

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF
CHAPEL HILL, MONDAY, JUNE 12, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Member Werner was absent excused.

Council Members in attendance were:

Julie Andresen	David Pasquini
David Godschalk	Nancy Preston
Joe Herzenberg	James C. Wallace
Roosevelt Wilkerson, Jr.	

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

Mayor Howes noted the Council's role as custodians of democracy in the Town. He stated that the thoughts of the Council were with the people of China attempting to bring democracy to their nation.

Petitions

Greg Gangi, representing the Sierra Club, stated that the Town could serve as a role model and leader in the conservation of non-renewable resources. He urged the Town to use unbleached, recycled paper in its operations. Council Member Godschalk inquired about the additional cost of recycled paper. Mr. Gangi said this would depend upon the grade of paper. Mr. Gangi said that a good quality copy paper would cost approximately 20% more than conventional paper. Council Member Preston said she admired the work of the Sierra Club. Council Member Preston noted that the Town staff was working with the purchasing agents of other agencies to buy recycled paper.

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

Bruce Guild, a homeowner on White Oak Drive, referring to a petition signed by his neighbors, that had been mailed to Council Members, requested that Town staff investigate sewer service in his neighborhood.

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

acknowledged that the technical reports were the basis for the Comprehensive Plan.

Town Manager Taylor said no public hearing, per se, is required for master plans. Town Manager Taylor said that two master plans, representing two of the most significant development projects in recent times, were scheduled for Council consideration on June 12th. Town Manager Taylor suggested that a public hearing could be held on June 26th, with Council action to follow on July 10th. Mayor Howes noted the importance of holding a public hearing on this matter.

Council Member Preston asked what type of action the Council would be asked to take on July 10th. Town Manager Taylor said the type of action was not defined, since this would be at the direction of the Council. Town Manager Taylor noted that the proposals would give the Council the opportunity to view tradeoffs between the two proposals. Mr. Taylor noted that the proposed public hearing was scheduled for June 26th, a regular Council meeting. Town Manager Taylor said the two master plans would be the major focus of discussion for the evening.

Mr. Ray deFriess, representing the Orange County Rescue Squad, said that the South Orange County building project would be complete by late August. He thanked the Council for the Town's contribution to the project. Mr. deFriess said that the Orange County Rescue squads opposed the imposition of required fees, since this would have a negative financial impact on the volunteer squads. Mr. deFriess said that rescue services are currently available at no cost between the hours of 5 P.M. and 8 A.M. Mr. deFriess presented a petition to the Council, noting that he would be happy to answer their questions.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO RECEIVE THE PETITION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Sherry Jones, 109 Emerywood Place, requested that the speed limit on Estes Drive Extension between Airport Road and Carrboro Town limit be reduced from 45 to 35 MPH. Ms. Jones also suggested that caution lights be installed at Seawell School Road and Umstead Drive. Ms. Jones said that the area having the 45 MPH speed limit was bounded by areas having 35 MPH limits. In addition, she suggested that night reflector indicators be installed at the turn lanes at the intersection of Estes Drive Extension and Seawell School Road.

Ms. Jones stated that many young drivers were involved in accidents on Estes Drive Extension, when they lost control of their vehicles. Ms. Jones also noted that there is a high incidence of rear-end collisions in the area. Ms. Jones stated her belief that the 45 MPH speed limit was too high. Ms. Jones encouraged Council Members to drive in the area to evaluate the situation. Ms. Jones concluded her remarks by stating that a statewide survey had found that the intersection of Airport Road and Estes Drive is one of the five most hazardous intersections in Orange County.

Council Member Wilkerson inquired whether it would be possible to receive a report from the Manager in late August or early September concerning this situation. Town Manager Taylor said yes.

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

Mr. Bill Thorpe addressed the Council concerning appointments to Council advisory Boards and Commissions. Mr. Thorpe encouraged the Council to appoint a black member to the OWASA Board of Directors.

Council Member Preston suggested that three or four Council Members be appointed to an ad hoc committee to discuss Human

Services and Hotel/Motel Tax allocations prior to Council consideration of these matters on July 10th. Council Member Godschalk stated that it had been Council policy not to second-guess the recommendations of the advisory boards concerning allocations. Council Member Andresen noted that total dollar figures would remain the same, although allocations to individual agencies might be revised. Council Member Wallace stated that the chairpersons of the Parks and Recreation and Human Services Advisory Board would be attending the Council's July 10th meeting.

Mayor Howes stated that Council Members Andresen and Herzenberg had agreed to serve on the ad hoc committee chaired by Council Member Preston. Council Member Wallace inquired when the group would meet. Mayor Howes said this would be determined by Council Member Preston.

Town Manager Taylor introduced the Town's Public Safety Director, William Calvin "Cal" Horton. Mr. Taylor said Mr. Horton had served as Assistant City Manager in Decatur, Georgia for the past fifteen years. Mr. Taylor also noted that Mr. Horton had received his undergraduate and graduate degrees from the University of North Carolina. Mayor Howes welcomed Mr. Horton to the Town, noting that he was personally acquainted with Anne Chriton, former Mayor of Decatur.

Council Member Godschalk noted that he had received from citizens of the Town concerning cable television service. Council Member Godschalk expressed concern about the current monopolistic service situation held by Carolina Cable. Mayor Howes noted that the agreement between the Town and Carolina Cable does not grant an exclusive franchise. He added that there was nothing that would preclude the Council from making agreements with other cable service providers. Mayor Howes requested that the Town Manager provide a report to the Council concerning Carolina Cable's provision of services. Town Manager Taylor agreed to report back to the Council on July 10th. Mayor Howes suggested that a work session could possibly be held between Carolina Cable and the Council at a future date. Council Member Wallace urged that serious attention be given to current cable complaints. Council Member Wallace also noted the difficulties which had been encountered in the negotiation of the current cable franchise agreement.

Minutes of April 17, May 15, 16, 22 and 24

Council Member Preston noted one modification concerning Council Member Godschalk's remarks on April 17th.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO ADOPT THE MINUTES OF APRIL 17TH AS MODIFIED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Andresen noted one modification to her remarks of May 15th.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO APPROVE THE MINUTES OF MAY 15TH AS MODIFIED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT THE MINUTES OF MAY 16TH AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Council Member Herzenberg noted a spelling error in the minutes of May 22nd.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF MAY 22ND AS MODIFIED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE MINUTES OF MAY 24TH AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mosquito Control

Bruce Heflin, Director of Public Works, noted that residents of the Ridgefield and Briarcliff neighborhoods were very concerned about mosquito infestation problems in their area. Mr. Heflin stated that the Town had received a letter from Dr. Barry Engberg of the North Carolina Department of Human Resources outlining three possible remedies to address the mosquito situation. Dr. Engberg's solutions included killing the adult mosquito population; killing the mosquito larvae; or draining the area, allowing water to flow.

Mr. Heflin said the Town staff did not favor the first alternative, due to numerous problems with insecticide and property access. Mr. Heflin also noted that clearing the creek would be difficult due to topographical constraints. He added that causing the area to drain could have negative environmental impacts. Mr. Heflin stated that the Town staff was working with Dr. Engberg to identify a proper insecticide to address the mosquito problem. Mr. Heflin said that a larvaciding program was possible but would be a complicated process. He noted that this program would provide relief to residents for short time periods. Mr. Heflin concluded his remarks by stating that the Town staff would continue to work with State entomology staff to identify possible solutions.

