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MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, NORTH CAROLINA, MONDAY, SEPTEMBER 25, 1989

Mayor Pro Tem Pasquini called the meeting to order.

Council Members in attendance were:

Julie Andresen Nancy Preston
Joe Herzenberg Arthur Werner
Roosevelt Wilkerson, Jr.

Also in attendance were Assistant to the Mayor Beverly Kawalec, Assistant Town Manager Sonna Loewenthal, Planning Director Roger Waldon, Comprehensive Planning Coordinator Chris Berndt, Town Attorney Ralph Karpinos, and Assistant to the Attorney Richard Sharpless.

Mayor Pro Tem Pasquini announced that Council Member Godschalk was absent excused due to illness. Mayor Pro Tem Pasquini added that Mayor Howes was absent excused due to a prior travel commitment.

Petitions

Council Member Andresen requested that staff further explore nighttime door-to-door solicitation regulations, in response to a letter from Mr. Gene Kessler.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG TO REFER TO THE TOWN MANAGER FOR A FUTURE RECOMMENDATION. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

Council Member Andresen requested that the Town Manager provide a report to the Council concerning the status of an A-1 jet fuel tank at Horace Williams Airport. Council Member Andresen also requested information concerning the status of the airport as a private facility, a certification that the University has not increased traffic at the facility, and a recommendation that the Council examine the revised airport flight manual prior to publishing.

Mayor Pro Tem Pasquini commended members of the Town staff involved in planning for the possible approach of Hurricane Hugo on September 21st. Mayor Pro Tem Pasquini also offered thanks to radio station WCHL, for being ready to go to full power on Thursday evening, if necessary.

Mayor Pro Tem Pasquini noted that Council Member Preston had been named an honorary Mayor of Hillsborough as part of the Cycle for Recycling festivities. Council Member Preston noted that she had been unable to attend the festivities. The Mayor Pro Tem attended in Council Member Preston's absence.

Council Member Preston stated that the event was held to launch Town-wide recycling programs in Hillsborough and Carrboro, and throughout Orange County. Council Member Preston added that she hopes all citizens will do their part by recycling to reduce solid waste. Mayor Pro Tem Pasquini noted that blue recycling containers will be distributed throughout Town on October 9th.

Assistant Town Manager Loewenthal requested that agenda items nine and fifteen be deleted from this evening's agenda, for consideration at a future Council meeting.

Minutes of September 11, 1989

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF SEPTEMBER 11, 1989 AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

New Hope Corridor Greenway

Chris Berndt said that two resolutions were before the Council this evening to study open space in the New Hope and Mud Creek corridors. Ms. Berndt said that the study will identify natural areas for preservation. Ms. Berndt stated that the project is a joint venture of the City of Durham, Durham County, Orange County and the Town of Chapel Hill. She added that a sixteen member citizen's committee, composed of four regional members and three members appointed by each of the four jurisdictions was to be appointed. Ms. Berndt stated that Town staff and Council advisory boards recommend that the Town participate in the study and related acquisition processes. Ms. Berndt stated that the Parks and Recreation Commission recommended that bond funds be spent within the Town limits only.

Council Member Andresen inquired about the role of the citizen's committee. Ms. Berndt said that the committee will work with the consultant to identify land for greenway acquisition. Council Member Andresen inquired further about the status of the land to be examined by the consultant. Ms. Berndt stated that inclusion of the Duke Forest is vital. Ms. Berndt added that the main focus of the effort is to acquire land to connect all parcels together.

Council Member Preston inquired whether Dry Branch Creek is the only portion in Town limits. Ms. Berndt said this is correct. Council Member Preston requested additional information concerning the expenditure of bond funds. Ms. Berndt stated that the Parks and Recreation Commission recommends Town participation in the study, under the condition that land acquisition by the Town only occur in areas directly benefiting Town residents.

Council Member Preston stated that very little land had been identified for acquisition to date. Ms. Berndt stated that the project will involve a cooperative acquisition effort.

