

MINUTES OF REGULAR MEETING OF THE MAYOR AND THE COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, SEPTEMBER 12, 1988, 7:30 P.M.

Mayor Jonathan Howes called the meeting to order. Council Mem-  
bers present:

- Julie Andresen
- David Godschalk
- Joseph Herzenberg
- David Pasquini
- Nancy Preston
- James Wallace
- Arthur Werner
- Roosevelt Wilkerson, Jr.

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

Introduction of Chancellor Hardin

Mayor Howes introduced Chancellor and Mrs. Hardin. After a warm  
welcome, Mayor Howes presented Chancellor Hardin and Mrs. Hardin  
with keys to the Town of Chapel Hill.

Chancellor Hardin thanked the Mayor for the keys presented to  
Mrs. Hardin and himself. The Chancellor said he was looking for-  
ward to working with the Town. Chancellor Hardin described past  
community involvement by Mrs. Hardin and himself, particularly  
Mrs. Hardin's efforts in Madison, New Jersey.

Financial Reporting-Certificate of Excellence

Mayor Howes presented Jim Baker, Finance Director, with a Certif-  
icate of Excellence in financial reporting from the Government  
Finance Officers Association of the United States and Canada.  
Mayor Howes commended Mr. Baker for his continued outstanding  
efforts.

Mr. Baker accepted the award, noting the contributions of Kathie  
Young, Accounting Services Manager, and the remainder of the de-  
partmental staff.

Introduction of Town Clerk

Manager Taylor introduced Peter Richardson, newly appointed Town  
Clerk. Mr. Richardson comes to Chapel Hill from Austin, Texas,  
where he worked in local government.

Sister Cities Program

Dr. Arthur Coulter appeared on behalf of the Sister Cities Program. Dr. Coulter noted that his organization's efforts focused on matching communities in the United States with those in the Soviet Union. He further noted that interested parties may attend informational meetings at Culbreth Jr. High on September 16th and Binkley Baptist Church on Sunday, September 18th.

Dr. Coulter urged the Council to participate in the Sister Cities Program, noting the annual program dues of \$300.00.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO REFER THE PETITION TO THE MANAGER FOR ANALYSIS AND A RECOMMENDATION. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Adoption of August 29th Minutes

ON A MOTION BY COUNCIL MEMBER GODSCHALK, SECONDED BY COUNCIL MEMBER WERNER, THE COUNCIL UNANIMOUSLY ADOPTED MINUTES OF THEIR AUGUST 29TH MEETING AS CIRCULATED.

White Oak Park Subdivision Preliminary Plan

Town Manager David Taylor introduced Roger Waldon, Planning Director, to make the staff presentation. Mr. Waldon noted that the proposed White Oak Park subdivision consists of 12 lots on 5.7 acres at the end of White Oak Drive (a Class C street) on the south side of Old Durham Road. The subject property adjoins Willowbrook Apartments and includes a one-half acre recreation site. Mr. Waldon reviewed the project site, noting that the applicant proposes a "B" type buffer along White Oak Drive.

Mr. Waldon also noted the critical nature of sewer easements abutting the project. A sewer line extension to the adjoining Willow Brook Apartments was approved by Durham County in July, 1985. An area encompassing the Willowbrook Apartments and the proposed White Oak Park subdivision was annexed by the Town in 1986. Mr. Waldon also noted the Town's desire to have significant trees indicated on the final subdivision plat. The applicant has not agreed to this condition nor does the Town have the authority to enforce such a requirement. Mr. Waldon stated that the Manager recommended adoption of Resolution A. The Planning Board recommends adoption of Resolution B.

Council Member Godschalk asked whether the buffering requirement along the southern property line was unusual. Mr. Waldon said that such buffering is not required but was agreed to by the applicant.

Council Member Werner inquired about significant tree conditions in other subdivisions. Mr. Waldon noted that the Development Ordinance contains no provisions for the identification of significant trees. Some developers, however, have voluntarily agreed to this provision in past development.

Council Member Wilkerson asked what the likelihood of litigation was if the Planning Board recommendation pertaining to significant trees were adopted. Mr. Karpinos, Town Attorney, responded that litigation would be possible and that the applicant might challenge such a recommendation.

Mr. Greg Shepherd, Shepherd Associates, made a presentation on behalf of the applicant, Tom Peterson. Mr. Shepherd reviewed the various buffering requirements associated with the project, noting that the developer would comply with the Parks and Recreation Commission recommendation to dedicate an additional 30' of screen buffer along White Oak Drive. Mr. Shepherd continued by noting that he had met with Orange Water and Sewer Authority (OWASA) officials concerning utility location issues. Mr. Shepherd noted that ductile iron sewer pipes could be relocated within a 50' easement buffer.

Council Member Herzenberg asked why the developer was reluctant to provide significant tree protection on the site. Mr. Shepherd indicated that the developer had no objections to the Planning Board recommendation concerning protection of significant trees.

Ms. Rachel Willis, a resident neighboring the proposed project stated that she had received notice of the proposed subdivision approximately one year ago. She also said that had met at the site with Mr. Peterson, the project's developer. Ms. Willis further noted that the Planning Board consideration of White Oak Park subdivision occurred on July 11th, while she was out of the country. Ms. Willis requested inclusion on the site plan of a 35' buffering requirement along the southern boundary in addition to the protection of significant trees.

Mr. Scott Cane expressed concern about a recent major fishkill in a lake near the proposed subdivision and asked that special attention to drainage be paid.

Mr. Jim McNaull, an adjacent property owner, cited several perceived shortcomings of the Willowbrook Apartment project. Mr. McNaull noted that a site plan for the Willowbrook project had been negotiated by Durham County staff. Two provisions of the site plan approval were the inclusion of a 50' sewer easement and double row planting of trees. Mr. McNaull stated that he opposes use of the sewer easement by Mr. Shepherd. Mr. McNaull continued, asking: "How can OWASA enter into an agreement of a Durham County site plan?", "Is the Durham County approved site plan

enforceable?" and if so, "By whom?". Mr. McNaull commended the efforts of Roger Waldon, Planning Director, in addressing his concerns.

Faye McNaull expressed concern about the proposed lot layout in the subdivision. She suggested that a 35' buffer be provided along the southern boundary, that significant trees be protected and a different path for the sewer line be developed.

Council Member Andresen inquired whether it was necessary to resolve the sewer issue relating to White Oak Park subdivision. David Taylor, Town Manager, responded that if the Council found the proposed plat acceptable, the existing easement would be included. He added that it would be appropriate to have the developer confirm that he would agree to a 35' buffer along the southern property line. Mr. Shepherd stated that he had no problem with providing a 35' buffer along the southern property line. He also agreed to condition 3 of Resolution B, concerning the protection of significant trees on the site.

Council Member Andresen stated that several individuals neighboring the project had contacted her expressing concern about the buffers proposed in this development.

COUNCIL MEMBER HERZENBERG MOVED ADOPTION OF RESOLUTION B WITH THE ADDED CONDITION OF A 35' BUFFER ALONG THE SOUTHERN PROPERTY LINE. COUNCIL MEMBER WERNER SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY ADOPTED.

The resolution, as adopted, reads as follows:

RESOLUTION B  
(Planning Board's Recommendation)

A RESOLUTION APPROVING AN APPLICATION FOR PRELIMINARY PLAT APPROVAL FOR THE WHITE OAK PARK SUBDIVISION (88-9-12/R-1b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the subdivision proposed by The K M Group, Inc. on property identified as Durham County Tax Map 478, Block 4, Lots 3, 4, 4A and 14, if developed according to the preliminary plat dated January 26, 1988, revised April 28, 1988, and the conditions listed below, would comply with the provision of the Development Ordinance.

