

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE
TOWN OF CHAPEL HILL, MONDAY, MARCH 6, 1989
MUNICIPAL BUILDING, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

Julie Andresen	Nancy Preston
David Godschalk	James C. Wallace
Joe Herzenberg	Arthur Werner
David Pasquini	Roosevelt Wilkerson

Also in attendance were Town Manager David R. Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos, and Planning Director Roger Waldon.

Proposed Community Development Plan for FY 1989

Tina Vaughn, Housing and Community Development Director, stated that the first Council public hearing on this matter was held on January 4, outlining a proposed spending plan for Community Development funds. Ms. Vaughn said that notices concerning the spending plan had been advertised in the February 22nd and March 4th editions of the Chapel Hill Newspaper. She added that approximately seventy-five notices had been forwarded to various community organizations.

Utilizing a display chart, Ms. Vaughn outlined proposed fundings levels, as follows:

Rehabilitation of Public Housing Units	\$110,000.
Renovation of IFC Homeless Shelter	25,000.
Lower-income Homeownership Program	92,000.
Roof Repair at Lincoln Center Arts Building	25,000.
Tanyard Branch Piping	15,000.
General Administration	30,000.
Total Funding	\$297,000.



She stated that a final funding proposal will be forwarded to the U.S. Department of Housing and Urban Development by May 30th.

Council Member Godschalk asked when bids would be received for the IFC homeless shelter project. Ms. Vaughn responded that bids would be opened on March 28th.

Council Member Preston inquired about the proposed improvements to the Lincoln Center Arts Building, asking whether the building was school board property. Ms. Vaughn responded that the Lincoln Arts Center Building and the gymnasium was leased to the Town. Town Manager Taylor stated that the Town has a thirty year lease for the buildings with approximately eighteen years remaining.

Council Member Wilkerson noted that \$110,000 was recommended for renovations to public housing units. He asked for an estimate of total current renovation needs. Ms. Vaughn said that approximately \$600,000 would be needed to complete necessary external renovations.

Council Member Pasquini said that Edwin Caldwell, Jr., Chairperson of the Housing Advisory Board, had estimated that it would cost approximately \$2 million to fully renovate the Town's public housing units. He noted that reassigning \$92,000 from homeownership projects to renovation projects would provide approximately \$200,000 for renovation efforts. He inquired about the disparity in renovation estimates between the figures of \$600,000 (as stated by Ms. Vaughn) and \$2,000,000 (as stated by Mr. Caldwell). Ms. Vaughn replied that the estimate made for structural (outside) repairs is \$600,000 and total unit rehabilitation is estimated to total \$1.5 million.

Council Member Pasquini asked whether community development monies could be used for renovation of housing units. Ms. Vaughn responded that this was a judgment call. Council Member Pasquini inquired whether the \$92,000 could be used for structural renovations. Ms. Vaughn said yes.

Town Manager Taylor stated that Ms. Vaughn was developing a comprehensive plan for suggested housing unit renovations. Ms. Vaughn noted that a five year exterior and interior renovation plan was currently being drafted. She said that on February 24th, a funding request for roof, cabinet and furnace replacements was forwarded to the U.S. Department of Housing and Urban Development (H.U.D.). Mayor Howes asked what the chances were for receiving the requested H.U.D. funds. Ms. Vaughn responded that funding possibilities were quite good, since the renovations were recommended in a recently completed H.U.D. audit of Town housing units.

Town Manager Taylor stated that he recommended funding as outlined in the resolution before the Council. He stated that this approach would achieve a balanced housing program.

R.D. Smith said that he wanted to know the parameters of the proposed Tanyard Branch piping project. Mike Loveman, Parks and Recreation Director, responded that an open ditch at McDade and Mitchell Lanes would be enclosed. He added that the ditch enclosure would encompass the area between McDade and an existing culvert on Caldwell Extension.

Mr. Smith said that there had been drainage problems in the area. He asked what would happen to run-off. Mr. Loveman responded that run-off would drain into the extension to the existing culvert. Mr. Smith expressed a desire to completely enclose the ditch.

Council Member Andresen expressed her concurrence with Council Member Pasquini's and Herzenberg's remarks that the \$92,000 of funding proposed for homeownership would be better targeted for use in housing unit renovation.

Town Manager Taylor stated that the staff originally intended to bring a final funding proposal to the Council at the first regular Council meeting in April, but would prefer to do so at the first regular meeting in May. He said that the Town's public housing stock would be a top priority in allocating funds.

Council Member Andresen inquired about the status of homeless shelter funding. Town Manager Taylor noted that bids for the shelter will need to be evaluated prior to final determination of monies required for improvements and before final decisions on Community Development allocations are recommended.

Council Member Pasquini said that the Council was not giving the shelter project an open check for improvements. He expressed a desire to move ahead on the shelter project in an expeditious manner.

Town Manager Taylor said that a final funding proposal would be presented to the Council on May 8.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER COMMENTS TO THE PARKS AND RECREATION COMMISSION, HOUSING ADVISORY BOARD AND TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Petitions

Joseph Burchette said that he had a conflict with the Town concerning property on Piney Mountain Road. He stated that he had purchased the land in 1961. Mr. Burchette said that he marvelled at the Town's growth. He commented that the Town had identified his parcel of land as adequate for a pristine park. Noting that he did not want to lose ownership of his property, Mr. Burchette

said that his land was currently involved in condemnation proceedings with the Town.

Town Manager Taylor said that Mr. Burchette was referring to the site of the proposed North Forest Hills Park. Mayor Howes noted that the Council had initiated proceedings to acquire the land in question. Town Attorney Karpinos noted that the status of the land was pending in court.

Mayor Howes asked what the appropriate action of Council would be in this matter. Town Attorney Karpinos responded that the Council had chosen to acquire the property some time ago and determination of just compensation was currently pending.

Mr. Burchette said that Town staff had given information to the Council that the owners of the property had no interest in developing the property. Mr. Burchette said that the initial compensation offer was \$8,200 for two acres. He cited another recent case where \$25,000 per acre was offered. Mr. Burchette said that both offers were very low. Mr. Burchette expressed concern that there were racial undertones in the Town's efforts to acquire his property. Mr. Burchette said that he would be willing to trade his property for a similar property. Mr. Burchette stated that he did not have adequate funds to defend himself or hire counsel to do so. He stated that the Council could withdraw from pursuing acquisition of his property if they so desired.

Mayor Howes noted that the matter was pending in court and urged Mr. Burchette to pursue his concerns in the course of these proceedings. He assured Mr. Burchette that there was no element of racism in the Council's decision to acquire his property. Rather, the acquisition was initiated to add to the Nunn Mountain property.

Mr. Burchette said that the Town had ordinances which require developers to dedicate open space in conjunction with development projects. He inquired why there was not existing adequate open space in the vicinity of his property. He stated that the University had twenty-six acres proximate to his property. Mayor Howes said that the UNC property adjoin OWASA property and Mr. Burchette's land.