Council Member Werner said he wished to make it explicitly clear that in passing the resolution, the Council is not saying it intends to spend money in the future for land acquisition.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 1. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

A RESOLUTION TO PRESERVE A CORRIDOR OF OPEN SPACE CONNECTING NEW HOPE CREEK WITH THE ENO RIVER THROUGH ORANGE AND DURHAM COUNTIES (89-9-25/R-1)

WHEREAS, the rural and natural beauty of Orange and Durham Counties is prized by our residents; and

WHEREAS, the urban areas of Orange and Durham Counties are experiencing unprecedented growth; and

WHEREAS, the citizens of Durham County and Orange County have shown concern for preservation of open space through the Chapel Hill Greenway Commission, the Durham Urban trails and Greenways Commission, and the Durham County Open Space Advisory Committee; and

WHEREAS, preservation of open space as an accompaniment to growth can mitigate the impacts of growth and help retain natural beauty; and

WHEREAS, preservation of open space provides environmental benefits such as protecting water quality and providing habitat for native plant species and wildlife; and

WHEREAS, an open space corridor could form an aesthetic link between Durham and Chapel Hill, while allowing the two communities to remain distinct; and

WHEREAS, an open space corridor can serve as a recreational resource providing a place for walking and jogging, becoming part of the regional trail network; and

WHEREAS, an open space corridor can provide opportunity for environmental education and observation of nature,

NOW, THEREFORE, BE IT RESOLVED that the Town of Chapel Hill supports the following:

1. The preservation of a corridor of public open space linking the New Hope Creek with the Eno River, including a 100-year floodplain of New Hope and Mud Creeks and a 200-foot wide corridor connecting the Duke Forest Divisions to the Eno River State Park through Orange and Durham Counties, as shown conceptually on the attached map.

2. The Council will support and contribute funds to the project study.
3. The administration of each jurisdiction is directed to prepare more detailed plans for this project, including identifying the exact route, the amount and location of land and easements to be acquired, responsibility for acquiring possible funding sources, and preparing a timetable for completion.

This the 25th day of September, 1989.

Council Member Herzenberg requested that the words "and Council" be added to the final paragraph of resolution 2.

Mayor Pro Tem Pasquini inquired about the total cost of the study. Ms. Loewenthal responded that each of the jurisdictions would provide \$5,000, for a total of \$20,000.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 2, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (6-0).

A RESOLUTION AUTHORIZING CHAPEL HILL'S PARTICIPATION IN A JOINT OPEN SPACE STUDY FOR THE NEW HOPE CORRIDOR GREENWAY (89-9-25/R-2)

WHEREAS, the Council of the Town of Chapel Hill has adopted a resolution supporting the intent to preserve a corridor of open space connecting New Hope Creek with the Eno River through Orange and Durham Counties;

WHEREAS, the project would help implement the policy of the Town's 1989 adopted Comprehensive Plan to identify and protect areas of environmental concern; and

WHEREAS, the project provides an opportunity to cooperate with other jurisdictions in protecting an important natural area located at a critical interface among our communities.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill authorizes the Manager to execute a joint contract with the City of Durham, Durham County, and Orange County for the New Hope Open Space Corridor Study in the amount of \$5,000 for Chapel Hill's share of the total study cost.

BE IT FURTHER RESOLVED that the Council supports the joint appointment of four members to a citizen's advisory committee, and authorizes the Mayor and Council to appoint these members as well as three Chapel Hill representatives.

This the 25th day of September, 1989.

Cameron-McCauley Significance Report

Dr. Henry Clark, speaking on behalf of Sigma Nu Fraternity, said that Sigma Nu strongly endorsed the two resolutions before the Council this evening. Dr. Clark urged the Council to move toward creation of a historic district in the Cameron-McCauley neighborhood as soon as possible. Dr. Clark said that the Sigma Nu house is sixty-four years old and in need of extensive repairs. Dr. Clark said that total estimated renovation costs are \$750,000. He noted that \$226,000 had been raised for this project.

Council Member Wallace arrived at 7:50 p.m.

Dr. Clark said that Sigma Nu must rely on small and moderate gifts for the house renovations. Dr. Clark stated that the Chapel Hill Preservation Society had agreed to collect tax-deductible contributions for the purpose of renovating the Sigma Nu house. Dr. Clark stated that this situation was conditioned upon the Cameron-McCauley neighborhood being designated as a historic district.