Council Member Andresen noted that some beaver dams in the area had recently been dismantled. Council Member Andresen inquired whether the Town had a policy concerning the beaver population.

Mr. Heflin said the Town has no formal policy concerning beaver habitats. Mr. Heflin stated that the Animal Protection Society had been very actively involved in assisting with the dismantling of beaver dams recently. Mr. Heflin stated that there is a beaver dam near the Ridgefield swimming pool.

Council Member Godschalk inquired why the larvaciding program had not already begun. Mr. Heflin said that Dr. Engberg had suggested several possible approaches for larvaciding of the area. He added that Town and State staff would be doing additional field work in the next week. Mr. Heflin noted that the County was also involved in this process.

Council Member Godschalk asked how long it would be before action was initiated. Mr. Heflin said the Town would act shortly after Dr. Engberg made his final recommendations to Town staff. Council Member Godschalk urged that action be taken as soon as possible to address the mosquito situation. Assistant Town Manager Sonna Loewenthal stated that Dr. Engberg felt he needed another visit to the site before making final recommendations to the Town.

Bill Waggoner, 412 Ridgefield Road, thanked the Council for their prompt attention in addressing his neighborhood's concerns about mosquitoes. Mr. Waggoner submitted a petition to the Council outlining the nature of the mosquito problem. Mr. Waggoner said he wanted a first class solution to address the problem.

Council Member Godschalk noted that there was a mix of benefits and problems associated with Resource Conservation Districts (RCDs). Mayor Howes said that there was a good deal of urgency in addressing the mosquito problem. Mayor Howes said that intergovernmental considerations should not delay the implementation of a solution.

Board and Commission Appointments

Bill Hildebolt, Student Liaison to the Town Council, urged the Council to consider appointing students to several seats on advisory boards and commissions.

Council Member Andresen requested that the Council postpone voting on appointments to the Housing Advisory Board. Council Member Preston noted that several Council Members were working to obtain a broad pool of applicants to fill these seats.

The following individuals were appointed by the Council:

Appearance Commission

Dana Staats

Board of Adjustment

James R. Duncan

Gregory Herman-Giddens

Historic District Commission

W. Woodrow Burns, Jr.
Matthew Foster Heyd
Jan Reist
Ann K. Wileman

Human Services Advisory Board

Mark L. Bibbs
Scott T. Cain
Vincent J. Kopp
Joyce Trout

Parks & Recreation Commission

Bill Blue, Jr.

Transportation Board

Jennie Caparella
William A. Frey
Laura D. Thomas

Persons desiring to do so may view signed ballots in the Town Clerk's Office.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO NOMINATE ALL APPLICANTS FOR THE OWASA BOARD OF DIRECTORS. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO NOMINATE ALL APPLICANTS FOR THE PLANNING BOARD. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Bennett Property Rezoning

Roger Waldon, Planning Director, stated that there are three justifications for granting applicant requests for rezoning: correction of a manifest error; to address changing conditions in an area; or to achieve purposes of the Comprehensive Plan. Mr. Waldon said none of the three conditions were met in this case. Mr. Waldon said the staff recommended denial of the application.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO ADOPT RESOLUTION 2, DENYING THE APPLICATION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION DENYING AN APPLICATION FOR A ZONING ATLAS AMENDMENT (ZMA-122B-8B) (89-6-12/R-2)

WHEREAS, the Council of the Town of Chapel Hill has considered the application of Jon Hoetger (an individual) and Protean Group, Ltd., to amend the Zoning Atlas to rezone property described below from Residential-1 to Mixed Use District Residential-1 and fails to find that the amendment corrects a manifest error in the Zoning Atlas, or is appropriate due to changed or changing

conditions in the particular area or in the jurisdiction generally, or achieves the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it denies the application of Jon Hoetger (an individual) and Protean Group, Ltd., to amend the Zoning Atlas to rezone the property identified as part of Chapel Hill Township Tax Map 122, Block B, Lot 8B, located on the east side of U.S. 15-501 South and generally south of Mount Carmel Church Road from Bennett Road to U.S. 15-501 South, from Residential-1 to Mixed Use District Residential-1. The legal description of the property is as follows:

BEGINNING at an iron stake in the Western right of way of Mt. Carmel Church Rd. (N.C.S.R. 1008), said iron stake being located South 35 degrees 17 feet 00 inches East 230.88 feet and South 40 degrees 10 feet 00 inches East 189.67 feet from the Southwestern intersection of the rights of way of US 15-501 and Mt. Carmel Church Road; running thence from said Beginning Point with the Western right of way of Mt. Carmel Church Road the following courses and distances: South 40 degrees 10 feet 00 inches East 112.29 feet to an iron stake; thence South 46 degrees 43 feet 00 inches East 109.64 feet to an iron stake; thence along the arc of a clockwise-turning circle having a radius of 741.53 feet for a length of 824.20 feet to an iron stake; and thence South 16 degrees 58 feet 00 inches West 85.68 feet to an iron stake; running thence South 81 degrees 32 feet 00 inches West 52.18 feet to an iron stake; running thence South 05 degrees 49 feet 00 inches West 443.97 feet to an iron stake in the Northwestern intersection of the rights of way of Mt. Carmel Church Road and Bennett Road (N.C.S.R. 1913); running thence with the Northern right of way of Bennett Road South 41 degrees 27 feet 00 inches West 86.13 feet to an iron stake; South 74 degrees 00 feet 00 inches West 86.97 feet to an iron stake; and North 77 degrees 00 feet 00 inches West 65.93 feet to an iron stake; running thence North 66 degrees 23 feet 00 inches West 1,104.91 feet to an iron stake in the Eastern right of way of US 15-501; running thence with the Eastern right of way of US 15-501 North 11 degrees 34 feet 00 inches East 69.14 feet to an iron stake and North 13 degrees 35 feet 00 inches East 707.19 feet to an iron stake; running thence South 76 degrees 12 feet 00 inches East 19.02 feet to an iron stake; running thence North 13 degrees 48 feet 00 inches East 76.60 feet to an iron stake; running thence North 34 degrees 04 feet 58 inches East 286.36 feet to an iron stake; running thence with the arc of a clockwise-turning circle having a radius of 536.62 feet for a length of 242.52 feet to an iron stake; running thence North 68 degrees 48 feet 00 inches East 154.25 feet to an iron stake, running thence with the arc of a clockwise-turning circle having a radius of 1,381.29 feet for a length of 62.57 feet to an iron stake; running thence South 42 degrees 25 feet 51

inches East 215.18 feet; running thence South 61 degrees 58 feet 05 inches East 53.85 feet to the point and place of BEGINNING.

This the 12th day of June, 1989.

308 West Rosemary

Mr. Waldon said this application was for construction of a 38,000 square foot multi-use building in the downtown area. He noted that the applicant could provide a recreation area on-site or payment-in-lieu thereof. Mr. Waldon said the applicant could also choose to combine on-site facilities with payment-in-lieu. Mr. Waldon stated that the final recreational facility plan would have to be approved by the Parks and Recreation Commission prior to issuance of a Zoning Compliance Permit.

