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MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
THURSDAY, SEPTEMBER 29, 1988, 7:30 P.M.

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

Julie Andresen
David Godschalk
Joseph Herzenberg
David Pasquini
Nancy Preston
James C. 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.

Mayor Howes noted that the Council was meeting in a Thursday evening session due to the attendance of several Council Members at the Public-Private Partnership Conference held in Champaign-Urbana, Illinois.

Mayor Howes noted that Council Members Herzenberg, Preston and Wilkerson, several members of the Town staff and himself had attended the conference in Illinois. In addition, the Council Members attended the Champaign, Illinois Council Meeting on Tuesday evening. Council Member Preston stated that the Champaign Council Chamber is very attractive, and includes elevated seating. Council Member Preston stressed that elevated seating will not be used in the new Chapel Hill Council Chambers. Mayor Howes added that one hundred and fifteen local officials from the Chapel Hill area attended the Conference, including the University of North Carolina's Chancellor, Mr. Paul Hardin.

Mayor Howes noted that he had attended ceremonies earlier in the day for the kick-off of the United Way Campaign.

Public forum for citizens' comments and suggestions on preparing the 1989-94 Capital Improvements Program (CIP)

Town Manager Taylor asked Sonna Loewenthal, Assistant Town Manager, to make the staff presentation. Ms. Loewenthal stated that this evening's forum is the first public meeting concerning the 1989-94 CIP process. She added that the

purpose of the CIP is to identify the long-term building and equipment needs of the Town.

Ms. Loewenthal stated that preliminary CIP recommendations will be distributed to the Council in mid-December. A review of the preliminary plan is scheduled for January 4, 1989.

Ms. Flicka Bateman thanked George Small and Bonnie Walkley of the Town Engineer's office for their help. She stated that Dixie and Stateside Drives are currently unpaved roadways which intersect and connect with paved streets. Ms. Bateman requested that the Council include Dixie and Stateside Drives in the 1989-94 CIP for street paving. Ms. Bateman stated that paving the drives would result in greater safety for the community at large. She presented a paving petition signed by 78% of the residents of Dixie Drive and 63% of the residents of Stateside Drive.

Council Member Preston asked whether the paved roadways adjoining Dixie and Stateside Drives were without curb and gutter. Ms. Bateman replied yes.

Mr. William Frey, a cycling enthusiast, told the Council that he would like to be able to cycle safely in Town. He donned a bicycle safety helmet to reinforce his message. Mayor Howes asked Mr. Fray whether he was asking for bicycle paths. Mr. Fray stated that he was and added that he would also like to request other safety enhancements. Mayor Howes requested that Mr. Fray provide a list of specific projects to the Council. Mr. Fray stated that the Chapel Hill Cycling Association is composing such a list.

Ms. Edwina Zagami, President of the Timberlyne Neighborhood Association, told the Council that she is seeking the installation of sidewalks in the Timberlyne neighborhood. Ms. Zagami used a map of her neighborhood to orient the Council to her concerns. Ms. Zagami said that the many pedestrians in her neighborhood in addition to the narrow streets necessitate the installation of sidewalks. She added that the Timberlyne Neighborhood Association had forwarded a letter to the Town on May 24, requesting the installation of sidewalks. The Engineering Department concurred that sidewalks are needed along Kingston Drive.

Ms. Darcy Berger, a resident of the Timberlyne neighborhood, stated that pedestrian safety experts have said that the installation of sidewalks is the only means of assuring safety of pedestrians. She added that Kingston Drive in the Timberlyne neighborhood is a heavily-driven street on which walking is no longer a pleasant experience.

Council Member Preston asked whether the neighborhood is seeking sidewalk installation on one or both sides of the street. Ms. Berger responded that sidewalks were needed on the side where the school bus stops for children.

Council Member Herzenberg asked what the red dots on Ms. Zagami's map depicted. Ms. Zagami responded that these were intersections where temporary stop signs were being requested.

Council Member Werner asked how much the Town had budgeted for sidewalk installation. Town Manager Taylor responded that there is approximately \$30,000 for the current fiscal year. Council Member Werner inquired how many linear feet of sidewalk could be installed with these funds. Town Manager Taylor estimated between 4,000 and 5,000 linear feet at an assumed cost of \$6-\$7 per linear foot. Mr. Taylor added that sidewalk projects are prioritized on an annual basis.

Council Member Wilkerson stated that he takes his son to school and passes through the Timberlyne neighborhood daily. He noted that the speed limits in the area are not adhered to. Council Member Wilkerson asked for stricter enforcement of speed limits in the area in the interim prior to sidewalk installation. Ms. Berger concurred with Council Member Wilkerson's remarks.

Council Member Pasquini asked whether the Town would bear the full cost of the sidewalk project. Town Manager Taylor responded in the affirmative. Council Member Pasquini asked whether assessment of individual property owners was possible in order to possibly speed up the construction. Town Manager Taylor responded that it was. Council Member Pasquini said that the possibility of assessment should be left open for consideration.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON TO REFER THE ITEM TO THE TOWN MANAGER FOR FURTHER REVIEW. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Petition by the Downtown Chapel Hill Association and Carolina Athletic Association

Robert Humphries, representing the Downtown Chapel Hill Association (DCHA), told the Council that the board of his association approved of the week of activities proposed by the Carolina Athletic Association (CAA). Mr. Humphries stated that the proposed Franklin Street block party on October 18th is a positive step in bringing the town and gown elements of the community together. Mr. Humphries added

that the University of North Carolina and Chapel Hill High School football teams would be present at the block party.

