

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, JANUARY 9, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

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

Mayor Howes stated that Council Member Wallace was absent excused from this evening's meeting.

Mayor Howes encouraged the public to attend a Planning Board Forum on Tuesday, January 10th at 7:30 PM at Phillips Junior High to discuss the Comprehensive Plan. He added that the Council will be convening on Thursday, January 12th to hold monthly public hearings and on Saturday, January 14th to have its annual retreat.

Petitions

Runyon Woods, representing AHP, said that he is striving to provide affordable housing to the citizens of Chapel Hill. Mr. Woods said that he would like to break ground in May, 1989 on his proposed project on Culbreth Road. He added that he would like his subdivision application to be expedited by the Town Council. Mr. Woods said that his project proposal will involve a land trust, deeding the land in the subdivision to the Town for a nominal fee (\$1.00). The Town would then administer the the housing units. Mr. Woods said that the Culbreth Park subdivision will provide substantial private subsidies to homeowners making less than \$25,000 per year. He added that the construction of the subdivision will provide a valuable and needed service to the citizens of the Town. Mr. Woods stated that he needed the co-operation of the Council to make the project a success.

Council Member Preston asked when Council Members will be able to visit the prototype home. Mr. Woods responded that those desiring to visit the prototype may visit his home, which is similar in style and is located on Dogwood Acres Drive. Mr. Woods added his commitment to keeping the cost per square foot as low as possible.

Council Member Andresen said that she found the proposal submitted by Mr. Woods to be exciting. She said that the Town staff will be evaluating the proposal in the near future. Council

Member Andresen said that she will be very interested in seeing the site plan for the project, expressing concern that the lot sizes seem very small. Mr. Woods stated that he would welcome any suggestions from the Council to improve the proposed Culbreth Park subdivision.

Council Member Werner asked when Town Manager Taylor would be able to report back to the Council on this item. Mr. Taylor responded that the staff will compile additional information for presentation at the January 23rd Council meeting. Mr. Woods said that the Orange County Commissioners will be considering his application for Community Development Block Grant (CDBG) funds for Culbreth Park subdivision at their February 6th meeting.

Council Member Pasquini said that there are tough questions which will need to be answered concerning the proposed land trust fund and related financing questions.

Council Member Godschalk suggested that Mr. Woods should consult with the Triangle Housing Partnership to assist in his efforts.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THIS ITEM TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Cassandra Sloop, representing the Triangle Appearance Commission, said that she wished to address the Council concerning beautification of highway interchanges. She noted that such a project will require public and private funding. Ms. Sloop stated that she is attempting to raise \$25,000 to beautify half of the 15-501/I40 interchange and \$50,000 for the interchange at NC 86 and I40. Ms. Sloop said that the North Carolina Department of Transportation will provide labor for the installation of the plant materials. She added that in order for monies to be eligible for matching grants, they must be received by NCDOT no later than June 30, 1989. Ms. Sloop noted that she is requesting \$25,000 from the Town Council to assist in the beautification project. Ms. Sloop concluded her remarks by noting that matching funds from private concerns are currently being sought.

Council Member Andresen asked Ms. Sloop whether the proposed \$75,000 total would be solicited in \$25,000 shares from Town funds, a matching grant, and private funds. Council Member Andresen said that she thought \$75,000 was a lot of money for this type of project. Ms. Sloop responded that the two interchanges involve extensive planting areas. She added that plants can be quite expensive. Council Member Andresen asked whether any thought had been given to installing native shrubbery and alternate plant materials. Ms. Sloop responded that NCDOT determines the types of planting due to safety and related factors. Council Member Godschalk asked whether it would be possible to

receive technical assistance from staff at the Botanical Gardens. Ms. Sloop said that she would look into this possibility.

Council Member Preston asked whether any funds for landscaping were available in the Town's bond fund. Town Manager Taylor responded that about \$150,000 in bond funds were uncommitted for greenways, entranceways and open space.