1. That Street "A" be built to Class "B" standards and Street "B" be built to Class "C" standards, and that the right-of-way be dedicated to the Town of Chapel Hill on the Final Plat.

2. That the recreation area and common area/open space be dedicated to the White Oak Park Homeowners' Association; and that a note be on the Final Plat regarding maintenance responsibility of the Homeowners' Association. The bylaws of the homeowners association shall be approved by the Town Manager and Town Attorney prior to final plat approval.
3. Prior to final plat approval and recordation the significant trees on the lots be located, indicated on the plat and the house footprints be located so as to minimize destruction of those trees.
4. That the ownership and maintenance of all buffer easements, the recreation area and the common area be the responsibility of the Homeowners' Association and a statement to this effect be placed on the final plat.
5. That a 20' B-type buffer easement be dedicated along the western and a 35' B-type buffer easement on the southern property line, and the buffers be shown on the final plat.
6. That tree protection fences be installed to protect significant existing trees and their root systems during construction, before issuance of a Zoning Compliance Permit.
7. That final utility plans, including a street lighting plan, be approved by the Town Manager, OWASA, Duke Power, Southern Bell/GTE, Public Service Gas Co., and Durham Cablevision before issuance of a Zoning Compliance Permit.
8. That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
9. That names of the development and its streets and house/building numbers, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That sight triangle easements be provided on the final plat.
11. That final street plans, grading plans, utility and lighting plans, stormwater management plan (with hydrologic calculations), and buffer planting and maintenance plans be approved by the Town Manager before issuance of a 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 the developers shall be responsible for placement and maintenance of temporary regulatory traffic signs, including

street name signs, before issuance of any Certificate of Occupancy until such time that the street system is accepted for maintenance by the Town.

13. That prior to paving streets, utility service laterals be stubbed out to the front property lines of each lot. Sanitary sewer laterals shall be capped off above ground.
14. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
15. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control officer before issuance of a Zoning Compliance Permit.
16. That a fire flow report be prepared by a registered professional engineer, show that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
17. If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plat.
18. That no Certificate of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.
19. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
20. That if any of the above conditions is held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for preliminary plat approval for the White Oak Park Subdivision in accord with the plans and conditions listed above.

This the 12th day of September, 1988.

## Proposed Open Space Bonds

Council Member Wallace introduced the bond order.

Herschel Slater, Chairman, Parks and Recreation Commission, stated that it had taken three years to document the Town's recreational needs. He stated that monies were needed to satisfy these needs and that a referendum concerning open space should be held the earliest possible date. Council Member Pasquini asked whether Mr. Slater had a date preference for the referendum. Mr. Slater said he did not, but added that the community had substantial recreational needs.

Margaret Taylor, President of the Alliance of Neighborhoods, addressed the Council, saying that it would be wise to reschedule the election so that it would not conflict with the upcoming county bond referendum. She further stated that the community should move with dispatch in acquiring valuable property for the community's future needs. Ms. Taylor closed noting that donations of land to the Town should be encouraged.

Mayor Howes expressed his concurrence with Ms. Taylor's remarks concerning land donations.

Kani Hurow, President of the League of Women Voters of Chapel Hill and Carrboro, said that she is concerned about the short period of time prior to the proposed bond election. She added that good decisionmaking requires thorough data gathering and recommended the Council delay the election date.

Mr. R. D. Smith, former Council Member, appeared, stated that he was aware of the Town's favorable bond rating. He is concerned about the impact of new bond issuance on the property tax rate. Mr. Smith went on to say that individuals having are electing to move outside the Town because of the high cost of living.

COUNCIL MEMBER WALLACE MOVED ADOPTION OF THE PROPOSED ALTERNATE SCHEDULE (PUBLIC HEARING ON JANUARY 23, ELECTION ON MARCH 14) FOR THE OPEN SPACE BONDS. RESOLUTION C WAS SECONDED BY COUNCIL MEMBER HERZENBERG.

Council Member Wallace added that the community's recreation needs should be inventoried and analyzed over the next several months.

Council Member Herzenberg proposed holding the election on March 7 or March 28 instead of March 14. Council Member Wallace said he was inclined toward the March 7th date. Manager Taylor stated that since the public hearing is on January 23, 1989, the Council could choose to hold the election on March 7, 14, 21 or 28 or any time thereafter.

Council Member Wallace stated that his motion stood as initially presented.

Council Member Pasquini inquired how much the election would cost. Manager Taylor said approximately \$10,000.

Mr. Taylor added that after holding the January 23, 1989 public hearing, the Council could decide whether or not to hold the bond referendum.

Council Member Andresen inquired how much advertising would be done for the public hearing. Town Manager Taylor responded that the normal channels would be employed, including Parks and Recreation Commission, Greenways Commission and notification to the other community groups. He added that the Council is not prevented from adding other items to the bond referendum.

Mayor Howes asked where the Town stood in the development of its CIP (Capital Improvements Program) process. Mr. Taylor stated that the preliminary CIP will be presented to the Council on December 14. Mayor Howes noted that the Council may have separate CIP hearings for various types of improvements. He said that open space is an important priority for the community, but this should be balanced with other important items such as affordable housing.

Council Member Godschalk thanked the Town Manager for reminding the Council that the outcome of the public hearing may be negative. He also thanked Mr. Smith for his remarks concerning property tax rates.

Mr. Smith urged the Council to hold the public hearing during a period of good weather.

COUNCIL MEMBER WALLACE'S MOTION, ADOPTING RESOLUTION 3, SECONDED BY COUNCIL MEMBER HERZENBERG WAS APPROVED UNANIMOUSLY (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION CALLING FOR A PUBLIC HEARING ON A BOND ORDER AUTHORIZING THE ISSUANCE OF \$5,000,000 PARKS AND RECREATIONAL FACILITIES BONDS (88-9-12/R-3)

WHEREAS, the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$5,000,000 PARKS AND RECREATIONAL FACILITIES BONDS OF THE TOWN OF CHAPEL HILL," has been introduced at the meeting of the Town Council held on September 12, 1988 and the Council desires to provide for the holding of a public hearing thereon and the submissions of a statement of debt in connection therewith as required by The Local Government Bond Act;



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

- (1) The public hearing upon said bond order shall be held on the 23rd day of January, 1989 at 7:30 o'clock, p.m., at the Municipal Building, in Chapel Hill, North Carolina.
- (2) The Town Clerk is hereby directed to cause a copy of each bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to such public hearing.
- (3) The Town's Finance Officer is hereby directed to file with the Town Clerk prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the Town and the net debt of the Town.

This the 12th day of September, 1988.

#### Rosemary Square

Town Manager Taylor gave a brief overview of the project.

Mr. Whit Morrow, project developer, indicated that Rosemary Square is ready to start sales. Mr. Morrow is requesting the addition of Aircoa Equity Interest Inc. and Algernon Blair Group as partners in the project.

Mr. Gordon Bell, Vice President of Development, Aircoa, stated that his firm manages properties ranging from large convention properties to small resort properties. He said Aircoa is the largest privately held hotel management company in the United States. Aircoa has developed over \$750 million of properties as a sole entity or in concert with others. Mr. Bell added that large scale projects, particularly public-private ventures, can take longer to complete than expected.

