

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, MONDAY, JULY 10, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

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

Mayor Howes stated that there were no ceremonies this evening.

Public Hearing - Zoning of Homestead/Airport Road Annexation Area

Planning Director Roger Waldon, stated that the annexation had taken effect on June 30, 1989. Mr. Waldon said that zoning classifications had to be determined within sixty days for zoning regulation to apply in the area. Mr. Waldon showed an area map depicting existing and the Manager's recommended zoning. Mr. Waldon stated that the Manager's recommendation called for R-2 zoning in many areas, while the Planning Board recommended R-1 zoning.

Alan Rimer, speaking on behalf of the Planning Board, said that R-1 zoning was recommended for two reasons: consistency with the Town's Land Use Plan and proximity to the Greene Tract. The Planning Board concluded that multi-family and high density uses would be inappropriate proximate to a potential landfill site.

Grainger Barrett, representing the Creeches, a family with property interests in the area, requested that R-2 zoning be assigned to the Creeches' parcels.

Eloise Maddry-Vaughn, a resident of the Homestead-Airport Road annexation area, stated her preference for R-3 Zoning instead of R-2, as recommended by the Town Manager. Ms. Maddry-Vaughn said that low density development in the area would contribute to traffic congestion. Ms. Vaughn stated that experts had concluded that greater concentrations of jobs and population lead to greater use of mass transportation.

John Maddry said R-3, not R-2, was the appropriate zoning for this area.

Linda Convissor expressed concern about the review process. Ms. Convissor requested that the process be repeated, allowing neighborhood representatives to work with the developers and Town staff.

Adria Cuberlee, a resident of Colony Woods East, inquired whether he could enter into the record a letter of statements to the Council. Town Attorney Karpinos said yes. Mr. Cuberlee said he was not prepared with such a statement this evening. Mr. Cuberlee inquired as to which interests of the Town Mr. Barrett had been referring in his earlier remarks.

Jeff Collins, a resident of Northwoods subdivision, said he had no objection to verifying his comments on June 26th, but strongly opposed holding public hearings this evening on the development proposals.

Town Manager Taylor suggested that if the public hearings were held on August 29th, the Planning Board could possibly meet on August 15th to consider Chapel Hill North and Gateway. Alan Rimer said the Planning Board would do this, if given adequate time for review of the proposals. Mr. Taylor said adequate review time would be given.

Linda Convissor inquired whether an August 15th Planning Board meeting would provide adequate time for the developer to setback project plans. Town Manager Taylor said the Planning Board meeting could be held on August 15th or 22nd.

Council Member Pasquini stated that there was a clear need for a public hearing on the projects. He also suggested that Council hold a work session on the development proposals. Mayor Howes stated that a work session could possibly be held on the proposals during the next two weeks.

Council Member Werner said it would be most time-effective if the Council made comments on the projects this evening.

Council Member Godschalk, noting the lengthy Council agenda this evening, suggested that a work session be held in the future.

Council Member Wallace said holding a sworn public hearing on August 29th would be a good idea.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK TO HOLD A PUBLIC HEARING ON TUESDAY, AUGUST 29TH AT 7:30 P.M. CONCERNING THE CHAPEL HILL NORTH AND GATEWAY DEVELOPMENT PROPOSALS, WITH COUNCIL ACTION FOLLOWING AS SOON AS POSSIBLE THEREAFTER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Mayor Howes expressed embarrassment about the circumstances which caused the delay. Mayor Howes said he regretted the inconvenience caused to the developers and neighborhood residents.

WHEREAS, the Council finds that any potential use under the Residential-5 Conditional Use District Zoning (R-5-C) would be suitable for the property proposed for rezoning provided the findings required for a Special Use Permit can be made based on appropriate conditions attached to any Special Use Permit issued;

NOW, THEREFORE, BE IT ORDAINED by the Council that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

That the property identified as Chapel Hill Township Tax Map 79, Block B, Lot 19, located on the east side of Hillsborough Street, between its intersections with North Street and Bolinwood Drive plus one-half of the adjoining right-of-way of Hillsborough Street, be rezoned from Residential-2 to Residential-5-C (Conditional Use Zoning). The legal description of the property is as follows:

BEGINNING at a point in the curb at the easterly margin of Hillsborough Street, the same being the northwest corner of the property of John T. Manning (now or formerly); and runs thence from said beginning point North 17-40 West 210.00 feet to a point in Hillsborough Street, the southwesterly corner of the property of Mrs. R.J. Page (now or formerly); thence with the line of said Page property North 84-50 East 308.00 feet to a point in a branch and with the line of said Manning property South 38-48 East 66.00 feet to a point; thence continuing with the line of said Manning property in two courses as follows: (1) South 0-43 East 144.00 feet to a point; and (2) South 83-32 West 288.00 feet to the point or place of beginning, containing 1.450 acres or 63,171 square feet, more or less, as shown on Plat of Survey prepared by Robert J. Ayers, dated May 8, 1981, revised May 18, 1981, reference which is hereby made; and being also the same property conveyed to Atlas P. Durham by C.L. Lindsay and wife, by deed dated November 1, 1929 and recorded in Book 94, Page 56 in said Registry.

SECTION II

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

This the 10th day of July, 1989.

Delta Zeta Special Use Application

Mr. Waldon stated that a Council hearing on this matter was held on June 19th. Mr. Waldon said issues raised at the hearing included parking and impervious cover concerns. Mr. Waldon noted that the applicant would face significant additional expenses if non-surface parking was employed. Mr. Waldon said a stormwater

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 the applicable specific standards contained in Section 18.7, 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 July 10, 1990 (one year from the date of the Council approval) and be completed by July 10, 1991 (two years from the date of the Council approval).
2. That the sorority facility shall be limited to use as a sorority with a maximum of 40 residents, plus staff.
3. That final plans include the provision of a sidewalk along the property frontage on Hillsborough Street.
4. That sight triangle easements be provided on the final plat.
5. That an easement of a width to be determined by the Town Manager labeled "Public access pedestrian and non-motorized vehicle easement" be dedicated along the portion of the property adjacent to the stream.
6. That the final plans for the dumpster location be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That the parking lot be built to Town standards with curb and gutter all around, and that additional parking spaces be added along the eastern side of the building.
8. That a detailed landscape plan and landscape maintenance plan and detailed building elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit. This landscape plan shall provide an "A" type buffer along the property frontage and "C" type buffers along the eastern and southern property lines, and alternative "C" type buffer along the northern property line.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the Delta Zeta Sorority Special Use Permit in accordance with the plans and conditions listed above.

This the 10th day of July, 1989.

Village Companies Special Use Permit Modification

Mr. Waldon said a public hearing was held on June 19th concerning a request to construct a sixty space parking lot. Mr. Waldon showed a site plan of the Village Companies property.

Council Member Werner asked whether a modification of a modification was being sought. Mr. Waldon said yes. He noted that it was possible that the parking lot could be constructed before the building.

Council Member Andresen inquired whether improvements to Weaver Dairy Road would be required in the event that the parking lot was completed while the building was not. Mr. Waldon noted that the roadway improvements were tied to building completion.

Council Member Andresen asked whether the roadway improvements would have been required if only the parking lot were proposed. Mr. Waldon said he did not know. He noted that a 13,000 square foot building addition and eighteen space parking lot were approved in March, 1988.

Diane Buterbaugh, Project Architect, expressed concurrence with the conditions of approval.

Council Member Wallace stated that improvements to Weaver Dairy Road should be tied to parking lot construction. Town Manager Taylor suggested that language in resolution 3a could be adopted to accommodate this condition. Ms. Buterbaugh said her client wanted the same period of time to complete improvements.

Mr. Waldon noted that Council was concerned that the improvements to Weaver Dairy Road be made, whether tied to the building addition or parking lot. Council Member Wilkerson said the Council was seeking completion of roadway improvements by March 22, 1992.

Ms. Buterbaugh stated her client's desire to construct the parking lot in two phases.

Mayor Howes asked whether a Certificate of Occupancy would be needed to construct the first phase of the parking lot. Mr. Waldon said the road improvements could possibly be tied to the second phase of the parking lot.

Ms. Buterbaugh requested that action be deferred until August 28th.

2. maintain or enhance the value of contiguous property; or be a public necessity; and
3. conform to the Comprehensive Plan.