Mr. Waldon noted that Council Member Werner had previously inquired about left turn movements from Rosemary Street onto Church Street. Mr. Waldon said the staff felt that a protected left-turn light would be a good idea, particularly for westbound traffic turning south toward Franklin Street.

Mr. Waldon stated that the applicant proposes retail or office uses on the first floor of the building. Mr. Waldon said that the applicant had met parking requirements for the project. He concluded his presentation by noting the applicant's concurrence with the conditions of approval in Resolution B.

Council Member Preston asked whether the applicant would use a gymnasium arrangement to address the recreational facility requirements. Mr. Waldon said this would be unlikely. He stated that a commons room or landscaped roof, balcony or terraces would be a more likely means to handle recreational requirements. Council Member Wallace requested greater specificity from the applicant. Mr. Gurlitz said that a total of twelve living units were proposed for the project. Mr. Gurlitz said an outdoor recreation space on the roof of the second floor would be a very effective recreational arrangement.

Douglas Vaughn-Keely, 1611 Old Oxford Road, stated that the project would pose an undue burden on the intersection of Rosemary and Church Streets. He expressed concern that the western side of the street already contained a large number of businesses such as the Cracovia Restaurant and Colonel Chutney's. Mr. Vaughn-Keely concluded his remarks by stating that since neither Church or West Rosemary Streets could be widened, he was in opposition to the project.

Council Member Preston requested clarification of the left-turn signal. Town Manager Taylor said that the movement addressed would be westbound traffic on Rosemary attempting to turn left on

Church Street. He stated that the developer would contribute to the cost of the protected phase turn signal.

Mr. Gurlitz expressed his concurrence with the stipulations of the Manager's Recommendation to the Council.

Council Member Godschalk said the project proposal was an excellent one. Noting that he was a partial owner of a property in the notification area for this project, Council Member Godschalk expressed his intention not to vote on this item. Town Attorney Karpinos inquired whether the Council wished to excuse Council Member Godschalk from voting in this matter. Mayor Howes said it appeared that the Council had no objection to this course of action.

Council Member Andresen said she would support the project. Council Member Andresen stated that this project marked the beginning of redevelopment efforts on Rosemary Street. She added that the project was sensitively conceived and expressed her desire to see retail usage on the first floor.

Council Member Herzenberg noted that no one in the downtown area had spoken in opposition to the project.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 3B. THE MOTION WAS ADOPTED BY A VOTE OF (7-0-1), WITH COUNCIL MEMBER GODSCHALK ABSTAINING.

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR 308 WEST ROSEMARY STREET ((85-L-16) (89-6-12/R-3b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the 308 West Rosemary Street development, proposed by Mr. H. Josh Gurlitz for West End Partners, on property identified as Chapel Hill Township, Tax Map 85, Block L, Lots 16 and 17, if developed according to the Site Plan dated "Revised 23 February, 1989" and "Received March 2, 1989," and the conditions listed below, would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Article 12, 13 and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or be a public necessity; and

4. Conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following:

1. That construction begin by June 12, 1991 (two years from the date of the Council approval) and be completed by June 12, 1993 (four years from the date of the Council approval).
2. That the traffic signal at Church Street and West Rosemary Street be upgraded to provide a protected left-turn phase for West Rosemary Street or a payment-in-lieu (not to exceed \$4,000) of the upgrade shall be made prior to issuance of the Zoning Compliance Permit.
3. That a payment-in-lieu of providing the improved recreation space or a combination of providing on-site space and a payment-in-lieu be provided or a plan for meeting recreation space requirements on-site be approved by the Parks and Recreation Commission prior to issuance of a Zoning Compliance Permit. The Town Manager shall approve the amount of the payment in accordance with Subsection 13.7.10 of the Development Ordinance.
4. That additional right-of-way be dedicated along the site's West Rosemary Street frontage. This additional right-of-way should, at a minimum, include the proposed sidewalk and be recorded prior to issuance of a Zoning Compliance Permit.
5. That a copy of a recombination plat or deed, combining the two parcels involved with this application, be approved by the Town Manager and recorded prior to the issuance of a Zoning Compliance Permit.
6. That adequate sight distance be provided at the West Rosemary Street entrance/exit.
7. That final plans for the location of the refuse container be approved by the Town Manager prior to issuance of the Zoning Compliance Permit.
8. That detailed building elevations, landscaping plan, and landscape maintenance plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. A "C" type buffer is required on the northern property line.
9. That the final utility/lighting plan be approved by OWASA, Duke Power, Carolina Cable, Public Service Company, and Southern Bell, and the Town Manager, before issuance of a Zoning Compliance Permit.

10. That final plans to be approved by the Town Manager before issuance of a Zoning Compliance Permit (detailed site plan, utility plan/lighting, grading and stormwater management plan with hydrologic calculations, storm drainage easement plat, fire flow report) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.
11. That the applicant take appropriate measures to prevent the deposit of wet or dry silt on adjacent paved roadways.
12. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
13. That a work zone traffic control plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
14. That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed below.
15. If any of the above conditions are held invalid, this approval shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the 308 West Rosemary Street Special Use Permit in accordance with the plans and conditions listed above.

This the 12th day of June, 1989.

Neon Signs

Roger Waldon, Planning Director, said the staff offered six alternative ordinances to the Council this evening. Mr. Waldon retraced the recent history of neon signs in the Town, noting that the staff recommended the continued prohibition of neon signs. Mr. Waldon went on to summarize the key issues before the Council. He noted that most neon signs in Town are two to five square feet in area. Mr. Waldon also noted that approximately one-half of current neon signs are used to designate when an establishment is "open". Mr. Waldon stated that current standards stipulate that only business logos and names may be depicted in neon.

Mr. Waldon said that the staff recommended the continued prohibition of neon signs in the Town. He said if the Council chose to permit neon, Ordinance D (permitting one neon sign of up to five

square feet in non-residential areas) would be the preferred alternative.

Council Member Andresen inquired how many neon signs would not be in compliance if the Council adopted Ordinance C, D or E. Mr. Waldon said he did not have an exact number, but noted that signs without a permit are illegal signs. Mr. Waldon stated that letters would be sent to proprietors with such signs, making them aware of the need to attain compliance permits.

Council Member Andresen inquired whether Ordinance F, if adopted, would permit neon signs in residential areas. Mr. Waldon said no. Council Member Andresen said Ordinance F appeared to be a good alternative, since the Appearance Commission would be involved in the process of neon sign review. Mr. Waldon noted that Ordinance F would permit illuminated signs to cover 2 1/2% of a business' facade. Council Member Andresen stated that the Appearance Commission has not approved large signs.

Council Member Wallace inquired about the restrictions outlined in Ordinance F. Mr. Waldon said this would vary by zoning district. He reiterated that signs would be limited to 2 1/2% of a facade. Council Member Wallace asked whether Ordinance F would permit neon signs all over the Town. Mr. Waldon said signs would be permitted in all non-residential districts.

Council Member Andresen, noting that there was some risk in permitting neon signs in all non-residential areas, expressed confidence in the Appearance Commission's role in the review process. Town Attorney Karpinos noted that the Appearance Commission does not currently review signs for appropriateness. He added that there was some room for judgment in the ordinance. Council Member Wallace said if there was any room for judgment in the ordinance, it ought to be extracted.

