing Authority 2/, as evidenced by the General Certificate dated 7/11/88 2/,  
do certify that as evidenced by the official minutes:

1. A regular/special 8/ meeting was held on July 11, 1988 2/.
2. Of the full 9 4/ member Board, a quorum was present comprising the following members:  
\_\_\_\_\_ 6/
3. The above Resolution, No. \_\_\_\_\_, was read in full and considered, and was duly adopted by the affirmative votes of the following members constituting a majority: \_\_\_\_\_  
\_\_\_\_\_ 6/

In Testimony Whereof, I have hereunto set my hand and the seal of the Town of Chapel Hill 2/  
this 11th day of July, 1988.

\_\_\_\_\_  
(Signature)

(SEAL)

ADDENDUM TO RESOLUTION:

Although we are requesting new construction, we will accept the aquisition of existing housing.



## INSTRUCTIONS FOR HUD-52471 - PHA RESOLUTION IN SUPPORT OF PUBLIC HOUSING PROJECT

1. **PURPOSE:** This resolution enables Public Housing Agencies and Indian Housing Authorities (PHAs) to provide the HUD Area Office with required designations, authorizations and certifications in fewer documents. This Resolution authorizes submission of public housing applications and/or proposals, execution of an Annual Contributions Contract and General and/or Savings Depositary Agreements and issuance of project funding obligations.
2. **PREPARED BY:** All PHAs proposing to develop a public housing project.
3. **NUMBER:** Original and one or more copies.
4. **DISTRIBUTION:** A PHA shall submit a fully executed Resolution with its initial submission of Application for a Public Housing Project (Form HUD-52470) or PHA Proposal for a Public Housing Project (Form HUD-52483-A), as applicable, to the appropriate HUD Area Office. For Indian Housing Authorities the initial submission is the Application for Indian Low-Income Housing Program (Form HUD-52730). A PHA may also be requested by the Area Office to submit additional copies.
5. **INSTRUCTIONS FOR PHA PREPARATION:**
  - a. The minutes of the PHA meeting should be retained by the PHA and only the completed and executed Form HUD-52471 and, if applicable, Form HUD-9013, Notice of Special Meeting, should be submitted to the HUD Area Office.
  - b. The Form HUD-52471 should be completed and executed using the following instructions which are keyed to the footnotes on the Form:
    - 1/ Insert the designation established by state law for the members of the Public Housing Agency - Members, Commissioners, Trustees, etc.
    - 2/ Insert the legal name of the Public Housing Agency (PHA).
    - 3/ Insert the name or title of the Board member or other appropriate official.
    - 4/ Insert the appropriate number.
    - 5/ Strike the entire bracketed portion unless the PHA is an Indian Housing Authority and a Preliminary Loan is being requested in which case, complete the amount, strike the brackets and attach the fully executed Resolution Authorizing Execution of Preliminary Loan Contract and General Depositary Agreement and Issuance of Preliminary Notes (Form HUD-52314).
    - 6/ Insert the appropriate names.
    - 7/ Insert the appropriate date.
    - 8/ Strike the inappropriate one; if a special meeting was held, attach Form HUD-9013, Notice of Special Meeting, fully executed.
  - c. If this is the PHA's first project, the PHA shall also submit a fully executed Resolution Authorizing the Sale, Issuance and Delivery of Project Notes and the Execution of Requisition Agreements (Form HUD-9000). If a full transcript of proceedings or other resolutions are required in connection with private market financing, such additional documentation should be provided.

Public Housing - Housing Assistance Plan Amendment

Mr. Secrist said this was in response to the application for additional units and would amend the Housing Assistance Plan to take into account the application for additional housing.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 88-7-11/R-4. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING A REVISION TO THE HOUSING ASSISTANCE PLAN (88-7-11/R-4)

WHEREAS, the Town of Chapel Hill is submitting an application for a public housing project to the U.S. Department of Housing and Urban Development; and

WHEREAS, the proposed housing type and household type must conform to the three-year goals of the Housing Assistance Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to revise the Housing Assistance Plan to include new construction for large families.

This the 11th day of July, 1988.