These findings are conditioned on the following being addressed and applied to the appropriate application for a Special Use Permit or modification to a Special Use Permit:

1. That an application for development, or a modification of the Special Use Permit, be accepted by the Town Manager by July 10, 1991 or the above Master Land Use Plan shall automatically expire.
2. That the following road improvements deemed necessary to mitigate traffic be in place and accepted for maintenance prior to issuance of any Certificates of Occupancy for a specific phase or Special Use Permit.
 - a) Weaver Dairy Road - along the site's frontage:
 - That dedication of one-half of a 90-foot right-of-way be made;
 - That the roadway be improved to one-half of a 65-foot cross section, with curb and gutter;
 - That an additional 4 feet of pavement be installed to be used as a bike lane; and
 - That a paved sidewalk be provided.
 - b) Sunrise Road - along the site's frontage:
 - That dedication of one-half of a 70-foot right-of-way be made;
 - That the roadway be improved to one-half of a 41-foot cross-section, with curb and gutter; and
 - That a paved sidewalk be provided.
3. That sewer and water utility extensions be approved by OWASA.
4. That all internal private streets and parking lots be built to Town standards.
5. That the applicant investigate whatever means necessary to provide a program to retain and incorporate into future plans, as much of the existing significant vegetation as possible.

protection of trees in areas where Chapel Hill exercises Zoning jurisdiction.

BE IT FURTHER RESOLVED that the Council asks the Tree Protection Task Force to present its findings and recommendations to the Parks and Recreation Commission, Greenways Commission, Historic District Commission, Appearance Commission, Board of Adjustment, and Planning Board prior to the Public Hearing, so that those boards may offer comments and recommendations at the Public Hearing.

This the 10th day of July, 1989.

Board Appointments/Recommendations

THE COUNCIL MADE THE FOLLOWING APPOINTMENT:

HOUSING ADVISORY BOARD

OTTIEREE FARRINGTON

PLANNING BOARD

JAMES BULLARD

Library Building Program

Mayor Howes noted that Council Members Herzenberg and Pasquini had worked on the program with himself and other members of the Library Committee. Mayor Howes said that a program for the building had been designed costing more than available funds.

Mayor Howes, noting the importance of a new library facility to the community, said the committee had identified two alternative approaches:

- (1) cut the recommended program to a 23,720 square foot facility; or
- (2) explore the possibility of acquiring additional funds.

Mayor Howes stated that a private fundraising drive had been proposed. He said that a modest amount of money could be used to assess fundraising potential in the community.

Council Member Godschalk inquired about the estimated cost per square foot of the building. Town Manager Taylor stated that the figures before the Council reflected architect fees and automation, furniture, fixture and other costs.

Council Member Godschalk asked why \$4 million was the initial estimated project cost as contrasted with \$7.8 million, a recent estimate. Town Manager Taylor said that 30,000 square feet had been initially estimated as adequate. Mayor Howes said the library building program had been loosely developed at the time of the bond issue.

WHEREAS, the needed revenue to carry out the Building Program exceeds the available revenue;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council receives the Building Program and thanks the Library Committee for its assistance with this formidable task;

BE IT FURTHER RESOLVED that the Council of the Town of Chapel Hill requests that the Library Committee explore additional funding sources to meet the expected costs. The Library Committee is authorized to spend up to \$16,000 for this purpose.

BE IT FURTHER RESOLVED that the Library Committee is requested to report back to the Council regarding the feasibility of raising additional revenue no later than October 23, 1989.

This the 10th day of July, 1989.

Parking Lot #1 Committee

Council Member Wallace said a number of alternatives had been discussed concerning the future use of Parking Lot #1. He stated that the preeminent desire was a parking facility. Council Member Wallace stated that there had been considerable discussion of a plaza with limited commercial development. Council Member Wallace stated that the staff would have the opportunity to bring together technical assistance to design a parking facility. Council Member Wallace said a series of alternative proposals would be composed by October. Council Member Wallace stated that if a consensus were reached by citizens and Council, a formal process could commence.

Council Member Werner noted that a public-private partnership was not proposed. Council Member Werner suggested that the Town Manager come back to the Council at a later date with several alternative proposals. Council Member Andresen said she hoped that the Town Manager would bring back a plaza proposal including public space and possible commercial uses, including restaurants.

Joyce Brown said adding parking spaces in the downtown area would cause serious environmental problems. Ms. Brown said that there were already too many cars downtown. Ms Brown stated that providing more parking did not guarantee more patronage for downtown merchants. Ms. Brown said that monies seemed to be available for road building, while lacking for mass transit. Ms. Brown concluded her remarks by suggesting that the Parking Lot #1 site be used as a central gathering and greenspace area.

Council Member Pasquini expressed appreciation to those who had worked on the Parking Lot #1 plans. He inquired whether revenue bonds could be used as a funding mechanism. Council Member Werner said funding mechanisms were still under discussion.