Council Member Pasquini inquired whether a hanging sign could be of a neon variety. Mr. Waldon said it was his understanding that neon could only be displayed on a facade. Mr. Waldon clarified his earlier remarks concerning neon in residential areas, noting that neon signs would be permitted in planned residential zones. Mr. Waldon added that he did not know of any prohibitions against neon signs projected on buildings.

Council Member Wallace, outlining his intention to vote against Ordinance F, said he was opposed to neon except as an inert gas.

Council Member Andresen requested a comparison of Ordinances D and F, particularly the administrative review time involved. Mr. Waldon said a lot of time would be devoted to any of the options. He stated that Ordinance F was the most permissive option before

the Council. Council Member Andresen, noting built-in safeguards, said she would support Ordinance F.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT ORDINANCE 2F. THE MOTION WAS ADOPTED BY A VOTE OF 6-2, WITH COUNCIL MEMBERS PASQUINI AND WALLACE DISSENTING.

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (89-6-12/0-2f)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Chapel Hill Development Ordinance to permit neon signage in particular situations, and finds that the amendment is appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and achieves the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED that the Chapel Hill Development Ordinance shall be amended as follows:

SECTION I

AMEND the first paragraph of Subsection 14.13.4 to read as follows:

The following signs are exempt from regulation and permit requirements under this section provided such signs comply with the provision of Subsection 14.13.5 and provided that neon tube and like illumination shall be prohibited except as permitted in Subsection 14.13.8(3).

SECTION II

AMEND Subsection 14.13.4(1) to read as follows:

- 1) Signs in the Town Center 1 and 2 districts which are no more than six (6) square feet in area per display surface. This provision applies only to changeable or moveable signs which are limited to one (1) per business. Changeable or moveable signs are those non-illuminated signs that change or are moved on a daily basis.

SECTION III

DELETE the last sentence of the fourth paragraph of Subsection 14.13.6 which reads:

Neon tube and like illumination shall be prohibited except as internal illumination.

SECTION IV

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

This the 12th day of June, 1989.

Master Plan Public Hearings

Town Manager Taylor said the Gateway and Chapel Hill North Master Plan proposals were large projects of interest to the community. Mr. Taylor suggested that public hearings be held on June 26th to allow the public to be heard in full. Council Member Andresen thanked the Town Manager for bringing this suggestion before the Council. Council Member Andresen said it was too bad that public hearings were not part of a formal process in proposals of this type.

Council Member Pasquini inquired what other items would be on the June 26th agenda. Town Manager Taylor said he would suggest that each hearing be allocated one hour, with one hour dedicated to other Council business. Council Member Pasquini said that one hour for each seemed optimistic. Town Manager Taylor suggested that ninety minutes be allocated to the Gateway proposal, sixty minutes to the Chapel Hill North project, and thirty minutes to other business items.

Comprehensive Plan

Roger Waldon, Planning Director, noted that the Council had held a number of work sessions on the Comprehensive Plan. Mr. Waldon stated that the documents had been prepared due to the hard work and extensive involvement of citizens, Planning Board and Council.

Mr. Waldon said that four main additions had been made to the Goals, Objectives and Policies portion of the Comprehensive Plan: University/Town cooperation; marketing of the transit system; a cultural activities policy; and a section on the Horace Williams Airport. Mr. Waldon said the staff felt that this document was ready for Council action this evening. Mr. Waldon said he also recommended adoption of the Strategic Report and Technical Reports this evening. He stated that no policies were contained in the technical reports, although some policy options were outlined in the documents.

Mr. Waldon said language from the 1977 Goals and Objectives concerning Town Government objectives was recommended for inclusion as a preamble to the Comprehensive Plan document.

Council Member Godschalk noted that the adoption of these documents was a notable and commendable achievement for all parties involved. Council Member Godschalk said the Town staff had been extremely responsive to the community and its leaders. Council Member Andresen echoed Council Member Godschalk's remarks. Council Member Andresen suggested that language on page 21 of the Goals, Objectives and Policies portion of the document be changed to reflect the fact that the Horace Williams Airport is a non-conforming use. Council Member Andresen also requested that language be added stating that so long as the facility operated at its present location, the Town would work with the University to assure that the airport is operated and maintained in a safe manner.

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

A RESOLUTION ADOPTING THE 1989 GOALS, OBJECTIVES, AND POLICIES AND ACCEPTING THE TECHNICAL REPORTS AS COMPONENTS OF THE COMPREHENSIVE PLAN OF THE TOWN OF CHAPEL HILL (89-6-12/R-5)

WHEREAS, the Council requested the Planning Board to prepare a draft revision of the 1977 Comprehensive Plan (as subsequently amended); and

WHEREAS, the Planning Board completed its work and submitted the proposed revision on March 27 to the Council; and

WHEREAS, the 1989 revisions to the Comprehensive Plan include the 1989 Goals, Objectives, and Policies; a Strategic Report; and five technical reports documenting the Town's existing conditions and long-range needs in the areas of Demographics, Natural Environment, Housing, Transportation, and Community Facilities; and

WHEREAS, the 1989 Comprehensive Plan revisions have been prepared with extensive citizen and advisory board involvement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the 1989 Goals, Objectives, and Policies, dated June 12, 1989, as a component of the Comprehensive Plan of the Town of Chapel Hill.

BE IT FURTHER RESOLVED that the Council accepts the 1989 Technical Reports in the areas of Demographics, Natural Environment, Housing, Transportation, and Community Facilities as background

research and data analysis components of the Comprehensive Plan of the Town of Chapel Hill.

This the 12th day of June, 1989.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 6. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING THE 1989 STRATEGIC REPORT AS A COMPONENT OF THE COMPREHENSIVE PLAN OF THE TOWN OF CHAPEL HILL (89-6-12/R-6)

WHEREAS, the Council requested the Planning Board to prepare a draft revision of the 1977 Comprehensive Plan (as subsequently amended); and

WHEREAS, the Planning Board completed its work and submitted the proposed revision on March 27 to the Council; and

WHEREAS, the 1989 revisions to the Comprehensive Plan include the Goals, Objectives, and Policies; a Strategic Report; and five technical reports documenting the Town's existing conditions and long-range needs in the areas of Demographics, Natural Environment, Housing, Transportation, and Community Facilities; and

WHEREAS, the 1989 Comprehensive Plan revisions have been prepared with extensive citizen and advisory board involvement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the 1989 Strategic Report as a component of the Comprehensive Plan of the Town of Chapel Hill.

This the 12th day of June, 1989.

Mayor Howes stated that the action of the Council this evening was quite significant. He stated that passage of the Comprehensive Plan documents emphasizes that they are statements of Town policy.

Town Manager Taylor expressed his personal appreciation to the Mayor and Council, Planning Director Roger Waldon, Town staff, Planning Board and Town citizens for their assistance in preparation of the Comprehensive Plan.

Mayor Howes expressed his appreciation to the media for their coverage of the Comprehensive Plan process.

Council Member Wallace said he hoped that ten times more time would be spent implementing, rather than amending, the Comprehensive Plan.