Public Housing - Occupancy Policy

Mr. Secrist said the proposal would revise the Admission and Continued Occupancy Policy for the public housing program in accord with the policies of the Department of Housing and Urban Development. He stated that HUD would like these revisions approved by July 13.

Adele Thomas commented that she had not been at the meeting at which this had been discussed by the Board and felt some of the proposed wording needed further review.

Mr. Secrist suggested that the Council adopt the proposal to be in compliance with HUD guidelines and that Ms. Thomas raise her concerns at the next Housing Advisory Board meeting. The Board could then advise the Council if further changes were warranted.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 88-7-11/R-5. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

**A RESOLUTION ADOPTING A REVISED ADMISSION AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM (88-7-11/R-5)**

WHEREAS, the U.S. Department of Housing and Urban Development has established new rules on Occupancy Preferences; and

WHEREAS, the new rules on Occupancy Preferences shall be implemented by July 13, 1988;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts a revised Admission and Continued Occupancy Policy for the Public Housing Program in compliance with the U.S. Department of Housing and Urban Development revised rules.

This the 11th day of July, 1988.

Cash Management Policy

Mr. Secrist stated that the proposal would take existing Town practice and put it into a formal written Town policy. He said that the one significant change was in the selection of the Town's official depository. He said the proposal was for this selection to be based on a competitive proposal rather than continuing the current rotation system.

Mayor Howes asked if the proposed procedure was similar to that of other municipalities. Jim Baker, Finance Director, replied yes.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 88-7-11/R-6. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

**A RESOLUTION ESTABLISHING A CASH MANAGEMENT POLICY (88-7-11/R-6)**

WHEREAS, to fully maximize the use of public moneys in the best interest of the public; and

WHEREAS, it is the responsibility of the Finance Director to supervise the investment of idle funds of the Town of Chapel Hill; and

WHEREAS, it is the desire of the Town Council to use all of its public funds in a most efficient manner;

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

## SECTION I

The Council hereby charges the Finance Director, with the cooperation of all Town departments and officials, to devise and implement a Cash Management Plan which addresses cash receipts, cash mobilization and management of available resources (investments), cash disbursements, banking relations, and monitoring and reporting on the plan. The Finance Director shall submit the Cash Management Plan to the Town Manager for review and approval. The Town Manager shall issue implementing instructions, consistent with this resolution, for the Cash Management Plan as part of the Administrative Policies and Procedures of the Town.

## SECTION II

The independent auditor for the Town of Chapel Hill shall monitor the Town's compliance with the established Cash Management Plan and the reports of the Finance Director thereon. He shall report his findings and recommendations annually to the Council as part of the Town audit.

## SECTION III

The following procedures are hereby established and shall be incorporated in the cash receipts section of the Cash Management Plan:

1. Except as otherwise provided by law, all taxes and other moneys collected or received by an office or employee of the Town shall be deposited in an official depository in accordance with G.S. 159-32.
2. Moneys received shall be deposited daily in the form and amounts received, except as otherwise provided by statute. These moneys shall be deposited in such a manner as to receive the current day's credit.
3. Moneys due to the Town either by another governmental agency or by an individual shall be promptly billed, collected and deposited. The Finance Director shall monitor the status of all uncollected moneys owned to the Town and implement measures to collect any and all delinquent accounts except as otherwise provided by law.
4. The Finance Director shall periodically review each revenue source of the Town and examine the methods for prompt billing, collection, depositing and reporting of those sources. These methods shall be analyzed with individuals in other departments responsible for the particular revenue source, and changes shall be instituted if quicker and more efficient means of revenue realization are possible.