Council Member Herzenberg said there had been considerable confusion about allocation procedural matters, particularly permissibility of general operating expenses.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO ADOPT RESOLUTION 10.1a. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING 1989-90 FUNDING FOR SERVICE AGREEMENTS WITH HUMAN SERVICE AGENCIES (89-7-10/R-10.1a)

WHEREAS, at the May 22, 1989 Council meeting, the Council agreed to further discuss the allocations from the Hotel/Motel Tax money and the Human Service allocation; and

WHEREAS, Council Members Preston, Andresen, Herzenberg, and Wilkerson met subsequently and reviewed the results from agencies for these funds; and

WHEREAS, after careful consideration of the requests and budgetary constraints, the Council members who reviewed the requests recommend the allocations as noted below;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following appropriations for agreements with human service agencies in 1989-90 to address the community's priority human services needs.

| | <u>Amount</u> |
|---|-----------------|
| Association for Retarded Citizens of Orange Co., Inc. | \$ 4,000 |
| Chapel Hill-Carrboro Meals on Wheels, Inc. | \$ 5,000 |
| Child Care Networks, Inc. | \$ 2,000 |
| Day Care Services Association, Inc. | \$ 7,000 |
| Dispute Settlement Center, Inc. | \$ 6,500 |
| Franklin Street Teen Center | \$ 3,000 |
| Joint Orange-Chatham Community Action, Inc. | \$ 7,500 |
| Orange Congregations in Mission, Inc. | \$ 5,000 |
| Orange County Rape Crisis Center, Inc. | \$ 8,000 |
| Orange County Women's Center, Inc. | \$ 3,500 |
| Orange-Durham Coalition for Battered Women, Inc. | \$ 6,000 |
| Planned Parenthood of Orange County, Inc. | \$ 4,000 |
| Volunteers for Youth, Inc. | \$ <u>3,500</u> |
| Total: | \$65,000 |

BE IT FURTHER RESOLVED that the Council hereby approves, and authorizes the Manager to execute on behalf of the Town, agreements with the above agencies for services described in the agencies' applications.

This the 10th day of July, 1989.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following appropriations for agreements with agencies providing cultural and/or visitor information services.

| | <u>Amount</u> |
|-------------------------------------|-----------------|
| Chamber of Commerce | \$ 20,000 |
| The ArtsCenter | |
| Community Theatre | \$ 7,500 |
| After-School Program | \$ 4,000 |
| Teenage Program | \$ 3,500 |
| Chapel Hill Chapter, N. C. Symphony | \$ 4,000 |
| Chapel Hill Rose Society | \$ 3,600 |
| Botanical Gardens | \$ 3,200 |
| Teen Center | \$ 2,200 |
| Friends of the Chapel Hill Library | \$ 1,000 |
| Lincoln Alumni | \$ <u>1,000</u> |
| Total: | \$ 50,000 |

BE IT FURTHER RESOLVED that the Council hereby approves, and authorizes the Manager to execute on behalf of the Town, agreements with the above agencies for services described in the various agencies' applications.

This the 10th day of July, 1989.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 10.3. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING THE COMMITTEE ON ALLOCATIONS TO RECOMMEND A PROCEDURE AND CRITERIA FOR AWARDING PERFORMANCE CONTRACTS WITH HUMAN SERVICE AGENCIES AND AGENCIES PROVIDING VISITOR INFORMATION AND/OR CULTURAL SERVICES (8907010/R-10.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests that the Allocations Committee, which met to review the service contracts, continue to meet and deliberate in order to make recommendations to the Council on a process and criteria to use for considering requests and awarding contracts to agencies providing human services and providing cultural and/or visitor information services.

This the 10th day of July, 1989.

Horace Williams Airport

Council Member Andresen urged that the Council hold a public hearing in the future to permit to the public speak on the airport situation. Council Member Andresen stated that the CCC had met this afternoon to discuss the future of the airport facility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby states its intention to hold a public hearing to elicit public comment on requested improvements or changes in use at Horace Williams Airport.

This the 10th day of July, 1989.

North Forest Hills Sewer

Assistant Engineering Director Mike Neal showed a map of the area, indicated the RCD (Resource Conservation District). Mr. Neal indicated that the Town staff had met with area residents and OWASA representatives to discuss possible alternative locations for the sewer line. Additionally, the amount of clearing and land disturbance was discussed. Mr. Neal said that no alternatives outside the Booker Creek RCD were practical.