Felicia Mebane, representing the Carolina Athletic Association, said that she and Ms. Lynn Davis are coordinating homecoming activities. Ms. Mebane stated that her association would like to see the week of homecoming activities become an annual event. The two associations requested the Council authorize the closing of Franklin Street to traffic from 6-11 p.m. on October 18 and amend the Noise Ordinance to enable amplified sound at the event.

Trey Loughran, Student Liaison to the Town Council, said that the block party is a fantastic idea, adding that many people have put in a lot of hard work in planning the event. Mr. Lochran said that the block party will draw both Town residents and University students to the downtown Chapel Hill area. Mr. Lochran stated that he needed to gauge the Council's reaction to the proposal of the associations. Mr. Lochran closed by urging the Council to permit the festivities on October 18th.

Council Member Andresen noted that a lot of planning is involved in an activity such as the proposed block party. She expressed concern about closing Franklin Street on a weeknight.

Council Member Werner noted that since the request of the DCHA and CAA was dated September 13th, the Council should give serious consideration to the item this evening.

Vice Chancellor Donald Boulton stated that he strongly supports the block party as proposed. He said that the individuals planning the activities have done a good job of organizing.

Council Member Godschalk stated that he would strongly favor the block party if the Town Manager can negotiate with all parties (UNC, DCHA, and CAA) concerning roles and expectations.

Town Manager Taylor noted that the proposed event is one of considerable magnitude. He stated that the University may need to provide facilities and other assistance to the Town. Town Manager Taylor added that there would be additional security needs for the event. He concluded by saying that there will be a need for a great deal of understanding on the Council's part, since closing Franklin Street on a weeknight is an unusual action.

Mayor Howes noted that the Town does not have a street grid system. As such, Mayor Howes stated that the Town has few alternatives to major thoroughfares and rerouting traffic is a problem.

Council Member Wallace concurred with Council Member Godschalk's remarks supporting the block party.

Town Manager Taylor stated that he will bring this item back to the Council for consideration on October 10th.

Council Member Herzenberg stated that he supports an exception to the Town's street closing policy. He noted that the Council will be meeting on October 18th, the night of the block party.

Council Member Wilkerson stated that he supports the partnership between the University and Town in holding the block party. He asked Town Manager Taylor to bring the item back to the Council on October 10 for action.

Mayor Howes said that the proposed celebration bridges the relationship between the University and the community. Mayor Howes added that he is excited about the attendance of the UNC and Chapel Hill High School football teams at the event. He commended the spirit in which the idea was presented.

COUNCIL MEMBER WALLACE MOVED, SECOND BY COUNCIL MEMBER HERZENBERG TO REFER TO MANAGER FOR ACTION AT OCTOBER 10TH COUNCIL MEETING. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Minutes of August 22 and 23, and September 12

COUNCIL MEMBER GODSCHALK MOVED, SECOND BY COUNCIL MEMBER HERZENBERG, TO APPROVE THE MINUTES OF THE AUGUST 22ND COUNCIL MEETING AS CIRCULATED. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER WERNER MOVED, SECOND BY COUNCIL MEMBER GODSCHALK, TO APPROVE THE MINUTES OF THE AUGUST 23RD COUNCIL MEETING AS CORRECTED. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER PRESTON NOTED A CORRECTION TO PAGE 11 OF THE MINUTES OF SEPTEMBER 12TH. THE TOWN CLERK NOTED THE CORRECTION. COUNCIL MEMBER WILKERSON MOVED, SECOND BY COUNCIL MEMBER GODSCHALK TO APPROVE THE AMENDED COUNCIL MINUTES OF SEPTEMBER 12TH AS CORRECTED. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Chatham-Orange Cooperative Planning discussions and related matters

Council Member Andresen gave a brief overview of the cooperative planning discussions. She stated that a sixty day delay in the discussion had been proposed at the last meeting of the joint planning panel. After the sixty day period, the panel plans to reconvene to discuss a joint land-use plan.

COUNCIL MEMBER ANDRESEN MOVED, SECOND BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 1.

Council Member Preston stated that she strongly encouraged all parties to keep talking. She said she approved of the principles, but could not endorse all the details at this time.

Council Member Godschalk commended the efforts of the joint planning group, adding that the committee had accomplished what the Council had asked them to do.

Council Member Pasquini stated that he hopes the parties will continue to talk.

Council Member Werner asked whether adoption of the resolution would serve as a partial endorsement.

THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION IN SUPPORT OF COOPERATIVE PLANNING DISCUSSIONS AMONG REPRESENTATIVES OF CHATHAM COUNTY, ORANGE COUNTY AND THE TOWNS OF PITTSBORO, CARRBORO AND CHAPEL HILL (88-9-29/R-1)

WHEREAS, a committee representing the governing boards of Chatham and Orange County jurisdictions has been working on matters of mutual interest; and

WHEREAS, the committee has drafted and agreed on principles to be used in developing a cooperative planning agreement for possible adoption by the respective jurisdictions; and

WHEREAS, the committee has requested that the jurisdictions continue with steps to develop the joint planning agreement including consideration of planning staff recommendations on a planning area with urban transition and non-urbanizing areas; and

WHEREAS, representatives of the Council have submitted a report on the the discussions to date;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses further cooperative planning discussions by representatives of Chatham County and Orange County governing boards, which discussions would lead to a joint plan approved by the jurisdictions.

BE IT FURTHER RESOLVED that the Council receives with thanks and appreciation the report of the Council's representatives to the Cooperative Planning Work Group.