Council Member Werner expressed concern that \$25,000 seemed like a large outlay for landscaping, noting that the Town's annual budget for greenways is \$50,000. Town Manager Taylor stated that NCDOT produces the master plans for interchanges, with the approximate average cost being \$100,000 per interchange. He added that interchange plantings can occur in portions. Mayor Howes requested that Manager Taylor examine the plans for landscaping in further detail and report back to the Council on possible funding sources. Council Member Andresen noted the Council's general support of the proposal, but added concern about the estimated costs involved. Mayor Howes noted that plantings along I-40 during the Olympic Festival in 1987 received many compliments from area citizens and visitors alike.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THIS ITEM TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Erwin Shatzen, owner of Pepper's Pizza, said that he was speaking on behalf of the owners of sixteen businesses in downtown Chapel Hill. The business owners oppose the prohibition of neon signs. Mr. Shatzen stated that tastefully displayed neon signs are vital to business. Mr. Shatzen said that neon signs make the downtown area look alive. He requested that the Council suspend enforcement of the sign ordinance until a new text ordinance pertaining to neon can be drafted. Mr. Shatzen presented a letter from the sixteen business owners to the Council.

Council Member Andresen stated her support of a text amendment. She asked Town Manager to evaluate the sign prohibition policy in the interim. Mr. Shatzen reiterated that the neon sign prohibition revision hurts small business, adding that customers have stopped by to ask if the business is open. Mayor Howes said that Town Manager Taylor will report back to the Council with a recommendation. Council Member Preston stressed the importance of assisting small business in this matter. Council Member Godschalk said that neon can be used well and tastefully. He cited the use of neon at the United Airlines Terminal in Chicago as such a use.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER THIS ITEM TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Andresen noted that the League of Women Voters had written a letter expressing concern over the limited amount for public review of the Strategic Report. She expressed concern about the timing of the report, noting its proximity to the holidays and the beginning of school sessions. Council Member Andresen proposed that in the future, the Council consider that no forums be held during the months of January, July, August or December. Council Member Andresen expressed concern that only a limited number of groups had evaluated the Strategic Report document. She said that it was difficult to get people to look at a complicated document. Council Member Andresen suggested that a study of the Strategic Report be undertaken by a group of knowledgeable citizens to put the report into layman's terms. Council Member Godschalk said that he found the report to be very readable. He added that the Strategic Report had been well publicized by the area media.

Council Member Andresen expressed concern that some people were experiencing difficulty in grasping the scope of the Strategic Report. Council Member Godschalk said that the chief difficulty appeared to be a matter of timing rather than the content of the report. Mayor Howes suggested that the Council should wait for feedback from the Planning Board's forum on January 10th.

Council Member Preston noted the difficulty of finding optimal times for holding forums on key policy issues. Council Member Herzenberg noted that the Solid Waste Forum held in December had been well attended. Council Member Werner suggested that if the January 10th forum is not well attended, another forum should be held to accommodate those unable to attend the first one. He added that the press had tended to oversimplify the Strategic Report. Council Member Werner encouraged citizens to read the document. Council Member Preston noted that public forums offer an opportunity for two-way dialogue between citizens and their public representatives.

#### Minutes of December 13, 1988 Council Meeting

Council Member Preston asked for clarification of wording on page 14.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT THE MINUTES OF DECEMBER 13, 1988. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

#### Schools--DOTA Hearing

Roger Waldon, Planning Director, presented the staff report. Mr. Waldon noted receipt of a letter from the Chapel Hill-Carrboro Schools requesting an amendment to the development ordinance

relaxing standards for improvements to school sites. Mr. Waldon said that staff recommends holding a public hearing on this item. Council Member Godschalk said that the development of attractive school sites should be encouraged.

Tom Kuncl, Chairperson, St. Thomas More School Board, requested inclusion of private schools in the public hearing.

Council Member Werner asked whether specific proposals would be forthcoming from the School Board. Council Member Wilkerson stated that the School Board was seeking relief at several different sites, which will require the school and Town staffs to work together for mutually acceptable solutions.