Mr. Jim Adams, President, Algernon Blair Group of Montgomery, Alabama told the Council that project developers like to keep their options open. He noted that public/private venture building projects may take 2 to 3 times the normal timeframe of building projects. Mr. Adams read several passages from a recent editorial from The Chapel Hill Newspaper supporting the Rosemary Square project.

Mr. Robert Humphries stated that he is a lifelong resident of Chapel Hill. He further stated that he operates a family business in downtown Chapel Hill. Mr. Humphries said that the Rosemary Square project proposal answers many of the problems currently faced by downtown Chapel Hill. He further stated that the Board of Directors of Downtown Chapel Hill Merchants Association had been polled and recommended approval of the extension for Rosemary Square.

Council Member Andresen inquired whether an extension to the project was justified and reasonable. Mr. Walter Daniels, project developer, responded that an extension was necessary to complete the pre-sale process, secure financing and to deal with lenders and others involved with the project. Mr. Bell interjected that the key to making the project viable was to achieve confidence. He cited the involvement of sophisticated parties as the critical element in attaining this goal.

Council Member Preston asked Mr. Bell if his firm had previous experience with condominium-hotel projects. Mr. Bell responded that relatively few condominium-hotels are in existence. He stated that his firm was involved with the development of Fraser Company's Mariner's Inn at Hilton Head Island, South Carolina.

Mr. Adams offered that Algernon Blair is speaking to various lenders. He said that his firm will stand behind the construction loan for Rosemary Square. He expressed concern that the adoption of new tax laws has created complexities relating to the project.

Council Member Preston inquired "What if a market for the project doesn't exist?" Mr. Adams responded that the project partners will keep the Town informed on the viability and progress of the project. He further stated that if project success appeared unlikely, it will no longer be pursued.

Council Member Werner expressed concern that a similar extension request had been before the Council nine months ago. At the time of this earlier extension, he expressed skepticism about the length of the extension. Mr. Werner said he served as Chair of a Council Committee to review the details pertaining to the earlier extension. He stated his fear that the process was being dragged out with no guarantee that the project will achieve fruition. Council Member Werner concluded that it would be a major mistake to grant a further extension.

Council Member Andresen added that it was the Town's obligation to examine the Town's responsibilities regarding the project. She noted the fact that a 1979 effort for parking bonds was defeated and she was concerned if the Town had to start anew for efforts to develop a new project for downtown.

Council Member Preston asked how long it would take to build the project if the extension were granted. Mr. Adams offered that it would take two to three years to complete the project. Council Member Preston noted that if the Council denies the extension, the potential for a lawsuit exists, which could contribute to tying up use of the land indefinitely. She urged the Council to grant a project extension and fulfill the Town's obligation with regard to the project.

Mr. Adams stated that his firm has completed four other projects similar to Rosemary Square.

Council Member Wallace said that he wants the Town fully involved in the partnership. He stated his feelings that the Town is not receiving full disclosure concerning the project's status. Council Member Wallace expressed concern that the Town has foregone over \$2 million in parking revenues due to four previous delays in the Rosemary Square project. Mr. Wallace said he was concerned that the local developers have now seemingly been replaced by a large corporate entity. He said he felt to prolong the matter further with another extension would be a disservice to the community.

Council Member Godschalk noted that the Town was the project instigator. He added that the Rosemary Square project provides three community needs: public parking, a public plaza and substantial private investment in the Central Business District (CBD).

Council Member Wilkerson said that time is of the essence, however, he feels it important that the developers have the opportunity to meet their obligations. Mr. Wilkerson said more discussion is needed on the length of extension. He is concerned about a twelve month extension.

Mayor Howes noted that he has been a consistent supporter of the Rosemary Square project. He added that supporters are in a difficult position, as a decision to continue to or cease must be made this evening.

Mr. Bell said that project completion would result in significant benefits for the Chapel Hill citizenry. He said the reconstituted project team offers additional financial competence in addition to proper focusing of activities.

Council Member Wilkerson asked what the timeframe to closing would be. Mr. Adams responded that the timeframe was inexact due to the uncertainties of lender's schedules. Mr. Adams said that he and his partners are building a team to see whether or not their product (Rosemary Square) will succeed in the marketplace.

Council Member Pasquini interjected that Mr. Adams had not answered the question posed by Council Member Wilkerson. Mr. Bell provided a tentative timeframe of two months for completion of pre-sales, four months for the identification of buyers, three months to secure final financing and three additional months to obtain closing on the construction loan.

Council Member Pasquini stated that he was seeking concrete answers and expressed displeasure at hearing a new timeframe. Mr. Bell said that if financing was unavailable twelve months hence, the partners would walk away from the Rosemary Square project.

Mayor Howes proposed a revised deadline of September 1, 1989 or October 1, 1989. He added that the Council should be regularly kept abreast of the project's progress.

Mr. Adams stated that no guarantees had been made concerning the project's timeframe. Mr. Bell said that the developers of Rosemary Square would be agreeable to a twelve month timeframe and would provide updated reports to the Council.

Council Member Pasquini asked "Where is the original project partner?" Mr. Daniels stated that he was the original project developer. He stated that he was taking a personal risk of over \$2.5 million with his involvement in the Rosemary Square project. He added that he felt very good about the newly formed project partnership. Mr. Morrow added that he was happy to be involved in the community, noting that the right people had been brought in to do the job.

Council Member Wallace inquired about the status of revenue bonds. Town Manager Taylor responded that the appropriate bonds were ready at any time. Mr. Wallace added that the Town had met its obligations in working with the developer.

COUNCIL MEMBER PRESTON MOVED ADOPTION OF RESOLUTION 4B WITH AN AMENDMENT EXTENDING THE PROJECT DEADLINE TO SEPTEMBER 1, 1989. COUNCIL MEMBER GODSCHALK SECONDED THE MOTION.

Mr. Daniels requested an extension to September 30 or October 1, 1989 in order to grant a twelve month extension from now.

COUNCIL MEMBER PRESTON REVISED THE MOTION TO INCLUDE SEPTEMBER 30 AS THE PROJECT DEADLINE. COUNCIL MEMBER GODSCHALK SECONDED THE AMENDMENT.

COUNCIL MEMBER PASQUINI PROPOSED A SUBSTITUTE MOTION CALLING FOR THE ADOPTION OF RESOLUTION 4A. MAYOR HOWES RULED THAT THE SUBSTITUTE MOTION FOR 4A WAS OUT OF ORDER SINCE IT WAS DIAMETRICALLY OPPOSED TO THE MOTION CITING RESOLUTION 4B WAS ON THE FLOOR.

Council Member Werner asked how Resolution 4B differed from the motion passed by the Council nine months ago. Council Member Preston stated that new deadline dates were involved. She added that the developer needs a longer time to bring the project to fruition. She added that the project's developers are not the town's adversaries.

Council Member Pasquini expressed a desire to "close things out". He suggested that the Town Attorney draft appropriate documents. He further stated that the Council should vote on Resolution 4A first, to see whether or not the project extension would be granted.

Council Member Werner noted that he would have difficulty in voting to grant an extension to September 30, 1989, without further assurances.

Mayor Howes asked whether there was any further discussion on the motion, adding that the floor was open for amendments. Mr. Daniels expressed the developer's willingness to include a release provision in its agreement.

Mayor Howes asked what the terms of such a provision would include. Mr. Morrow stated that if the closing did not occur on or before September 30, 1989, the developer would release the Town of Chapel Hill of all obligations to the project. Mayor Howes inquired of the attorney as to how this differs from the current situation. Mr. Karpinos replied existing language in the agreement specifies "time is of the essence" and what Mr. Daniels is proposing is more specific.