Council Member Preston inquired whether the line would be hidden underground. Mr. Neal said the pipe would be completely located underground. Mr. Neal added that there would be low vegetation plantings for twenty feet along the creek bed. Council Member Preston asked how area residents had reacted to the recommended procedure. Mr. Neal said some persons felt that there were alternatives to the recommended approach.

Ken Hurst, a resident of North Forest Hills subdivision said he had reviewed the engineering report for the project. Mr. Hurst said he did not contest the report finding that routing the line along Airport Road would be more expensive. Mr. Hurst said he was concerned that aesthetics and maintenance of buffers be given top priority in the installation of the sewer line. He also requested that fencing be used to protect trees and shrubbery. Mr. Hurst also requested that neighborhood residents be notified in advance of blasting.

Council Member Preston noted that Mr. Hurst's comments might be better directed to OWASA since this entity would be responsible for installation of the sewer line. Wayne Munday, OWASA Chief Engineer, said OWASA intended to use modern engineering methods and would take steps to protect the area in which the line would be installed. Mr. Munday said steps would also be taken to protect Lake Ellen. Council Member Pasquini noted that Mr. Munday would also be presenting progress reports to the OWASA Board of Directors concerning this project.

White Oak Drive Sewer

Assistant to the Town Manager Greg Feller said that staff had prepared a response to the June 12th petition presented by White Oak Drive residents. Mr. Feller said methods to reduce costs to residents were explored. He also noted that the OWASA Board had held a public hearing on this matter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council requests the Orange Water and Sewer Authority to submit to the Towns of Carrboro and Chapel Hill and to Orange County a proposed plan for extending public water and sewer service to existing developed neighborhoods in the Chapel Hill - Carrboro Urban Services Area which now have private well or septic systems, and for sharing of costs for such service extensions among OWASA and benefitting property owners.

BE IT FURTHER RESOLVED that the Council further requests the Authority consider comments by the Mayor and Council in the meeting of July 10, 1989 as well as the Town Manager's report of the same date, and to consult with representatives of the County and the Towns in developing the proposed plan for serving developed neighborhoods.

This the 10th day of July, 1989.

Mosquito Control

Public Works Director Bruce Heflin said that Town, County and State officials were endeavoring to come up with a program to provide relief from mosquitoes to residents of the Ridgefield neighborhood. Mr. Heflin stated that beavers are not a major contributing factor to the mosquito problem. Mr. Heflin recommended that the Animal Protection Society continue its efforts to deal with the beaver population.

William Reddy, a resident of the old Ridgefield area, said he lived next to a mosquito breeding ground. Mr. Reddy said bacterial agents could not be put on the ground or in the air to eradicate the mosquito problem. Mr. Reddy stated that the mosquito problem was exacerbated by silting of an area creek. He proposed that the creek be dredged.

Council Member Preston asked whether larvaciding was the best approach. Mr. Heflin said the situation was a complicated one with many factors. He stated that the best solution would be to get rid of standing water.

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

A RESOLUTION CONCERNING MOSQUITO CONTROL (89-7-10/R-12)

WHEREAS, residents of certain areas of Chapel Hill have complained about an infestation of mosquitoes; and

WHEREAS, it is the Town's desire to mitigate those problems through the use of specific measures, including pesticides and clearing of stagnant water;

1989 for review by the manager and preparation of a report to the Council concerning service performance.

3. That the Manager shall continue monitoring service performance by Carolina Cable.
4. That the Council shall consider after receiving the information requested above whether there is a need to undertake formal proceedings such as a public hearing on performance pursuant to the cable franchise.

This the 10th day of July, 1989.

Housing Program

Town Manager Taylor said that a grant for twenty-four units was being pursued.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 15.1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 15.2. THE MOTION WAS UNANIMOUSLY (9-0). ADOPTED

RESOLUTION AUTHORIZING EXECUTION OF ANNUAL CONTRIBUTIONS CONTRACT (89-7-10/R-15.2)

WHEREAS, pursuant to the provisions of the United States Housing Act of 1937, the Department of Housing and Urban Development (HUD) provides financial assistance to public housing agencies; and

WHEREAS, the Town of Chapel Hill (PHA) proposes to enter into an Annual Contributions Contract or Amendment thereto (Contract) with HUD in order to receive such assistance;

NOW, THEREFORE, BE IT RESOLVED by the PHA as follows:

Section 1. The Contract, numbered Contract No. _____, Amendment No. _____ (delete if not applicable), is hereby approved and accepted both as to form and substance and the Chairman or Vice Chairman is hereby authorized and directed to execute said Contract in quadruplicate on behalf of the Local Authority, and the Secretary is hereby authorized and directed to impress and attest the official seal of the Local Authority, and the official seal of the Local Authority on each counterpart and to forward executed counterparts thereof to the Government together with such other documents evidencing the approval and authorizing the execution thereof as may be required by the Government.