COUNCIL MEMBER HERZENBERG MOVED ADOPTION OF RESOLUTION 1, STRIKING THE WORD "PUBLIC" FROM "PUBLIC ELEMENTARY AND SECONDARY SCHOOL FACILITIES", SECONDED BY COUNCIL MEMBER GODSCHALK. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CALLING A PUBLIC HEARING (89-1-9/R-1)

WHEREAS, a request for amendment of the Chapel Hill Development Ordinance has been brought to the attention of the Town staff by the Chapel Hill-Carrboro City Schools; and

WHEREAS, the proposal calls for the possible amendment of Articles 2, 12, 13, 14, 18 and 19 of the Development Ordinance, to change the way development standards and use regulations are applied to elementary and secondary school facilities;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing to discuss this proposal, such hearing to be scheduled for 7:30 p.m. on Monday, February 20, 1989 in the Chapel Hill Municipal Building Meeting Room.

This the 9th day of January, 1989.

#### Town Seal

Mayor Howes said that the Town Seal is affixed to all official documents of the Town. Mayor Howes added that a distinguished committee had been established to formulate the design for a new seal.

Dr. Ralph Wileman said that the Town Seal Committee began meeting in April, 1988. He stated that approximately twenty designs were submitted for consideration. The committee evaluated the designs and recommended two conceptual designs for further consideration.

Council Member Andresen said that the "waving welcome" of the goddess Athena was an improvement over the current seal design. Mayor Howes asked whether the detailed execution of the artist was the next step in the design process. Dr. Wileman responded that this was correct. Council Member Preston said that she would like to see the original mock-ups of the seal designs. Mayor Howes said that the likenesses contained in the Council agenda packets were good reproductions. Council Member Godschalk said that he had two difficulties with the design concept, namely the inclusion of two dates and the fact that the proposed design looks like the current design with the spear erased. Council Member Herzenberg noted that the Town was "founded" twice, since the first officials were appointed in 1795 and the Town was not chartered until 1851. Council Member Herzenberg added that his research had found that Athena is the Goddess of many things, including: health, horses, chastity and prudent intelligence.

Mayor Howes noted that the North Carolina state flag has two dates.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO AUTHORIZE THE EXECUTION OF THE TWO CONCEPTUAL DESIGNS PROPOSED BY THE TOWN SEAL COMMITTEE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

#### Nuclear Weapons Testing Suspension

Council Member Werner read Resolution 3 into the record.

Council Member Herzenberg noted that Dr. Palmore's petition contained approximately 2300 signatures, the preponderance of which were from residents of Chapel Hill.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 3. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION REGARDING MUTUAL AND VERIFIABLE SUSPENSION OF NUCLEAR WEAPONS TESTING (89-1-9/R-3)

WHEREAS, nuclear war would probably destroy Chapel Hill; and

WHEREAS, a ban on nuclear testing would be a concrete and feasible first step toward reducing nuclear arsenals;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls upon the elected representatives of Chapel Hill to support legislation requiring the United States to join the Soviet Union in a mutual and verifiable suspension of nuclear weapons testing.

BE IT FURTHER RESOLVED that copies of this resolution shall be transmitted to Senators Sanford and Helms and to Representative Price.

This the 9th day of January, 1989.

Sidewalk Vending

Town Manager Taylor stated that he recommended adoption of Ordinance 1.

Greg Feller, Assistant to the Town Manager, provided a brief overview of recent sidewalk vending activities, noting that fewer than a dozen licenses were requested by vendors during the summer of 1988. He added that Town staff recommends adoption of the ordinance on a continued trial basis, through next December.

Debi Dibbert, Co-Executive Director of the Chapel Hill-Carrboro Downtown Commission, stated that she was seeking readoption of the ordinance for a period of one year. She noted that the Downtown Association now has adequate resources to encourage sidewalk vending activities.

Danny Fox of the Downtown Chapel Hill Association said that his group favors the ordinance and will support an extension of it.

Council Member Andresen noted that sidewalk activities add a lively ambiance to the downtown area.

Council Member Werner pondered whether the initially adopted ordinance was too restrictive. He asked whether the Council had learned anything from the initial trial period of the ordinance.

Council Member Andresen asked when the initial sidewalk ordinance had been passed. Mr. Feller responded that the ordinance was initially adopted on August 23, 1988.

Council Member Andresen observed that she had only seen benefits from the ordinance since its adoption.