Dr. Clark noted that many of the campus fraternity houses, built during the 1920's and 1930's are in need of renovation. Dr. Clark said that the key to a fraternity renaissance is the development of house corporations, wherein volunteer adults work on making renovations to individual houses. Dr. Clark said that these volunteers need the help of the Town and University officials in these programs.

Council Member Werner inquired about the cut-off date for contributions. Dr. Clark said that contributors would tend to make pledges at the end of the calendar year. He noted that those who did not give by December 31 will likely wait another year to contribute, due to tax considerations. Dr. Clark inquired whether the Town could speed up the historic district designation process. Council Member Andresen said that the process is fairly slow, due to several review procedures. Council Member Andresen said that the Town will attempt to assist in expediting the process.

Ms. Berndt said that there were two resolutions before the Council concerning the Historic District study. She said that adoption of the first resolution would refer the matter to the North Carolina Department of Archives and Natural History for further evaluation. Passage of the second resolution would call a public hearing on the district for February 19, 1990. Ms. Berndt noted that a separate report would be made to the Council in the future concerning revising the boundary for the proposed Cameron-McCauley historic district. Ms. Berndt stated that the Council had heard a report and historic district recommendations for three neighborhoods at their June 26th meeting.

Ms. Berndt stated that the neighborhood conservation program is a very deliberate process. Ms. Berndt stated that the State has thirty calendar days to review the Cameron-McCauley Historic District report. Ms. Berndt noted that no binding Council action was being sought at this time concerning whether to establish a historic district in the Cameron-McCauley neighborhood. Ms. Berndt added that State review of the historic district application is an important prerequisite to possible future establishment of a historic district. Ms. Berndt stated that staff recommends adoption of the two resolutions before the Council.

Council Member Preston stated that although the time frame for review was tight, it appeared possible that the Council could take final action prior to the Christmas holiday. Council Member Preston suggested that the public hearing could be held on November 20, 1989 instead of in February, 1990.

Council Member Andresen inquired about the appropriate time to receive citizen comments on proposed historic district boundaries. Ms. Berndt said that the November hearing would be the appropriate time to hear these comments. Assistant Town Manager Loewenthal said the November hearing would be possible if extensive revisions are not recommended by the State of North Carolina.

Camelia Broadfoot said that the Town's present historic district is a definite asset. She added that creation of a new historic district would provide similar benefits to the Town.

Dr. Lee Wylie, a retired Professor from the University of North Carolina, said it had been a pleasure to spend most of his lifetime in Chapel Hill. Dr. Wylie said he had been associated with the University since 1925 and has lived in the same house since 1934. Dr. Wylie said that his home has a beautiful brick exterior and first-growth pine floors in the interior. Dr. Wylie expressed concern about children riding bicycles along Kenan Street due to the high speed of area motorists. Dr. Wylie said his home was built in the 1850's or 1860's and would stand for some time to come. Dr. Wylie expressed hope that the Council would approve the designation of the Cameron-McCauley neighborhood as a historic district.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 3. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE CAMERON-MCCAULEY HISTORIC SIGNIFICANCE REPORT TO THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES, DIVISION OF ARCHIVES AND HISTORY (89-9-25/R-3)

WHEREAS, the Council of the Town of Chapel Hill requested a study be done of the Cameron/McCauley neighborhood to determine the appropriateness of designating the area an historic district; and

WHEREAS, as required under G.S. 160A-395 (G.S. 160A-400.4 as of 10/1/89), the Historic District Commission prepared and approved the Cameron-McCauley Historic Significance Report and recommended designation of the Cameron-McCauley study area (excluding the University Power Plant) as a local historic district; and

WHEREAS, this review included referral to the Chapel Hill Planning Board as required under G.S. 160A-395 (G.S. 160A-400.4 as of 10/1/89); and

WHEREAS, no historic district can be considered for designation until the N.C. Department of Cultural Resources, Division of Archives and History, has made an analysis of and recommendations concerning the historic significance report and the proposed district boundaries, also according to G.S. 160A-395 (G.S. 160A-400.4 as of 10/1/89);

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to submit the Cameron/McCauley Historic Significance Report to the N.C. Department of Cultural Resources for analysis and recommendations, along with any other necessary information and support material.