Memorandum of Understanding

Mayor Howes said that Resolution 10 was a memorandum of understanding clarifying communication between Orange County, Carrboro, Chapel Hill and OWASA. Council Member Wallace asked whether there would be any significant changes in ownership arising from this understanding. Mayor Howes said no. He added that the principal intent of the resolution was to notify other bodies of items of common interest.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 10. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ENDORSING A MEMORANDUM OF UNDERSTANDING BETWEEN CHAPEL HILL, CARRBORO, ORANGE COUNTY AND THE ORANGE WATER AND SEWER AUTHORITY (89-6-12/R-10)

WHEREAS, a committee was formed in October, 1988 to draw up a Memorandum of Understanding between Chapel Hill, Carrboro, Orange County and the Orange Water and Sewer Authority; and

WHEREAS, the committee recommends the attached Memorandum of Understanding to all governing boards for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses, and authorizes the Mayor to sign on behalf of the Town, the attached Memorandum of Understanding.

This the 12th day of June, 1989.

University Lake Watershed Study

Mayor Howes said the resolution before the Council would put further carrying capacity studies in the hands of the joint Orange-Chatham planning jurisdiction. Council Member Andresen inquired whether any meetings had been set for this purpose. Assistant to the Town Manager Greg Feller said he believed the first meeting would be held on June 21st.

Council Member Godschalk inquired about the genesis of the proposed process. Mayor Howes said Orange County Commission Chairperson Moses Carey had proposed the study. Council Member Godschalk said he questioned whether the Orange-Chatham group should be reviewing this matter. Council Member Andresen said there was not a lot of work for the Orange-Chatham planning group to do at present. Council Member Andresen noted it was important to move ahead on this item quickly, while there was still interest by many parties.

Council Member Wallace noted that the study was not looking at questions of pollution. Council Member Wallace inquired whether "carrying capacity" referred to a guaranteed rate of flow of the lake over time. Mayor Howes stated that "carrying capacity" refers to development standards meant to protect water quality. He noted that the Camp-Dresser-McKee watershed study had expounded on these standards.

Council Member Wallace stated that an anomaly existed, whereby the University owned the lake and OWASA is permitted to sell water under an agreement with the University. Council Member Wallace noted that the University owns the land on the bottom of the lake.

Council Member Godschalk stated that the study had looked at the sources of pollution and methods to protect water quality. Council Member Godschalk noted that the study recommends five acre minimum lot sizes and regional detention basins. Council Member Godschalk reiterated his misgivings about asking the Orange-Chatham work group to address this issue. Council Member Andresen suggested that Council Member Godschalk be included in the effort. Mayor Howes said the Orange-Chatham Working Group was beyond its controversial beginnings.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 11. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ENDORSING A PROPOSAL FOR IMPLEMENTING THE UNIVERSITY LAKE WATERSHED STUDY (89-6-12/R-11)

WHEREAS, The Joint Planning Agreement of November, 1987, requested the Orange Water and Sewer Authority to commission a University Lake Watershed carrying capacity study; and

WHEREAS, the environmental engineering firm of Camp, Dresser and McKee completed this study, entitled "University Lake Watershed Study," and presented it to OWASA in March, 1989; and

WHEREAS, in April, 1989 the Assembly of Governments asked the Mayors of Chapel Hill and Carrboro and the Chairman of the Board of the Orange County Commissioners to suggest a procedure for following up on the watershed protection report;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the attached proposal for implementing the University Lake Watershed Study.

This the 12th day of June, 1989.

Downtown Service District

Greg Feller, Assistant to the Town Manager, said the resolutions before the Council would create a municipal service district as of July 1st. Mr. Feller said that efforts to revitalize the downtown area are consistent with objectives outlined in the Town's Comprehensive Plan.

Mr. Feller reviewed the manners in which the district could be drawn by the Council. He noted that if the Granville Towers property were excluded from the service district, the entire Keenan property would not be taxed. Council Member Godschalk inquired about the possibility of splitting the property into two parcels for taxing purposes. Mr. Feller said if the properties were subdivided, taxing would not be possible this year. Council Member Godschalk asked whether it would be possible for the Council to set its own policy on this matter. Mr. Feller said there was no way to arbitrarily assess parcels within parcels. Council Member Godschalk said that most assessors choose to handle commercial and residential valuations separately.

Mayor Howes asked whether splits by zoning districts would be possible. Mr. Feller noted that the southern portion of the Keenan property was located outside the TC (Town Center) zoning district. Mr. Feller said the most consistent approach would be to include all TC-1 and TC-2 zoned property in the Downtown Service District.

Council Member Wilkerson requested clarification of where some of the residentially-zoned properties were located. Mr. Feller indicated the locations on an exhibit map.

Council Member Herzenberg said he agreed with the staff's interest in achieving equity with the district. Council Member Herzenberg said the basic issue was people's ability to pay. Council Member Herzenberg said he would support passage of Resolution B.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 7B.

Council Member Godschalk stated his preference for Resolution A. Council Member Godschalk stated that Granville Towers would not benefit from the Downtown Service District. Council Member Godschalk indicated that additional interaction between the Town staff and County Tax Supervisor would be needed to resolve the Granville Towers/Keenan property situation.

Council Member Wilkerson indicated his willingness to support Resolution A.

Council Member Pasquini inquired which resolution would not tax residential properties. Mr. Feller said Resolution A would come

closest to this objective. Council Member Pasquini asked if it would be possible to exclude all residential uses from the district. Town Attorney Karpinos said no.

Council Member Pasquini asked what the principal difference was between resolutions A & B. Mr. Feller said that multi-family properties would be excluded in Resolution A.

Town Attorney Karpinos noted that the Council could include and exclude properties from the district on an annual basis.

Council Member Andresen inquired about the procedure for residential properties which shifted to commercial uses. Mr. Feller said the same process as the present one would be followed, including a public hearing. Town Manager Taylor noted that adjusting the district in future years, if the Council elected to do so, would not be a complicated matter.

Council Member Preston requested that the Town Manager bring a review of the effectiveness of the Downtown Service District to the Council on an annual basis. She asked whether it would be possible to attach this to the resolutions before the Council. Town Manager Taylor suggested that a separate resolution be adopted to handle this matter.

Council Member Preston noted that she and her husband are partners in ownership of property in the downtown area. Council Member Preston indicated that she had spoken to the Manager and Attorney who had stated that it would be well and proper for her to vote in this matter. Mayor Howes asked whether Council Member Preston was asking to not be excused from voting on the district. Council Member Preston said this was correct. Council Member Wallace said he had a similar situation to Council Member Preston but did not have a specific personal reason for withdrawing from voting on the district.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO SUBSTITUTE RESOLUTION A FOR RESOLUTION B.

Council Member Andresen stated the importance of taxing all commercial properties. Town Manager Taylor said the Town staff would work with the County Tax supervisor's office to address the Keenan property situation.

Council Member Herzenberg noted that none of the Council Members were opposed to the establishment of the Downtown Service District.

Mayor Howes indicated that he would have voted for Resolution C, but would cast his vote for Resolution A.

BY A VOTE OF 7-1, COUNCIL MEMBER HERZENBERG DISSENTING, THE COUNCIL VOTED TO SUBSTITUTE RESOLUTION A FOR RESOLUTION B.