RECORDING OFFICER'S CERTIFICATION

I, David R. Taylor, the duly appointed, qualified, and acting Secretary of the Town of Chapel Hill do hereby certify that the above Resolution No. _____ was properly adopted at a regular or special meeting properly held on July 10, 1989.

In testimony whereof, I have hereunto set my hand and the seal of the Town of Chapel Hill, this 10th day of July, 1989.

(SEAL)

(Signature)

Mechanical

| | <u>Mechanical Assoc.</u> | <u>Carolina</u> | <u>Lee Air</u> |
|------------|--------------------------|-----------------|----------------|
| Base Bid | \$44,770 | \$42,970 | \$38,333 |
| Add Alt. 1 | 34,440 | 34,480 | 32,777 |
| Add Alt. 2 | 9,800 | 8,700 | 10,126 |
| Total | \$89,010 | \$86,150 | \$81,236 |

Plumbing

| | <u>Mechanical Assoc.</u> | <u>Sparrow</u> |
|------------|--------------------------|----------------|
| Base Bid | \$ 76,600 | \$ 64,400 |
| Add Alt. 1 | 8,000 | 3,050 |
| Add Alt. 2 | 11,000 | 1,000 |
| Add Alt. 3 | 22,000 | 36,000 |
| Total | \$117,600 | \$103,450 |

and; WHEREAS, the Town and the low bidders will agree to a reduction and negotiations in project scope to meet budget limitations; and

WHEREAS, the proposed reduced project scope will consist of all base bid renovations for the shelter, as shown on the approved plans; and

WHEREAS, GGA architect is negotiating further with the lowest bidders so the cost of the reduced project scope will not exceed the budget;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves, and authorizes the Manger to sign on behalf of the Town, a "Performance Agreement" between the Town of Chapel Hill and Inter-Faith Council for Social Services which requires that all funding needed beyond the Town's \$300,000 be deposited in a special account before the construction contracts are executed.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bids of Resolute Building Company, VIA Electric, Lee Air Conditioners, and Sparrow and Sons, Inc. in the base bid amounts of \$374,183 for general construction, \$70,850 for electrical, \$38,333 for mechanical, and \$64,400 for plumbing, and award the contracts for the renovation of the shelter subject to the reduction in the project scope as shown on the approved plans, in no case will the aggregate of all 4 contracts equal more than the funds available.

This the 10th day of July, 1989.

Tandler Status Report

Town Manager Taylor stated that the Council had received an updated report in their materials.

A RESOLUTION AUTHORIZING THE SALE OF MCMASTERS STREET LOT TO ORANGE COUNTY HABITAT FOR HUMANITY, INC. (89-7-10/R-17)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the sale of property consisting of Tax Map 84, Block I, Lot 2 off McMasters Street under the provisions of G. S. 160A-267 and G. S. 160A-279 to Orange County Habitat for Humanity, Inc., a North Carolina non-profit corporation, for the purpose of building a house for a low-income household.

BE IT FURTHER RESOLVED that the Council authorizes the sale subject to the following terms:

- 1) Sale is fee simple;
- 2) Deed restriction requires that the property be used for residential purposes for a low-income household; and
- 3) The sale price is \$10.00.

This the 10th day of July, 1989.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET (FRANKLIN STREET EXTRAVAGANZA) (89-7-10/R-18)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of Franklin Street between Columbia Street and Henderson Street on Friday, September 29, 1989 from 6:00 p.m. until 12 midnight, to allow the holding of the Franklin Street Extravaganza, as part of the UNC homecoming events, and clean up of the streets following the event.