SECTION IV

The following procedures are hereby established and shall be incorporated in the cash mobilization and management of available resources (investments) section of the Plan:

1. The Finance Director shall establish a central depository system for the Town.
2. Pursuant to G.S. 159-25(4), the Finance Director shall receive and deposit all moneys accruing to the Town into the Town's cash concentration account, unless another officer or employee is duly authorized to do so and is supervised by the Finance Director.
3. Employees and officers who are duly authorized and supervised by the Finance Director to receive and deposit Town moneys shall notify the Finance Director of the amount of funds being deposited. This notification shall occur on or before 4:00 p.m.
4. All moneys received from the State shall be received through the Governmental Moneys Transfer System where applicable.
5. The Finance Director shall review daily the position of the cash concentration account and invest any and all excess deposits. Eligible investments shall be strictly in accord with G.S. 159-30(c) and G.S. 147-69.1(c)(1-4) and shall be limited to obligations of the U. S. Government, time deposits, repurchase agreements, and the North Carolina Cash Management Trust.
6. The Finance Director shall strive to keep 100% of the Town's moneys invested at all times. This necessitates the cash concentration or checking account being kept in an interest bearing account.
7. The Finance Director shall continuously forecast the Town's future cash needs and invest moneys for longer periods of time where practicable.

SECTION V

The following procedures are hereby established and shall be incorporated in the cash disbursements section of the Town's Cash Management Plan:

1. The method in which appropriations and other available resources are expended shall be performed pursuant to G.S. 159-28(b).

2. Billings to the Town for goods received or for services rendered shall not be paid early or late, but on the discount date or the due date to the extent practicable.
3. The Finance Director shall establish a system of inventory and supply checks to insure that inventories will remain at levels necessary to conduct business without being excessive.
4. The Finance Director will consolidate all payments to a particular vendor, rather than issuing separate checks for each billing to the extent practicable.
5. A cost effective disbursement cycle shall be established to create the maximum amount of investable funds while at the same time insuring all bills are paid by their due date. The disbursement cycle shall be reviewed periodically by the Finance Director and changes shall be instituted when appropriate.

#### SECTION VI

The following procedures are hereby established and shall be incorporated in the banking relations section of the Cash Management Plan:

1. The Finance Director will maintain the minimum number of bank accounts for official operation. A cash concentration account and imprest payroll account shall be required accounts.
2. The Finance Director shall maintain in the Town's accounts enough moneys to meet the Town's daily obligations.
3. An official depository shall be selected based on a competitive proposal. A Request for Proposal for Banking Services shall be submitted to those financial institutions the Finance Director has determined to be financially sound, based on a comprehensive analysis of the institutions' financial positions. The selection process will be carried out every three years. The Finance Director shall recommend an official depository to be designated by the Council based on his evaluation of the proposals. In order to serve as the Town's depository, a financial institution shall provide written certification of its compliance with the Town's policy on apartheid as adopted in April, 1986.
4. In order to serve as the Town's depository, a financial institution shall provide the following as minimum services:

1. Automatic payroll deposit capability (through the electronic Automated Clearing House system) which is compatible with the Town's established automatic payroll deposit system including specific payroll time schedules.
2. A fully secured and collateralized time deposit investment account with open maturity dates each 30 days and with a rate of return at least equivalent to or higher than the official State Funds Certificate of Deposits rate established by the N.C. Council of State.
3. Capability to process for deposit on a daily basis, large amounts of coins and currency collected from the Town's public transportation system and parking facilities.
5. Any financial institution not selected as the official depository but receiving Town funds for investment shall be analyzed by the Finance Director for financial stability if the amount of time deposits exceeds the federal depository insurance coverage of \$100,000, and the financial institution shall provide written certification of its compliance with the Town's policy on apartheid.

#### SECTION VII

The following procedures are hereby established and shall be incorporated in the monitoring and reporting section of the Cash Management Plan:

1. The Finance Director shall report quarterly to the Council concerning the status of investments, the collateralization of Town moneys, and the comparison of actual receipts and disbursements to the budgeted figures and cash flow projections.
2. Significant changes in banking services or costs, and the issuance of a Request for Proposal for Banking Services will be reported to the Council.
3. The Finance Director shall report regularly to the Council on delinquent special assessment accounts.
4. Each year the Plan shall be reviewed by the Finance Director during budget preparation. The Finance Director shall propose amendments to the Plan, as appropriate, to further enhance the Town's cash management program. All Plan amendments shall be submitted to and approved by the Town Manager before being implemented.

SECTION VIII

All employees of the Town shall follow the Cash Management Plan and provisions of this resolution, and the willful or continued failure to do so is sufficient cause for possible disciplinary action.