Council Member Herzenberg expressed concern that a two-dimensional ordinance was being used in a three-dimensional world. Council Member Herzenberg stated that he had personally received many requests for information on the Sidewalk Vending Ordinance. Council Member Herzenberg said that the central issue was one of sidewalk control. He noted that since shopowners have control, they limit sales to two-dimensional objects, such as flowers.

Council Member Andresen said that she would be concerned if the

Council did not adopt a sidewalk vending ordinance. She suggested that work begin on a new ordinance after the pending extension was adopted. Council Member Wilkerson suggested a ninety to one hundred twenty day extension for evaluation purposes.

Council Member Godschalk noted that relatively few vendor licenses had been sought (three for flowers or art, five for instruments, etc.). He added that these figures did not reflect a strong market. Council Member Godschalk suggested that time and energy may be being taken away from something more helpful. He encouraged more thought be given to this effort. Council Member Andresen said that she felt extension of the ordinance would not be a wasted effort. Council Member Andresen expressed her desire to work out a compromise on this issue.

Mayor Howes said that the proposed sidewalk vending extension was a stop gap measure. He noted that the Downtown Commission is in the process of evaluating the ordinance for possible changes. Ms. Dibbert expressed her willingness to return to the Council with recommendations in the future. Council Member Werner proposed a ninety day extension with the Downtown Commission to report at that time.

Mayor Howes stated that the sidewalk vending ordinance should be extended since development of a revised ordinance was not as far along in the process as desired.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE O-1, EXTENDING THE ORDINANCE FOR A PERIOD OF NINETY DAYS, AS PROPOSED IN COUNCIL MEMBER WILKERSON'S FRIENDLY AMENDMENT. THE MOTION WAS ADOPTED (6-2), WITH COUNCIL MEMBERS GODSCHALK AND HERZENBERG DISSENTING.

AN ORDINANCE AMENDING THE CHAPEL HILL CODE OF ORDINANCE (89-1-9/0-1)

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

SECTION I

That the Council hereby amends Article VI of Chapter 17 of the Code of Ordinances to read as follows:

Sec. 17-76. Legislative findings

The Council hereby finds that:

- (a) Increasing the vitality of the central business district is in the best interest of the citizens of the Town of Chapel Hill and the public health, safety and welfare;



- (b) The central business district is in need of special efforts to enhance its vitality; and such efforts will promote the public health, safety and welfare;
- (c) Permitting limited sales by businesses adjacent to public sidewalks in the central business district will enhance the vitality of the downtown area of Chapel Hill and the health, safety and welfare of the citizens of the Town; and
- (d) Permitting performing artists, charitable sales and other reasonable and limited use of the public sidewalks in the central business district will attract visitors to the downtown area, promote the vitality of the downtown area and the health, safety and welfare of the citizens of Chapel Hill.

Sec. 17-77. General prohibition; exceptions.

Except as otherwise provided in this article, it shall be unlawful for any person to display, sell, rent, offer for sale, or barter any goods, wares, merchandise or commercial products of any kind on any public street or sidewalk within the Town.

Sec. 17-78. Charitable sales.

Civic organizations or other groups engaged in charitable or fund raising drives for community service may apply directly to the Town Manager for a temporary permit to display, sell, rent, offer for sale, or barter any goods, wares, merchandise or commercial products of any kind on the public streets and sidewalks of the Town.

Sec. 17-79 -- 17-81. Reserved.

Sec. 17-82 Selling adjacent to intersections.

No selling done pursuant to a permit issued under this Article shall occur within 15 feet of the edge of the street at an intersection of public streets or within 15 feet of the bus stop.

Sec. 17-83. Reserved.

Sec. 17-84. Application of article to sale of articles on UNC and private property and to sale of newspapers, magazines and certain farm products.

The provisions of this article shall not apply to the sale of any article on private property or on the property of the University of North Carolina, nor to the sale of newspapers and magazines, nor farm products exempted under North Carolina General Statute

105-53 (c), provided such sales do not interfere with or impede the orderly and safe flow of pedestrian or vehicle traffic and comply with Section 17-85.

Sec. 17-85. General requirements for exceptions to this article.