Mr. Burchette said that several parcels adjacent to his property had been developed by their owners.

Mayor Howes stated that the Council preferred that the matter presented by Mr. Burchette be settled out of court. He urged Mr. Burchette to contact Town Attorney Karpinos to further discuss the matter.

Trey Loughran, UNC student liaison to Town Council, said that there was a strong need to install lighting along Battle Lane, Hooper Lane and Senlac Road, near the coed dormitories on the University campus. He asked whether it would be possible to install additional lighting in this area.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO REFER TO THE TOWN MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Andresen inquired about the appropriateness of Council consideration of proposed Design Guidelines at this evening's meeting, since the Design Guidelines Task Force had not had the opportunity to review the final draft of this document.

Alan Rimer stated that the document was intended to be brought back to the task force, but was not possible due to inclement weather conditions. He noted that the task force had seen rough sketches of the report. Mr. Rimer said that Peter Batchelor had revamped the Design Guidelines, changing every drawing therein. He noted that no substantive changes had been made to the text of the document. Mr. Rimer said the decision whether or not to consider adoption of the guidelines at this evening's meeting was in the hands of the Council.

Council Member Godschalk said he thought that the Council should consider the matter this evening, particularly since Mr. Batchelor was in attendance.

Mayor Howes said that the Council should handle the Design Guidelines at this evening's meeting.

Mayor Howes noted that this evening's meeting would be the last Council meeting covered by David Medlock of WCHL radio. He stated that Mr. Medlock had accepted a position with WBT in Charlotte. He thanked Mr. Medlock for his lauding and critical comments of Town operations. Mayor Howes wished David well in his future endeavors.

Parks and Open Space Bond Referendum

Town Manager Taylor noted that there had been extensive discussion of the proposed bond referendum at recent Council meetings. He noted that the Council should use verbatim language for its motions, as drafted by the bond counsel.

R.D. Smith, said that he was speaking for a large segment of the population of the community. He noted his concern that at the February 27th public hearing, no citizens spoke in opposition to the proposed referendum. Mr. Smith stated that recent newspaper accounts had noted the possibility that the Town may need to

propose a 5 cent property tax increase in order to maintain current service levels. Mr. Smith said that the citizens fully anticipated the eventual need to raise tax rates.

Mr. Smith expressed concern that individuals retired from service roles at the University could be dramatically impacted by tax increases necessitated by the issuance of the parks and open space bonds, coupled with the possible tax increase related to the Town's operating budget.

Mr. Smith said that it did not seem fair for Town citizens to be asked to pay for facilities which Carrboro and Orange County residents utilize, but which don't receive a fair share contribution for such utilization.

Mr. Smith stated that Durham residents are utilizing Chapel Hill's recreational facilities in greater numbers. He asked the Council to investigate means for making other communities pay their fair share for using the Town's facilities.

Council Member Wallace said that the fundamental issue before the Council was the ultimate purpose of the referendum, giving citizens the opportunity to make the determination on whether additional parks and open space facilities were needed in the near term. Council Member Wallace urged the Council to let the citizens of the Town act on this matter.

Council Member Wilkerson stated that he had concerns similar to Mr. Smith's, that certain portions of the Town population could not afford a property tax increase. He noted that it was the Council's decision to determine the amount of bonds to be proposed for the referendum. He said that the Council should let the citizens decide on the need for open space in the community.

Council Member Andresen noted the importance of attaining complete Council support for any bond referendum package, regardless of its scope or purpose. She noted that a May 2nd voting date might not necessarily reflect the true sentiment of Town citizens, since fewer voters would be likely to turn out. Council Member Andresen said that she had concerns relating to equity and the impact upon fixed income residents of the Town.

Council Member Andresen inquired about the tax impact of a \$9 million bond issue. Town Manager Taylor said that this would depend upon the assumptions made. He stated that if 20 year, 8% bonds with level principal payments were sold at the same time, the impact would be about 7.3 cents per \$100 valuation. Council Member Andresen asked what the projected impact for an owner of \$100,000 home would be, under these circumstances. Mr. Taylor said that there would be an estimated \$73 per year property tax increase.

Council Member Andresen said that she was not comfortable with the proposed \$9 million figure.

Council Member Herzenberg said that Council Member's Andresen comments concerning the proposed May 2nd referendum date were not a compelling argument to move the election date. He stated that the Town was unlikely to see high voter turnout on any issue prior to the 1992 Presidential Election. Council Member Herzenberg noted that parks and open space are a relatively high priority item for all council members. He stated that personally, housing was a somewhat more important issue.

Council Member Herzenberg expressed concern that land was becoming unavailable at a rapid rate, with opportunities to purchase land at a reasonable price being limited. Council Member Herzenberg recommended moving forward on a \$7 million parks and open space referendum.

Council Member Preston concurred with the \$7 million figure proposed by Council Member Herzenberg. She stated that this figure was more palatable than \$9 million, while allowing a reserve for future land acquisition.

Council Member Wallace noted that the Town's capacity to spend gave the Town clout. He stated that if land is available for parks and open space now, it should be acquired as soon as possible. Council Member Wallace said that doing nothing in this matter would be the worst thing that the Council could do. Council Member Wallace expressed confidence that the vast majority of the electorate favored parks and open space programs very strongly.

Council Member Godschalk stated that establishment of a balanced bond referendum for consideration by the citizenry was the task of the Council. He stated that the Town had several pressing needs such as the homeless shelter, recycling, and transportation. Council Member Godschalk stated that other methods exist to acquire parks and open space. He concluded his remarks by noting that the power lay with the citizenry who would pay for such facilities, if approved.

Council Member Pasquini said that the citizens of the community should decide the need for Town parks and open space. He stated that he could not support a \$7 or \$9 million referendum, but expressed possible concurrence with a \$5 million package.

Mayor Howes stated that \$9 million of Town parks and open space needs had been identified in the Town Manager's Capital Improvements report. He noted that the matter of parks and open space needs was on the Council's agenda prior to the identification of a possible property tax increase relating to current service levels.

Mayor Howes noted that he had long favored a regular stream of funds available for the acquisition of open space. He stated that in recent years, voters had approved monies for acquisition of the Southern Community Park and the future library site. He said that he favored a conservative approach, suggesting a \$5 million bond referendum.

Council Member Werner said that it was a good and valuable idea to have monies available for acquisition of parks and open space. He stated that there had been some difficulty in identifying a precise figure for the bond referendum. Council Member Werner said that he wanted to see the bonds passed if they were presented to the public. Council Member Werner stated that \$5 million appeared to be a wiser choice than \$9 million.

Town Attorney Karpinos stated that if the Council chose to proceed with a \$5 million referendum, rather than \$9 million, as originally proposed, it would be necessary to amend the bond order and then move to adopt the bond order as amended.