This the 11th day of July, 1988.

Consent Agenda

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 88-7-11/R-7. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolutions, as adopted, read as follows:

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (88-7-11/R-7)

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

- a. Deferring zoning of two annexation areas (R-8)
- b. Authorizing acquisition of right-of-way for realigning Umstead Drive (R-9)
- c. Maple Drive improvements with assessments (R-10)
- d. Traffic control device maintenance (R-11 and R-12)

This the 11th day of July, 1988

Zoning Annexation Areas - Deferral

The resolution, as adopted, reads as follows:

A RESOLUTION POSTPONING THE ZONING OF NEWLY-ANNEXED AREA 1 AND AREA 2 (88-7-11/R-8)

WHEREAS, the Council of the Town of Chapel Hill has annexed property described as Annexation Area 1 (east of Town limits) and Area 2 (west of Town limits); and

WHEREAS, the Council held a public hearing on June 20, 1988 to consider appropriate zoning designations for these properties in the context of surrounding land uses and zoning, and in the context of the Chapel Hill's Comprehensive Plan; and



WHEREAS, pending litigation has delayed the effective date of these annexations;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that consideration of zoning to be assigned to the above mentioned property has been delayed until September 29, 1988, or to a later date to be set on September 29.

This the 11th day of July, 1988.

Umstead Drive - Authorization for Realignment of Right-of-Way

The resolution, as adopted, reads as follows:

A RESOLUTION AUTHORIZING THE MANAGER TO ACQUIRE PROPERTY FOR THE UMSTEAD ROAD REALIGNMENT PROJECT (88-7-11/R-9)

WHEREAS, improvement of the Umstead Road Project is a high priority of the Town of Chapel Hill as evidenced by the appropriation for this project; and

WHEREAS, the acquisition of rights-of-way and easements is necessary before undertaking the construction of the project; and

WHEREAS, the appraisals of market value are available as indicated below;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it authorizes the Manager to purchase those properties listed below, at the values listed below, for rights-of-way and easements:

<u>Tract #</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Area (Sq. Feet)</u>	<u>Ap-Values</u>
1	James N. Paliouras (Tax Map 7.82.C.3)	Drainage Easement	1,510	\$ 1,800
		Right-of-Way	834	\$ 1,000
2	T. M. Greene, Jr. (Tax Map 7.33.E.1A.)	Right-of-Way	3,463	\$ 4,186
		Drainage Easement	1,345	\$ 1,614

3	Herman M. Greene (Tax Map 7.33.E.1.)	Right-of-Way	12,855	\$15,426
		Pedestrian Ease- ment	2,527	\$ 3,074
4	Bolin Creek Assoc. (Tax Map 7.82.C.1A.)	Drainage Ease- ment	582	\$ 2,900

This the 11th day of July, 1988.

Maple Drive - Paving Assessment Resolution

The resolution, as adopted, reads as follows:

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR PAVING OF MAPLE DRIVE (88-7-11/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake the paving of Maple Drive with related improvements including curb and gutter, storm drainage, and other improvements as described in the preliminary resolution adopted by the Council on May 25, 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 Statues:

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. Fifty 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 property 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 10 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 is the 11th day of July, 1988.

Traffic Control Devices - Local Maintenance

The resolutions, as adopted, read as follows:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF TRAFFIC CONTROL DEVICES (88-7-11/R-11)

WHEREAS, the North Carolina Department of Transportation, an agency of the State of North Carolina, pursuant to the provisions of G.S. 136-41.3 and G.S. 136-18, proposes to contract with the Town of Chapel Hill for the maintenance of certain traffic control devices on State highway system streets within the Town in accordance with the policy of the NCDOT and for which the Town shall be reimbursed by the NCDOT; and

WHEREAS, in order to promote the general welfare of the Town of Chapel Hill, it is hereby determined to be in the best public interest for the Town to enter into a contract for the maintenance of certain traffic control devices on the State highway system streets within the Town in accordance with the policy of the NCDOT;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town of Chapel Hill is hereby formally authorized to enter into a contract with the NCDOT for the maintenance of traffic control devices on the State highway system streets within the Town, and the Town Manager of the Town of Chapel Hill be and thereby empowered to execute the required Agreement between the Town and the NCDOT.