Sale, offering for sale, display of articles and performances permissible under this article shall be subject to the following requirements:

- (a) The sale of flowers and two-dimensional art, and performances and two-dimensional art fairs permissible under this article shall be limited to the locations described below and shall be subject to the further restrictions in this article.

Vendors of flowers or two-dimensional art, performing artists and participants in special events permissible under this ordinance may use one sidewalk area of 5 feet wide measured in the direction of travel on the sidewalk and 3 feet deep, on a first-come, first-served, space available basis at each of the sidewalk locations identified below by reference to adjacent properties. The locations used shall be at or near an imaginary line extending from the boundaries between private property parcels wherever practical, except in the case of sidewalk sales by downtown merchants under Sec. 17-88 and areas identified below for multiple vendors.

East Franklin Street - North Side

Four Corners Restaurant (175 East Franklin)  
Wachovia Bank (165)  
Amber Alley  
Alley between Intimate Bookshop and Gelato D'Oro  
(between 121 and 119)  
Rite-Aid (109)  
First Union Bank (105)

East Franklin Street - South Side

Carolina Theatre (108)  
First Citizens' Bank and Trust (134)  
School Kids' Records (144)

West Franklin Street - North Side

Town of Chapel Hill Parking Lot east of Church Street  
(multiple vendor area)  
Area immediately west of Church Street to former  
Southern Bell building (multiple vendor area)  
Stereo Sound (210)

Ham's Restaurant (310)  
 Natural Home Furnishings (312)  
 Cat's Cradle (320)  
 Area west of Chapel Hill Cleaners along UNC property  
 at 440 West Franklin Street (multiple vendor area)  
 Colonial Drug Store (450)  
 Tar Heel Mattress (452)

West Franklin Street - South Side

Colonial Press (503)  
 The Courtyard (431)  
 Leo's Restaurant (423)  
 Town's parking lot near Yates Motor Co. (east of 419)  
 The Bread Shop (411)  
 The Trail Shop (405)  
 Bus Station (311)  
 Former Soap's location/Pops Textbooks (301)  
 Swenson's (133)  
 Kemp's (107)  
 Central Carolina Bank (121)  
 Alexander and Associates (113)

Performances and two-dimensional art fairs permissible under this article may also be conducted in the open plaza area in front of the Franklin St. Post Office/Court Building, 179 East Franklin St.

- b) Sales, performances and certain special events permissible under this article shall be limited to Thursdays, Fridays, and Saturdays, except that sales for charitable purposes under Section 17-78 may be permitted on any day.
- (c) Sales, performances and certain special events authorized under this article shall be within the Town Center-1 and -2 zones as defined in the Chapel Hill Development Ordinance and Zoning Atlas.
- (d) Tables, chairs, racks, easels, shelving and similar items may be temporarily placed on the sidewalk; must be removed by ten p.m. and at any time when not in active use; shall have a maximum height of 4 feet and shall have a maximum width of 5 feet and maximum depth of 3 feet.
- (e) Activities authorized under this article shall comply with all applicable laws, ordinances and regulations including but not limited to those pertaining to noise control, health, fire protection, litter control, business licenses, zoning, signs, traffic safety, etc.

- (f) Activities permissible under this article shall not interfere with or impede the safe and orderly flow of pedestrian and vehicular traffic; shall leave clear for pedestrian traffic a continuous area of paved sidewalk at least 4 feet wide, or at least 4 feet of width of normally traveled area if there is no paved sidewalk; and shall leave clear for access purposes an area at least 3 feet wide next to the curb or edge of public streets.
- (g) Business licenses issued by the Town under Chapter 10 of the Code of Ordinances shall be, for sidewalk vending permissible under this article, subject to and limited by the terms and regulations of this article including, for example, the provision that sale of flowers and two-dimensional art shall be prohibited in areas covered by permits for certain special events.
- (h) Vendors, performing artists and participants in special events shall obtain business licenses as required by law and shall display such licenses at all times of activities under this article.
- (i) Sidewalk sales and special events under this article shall not be conducted:
- (1) within 10 feet of a fire hydrant, driveway, alley used by vehicles, or of a parking space for handicapped people.
  - (2) in any manner which damages or endangers any tree or shrub; within the area of a tree grate, fence or other protective device; or in the area of the roots of a tree or shrub if such area is unpaved and within 10 feet of the base of the tree or within 3 feet of the base of the shrub.
  - (3) in intersection or bus stop areas pursuant to Section 17-82.
  - (4) with persons in vehicles on the public street.