THE COUNCIL UNANIMOUSLY (8-0) ADOPTED RESOLUTION 7A.

A RESOLUTION ESTABLISHING A DOWNTOWN REVITALIZATION MUNICIPAL SERVICE DISTRICT (89-6-12/R-7a)

WHEREAS, N.C.G.S. 160A - 535 et seq authorize the Town Council to establish a downtown revitalization service district; and

WHEREAS, the Town has followed procedures including holding a public hearing, with mailing of notices to property owners listed in County tax records for the proposed area of the downtown service district and publication on May 14, 1989 of a notice of the public hearing; and preparation of a report as required by NCGS 160A - 537, which report was made available for public inspection on April 24, 1989 in the Office of the Town Clerk; and

WHEREAS, the Council desires to conserve and strengthen the Town Center as a center of economic, service and social functions and including commercial, residential and other land uses;

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

1. Finds that the proposed downtown revitalization service district is in need of services among those listed in NCGS 160A - 536, which downtown revitalization services were included in a service plan prepared for the public hearing, to a demonstrably greater extent than the remainder of the Town of Chapel Hill.

2. Establishes a downtown revitalization service district including property within the area zoned Town Center -1 and -2 under the Town's Development Ordinance, except for the following properties:

Exclusions

Tax Map. Block. Lot

Description/Address

92.E.27	109 S. Merritt Mill Rd. house
92.E. 4	108 S. Graham house
92.C.9	102 N. Merritt Mill house
92.F.4	110 S. Roberson - house
85.D.2	southwest corner of W. Rosemary and N. Roberson - house
92.D.3	109 N. Roberson house
92.D.5	105 N. Roberson house

- 92.D.11 110 N. Graham house
- 85.A.5 205 Mitchell house
- 85.M.3 413 W. Rosemary house
- 85.J.8 202 W. Rosemary house
- 85.L.18 314 W. Rosemary house
- 85.L.23 318 W. Rosemary house
- 86.A.5 412 Yates Court house
- 86.A.6 414 Yates Court house
- 92.G.6 106 N. Basnight 2 unit
residential

85.A.15A N. Roberson multi-family north
of W. Rosemary

part of 86.C.5 Granville Towers
Excluded portion (Granville Towers) is all of this parcel in the Town Center zoning area of the parcel other than two areas which abut the Franklin St. right-of-way, which two areas are indicated as "(University Square)," which two areas are defined with dashed lines within this parcel on Tax Map 86 and which areas have the notations "2" and "3A" within this parcel on Orange County Chapel Hill Township Tax Map 86.

- 85A..15 Rosemary St. Apts 331 West
Rosemary
- 85.H.16 124 W. Rosemary multi-family
- 85.H.17 204 Pritchard multi-family

This the 12th day of June, 1989.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REQUEST THAT THE TOWN STAFF CONTACT THE COUNTY TAX SUPERVISOR, REQUESTING THAT VALUATION OF THE GRANVILLE TOWERS/KEENAN PROPERTY BE SPLIT FOR PURPOSES OF THE DOWNTOWN SERVICE DISTRICT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, THAT THE TOWN MANAGER PROVIDE A STATUS REPORT ON THE DOWNTOWN SERVICE DISTRICT TO THE COUNCIL IN MARCH, 1990. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT ORDINANCE 3B. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1989 (89-6-12/O-3b)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1989" as duly adopted on May 22, 1989 be and the same is hereby amended as follows:

ARTICLE I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>APPROPRIATIONS</u>				
Downtown Service District Fund	0	35,000		35,000

ARTICLE II

REVENUES

Downtown Service District Fund Property Taxes	0	35,000		35,000
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ARTICLE III

There is hereby levied the following tax on each one hundred dollars (\$100) valuation of taxable property, located in the Downtown Revitalization Municipal Service District established by the Town Council's resolution of June 12, 1989.

Downtown Service District Fund
\$0.07/\$100

This the 12th day of June, 1989.

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

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO A PERFORMANCE AGREEMENT WITH THE DOWNTOWN CHAPEL HILL-CARRBORO COMMISSION (89-6-12/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to enter into a performance agreement with the Downtown Chapel Hill-Carrboro Commission, Inc. for provisions of services on behalf of the Town in the downtown

Chapel Hill service district. Such agreement shall be substantially in the form submitted with the Manager's report on this matter June 12, 1989. A copy of the agreement submitted June 12, 1989 shall be retained with the records of this meeting.

This the 12th day of June, 1989. COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 9. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION AUTHORIZING THE MANAGER ENTER INTO AN AGREEMENT WITH THE DOWNTOWN COMMISSION CORPORATION FOR THE OPERATION OF TWO TROLLEY BUSES ON A DOWNTOWN SHUTTLE SERVICE (89-6-12/R-9)

WHEREAS, the Council of the Town of Chapel Hill has cooperated with the Downtown Commission in the purchase of two trolley buses;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is authorized to enter into an agreement, in substantially the form submitted to the Council by the Manager on June 12, 1989, with the Downtown Commission for the operation of two trolley buses on a downtown shuttle service. A copy of the agreement submitted to the Council shall be retained with the records of this meeting.

This the 12th day of June, 1989.

Mr. Feller noted that the Town would provide trolley services in the district. He noted that the Downtown Commission would pay 10% of capital costs for the trolleys.

Mayor Howes commended the efforts of the Public-Private Partnership, Debbie Dibbert, Margie Haber, Joe Hakan and Jim Heavner for their efforts in the establishment of the Downtown Service District.

Municipal Parking Lot #1 Site Use

Mayor Howes proposed a committee to study the options available for this site and report back to the Council on July 10th. Mayor Howes said Council Member Wallace would chair the committee, with Council Members Andresen, Preston and Werner serving as committee members.

Council Member Godschalk said he was in disagreement with the proposed procedure. Council Member Godschalk said that the Downtown Commission would be looking at the entire downtown parking situation as part of its efforts. Council Member Godschalk questioned whether the committee would be able to reach an objective conclusion. Mayor Howes noted that the committee would cease existence on July 10th. Mayor Howes expressed hope that the

Council would get an assessment of the entire downtown parking situation in the future.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 12. THE MOTION WAS ADOPTED BY A 7-1 VOTE, WITH COUNCIL MEMBER GODSCHALK DISSENTING.

A RESOLUTION CREATING A COUNCIL COMMITTEE TO EXPLORE THE USE OF PARKING LOT NUMBER 1 (89-6-12/R-12)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby creates a Council Committee to explore the options for the use of Parking Lot #1 with the understanding that this committee will report to the Council at the July 10 meeting.

BE IT FURTHER RESOLVED that the Mayor is authorized to appoint said Committee.

This the 12th day of June, 1989.

1989-90 OWASA Budget

Council Member Pasquini stated that he had provided a memorandum to the Council, prepared by Greg Feller, outlining the proposed 1989-90 OWASA budget. Council Member Pasquini noted that OWASA anticipates the need for six percent annual rate increases in each of the next five years. Council Member Pasquini stated that action on the rate increase would occur on June 14th and budget passage is scheduled for late June.