This the 11th day of July, 1988.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SIGN AN AGREEMENT WITH THE TOWN OF CARRBORO FOR MAINTENANCE SERVICES RELATED TO TRAFFIC SIGNALIZATION (88-7-11/R-12)

WHEREAS, the Town of Carrboro wishes to have the Town of Chapel Hill maintain traffic control devices on State streets within its jurisdiction pursuant to an intergovernmental agreement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is authorized to sign a local agreement with the Town of Carrboro for provision of maintenance services on traffic control devices on State streets within the Town of Carrboro, with the Town of Carrboro reimbursing all costs of the maintenance to the Town of Chapel Hill.

This the 11th day of July, 1988.

Board/Commission - Nominations and Appointments

Personnel Appeals Committee

Mayor Howes requested that the Council defer action on this appointment. He said he had an applicant in mind but that this person had not had a chance to fill out an application.

The Council agreed to defer.

Community Appearance Commission

Mayor Howes said that the Chair of the Appearance Commission had asked the Council to defer action on the appointments since the Commission wanted to seek other applicants.

The Council agreed to defer.

Historic District Commission

For three seats on the Historic District Commission the following vote was taken.

First Vote

Anne Burnette-Beasley	(3): Andresen, Herzenberg, Werner
Anna W. Carr	(1): Preston
Michael L. Culpepper	(5): Andresen, Godschalk, Herzenberg, Howes, Preston
Lee Plummer	(0)
Knox Tate, IV	(3): Godschalk, Howes, Werner
James Webb	(6): Andresen, Godschalk, Herzenberg, Howes, Preston, Werner

Second Vote

Anne Burnette-Beasley	(3): Andresen, Herzenberg, Preston
Anna W. Carr	(0)
Lee Plummer	(0)
Knox Tate, IV	(3): Godschalk, Howes, Werner

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Michael Lee Culpepper and James Webb were appointed. The Council deferred action on the remaining vacant seat.

Housing Advisory Board

Council Member Andresen suggested that the Council defer action on the appointments. The Council agreed.

Library Board of Trustees

Mayor Howes said that Lisa Price, Chair of the Library Board of Trustees, requested that the Council defer action on this appointment until after the Board had a chance to review the applications and make a recommendation.

The Council agreed to defer.

Transportation Board

For six seats on the Transportation Board the following vote was taken.

First Vote

Mary Clayton	(6): Andresen, Godschalk, Herzenberg, Howes, Preston
Billie Cox	(5): Godschalk, Herzenberg, Howes, Preston, Werner
William Frey	(2): Andresen, Werner
William Hildebolt	(3): Godschalk, Herzenberg, Howes
Robert Moorhead	(4): Andresen, Godschalk, Howes, Preston
Dennis Pagano	(0)
Richard Palmer	(4): Godschalk, Howes, Preston, Werner
Mario Pieroni	(4): Godschalk, Howes, Preston, Werner
Donald Stanat	(3): Andresen, Preston, Werner
Laura Thomas	(0)
Ruth Thomas	(2): Andresen, Werner
Carol Whisnant	(1): Andresen
George Viconovic	(0)

Second Vote

William Frey (2): Andresen, Herzenberg  
William Hildebolt (4): Godschalk, Herzenberg, Howes, Werner  
Robert Moorhead (6): Andresen, Godschalk, Herzenberg, Howes,  
Preston, Werner  
Dennis Pagano (0)  
Richard Palmer (3): Godschalk, Howes, Preston  
Mario Pieroni (4): Godschalk, Howes, Preston, Werner  
Donald Stanat (3): Andresen, Herzenberg, Preston,  
Laura Thomas (0)  
Ruth Thomas (1): Werner  
Carol Whisnant (1): Andresen  
George Viconovic (0)

Third Vote

William Frey (1): Andresen  
William Hildebolt (4): Godschalk, Herzenberg, Howes, Werner  
Dennis Pagano (0)  
Richard Palmer (4): Godschalk, Howes, Preston, Werner  
Mario Pieroni (4): Godschalk, Howes, Preston, Werner  
Donald Stanat (3): Andresen, Herzenberg, Preston  
Laura Thomas (0)  
Ruth Thomas (0)  
Carol Whisnant (0)  
George Viconovic (0)

Mary Clayton, Billie Cox and Robert Moorhead were appointed.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO APPOINT RICHARD PALMER BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (6-0).