Mayor Howes noted the success of the 1986 bond election. He stated that this success was attributable to the link between enthusiastic Council and voter support of the bonds. Mayor Howes said that the people of the community are willing to pay for worthy projects.

Council Member Andresen asked whether specific projects would be identified within the context of the proposed bond referendum package. Mayor Howes responded that some parts of the community had better open space resources than others.

Council Member Andresen asked what the current pressing open space needs were.

Town Manager Taylor said that a combination of open space, neighborhood parks, and additions to facilities were currently needed. He stated that approximately \$9 million in needs were identified in the CIP document, noting the need to reprioritize the items if a \$5 million figure were adopted by the Council.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, THAT "THE BOND ORDER INTRODUCED AT THE FEBRUARY 13, 1989 MEETING OF THE COUNCIL BE AMENDED TO AUTHORIZE \$5 MILLION PARKS AND RECREATION BONDS RATHER THAN \$9 MILLION PARKS AND RECREATION BONDS AS ORIGINALLY INTRODUCED." THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The Town Clerk reported to the Town Council that the Council had held a public hearing on February 27, 1989 regarding the Bond Order entitled , "BOND ORDER AUTHORIZING THE ISSUANCE OF \$9,000,000 PARKS AND RECREATIONAL FACILITIES BONDS OF THE TOWN OF

CHAPEL HILL", which had been introduced on February 13, 1989, and amended on March 6, 1989 to \$5,000,000 Parks and Recreational Facilities Bonds.

Council Member Godschalk said that he had made a conscious effort to enthusiastically support the bond referendum, but was unable to do so.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT, WITHOUT FURTHER CHANGE OR AMENDMENT AND DIRECT THE TOWN CLERK TO PUBLISH AS PRESCRIBED BY THE LOCAL GOVERNMENT BOND ACT THE BOND ORDER ENTITLED "BOND ORDER AUTHORIZING THE ISSUANCE OF \$9,000,000 PARKS AND RECREATIONAL FACILITIES BONDS OF THE TOWN OF CHAPEL HILL, WHICH HAD BEEN INTRODUCED ON FEBRUARY 13, 1989, AND AMENDED TO \$5,000,000 ON MARCH 6, 1989. THE MOTION WAS APPROVED (7-2), WITH COUNCIL MEMBERS GODSCHALK AND ANDRESEN DISSENTING.

BOND ORDER AUTHORIZING THE ISSUANCE OF \$5,000,000 PARKS AND RECREATIONAL FACILITIES BONDS OF THE TOWN OF CHAPEL HILL (89-3-6/R-1)

WHEREAS, the Town Council of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Town Council has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by the Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Town Council that the application has been filed and accepted for submission to the Local Government Commission;

NOW, THEREFORE,

BE IT ORDERED by the Town Council of the Town of Chapel Hill, as follows:

Section 1. The Town Council of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to provide parks and recreational facilities within and without the corporate limits of the Town, including the acquisition and development of land for community and neighborhood parks, entranceways, greenways and open spaces and to pay capital costs of such improvements.

Section 2. In order to raise the money required to pay capital costs of providing the improvements as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to the Local

Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$5,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town at a referendum.

Peter Richardson
Town Clerk
Town of Chapel Hill,
North Carolina

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO APPROVE MAY 2, 1989 AS THE DATE OF THE BOND REFERENDUM. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

RESOLUTION CALLING FOR A SPECIAL BOND ELECTION ON MAY 2, 1989 (89-3-6/R-2)

WHEREAS, the Town Council of the Town of Chapel Hill has adopted the bond order hereinafter described authorizing the issuance of \$5,000,000 Parks and Recreational Facilities Bonds and such bond order and the indebtedness to be incurred by the issuance of such bonds and the tax to be levied for the payment of such bonds should be submitted to the voters of the Town of Chapel Hill for their approval or disapproval in order to comply with the Constitution and laws of North Carolina; NOW, THEREFORE,

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

(1) The questions whether the qualified voters of the Town of Chapel Hill shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the Town authorized by said bond order, which indebtedness shall be secured by a pledge of the Town's faith and credit, (b) the levy of a tax for the payment thereof, and (c) said bond order shall be submitted to the qualified voters of said Town at an election to be held in said Town on May 2, 1989.

(2) The Town Clerk is hereby authorized and directed to publish a notice of said election which shall be in substantially the following form:

THE TOWN OF CHAPEL HILL, NORTH CAROLINA

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the Town of Chapel Hill, North Carolina, on May 2, 1989, for the purpose of submitting to the qualified voters of said Town the questions whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said Town of the maximum principal amount of \$5,000,000, which indebtedness shall be secured by a pledge of the Town's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$5,000,000 PARKS AND RECREATIONAL FACILITIES BONDS OF THE TOWN OF CHAPEL HILL", adopted by the Town Council to authorize the issuance of said bonds and the levy of such tax.

The \$5,000,000 Parks and Recreational Facilities Bonds are authorized to pay capital costs of providing parks and recreational facilities within and without the corporate limits of the Town, including the acquisition and development of land for community and neighborhood parks, entranceways, greenways and open spaces.

The ballots to be used at said election shall contain the words, "SHALL the order authorizing \$5,000,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of providing parks and recreational

Hill to pay capital costs of providing parks and recreational facilities within and without the corporate limits of the Town, including the acquisition and development of land for community and neighborhood parks, entranceways, greenways and open spaces, and a tax to be levied for the payment thereof, be approved?", with squares labelled "YES" and "NO" beneath or beside such words in which squares the voter may record his choice.

In the event a majority of the qualified voters voting at said election vote to approve the order, the incurring of indebtedness and the levy of a tax related thereto, said bonds shall be issued and taxes shall be levied for the payment of such bonds.

The polls for the election will open at the hour of 6:30 o'clock, A.M. and will close at the hour of 7:30 o'clock, P.M. The election will be held at the following Precincts and Polling Places:

Precinct

Battle Park

Coker Hills

Colonial Heights

Country Club

East Franklin

Eastside

Estes Hills

Foxcroft

Polling Place

Chapel Hill Community Center

Church of Reconciliation

YMCA, Airport Road

Fetzer Gym, UNC Campus

Lutheran Church

Ephesus Road School

Guy B. Phillips School

Foxcroft Information Center,
off Dobbins Road

Precinct

Glenwood

Greenwood

King's Mill

Lincoln

Mason Farm

Northside

Ridgefield

Weaver Dairy

Westwood

Number 27 Durham County

Polling Place

Glenwood School

General Administration
Building, UNC Campus

Aldersgate Methodist Church

Lincoln School

Community Church Building

Chapel Hill Municipal Building

Binkley Baptist Church

Fire Station #4

Frank Porter Graham School

Githens Middle School
4800 Chapel Hill Road

The registration records for said election will be kept open at the following locations and times, through April 3, 1989:

Registration LocationHours

Orange County Board of
Elections, 144 East
Margaret Lane,
Hillsboro

8:00 o'clock A.M.,
until 5:00 o'clock P.M.,
each Monday through
Friday

Chapel Hill Municipal
Building
306 North Columbia
Street, Chapel Hill

9:00 o'clock A.M.,
until 5:00 o'clock P.M.,
each Monday through
Friday

<u>Registration Location</u>	<u>Hours</u>
Chapel Hill Public Library 523 East Franklin Street Chapel Hill	9:00 o'clock A.M., until 9:00 o'clock P.M., each Monday through Thursday; 10:00 o'clock A.M., until 6:00 o'clock P.M., each Friday; 9:00 o'clock A.M., until 5:00 o'clock P.M., each Saturday
Carrboro Fire Department 301 West Main Street Carrboro	8:30 o'clock A.M., until 12:00 o'clock noon, and 1:00 o'clock P.M., until 4:30 o'clock P.M., each Monday through Friday
Carrboro Town Hall	8:30 o'clock A.M., until 12:00 o'clock noon, and 1:00 o'clock P.M., until 5:00 o'clock P.M., each Monday through Friday
North Carolina Drivers License Bureau, Carrboro	8:00 o'clock A.M., until 5:00 o'clock P.M., each Monday through Friday

The Registrars and Judges for the respective Election Precincts may register voters through April 3, 1989. Information concerning the names and addresses of the Registrars and Judges can be obtained from the Orange County Board of Elections and the Durham County Board of Elections at their respective offices in Hillsborough and Durham. The last day of registration for the special election shall be April 3, 1989.

Any qualified voter who (1) expects to be absent from the Town during the entire period that the polls are open on said election day, or (2) because of sickness or other physical disability will be unable to be present at the polls to vote in

person on said day, or (3) is incarcerated and otherwise entitled to vote in said election or (4) is an employee of the Orange County Board of Elections or the Durham County Board of Elections and his assigned duties on the day of election will cause him to be unable to vote in person, may apply for an absentee ballot to be used in voting at said election. Information concerning the time and manner for applying for an absentee ballot, including the last day of making such application, can be obtained from the Orange County Board of Elections at the Board's office in Hillsborough and at the Durham County Board of Elections at the Board's office in Durham, North Carolina.

By order of the Town Council of the Town of Chapel Hill.

Peter Richardson
Town Clerk
Town of Chapel Hill, North Carolina

Said notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication not less than 7 days before the last day on which voters may register for the special election.

(3) The Orange County Board of Elections and the Durham County Board of Elections are hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said election and to conduct and to supervise said election.

(4) The Town Clerk shall mail or deliver a certified copy of this resolution to the Orange County Board of Elections and the Durham County Board of Elections within three days after the resolution is adopted.

Design Guidelines

Alan Rimer, Chairman, Design Task Force, stated that editorial amendments, but nothing of a substantive nature, needed to be made to the Design Guidelines by the Design Task Force. He noted that the compilation of the guidelines had been a two year effort along a sometimes difficult path.

Mr. Rimer stated that the Design Task Force still had two tasks to complete prior to dissolution: complete neighborhood sections of the report, and oversee Town staff changes to the Design Manual document. Mr. Rimer noted that the Design Task Force desired to assure itself that the recommendations of the group are fully implemented in the Town's staff work, with the Task Force acting in an oversight capacity.

Mr. Rimer noted that Dr. Peter Batchelor had reworked the entire Design Guidelines booklet, with vast improvements being made to the graphics therein. Mr. Rimer stated that the Design Guidelines had not been changed in their form or layout. Mr. Rimer said that the differences of opinion between members of the Design Task Force had been satisfactorily resolved.

Dr. Batchelor stated that the Design Guidelines booklet was before the Council as the result of the efforts of the fourteen members of the Design Task Force and himself. He stated that it had been difficult to obtain cohesion in compiling the guidelines, given the differing styles of the task force members.

Dr. Batchelor stated that the graphic structure of the booklet had been improved, with two columns of mock-up drawings being presented in the final draft document. Dr. Batchelor indicated that the drawings would be further refined.

Dr. Batchelor said that the Design Guidelines purpose is to inform developers, citizens, administrators, and other interested individuals of what the Town feels are good project design characteristics.

Mr. Rimer noted Dr. Batchelor's active role in the American Institute of Architects. Mr. Rimer said that resolution A proposed adoption of the guidelines, resolution B directed the staff to make revisions directed by the Design Task Force, and resolution C would achieve a compromise between the Town Manager's desire to wait one year for guideline implementation and the Task Force's wish to implement the guidelines immediately.

Council Member Andresen commended Dr. Batchelor for a good job of establishing cohesion in the Design Guidelines document. She stated her hope that the guidelines would be helpful in the development of future projects in the Town.

Council Member Godschalk said that the impetus for Design Guidelines had occurred during the tenure of Mayor Joe Nassif. He stated that the process had taken several years and many hours to reach this point. Council Member Godschalk said that he was happy with the end product and the way things had worked out. He noted that the Council should be open to some adjustments to the guidelines.

Council Member Andresen noted that item 4B of the staff memorandum addressed curb and guttering. She requested additional information from Mr. Rimer. Mr. Rimer said that areas with smaller, non curb and guttered streets would be encouraged by the guidelines in areas which had already been developed in that manner. Mr. Rimer noted that Town Guidelines did not encourage non curb and guttered streets in new development.

Council Member Andresen inquired about the status of guidelines for sub-areas. Mr. Rimer responded that with the exception of a few minor items, reference could be made back to the main document.

Council Member Andresen expressed an interest in seeing the sub-area materials. Council Member Preston concurred with Council Member Andresen's interest. Mr. Rimer said that this information would be shared with the Council upon its completion.

Council Member Preston thanked all the parties who had contributed to the composition of the Design Guidelines. She stated that the documents was very well-done. Council Member Preston said that the document would help developers understand what designs are appropriate in Chapel Hill.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPTED RESOLUTION A. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

RESOLUTION ADOPTING A SET OF DESIGN GUIDELINES (89-3-6/R-3a)

WHEREAS, the Town Council has appointed a Design Task Force, charged with the responsibility of preparing a set of Design Guidelines for Chapel Hill; and

WHEREAS, the Design Task Force has received policy guidance from the Council on several key issues involved in the design of new development in Chapel Hill; and

WHEREAS, the Design Task Force has incorporated comments and guidance from Town advisory boards, the design community and the general public into a final revision of the draft Design Guidelines;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it adopts the set of Design Guidelines as a component of the Comprehensive Plan, subject to final editorial comments by the Design Task Force.

This the 6th day of March, 1989.

Council Member Werner asked whether there was a correlation between street widths and proposed curb and gutter standards. Mr. Rimer said that, as a rule, narrower streets should not be curb and guttered, while wider streets are better candidates for curb and guttering.