This the 25th day of September, 1989.

Council Member Preston suggested that the date of the public hearing in resolution 4 be changed to November 20, 1989.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 4, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER DESIGNATING CAMERON-MCCAULEY NEIGHBORHOOD A LOCAL HISTORIC DISTRICT (89-9-25/R-4)

WHEREAS, the Historic District Commission has prepared a historic significance report for the Cameron-McCauley neighborhood and recommended that the study areas shown in the report (excluding the University Power Plant) be designated a local historic district;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby calls a public hearing to consider a Zoning Atlas Amendment (ZAA) to establish a local historic district as shown on the attached map of the study area for this

neighborhood, on Monday, November 20, 1989, at 7:30 p.m. in the Meeting Room of the Town Hall at 306 North Columbia Street.

This the 25th day of September, 1989.

Council Member Werner noted that although the Council was moving up the historic district hearing date, there was no guarantee that the process would be in place by year-end, as requested by Dr. Clark. Dr. Clark said he realized this, thanked the Council for their efforts, and distributed copies of his earlier remarks to the Council. Council Member Preston noted the importance of hearing public comment about the establishment of historic districts.

Assistant Town Manager Loewenthal stated that Ms. Berndt would make a presentation concerning efforts to preserve the Northside neighborhood. Ms. Berndt stated that on June 26th, a presentation outlining the concept of neighborhood conservation was made to the Council. Ms. Berndt said that conservation districts protect the character of neighborhoods having particular architecture types and other unique features. Ms. Berndt stated that neighborhood conservation districts could be implemented in lieu of a historic district. Ms. Berndt said that the Town of Carrboro is investigating possible local legislation to establish neighborhood conservation districts.

Ms. Berndt also suggested that the Northside neighborhood could be designated as a special area, with no regulation of character attached. Alternatively, Ms. Berndt said that a neighborhood planning concept could be applied, protecting the living and working environment of neighborhood residents.

Ms. Berndt stated that the Manager's recommendation is to not proceed with historic district designation at this time. She noted that the Northside neighborhood could possibly be included in future neighborhood planning programs.

Council Member Preston said she was extremely disappointed with the staff recommendation. Council Member Preston said she has had a long-standing concern that present zoning techniques are not adequate means of neighborhood preservation. Council Member Preston said that the staff recommendation showed a lack of imagination. Council Member Preston stated that efforts are needed to help people preserve homes in the Northside neighborhood. Council Member Preston stressed the need for a long-term plan for the Northside neighborhood.

Council Member Andresen expressed concurrence with Council Member Preston's remarks. Council Member Andresen said that although some mechanisms are in place to protect the integrity of the Northside neighborhood, residents of the area do not feel protected.

Council Member Herzenberg noted the presence of Mr. Edwin Caldwell, Jr. at this evening's meeting. Council Member Herzenberg said that greater efforts were needed to get the input of Northside neighborhood residents.

Council Member Preston stated that at least twenty-five to thirty neighborhood residents had attended a meeting concerning neighborhood preservation.

Council Member Wilkerson noted that thirty to thirty-five residents had attended another recent neighborhood preservation meeting. Council Member Wilkerson stated that a unique set of circumstances surround the history of the neighborhood. Council Member Wilkerson noted that former Council Member R.D. Smith had addressed the Council in June, concerning neighborhood preservation programs.

Mr. Caldwell stated that houses in the Northside neighborhood are designed differently than other houses of that era. Mr. Caldwell said that the Northside neighborhood does not necessarily want historical architecture preservation, but want to preserve houses. Mr. Caldwell stated that some of the approaches discussed this evening will help to protect the neighborhood. Mr. Smith stated that residents of the Northside neighborhood will strive to continue to make it a pleasant one.

Assistant Town Manager Loewenthal stated that there was sentiment against historic district regulations. She added that Town staff is aware of the need to help prevent neighborhood disintegration.

Council Member Werner said that although the Council had not approved the neighborhood planning concept on a Town-wide basis, the Northside neighborhood should not be dropped from consideration for such a program. Council Member Werner said this approach may be appropriate for the Northside neighborhood.