Mayor Howes proposed a five-minute break for Mr. Karpinos to draft language on the revised, proposed resolution.

Town Attorney Karpinos read the newly drafted resolution language. Mayor Howes asked Mr. Karpinos to re-read the resolution for clarification purposes.

Council Member Werner expressed concern about the potential of the developers declaring bankruptcy. He asked Town Attorney Karpinos whether or not the agreement addressed this situation. Town Attorney Karpinos stated that there is already a bankruptcy provision in the agreement and said that specific language could be added about the bankruptcy court. He added that even with specific reference to the bankruptcy court, he could make no guarantees concerning the actions of individual courts.

Council Member Pasquini proposed that a kick out clause be added on each element of the timeframe. Mr. Morrow stated that if the project was not exactly on the proposed timetable, it would be the developer's problem.

Council Member Wilkerson stated that he was uncomfortable with kick-out language. He added that he wants a clear, concise dialogue with the developer.

COUNCIL MEMBER PRESTON REINTRODUCED HER MOTION OF ADOPTING RESOLUTION 4B SUPPLEMENTED BY THE LANGUAGE PROVIDED BY TOWN ATTORNEY KARPINOS. MOTION WAS SECONDED BY COUNCIL MEMBER GODSCHALK. RESOLUTION 4B, GRANTING A PROJECT EXTENSION, WAS ADOPTED BY A VOTE OF 5-4, WITH COUNCIL MEMBERS HERZENBERG, PASQUINI, WERNER AND WALLACE DISSENTING.

The resolution, as adopted, read as follows:

A RESOLUTION APPROVING AN EXTENSION OF THE DEADLINE FOR CLOSING OF THE ROSEMARY SQUARE PROJECT (88-9-12/R-4b)

WHEREAS, the Town Council has received a request from the Fraser Development Company of North Carolina by letter dated September 1, 1988 to extend to November 30, 1989 the deadline for closing of the Rosemary Square project; and

WHEREAS, the Town Council finds such request to be reasonable, in order to allow negotiation by the Fraser Co. with potential new partners;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Mayor to sign on behalf of the Town, an amendment to Section 4.4 of the Amended and Restated Rosemary Square Development Agreement to extend to September 30, 1989 the deadline for closing; provided, that such amendment shall include provisions that would release the Town from any and all obligations to close and would terminate the agreement without the necessity for further affirmative action by the Council to cancel or terminate the contract, and, further, that would provide covenants by the Developer and any new partners that they will not sue or otherwise seek to hold the Town, its officers, agents or employees liable in any court or to use the court, including the U.S. Bankruptcy Court, to seek any further extension or otherwise extend the projected closing date if the Town refuses to close after September 30, 1989, or to grant any further extensions.

This the 12th day of September, 1988.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON TO ADOPT RESOLUTION 5A, APPROVING AN AMENDMENT TO SECTION 6.8 OF THE ROSEMARY SQUARE DEVELOPMENT AGREEMENT (ADDITION OF PROJECT PARTNERS). THE MOTION PASSED 6-3, WITH COUNCIL MEMBERS PASQUINI, WERNER, AND WALLACE DISSENTING.

**A RESOLUTION APPROVING AN AMENDMENT TO SECTION 6.8 OF THE ROSEMARY SQUARE DEVELOPMENT AGREEMENT (88-9-12/R-5a)**

WHEREAS, the Town Council of Chapel Hill received a request by letter dated September 1, 1988 to amend Section 6.8 of the Amended and Restated Development Agreement for Rosemary Square, to enable the transfer of control of the Fraser Development Company of North Carolina to an affiliate of the Fraser Development Company including Algernon Blair Group and Aircoa Equity Interest, Inc. as more particularly described in said letter of September 1, 1988 from the Fraser Development Company of North Carolina; and

WHEREAS, the Town Council finds such request to be reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Mayor to sign on behalf of the Council, an amendment to Section 6.8 of the Amended and Restated Rosemary Square Development Agreement in substantially the form requested in the Fraser Development Company of North Carolina's request by letter dated Sept. 1, 1988 to the Town, and provided, such amendment shall state that the Council's approval of the amendment does not in any way alter the terms or requirements in Section 4.4 of the Development Agreement and the Council's Resolution 88-1-25/R-3.

This the 12th day of September, 1988

Composition of Library Committee

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL HERZENBERG TO AUTHORIZE ADDITIONAL APPOINTMENTS TO THE LIBRARY COMMITTEE. THE MOTION PASSED UNANIMOUSLY (9-0).

The resolution, as adopted, reads as follows:

**A RESOLUTION AMENDING THE COMPOSITION OF THE LIBRARY COMMITTEE (88-9-12/R-6)**

WHEREAS, the Council of the Town of Chapel Hill established a Library Committee in February, 1987; and

WHEREAS, the Library Committee duties and responsibilities are:

1. Recommending to the Council specific site selection criteria,
2. Recommending to the Council specific sites that would be compatible with site selection criteria as approved by the Council,

3. Participating in selection of an architect in accord with the policies of the Council,
4. Working with the architect through the design process; and

WHEREAS, the Library Committee has carried out duties and responsibilities 1 through 3 listed above and are now proceeding into the design of the new library;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the composition of the Library Committee for the design and construction phase of the Public Library shall include:

1. Three Council Members.
2. Two members of the Library Board of Trustees appointed by that Board.
3. A member of the Community Appearance Commission appointed by that Commission.
4. A member of the Planning Board appointed by that Board.
5. A member of the Friends of the Library.
6. Two members-at-large.
7. Others as deemed appropriate by the Committee Chair.

This the 12th day of September, 1988.

#### Voting Delegates to NCLM and NLC Conferences

Mayor Howes sought nominations for voting delegates and alternates to the National League of Cities and North Carolina League of Municipalities conferences.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WERNER, THE ADOPTION OF RESOLUTIONS 7 AND 8. COUNCIL MEMBER WILKERSON WILL BE VOTING DELEGATE AT NORTH CAROLINA LEAGUE OF MUNICIPALITIES CONFERENCE. COUNCIL MEMBER PRESTON WILL ACT AS ALTERNATE. COUNCIL MEMBER ANDRESEN WILL BE VOTING DELEGATE AT NATIONAL LEAGUE OF CITIES CONFERENCE. COUNCIL MEMBER HERZENBERG WILL SERVE AS ALTERNATE. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The resolution, as adopted, reads as follows:



**A RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATE DELEGATE FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES ANNUAL MEETING (88-9-12/R-7)**

WHEREAS, the Constitution of the North Carolina League of Municipalities requires each member municipality to designate one voting delegate and one alternate delegate to cast the votes for that municipality at the League's Annual Meeting; and

WHEREAS, the Annual Meeting of the North Carolina League of Municipalities will be held on Tuesday, October 4, 1988 in Asheville; and

WHEREAS, Chapel Hill is a member of the North Carolina League of Municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that Council Member Wilkerson is hereby designated to be the voting delegate; and

BE IT FURTHER RESOLVED that Council Member Preston is hereby designated to be the alternate delegate at the League's 1988 Annual Meeting.

This the 12th day of September, 1988.

**A RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATE DELEGATES TO THE NATIONAL LEAGUE OF CITIES ANNUAL MEETING (88-9-12/R-8)**

WHEREAS, the Constitution of the National League of Cities entitles each direct member city to one voting delegate and two alternate voting delegates at the Annual Business Meeting; and

WHEREAS, the Annual Business Meeting of the National League of Cities will be held on Wednesday, December 7, 1988 at the 65th Annual Congress of Cities in Boston; and

WHEREAS, Chapel Hill is a member of the National League of Cities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that Council Member Andresen is hereby designated to be the voting delegate.