Sec. 17-86 Performing artists on public sidewalks in the Town Center

- (a) Performing artists such as musicians, dancers, mimes, clowns, and jugglers may perform in the areas designated in Section 17-85 and in accord with this article and other applicable laws and ordinances.

- (b) Such performing artists may request contributions from observers or spectators but shall not demand any payment, compensation, or admission. Performances shall be open to the general public and shall not be restricted by barriers, curtains or similar devices.

Sec. 17-87 Sale of flowers and two-dimensional art on public sidewalks in the Town Center

- (a) Flowers and original two-dimensional art such as paintings, sketches, prints, etchings, and photographs produced, created or manufactured by the seller may be sold on public sidewalks in the Town Center in accord with this article and other applicable laws and regulations. The term "two dimensional art" shall not include craft items such as, without limitation, woodwork, ceramics, pottery, fabrics, sculpture, etc.
- (b) Any business license required under Chapter 10 shall be obtained with payment of the license tax as required therein.

Sec. 17-88. Sidewalk sales by downtown businesses.

A business, including without limitation a restaurant, in the Town Center-1 or -2 zones which (a) occupies building space at street level and (b) immediately fronts on and shares a common boundary with a public sidewalk, or is separated from such sidewalk only by parking or landscaped areas, may sell its merchandise on the portion of the public sidewalk immediately in front of such business provided:

- (a) If two or more businesses with street level frontage occupy the same property, each shall be limited to the portion of the sidewalk directly in front of and nearest each business's respective space within the building.
- (b) Use of the public sidewalk area under this section shall not obstruct the entrances or exits of any building, and shall not interfere with or impede the safe and orderly flow of pedestrian traffic. A straight aisle with a minimum width of four (4) feet of paved public sidewalk area and running parallel to the normal direction of pedestrian traffic shall remain clear for the direct passage of pedestrians. Such pedestrian aisles shall be co-linear to the extent practical with the aisles through sidewalk areas in front of adjacent businesses.

- (c) In addition to the 4 foot wide aisle under (b) above, an area at least 3 feet wide next to the public street curb or edge of pavement shall also remain clear for access to vehicles in on-street parking spaces.
- (d) The business shall be responsible for keeping the area of its sidewalk sales in clean condition.
- (e) Moveable tables, chairs and fences or barriers may be placed on the public sidewalk but must be removed by the end of the day and when sales are not being conducted.
- (f) A business permitted to sell under this section may only sell its merchandise and may not assign or delegate its space or authority under this section to other persons.
- (g) A business which vacates a building location shall not use the public sidewalk in front of such location.
- (h) A business which occupies no building space at the street level shall not conduct sidewalk sales under this section.
- (i) Before conducting sidewalk sales under this section, the business shall agree to indemnify the Town from any damages or claims and to maintain a general liability insurance policy, which policy names the Town as an additional insured, with minimum liability coverage of \$100,000 per person bodily injury; \$300,000 per occurrence bodily injury and \$25,000 per occurrence property damage.

#### Sec. 17-89. Special events

- (a) The Town Manager may issue permits to non-profit organizations for special events such as concerts and exhibitions by performing artists, and two-dimensional art fairs subject to the terms of this article and other applicable laws and ordinances. The use of sidewalk areas for such events shall take precedence over performing artists, original two-dimensional art sales and flower sales not included as part of the special events.
- (b) The Town Manager may prescribe application requirements and procedures. Applications shall be considered on a first-come, first-served basis. No organization shall seek multiple approvals which would preclude other

entities from reasonable opportunities for special event permits.

## SECTION II

That the Council amends Section 10-5 as follows:

ADD after the last sentence of Sec. 10-85:

Provided, that no license tax shall be charged for licenses for performing artists' activities authorized under Chapter 17.