Council Member Preston stated that the Northside neighborhood has an active group. Council Member Preston suggested that staff should hear residents' concerns and work out a plan for the neighborhood.

Mayor Pro Tem Pasquini said there appeared to be consensus that something ought to be done regarding preservation of the Northside neighborhood. Mayor Pro Tem Pasquini requested that staff return with proposals at a future Council meeting. Ms. Loewenthal said that the staff will report back with proposals.

Appointment to Orange Water and Sewer Authority Board

Council Member Werner proposed that all candidates be nominated as presented.

Council Member Preston said she had worked with James Mergner on the Regional Solid Waste Task Force. Council Member Preston said Mr. Mergner had provided excellent service to this group. Council Member Preston indicated that if Mr. Mergner is appointed to the OWASA Board, he will be able to continue his service on the Solid Waste Task Force.

Council Member Werner said he has known Glenn Morris for about ten years. Council Member Werner said this appointment would be an ideal opportunity to make a non-political appointment.

Council Member Andresen stated both Mr. Mergner and Morris are excellent candidates for appointment.

Mayor Pro Tem Pasquini recognized the presence of recently appointed OWASA director Riley Wilson. Mr. Wilson was commended for his service to date.

James Mergner was appointed to fill Mayor Pro Tem Pasquini's unexpired term on the OWASA Board of Directors. Original signed ballots are available for inspection in the office of the Town Clerk.

Nunn Alley

Assistant Town Manager Loewenthal noted that neighborhood residents feel that Nunn Alley should be kept open as an improved pedestrian way. Ms. Loewenthal noted that the fencing off of a wooded area is recommended. Ms. Loewenthal noted that the fence would be installed by two area property owners and the Town. Ms. Loewenthal said that the fence installation would be an excellent way to reduce loitering and improve the area. Council Member Preston requested a clarification of the fence area. Ms. Loewenthal detailed the proposed fence location. Ms. Loewenthal stated that there is a lot of vegetation in the area which also will serve as an effective barrier.

Council Member Herzenberg said he did not question the propriety of the use of a fence, but questioned the use of chain link.

Council Member Preston said she had seen several chain link fences attractively covered with ivy.

Council Member Andresen proposed that wood slats could be used in combination with chain link to produce a more attractive fence.

Council Member Wallace said that good-looking fences are often fragile or easily damaged. Council Member Wallace suggested that ivy or kudzu could grow on the chain link fence.

Downtown Cleanliness

Assistant Town Manager Loewenthal stated that the Council had been provided a memorandum, outlining the number of person hours devoted to downtown cleanliness. Ms. Loewenthal noted that this information was also provided to downtown groups. Ms. Loewenthal noted that Public Works Director Bruce Heflin was in attendance to make a presentation or answer any Council questions.

Council Member Wallace said he concurred with Mr. Jim Heavner's observation that certain parts of the downtown area are unclean. Council Member Wallace said that the very sturdy garbage cans in the downtown area are very difficult to clean properly. Council Member Wallace noted that this situation leads to decay of the receptacles.

Council Member Andresen thanked the staff for the report. Council Member Andresen said she was impressed by the number of hours devoted to downtown cleanliness. Council Member Andresen said she was glad that additional attention will be devoted to this effort.

Council Member Herzenberg observed that he had twice seen six automobiles parked on the sidewalk of the 100 block of West Franklin Street earlier in the day.

Council Member Preston inquired who cleans sidewalks in the downtown area. Ms. Loewenthal said that the sidewalk is cleaned every day of the week by hand, starting at 4 a.m. Ms. Loewenthal said that the Downtown Commission provides a vacuum service two hours a day, five days a week (Thursday through Tuesday).

Council Member Preston inquired how often the grates around street trees are cleaned. Ms. Loewenthal acknowledged that cleaning these areas has been a problem in the past. Ms. Loewenthal noted that the use of a high suction vacuum cleaner will improve this situation.

Council Member Wallace said that one or two sewer laterals appear to be broken near sidewalks in the downtown area. Council Member Wallace requested that the Public Works Department further investigate this situation.