Council Member Werner asked what types of streets would best include landscaped medians. Mr. Rimer responded that arterials would best fill this purpose.

Council Member Werner noted that when right-of-way availability is a consideration, sidewalks should be given precedence over medians. Mr. Rimer said that he would note this concern.

Council Member Preston inquired about the apparent narrowness of parking spaces on some of the sketches. Mr. Rimer responded that the drawings in the report were rough drafts, with some scale features not quite correct.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 3B. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION DIRECTING THE TOWN MANAGER TO REVISE THE DESIGN MANUAL AND ENGINEERING STANDARDS (89-3-6/R-3b)

WHEREAS, the Town Council has appointed a Design Task Force, charged with the responsibility of preparing a set of Design Guidelines for Chapel Hill; and

WHEREAS, the Design Task Force has received policy guidance from the Council on several key issues involved in the design of new development in Chapel Hill; and

WHEREAS, the Design Task Force has incorporated comments and guidance from Town advisory boards, the design community and the general public into a final revision of the draft Design Guidelines;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it adopts the set of Design Guidelines as a component of the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council directs the Town Manager to prepare appropriate changes to the Design Manual and Engineering Specifications and standards as described in Attachment A, and allowing for necessary review by the Design Task Force.

This the 6th day of March, 1989.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 3C. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION DIRECTING THE TOWN MANAGER TO INSTITUTE CHANGES TO THE DESIGN REVIEW PROCESS (89-3-6/R-3c)

WHEREAS, the Town Council has appointed a Design Task Force, charged with the responsibility of preparing a set of Design Guidelines for Chapel Hill; and,

WHEREAS, the Design Task Force has received policy guidance from the Council on several key issues involved in the design of new development in Chapel Hill; and,

WHEREAS, the Design Task Force has incorporated comments and guidance from Town advisory boards, the design community and the general public into a final revision of the draft Design Guidelines;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it adopts the set of Design Guidelines as a component of the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council directs the Town Manager to institute changes into the Chapel Hill Development Review Process as outlined in Attachment B, having such revised process in place by July 1, 1989

This the 6th day of March, 1989.

Comprehensive Plan Calendar

Town Manager Taylor noted that a calendar had been provided to the Council, outlining the dates of proposed Council meetings through June. Mr. Taylor noted the importance of moving ahead on adoption of the Comprehensive Plan prior to consideration of the 1989-90 Town Budget. Mr. Taylor stated that worksessions were proposed for April 5 and May 1, with a public hearing scheduled for April 13.

Council Member Andresen asked whether there were any items for consideration at proposed joint planning hearings. Mr. Taylor responded that there were some items for consideration.

Council Member Godschalk noted that the schedule before the Council seemed somewhat crowded, with many things happening quickly.

Town Manager Taylor noted that Comprehensive Plan worksessions were slated for April and early May, while budget worksessions had been tentatively scheduled for May. Mr. Taylor added that the April 13th Comprehensive Plan public hearing was very crucial.

A RESOLUTION ADOPTING A PROCESS FOR CONSIDERING THE COMPREHENSIVE PLAN FOR THE TOWN OF CHAPEL HILL (89-3-6/R-4)

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL that the Council adopts the following process and calendar for considering the draft Comprehensive Plan for the Town of Chapel Hill:

<u>Date</u>	<u>Action</u>
March 6	Resolution establishing process and calendar.
March 9	Notification of interested citizens and organizations about the process and calendar.
March 27	Submittal and presentation of Comprehensive Plan.
April 5 (Wed.)	Worksession on the Comprehensive Plan (if desired).
April 12 (Wed.)	Public hearing on the Comprehensive Plan.
May 1	Worksession on the Comprehensive Plan.
May 8 or 22	Adoption of the Comprehensive Plan.

This the 6th day of March, 1989.

Joint Planning Hearing

Mr. Taylor noted that Orange County and Carrboro had concurred on April 6 as the best date for holding joint planning hearings.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT RESOLUTION 5. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION LISTING POSSIBLE DATES FOR A JOINT PUBLIC HEARING (89-3-6/R-5)

WHEREAS, the Town of Chapel Hill is a party to a Joint Planning Agreement with Carrboro and Orange County; and

Mr. Baker stated that the utility franchise tax was projected to be 5% less than current year figures, resulting in an anticipated shortfall of \$225,000. Mr. Baker added that the intangibles tax was expected to fall \$50,000 short of initial projections. Mr. Baker said that a 2% increase was expected in beer and wine tax revenues and a 20% total increase was anticipated from sales tax proceeds.

Mr. Baker noted that Powell Bill funds were expected to increase by 4% in 1989-90, while 1989-90 investment income was projected to total \$280,000.

Mr. Baker stated that total projected expenditures were approximately \$19.2 million, an 8 1/2% increase from 1988-89. Mr. Baker said that suggested options for balancing the budget were outlined in Town Manager Taylor's memorandum to the Council. He noted that staff was seeking the input of public and the Council in the budgetary process. Mr. Baker said that a public forum on the 1989-90 Town budget would be held on March 27th.

Regarding the Transportation fund, Mr. Baker said that continued UMTA (Urban Mass Transit Administration) funding was anticipated for 1989-90. Mr. Baker noted that 90% of this funding was provided by State and Federal sources, while the Town provided 10% matching funds. Mr. Baker stated that proposed downtown trolley service was included in this funding package.

Mr. Baker provided an overview of the Landfill Fund, noting that the Town's curbside recycling program was proposed for expansion to all single-family residences. He noted that the 1989-90 tipping fee was proposed to be \$15.50 per ton, as contrasted with \$10.00 per ton in 1988-89. He added that rubble and ash tipping fees would be \$17.50 and \$19.50 per ton, respectively.

Town Manager Taylor noted that the budget was in its formative stages, with Council and public input to be received in the future. Mr. Taylor noted that the Town had incorporated a \$500,000 per annum pay as you go Capital Improvements Program, and had done so with no tax increase. He added that if the bonds from the 1986 \$11.8 million bond referendum were sold today, a 9 cent property tax increase would be needed.

Mr. Taylor noted that the effective Town tax rate had decreased 14 3/4 cents over the last seven years, while residents of Orange County had experienced an increase of this magnitude. Mr. Taylor said that the projected \$800,000 shortfall was principally composed of: \$275,000 in revenue shortfalls (intangible and utility franchise taxes), \$235,000 in increased landfill fees, and \$200,000 in increased health insurance costs. He stated that the Town faced difficult budgetary choices this year. Mayor Howes noted that a public forum on the budget was scheduled for March

27th. Mr. Taylor noted that the budget would be submitted to the Council on April 24th, with two worksessions to be held in May.

Council Member Preston asked whether matching funds for Transportation grants were derived from the General fund. Mr. Taylor responded that the matching funds were derived from the Transportation fund.