This the 29th day of September, 1988.

Council Member Andresen told the Council that Henry Dunlap, Chairperson, Chatham County Commissioners, has proposed a formal resolution stipulating that the Towns of Carrboro and Chapel Hill will not annex into Chatham County for a period of one year and there would be courtesy review of large projects during this period. Council Member Andresen read the text of Resolution 1.1.

COUNCIL MEMBER ANDRESEN MOVED, SECOND BY COUNCIL MEMBER WILKERSON TO ADOPT RESOLUTION 1.1 AS PRESENTED.

Council Member Werner stated that the Town of Chapel Hill has been negotiating in good faith over time. He expressed concern that Chatham County had not volunteered to take any action to date. Council Member Werner stated that he opposed Resolution 1.1 as presented.

Council Member Andresen stated that courtesy review of development plans can begin immediately. Council Member Andresen added that the resolution stated the Council's intention and shows good faith.

Council Member Godschalk noted that large lot subdivisions with septic tanks and well water will not have the same impact on infrastructure as urban development. He added that courtesy review might be a significant help to the Council in future planning processes.

Council Member Werner asked why such prompt action was needed since the joint planning group is not meeting during the next sixty days. Council Member Wilkerson responded that all entities need time to formulate their plans. Council Member Wilkerson added that Chatham County is committed to the same goals as the Town of Chapel Hill. Council Member Werner stated that there were still inconsistencies. Council Member Andresen stated that Chatham County Commissioners have no objection to the immediate implementation of courtesy review.

Council Member Preston asked what would happen if the Council adopted the proposed resolution this evening. Mayor Howes said that the Chatham County Commissioners would respond. Council Member Preston noted that the Council was anticipating action beyond another action. Mayor Howes stated that the action of the Council would be transmitted to the Commissioners on September 30th. Council Member Preston asked whether courtesy review of projects and other related processes could begin immediately. Council Member Andresen said that the Council could make such a request.

Council Member Herzenberg stated that there had been a change for the better in the resolution language since the last Council meeting on September 19th.

Council Member Andresen stated that the proposed moratorium on development was a very complex issue.

Council Member Pasquini stated that he wanted to talk about the water agreement on the Council's agenda. He added that if the Town has a reliable long-term water supply, annexation would no longer be an issue.

Council Member Werner stated that it was clear why the Council is discussing the water issue this evening. He added that there is no apparent reason that the issues surrounding Resolution 1.1 needed to be resolved this evening.

Council Member Wilkerson stated that consideration of the potential annexation of the Governor's Club in an earlier Executive Session of the Council is why this resolution is before the Council.

Council Member Wallace stated that no annexation by the Town would be possible unless voluntary petitions were submitted. Council Member Wallace added that he concurred with the remarks of Council Member Pasquini concerning the supplying of water. Council Member Wallace concluded his remarks by stating that agreeing to sign a contract with Orange Water and Sewer Authority (OWASA) would be a hollow victory.

Council Member Andresen urged the Council to keep in mind the goal of the discussion group--a joint development plan. Council Member Andresen proposed revisions to Resolution 2-A as presented to the Council. The first addition was made to make the agreement five years in duration, while the section addressing mutual extension was deleted. Additionally, Council Member Andresen proposed the inclusion of a provision permitting parties to the agreement to consult before the system begins operation. Council Member Andresen added

that she would be comfortable with establishing a wholesale water agreement.

Council Member Godschalk asked whether other affected parties endorsed the agreement proposed by Council Member Andresen. Council Member Andresen responded that she had not received concurrence from Carrboro or other entities. Council Member Godschalk stated that the opinions of other stakeholders to the agreement are needed. Council Member Pasquini, a member of the OWASA Board, proposed postponement until the OWASA Board could take action on the agreement between Chatham County and OWASA at its October 1 meeting.

COUNCIL MEMBER HERZENBERG MOVED ADOPTION OF RESOLUTION 2A AS PROPOSED BY COUNCIL MEMBER ANDRESEN, AMENDING WITH CERTAIN LANGUAGE (THE FIRST THREE WHEREAS STATEMENTS) FROM RESOLUTION 2B. COUNCIL MEMBER PRESTON SECONDED HIS MOTION.

Council Member Wallace stated that the Council is taking giant steps on this issue and suggested holding a public hearing on this item. He expressed concern that there had been no input from involved parties. Council Member Wallace stated that he couldn't vote to allow OWASA to sign agreement since the contract will have been negotiated without the consent of some affected parties. Council Member Wallace continued that the Council was getting away from what they had discussed at earlier meetings. He concluded by stating that there was no emergency requiring immediate action on this item.

Council Member Andresen noted that the Council had established certain benchmarks for the negotiation process in June. She indicated she had not heard from Mr. Wallace on this issue.

Council Member Werner noted that the Council's focus should be on the issue of water supply, since this will determine future annexation patterns. Council Member Werner noted with concern that the draft water supply agreement contained no language addressing emergency situations. He added that everything the Council was being asked to do was predicated on draft agreements. Mayor Howes noted that the documents before the Council have no standing.

Council Member Wilkerson added that the draft agreements are a starting point for negotiating. He invited any interested Council Members to serve on the panel with Council Member Andresen and himself.