## SECTION III

That this ordinance shall be effective upon its adoption and for a period of ninety days, after which date the previously adopted ordinance shall become effective.

This the 9th day of January, 1989.

### Meeting with Housing Advisory Board

Council Member Andresen proposed that the Council meet with the Housing Advisory Board on January 30th.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 4, SCHEDULING A JOINT COUNCIL/HOUSING ADVISORY BOARD MEETING FOR MONDAY, JANUARY 30TH AT 6:30 PM.

A RESOLUTION SETTING A WORK SESSION WITH THE HOUSING ADVISORY BOARD (89-1-9/R-4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council will hold a work session with the Housing Advisory Board on Monday, January 30, 1989 at 6:30 pm in the Meeting Room of the Municipal Building.

This the 9th day of January, 1989.

### Dixie-Stateside Paving

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 5. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF STATESIDE DRIVE AND A PORTION OF DIXIE DRIVE (89-1-9/R-5)

BE IN RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Stateside Drive and a portion of Dixie Drive during fiscal year 1989-90.

1. The Town has received a petition for paving of Stateside Drive and the northern portion of Dixie Drive, without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217(a); and
2. Stateside Drive and the northern portion of Dixie Drive comprise approximately 2900 linear feet of gravel road extending east off of N.C. 86 and north off of Dixie Drive.
3. The Town would pave Stateside Drive and the northern portion of Dixie Drive, without curb and gutter, and assess owners of property abutting the proposed improvements on an equal rate per lot basis; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs shall include design and construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable concurrently with property taxes, at an annual interest rate of 8%; and
6. The Town herewith calls a public hearing at 7:30 p.m. on February 13, 1989 in the Municipal Building, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 9th day of January, 1989.

#### Monthly Reports

##### Tandler

Town Manager Taylor noted that there had been little change since his last report to the Council. Mr. Taylor said that there had been ten closings and nineteen units are under construction. Mr. Taylor added that the target completion date for all Tandler homes is June 3rd.

Council Member Godschalk inquired about the status of an



evaluation of the Tandler Affordable Housing Program. Mr. Taylor responded that no evaluator had been selected as yet. Council Member Andresen asked whether an outside consultant would be used. Town Manager Taylor responded that an outside consultant would be used to point out strengths and weaknesses of the program and to make recommendations for future administrative policies.

#### Rosemary Square

Town Manager Taylor noted that there had been relatively little activity in the past month. Council Member Pasquini asked if any units had been sold. Mr. Taylor said that he did not know. Mr. Taylor said he would request this information from the developers for next month's report to the Council.

Mayor Howes noted that Rosemary Square had passed legal and judicial tests and must now pass the marketing test. Town Manager Taylor asked if the Council had other information needs concerning Rosemary Square. Council Member Werner asked for a comprehensive review of the project status. Council Member Andresen requested additional information concerning financing of the project. Council Member Werner noted that the financing situation was a changing scenario.

#### Appointments to County EMS Council

Mayor Howes stated that R.D. Smith and Council Member Herzenberg had volunteered their energies to serve on this panel.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 6, AFFIRMING THE APPOINTMENTS OF MESSRS. SMITH AND HERZENBERG.

A RESOLUTION APPOINTING REPRESENTATIVES TO THE ORANGE COUNTY EMERGENCY MEDICAL SERVICES COUNCIL (89-1-9/R-6)

WHEREAS, the Orange County Board of Commissioners is forming a Emergency Medical Services Council to advise the County on the delivery of emergency medical care in Orange County; and

WHEREAS, the Town of Chapel Hill strongly supports the provision of quality emergency services throughout Orange County and encourages the representation of Chapel Hill citizens in the Emergency Medical Services Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that Council Member Herzenberg and Chapel Hill resident R.D. Smith are hereby recommended to the Orange County Board

of Commissioners as Chapel Hill representatives to the Orange County Emergency Medical Services Council.

This the 9th day of January, 1989.

Mayor Howes noted that Town Manager Taylor had indicated that there was no need to hold the posted Executive Session at this time.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADJOURN THE MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The meeting stood adjourned at 8:58 PM.