Richard Palmer was appointed.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO APPOINT WILLIAM HILDEBOLT BY ACCLIMATION. THE MOTION CARRIED, (5-1), WITH COUNCIL MEMBER ANDRESEN VOTING AGAINST.

William Hildebolt was appointed.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO APPOINT MARIO PIERONI BY ACCLIMATION. THE MOTION PASSED UNANIMOUSLY, (6-0).

Mario Pieroni was appointed.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY, (6-0).

The meeting adjourned at 11:03 p.m.

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COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 88-7-11/R-3. THE MOTION PASSED UNANIMOUSLY, (6-0).

The resolution, as adopted, reads as follows:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
PUBLIC HOUSING PROGRAM

Resolution A  
(88-7-11/R-3)

PHA RESOLUTION IN SUPPORT OF PUBLIC HOUSING PROJECT  
RESOLUTION NO. \_\_\_\_\_

Whereas, the United States Housing Act of 1937 provides that there shall be local determination of the need for public housing to meet needs not being adequately met by private enterprise; and

Whereas, under the provisions of the United States Housing Act of 1937, the Department of Housing and Urban Development (HUD) is authorized to provide financial assistance to public housing agencies for such housing;

NOW THEREFORE, BE IT RESOLVED BY THE Town Council 1/ OF THE Town of Chapel Hill 2/ (PHA) AS FOLLOWS:

1. Determination of Need. The PHA hereby determines that within its area of operation there is a need for low-income housing to meet needs not being adequately met by private enterprise.

2. Application and/or Proposal for Housing Assistance. The Town Manager 3/ of the PHA is hereby authorized to have prepared one or more applications and/or proposals for public housing assistance for development of up to 24 4/ dwelling units [and for a Preliminary Loan of up to \$ \_\_\_\_\_ ] 5/; to sign said applications and/or proposals on behalf of the PHA and to submit them to HUD, said dwelling units to be provided as follows: by new construction up to 24 4/ dwelling units; by rehabilitation up to 0 4/ dwelling units, and by acquisition up to 0 4/ dwelling units.

3. Annual Contributions Contract (ACC). When an ACC is forwarded by HUD to the PHA for execution by the PHA, the Chairman or Vice Chairman is hereby authorized to execute such ACC on behalf of the PHA; and the Secretary is hereby authorized to impress and attest the official PHA seal on each ACC counterpart and submit to HUD executed counterparts and related documents as required by HUD.

4. General Depository Agreement. The Chairman or Vice Chairman is hereby authorized to execute on behalf of the PHA a General Depository Agreement(s) and/or Savings Depository Agreement(s) each in the form approved by HUD; and the Secretary is hereby authorized to impress and attest the official PHA seal on each counterpart and submit to HUD executed counterparts and related documents as required by HUD.

5. Funding for Project Development Cost.

- (a) In order to fund the Development Cost of Housing projects pursuant to this Resolution or any other Resolution as may be required by HUD, the PHA hereby authorizes the issuance of obligations in its name at such times, in such amounts, and on such terms and conditions as HUD may direct or approve in accordance with the ACC.
- (b) The Chairman or Vice Chairman is hereby authorized to prepare and execute such PHA obligations; and the Secretary is hereby authorized to impress and attest the official PHA seal, deliver the obligations to HUD or such other officers as HUD may direct, and accept payment therefor or cause payment to be made as directed or approved by HUD in accordance with the ACC.
- (c) Each such PHA obligation shall be secured in such manner as may be provided and/or required by HUD in accordance with the ACC. All proceeds from such PHA obligations shall be deposited and used only as approved by HUD in accordance with the ACC.