In the event that the impact tax were adopted, Council Member Preston asked what level of revenue might be expected. Mr. Taylor said that this was somewhat premature to estimate. He noted that Council Member Godschalk might have additional information on this topic. Mr. Taylor stated that collections of the impact tax, if adopted, would be unlikely to occur prior to January 1, 1990. Council Member Godschalk said that monies collected from impact taxes would need to be used to construct streets and growth-related capital facilities.

Council Member Preston inquired about the status of proposed Town drainage staff, identified as a future need by Engineering Director George Small at the February 27th Council meeting. Mr. Taylor noted that this item would be included within the context of the 1989-90 budget for further discussion.

Council Member Godschalk said that the landfill fund situation might be addressed by counterbalancing with curb-side rather than backyard collection of refuse.

Town Manager Taylor said that curbside recycling would result in removing 5% from the waste stream in a best case scenario, the remaining 95% would go to the landfill for burial. Mr. Taylor noted that savings of approximately 25% could be achieved from collection at the curb rather than from resident's backyards. Mr. Taylor noted that the issue of refuse pick-up had earlier been debated, with backyard pick-up appearing to be the preferred method.

Council Member Godschalk noted that since recycling was handled at the curbside, it might be preferable to handle refuse in this manner also. Mr. Taylor said that Public Works would prepare a report for Council's consideration. Council Member Godschalk noted that Carrboro does curbside pick-up. He inquired about the status of the proposed new landfill site. Mr. Taylor responded that this matter would be addressed in the scope of future Town budgets. Council Member Godschalk noted that no area would want to house a landfill.

Noting Mr. Taylor's and Mr. Baker's earlier remarks about increased health insurance costs, Council Member Wilkerson inquired about the size of these increases. Mr. Baker responded that a 30% increase in costs had occurred in 1988-89. Council Member

Wilkerson said that a 50% increase was anticipated for 1989-90, he asked how this compared to 1990-91 projections. Mr. Baker noted that the increase for 1989-90 was only an estimate at this point, since the Town's health insurance carriers aren't required to provide actual premium information until late April. Council Member Wilkerson inquired about the likelihood of future increases. Mr. Baker noted that increases in health insurance premiums tended to be cyclical.

Council Member Pasquini noted that a considerable element of the community would like to minimize the need for a tax increase. He noted that he was not averse to cutting into fleshier parts of the budget. Council Member Pasquini said that further examination of an earlier personnel petition was needed within the context of the 1989-90 budget. Council Member Pasquini suggested that certain currently unfilled positions should be examined as a possible means of achieving future cost savings. Council Member Pasquini noted that \$375,000 was allocated for the Town Hall Expansion project in the budget, he asked whether savings could be achieved by this means. Town Manager Taylor noted that the Council had authorized expenditure of these funds at its February 27 meeting. Council Member Pasquini urged Mr. Taylor to examine all possible avenues for cost savings.

Mayor Howes said that he would welcome the Manager's views on where service levels could be reduced. He noted the importance of the public examining the raw materials presented to the Council for their consideration in the budgetary process. Mayor Howes stated that the Interim Budget Report was an exhaustive document. He reiterated the need to have a constructive dialogue by and within the community.

Local Legislative Bill Requests

Mayor Howes stated that he had spoken to Representative Ann Barnes. Representative Barnes stated that the Homebuilder's Association had expressed concern about the uncertainty of language to be contained in proposed tree legislation. Mayor Howes said that a final report by the Tree Protection Task Force was expected shortly.

Mayor Howes said that the proposed bills would be introduced and given fair consideration by the Legislature.

Council Member Preston inquired whether all four matters presented by the Council would be formed into enabling legislation proposals. Mayor Howes responded that this was correct.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 7. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION REQUESTING THE REPRESENTATIVES OF LEGISLATIVE DISTRICTS INCLUDING THE TOWN OF CHAPEL HILL TO INTRODUCE AND SUPPORT LOCAL BILLS FOR THE TOWN OF CHAPEL HILL (89-3-6/R-7)

WHEREAS, the Council of the Town of Chapel Hill has held a public forum on February 13, 1989 regarding potential legislative requests to the General Assembly; and

WHEREAS, the Council expresses its appreciation to the Representatives of Districts including the Town of Chapel Hill for their support in past years of local bills requested to benefit the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town of Chapel Hill that the Council hereby requests the Representatives of Districts including the Town of Chapel Hill to introduce and support local enabling legislation in substantially the form of the attached draft bills regarding:

1. Tree protection
2. Inclusionary zoning policies for low and/or moderate income housing in new developments.
3. Adequate public facilities for developments.
4. Disclosure of real property interests of the Mayor and Council.

This the 6th day of March, 1989.

A BILL TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO
ALLOW ADOPTION OF ORDINANCES FOR PROTECTION OF TREES

Sec. 1. Section 5.33 of the Charter of the Town of Chapel Hill (Chapter 473, 1975 Session Laws, as amended by Section 1, Chapter 330, 1977 Session Laws) is hereby amended to read as follows:

Sec. 5.33. Tree protection regulations.

The town is authorized to adopt ordinances after holding of a public hearing thereon, to regulate planting, removal, and substantial alteration of trees and shrubs and their surrounding soils on public and private property within the town and its extraterritorial planning jurisdiction in order to preserve, protect, and enhance valuable natural resources of the community, and to protect the health, safety, and welfare of its citizens.

Sec. 2. All development and zoning ordinances of the Town enacted and all steps taken by the town to enact development and zoning ordinances prior to the effective date of this act which would have been valid hereunder are hereby validated, ratified and confirmed.

DRAFT

A BILL TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO ALLOW ADOPTION OF ORDINANCES CREATING DENSITY BONUSES AND OTHER INCENTIVES FOR DEVELOPERS OF HOUSING FOR PERSONS OF LOW OR MODERATE INCOME

Sec. 1. For the purpose of increasing the availability of housing for persons of low and moderate income, and thereby promoting the public health, safety and welfare, the Town of Chapel Hill shall have the authority to grant a density bonus or provide other incentives of equivalent financial value to a developer of housing within the Town and its extraterritorial planning jurisdiction, if the developer agrees:

a. to construct at least 25 percent of the total units of a housing development for persons and families of low or moderate income; or,

b. to construct at least 10 percent of the total units of a housing development for lower income households.

Sec. 2. For the purposes of this Article, "density bonus" means a density increase of at least 25 percent over the otherwise maximum allowable residential density under the applicable zoning classification. The density bonus shall not be included when determining the number of housing units which is equal to 10 or 25 percent of the total. The Town may apply the density bonus to housing developments consisting of five or more dwelling units.