Council Member Preston noted the agreement was for excess water between Chatham County and OWASA, stating that this

water would otherwise go over the dam. Council Member Preston stated that she had several concerns. First, the Council is tied by its June agreement. She added that Council Member Wallace had made several excellent points earlier in the discussion. Council Member Preston noted discussions she had with Council Member Andresen and Town Attorney Karpinos concerning the strength of the agreement from the Town's perspective. She added concern about not knowing which solution would best accommodate the needs of Chatham County and the Town. She felt it important that the Town's interests be protected and if the proposed five year cutoff and annexation clauses were appropriate to protect the Town's interest, then she would feel more comfortable about the issue. She concluded her remarks by noting that the idea of a public hearing on the matter may be a good one.

Council Member Godschalk noted that the pending water agreement contained provisions setting out the maximum amounts available for daily sale. He added that the planning group had done a good job to date. Council Member Godschalk concluded his remarks by stating he supported Resolution 2A as amended, but expressed concern that the partners to the agreement were not included in the final negotiating process.

Council Member Pasquini stated that all the conditions of the June Council agreement had not been met: no joint land-use plan, agreed principles or timetable goals have been established to date. Council Member Pasquini added that he was not trying to lay fault, as the negotiating process is very complex, but was concerned about going ahead with the agreement at present. Council Member Pasquini said that more time is needed to outline the plan. He concluded by saying that he wants to eliminate politics from the process.

Mayor Howes said that the agreement and negotiating processes were an intensely political matter. He added two council members (Andresen and Wilkerson) have been negotiating for the Town under difficult conditions. Mayor Howes added that the Council needs faith, trust and goodwill in handling the negotiation process. The Mayor noted that under normal circumstances, the Town's water supply will be protected. He added that the term of the agreement is five years with no extensions unless all parties are amenable.

Council Member Wallace urged continuation of negotiating efforts to date, adding that there was no current emergency which would necessitate Council action. Council Member Wallace added that he understood Mr. Dunlap's (Chairman of the Chatham County Commissioners) position. Council Member

Wallace opposed signing of the interim water agreement. He would like Pittsboro and Chatham County to get involved in making their own water agreements. Council Member Wallace concluded by stating that he couldn't vote for the water agreement or annexation since adequate progress in the negotiating process had not occurred.

Council Member Herzenberg asked the Council whether there was any support for a short delay.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO REQUEST OWASA DELAY SIGNING THE WATER AGREEMENT FOR A PERIOD OF SIXTY DAYS.

Council Member Andresen asked about the status of committee work. Council Member Pasquini responded that the Town of Chapel Hill and Chatham County should continue meeting.

Mayor Howes urged the Council to have confidence in what their contemporaries have negotiated to date. He added that the Council Members involved had done a good job under difficult circumstances. He concluded by noting that it was inconceivable to charge that the Council was not being adequately informed.

Council Member Werner noted that the documents before the Council are draft interim agreements. He added that there was more to do and he did not intend to criticize what had been done. He stated that the Council is working under a joint OWASA/Chatham County deadline.

Council Member Andresen said that she was distressed about the proposed delay. She added her optimism that a mutually adopted land-use plan was a viable outcome of the recently completed negotiations. Council Member Andresen said that the time is now for decision-making.

Mayor Howes noted that there was a substitute motion on the floor, proposing a public hearing by the Town.

Council Member Godschalk made note of the penalty clause of up to \$55,000. for failure to execute the agreement.

THE SUBSTITUTE MOTION FAILED 5-4, WITH COUNCIL MEMBERS HERZENBERG, PASQUINI, WALLACE AND WERNER DISSENTING.

MAIN MOTION, RESOLUTION 2A, AS AMENDED BY COUNCIL MEMBER HERZENBERG, WAS ADOPTED BY A VOTE OF 6-3, WITH COUNCIL MEMBERS PASQUINI, WALLACE AND WERNER DISSENTING.

Council Member Preston stated that she voted for the motion in full faith that Chatham County officials will continue negotiations as vigorously as they have to date in efforts to implement joint planning.

A RESOLUTION OF THE CHAPEL HILL TOWN COUNCIL SUPPORTING EXECUTION OF THE AGREEMENT BETWEEN OWASA AND CHATHAM COUNTY REGARDING SUPPLEMENTAL WATER SUPPLY AND COOPERATIVE PLANNING FOR WATER SUPPLY FACILITIES AT JORDAN LAKE (88-9-29/R-2a)

WHEREAS, the Council of the Town of Chapel Hill has considered the agreement developed by OWASA and Chatham County concerning extension of a water main into northern Chatham County and sale of water for use in northern Chatham County in the vicinity of the Town of Chapel Hill; and

WHEREAS, the development of areas of Chatham County in the vicinity of Chapel Hill and the Town's planning jurisdiction will significantly affect the Town of Chapel Hill; and

WHEREAS, the Council is concerned with the effect of provisions in the water sale agreement on growth management matters affecting the Town of Chapel Hill; and

WHEREAS, representatives of Chatham and Orange Counties and of the Towns of Carrboro, Chapel Hill and Pittsboro have discussed principles to guide the development of coordinated and complementary land use plans and growth management policies; and

WHEREAS, the governing bodies' representatives have submitted a draft agreement including principles in regard to transportation, water supply protection and land use planning; and including dates for preparation of various reports for further consideration; and

WHEREAS, the representatives have requested that the jurisdictions continue with steps to develop a cooperative planning agreement by October, 1990;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council supports the execution of the agreement dated June 28, 1988 between the Orange Water and Sewer Authority and Chatham County concerning supplemental drinking water supply by OWASA to Chatham County and concerning cooperative planning for water supply facilities at Jordan Lake; provided, that the agreement is amended as follows:

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1. In Section 2.1, add after the first sentence the following sentence: "This agreement shall terminate at the end of the 5-year period, and this agreement shall not be extended."