6. HUD Regulations. In connection with the development and operation of any program or activity receiving Federal financial assistance under the United States Housing Act of 1937, the PHA will comply with all requirements under the applicable regulations of the Department of Housing and Urban Development, 24 CFR 841 or 24 CFR 805, as appropriate, and all HUD regulations relating to the operation of public housing projects.

7. Meaning of Terms. All terms used in this Resolution which are defined in the ACC shall have the meanings given to them in the ACC.

8. Effective Date. This Resolution shall take effect immediately.

RECORDING OFFICER'S CERTIFICATION

I, David R. Taylor 6/, the duly appointed, qualified and acting Secretary 3/  
of the Chapel Hill Housing Authority 2/, as evidenced by the General Certificate dated 7/11/88 7/,

do certify that as evidenced by the official minutes:

1. A regular/special 8/ meeting was held on July 11, 1988 7/.
2. Of the full 9 4/ member Board, a quorum was present comprising the following members:  
\_\_\_\_\_ 6/
3. The above Resolution, No. \_\_\_\_\_, was read in full and considered, and was duly adopted by the affirmative votes of the following members constituting a majority: \_\_\_\_\_ 6/

In Testimony Whereof, I have hereunto set my hand and the seal of the Town of Chapel Hill 2/  
this 11th day of July, 19 88.

\_\_\_\_\_  
(Signature)

(SEAL)

ADDENDUM TO RESOLUTION:

Although we are requesting new construction, we will accept the aquisition of existing housing.

## INSTRUCTIONS FOR HUD-52471 - PHA RESOLUTION IN SUPPORT OF PUBLIC HOUSING PROJECT

1. **PURPOSE:** This resolution enables Public Housing Agencies and Indian Housing Authorities (PHAs) to provide the HUD Area Office with required designations, authorizations and certifications in fewer documents. This Resolution authorizes submission of public housing applications and/or proposals, execution of an Annual Contributions Contract and General and/or Savings Depositary Agreements and issuance of project funding obligations.
2. **PREPARED BY:** All PHAs proposing to develop a public housing project.
3. **NUMBER:** Original and one or more copies.
4. **DISTRIBUTION:** A PHA shall submit a fully executed Resolution with its initial submission of Application for a Public Housing Project (Form HUD-52470) or PHA Proposal for a Public Housing Project (From HUD-52483-A), as applicable, to the appropriate HUD Area Office. For Indian Housing Authorities the initial submission is the Application for Indian Low-Income Housing Program (Form HUD-52730). A PHA may also be requested by the Area Office to submit additional copies.
5. **INSTRUCTIONS FOR PHA PREPARATION:**
  - a. The minutes of the PHA meeting should be retained by the PHA and only the completed and executed Form HUD-52471 and, if applicable, Form HUD-9013, Notice of Special Meeting, should be submitted to the HUD Area Office.
  - b. The Form HUD-52471 should be completed and executed using the following instructions which are keyed to the footnotes on the Form:
    - 1/ Insert the designation established by state law for the members of the Public Housing Agency - Members, Commissioners, Trustees, etc.
    - 2/ Insert the legal name of the Public Housing Agency (PHA).
    - 3/ Insert the name or title of the Board member or other appropriate official.
    - 4/ Insert the appropriate number.
    - 5/ Strike the entire bracketed portion unless the PHA is an Indian Housing Authority and a Preliminary Loan is being requested in which case, complete the amount, strike the brackets and attach the fully executed Resolution Authorizing Execution of Preliminary Loan Contract and General Depositary Agreement and Issuance of Preliminary Notes (Form HUD-52514).
    - 6/ Insert the appropriate names.
    - 7/ Insert the appropriate date.
    - 8/ Strike the inappropriate one; if a special meeting was held, attach Form HUD-9013, Notice of Special Meeting, fully executed.
  - c. If this is the PHA's first project, the PHA shall also submit a fully executed Resolution Authorizing the Sale, Issuance and Delivery of Project Notes and the Execution of Requisition Agreements (Form HUD-9000). If a full transcript of proceedings or other resolutions are required in connection with private market financing, such additional documentation should be provided.