Cable Television Rates

Greg Feller, Assistant to the Town Manager, presented an overview of the two resolutions for Council consideration. Mr. Feller said that adoption of the resolutions was recommended in the event of regulatory changes by the Federal Communications Commission. Mr. Feller noted that several bills had been introduced in the U.S. Congress this year, primarily addressing rates. He noted that there is little likelihood that the bills will be passed this

year. Mr. Feller concluded his remarks by stating that both resolutions were recommended for adoption.

Randy Hauser, General Manager of Carolina Cable, said that the Council had received a letter from Carolina Cable, noting that most problems addressed by the resolutions are not present in Town. Mr. Hauser said he was willing to acknowledge that there have been problems elsewhere in the country. Mr. Hauser stated that the Town requires that cable service be built when housing densities are at thirty homes per mile. Mr. Hauser stated that the company had built at densities of twenty homes per mile in some cases. Mr. Hauser said he hoped the Council will view the relationship between the Town and Carolina Cable as a good working relationship.

Council Member Andresen inquired whether it is correct that the Town does not have much authority to regulate cable television rates. Mr. Feller said this is correct. Mr. Feller said the Town may regulate various other aspects, such as the number of channels and other general franchise requirements.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADOPT RESOLUTION 6. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION ASSUMING CABLE TELEVISION RATE MODIFICATION AUTHORITY FOR TWO YEARS TO THE EXTENT PERMITTED BY LAW (89-9-25/R-6)

WHEREAS, Section 10-85 of the Town Code provides that the Town Council is decide every two years whether to assume rate modification authority pursuant to the Town's ordinance in Chapter 10 of the Town Code on cable television franchises;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council assumes, to the extent permitted by law, cable television rate modification authority from the effective date of this resolution until the effective date of a resolution to be adopted by the Council between September 1 and November 30, 1991 concerning rate modification authority.

This the 25th day of September, 1989.

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

A RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO REVISE THE CABLE COMMUNICATIONS POLICY ACT OF 1984, AND EXPRESSING GENERAL CONCERN ABOUT THE NEED TO STRENGTHEN LOCAL GOVERNMENT REGULATORY AUTHORITY (89-9-25/R-7)

WHEREAS, the Cable Communications Policy Act of 1984 restricted states' and local governments' authority to regulate the cable television industry directly; and

WHEREAS, since the passage of the Cable Communications Policy Act of 1984, concentrations of ownership amounting to monopolies have increased among cable operators, although the Act was intended to "promote competition in cable communications and minimize unnecessary regulations that impose undue economic burden on cable systems;" and

WHEREAS, cable subscribers throughout the nation have been subjected to substantial rate increases and service reductions; and

WHEREAS, more than half of the nation's households, and more than half of the residents of Chapel Hill subscribe to cable, and cable television is increasingly becoming the main means of access to information and entertainment; and

WHEREAS, cable television is rapidly being priced beyond the reach of lower-income people, including families with children and elderly citizens, who particularly need the information and other services that are available solely through cable television; and

WHEREAS, the diversity of information services promised by the 1984 Cable Communications Policy Act has failed to materialize; and

WHEREAS, the promise of universal services similarly has not been fulfilled; and

WHEREAS, existing law provides the Town and other franchising authorities no authority to review television rates; and

WHEREAS, the National League of Cities has adopted policies in favor of increasing local governments' cable regulatory authority and in favor of more competition in the provision of cable television services to subscribers; and

WHEREAS, legislation now under consideration in the Congress would provide comprehensive changes in the Cable Communications Act of 1984;

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

1. That the Council supports the restoration of local regulatory authority regarding cable systems.
2. The Congress of the United States should rewrite the Cable Communications Policy Act of 1984, with particular focus on subscriber rates, allowance of telephone company provision

of cable service under circumstances that respect local government authority, system ownership transfers, the impact of vertical integration in the cable industry, and other aspects of the Act that directly affect local government and consumers.

- 3. The Council urges Congressional action for appropriate federal legislation to restore local authority regarding cable systems, to eliminate barriers to competition and to correct other aspects of the 1984 Act that are not in the public interest.

This the 25th day of September, 1989.