BE IT FURTHER RESOLVED that Council Member Herzenberg and is designated to be the alternate delegate at the National League of Cities 1988 Annual Congress of Cities.

This the 12th day of September, 1988.

Chatham-Orange Cooperative Planning

Council Member Andresen expressed the need for discussion of this item prior to her attendance at the next meeting of this intergovernmental group. She summarized the latest draft of a working policy document. Council Member Andresen stated that land-use planning initiatives were the most important subject of discussion. She characterized the goal of the Town as attaining well-planned, orderly growth.

Council Member Andresen continued, noting that the intergovernmental group proposed a maintenance of status-quo whereby Chapel Hill and Carrboro will refrain from annexation into Chatham County between October 1, 1988 and October 1, 1989.

Council Member Werner, addressing the proposed sale of water agreement, stated that the Council desired to assure the citizens of Chapel Hill sufficient clean water for the foreseeable future. He added that he was uncomfortable providing water to other jurisdictions at this time.

Council Member Godschalk stated that he found a lot of positive points in the draft memorandum distributed to the Council. He further noted that the elements of long-range planning between jurisdictions appeared to be coming together. Council Member Godschalk pointed out that the Chatham request of water was a very small section of the surplus demand in the new reservoir.

Council Member Herzenberg asked whether the language addressing the status-quo provision applied only to Chapel Hill and Carrboro.

Council Member Pasquini stated that three main issues were intertwined: water, joint planning, and annexation. He noted that a decision on one point had a direct impact on the other two. He concluded by stating that he did not want the Town to default to the policymaking of OWASA.

Mayor Howes stated that the Council needs to address the relationship between OWASA, Chapel Hill, Chatham County and other governmental entities.

Council Member Werner said that expansion of the OWASA service area is a qualitative not quantitative issue.

Council Member Godschalk said that the goal of the group was to get planning in motion. He feels that this goal has been achieved.

Council Member Preston inquired about the firmness of the September 30, 1988 agreement date. Judith Wegner, Chair of the intergovernmental group and an alderman from the Town of Carrboro, responded that it would take action of the OWASA Board of Directors to proceed. She added that no meetings of the planning group are scheduled after September 14th.

Council Member Pasquini said he felt that the agreement before the Council was broad and open-ended. Ms. Wegner said that it would take six months to one year to put the plan in place.

Council Member Herzenberg said that the "status quo" paragraph pertaining to annexation was a source of concern to him.

Council Member Pasquini commented that the Council had not had the opportunity to digest the contents of the planning document before them. Ms. Wegner noted that this draft document was to be shared with other surrounding jurisdictions.

Mayor Howes said he felt the process was going smoothly. Council Member Wallace expressed concern that a "catch-up" planning posture was being forced. He could not see a way to remedy this situation.

Council Member Andresen invited the Council to examine the document by September 29, the next regular Council meeting. Mayor Howes suggested that Council Member Andresen attend the next joint planning meeting with the suggestions of the Council Members.

Council Member Preston thanked Ms. Wegner for her efforts, noting the difficult task and circumstances surrounding it.

#### Focal Issues for 1988-89

The item was deferred to the September 29, 1988 meeting.

#### Proposed Orange County Bond Issue and Related Institutional Matters

Orange County Commissioner John Hartwell commended the resolution before the Council. He said it was a fine assessment of the situation and reasonable.

Joyce Brown, Chapel Hill resident, spoke against the resolution. She said a reservoir would promote growth and development and would stress the existing infrastructure and require more.

Due to the lateness of the hour, the Council deferred further discussion of this item to the September 29th regular meeting of the Council.

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Orange County Water and Sewer Policy

This item was deferred to the September 29th meeting of the Council.

Bank Selection

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 12. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION DESIGNATING FIRST CITIZENS BANK AND TRUST COMPANY AS THE DEPOSITORY OF TOWN FUNDS (63-9-12/R-12)

**CERTIFIED COPY OF CORPORATE RESOLUTIONS**

**For Accounts, Borrowing, and Other Transactions**

**TOWN OF CHAPEL HILL**

Name of Corporation

I, the undersigned, hereby certify to First-Citizens Bank & Trust Company that I am the Clerk of the above-named Corporation, which Corporation is duly organized and existing under the law of the State of North Carolina; that the following is a true copy of resolutions duly adopted by the Town Council of said Corporation effective on the 12th day of September, 1988

(Check and initial one of the following)

\_\_\_\_\_ at a duly authorized and held meeting of the Town Council at which a quorum was present and proper notice was given,

\_\_\_\_\_ by unanimous written consent,

and that such resolutions have not been rescinded or modified:

**DEPOSIT RELATIONSHIP**

RESOLVED, that First-Citizens Bank & Trust Company (Bank) be and it hereby is designated a depository of this Corporation with authority to accept at any time and from time to time for the credit of the Corporation checking, savings, and all other types of deposits by whomsoever made of funds in whatever form and in whatever manner endorsed, and said Bank be and it hereby is authorized and directed to pay or otherwise honor or apply without inquiry and without regard to the application of the proceeds thereof, checks, drafts, notes, bills of exchange, acceptances, undertakings, and other instruments or orders for the payment, transfer or withdrawal of money for whatever purpose and to whomsoever payable including those drawn to the individual order of a signer, whether tendered for cashing, in payment of individual obligations of such signer, or for deposit to his individual account or any other use or disposition and further said Bank is given authority to honor the endorsement of checks, drafts, notes or all other types of instruments payable or belonging to this Corporation, whether such endorsement be made manually, by endorsement stamp or otherwise and whether for deposit, for collection or otherwise and to receive cash or part cash for same or to make "less cash" deposits, receiving cash for part or all of the amount of such checks and depositing the balance, if any, when such instruments are signed, accepted or endorsed whether by stamp, manual or facsimile signatures by any of the following indicated officers or persons from time to time holding the following indicated offices of the Corporation and the Corporation assumes full responsibility for any and all payments made by Bank in reliance upon the manual stamp or facsimile signatures of said officers and agrees to indemnify and hold harmless Bank against any and all loss, cost, damage or expense suffered or incurred by said Bank arising out of the misuse or unlawful or unauthorized use by any person of such stamp or facsimile signature or signatures, the current officers being shown hereinafter.

(Each of the officers listed below is authorized.)