Sec. 3. For the purpose of increasing the availability of housing for persons of low and moderate income and thereby promoting the public health, safety and welfare, the Town of Chapel Hill shall have the authority to enact ordinances requiring that developers of housing within the Town and its extraterritorial planning jurisdiction:

a. construct at least 25 percent of the total units of a housing development for persons and families of low or moderate income; or,

b. construct at least 10 percent of the total units of a housing development for lower income households.

Sec. 4. The Town may exercise the authority granted in Section 3 only if the Town either grants a density bonus or provides other incentives of equivalent financial value to a developer required to provide low or moderate income housing.

A BILL TO AUTHORIZE THE TOWN OF CHAPEL HILL TO ENACT ORDINANCES REQUIRING THAT ADEQUATE PUBLIC FACILITIES BE AVAILABLE FOR SERVING PROPOSED DEVELOPMENT AND TO REQUIRE EXISTING DEVELOPMENT TO ADDRESS TRAFFIC IMPACT GENERATED BY THAT DEVELOPMENT

For the purpose of protecting against scattered or premature development of land that would threaten the public health, safety and welfare due to lack of adequate water supply, sewerage, stormwater drainage, traffic circulation, mass transit, solid waste, open space, parks, schools, fire protection or any other public facilities or services; for the purpose of preventing the excessive, inefficient and uncoordinated expenditure of public funds for the supply of such facilities or services; and for the purpose of promoting the health, safety and general welfare of the community, the Town of Chapel Hill shall have the authority to exercise the following powers:

- 1) To enact ordinances to assure that public facilities or services (including, but not limited to streets and roads, sidewalks, traffic control devices, water and sewer lines and schools) are available at an adequate level of service to served proposed development.
- 2) To condition development application approvals upon the applicant's provision of transportation management programs which address the traffic and transportation impacts of the new development, which programs may include but are not limited to, requirements for improvements to public transportation facilities impacted by the proposed development or payments in lieu of improvements.
- 3) To enact ordinances to require existing development to address the impact on the health, safety and general welfare of the community of traffic generated or promoted by that development, including the authority to require implementation of transportation management plans and other steps to ensure implementation of an appropriate transportation management program by existing development.

DRAFT

A BILL TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE REQUIREMENTS FOR DISCLOSURE OF PROPERTY AND BUSINESS INTERESTS

Section 1. The Town Council of Chapel Hill is authorized to require by ordinance the disclosure by the Mayor and Members of the Council of their, and their spouses,' personal financial interests including but not limited to interests in real property and in entities doing business with the Town or applying for permits or approvals from the Town. The Council may establish minimum percentage interests below which disclosure would not be required.

Section 2. The Town Council of Chapel Hill is authorized to require by ordinance that the Mayor and Council Members shall not vote on matters involving their property or business interests; provided, that the Council may exempt from disqualification matters such as zoning or development decisions in which all properties similarly situated would be similarly affected.

Section 3. This title shall apply only to the Town of Chapel Hill.

OWASA Budget

Town Manager Taylor noted that the Council was being asked to consider adoption of a resolution which would request that OWASA:

- * Make a presentation to the Council, and to other local boards as requested, on the OWASA operation and capital budgets.
- * Include service level indicators in future OWASA budget documents.
- * Identify in its capital program any planned or proposed water or wastewater facilities which would likely be of interest for local governments' growth management programs.
- * Develop a plan for extending public water and sewer services to existing developed neighborhoods in the Chapel Hill-Carrboro Urban Services area which now have private well service or septic systems. The need to enable extended payment periods for assessments and connection fees for existing development should also be considered.
- * Review the policy regarding private maintenance of sewer laterals in the public right-of-way.

Mayor Howes noted his support of better communications between OWASA and other local governmental bodies.

Council Member Andresen said that the idea of a forum was an excellent one. She noted the importance of planning for a service area. She inquired about the status of a major sewer line being contemplated south of Chapel Hill. Council Member Pasquini responded that this matter would be discussed at the OWASA Board meeting on Thursday (March 9).

Council Member Preston commended the Town staff for their work on this item. She said that the report was comprehensive and a wonderful start.

Mayor Howes noted the extensive involvement of Greg Feller, Assistant to the Manager, in the compilation of the report and his dedication in monitoring activities of OWASA which might impact the Town.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 8. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION REGARDING PREPARATION OF THE OPERATIONS AND MAINTENANCE BUDGET, 5 - YEAR CAPITAL IMPROVEMENTS BUDGET AND 15 - YEAR CAPITAL IMPROVEMENTS PROGRAM OF THE ORANGE WATER AND SEWER AUTHORITY (89-3-6/R-8)

WHEREAS, the Orange Water and Sewer Authority has requested comments from the member local governments including the Chapel Hill Town Council concerning OWASA'S operating and capital budgets; and

WHEREAS, the Council appreciates this opportunity to provide comments for consideration early in the OWASA budgeting process;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council offers the following comments and suggestions for consideration by the OWASA Board of Directors:

* The Council invites OWASA to designate representative(s) to make presentations this spring to the Council, and to other local boards as requested, on the OWASA operation and capital budgets.

* The Council requests that future OWASA budget documents include service level indicators.

* The Council requests that OWASA identify in its capital program any planned or proposed water or wastewater facilities which would likely be of interest for local governments' growth management programs.

* The Council requests that OWASA develop a plan for extending public water and sewer services to existing developed neighborhoods in the Chapel Hill - Carrboro Urban Services area which now have private well service or septic systems. The need to enable extended payment periods for assessments and connection fees for existing development should also be considered.

* The Council requests that OWASA review the policy regarding private maintenance of sewer laterals in public right-of-way.

BE IT FURTHER RESOLVED that the Council commends and expresses its appreciation to the OWASA Board of Directors for providing this opportunity for comments by the local governing boards.

This the 6th day of March, 1989.

Orange County Human Relations Commission

Mayor Howes noted that the Council was being asked to make nominations for a seat on the Orange County Human Relations Commission recently vacated by Joe Straley.

Rosemary Square Monthly Report

Mr. Taylor noted that Mr. Adams, President of the Rosemary Group, would be in Chapel Hill later in the week.

Tandler Monthly Report

Mr. Taylor noted that there had been a closing on one additional home and two more home closings were anticipated this week.

Consent Agenda

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (89-3-6/R-10)

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. Approval of new Town Seal. (R-11)
- b. Temporary Noise Control Ordinance change for Burnout event March 31. (O-1)
- c. Temporary Noise Control Ordinance change for Carolina Beach Blast. (O-2)
- d. Closing part of Raleigh Street April 8 for Springfest. (R-12)
- e. Ridge Road traffic restriction May 14 for UNC Commencement Ceremony. (R-13)

This the 6th day of March, 1989.

A RESOLUTION APPROVING A NEW DESIGN FOR THE TOWN SEAL AND AUTHORIZING ITS USE (89-3-6/R-11)

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL that the design as proposed by the Seal Task Force is adopted as the official seal of the Town of Chapel Hill and is henceforth to be used as the official seal of Chapel Hill.