This the 10th day of July, 1989.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN STREET (FRANKLIN STREET EXTRAVAGANZA) (89-7-10/O-2)

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

That on the 29th day of September, 1989, between the hours of 6:00 p.m. and 12 midnight there shall be no parking on either side of Franklin Street between Columbia Street and Henderson Street between the above hours.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said street during such hours on said date. The Police Department is further authorized to remove, tow and impound automobiles and vehicles of any kind which are parking on said street during such hours in contravention of the Ordinance. In light of the large number of pedestrians expected in the street area, the Council hereby determines that vehicles in the restricted area would constitute a special

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

Saturday 75 dB(A)
(10:00 a.m. - midnight Saturday)

Monday 75 dB(A)
(5:00 p.m. - 7:30 p.m. Monday)

SECTION II

Section I of this ordinance shall be in effect only on September 4, 1989 between 5:00 and 7:30 p.m., after which time the previously adopted ordinance shall again become effective.

This the 10th day of July, 1989.

AN ORDINANCE AMENDING CHAPTER 11 OF THE TOWN CODE OF ORDINANCES REGARDING NOISE CONTROL FOR SPECIAL EVENTS TO BE HELD ON JULY 20, AUGUST 17, SEPTEMBER 21, OCTOBER 19 AND NOVEMBER 16, 1989 BETWEEN 12 NOON AND 1:00 P.M. (89-7-10-/O-4)

WHEREAS, The Chapel Hill/Carrboro Downtown Commission as sponsor of the proposed events called "Arts At Lunch", scheduled for the third Thursday of the month (July 20, August 17, September 21, October 19 and November 16, 1989) from 12 noon to 1:00 p.m. has requested the Town Council to amend the Town's Noise Control Ordinance to enable the events which 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 Arts at Lunch events plan to provide day time programs to encourage activity in downtown Chapel Hill; and

WHEREAS, outdoor amplified music at the proposed times and locations will have little impact on non-participants;

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:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SUPPORT AND ENCOURAGE THE USE OF PAPER PRODUCTS MADE OF RECYCLED PAPER FIBER AND TO DIRECT THE PURCHASE OF SUCH PRODUCTS BY THE TOWN WHEN FEASIBLE (89-7-10/R-22)

WHEREAS, the Town of Chapel Hill does indeed support the need in our society to reduce waste, promote recycling and encourage the production of products made with recycled materials; and

WHEREAS, it is the intent of the Town of Chapel Hill to commit to the use of recycled paper products by setting the goal of buying a minimum of 75 percent of Town paper products that contain recycled paper; and

WHEREAS, it is the goal of the Town of Chapel Hill to become a leader in the State of North Carolina and the nation in percent of recycled paper products used by a municipality;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is authorized to develop a policy by which the Town may purchase paper products containing recycled paper fiber and to begin said purchases as the products are needed.

This the 10th day of July, 1989.

A RESOLUTION ACCEPTING FIVE (5) MAT AND SEAL IMPROVEMENT PETITIONS FOR PROCESSING IN ACCORDANCE WITH THE APPROPRIATE STATE STATUTES (89-7-10/R-23)

WHEREAS, the Council of the Town of Chapel Hill has received five (5) petitions for the placement of mat and seal surface treatment on Town-maintained gravel streets in Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it formally accepts mat and seal petitions for the following streets:

Coker Lane
Evergreen Lane
Glandon Drive
Mason Farm Place
Hillcrest Circle

and directs the Town Manager to proceed with said petitions in accordance with the appropriate State statute(s).

This the 10th day of July, 1989.

SECTION V

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

SECTION VI

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

This the 10th day of July, 1989.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1989" (89-7-10/0-5.2)

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

ARTICLE I

| <u>Appropriations</u> | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|---|-----------------------|-----------------|-----------------|-----------------------|
| Transportation Fund Non-Departmental | 395,689 | 4,860 | | 400,549 |

ARTICLE II

Revenues

| | | | | |
|-------------------------------------|---------|-------|--|---------|
| Transportation Fund Fund Balance | 409,399 | 4,860 | | 414,259 |
|-------------------------------------|---------|-------|--|---------|

This the 10th day of July, 1989.

A RESOLUTION AUTHORIZING CERTIFICATION OF FIREFIGHTERS
(89-7-10/R-25)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor is hereby authorized to certify to the North Carolina Firefighters' Pension Fund the attached roster of Firefighters and Public Safety Officers employed by the Town of Chapel Hill on June 30, 1989.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor is hereby authorized to certify to the North Carolina Firefighters' Pension Fund the attached roster of Firefighters and Public Safety Officers employed by the Town of Chapel Hill on June 30, 1989.

This the 10th day of July, 1989.