2. Delete Section 2.2

3. In Section 4.1, change the period at the end of the second sentence to a semi-colon and add the following: "provided, the Authority shall consult with its member governments before making a decision as to the adequacy of its water supply capacity from its own or other resources."

4. Delete Section 8.1 and renumber Section 8.2 as 8.1 and Section 8.3 as 8.2

This the 29th day of September, 1988.

COUNCIL MEMBER ANDRESEN MOVED THE ADOPTION OF RESOLUTION 1.1 AS REVISED (TO INCLUDE COURTESY REVIEW). COUNCIL MEMBER GODSCHALK SECONDED THE MOTION. MOTION WAS ADOPTED (7-2).

A RESOLUTION OF INTENT CONCERNING ANNEXATION AND PREPARATION OF A JOINT LAND USE PLAN WITH CHATHAM COUNTY (88-9-29/R-1.1)

WHEREAS, representatives of Chatham County, Chapel Hill and other jurisdictions have discussed annexation and planning matters of mutual interest; and

WHEREAS, by letter dated September 26, 1988, the Chairman of the Chatham County Board of Commissioners has asked the Town to state its intentions in regard to annexation; and

WHEREAS, the letter indicated that Chatham County supports establishing a system of bilateral review of major subdivisions in southern Orange and northern Chatham Counties;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL of the Town of Chapel Hill that the Council expresses its intent that the Town of Chapel Hill will not annex into Chatham County before December 1, 1989, without the prior concurrence of Chatham County, as long as the Council is satisfied that substantial progress is continuing toward our goal of a mutually acceptable joint land use plan including immediate initiation of courtesy review of major projects to continue during the development of the joint land-use plan.

This the 29th day of September, 1988.

Council Member Werner asked whether the annexation provision of the resolution was still in force if courtesy review was

not exercised. He added that if the Council were satisfied substantial progress had been made, the courtesy review process should be added to the motion.

Council Member Wilkerson stated that he wanted the concerns of all Council Members addressed satisfactorily.

Council Member Andresen noted that the current Council could not bind future Councils to the actions being taken.

Council Member Wallace asked whether the Council would act on annexations or simply receive petitions.

Town Manager Taylor stated the Town may still annex with the concurrence of Chatham County.

Mayor Howes added that the Town may always receive petitions for annexation.

Orange County Bond Referendum

Town Manager Taylor stated that there was an established need for additional water resources in the Orange County area. He added that reservoir costs should be reflected in water rates, not property tax rates. Mr. Taylor stated that before any funds are expended, equity should be assured. He concluded that it is important to create an urban services area in the development of a reservoir plan.

Council Member Wilkerson inquired about the demographics of the study cited on page two of the Town Manager's report. Town Manager Taylor stated that the study cited was conducted by Orange County. Mr. Taylor said that he would investigate the demographics of the study and report back.

In response to Council Member Wilkerson's inquiry as to why the Manager was recommending that a new water authority be formed instead of increasing the service area of OWASA, Mr. Taylor stated that if the Orange Water and Sewer Authority (OWASA) is the service provider, users will pay reservoir capital costs. Mr. Taylor said it would be equitable for another entity to pay the capital costs, then contract water operations with an existing agency like OWASA in order to benefit from economies of scale.

Council Member Godschalk asked about the option of Orange Water and Sewer Authority (OWASA) serving as a service provider in central Orange County. Town Manager Taylor stated his opinion was that a significant increase in water rates would be required in the new service area in order to pay debt service costs. Council Member Pasquini asked why the

Town Manager was proposing the involvement of a new entity to administer the reservoir project. He added that this recommendation appeared to be a policy statement. Town Manager Taylor responded that he had been asked by the Council to comment and provide an opinion on this item.

Council Member Pasquini asked whether the Council wanted OWASA ratepayers to pay for a second reservoir in Orange County. He stated that he didn't think doing so would be a good idea since this wouldn't represent the wishes of ratepayers. Council Member Pasquini said the Council ought to oppose the County referendum on this item. Town Manager Taylor said that OWASA shouldn't have to be the water service provider for all of Orange County. It would not be equitable. Mr. Taylor added that it was his personal opinion that one governmental entity should not take a position on bond referenda of another entity.

Council Member Preston asked what mechanism would be used to refund capital monies for a reservoir to taxpayers. Since all taxpayers would not benefit from the reservoir. Town Manager Taylor said a water entity would repay the money and the County would use these funds for purposes benefiting all of the County.

Council Member Werner stated that there was no need to take action since the item was informational in nature. Town Manager Taylor said that he had no problem with this. Mayor Howes said that one governmental entity should not endorse or oppose other governmental entity's bond issues. He added that he had no compulsion to adopt the resolution.

Joyce Brown expressed her concern to the Council that there were conflicting estimates of growth for Orange County. She added that vague promises to control growth are insufficient. Ms. Brown added that riverways are a common but disappearing natural heritage. Ms. Brown concluded by saying that there are limits to resources, adding that the protection of the water supply is a serious matter which is not being given sufficient attention.

Liz McGhea stated that she concurred with Ms. Brown's remarks.

Jane Sharp told the Council that no one knows the number and types of customers to be served by the proposed reservoir. She stressed the need to plan to protect Eno River State Park. Ms. Sharp also pointed out the need to control pollution and limit chemical discharges into waterways. Ms. Sharp added that Orange County Commissioner Don Wilhoit has asked her to provide the Commission with a proposed

pollution control resolution. Ms. Sharp concluded her remarks by expressing her concern that some wastewater treatment plants are out of compliance with their discharge permits.