Council Member Andresen inquired whether information had been provided to the OWASA Board concerning the proposed six percent rate increase. Council Member Pasquini noted that the OWASA budget process was in the process of evolving. Mayor Howes stated that the maximum amount of information was needed to act responsibly. Council Member Pasquini said that any council members with questions or comments concerning the proposed OWASA budget should contact him at their convenience.

San Jorge, Nicaragua Sister City Relationship

Council Member Herzenberg stated that Katherine McCloud was present and would make a presentation if the Council desired. He noted that other groups in the Town were working to establish sister city relationships with communities in the Soviet Union and Great Britain.

Council Member Pasquini inquired what type of support the Town would be expected to provide to San Jorge. Council Member Herzenberg stated that a resident of the Town was currently visiting San Jorge. Council Member Herzenberg noted that no Town

funds were being requested at this time. Mayor Howes stated that the City of Durham currently provided travel monies relative to their sister city relationships.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 13. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION FOR ESTABLISHING A SISTER CITY ASSOCIATION BETWEEN CHAPEL HILL AND SAN JORGE, NICARAGUA (89-6-12/R-13)

WHEREAS, the Sister Cities program was established by President Dwight Eisenhower to foster international understanding and to encourage peace by linking cities with cities and people with people; and

WHEREAS, a significant number of Chapel Hill citizens have visited Nicaragua and other Central American countries and, as a result of these visits, a number of relationships have developed between local people and organizations and their counterparts in Nicaragua; and

WHEREAS, local citizens have met and requested the establishment of a sister city association with a town in Nicaragua, and

WHEREAS, the Mayor and other local officials in San Jorge, Rivas, Nicaragua, have expressed their interest in forming a Sister City association with Chapel Hill; and

WHEREAS, this Sister City association does not require and has no intention of requesting Town funds for this purpose at this time;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council formally endorses the establishment of a Sister City association between Chapel Hill and San Jorge.

BE IT FURTHER RESOLVED that the Council encourages the citizens and community organizations of Chapel Hill to raise private funds, materials, and volunteers to facilitate educational and cultural exchanges between Chapel Hill and San Jorge.

This the 12th day of June, 1989.

Tandler Homeownership Program

Town Manager Taylor reported that two additional closings had occurred since his last report to the Council.

Consent Agenda

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT THE CONSENT AGENDA (RESOLUTIONS 14 THROUGH 19 AND ORDINANCES 4 AND 5) AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (89-6-12/R-14)

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

- a. Certifying May 2 bond referendum vote. (R-15).
- b. Westbury/Braswell stop regulations (in Southbridge). (O-4).
- c. West Cameron Avenue parking regulations (at Cameron Glenn). (O-5).
- d. Tinkerbell Road street closing for block party June 25. (R-16).
- e. Authorizing Transportation grant applications. (R-17).
- f. Bids for Shelter renovations (rejecting mechanical, electrical and plumbing bids; authorizing negotiation re base bid for construction). (R-18).
- g. Calling public hearing July 10 on zoning annexation area near N.C. 86 and Homestead Road. (R-19).

This the 12th day of June, 1989.

A RESOLUTION CERTIFYING AND DECLARING THE RESULTS OF THE BOND ELECTION OF MAY 2, 1989 (89-6-12/R-15)

WHEREAS, the Town Council has considered the Certificates of Canvass of the Durham County Board of Elections and the Orange County Board of Elections canvassing the referendum held for the Town of Chapel Hill on May 2, 1989 and certifying the result of said Special Election;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it be and hereby is certified and declared that the number of voters registered and qualified to vote at Special Election was 22,252.

BE IT FURTHER RESOLVED that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question,

"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 park 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 and greenways and open spaces, and a tax to be levied for the payment thereof, be approved?",

was 2,125. The total number of voters who voted "NO" in answer to such question was 783.

BE IT FURTHER RESOLVED that a statement substantially in the form hereinafter set forth declaring the result of said election shall be prepared, delivered to the Town Clerk for filing and recordation and published in accordance with law:

**STATEMENT OF RESULT OF SPECIAL ELECTION
HELD FOR THE TOWN OF CHAPEL HILL
MAY 2, 1989**

WHEREAS, by direction of the Town Council of the Town of Chapel Hill, in the State of North Carolina, a special election was duly called and held for said Town on May 2, 1989 for the purpose of submitting to the qualified voters of said Town the question hereinafter set forth, and the Town Council has received from the Durham County Board of Elections and the Orange County Board of Elections certifications of the results of the election, and has determined the result of said election to be as hereinafter stated;

NOW, THEREFORE, the Town Council of the Town of Chapel Hill hereby makes the following statement of the result of said election pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said election was 22,252.
- (2) The total number of voters who voted "YES" in answer to the question,

"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 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?",

was 2,125. The total number of voters who voted "NO" in answer to such question was 783. The question in the form submitted was approved by the affirmative vote of a majority of those who voted thereon at said election.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after June 16, 1989.

Town Council of
the Town of Chapel Hill,
North Carolina

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES
(89-6-12/O-4)

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

SECTION I

That Section 21-13.C is amended by inserting the following in appropriate alphabetical order:

Intersection

Braswell Road/Westbury Drive

SECTION II

This ordinance shall be effective Monday, August 7, 1989.

SECTION III

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

This the 12th day of June, 1989.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES
(89-6-12/O-5)

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

SECTION I

That Section 21-27 "No parking as to particular streets", is amended by inserting the following in appropriate alphabetical order:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Cameron Ave.	South	Cameron Glenn Dr.	A point 300 ft. west of Cameron Glenn Dr.

SECTION II

This ordinance shall be effective Monday, July 10, 1989.

SECTION III

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

This the 12th day of June, 1989.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF PART OF
TINKERBELL ROAD (89-6-12/R-16)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of the 400 block of Tinkerbelle Road on Sunday, June 25, 1989 from 5:00 p.m. to 7:00 p.m. (or for the same hours on Sunday, July 9, 1989 in the event of rain) for a block party subject to the following conditions:

1. There shall be vehicles parked to serve as barricades at the end of the closed area with persons available to allow entry by emergency vehicles if necessary.
2. The closed street area shall be cleaned of litter by 9:00 p.m.
3. No alcohol shall be consumed in the public street right-of-way.

4. A permit for outdoor amplified sound shall be obtained from the Police Department if necessary under the Town's noise ordinance.
5. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 12th day of June, 1989.

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (89-6-12/R-17)

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation program of projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that in connection with the filing of applications for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant files an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

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

1. That the Town Manager is authorized to execute and file applications on behalf of the Town of Chapel Hill with the U.S. Department of Transportation and the North Carolina Department of Transportation, to aid in the financing of operating, capital and planning assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended.
2. That the Town Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Town Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the applications for the program of projects and budget.
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

5. That the Town Manager is authorized to execute grant agreements on behalf of the Town of Chapel Hill with the U.S. Department of Transportation for aid in the financing of the operating, capital, and planning assistance program of projects.

This, the 12th day of June, 1989.