Town Manager  
Finance Director  
Assistant Town Manager

Any two

\_\_\_\_\_ ; and,  
(Insert any required combination or limitations)

RESOLVED FURTHER, that the Corporation recognizes and agrees that maintenance and service charges pursuant to the rules and regulations of Bank may be charged and deducted from the Corporation's account and that Bank shall have the right of setoff as to any and all indebtedness and liability of Corporation to Bank however and whenever incurred or evidenced, whether direct or indirect, absolute or contingent, due or to become due and said setoff authority may be exercised without prior notice and when charges or other deductions are made from said account, Bank shall not be liable for dishonoring items where the making of such a charge, setoff or other deduction results in there being insufficient funds in Corporation's account to honor such items; and,

RESOLVED FURTHER, that the Secretary or Assistant Secretary of Corporation shall certify to Bank the names of the presently duly elected and qualified officers of this Corporation and shall from time to time hereafter as changes in the personnel of said officers are made, immediately certify such changes to Bank, and said Bank shall be fully protected in relying on the certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from or growing out of honoring the signature of any officer so certified or refusing to honor any signature not so certified and Corporation shall be bound by Bank's honoring the signature of any corporate employee or agent as maker, endorser, drawer or in any other capacity unless bank receives written notice of any claim, dispute or difference with regard to said signature, endorsement or other transaction within the time prescribed by the Uniform Commercial Code or sixty (60) days, whichever is shorter, after the first statement, notice, or items showing the irregularity shall have been sent or made available to Corporation. Corporation shall not be relieved of the duty to examine and report or of the stated consequences thereof by reason of the fact that the statement, notice, or any item or items were not sent or made available unless the Corporation notifies Bank of that fact within thirty (30) days of the date upon which the same are customarily so sent or made available and Corporation shall be bound by the contents of such statements and items forwarded to the corporate address of the Corporation; and,

RESOLVED FURTHER, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission has been received by Bank and that receipt of such notice shall not affect any action taken by Bank prior thereto; and,

RESOLVED FURTHER, that the foregoing authority shall not be limited to the above-identified or described officers or other representatives of the Corporation but shall extend to such additional or different individuals as are named as being so authorized in any letter, form or notice signed by any officer or other representative of the Corporation identified or described above in each category or who is allowed to make said transactions by Corporation; and,

RESOLVED FURTHER, that all transactions by any of the officers, employees, or other representatives of this Corporation, in its name and for its account or within the authority herein given if said authority had been in effect prior to this meeting be and the same is hereby approved and ratified; and,


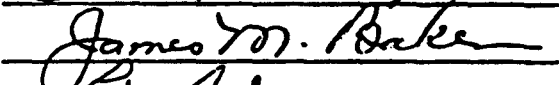

RESOLVED FURTHER, that the foregoing resolutions shall be the agreement with Bank subject to its rules and regulations and except where intiated on the certified copy indicating a specific officer or officers to perform a specific function, any officer listed shall have authority to transact the authorized business with Bank; and,

RESOLVED FURTHER, that the Secretary of the Corporation be, and hereby is authorized and directed to certify to First-Citizens Bank & Trust Company the foregoing resolution or resolutions and that the provisions thereof are in conformity with the charter and bylaws of the Corporation and that the foregoing resolutions and authority thereby conferred shall remain in full force and effect until this Corporation officially notifies Bank to the contrary in writing and Bank may conclusively presume that such resolves are in effect and that the persons identified from time to time as officers of the Corporation by certificate of the Secretary, have been duly elected or appointed to and continue to hold such offices; and,

RESOLVED FURTHER, that all previous banking resolutions in conflict herewith relating to First-Citizens Bank & Trust Company heretofore approved by the Board of Directors be, and the same hereby are, superceded.

I further certify that there is no provision in the charter or bylaws of said Corporation limiting the power of the Board of Directors to pass the foregoing resolutions and that the same are in conformity with the provisions of said charter and bylaws.

I further certify that the following are the names and official signatures of the present officers of this Corporation:

Title	Name	Official Signature
Town Manager	David R. Taylor	
Finance Director	James M. Baker	
Town Clerk	Peter Richardson	

IN WITNESS WHEREOF, I have hereto subscribed my name and affixed the seal of said Corporation, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

\_\_\_\_\_  
Secretary (Assistant Secretary)

56 630 1199

\_\_\_\_\_  
Federal Tax Identification Number

Corporate Seal

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BANKING SERVICES PROPOSALS

SERVICES AND COSTS	Estimated Annual Quantity	NFB		FIRST CITIZENS		FIRST MACROVITA		CBS		FIRST UNION NATIONAL	
		Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)
<b>BANKING SERVICES</b>											
Apartheid Certification		Yes		Yes		Yes		Yes		Yes	
Time Open Investment Account		Yes		Yes		No		No		No	
Alternative Investment Account											
Automatic Deposit	35,000 items per year	.095 per item	3,340	.055 per item	640	.08 per item	960	Money Market minus 3% of balance times State CD Rate	1,300	Zero Balance Sweep Investment Estimated at .40 basis pointed less than State CD rate	30,000 <sup>04</sup> 1,740
Accept Counted and Bagged Coins	48 tapes 2,000 per day (250 rolls per deposit)	25.00 per tape No .07 per roll	3,200 3,640	10.00 per tape Yes No Cost	400 0	7.00 per tape Yes .45 per v.a.	336 3,340	Yes 1.00 per 6 minutes of teller time	-	No .10 per roll	5,200
Daily Account Balance	-	0	0	0	0	30/month	0	0	0	0	0

\*Based on average daily investment of \$7,500,000 at 8% interest.

SERVICES AND COSTS (Cont.)	Estimated Annual Quantity	MCRB		FIRST CITIZENS		FIRST MAGROVIA		OCS		FIRST UNION NATIONAL	
		Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)
Deposit Credits before 1 p.m.	0	.25		.30		.40		.25		.45	
Night Deposit Bags	31 bags	15 per bag	465	10 per bag	310	12 per bag	372	12 per bag	372		
	31 bags	2 per bag	62	per month		.75 per drop	1,350	2/mo. maint.		.90 per drop	1,620
	1,000	.75 per drop	1,350					.75 per drop			
								8.14/month			
Deposit Slips	1,200		75	0	0	-	96		96		120
Checks Voucher	9,000		850	.07 per check	630	1,000 per year	1,000	78.75/month	945	.06	540
Checks Payroll	15,000	275 per 5,000	825	.02 per check	300			83.75/month	1,005	.02	300
Provide Monthly Statement	12	8 monthly maint.	96			0		0		9 per statement	108
Deliver Paid Checks Reconciled	20,000	.03 per item	600	.020 per item	400	.035 per item	2,040	.0175	430	.06 per item	1,095
		15 per month		15 per month	180	.04 sorting		1.00 copy		.009/item postage	
Research Items		0		2.50 min.		2.00 copy		1.00 copy			
				10 per hour							
				1.00 per copy							
Stop Payments	40	30.00	1,200	7.50	300	10.00	400	7.50	300	10.00	400

**OTHER ESSENTIAL  
SERVICES**

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Estimated Annual Quantity	Description	MCNB		FIRST CITIZENS		FIRST WACHOVIA		OCB		FIRST UNION NATIONAL	
		Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)
0	Listing of Stop Payments	25 per tape .64 per item 15 month	0	0	0	0	0	0	0	0	0
24,000	Debits/Paid Check (per item)	.115	3,360	.115	2,760	.20	4,800	.11	2,600	.15	3,120
1,300	Credits/Deposits (per item)	.375	450	.30	360	.40	480	.35	300	.45	540
160	Returned Checks	16/month 3.00	640	2.00	360	2.00	360	3.00	540	3.00	540
16	Copies of Debits/Credits	3 per item	30	0	0	0	0	0	0	0	0
24	Notification on Receipt of Checks	0	0	0	0	2 per notification	48	0	0	0	0
N/A	Post Same Day Credit	0	0	.05	0	0	0	0	0	0	0
12	Provide Funds Transfers	0	0	0	0	1 per transfer	12	2 per transfer	24	5.00	60
Not Requested	Security/Safe Keeping	-	-	-	-	-	-	-	-	-	-
24	Wire Transfers In	7.50	180	6.50	156	5.50	132	5.00	120	8.00	192
12	Wire Transfers Out	7.50	90	6.50	78	5.50	66	8.00	96	8.00	96



SERVICES AND COSTS (Cont.)	Estimated Annual Quantity	MCRB		FIRST CITIZENS		FIRST MACHOVIA		CCB		FIRST UNION NATIONAL	
		Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)	Cost Per Unit (\$)	Annualized Cost (\$)
SUBTOTAL (ALL SERVICE CHARGES)			15,729		10,524		14,872		10,034		16,552
TOTAL ANNUAL COST (Service charges plus cost of investment alternatives)			15,729		10,524		47,622		28,034		46,552
ESTIMATED INTEREST EARN- INGS AND EARNINGS CREDIT ON ACCOUNTS OFFSETTING SERVICE CHARGES			8,500		8,500		8,500		8,500		8,500
NET COST FOR ALL CHARGES			7,229		2,024		39,122		19,534		38,052

Monthly Status Report

The Council received the monthly status reports on the Tandler Homeownership Program and Rosemary Square.