Mark Dicopolis, a private developer and member of Citizens for Sensible Growth, said that the issue at hand is one of growth, not water. Mr. Dicopolis stated that a lack of planning leads to greater strains on infrastructure. He told the Council that monies from outside the area are being injected into local development for investment purposes. Mr. Dicopolis concluded by suggesting that the Council take the opportunity to examine the regional development and growth outlook.

Orange County Commissioner Don Wilhoit encouraged citizens to look at the Orange County Land-Use Plan and related documents, saying they show where growth patterns are expected and it is not out of control. He said that he is looking forward to upcoming debates and briefings on the reservoir. The Commissioner said that the reservoir would better service the urban growth area than wells and septic systems. Commissioner Wilhoit concluded by saying that discussions held at the Public-Private Partnership Conference in Champaign-Urbana had led to a joint agreement between the Town of Hillsborough and Orange County.

Council Member Pasquini noted that OWASA has this item on an upcoming agenda. He noted that it was important for the Town to indicate its direction on the reservoir issue this evening, in order to combine the statements of the three participating entities and give OWASA its opinion. He felt it was very important the Town take a position on the issue.

Mayor Howes said there was no official request from OWASA asking the Town to take a position on the bond issue.

Council Member Werner suggested that the Council could state that they were not taking a position on the bond referendum.

COUNCIL MEMBER HERZENBERG MOVED, COUNCIL MEMBER WALLACE SECONDED A MOTION TO MAKE NO RECOMMENDATION ON THE ORANGE COUNTY BOND REFERENDUM. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Resolution regarding the draft Orange County Water and Sewer Policy

Town Manager Taylor stated that the document before the Council had been revised on September 25. Mr. Taylor gave the Council an overview of the document, emphasizing Orange County's primary responsibilities as the establishment of an

organizational structure for policy administration, a public education program, and maintenance and operation of on-site systems. Town Manager Taylor stated that based on previous discussions, the Council may want to drop item 2 (requesting Orange County to consider creation of a separate water and sewer entity for central Orange County) from their motion.

Council Member Andresen asked who will be responsible for the inspection of septic systems. Town Manager Taylor stated that the issue had not been fully addressed but might be at the October 10th public hearing.

Council Member Herzenberg stated that he was concerned that the word "conservation" doesn't appear in the document.

Mayor Howes stated that he did not object to deleting item 2 as suggested by Town Manager Taylor.

COUNCIL MEMBER WILKERSON MOVED, SECOND BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 6, DELETING POINT 2 AND ADDING AS A NEW ITEM 2 "THE COUNCIL URGES INCLUSION OF WATER CONSERVATION MEASURES IN THE POLICY STATEMENT". MOTION WAS ADOPTED BY A VOTE OF 8-1, WITH COUNCIL MEMBER ANDRESEN DISSENTING.

A RESOLUTION REGARDING THE DRAFT ORANGE COUNTY WATER AND SEWER POLICY (88-9-29/R-6)

WHEREAS, the Town Council has received the draft Orange County Water and Sewer Policy and a report from the Town Manager;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council submits the following comments on the draft water and sewer policy:

1. The Council urges the addition of statement(s) of the basic purposes of the policy.
2. The Council urges inclusion of water conservation measures in the policy statement.
3. The Council urges the County to consider the need for public education regarding and inspection of alternative wastewater systems.
4. The Council endorses provisions of the policy which are consistent with the Joint Planning Agreement and Land Use Plan.

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- 5. The Council recommends that for areas not designated for public sewer service, the County not approve "clustered" private wastewater systems unless requiring individual septic systems would not be suitable due to site conditions.
- 6. The Council recommends the County require back-up drainfields for ground absorption wastewater systems.
- 7. The Council urges the County to consider institutional changes to strengthen maintenance and operation of wastewater systems which are now privately maintained.

This the 29th day of September, 1988.

Composition of Planning Board and Board of Adjustment

COUNCIL MEMBER WERNER MOVED, SECOND BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION O-1. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (88-9-29/O-1)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendments to the Chapel Hill Development Ordinance adjusting the composition of the Planning Board and Board of Adjustment in accordance with the Joint Planning Agreement, and finds that the amendment is appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and/or achieves the purposes of the Comprehensive Plan;

SECTION I

AMEND Subsection 25.2.1 to read as follows:

25.2.1 Establishment of the Board; Qualifications

A Planning Board, consisting of ten (10) members, is hereby established. Seven (7) members, appointed by the Council, shall reside within the corporate limits of Chapel Hill. Two (2) members shall reside within the Town's extraterritorial planning jurisdiction, and shall be appointed by the Orange County Board of Commissioners. One (1) member shall reside within the Town's Joint Planning Transition Area, and shall be appointed by the Orange County Board of Commissioners. Members shall serve without compensation, but may be

reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the Board.

SECTION II

AMEND the first paragraph of Subsection 25.3.1 to read as follows:

25.3.1 Establishment of the Board; Qualifications

A Board of Adjustment, consisting of ten (10) members, is hereby established. Eight (8) members, appointed by the Council, shall reside within the corporate limits of Chapel Hill. One (1) member, appointed by the Orange County Board of Commissioners, shall reside within the Town's extraterritorial zoning jurisdiction. One (1) member, appointed by the Orange County Board of Commissioners, shall reside within the Joint Planning Transition Area. There shall be three (3) alternate members. Two (2) alternate members, appointed by the Council, shall reside within the corporate limits of Chapel Hill. One (1) alternate member, appointed by the Orange County Board of Commissioners, shall reside within the Town's extraterritorial zoning jurisdiction or the Joint Planning Transition Area. Each alternate member shall sit as regular members on any matter arising from their respective extraterritorial or transition areas, and may sit as regular members on any matter in the absence of a regular member. The Council may provide for the appointment of such additional number of alternate members as it may in its discretion deem appropriate. members shall serve without compensation.