BE IT FURTHER RESOLVED THAT documents requiring the official Town seal may continue to be executed with the prior official Town seal until new official seals are available for use.

BE IT FURTHER RESOLVED THAT THE COUNCIL OF THE TOWN OF CHAPEL HILL thanks the Seal Task Force for their work and commends them for the skill and thoroughness with which they did their job.

This the 6th day of March, 1989.

AN ORDINANCE AMENDING CHAPTER 11 OF THE TOWN CODE OF ORDINANCES REGARDING NOISE CONTROL FOR A SPECIAL EVENT TO BE HELD ON MARCH 31, 1989 BETWEEN 1:00 P.M. AND 7:00 P.M. (89-3-6/O-1)

WHEREAS, the sponsor of the 1989 Burnout Event, Pi Kappa Phi fraternity, is proposing to hold the event at 216 Finley Golf Course Road on Friday, March 31, 1989 to raise funds for the North Carolina Burn Center; and

WHEREAS, this event includes plans for outside amplified sound between 1:00 and 7:00 p.m.; and

WHEREAS, a change in Chapter 11 of the Town Code of Ordinances regarding the time during which a permit to use sound amplifying equipment outdoors and to exceed the normal sound levels would be required to approve this request; and

WHEREAS, the sponsors of the proposed Burnout event has worked cooperatively with Town and Finley Golf Course officials and surrounding neighborhood homeowners associations in order to limit the effect of the proposed event on the surrounding community; and

WHEREAS, organizers of the event have submitted a plan which includes measures to control parking and traffic, litter, illegal consumption of alcoholic beverages, and proposes providing shuttle bus service, adequate portable toilet facilities and event security personnel to attendees;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 11 of the Town Code of Ordinances is hereby amended as follows:

SECTION I

AMEND Section 11-39 (d) (3) as follows:

(3) Daytime/Evening sound levels in excess of sixty (60) dB(A) will be permitted upon the issuance of a permit and allow sound levels exceeding those set above as follows:

Thursday Evening (5:00 p.m. - 11:00 p.m. Thursday)	75dB(A)
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Friday	75dB(A)
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(1:00 p.m. - midnight Friday)

Saturday
(10:00 a.m. - midnight Saturday)

75dB(A)

SECTION II

Section I of this Ordinance shall be effective only on March 31, 1989 between 1:00 and 5:00 p.m., after which, times in the previously adopted Ordinance shall again become effective.

BE IT FURTHER ORDAINED that the memorandum dated February 8, 1989 to Police Chief Arnold Gold, from Pi Kappa Phi representatives Tim Donoghue, Ted Baker and Mike Novak, be maintained as a part of the permanent record of this meeting and the contents and conditions described in said memorandum be included as conditions that accompany the issuance of a noise permit for the 1989 Burn-out event.

This the 6th day of March, 1989.

AN ORDINANCE AMENDING CHAPTER 11 OF THE TOWN CODE OF ORDINANCES REGARDING NOISE CONTROL FOR A SPECIAL EVENT TO BE HELD ON APRIL 9, 1989 BETWEEN 1:00 P.M. AND 6:00 P.M. (89-3-6/O-2)

WHEREAS, Ehringhaus Residence College, University of North Carolina at Chapel Hill, as sponsor of a proposed event called "Carolina Beach Blast", scheduled for Sunday, April 9, 1989 from 1:00 to 6:00 p.m., has requested the Town Council to amend the Town's Noise Control Ordinance to enable the event to include outdoor amplified music; and

WHEREAS, a change in Chapter 11 of the Town Code of Ordinances regarding the time during which a permit to use sound amplifying equipment outdoors and to exceed the normal sound levels, would be required to approve this request; and

WHEREAS, the sponsors of the proposed Carolina Beach Blast have worked cooperatively with University officials and the community at large to limit the effect of the event on surrounding neighborhoods; and

WHEREAS, officials of the University of North Carolina have indicated support for the event to be held on the Ehringhaus Field;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 11 of the Town Code of Ordinances is hereby amended as follows:

SECTION I

AMEND Section 11-39 (d) (3) as follows:

(3) Daytime/Evening sound levels in excess of sixty (60) dB(A) will be permitted upon the issuance of a permit and allow sound levels exceeding those set above as follows:

Thursday Evening (5:00 p.m. - 11:00 p.m. Thursday)	75dB(A)
Friday (5:00 p.m. - midnight Friday)	75dB(A)
Saturday (10:00 a.m. - midnight Saturday)	75dB(A)
Sunday (1:00 p.m. - 6:00 p.m.)	75dB(A)

SECTION II

Section I of this Ordinance shall be effective only on April 9, 1989 between 1:00 and 6:00 p.m., after which times in the previously adopted Ordinance shall again become effective.

This the 6th day of March, 1989.

A RESOLUTION AUTHORIZING THE CLOSING OF A PORTION OF RALEIGH STREET ON APRIL 8, 1989 (89-3-6/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of a portion of Raleigh Street between South Road and Lenoir Drive from 11:00 a.m. and 6:30 p.m. on Saturday, April 8, 1989, subject to the following conditions:

- Representatives of Henderson Residence College and the Springfest 89 Committee shall comply with reasonable directives by the Town's Police and Fire Departments, and by the University administration and Police Department, in order to assure safety of persons and property in the vicinity of the street closing.
- Barricades must be placed at each end of the closing area with officers stationed to enable access for emergency vehicles if necessary.
- The portion of Raleigh Street right-of-way in the vicinity of the Springfest activities must be cleared of litter and debris by 6:30 p.m. Saturday, April 8, 1989.

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- That failure to comply with these conditions could result in the revocation of the permit to use sound amplifying equipment and exceed the general sound levels to be issued by the Police Department.

This the 6th day of March, 1989.

A RESOLUTION AUTHORIZING THE RESTRICTING OF TRAFFIC ON A PORTION OF RIDGE ROAD ON MAY 14, 1989 BETWEEN 9:00 AND 11:00 A.M. (89-3-6/R-13)

WHEREAS, the University of North Carolina will sponsor the Commencement Ceremony in Kenan Stadium on May 14, 1989; and

WHEREAS, this Commencement will cause increased motor vehicle and pedestrian traffic, particularly during the morning hours; and

WHEREAS, such restricting of motor vehicles is a successful method of traffic control during UNC football games and Smith Center events; and

WHEREAS, emergency vehicles, residents, and vehicles with special permits will be allowed on Ridge Road;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that traffic will be restricted on Ridge Road between Country Club and Manning Drive on May 14, 1989 between 9:00 and 11:00 a.m.

This the 6th day of March, 1989.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADJOURN THE REGULAR MEETING INTO EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The regular meeting was adjourned at 10:29 PM.

Executive Session

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY.

The Executive Session adjourned at 10:44 PM.