Designation of Ridge Trail as a Fire Lane

Ms. Loewenthal noted that the Village West Homeowners' Association had requested the designation of Ridge Trail as a fire lane. Ms. Loewenthal said that the narrowness of the roadway and the propensity for blockage suggest that a fire lane is needed.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT ORDINANCE 1. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

AN ORDINANCE AMENDING CHAPTER 21 OF THE TOWN CODE OF ORDINANCES PROHIBITING PARKING ON THE ENTIRE LENGTH OF RIDGE TRAIL AND DESIGNATING IT AS A FIRE LANE (89-9-25/0-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances is hereby amended as follows:

SECTION I

ADD the following street to the listing of streets contained in Section 21-20-2, Fire Lanes:

<u>Name</u>	<u>Description</u>	<u>Length</u>	<u>Width</u>
Ridge Trail	Running North from east entrance at Village Drive to west entrance at Village Drive	1162'	Two 10' Travel Lanes

This the 25th day of September, 1989.

Charter Revisions--Local Act Provisions

Town Attorney Ralph Karpinos said that resolution 8 would codify recently adopted local legislation for the Town into the Charter and Code. Council Member Preston requested clarification of the legislation status. Town Attorney Karpinos said some of the changes are self-enacting. He provided a brief overview of each of the local acts.

Council Member Herzenberg requested that Town Attorney Karpinos compose an ordinance to enact property disclosure requirements for Council Members in a timely fashion.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 8. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION REGARDING INCORPORATION INTO THE TOWN CHARTER OF LOCAL LAWS ENACTED BY THE GENERAL ASSEMBLY (89-9-25/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the following provisions are hereby incorporated into the Charter of the Town of Chapel Hill:

Title I, General Law, Board of Adjustment for Chapel Hill, in Chapter 1023, 1987 session laws, ratified June 29, 1988 (repeals Charter Section 5.11).

Title II, Campaign reporting by candidates for municipal election in the Town of Chapel Hill, in Chapter 1023 cited above (add as Charter Section 2.4).

Title III, Towing of illegally parked vehicles from parking lots owned by the Town of Chapel Hill, in Chapter 1023 cited above (add as Charter Section 5.7).

Section 1, Ordinances permitting low and moderate income housing and providing density bonuses, in Chapter 478 of 1989 session laws, ratified June 27, 1989 (add as Charter Section 5.20).

Section 4, Disclosure of property and business interests, in Chapter 478 cited above (add as Charter Section 3.12).

Section 5, Tree protection regulations, in Chapter 478 cited above (revision of Charter Section 5.33).

This the 25th day of September, 1989.

Sharon Road Closing

Ms. Loewenthal said the street closing was necessitated by a re-routing request for a block party.

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

A RESOLUTION TEMPORARILY CLOSING PART OF SHARON ROAD
(89-9-10/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing to vehicle traffic on Sharon Road between residences numbered 402 and 414 from 4 to 6 p.m. on Sunday, October 15, 1989 (or on Sunday, October 22 in the event of rain or other unfavorable conditions) for a neighborhood party, subject to the following conditions:

1. Barricades shall be placed at the ends of the closed area, with persons available to allow entry by emergency vehicles if necessary. Means of barricading shall be approved by the Police Department.
2. The closed street area shall be cleaned of litter by 6 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 Noise Ordinance.
5. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 25th day of September, 1989.

Work Session--Levels of Service

Ms. Loewenthal stated that adoption of resolution 10 would add the discussion of roadway level of service standards to a previously scheduled work session on the Culbreth Park affordable housing proposal.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT RESOLUTION 10. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

A RESOLUTION REGARDING THE OCTOBER 2, 1989 WORK SESSION
(89-9-25/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Work Session at 7:30 p.m. on October 2, 1989 shall include a presentation and discussion of levels of service for roads and intersections.

This the 25th day of September, 1989.

Council Member Wallace inquired whether the items were related in any way. Ms. Loewenthal said no. She added that Culbreth Park will be discussed first.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER WILKERSON, TO ADJOURN THE MEETING. THE MOTION WAS ADOPTED UNANIMOUSLY (7-0).

The meeting was adjourned at 9:10 p.m.