SECTION III

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 29th day of September, 1988.

RECOMMENDED BY MANAGER, PLANNING BOARD,
AND BOARD OF ADJUSTMENT

ORDINANCE SUMMARY

	Planning Board	Board of Adjustment
Town	7	8
ETJ	2	1
Transition	1	1
Alt. Town	-	2
Alt. ETJ	-	\ 1
Alt. Trans.	-	/
TOTAL	10	13

1988-89 Focal Issues

Town Manager Taylor informed the Council that he had identified four major issues for 1988-89: Solid Waste, Housing, Comprehensive Planning, and Transportation.

Council Member Godschalk stated that he wants to make certain that the Town's Comprehensive Plan and the University's Master Plan are in synchronization.

COUNCIL MEMBER WERNER MOVED, SECOND BY COUNCIL MEMBER HERZENBERG TO ADOPT RESOLUTION 7. THE MOTION PASSED UNANIMOUSLY (9-0).

A RESOLUTION CONFIRMING THE FOCAL ISSUES OF 1988-89 (88-9-29/R-7)

WHEREAS, the Council of the Town of Chapel Hill recognizes the array of major policy issues facing it in 1988-89, and

WHEREAS, the Council agrees that a commitment to focus on a limited number of issues of strategic importance will facilitate greater achievements in many areas during the year,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Town of Chapel Hill recognizes that the creation of a structured

process of communication and the execution of an agreement of understanding on mutual goals with the University of North Carolina at Chapel Hill, and with our neighboring political jurisdictions, are key to the accomplishment of major policy goals, and

BE IT FURTHER RESOLVED, that the Council intends to focus its energy during 1988-89 on the following policy goals:

- adoption and implementation of the Comprehensive Plan
- expansion of housing opportunities
- provision of adequate transportation networks
- management of solid waste

This the 29th day of September, 1988.

Compensation of Town Manager and Town Attorney

COUNCIL MEMBER GODSCHALK MOVED, SECOND BY COUNCIL MEMBER HERZENBERG TO ADOPT ORDINANCE 2. MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Pasquini stated that there had been some public concern about the amount of the salary increases for the Manager and Attorney. He offered to present some new performance review material before the next evaluation session.

Council Member Andresen noted that the Town of Carrboro has performance standards for these positions which may prove useful in the future.

Council Member Herzenberg encouraged concerned citizens to attend Council meetings to watch the governmental process at work. He noted the complexity of intergovernmental relations in Chapel Hill.

Mayor Howes noted that there were not as many intergovernmental relationships in Champaign-Urbana, the site of the Public-Private Partnership Conference.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (88-9-29/O-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials Beginning October 1, 1988 (88-5-25/O-3) as follows:

Section IV, part B, DELETE the Lines

	No	Salary
Town Manager	1	\$74,500
Town Attorney	1	48,000

And ADD the Lines

Town Manager	1	\$84,500
Town Attorney	1	60,000

This the 29th day of September, 1988.

Compensation of Mayor and Council

COUNCIL MEMBER WALLACE MOVED, SECOND BY COUNCIL MEMBER PRESTON TO ADOPT ORDINANCE 2.1 AS PRESENTED.

Council Member Wallace gave a brief overview of Mayor's and Council's salary histories. Council Member Wallace added that the proposed percentage increases are not out of line in light of past salary history.

Council Member Godschalk stated that he opposed the doubling of Town Council stipends. Council Member Godschalk said that it is a privilege to serve on the Council. He added that Council Members should be willing to serve under the conditions existing at the time of their election. Council He concluded by stating that the proposed stipend increase would drive a wedge between the University and the Town. He added that University policy directly impacts the stipends of Mayor Howes and himself. For these reasons, Council Member Godschalk stated that he opposed the motion on the floor.

Council Member Pasquini stated that he was opposed to raising Council salaries. He added that he serves on the Council as community service. He said if any increase were approved it ought only apply to the next Council.

Council Member Preston stated that she favored the ordinance before the Council. She noted that the job of Council Member has become more complicated since she took office, requiring greater time commitments. She suggested the drafting a letter to the University, requesting a review of the University's compensation policies. Council Member Preston concluded her remarks by stating that if some Council

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Members feel they are overcompensated, they can return these monies.

Council Member Herzenberg expressed concern that a large number of citizens are unable to run for public office due to fiscal constraints. He added that the present stipend structure discriminates against these citizens.

Council Member Werner stated that he opposes the ordinance. He stated that an increase in Council compensation will blur the distinction between public service and a full-time professional job.

Mayor Howes noted that he concurred with Council Member Godschalk's remarks. He said the Mayor and Council's compensation is a stipend or honorarium, not a salary. He cautioned that the Council's possible adoption of the resolution would be possibly changing the nature of the payment from a stipend to a salary. Mayor Howes suggested that a study group or citizen's committee could possibly be formed to look at the issue of salary compensation.

Council Member Andresen stated that she is comfortable with the increase in the Council stipend. She said she would not recommend a committee to review this issue. Council Member Andresen added that many Town residents favor the increase in the Council stipend.