Consent Agenda

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY (9-0).

## A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (R-13)

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

- a. Calling a public hearing on a Development Ordinance Text Amendment (conditional use zoning). (R-14)
- b. Adopting the budget preparation calendar. (R-15)
- c. Transportation parking lot contract change and related budget amendments. (R-16, O-1 and O-2)
- d. Bids for street flusher. (R-17).
- e. Bids for side-loading refuse truck. (R-18)
- f. Bids for rear-loading refuse truck. (R-19)
- g. Bids for microcomputer network. (R-20)
- h. South Estes Drive parking. (O-3)
- i. Festifall Street closing and parking. (R-21, O-4)
- j. Head Start lease agreement. (R-22)
- k. Setting work session October 18 with Planning Board. (R-23)

This the 12th day of September, 1988.

**A RESOLUTION CALLING A PUBLIC HEARING TO CHANGE THE NAME OF SPECIAL USE ZONING TO CONDITIONAL USE ZONING (88-9-12/R-14)**

WHEREAS, concern has been expressed that the terms "Special Use Zoning" and "Special Use Permit" are so similar as to be confusing; and

WHEREAS, the Chapel Hill Town Council wishes to better draw a distinction between zoning and permit applications;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill calls a Public Hearing on a proposal to change the term "Special Use Zoning" to "Conditional Use Zoning" in the Town's Development Ordinance.

BE IT FURTHER RESOLVED that such Public Hearing be scheduled for 7:30 p.m. on October 17, 1988 in the Chapel Hill Municipal Building Meeting Room.

This the 12th day of September, 1988.

**A RESOLUTION REGARDING THE PROCESS FOR DEVELOPING THE 1989-90 BUDGET, 1989-93 CAPITAL IMPROVEMENTS PROGRAM, AND 1989-90 COMMUNITY DEVELOPMENT GRANT BUDGET (88-9-12/R-15)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the following timetable for developing the 1989-90 budget, 1989-90 Capital Improvements Program, and 1989-90 Community Development grant budget.

<u>DATE</u>	<u>OPERATING BUDGET</u>	<u>CIP</u>	<u>CD BUDGET</u>
September 29		Public Forum for comments on Capital Improvements Plan for 1989-93	

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<u>DATE</u>	<u>OPERATING BUDGET</u>	<u>CIP</u>	<u>CD BUDGET</u>
November 14	Public Forum for comments/requests regarding the 1989-90 Operating Budget.		
November 14	Human Services Advisory Board holds Needs Forum		
December 12		Preliminary CIP presented to Council, referred to advisory boards.	
January 4	Council Work Session on goals and objectives for 1989-90 Budget	Public Forum for citizen's comments and Advisory Board recommendations on Preliminary CIP; and Work Session regarding Council priorities	Public Hearing on Community Development (CD) needs and objectives
February 13	Human Services Advisory Board presents report on Human Services Need to Council	Advisory Boards comments on CIP to Council	
March 6	Interim Budget Report on 1989-90 Operating Budget submitted to Council		Public Hearing on Manager's Recommended CD grant application
March 27	Public Forum for comments on Interim Report on 1989-90 Operating Budget	Manager's Recommended CIP submitted to Council and Council's consideration of CIP Project Ordinances	

<u>DATE</u>	<u>OPERATING BUDGET</u>	<u>CIP</u>	<u>CD BUDGET</u>
April 24	Manager's Recommended 1989-90 Operating Budget submitted to Council		Council action on CD application
May 8	Public Hearing on Recommended 1989-90 Budget; Transportation services and pass/fare prices. Human Services Advisory Board makes recommendations on contracting for services. Parks & Recreation commission makes recommendation on occupy tax revenues.		
May 10	Work Session on 1989-90 Budget		
May 16	Work Session on 1989-90 Budget		
May 22	Adoption of 1989-90 Operating Budget		Adoption of Community Development Project Ordinances
June 26	Copies of Adopted Budget distributed to Council	Copies of Adopted CIP document distributed to Council	

This the 12th day of September, 1988.

**A RESOLUTION AMENDING THE CONTRACT FOR THE TRANSIT FACILITY PAVING PROJECT (88-9-12/R-16)**

WHEREAS, the Town Council of the Town of Chapel Hill awarded a bid for reconstruction, expansion and repair of the Transit Facility parking lot to Crowder Construction Company; and

WHEREAS, the funds required for project completion require a change order to the contract;

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the contract with Crowder Construction Company for the Transit Facility Paving Project be increased to \$808,000. ✓

This the 12th day of September, 1988.

ORDINANCE A

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT CAPITAL PROJECT (88-9-12/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the grant project ordinance established on May 9, 1988 for transit capital improvements funded under Urban Mass Transportation Administration Grant NC-90-Z072 is hereby amended as follows:

SECTION I

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

	<u>Revised Amount</u>
Urban Mass Transportation Administration Grant	\$662,400
North Carolina Department of Transportation	\$ 82,800
Town of Chapel Hill (local match)	<u>\$ 82,800</u>
TOTAL	\$828,000

SECTION IV

The following amounts are appropriated for the project:

Engineering & Design	\$ -0-
Construction	\$808,000
Administration	\$ -0-
Contingency	<u>\$ 20,000</u>
TOTAL	\$828,000

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

## SECTION V

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

This the 12th day of September, 1988.

## ORDINANCE B

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1988 (88-9-12/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1988" as duly adopted on May 25, 1988 be and the same is hereby amended as follows:

## Article I

	<u>Current</u> <u>Budget</u>	<u>Increase</u>	<u>Revised</u> <u>Decrease</u>	<u>Budget</u>
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AppropriationsTransportation  
Fund

Nondepartmental  
Transfer to  
Grant Fund

	47,850	15,000		62,850
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## Article II

Revenues

## Transportation Fund

Fund Balance	194,609	15,000		209,609
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This the 12th day of September, 1988.

A RESOLUTION REJECTING BIDS FOR ONE (1) STREET FLUSHER  
(88-9-12/R-17).

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on August 3, 1988, in accordance with G.S. 143-129 for one (1) Street Flusher; and

WHEREAS, the following bids were received and opened on August 6, 1988, as follows:

<u>Vendor</u>	<u>Price</u>
A.E. Finley Raleigh	\$64,462
Arrow Equipment Co. Greensboro	\$66,949
E.F. Craven Co. Greensboro	No Bid (unable to offer equipment at present)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects the bids of A.E. Finley in the amount \$64,462 and Arrow Equipment Company in the amount of \$66,949 as both bids were over the budgeted amount of FY 88-89 funds of \$53,000.