A RESOLUTION REJECTING BIDS FOR THE MECHANICAL AND PLUMBING BIDS FOR THE SHELTER FOR THE HOMELESS PROJECT (89-6-12/R-18)

WHEREAS, the Town of Chapel Hill solicited formal bids for legal notice in The Chapel Hill Newspaper on March 26, 1989 and April 21, 1989 in accordance with G.S. 143-129 for the construction, mechanical, plumbing, and electrical work for the renovation of the Shelter For The Homeless project; and

WHEREAS, the following bids were received and opened on April 18, 1989 and April 28, 1989;

General Construction

	<u>Resolute</u>	<u>Van Thomas Construction</u>
Base Bid	417,400	450,000
Add Alt. 1	26,725	40,000
Add Alt. 2	15,200	19,900
Add Alt. 3	17,100	19,900
Total	476,425	529,800

Electrical

	<u>Pendergraph</u>	<u>Watson</u>	<u>VIA Elec.</u>	<u>Vaughn</u>	<u>Talley</u>
Base Bid	71,855	80,900	59,880	78,213	60,000

Add Alt. 1	5,400	4,995	5,990	5,300	4,000
Add Alt. 2	3,000	2,490	2,799	3,300	2,100
Total	80,255	88,385	68,669	86,813	66,100

Mechanical

	<u>Mechanical Assoc.</u>	<u>Carolina</u>	<u>Lee Air</u>	<u>Hockaday</u>
Base Bid	44,700	42,970	33,777	48,800
Add Alt. 1	35,000	35,560	31,333	38,000
Add Alt. 2	10,000	8,700	10,333	9,300
Total	89,700	87,230	75,443	96,100

Plumbing

	<u>Mechanical Assoc.</u>	<u>Brown Brothers</u>	<u>Sparrow & Sons</u>
Base Bid	71,000	85,208	61,353
Add Alt. 1	8,000	4,000	2,838
Add Alt. 2	11,000	1,000	899
Add Alt. 3	15,000	34,000	33,800
Total	105,000	124,208	98,890

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects all mechanical, electrical and plumbing bids received in response to the Town's advertisements for bids published on March 26, 1989, and opened on April 18, 1989, in accordance with G.S. 143-129.

BE IT FURTHER RESOLVED that the negotiated bid of the lowest responsive general contractor and the new bids for the mechanical, electrical and plumbing work will be submitted for Council action on July 10, 1989.

This the 12th day of June, 1989.

RESOLUTION CALLING A PUBLIC HEARING ON ZONING FOR NEWLY ANNEXED AREAS (89-6-12/R-9)

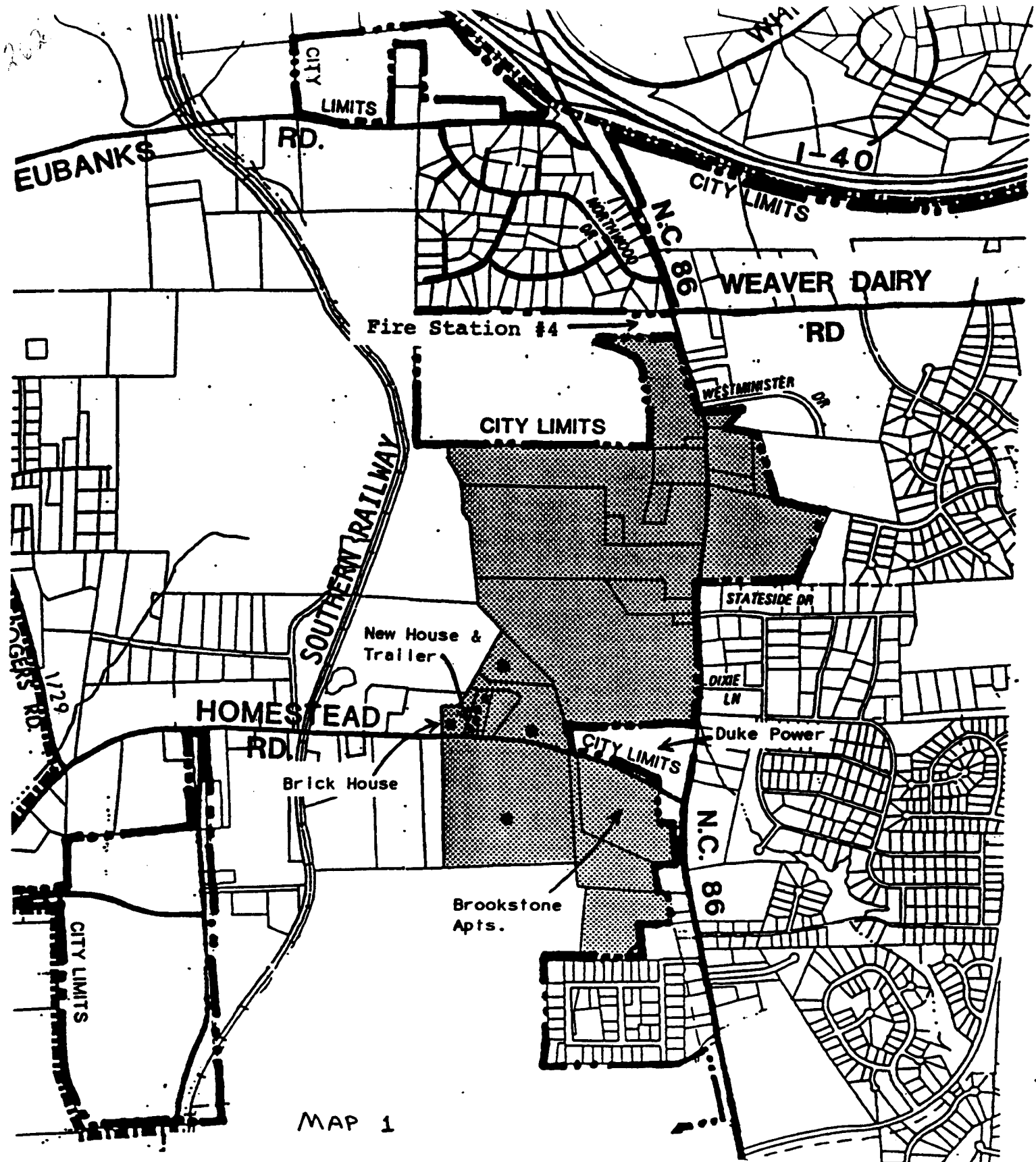
WHEREAS, the Town of Chapel Hill has annexed certain areas to its corporate limits, effective June 30, 1989, such areas being shown on the attached Map 1; and

WHEREAS, the Town must assign zoning designations to these newly annexed areas;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that a Public Hearing is hereby scheduled for 7:30 p.m., July 10, 1989 in the Chapel Hill Municipal Building Meeting Room, to consider proposals for zoning these newly annexed areas.

BE IT FURTHER RESOLVED that the Council requests the Chapel Hill Planning Board to make a recommendation for zoning these areas at the Public Hearing.

This the 12th day of June, 1989.



MAP 1
 AREA TO BE ANNEXED ON JUNE 30, 1989
 BY THE TOWN OF CHAPEL HILL



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COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WALLACE TO ADJOURN THE COUNCIL MEETING INTO EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

The regular meeting stood adjourned at 10:58 P.M.

Executive Session

A motion was duly made and seconded to adjourn the Executive Session. The motion was adopted unanimously (8-0).

The Executive Session stood adjourned at 11:12 P.M.