THE ORDINANCE FAILED TO PASS ON FIRST READING, (5-4), WITH COUNCIL MEMBERS GODSCHALK, PASQUINI, WERNER AND MAYOR HOWES OPPOSED.

THIS ITEM WILL BE CONSIDERED FOR SECOND READING AT THE OCTOBER 10TH TOWN COUNCIL MEETING.

CONSENT AGENDA

COUNCIL MEMBER WERNER 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 (88-9-29/R-8)

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. Agreement on building inspections in emergencies. (R-9)

- b. Traffic changes October 12 for installation of Chancellor. (O-3)
- c. Closing part of Sharon Road for block party. (R-10)
- d. (Deleted)
- e. Closing part of Windsor Circle for block party. (R-12)

This the 29th day of September, 1988.

A RESOLUTION AUTHORIZING THE EXECUTION OF A MUTUAL AGREEMENT FOR EMERGENCY BUILDING INSPECTOR ASSISTANCE WITH THE TOWN OF NAGS HEAD (88-9-29/R-9)

Whereas, the Town of Nags Head has developed an emergency preparedness plan, including a plan for mutual assistance in the field of building inspections; and

Whereas, the Town of Nags Head has requested that the Town of Chapel Hill participate in that plan for mutual assistance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is authorized to execute a Mutual Agreement for Emergency Building Inspector Assistance, and to implement it if and as necessary.

This is the 29th day of September, 1988.

AN ORDINANCE REGARDING TEMPORARY TRAFFIC ARRANGEMENTS FOR THE INSTALLATION OF THE CHANCELLOR ON OCTOBER 12, 1988 (88-9-29/O-3)

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

SECTION I

That vehicle traffic on Cameron Avenue between Raleigh Street and Columbia Street shall travel only westbound between 9 a.m. and 2:30 p.m. on October 12, 1988.

SECTION II

That Section 21-42 (b) of the Town Code of Ordinances (establishment of bikelane) and in Section 21-27 (no parking any time) the following line

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<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Country Club Rd.	East	Boundary St.	South Road

are temporarily rescinded for the period 9 a.m. to 2:30 p.m. on October 12, 1988, after which time said the rescinded ordinance provisions cited above shall again be effective.

This the 29th day of September, 1988.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF PART OF SHARON ROAD (88-9-29/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of Sharon Road on Sunday, October 9, 1988 from 4 p.m. to 7 p.m. (or on Sunday, October 16 in the event of rain) for a block party subject to the following conditions:

1. There shall be vehicles parked to serve as barricades at the end of the closed area with persons available to allow entry by emergency vehicles if necessary.
2. The closed street area shall be cleaned of litter by 7 p.m.
3. No alcohol shall be consumed in the public street right-of-way.
4. A permit for outdoor amplified sound shall be obtained from the Police Department if necessary under the Town's noise ordinance.
5. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 29th day of September, 1988.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF PART OF WINDSOR CIRCLE ROAD (88-9-29/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of part of Windsor Circle on Saturday, October 8, 1988 from 2 p.m. to 8 p.m. (or on Saturday, October 15 in the event of rain) for a block party subject to the conditions listed below. The portion of Windsor Circle to be closed shall be the area from the southeast corner of Windsor Circle (at Lot 5 of Block C, Tax Map 29A) for approximately 450 feet in a northerly direction.

1. There shall be vehicles parked to serve as barricades at the end of the closed area with persons available to allow entry by emergency vehicles if necessary.
2. The closed street area shall be cleaned of litter by 8 p.m.
3. No alcohol shall be consumed in the public street right-of-way.
4. A permit for outdoor amplified sound shall be obtained from the Police Department if necessary under the Town's noise ordinance.
5. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 29th day of September, 1988.

NOMINATIONS AND APPOINTMENTS TO TREE PROTECTION TASK FORCE

COUNCIL MEMBER HERZENBERG, CHAIRPERSON OF THE TASK FORCE, NOMINATED TOM MCCURDY (WHO'S APPLICATION WAS RECEIVED AFTER SEPTEMBER 12TH COUNCIL MEETING) AND EIGHTEEN OTHER TOWN OF CHAPEL HILL RESIDENTS FOR APPOINTMENT TO THE TREE PROTECTION TASK FORCE. COUNCIL MEMBER HERZENBERG'S MOTION WAS SECONDED BY COUNCIL MEMBER PRESTON. THE MOTION PASSED UNANIMOUSLY (9-0).

Council Member Werner suggested that the Tree Protection Task Force should make use of the two non-resident Arborist applicants as advisors.

The following individuals were appointed as members of the Task Force:

J. Bruce Ballentine	Jill Ridky
Claire Cooperstein	Gary Saleeby
Florence V. Curran	David Swanson
Tim Epperson	Dorothy Talbot
James Haar	Ruth E. Thomas
Gertrude London	Peter A. Thorn
Thomas R. McCurdy	J.L. Touchstone
James McNaull	Walter Trott
Gordon Mitchell	Matt Widen
	Carol Ann Zinn

Non-residents of Chapel Hill serving as special advisors to the group were:

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Joseph T. Burch
Bob Lamond

EXECUTIVE SESSION

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

The meeting adjourned to Executive Session at 11:10 p.m.

The Town Council, by consensus, authorized the Town Attorney to seek a settlement of the Women's Center case, affirming Zoning and Special Use actions of the Council.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION WAS PASSED UNANIMOUSLY.

The meeting adjourned at 11:25 p.m.