This the 12th day of September, 1988.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND  
HENDERSON STREET (FESTIFALL '88) (88-9-12/R-21)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and of Henderson Street between Rosemary and Franklin Streets on Sunday, October 2, 1988, from 11:00 a.m. to 8:00 p.m., to allow the holding of the Festifall Fair and clean-up of the streets following the Fair.

This the 12th day of September, 1988.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANK-  
LIN AND HENDERSON STREETS (FESTIFALL '88) (88-9-12/O-4)

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



That on the 2nd day of October, 1988, between the hours of 12:30 and 8:00 p.m. there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of Morehead Planetarium parking lot, or on either side of Henderson Street between Franklin and Rosemary Streets between the above hours.

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

This the 12th day of September, 1988.

A RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF ONE (1) CAB AND CHASSIS EQUIPPED WITH SIDE - LOADING PACKER BODY (88-9-12/R-18)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on July 31, 1988, in accordance with G.S. 143-129 for the purchase of one (1) Cab and Chassis equipped with side - loading packer body; and

WHEREAS, the following bids have been received and opened on August 10, 1988:

<u>Vendor</u>	<u>Cabs &amp; Chassis Unit Price</u>	<u>Packer Body Unit Price</u>	<u>Total</u>
Worth Keeter Charlotte, NC	\$35,086	\$22,940	\$58,026
Rand Automated Compaction Systems Raleigh, NC	\$36,089	\$24,501	\$60,590
North State Ford Raleigh, NC	\$34,079	No Bid	

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Cardinal Inter- national Raleigh, NC	\$35,999	No Bid
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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the low bids of Worth Keeter for a packer body at a unit price of \$22,940 and North State Ford for a cab and chassis at a unit price of \$34,079 for a total cost of \$57,019.

This the 12th day of September, 1988.

A RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF ONE (1) CAB AND CHASSIS EQUIPPED WITH REAR - LOADING PACKER BODY (88-9-12/R-19)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on July 31, 1988, in accordance with G.S. 143-129 for the purchase of one (1) Cab and Chassis equipped with rear-loading packer body; and

WHEREAS, the following bids have been received and opened on August 10, 1988:

<u>Vendor</u>	<u>Cab &amp; Chassis Unit Price</u>	<u>Packer Body Unit Price</u>	<u>Total</u>
Worth Keeter Charlotte, NC	\$35,558	\$16,750	\$52,308
Quality Equip. Co. Charlotte, NC	\$35,400	\$18,550	\$53,950
Sanco Corporation Winston-Salem, NC	\$36,005	\$17,341 (+) Installation: \$900	\$54,246
Cardinal Inter- national Raleigh, NC	\$35,999	No Bid	
Simpson Equip. Co. Wilson, NC	No Bid	\$16,699	
Cavalier Equip. Co. Roanoke, Va.	No Bid	\$17,218	

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Worth Keeter, Inc., in the amount of \$52,308 for one (1) Cab and Chassis equipped with rear-loading packer body.

This the 12th day of September, 1988.

A RESOLUTION AWARDDING A CONTRACT FOR ONE (1) MICROCOMPUTER NETWORK SYSTEM AND RELATED EQUIPMENT (88-9-12/R-20)

WHEREAS, the Town Council of the Town of Chapel Hill has solicited formal bids by legal notice on July 15, 1988 in accordance with G.S. 143-129 for one (1) Microcomputer Network System and related equipment; and

WHEREAS, the following bids have been received and opened on August 10, 1988:

<u>Bidder</u>	<u>Amount</u>
Network Solutions, Inc.	\$65,119.00
Radio Shack/Tandy Corporation	\$45,815.80

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the contract for one (1) Microcomputer Network System and related equipment be awarded to Network Solutions, Inc. in the amount of \$65,119.00.

This the 12th day of September, 1988.

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES (88-9-12/O-3)

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

#### SECTION I

That Section 21-27 of the Town Code of Ordinances is amended by inserting the following in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Estes Drive	Both	A point 250 feet east of U.S. 15-501	In an easterly direction to the dead end

#### SECTION II

This ordinance shall be effective Monday, October 17, 1988.

## SECTION III

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

This the 12th day of September, 1988.

**A RESOLUTION RENEWING A LEASE OF THE RIDGEFIELD COMMUNITY CENTER TO CHAPEL HILL-CARRBORO HEAD START (88-9-12/R-22)**

WHEREAS, the Council of the Town of Chapel Hill on September 14, 1987, pursuant to G.S. 160A-272, authorized the Town Manager to lease the Ridgefield Community Center to Chapel Hill-Carrboro Head Start; and

WHEREAS, the term of said lease was for one year, renewable for one subsequent one-year term upon approval of the Council; and

WHEREAS, Chapel Hill-Carrboro Head Start entered into a lease with the Town for use of the Ridgefield Community Center on November 10, 1987; and

WHEREAS, Chapel Hill-Carrboro Head Start, in accord with said lease, has notified the Town Manager in writing of its desire to renew the lease for a one-year period commencing on October 1, 1988;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves and authorizes the Town Manager, pursuant to Council's resolution of September 14, 1987 and the lease dated November 10, 1987, to enter into, on behalf of the Town, a renewal agreement for the lease of the Ridgefield Community Center located in the Ridgefield Public Housing Neighborhood on Estes Drive east of the Bypass, for use as a classroom, for a term of one year commencing on October 1, 1988.

This the 12th day of September, 1988.

**A RESOLUTION SCHEDULING A WORK SESSION (88-9-12/R-23)**

WHEREAS, the Council has directed the Chapel Hill Planning Board to revise the Town's Comprehensive Plan; and

WHEREAS, the Planning Board, working with the Town's Planning Staff, has made considerable progress on such revision;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council schedules a work session with the Planning Board on October 18, 1988, at 7:30 p.m., in the meeting room of the Chapel Hill Municipal Building.

This the 12th day of September, 1988.

Board of Adjustment Appointment

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO APPROVE APPOINTMENT OF MR. RON GINSBURG TO SERVE AS ALTERNATE TO THE BOARD OF ADJUSTMENT, REPRESENTING THE EXTRATERRITORIAL JURISDICTION (E.T.J.) THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The resolution, as adopted, reads as follows:

A RESOLUTION RECOMMENDING TO THE ORANGE COUNTY BOARD OF COMMISSIONERS AN APPOINTMENT TO THE BOARD OF ADJUSTMENT (88-9-12/R-24)

WHEREAS, a vacancy exists on the Town of Chapel Hill's Board of Adjustment for an alternate member who resides within the Extraterritorial Jurisdiction Area of Orange County; and

WHEREAS, the appointment of an applicant to fill this vacancy is the responsibility of the Orange County Board of Commissioners; and

WHEREAS, the Board of Commissioners have requested the Chapel Hill Town Council's recommendation in said appointment;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby recommends the Orange County Board of Commissioners appoint Mr. Ron Ginsburg to the vacant alternate member position on the Chapel Hill Board of Adjustment representing the Extraterritorial Jurisdiction Area of Orange County.

This the 12th day of September, 1988.

Tree Protection Task Force Appointments

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, THAT COUNCIL MEMBER HERZENBERG BE APPOINTED CHAIR OF THE TASK FORCE AND THAT ALL APPLICATIONS FOR MEMBERSHIP RECEIVED TO DATE BE NOMINATED FOR CONSIDERATION AT THE SEPTEMBER 29 COUNCIL MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Executive Session

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADJOURN TO EXECUTIVE SESSION. THE MOTION PASSED UNANIMOUSLY (9-0).

The meeting adjourned to Executive Session at 12:04 a.m.

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

The meeting adjourned at 12:18 a.m.