A RESOLUTION DECLARING 297 ITEMS OF PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE DISPOSAL OF SAID PROPERTY BY PUBLIC AUCTION OR PRIVATE NEGOTIATED SALE (89-7-10/R-26)

WHEREAS, Article 12 of General Statutes 160A and Section 4.16 of the Charter of the Town of Chapel Hill authorizes the Town to dispose of surplus personal; and

WHEREAS, the Town desires to dispose of certain items of personal property;

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

1. That the following items of personal property are hereby declared surplus, and where indicated, the minimum bids listed shall apply.

| <u>Quantity</u> | <u>Item</u> | <u>Minimum Bid</u> |
|-----------------|--|--------------------|
| one | 1979 Chevette 4S | |
| one | 1974 Dodge PU Truck | 250.00 |
| one | 1976 Dodge 1-Ton Truck | 250.00 |
| one | 1981 Dodge Van | |
| one | Sony Transcriber BM-25 | |
| three | Olivetti Typewriters | |
| one | Adler Typewriter | |
| one | Office Chair | |
| three | Wooden Captains Chairs | |
| one | Mita Copier | |
| one | NCR Console & Keyboard (for cash receipts) | |
| two | Boxes Miscellaneous Office Supplies | |
| one | Aerton Walkie Dual Charger Model 154 | |
| four | Motorola Converta-Com Radios | |
| nine | Motorola Model Ht-220 Walkie Chargers | |
| four | Motorola Model Ht-220 Walkie Talkies | |
| one | Ricoh Ricomac Model 1012-P Calculator | |
| one | 36" Electric Stove | |
| one | 21" TV and Stand | |
| twenty-four | Various sizes of Venetian Blinds | |
| one | Box of Locker Parts | |

4. That prior to the Public Auction the Purchasing Agent is authorized to dispose of any of this personal property by sale, lease, exchange, or transfer to other governmental units in conformity with General Statute 160A-274.
5. That the terms of sale shall be to the highest bidder for cash or other form of cash equivalent acceptable to the Purchasing Agent (items specifying a minimum bid price shall be sold to the highest bidder equalling or exceeding the established minimum). All sales shall be designated final on the day of the auction.
6. That all items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of and assumes no responsibility for any of the items.
7. That it shall be a condition of sale that all items purchased shall be picked up and removed from the premises of the Municipal Operations Facility by 3:30 p.m. on the day of the auction. Purchasers shall bear sole risk for loss of any items remaining on said premises past such time.

BE IT FURTHER RESOLVED that if any of the surplus property is not sold at the public auction, or sold, leased, exchanged or transferred to a governmental unit, the Purchasing Agent is hereby authorized to sell said surplus property by private negotiated sale in conformity with General Statute 160A-267.

This the 10th day of July, 1989.

Council Member Werner inquired whether the greenway easement situation had been addressed to the satisfaction of neighbors and all other parties. Town Manager Taylor said the area had been reserved for a greenway.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ITEM "F" ON THE CONSENT AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AND ORDER CLOSING THE WEAVER ROAD RIGHT-OF-WAY BETWEEN GLENDALE AND SANDY CREEK TRAIL AND RESERVING EASEMENTS (89-7-10/R-21)

WHEREAS, the Council on April 24, 1989 adopted a resolution of intent to consider closing that portion of the Weaver Road right-of-way between Glendale Drive and Sandy Creek Trail and a Public Hearing hereon was held on June 19, 1989; and

| BIDDER | C. C. Mangum | Nello Teer | Sanford Grading | Mellott Trucking |
|--------------|---------------|---------------|-----------------|------------------|
| Base Bid | \$715,498.00 | \$779,575.00 | \$812,858.05 | \$861,613.45 |
| Alternate #1 | \$ 18,912.00 | No Bid | \$ 50,500.00 | \$ 57,229.00 |
| Alternate #2 | \$ (7,300.00) | \$ (7,000.00) | \$ (3,000.00) | \$ (6,130.00) |
| TOTAL | \$727,110.00 | \$772,575.00 | \$860,358.05 | \$912,712.45 |

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the contract for the construction of the N.C. 54 Park/Ride Lot be conditionally awarded to C.C. Mangum, Inc. in the amount of \$727,110.00, which includes the base bid and alternates, with the understanding that a change order shall be immediately executed reducing the bid amount to bring project costs within the scope of budget should transfer of additional grant funds not be feasible.

This the 10th day of July, 1989.

ITEM "M" WAS DELETED FROM THE CONSENT AGENDA.

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

The regular meeting stood adjourned at 11:45 P.M.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN THE EXECUTIVE SESSION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The Executive Session concluded at 12:05 A.M.